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A STAKEHOLDER ANALYSIS OF THE PURPOSE, CONTENT AND CURRENCY OF LLB DEGREES IN ENGLAND AND WALES IN RELATION TO TRANSFERABLE SKILLS FOR EMPLOYMENT

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A STAKEHOLDER ANALYSIS OF THE PURPOSE, CONTENT AND CURRENCY OF LLB DEGREES IN ENGLAND AND WALES IN RELATION TO TRANSFERABLE SKILLS FOR EMPLOYMENT

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Abstract

Legal education in England and Wales has faced some significant challenges in recent years, among them being Brexit, regulatory changes introduced by the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB) in terms of qualification as a legal practitioner, and most significantly the COVID-19 pandemic ('the pandemic'). These events have all challenged the purpose, content and currency of LLBs today. Considering these circumstances, this doctoral research analysed legal education stakeholders' views about LLB provisions, and it examined LLB provisions across England and Wales.

The primary research tool was an online survey that collected data from legal educators, legal practitioners and those involved in one or both of the aforementioned to identify necessary skills for employment within and outside the legal sector today. The skills identified were not law-specific. A content analysis of 107 LLB provider websites ('LLB curricula review') and a narrative review of literature were used as supporting research tools to identify how LLB providers have adapted their LLB offerings in light of the pandemic in 2021-2022, and to identify approaches currently used to develop these transferable skills. This research proposes pathways to scaffold and develop the necessary transferable skills to better equip law graduates for employment within and outside the legal sector in the post-pandemic working environment.

Contents

Glossary

AI	Artificial Intelligence
BPTC	Bar Professional Training Course
BSB	Bar Standards Board
CLE	Clinical Legal Education
DeSeCo	Definition and Selection of Competencies (OECD)
DLHE	Destination of Leavers from Higher Education
E&W	England and Wales
FLK	Foundations of Legal Knowledge
HE	Higher Education
HEI	Higher Education Institution
HESA	Higher Education Statistics Agency
LLB	Bachelor of Laws (Law)
LLM	Master of Laws
LPC	Legal Practice Course
LO	Learning Outcome
NSS	National Student Survey
NRC	National Research Council (US)
OECD	Organisation for Economic Co-operation and Development
OfS	Office for Students
OU	Open University
PBL	Problem-Based Learning
PG	Postgraduate
PGR	Postgraduate Researcher
QAA	Quality Assurance Agency
QLD	Qualifying Law Degree
QWE	Qualifying Work Experience
REF	Research Excellence Framework
SCANS	Secretary's Commission on Achieving Necessary Skills (US)
SQE	Solicitors Qualifying Examination
SRA	Solicitors Regulatory Authority
TEF	Teaching Excellence Framework
TEL	Technology Enhanced Learning
UG	Undergraduate
VLE	Virtual Learning Environment
WBL	Work-Based Learning

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Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas and contributions from the work of others.

Any ethical clearance for the research presented in this commentary has been approved. Approval has been sought and granted through the Researcher's submission to Northumbria University's Ethics Online System on 29th August 2019.

I declare that the Word Count of this Thesis is 84,725.

Name: Samantha Chrishanthini Rasiah

Date: 27th October 2022

Chapter 1   Introduction

As a law student at Northumbria Law School, I often wondered why law programmes were delivered the way they were, especially regarding module delivery, teaching and assessment. These ponderings consumed me throughout my legal studies as I have always been a student who performed exceptionally well in formative experiential elements of the curriculum, such as debates, presentations, group work, simulated activities as well as in the Student Law Office but I struggled to perform well in summative written exams. As this was the primary method of assessment throughout my years in law school, I was often frustrated as my future opportunities for a career in law depended heavily on my exam grades, and I had considered several times whether I was suited for a career in law as my grades did not accurately reflect my abilities. My frustrations initiated my research on how law degrees were delivered in other universities in the UK, to gain an understanding of the teaching and assessment methods in other law schools. However, as this was research that I conducted out of curiosity to gain a better understanding of the Higher Education (HE) that I was undertaking personally, I was limited in terms of time, funding, and input from subject experts. I realised the questions I had could only be satisfied by taking on my doctoral research on legal education. Therefore, I turned my initial scraps of research into a proposal that I submitted as part of my application for a PhD studentship at Northumbria University.

1.1 Research Introduction

At the start of this doctoral research journey, I was particularly intrigued by the proposed overhaul to the solicitors' route to qualification, which has since been implemented in the form of the Solicitors Qualifying Examination (SQE). Having insider knowledge about the difficulty law graduates face when it comes to securing a job in the legal profession, I wondered whether the time, effort, and finances that law students invest in legal education were worth it. Since then, the SQE proposals have been revised several times, and the SQE has now been implemented. Like most researchers' PhD journeys, my journey has had its fair share of uncertainties and changes. During the course of this research which began in October 2018, some significant global and domestic events have occurred that have had an impact on undergraduate (UG) legal education in England and Wales, namely Brexit (January 2020), lockdowns as a result of the pandemic (March 2020 onwards), and the diminished significance of the Qualifying Law Degree (QLD) as an entry requirement into the legal profession (for solicitors and barristers)[1] in England and Wales (September 2021).

When I began my research, there was some, albeit limited, foresight about the potential effects of Brexit and regulatory changes in the legal profession. However, the pandemic affected legal education in ways I could not have anticipated when I started this research journey. Inevitably, some of these uncertainties have affected the trajectory of my PhD research, and consequently, this thesis's aims, and research questions have changed throughout this research. However, the essence of this

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[1] The SRA have abolished the QLD requirement for entry into the solicitors' profession. Some QLD requirements still exist under the new Bar Course, but the BSB no longer uses the term QLD in their guidance. This is discussed in further detail in 2.2.1. See 'Common Protocol on the Academic Stage of Training' (Solicitors Regulation Authority and Bar Standards Board 2021) <https://www.sra.org.uk/pdfcentre/?type=ld&data=62179659>. Last accessed 27 September 2022.

doctoral research has remained the same from the time I embarked on this quest for answers – to examine and gain a better understanding of the purpose, content, and currency of LLB degrees in England and Wales. This research investigates the LLB degree exclusively, as there are far too many variables to consider when examining the broad umbrella of legal education in England and Wales. As I discuss in Chapter 2, the purpose of LLBs is historically distinct from other law degrees, such as the BA Law and LLM in England and Wales, due to QLD requirements historically being attached to LLBs. Similarly, postgraduate (PG) professional courses such as the SQE courses and the Bar Course[2] differ from LLBs as they are vocational courses, not academic ones. Although all these courses come under the umbrella of legal education, it would not be possible to discuss them all as one as these courses have different purposes; therefore, their content and currency inevitably vary too. Until recently, the LLB degree in most universities in England and Wales equipped graduates with a QLD upon graduation by default.

Consequently, most universities have traditionally delivered their LLB curricula with a structure that revolves around the regulatory requirements in fulfilment of the QLD.[3] This similarity in purpose has allowed me to compare approaches taken by universities and the value of these approaches with some accuracy. Another reason I chose to focus exclusively on the LLB degree is because of the course duration. With LLB degrees typically being 3-4 years in England and Wales, there is ample time

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[2] Previously known as the Bar Professional Training Course (BPTC). Recent BSB changes have resulted in providers prescribing different names to their offerings in relation to the vocational element of training for the bar. Some examples include Bar Course, Bar Training Course (BTC), Bar Practice Course (BPC), Bar Vocational Course (BVC) and Bar Vocational Studies (BVS). In this thesis, 'Bar Course' refers to the vocational component of bar training which comes either in one or two parts between the academic component and pupillage; or integrated with the academic component before the pupillage. Whatever the delivery method, the 'Bar Course' covers BSB compulsory subjects, namely: advocacy; civil litigation, evidence and alternative dispute resolution; conferencing; criminal litigation, evidence and sentencing; drafting; legal research; opinion writing; and professional ethics. See Bar Standards Board, 'BSB Bar Qualification Manual' (2022) <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual-new.html?part=94844A47-08D8-437D-A17440AD1A7C596C&q=>. Last accessed 27 September 2022
[3] This is discussed in 2.2.1 and 2.3.2.

throughout the course to scaffold the development of skills to equip students with essential skills needed post-graduation. It is important to acknowledge that not all law graduates want to pursue a career in law[4] and that LLB degrees in England and Wales are generally not designed to train graduates to become practitioners.[5] For this reason, this research considers transferable skills needed for both legal practice and non-legal employment or further study. However, as the employability agenda is complex, exploring it is beyond the scope of this thesis. As Alexander discusses in her thesis, the possession of skills does not always lead to better employment outcomes due to a complex web of other factors, including demographic factors such as ethnic group, class and access to opportunity.[6] As she states, it would seem 'rather simplistic and potentially discriminatory to suggest that skill acquisition alone increases employability prospects'.[7] Therefore, when referring to skills for employment, this thesis explores these transferable skills with the aim of better preparing graduates for employment, but this thesis makes no claims that equipping graduates with these skills will increase their prospects of securing employment.

1.1.1 Why is this research important?

In light of recent challenges such as the pandemic and regulatory changes highlighted above, many universities have reassessed the purpose of the LLB degree and their delivery methods. This is evident from the advertising of LLB degrees in recent years, which incorporate creative content and approaches that were not

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[4] The career aspirations and employment of LLB graduates are discussed in 2.2.4(ii).

[5] In the current Subject Benchmark Statement for Law, Para 1.1 states: Studying law at undergraduate level is an academic matter. Law graduates do not, by virtue of their degree, have a right to practise law professionally. See 'Subject Benchmark Statement: Law' (Quality Assurance Agency for UK Higher Education 2019) <https://www.qaa.ac.uk/docs/qaa/subject-benchmark-statements/subject-benchmark-statement-law.pdf>. Last accessed 27 September 2022.

[6] Jill Alexander, 'A Critical Evaluation of Alumni and Employers' Perceptions of the Impact of Clinical Legal Education on Employability' (Northumbria University 2021) <https://nrl.northumbria.ac.uk/id/eprint/48327/>. Last accessed 27 September 2022. See also Marie-Pierre Moreau and Carole Leathwood, 'Graduates' Employment and the Discourse of Employability: A Critical Analysis' (2006) 19 Journal of Education and Work.

[7] Ibid, 25

commonplace too long ago.[8] The pandemic has significantly altered the nature of education and working practices, as it has increased remote practices and technologies used to carry out tasks that were previously often done in person (such as virtual meetings, remote conferences, virtual discussions, virtual classrooms, online lectures and tutorials).[9] For many law schools, these practices were introduced as emergency measures amid the first government lockdown in March 2020, so there was little scope for scaffolding to be put in place to support the development of skills required to support the radical increase in the use of technology in legal education. However, over time, LLB providers have refined their offerings to develop specific skills they deem necessary to equip their graduates with. Consequently, there is now a considerable variety in skills that LLB graduates possess, depending on where they undertook their LLB studies.

At the point of writing, it appears as if remote practices will continue to be prominent in HE and employment in many fields despite the pandemic's restrictions ceasing.[10] The blended learning approach can be a form of experiential learning as it prepares students for the reality of working in a hybrid environment. If done in a manner underpinned by relevant education theory, the LLB programme could potentially be

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[8] See Appendix 1 for LLB 2021-2022 curricula of 107 LLB providers across England and Wales. For evidence of CLE activity increasing in the UK over the last decade, see James Sandbach and Richard Grimes, 'Law School Pro Bono and Clinic Report 2020' (LawWorks and Clinical Legal Education Organisation 2020) <https://www.lawworks.org.uk/sites/default/files/files/LawWorks%20Law%20Schools%20Report%202020_0.pdf>. Last accessed 27 September 2022

[9] See Thomas Farnell, Ana Skledar Matijević and Ninoslav Šćukanec Schmidt, 'The Impact of COVID-19 on Higher Education: A Review of Emerging Evidence' (European Union NESET 2021) <https://nesetweb.eu/wp-content/uploads/2021/03/NESET-AR4-2020_Full-Report-1.pdf> Last accessed 27 September 2022. See also 'Business and Individual Attitudes towards the Future of Homeworking, UK: April to May 2021: Analysis of the Effects of the Coronavirus (COVID-19) Pandemic on Office Working and of Business and Individual Attitudes to Future Working Practices.' (Office for National Statistics 2021) <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/businessandindividualattitudestowardsthefutureofhomeworkinguk/apriltomay2021>. Last accessed 27 September 2022

[10] ONS predict that about half of the UK workforce will continue to have some homeworking arrangements post-pandemic. See 'Business and Individual Attitudes towards the Future of Homeworking, UK: April to May 2021: Analysis of the Effects of the Coronavirus (COVID-19) Pandemic on Office Working and of Business and Individual Attitudes to Future Working Practices.' (n 9)

transformed into an experience that equips law graduates with transferable skills that are relevant and required for employment in the technological transformed workplace brought about by the pandemic. Based on data collected and literature reviewed since the pandemic, this thesis explores experiential learning methods and approaches to develop relevant skills required for the increased use of technology in today's work environment. This research is important as it explicitly identifies transferable skills that LLB degrees should develop so that graduates are equipped for employment within and outside the legal sector in the technologically transformed workplace.

1.1.2   Research Question and Aims

Taking into consideration the purpose, content, and currency of LLB degrees in light of the technological transformation brought about by the pandemic, the main question answered by this research is

> *'How can essential transferable skills be developed through the LLB curriculum to equip graduates for employment today?'*

This question was addressed through the aims, sub-questions and methods summarised below:

Table 1.1. Summary of research aims, sub-questions and methods

		Literature Review	LLB Curricula Review	Survey Data
AIM 1:	**Analyse the distinctive epistemological perspectives of LLB degrees in relation to employment and legal practice.**			
	Sub Q 1a: What makes legal education a discipline which requires a bespoke pedagogic approach?	**X**		
	Sub-Q 1b: What are LLB Degrees for in England and Wales?	**X**		
AIM 2:	**Explore the potential long-lasting impact of the technological transformation in working practices within and outside the legal sector in England and Wales that has resulted from the pandemic.**			
	Sub-Q 2a: What effect has the pandemic had on legal education?	**X**		**X**
	Sub-Q 2b: What effect has the pandemic had on working practices (legal sector and others)?	**X**		**X**
AIM 3:	**Identify transferable skills required for employment within and outside the legal sector today.**			
	Sub-Q 3a: What skills are most important for employment today?	**X**		**X**
	Sub-Q 3b: Are the necessary skills currently fostered through LLB provisions in England and Wales?	**X**	**X**	**X**
AIM 4:	**Construct possible pathways to develop these transferable skills through the LLB Degree.**			
	Sub-Q 4: How can the necessary skills be fostered through the LLB Degree in England and Wales?	**X**	**X**	

A mixed methods approach was adopted to address these aims and specific sub-questions.

- Sub-questions 1a and 1b were addressed solely through a narrative review of literature which already exists in the field;

- Sub-questions 2a and 2b were addressed through information acquired via means such as podcasts, panel discussions and webinars that were held in the initial stages of the pandemic as limited literature on the topic was available in the initial months of the pandemic; analysis of data collected from an online survey; and a review of the growing body of literature that has become available more recently;

- Sub-question 3a was addressed through analysis of data collected from an online survey and review of the growing body of literature that has become available more recently;

- Sub-question 3b was addressed primarily through a content analysis of 107 LLB provider websites and supported by the narrative review of literature and data collected from an online survey;

- Sub-question 4 was addressed primarily from a content analysis of 107 LLB provider websites and supported by the narrative review of literature.

1.1.3   Contribution to Knowledge

This doctoral research examined transferable skills required for employment within and beyond legal practice in light of the technological transformation catalysed by the pandemic, and it analysed how these skills might be developed through an LLB degree by exploring approaches already being utilised by LLB providers across England and Wales in the academic year 2021-2022. This research proposes pathways that LLB providers may adopt so that LLB graduates across England and Wales are uniformly equipped with the skills required for employment today.

During the time of data collection, there were reduced operations at many academic publishers, disrupting the usual publishing cycle.[11] This caused a significant delay in literature published about the pandemic's effect on legal education in England and Wales. As a result, I relied on unorthodox sources of information such as webinars, podcasts, virtual panel discussions and interviews hosted online where experts in the field discussed their insight during this time to inform my decision-making around data collection for this thesis, and to ensure that my research stayed relevant and accurately informed by real-time developments.

Literature on the pandemic's effect was reviewed retrospectively after data collection and analysis. Although literature in this thesis was reviewed narratively, a narrative literature review's weaknesses were considered when claiming an original contribution to knowledge.[12] For this reason, a systematic search of relevant literature was conducted before the submission of this thesis to ensure that the contribution to knowledge was original. This systematic search is described in 1.2.1.

i. Original contribution to knowledge

Based on existing literature, no wide-scale research examines how the transferable skills necessary for employment today can be developed with uniformity across LLB provisions in England and Wales, whilst still allowing providers the flexibility to fulfil their individual institutional agendas through specialist offerings. This doctoral research has filled that gap in knowledge through the use of mixed methods, and it has identified possible ways for LLB degrees to equip law graduates with transferable skills for employment within and outside the legal sector based on methods and

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[11] Jeremy Brinton, 'The Impact of COVID-19 on the UK Publishing Industry: Findings and Opportunity' (2021) 34 Learned Publishing 43.
[12] The weaknesses of a narrative literature review are discussed in 1.2.1

approaches which are already being utilised by some LLB providers in England and Wales. The pathways proposed are underpinned by literature on adult learning, and skills acquisition and learning transfer. They are intentionally non-prescriptive to allow for flexible adaptation by LLB providers and to invite further academic discourse in this area.

When constructing the above-mentioned contribution to knowledge, this doctoral research compiled a document outlining the content and approaches taken by 107 LLB providers in England and Wales in the academic year 2021-2022. This document was produced through a content analysis of the curriculum on LLB provider websites. Prior to this, no such document existed, making this another valuable contribution to the field as it serves as a single source of reference for stakeholders of legal education such as educators, researchers, regulators of legal education and law students who seek information on the current contents of LLB programmes delivered across England and Wales in light of the pandemic.

ii. Other contributions to the field of legal education

Some other secondary contributions to the field of legal education have also been made through this research. Following on from the Research Excellence Framework (REF) 2014 panel's observations, the REF2021 panel noted that research activity in the area of legal education is still lower than expected. The panel also noted that the methodological rigour and significance exhibited by research in this area remains uneven, as was noted by the previous panel.[13] As a contribution to the growing body

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[13] The sub-panel received a number of outputs relating to legal education, although perhaps fewer than expected. Moreover, as noted by the REF 2014 sub-panel, the methodological rigour and significance exhibited by some of these outputs remains uneven. The sub-panel welcomed the emergence of clinical legal studies as a growing field of research in the UK. See 'Overview Report by Main Panel C and Sub-Panels 13 to 24' (Research

of research on legal education in the UK, the interests of stakeholders of legal education (particularly educators, students, employers, and regulators) have been analysed and discussed in this thesis. Accordingly, the intended audience for this thesis is these same groups of stakeholders. This thesis methodologically examines the purpose, content, and currency of LLB degrees today from the various perspectives of these stakeholder groups, which could promote a more nuanced understanding of the unique epistemology of legal education as a discipline for further research and development from pedagogic and policy perspectives. As discussed under 1.1.3(i), the pathways proposed in this research invites further discourse and research in the area of LLB curriculum development across England and Wales today. To facilitate the development of research in this area, this thesis makes recommendations for further research in Chapter 5.

Finally, during this research process, I discovered that limited literature exists on how the doctoral research journey influences the construction of knowledge. Although many theses typically include some reflections in the conclusion chapter which relate to the findings of the research, very few provide a transparent account of how the inevitable challenges and obstacles faced as part of the research process confront the researcher's understanding of prior knowledge and consequently stimulate the construction of new knowledge throughout the research process. For this reason, I share my reflective account of the research journey throughout this thesis concerning my findings and my positionality in relation to the research topic, sourcing and understanding of the literature, collection and analysis of data, and construction of new knowledge.

Excellence Framework 2022) Point 19 <https://ref.ac.uk/media/1862/mp-c-overview-report-final-250522.pdf>. Last accessed 27 September 2022

1.2 Research Design

Although this thesis has a structure similar to other doctoral theses in terms of chapters and order, this research project has had an unconventional design due to the pandemic, as discussed in the above section. In this section, I discuss my strategy for carrying out this research and my justifications for approaching my research in the manner that I have.

1.2.1 Literature Review

In Chapter 2, I discuss literature relevant to addressing the aims of this research. For this thesis, a narrative review of relevant literature was conducted. Considering the broad scope of issues examined in this thesis, conducting a strictly prescribed 'Systematic review' of existing literature on the purpose, content, and currency of LLBs in England and Wales, as well as literature on law graduate skills for employment, would not have been feasible.[14] A slightly less rigorous 'systematic' review was considered and attempted in this research's initial stages as described in 1.3.1. However, this approach was eventually abandoned as it was not necessary to document and appraise every piece of literature read for the aims of this thesis. A narrative review of relevant literature was considered appropriate, as this research was also supported by an online survey methodology and content analysis of 107 LLB provider websites to achieve the project's aims. The inclusion and exclusion

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[14] A Systematic review entails strict methods for searching, reviewing and synthesising the literature such as using specific search terms from restricted sources, recording the success of these searches along the way (sometimes called meta-analysis), and appraising literature sourced against rigorous criteria. For examples and discussion on Systematic literature reviews, see Tribe Mkwebu, 'A Systematic Review of Literature on Clinical Legal Education: A Tool for Researchers in Responding to an Explosion of Clinical Scholarship' (2015) 22 International Journal of Clinical Legal Education 238; Michael B Harari and others, 'Literature Searches in Systematic Reviews and Meta-Analyses: A Review, Evaluation, and Recommendations' (2020) 118 Journal of Vocational Behavior 103377; Paul Maharg and Emma Nicol, 'Simulation and Technology in Legal Education: A Systematic Review and Future Research Programme', *http://www.ashgate.com/isbn/9781472412607* (Ashgate 2014) <https://openresearch-repository.anu.edu.au/handle/1885/14509> accessed 28 September 2022.

criteria of searches for the literature varied according to the topics as described below:

- Literature on the theoretical frameworks of this project: searches were not limited by date or geographical regions to be informed as possible by a wide breadth of work produced in the field of adult education, skill acquisition and transfer.

- Literature on the purpose, content, or currency of LLB degrees: searches were limited to literature on legal education in England and Wales. However, considering the global nature of LLBs from England and Wales, some comparative studies were considered and have been stated explicitly where relied upon in this thesis.

- Literature on legal technologies: searches were not limited to geographical regions, but I did not consider any literature before 2010 as there have been significant technological advancements in the past decade. I would have limited this even further only to include literature in the past five years, as the pandemic has significantly exacerbated the adoption of technologies in education and employment. However, I decided not to do this as the timeline for discussions about advancements and changes would not have been comprehensive enough.

- Literature on the pandemic's effect on HE and legal education: I primarily focused on literature which specifically relates to England and Wales, but it was not possible to exclusively limit the literature by geographical restrictions due to the limited literature available. To inform my discussions as comprehensively as possible, it was integral that I read and considered as many relevant sources as possible. Getting a global perspective of responses to the pandemic has allowed me to formulate my discussions on how law schools can better prepare law graduates for practice and employment, considering approaches that law schools around the world have adopted.

As briefly discussed earlier, during a substantial period of this research, particularly between March 2020 – September 2020, academic publishing was disrupted by the UK lockdown, resulting in extraordinary delays to the publishing cycle. The unprecedented nature of the pandemic caused significant disruption to modern globalised work and academic practices, which in turn unpredictably affected society. My observations and experiences of the pandemic informed my decision-making concerning the construction of knowledge on the emerging topic of my research

during this time. As no peer-reviewed resources were available to inform my decision-making when I developed my survey questions, unorthodox sources such as legal education webinars, podcasts, virtual panel discussions and interviews that were hosted online were relied upon to gain insight into the effect of the pandemic on legal education at that time as discussed in 1.1.3. Peer-reviewed and other scholarly publications have been reviewed as they have become subsequently available over time, so the literature review chapter has been revised accordingly. As this thesis considers how the pandemic has affected technologies used in legal education, the methods and approaches in sourcing and synthesising the literature in this research are an artefact of the pandemic's effect on research and academic practices.

Given the topic of this research project, my primary sources of literature have included, but are not limited to, legal education publications such as The Law Teacher,[15] European Journal of Legal Education,[16] the International Journal of Clinical Legal Education,[17] International Journal of Public Legal Education,[18] The Law Society,[19] and SRA[20] and BSB[21] reports and consultations. Grey literature, such as websites, has also been reviewed and analysed. Throughout this thesis, I refer to a 'LLB curricula review'. This curricula review was conducted through a content analysis of 107 LLB provider websites[22] which I discuss in 3.5.

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[15] The Law Teacher, <https://www.lawteacher.net/> Last accessed 27 September 2022
[16] European Journal of Legal Education <https://www.ejle.eu/index.php/EJLE> Last accessed 27 September 2022
[17] International Journal of Clinical Legal Education <https://www.northumbriajournals.co.uk/index.php/ijcle/index> Last accessed 27 September 2022
[18] International Journal of Public Legal Education <https://www.northumbriajournals.co.uk/index.php/ijple/index > Last accessed 27 September 2022
[19] The Law Society Gazette <https://www.lawgazette.co.uk/> Last accessed 27 September 2022
[20] The Solicitors Regulation Authority publications <https://www.sra.org.uk/sra/research-publications/> Last accessed 27 September 2022
[21] Bar Standards Board publications <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/bsb-research-reports.html> Last accessed 27 September 2022
[22] The data from this LLB curricula review can be found in Appendix 1.

Although a narrative review was deemed appropriate to inform the discussions in this thesis, I was conscious of gaps that might exist in my knowledge without systematically exploring every relevant piece of literature in the field. Without being fully informed, it was impossible to claim the originality of my contribution to knowledge unequivocally. For this reason, a systematic search of relevant literature was conducted in September 2022 before this thesis was submitted. This is not to be mistaken with a Systematic literature review, as no literature was reviewed and appraised. Instead, relevant publications were searched systematically to ensure no research has been conducted in light of the pandemic to (i) identify transferable skills for employment for LLB graduates in England and Wales; or (ii) review content in LLB provisions across England and Wales. As the contribution to knowledge specifically relates to LLB degrees in England and Wales in light of the pandemic, the inclusion criteria for the systematic search are outlined below:

- Subject: Only legal education journals were searched. General education and training (e.g. Journal of Teaching and Learning), legal practice (e.g. International Journal of the Legal Profession), and doctrinal journals (e.g. Cambridge and Oxford Legal Studies journals) were excluded from the search.

- Region: Only legal education publications relevant to the UK were searched. Legal education publications specific to any other country or region (i.e. US, Germany, Asia) were excluded from the search. The following publications were searched: The Law Teacher,[23] European Journal of Legal Education,[24] Journal of Commonwealth Law and Legal Education,[25] International Journal of Clinical Legal Education,[26] International Journal of Public Legal Education[27];

- Time: In these publications, only volumes or editions published between 2020-2022 were searched, as the pandemic did not exist before 2020;

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[23] The Law Teacher (n 15)
[24] European Journal of Legal Education (n 16)
[25] Journal of Commonwealth Law and Legal Education <https://law-school.open.ac.uk/collaborations/journal-commonwealth-law-and-legal-education> last accessed 27 September 2022
[26] International Journal of Clinical Legal Education (n 17)
[27] International Journal of Public Legal Education (n 18)

- Search Criteria: 'LLB', 'England and Wales', 'since the pandemic' AND 'skills' OR 'curriculum'.[28]

1.2.2 Research Methodology

In Chapter 3, I discuss the methodology of this research project which encompasses my philosophical stance and methods used. Mixed methods have been utilised to allow multiple sources of 'evidence' to be woven into a narrative account, representing what Yin calls a 'chain of evidence'.[29] The main research tool utilised in this thesis is an online survey which collected data from legal educators, legal practitioners and individuals involved in one or both of the aforementioned. However, the narrative literature review and content analysis of LLB provider websites have also been integral to achieving the aims of this project and have therefore been discussed as such in 3.5 and 3.6.

This project combined the two paradigms of quantitative and qualitative research methods so that the data collected can be substantiated by the underpinning theories and observations from the field.[30] Although qualitative and quantitative approaches are sometimes viewed as 'rigid, distinct categories, polar opposites, or dichotomies', Denzin and Lincoln are of the view that these methods become compatible under a soft pragmatic paradigm;[31] and Creswell views mixed methods as an approach that resides in the middle of a continuum of the qualitative and quantitative research because it incorporates elements of both approaches. [32] The online survey utilised in

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[28] Boolean operators are only used to communicate the search criteria to the reader. This systematic search did not involve the use of Boolean operators into search bars. Instead, it was done manually by accessing and examining the titles and abstracts of every publication that fell within the described criteria.

[29] Robert K Yin, *Case Study Research: Design and Methods* (5th edn, SAGE Publications 2014) 105

[30] Keith F Punch, *Developing Effective Research Proposals* (2nd edn, SAGE Publications 2006) 46

[31] Norman K Denzin and Yvonna S Lincoln, *The SAGE Handbook of Qualitative Research* (2nd edn, SAGE Publications) 422

[32] John W Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (3rd Edn, SAGE Publications 2014) 3.

this research used a combination of qualitative and quantitative questions, which are discussed in detail in 3.3.4, 3.4.1 and 3.4.2.

Although it was not my initial intention to start without prior theoretical notions, that is the position I found myself in at the point of data collection. This was because my research questions and aims had to be revised significantly halfway through the project to account for the pandemic's profound, lasting effect on legal education that could not be ignored. Consequently, my survey questions had to be revised before being circulated, and I could not make any informed assumptions about the data I was about to collect with the limited literature available at that time. However, according to Graham, this is best practice as it is impossible to know what theories apply best until data is collected and collated.[33] In Graham's words, 'good theories are fertile: they account for a lot of data but theory is not primary, evidence is primary'.[34] Working inductively from data collected from the research process, I revisited and revised the literature review chapter, and I reflected upon my positionality as the researcher of this project to provide a transparent account of my decision-making on the mixed methods used in this project.

This research project received Ethical approval from Northumbria University in 2019. As part of my decision-making when considering the ethics of this project, I was very conscious of my positionality as a researcher as I was a student of many of the legal educators at Northumbria whom I wished to collect data from. I was also aware of my insider-outsider status as a PhD student whilst also being a tutor at Northumbria Law School at that time. I was conscious that my perspective of legal education could be biased based on my own experiences from both ends of legal education. I tried to

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[33] Bill Graham, *Case study research methods* (Continuum 2000)
[34] Ibid

minimise this risk through practices such as bracketing, which I discuss in 3.1.1. When considering the ethics of my online survey, I gave a lot of thought to the participant experience when responding to the survey. I imagined myself being my participants when considering the suitability of survey platforms, features, length, information and support that participants should be provided with. I also considered factors such as accessibility and visibility for participants with visual impairments, and I attempted to make my surveys as inclusive as possible, as discussed in 3.3.4.

1.2.3 Findings and Discussion

In Chapter 4, I describe the findings of the data collected from the online survey. This chapter is presented according to the online survey sections and serves as a mere report of the findings from data analysed. The coding scheme for the data was informed by the theoretical frameworks discussed in 2.1.4, and the coding scheme is discussed in 4.1.2. Throughout Chapter 4, the participant voice is prioritised. From participant responses, four prominent transferable skills required for employment in light of the pandemic emerged in the data – online communication, data handling and protection, AI/coding, and flexibility/adaptability in relation to the use of technologies. General communication, critical thinking and problem-solving, empathy, written production of information, and online research also emerged in the data as skills necessary for employment today.

In Chapter 5, I present my observations and discussions of the findings. In this chapter, I revisit the aims of this research project and discuss how the data analysed, and literature reviewed address the research aims and corresponding sub-questions. In this final chapter of the thesis, I consolidate my contribution to knowledge by mapping out possible ways for LLB degrees to equip law graduates with transferable

skills for employment within and outside the legal sector. To conclude, I identify areas for further research and share my concluding reflections on the purpose, content, and currency of LLB degrees in England and Wales.

1.3 The Research Experience

In the wise words of Dunn,

> 'Research is conducted by individual people who each bring a certain idea or way of thinking to it. It would be naïve to assume that one's philosophical stance is not influenced by a person's thoughts or feelings, which affects how you conduct the research.'[35]

A researcher's personal experiences cannot be removed from the research or the research process. During this PhD journey, I have often realised that the experiences from my personal and professional life had a role to play in the development of my research and construction of knowledge.[36] Albeit not my original contribution to knowledge, as discussed in 1.1.3(ii), I have identified a lack of literature on the struggles, challenges and personal experiences of being a PhD researcher.[37] Although some criticise writing about these matters as a "self-conscious insertion of self [as] an exhilarating, problematic, sometimes narcissistic task",[38] others such as

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[35] Rachel Ann Dunn, 'The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them.' (Northumbria University 2017) 136-137.

[36] Elliot refers to the personal and professional development of a researcher as two doctoral facets that constitute the 'twin' journey, each with its own distinct and multi-faceted learning demands: (a) doctoral level research and (b) scholars' doctoral development. See Dely Lazarte Elliot, 'A "Doctoral Compass": Strategic Reflection, Self-Assessment and Recalibration for Navigating the "Twin" Doctoral Journey' (2022) 47 Studies in Higher Education 1652. 1659

[37] Hall and Wall describe practice as 'complex and messy' and describe conflicting views depending on what one might perceive practice to be. As they describe, enquiries which attempt to assert control are met with criticisms around the creation of artificial simplicity (a lack of connectedness to real life); whereas enquiry which 'embrace the chaos' are met with claims of bias, lack of rigour and difficulty in generalising claims. Webster-Wright supports the discourse by suggesting that professional development should be viewed from a perspective of 'Holism Rather Than Atomism', as learning is dependent upon an interaction between the learner, the context and what is learnt although many research and practice approaches attempt to control or deal with these factors separately. See Elaine Hall and Kate Wall, *Research Methods for Understanding Professional Learning* (Bloomsbury Publishing 2019) 15; Anne Webster-Wright, 'Reframing Professional Development Through Understanding Authentic Professional Learning' (2009) 79 Review of Educational Research 702. 714

[38] M Fine and L Weis, *The Unknown City* (Beacon 1998) 280 cited in Tina Wagle and David T Cantaffa, 'Working Our Hyphens: Exploring Identity Relations in Qualitative Research' (2008) 14 Qualitative Inquiry 135. 137

Wagle and Cantaffa, argue that it is only through self-reflection that we are able to understand the direct and indirect influence of our personal and professional identities as a means to avoid the 'trap of narcissism'.[39] From my transparent reflective account of my 'research… [as] true to the experience',[40] I hope to provide the reader with the ability to read the rest of this thesis through my lens.

As I will discuss in 3.1, there have been times when I have struggled to remain objective about my research as it is on a topic that is very personal to me. The pandemic, in particular, put a strain on my ability to carry out this research objectively and resulted in me having to take a step back from my research and re-examine the aims, objectives and purpose of this research project. The reason for this was twofold: (i) I could not ignore the relevance of the pandemic's effect on legal education to my research, (ii) I was starting to view the subject of my research through a tainted lens due to personal frustrations about academia at that time. I experienced some cognitive dissonance when writing Chapter 2, particularly when exploring the notion of students as consumers, and sometimes found it challenging to engage in discussions about the marketisation of HE without feeling disgruntled about it.

This insight challenged many of my beliefs about the purpose of HE, and it required me to re-examine some assumptions I have had about HE in England and Wales. During this time, the BLM movement was also at its peak, and it was difficult to see how my research had any importance or relevance amid a pandemic and international civil rights movement that were happening simultaneously. I was

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[39] Ibid, 137
[40] Elaine Hall and Alison Straker, 'From Clarity to Chaos and Back: Some Reflections on the Research Process' (1999) 7 Educational Action Research 419, 420

engulfed in literature on trending topics, such as decolonising the curriculum during this period. Although this is not the focus my PhD research, it rekindled my interest in researching HE, and it drew me towards discussions around the widening participation, expansion and diversification of HE as well as socio-legal and liberal agendas of legal education which are explored throughout this thesis.

Throughout my research journey, I have been a reflective researcher and tried not to allow my biases to cloud my judgement. However, I believe that some unconscious bias will always be inevitable. Therefore, it is important to acknowledge this and have measures in place to reduce this as far as possible, as I discuss in 3.1.1(i) and (ii). The following subsections will evidence how I have learned to research through my own experience, and my reflective practice using Kolb's cycle will become evident to the reader. For ease of reference, Kolb's Cycle is summarised in Figure 1.1 below.

Figure 1.1. Kolb's (1984) cycle of experiential learning
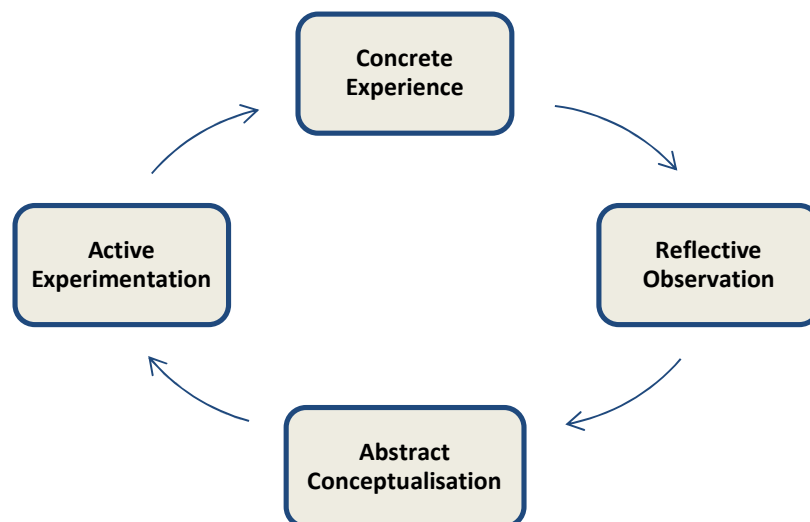
1.3.1 Approach to the Existing Literature

In this section, I provide a transparent account of my approach and challenges when sourcing, managing, synthesising and writing about the relevant literature. It should give the reader an understanding of how my approach to the literature has developed throughout this research journey.

In the first month of my PhD, with the little that I knew, I devised a strategy that I thought was coherent to manage all the literature I was about to read. The steps were (1) E-shelf the literature in the university online library;[41] (2) save the PDF of the literature on my external hard drive and university U:Drive;[42] (3) EndNote the literature;[43] (4) read the literature; and (5) summarise the literature in the 'Literature Review Table' that I had created using Microsoft Word. This Microsoft document was my initial attempt to systematically review the literature, albeit not having done much research on sourcing or managing literature. At that point, it felt like this strategy was going to be the one that I would adhere to during the entirety of my Doctoral research journey. I consolidated this by making an artefact at my desk in the PGR (Postgradaute Researcher) office, as shown in Figure 1.2 below. Despite being uninformed, I was determined to have a strategy from the beginning to not 'waste time.'

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[41] This is a feature that previously existed in the university online library system. It was similar to the 'bookmark' feature on web browsers which allowed a reader to easily locate and revisit at a later time.

[42] U:Drive is a central file storage that can be accessed via the network in real time on campus, on both personal and institutionally owned devices. The files could also be access off-campus, through Citrix.

[43] EndNote is a reference management system that Northumbria University had licensing agreements for. I used this in the initial stages of my research journey. See EndNote <https://endnote.com/> Last accessed 27 September 2022

Figure 1.2. Initial steps to manage the literature
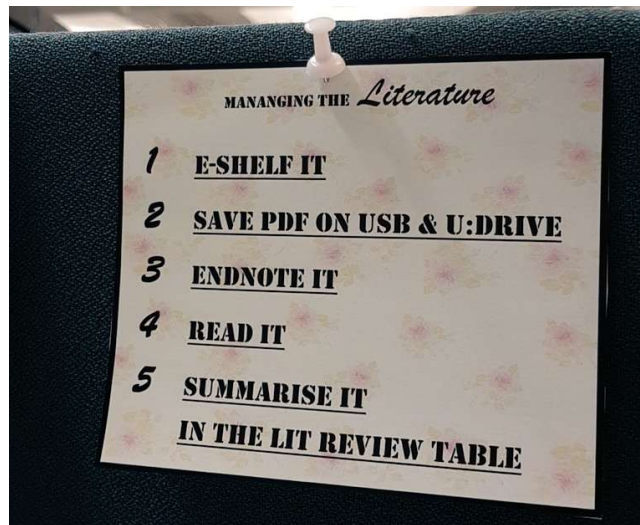
A few months in, I stopped using EndNote as the software kept crashing, the Literature Review Table on Microsoft Word had become unmanageable as it kept expanding, and it was not long after that when I stopped approaching the literature with any strategy at all. I often read new things without saving or making a note of the literature anywhere, and months of this went by without me giving much thought to it. As I was still coming up with new ideas and questions for my research, it felt like I was still making progress and that managing my literature was a secondary issue that could be addressed later. I was introduced to Microsoft Excel as a literature management tool at a Methodology Summer School I attended eight months into the PhD and gained insight into Dunn's use of a Literature Appraisal checklist to decide which literature would feature in her thesis. Seeing her spreadsheet and checklists was equally intimidating and satisfying for me, and I considered adapting this same approach.

After exploring Microsoft Excel briefly, I decided to use it for my literature management and appraisal. I named this spreadsheet the 'Master Spreadsheet',

which had a tab for Literature Appraisal, another tab for Literature Overview (OSCOLA reference, summary, critique, overall appraisal rating), and tabs for other miscellaneous notes. From my account so far, we have seen my first cycle of all four stages of Kolb's Experiential Learning Cycle in practice. For this example, I entered the cycle at the Active Experimentation stage with my own strategy to manage the literature. I tried it for a few months; gained some Concrete Experience with this strategy; I fell out of the habit of it, which eventually led to my Reflective Observation on what had happened; then entered Abstract Conceptualisation on why this had happened, why it was not working for me, and other possible ways to approach literature management. This then led to the start of a new cycle, where I Actively Experimented with Dunn's strategy and adapted a version of it to suit my research.

A few months later, using The Master Spreadsheet, I had a skeleton of a Literature Review chapter to submit for my first Annual Progression. At this point, I was aware of the gaps in this chapter that I needed to fill, and I started looking for more literature to read on the areas that were lacking. However, despite my initial attempts to document the literature I read and appraise them in The Master Spreadsheet, I eventually fell out of this habit again. I Reflectively Observed that this had happened, and Abstract Conceptualisation of why this happened was manifold. From a practical perspective, there was no way to pin/save PDFs on an Excel spreadsheet, so the multiple steps involved became confusing as my reading list grew. The admin was taking up more time than reading, and I started to save many articles without reading, sorting or documenting them on the spreadsheet. From a methodological perspective, the breadth of topics I had to review for this research was far too wide for a systematic

literature review,[44] as discussed in 1.2.1. Attempting to conduct a systematic literature review did not align with the aims of this research project, so my adaptation of Dunn's methods served no purpose for my research project.

I had realised my ineffective use of The Master Spreadsheet was significantly impeding the progress of my literature review chapter, so the idea of a systematic literature review was abandoned. Initially, it worked as I only had a list of authors and publications that I believed were relevant to my research topic, and I did not anticipate expanding beyond these boundaries considerably. However, the more I read, the more I wandered into new territories that no longer fit into the structure I had initially come up with, making the process more complicated. I often found myself unable to fit interesting pieces of literature into the boxes I had created because they did not seem 'relevant'. As I learned more about my research topic, the less I realised I knew about it and the more I needed to learn. Eventually, my approach to searching for literature became quite chaotic as I started exploring outside the boundaries of my initial reading list. I began to develop new thinking and perspective around the research topics. A conscious decision was made here to sacrifice the cleanliness of a systematic approach in exchange for authentic exploration and immersion in the literature to gain clarity on the breadth of topics examined in this project.

I expressed my struggles conducting independent research to my supervisors at various points. New helpful strategies were proposed every time, for example, writing mini literature reports for supervisory comments every few weeks and colour coding print-outs of journal abstracts according to topics. With every new strategy, I temporarily felt like I had unlocked a new level of conceptual clarity on the existing

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[44] Siddharth Sarkar and Gayatri Bhatia, 'Writing and Appraising Narrative Reviews' (2021) 10 Journal of Clinical and Scientific Research 169.

literature. However, these strategies were also abandoned not long after for various reasons (including losing desk, locker and drawer space with the amount of ring binders piling up). At a certain point, I began to challenge my understanding of the significance of writing a literature review, and I reflected on the factors inhibiting my progress in writing the literature review.

In his PhD thesis, Mkwebu refers to other scholars as he describes some of his frustrations during his PhD process 'as pain and "tautological confusion of what is rooted where, and according to whom"'.[45] Although the context differed, I deeply resonated with these sentiments. I found the task of getting a grasp on the literature to be incredibly challenging. Many of my frustrations lay in the process of keeping a record of which scholar said what, where and when. Although I enjoyed reading and coming up with ideas, I struggled to articulate these ideas into a coherent written piece of work that others could read. Some of it was also attributable to imposter syndrome[46] that stemmed from my lack of involvement in the law school at that point in the academic year due to a university-wide ban on contracting PGRs as Associate Lecturers. I admittedly felt as if I could not be called an 'expert' in legal education without the experience of being a legal educator. With this critical reflection on my struggle with writing, I noticed not much literature was written on how these struggles influence the construction of new knowledge. I was inspired to write about the

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[45] Marcia Mkansi and Edwin Asiamah Acheampong, 'Research Philosophy Debates and Classifications: Students' Dilemma' (2012) 10 The Electronic Journal of Business Research Methods 132 cited in Tribe Mkwebu, 'Clinical Pedagogy: A Systematic Review of Factors Influential in the Establishment and Sustainability of Clinical Programmes and a Grounded Theory Explication of a Clinical Legal Education Case Study in Zimbabwe.' (Northumbria University 2016) 15.

[46] The imposter syndrome can be described as a feeling of not belonging or feeling less competent than one is perceived to be by others. This is a common feeling in academia, particularly among PhD students and early-career researchers. See Joel Bothello and Thomas J Roulet, 'The Imposter Syndrome, or the Mis-Representation of Self in Academic Life' (2019) 56 Journal of Management Studies 854; Amber Moore, '"Blackboxing It": A Poetic Min/d/Ing the Gap of an Imposter Experience in Academia' (2018) 3 Art/Research International: A Transdisciplinary Journal 30; Elliot (n 36)

process as it was happening, which was the beginning of this very 'Approach to Existing Literature' section.[47]

As I started to write about this, I came to learn that one of the most significant barriers I had faced with written progress was my dismissiveness of many of my own ideas as 'irrelevant', 'illogical', 'unoriginal' or 'not up to a doctoral level' that was like a 'bug in my mind',[48] and I had to find a way to overcome this. Acknowledging that writing and referencing were not strengths of mine based on experiences described above, I experimented with different approaches, strategies, and tools to facilitate my writing process.[49] As I spiralled through the stages of Kolb's cycle a few times by experimenting with my writing strategies, I eventually developed a method to manage the literature that worked well for me.[50] At a certain stage in my PhD journey, about twenty months in, I realised that the tasks I was carrying out had become much less distinct. As tasks became interconnected, it was no longer possible to draw distinctions between my approach to literature sourcing, management, reading or writing. I no longer reflected on these tasks individually as my experiences of these tasks merged as one research experience as the Kolbian spiral tightened.

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[47] Mezirow opines that engaging in critical reflection and discourse is part of transformational learning. According to him, individuals at the final stage of reflective judgment can offer a perspective about their own perspective, an essential condition for transformative learning. 'When knowledge, beliefs, values, and judgments is constructed through critical discourse, the synthesis of existing views and evidence, it is feasible to claim that, given current evidence or knowledge, some judgments or interpretations have greater validity than others. One may also reasonably contend that a given judgment is a supportable tentative conclusion on which to act until a new perspective, evidence, or argument is encountered and validated through criticaldialectical discourse'. See Jack Mezirow, 'Transformative Learning as Discourse' (2003) 1 Journal of Transformative Education 58. 61

[48] Deconinck refers to this as 'a [psychological] bug of the mind' which can cause doctoral scholars to perceive themselves as being unable to operate at the doctoral level. See Koen Deconinck, 'Trust Me, I'm a Doctor: A PhD Survival Guide' (2015) 46 The Journal of Economic Education 360 cited in Elliot (n 36) 1658

[49] For reference management, based on my experience, I knew EndNote crashed often and did not work for me so I tried Zotero and Mendeley. See Zotero <https://www.zotero.org/> Last accessed 27 September 2022; Mendeley <https://www.mendeley.com/> Last accessed 27 September 2022.

[50] I also ventured into looking at other software for writing instead of Microsoft Word. I transitioned all my PhD work from Microsoft Word to Scrivener and this worked well for my writing as Scrivener breaks things up into smaller sections and I could also write notes and pin documents alongside the main document. Scrivener is also compatible with both Zotero and Mendeley and this made keeping track of my references much easier. The ability to save and mark up PDFs on the software and covert references to OSCOLA quickly significantly helped with my written progress. I eventually stuck with Zotero as my reference management tool but transitioned back to Microsoft Word for writing as converting the document every time I wanted to send it to supervisors for comments was quite a time-consuming task. See Scrivener <https://www.literatureandlatte.com/scrivener/overview> Last accessed 27 September 2022

Through this research journey, despite my best efforts to be 'systematic' and 'perfect', I have been the "let-it-all-hang-out-on-the-first-draft" type of writer instead of a "bricklayer".[51] Focusing on the bricklaying process was one that I found to be very disruptive to my organic generation of ideas which, in Deweyan terms, was a solution that 'warranted assertibility'.[52] When considering my intended audience and appropriate tone of writing, I aspired for my doctoral thesis to be accessible and readable by anyone and everyone interested in my research topic, whether that be an aspiring law student who may not be familiar with scholarly articles or an experienced scholar or policymaker on legal education.

I have intentionally written this thesis in 'simple and straightforward language'[53] so readers can easily identify with my research design and conceptualisation. Creswell opines that 'in good writing, the eye does not pause, and the mind does not stumble on a passage'.[54] I have tried to adapt his suggestions on writing concisely and coherently by using a consistent voice throughout my thesis, and I have tried to 'trim the fat'[55] in my writing to the best of my abilities.

1.3.2 Approach to the Data Collected

In this section, I discuss my approach and choices regarding the collection, management and analysis of data from the online surveys used in this research. Although I grappled with the data much less than I did with the literature, I did find that

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[51] Zinsser identifies a 'let-it-all-hang-out-on-the-first-draft' writer as one who writes an entire first draft not caring how sloppy it looks or how badly it is written. Conversely, a 'bricklayer' is one who makes every paragraph just right before going on to the next paragraph. See William Knowlton Zinsser, *Writing With a Word Processor* (Harpercollins 1983) cited in Creswell (n 32) 80.

[52] John Dewey, 'Propositions, Warranted Assertibility, and Truth' (1941) 38 The Journal of Philosophy 169; John Dewey, 'What Does Pragmatism Mean by Practical?' (1908) 5 The Journal of Philosophy, Psychology and Scientific Methods 85; John Dewey, *How We Think* (1910).

[53] Creswell (n 32) 24

[54] Ibid

[55] Creswell makes reference to 'trimming the fat' as being a process of trimming excess words from sentences, such as piled-up modifiers, excessive prepositions, and the-of constructions-for example, "the study of"-that add unnecessary verbiage. See Creswell (n 32) 85-87

my experience of data and literature became interconnected and merged over time and so the horizons of my reflections broadened accordingly.

For the data collection aspects of my research, I entered my learning process at the Concrete Experience stage of Kolb's cycle. In the first year of my PhD, I had my first experience with primary data collection. I devised an online survey, 'Pressing Problems in the Law School' for law Students at Northumbria and Nottingham-Trent law schools[56] for the Modern Law Review funded "'Pressing Problems in the Law: What is Law School for?' 20 Years On" Seminar.[57] As this survey was to be circulated to Northumbria Law students through the university, I was limited by university policy on options that were available to me. Bristol Online Survey was used for this, and it informed my opinion on the features and functionality to consider when developing online surveys for my doctoral research project. The Bristol Online Survey was easy to disseminate, convenient for participants to respond to, and analysing the data from the responses was manageable. However, I was certain that Bristol Online Survey would not be the platform I use for my research project. It was a good tool for a short and straightforward survey, but its lack of features made it difficult to engage with as a respondent in a more complex survey.

This initiated my Active Experimentation, and I researched other software and platforms. In search of online survey platforms, I came across Typeform,[58] which I experimented with for some time before deciding that it was the right tool for this research. I made this decision based on how convenient it was for respondents to

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[56] This survey was not part of this PhD research. It was research conducted to incorporate the student voice into the "'Pressing Problems in the Law: What is Law School for?' 20 Years On" seminar. For a summary of the seminar, see Paul Maharg, 'Revisiting "Pressing Problems in the Law: What Is the Law School for?" 20 Years On.' (*Paul Maharg blog*, 17 June 2019) <https://paulmaharg.com/2019/06/17/revisiting-pressing-problems-in-the-law-what-is-the-law-school-for-20-years-on/>. Last accessed 27 September 2022

[57] Victoria Roper, Rachel Dunn and Samantha Rasiah, 'Revisiting "Pressing Problems in the Law: What Is the Law School for?" 20 Years On' (2020) 54 The Law Teacher 455.

[58] Typeform, <https://www.typeform.com/> last accessed 27 September 2022

use. I discuss the features of Typeform in more detail in 3.3.4. At this point, I considered that my participants were groups of people who were generally pressed for time; therefore, a time-efficient survey tool was vital. I was confident in Typeform's time efficiency as it was mobile and desktop-friendly, it had logic-jumps, and it required no sign-in or email address, saving time and assuring participants of their anonymity. Although my own constructivist-interpretivist approaches can be quite chaotic at times, the pragmatist in me gave a lot of thought to how to minimise chaos for my participants in my attempt to make the participants' experience of my research as convenient as possible.[59]

I devised a few initial drafts of the online survey, which were filtered through the eyes of my supervisors and a few colleagues from the law school before I came up with a 'final draft' to pilot. At the Faculty Christmas Conference in December 2019, I conducted a live pilot of my online survey. This live-pilot gave me an idea of how long it took for participants to complete the survey, questions that participants found to be illogical or unclear and where there were any logic-jump glitches. I received some good suggestions from the live pilot that I had not considered myself, such as increasing participants' confidence in the legitimacy of the study by including 'northumbriaresearch' in the survey URL and mentioning that Northumbria's Ethics Committee had approved this study in my Call for Participants. Before disseminating my survey link, I showed it to my Panel at my Annual Progression for further comments. At this meeting, they pointed out areas which seemed ambiguous and could be interpreted differently and provided me with suggestions to narrow down these questions for accuracy. However, when I started working on these suggestions, the number of questions on my 'quick survey' increased. What had started as a 6-8

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[59] I discuss this in more detail in 3.1.

question survey had turned into a 20-something question survey. Based on the literature that I had read; I knew this would mean the drop-off rate of my survey would increase significantly[60] and that this would be counter-productive to the reasons I chose to do an online survey. The increasing number of questions also meant that I would have an unmanageable amount of data to analyse from the responses.

At this point, I had spiralled through Kolb's cycle a few times already. I was becoming incredibly frustrated with myself and with this process. All my attempts to achieve clarity only seemed to make my online survey more complicated. During this time of reworking my surveys, the pandemic broke out, resulting in the closure of university buildings. Without access to the office, I also no longer had a proper screen or desktop to work on. This meant I had to write my logic jumps on pieces of paper and lay them out on my living room floor as they would not show on my small laptop screen, as shown in Figure 1.3 below.

Figure 1.3. The process of working out logic jumps manually on paper

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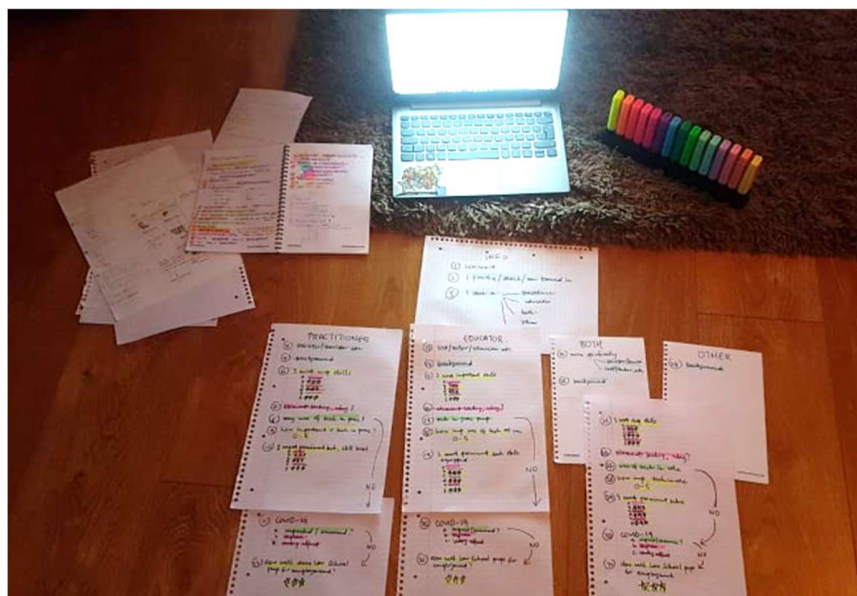
[60] This is discussed in 3.3.3(iii).

As I toiled through my survey amendments at home, I realised that the readjustments that I was experiencing were not unique to me. It was a global phenomenon that affected the legal education and legal practice communities significantly too. The pandemic's lockdown marked the beginning of 'remote working' and 'online teaching' as approaches that were no longer an option but the default. With this came my realisation that the effect of the pandemic on legal education and practice was incredibly relevant to this research, so it could not be ignored. The online survey questions had to be revised again in light of the pandemic. As discussed throughout this chapter, due to the unprecedented nature of the pandemic, there was limited literature on its effect as it unfolded. To be as informed as possible for the revisions of my survey questions, I had to adapt my methods. A conscious decision was made to rely on whatever relevant information sources were available. By this point, my approach to the research process was very different to the initial approaches discussed in the prior subsection, where I strived to adhere to prescriptive methods and conventions.

As I grew more frustrated by the research process not going according to plan, I became more adaptable and innovative in my research methods. This paradoxically developed my critical thinking about what constitutes valid knowledge. The constructivist-interpretivist stance I was growing to embrace allowed me to adapt in a manner that the constricting realist or pragmatist stance would not.[61] According to the initial research plan, my data was to be collected from January – March 2020, but it was only collected from May – November 2020 due to unforeseeable circumstances

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[61] Richard S Prawat and Robert E Floden, 'Philosophical Perspectives on Constructivist Views of Learning' (1994) 29 Educational Psychologist 37

that were not factored into the plan. Data collection would have been delayed even further had I adhered to conventional practices during this time. As the online survey questions were revised in light of the pandemic, it was necessary to re-examine my broader research questions and aims as the data I was about to collect no longer addressed my initial research aims. Literature that had formed the basis of my initial research aims was no longer relevant and therefore had to be revised retrospectively once more literature became available. The timescales that I had set for myself had drastically changed, and I was still yet to grasp data analysis tools as the time I allocated for this had instead been spent repeatedly reworking my survey.

As part of the initial research plan, I did not intend to review LLB curricula across England and Wales. However, it seemed necessary to do so as there was no other way to determine if and how LLB providers adapted their provisions in light of the pandemic. This considerably large piece of desk-based research was conducted to support the revised research aims. At this point, I had also assumed that the most challenging part in relation to the data was over and that it would just be a matter of analysing my data and writing up according to my revised timescales. However, data collection did not go according to plan either. I initially planned to keep the survey open for four months, but it was extended to six when I did not receive a satisfactory number of responses as the strategy I had devised to recruit participants did not work the way I intended, as I discuss in 3.3.3. In hindsight, I should have read more literature on my intended research methods before devising strategies.

Reflecting on my entire research experience, although setbacks and deviations were quite frustrating at the moment, they are also inevitable. Most of my learning has

occurred in these 'liminal spaces'.[62] As I discuss the pandemic's effect on legal education throughout this thesis, it would be an oversight not to acknowledge how the pandemic acted as a catalyst for my growth as a researcher. Through the disruptions and frustrations faced because of the pandemic, I became less reserved in my thinking, research methods and approaches. This required me to engage in independent self-directed learning in a manner I had not done before due to reduced access to my supervision team during this time. Although I had limited exposure to primary research methods before embarking upon my PhD,[63] I grew more confident in my research skills as I became more adaptable and innovative in my approaches through my experimental and experiential 'learning by doing' as a response to the pandemic.[64]

1.4 Summary of chapter

In this chapter, I have provided the reader with insight into the rationale, aims, contribution to knowledge, methods, and contents of this PhD research project; and I have introduced my research experience in relation to the various parts of this project.

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[62] Meyer and Land theorise threshold concepts and liminal states. The basic idea of this theory is that in certain disciplines, there are 'conceptual gateways' or 'portals' that lead to a previously inaccessible, and initially perhaps 'troublesome', ways of thinking about something. Grasping a threshold concept is never just a cognitive shift; it might also involve a repositioning of self in relation to the subject and therefore this can also entail a shift in the learner's identity. In a liminal state, a learner grapples with making sense and meaning of new knowledge or experience and this transition is often problematic, troubling, and frequently involves the humbling of the participant. See Ray Land and others, 'Threshold Concepts and Troublesome Knowledge (3)*: Implications for Course Design and Evaluation', *Improving Student Learning: Diversity and Inclusivity* (Oxford Centre for Staff & Learning Development 2005). 54, 58; Jan HF Meyer and Ray Land, 'Threshold Concepts and Troublesome Knowledge (2): Epistemological Considerations and a Conceptual Framework for Teaching and Learning' (373AD) 49 Higher Education 2005, 376.

[63] As a 'traditional' PhD candidate, scaffolded research methods training is not part of the PhD curriculum (unlike DLaw candidates that usually must have some credits of Masters level research or the equivalent experience demonstrated by portfolio as part of the application process). My prior experience with research methods fits the stereotypical PhD candidate mould described by Hall as an 'Undergraduate and taught Masters law students, relatively unlikely to have encountered research methods training'. These struggles are acknowledged in the literature, even globally. For example, in Gilbert and others' examination of PhD curricula in the UK, US and Australia, they discuss whether concrete skills like writing, communication and basic research skills should already be established before a student enters a doctoral program, and they support the idea of the preparatory Master of Research degree in the UK. See Elaine Hall, 'Grasping the Nettle of "Doctorateness" for Practitioner Academics: A Framework for Thinking Critically about Curriculum Design' (2019) 41 Studies in Continuing Education 157. 162-163; Rob Gilbert and others, 'The Generic Skills Debate in Research Higher Degrees' (2004) 23 Higher Education Research & Development 375. 382

[64] David A Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (2nd edn, Pearson Education 2014)

The overarching research question *'How can essential transferable skills be developed through the LLB curriculum to equip graduates for employment today?'* has been answered through mixed methods. In the following chapters, I unpack my findings for the specific sub-questions which addressed the overarching research question. As outlined in this chapter, reflective practice has been integral to my examination and construction of knowledge throughout this research process. For this reason, I provide transparent reflective accounts of my learning in the following chapters of this thesis.

Chapter 2   Literature Review

Felix and Smith describe a literature review as 'an elegant piece of writing that supports with evidence and justifies the rationale of the research'.[65] The rationale and findings of this research are supported by the literature reviewed in this chapter. I have informed my discussions in this thesis through a narrative review of the literature from sources such as academic journals and books, grey literature, and some less conventional sources such as podcasts, webinars and online panel discussions, as noted and justified in the Introduction chapter.[66]

The starting point of this narrative literature review was inspired by my intrigue about the LLB education that I had experienced. In the initial months of my LLB studies in the UK as an international student, I admittedly experienced some culture shock in relation to the academic conventions at my institution. It took some time to adapt to the autonomy expected of me in relation to self-directed study and to adjust to the collegial nature of relationships between educator and student. Conventions such as addressing an educator on a first-name basis instead of title-first name[67] and approaching an educator when needed were rather peculiar to me. As I had not encountered any learning theories or literature on legal education as part of my legal studies, I did not give much thought to these experiences. I had assumed it was merely cultural differences which I grew fond of. However, as I have immersed myself in the literature on learning theories and legal education as part of my PhD, I have retrospectively gained theoretical insight into the education that I experienced

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[65] Mark Stephan Felix and Ian Smith, *A Practical Guide to Dissertation and Thesis Writing* (Cambridge Scholars Publisher 2019).

[66] See discussion in 1.2.1 for methods used and justification

[67] It is common practice to address people in positions of authority and/or respect on a title-first name (e.g Ms Samantha) instead of title-surname basis (e.g. Ms Rasiah) in Malaysia and some other South East Asian countries.

throughout my time in law school, the significance of some of the signature methods used in legal education, and how some of these experiences are formative to the development of adult learners for life beyond graduation, for employment and other purposes.

In this chapter, I discuss literature that has been considered to be relevant to this research project. Discussions in this chapter have been presented to give the reader a contextual and historical understanding of the purpose, content and currency of LLB degrees in England and Wales. As discussed in Chapter 1, the literature review partially addressed all the research aims and sub-questions of this thesis. I have mapped the relevant subsections of this chapter against the respective research aims and sub-questions addressed in Table 2.1 below.

Table 2.2. Research aims and sub-questions informed by the literature

AIM 1:	Analyse the distinctive epistemological perspectives of LLB degrees in relation to employment and legal practice.	
	Sub Q 1a: What makes legal education a discipline which requires a bespoke pedagogic approach?	2.1 2.2
	Sub-Q 1b: What are LLB Degrees for in England and Wales?	2.2 2.4
AIM 2:	Explore the potential long-lasting impact of the technological transformation in working practices within and outside the legal sector in England and Wales that has resulted from the pandemic.	
	Sub-Q 2a: What effect has the pandemic had on legal education?	2.3
	Sub-Q 2b: What effect has the pandemic had on working practices (legal sector and others)?	2.3
AIM 3:	Identify transferable skills required for employment within and outside the legal sector today.	
	Sub-Q 3a: What skills are most important for employment today?	2.2
	Sub-Q 3b: Are the necessary skills currently fostered through LLB provisions in England and Wales?	2.3 2.4
AIM 4:	Construct possible pathways to develop these transferable skills through the LLB Degree.	
	Sub-Q 4: How can the necessary skills be fostered through the LLB Degree in England and Wales?	2.1 2.3

In the Underpinning Theories section (2.1), I discuss Kolb's Experiential Learning Cycle and Knowles' Adult Learning as these are theories that underpin an LLB education. I also explore the concept of 'transferable skills' from a philosophical and educational perspective to inform subsequent discussions in the chapter. In the Purpose section (2.2), I consider policy and literature on the history, context and purposes of LLB degrees in England and Wales. In the Content section (2.3), I discuss signature methods used in legal education and the current content of LLB programmes across England and Wales based on my findings from a content analysis of LLB provider websites conducted for this thesis.[68] The findings from the content analysis are a unique contribution to knowledge, as no existing studies review LLB curricula from all providers across England and Wales since the pandemic. In the Currency section (2.4), I discuss the utility and value of the LLB degree in England and Wales today. In 2.5, I summarise the key findings in this chapter, particularly those from the content analysis of LLB providers. I present this summary in relation to the research sub-questions that have been addressed and I provide a reflective account of my learning about learning through my immersion in the literature.

2.1 Underpinning theories and concepts

The literature under this section partially addresses the below research sub-questions through the following specific corresponding subsections:

Sub Q 1a: What makes legal education a discipline which requires a bespoke pedagogic approach? – 2.1.1; 2.1.2; 2.1.3

Sub-Q 4: How can the necessary skills be fostered through the LLB Degree in England and Wales? – 2.1.3; 2.1.4

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[68] This content analysis has been introduced in 1.2. The detailed methods are discussed later in 3.5.

Through the following subsections under section 2.1, literature on education-related theories is examined to unpack adult learning (2.1.1; 2.1.2), skill acquisition and learning transfer (2.1.3), and terminology, policies and approaches relevant to learning and skill acquisition (2.1.4). The literature in this section provides the foundations for this thesis, as it provides context and clarity on the fundamental concepts and approaches relevant to the bespoke pedagogic approach required by legal education. These underpinning theories are revisited in Chapter 5, where the pathways proposed in this thesis are presented for LLB providers across England and Wales to consider adopting, should they wish to.

When considering the purpose, content and currency of LLBs, understanding what learning is and how students learn is critical. In this thesis, I discuss Knowles' Adult Learning and Kolb's Experiential Learning as underpinning theories of an LLB education. From the outset of this subsection, it is vital to note that although I identify and discuss some theories, I concur with Gagne's view that 'learning is not a phenomenon which can be explained by simple theories, despite the admitted intellectual appeal that such theories have'.[69] However, I acknowledge that useful generalisations stem from the discourse of these theories, so they are valuable explorations that enable a greater understanding of learning. In this thesis, I have adopted The Organisation for Economic Co-operation and Development (OECD) definition of transferable skills as 'the bundle of knowledge, attributes and capacities that can be learned and that enable individuals to successfully and consistently perform an activity or task and can be built upon and extended through learning'.[70]

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[69] Robert M Gagne, *Conditions of Learning* (Holt, Rinehart and Winston 1965) v cited in Malcolm S Knowles, Elwood F Holton III and Richard A Swanson, *The Adult Learner: The Definitive Classic in Adult Education and Human Resource Development* (6th Edition, Elsevier 2005). 10

[70] 'Towards an OECD Skills Strategy' (Organisation for Economic Co-operation and Development 2011) 7 <https://www.oecd.org/education/47769000.pdf?_ga=2.135567286.60395625.1664302673-

Later in this section, I revisit literature that critically analyses the definitions of terms such as 'knowledge', 'attribute', and 'capacity' to provide the reader with better insight into the body of literature which has been considered to achieve conceptual clarity on skills relevant to this thesis.

2.1.1 Knowles Adult Learning

Many learning theories often assume that similar learning processes occur for everybody, whether children or adults. However, in the early 1970s, several influential books[71] were produced that focused specifically on how adults learn, with the most influential possibly being Knowles' work on 'andragogy'.[72] Knowles controversially departed from the term 'pedagogy' which suggested 'leading children',[73] favouring 'andragogy' as the basis for his learning theory.[74] He suggested that methods used to teach children are often not the most effective for adults,[75] based on six main assumptions that adults:[76]

    i.   have a self-concept of being responsible for their own decisions and need to be seen and treated by others as being capable of self-direction (self-directed learning);

    ii.   draw upon their reservoir of experience as resources for learning (experiential learning);

203318955.1664302673>. Last accessed 27 September 2022. For large-scale research on transferable skills, see 'Transferability of Skills across Economic Sectors Annexes' (European Commission) <https://ec.europa.eu/social/BlobServlet?langId=en&docId=7159&>. Last accessed 27 September 2022; 'Transferable Skills A Guide for Schools' (Pearson EdExcel) <https://qualifications.pearson.com/content/dam/pdf/International%20GCSE/General/Transferable-Skills-Information-Pack.pdf>. Last accessed 27 September 2022.

[71] For example, Cyril O Houle, *The Design of Education* (Wiley 1972); JR Kidd, *How Adults Learn* (Association Press 1973).

[72] Malcolm S Knowles, *The Adult Learner: A Neglected Species.* (Gulf Publishing Company 1973)

[73] Ibid, 36. In Greek word the word 'paid' means 'child', and 'agogus' means 'leader of' so the term pedagogy literally means leading the children.

[74] Dunn (n 35) 103.

[75] Malcolm S Knowles and others, *The Adult Learner: The Definitive Classic in Adult Education and Human Resource Development* (9th Edition, Routledge 2020) 3

[76] Assumptions i-iv were introduced in Knowles initial works, assumption vi was added on in 1984, and assumption v was added on in 1989. See Malcolm S Knowles, *Self-Directed Learning: A Guide for Learners and Teachers* (Association Press 1975); Malcolm S Knowles, *The Adult Learner: A Neglected Species* (2nd Edition, Gulf Publishing Company 1978); Malcolm S Knowles, *The Modern Practice of Adult Education: From Pedagogy to Andragogy* (Englewood Cliffs 1980); Malcolm S Knowles, *The Adult Learner: A Neglected Species* (3rd Edition, Gulf Publishing Company 1984); Malcolm S Knowles, *The Making of an Adult Educator* (Jossey-Bass 1989); Malcolm S Knowles, *The Adult Learner: A Neglected Species* (4th Edition, Gulf Publishing Company 1990).

iii.   are ready to learn when they assume new roles to learn things they need to know and be able to do to cope effectively with their real-life situations (transformative learning);

iv.   want to solve problems and apply new knowledge immediately (problem-based learning);

v.   need to know why they need to learn something before undertaking to learn it; and

vi.   are responsive to some external motivators (e.g. better jobs, promotions, higher salaries), but internal pressures (e.g. the desire for increased job satisfaction, self-esteem, quality of life) are the most potent motivators.

These assumptions are underpinned by works in humanistic psychology, such as those of Rogers and Maslow, who both assume that people have an intrinsic drive towards 'self-actualisation' through self-development and self-direction. Although Maslow does not explicitly explore teaching and learning, he does suggest that once the lower level needs on the hierarchy are met, people will naturally turn to learning for self-actualisation,[77] and activities such as engaging in HE motivate an adult learner to maximise their potential as human beings whether that be intellectually, in the workforce or socially. In the adult learning discourse, the role of the educator is often examined. Rogers, for example, views the role of a teacher as a facilitator of student-initiated learning, to create a secure environment in which learning becomes possible,[78] and to develop a relationship with the learner where the learner is encouraged to explore for themselves and encounter others.[79] This humanistic view supports the stance that the 'learner-initiated/directed' approach is pivotal in andragogy and does not align with the 'teacher-centred or directive' approach of pedagogy that Knowles identifies as a distinction between pedagogy and andragogy.

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[77] Abraham Maslow, 'A Theory of Human Motivation' (1943) 50 Psychological Review 370.

[78] Carl Ransom Rogers, *Freedom to Learn: A View of What Education Might Become* (2nd Edition, Merrill Publishing Company 1986).

[79] Karin Tusting and David Barton, 'Models of Adult Learning: A Literature Review' (National Research and Development Centre 2003) 20

Similarly, Mezirow views the role of educators as 'facilitator and provocateur'[80] as integral in the development of an adult learner by allowing space for experimentation and supporting, challenging, and providing instruction to develop autonomy in an authentic learning environment. Ideally, the facilitator transitions away from the role of an authority figure to become a co-learner, so responsibility for the learning process can be transferred to the learner to promote self-directiveness.[81] In this ideal environment, learning can take place more organically and authentically as students are enabled to explore their learning through their lived experiences which some academics opine is the resource of 'highest value' in adult education.[82] Bransford and others suggest that authentic learning allows students to explore, discuss and meaningfully construct concepts and relationships in contexts involving real-world problems and projects relevant to the learner.[83] Additionally, Stein and others suggest that although the word "authenticity" is used in many ways in current literature about learning and curriculum, all uses refer to certain aspects of reality - be it a reality in terms of what it is like in the world of work, or how real workers understand and perform their various practices, referring to the need to explore the nature of learning to assist students in becoming independent contributors to some field or discipline.[84]

These intended outcomes of adult learning align with the Humboldtian model of HE, which views that the critical distinction between primary education and HE lies in perspectives towards scholarship.[85] In HE, scholarship is always 'in terms of not yet

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[80] Jack Mezirow, 'Transformative Learning: Theory to Practice' [1997] New directions for adult and continuing education. 11
[81] Ibid
[82] Eduard Lindeman, *The Meaning of Adult Education* (New Republic Inc 1926), 9 <https://archive.org/details/meaningofadulted00lind/mode/2up>. Last accessed 27 September 2022
[83] John Bransford, James Pellegrino and Suzanne Donovan, How People Learn: Bridging Research and Practice (Washington, DC, National Academy Press, 1999).
[84] Sarah Stein, Geoff Isaacs and Trish Andrews, 'Incorporating Authentic Learning Experiences within a University Course' (2004) 29 Studies in Higher Education 239. 239
[85] For history of Humboldtian model, see Otto Kruse, 'The Origins of Writing in the Disciplines: Traditions of Seminar Writing and the Humboldtian Ideal of the Research University' (2006) 23 Written Communication 331;

completely solved problems', whereas school is concerned essentially with 'agreed and accepted knowledge'.[86] Although the Humboldtian model is primarily concerned with the research-teaching dichotomy and hence discussed as such, an essential aspect of the model in this discourse on adult education is that in Humboldt's view, in HE, the 'teacher is not there for the sake of the student, but both have their justification in the service of *Wissenschaft* (scholarship)'.[87] As educators act as facilitators and co-learners of adult learning, 'not yet completely solved problems' can be explored and examined collaboratively in light of life experiences to construct new meaning and knowledge in the relevant field. This experience provides the adult learner with *Lernfreiheit* (freedom of learning).[88] In legal education, prioritising *Lernfreiheit* would, to some extent, address the view of students who perceive that they are being 'treated like school children with little autonomy and self-direction in the law school'.[89]

An emerging discussion among education theorists and philosophers is about teaching young adult learners, who situate in the grey area between childhood and adulthood. Flowers introduces Logan's approach of 'ephebagogy' as the missing link between pedagogy and andragogy.[90] Flowers explores this further in her thesis by

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Robert D Anderson, 'German (Humboldtian) University Tradition' in Pedro Nuno Teixeira and Jung Cheol Shin (eds), *The International Encyclopedia of Higher Education Systems and Institutions* (Springer Netherlands 2020) <https://doi.org/10.1007/978-94-017-8905-9_4> accessed 3 October 2022.

[86] Lewis Elton, 'Complexity Theory – an Approach to Assessment That Can Enhance Learning and – More Generally – Could Transform University Management' (2010) 35 Assessment & Evaluation in Higher Education 637. 643

[87] Ibid; also quoted in Bruce Macfarlane and Martin G Erikson, 'The Right to Teach at University: A Humboldtian Perspective' (2021) 53 Educational Philosophy and Theory 1136. 1140

[88] Elton (n 86) 642

[89] Robert Park, 'Appropriate Methods for the Teaching of Legal Skills in Practical Training Courses' (1990) 8 Journal of Professional Legal Education 161. 181

[90] JP Logan, 'Ephebagogy: The Missing Link between Pedagogy and Andragogy' (2004) cited in Sara Flowers, 'Development in the Gap: A Case Study of Emerging Adults in Structured Gap Programs' (Doctoral, Lesley University 2015) <https://digitalcommons.lesley.edu/cgi/viewcontent.cgi?article=1012&context=education_dissertations>. Last accessed 27 September 2022

examining 18-24 year old UG students.[91] The discussion on ephebagogy is relevant to teaching LLB degrees in England and Wales as statistics show that out of the 1,889,475 UG students in the UK in the academic year 2019/20, 79% were aged 24 and under.[92] These discussions have already crept into the legal education sphere as Blackburn discusses ephebagogy from a CLE (Clinical Legal Education) context.[93] However, at the time of writing this thesis, the extent of discussions on ephebagogy is limited, and LLB degrees are not exclusive to ephebagogues, so it is not considered an underpinning theory of this thesis. Nevertheless, the emerging discussions on ephebagogy are acknowledged as relevant to this thesis.

For discussion here, it is important to note that although Knowles' initial stance was that pedagogy and andragogy were two distinct concepts, he later came to recognise that some pedagogic methods may be appropriate for adult learners in some situations, for example, when learners are completely new to a particular subject area.[94] It is also important to note that although widely accepted, the idea of andragogy is not exempt from critique. For example, some opine that the concept of andragogy is not a theory of adult learning but rather a description of an ideal state for adult learners.[95] Some also opine that it is a generalised theory of adult learning based on assumptions about what all adults have in common, without considering the individual characteristics, such as cultural settings and social contexts within which

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[91] Flowers (n 90)

[92] 'Who's Studying in HE?' (HESA 2022) <https://www.hesa.ac.uk/data-and-analysis/students/whos-in-he>. Last accessed 27 September 2022

[93] Lucy Blackburn, 'Ephebagogy and Clinical Legal Education' (2020) 27 International Journal of Clinical Legal Education 135.

[94] Knowles 1980 (n 76)

[95] Stephen D Brookfield, 'Adult Learning: An Overview', *International Encyclopedia of Education* (Pergamon Press 1995) <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.152.4176&rep=rep1&type=pdf> Last accessed 27 September 2022; Richard Edwards, Ann Hanson and Peter Raggatt, *Boundaries of Adult Learning* (Routledge 1996); Stephen D Brookfield, 'Teaching Perspectives', *The handbook of adult and continuing education* (Stylus Publishing 2021).

adults learn.[96] Nevertheless, whether a theory of learning or an ideal state, the key criteria of andragogy that Knowles identifies are based on logical reasoning grounded in prior research on how adults learn, so I discuss them below.

i. Self-directed learning

The concept of self-directed learning is often discussed in adult education literature. Brockett and Hiemstra draw attention to the confusion surrounding the term, and they suggest that it is necessary to distinguish between 'self-direction as an instructional method and self-direction as a dimension of personality'.[97] In Tutsing and Burton's review, they note that Brockett and Hiemstra claim a link between self-direction and positive self-concept and, more specifically, between self-direction and life satisfaction. They also suggest strategies for enhancing self-direction, which include 'facilitating critical reflection through reading and writing, promoting rational thinking, and developing people's 'helping skills',' which are ideas rooted in humanistic self-development.[98]

Candy discusses how the concept of self-direction encompasses complex concepts which sometimes overlap or contradict each other.[99] For example, autonomy in learning does not necessarily give rise to general personal autonomy, and it has a personal and situational dimension. Candy points out that one cannot simply 'graft on' self-directedness in instruction to an education system. Skills and abilities for self-directedness must be scaffolded and developed through a curriculum, and there is a need for consideration for the learner to be self-directed about their own self-

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[96] Edwards and others (n 95) 107

[97] Ralph G Brockett and Roger Hiemstra, *Self-Direction in Adult Learning: Perspectives on Theory, Research and Practice* (Routledge 1991) cited in Tusting and Barton (n 79) 23

[98] Tusting and Barton (n 79) 23

[99] Philip C Candy, 'Self-Direction for Lifelong Learning' (1992) 42 Adult Education Quarterly 192.

directedness.[100] Therefore, it is not necessarily adequate to simply apply learning methods that emphasise learner control in every context.

Some scaffolding for self-directed learning could be 'learning how to learn' as suggested by Smith,[101] whose works highlight the benefits of adults actively learning about the cognitive processes involved in learning so that they can apply these processes to their experiences. His work focuses on the personal nature of the learning process and the demonstrated capacity of adults to assume partial or total responsibility for educating themselves. He suggests that some of the distinctive characteristics of adult learners that promote self-directedness are that adults have an accumulation of experience that forms the basis for new learning and that engagement in adult education is often by personal choice, which places the adult learners in a very different position from that of their compulsory early schooling.

Due to the nature of self-directed learning, learners often engage in unplanned or unpremeditated learning that may not be formally structured to suit their learning needs. This is sometimes referred to as 'informal learning'[102] in the literature. Works such as those of Coffield and Foley highlight the importance of informal learning in the formation of knowledge and skills[103] as it allows adults to construct knowledge from the various forms of incidental learning that can take place through their life experiences, including social struggle and political activity[104] which are prominent themes of legal education.

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[100] Tusting and Barton (n 79)

[101] Robert M Smith, *Learning How to Learn: Applied Theory for Adults* (Prentice Hall 1992); Robert M Smith, *Learning to Learn across the Life Span* (John Wiley & Sons 1990).

[102] Tusting and Barton (n 79)

[103] Frank Coffield, *The Necessity of Informal Learning* (Bristol University Press 2000).

[104] Griff Foley, *Learning in Social Action: A Contribution to Understanding Informal Education* (National Institute of Adult Continuing Education 1999).

ii. Problem-Based Learning

Another prominent criterion in Knowles' distinction of adult learners is their inclination towards Problem-Based Learning (PBL). PBL makes 'realistic problems the focus and catalyst for acquiring knowledge through student-centred activity rather than teacher-centred transmission of information'.[105] Before any relevant instruction to the problem is given, students are presented with a problem as the first stage of the learning process. They must 'identify the relevant facts; generate hypotheses as to the likely issues; identify and locate the necessary (new) information for solving the problem and make reasonable judgements about solving the problem'.[106]

Considering the centrality of problem-solving to legal education and practice, the relevance of PBL as a method has been applauded by legal educators, as discussed below. PBL is commonly integrated into legal education curriculum by way of tutorials which focus on hypothetical problems; simulation exercises such as client interviewing, negotiations and mooting; CLE and other experiential activities such as placements, vacation schemes; and interdisciplinary collaborative activities with students on other courses. In addition to aligning with professional practice, PBL methods in legal education are also beneficial because they require students to take ownership of the problem and assume responsibility for their own learning.[107]

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[105] Rohan Havelock, 'Law Studies and Active Learning: Friends Not Foes?' (2013) 47 The Law Teacher 382, 388-389

[106] Ibid

[107] David Boud, 'Problem-Based Learning in Perspective', *Problem-based learning in education for the professions* (Springer 1985) 13–19.

iii. Transformative learning

Mezirow has popularised the concept of transformative learning. His work has been influenced by Freire's concept of 'conscientisation',[108] Gould's theory of transformation[109] and the writings of Haberman and Siegal.[110] Mezirow attempts to provide an idealised model that explains the generic dimensions and dynamics of the process of adult learning for his audience of adult educators, but it does not undertake a cultural critique,[111] so it is essential for educators to consider specific cultural contexts when attempting to create a transformative environment for their adult learners.[112] Mezirow identified ten phases of learning in the transformative process:[113]

1. A disorienting dilemma
2. Self-examination
3. A critical assessment of assumptions
4. Recognition of a connection between one's discontent and the process of transformation
5. Exploration of options for new roles, relations, and action
6. Planning a course of action
7. Acquiring knowledge and skills for implementing one's plan
8. Provisional trying of new roles
9. Building competence and self-confidence in new roles and relationships
10. A reintegration into one's life on the basis of conditions dictated by one's new perspective

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[108] Mezirow elaborates the context of Freire's concept of conscientisation as one that contends that if learning takes place within the context of real life problems and if the learning process is a shared practice between students and teacher, students develop critical consciousness, or conscientisation. The burden of past failure shifts away from the learner, allowing him or her to understand different ways to challenge existing power structures. In this context, education is explicitly political; thus, the teacher's job is not to impart information but to challenge students and ensure that the voices of the marginalised are fully engaged. The teacher or facilitator becomes a co-creator of knowledge. See Jack Mezirow and Edward W Taylor, *Transformative Learning in Practice : Insights from Community, Workplace, and Higher Education* (Jossey-Bass 2009). 207

[109] Roger L Gould, *Transformations: Growth and Change in Adult Life* (Simon & Schuster 1979).

[110] Mezirow and Taylor (n 108), 19

[111] Ibid, 21

[112] For example, when students are part-time or apprenticeship students with competing developmental priorities, or when there is significant diversity in the classroom (discussed in 2.2.2)

[113] Mezirow and Taylor (n 108), 19

The central goal of adult education, according to Mezirow, is to empower adults with autonomous, responsible thinking;[114] so they can learn to reason for themselves. Mezirow discusses the concept of 'frames of reference' as structures of assumptions and expectations based on our thoughts, feelings, and habits, primarily based on our adult life experiences.[115] Through transformative learning methods, Mezirow claims that an adult learner may be able to transform problematic frames of reference to make them more 'inclusive, discriminating, reflective, open, and emotionally able to change'.[116] This enables an adult to advance and assess reasons for making a judgment rather than act on the assimilated beliefs, values, feelings, and judgments of others.[117] Mezirow refers to some of the global frameworks on skills[118] that this thesis explores later in 2.1.4(ii), and he identified that a 'common presumption in these lists is that the essential learning required to prepare a productive and responsible worker for the twenty-first century must empower the individual to think as an autonomous, socially responsible thinker in a collaborative context rather than to uncritically act on the received ideas and judgments of others'.[119]

To facilitate transformative learning, learners must be assisted to participate effectively in discourse. Without discourse, a learner has no opportunity to challenge and validate their judgment and understanding of a matter. It is through these experiences that critical thinking and reflection are developed. The ideal conditions for

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[114] Mezirow (n 80) 5
[115] Mezirow and Taylor (n 108), 22
[116] Ibid
[117] Ibid, 23
[118] Ibid. Mezirow refers to the U.S. Department of Labor's SCANS report (1991) and the Australian government's list of key competencies for the workforce, which are discussed later in this thesis in 2.1.4(ii). He states that skills such as acquiring, using, interpreting and analysing information, problem-solving, identifying and organising resources, planning and organising activities, working with others and understanding complex interrelationships, communicating ideas, and using cultural understandings have been identified as essential competencies and skills for an adult to possess.
[119] Mezirow (n 80) 8

engaging discourse[120] are also ideal for adult learning and education.[121] Educators have a significant role in creating an environment in which learners become increasingly adept at discourse with educators and peers, and peer learning and group problem-solving skills are also developed.

2.1.2 Kolb Experiential Learning

Kolb, a constructivist, builds on the work of Dewey, Lewin and Piaget to develop his version of a learning cycle. He also acknowledges the influences of psychologists and psychoanalysts such as Jung and Erikson and radical educationists such as Freire.[122] Kolb describes learning as 'the process whereby knowledge is created through the transformation of experience.'[123] His works suggest a holistic, integrative perspective on learning that combines experience, perception, cognition, and behaviour through experiential learning theory.[124] According to Kolb, learning is a significant process of human adaptation. His conception of learning extends beyond a typical classroom environment. It encompasses adaptive concepts such as creativity, problem-solving, decision-making, and attitude change, which aligns with Knowles' distinct criteria of adult learning.[125]

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[120] This is described as an environment where those participating have full information; are free from coercion; have equal opportunity to assume the various roles of discourse (to advance beliefs, challenge, defend, explain, assess evidence, and judge arguments); become critically reflective of assumptions; are empathic and open to other perspectives; are willing to listen and to search for common ground or a synthesis of different points of view; and can make a tentative best judgment to guide action. See Mezirow (n 80) 10

[121] Ibid

[122] Kolb 2014 (n 64), 'introduction' section

[123] David A Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice Hall 1984), 41

[124] Ibid, 21

[125] However, the methods used to foster these skills must be informed by learning theory for it to be effective and useful. Using creativity as an example, Roper (née Gleason) and Campbell remind their readers that 'creativity does not just mean letting students use coloured pens and post-it notes', but manifests itself when students are given the freedom to make their own decisions and create something of their own. See Victoria Gleason and Elaine Campbell, 'Cultivating 21st Century Law Graduates through Creativity in the Curriculum' (2015) 10. 2

Building on Deweyan philosophy which suggests that all principles are abstract and become 'concrete in their circumstances' as a result of application,[126] Kolb suggests that learning occurs in many kinds of experience, which are transformed into knowledge and used to adapt to the next experience. His well-known Experiential Learning cycle[127] can be entered through any of the four stages; Concrete Experience, Reflective Observation, Abstract Conceptualisation or Active Experimentation; but a learner must go through all the stages to completely transform an experience into new knowledge. Many see reflection as the crucial element in Kolb's cycle.[128] It is also often used as a model of reflective practice, which is another way of promoting 'learning about learning'. Tusting notes that educators such as Kolb and Brookfield claim that it is only adults who are capable of this type of reflective thinking[129] which involves 'questioning, reframing or replacing existing assumptions, taking alternative perspectives on ideas that were previously taken for granted' and potentially coming to recognise the 'hegemonic aspects of dominant cultural values'.[130]

Some advocates of reflective practice[131] highlight the social and cultural nature of the reflective process of interpreting experience and engaging in an ongoing dialectical relationship with experience to form and be formed by it. However, this stance differs from Kolb's as they place reflection as the primary source of the transformation that

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[126] John Dewey, *Experience and Education* (60th Anniversary Edition, Kappa Delta Pi 1998), 6.
[127] See cycle in
Figure 1.1
[128] David Boud, Rosemary Keogh and David Walker (eds), *Reflection: Turning Experience into Learning* (Routledge 1985).
[129] Stephen D Brookfield, *Understanding and Facilitating Adult Learning* (Open University Press; 1986); Stephen D Brookfield, *Developing Critical Thinkers: Challenging Adults to Explore Alternative Ways of Thinking and Acting* (Wiley 1987); Brookfield 1995 (n 95); Brookfield 2021 (n 95)
[130] Tusting and Barton (n 79) 27
[131] Donald A Schon, *The Reflective Practitioner: How Professionals Think In Action* (Basic Books 2008); Jack Mezirow, Stephen D Brookfield and Philip C Candy, *Fostering Critical Reflection: A Guide to Transformative and Emancipatory Learning* (Jossey-Bass 1990), Boud and others (n 128); Brookfield 1995 (n 95); Brookfield 2021 (n 95); Brookfield 1986 (n 129); Brookfield 1987 (n 129); Mezirow (n 80)

leads to learning and development. In Kolb's cycle, the reflective stage is 'not the sole determinant of learning and development but rather only one facet of a holistic process of learning from experience' that includes experiencing, reflecting, thinking, and acting.[132] Keeton and Tate define experiential learning as a learner being directly in touch with the realities being studied. This contrasts with the learner who 'only reads, hears, talks, or writes about these realities but never comes into contact with them as part of the learning process'.[133] Without this immersion in experience, there is the risk that students merely memorise what is taught rather than learn.[134] The immersion in experience promotes 'deep' learning, which academics such as Biggs discuss,[135] and it requires students to apply their learning to real experiences which extend beyond the classroom setting.

However, it is also crucial to note that the belief that all genuine education comes about through experience does not necessarily mean that all experiences are genuinely or equally educative.[136] Batt, for example, argues that there is a difference between experiential learning and experiential education. She suggests that experiential learning can happen anywhere and is random and without intent. In contrast, experiential education is more purposive and organised as it intentionally incorporates experiential learning with 'clear aims and goals which students strive towards'. It also includes the 'encouragement of reflection, adequate supervision which focuses on learning and fostering specific teaching objectives, relating those objectives to theory and the wider world generally'.[137] Similarly, Tennant and Pogson

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[132] Kolb 2014 (n 64)
[133] Morris T Keeton and Pamela J Tate, *Learning by Experience--What, Why, How* (Jossey-Bass 1978).
[134] Peter Jarvis, *Adult Learning in the Social Context*, vol 78 (Routledge Library Editions: Education, Routledge 2012), 19
[135] John Biggs, *Student Approaches to Learning and Studying* (Australian Council Educational Research 1986).
[136] Dewey (n 126) 25.
[137] Cynthia Batt, 'A Practice Continuum: Integrating Experiential Education into the Curriculum' (2015) 7 Elon Law Review 119.

argue that experience alone is not enough for learning to occur, and they highlight the need for scaffolding so that experience is 'mediated, reconstructed or transformed in some way'.[138] In their work, they identify four approaches which facilitate experiential learning: linking material to prior experiences; relating learning to current experiences; creating new experiences from which to learn through techniques such as role play and simulation; and learning from lived experience through talking about, analysing, and acting on the implications of that experience.[139]

Later Kolb introduced the concept of four different learning styles, which are associated with the four different parts of his cycle. He suggests learners draw on different styles at different moments in the cycle, but the uniqueness of each individual's experience means that different people have often acquired different distributions of the four learning styles.[140] However, many works derived from Kolb's theory over-simplifies his analysis, which suggests that each learning style's development comes in the process of dialectical adaptation to experience instead of being individual fixed traits which can be discovered or developed through specific activities. Tusting and Burton suggest that the 'ideal learner' would develop a balance between all four stages and consequently master all four learning styles as appropriate for their learning.[141]

Although Kolb's ideas have influenced the work of adult educators,[142] and despite the comprehensive philosophical and psychological underpinning of his theories,[143] his

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[138] Mark Tennant and Philip Pogson, *Learning and Change in the Adult Years: A Developmental Perspective* (Jossey-Bass 1995).

[139] Ibid

[140] Tusting and Barton (n 79) 27

[141] Ibid, 28

[142] Mick Healey and Alan Jenkins, 'Kolb's Experiential Learning Theory and Its Application in Geography in Higher Education' (2007) 99 Journal of Geography 185. 185

[143] Ortrun Zuber-Skerritt, Professional Development in Higher Education: A Theoretical Framework for Action Research (Kogan Page 1992) 98

work has been subject to criticism. Miettinen, for example, critiques Kolb's four-part model of experience for being an over-simplified construct of experience in which the subtleties of Dewey's philosophical approach are lost. He suggests Kolb's methods are eclectic as Kolb unites terms and concepts, extracting them from their idea-historical contexts and purposes in an attempt to construct an 'attractive' collection of ideas that can be advocated as a solution to the social problems of our time and to substantiate the usefulness of his learning style inventory.[144] In his later work, Kolb acknowledged his failure to explain his perspective adequately, and he addressed critics, including Miettinen. Kolb argues that the critics have missed the posited transactional relationship between the individual and the social environment, which Kolb discussed in great detail. In his words, 'the learning cycle is constructivist and cognitivist'.[145] Considering the Kolbian constructivist approach is such that it makes meaning out of existing cognitive theories and models, inevitably, not everyone will make the same meaning out of these concepts. Kolb's model can be used to explain the discrepancies in interpretations of his theories – the different experiences we immerse ourselves in contribute toward different meanings we make out of these concepts.

2.1.3 Skill acquisition and learning transfer

As this thesis examines transferable skills for employment, it was necessary to consult literature on how learners acquire skills and what makes learning (and skills) transferable from one context to another. Schunk discusses the concept of skill acquisition for general and specific skills and suggests that acquiring general skills facilitates learning in many ways. For discussion in this section, general skills apply to

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[144]Reijo Miettinen, 'The Concept of Experiential Learning and John Dewey's Theory of Reflective Thought and Action' (2000) 19 International Journal of Lifelong Education 54. 56
[145] Kolb 2014 (n 64), 'understanding the learning cycle' section

various disciplines,[146] whereas specific skills are useful only in certain domains.[147] Although this thesis focuses on transferable, therefore general skills, some examination of specific skills is necessary to understand the best methods of developing both types of skills. It would also be prudent to briefly discuss both types of skills as they intersect in some circumstances.[148]

Perkins and Solomons suggest viewing skill specificity as ranging along a continuum.[149] They use the example of playing chess to describe the directly proportional relationship between increasing knowledge of strategies and rules and increasing technical skills. In a legal education context, examples of specific skills may be advocacy or drafting, which improves as a student's knowledge of the technicalities increase. Ohlsson discusses a complex model of skill acquisition. They suggest that as learners practice their skills, progress is monitored by comparing their current state to their prior knowledge and that this process becomes increasingly adapted to specific tasks over time.[150] When errors occur, it is often caused by inappropriate application of general procedures,[151] but prior domain-specific knowledge helps learners detect errors and identify the conditions that caused them. Over time, skills become more specialised, and the process of skill acquisition is akin to reflective practice when transforming experience into knowledge, as discussed in 2.1.2.

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[146] Schunk uses the example of problem-solving and critical thinking. See Dale H Schunk, *Learning Theories: An Educational Perspective* (6th Edition, Pearson Education 2012) 280

[147] Ibid. Schunk uses the example of factoring polynomials and solving square-root problems because they have limited mathematical applications.

[148] A legal education example may be drafting a letter for a client and drafting a formal letter for any other purpose.

[149] DN Perkins and Gavriel Salomon, 'Are Cognitive Skills Context-Bound?' (1989) 18 Educational Researcher 16.

[150] Stellan Ohlsson, 'The Interaction Between Knowledge and Practice in the Acquisition of Cognitive Skills', *Foundations of Knowledge Acquisition: Cognitive Models of Complex Learning* (Springer 2012).

[151] Stellan Ohlsson, 'Learning from Performance Errors' (1996) 103 Psychological Review 241 cited in Schunk (n 146)

In skills acquisition terminology, this process is often referred to as 'metacognition', and it involves a learner asking questions such as "What am I doing now?" or "Is it getting me anywhere?" to facilitate their problem-solving when utilising a particular skill.[152] However, this acquired knowledge and skills do not always automatically transfer from one situation to another. At times, transfer requires some scaffolding, which may materialise through a combination of factors such as intentional strategies, instruction on self-monitoring and practice in specific contexts.[153] Cognitive theories suggest that transfer occurs when learners understand how to apply knowledge in different settings and that learners can be equipped with this ability through education.[154] Schunk provides a neuroscientific explanation for learning transfers by discussing how neural connections are not made automatically between learning and new situations, raising the need for students to learn through experience and problem-solving to make new connections.[155] Educators have a significant role in learners' acquisition, development and transfer of skills. As Iucu and Marin state, educators are not just information providers, but must also 'guide, scaffold and facilitate student learning.'[156] The scaffolding around transfer is crucial because, without it, all learning would be situationally specific, and much instructional time would be spent reteaching skills in new situations.[157]

The literature on types of transfer is abundant, and its complexities are beyond the scope of this thesis to explore in detail. However, it is essential to note that there are different types of transfer and that although some forms of simple skill transfer occur

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[152] Perkins and Salomon (n 149)
[153] Schunk (n 146) 317-324
[154] John D Bransford and Daniel L Schwartz, 'Rethinking Transfer: A Simple Proposal With Multiple Implications' (1999) 24 Review of Research in Education 61.
[155] Schunk (n 146) 70
[156] Romiță B Iucu and Elena Marin, 'Authentic Learning in Adult Education' (2014) 142 Procedia - Social and Behavioral Sciences 410. 411.
[157] Schunk (n 146) 317

automatically, other types require higher-order thinking skills and beliefs about the usefulness of knowledge.[158] Schunk refers to positive, negative and zero transfer – positive transfer being when prior learning facilitates subsequent learning; negative transfer being when prior learning interferes with subsequent learning or makes it more difficult; and zero transfer being when prior learning has no noticeable influence on subsequent learning. He also discusses some characteristics of further sub-types of transfer using mathematical and generic examples,[159] which I have adapted and contextualised to legal education examples in Table 2.3 below.

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[158] For examples of transferability of skills across disciplines, see Alvin Vista, 'Transferability of Transferable Skills: Quantifying the Degree to Which a Skill Facilitates Transition in a Rapidly Evolving Landscape of Work' (2021).
[159] Schunk (n 146) 319

Table 2.3. Characteristics and examples of different sub-types of transfer

Sub-type of transfer	Characteristic	The generic and mathematical examples used in Schunk's work	Legal education examples
Near	Much overlap between situations; original and transfer contexts are highly similar.	Fraction skills are taught and then students are tested on the content in the same format in which it was taught.	Offer and acceptance is taught and then students are tested on the principle in the same format in which it was taught, in Year 1 of their LLB.
Far	Little overlap between situations; original and transfer contexts are dissimilar.	Applying fraction skills in an entirely different setting without explicitly being told to do so. Thus, students might have to add parts of a recipe (1/2 cup milk and 1/4 cup water) to determine the amount of liquid without being told the task involves fractions.	Applying offer and acceptance in an entirely different setting without explicitly being told to do so. For example, students might have to work out facts around accepting terms and conditions on an online disclaimer without being told the relevance of facts provided.
Literal	Intact skill or knowledge transfers to a new task.	Students use fraction skills in and out of school	Reviewing their own phone contracts when a dispute about payment plan arises; or their own tenancy agreements to see if they can have a pet in their rented accommodation.
Figural	Use of some aspects of general knowledge to think or learn about a problem, such as with analogies or metaphors.	Figural transfer requires drawing an analogy between the old and new situations and transferring that general knowledge to the new situation. It occurs when students encounter new learning and employ the same study strategies that they used to master prior learning in a related area.	For example, using contractual language and principles to negotiate allocation of tasks for a group project (social contract).
Low road	Transfer of well-established skills in spontaneous and possibly automatic fashion.	Learning to drive a car and then driving a different but similar car. Brushing one's teeth with a regular toothbrush and with an electric toothbrush.	Learning to use WestLaw or HeinOnline to locate contract law precedent and then using the same databases to locate precedents for other modules.
High road	Transfer involving abstraction through an explicit conscious formulation of connections between situations.	Forward-reaching and backward-reaching are two forms of 'high road' transfer. Examples below.	Forward-reaching and backward-reaching are two forms of 'high road' transfer. Examples below.
Forward reaching	Abstracting behaviour and cognitions from the learning context to one or more potential transfer contexts.	While students are studying precalculus, they might think about how some of the material (e.g., limits) might be pertinent in calculus. Another example is while being taught in a class how a parachute works, students might think about how they will use the parachute in actually jumping from an airplane.	While students are studying about contract law in Year 1, they might think about how some of the principles might be pertinent in future modules such as International Commercial law in the final year of their LLB.
Backward reaching	Abstracting in the transfer context features of the situation that allow for integration with previously learned skills and knowledge.	While students are working on a calculus problem, they might try to think of any situations in precalculus that could be useful for solving the calculus problem.	While students are working on a problem question regarding a dispute about intellectual property rights in Year 3, they might try to think of relevant learning from contract law in Year 1 that could be useful for solving the problem.

Contextualising these examples to legal education examples was no straightforward task. As I examined the characteristics and considered how they might apply to the principles of contract law, I found it quite challenging to determine whether a certain task truly develops the skills required and whether they could be transferred as seamlessly and systematically as presented in the table above. I anticipate readers might interpret these characteristics differently and disagree with the examples I have come up with, further consolidating the complexities educators contend with when developing learning activities.

2.1.4 Transferable skills for employment

I had initially intended to use the well-known concept of Knowledge, Skills and Abilities to discuss skills in this thesis. However, when exploring the literature on this concept, I discovered that it was not comprehensive enough as it left too much room for misinterpretation without clear guidelines on inclusion or exclusion criteria for each of these terms. As I explored the literature on skills, I was confused when I realised that the terms 'skills', 'competencies', 'abilities', and 'intelligences' were used interchangeably and sometimes even contradictorily. Below I provide insight into how I have come to understand and define the concept of transferable skills for employment.

i. Terminologies: Skill, competence, intelligence, ability

Some suggest that competence is a broad concept that may encompass skills, knowledge and behaviours. An example of a competence provided by the OECD is the ability to communicate as it may draw on an individual's knowledge of language, practical IT skills and attitudes towards those with whom they are communicating

with.[160] Salas and others similarly suggest that competence is a broader concept encompassing skills. Using the example of social skills versus social competence, they discuss how when interacting with someone, social skill is simply the active engagement of a cognitive (e.g. predicting/evaluating consequences of behaviour) or behavioural (e.g. non-verbal such as eye contact, verbal such as speech) function; whereas social competence requires the effective enactment of these respective functions when interacting with others that result in positive outcomes.[161]

However, depending on the context, some abilities may be both 'skill' and 'competence'. For example, using communication again, although it could be a competence as suggested in the above context, it could also be a technical skill if viewed as the ability to articulate thought into speech. Chappell and others discuss how the concept of 'skill' has changed from the "technical knowledge and skills required of a particular job or occupation to one that includes an array of general and personal capacities and attitudes deemed essential to the contemporary world of work, in addition to job and occupational knowledge and skills."[162] This suggests skills are as broad a concept as competencies, making terminology between the two indistinguishable at times. Acknowledging unclear boundaries between skills and competencies, especially when considering the different definitions in different countries and languages, the OECD uses both terms (often interchangeably) in their works.[163] The terms skills, abilities and intelligences are also sometimes used

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[160] Katarina Ananiadou and Magdalean Claro, '21st Century Skills and Competences for New Millennium Learners in OECD Countries' (2009) OECD Education Working Papers No. 41, p.8 <https://tuv.oer4pacific.org/id/eprint/4/1/OECD-Work.pdf>. Last accessed 27 September 2022

[161] Eduardo Salas, Wendy Bedwell and Stephen Fiore, 'Developing the 21st Century (and beyond) Workforce: A Review of Interpersonal Skills & Measurement Strategies' (2010).

[162] Australian National Training Authority, 'High Level Review of Training Packages Phase 1 Report: An Analysis of the Current and Future Context in Which Training Packages Will Need to Operate' (2003) v <https://opus.lib.uts.edu.au/bitstream/10453/12238/1/2006006555OK.pdf>. Last accessed 27 September 2022

[163] '21st Century Skills and Competences for New Millennium Learners in OECD Countries' (n 160)

interchangeably. For example, 'interpersonal/intrapersonal intelligence',[164] 'interpersonal/intrapersonal skill', and 'interpersonal/intrapersonal abilities'. Sternberg used the terms intelligence and ability interchangeably,[165] and Reber described intelligence tests as ability tests.[166]

The literature on intelligences was also polarised, both terminologically and conceptually. For example, Gardner's theory of Multiple Intelligences[167] suggests that intelligence extends beyond cognitive abilities as knowledge can also be expressed in creative or artistic forms. Although more commonly referred to as skills, abilities or even talents, he opines that the creation of cultural products allows one to capture and transmit knowledge or to express one's conclusions, beliefs or feelings, so should be called intelligence. However, some scholars, such as Sternberg, view Gardner's approach as unsuccessful in terms of a theory of intelligence but successful if viewed as presenting 'a taxonomy of talents'.[168] Similarly, Klein opines that Gardner's Multiple Intelligence theory offers a 'level of analysis that is neither empirically plausible nor pedagogically useful' to the ambiguity between the intelligences. Morgan opines that Gardner's Multiple Intelligence theory did not discover new 'intelligences', but rather, put forth a reframing of what others have defined as cognitive styles. Regardless of polarity, most scholars opined that 'intelligence' was a manifestation of cognitive abilities.

Kechagias provides some conceptual clarity by suggesting that the holistic approach takes the view that the word 'skill' mainly refers to the integration of the three levels of

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[164] Gardner describes intrapersonal intelligence as "access to one's own feeling", and interpersonal intelligence as "the ability to notice and make distinctions among other individuals" (interpersonal). See Howard Gardner, *Multiple Intelligences: New Horizons in Theory and Practice* (2nd Edition, Basic Books 2006).

[165] Robert J Sternberg, 'Abilities Are Forms of Developing Expertise' (1998) 27 Educational Researcher 11.

[166] Arthur S Reber, *The Penguin Dictionary of Psychology* (2nd Edition, Penguin Press 1995).

[167] Gardner (n 164).

[168] Robert J Sternberg, 'Frames of Mind: The Theory of Multiple Intelligences by H. Gardner. Review by Robert J. Sternberg' (1984) 72 American Scientist 394. 394.

human functioning,[169] originally described by Bloom and others as the 'cognitive, psychomotor and affective' fields.[170] He opines that for a person to demonstrate skill, they may need to engage a combination of their cognitive (knowledge), psychomotor (abilities/capabilities) and affective (behaviours/attributes) fields.[171] This definition of a skill aligns with the OECD definition of transferable skills, which has been adopted in this thesis

> 'the bundle of knowledge, attributes and capacities that can be learned and that enable individuals to successfully and consistently perform an activity or task and can be built upon and extended through learning'.[172]

Although this definition would be subject to scrutiny like any other, this definition served this thesis well as it suggests that transferable skills can be learned (and therefore acquired) through relevant experience. This position contrasts with those that suggest that skills depend on personal characteristics that are affected by factors beyond a learning environment, such as instinct. It also acknowledges skills as a broad, holistic concept which may encompass a combination of one's knowledge, abilities and attributes, all of which can be developed through appropriate educational experiences.

My understanding of the term 'transferable' skill is two-fold. Firstly, it is transferable from educator to learner through intentional and scaffolded educational experiences, as discussed in 2.1.3. Secondly, it is transferable from one experience to another,

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[169] 'Teaching and Assessing Soft Skills' (2011) 31 <http://research.education.nmsu.edu/files/2014/01/396_MASS-wp4-final-report-part-1.pdf>. Last accessed 27 September 2022

[170] Benjamin S Bloom, *Taxonomy of Educational Objectives: The Classification of Educational Goals* (David McKay Company 1956)

[171] Kechagias explains that in order for a person to demonstrate skill, s/he not only needs to master a series of conceptual (knowing), procedural (knowing how to do something (know-how)) and attitudinal (knowing how to be) knowledge, but must also be motivated to act (wanting to do something) and be endowed with personal characteristics (cognitive skills, emotional intelligence and personality traits) and with contextual characteristics minimally appropriate and favourable to the performance to be carried out (able to do something). See 'Teaching and Assessing Soft Skills' (n 169) 31

[172] 'Transferability of Skills across Economic Sectors Annexes' (n 70); 'Transferable Skills A Guide for Schools'; 'Transferable Skills A Guide for Schools' (n 70)

which could manifest as non-job specific skills for context in this thesis. Literature on these skills provided little conceptual clarity as terms such as 'foundation', 'core', 'essential', and 'key',[173] or 'generic', 'soft', 'employability', 'interpersonal', and '21st century' were used interchangeably with 'transferable' skills.[174] The literature below further informed my understanding of transferable skills.

ii.   Policies: Global and local

The skills agenda has become increasingly prominent in an education context over the past few decades, particularly in advanced Western societies. This thesis considers some global movements and policies which have developed the transferable skills agenda. Legal education has been no exception to this movement's effect, and policies specific to legal education are discussed in 2.2. Globally, governments in more advanced economies were more inclined to ensure that the workforce was equipped with high-level skills that added value to their work. The late 1990s – early 2000s saw a growing demand for individuals with broader skills for increased adaptability and flexibility in the workplace. This resulted in the emergence of policies that focused on transferable skills at all levels of education, which I discuss below.

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[173] David Finegold and Alexis Spencer Notabartolo, '21st-Century Competencies and Their Impact: An Interdisciplinary Literature Review' (2010) Transforming the US workforce development system. See also 'Teaching and Assessing Soft Skills' (n 169); T Scott Murray, Yvan Clermont and Marilyn Binkley, 'International Adult Literacy Survey Measuring Adult Literacy and Life Skills: New Frameworks for Assessment' (Ministry Industry Canada 2005) 46-86 <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.120.4652&rep=rep1&type=pdf>. Last accessed 28 September 2022

[174] OECD, 'OECD Skills Strategy: Towards an OECD Skills Strategy' (2011) <https://www.oecd.org/education/47769000.pdf> cited in Paul Blackmore and others, 'Employability in Higher Education: A Review of Practice and Strategies around the World' (2016), 26 <https://www.pearson.com/content/dam/one-dot-com/one-dot-com/uk/documents/about/news-and-policy/employability-models-synthesis.pdf>. Last accessed 28 September 2022.
For discourse on terminology in relation to skills, see David Bridges, 'Transferable Skills: A Philosophical Perspective' (1993) 18 Studies in Higher Education 4; Veronica Burke, Ian Jones and Mike Doherty, 'Analysing Student Perceptions of Transferable Skills via Undergraduate Degree Programmes' (2005) 6 Active Learning in Higher Education 132.

The Report of The Secretary's Commission on Achieving Necessary Skills (SCANS report),[175] released in the US, identified skills required for employment in various jobs. The report identified 'workplace know-how' based on data collected from workers across multiple large industries, as summarised in Table 2.4 below. The report recommended that these competencies be learnt in authentic contexts, resulting in educational reform and efforts to improve collaboration between secondary and post-secondary providers and employers in the US. Similar skills frameworks were being developed in other Western countries, such as the Employability Skills 2000+[176] framework published by The Conference Board of Canada, summarised in Table 2.4 below. In Australia, initial research on generic skills was completed by the Finn committee, resulting in the 'report of Young people's participation in post-compulsory education and training' in 1991. The Mayer committee further developed this research in 1992, where they defined and described seven key competencies in their report 'Putting general education to work: The key competencies',[177] summarised in Table 2.4 below.

From a wider global context, the OECD thoroughly explored the concept of transferable skills in the Definition and Selection of Competencies (DeSeCo) Project,[178] where the education systems of member nations were measured using a broader range of indicators to determine a theoretical consensus on competencies from a multi-disciplinary context. The project commissioned a series of expert papers from individuals and groups from the disciplines of psychology, sociology, economics,

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[175] Michael Kane and others, 'The Secretary's Commission on Achieving Necessary Skills' (US Department of Labor 1990) <https://wdr.doleta.gov/SCANS/idsrw/idsrw.pdf>. Last accessed 28 September 2022

[176] 'Employability Skills 2000+' (The Conference Board of Canada 2000) <https://www.edu.gov.mb.ca/k12/cur/cardev/gr12_found/blms/blm18.pdf>. Last accessed 28 September 2022

[177] 'Key Competencies' (Australian Education Council and Ministers of Vocational Education, Employment and Training 1992) <http://hdl.voced.edu.au/10707/72980>. Last accessed 28 September 2022

[178] 'Definition and Selection of Competencies (DeSeCo): Executive Summary' (Organisation for Economic Co-operation and Development 2005) <https://www.oecd.org/pisa/35070367.pdf>. Last accessed 28 September 2022

anthropology, politics and philosophy, and it found that although there were unsurprising discrepancies in the technical competencies identified, there were some common themes of competencies which emerged across the disciplines.[179] Not long after the DeSeCo Project, the European Communities published the European Reference Framework,[180] which defined key competencies that European citizens require for their personal fulfilment, social inclusion, active citizenship and employability in light of globalisation and increased connectivity. Again, education was identified to have a key role in developing these required competencies. The key competencies and themes identified in the European Reference Framework are summarised in Table 2.4 below.

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[179] Dominique Simone Rychen and Laura Hersh Salganik, 'A Contribution of the OECD Program Definition and Selection of Competencies: Theoretical and Conceptual Foundations' (2000).

[180] 'Key Competencies for Lifelong Learning: European Reference Framework' (European Communities 2007) <https://www.britishcouncil.org/sites/default/files/youth-in-action-keycomp-en.pdf>. Last accessed 28 September 2022

Table 2.4. Summary of national frameworks on skills across advanced Western countries

SCANS report (US, 1991)	Mayer Report (Australia, 1992)	Employability Skills 2000+ (Canada, 2000)	DeSeCo Project (OECD, 2005)	European Reference Framework (EC, 2007)
Workplace competencies: • Productive use of resources, • interpersonal skills, • use of information, systems and technology. Foundation elements: • basic literacy and computational skills, • thinking skills (including creative thinking, decision-making, problem-solving, learning to learn and reasoning) • personal qualities (responsibility, self-esteem, sociability, self-management and integrity/honesty)	7 key competencies: • collecting, analysing and organising information, • communicating ideas and information, • planning and organising activities, • working with others and in teams, • using mathematical ideas and techniques, • solving problems, • using technology.	3 clusters of skills: • Fundamental skills (communicate, manage information, use numbers, think and solve problems), • Personal management skills (demonstrate positive attitudes and behaviours, responsibility, adaptability, continuous learning, work safely), • Teamwork skills (work with others, participate in projects and tasks).	Competence categories: • Using tools interactively (language, symbols and texts; knowledge and information; technology) • Interacting in heterogeneous groups (relatability, cooperation, managing and resolving conflict) • Acting autonomously (acting within the big picture, form and conduct life plans and personal projects, assert rights, interests, limits and needs)	8 key competencies: • Communication in mother tongue, • communication in foreign language, • mathematical competence and basic competence in science and technology, • digital competence, • learning to learn, • social and civic competence, • sense of initiative and entrepreneurship, • cultural awareness and expression Themes applied throughout the Reference Framework: • critical thinking, • creativity, • initiative, • problem-solving, • risk assessment, • decision-taking, and • constructive management of feelings

More locally, in the UK, a series of policy initiatives have advocated for the incorporation of employability skills in both academic and vocational education and training. The Robbins Committee on Higher Education in the 1960s argued that economic progress depended on developing a sufficiently highly skilled workforce and saw the universities as central to such a policy.[181] Later in the late 1990s, the Dearing report identified four key skills for the future success of graduates, whatever they intend to do in later life. These were communication skills, numeracy, the use of information technology, and learning how to learn.[182] Similar to the views of other advanced Western governments, as discussed above, British policies also valued transferable skills. Following the Dearing Report, some British universities integrated these key skills into the curriculum in varying ways.[183] Such policies spread over time to impose the same onus of incorporating skills through primary, secondary, and further education in the UK. The establishment of bodies such as the Quality Assurance Agency (QAA)[184] has been encouraged, and they have imposed expectations for certain skills to be incorporated into the curriculum at various levels of education.

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[181] 'Report of the Committee Appointed by the Prime Minister under the Chairmanship of Lord Robbins (The Robbins Report)' (Committee on Higher Education 1963) <http://www.educationengland.org.uk/documents/robbins/robbins1963.html>. Last accessed 28 September 2022.
See also Claus Moser, 'The Robbins Report 25 Years After--and the Future of the Universities' (1988) 14 Oxford Review of Education 5.

[182] 'The Dearing Report (1997) Higher Education in the Learning Society' (Her Majesty's Stationery Office 1997) 133 <http://www.educationengland.org.uk/documents/dearing1997/dearing1997.html>. Last accessed 28 September 2022

[183] Brockington outlines how universities responded to the Dearing report. For example, The University of Exeter developed an IT-based student portfolio with the national Key Skills standards built in; King Alfred's College, Winchester, had built in the national Key Skills standards into their Continuing Education provision; The University of Nottingham has been involved in a DfEE funded project to embed Key Skills into the HE curriculum; The University of Liverpool used set assignments developed for the national Key Skills units as a means of diagnostic assessment on entry; Liverpool Hope College put together a core module entitled Studentship, based upon the Key Skills units and aiming to equip students with the skills necessary to successfully progress through their HE programmes; University of Portsmouth used the national Key Skills standards to map development opportunities for all undergraduate programmes; Leeds Metropolitan University and Brunel University integrated development of Key Skills within their undergraduate curricula. See David Brockington, 'Key Skills within the National Qualifications Framework: 14-19' (2002) SKOPE Research Paper No31. 20-24

[184] The Quality Assurance Agency for Higher Education (QAA) <https://www.qaa.ac.uk/>. Last accessed 28 September 2022

Despite these efforts, many British policies on skills have been ambiguous and often ineffective. For example, the Criteria for Key Skills Qualifications was an outcome of evaluation and consultation during the mid to late 1990s.[185] This document suggested that these key skills were: working with others; improving learning and performance; and problem-solving. Although aspirational, these skills are ambiguous, making it difficult to scaffold teaching and assessment that develop these skills. This policy has since been withdrawn in 2017 for being redundant[186] and has been replaced by the Ofqual Functional Key Skills qualifications introduced in 2012. More recent UK frameworks of skills and policies were considered,[187] but they too lacked theoretical underpinning and conceptual clarity on how skills and competencies were clustered. For this reason, I looked beyond the UK to seek a comprehensive framework of transferable skills; and adopted the US National Research Council's Framework of 21st Century Skills which I discuss in the following section.

iii. NRC taxonomy of skills

In 2012, the National Research Council (NRC) in the US extensively studied 'transferable knowledge and skills in the 21st century' in relation to K-16 education,[188] which considered learning theories in their clustering of specific skills. They developed a clear and comprehensive taxonomy of skills, which have been adopted

[185] 'Criteria for Key Skills Qualifications' (Ofqual 2011) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/645601/11-07-12-Criteria-for-Key-Skills-Qualifications.pdf>. Last accessed 28 September 2022

[186] 'Removing Key Skills Criteria' Ofqual (3 August 2017) <https://www.gov.uk/government/news/removing-key-skills-criteria>. Last accessed 28 September 2022

[187] Hasan Bakhshi and others, 'The Future of Skills Employment in 2030' (nesta, Pearson and Oxford Martin School 2017) <https://media.nesta.org.uk/documents/the_future_of_skills_employment_in_2030_0.pdf>. Last accessed 28 September 2022; 'The Cambridge Employability Skills Framework' (Cambridge University Press) <https://languageresearch.cambridge.org/images/Employability/The-Cambridge-Employability-Framework-_-gen.pdf>. Last accessed 28 September 2022; Tom Ravenscroft and Laura Baker, 'Towards a Universal Framework for Essential Skills: A Review of the Skills Builder Framework' (2020) <Essential Skills Taskforce>.

[188] K-16 education refers to kindergarten through to undergraduate level in the US. For more information, see 'States' K-16 Education Systems' (Minnesota House of Representatives Research Department 2002) <https://www.house.leg.state.mn.us/hrd/pubs/k16educ.pdf>. Last accessed 28 September 2022

in this thesis. The NRC adopted the OECD's view that competencies are the broader concept encompassing knowledge and skills. The committee identified three broad domains of competence — cognitive, intrapersonal, and interpersonal - and organised the various terms for 21st century skills under these three domains. The term '21st century skills' is an alternative for 'transferable skills' as they view 21st century skills as 'knowledge that can be transferred or applied in new situations.'[189]

This transferable knowledge includes 'content knowledge in a domain and procedural knowledge of how, why, and when to apply this knowledge to answer questions and solve problems'.[190] The latter dimensions of transferable knowledge (how, why, and when to apply content knowledge) are often called skills. In their work, the NRC discusses how they considered knowledge and skills to be intertwined concepts. They also discuss the complexities which result from the 'jangle fallacy'[191] in this field, which has sometimes led to a waste of resources[192] or investigators ignoring research results of other investigators who may have used other measures to study the same construct. To address this problem, the committee clustered various terms for 21st century skills around a small number of constructs, creating a preliminary taxonomy based on existing taxonomies of human abilities[193] and research.[194]

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[189] James W Pellegrino and Margaret L Hilton, 'Education for Life and Work: Developing Transferable Knowledge and Skills in the 21st Century' (2012) 128 <https://doi.org/10.17226/13398>. Last accessed 28 September 2022

[190] Ibid

[191] Pellegrino and Hilton refer to Coleman and Cureton who describe the jangle fallacy as different language being used to describe the same construct. See WC Coleman and EE Cureton, 'Intelligence and Achievement: The "Jangle Fallacy" Again' (1954) 14 Educational and Psychological Measurement 347 cited in 'Education for Life and Work: Developing Transferable Knowledge and Skills in the 21st Century' (n 189) 25

[192] Ibid. The committee identified the "jangle fallacy" in reports that listed, for example, both teamwork and collaboration and both flexibility and adaptability as individual 21st century skills.

[193] Research-based taxonomies are available covering both cognitive and noncognitive competencies. See John B Carroll, *Human Cognitive Abilities: A Survey of Factor-Analytic Studies* (Cambridge University Press 2009); Lewis R Goldberg, 'The Development of Markers for the Big-Five Factor Structure' (1992) 4 Psychological Assessment 26.

[194] The NRC committee compared recent reports with earlier reports on workplace skill demands, including the SCANS report discussed in 2.1.4(ii) and the Occupational Information Network (O*NET) report which is a large database of information on 965 occupations which describes occupations along several dimensions, including worker characteristics (abilities, interests, work values, and work styles) and requirements (skills, knowledge, and education). For O*Net report, see Norman G Peterson and others, '0*NET Final Technical Report. Volume I

Their skills clusters are informed by a comprehensive literature review across several disciplines, including cognitive science, educational and social psychology, economics, child and adolescent development, literacy, mathematics and science education, psychometrics, educational technology, and human resource development.[195] In the NRC taxonomy, the three domains of competence represent distinct facets of human thinking and build on previous works that identify and organise human behaviour dimensions. Their domains are influenced by Bloom's 1956 taxonomy of learning objectives which included three broad domains: cognitive, affective, and psychomotor.

The NRC made clear distinctions among their cognitive, interpersonal, and intrapersonal domains from the way they are delineated, studied, and measured. Building on Bloom's work, the NRC view the cognitive domain as involving thinking and related abilities, such as reasoning, problem-solving, and memory. Like Bloom's affective domain, their intrapersonal domain involves emotions and feelings and includes self-regulation. They suggest the interpersonal domain was not represented in Bloom's taxonomy and was developed based on the NRC's previous work.[196] In the NRC's taxonomy, interpersonal competencies are used to express information to others, interpret others' messages (both verbal and non-verbal) and respond appropriately. Albeit some intersections and gaps, the NRC taxonomy provided sufficiently comprehensive distinctions and categorisation of skills which could be utilised in this thesis. Figure 2.1 below summarises the NRC's taxonomy of

[and] Volume II [and] Volume III.' (American Institutes for Research 1997) <https://www.academia.edu/32895759/O_NET_Final_Technical_Report_Volume_I_and_Volume_II_and_Volume_III> Last accessed 28 September 2022; and Norman G Peterson and others, 'An Occupational Information System for the 21st Century: The Development of O*NET.' [1999] American Psychological Association.

[195] 'Education for Life and Work: Developing Transferable Knowledge and Skills in the 21st Century' (n 189) 18

[196] Judith Anderson Koenig Rapporteur, 'Assessing 21st Century Skills: Summary of a Workshop' (National Research Council 2011) <https://nap.nationalacademies.org/catalog/13215/assessing-21st-century-skills-summary-of-a-workshop>. Last accessed 28 September 2022

transferable skills, which encompass various skills categorised and clustered according to their respective domains of competence, as discussed above.[197] In 4.1.2, I provide insight into how this taxonomy developed the coding scheme for data collected in this thesis.

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[197] For original source, see 'Education for Life and Work: Developing Transferable Knowledge and Skills in the 21st Century' (n 189) 32-34

Figure 2.1. NRC's Clusters of Competencies from Pellegrino and Hilton (n 189)

Cognitive	cognitive processes & strategies	Critical thinking, problem-solving, analysis, reasoning/argumentation, interpretation, decision-making, adaptive learning, executive function
	knowledge	Information literacy (research using evidence and recognising bias in sources); information and communications technology literacy; oral and written communication; active listening
	creativity	Creativity, innovation
Interpersonal	intellectual openness	Flexibility, adaptability, artistic and cultural appreciation, personal and social responsibility (including cultural awareness and competence), appreciation for diversity, continuous learning, intellectual interest and curiosity
	work ethic/ conscientiousness	Initiative, self-direction, responsibility, perseverance, productivity, grit, Type 1 self-regulation (metacognitive skills, including forethought, performance, and self-reflection), professionalism/ ethics, integrity, citizenship, career orientation
	positive core self-evaluation	Type 2 self-regulation (self-monitoring, self-evaluation, self-reinforcement), physical and psychological health
Intrapersonal	teamwork & collaboration	Communication, collaboration, teamwork, cooperation, coordination, interpersonal skills, empathy/perspective taking, trust, service orientation, conflict resolution, negotiation
	leadership	Leadership, responsibility, assertive communication, self-presentation, social influence with others

iv. Approaches: bolt-on or built-in?

Several studies highlight the difficulty in deciding what skills to foster and how they should be fostered through the curriculum to better prepare students for employment. As Blackmore discusses, whilst some STEM subjects have direct links to industry and a natural path from education to employment, other subjects (perhaps such as legal education) with less tangible skillsets still pose a significant challenge.[198] Although legal skills such as advocacy and drafting could be viewed as tangible skills for a career in law, these skills have limited utility for the majority of LLB graduates who do not pursue careers in the legal profession,[199] as will be discussed in 2.2.4(ii), and so there is a need to consider how best to develop skills which that can be transferred and utilised beyond the legal section. More recently, the Select Committee on Digital Skills has suggested that universities should also ensure that all graduates are digitally competent. It suggests offering prospective students the option to add shorter, more flexible digital skills to its existing course.[200]

The literature on skill development suggests some approaches to integrate skill acquisition and transfer into the curriculum. However, again, terminology was often used interchangeably and contradictorily. For example, Drummond and others suggest three approaches,[201] all three of which have multiple names: (i) the embedded or integrated approach, which refers to skills being developed within the

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[198] 'Employability in Higher Education: A Review of Practice and Strategies around the World' (n 174).

[199] For example, Nathanson discussed how transferable skills are valuable in legal education as they can be used in a wide variety of contexts. They have more 'staying power' than legal knowledge, which is vulnerable to changes in the law and subject to the natural human tendency to forget knowledge through time or disuse. See Stephen Nathanson, 'Role of Problem Solving in Legal Education' (1989) 39 Journal of Legal Education 167. 167

[200] 'Make or Break: The UK's Digital Future' (House of Lords Select Committee on Digital Skills 2015), Para 200 <https://publications.parliament.uk/pa/ld201415/ldselect/lddigital/111/111.pdf>. Last accessed 28 September 2022

[201] Ian Drummond, Iain Nixon and John Wiltshire, 'Personal Transferable Skills in Higher Education: The Problems of Implementing Good Practice' (1998) 6 Quality Assurance in Education 19.

curriculum through credit-bearing modules; (ii) the parallel, bolt-on or stand-alone approach which refers to skills being developed in freestanding modules that are not integrated into the curriculum; and (iii) work placements or work-based projects which is self-explanatory. Conversely, Chadha suggests three approaches with similar names: [202] (i) the bolt-on approach referring to the independent skill development of the core discipline, which enables explicit development of students' transferable skills; (ii) the embedding approach, which emphasises promoting the development of technical 'know-how' in credit-bearing modules without directly addressing transferable skills; and (iii) the integrating approach where skills are developed and taught explicitly within the core discipline, and the same amount of emphasis is placed on the development of transferable skills as technical abilities. The Pearson report on Employability in Higher Education[203] refers to the bolt-on or stand-alone approach, which refers to activities that sit outside of specific academic modules such as extra-curricular opportunities, workshops, optional courses, or work placements and work-based projects; and the embedded approach as a very cryptic 'embedding of desired employability skills within courses'.[204]

Although there were some overlaps in their references to these approaches, as noted above, their terminology also contained contradictions. From the overlaps, I identified two main approaches used: bolt-on and built-in.[205]

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[202] Deesha Chadha and Gill Nicholls, 'Teaching Transferable Skills to Undergraduate Engineering Students: Recognising the Value of Embedded and Bolt-on Approaches' (2006) 22 International Journal of Engineering Education 116; Deesha Chadha, 'A Curriculum Model for Transferable Skills Development' (2006) 1 Engineering Education 19.

[203] 'Employability in Higher Education: A Review of Practice and Strategies around the World' (n 174).

[204] Ibid, 18

[205] Sheffield Law School also refer to these two approaches, but do not provide their definition on distinctions between the two. See James Cairns, Tamara Hervey and Oliver Johnson, 'Neither "Bolt-on" nor "Built-in": Benefits and Challenges of Developing an Integrated Skills Curriculum through a Partnership Model' [2018] Journal of Learning Development in Higher Education.

Bolt-on approaches are generally referred to when discussing:

- methods that are formative to the learner's development through means adjacent to the programme of study in a non-credit bearing manner;
- this may be through 'stand-alone' or 'free-standing' activities which are not discipline specific (i.e. generic IT skills course or scheme accessible to any UG student in the university irrespective of programme a student is enrolled on, or academic mentoring workshops or tutorials provided by the library or other academic mentors); or
- 'parallel' activities related to the discipline of study but not integrated into the teaching and assessment strategy of the programme (i.e. extra-curricular law clinic or pro bono activities).

Built-in approaches generally refer to:

- methods which have been integrated or embedded into the learning and assessment strategy of the programme of study;
- have mapped skill progression across the years of study and are credit-bearing (although not necessarily);
- Examples of this may be CLE or placement modules which are credit-bearing, or legal/academic skills modules which are compulsory for students to pass or complete, although no credits may be allocated to the module itself.

I summarise my distinction between these two approaches in Figure 2.2 below. Throughout this thesis, I refer to bolt-on and built-in approaches based on these distinctions. These distinctions were used to code the data during my content analysis of 107 LLB provider websites, as introduced earlier in this thesis. Later in 2.3, I discuss my findings on the bolt-on and built-in approaches utilised by LLB providers across England and Wales for the various provisions in the curriculum today.

Figure 2.2. Distinctions between bolt-on and built-in approaches
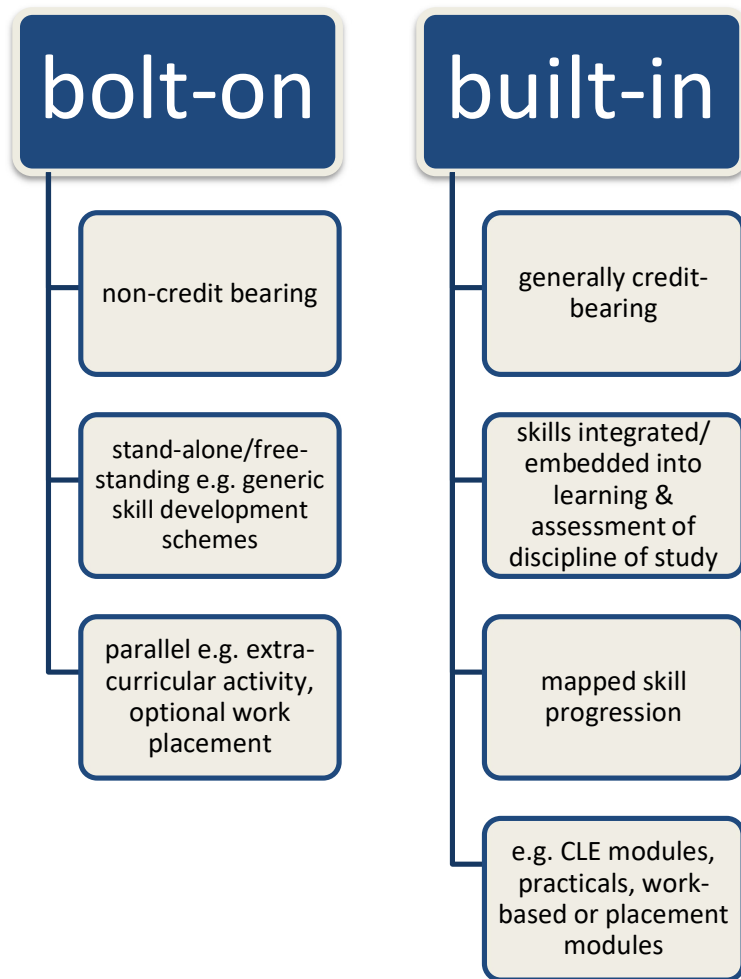
Pearson's report on Higher Education suggested that universities might use a bolt-on approach to offer employability modules as part of a degree programme.[206] Bolt-on skills development can be advantageous in making skills development explicit. However, there is a risk that students may fail to grasp the educational value of such an approach. Cottrell, for example, views that skills enhancement 'does not thrive if they are divorced from the students' overall teaching and learning experience'.[207] Some also suggest that skills 'cannot be effectively taught in a vacuum' and that skills development needs to be discipline-orientated.[208] Whilst the bolt-on approach certainly still has value in some context, there seems to be more support for built-in approaches.

Research also suggests that developing skills components into curricula is seen as a more effective teaching approach in HE, as it is more representative of 'real-life' application of skills in the workplace.[209] Even in the Dearing report, the committee considered an Open University (OU) project which included key skills in their programmes by two approaches: embedding them (built-in) in existing programmes and creating parallel modules of 'skills development' (bolt-on). They refer to the OU's findings that there is a considerable long-term advantage in embedding skills into programmes despite the initial investment to redesign programmes that include skills and train staff in feedback and assessment techniques.[210] The challenge in

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[206] Abigail Diamond and others, 'Global Graduates into Global Leaders' (Association of Graduate Recruiters, Council for Industry and Higher Education and CFE Research and Consulting 2008) 19 <https://www.ncub.co.uk/insight/global-graduates-into-global-leaders/> Last accessed 28 September 2022.

[207] Stella Cottrell, *Teaching Study Skills and Supporting Learning* (Red Globe Press 2001).

[208] Drummond and others (n 201) 21

[209] Paul Humphreys, Kate Greenan and Heather McIlveen, 'Developing Work-based Transferable Skills in a University Environment' (1997) 21 Journal of European Industrial Training 63.

[210] The Dearing Report (n 182) 136

developing skills through the built-in approach is that the associated teaching is less effective unless there is an explicit awareness related to developing the skills.[211]

To maximise the effectiveness of these approaches, Sheffield Law School uses a simultaneous bolt-on and built-in approach to develop transferable skills in the LLB curricula through a 'Spine' module which runs through the three years of their LLB programme. Although attendance on the module is compulsory (built-in), the module is not credit-bearing (bolt-on). Students must pass the Spine module to progress to the next year of their LLB (built-in).[212] Although there are lectures on skills throughout the module, educators contextualise their input to legal practice so students can apply their learning to their credit-bearing modules (built-in).

Through their reflections on the effectiveness of the Spine module, Cairns and others discuss some apathy towards the Spine, perhaps stemming from its compulsory zero-credit (i.e. high-commitment, low-stakes) characteristic, which was necessary to accommodate other professional and discipline-specific content within the three-year LLB, but also perhaps relating to a 'deep-rooted ambivalence towards skills-based learning' from both, students and staff.[213] They also discuss how it was challenging from a resource perspective as the disciplinary expertise between educators in a sizeable research-led law school differs significantly. The intentional reframing of students and educators working in 'partnership' was central to the model's ethos and

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[211] Drummond and others (n 201)

[212] The module uses an approach where educators and students work in 'partnership'. On the module, students peer tutor those of the same level or below (e.g, Level 4, 5, 6 students tutoring Level 2, 3, and 4 students) and students have responsibility for assessing each other. At the end of each year, a reflective assignment is due and formative feedback is given. In first and final years, the reflective assignment is assessed by educators. In the second year, this reflective assignment is assessed by peers. See Cairns and others (n 205)

[213] Some staff were said to be indifferent or unengaged in the delivery of the module, which could possibly contribute to a trickle-down effect on some students. The internationalisation strategy which increased diversity in the faculty also posed challenges in this instance as there was at times a lack of commonality in disciplinary expertise, even at the level of a jurisdiction or core job function as not everyone in the department has an English law degree, and not everyone is research-active. See Cairns and others (n 205)

success for pedagogic and epistemological reasons.[214] However, this presented unexpected challenges as the difference in disciplinary expertise also meant that some educators had conflicting views on the role of educators and how learning occurs. The epistemological assumptions on which the Spine module was based in the law school were not shared by everyone.

From this section, the utility and challenges of bolt-on and built-in approaches should be clear to the reader. Later in this thesis, these approaches are revisited.

2.2 The purpose of LLBs in England and Wales

The literature under this section partially addresses the below research sub-questions through the following specific corresponding subsections:

Sub Q 1a: What makes legal education a discipline which requires a bespoke pedagogic approach? – 2.2.1; 2.2.4

Sub-Q 1b: What are LLB Degrees for in England and Wales? – 2.2.1; 2.2.2; 2.2.3

Sub-Q 3a: What skills are most important for employment today? – 2.2.1; 2.2.3; 2.2.4

The literature in this section examines the purpose of LLB degrees in England and Wales, epistemically and practically. For clarity, 'purpose' is interpreted as overarching aims, objectives, underlying goals, and ambitions of LLB provisions in England and Wales from the perspective of different stakeholders of legal education, most notably regulators, providers and students. I discuss influential factors that have informed and challenged the purpose of LLB degrees through an examination of relevant policies and regulations (2.2.1; 2.2.2; 2.2.3). As discussed in the previous

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[214] This reframing acknowledged the constructed nature of knowledge and the indivisibility of skills and knowledge learning, and it allowed for students and educators to learn together and construct knowledge and develop respective skills based on personal reflections of their experiences on the Spine module. See Cairns and others (n 205)

section, Higher Education Institutions (HEIs) and consequently UG provisions in England and Wales have been affected by policies which increasingly have a skills agenda. Legal education has been no exception to this movement, creating challenges to the purpose of LLB provision which have transpired in form of a liberal versus vocational debate between providers (2.2.4).

The unique epistemology of law as a discipline has created notable complexities in determining the purpose and, consequently, focus for legal education. The debate on what law school is for has been ongoing for decades and will continue for decades to come. Birks' edited collection, "Pressing Problems in the Law: What is Law School for?",[215] features a whole collection of essays on the topic from over two decades ago, from an English perspective. Similarly, from an American perspective, over 20 years ago, Kronman stated that the aims of legal education are unclear to teachers and practitioners and that a new and aggressive culture of commercial values which claims for itself a moral as well as a material superiority, is spreading through the profession as a whole.[216] This question will always be a current issue to debate globally due to the ever-evolving nature of legal education and the legal profession, and the complex relationship between the two sectors.

In the following subsections, the historical context of legal education in England and Wales, notable events, and policies that have influenced the purpose of LLBs in England and Wales to date will be examined. An overview of policy and events that have been considered in this section is summarised below in Figure 2.3.

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[215] Peter Birks, *Pressing Problems in the Law: What Are Law Schools For?*, vol 2 (Oxford University Press 1996).
[216] Anthony T Kronman, 'Professionalism' (1999) 2 Journal of the Institute for the Study of Legal Ethics 89. 90

Figure 2.3. Timeline of policy development that has informed the purpose of LLB degrees in England and Wales

Pre-1950	**1960 Robbins Committee**	**1971 Ormrod Committee Report**
* Legal education and training widely unregulated and uncoordinated * access to legal education and training socio-politically protected	• Education Act 1962 enacted which introduced State funded University education • widened participation in HE	• Introduced QLD as a requirement to enter into legal profession • 2 stage entry into the profession: Academic (QLD) and Vocational Training

1990	**1992 Further and Higher Education Act**	**1997 Dearing report**
• Maintainence grants capped, student loans company established. • Liability of Higher Education transferred from State to student	• polytechnics and colleges received University status • QAA established to audit and quality assure post-92 universities	• introduced tuition fees. maintenance awards replaced with student loans. • Identified 4 key skills for future success of graduates whatever they intend to do in later life

1999 SRA-BSB Joint Statement	**2010 Browne Report**	**2019 QAA Benchmark Statement on Law**
• FLK introduced • Requirements for QLD presecribed for entry into profession	• proposed removal of cap on fees and increased access to student finance. • In 2012, fee cap increased from £3000 to £9000 and cut most public funding for education	Current benchmark statement for law

2020 COVID	**2021 SQE**	**2022 QAA changes**
• Lockdown shifted all HE and most jobs online • Post-lockdown: increased integration of technology in HE & many jobs; continued remote/blended arrangements	SQE introduced as the new pathway to qualify as a solicitor	• announcement to demit DQB status in March 2023 • proposals for Benchmark Statement revisions published for open consultation in September 2022

The above timeline provides the reader with an overview of policy and events that have influenced the purpose of LLBs in England and Wales. To build a concise and coherent discussion, only the most relevant policies and events have been selected for this thesis. Therefore, it is important to note that this is by no means an exclusive list. In the following subsections, I discuss the implications of each of these policies and events in greater detail to provide the reader with a clearer understanding of how these policies and events have developed and contributed to the (i) complex relationship between LLB providers and regulators of the legal profession; (ii) expansion and diversification of LLB provisions across England and Wales; (iii) HE consumerism and its impact on the purpose of LLBs in England and Wales today; and (iv) influential agendas affecting LLB provisions.

2.2.1 LLB providers and regulators of the legal profession

In Figure 2.4 below, I provide the reader with an overview of the relevant policy and events that frame the discussion on the tensions between LLB providers and regulators of the legal profession and how this complex relationship has mystified the purpose of LLBs in England and Wales today.

Figure 2.4 Overview of policy considered in 2.2.1

The epistemic uncertainty of legal education is deep-rooted in the complex relationship between regulators and educators. Although LLBs in England share similarities with UG law degrees of many other countries in terms of subject discipline

knowledge, it is important to note from the outset that the purpose of the LLB in England and Wales is not to train legal practitioners, and it has never been so. The LLB degree is purely academic, and the qualification has never been necessary to qualify as a barrister or solicitor in England and Wales.[217] Up until lately, to qualify as a barrister or solicitor in England and Wales, there have been three distinct stages of training: (1) academic qualification, which can be fulfilled through a QLD,[218] (2) vocational qualification, which is fulfilled through the respective professional PG courses,[219] and (3) professional training that is fulfilled through a pupillage for barristers and a training contract for solicitors.

Although the SRA and BSB have been highly influential in the LLB provisions in England and Wales, these regulatory bodies have had limited authority over LLB provisions. This complex, tangled relationship dates back to the Ormrod Committee's recommendations in the 1970s,[220] where the idea of a QLD was introduced by suggesting that certain 'core' subjects had to be completed for a law degree to be recognised as a QLD in England and Wales (to fulfil the academic stage of training mentioned in the above paragraph). Post-Ormrod, regulators of the legal profession refused to accept any degree that did not include the then five core subjects required

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[217] As per the 1999 Joint Statement, any conversion course, mixed degree and senior status degree which satisfied the requirements of the Joint Statement were recognised in the same way as other law degrees. See 'Joint Statement on the Academic Stage of Training' (Law Society and General Council of the Bar 1999) <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/academic-stage-joint-statement-bsb-law-society/>. Last accessed 28 September 2022; Bar Standards Board and Solicitors Regulation Authority, 'Academic Stage Handbook, Version 1.4' (2014) <https://www.sra.org.uk/globalassets/documents/students/academic-stage/academic-stage-handbook.pdf?version=4a1ac3>. Last accessed 28 September 2022

[218] Ibid. This does not necessarily have to be an LLB

[219] The respective stages of vocational training were the Legal Practice Course (LPC) for aspiring solicitors and the Bar Professional Training Course (BPTC) for aspiring barristers. See 'Legal Practice Course' (Solicitors Regulation Authority) <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/lpc/> Last accessed 28 September 2022; 'The 2019-20 BPTC Handbook' (Bar Standards Board) <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/vocational-component/the-bptc-handbook.html>. Last accessed 28 September 2022

[220] 'Report of the Committee on Legal Education (Ormrod Report)' (1971). See also Philip A Thomas and Geoff M Mungham, 'English Legal Education: A Commentary on the Ormrod Report' (1972) 7 47; GP Wilson, 'Reflections on the Ormrod Committee Report' (1971) 34 The Modern Law Review 635.

by the professions. The refusal (not disapproval) of degrees that were not QLDs indirectly influenced LLB provisions in England and Wales significantly.

Following later revisions,[221] these five core subjects expanded to become the current Foundations of Legal Knowledge (FLK), namely Public Law (including Constitutional Law, Administrative Law and Human Rights), Law of the European Union, Criminal Law, Obligations (including Contract, Restitution and Tort), Property Law, and Equity and the Law of Trusts.[222] The concept of a QLD was further consolidated by the Law Society and the Bar Council Joint Statement[223] ('Joint Statement') in 1999, which prescribed how QLD programmes were to be structured in terms of credit weightage and length of programmes, and it included further prescription on the delivery of the FLK subjects. Following this Joint Statement, only provisions that complied with these prescriptions were deemed acceptable for entry into the route to qualify as a barrister or solicitor. LLB providers still had the flexibility to deliver their provisions in a manner that did not adhere to the Joint Statement requirements, but they would not have been considered as a QLD by the regulators[224] and, therefore, not accepted for entry into the profession.

However, since 2021, the Joint Statement is no longer in effect as both regulators have introduced revised entry routes into the profession that no longer require the previous prescriptions of the QLD. For entry into the solicitor's profession, the Legal Practice Course (LPC) has been replaced by the new SQE 'super-exam' route to qualification, which no longer requires a QLD. The FLK are tested through the SQE1 exam, but there is no prescribed method for how students gain this knowledge. This

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[221] 'First Report on Legal Education and Training' (The Lord Chancellor's Advisory Committee on Legal Education and Conduct 1996).
[222] 'Academic Stage Handbook, Version 1.4' (n 217)
[223] 'Joint Statement on the Academic Stage of Training' (n 217)
[224] 'Academic Stage Handbook, Version 1.4' (n 217)

technically means students have the liberty to learn the FLK on their own instead of through an approved education provider.[225] Although a degree or equivalent is required to enter the profession, no explicit guidance states that the degree must be completed before sitting for the SQE exams. This could potentially mean that an aspiring solicitor could complete the SQE stage before pursuing a degree equivalent. The training contract that previously made up the vocational training stage has now been replaced by a less regimented concept of two years of 'Qualifying Work Experience' (QWE). This QWE can be made up of experiences from up to four different organisations that provide legal services, and it does not need to be in England or Wales.[226]

As for entry into the barrister's profession, the Bar Professional Training Course (BPTC) has also been revised recently. It is no longer called the BPTC, and providers have the freedom to name the course as they see fit. However, the contents and requirements have mostly remained the same. The QLD requirements still remain under the new Bar Course, although the BSB no longer uses the term QLD in their guidance.[227] For the academic component of training, the BSB requires the FLK to be covered either through a law degree, or a non-law degree and the Graduate Diploma

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[225] This term is used by the SRA in reference to providers 'recognised by the SRA as providing a Qualifying Law Degree, CPE, Exempting Law Degree, or an Integrated Course'. See 'SRA Education, Training and Assessment Provider Regulations' (Solicitors Regulation Authority) <https://www.sra.org.uk/solicitors/standards-regulations/education-training-assessment-provider-regulations/>. Last accessed 28 September 2022

[226] Candidates looking to qualify through the SQE route will need to complete two years' full-time (or equivalent) qualifying work experience (QWE) although the SRA does not prescribe what full time (or equivalent) means. QWE can take place in a wide range of organisations providing legal services and can be gained in up to four organisations, in paid or volunteer work, and could include time spent on placement during a law degree, working in a law clinic, at a voluntary or charitable organisation or a law centre, working as a paralegal, on a training contract. Simulated legal services also do not count; it must be real life experience. Candidates can gain QWE before, during or after they sit the SQE assessments and can use experience from previous roles. QWE can be gained in England or Wales or overseas, and it does not need to cover English and Welsh law. A candidate will need knowledge of this to take the SQE assessment, but they do not need to gain this specifically through their work experience. See 'Qualifying Work Experience for Candidates' (Solicitors Regulation Authority) <https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/>. Last accessed 28 September 2022

[227] 'Becoming a Barrister: An Overview' *Bar Standards Board* <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister.html>. Last accessed 28 September 2022

in Law.[228] If it is through a law degree, the BSB has continuing requirements for it to be compliant with the QAA subject Benchmark Statement for Law,[229] which will be discussed below. The stages of training remain the same for the barristers' profession: (1) an academic stage which covers the FLK, followed by (2) a vocational qualification stage fulfilled through the Bar Course (which may have another name), and finally, the (3) pupillage. This gives LLB providers the flexibility to deliver their programmes in more innovative manners, for example, through pathway options which only make the FLK compulsory for students aspiring to become barristers.

The QAA is the only regulatory body with some jurisdiction over (most) LLB providers in England and Wales. It was set up in the early 1990s to regulate the polytechnics that gained university status as an effect of the Further and Higher Education Act 1992.[230] The QAA has historically had no interest or requirements in monitoring QLD compliance, and the remit of the QAA's regulation of LLBs is similar to their regulation of any other university course in the UK. As part of their continuous quality assurance, the QAA produces subject benchmark statements periodically. Currently, a panel is reviewing the Benchmark Statement for Law ('Benchmark Statement'), but the revisions will only be published in March 2023, so the proposed revisions[231] do not frame the discussions in this thesis. However, the proposed revisions are discussed later in 5.2 as they are relevant to this thesis. The current Benchmark Statement published in 2019 is effective at the time of writing. The QAA will be changing their role soon as it recently announced that it will be demitting its Designated Quality Body status in England from March 2023 onwards. They have established a new body that

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[228]'Academic Component of Bar Training' *Bar Standards Board* <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/academic-component.html>. Last accessed 28 September 2022
[229] BSB 'Common Protocol on the Academic Stage of Training' (n 1)
[230] This is discussed in more detail in 2.2.2
[231] 'Subject Benchmark Statement: Law (Version for Consultation)' (Quality Assurance Agency for UK Higher Education 2022) <https://www.qaa.ac.uk/quality-code/subject-benchmark-statements/consultation-on-revised-subject-benchmark-statements>. Last accessed 28 September 2022

will specifically oversee quality assurance functions and facilitate greater independence and structure in its approach to quality assurance of HE provisions.[232] At present, there is little significance of this change to LLBs; however, it is worth noting for completeness.

Through the discussions in this section, it is evident that the SRA and BSB now have reduced interest in the academic stage of training for the legal profession. Unger suggests the change in relationship between LLB providers and regulators of the legal profession creates opportunities as law schools now have the freedom to redesign their courses and 'move out of the shadow of the professional bodies' historic insistence on core foundation subjects'.[233] These changes also enable academic law to maintain a critical distance from the profession, which Boon and Webb opine is necessary to ensure legal education contributes to law as a liberal, humane profession.[234] Menis additionally suggests that it is now an opportune time for educators to 'take stock' and reconsider the role of legal education as the QLD has become 'redundant'.[235] By allowing history to guide and assess LLB providers' power relation with the profession, a degree 'informed by a pedagogy that empowers citizenship, diversity, inclusiveness and tolerance' can be facilitated.[236] I return to my discussion on the opportunities and challenges created by these developments later in 2.3.2.

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[232] The newly established Designated Quality Body for England Board will be responsible for assessments of the quality and standards of higher education provisions; and it will provide advice regarding the quality and standards before the OfS makes a decision about authorisation, variation or revocation to grant taught awards or research awards from a provider. The QAA will still continue to carry out all its other functions, including the publication of subject Benchmark Statements. See Designated Quality Body in England < https://dqbengland.org.uk/> Last accessed 15 October 2022
[233] Andy Unger, 'Legal Education Future(s) – the Changing Relationship between Law Schools and the Legal Profession', *Key Directions in Legal Education National and International Perspectives* (Routledge 2021) 11
[234] Julian Webb, 'The "Ambitious Modesty" of Harry Arthurs' Humane Professionalism' (2006) 44 Osgoode Hall Law Journal cited in Andrew Boon and Julian Webb, 'Legal Education and Training in England and Wales: Back to the Future?' (2008) 58 Journal of Legal Education 79.
[235] Susanna Menis, 'The Liberal, the Vocational and Legal Education: A Legal History Review – from Blackstone to a Law Degree (1972)' (2020) 54 The Law Teacher 285. 299
[236] Ibid

i. Learning Outcomes for an LLB

As discussed above, although LLB providers in England and Wales have a complex relationship with regulators of legal practice, the LLB degree does not train legal practitioners and is not vocational. The regulatory body for LLB provisions is the QAA, and its purposes, are outlined by the current Benchmark Statement below:

> Studying law at UG level is an academic matter. Law graduates do not, by virtue of their degree, have a right to practise law professionally. The study of law involves the acquisition of legal knowledge, general intellectual skills and certain skills that are specific to the study of law. The balance that there will be between the acquisition of legal knowledge, general intellectual skills and subject-specific skills in a curriculum will vary between law schools.[237]

Depending on the provider, there may be vocational components and some degrees may prepare students to better transition into legal practitioners, but there is no regulatory or statutory requirement for vocational training as part of the LLB degree as in some other countries such as the US.[238] Although the SRA and BSB are now minimally concerned with LLB provisions, as discussed above, their expectations of the QLD were still considered as part of this thesis to coherently understand how LLBs have been influenced in England and Wales historically.

The NRC Taxonomy of Skills were mapped against the Joint Statement and Benchmark Statement to evaluate the type of skills that influential regulatory bodies

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[237] 'Subject Benchmark Statement: Law' (n 5)

[238] American Bar Association, Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession. (b) A law school shall establish and publish learning outcomes designed to achieve these objectives. Standard 302. LEARNING OUTCOMES A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (a) Knowledge and understanding of substantive and procedural law; (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession. See '2021-2022 Standards and Rules of Procedure for Approval of Law Schools' (American Bar Association) <https://www.americanbar.org/groups/legal_education/resources/standards/>. Last accessed 28 September 2022

deemed relevant for LLB provisions. Interestingly, most Learning Outcomes (LOs) fell within the cognitive domain; with none of the Joint Statement LOs falling within the interpersonal or intrapersonal domains, and only a few of the Benchmark Statement LOs falling within these domains. Table 2.5 below summarises key findings from exploring these statements[239] mapped against the NRC Taxonomy of Skills.[240]

Table 2.5. Joint Statement and Benchmark Statement mapped against NRC taxonomy of skills

SRA & BSB Joint Statement on the Academic Stage of Training	QAA Subject Benchmark Statement for Law
Schedule One The knowledge and transferable skills which should be addressed in any course of study leading to the award of a degree recognised by the Law Society and General Council of the Bar as satisfying the initial or academic stage of training are as follows: **A. Knowledge** Students should have acquired: i. Knowledge and understanding of the fundamental doctrines and principles which underpin the law of England and Wales particularly in the Foundations of Legal Knowledge; *Information literacy* **[COGNITIVE]** ii. A basic knowledge of the sources of that law, and how it is made and developed; of the institutions within which that law is administered and the personnel who practice law; *Information literacy* **[COGNITIVE]** iii. The ability to demonstrate knowledge and understanding of a wide range of legal concepts, values, principles and rules of English law and to explain the relationship between them in a number of particular areas; Information literacy **[COGNITIVE]** iv. The intellectual and practical skills needed to research and analyse the law from primary resources on specific matters; and to apply the findings of such work to the solution of legal problems; *Information literacy, analysis* **[COGNITIVE]** v. The ability to communicate these, both orally and in writing, appropriately to the needs of a	**A law student's skills and qualities of mind** 2.4 A graduate of law with honours has demonstrated: i. intellectual independence, including the ability to ask and answer cogent questions about law and legal systems, identify gaps in their own knowledge and acquire new knowledge, and engage in critical analysis and evaluation, *critical thinking, self-evaluation* **[COGNITIVE][INTRAPERSONAL]** ii. self-management, including an ability to reflect on their own learning, make effective use of feedback, a willingness to acknowledge and correct errors and an ability to work collaboratively, *self-direction, self-regulation, collaboration* **[INTRAPERSONAL][INTERPERSONAL]** iii. awareness of principles and values of law and justice, and of ethics, *Information literacy* **[COGNITIVE]** iv. knowledge and understanding of theories, concepts, values, principles and rules of public and private laws within an institutional, social, national and global context, *Information literacy* **[COGNITIVE]** v. study in depth and context of substantive areas of law, *critical thinking* **[COGNITIVE]** vi. ability to conduct self-directed research, including accurate identification of issue(s) which require researching, retrieval and evaluation of accurate, current and relevant information from a range of appropriate sources, including primary legal sources,

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[239] The SRA and BSB Joint Statement relates to QLD requirements. All LLBs in England and Wales can be QLDs if they comply with these requirements. The Benchmark Statement for Law relates to UG Law degrees, not LLBs or QLDs specifically. There is no HE regulatory policy which relates to LLBs specifically. See 'Joint Statement on the Academic Stage of Training' (n 217); 'Subject Benchmark Statement: Law' (n 5)

[240] For discussion on NRC taxonomy of skills, see 2.1.4(iii)

variety of audiences. *oral and written communication* **[COGNITIVE]** **B. General Transferable Skills** Students should be able: i. To apply knowledge to complex situations; *analysis, critical thinking* **[COGNITIVE]** ii. To recognise potential alternative conclusions for particular situations, and provide supporting reasons for them; *reasoning/argumentation* **[COGNITIVE]** iii. To select key relevant issues for research and to formulate them with clarity; *critical thinking* **[COGNITIVE]** iv. To use standard paper and electronic resources to produce up-to-date information; *executive function, critical thinking, innovation* **[COGNITIVE]** v. To make a personal and reasoned judgement based on an informed understanding of standard arguments in the area of law in question; *reasoning/argumentation, analysis* **[COGNITIVE]** vi. To use the English language and legal terminology with care and accuracy; *oral and written communication* **[COGNITIVE]** vii. To conduct efficient searches of websites to locate relevant information; to exchange documents by email and manage information exchanges by email; *executive function, problem-solving* **[COGNITIVE]** viii. To produce word-processed text and to present it in an appropriate form. *executive function, oral and written communication* **[COGNITIVE]**	*self-direction, problem-solving* **[INTRAPERSONAL] [COGNITIVE]** vii. ability to work with a range of data, including textual, numerical and statistical, *analysis* **[COGNITIVE]** viii. ability to recognise ambiguity and deal with uncertainty in law, *analysis, innovation* **[COGNITIVE]** ix. ability to produce a synthesis of relevant doctrinal and policy issues, presentation of a reasoned choice between alternative solutions and critical judgement of the merits of particular arguments, *reasoning/argumentation, analysis* **[COGNITIVE]** x. ability to apply knowledge and understanding to offer evidenced conclusions, addressing complex actual or hypothetical problems, *reasoning/argumentation, problem solving* **[COGNITIVE]** xi. ability to communicate both orally and in writing, in relation to legal matters, including an ability to listen and respond to written and oral stimuli, including questions and instructions, *oral and written communication* **[COGNITIVE]** xii. engagement with their own personal and professional development, and academic integrity. *Personal and social responsibility, continuous learning, integrity* **[INTRAPERSONAL]**

From this analysis, it is quite evident that influential bodies perceive skills that fall within non-cognitive domains as having little relevance to LLBs. This is unsurprising as the discipline of law has a reputation for being 'neutral, objective and value-free',[241] and consequently, many providers of legal education place great emphasis on making law students analytical, objective and impartial in their application of legal reasoning to justify legal decisions.[242] Interpersonal and intrapersonal skills can sometimes be viewed as injurious to objectivity and impartiality; however some view

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[241] John Henry, *The Idea of a University* (1852) <https://www.newmanreader.org/works/idea/>. Last accessed 28 September 2022.
For more discussion on what a liberal legal education might look like, see Anthony Bradney, *Conversations, Choices and Chances: The Liberal Law School in the Twenty-First Century* (Hart Publishing 2003).
[242] Lief H Carter and Thomas F Burke, *Reason in Law* (6th edn, Addison Wesley Longman 2002).

these skills as necessary to enhance objective decision-making through intrapersonal skills such as reflectivity and reflexivity. I return to my discussion on this later in 2.3.

2.2.2 Expansion and diversification of the HE sector

In Figure 2.5 below, I provide the reader with an overview of the relevant policy and events that inform the discussion on the expansion and diversification of LLB provisions in England and Wales today, both nationally and internationally.

Figure 2.5 Overview of policy considered in 2.2.2

1960 Robbins report – widened participation	1992 FHEA – polys gained uni status	1997 Dearing report – student loans	2020 Brexit	2020 COVID-19 lockdowns
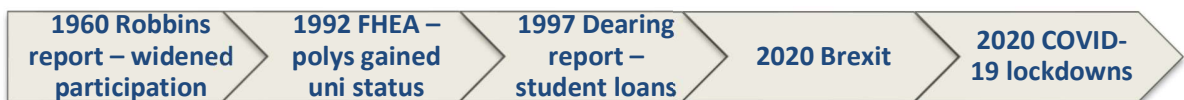
Prior to the 1950s, legal education and training were rather elite and protected socio-politically. In the 1950s, the British welfare state introduced a range of policies that led to a massive expansion in HE provision, and this saw a trickle of new post-War universities established.[243] The Robbins Committee reported that economic progress depended on developing a sufficiently highly skilled workforce and saw universities as central to such a policy in the 1960s.[244] At this time, the state met UG course fees.[245] Legal education was a direct beneficiary of this process as law schools were established in many universities, polytechnics and colleges.[246] Later, in 1992, the Further and Higher Education Act awarded many of these polytechnics and colleges

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[243] Boon and Webb (n 234) 88
[244] The Robbins Report (n 181)
[245] Ibid, 70
[246] Boon and Webb (n 234) 79.

with university status, expanding the provision of HE across the country and the number and type of universities have expanded since then as a consequence.[247]

Coincidentally, at the same time, the state-funded legal aid scheme contributed to a significant expansion of legal practice. The emergence of an increasingly global market contributed to a rise in lawyers from Commonwealth and European jurisdictions in England. As the number of law graduates grew, the job market became more competitive.[248] Despite the expansion of legal education and legal practice, the system remained largely uncoordinated and unplanned between both sectors. Recognition of this led to several consultations, committees, reviews and reports published about legal education with no radical changes proposed since the Ormrod committee in the 1970s that attempted to develop a more coherent system through the introduction of the QLD,[249] as illustrated in the timeline in Figure 2.5 above. The reasoning behind this avoidant approach is well summarised by Webb and Boon's comment on Twining's observation that English legal education represents an 'uncomfortable compromise between the profession and academy'.[250] This resulted in committees 'repeatedly avoiding specifying a curriculum'[251] partly because it recognised the potential for conflict with university law schools, but also

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[247] Barr discusses the peculiar pattern we have of institutional types in the UK, and he expanded on prior works that tried to make sense of the different "sub-groups" of universities. He lists them as 1. Oxford and Cambridge, 2. University of London, 3. Victorian/Edwardian Civics, 4. Redbricks, 5. Isolates: eg Durham and Keele, 6. Technological (ex CAT), 7. Open University, 8. Specialised/monotechnic, 9. Old new (1960s), 10. New new (1992), 11. New new new (2004), 12. Mixed economy (HE in FE), 13. Private: Buckingham, 14. For profit. See Nicholas Barr (ed), *Shaping Higher Education: 50 Years after Robbin* (The London School of Economics and Political Science 2014) 44 <lse.ac.uk/50YearsAfterRobbins>. Last accessed 28 September 2022
[248] Boon and Webb (n 234) 100
[249] Patricia Leighton, 'Legal Education in England and Wales: What Next?' (2021) 55 The Law Teacher 405. 408
[250] William Twining, *Blackstone's Tower: The English Law School* (Sweet & Maxwell 1994) 162-166 cited in Boon and Webb (n 234) 96
[251] Ibid

because of its 'advocacy of a policy of freeing them from the shackles of the profession's compulsory core'[252] as discussed in the previous subsection.

Not long after the establishment of these post-92 universities, the Dearing report in 1997 signalled a new era as tuition fees were introduced and maintenance awards were replaced with student loans, which made HE more accessible to anyone who wished to gain a university education.[253] The increased access to funding has resulted in a steady expansion in student numbers today, even through the pandemic.[254] However, this expansion is not exempt from criticism. Collini, for example, opines that the expansion of numbers has resulted in an 'overcrowded seminars, minimal contact hours or attention to written work' culture within universities that rewards research disproportionately more than it does teaching.[255] Since Collini's writing in 2010, legal education has expanded even further. Since the pandemic, the added dimension of online and blended provisions has become increasingly common, further increasing access to legal education. I return to my discussion on this below.

Unlike professions such as medicine which have regulators that restrict access to the profession by entry requirements for enrolment in the UG program, law does not have such restrictions. As discussed in the previous subsection, the SRA and BSB restrictions into the profession are at the vocational qualification stages, not at an academic UG level. This has left providers with the flexibility to set varying entry

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[252] Boon and Webb (n 234). 96

[253] Barr compares the aspirations and success of past policies and his view is that Robbins was invited to have a vision but Dearing had to make sense of a reality. See Barr (n 247).

[254] According to House of Commons statistics, applicant numbers fell in 2012 when fees initially went up, but numbers somewhat bounced back in 2013. They rose again in 2014 and beat their peak in 2015. This remained the record high for applicants until 2021. Applicant numbers set another record high in 2021. The pattern observed here is only for home students as this is the only group of students who have been constantly eligible and affected by UK funding to date. EU students were once eligible but no longer are because of Brexit and were therefore excluded for this observation. See 'Summary of applicants and accepted applicants to higher education via UCAS' in Paul Bolton, 'Higher Education Student Numbers' (House of Commons 2022) 35 <https://researchbriefings.files.parliament.uk/documents/CBP-7857/CBP-7857.pdf>.

[255] Stefan Collini, 'Browne's Gamble' (2010) 32 London Review of Books <https://www.lrb.co.uk/the-paper/v32/n21/stefan-collini/browne-s-gamble> Last accessed 28 September 2022.

requirements for enrolment in LLB programmes in the UK. This has resulted in providers attracting students with diverse backgrounds, interests, aspirations, and academic abilities, thus prioritising different aspects in their curriculum to cater to their diverse students. This also leaves educators with the challenge of addressing the educational requirements of 'Susans' and 'Roberts', a conundrum described by Biggs when there are students with different academic motivations and capacities in the same classroom.[256] This diversification indirectly dictates the educational methods that an educator may use in the classroom.[257]

The internationalisation of legal education has further contributed to the expansion and diversification of an LLB classroom. LLB providers have seen an exponential increase in recruitment of international students with even more funding for universities as international students are not subject to the same cap on tuition fees as home students.[258] Law Society statistics show that in 2019-20, 4,670 overseas students and 20,905 UK students were accepted onto UG law courses in England and Wales.[259] This means that in a UG law classroom, roughly 1 in 5 students would be from overseas. This is quite a significant proportion, and how this challenges the

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[256] Biggs and Tangs uses 'Susans and Roberts' as an analogy for a diverse classroom, where there are academically committed students who learn well, and those who are less academically inclined who are at university simply to obtain a good job. The latter type of student would not have been at university years ago. See John Biggs and Catherine Tang, *Teaching for Quality Learning at University* (4th edn, McGraw-Hill Higher Education 2011). 3

[257] When discussing the use of an educator's own research as teaching materials in an undergraduate class, Macheridis and others found that the ambitions of individual students influenced their receptiveness toward this method. As a participant of theirs noted, 'Talented students think it's interesting to study research materials and published articles. For their sake, it is important that courses include an appropriate amount of this... Less study-motivated or study-oriented students often feel better with textbooks, and find it hard to see the point of the increased research orientation... It is a challenge to get them to understand the meaning of 'peer' review, for example.' See Nikos Macheridis, Alexander Paulsson and Håkan Pihl, 'The Humboldtian Ideal Meets Employability? University Teachers and the Teaching–Research Relationship in Marketized Higher Education' [2020] Industry and Higher Education <https://journals.sagepub.com/doi/epub/10.1177/0950422219898371> accessed 3 October 2022. 308

[258] Sue Hubble, 'The Browne Review of Higher Education Funding and Student Finance' (House of Commons) The Browne Review of Higher Education Funding and Student Finance; Rachel Brooks, Johanna Waters and Helena Pimlott-Wilson, 'International Education and the Employability of UK Students' (2012) 38 British Educational Research Journal 281.

[259] 'Entry Trends' (The Law Society) <https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/entry-trends>. Last accessed 28 September 2022

purpose of LLBs warrants some discussion. The pandemic[260] has contributed further to this expansion as blended LLB provisions have allowed even more students to be taught simultaneously in the virtual environment without limitations such as physical classroom size. This has arguably expanded participation in UG legal education in England and Wales. However, the quality of education provided online has been a widely debated area of concern,[261] which I discuss later in 4.5(ii). Here it is important to note that although the number of EU students has decreased in the UK due to Brexit, [262] the overall number of international students continues to rise despite the pandemic.[263]

Despite the financial benefits to HEIs, the expansion and diversification in an unstructured manner contribute to complexities in ascertaining the purpose, content, and currency of LLBs. For example, a 2019 study at Bangor University showed that home and international UG law students have different expectations of legal education in the UK.[264] More specifically, this study found that home students'

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[260] Leighton explores the effect of COVID-19 coinciding with Brexit. She views the UK withdrawing from the student exchange Erasmus Scheme as a great benefit for UK universities, but notes that its replacement with the Turing Scheme as one that yet appears not to have comparable benefits. She also discusses the potential effect of the Immigration Act 2020 whose points-based system will likely make it more difficult for non-UK students to access visas. See Leighton (n 249) 409

[261] Farnell and others (n 9) 29

[262] The effects of Brexit are not discussed in detail in this thesis. However, it is acknowledged as a significant event. For discussion on the effects of Brexit, see Stephen Clear, Dermot Cahill and Gary Clifford, 'Mapping the Effects of Brexit on Legal Education in Wales: Proposals for Addressing Students' Concerns' (2019) 53 The Law Teacher 338; Jessica Guth and Tamara Hervey, 'Threats to Internationalised Legal Education in the Twenty-First Century UK' (2018) 52 The Law Teacher 350.

[263] Although the number of EU students have decreased significantly as a result of Brexit, the number of international students from outside the EU have continued to increase rapidly, even through the pandemic. See 'Higher Education Student Numbers' (n 254).
For data pre-pandemic, see Paul Bolton and Sue Hubble, 'International and EU Students in Higher Education in the UK FAQs' (House of Commons 2021) <https://researchbriefings.files.parliament.uk/documents/CBP-7976/CBP-7976.pdf>. See also Nick Hillman, 'International Students Are Worth £28.8 Billion to the UK' (HEPI 2021) <https://www.hepi.ac.uk/2021/09/09/international-students-are-worth-28-8-billion-to-the-uk/> accessed 3 October 2022.

[264] Stephen Clear and Marie Parker, 'A Model for Responding to UK and International Law Students' Great(Er) Expectations in Wales' Internationalised Learning Environment' (2019) 13 The Journal of Commonwealth Law and   Legal   Education <https://research.bangor.ac.uk/portal/files/24349497/2019_A_Model_for_Responding_to_UK_and_International_Law_Students.pdf>.

expectations of educational methods used on the LLB programme[265] aligned more closely with reality than international students' expectations. This study also found that most home students undertaking an LLB expected the degree to focus on their career aspirations and employability. Meanwhile, the expectations of most international students focused on their desire to develop academic knowledge from other jurisdictions and, in some cases, to improve language skills by developing their spoken English during the course. In the next section, I discuss the impact of these misaligned expectations on LLB provisions in England and Wales.

2.2.3 The impact of HE consumerism

In Figure 2.6 below, I provide the reader with an overview of the relevant policy and events that have contributed to the consumerism of HE and how it has impacted the purpose of LLB provisions today. As discussed in the previous subsection, the expansion and diversification of LLB provisions have significantly contributed to the issues addressed in this subsection.

Figure 2.6 Overview of policy considered in 2.2.3

| 1960 Robbins introduced student consumerism of HE | 1990 - financial liability transfered to student | 1997 Dearing report - tuition fees introduced | 2010 Browne - cap on student fees increased to 9k |

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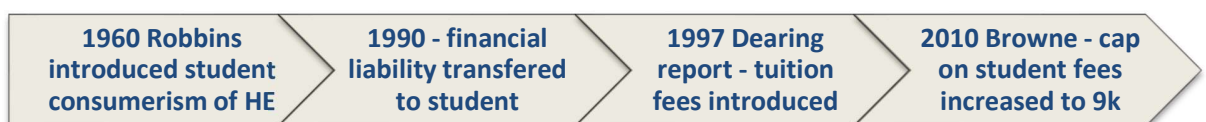
[265] Ibid. More specifically, these were expectations in relation to contact time, independent working, assignments, group projects and presentations.

In the previous section, I discussed how LLB provisions in the UK have exponentially expanded due to the increased access, withdrawal of government block funding, increased access to student loans, and internationalisation. As discussed in 2.2.2, the Robbins committee introduced the student-consumer dynamic in the UK as it widened participation to anyone who wished to pursue HE based on attainment and ability. The consumerism of HE kept developing over the years[266] and was encouraged by government policies. This is evidenced by the establishment of student loan companies in 1990, followed by the removal of state-funded maintenance grants and the introduction of tuition fees for which students were individually liable.

During the Dearing report (1997) era, the cap on student fees was £1000 per year.[267] This cap was raised to £3000 in 2004 following the enactment of the Higher Education Act. In 2010, the Browne report[268] tripled the cost of HE by increasing the cap on fees from £3000 to £9000, and it increased access to student finance. This signalled a significant redefinition of HE in the UK. Since then, there has been a steady decline in the amount of funding universities receive from funding councils, and student fees have now become UK universities' main funding sources.[269]

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[266] For discourse on student-consumerism, see Tony Woodall, Alex Hiller and Sheilagh Resnick, 'Making Sense of Higher Education: Students as Consumers and the Value of the University Experience' (2014) 39 Studies in Higher Education 48; Sally Weston and Sarah McKeown, 'After the TEF and Consumer Law-Based Interventions – Are Prospective HE Students Now Able to Make Informed Choices?' (2020) 54 The Law Teacher 414.

[267] The Dearing Report (n 182)

[268] 'Securing a Sustainable Future for Higher Education "Browne Report"' (Independent Review of Higher Education Funding & Student Finance 2010) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/422565/bis-10-1208-securing-sustainable-higher-education-browne-report.pdf>. Last accessed 28 September 2022

[269] The largest source of income across the sector in 2018/19 was tuition fees and education contracts at 49%, followed by research grants and contracts (16%) funding body grants (13%), 'other income' (19%), residences and catering (6%) and investments and endowments (3%). See Paul Bolton and Sue Hubble, 'Coronavirus: Financial Impact on Higher Education' (House of Commons 2021) <https://researchbriefings.files.parliament.uk/documents/CBP-8954/CBP-8954.pdf> Last accessed 28 September 2022. See also 'Higher Education Provider Data: Finance' (HESA) (Tables 1 and 7) <https://www.hesa.ac.uk/data-and-analysis/finances> Last accessed 28 September 2022; and Paul Bolton, 'Higher Education Funding in England' (House of Commons 2021) <https://researchbriefings.files.parliament.uk/documents/CBP-7973/CBP-7973.pdf> Last accessed 28 September 2022.

However, the increased access to student loans has contributed to a significant expansion of student enrolments despite the increased cost of HE. In 2019-20, Higher Education Statistics Agency (HESA) indicate that 74,670 students were enrolled in UG law courses in the UK.[270] These statistics account for home and international students, evidencing the sheer volume of students who invest in UG legal education. As most students take on the financial burden of their degree personally either in the form of student loans or self-funding, UG legal education in the UK has become quite transactional. House of Commons statistics suggest that the average debt among home students who graduated in 2020 was £45,000.[271] As for international students, statistics indicate that UG education in the UK could cost as much as 3.5 times more than it does for home students.[272]

A consequence (direct or indirect) of this personal financial responsibility is that very few UG students today are solely full-time students.[273] Many UG students have part-

[270] 'Higher Education Student Statistics: UK, 2018/19 - Subjects Studied' (HESA 2020) <https://www.hesa.ac.uk/news/16-01-2020/sb255-higher-education-student-statistics/subjects>. Last accessed 28 September 2022.

[271] UG students borrow an average of £14,629 per year for fees and maintenance. See Paul Bolton, 'Student Loan Statistics' (House of Commons 2021) <https://researchbriefings.files.parliament.uk/documents/SN01079/SN01079.pdf>. Last accessed 28 September 2022.

[272] The cost for an international student to undertake UG education in the UK ranges between £21,470 – £48,151 per year. According to the Reddin survey, the international fees for UG (classroom based) courses range between £11,400 – £32,081 in 2021-22. See Mike Reddin, Christine Penny and Bernard Kingston, 'Reddin Survey of University Tuition Fees' (Complete University Guide) <https://www.thecompleteuniversityguide.co.uk/sector/insights/reddin-survey-of-university-tuition-fees>. Last accessed 28 September 2022.
Living costs (accommodation, bills, food and other living costs) are estimated to range £800 – £1,300 a month according to the British council. See 'Study UK' (British Council) <https://study-uk.britishcouncil.org/moving-uk/money-budgeting> Last accessed 28 September 2022.
Student visa application costs £348, plus £470 per year for Immigration Health Surcharge. See 'Student Visa' (HM Government) <https://www.gov.uk/student-visa> Last accessed 28 September 2022; 'Pay for UK Healthcare as Part of Your Immigration Application' (HM Government) <https://www.gov.uk/healthcare-immigration-application/how-much-pay> Last accessed 28 September 2022

[273] Office for National Statistics show that in 2021, there were 634,000 people in employment aged 18-24 in full-time education in the UK. However these statistics do not specify how many of these are undergraduate or law students specifically. See 'LFS: In Employment: Aged 18-24: In Full-Time Education: UK: All: 000s: SA' (Office for National Statistics) <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/timeseries/agns/lms> Last accessed 28 September 2022

time jobs alongside their university studies, and law students are no exception.[274] This observation is fundamental to note, as it impacts the nature and purpose of legal education today. As Bleasdale-Hill and Wragg suggest, the personal financial burden taken on by students has led to an increase in students viewing themselves as 'consumers' of their HE experience. This is evidenced by indicators such as Destination of Leavers from Higher Education (DLHE) statistics which focus on the employment record of university graduates and students to determine how universities are run and how courses are taught.[275]

Thornton introduces the idea of human capital, and she discusses how Foucault's idea of one's self as a form of capital is seen to be beneficial to universities. As discussed in the above section, the intention behind increasing the number of young people in HE was to increase the potential of the workforce decades ago. Today, this has turned into a means for universities to capitalise on students as consumers as more people have gained access to HE. Thornton argues that this encourages students to see themselves as sources of income to universities and perceive academics as part of management structures. This is problematic as the consumer influence of students gives them power over lecturers via student satisfaction metrics which I discuss later in 2.4.3. This view is supported by others such as Jones, who notes that students are becoming more demanding in their expectations about what

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[274] In the context of discussing clinical legal education opportunities, Alexander states many law students at post-92 universities are juggling jobs on top of their studies which is a barrier not only to accessing extra-curricular activities but also to gaining unpaid legal work experience. However, Gbolahan and others found that engagement part-time work itself could positively influence employability, depending on factors such as type of job. For discussion on necessity, motivation and relationship between part-time work and employability. See Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education within an Employability Context' (2018) 25 International Journal of Clinical Legal Education 53; Gbolahan Gbadamosi and others, 'Employability and Students' Part-Time Work in the UK: Does Self-Efficacy and Career Aspiration Matter?' (2015) 41 British Educational Research Journal 1086.

[275] Lydia Bleasdale-Hill and Paul Wragg, 'Models of Clinic and Their Value to Students, Universities and the Community in the Post-2012 Fees Era' (2013) 19 International Journal of Clinical Legal Education 257.

universities should provide as they have to pay more for their education.[276] In recent years, the relations between institutions and students have shifted from the traditional academic relationship to a more contractual type of relationship taken from a consumer's perspective.[277] Inevitably, over the past few decades, legal education has been affected by the consumerist aspect of neoliberalism in the UK and has become increasingly more informed by metrics and stakeholder expectations. Although neoliberalism strongly advocates these features, it has also democratised entry to law schools and diversified access to the legal profession.[278]

Collini discusses how the 'marketisation' of UK HE has resulted in a change in the character and ethos of universities. Universities that historically worked collaboratively toward the advancement of knowledge are now 'forced to regard each other as competitors in the same market, where their flourishing is dependent on how they pitch their products to appeal to their particular niche of consumers'.[279] The issue with this metrics-driven model is that student expectations increasingly inform the purpose and, consequently, content and currency of degrees which they undertake. Despite some of these expectations being 'unrealistic or ill-founded' as Guth and Morrison describe, managing these expectations is necessary for law schools to continually secure the funding required to survive in the highly competitive market HE has become in recent decades. However, doing so without risking the quality of legal education is challenging for legal educators. As Dutton put it:

> …in a system that puts students at its centre, meeting their expectations becomes the key to success…but simply responding poses dangers of

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[276] Glyn Jones, '"I Wish to Register a Complaint": The Growing Complaints Culture in Higher Education' (2006) 10 Perspectives 69. 70-71

[277] Ibid

[278] Roper and others (n 57) 457-458

[279] Stefan Collini, 'The Marketisation of Higher Education' (*Fabian Society*, 22 February 2018) <https://fabians.org.uk/the-marketisation-of-higher-education/> accessed 28 September 2022.

commodification or reduction in quality; we must understand and manage expectations to enhance experience and engagement.[280]

2.2.4 The influential agendas

As discussed in 2.2.1, the complex relationship between the academy and regulators, government agendas, and expansion and diversification of the HE sector has added a layer of complexity in determining the purpose of an LLB degree today. These complexities have resulted in a lack of consensus between legal education stakeholders on what exactly the purpose of an LLB degree is for in England and Wales today; and different philosophical stances on how law schools should interpret these Joint Statement and Benchmark Statement LOs. Much of this discourse has manifested itself in the form of liberal versus vocational agendas.[281] In Heverin's thesis, she suggests the purpose of LLBs is often presented dichotomously.

Through a 'liberal' lens, the focus is on 'character formation, with a mission to prepare 'good citizens' or 'better persons'', whereas through a 'vocational' lens, the focus is on employability, vocational training or is "purposely useful … in a career orientated sense"'.[282] Chan suggests a more balanced view that considers the liberal and vocational purposes complementary instead of contradictory to each other. He notes that a liberal education 'equips the mind and the soul to recognise what is right and good in life, to prepare a student for the demands of a modern labour market, and to

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[280] Kathryn Dutton, Chris Broad and Philip Hunter, 'Great Expectations: Managing Student Expectations and Enhancing Engagement with Undergraduate Study' (2012) cited in Clear and Parker (n 264)

[281] For discourse on liberal versus vocational purposes from the perspective of educators from different disciplines, see Cristina Sin, Orlanda Tavares and Alberto Amaral, 'Accepting Employability as a Purpose of Higher Education? Academics' Perceptions and Practices' (2019) 44 Studies in Higher Education 920.

[282] Brónagh Heverin, 'Development of the Transferable Skill Set of Irish Undergraduate Law Students through Simulated Client Interviews' (Nottingham Trent University 2020) 40 <http://irep.ntu.ac.uk/id/eprint/42786/1/Final%20Thesis%20B%20Heverin%2010%204%202020.pdf>. Last accessed 28 September 2022

offer specialised learning in various fields and occupations',[283] and that through the development of work-related skills, 'students prepare for work in ways that contribute to both their overall wellbeing and a better and more just society for all'.[284]

However, critics such as Thornton opine that the focus on 'the acquisition of skills equated with modernisation and success' (e.g. transferable skills) is incompatible with liberal legal education.[285] This rigid view on what constitutes a liberal legal education could potentially be viewed as an illiberal view in itself. As Guth suggests, skills such as learning 'how to locate, access, read and use specific information and as well as learning how to think about particular issues in certain ways and construct cogent arguments about those issues are, in fact, the essence of a liberal education,' and she views teaching of transferable skills as compatible to the ethos of even the most liberal academic law degrees.[286] This view is supported by other such as Colby and others who suggests that the idea that there is a choice between 'vocational training' and the 'rich, deep learning we associate with liberal arts' is a false dichotomy.[287] This more nuanced understanding of the relationship between liberal and vocational agendas in an LLB curriculum aligns with Birk's vision for an education in law to 'engage a student's intellect and equip them to be useful in the world after university'.[288] In the following subsections, I explore some literature on these influential agendas in more detail.

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[283] William J Bennett and David Wilezol, *Is College Worth It?: A Former United States Secretary of Education and a Liberal Arts Graduate Expose the Broken Promise of Higher Education* (Thomas Nelson 2013) cited in Roy Y Chan, 'Understanding the Purpose of Higher Education: An Analysis of the Economic and Social Benefits for Completing a College Degree' 6 Journal of Education Policy, Planning and Administration 2016. 10

[284] Jan McArthur, 'Reconsidering the Social and Economic Purposes of Higher Education' (2011) 30 Higher Education Research & Development 737. 738

[285] Margaret Thornton, *Privatising the Public University: The Case of Law* (Routledge 2012). 81

[286] Jessica Guth, 'The Pasts and Futures of Legal Skills in English Law Schools', *Key Directions in Legal Education National and International Perspectives* (Routledge 2021). 163

[287] Anne Colby and others, *Rethinking Undergraduate Business Education: Liberal Learning for the Profession* (Jossey-Bass 2011). 2

[288] Birks (n 215), XV

i.   The liberal agenda: For the betterment of society

Historically, the purpose of HE in England and Wales was to develop learners who would work towards the betterment of society at large[289] through research and advancement of knowledge for various areas of leadership in the public service or clergy.[290] Like Dewey, liberal visionaries such as Cardinal John Henry Newman also viewed universities as spaces that should be dedicated to learning for the sake of learning, rejecting narrowly utilitarian and professional agendas.[291] Similarly, legal education in English universities was reserved for academic knowledge for the betterment of society rather than for vocational pursuits. Up to post-World War 2, vocational training was reserved for the Inns of Court, where prospective lawyers resided and trained. Subjects such as Civil and Cannon Law were prohibited from being taught in the Inn of Courts[292] as they were seen to be academic subjects that were only fit for the education of those at universities such as Oxford and Cambridge.

At that time, most existing legal scholarship concerned the courts and the profession. Although the liberal agenda was sometimes used to advance the cause of university legal education, law remained something of a 'Cinderella subject' until the 20th century.[293] Over time, the liberal agendas influencing HE crept into the agenda of LLB

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[289]   John   Dewey,   *Democracy   and   Education*   (Project   Gutenberg   1916) <https://www.fulltextarchive.com/pdfs/Democracy-and-Education.pdf> Last accessed 28 September 2022

[290] Gower discusses a perceived relationship between HE and leadership positions in society. For example, Gower explained that many students "will become central or local government servants, advisers to public corporations and companies, business executives, politicians, teachers, magistrates or magistrates' clerks"; for that reason, "universities should attempt something wider and in particular that they should emphasise the sociological purposes of law and relate it to the other social sciences". See LCB Gower, "English Legal Training: A Critical Survey" (1950) 13 Modern Law Review 137, 139 cited in Menis (n 236) 296.

[291] Boon and Webb (n 234) 86

[292] Attributed to Statute by Henry III in 1234. See Boon and Webb (n 234); Anton Hermann, 'The Beginning, Flourishing and Decline of the Inns of Court: The Consolidation of the English Legal Profession after 1400' (1956) 10 Vanderbilt Law Review; Williams W Bassett, 'Canon Law and the Common Law' (1978) 29 Hastings Law Review

[293] Boon and Webb use the phrase 'Cinderella subject' to describe law as a subject of study that was not held in high esteem. They rely on the experience of Brian Simpson who recalls that even in Oxford in the early 1950s, law did not enjoy a high academic reputation, and most undergraduates at the university who planned to join the Bar did not read law. See Boon and Webb (n 234) 86

provisions, albeit fragmentedly. Nussbaum discusses two philosophical agendas underlying modern liberal education as similar to those in ancient Rome:[294] (i) the older model, which served as social control, transmission and the maintenance of existing power structures within society, and (ii) Seneca's modernised model which prioritised individual development and liberation via a process of critical reflection. Friere views the development of a 'critical consciousness' as potentially anarchic and leading to disorder within society, as critical reflectivity instigates individuals to question the values, morality and beliefs of the existing power structures and their place respectively.[295] Similarly, Nussbaum suggests that the social and personal benefits of a liberal education are that it empowers learners with the ability to think critically; transcend local loyalties; approach world problems as a 'citizen of the world'; and imagine the predicament of another person sympathetically".[296]

This immersive and transformative experience Nussbaum describes as liberal education enables a law student to 'reframe how they look at their surroundings' so that the challenges in a legal system are not seen as problems but as a means to a solution.[297] It also enables students to investigate their role as (could-be) practitioners within the context of the needs of their society.[298] The study of 'subjects that are about "law" as well as subjects that are "law"' is one way of looking critically at how

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[294] Martha C Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Harvard University Press 1997), 293 cited in Paul Martin, 'What Is the Purpose of Higher Education?', *Making space for creativity* (University of Brighton 2010) 13 <https://cris.brighton.ac.uk/ws/portalfiles/portal/291569/Making+Space+for+Creativity.pdf#page=25>. Last accessed 28 September 2022
[295] Paulo Freire, *Pedagogy of the Oppressed* (30th Anniversary Edition, Continuum 2005).
[296] Martha C Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton University Press 2010) 79
[297] Patrick C Brayer, 'A Law Clinic Systems Theory and the Pedagogy of Interaction: Creating a Legal Learning System' (2012) 12 Connecticut Public Interest Law Journal 49. 50
[298] Park (n 89) 178

the law works.[299] Law students become empowered to discover 'who they are, to search for a larger purpose for their lives, and to leave as better human beings'[300] as they explore their positionality amidst the complex intersectional matrix of society in which the law operates. As Bawden articulates perfectly, 'the explicit facilitation of epistemic development: of progressive, reflexive, critical, transformative learning that leads to much improved understanding of the need for, and expression of, responsible paradigms for living and for 'being' and 'becoming', both as individuals alone and collectively as communities'.[301]

ii. The vocational agenda: 'Prep' for legal practice

As discussed in 2.2.1, the LLB degree in England and Wales is intended to be an academic degree, not vocational. To become a legal practitioner in England and Wales, there is a requirement to undertake PG vocational training, but having an LLB degree is not necessary for entry into the profession. In England and Wales, only a small proportion of LLB graduates become solicitors or barristers. According to SRA, BSB and Law Society statistics, in 2017-2018, 18,850 UK students were accepted onto courses to study law at UG level in England and Wales. 5,719 new training contracts were registered with the SRA,[302] and 957 pupillages commenced.[303] Notably, non-LLB graduates also make up these figures for commencing training contracts and pupillages in these statistics. These trends have remained constant in

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[299] Andrew Sanders, 'Poor Thinking, Poor Outcome? The Future of the Law Degree after the Legal Education and Training Review and the Case for Socio-Legalism', *The Futures of Legal Education and the Legal Profession* (Bloomsbury 2015).

[300] Michael Polanyi, *Personal Knowledge: Towards a Post-Critical Philosophy* (The University of Chicago Press 2015). 47

[301] Richard Bawden, 'The Educative Purpose of Higher Education for Human and Social Development in the Context of Globalization.' (2008). 67

[302] 5,719 new training contracts were registered with the SRA and 6,478 individuals were admitted to the roll . See 'Entry Trends' (n 259)

[303] 957 pupilages commenced and 1351 individuals were called to the Bar of England and Wales. See 'Statistics about the Bar' *Bar Standards Board* <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar.html>.

any given year over the past 20 years.[304] These statistics show that the number of

law students in England and Wales has vastly exceeded the number of opportunities

to enter these branches of the legal profession.[305] As the new entry routes into the

legal profession have only been introduced recently, there is currently limited data

available on the supposedly increased opportunities to enter the legal profession.

Today, no published statistics identify the exact proportion of students who aspire to

become practitioners when enrolling for an LLB in light of recent regulatory changes

and the pandemic. However, prior studies suggest that many LLB students aspire to

enter the legal profession at the start of their LLB course.[306]

At the time of writing, the SQE is still in its initial stages, and the transition from the

BPTC to the Bar Course is also recent. I wanted to determine the number of LLB

providers compared to providers of PG professional courses (SQE and the Bar

Course). However, the exact number of providers of these courses is unknown

currently,[307] so I have used previous statistics where there was a definitive number of

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[304] Ibid

[305] 'Entry Trends' (n 259); 'Pupillage Statistics' (Bar Standards Board) <www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/pupillage.html> Last accessed 28 September 2022.

[306] In 2000, a longitudinal study of the aspirations of a cohort of law students at over 40 law schools found 92% of the year 1 students surveyed intended to pursue a legal career. See M. Cuthbert, "Law Student 2000: Prelude to the Finale" Directions 7 (Autumn 2003) <http://www. ukcle.ac.uk/resources/directions/previous/issue7/>.
In 2004, a "snapshot" survey of year 2 and 3 law students across 14 law schools found that 82% intended to go into legal practice. See L. Norman, Career Choices in Law: A Survey of Law Students (Research Study 50, Law Society, 2004) p. 24.).
In 2011, a further "snapshot" survey of years 1 to 3 law students across 63 law schools found that 79.1% intended to enter the legal profession when they enrolled on the law degree. A 2012 study showing 64% intend to become barristers or solicitors. . See Melissa Hardee, 'Career Expectations of Students on Qualifying Law Degrees in England and Wales' (The Higher Education Academy) <https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/hea/private/resources/hardee_interimreport_2014final_1568037245.pdf>.
Childs and others' study identifies the above figures. Their study itself only examined the intentions of Plymouth LLB students across the years 2008/09-2011/12 and found that from 2008/09 to 2010/11, all those who had decided on a career (67%, 62% and 64%) had chosen to go into legal practice. However, in 2011/12 and 2012/13 the pattern changed, with only 50% and 56% respectively intending to go into the legal profession. See Penny Childs, Nigel Firth and Hugo de Rijko, 'The Gap between Law Student Career Aspirations and Employment Opportunities' (2014) 48 The Law Teacher 51.

[307] The SRA websites only shows a combined list of providers and organisations who deliver or plan to deliver SQE education, tutoring or training services or produce study materials or resources in the future. The BSB website does not indicate the current number of Bar Course providers. See 'SQE Training Providers List' (Solicitors Regulation Authority) <https://www.sra.org.uk/become-solicitor/sqe/training-provider-list/> Last accessed 28 September 2022.

LPC and BPTC providers for discussion here. In 2017/18, there were more than 100

providers of LLBs, 29 LPC providers[308] and 8 BPTC providers.[309] Unsurprisingly, the

number of candidates entering the legal profession was proportionate to the number

of providers, evidencing the lack of opportunities for every LLB graduate to qualify as

a practitioner. These statistics are summarised in Figure 2.7 below.

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[308] LPC providers – BPP Law Schools (London, Leeds, Manchester, Bristol, Birmingham, Cambridge), Anglia Ruskin University, Birmingham City University, Bournemouth University, Cardiff Law School, City University, De Montfort University, Leeds Beckett University, Liverpool John Moores University, London Metropolitan University, Manchester Metropolitan University, Northumbria University, Nottingham Trent University, Pearson College London, Staffordshire University, Swansea University, University of Central Lancashire, University of Derby, University of Hertfordshire, University of Huddersfield, Universities of Law (Birmingham, Bristol, Chester, Guildford, Leeds, London, Manchester), University of Lincoln, University of Sheffield, University of South Wales, University of Sunderland, University of West England Bristol, University of West London, University of Westminster, University of Wolverhampton. Retrieved from 'Legal Practice Course (LPC) Providers' (Solicitors Regulation Authority) <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/lpc/lpc-course-providers/> Last accessed 28 September 2022.

[309] BPTC providers – BPP Law Schools (Birmingham, Bristol, London, Leeds, Manchester), Cardiff Law School, City Law School, Universities of Law (Birmingham, London, Leeds), Manchester Metropolitan University, Nottingham Trent University, Northumbria University, University of West England Bristol. Retrieved from <https://www.barstandardsboard.org.uk/media/1983651/bqm_part_2b_-_b1_the_bar_professional_training_course__bptc_.pdf> Last accessed 19 August 2019.

Figure 2.7. LLB, LPC and BPTC providers and opportunities in 2017/18

Providers of course

Opportunities for students on course

8 BPTC providers

957 pupilages commenced

29 LPC providers

5719 new training contracts registered

> 100 LLB providers

18,850 students accepted to UG Law courses in E&W
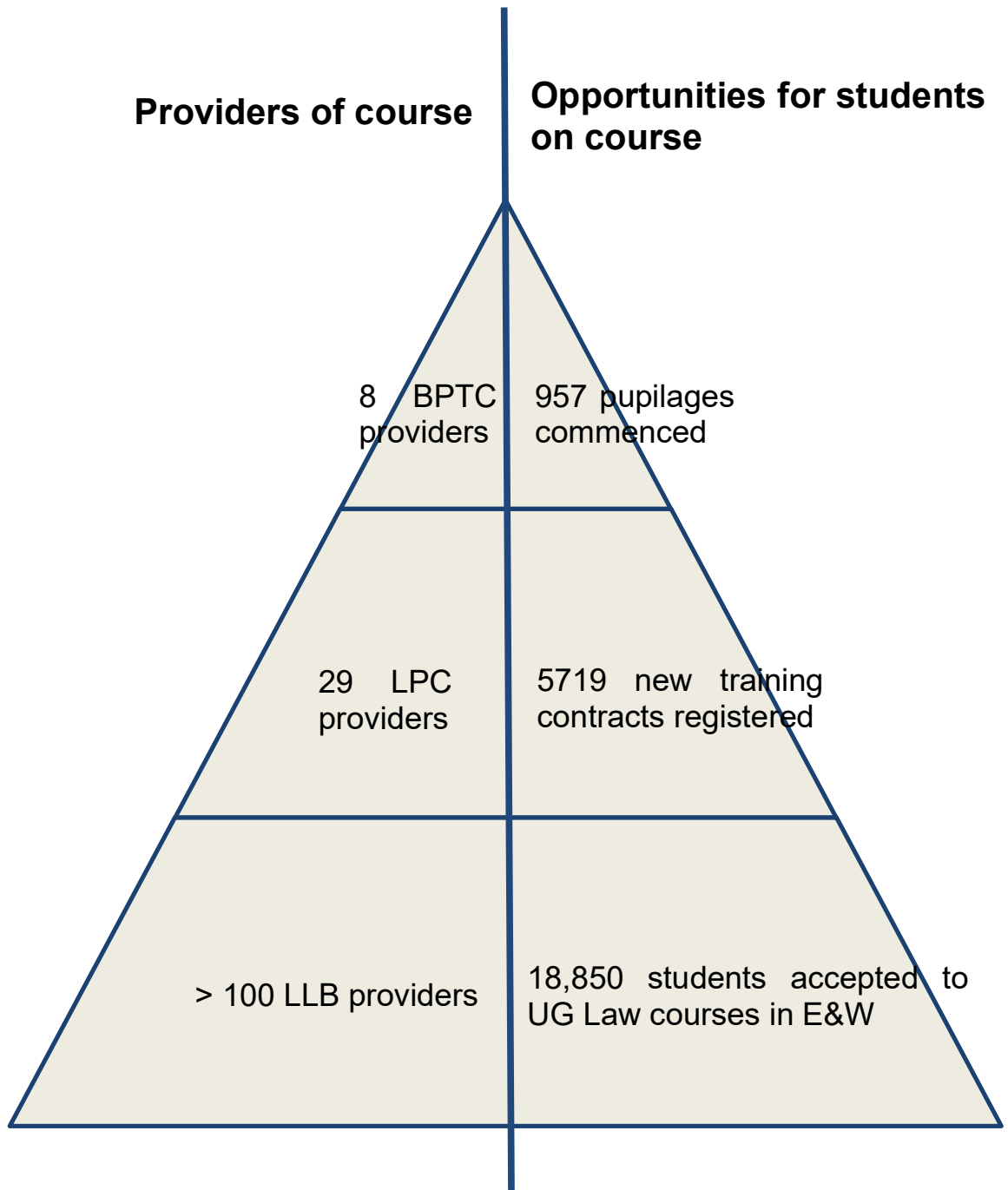
From this exploration of statistics, I hypothesised that institutions that deliver the LPC and/or BPTC may focus more on developing legal practice skills through their LLB provisions in preparation for the PG courses they deliver. However, examining this hypothesis further would have served no purpose for this thesis as these courses were being revised. Nonetheless, during this exploration, I also wanted to know if and how providers adapted their LLB provisions in response to the SQE. The content analysis of LLB provider websites[310] revealed that many institutions were advertising their LLBs as a means to make graduates 'practice or SQE ready'. Some examples of the advertising on LLB provider websites are shown in Figure 2.8 below.[311]

Figure 2.8. Examples of advertising on LLB provider websites that suggest that LLBs are prep for practice

... It is designed to give students a 'Head Start' on professional qualification, particularly for the Solicitors Qualifying Examination with its focus on professional procedure and skills as well as the academic study of Law. (London South Bank)	Study law and work in our on-campus law firm — getting a head start on your solicitor qualifications. (Sheffiled Hallam)	The degree also provides a strong foundation for students who may wish to take the Solicitors Qualifying Examinations (SQE) in the future. (Canterbury Christ Church)
Our law course gives you the initial skills and qualifications to succeed in the legal profession and pursue qualified solicitor or barrister status in England and Wales. (Middlesex)	The LLB degree provides a qualifying law degree enabling successful to prepare for BPTC... ...LLB is designed to provide preparatory legal education for those wishing to qualify as solicitors by undertaking the new SQE. (Wolverhampton)	....Our course not only covers the areas of functioning legal knowledge which are required to prepare you for the Solicitors Qualifying Examination but enables you to practice SQE style questions as part of your studies. (Sunderland)

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[310] Detailed findings are discussed in 2.3.2
[311] See Appendix 1 for the headline descriptions on 107 LLB provider websites

Out of 107 LLB providers reviewed, 13 explicitly stated that they incorporate elements of the SQE into the LLB curriculum through built-in approaches. Six have done this by offering elective SQE2 modules,[312] six by introducing an SQE pathway[313] in their LLB curriculum specifically designed for students aspiring to become solicitors through the new entry route, and one had a compulsory SQE prep module in the final year.[314] Figure 2.9 below summarises these findings.

Figure 2.9 Summary of methods used to integrate SQE prep into the LLB curriculum through a built-in approach

Built-in SQE prep integrated into the LLB curriculm

Specific SQE pathway, 6

Elective module(s), 6

Compulsory module, 1

Elective module(s) ▪ Compulsory module ▪ Specific SQE pathway

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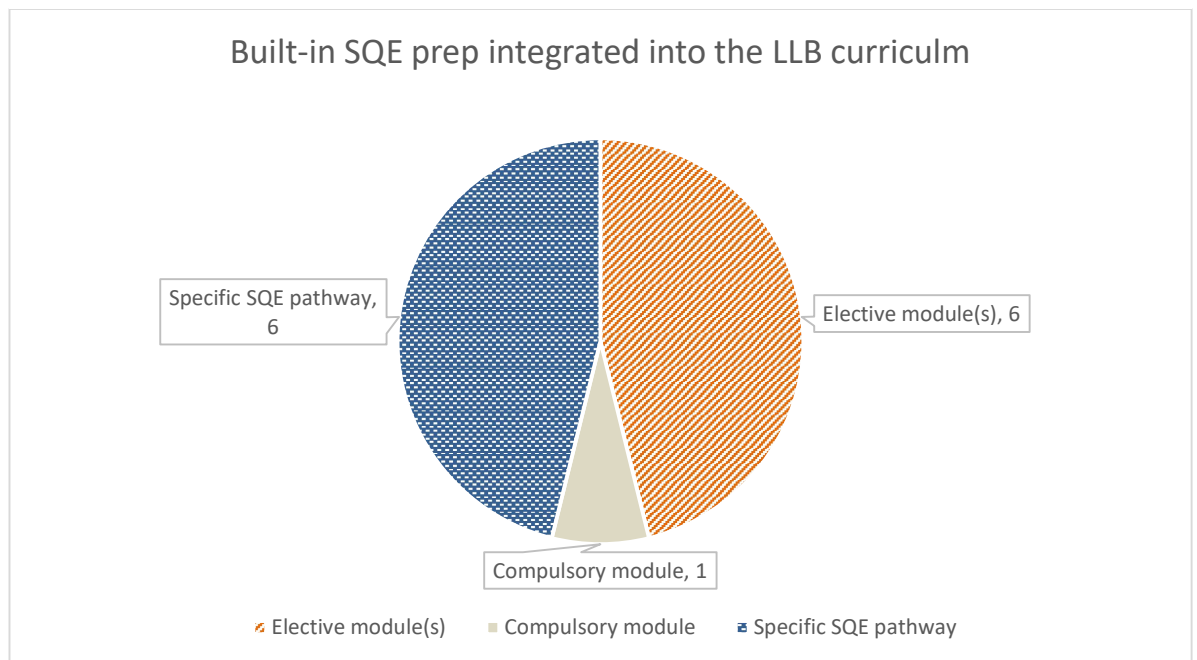
[312] Goldsmiths University, Keele University, Liverpool Hope University, Open University, Hertfordshire University, Roehampton University. See Appendix 1 for all data from content analysis of 107 LLB provider websites

[313] Arden University, Bournemouth University, Nottingham Trent University, Staffordshire University, Leeds City University, Salford University. See Appendix 1 for all data from content analysis of 107 LLB provider websites

[314] De Montfort University. See Appendix 1 for all data from content analysis of 107 LLB provider websites

However, Guth appears to be right in her speculation that some institutions will change very little in response to the SQE and for those institutions (mostly Russell Group Universities), the focus remains on theoretical legal education, academic and intellectual skills, as opposed to training.[315] In contrast, others in predominantly vocationally focused law schools (many ex-LPC / current Bar Course providers) align their LLB provisions with vocational agendas as they come under the pressures discussed in 2.2.3, such as the need to 'move up rankings, get graduates into graduate jobs and satisfy employability and other student-related key performance indicators'.[316]

This shift of focus from academic knowledge and liberal education to practice-related aspects is what educators like Dewey have resisted in universities. Changing the model of legal education in England and Wales arguably challenges the unique epistemological stance of LLBs, which have been successful in not tying themselves to any particular employment sector from the very beginning; and could consequently result in the sector failing.[317] For example, Guth and Dutton specifically warn about SQE-focused degrees, and speculate that they will be 'dull, lacking options and theory', which could worsen the inequalities inherent in the legal education system.[318] Additionally, Webb is of the view that the SQE approach does little to enable students to obtain a broad range of competencies, particularly those that fall within interpersonal and intrapersonal domains such as 'emotional intelligence, ethical and values-based reasoning, critical and creative thinking, and the ability to deal with high

[315] Guth (n 286) 170
[316] Ibid
[317] Anthony Bradney, 'The Success of University Law Schools in England and Wales: Or How to Fail' (2018) 52 The Law Teacher 490.
[318] Jessica Guth and Kathryn Dutton, 'SQE-Ezed out: SRA, Status and Stasis' (2018) 52 The Law Teacher 425 cited in Unger (n 233) 7

levels of complexity and uncertainty', which are skills that are already lacking in the LLB provisions at presents.[319]

Leighton provocatively depicts LLB programmes that prepare graduates for the legal profession as 'tail wagging the dog' given the declining percentage of graduates entering the profession.[320] She invites educators to consider whether it is 'time to break that bond and have conviction regarding the value of law as a discipline'.[321] To offer law degrees which are simply degrees to become a solicitor or barrister, could also result in some 'disappointed and possibly litigious graduates',[322] as Bradney stipulates, which is a real risk considering the influence students have on the survival of HEIs today as introduced earlier in 2.2.3. However, due to the complex and competitive nature of legal education today, some universities have little option but to shift away from the academic and liberal focus to make their LLB provisions more attractive for student recruitment. Some practitioners, such as Weinberger, opine that the lack of competition for 'top rank' universities to attract students has allowed such universities to focus on liberal education[323] without integrating any practice-related skills in their curricula today.[324] However, as discussed earlier, the reasoning behind this approach may not be solely attributable to university ranking. These universities

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[319] Julian Webb, 'Preparing for Practice in the 21st Century: The Role of Legal Education and Its Regulation', *Yearbook of Legal Education* (2017) cited in Unger (n 233) 8

[320] Leighton (n 249) 413

[321] Ibid

[322] Bradney (n 317) 490-498

[323] Oxford advertising for BA equivalent to LLB: The Oxford Law degree aims to develop all these skills, but its particular strength is in teaching you to think for yourself. Students are expected to read a good deal, mostly from primary sources, and to develop views not simply about what the law is, but also about why it is so, whether it should be so, and how it might be different. Cambridge advertising for 'BA (Hons)' course (referred to at other universities as an LLB degree): Law at Cambridge allows you to understand law in its historical and social contexts, and to examine its general principles and techniques. It develops skills in analysis, interpretation and logical reasoning, and challenges students to interrogate questions of ethical judgement, political liberty, and social control. See 'Law (Jurisprudence)' (University of Oxford) <https://www.ox.ac.uk/admissions/undergraduate/courses/course-listing/law-jurisprudence>. Last accessed 28 September 2022; 'Law at Cambridge' (University of Cambridge) <https://www.undergraduate.study.cam.ac.uk/courses/law>. Last accessed 28 September 2022.

[324] Ben Wienberger, *Barclays EagleLabs Panel Discussion: The Future of Legal Education with The Law Society* (2021) 12:00-13.16 <https://www.youtube.com/watch?app=desktop&v=0W2pegZbnts>. Last accessed 28 September 2022.

have deep-rooted identities based on their history as gatekeepers of liberal and academic legal knowledge and resistance toward vocational agendas in their spaces.

As discussed in this section, currently, LLBs provisions are diverse in their purpose, and it is difficult to definitively describe what exactly LLBs are for in England and Wales. At this point, it is worth pondering whether institutions that fail to consider the purpose of the LLB will struggle to determine "what the place of the University is within society, nor what the exact nature of society is…" as Readings warned from over two decades ago.[325] This consideration is particularly relevant when contemplating the purpose of LLBs as new entry routes into the profession are introduced, EU student numbers decrease, and technology use increases in many workplaces as a result of the pandemic.

In the following section, I discuss the content of LLB provisions across England and Wales which have developed as an adaption to the competing agendas and divergent purposes exacerbated by the increasing neoliberalism in HE as discussed under 2.2.3. As LLB providers seek to establish their unique specialisms within their provisions to survive in an increasingly competitive HE market, some aspects of the content in LLB curricula have become less distinct. However, some content has stood the test of time and still remain to be significant in provisions across England and Wales today. The discussions on the purposes of LLB degrees that have been explored in this section should provide the reader with context to understand the content that will be explored in the following section.

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[325] Bill Readings, *The University in Ruins* (Harvard University Press 1997). 2

2.3 The content of LLBs in England and Wales

The literature under this section partially addresses the below research sub-questions through the following specific corresponding subsections:

Sub-Q 2a: What effect has the pandemic had on legal education? – 2.3.1; 2.3.2

Sub-Q 2b: What effect has the pandemic had on working practices (legal sector and others)? – 2.3.2

Sub-Q 3b: Are the necessary skills currently fostered through LLB provisions in England and Wales? – 2.3.2

Sub-Q 4: How can the necessary skills be fostered through the LLB Degree in England and Wales? – 2.3.1; 2.3.2

In this section, I discuss signature teaching and assessment methods used in legal education (2.3.1). I also examine the diverse content of LLB provisions in England and Wales today (2.3.2) that has stemmed from the manifold ambitions of LLB providers as discussed in 2.2. For clarity, in this thesis, 'content' refers to academic subject matter, teaching and assessment strategies, and approaches used to develop transferable skills in students. The purpose of university education has shifted from public good to private benefit due to profound changes such as those discussed in 2.2. This 'dual role' stemming from the rise of a commercialised and consumerist model of HE, as discussed in 2.2.3, has created tensions between the liberal and professional interests of law as a discipline making it impossible to define the purpose of an LLB degree unequivocally or unambiguously. HE consumerism has inevitably had a domino effect on the content in LLB provisions. Today, a lot of content is determined or influenced by the expectations of legal education stakeholders, particularly students.

Currently, in England and Wales, a 3-year LLB programme is typically structured to include the FLK (generally split into 'core modules by topic') in the first and second years; with elective modules making up the remaining credits from the second year onwards; and a research project or dissertation being a common elective in the final year. However, the absence of a strictly prescribed curriculum and minimal intervention by regulators has encouraged innovation and competitiveness in the legal education market. This has resulted in law schools deploying a creative range of approaches to equip graduates with diverse knowledge and skills, including transferable skills, to suit their varying institutional purposes. In the following subsections, I provide the reader with insight into the variety of content in LLB curricula today.

The following discussions, particularly in 2.3.2, are based on the content analysis of 107 LLB provider websites conducted as part of this research, and the findings are an original contribution made to knowledge in the field of legal education. In 2.3.1, I discuss signature methods of legal education and how they relate to the underpinning education theories of this thesis. In 2.3.2, I discuss contemporary content of LLB curricula in law schools across England and Wales today based on the LLB curricula review conducted. Discussion of these findings are valuable knowledge for stakeholders of legal education particularly educators, researchers, regulators of legal education, and law students, as it provides insight into the current contents of LLB programmes delivered across England and Wales since the pandemic.

2.3.1 Signature methods in legal education

As discussed in 2.2, law is a subject of study with a complex history. Before the post-World War 2 expansion of the HE sector, few universities taught law courses,[326] and these universities had (and some still have) strong liberal ideologies that reject any vocational agendas in their teaching. Historically, although the legal profession was socio-politically protected, as discussed in 2.2.2, the academic study of law itself was not particularly esteemed.[327] Like any other discipline of study, law is no exception to signature teaching methods[328] that are deeply rooted in the discipline's identity. Some of the signature methods in legal education can be traced back to the Dean of Harvard Law School from the 1850s, Christopher Columbus Langdell. For example, Langdell's 'casebook' and 'Socratic' methods[329] were adopted by other university law schools, including those in England.[330] Other signature methods, such as the 'blackletter law'[331] approach, which deploy 'chalk and talk'[332] pedagogies, have also

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[326] According to Menis, in 1910, only seven universities across England gave public lectures in law with some awarding a BA or an LLB degree after examination: Oxford, Cambridge, UCL, Manchester, Liverpool, Sheffield and Leeds. See Menis (n 236) 293

[327] Menis cites Professor Smith who argued that "the best students did not always study law because the teaching was not sufficiently educative". Boon and Webb cite Brian Simpson who recalls that even in Oxford in the early 1950s, law did not enjoy a high academic reputation, and most undergraduates at the university who planned to join the Bar did not read law. See Menis (n 236) 294; Boon and Webb (n 234) 86

[328] Lee S Shulman, 'Signature Pedagogies in the Professions' (2005) 134 Daedalus 52. 53

[329] Havelock describes the casebook method as one based on the selection and positioning of case law decisions in a casebook that are representative of the relevant rules and principles, or legal theories. Students are then expected to analyse these and/or be subjected to (Socratic) questioning, which involves active thinking for at least the teacher and the student responding. The method was pioneered by Christopher Langdell at Harvard Law School. See Havelock (n 106) 388-389;
For historical background, see Arthur D Austin, 'Is the Casebook Method Obsolete?' (1965) 6 William & Mary Law Review 157,158–161.

[330] Áine Hyland and Shane Kilcommins, 'Signature Pedagogies and Legal Education in Universities: Epistemological and Pedagogical Concerns with Langdellian Case Method' (2009) 14 Teaching in Higher Education 29, 32-34

[331] Hutchinson describes the blackletter law approach that concentrates on narrow statements of what the law is and eschews resort to any extra-doctrinal considerations of policy or context; and that its narrow aim is to identify and analyse, organise and synthesise the existing law to determine the correct legal position on any issue. The historic origins of the term 'blackletter law' is described by Black's Law Dictionary provides a succinct summation: "the law printed in books set in Gothic type, which is very bold and black". See Allan C Hutchinson, 'Beyond Black-letterism: Ethics in Law and Legal Education' (1999) 33 The Law Teacher 301, 302; Kasia Solon Cristobal, 'From Law in Blackletter to Blackletter Law' (2016) 108 Law Library Journal 181, 182

[332] 'Chalk and talk' pedagogies are described as passive, teacher-centred methods of teaching such as lectures, dictation (note-taking), and extensive reading with little opportunity for interaction in the classroom. See Timothy W Floyd, Karen J Sneddon and Oren R Griffin, 'Beyond Chalk and Talk: The Law Classroom of the Future' (2012) 38 Ohio Northern University Law Review 257; Sarah Hiller, 'Flipping the Chalk and Take with Law Student' (2018) 4 Development.

formed the identity of legal education. These methods typically emphasise 'objective formal knowledge, the empiricism and rationalism of law, and the operation of legal principles in a closed system',[333] with 'student learning structured and formulated around the lecture hall and the law library'.[334]

These methods are supposedly 'modest and apolitical intellectualised approaches'[335] that perceive "the law is the law is the law"[336] and aim to promote the 'apolitical, value-free, technocratic' values of the discipline of law.[337] On a superficial level, this approach is successful as Wells notes students at UK law schools will have 'assimilated into a way of thinking about law which is rule-bound and rational, partial and positivistic' by the end of their first year.[338] However, upon deeper contemplation, it is evident that these methods have limited educational value for an adult learner and have often been criticised accordingly.[339] Adopting this apolitical and value-free stance makes pedagogically significant factors such as 'who presents it to the class or who is in the class'[340] irrelevant, and it fails to acknowledge existing substantive biases.[341] The individual encounters that any particular student may have with the law and relevant experiences as adult learners cannot be drawn upon and transformed meaningfully through these signature methods. As discussed in 2.1.3, drawing upon previous relevant experiences facilitates the retention and transfer of knowledge and skills.

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[333] Hyland and Kilcommins (n 330) 29

[334] Ibid, 32-34

[335] Hutchinson (n 331) 307

[336] Philip Thomas, 'Legal Education: Then and Now' (2006) 40 The Law Teacher 239, 241

[337] Hyland and Kilcommins (n 330) 33

[338] Susanna Menis, 'Non-Traditional Students and Critical Pedagogy: Transformative Practice and the Teaching of Criminal Law' (2017) 22 Teaching in Higher Education, 193-194, 200 cited in Menis (n 236) 294.See also Boon and Webb (n 234) 286

[339] Dennis Fox, 'Personal Theories of Teaching' (1983) 8 Studies in Higher Education 151.

[340] Thomas (n 336) 244

[341] Hutchinson (n 331) 307

From a socio-legal perspective, Heverin suggests these methods can lead to a 'technocratic approach' that fails to consider the context of non-legal factors, including social, ethical and personal considerations, possibly 'fostering a cynical approach to law'.[342] It also deprives students of the ability to 'confront general ethical dilemmas in concrete circumstances that enhance and interrogate their own sense of moral judgement and responsibility'.[343] Developing one's own ethical and moral virtues is the cornerstone of liberal legal education's aims, as discussed in 2.2.4. From a cognitive development perspective, Hutchinson states that 'the problem is not so much what is taught, but how it is taught', and he suggests that there is a tendency to emphasise on material in a 'taxonomic stock-taking' manner.[344] These methods tend to reinforce habitual and passive behaviours by students as their dominant purpose is usually the transmission of prescribed content from lecturer to student. Fox speculates that this is attributable to law being a conservative discipline which encourages staff to teach how they were themselves taught;[345] hence adopting a Mezirowian perception that 'those unfamiliar with the literature of adult education tend to use the approaches that they have experienced - practices that are often dysfunctional with adults and incompatible with the prevailing consensus among writers in the field of adult education'.[346]

From the underpinning education theories explored in 2.1.1, we know that the limited application of subject matter to real experiences is unfavourable for adult learning. Without the opportunity for real-world application of knowledge, adult learners are less motivated to engage in the learning without seeing how it is relevant to their

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[342] Heverin (n 309) 41-42
[343] Hutchinson (n 331) 305
[344] Hutchinson (n 331) 302
[345] David Boud and Grahame Feletti, *The Challenge of Problem-Based Learning* (Kogan Page 1991) 54 cited in Havelock (n 106) 383.
[346] Jack Mezirow, *Transformative Dimensions (Jossey-Bass Higher and Adult Education* (John Wiley & Sons 1991).

future development (career or otherwise) and are therefore more likely to only engage superficially. Floyd additionally notes that adult learners are more motivated to learn when educators create an environment that embodies mutual respect by encouraging individual students to contextualise and develop the exploration of the subject matter based on their experiences.[347] Biggs discusses how surface learning can replace genuine understanding to give the impression that an appropriate level of learning has occurred when it has not.[348] He explores criticisms of other teaching methods, such as large lectures and tutorials, which are signature legal education methods. In his words:

> 'The assumption that the lecture method, and its satellite the tutorial, should be the defaults that academics use in discharging their teaching duties needs examining.'

Even Socratic methods, which require some student involvement, do not truly promote active learning. As Floyd highlights, most students in the classroom merely passively observe the select few who participate in the debate. This method encourages students' adversariness and competitiveness, rather than collaborative learning.[349] He suggests that the active exchange of ideas within small groups is better suited for adult learners as it increases interest among the participants and promotes critical thinking. [350]

The signature assessment methods of legal education have also been a controversial subject for discussion. Maharg and others date the conservative practices throughout

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[347] Floyd and others (n 332) 268
[348] Biggs and Tang (n 256) 24
[349] Floyd and others (n 332) 268-269
[350] Ibid, 268-269

the Common Law world to 19th-century models of assessment.[351] Traditional assessment methods used in legal education, such as time-bound essays and problem-solving questions, have been criticised for being inefficient indicators of learning as they operate on the assumption that grasping concepts sufficiently well result in high grades. Often, law students overall learning are largely or wholly dependent on performance in one single examination.[352] However, the validity of these methods relies significantly on whether the assessment is designed appropriately[353] and presents the risk of the strategic student obtaining high grades using inappropriate, low-level learning, as Biggs describes.[354] Elton opines that abilities such as creativity and criticality cannot be assessed by these means, and he notes that change requires critical judgement on the creator's part.[355] More recently, there has been a growing movement in legal education to incorporate more innovative teaching and assessment methods, as will be discussed in 2.3.2.

Legal research is a skill often associated with lawyering, as reflected in the regulatory LOs for a law degree in England and Wales, summarised previously in Table 2.5. LLB programmes typically have a capstone academic research project or dissertation towards the end of the programme to hone these research skills. The research culture spreading across HE appears to have prompted a greater appreciation for the andragogic value of academic research in legal education. As Bauling discusses, the

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[351] Paul Maharg and Alison Bone (eds), *Critical Perspectives on the Scholarship of Assessment and Learning in Law*, vol Volume 1: England (Australian National University Press 2019), XV

[352] P Devonshire and I Brailsford, 'Re-Defining Learning Outcomes: A Case for the Assessment of Skills and Competencies in a Law Degree' (2012) 25 New Zealand Universities Law Review cited in Maharg and Bone (n 351)

[353] Elton (n 86) 639-640

[354] Biggs and Tang (n 256) 36

[355] Elton (n 86) 639-640.
The literature also supports this idea that some transferable skills, particularly interpersonal and intrapersonal skills which are commonly referred to as 'soft skills' can only be developed through authentic experiences, and not through a controlled classroom environment. For example, see Stephen Gibb, 'Soft Skills Assessment: Theory Development and the Research Agenda' (2014) 33 International Journal of Lifelong Education 455.

process of writing a dissertation provides the opportunity to refine 'embedded subject knowledge, problem identification and solving capabilities, and lifelong learning skills' and can be utilised as a 'learning tool that transforms the legal reasoning of students by challenging them to think critically and engage with legal materials on a deeper, more enriching level.'[356] Where the educator has created a suitable learning environment, the self-directed and independent nature of research encourages the development of autonomous and critical thinking through discourse with research supervisors and peers. As discussed in 2.1.1(iii), self-directed methods such as these can be transformative for an adult learner if scaffolded appropriately.

Despite its critics, some of the signature legal education methods are sometimes necessary and can promote 'active' or 'deep' learning if done effectively. Similarly, many legal education academic practices are misunderstood. For example, according to Biggs, a common misconception about memorisation is that it indicates a surface approach. However, verbatim recall is sometimes entirely appropriate and necessary in an examination context. He refers to what Tang called 'deep memorising',[357] where students intend to understand in depth but also need to be able to recall details on cue, as recall of a relevant part can give access to the whole. This is common in legal education, as memorising is often a necessary step in learning statute or case law. Law students often need to recall and reproduce a section of statute verbatim or key points of a case when prompted by a 'cue' which 'gives access to the whole' as Biggs suggests.

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[356] Andrea Bauling, 'Towards a Sound Pedagogy in Law: A Constitutionally Informed Dissertation as Capstone Course in the LLB Degree Programme' (2017) 20 Pioneer in peer-reviewed. 2

[357] Catherine Tang, 'Effects of Two Different Assessment Procedures on Tertiary Students' Approaches to Learning' (University of Hong Kong 1991).

In Biggs' discussions, he concludes that many of the methods discussed above can promote either surface or deep learning, depending on the educator's skills and the learner's motivations.[358] However, the value of activities such as note-taking, which are commonplace in lectures, has its critiques too. For example, Havelock characterises note-taking as "passive" behaviour because students have little capacity to engage with content while simultaneously recording what a lecturer says.[359] The intervention required here would be for a skilful lecturer to reduce the need for notetaking to increase student engagement during a lecture. However, as Havelock suggests, the interventions required may be perceived as 'outlandishly innovative, difficult to implement and burdensome' by some legal educators,[360] as they can be consuming in terms of time, labour, and resources. The learning environment also becomes less predictable as it becomes more student-led. Resistance from such educators may contribute to the ever-increasing competitive nature of legal education, which questionably incentivises students to achieve top grades[361] instead of cultivating a desire to engage in deep learning. Albeit criticisms, statistics show that students value the lecture and seminar methods.[362]

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[358] According to Feather, if anyone is to engage in an activity, he or she needs both to value the outcome and to expect success in achieving it. See N Feather (ed), *Expectations and Actions* (Lawrence Erlbaum 1982) cited in Biggs and Tang (n 256)

[359] Havelock (n 106) footnote 5: 'There is evidence that note taking is not associated with any better learning outcome than not taking notes, and may indeed produce worse outcomes.
Gibbs characterises note taking as "passive" behaviour on the basis that although students may well have the cognitive capacity to record everything a lecturer says, this leaves little, if any, residual capacity for them to engage with the content simultaneously.' See G. Gibbs, Twenty Terrible Reasons for Lecturing (Birmingham, SCED Occasional Paper No. 8, 1981) section 1.6.

[360] David Boud and Grahame Feletti, *The Challenge of Problem-Based Learning* (Kogan Page 1991) 54 cited in Havelock (n 106) 382

[361] GF Hess, 'Minds and Hearts: The Teaching and Learning Environment in Law School' (2005) 52 Journal of Legal Education 75 cited in Havelock (n 106) 382.

[362] In 2009, Bone's survey of UG Law students found that 81% of respondents (1156 of 1428 from across nine UK universities) agreed or agreed strongly with the statement "Lectures are the most important part of my learning experience at university", and 93% of respondents agreed or strongly agreed with the statement "Seminars are an effective way of improving my understanding". Bone concluded that lectures and seminars are seen as of "fundamental importance" to students' learning. See Alison Bone, ''The Twenty-First Century Law Student' (2009) 43 The Law Teacher 222, 231

Since Langdell's time, other methods have also become common in law schools, such as recording lectures, take-home assessments and, more recently, virtual delivery of lectures. Here it is also vital to acknowledge that although many signature methods still exist, there has been a considerable shift in the methods used. Hyland and Kilcommins, for example, discuss the increased opportunity for critical engagement with the subject matter in a manner that emphasises student learning and student understanding through interdisciplinary approaches, including CLE; engagement with socio-legal theory and principles; a greater emphasis on practical application of skills such as legal writing and engaging with policy; the increased use of technology which increases access to legal information; and moving lecturer-student interaction beyond the lecture room.[363] As some of these methods have become increasingly common in LLB provisions, I discuss them in 2.3.2.

i. The effect of the pandemic on signature methods

The pandemic has required many law schools to become more innovative in teaching and assessment methods. An AdvanceHE publication compiled during the pandemic[364] discusses some of these innovations. Some examples include online, open-book exams as an alternative to traditional in situ examinations;[365] MCQs to increase perceptions of fairness and reduce assessment overload;[366] and reflective e-

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[363] Hyland and Kilcommins (n 330) 40

[364] An AdvanceHE publication that comprised of nine case study papers written by legal educators in the UK during the COVID-19 pandemic. The focus of the publication is assessment and feedback, and each paper considers a relevant issue or innovation in legal education. Contributions were based on legal education at Wolverhampton Law School, Keele University, Manchester Law School, Bristol Law School, University of East Anglia, Hertfordshire Law School and University of Portsmouth. Not all of these contributions were on LLBs specifically. See Patrick Baughan, 'Assessment and Feedback in Law: Case Studies from the Sector' (AdvanceHE 2021) <https://www.advance-he.ac.uk/knowledge-hub/assessment-and-feedback-law>. Last accessed 29 September 2022

[365] Lara McMurty and Mark Davys, 'Online Open Book Assessments: A Case Study', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

[366] Emily Walsh and Cheryl Buck, 'A New Assessment Strategy for Law: Improving Formative Feedback and Incorporating Multiple Choice Questions', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

portfolios to address and challenge the conventional assessment methodology specifically.[367] Contributors in this publication also discuss changes to traditional delivery methods adapted for the LLB as emergency measures during this time. In Manchester Law School, for example, fundamental revisions to the programme structure were made, resulting in some modules having incremental assessments instead of one single end-point assessment. Modules with the revised structure had higher student engagement compared to those with one end-point assessment.[368]

Some educators speculate that some of the changes that manifested as a response to the pandemic will replace traditional methods in the long run. McMurty and Davys, for example, discuss how certain features of online open-book assessments, such as a 24-hour window within which to complete the questions, a liberal 3,000-word limit, an extension by default for students with reasonable adjustments, and a more tolerant approach to the usual OSCOLA referencing requirements, are more appropriate to assess certain LOs in law. They suggest that there is little indication of a return to in situ exams and that future law graduates may not experience a traditional, closed-book exam.[369] In addition to benefits to students, Ellis and Garner also found that from an educators' perspective, marking online assessments allowed greater flexibility and collaboration amongst marking teams, resulting in more consistent

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[367] Catherine Edwards and Sonja Dale, 'Alternative Assessment: Introducing a Reflective e-Portfolio in a Traditional Law School', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

[368] LLB modules at Manchester Metropolitan University have traditionally been such that four 30-credit modules run simultaneously through the year, delivered in-person, with no more than 2 points of assessments per module. However, as a response to the pandemic, the LLB was restructured for online delivery and modules were delivered in 'blocks' instead. This meant that only one 30-credit module ran at a time over a period of six weeks, and some of these modules had incremental assessments in the form of MCQs or coursework tasks over the course of the six weeks in replacement of one single end-point assessment in the form of an exam or essay. See Kryss Macleod and Maria Bryan, 'Designing a Framework for Engagement-Focused Assessment on a Block and Blended Delivery LLB', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

[369] 'Online Open Book Assessments: A Case Study', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

standards and quality in marks awarded to students.[370] This increased the ease for educators to provide feedback while simultaneously increasing students' ease of accessing feedback provided. This indirectly addressed educators' frustrations widely acknowledged in the sector, as noted by Sambell, where batches of work linger uncollected[371] in offices across campus despite the time and effort spent on painstakingly annotations and comments.[372]

However, despite their merits in the literature, case studies on 24-hour exams at Keele Law School[373] and Bristol Law School found that 24-hour exams seem to have caused more problems as they added to students' anxiousness and panic, which led to poor judgement and assessment offences.[374] There is insufficient data available to make inferences about the gap between these assessment methods' theoretical benefits and practical difficulties. However, an informed assumption is that it is the inevitable result of emergency measures[375] in response to the pandemic, which mandated the closure of university buildings for most LLB providers in England and Wales. This inevitably means that there was not enough time to plan and prepare for

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[370] Eloise Ellis and Kristina Garner, 'Reflections on Online Assessment- Challenges and Responses to the Covid-19 Pandemic in a Legal Academic Context', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

[371] Ibid. Figures collected in 2018/19 showed that of 2053 physical pieces of marked Law coursework, 425 went uncollected. This is 20.7% or one in five pieces.

[372] Kay Sambell, 'Assessment and Feedback in Higher Education: Considerable Room for Improvement?' (2016) 1 Student Engagement in Higher Education <http://insight.cumbria.ac.uk/id/eprint/2819/>. Last accessed 29 September 2022

[373] 'Online Open Book Assessments: A Case Study', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

[374] Sabine Hassler, Shilan Shah-Davis and Sara Moore, 'Reflections on Assessment and Feedback Practice in Law', *Assessment and Feedback in Law: Case studies from the sector* (n 364)

[375] According to Hodges and others, the type of learning arrangements rapidly established in response to the pandemic should not be considered as online learning, but as 'emergency remote teaching' which 'involves the use of fully remote teaching solutions for instruction or education that would otherwise be delivered face-to-face or as blended or hybrid courses and that will return to that format once the crisis or emergency has abated' and is different from planned and prepared online teaching. See Charles Hodges and others, 'The Difference Between Emergency Remote Teaching and Online Learning' (27 March 2020) <https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning>. Last accessed 29 September 2022

online teaching and assessment, which left students and staff unsupported and unprepared without the technical skills and equipment required.[376]

2.3.2 Subject matter and approaches used in 2021-2022

Dunn, in her thesis, quotes Bower and Hilgard, who emphasise that 'there is not any academic disagreement about what learning is, but rather what this should entail and how to encompass all the different elements'.[377] They state these 'differences are over issues of interpretation, not over definition.'[378] Achieving a balance between the varying interests in an LLB curriculum is a significant challenge for curriculum developers. As Waters describes, the tensions between liberal and vocational agendas often transpire in the content of the curriculum as 'professionalisation' vs 'socio-legal' subjects.[379] However, although these are two separate elements, they do not have contradictory or conflicting purposes. As Waters describes, modules that are not 'poor law' modules[380] can still have socio-legal aspects. Similarly, Burton and Watkins suggest that 'social awareness' is as important as commercial awareness.[381]

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[376] According to the survey implemented by the International Association of Universities during March and April 2020, 85 % of HEIs in Europe switched to online teaching, while 12 % of HEIs were developing solutions. A survey of the COIMBRA group which encompasses 41 European institutions shows that by early April 2020 all the surveyed universities from the group had made the switch to online delivery. The reviewed surveys did not include more detailed information on how COVID-19 affected universities already providing fully online study programmes. See G Marinoni, H van't Land and T Jensen, 'Global Survey Report The Impact of COVID-19 on Higher Education around the World' (International Association of Universities 2020) cited in Farnell and others (n 9)

[377] Dunn (n 35) 97.

[378] Gordon H Bower and Ernest R Hilgard, *Theories of Learning* (5th edn, Prentice Hall 1981), 14

[379] Ben Waters, 'The Solicitors Qualification Examination: Something for All? Some Challenges Facing Law Schools in England and Wales' (2018) 52 The Law Teacher 519.

[380] Waters uses the term 'poor law' to as a reference to subjects such as Employment, Human Rights, Immigration, Housing, Family or Welfare Benefits that are not covered on the SQE. Similar terminology has been used by Guth who refers to the SQE1 subjects as 'rich man's law' (principles of professional conduct, public and administrative law and the legal systems of England and Wales; dispute resolution in contract or tort; property law and practice; commercial and corporate law and practice; wills and the administration of estates and trusts; criminal law and practice). Guth points out that this selection of subjects excludes the unglamorous, day-to-day legal problems that fall within the remit of family law, employment law, social welfare law and immigration law. See Waters (n 379); Jessica Guth, 'The SQE, Law Degrees and Socio-Legal Studies' (*SLSA Blog*) <http://slsablog.co.uk/blog/blog-posts/the-sqe-law-degrees-and-socio-legal-studies/>. Last accessed 29 September 2022

[381] Mandy Burton and Dawn Watkins, 'Interdisciplinary Approaches and Collaboration in Legal Education in England and Wales', *Key Directions in Legal Education National and International Perspectives* (Routledge 2021), 41.
'Commercial awareness' is another term used without an undisputed definition on what it means. For recent literature review on commercial awareness, see Siobhan McConnell, 'A Systematic Review of Commercial

Watkins argues that there is a significant role that human actors play in the vocational aspects of the profession, which students should be made aware of.[382] LLB providers across England and Wales have attempted to strike an appropriate balance between these liberal and vocational elements in varying ways. For example, Campbell outlines how a project at a Business Law Clinic assists the local community in various business-related activities, and she makes a unique case for how business law clinics can fit within the social justice agenda.[383]

As discussed in 2.2, the limited and uncoordinated regulation of LLB provisions has enabled providers to develop their curricula in ways that suit their respective institutional agendas and ambitions. However, these varying ambitions and approaches have a trickle-down effect on graduates' experiences of the LLB degree. The experience in one law school can be very different from the next, depending on where and when they have undertaken their legal education. Nonetheless, the increased focus on skills and employability across the HE sector has led to greater adoption of interdisciplinary approaches to increase innovation in teaching and assessment methods and an increased focus on extra and co-curricular activities within law schools.[384] Terms such as interdisciplinary, multidisciplinary, cross-disciplinary, and transdisciplinary are often used interchangeably in this discourse.

Awareness in the Context of the Employability of Law Students' (2022) 3 European Journal of Legal Education 127.

[382] For example, executing legal proceedings in the context of equity and trusts. See Dawn Watkins, 'Recovering the Lost Human Stories of Law: Finding Mrs Burns' (2013) 7 Law and Humanities 68; Dawn Watkins, 'The Role of Narratives in Legal Education' (2011) 32 Liverpool Law Review 113.

[383] Elaine Campbell, 'Taking Care of Business: Challenging the Traditional Conceptualization of Social Justice in Clinical Legal Education', *Social Justice and Legal Education* (Cambridge Scholars Publishing 2018).
In Campbell's earlier work, she also discusses how business law clinics can be met with scepticism as they can be perceived to have a misdirected mission by providing free legal services to profit-making businesses instead of individuals ineligible for legal aid. She frames the social justice mission of business clinics in a bi-dimensional manner: 'For the students, it provides access to an authentic education in the realities of working with and advising a range of enterprises. For those enterprises, it provides the opportunity to use funds which may have been swallowed by large legal bills for other ventures or projects.' See Elaine Campbell, 'A Dangerous Method? Defending the Rise of Business Law Clinics in the UK' (2015) 49 The Law Teacher 165.

[384] Dan Berger and Charles Wild, 'Enhancing Student Performance and Employability through the Use of Authentic Assessment Techniques in Extra and Co-Curricular Activities (ECCAs)' (2017) 51 The Law Teacher 428.

What constitutes disciplinarity is a philosophical discussion in itself.[385] However, for clarity in this thesis, I use interdisciplinary approaches as an umbrella term which encompasses any approach involving collaboration or borrowing of methods not traditionally used in legal education.

As introduced earlier in this thesis, I conducted a content analysis of 107 LLB provider websites to examine LLB provisions across England and Wales in light of the pandemic (and SQE). It was impossible to examine the subject matter, teaching, and assessment methods for every single module across 107 programmes. However, to inform this thesis as best as possible, I explored the delivery of (i) the FLK, (ii) research projects/dissertations, (iii) CLE and Work-Based Learning (WBL), (iv) Technology Enhanced Learning (TEL), and (v) content that 'prep for legal practice'. (i) and (ii) were explored to gain an informed understanding of LLB providers' approaches to signature methods of legal education today; (iii) and (iv) were explored as interdisciplinary methods used to foster transferable skills; (v) was explored to inform the discussions in 2.2.4(ii). Some law schools integrate this content through built-in approaches, whereas some do so through bolt-on approaches which are not mandatory for all law students to undertake.

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[385] See Martin Davies, Marcia Devlin and Malcolm Tight (eds), *Interdisciplinary Higher Education: Perspectives and Practicalities*, vol 5 (Emerald 2010); Martin Davies and Marcia Devlin, 'Interdisciplinary Higher Education: Implications for Teaching and Learning' [2007] Centre for the study of Higher Education.

In this section, I discuss the different approaches used and the skills developed through the approaches used by LLB providers across England and Wales today.[386] Figure 2.10 provides an overview of LLB curricula content and approaches used to integrate said content.

Figure 2.10 Content built-in to the LLB curricula across 107 providers in England and Wales

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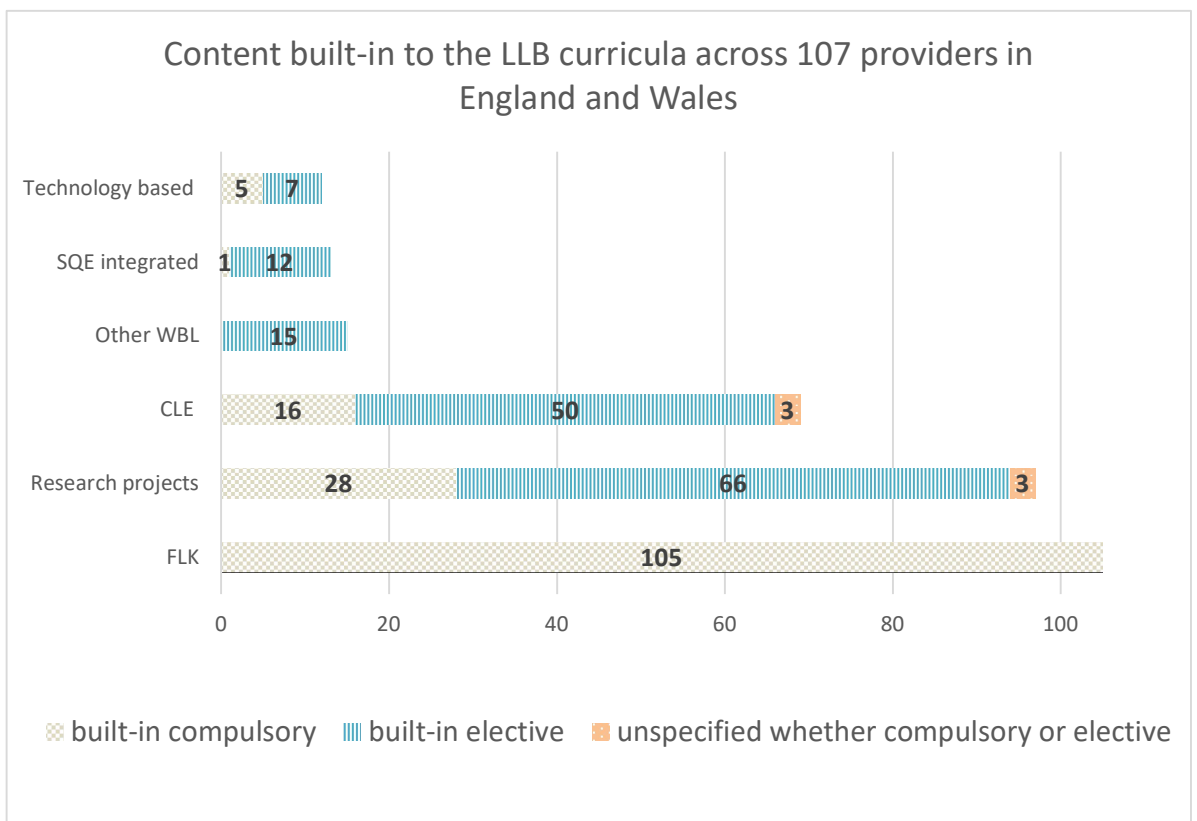
[386] The approaches have been explored through examination of LLB programme and module descriptors available on 107 LLB provider websites. See Appendix 1 for detailed findings.

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i.   Delivery of the Foundations of Legal Knowledge

As introduced in 2.2.1, the FLK that is often referred to as 'core' subjects[387] has complex origins which date back to the Ormrod Committee's recommendations in the 1970s.[388] Through the years, there has been resistance from educators about the relevance and significance of this core. In Boon and Webb's view, many academics saw this core as a conservative influence on the development of academic legal education, and many university law schools treated the suggestion of adding more material to the core as an intrusion on their autonomy and a threat to the student learning experience.[389] Despite its now limited significance from a regulatory perspective, it is still present in many LLB provisions today. Perhaps the question here is whether the continued existence of the core in LLBs embodies the philosophical or 'epistemic core enshrined within a law degree', which Savage and Watts deem necessary for it to be 'considered a law degree'.[390]

At the time of writing, out of 107 LLB providers examined, only ten give students an option to (partially) opt-out of the core subjects[391] despite recent regulatory changes on the significance of the QLD[392] as discussed in 2.2.1. These providers take different approaches in their opt-out options. For some, it is compulsory for students to do an 'introduction' to all FLK subjects, with 'advanced' options of the FLK offered as electives. For others, some FLK modules are compulsory, but others are offered as

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[387] Public Law (including Constitutional Law, Administrative Law and Human Rights), Law of the European Union, Criminal Law, Obligations (including Contract, Restitution and Tort), Property Law, and Equity and the Law of Trusts. See 'Academic Stage Handbook, Version 1.4' (n 217)
[388] Ormrod Report (n 220)
[389] Boon and Webb (n 234)
[390] Nigel Savage and Gary Watt, 'A "House of Intellect" for the Profession' in Peter Birks (ed) in Birks (n 215) 49
[391] Aston University, Cambridge University, Cardiff University, Durham University, LSE, Open University, Manchester University, Warwick University, Sheffield University
[392] 'Common Protocol on the Academic Stage of Training' (n 1)

electives. In Table 2.6 below, I summarise my findings on how providers enable students to opt-out of the FLK.

Table 2.6 Compulsory and elective components of the FLK where providers allow students to partially opt-out

Provider	Year 1	Year 2	Year 3
Aston	Compulsory: liability in crime and tort, introduction to contract and property	Compulsory: public, land	Electives for QLD*: advanced criminal, equity and trust, EU
Cambridge	Compulsory: criminal, constitutional, tort.	Elective: land, contract.	Elective: EU, equity.
Cardiff	Compulsory: Contract, criminal, public.	Elective: tort, land.	Elective: EU, equity and trust
		The FLK elective subjects come as two options: 30 credit modules for those who wish to have a QLD*, or 20 credit modules for those who are interested in the subject but not pursuing a QLD*	
City	Compulsory: constitutional foundations, contract foundations, criminal foundations, tort foundations, contract and practice, administrative and human rights	Compulsory: EU foundations, land foundation, trust foundation Elective: further issues criminal, further issues tort, contemporary issues EU, UK and EU.	Elective: further issues equity, further issues land, several other European and human rights options.
Durham	Compulsory: tort, contract, EU, constitutional	Compulsory: criminal,	
		Elective: trust, land	
LSE	Compulsory: obligations (contract and tort), property, public, criminal	Elective: EU, public 2.	
OU	Compulsory: criminal, civil and tort.	Compulsory: contract, public.	Route choices [academic route: compulsory trust, QLD* route: compulsory trust, EU, land; or SQE route: SQE1 subjects]
Manchester	Compulsory: criminal, contract, public	Compulsory: land, tort	Elective: Equity & trust, EU
Sheffield	Compulsory: criminal law, obligations, property, public and remedies modules.	Advanced options available for students interested in QLD*.	
Warwick	Compulsory: All FLK apart from trust and EU which students wishing to obtain QLD* should opt for in Y3		Elective: trust and EU
QLD in this table refers to fulfilment of the FLK as required by the BSB for entry into the barristers' profession.[393]			

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[393] Although the BSB has dispensed with the use of the term 'QLD', it was used in this table as many law schools still referred to their programmes as QLDs when writing in June/July 2022; See Appendix 1.

In October 2022, these provider websites were revisited and the term QLD was still being used by some providers – **University of Brighton**: 'Our qualifying Law LLB(Hons) degree combines academic study with

Vaughan has long advocated for students to leave the core subjects out of their curriculum if they do not intend to go into practice.[394] Historically, this stance has also been supported by legal educators such as Hodgson, Watts and Savage, who have been of the view that UG students should be mature enough to seek and take advice as to the areas of study relevant to their personal aptitudes and career aims, and to 'make up' any subjects they have not studied in their degrees by additional study before entering the vocational stage.[395] This approach aligns with Browne's wider aspirations for the HE sector, as he opined students are best placed to make the judgement about what they want to get from participating in HE.

The expansion and diversification of LLB provisions have allowed students with different motivations and expectations of the LLB to sit in the same classroom, which inevitably causes many educational challenges. For example, Biggs discusses learning-related problems in a multicultural class that extend beyond language

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opportunities to experience law in practice, preparing you for a career as a legal professional.' See <https://www.brighton.ac.uk/courses/study/law-llb-hons.aspx> Last accessed 15 October 2022;

Cardiff Metropolitan University: The Cardiff Met LLB (Hons) Law degree is a qualifying law degree (QLD) that combines doctrinal learning with applied skills training. Our QLD degree satisfies the academic stage of professional training for those who want to become solicitors or barristers. See <https://www.cardiffmet.ac.uk/management/courses/Pages/LLB-Law-(Hons).aspx> Last accessed 15 October 2022;

City University of London: Our accredited, qualifying Law degree provides you with essential legal and academic skills. See <https://www.city.ac.uk/prospective-students/courses/undergraduate/law> Last accessed 15 October 2022;

Goldsmiths University of London: This is a qualifying law degree - your first step towards becoming a solicitor or barrister in England and Wales. See <https://www.gold.ac.uk/ug/llb-law/> Last accessed 15 October 2022;

London Metropolitan University: The LLB (Hons) is a degree that enables you to explore a diverse range of optional subjects while meeting the Qualifying Law Degree requirements for training as a solicitor or barrister. See <https://www.londonmet.ac.uk/courses/undergraduate/llb-law---hons/> Last accessed 15 October 2022;

University of East London: Our LLB (Hons) Law course is a qualifying law degree, forming an essential part of the training you need to become a barrister or a solicitor. See <https://www.uel.ac.uk/undergraduate/courses/llb-hons-law> Last accessed 15 October 2022;

University of Southampton: All our undergraduate programmes lead to qualifying law degrees recognised by the Solicitors Regulation Authority and the Bar Standards Board. See <https://www.southampton.ac.uk/courses/law-degree-llb> Last accessed 15 October 2022

[394] Roper and others (n 57) 460.

[395] This was stated in the Association of Law Teachers draft response to the Lord Chancellor's Advisory Committee on Legal Education and Conduct draft consultation paper in 1994 that questioned the need for a prescribed core of knowledge in QLDs. See John Hodgson - Honorary Secretary, Association of Law Teachers - 16th December 1994 cited in Nigel Savage and Gary Watt, 'A "House of Intellect" for the Profession' in Birks (n 215), 50

barriers.[396] Clear and Parker intended to further examine these problems in the learning experiences of law students in Wales,[397] and they found that some cultural differences stagger a learner's ability to grasp fundamental legal principles.[398] These findings are valuable in this discussion as it brings us back to the question of what exactly makes the core – is it simply about delivering subject matter for these prescribed subjects? Or is it about how these subjects might be interpreted and usefully applied by students irrespective of cultural differences? At present, it seems to be the former.

Collini, however, opines that allowing students to choose what they want from their education would be a 'vacuous tautology' and uses the analogy of 'children being best placed to judge what they want from the sweetshop but not what they should get from their schooling'.[399] He acknowledges that although university students are no longer children, they are not simply rational consumers in a perfect market.[400] However, considering most LLB students in England and Wales are autonomous adult learners who have taken on considerable financial liability to pursue their studies, perhaps they are best placed to judge what they want from their university education and should be allowed the freedom to choose their subjects and professors

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[396] Biggs and Tang use the example of learners from Asia who are unfairly and inaccurately stereotyped to be more inclined to favour descriptive 'rote-learning', passivity and teacher dependence, and he recognises the risk of such stereotypes being distortions of the reality to some extent as there are also similarities between the learning experiences of international and home students too. See Biggs and Tang (n 256) 18

[397] Clear and Parker (n 264)

[398] Clear and Parker found that French native learners found it challenging to follow an Issue, Rule/Law, Application, Conclusion (IRAC/ILAC) structure, namely because they had been taught in their own jurisdiction to follow a Rule, Issue, Application (RIA) method. They claimed to be taught to never arrive at a conclusion as to the legal possibilities, as doing so would be to portray arrogance, as if they were trying to fulfil the role of the judge. See Clear and Parker (n 264)

[399] Collini (n 255)

[400] Ibid

as encouraged by the Humboldtian university model.[401] I return to my discussion on this in 5.1.1(i).

ii. Research projects and dissertations

As discussed in 2.3.1, LLB programmes in England and Wales typically have a capstone academic research project or dissertation towards the end of the programme, requiring learners to engage research skills developed throughout the programme. Providers are becoming increasingly innovative with their integration of research projects into the curricula in recent years[402] despite it 'enticing little academic attention', as some may suggest.[403]

From the content analysis of 107 LLB provider websites, 96 providers indicated that a final-year research project or dissertation was part of their provision. It was unknown whether the remainder 11 providers integrated research projects and dissertations into their programmes as it was not indicated on their websites. Of the 96 providers that indicated research activity in the final year of the LLB programmes, all used a built-in approach where the research project or dissertation module was assessed, credit-bearing, and relevant research skills were developed through the programme to prepare students for the module. 27 made such modules compulsory for all students

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[401] William von Humboldt believed strongly in individual freedom and argued in favour of a university model where the professors were free to teach what and how they wanted to teach and students were free to choose their subjects and professors. An interesting extension of this discourse is QAA's recommendation in 2014 which suggest adopting greater transparency of information to further inform student choices. This includes disclosing how money is spent on teaching and learning activities, what qualifications academics have in their subjects and for teaching, how academics are hired and trained and how teaching is structured and allocated. See Berit Karseth and Tone Dyrdal Solbrekke, 'Curriculum Trends in European Higher Education: The Pursuit of the Humboldtian University Ideas', *Higher Education, Stratification, and Workforce Development* (Springer 2016) 219; Camille Kandiko Howson, 'Student Expectations and Perceptions of Higher Education' (Quality Assurance Agency for UK Higher Education 2014) 9 <https://www.academia.edu/38692124/Student_Expectations_and_Perceptions_of_Higher_Education> accessed 3 October 2022.

[402] As evidenced by findings of content analysis of 107 LLB provider websites. For detailed findings, see Appendix 1

[403] Bauling (n 356) 2

on the LLB programme, 66 made it an elective, and three did not indicate whether it was compulsory or an elective. My findings are summarised in Figure 2.11 below.

Figure 2.11 Approaches used to integrate research activity into the LLB curricula across England and Wales

Compulsory (27)	Elective (66)	Unspecified whether compulsory or elective (3)	Unknown (11)
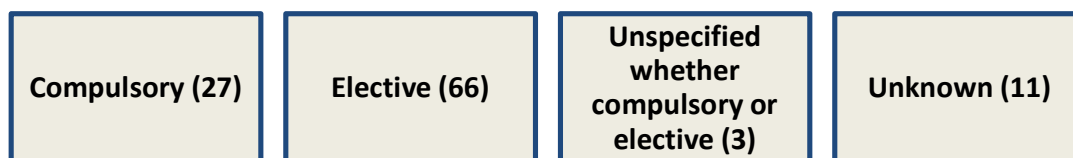
From the 27 providers that made such a module compulsory in the final year, some allowed students some flexibility to choose between different types of research-focused modules.[404] Similarly, many providers that integrated research-related modules as an elective had more than one research-focused module.

iii. Clinical Legal Education and Work-Based Learning

In this thesis, CLE refers to live, experiential learning, where students give legal advice to real clients, either online or in-person, under the supervision of a qualified practitioner. Simulated clinical activities, role-play interviews with mock clients, and other such activities are referred to as 'simulated activities' in this thesis. Discussion around the concept of CLE dates back almost a century ago,[405] and it has rapidly increased in prominence in law schools across the UK in recent decades. It is a form of work-based learning as students learn in the legal workplace or through their engagement in legal-related work (such as giving legal advice at their local Citizens Advice Bureau). Although effective, CLE is known to be costly and requires many

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[404] Bradford University requires students to pick between a short or extended dissertation module (credits unknown); Bristol University requires students to pick between research project (20 credits) or dissertation (40 credits) modules; Winchester University requires students to pick between dissertation (30 credits) or independent research project (15 credits) modules; York University requires students to pick between dissertation or independent learning project modules (credits unknown)

[405] Jerome Frank, 'Why Not a Clinical Lawyer School?' (1933) 81 University of Pennsylvania Law Review 907

resources and staff effort to sustain them.[406] Therefore, in this thesis, I discuss simulated activities with CLE as the experiential element of it is similar from the learner's experience, and thus, it develops similar skills in the learner as will be discussed below.

At the time of writing, 84 LLB providers out of the 107 have CLE activity available to their LLB students.[407] Some have done this by establishing law clinics within their law schools (physically and virtually),[408] and some have done this through partnerships with external agencies such as the Citizens Advice Bureau[409] or other law firms.[410] However, only a small number of these law schools have CLE built-in to the curriculum via compulsory credit-bearing modules, which contribute to the LLB award. Most law schools offer CLE to their LLB students through bolt-on approaches such as extra or co-curricular activity or through a built-in approach but as an elective module. Therefore, although CLE is increasingly becoming more widely available in law schools across England and Wales, the proportion of graduates who have experienced CLE as part of the LLB is still considerably low at present.[411] Figure 2.12

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[406] Dunn (n 35) 4

[407] See Appendix 1 for details of LLB providers

[408] The impact of both, physical and virtual, law clinics are discussed later in 2.3.2(i)

[409] See Lyndsey Bengtsson, Callum Thomson and Bethany A'Court, 'The Law in the Community Module at Northumbria University - Working in Partnership with Citizens Advice as an Effective Teaching Tool' (2022) 28 International Journal of Clinical Legal Education, 111; Alice Ingall, 'Sussex Law Students Win 'Advice Project of the Year' from Citizens Advice' *University of Sussex* (29 October 2018) <https://www.sussex.ac.uk/broadcast/read/46413>. Last accessed 29 September 2022; 'Law Clinic: Work Based Learning and Volunteering 2018/19' <https://www.plymouth.ac.uk/uploads/production/document/path/9/9747/Law_Clinic_Handbook.pdf>. Last accessed 29 September 2022; 'Legal Advice and Representation Unit' *Birmingham City Law School* <https://www.bcu.ac.uk/law/student-experience-and-employability/legal-advice-representations-unit>. Last accessed 29 September 2022; 'Law Clinics' *Lancaster University* <https://www.lancaster.ac.uk/study/why-lancaster/law-clinics/>. Last accessed 29 September 2022.

[410] Lyndsey Bengtsson and Ana Speed, 'A Case Study Approach. Legal Outreach Clinics at Northumbria University' (2019) 26 International Journal of Clinical Legal Education 179; Margaret Castles, 'Marriage of Convenience or a Match Made in Heaven? Collaboration between a Law School Clinic and a Commercial Law Firm' (2016) 23 International Journal of Clinical Legal Education 7; Bleasdale-Hill and Wragg (n 275).

[411] In the most recent LawWorks report, at least 3,077 students are estimated to be involved in pro bono work (through built-in and bolt-on approaches). However, they suggest that the number of students doing pro bono work is significantly more than captured by the survey. Currently 72 law schools have clinics registered to the LawWorks clinics network. This is not an accurate number as some law schools did not respond to the survey. LawWorks estimates at least 64% of all law schools offer pro bono opportunities; however, within the data gap of law schools that did not respond to the survey they expect that there is more pro bono activity taking place. A

below provides an overview of approaches to integrating CLE into the LLB curricula in the 84 providers with CLE activity.

Figure 2.12. Overview of approaches used to integrate CLE into LLB curricula across England and Wales
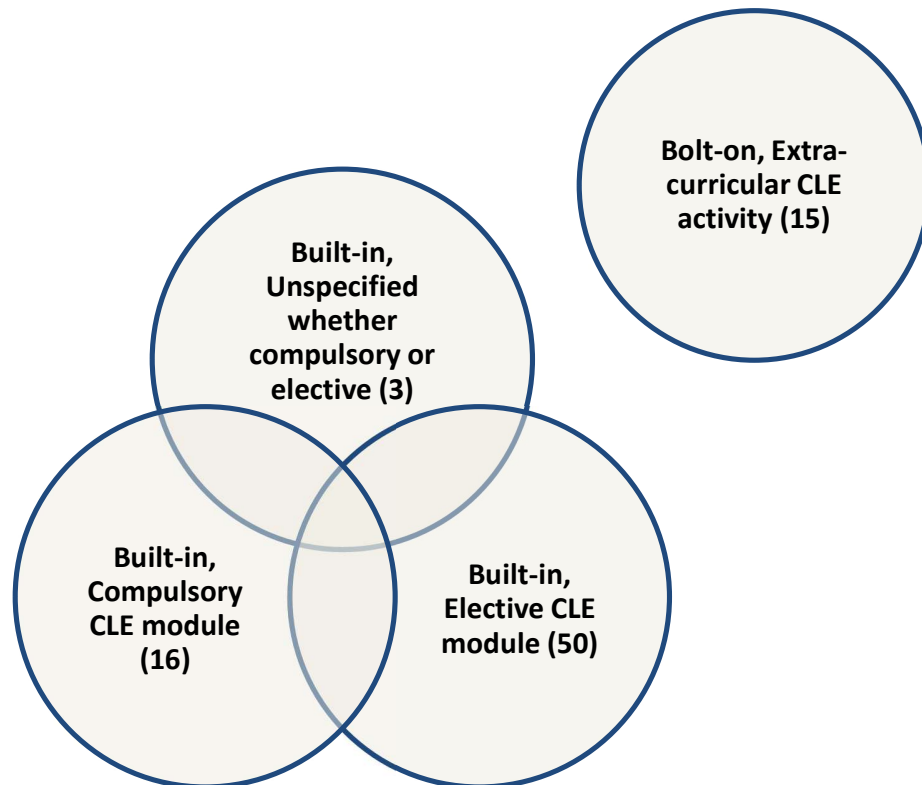
From my review of LLB provider websites, I could not determine an exact number of law schools which provide simulated clinical experience as some law schools did not provide much detail on their course descriptors. However, I know that some law schools have simulated clinical experiences as part of their curriculum.[412] From the

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higher proportion of law schools have been identified to have clinical activity from the content analysis of websites conducted in this PhD research. See 'Law School Pro Bono and Clinic Report 2020' (n 8) 4, 8-9.

[412] For example, Arden University has a Virtual Law Firm as an assessment method on all modules on the LLB curriculum. This Virtual Law Firm is a formative exercise where students apply legal knowledge from the module to a mock client enquiry. This is a step further than a problem-based question, as it also requires student to develop other practical skills such as client care. See 'LLB (Hons)' *Arden University* <https://arden.ac.uk/our-courses/undergraduate/law-degrees/llb-hons>. Last accessed 29 September 2022.

review of LLB provider websites, some law schools also indicate WBL, such as placement modules, placement years, workplace learning and internships integrated into the curriculum through bolt-on and built-in approaches, but they do not specify whether these are legal-practice related. For this reason, this content was analysed as a category on its own. Of 107 LLB providers reviewed, 34 have unspecified WBL integrated into their curriculum. However, most of these are integrated through an additional bolted-on placement year and not part of the 3-year LLB provision. Only 15 providers offered placement modules which are integrated and assessed as part of the LLB curriculum.[413] An overview of approaches used to integrate unspecified WBL activity into the LLB curricula is summarised in Figure 2.13.

Figure 2.13. LLB providers with unspecified WBL activity

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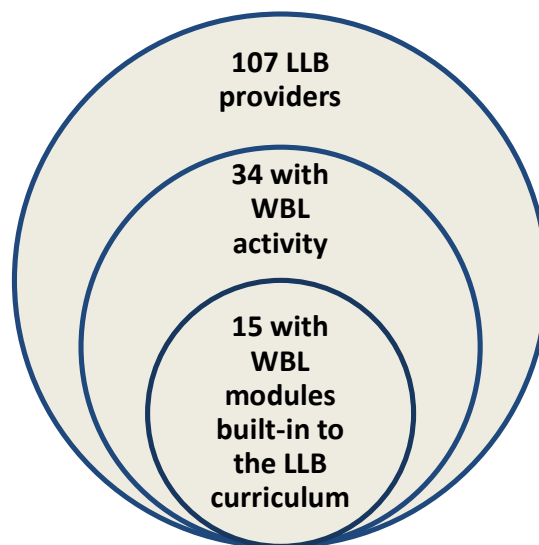
[413] **Bangor University** (Year 2 elective Work Placement module), **Birmingham City** (year 2 elective Placement module), **City university** (Year 3 micro placement elective), **Edge Hill University** (year 2 elective Work placement module), **Goldsmiths University** (Year 2 or Year 3 elective Work Placement module), **Leeds Beckett** (Year 3 elective placement module), **Middlesex University** (Year 3 elective Work based internship module, Year 3 elective Integrated learning and work placement module), **Staffordshire University** (year 2 elective Work Experience module), **Cumbria University** (Year 3 elective placement module), **Lincoln University** (Year 3 elective Work Placement module), **Northampton University** (Year 2 elective Practical Placement Preparation module in preparation for placement year between Year 2 and final year), **Roehampton University** (Y3 elective options between Law in Practice pro bono/PBL/placement or research project), **Sunderland University** (Year 2 elective Placement module), **Worcester University** (Year 3 elective Work Based Placement module), **Bradford College** (year unspecified, elective work placement).

The merits of these authentic experiences[414] are abundant in the literature. Students' learning is said to be enhanced through 'cognitive authenticity' because the experience is real, meaningful and relevant to their learning.[415] The typical activities of legal practice, such as interviewing, researching and preparing letters of advice embedded into the learning, allow students to link theory and practice.[416] These experiences are equally relevant to students who do not intend to go into practice as many of these legal practice skills have transferable value to other fields of work too. For example, Thanaraj explores the skills developed through CLE activity and found that there was evidence of the students' transferable skills such as intellectual creativity, critical and creative thinking, developing originality of thought, problem-solving, digital professional skills, ability to use constructive reflection for effective personal and professional development, ability to collaborate as well as work independently, and ability to cope with uncertainty.[417] In addition to technical skills, through CLE activities, learners can gain personal insight on how the law operates, giving them a more realistic understanding of the socio-legal intricacies of the law and the legal system, as described by Campbell earlier in this section.[418]

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[414] van Rensburg identified an authentic experience as one that facilitates the link between theory and practice, creating a correlation between the academic study and the work-based experience. See Estelle van Rensburg, 'Evaluating Work Based Learning' (2008) 22 Higher Education Research 223, 227

[415] Tony Herrington and Jan Herrington, *Authentic Learning Environments in Higher Education* (Information Science Publishing 2005); Calvin Smith, 'Evaluating the Quality of Work-Integrated Learning Curricula: A Comprehensive Framework' (2012) 31 Higher Education Research & Development 247.

[416] Jean Lave and Etienne Wenger, *Situated Learning: Legitimate Peripheral Participation* (Cambridge University Press 1991).

[417] Ann Thanaraj, 'Making the Case for a Digital Lawyering Framework in Legal Education' (2017) 2017 International Review of Law, 13; Ann Thanaraj, '"The Proficient Lawyer": Identifying Students' Perspectives on Learning Gained from Working in a Virtual Law Clinic' (2017) 14 US-China Law Review 137.
Similar results for collaborative learning activities are replicated in other studies across time. For example, see Joan Ballantine and Patricia McCourt Larres, 'Cooperative Learning: A Pedagogy to Improve Students' Generic Skills?' (2007) 49 Education + Training 126, 133

[418] Elaine Campbell, 'Recognizing the Social and Economic Value of Transactional Law Clinics: A View from the United Kingdom' (2015) 65 Journal of Legal Education 580; Campbell 2018 (n 383); Campbell 2015 (n 383). For historical discussion on socio-legal versus vocational skills debate on CLE, see Liz Hardie, Hugh Mcfaul and Francine Ryan, '50 Years of Clinical Legal Education: Looking Back to the Future', *Law in Motion: 50 years of Legal Change* (Open University Law School 2020).

However, the unpredictable and demanding nature of WBL can be difficult for some students to adapt to before developing the necessary skills to manage these challenges. For example, Boothby and Sylvester elaborate on the experiences of students who had participated in the Student Law Office at Northumbria University. They note that although most generally opined that they benefitted more from the Student Law Office than other modules, some found the constant feedback and criticism to be 'disheartening', 'disappointing', 'scrutinizing', and 'awful'.[419] This discomfort around criticisms could potentially be a transformational experience[420] which prepares the learner for the workplace where areas for improvement are identified and reflective practice encouraged. However, to optimise students' learning, time must be factored into clinical design to account for the significant amount of responsibility and workload required of students when they engage in WBL.

Despite its benefits, WBL is resource intensive, and it is not an option viable for every law school. As briefly mentioned above, simulated activities have been considered in this thesis as equally valuable methods for developing transferable skills. Experiential activities, whether live or simulated, enable students to learn important aspects by applying theoretical knowledge to practical experiences. The value of simulations is often overlooked as they are not 'real' experiences, but they could bring 'an element of excitement and is an active way of learning,' and they can be highly behavioural whilst allowing control and flexibility within the learning.[421] The engagement in these

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[419] Carol Boothby and Cath Sylvester, 'Getting the Fish to See the Water: An Investigation into Students' Perceptions of Learning Writing Skills in Academic Modules and in a Final Year Real Client Legal Clinic Module' (2017) 51 The Law Teacher 123.

[420] In her earlier work, Sylvester discusses how the feedforward and feedback on student reflective accounts can be constructive, although it can also be met with some resistance which create barriers for learning. See Cath Sylvester, 'Through a Glass Darkly: Assessment of a Real Client, Compulsory Clinic in an Undergraduate Law Programme' (2016) 23 International Journal of Clinical Legal Education 32.

[421] Park (n 89) 178 cited in Dunn (n 35)

experiences creates suitable opportunities to transform experience into knowledge for the experiential learning Kolb describes (discussed in 2.1.2).

As a result of the pandemic, many UK law schools transitioned their WBL and simulated activities from in-person to online.[422] The value of virtual experiences has become more critical than ever due to the pandemic. Analysts now estimate that a third of all UK lawyers could be working in virtual firms by 2026.[423] ONS statistics show that 43.2% of Professional, Scientific and Technical businesses intend to use homeworking as the permanent model going forward.[424] I return to my discussion on the significance of this later in 2.4.1. The experience of working in the virtual environment is undoubtedly valuable to UG students as it prepares them for work in a virtual environment post-graduation. Digital literacy is also increased through the frequent use of technology that has become commonplace in working practices such as Teams and cloud management systems, as will be discussed in 4.4.3. The use of

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[422] For some examples across UK law schools, see Bengtsson and others (n 409); Tia Ebarb Matt, Natasha Bellinger and Kim McDonald, 'The Silver Lining in the Black Cloud of COVID-19' (2020) 27 International Journal of Clinical Legal Education 135; Amanda Thurston and Diana Kirsch, 'Clinics in Time of Crisis: Responding to the COVID-19 Outbreak' (2020) 27 International Journal of Clinical Legal Education 179; Sarah Morse, 'Public Legal Education - Sharing Best Practice in Changing Times' (2020) 4 International Journal of Public Legal Education 1; Helen Codd and others, '"The Best of Times and the Worst of Times": Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic' (2020) 27 International Journal of Clinical Legal Education 39; Kaye Howells, 'Simulated and Real-World Experience - The Challenge of Adapting Practice in Clinical Legal Education in Unprecedented and Challenging Times' (2020) 27 International Journal of Clinical Legal Education 196.

[423] John Hyde, 'Forecasters Say One-Third of Lawyers Could Be in Virtual Firms by 2026' *The Law Society Gazette* (26 February 2021) <https://www.lawgazette.co.uk/news/forecasters-say-one-third-of-lawyers-could-be-in-virtual-firms-by-2026/5107582.article>. Last accessed 29 September 2022

[424] This sector has been addressed specifically here as this is the sector where the largest proportion of UG Law graduates gain employment. Standard industrial classification of graduates entering work in the UK by subject area of degree showed that majority of UG Law graduates gain employment in the Professional, Scientific and Technical sector. For the 2018/19 cohort of graduates, statistics were 41% in this sector. For 2017/18, it was 45%. At the time of writing, there are no statistics on more recent graduates. For purpose of discussion here, these UG Law graduate statistics are not only for LLB graduates, as HESA data does not explicitly make distinctions between the different types of UG Law graduates. Information and Communication and Professional, Scientific and Technical activities industries have the highest proportion of remote working. These ONS statistics showed that during the UK lockdown, 81% of the workforce in Information and Communication; and 71% of those in Professional, Scientific and Technical activities industries were remote working entirely. Post-pandemic, 49% of the Information and Communication, and 43.2% of Professional, Scientific and Technical workforces intend to use homeworking as the permanent model going forward. See 'Higher Education Graduate Outcomes Statistics: UK, 2018/19 - Outcomes by Subject Studied' (HESA 2021) Figure 11 <https://www.hesa.ac.uk/news/20-07-2021/sb260-higher-education-graduate-outcomes-statistics/study>. Last accessed 29 September 2022; 'Business and Individual Attitudes towards the Future of Homeworking, UK: April to May 2021: Analysis of the Effects of the Coronavirus (COVID-19) Pandemic on Office Working and of Business and Individual Attitudes to Future Working Practices.' (n 9)

document management or manipulation systems, online communications, and online research platforms that may be used in CLE is useful for employment in legal practice and many other sectors of work too.

Ryan explored the value of the Open Justice Centre[425] through interviews with students[426] and found that students had reported a mixed experience of collaborating online. Where it was successful, the key outcome generated was teamwork enhancing students' learning. For other students, the challenges of online collaboration had a negative impact on their experiences of the clinic.[427] Globally, similar benefits and challenges have also been identified by educators.[428] Rowe and others opine that the lack of engagement in virtual activities is exacerbated in an online course where students have no option to meet face-to-face and must solely rely on technology to communicate with one another. However, the unpredictable and uncontrolled nature of engaging in practical, experiential learning, whether that be live or simulated, exposes students to the problems they will most likely encounter when

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[425] The OU pioneers virtual legal education in the UK as they have been providers of distance programs for decades, long before the pandemic. In their innovative virtual law clinic, students deliver legal services and serve clients online. The OU's virtual clinic even makes use of Clio, a leading industry legal case and practice management system, to familiarise students with specialised practice management software which lawyers use to manage day to day case work and the operations of their practice. Like any other live client clinic, the OU's virtual clinic supports students in using technology to advise clients under the supervision of qualified solicitors. See Francine Ryan and Mcfaul, 'Innovative Technologies in UK Legal Education', *Key Directions in Legal Education National and International Perspectives* (2020) <http://oro.open.ac.uk/69543/3/69543.pdf>. Last accessed 29 September 2022; Hugh McFaul and others, 'Taking Clinical Legal Education Online: Songs of Innocence and Experience' (2020) 27 International Journal of Clinical Legal Education 6.

[426] Francine Ryan, 'A Virtual Law Clinic: A Realist Evaluation of What Works for Whom, Why, How and in What Circumstances?' (2020) 54 The Law Teacher 237.

[427] Ryan notes that a significant challenge of online groups is the lack of commitment of some group members, and that the findings of her study are reflected in the literature. See Ryan (n 426) 242. See also Chin Pei Tan, HT Van der Molen and HG Schmidt, 'To What Extent Does Problem-Based Learning Contribute to Students' Professional Identity Development?' (2016) 54 Teaching and Teacher Education 54.

[428] Rowe and others elaborate on the use of Virtual Firms on their course at the Australian National University. Although most students enjoyed participating and had found the experience valuable for their professional development, they elaborate on some challenges faced such as students having varying levels of commitment to the course and to their allocated virtual firms which led to issues concerning standards of professional values such as diligence, respect for other firm members, clear and timely communication and time management. See Rowe Margie, Murray Moira and Fiona Westwood, 'Professionalism in Pre-Practice Legal Education: An Insight into the Universal Nature of Professionalism and the Development of Professional Identity' (2012) 46 The Law Teacher 120.

they begin their careers, and it enables them to develop the knowledge, skills and attributes needed to manage and potentially overcome these problems effectively.[429]

Thanaraj provides insight into the complex multidisciplinary considerations that need to be considered in the initial design stage of setting up a (live) virtual clinic,[430] including suitability of software for students, supervisors and clients; user interface; technological training for students and supervisors, including but not limited to, security and encryption of data; and support available for clients who did not have the digital literacy required to access the services provided by the Virtual Law Clinic.[431] Although simulated activities present slightly fewer challenges as live clients are not involved, some LLB providers have created opportunities for collaborative and interdisciplinary experiential learning out of these technological challenges to develop high-level technological skills in their graduates, as will be discussed in the following subsection.

iv. Technology-Enhanced Learning and Technology-based modules

From the review of LLB provider websites, it was evident that all law schools use technology-enhanced learning (TEL) in some capacity. Here it is important to note that despite its growing prominence, it is still 'rare to find explicit statements about what TEL actually means'.[432] For clarity in this thesis, I have adopted the three types of TEL that Kirkwood and Price identify from their literature review:[433] (1) replicating existing teaching practices, (2) supplementing existing teaching, and (3) transforming

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[429] Robert Schehr, '"The Lord Speaks Through Me": Moving Beyond Conventional Law School Pedagogy and the Reasons for Doing So' (2009) 14 International Journal of Clinical Legal Education 9, 30-31

[430] Ann Thanaraj and Michael Sales, 'Lawyering in a Digital Age: A Practice Report Introducing the Virtual Law Clinic at Cumbria' (2015) 2 International Journal of Clinical Legal Education.

[431] Ibid. The Virtual Law Clinic at Cumbria University has been operating since 2015/16, long before the pandemic.

[432] Adrian Kirkwood and Linda Price, 'Technology-Enhanced Learning and Teaching in Higher Education: What Is "Enhanced" and How Do We Know? A Critical Literature Review' (2014) 39 Learning, Media and Technology 6, 2.

[433] Ibid

teaching and/or learning processes and outcomes. Types 1 and 2 encompass technology such as Virtual Learning Environments (VLE) and lecture recordings, which were fairly common in HE even before the pandemic. These technologies are often associated with ease of transmitting information rather than enhancing the student's learning in a scaffolded manner.[434] Type 3 is often explicitly associated with structural changes in the teaching and learning processes that involve redesigning activities or parts of modules to provide active learning opportunities for students.[435]

Technology-based modules or projects are an increasingly common approach to integrating Type 3 TEL into the LLB curriculum to develop graduates' digital skills. Here it is important to note that reference to technology-based in this thesis relates to the practical use or development of technologies, and it excludes learning solely focused on theoretical knowledge of law about the use of technologies.[436] Out of 107 law schools reviewed, only 19 appeared to have skills-based modules focused on using technologies. However, it was impossible to determine whether all these modules were technology-based due to gaps in information on some law school websites.[437] Of the law schools that provided more comprehensive descriptions, only

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[434] Gladwin-Geoghegan and Thompson highlight how the use of 'virtual learning environments' are already ubiquitous in higher education within the UK, however the extent to which these platforms are utilised to facilitate active engagement is more varied. A shift away from instructional learning to an experience owned and controlled by the student is necessary for technology to be utilised effectively within the classroom. See Rebecca Gladwin-Geoghegan and Christina Thompson, 'Legacy of Lockdown: Exploring the Opportunities for Development in Legal Education as a Consequence of the COVID-19 Pandemic' (2021) 3 Journal of Ethics and Legal Technologies.

[435] Kirkwood and Price (n 432) 13

[436] Jones and others discuss the growing movement in law and technology within UK Law Schools and state that although several UK universities run master's (postgraduate) programmes in related subjects, some of these offerings are more focused on technology law (e.g. regulating cyberspace) than on digital lawyering (skills based). Emma Jones and others, *Digital Lawyering: Technology and Legal Practice in the 21st Century* (Routledge 2022) 346

[437] Compulsory modules, unknown whether skills or theory based: **Aston University**, Y1 - The Future of Law: Introduction to Technology and its Regulation; **Buckinghamshire New University**, Y2 - Digital Business and New Technologies; **University of Central Lancashire**, Y1 Law and Emerging technologies; **University of Westminster**, Y2 21st Century Law; **Blackburn College**, Y2 Law and technology in practice module. Elective modules, unknown whether skills or theory based: **University of Law**, Y2 Legal Technology and Innovation and Y3 Legal Technology; **Swansea University** - Y2/Y3 elective foundations of LegalTech module

five have a technology-based compulsory module,[438] and seven have such modules as an elective[439] in their LLB programmes. It is also important to note that some of these figures may not be entirely accurate as some law schools may have been excluded if the module descriptors available online did not indicate whether the module was skills or theory-based.[440] However, from these figures, we can infer that technology-based modules are a rare offering in LLB curricula across England and Wales at present. Despite regulators and policy becoming increasingly more focused on technological developments in legal practice and education, particularly in light of the pandemic,[441] LLB providers' offerings of technology-based modules have not significantly increased from before the pandemic.[442] Figure 2.14 below summarises my findings on the technology-based modules currently offered in LLB curricula across England and Wales.

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[438] **Cardiff Metropolitan University** - Y2 Law in Practice and Digital Innovation (Legal Clinic and Digital Work Placement); **London South Banks University** - Y3 Law and Technology (Students work in teams with computer science students to design and develop access to justice LawTech resources for the local community); **Manchester Metropolitan University** - Y2 Digital Skills for lawyers; **University of Cumbria** - Y2 Lawyering in a digital age module; **Arden University** – virtual law firm on every module (simulated legal case)

[439] **Staffordshire University** - Y3 elective Digital Law Project; **University of Hertfordshire** - Y3 elective Application of Computer Technologies to Legal Studies (they learn to code in Python); **University of Surrey** - Y3 elective Law and Technology (clinical) module; **Warwick University** - Y2/Y3 elective Law and Disorder module (create legal podcasts); see 'Orders in Decay Podcast' <https://podcasts.apple.com/gb/podcast/orders-in-decay/id1445162635> Last accessed 29 September 2022. **Open University** – Y3 elective Justice in Action virtual clinic. **Liverpool University** - Y3 elective Artificial Intelligence and the Future of Legal Services; see 'Artificial Intelligence Project to Support Law Firm' *University of Liverpool* <https://news.liverpool.ac.uk/2015/01/06/artificial-intelligence-project-support-law-firm/> Last accessed 29 September 2022. **Leeds Beckett Law School –** Y2 elective Legal Tech module.

[440] For example, where further description was not provided, modules such as 'Cyber Law' or 'Technology Law' were presumed to be theoretical modules akin to a 'Business Law' or 'Intellectual Property Law' module which would typically focus on theoretical knowledge instead of practical skills unless stated otherwise.

[441] 'Digital Futures' *The Law Society* (7 July 2021) <https://www.lawsociety.org.uk/topics/research/digital-futures>. Last accessed 29 September 2022. 'Three Opportunities to Adapt to the Post-Pandemic World' *The Law Society* (20 January 2022) <https://www.lawsociety.org.uk/topics/international/adapting-to-opportunities-and-challenges-of-post-pandemic-world> Last accessed 29 September 2022.

[442] Ryan researched UK Law Schools approach to technology-enhanced learning and notes that from the information accessed online, of all 118 UK Law Schools in 2018, only 8% offered a module with an application of digital technology to legal practice. See Francine Ryan, 'Rage against the Machine? Incorporating Legal Tech into Legal Education' (2020) Online The Law Teacher, 5

Figure 2.14. Overview of technology-based modules in LLB curricula across England and Wales

Built-in, Technology-based compulsory module (5)

- **Cardiff Metropolitan University:** Legal Clinic and Digital Work Placement
- **London South Banks University:** Students work in teams with computer science students to design and develop access to justice LawTech resources for the local community
- **Manchester Metropolitan University:** Digital Skills for lawyers module
- **University of Cumbria:** virtual law clinic module
- **Arden University:** virtual law firm on every module (simulated legal case)

Built-in, Technology-based elective module (7)

- **Staffordshire University:** Digital Law Project, student carry out research to produce a digital artefact of their choosing (blog, podcast, app etc) to address a legal problem that they have identified.
- **University of Hertfordshire:** Application of Computer Technologies to Legal Studies (they learn to code in Python)
- **University of Surrey:** Law and Technology clinical module
- **Warwick University:** Create legal podcasts
- **Open University:** Justice in Action virtual clinic
- **Liverpool University**: students develop a technological solution (which considers AI) to their assessed project brief. On the module, they receive input from their industry partners, Riverview.
- Leeds Beckett: students engage in emering technologies that are used within the legal services landscape to develop skills for work within digitally enhanced legal workplace (specific technologies not named).

From my exploration of LLB curricula across England and Wales, creating a digital artefact of some form through collaborative work with students or experts from other fields is an interdisciplinary approach that appears to be becoming more commonly adopted in LLB curricula today. An example is the podcasts produced in Warwick University's Law and Disorder module, where students received training from Storyworks UK to hone their storytelling and interviewing skills for impactful podcasting.[443] Another example is Manchester University's Law and Technology Initiative,[444] a collaborative project[445] between the Law School, Business School and Department of Computer Science where students work together to meet the technological needs of the partners in the legal industry.[446] Some examples of outputs from the project are the development of legal apps for industry partners[447] and podcasts for a public audience.[448]

When done effectively, podcasting promotes understanding, enhances engagement with learning materials,[449] develops communication skills[450] and encourages teamwork.[451] It also develops creative and critical literacy skills requiring a high level of articulation. As Wall describes, students must understand and communicate a

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[443] Illan Rua Wall, 'Podcast as Assessment: Entanglement and Affect in the Law School' (2019) 53 The Law Teacher 309, 311

[444] 'Law and Technology Initiative (LaTI)' *Manchester University* <https://www.socialsciences.manchester.ac.uk/law/research/themes/law-money-technology/law-technology-initiative-2/>. Last accessed 29 September 2022.

[445] There was no indication whether this project was built-in or bolt-on to the LLB curriculum

[446] In April 2022, the industry partners in this project are Bott and Co, DWF, Fletchers Solicitors, Freshfields, Bruckhaus Deringer, Jackson Lees, St John's Buildings Barrister's Chambers, Weightmans. MLaTI express an intention to further expand their partnerships with more stakeholders in the legal industry, including the Law Society, SRA and Tech Nation. See 'LegalTech at UoM: Establishing an Academic-Industry Consortium in Response to Sector Evolution' (Aspect 2021) <http://aspect.ac.uk/wp-content/uploads/2021/09/Aspect-BE-CoP-Manchester-Legaltech-Report-FINAL-2.pdf>.

[447] Ibid

[448] 'Law and Technology Initiative Podcast' <https://podcasts.apple.com/us/podcast/manchester-law-technology-initiative-podcast/id1526492484>. Last accessed 29 September 2022.

[449] Mark JW Lee, Catherine McLoughlin and Anthony Chan, 'Talk the Talk: Learner-Generated Podcasts as Catalysts for Knowledge Creation' (2008) 39 British Journal of Educational Technology 501.

[450] Gary Armstrong, Joanne Tucker and Victor Massad, 'Interviewing the Experts: Student Produced Podcast' (2009) 8 Journal of Information Technology Education: Innovations in Practice 79.

[451] Ming Nie, Annette Cashmore and Chris Cane, 'The Educational Value of Student-Generated Podcasts' (2008) Research Proceedings of Association for Learning Technology Conference <https://repository.alt.ac.uk/438/1/ALT_C_2008_rp_mingn_cashmorea_canec.pdf>. Last accessed 29 September 2022. See also Mark Frydenberg, 'Principles and Pedagogy: The Two P's of Podcasting in the Information Technology Classroom' (2008) 6 Journal of Information Systems Education 1.

complex situation or event clearly and be able to cut through misrepresentations and read between different accounts and analyses. Wall also identifies a 'second layer of critical literacy' as students must understand what is affecting or interesting about the event and 'how their voice, words and structuring can entangle an audience'.[452] However, this approach requires a high level of skill and input from educators. Killean and Summerville discuss their experience supervising the LawPod podcast production at Queens University Belfast.[453] Supervisors first had to be trained to use podcast equipment to provide their student teams with the required training, including equipment use, conducting legal research and interviewing. External guests with expertise in media were also invited to the school to provide additional training on interview techniques and storytelling. Additionally, an Executive Board made up of staff and student members were established to exercise quality control over the episodes, mentor the student teams, and make decisions about the strategic direction of the podcast.

Blogs have been another increasingly popular tool used in legal education. Similar to podcasts, blogs require students to develop specific skills to communicate complex information to a wide range of audiences. However, different skills are needed as the information is relayed differently. Roper discusses how blogs can potentially have a 'dual raison d'etre' as they enrich a law student's educational experience whilst simultaneously educating the general public.[454] She discusses some of the opportunities, challenges and limitations of blogs as a legal education tool through her case study analysis of a blog project employed in Northumbria's

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[452] rua Wall (n 443) 309-320
[453] Rachael Killean and Richard Summerville, 'Creative Podcasting as a Tool for Legal Knowledge and Skills Development' (2020) 54 The Law Teacher 31.
[454] Victoria Roper, 'Blogs as a Teaching Tool and Method of Public Legal Education: A Case Study' (2018) 2 International Journal of Public Legal Education 46.

Student Law Office module which produces the We Take Care of Business[455] and A Family Affair[456] student-led blogs. From her experience, Roper found that using blogs as a legal education tool was cost effective from a university perspective as the blog site used (WordPress) was free and easily accessible, and students did not need to undergo any training to write a blog post. However, some of the challenges and limitations faced were similar to Killean and Summerville's experience of podcast production, such as educators having to familiarise themselves with the technology before being able to supervise and exercising quality control over the blog posts to ensure that the legal information is factually accurate and appropriate before it was made available to the public.

As discussed in 2.3.2(iii), the challenges of the virtual environment have created opportunities for new learning activities. For example, at the OU's Open Justice Centre, computer science academics supervise law students as they develop a smartphone app that provides legal information to support litigants in person understanding of procedures relevant to discrimination and employment law. To develop this app, law students first have to conduct legal research on the topic area and work with computing specialists to translate this information into a form that would be suitable for inclusion into a smartphone app format that is sufficiently accessible to be beneficial to any member of the public with little or no prior legal knowledge.[457] This type of experience does not only require students to develop knowledge but also the ability to communicate that knowledge to a wide range of audiences, including students from other fields with whom they work alongside. Furthermore, students engage in collaborative problem-solving as they work with

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[455] 'We Take Care of Business Blog' <https://wetakecareofbusiness.wordpress.com/>. Last accessed 29 September 2022.
[456] 'A Family Affair Blog' <https://afamilyaffairsite.wordpress.com/>. Last accessed 29 September 2022.
[457] Ryan and Mcfaul (n 425)

others to design and develop a tool.[458] Ryan suggests active participation in designing and developing technological solutions may foster a deeper understanding of technology and law.

Encouraging interaction with different forms of technology means that students can learn to innovate and problem-solve to create "their own" solutions to address legal issues.[459] The creation of digital artefacts, whether that be podcasts, blogs, apps or others not discussed in this thesis, can foster creativity and innovation in law graduates.[460] Ryan notes we often do not consider lawyers to be creative professionals as much of the legal curricula emphasises the importance of law students being analytical, objective, impartial and applying legal reasoning to justify legal decisions.[461] She states that the attributes which are highly prized in law students can 'stifle and strangle creativity' as they encourage an aversion to risk and a reluctance to change.[462] However, creativity is necessary to manage the complexities of a technologically transformed world effectively. Opportunities to engage in technology-based modules can bridge the gap between the practical and theoretical aspects of legal education to develop an education which allows creativity and innovation to flourish.[463]

It is beyond the scope of this thesis to discuss other less common TEL methods deployed by law schools across England and Wales. However, it is necessary to acknowledge that there are a variety of other innovative methods used including the

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[458] Collaborative problem-solving is described as 'de-composition, selection, evaluation of information in teams'. Myint Swe Khine and Issa M Saleh (eds), *New Science of Learning: Cognition, Computers and Collaboration in Education* (Springer 2010) 505
[459] Ryan (n 442) 10
[460] Ryan (n 442) 9
[461] Carter and Burke (n 242) cited in Ryan (n 442)
[462] Ryan (n 442) 9
[463] Ryan and Mcfaul (n 425)

use of immersive VLE such as the VR App[464] used in the Open Justice Centre; collaborative development of access to justice LawTech with computer science students at LSBU's 'Law and Technology' module;[465] developing technical computing skills such as learning to code in Python at the University of Hertfordshire's elective 'Application of Computer Technologies to Legal Studies' module;[466] as well as interdisciplinary collaborative research into the use of technology.[467]

There is an increasing demand for more TEL in the curriculum. In a panel discussion during the pandemic,[468] Atkinson noted that new student-led societies about legal technology were being formed of their own volition and that the number of students on the optional 'AI and the future of legal services' module at the University of Liverpool[469] has trebled. She suggests that this is because the current offerings provided by universities are insufficient as they do not equip students with skills that extend beyond subject discipline knowledge, which is required to work in

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[464] The VR App is a smartphone based virtual reality built into the clinical curriculum at OU's Open Justice Centre. The app was developed as a bespoke experiential learning application to provide learners with an immersive simulated environment in which to practise their presentation skills, receive automated feedback and increase their confidence and effectiveness in delivering presentations. It provides three virtual worlds; a prison, community centre and secondary school classroom, each populated with avatars which respond to the presentation with pre-recorded questions. There is also a prototype court room virtual world. Students can upload presentation slides to the virtual world, record their presentation and watch themselves deliver the presentation from the point of view of an audience member. The VR App also scores the presenters eye contact with the audience and where a presenter fails to make eye contact the audience avatars begin to behave restlessly. See Ryan and McFaul (n 425)

[465] London South Bank University "Law and Technology" module where law students work with computer science students to create a piece of legal technology.

[466] **University of Hertfordshire** - Y3 elective Application of Computer Technologies to Legal Studies (they learn to code in Python)

[467] King's College London establishment of a Centre for Technology, Ethics, Law and Society focused on policy research into the implications of new and emerging technologies (2017), the University of Ulster established the Legal Innovation Centre which is a collaboration between the law and computing schools bringing together innovation and research in legal technologies 2016, The University of Oxford has a number of work packages that address the intersection between law and technology and convene the Law and Technology Education Network. See 'School Research Centres Celebrate Milestones' *King's News Centre* <https://www.kcl.ac.uk/archive/news/law/newsrecords/2017/schools-research-centres-celebrate-milestones>. Last accessed 29 September 2022; See 'About the Legal Innovation Centre' <www.ulster.ac.uk/legalinnovation/about>. Last accessed 29 September 2022; Oxford research groups <www.law.ox.ac.uk/research-and-subject-groups/ai-english-law-work-package-five> accessed 1 July 2020.

[468] Katie Atkinson, *Barclays EagleLabs Panel Discussion* (n 324) 8:20-9:50

[469] For module descriptor, see 'Law School Module Details: Artificial Intelligence and the Future of Legal Services' *Liverpool Law School* <https://www.liverpool.ac.uk/info/portal/pls/portal/tulwwwmerge.mergepage?p_template=m_lw&p_tulipproc=moddets&p_params=%3Fp_module_id%3D183910>. Last accessed 29 September 2022

interdisciplinary teams and speak the relevant commercial and technological language required to stay afloat in today's job market.[470] Kayne used this to illustrate how the industry steps in when regulators are not dealing with something the industry deems necessary. The stakeholders of legal education include students, which is a possible explanation as to why students are starting to take their own initiative to set up societies on their own accord to address what they feel is lacking from their LLB degrees.[471]

In the following section, I discuss how the broad range of knowledge and skill developed through the diverse content impacts the currency of LLB degrees in England and Wales today.

2.4 The currency of LLBs in England and Wales

The literature under this section partially addresses the below research sub-questions through the following specific corresponding subsections:

Sub-Q 1b: What are LLB Degrees for in England and Wales? – 2.4.1; 2.4.2

Sub-Q 3b: Are the necessary skills currently fostered through LLB provisions in England and Wales? – 2.4.3

In this section, I discuss the currency of LLB degrees in England and Wales from a market and non-market perspective (2.4.1; 2.4.2); and explore how the expansion of neoliberalist regimes discussed under 2.2.3 have influenced the content and therefore currency of LLB provisions in England and Wales today (2.4.3). For clarity, 'currency' here refers to the value, utility, and commodity of gaining an LLB degree from the perspective of graduates and society. This is examined not only in relation to the

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[470] Dan Kayne, *Barclays EagleLabs Panel Discussion* (n 324) 19:05-20:45.
[471] Ibid, 23:50-24:50.

credentials acquired upon graduation but also in relation to less tangible benefits acquired through the education experienced throughout the course of the programme. LLB graduate employability, career mobility, earning potential, and career progression is inextricably linked to graduates' advancement in society as they gain social capital and capacity to contribute to society through economic and non-economic means. The market and non-market benefits of acquiring an LLB degree are intertwined and have therefore been discussed as such in this section.

The extensive OECD international Adult Literacy and Life Skills Survey[472] shows that individuals who obtain a HE degree acquire economic and social benefits. This is supported by other studies, such as Chan's comprehensive review of the literature,[473] which suggests that across the globe, HE graduates obtain higher average earnings, are more likely to be employed, and are less likely to experience poverty than individuals without a HE degree. Individuals who complete a HE program also acquire significant individual and social benefits, including higher cognitive skills, the ability to concentrate on job-related tasks (personal currency), and the desire to give back and participate in community service activities[474] (socio-economic currency). As a result, higher living standards and better well-being consequently enable graduates with the capacity to be proactive and civically engaged in their communities. Similarly, Brennan and others found that engagement in HE brought market (socio-economic)

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[472] 'Literacy for Life: Further Results from the Adult Literacy and Life Skills Survey' (Organisation for Economic Co-operation and Development 2011) <https://doi.org/10.1787/9789264091269-en>. Last accessed 29 September 2022

[473] Chan's study selected 60 peer reviewed journal articles and twenty-five books published between 2000 and 2016. See Chan (n 283)

[474] S Baum, J Ma and K Payea, 'Education Pays 2013: The Benefits of Higher Education for Individuals and Society' (The College Board 2013) cited in Chan (n 283)

and non-market (personal) benefits,[475] which they categorised according to quadrants[476] as shown below in Figure 2.15.

Figure 2.15. A bi-dimensional categorisation of the wider benefits of Higher Education replicated from Brennan and others (n 476)
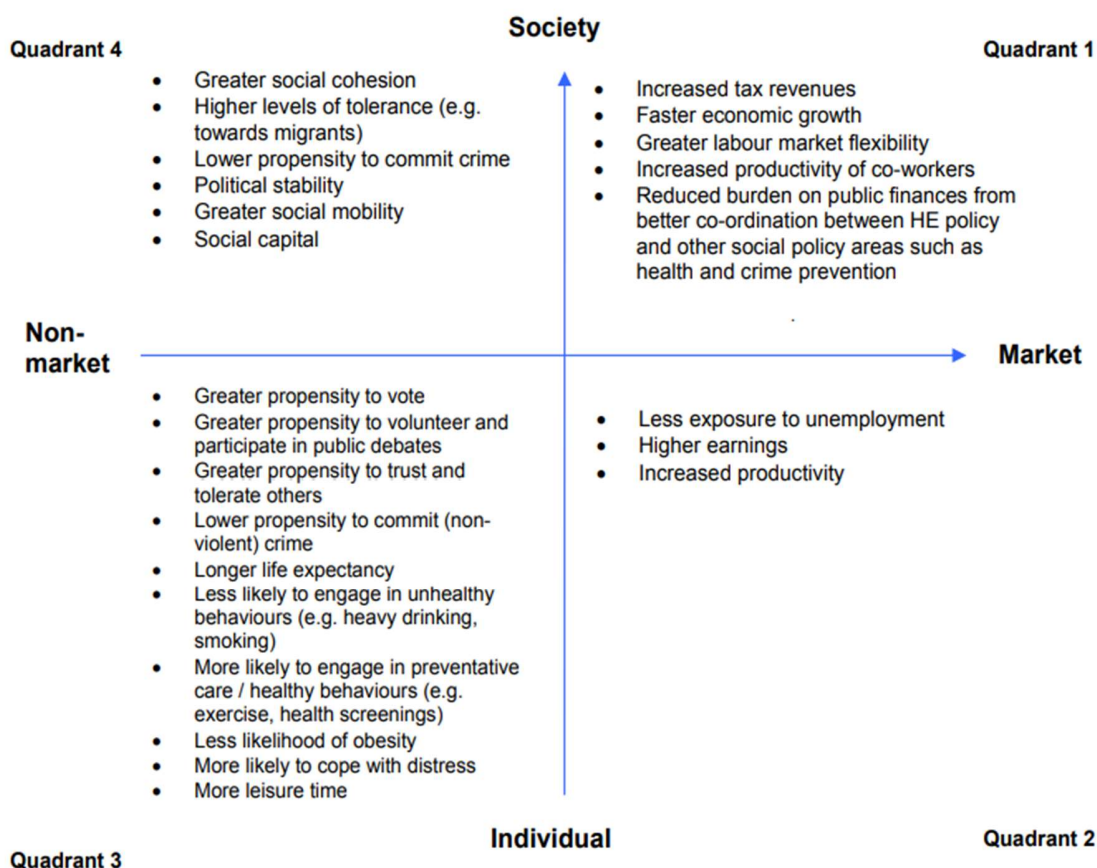
The literature suggests that the increased HE graduates in a society contributes to improvements in society through reduced crime rates, increased charitable giving, higher salaries and work benefits, improved health, and advanced collective

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[475] Other models have also been developed based on 'integral theory' which suggests benefits from 'internal', 'external', 'individual', and 'collective' perspectives. For example, see Martin Haigh and Valerie A Clifford, 'Integral Vision: A Multi-Perspective Approach to the Recognition of Graduate Attributes' (2011) 30 Higher Education Research & Development 573.

[476] John Brennan, Niccolo Durazzi and Tanguy Séné, 'Things We Know and Don't Know about the Wider Benefits of Higher Education: A Review of the Recent Literature' <http://eprints.lse.ac.uk/55427/>. Last accessed 29 September 2022

knowledge.[477] From a legal education context, the non-market benefits do not only manifest in socio-economic forms, as the socio-legal lens that a graduate is able to view the world through is currency in itself as will be discussed in 2.4.2. All the individual benefits identified by Brenan and others in the cross-section above are beyond the scope of this thesis to explore. However, in the following subsections, I discuss the most relevant market and non-market benefits of acquiring an LLB degree in England and Wales.

2.4.1   Market benefits: Employability, career mobility and earning potential

Spence discusses the concept of signalling theory, and he suggests that one's desire to pursue HE is motivated by increased workplace productivity.[478] This, in turn, may lead a student who invests in the pursuit of legal education to assess the success of their decision by measuring the costs of their education against the expected returns, such as employment and earning potential[479] against counterparts from other fields. The idea of signalling theory is supported by the principles of rational choice, which similarly suggests that individuals make 'autonomous, careful and deliberate choices, weighing up the perceived benefits of participation against the perceived costs'.[480] Chan discusses how a relative mismatch in measures of success between HEIs and UG students may signal out their purpose of completing HE. For example, HEIs may signal student abilities for higher-order skills instead of other purposes like increasing human capital or employability. In contrast, UG students may signal their HE degree

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[477] Vesna Skrbinjek, 'Benefits of Higher Education: A Literature Review' 6; John Bynner and others, 'Revisiting the benefits of Higher Education' 70; Brennan and others (n 476)

[478] Michael Spence, 'Job Market Signaling' (1973) 87 The Quarterly Journal of Economics 355.

[479] In their paper that examines two studies on what university education mean to students, both studies found students ascribed meaning in the following order of significance: career preparation, independence, finding direction for the future, learning, self-development, taking the next step, making social connections, changing the world, stress, and escape. See Donna Henderson-King and Michelle N Smith, 'Meanings of Education for University Students: Academic Motivation and Personal Values as Predictors' (2006) 9 Social Psychology of Education 195.

[480] P Abell, *Rational Choice Theory* (Brockfield 1991) cited in Michael Tomlinson, '"The Degree Is Not Enough": Students' Perceptions of the Role of Higher Education Credentials for Graduate Work and Employability' (2008) 29 British Journal of Sociology of Education 49.

for utilitarian and self-optimising pursuit towards optimising their status in the job market.[481]

Chan also discusses the prospect of the better educated receiving higher salaries because HE provides them with a credential rather than acquired skills, suggesting credentials alone increase employability prospects. However, Tomlinson dissects the relationship between HE credentials and labour market outcomes, suggesting that there are two main competing interpretations of the relationship between the two factors. These interpretations present different understandings about the role of HE credentials as a source of economic growth, individual employability, and labour market outcomes[482] – (i) the human capitalist interpretation; and (ii) the credentialist interpretation, which contradicts Chan's view on the currency of credentials. Tomlinson discusses how human capital theory views participation in education and training as an investment that yields social and private returns.[483]

The social benefits manifest themselves in the form of a highly-skilled, flexible workforce as intended by governmental policies introduced in England and Wales in the 1960s, as discussed in 2.2.2. In contrast, private returns are reflected in higher individual earnings over time, better career progression opportunities and wider labour market scope.[484] Conversely, the credentialist interpretation suggests that the spread of academic credentials 'adds little or no value to individuals' human capital'[485] as the expansion of HE has created more pressure for individuals to acquire further

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[481] Chan (n 283) 19. See also Simon O'Leary, 'Graduates' Experiences of, and Attitudes towards, the Inclusion of Employability-Related Support in Undergraduate Degree Programmes; Trends and Variations by Subject Discipline and Gender' (2017) 30 Journal of Education and Work 84; Tomlinson (n 480) 50

[482] Tomlinson (n 480) 49

[483] DN Ashton and F Green, *Education, Training and the Global Economy* (Edward Elgar 1996) cited in Tomlinson (n 480)

[484] Tomlinson (n 480) 50

[485] Randall Collins, *The Credential Society: An Historical Sociology of Education and Stratification* (Legacy Edition, Columbia University Press 2019); Andrew Weiss, 'Human Capital vs. Signalling Explanations of Wages' (1995) 9 Journal of Economic Perspectives 133

credentials to access jobs. Instead of reflecting an increase in the skills and knowledge demands needed to do jobs, the upsurge in HE credentials simply means that the stakes have been raised for what is required to get jobs.[486]

From an England and Wales context, the credential of a law or LLB degree does not appear to significantly enhance graduate employability or earning potential compared to graduates of other non-science subjects such as Education, Business, Social Studies, and even Mass Communication. HESA statistics show that less than half of UG law graduates enter full-time employment after completing their UG degree.[487] This is lower in comparison to UGs of the other non-science subjects above. The same statistics also show that law graduates make up the highest percentage of non-science UG graduates who are unemployed and not due to start employment or further studies.[488] However, they do not indicate what law graduates do during this period of extemporaneousness. Without statistical data, it is impossible to tell whether these law graduates engage in volunteer work, unpaid internships, or personal pursuits such as travelling before deciding what to do next.

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[486] Tomlinson (n 480) 50

[487] For related discussions, see Arnaud Chevalier, 'Subject Choice and Earnings of UK Graduates' (2011) 30 Economics of Education Review 1187; Chris Belfield and others, 'The Impact of Undergraduate Degrees on Early-Career Earnings' (Department for Education 2018) <https://www.ifs.org.uk/publications/13731> accessed 3 October 2022; Ben Waltmann and others, 'The Impact of Undergraduate Degrees on Lifetime Earnings' (The IFS 2020) <https://www.ifs.org.uk/publications/14729> accessed 3 October 2022.

[488] HESA statistics show graduate outcomes by subject area of degree and activity but they do not make an explicit distinction between LLB graduates and other law graduates e.g. BA Law. I have only used statistics on full-time employment for discussion here as the only available data on salaries of graduates in UK employment are based on full-time employment. For graduating cohort of 2018/19 **-** graduates went into full-time employment upon completion of their UG degree: Law (41%), Education (59%), Business (53%), Social Studies (50%), Mass Communication (48%). In the same year, the UG graduates who were unemployed and not due to start employment or further studies were highest for Law and Mass Communication graduates (both 9%). For graduation cohort of 2017/18 - graduates went into full-time employment upon completion of their UG degree: Law (46%), Education (63%), Business (57%), Social Studies (55%), Mass Communication (55%). In the same year, the UG graduates who were unemployed and not due to start employment or further studies were highest for Law, Business and Mass Communication graduates (all 6%). At the time of writing, there are no statistics on more recent graduates. There is also no data on LLB graduates specifically. For purpose of discussion here, these UG Law graduate statistics could potentially include BA Law graduates as HESA data does not explicitly make distinctions between the different types of UG Law graduates. See Figure 10, 'Higher Education Graduate Outcomes Statistics: UK, 2018/19 - Outcomes by Subject Studied' (n 424)

From the UG law graduates that go into full-time employment upon completion of their degree, most start with an average salary within the £18,000-£21,000 pay band,[489] and a large proportion gain employment in The Professional, Scientific and Technical business sector.[490] Law graduate pay band trends were similar to their non-science counterparts, although UG education graduates tend to earn more than law graduates for starting salaries.[491] Ten years after graduating, the Longitudinal Education Outcomes data shows that law graduates median earnings increase to £34,700. When compared to their non-science counterparts, law graduates appear to have the greatest earning potential, although not significantly.[492] These figures do not account for graduates who go into the legal profession specifically as most law graduates do not pursue a career in the legal profession, as discussed in 2.2.4(ii). However, the earning potential will generally be higher for the graduates who have qualified as solicitors or barristers.

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[489] Law graduate salaries typically range between £15,000-£27,000. For graduation cohort 2018/19, the most significant pay bands for UG Law Graduates who went into full-time employment were £15,000-£18,000 (14%), £18,000-£21,000 (27%), £21,000-£24,000 (16%), £24,000-£27,000 (13%). For graduation cohort 2017/18, the most significant pay bands for UG Law Graduates who went into full-time employment were £15,000-£18,000 (14%), £18,000-£21,000 (26%), £21,000-£24,000 (16%), £24,000-£27,000 (14%). See 'Graduates' Salaries' (HESA 2021), Figure on UK domiciled graduates in full-time paid employment in the UK by subject area of degree and salary band. <https://www.hesa.ac.uk/data-and-analysis/graduates/salaries#bands>. Last accessed 29 September 2022

[490] Standard industrial classification of graduates entering work in the UK by subject area of degree showed that majority of UG Law graduates gain employment in the Professional, Scientific and Technical sector. For the 2018/19 cohort of graduates, statistics were 41% in this sector. For 2017/18, it was 45%. At the time of writing, there are no statistics on more recent graduates. For purpose of discussion here, these UG Law graduate statistics are not only for LLB graduates, as HESA data does not explicitly make distinctions between the different types of UG Law graduates. See Figure 11, 'Higher Education Graduate Outcomes Statistics: UK, 2018/19 - Outcomes by Subject Studied' (n 424)

[491] For graduation cohort 2018/19, the most significant pay bands for UG Education Graduates who went into full-time employment were £24,000-£27,000 (31%). For graduation cohort 2017/18, the most significant pay bands for UG Education Graduates who went into full-time employment were £21,000-£24,000 (22%), £24,000-£27,000 (24%). See Figure on UK domiciled graduates in full-time paid employment in the UK by subject area of degree and salary band, Graduates' Salaries' (n 489)

[492] The most recent LEO publication shows that Law graduates median earnings progressively increased over 10 years after graduating from £19,200 to £34,700 (£13,100 increase). For comparison, over 10 years, the increase in median earnings of other non-science counterparts were: Business and management (£12,400); Media, journalism and communications (£10,600); Sociology, social policy and anthropology (£8,800); Education (£6,600). See 'Graduate Outcomes (LEO): 2018 to 2019' (Department for Education 2021) <https://www.gov.uk/government/statistics/graduate-outcomes-leo-2018-to-2019>. Last accessed 29 September 2022

The expansion and diversification of the HE sector and, consequently, legal education were discussed in 2.2.2. It has also led to criticisms and concerns about the academic integrity and quality of HE. For example, the UNESCO Report states that the widening participation to HE has contributed to an overall lowering of academic standards as universities and student populations become more diversified.[493] Unpacking the indicators of these 'lowering standards' are beyond the scope of this thesis; however, some other statistics have been considered to examine these claims from a legal education and employment context. From a legal employment perspective, BSB statistics suggest that graduates of universities classified in the 'Top 10 in the UK'[494] according to The Times and Sunday Times Good University Guide were more likely to have commenced pupillage compared to attendees of universities classified in the next forty, irrespective of degree classification attained.[495] A similar trend exists for the earning potential of newly qualified solicitors. However, it is important to note that an LLB degree is not required for a pupillage or to qualify as a solicitor, so it is irrelevant to discuss university rankings when discussing employability and earning potential of LLB graduates with regards to the legal profession specifically.[496]

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[493] PG Altbach, L Reisberg and LE Rumbley, 'Trends in Global Higher Education: Tracking an Academic Revolution.' (UNESCO 2009) cited in 'Rethinking Education: Towards a Global Common Good?' (United Nations Educational, Scientific and Cultural Organization 2015) <https://unevoc.unesco.org/e-forum/RethinkingEducation.pdf>. Last accessed 29 September 2022

[494] The Times 2020 Top 10: 1. University of St Andrews, 2. University of Oxford, 3. University of Cambridge, 4. Imperial College London, 5. London School of Economics and Politics, 6. Durham University, 7. University College London, 8. University of Warwick, 9. University of Bath, 10. Loughborough University. See 'UK University Rankings Revealed: The Times League Table' *The Times* <https://www.thetimes.co.uk/article/uk-university-rankings-revealed-the-times-league-table-dbxtwgm70>. Last accessed 29 September 2022

[495] For example, 55% of those with an upper second class degree and Very Competent BPTC grade who went to a UK university ranked in the top 10 had commenced pupillage. In comparison, around 48% of those with a first class degree and a Very Competent overall grade on the BPTC who went to a university ranked 11-50 in the UK had commenced pupillage. See 'BPTC Key Statistics 2020: An Analysis of Students over Three Academic Years' (Bar Standards Board 2020) <https://www.barstandardsboard.org.uk/uploads/assets/3f953812-cb0e-4139-b9dcc76f085de4e2/BPTC-Key-Statistics-Report-2020-All-parts.pdf>. Last accessed 29 September 2022

[496] 'Universities and Graduate Earning' *Chambers Student* <https://www.chambersstudent.co.uk/where-to-start/newsletter/universities-and-graduate-earnings>. Last accessed 29 September 2022

The pandemic has added further reason for concern about graduate employment. The World Bank report identifies increased graduate unemployment as a potential medium to long-term risk due to decreased confidence in the quality of remote education during the pandemic.[497] At present, it is still too early to tell what impact the emergency remote measures have had on graduate employment as most cohorts affected by the pandemic have only recently graduated (or are still in the course of their studies).

Nonetheless, for discussion here, it is almost impossible to make an inference about the relationship between LLB degrees and employability and earning potential. LLB graduate employability appears to be a subjective matter dependent on a wide range of factors beyond the qualification itself. Alexander, in her thesis, argues that if employability is simply about 'getting a job', it can be measured using statistics as I have done in this thesis, but this approach overlooks more complex demographic factors such as job market availability and student's varying abilities to take on unpaid work experience opportunities. She goes on to discuss how 'being employable' and 'being employed' are not synonymous and often not mutually exclusive, so using metrics such as those from DLHE or HESA statistics to determine employability of LLB graduates need to be considered with caution. Many advocates of employability skills have sought to look beyond technical skills and to encourage the development of broader human and social traits, such as initiative, ethics, and creativity, which I discuss in the following section.

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[497] 'The COVID-19 Crisis Response: Supporting Tertiary Education for Continuity, Adaptation, and Innovation' (World Bank Group 2020) <https://documents1.worldbank.org/curated/en/621991586463915490/The-COVID-19-Crisis-Response-Supporting-Tertiary-Education-for-Continuity-Adaptation-and-Innovation.pdf>. Last accessed 29 September 2022

2.4.2 Non-market benefits: Advancement of collective knowledge and the betterment of society

As law schools move away from the doctrinal black-letter law approach,[498] the shift towards a socio-legal approach enables LLBs to explore legal subjects through a 'law in context'[499] lens. This approach, if integrated thoughtfully, can be a transformative experience as students engage in how law works in the real world and reveals new perspectives on legal issues by encouraging more critical thought about the intricate relationship between law and society.[500] As discussed in 2.2.4, legal education stakeholders have often debated the purpose of LLBs, and many of these arguments have crystallised into a liberal[501] versus vocational dichotomy. Ashford and Guth suggest a more nuanced, non-binary understanding of liberal legal education that does not oppose teaching and exploring practice-related subjects or learning about professional knowledge and skills.[502] Instead, they suggest that a liberal legal education is one where such knowledge and skills are acquired through wider learning that encourages students to pursue knowledge for knowledge's sake and develops knowledge acquisition skills through research, critical thought and debate.[503] These intrinsic graduate outcomes support the Humboldtian model of universities,[504] where educators and students were contributors to the common

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[498] Fiona Cownie, *Legal Academics: Culture and Identities* (Hart Publishing 2004), 198

[499] Chris Ashford and Jessica Guth, 'The Legal Education and Training Review: Regulating Socio-Legal and Liberal Legal Education?' (2014) 48, 10

[500] Dame Hazel Genn, Martin Partington and Sally Wheeler, 'Law in the Real World: Improving Our Understanding of How Law Works' (The Nuffield Foundation 2006) <https://www.ucl.ac.uk/judicial-institute/sites/judicial-institute/files/law_in_the_real_world_-_improving_our_understanding_of_how_law_works.pdf>. Last accessed 29 September 2022

[501] The terms 'socio-legal' and 'liberal' are interpreted in many different ways, and are sometimes used interchangeably too. James for example, interprets a liberal legal education as one that can be characterised by three key themes: individual freedom, social responsibility, and informed rationality; which can be encouraged through the teaching of theory, philosophy, interdisciplinarity, multiculturalism and ethics. See Bradney (n 241); Nickolas John James, 'Liberal Legal Education: The Gap Between Rhetoric and Reality' (2004) 1 The UNE Law Journal 163. 167, 173

[502] Ashford and Guth (n 499) 2

[503] Ibid, 6

[504] As an example, although no reference was specifically made to the Humboldtian model in his discussion, Ostas discusses how his engagement in scholarship improves his teaching. Through his extensive reading, note-taking, thinking and writing on a specific matter for a prolonged period of time, he is able to critique the legal

wealth of society through research and the advancement of collective knowledge. As discussed in 2.3.2(ii), research has great significance in the LLBs in England and Wales, as legal research is considered a key skill to develop through the LLB.

According to the HESA statistics discussed in 2.4.1, although UG law graduates do not appear to have an advantage over other non-science graduates when it comes to securing full-time employment, the same statistics show that a higher percentage of UG law graduates pursue further studies compared to other non-science graduates.[505] This desire to pursue knowledge could be attributable to the research culture fostered by legal education. As discussed in 2.3.2(ii), research is a prominent characteristic of legal education, and most LLB providers preserve this by developing research skills throughout the programme culminating in a final research project or dissertation at the end of the course.

In her thesis, Dunn referred to Ortiz's discussions on how legal education had been failing then-recent graduates, as students are taught 'to dehumanise the human subject of cases'[506] with focus placed on case analysis instead of the effect of the 'law on human beings.'[507] Dunn suggested that the holistic nature of CLE enables students to engage with the humanistic aspects of legal education from a doctrinal perspective and socio-economically as students develop their practical understanding

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arguments expressed in a student's brief with a 'quiver stuffed with new ideas, vocabulary, and historical perspective' and share more viewpoints to facilitate critical discourse and encourage their further interest and investigation on the topic. See Daniel T Ostas, 'Finding Meaning in Our Scholarly Efforts: A Perspective on Research and Teaching Synergies' (2021) 38 Journal of Legal Studies Education 131. 136-137

[505]'Higher Education Graduate Outcomes Statistics: UK, 2018/19 - Outcomes by Subject Studied' (n 424). LEO statistics indicate the same – 1 year after graduating, 42.3% of Law graduates pursue further studies, compared to other non-science counterparts: Sociology, social policy and anthropology (27.2%); Education and teaching (21.2%); Business and management (15%); Media, journalism and communications (14%). See 'Graduate Outcomes (LEO): 2018 to 2019' (n 492). See 'Graduate Outcomes (LEO): 2018 to 2019' (n 492)

[506] J Damian Ortiz, 'Going Back to Basics: Changing the Law School Curriculum by Implementing Experiential Methods in Teaching Students the Practice of Law' (2012) 3 cited in Dunn (n 35) 114

[507] Ibid

of matters such as client care and legal aid.[508] At the time of Dunn's writing, LawWorks reported only 25% of law schools integrated CLE programmes into their curriculum through built-in approaches.[509] The most recent LawWorks estimates that 55% of law schools integrate CLE through built-in approaches.[510] From the content explored in 2.3 and as supported by these LawWorks statistics, we can infer that over recent years, increasingly more graduates have experienced the application of law through CLE, which enables them to integrate theoretical and practical aspects through pro bono work that contributes to society.[511]

The increasing embeddedness of reflective practice through experiential learning activities, as discussed in 2.3.2, requires law students to think rationally and behave responsibly as a could-be practitioner and community member. Independent and reflective thought that critically examines one's own views and values about the law is necessary for the moral development of law graduates,[512] who will contribute to the continuing development of society through their professional and personal pursuits in life. Stryker even opined that it would be an illegitimate move to disavow all moral responsibility from education, considering the close connection between knowledge and power.[513] Although Stryker does not offer further insight on the implications of power, through a Foucauldian lens,[514] 'power' can be interpreted as a productive outcome which produces meaning by 'producing subjects and what they do, how

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[508] Dunn (n 35) 115
[509] Clinics are increasingly becoming assessed as a credit bearing part of the curriculum. LawWorks data shows that 25% of clinics assessed students work in their 2014 report. See Damian Carney and others, 'The LawWorks Law School Pro Bono and Clinic Report 2014' (LawWorks and Clinical Legal Education Organisation 2014) <https://www.lawworks.org.uk/sites/default/files/LawWorks-student-pro-bono-report%202014.pdf>. Last accessed 29 September 2022
[510] In response to the law schools' survey question, "Are any student volunteers in your clinic/project(s) assessed?", 55% of respondents said yes and 45% said no. See 'Law School Pro Bono and Clinic Report 2020' (n 8) 21
[511] 'Enhancing Learning by Integrating Theory and Practice' (2009) 21 International Journal of Teaching and Learning in Higher Education 258, 262
[512] Fiona Cownie, '(Re)Evaluating Values: A Response to Burridge and Webb' (2008) 42 The Law Teacher 302; Fiona Cownie, 'Alternative Values in Legal Education' (2003) 6 Legal Ethics 159.
[513] L. Stryker, 'The Holocaust and Liberal Education' cited in Bradney (n 241)
[514] Paul Rabinow and James Faubion (eds), *Essential Works of Foucault* (2000), 120

subjects see themselves and the world, and resistance to itself'.[515] As James discusses, 'although power leads to dominance and hegemony, it also undermines dominance and hegemony'.[516] The critical, rational and reflective thinking skills fostered through socio-legal activity and research equip students with skills that help them reflect upon the values of their culture, as Bradney suggests.[517] This enhances decision-making, leadership and rational thinking skills in whatever roles graduates assume in society.

As Nussbaum discusses, graduates acquire the 'ability to think critically; transcend local loyalties; approach world problems as a 'citizen of the world''; and imagine another person's predicament sympathetically.[518] This, in turn, develops the five dispositional outcomes which Kiziltepe discusses: interpersonal competence, multi-cultural understanding, skills in problem identification and problem-solving, a sense of purpose, and the confidence to act in ways that make a difference.[519] Through a transformative and liberal LLB education, graduates are not only able to develop their sense of civic and moral responsibility but also their sense of personal identity. Palmer and others see this as an issue central to young adults' life concerning purpose, core values, and direction in life.[520] The pursuit of knowledge through reflective and critical thinking allows an individual to fulfil the purpose of HE as set out

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[515] James (n 501) 175.
Similarly, Clark argues that through liberal legal education, 'we learn to think about the relationship and connection between authority and outcomes'. By pondering upon the meaning of an enactment, the reasons for a rule, the scope of a precedent, the relevance of a tradition or practice, a learner is constantly engaged in a process of finding or giving meaning to what has been said and done. Sometimes it necessary to broaden the inquiry to include the larger context in which a particular authority must be understood or the ends it should be understood to serve, which often implicitly leads to thinking about the meaning of what we have said and done calls upon us to think deeply about our community itself. See Sherman J Clark, 'Law School as Liberal Education' [2013] SSRN Electronic Journal 238-239 <http://www.ssrn.com/abstract=2353072> accessed 3 October 2022.

[516] James (n 501) 174-175

[517] Anthony Bradney, 'Liberalising Legal Education' in Fiona Cownie (ed), The Law School – Global Issues, Local Questions (1999) 18

[518] Nussbaum (n 296) 7

[519] Zeynep Kızıltepe, 'Purposes and Identities of Higher Education Institutions, and Relatedly the Role of the Faculty' [2010] Eurasian Journal of Educational Research 114.

[520] Parker J Palmer and others, The Heart of Higher Education: A Call to Renewal (Jossey-Bass 2010).

by Polanyi, and that is to prepare individuals to discover 'who they are', to search for a larger purpose for their lives, and to graduate as 'better human beings'.[521]

2.4.3 Value by the metrics

Chan found a significant misalignment between the expectations of students against HEIs on the economic and social benefits of HE. He noted that there is likely to be disappointment on both sides if universities and students do not have aligned goals and aims for completing a degree.[522] This is an issue we already see transpiring in LLBs in England and Wales. Before the pandemic, statistics already showed that 2/3 of UK LLB graduates believed they were not receiving 'value for money'.[523] Chan's findings suggest that student expectations for a degree tend to be very instrumental and personal, whilst HEI's purpose of UG education tends towards highly ideal life and society-changing consequences.[524] In England and Wales, these misaligned expectations are problematic, especially because of the increasing focus on measuring the value of degrees and HEIs through instrumental metrics such as the National Student Survey (NSS), Teaching Excellence Framework (TEF), and REF that were introduced in 2.2.3. The idea behind the NSS is that value bestowed upon a course or HEI depends on student satisfaction and not the quality or necessity of the educational experience. Elton discusses how direct interference by outside bodies, which manifests in the form of these audits, is viewed as counterproductive through the Humboldtian lens. Success in these assessments is based on predetermined

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[521] Polanyi (n 300) 47

[522] Chan states that on one hand, academics and staff may be disappointed if students do not go beyond the minimum requirements in their engagement with learning tasks. On the other hand, students may balk at learning outcomes that have little connection with vocations. See Chan (n 283) 8

[523] Jonathan Neves and Nick Hillman, 'Student Academic Experience Survey' (Higher Education Academy and Higher Education Policy Institute 2017) <https://www.hepi.ac.uk/wp-content/uploads/2017/06/2017-Student-Academic-Experience-Survey-Final-Report.pdf>. Last accessed 28 September 2022

[524] Chan (n 283) 4

outcomes (i.e. performance indicators), which conflict with the idea of encouraging academic freedom.[525]

As McArthur discusses,[526] the marketisation of HE has commercialised relationships between students and educators (customers and service providers), compartmentalised learning spaces (modules) and adopted an entire raison d'etre of instrumentalism which is simply inconsistent with understanding learning as a social activity which is inescapably linked to the wider socio-economic world. This risks distorting the very idea of knowledge. In this commercial model of HE, student-consumers are encouraged to opt for modules they desire and reject subjects or areas of knowledge that they disagree with or make them uncomfortable without the need for any form of critical inquiry.[527] When subject to learning about matters they do not perceive to be of value, or where student expectations are not met, a student-consumer might be 'dissatisfied' with their education. Nicholson notes that valuing 'satisfaction' by such metrics is a crude measurement of experiential/hedonic value, an intricate concept.[528]

From a critical pedagogy perspective, McArthur proposes that this increasingly commercialised form of HE bears the risk of encouraging a society in which people 'either learn to subvert or hide their own creativity and identity'. She describes this commercialised HE model as a packaging and marketing process, with the degree being the 'shiny ribbon on the top of the box'; rather than HE being a journey or

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For a summary of characteristics of Humboldtian versus neoliberal university, see Anna Reiners, 'Humboldt versus Neoliberalism' (Stockholm University 2014) 9-12.

[525]Elton describes these performance indicators as distortions of what is being measured instead of measurements of performance itself, which influence practice towards what is being measured which causes unmeasured parts to get neglected. See Elton (n 86) 639.

[526] McArthur (n 284)

[527] Henry Giroux, 'Academic Freedom under Fire: The Case for Critical Pedagogy' (2006) 33 College Literature 1 cited in McArthur (n 284) 741

[528] Alex Nicholson, 'The Value of a Law Degree' (2019) 54 The Law Teacher 194.

transformative experience for the learner.[529] Nicholson and Johnston examined what law students value in their legal studies in view of facilitating a more empathetic, effective, and inclusive approach to future course design and marketing.[530] They use the Value Slices Model[531] to discuss different aspects of 'value' of a law degree. Their study suggests that lawyer qualification[532] and employability are aspects of value emphasised most heavily by HEIs across the market.[533] This may lead to students valuing these aspects most highly as a consequence. Nicholson and Johnson suggest that focusing marketing and course development activities exclusively on employability is a particularly high-risk strategy for most providers,[534] as this strategy has potentially damaging implications on the perceptions of value in the longer term – if students' sole objective in studying their law degree is to qualify as a barrister or a solicitor and they do not ultimately achieve that objective, then it is almost inevitable that they will perceive their degree to be of limited value unless they also recognise (and attach significant weight to) other value outcomes.

Valuing provisions by these metrics also subjects HE to becoming an object of 'commodity fetishism', as McArthur discusses, representing nothing other than its

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[529] McArthur (n 284) 742

[530] Alex Nicholson and Paul Johnston, 'The Value of a Law Degree – Part 3: A Student Perspective' (2020) Online The Law Teacher, 4.

[531] The Value Slices Model is derived from established marketing theory which was originally designed to support HE providers with the identification, development and articulation of value, by compartmentalising the typically obscure, holistic value of their programmes into six broad categories or "slices": (1) symbolic (i.e. personal meaning that a student might attach to their studies); (2) lifetime (i.e. longer-term benefits, beyond graduation); (3) instrumental (i.e. potential to help a student achieve specific objectives, such as lawyer qualification); (4) community (i.e. benefits for the student's own communities or society more broadly); (5) experiential (i.e. benefits realised through undertaking the study itself, for example enjoyment or interest); and (6) sacrifice (i.e. the difference between what is invested and what is received). See Nicholson and Johnston (n 530) 7

[532] The qualitative comments in their study suggest that by "lawyer qualification", participants specifically mean qualification as either a barrister or a solicitor, the two most prestigious branches of the legal profession in England and Wales. For any provider, meeting student expectations of this kind is exceptionally difficult, since the number of law students in the UK vastly exceeds the number of opportunities to qualify into these branches of the profession. See Nicholson and Johnston (n 530) 14

[533] Alex Nicholson, 'The Value of a Law Degree – Part 2: A Perspective from UK Providers' (2020) The Law Teacher

[534] Nicholson and Johnston (n 530) 14-15

exchange value for higher salaries and status.[535] HEIs emphasis on employability also has a vicious cycle effect on the availability of non-employment-focused modules. As Ashford and Guth discuss, law students may not opt for socio-legal and non-employment-focused modules as they do not perceive them to be valuable, consequently making it unviable to run these modules in some instances,[536] further depriving students of opportunities to develop their civic knowledge, skills, and attributes. This further reinforces the idea that people engage in HE to develop and realise their potential as human beings as quaint and anachronistic.[537]

2.5 Summary of chapter

At the beginning of this chapter, I outlined how the sections of this chapter addressed specific research questions in Table 2.2. In this section, I summarise findings in relation to these research sub-questions. For the readers' ease, I list the research sub-questions and the corresponding subsections of this chapter below:

1a. **What makes legal education a discipline which requires a bespoke pedagogic approach?**
2.1.1; 2.1.2; 2.1.3; 2.2.1; 2.2.4
1b. **What are LLB Degrees for in England and Wales?**
2.2.1; 2.2.2; 2.2.3; 2.4.1; 2.4.2
2a. **What effect has the pandemic had on legal education?**
2.3.1; 2.3.2
2b. **What effect has the pandemic had on working practices (legal sector and others)?**
2.3.2
3a. **What skills are most important for employment today?**
2.2.1; 2.2.3; 2.2.4
3b. **Are the necessary skills currently fostered through LLB provisions in England and Wales?**
2.3.2; 2.4.3
4. **How can the necessary skills be fostered through the LLB Degree in England and Wales?**
2.1.3; 2.1.4; 2.3.1; 2.3.2

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[535] Stephen D Brookfield, *The Power of Critical Theory for Adult Learning and Teaching* (Open University Press 2005) cited in McArthur (n 284) 742
[536] Ashford and Guth (n 499) 8-9
[537] McArthur (n 284) 742

In this chapter, I have discussed literature on underpinning theories and concepts relevant to LLB education to address 1a and 4; and I have provided a narrative of the purpose, content, and currency of LLB degrees in England and Wales today. I also discussed my findings from the content analysis of 107 LLB providers, which was conducted to partially address research sub-questions 2a and 3b. No prior studies have been conducted which examine LLB curricula across England and Wales since the pandemic. These findings are a unique and valuable contribution to knowledge, particularly for individuals invested in the development of LLB curricula, as justified in 1.1.3. I summarise the findings of the content analysis below.

In the content analysis of LLB provider websites, five specific matters were examined: the delivery of (i) the FLK, (ii) research projects/dissertations, (iii) CLE and WBL, (iv) TEL, and (v) content that 'prep for legal practice'. The content analysis found that out of 107 LLB providers in England and Wales:

- **FLK:** Only ten give students the option to opt-out of the FLK subjects, partially. Among these ten providers, different approaches were taken for their opt-out options – some make compulsory an 'introduction' to all FLK subjects, with 'advanced' options of the FLK offered as electives; some make a select few FLK modules compulsory whilst the remaining FLK subjects are offered as electives. Across all LLB provisions, FLK subjects were built-in to the LLB curricula, so it was assessed and credit-bearing. I summarise the approaches taken for the FLK in Table 2.6.

- **Research projects and dissertations:** 96 providers explicitly indicated that a final-year research project or dissertation was part of their provision on their websites. Among these 96 providers, all used a built-in approach where the research project or dissertation module was assessed, credit-bearing, and relevant research skills were developed through the programme to prepare students for the module. 27 made such modules compulsory for all students on the LLB programme, 66 made it an elective, and three did not indicate whether it was compulsory or an elective. Whether compulsory or an elective, many of these providers allowed students some flexibility to choose between different types of research-focused modules (options between long or short semesters, 15 or 30 credits, or 20 or 40 credits). My findings are summarised in Figure 2.11.

- **CLE and WBL:** 84 indicated CLE activity within their provisions. However, among these providers, only 16 had CLE built-in to the curriculum via compulsory credit-bearing modules. Others offered CLE through built-in elective modules, or bolt-on approaches such as extra or co-curricular activity. Providers used different approaches for this such as establishing law clinics within their law schools (physically and virtually), and through partnerships with external bodies. I was not able to establish how many providers had simulated clinical activity within their provisions, so this was omitted from my discussion of findings in this thesis. My findings on CLE activity are summarised in Figure 2.12. Some providers indicated WBL such as placement modules, placement years, workplace learning and internships, but it was unclear whether this WBL was legal-practice related. This content was analysed as a category on its own. 37 providers indicated unspecified WBL activity within their curriculum. However, only 15 offered these as placement modules that were built-in to the curriculum, assessed and credit-bearing. Most were offered through an additional bolted-on placement year, not part of the 3-year LLB provision. Approaches used to integrate unspecified WBL activity is summarised in Figure 2.13.

- **TEL and technology-based modules:** All LLB providers use TEL to some capacity and have done so even prior to the pandemic. However, most only do so to facilitate the transfer of information (Types 1 and 2), and not to enhance students' technological skills explicitly (Type 3).[538] Only 19 providers appeared to have Type 3 TEL integrated into their provisions, although gaps in the information provided on some websites made it impossible to determine what exactly some of the provisions entailed and the figures provided may be inaccurate for this reason. Among providers that provided more comprehensive descriptions, only five have a technology-based compulsory module, and seven have such modules as an elective, which is built-in, assessed and credit-bearing. Findings on the integration of Type 3 TEL is summarised in Figure 2.14.

- **Content that 'prep for legal practice':** Many institutions advertise their LLBs as a means to make graduates 'practice or SQE ready'. Some examples of this are shown in Figure 2.8. 13 providers explicitly had elements of the SQE integrated into the LLB curriculum through built-in, assessed and credit-bearing approaches. Among these 13 providers, six offer elective SQE2 modules,[539] six introduce SQE pathway[540] in their LLB curriculum specifically designed for students aspiring to become solicitors through the new entry route, and one had a compulsory SQE prep module in the final year. These findings are summarised in Figure 2.9.

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[538] See 2.3.2(iv) for discussion TEL Types 1-3.

[539] Goldsmiths University, Keele University, Liverpool Hope University, Open University, Hertfordshire University, Roehampton University. See Appendix 1 for all data from content analysis of 107 LLB provider websites

[540] Arden University, Bournemouth University, Nottingham Trent University, Staffordshire University, Leeds City University, Salford University. See Appendix 1 for all data from content analysis of 107 LLB provider websites

From the content analysis of LLB provider websites, it is evident that many LLB providers have shifted away from some signature methods used in legal education and have adopted creative and innovative teaching and assessment methods in their provisions, such as CLE, TEL, and more practical approaches in relation to academic research projects. Many of these creative methods are more suited for the adult learner as they create suitable experiential environments for knowledge to be transformed meaningfully and tangibly. These methods allow transferable knowledge and skills to be acquired and retained for wider utility in a graduate's life beyond the law classroom. Throughout the chapter, the pandemic's effect on working practices and skills required to adapt to these changes have been discussed to address 2b and 3a. The literature discussed in 2.4 addresses 1b and 3b, and it describes how the currency of LLB degrees in England and Wales extends beyond employability and economic measures. Although LLB graduates fair considerably well in the job market, they also tend to engage in more research and further study compared to other non-science graduates; and contribute to society in other non-economic ways as envisioned by the idea of a liberal legal education.

From the literature reviewed in this chapter, it should be clear to the reader that LLB provisions in England and Wales are an incredibly complex subject for discourse. As discussed in 2.1, the unique epistemology of law as a discipline, coupled with the historically tangled relationship that LLB providers have with regulators of the legal profession, have resulted in considerably diverse offerings in LLB provisions across England and Wales today. The flexibility providers enjoy in their development of LLB programmes has enabled a greater degree of academic freedom and creativity to align provisions to suit individual and institutional agendas and ambitions. It has also allowed for greater consumerism of legal education as students are encouraged to

choose the providers at which they wish to pursue their LLBs based on the specialist offerings of individual providers since no two LLB programmes are exactly the same. However, this variety in provisions across England and Wales poses challenges regarding uniformity and consistency of the LLB educational experience. As providers have become increasingly dependent on students for funding, the expectations of students have increasingly become more influential in determining the content of LLB provisions and, consequently on the skills developed through the LLB curricula, as discussed in 2.3.

To conclude this chapter, I share some reflections on my learning about learning based on the literature reviewed in this chapter. As I have immersed myself in the literature on learning theories and legal education, I have become more conscious of the self-directed and PBL that I have engaged in throughout my time in law school as an LLB student but even more so as PhD student researching LLB degrees. Throughout this journey, as I have come across literature on unfamiliar concepts, theories, and ideas, I often find myself 'skimming' the literature and retaining only the key points in a manner that is quite esoteric; as if filtering through information for the 'ratio decidendi' and 'obiter dicta'. I also find that I am able to grasp new knowledge from one subject and apply it to my learning of another subject quite objectively. The apathy for boundaries between subjects is akin to how a law student might approach a legal issue (i.e. addressing a commercial legal issue in a similar manner as a family issue, so long as the relevant legal principles, legislation and case law is identified). It is only upon immersion in the literature that I can make sense of these cognitive skills and realise that these skills have been acquired through years of developing academic legal skills such as interpreting case law and legislation. Although I no

longer study law and am not a legal educator now,[541] I have found some of these

cognitive abilities to significantly amplify my adaptability in the work environment.

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[541] I am currently a lecturer in policing. I discuss my insider-outsider positionality in relation to this research project in 3.1.1

Chapter 3 Methodology

As Carter and Little describe, 'methodologies justify methods, and methods produce knowledge, so methodologies have epistemic content.'[542] Therefore, it is necessary for me to discuss the research methods deployed in this research and my methodology, as these discussions provide insight into how I have created knowledge through this research process. This chapter will provide the reader with a good understanding of my research methodology, which encompasses my approach to knowledge underpinning both the research questions asked, as well as my methods chosen to answer these questions. Taking a constructivist-interpretivist approach, I have used mixed methods to answer my research questions through an online survey which collected quantitative and qualitative data; a content analysis of 107 LLB provider websites; and a narrative review of relevant literature.

From the onset of this chapter, it is important to note that it is mixed methods that I have deployed, but not a mixed mode of research.[543] To inform the reader accurately, I provide a transparent account of my rationale and considerations in relation to my use of mixed methods used to collect and analyse data, as well as those chosen regarding the theoretical framework that informed my choice of these methods and my approach to interpreting the data. I also discuss ethical considerations and the

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[542]Stacy M Carter and Miles Little, 'Justifying Knowledge, Justifying Method, Taking Action: Epistemologies, Methodologies and Methods in Qualitative Research' (2007) 17:10 Qualitative Health Research 1316 <https://ses.library.usyd.edu.au/bitstream/2123/14500/1/justifying-knowledge-PP-2007.pdf>. Last accessed 30 September 2022

[543]Vehovar and Manfreda discuss the sharp separation between mixing survey modes and mixing survey methods. Mixing methods is strongly related to historical discussion about quantitative and qualitative methods in social science methodology. While quantitative and qualitative approaches are historically separated and even in confrontation, they increasingly cohabit in so-called mixed methods or combined-method approaches. See Vasja Vehovar and Katja Lozar Manfreda, 'Overview: Online Surveys', *The SAGE Handbook of Online Research Methods* (2nd edn, SAGE Publication 2017). 153.
Mixing modes on the other hand refers to the use of multiple modes of collecting data e.g. telephone and face-to-face, or a postal survey followed by a phone call. See Edith D de Leeuw, Joop J Hox and Don A Dillman, 'Mixed-Mode Surveys: When and Why', *International Handbook of Survey Methodology* (Psychology Press 2008) <http://joophox.net/papers/SurveyHandbookCRC.pdf>. Last accessed 30 September 2022

extent of generalisability, reliability, and validity of the findings of this research project as a result of my methodology and research methods. I have used Creswell's three components of a research framework[544] to structure my discussion in this chapter. In this chapter, I discuss my approaches to these three components. Figure 3.1 shows my adaptation of Cresswell's research framework in this project and provides the reader with an overview of the contents in this chapter.

Figure 3.1. Cresswell's research framework adapted for this research project

Philosophical Worldviews
Constructivist-intrepretivist (with some use of pragmatist approaches)
Discussed in 3.1

Selected Strategy of inquiry
Online survey which produced quantitative and qulitative data; content analysis of LLB provider websites; narrative review of literature
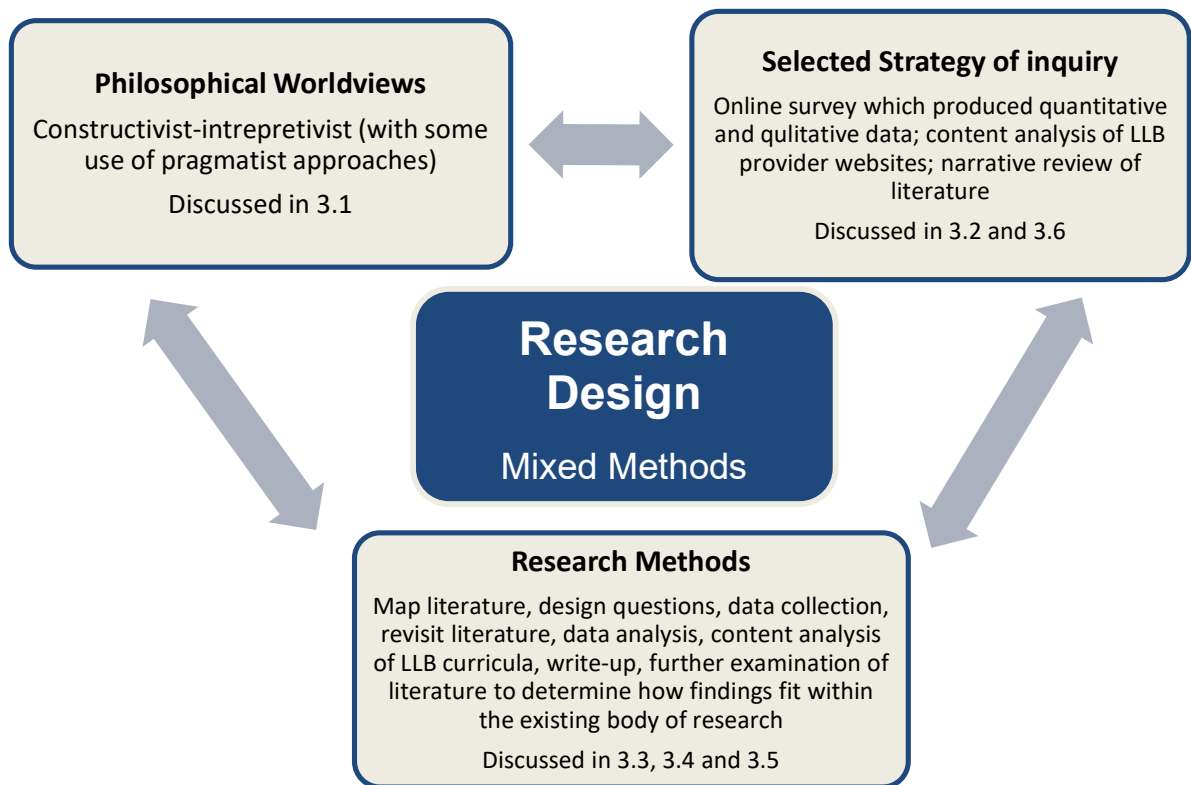Discussed in 3.2 and 3.6

Research Design
Mixed Methods

Research Methods
Map literature, design questions, data collection, revisit literature, data analysis, content analysis of LLB curricula, write-up, further examination of literature to determine how findings fit within the existing body of research
Discussed in 3.3, 3.4 and 3.5

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[544] Creswell (n 32) 3

3.1 Philosophical Stance

In the Introduction chapter of this thesis, I briefly described how this thesis is the product of my own curiosity and frustrations. I believe it is necessary to elaborate on this experience in more detail to give the reader a better understanding of how my experience of legal education has shaped my perspectives and philosophical stance on legal education. In 1.1 and the introduction of Chapter 2, I share my experiences of having been an international law student at Northumbria University. Despite my failures and frustrations when it came to written exams, my fascination with the study of law resulted in my continual pursuit of legal education. However, even then, my interest was not in studying any particular area of law, which might draw more structured and pragmatic individuals to this field. Instead, the ambiguous and ever-evolving aspects of the field of law resonated with my constructivist-interpretivist self.

During this time of pursuing legal education away from home, I realised that legal education in England and Wales was slightly peculiar. What I thought I had known about the field of law did not reign true in the legal education landscape in England and Wales. It did not fit with my understanding of a professional degree as it was not a training course for practice, there was no requirement to hold a law degree to practice law, LLB exams were not competence-based, and students who did brilliantly still struggled to secure jobs in the legal field. Additionally, the award title 'LLB(Hons)' did not necessarily mean that graduates had the same experiences or were offered the same opportunities as part of the degree across institutions despite having the same UCAS code (M100 in most institutions). My confusion about these peculiarities led to my initial research on legal education in England and Wales. I came to learn that these peculiarities are the very aspects which give law a unique epistemology as a field, especially in England and Wales.

When I applied for this PhD studentship, I knew how prominent Northumbria Law School was in the CLE sphere and that my institution was a pioneer in legal education. This is evidenced by the vast amount of publications in legal education journals written by educators from Northumbria Law School, many of which fed into my initial project proposal. As part of my application, I was invited for an interview with Professor Hall,[545] an expert in the field who has supervised many research projects on legal education. At that time, I admittedly felt unsure about my proposed contribution to knowledge – 'what could I possibly know? I am just a law student'. What I did not know then was that my unique positionality as a researcher was of interest to established legal educators – I was a law student interested in researching legal education at the institution where I undertook my legal education.

Since then, my positionality as a researcher has shape-shifted as I have taken on several roles in legal education at Northumbria Law School. I have experienced legal education from several perspectives - a student, a researcher, a facilitator, a mentor, a tutor, and a lecturer. I have also become part of the growing legal education community at Northumbria University and beyond, and I have made my own contributions to scholarship in legal education.[546] At this point, it is crucial to note that this doctoral thesis has been heavily influenced by the works of the community of

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[545] Professor Elaine Hall is a Professor of Legal Education. Her research career has spanned twenty years and more than thirty funded projects. She leads the Legal Education and Professional Skills Signature Research Area, is an Editor of the International Journal of Clinical Legal Education (IJCLE), a Board member of the Association of Law Teachers and the Law Teacher journal. She is also active in other editorial and reviewer duties for other journals among them being International Journal of Education Research, the International Journal of Research Methods in Education, British Educational Research Journal, Educational Review, Teachers and Teaching, Teacher Development and the European Journal of Psychology of Education. She is also a co-convener of Network 15: Research Partnership in Education within the European Educational Research Association. She acts as external examiner and a consultant for various UK Law Schools curriculum among them being University of Glasgow, Queen Margaret University, Durham University, Sheffield University, Middlesex University and the Open University. See 'Prof Elaine Hall' <https://www.northumbria.ac.uk/about-us/our-staff/h/elaine-hall/>. Last accessed 30 September 2022

[546] Elaine Hall and Samantha Rasiah, 'The Unitary Idea of "the" Law School and Other Issues When Defining "Problems" in Legal Education', *What is Legal Education for?: Reassessing the Purposes of Early Twenty-First Century Learning and Law Schools* (Routledge 2022); Chris Ashford, Laura Graham and Samantha Rasiah, 'Centring Feminist and Queer Experiences in the Law School: Legal Zines as a Humanising Pedagogy', *Biopolitics of Legal Education* (Routledge In Preparation); Roper and others (n 57)

active legal education researchers at Northumbria Law School, particularly Dr Roper,[547] Dr Mkwebu,[548] and Dr Dunn,[549] all of whom have been supervised (formally or informally) by Professor Hall.[550]

3.1.1 Insider-outsider positionality

These experiences are relevant to this chapter as my shape-shifting has enabled me to conduct my research as an insider-outsider. From the outset of this section, it is vital to note that I discuss my positionality as it was throughout the entirety of the research process and not exclusively in relation to the data collection, which was only a small part of the process.[551] As discussed in 1.3, as the Kolbian spiral tightened, individual research processes began to merge as one experience, so my reflections broadened accordingly. For my doctoral thesis, I have conducted research within the

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[547] Dr Victoria Roper is an Associate Professor at Northumbria Law School. She worked as a corporate solicitor at Ward Hadaway before joining Northumbria and she uses her professional experience to enhance her teaching and research. She is the Convenor of Northumbria's Legal Education and Professional Skills Research Group (LEAPs), and a Deputy Editor of the Law Teacher Journal. She also has a number of other influential external roles such as Chair of the National Education and Training Committee the Law Society for England and Wales, a former Trustee of the UK Clinical Legal Education Organisation (CLEO), an experienced external examiner and a Senior Fellow of the HEA. See 'Victoria Roper' <https://www.northumbria.ac.uk/about-us/our-staff/r/victoria-roper/>. Last accessed 30 September 2022

[548] Dr Tribe Mkwebu is a Assistant Professor and clinical supervisor at Northumbria Student Law Office. Having previously worked as an Immigration Law Practitioner and Social Security Law Specialist, he is experienced in preparing appeal cases and representing clients at Immigration Appeal Tribunals and Social Security Appeal Tribunals. His interest is in the integration of a clinic component within the legal education curriculum and the tension between the social justice and the educational goals of a clinical pedagogy. He actively publishes in academic journals such as the Law Teacher, the International Journal of Clinical Legal Education (IJCLE) and the Asian Journal of Legal Education (AJLE). He peer-reviews journal articles submitted for publication to one of the leading international academic journals in the United Kingdom. See 'Tribe Mkwebu' <<https://www.northumbria.ac.uk/about-us/our-staff/m/tribe-mkwebu/>. Last accessed 30 September 2022

[549] Dr Rachel Dunn is the Course Director for Pro Bono and Employability at Leeds Law School, Leeds Beckett University. She is an expert in research methods, both empirical and doctrinal, and has conducted research in various countries. Prior to joining Leeds Law School, she established the Policy Clinic in the Student Law Office at Northumbria Law School, overseeing projects exploring animal law, environmental law and domestic abuse. She is also a reviewer for the International Journal of Clinical Legal Education and regularly attends international conferences to present her research. See 'Dr Rachel Dunn' <https://www.leedsbeckett.ac.uk/staff/dr-rachel-dunn/>. Last accessed 30 September 2022

[550] Acting in the capacity of either PhD principal supervisor or DLaw Programme Leader

[551] When discussing insider or outsider positionalities, often, researchers discuss this in relation to qualitative data collection processes, not the research experience as a whole. See Breen LJ, 'The Researcher "in the Middle": Negotiating the Insider/Outsider Dichotomy' (2007) 19 12; Caroline Humphrey, 'Insider-Outsider: Activating the Hyphen' (2007) 5 Action Research 11; Sonya Corbin Dwyer and Jeniffer L Buckle, 'The Space Between: On Being an Insider-Outsider in Qualitative Research' (2009) 8 International Journal of Qualitative Methods 54; David Hellawell, 'Inside–out: Analysis of the Insider–Outsider Concept as a Heuristic Device to Develop Reflexivity in Students Doing Qualitative Research' (2006) 11 Teaching in Higher Education 48; Wagle and Cantaffa (n 38); Patricia O'Connor, 'The Conditionality of Status: Experience-Based Reflections on the Insider/Outsider Issue' (2004) 35 Australian Geographer 169.

legal educator community, which I have now integrated into over the years of my doctoral research. This makes me appear as an 'insider' for this part of my research.[552] However, I have also conducted research on the legal practice community, which I am not part of. For this, I am very much an 'outsider'. Although I am part of some of the legal education circles that have practitioners in them, I cannot say that I am part of the practitioner networks as I have never been a legal practitioner myself.

During my doctoral journey, I have also been involved in other research projects which conducted research on law students.[553] Although I have been a law student myself, I was not entirely an insider nor outsider when conducting these research projects as I was not a law student at the time the research was conducted but a researcher in legal education. In fact, my participants may have perceived me as an outsider then, as I did have 'Staff' status at Northumbria Law School during these research projects. At the time of data collection for this doctoral research, I was a full-time doctoral researcher. However, I secured a full-time lectureship[554] later whilst writing up my thesis and have since been involved in curriculum design at a

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[552] Valli Kalei Kanuha, '"Being" Native versus "Going Native": Conducting Social Work Research as an Insider' (2000) 45 Social Work 439, 440

[553] I have been involved in the facilitation of "Zines as pedagogy in the Law School" (2018-2020), a Teaching Quality Excellence Funded project at Northumbria Law School which used zines as a pedagogic tool to discuss feminist and queer issues through a socio-legal lens. My role in this project was to organise and facilitate student meetings and workshops for students in the Law School, which led to the final production of a zine. At the end of the project, there was a focus group where findings have been presented at conferences and published. I have also been involved in the organisation of '"Pressing Problems in the Law School: What is Law School for?" 20 Years On' Seminar (2019), an international seminar funded by the Modern Law Review that was jointly organised by Northumbria University's LEAPS (Legal Education and Professional Skills) Research Group and Nottingham-Trent University's Centre for Legal Education. I conducted a student survey 'Pressing Problems in the Law School' and presented my findings as part of the seminar welcome as a means to incorporate the student voice into the seminar. Some of these findings have been published. See Ashford and others (n 546); Hall and Rasiah (n 546); Roper and others (n 57)

[554] Lecturer in Policing at the Institute of Policing, Staffordshire University. In my role, I am responsible for the delivery of teaching, marking assessments and supervision of Level 6 Student Officer's research projects. In addition to this, I am also involved in curriculum development at modular and programme level under the supervision of more senior colleagues. See 'Samantha Rasiah' <https://www.staffs.ac.uk/people/samantha-rasiah>. Last accessed 30 September 2022

modular[555] and programme[556] level. All these experiences have given me new insights and allowed me to view legal education in England and Wales from different perspectives for my discussions in this thesis.

When exploring literature on the insider-outsider dichotomy, I realised many of these discussions on positionality were about gaining access to participants, participant perceptions of the researcher, building rapport with participants, appropriateness of building relationships with participants outside the research context, and factors such as cultural, linguistic, and psychological gaps between researcher and participant for qualitative research methods. However, as the use of online surveys kept me at a distance from my participants, I personally did not spend much time considering these particular factors. Instead, I often contemplated my positionality when drafting online survey questions, analysing the data, and writing up this thesis, as I was conscious of imposing any personal perceptions that I might have about legal education on my work. Albeit different research methods and contexts,[557] I resonated with Dwyer, who found herself writing both "we/us" and "they/them"[558] at different stages of writing discussions in this thesis.

On reflection, in the initial stages of my research, I often referred to myself as 'the researcher' in my writing, and I referred to both educator and practitioner communities as 'them'. At that time, although my research was personal to me, I had excluded myself from my research as I did not feel I belonged to the communities I was

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[555] I have developed and revised some modules which are related to law; research skills; and professional skills including leadership, coaching and mentoring; on the Police Constable Degree Apprenticeship course at the Institute of Policing, Staffordshire University. Curriculum for these modules are prescribed by the College of Policing.

[556] I coordinated the development of 7 law-enforcement related programmes at varying levels (Diploma, BSc and MSc) for ELMU University (Malaysia) under the supervision of more senior colleagues at the Institute of Policing, Staffordshire University.

[557] Dwyer was an insider to her research on White adoptive parents of Asian children, and she conducted interviews with other parents from this community. See Dwyer and Buckle (n 551)

[558] Ibid, 56

researching. This was reinforced by my inability to relate and concur with the approaches or sentiments of educators at legal education seminars or meetings, and it felt as if I was observing from the outside without having had these experiences myself.[559] I had also assumed that being an outsider would be the only way to remain objective and independent of my research. However, as I grew into the legal education community and became an educator myself during this doctoral research project, I inadvertently started to write myself into my research where appropriate. As I developed as a researcher, my reflective practice has also deepened, and I now realise that although 'being an insider might raise issues of undue influence of the researcher's perspective, being an outsider does not create immunity to the influence of personal perspective or biases either'.[560]

Although my positionality has been unique as I have had varying degrees of insiderness and outsiderness in relation to the communities I have researched, I cannot claim this as a characteristic exclusive to me.[561] Defining our positionality within the community we research is subjective, and many researchers grapple with their identity, as I have. Some scholars have also argued that the outsider-insider distinction is a false dichotomy since outsiders and insiders have to contend with similar methodological issues around positionality, a researcher's sense of self, and the situated knowledge they possess as a result of their location in the social order.[562]

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[559] For example, discussions about marking, dealing with student complaints, admin tasks, research supervision, juggling CPD and research activity with lectureship.

[560] Dwyer and Buckle (n 551) 59

[561] One of Hellawell's central arguments is that, ideally, the researcher should be both inside and outside the perceptions of the 'researched' as both empathy and alienation are useful qualities for a researcher. See Hellawell (n 551) 487

[562] Christina Chavez-Reyes, 'Conceptualizing from the inside: Advantages, Complications and Demands on Insider Positionality' (2018) 13 The Qualitative Report 474. Chavez refers to James A Banks, 'The Lives and Values of Researchers: Implications for Educating Citizens in a Multicultural Society' (1998) 27 Educational Researcher 4.; Robert K Merton, 'Insiders and Outsiders: A Chapter in the Sociology of Knowledge' (1972) 78 American Journal of Sociology <https://doi.org/10.1086/225294> Last accessed 30 September 2022. See also Nancy Naples, 'The Outsider Phenomenon', *In the field: Readings on the field research experience* (2nd edn, Praeger Pub Text 1996).

In Naples' unpacking of the insider-outsider debate, she takes a less binary approach and claims that insiderness and outsiderness are not fixed or static positions. Instead, they are 'ever-shifting and permeable social locations that are differentially experienced and expressed'.[563] In my exploration of the insider-outsider dichotomy, I explored the space between the insider-outsider and the symbolism of the hyphen between the two positionalities. In their discussion, Dwyer[564] and Buckle[565] suggest that the notion of the space between challenges the restrictive notion that emphasises either/or, one or the other, 'you are in, or you are out'.[566] Unpacking Aoki's work,[567] they see the hyphen between as a bridge which conjoins the two positionalities. This hyphen can be viewed 'not as a path but as a dwelling place' for people, 'a third space, a space between, a space of paradox, ambiguity, and ambivalence, as well as conjunction and disjunction'.[568]

As a researcher, although I have sometimes appeared to be an insider and sometimes an outsider, as described at the beginning of this section, I have more frequently found myself dwelling in this third space between the two toward the later parts of my doctoral journey. Although I have integrated into the legal education community and now become an educator, I am not a legal educator. I acknowledge that through these experiences, I can now relate to many HE-related aspects of the legal educator role, which I could not do at the beginning of this research journey.

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[563] Naples (n 562) 140

[564] In her discussion of researching a community of parents within which she belongs, Dwyer states that she no longer is the parent that she was at the beginning of her research as her experiences with her children, her interactions with her research participants, and the knowledge gained from other research, which is not readily accessible to people outside of academia (including reading the literature and attending academic conferences), continues to inform her parenting approach. See Dwyer and Buckle (n 551)

[565] Conversely, Buckle found that from her experience of researching a community which she did not belong to, her access to the literature and research experience put her in a position that no longer could be truly considered outsider. Although she could not relate personally, she gained insight of a community she would not have if not for her research. Occupying this space between the two perspectives afforded Buckle with a deeper knowledge of the experience she studies (although not complete understanding). See Dwyer and Buckle (n 551)

[566] Ibid

[567] Ted Aoki, 'Imaginaries of "East and West": Slippery Curricular Signifiers in Education' (1996) cited in Dwyer and Buckle (n 551)

[568] Dwyer and Buckle (n 551)

However, I can only imagine what it must be like regarding more nuanced aspects of legal education,[569] and I have been cautious not to impose personal assumptions into my data analysis and writing. Nonetheless, like Dwyer, by occupying the hyphen, my research has informed my approach to researching, and I am no longer the researcher that I was at the start of this journey. As for the legal practice community, although I felt very much like an outsider at the start of this research journey, I can no longer say that I am a complete outsider. Like Buckle, the experience of researching and keeping up with developments in legal practice throughout this research has given me insight into the legal practice community, which I would not have had if not for this research.

As my positionality as a researcher is a distinctive characteristic of this research, I have written this thesis in the first person rather than referring to myself as 'the researcher' as I did in the initial stages of this doctoral journey. Writing in the third person would not provide an accurate account of my positionality, perspective, and role in the construction of knowledge in this project. As I have embedded myself into this research, it is necessary to portray my presence in the writing of this thesis. This writing style is sometimes referred to as a 'literary turn', a movement within the social sciences that is 'expressionist, reflexive, and represents the author's emotions, feelings and relationships'.[570] Bloor and Wood suggest this movement has empowered researchers to present academic writing in less traditional forms, including reflective narratives of personal experiences and intentionally 'messy' or

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[569] For example, in relation to managing student anxieties about securing employment in the legal field. As a lecturer in policing who lectures to police apprentices, anxieties about securing employment does not exist as student officers have already secured employment as serving officers. However, I imagine managing their anxieties around the demanding workload and currency of the degree require a similar skillset as that required to manage student anxieties on any other matter, including securing employment in the legal field.

[570] Michael Bloor and Fiona Wood, *Keywords in Qualitative Methods: A Vocabulary of Research Concepts* (SAGE Publications 2006). 187

indeterminate texts that may use multiple authors, as I have done in this doctoral thesis. This 'personal and relatively informal voice of a naturalistic researcher'[571] accurately reflects my relationship with this research as one that is personal and intrinsically motivated. This style of writing is sometimes criticised for being too 'self-indulgent', implying that the focus of the writing is the author rather than the subject matter. However, I agree with scholars such as Bloor and Wood, who suggest that 'written texts should be self-knowing, engaging and evocative to be authentic and believable'.[572] However, the stance that I have taken is not exempt from the risk of imposing personal biases on my research. To minimise this risk, I have engaged in disciplined bracketing and detailed reflection on the research process,[573] which I discuss below.

i. Bracketing

Considering my close relationship with legal education, I used some bracketing methods to mitigate any potential adverse effects of my beliefs and values,[574] thoughts and hypotheses,[575] biases,[576] emotions,[577] preconceptions,[578] presuppositions,[579] and assumptions[580] about legal education whilst conducting my doctoral research. Like many other research terminologies, bracketing is no different as there are tensions between the scholars on what constitutes bracketing, when and

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[571] P Lynne Johnstone, 'Mixed Methods, Mixed Methodology Health Services Research in Practice' (2004) 14 Qualitative Health Research 259, 26

[572] Bloor and Wood (n 570) 189-190

[573] Dwyer and Buckle (n 551)

[574] Ian Beech, 'Bracketing in Phenomenological Research' (1999) 6 Nursing Researcher 35.

[575] Helen Starks and Susan Brown Trinidad, 'Choose Your Method: A Comparison of Phenomenology, Discourse Analysis, and Grounded Theory' (2007) 17 Qualitative Health Research 1372.

[576] John W Creswell and Dana L Miller, 'Determining Validity in Qualitative Inquiry' (2000) 39 Theory into Practice 124.

[577] Nancy Drew, 'Creating a Synthesis of Intentionality: The Role of the Bracketing Facilitator' (2004) 27 Advances in Nursing Science 215.

[578] Barney G Glaser, *Emergence Vs Forcing: Basics of Grounded Theory* (The Sociology Press 1992).

[579] Michael Crotty, *The Foundations of Social Research: Meaning and Perspective in the Research Process* (SAGE Publications 1998).

[580] Kathy Charmaz, *Constructing Grounded Theory: A Practical Guide through Qualitative Analysis* (SAGE Publication 2006).

how it should be done, and who should engage in it. However, the absence of a precise definition or unequivocal method of bracketing can be viewed as a strength within qualitative research as it can support an array of approaches that a rigid set of rules would impede an inductive research endeavour.[581] Beech suggests that to advance legitimacy as a research method, researchers need to be 'explicit about the process of bracketing so that others can observe and understand the rules of the game so the researcher can legitimately use the word'.[582] For this reason, I discuss my approach to bracketing in this section.

I was aware from the beginning of my research process that my experiences of legal education would subconsciously influence my choices and approaches when conducting my research. Although this 'insider knowledge' was beneficial to my research, it also increased the risks of me imposing my personal biases in every step of the research process - from my choice of literature, to the formation of research questions, data collection, data analysis, and writing up. As Tufford and Newman state, any preconceptions arising at any stage 'may filter to other stages' and affect the entire research process.[583] As a means to reduce this risk, I bracketed throughout the research process by using a variety of approaches.

In the initial stages of my research process, I wrote memos as I read, summarised, and developed the literature's themes, and revised my research questions. As I started developing the initial chapters, I journaled my thoughts. Some sections of this journal have found their place in the introduction chapter, where I discuss my research experience in 1.3. As I developed my survey questions, I engaged in several

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[581] Lea Tufford and Peter Newman, 'Bracketing in Qualitative Research' (2010) 11 Qualitative Social Work 80.
[582] Beech, (n 574) 44
[583] Tufford and Newman (n 581)

discussions with my supervision team and other academics to identify their perceptions of the questions I drafted and understand how others interpreted them differently. For the sake of transparency, it was only much later in the research process that I had learnt about the concept of bracketing as a research method. At this point, I realised I had already been unintentionally bracketing from the beginning of my research journey, albeit not methodically. I made it a point to continue using a combination of these approaches as they are not mutually exclusive. I became aware of how these approaches complemented one another and served as a means to further increase the rigour of my research.

ii. Reflective practice

Reflection has played a significant part in my construction of knowledge and identity building as a researcher. The underpinning theories discussed in 2.1, particularly Kolb's Experiential Learning Theory, have underpinned my learning as a researcher through the shape-shifting I discussed earlier in this chapter. As Kolb states,

> "Learning is the process whereby knowledge is created through the transformation of experience."[584]

My knowledge, understanding and beliefs of what learning is and how it works have constantly been challenged and disrupted since I stepped foot at Northumbria Law School as an international LLB student. I have spiralled repeatedly through the four stages of Kolb's Experiential Learning cycle in many of my experiences in various roles in Legal Education. This cycle has been relevant not only when reflecting on my experience but also in my understanding of these experiences. As my reflective

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[584] Kolb 1984 (n 123) 38

practice has developed and deepened, I have become more innovative in the Abstract Conceptualisation and Active Experimentation stages of my learning.

On reflection, it is clear to me now that my approach and philosophical views of research have also changed through my experiences of legal education from various perspectives. At the beginning of this research journey, I had started with a positivist-pragmatist view of the research I was undertaking. I had assumed that by the end of this process, I would have objective answers to my research questions by using scientific and impersonal processes to eliminate the risk of bias and inaccuracies from my research. However, as I have immersed myself in various experiences as a researcher as well as student, lecturer and other related roles, I have developed a more critical understanding of my own research practices, and I have come to learn that research does not necessarily always have to be 'scientific' and 'impersonal' for it to be valid or valuable. In fact, embracing my unique positionality and allowing myself to construct knowledge from my experiences may be the most valuable aspect of my research. I continue this discussion in 3.1.2.

By exploring the literature on methodology, I came across a vast array of philosophical terminologies that were initially well beyond my scope of comprehension. I could not tell if terms such as positivism, post-positivism, constructivism, realism, critical realism, materialism, idealism, relativism, interpretivism, and pragmatism were epistemologies, ontologies, axiologies, methodologies or something entirely different. I came to realise that scholars in the field of philosophy heavily debate the definitions of these concepts.[585] There were

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[585] Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (5th edn, Pearson Education 2009); Jane Ritchie and Jane Lewis, *Qualitative Research Practice: A Guide for Social Science Students and Researchers* (SAGE Publication 2003); Egon G Guba and Yvonna S Lincoln, *Fourth Generation Evaluation* (SAGE Publications 1989).

many overlapping categorisations and interpretations of these philosophical stances, and sometimes contradictory interpretations too. Scholars often use these terminologies interchangeably, and I found this quite confusing, as many other researchers have.[586] As I could not comprehend these terminologies, it seemed impossible to reflect and engage in critical discussion on how my positionality as a researcher fit with any of these philosophical perspectives. I was initially inclined to find a perspective that described my research process and give myself that label. As I kept immersing myself in literature on philosophical stances, I began to understand that exploring the unknown is the very essence of philosophical discourse. As every researcher's experience is different, every researcher will have varying understandings and perspectives throughout their research, and therefore a personalised relationship with their research. My understanding of these differing interpretations and lack of consensus between philosophers was that similarly, every philosopher's experience of existence is different and therefore sentiments and understanding of perspectives vary accordingly. In line with Socrates' philosophy that wisdom begins from acknowledging that we know nothing, here I acknowledge that my grappling with the confusion among the scholars has made me the innovative researcher that I have become, and it has allowed me to adopt unconventional approaches (which are sometimes frowned upon) in my attempt to answer my research questions in this doctoral thesis.

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[586] Mkwebu (n 45) 15

3.1.2 Ontology and Epistemology

i.   Not an Objective or Subjective Ontology…

This section describes how my ontological stance fits my positionality as a researcher. For clarity in the discussion, my understanding of ontology, as described by some scholars of philosophy, is the study of being or reality.[587] Simply put, it is concerned with the nature of reality and questions one's assumptions about how the world operates.

Crotty notes that the 'world can be viewed as full of objects which are meaningless until we give them meaning and that we look at them both objectively and subjectively'.[588] There is a vast amount of literature on objective and subjective ontological stances, which I found does not describe the stance that I have taken in my research. My approach to my ontological stance has been similar to that of Dunn's - I started with my methods, chosen from a stance of 'problem-solving', before realising the epistemology and ontology of the research.[589] This may not be an uncommon starting position for social science researchers to find themselves in, as some scholars suggest that social science is problem-driven and not methodology driven.[590]

It is important to note that there are fundamental differences between social science research and empirical or physical science research. Although my naïve position at the beginning of this research journey differed, I do not think it possible for a social science researcher to be entirely objective in their research as social science is complexed and multi-dimensional. For the sake of transparency, I acknowledge that

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[587] Saunders and others (n 585)
[588] Crotty (n 579) 44
[589] Dunn (n 35) 138
[590] Bent Flyvberg, 'Five Misunderstandings about Case-Study Research' (2006) 12 Qualitative Inquiry 219, 26-27

my view is influenced by Dunn, who notes that 'this difference is due to social scientists working with people as individuals, compared to working with the natural sciences, such as atoms and chemicals'.[591] She states that the latter is naturally determined and usually remains the same irrespective of culture.[592] Even if a social science researcher adopted an objective ontological stance towards their research, there would be some, possibly minimal but unavoidable, degree of subjectivity due to the nature of social science as a field. Using research tools such as questionnaires and surveys can remove the researcher's subjectivity from the research and maintain the independence of the research, deploying the ontological assumption in quantitative research that reality is objective.[593] However, despite my use of online surveys, I have not taken an objective ontological stance. In this doctoral thesis, I have used a combination of qualitative and quantitative methods to achieve the aims of this research. My choice to deploy mixed methods was because I believed I would be minimising the reality of the phenomena that I am researching if I were to solely look at numbers as an arbitrary measure of what is and what is not without giving my participants any opportunity to provide descriptions or elaborations.

Throughout my research process, I often drew from my own experiences and beliefs during my research process.[594] My ontological stance has shifted throughout my research journey, like my positionality as a researcher. At the start of this research journey, I did not consider myself part of the legal education community. Therefore, I felt that the stance I would take would be objective as I perceived my own opinions, views, and perceptions to bear no weight in my research. I also assumed any non-objectivity would make my research less valid. However, as a reflective researcher

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[591] Dunn (n 35) 147
[592] Ibid
[593] Saunders and others (n 585)
[594] Martyn Hammersley, What Is Qualitative Research? (Bloomsbury 2013), 27

spiralling through Kolb's cycle repeatedly, I eventually came to learn that I had valuable opinions, views, and perceptions to contribute to the legal education community through my interpretations of meaning. I also came to realise that I may have taken a subjective stance at some points in my research despite my initial desire to be objective and 'without bias'. Mkwebu describes a subjective ontology as one that assumes that 'opinions, views and perceptions give shape and form to reality'.[595] My interest in this research topic was subjectively driven (despite not initially realising this), as were some other aspects of my research, such as my interpretation of the literature, making meaning out of the data I analysed, and my approach to the philosophical underpinnings of this thesis evidenced by this very discussion on my ontological stance. As my research topic is very personal to me, the notion of adapting an objective ontological stance and, having to completely remove myself from my research became less appealing to me as I grew into my research. As discussed in the previous section, my shifting opinions, views, and perceptions have shaped my reality, but it would not be accurate to say that I have taken a subjective ontological stance throughout the entirety of my doctoral research journey either.

ii.   … but a Constructivist Ontological Stance

Hughes and Sharrock argue that 'one of the principle reasons why philosophy and social research remain deeply interconnected' is because of the stance of 'foundationalism', which is 'the view that true knowledge must rest upon a set of firm, unquestionable set of undisputable truths from which our beliefs may be logically deduced'.[596] With this in mind, although at times my stance may have lain somewhere on the spectrum of objective-subjective ontological perspective, it would not be

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[595] Mkwebu (n 45) 18.
[596] John A Hughes and WW Sharrock, *The Philosophy of Social Research* (3rd edn, Routledge 1997) 4

accurate to say that I adopted either an objective or a subjective ontological stance. The ontological stance of constructivism highlights that humans construct their own meaning of the world around them through social interactions. My reflective practice and acculturation into the legal education community have enabled me to 'mirror the concept of intentionality',[597] which rejects both objectivism and subjectivism.[598] It is, instead, an 'interaction between subject and object,' or 'humans engaging with their human world.'[599]

This ontological stance sits right with me for most of my research journey. My inclination for constant reflection, introspection, and desire to make meaning is described by the ontological stance of constructivism, which essentially is the view that meaning and knowledge are not discovered, but constructed by human beings as they engage with the world they are interpreting.[600] As discussed earlier, my choice for deploying mixed methods was to give more meaning to the data I collected. I believe that quantitative methods alone would minimise my findings to arbitrary numerical measures without context, and qualitative methods alone would not serve my research aims without understanding the scale or extent of my data as evidence of this desire to make meaning. As Crotty says

> 'What constructionism drives home unambiguously is that there is no true or valid interpretation.'[601]

With this in mind, my interpretation of constructivism is that it is a branch of constructionism[602] and therefore falls under the same umbrella when discussing truth

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[597] Crotty (n 579) 44
[598] Dunn (n 35) 123.
[599] Crotty (n 579) 45.
[600] Ibid
[601] Ibid, 47
[602] Michael Crotty, 'Constructionism: The Making of Meaning', *The Foundations of Social Research: Meaning and Perspective in the Research Process* (n 579)

and validity of interpretations. However, the debate on constructivism and constructionism is another area on which the philosophers cannot seem to reach a consensus. Starting from the stance of problem-solving, which I discussed in the earlier section, I have found that Crotty's view on constructionist (and therefore constructivist) approaches has enabled me to interpret and transform knowledge without being stifled by the notion of 'perfect' knowledge. If there is no true or valid interpretation, the antithesis cannot exist either, and therefore none of my interpretations could be deemed 'false' or 'invalid'. Adopting this view has allowed me to explore my learning with fewer reservations and assured me to demonstrate my transformed knowledge without hesitation or fear of reprisal for displaying 'imperfect knowledge'.

I have found contributions from individuals within the legal education and legal practice communities I research to be enlightening in my quest for answers. Instead of looking for meaning, I have constructed meaning from their activities,[603] made sense of the literature through discussions with some of these legal educators and legal practitioners in person, and made meaning from the data I collected through the qualitative and quantitative methods deployed. I substantiated these meanings with my understanding of concepts and phenomena through my personal interactions and engagement with relevant literature. This approach has enabled me to critically engage with my literature and data more intimately and meaningfully.

My understanding of ontological and epistemological stances is that they are interconnected and, therefore, appropriate to discuss together. My grasp of epistemology as a philosophical concept in the simplest of terms is 'how do we know

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[603] Norman Blaikie, *Approaches to Social Enquiry: Advancing Knowledge* (2nd edn, Polity 2007) 100

what we know?'[604] An epistemological stance questions the assumptions of what is acceptable as knowledge in a field of study.[605] As discussed above, I know what I know by making meaning through my reflections and interactions with the experts in my field, some of whom may have been participants in my data collection. These philosophies of thinking have worked together to facilitate my construction of knowledge. Where my ontological stance has questioned my assumptions about how the world operates, my epistemological stance has helped in my evaluation of claims about how the world can be known to us and, as such, has made me question what it is to know anything.[606]

The positivist assumption is that "the researcher is independent of and neither affects nor is affected by the subject of the research."[607] In theory, this stance is aspirational; however, in reality, it is questionable whether any social science researcher can truly be entirely independent of the subject of their research. As discussed above, unlike research in the natural sciences, which have barriers between the researcher and subject, such as the lab, social science research is subject to much more human variation and impact from the researcher. A social science researcher who takes a positivist stance may strive to be as independent as possible from their research by means such as conducting Systematic literature reviews which build on all previous cumulative knowledge of the field and by adhering strictly to prescribed research methodologies, as discussed in the previous section. However, I do not think that a social science researcher can isolate themselves entirely from the subject of their research. As Mkwebu suggests, 'even a researcher who seeks to adopt a purely

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[604] Barbara K Hofer and Paul R Pintrich, *Personal Epistemology: The Psychology of Beliefs and Knowledge and Knowing* (Routledge 2002) 177-178

[605] Saunders and others (n 585)

[606] Hughes and Sharrock (n 596) 5

[607] Dan Remenyi and others, *Doing Research in Business and Management: An Introduction to Process and Method* (SAGE Publications 1998) 33.

positivist position in conducting research exercises some form of choice in deciding what to study, formulating the aims and objectives of the study and collection of data'.[608]

This contrasts with the interpretivist value-laden way of undertaking research which acknowledges that complete freedom from the inclusion of own values as a researcher is nearly impossible. The interpretivist does not attempt to achieve clean isolation from the phenomena they research and are less reliant on being embedded in research culture. As a result, an interpretivist is more welcoming to complexity and risk, such as adopting interdisciplinary approaches which are less methodological and more intuitive. Inevitably, bias is unavoidable through the interpretivist stance, but it appropriately reflects naturally occurring phenomena. I was inclined to ascribe to positivist approaches as a novice researcher to eliminate all risks of bias from my research. However, through some experience, I have realised that I am very much an interpretivist. Throughout this research journey, my research methods have been exploratory, and I have embedded myself in my research every step of the way.

3.2 Mixed Methods

As described in the earlier sections, my curiosity has played a significant role in developing my thoughts and research ideas. Throughout this process, I have very much been the researcher-as-*bricoleur*[609] that Denzin and Lincoln describe. Taking pieces of learning theories, curriculum models, pedagogic tools and methods not traditionally used in law school, I have made a bricolage of research on legal education. In the spirit of constructivism, I chose mixed research instruments in an attempt to produce the most comprehensive findings possible. As Onwuegbuzie and

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[608] Mkwebu (n 45) 21.
[609] Denzin and Lincoln (n 4531)

Johnson suggest, 'the meta-inferences will provide a more fully mixed worldview which go beyond the provision of both traditional viewpoints by offering a third, well-informed viewpoint based on consideration of both qualitative and quantitative thinking'.[610] By using mixed methods, this research was not restrained by a specific method, which allowed me to explore and work with different, and occasionally contrasting paradigms.[611]

As discussed in 3.1.2, social science research requires some degree of flexibility. This is not only true of the researcher's philosophies but methods too. As Flyvberg puts it, 'good social science is opposed to an either/or, and stands for both on the question of qualitative versus quantitative methods.'[612] Having to pick between the two would be a missed opportunity for fresh perspectives and new insights.[613] This opposes my constructivist stance and desire to make meaning from explorations. Deploying both qualitative and quantitative methods has allowed me to increase the validity and holistic understanding of what is happening in my data.[614] Creswell and Clark[615] make some compelling arguments in support of mixed methods, which resonated with my constructivist-interpretivist stance. For my research, their most relevant arguments were that

- The weaknesses of one is made up for by the strength of the other. For example, quantitative cannot voice the views of the individual and add dialogue to findings. On the other hand, qualitative can be criticised for its interpretive nature and allowing room for unreliability or bias.

- It is more comprehensive, allowing me to explore a variety of methods.

[610] Anthony J Onwuegbuzie and R Burke Johnson, 'The Validity Issue in Mixed Research' (2006) 13 Research in the Schools 48, 59

Terrell concisely summarises this as 'Quantitative tells us "If"; qualitative tells us "How or why".' See Steven Terrell, 'Mixed-Methods Research Methodologies' [2015] The Qualitative Report <https://nsuworks.nova.edu/tqr/vol17/iss1/14/> accessed 3 October 2022.

[611] Dunn (n 35) 130

[612] Flyvberg (n 590) 26

[613] Jennifer C Greene, *Mixed Methods in Social Inquiry* (Wiley 2007) 53

[614] Denzin and Lincoln (n 4531) 422

[615] John W Creswell and Vicki L Plano Clark, *Designing and Conducting Mixed Methods Research* (SAGE Publications 2007) 9-10

- Mixed methods can encourage the use of a variety of paradigms and it is 'practical' because it gave me the freedom to choose which methods were best for me to deploy to meet my research aims.

Creswell discusses how mixing the data with research questions, philosophy and interpretation is difficult when one considers that qualitative data consists of text and images and quantitative data, numbers.[616] He asks two questions with regard to this:

1. When does a researcher mix in a mixed methods study?
2. And how does mixing occur?

I revisited the research questions to determine where and how mixed methods should be used to answer these questions. The research questions were answered through (i) a narrative review of literature on legal education discussed in Chapter 2; (ii) a content analysis of 107 LLB provider websites discussed in 3.5; and (iii) an online survey which collected data from legal practitioners, legal educators and individuals involved in one or both of the aforementioned. The online survey was the primary research tool used in this project. Mixed methods were used in the collection and analysis of the data in an attempt to understand the research problem in the most comprehensive manner possible.

I collected qualitative and quantitative data concurrently through a single online survey with both types of questions. I discuss my online survey methodology in detail in 3.3. I then used sequential analysis methods to interpret the different types of data and to integrate them,[617] as discussed in 3.4. The qualitative data was first analysed using NVivo, and then quantitative data was analysed using Microsoft Excel. I did not look at any quantitative data until the qualitative data analysis was complete. I discuss my reasons for this sequential analysis later in 3.4. This approach has allowed me to

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[616] Creswell (n 32) 207
[617] Ibid, 15

demonstrate the 'which' and 'how', as well as 'why' from my data.[618] Through my use

of quantitative and qualitative approaches in combination, I have a more nuanced

understanding of the phenomena that I have researched in a manner I would not

have had through either approach alone.[619]

3.2.1   Research tools

As briefly outlined in the previous section, the primary research tool used in this

project was an online survey which collected quantitative and qualitative data.

However, this online survey could not address all the research questions

independently. Therefore, the research questions were answered by the online

survey, a narrative review of the literature, and a content analysis of LLB provider

websites as summarised below in Table 3.1.

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[618] Dunn (n 35) 129.
[619] Creswell and Clark (n 615) 18.

Table 3.1 Research aims and sub-questions mapped against respective research methods

AIMS	SUB-QUESTIONS	RESEARCH METHOD		
		Literature Review	LLB Curricula Review	Survey Data
1: Analyse the distinctive epistemological perspectives of LLB degrees in relation to employment and legal practice	**1a:** What makes legal education a discipline which requires a bespoke pedagogic approach?	X		
	1b: What are LLB Degrees for in E&W?	X		
2: Explore the potential long-lasting impact of the technological transformation in working practices within and outside the legal sector in E&W that has resulted from the pandemic.	**2a:** What effect has the pandemic had on legal education?	X		X
	2b: What effect has the pandemic had on working practices (legal sector and others)?	X		X
3: Identify transferable skills required for employment within and outside the legal sector today.	**3a:** What skills are most important for employment today?	X		X
	3b: Are the necessary skills currently fostered through LLB provisions in E&W?	X	X	X
4: Construct possible pathways to develop these transferable skills through the LLB Degree.	**4:** How can the necessary skills be fostered through the LLB Degree in E&W?	X	X	

As the online survey was the primary research tool of this project, I discuss this method in considerable detail in this chapter. I considered several data collection methods for my research. When I skimmed the literature on research methods at the start of my research project, I was keen to use mixed methods for my research. Qualitative and quantitative methods are concepts that go together for me. I am as interested in the numbers as I am in the 'whys' and 'hows' behind the numbers. In the early stages of my research, I narrowed my options to a mix of surveys, questionnaires, and interviews. However, as I started to gain more clarity on the groups of participants that I intended to collect data from, interviews were no longer a method I considered suitable for my research project.

Based on literature that I had read and based on the experience of colleagues that had used interviews for their research, I realised that the interview process takes up a lot of time – planning a time, date, place that is suitable for myself and interviewees, ensuring that recording equipment are available and functioning and transcribing after the interview made me realise that this method of data collection would be time inefficient for my research project. Interviews had initially been appealing to me as I wanted to collect qualitatively rich data. However, as I expanded my knowledge of research methods, I became aware that I could collect qualitatively rich data through online surveys by having open-text questions.[620] I do acknowledge that the richness of the qualitative data collected through a survey is not equivalent to the richness of qualitative data collected through an interview. However, as my research requires data from many participants, being precise and efficient was a priority in my data collection process.

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[620] Edith D de Leeuw, 'Choosing the Method of Data Collection', *International Handbook of Survey Methodology* (n 543). See also Groves (n 749); Ian Brace, *Questionnaire Design* (2nd edn, Kogan Page 2008) 63

Through a combination of question types and strategic survey design, which I discuss later in this chapter, I partially achieved the aims of this research project through the qualitative and quantitative data gathered. More specifically, my aim to identify and bridge the gap in legal education through research sub-questions 2, 3 and 4 were partially achieved by the online survey. A map of research sub-questions against online survey questions is shown below.[621] Discussion on the design of these questions, data gathered, and methods used to analyse this data will be revisited in 3.3.

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[621] In the table, I refer to different streams of questions. I provide description of the design and functionality of these streams in 3.3.4. All survey questions can be found in Appendix 2

Table 3.2. Mapping research questions against survey questions

Stream		RESEARCH SUB-QUESTION 2 a. What effect has the pandemic had on Legal Education? b. What effect has the pandemic had on working practices (legal sector and others)?		
		Online Survey		
Stream		**Educators**	**Practitioner**	**Both/Other**
Part	**Question**			
4	**13b**	Please explain how the COVID-19 pandemic impacted/increased the use of technology in your teaching/assessment at your institution.	Please explain how the COVID-19 pandemic impacted/increased the use of technology in your practice.	Please explain how the COVID-19 pandemic impacted/increased the use of technology in your role(s).
4	**13c**	In your opinion, will any of these changes have a lasting effect at your institution?	In your opinion, will any of these changes have a lasting effect in your practice?	In your opinion, will any of these changes have a lasting effect?
		RESEARCH SUB-QUESTION 3a **What skills are most important for employment today?**		
2	**6**	Based on your experience, what are the 3 most important skills to have in employment?		
3	**11**	N/A	What are the 3 most prominent technologies used in your practice/employment?	
4	**14**	In your opinion, what technological skills will be important for legal practice in future?		
		RESEARCH SUB-QUESTION 3b **Are the necessary skills currently fostered through legal education in England and Wales?**		
2	**6b,6d, 6f**	How well developed is this [participant named general] skill in Law Graduates at the start of legal employment?		
2	**7**	What skills/elements do you consider Law Graduates lack? Why do you think this is so?		
2	**8**	Overall, I would say Law School [SINGLE CHOICE OPTION] • equips Law Graduates with all the necessary legal knowledge and skills required for employment. • equips Law Graduates with some legal knowledge and some skills required for employment, but Law Graduates still have to learn on the job. • equips Law Graduates with legal knowledge but no skills that are required for employment. • equips Law Graduates with skills but no legal knowledge that is required for employment. • does not equip Law Graduate with any legal knowledge or skill required for employment. Law Graduates learn everything on the job. • Other [FREE TEXT ANSWER]		
3	**10**	Do you prepare your Law Graduates for the use of technologies in practice/employment?	N/A	
3	**11**	What are the 3 most prominent technological skills that you equip your Law Graduates with?	N/A	
3	**11b, 11d, 11f**	How well developed is this [participant named technology-related] skill in Law Graduates at the start of legal employment?		
3	**12**	Based on my experience, with regard to technological skills, I would say Law School [SINGLE CHOICE OPTION] • equips Law Graduates with all the necessary technological skills required for employment. • equips Law Graduates with some technological skills required for employment, but Law Graduates still have to learn on the job. • does not equip Law Graduates with any technological skills that are required for employment. • Other [FREE TEXT ANSWER]		

3.3 Online Survey Methodology

Considering different survey methods, the online survey method was clearly the most suitable for my research. This method is straightforward, low-cost and has the potential to reach a wide number of participants.[622] This method also had the added benefit of flexibility, as participants could participate and complete the survey whenever or wherever they liked.[623] Participants did not have to go through any hassle, such as making an appointment for a phone call or meeting as they would have to for an interview survey[624] or post off the survey questionnaire as they would have to for postal surveys. This increased the prospective response rate of this data collection method.[625] The ability to exclude myself from the data collection process was also beneficial as participants would be ensured confidentiality and anonymity. It also allowed participants to respond without being influenced by my presence as the researcher.[626] The absence of a researcher also allows for the disclosure of more transparent responses.[627] These are some reasons why some academics have even opined that self-administered surveys offer data of better quality than interviews.[628]

In contrast to online interviews and other qualitative online methods, online surveys arguably share some similarities with standardised interviews – in that they require researchers to have 'fairly solid ideas about the things they want to uncover'.[629] Brace

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[622] Lawrence W Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (7th edn, Pearson Education 2011).

[623] Edith D de Leeuw, 'Choosing the Method of Data Collection', International Handbook of Survey Methodology (n 543).

[624] Edith D de Leeuw, *Data Quality in Mail, Telephone and Face to Face Surveys.* (TTPublikaties 1992) <https://eric.ed.gov/?id=ED374136>. Last accessed 30 September 2022

[625] Mark Saunders, 'Web versus Mail: The Influence of Survey Distribution Mode on Employees' Response' (2012) 24 Field Methods.

[626] Arlene Fink, *How to Conduct Surveys* (6th edn, SAGE Publications 2016).

[627] Roger Tourangeau and Tom W Smith, 'Asking Sensitive Questions: The Impact of Data Collection Mode, Question Format, and Question Context' (1996) 60 Public Opinion Quarterly 275.

[628] Edith D de Leeuw, 'Choosing the Method of Data Collection', International Handbook of Survey Methodology (n 543).

[629] Bruce Lawrence Berg and Howard Lune, *Qualitative Research Methods for the Social Sciences* (8th Edition, Pearson Education 2014), 109.

describes online surveys (questionnaires) as a medium of 'remote conversation' between researcher and respondent, designed to be a conversation with someone who is not present.[630] The trade-off for its convenience is that online research methods are sometimes viewed as less 'authentic'[631] than offline methods and that participants cannot be relied on to present themselves 'truthfully'.[632] This could be attributable to the remoteness of online interactions, which Brace suggests could make researchers forget that respondents are people and not just sources of information. This results in survey designs that make it difficult for respondents to engage in the research meaningfully and may also deprive participants of due respect by expecting them to struggle through the survey.[633] However, these concerns underestimate the value of online interactions and have little consideration for how essential the use of the internet has become to the daily life of the general population. This view is substantiated by other academics, such as Giles, who notes that arguments which challenge the robustness of online research often overlook the importance of acknowledging the major role that the internet has in modern life. [634]

3.3.1 Risks and considerations

When contemplating the drawbacks of online surveys, I considered the risk of excluding certain groups of people, such as those who are not IT-literate or people who are not receptive to online surveys. However, considering most of the UK population has access to the internet and that my surveys were about the shift to

[630] Brace (n 620) 16

[631] Tom Boellstrorff and others, *Ethnography and Virtual Worlds: A Handbook of Method* (Princeton University Press 2012), 40–41.

[632] Alison Evans, Jonathan Elford and Dick Wiggins, 'Using the Internet for Qualitative Research', *The SAGE Handbook of Qualitative Research in Psychology* (Digital Edition, SAGE Publications 2011), 5

[633] Brace (n 620) 16

[634] Eve Stirling, '"I'm Always on Facebook!" Exploring Facebook as a Mainstream Research Tool and Ethnographic Site'', *Digital methods for social science : an interdisciplinary guide to research innovation* (Palgrave Macmillan 2016) cited in Cameron Alexander Richard Giles, 'Deception and Disclosure: A SocioLegal Analysis of HIV Transmission Offences and Mobile Dating Applications.' (Northumbria University 2021), 96 <http://nrl.northumbria.ac.uk/id/eprint/46456/> Last accessed 30 September 2022

remote teaching and working practices, it was reasonable to expect my target sample group to be IT-literate with reliable and frequent access to the internet.[635] Every data collection method bears the risk of excluding certain groups of participants, and I found this risk to be minimal with my target group of participants. On reflection, this may have even been a suitable exclusion criterion which I had not thought of at the time.

This data collection method has been critiqued for its difficulties in making participants understand and accurately recall relevant information to form suitable responses.[636] The way a question is phrased can also be interpreted differently by different participants, which is problematic.[637] I tried to minimise these problems as extensively as possible by creating several draft surveys before running my pilot tests.[638] I had created 13 draft versions of my online survey and conducted three rounds of pilot testing before the final version was ready for distribution. I also tried to minimise this problem by making the questions as clear and concise as possible and enabling recall features on the online survey.[639] I carefully considered every question and the options presented to see if they could be interpreted in any way other than I had intended. Where I found that a word or term I had used is ambiguous, I put a description explaining what I meant. Where there were scales, I explained what each number on the scale meant.

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[635] Katja Lozar Manfreda and Vasja Vehovar, 'Internet Surveys', *International Handbook of Survey Methodology* (n 543).

[636] Floyd J Fowler Jr and Carol Cosenza, 'Writing Effective Questions', *International Handbook of Survey Methodology* (n 543).

[637] Norbert Schwarz and others, 'The Psychology of Asking Questions', *International Handbook of Survey Methodology* (n 543).

[638] Pamela Campanelli, 'Testing Survey Questions', *International Handbook of Survey Methodology* (n 543).

[639] Norman M Bradburn, Seymour Sudman and Brian Wansink, *Asking Questions* (1st (revised), Jossey-Bass 2004); Floyd J Fowler Jr and Carol Cosenza, 'Writing Effective Questions', International Handbook of Survey Methodology (n 543).

Online surveys undeniably pose the risk of participants being unable to clarify unclear or ambiguous questions, as they have no chance to expand on or react verbally to a question of particular interest or importance.[640] I tried to minimise this risk by incorporating free-text questions in my survey for participants to elaborate on responses in their own words. I also enabled an 'Other' option which prompts participants to elaborate in their own words whenever this response was selected on all multiple and single-choice questions. As part of this process, I also engaged in several discussions with my supervision team and other researchers in my field as a means of bracketing as discussed in 3.1.1. It is known that articulating research questions is very challenging as it carries the risk of unintentionally predisposing participants towards a particular perspective or desired outcomes. These discussions helped me explore their perspectives and possible misconceptions of the questions I had designed. It also helped me identify which research questions appeared to be biased or unclear, which may pose barriers to my exploration.[641]

Another critique of online surveys is non-response and abandonment. I tried to address non-response by posting reminders that my survey was still open on Twitter, LinkedIn, and via mailing lists. I tried to minimise abandonment by making the survey as user-friendly as possible. I also gave a lot of thought to the presentation of this survey considering the visual design is the main interface between the researcher and the respondent in self-administered surveys.[642] I put a lot of effort into making it as interactive as possible whilst still having a minimalistic look to keep participants engaged throughout. Too many graphics and colours may have been overwhelming

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[640]Jack R Fraenkel and Norman E Wallen, *How to Design and Evaluate Research in Education* (7th Edn, McGraw-Hill Higher Education 2009), 123
[641] Tufford and Peter Newman (n 583) 90
[642] de Leeuw and others (n 543) 242

and distracting,[643] whereas too many words and numbers may have made the survey lengthy, complex, and boring, resulting in lack of engagement from participants.[644] Finding a good balance between these elements took up a substantial amount of time when designing my online survey. I also strived to reduce complexity and overwhelming participants of the online survey by only showing one question on the screen at a time. However, participants could easily scroll up and down to view previous questions and responses. This allowed participants to recall previous information easily without being overwhelmed by a screen full of text and scales all at once. This measure did not only address abandonment, but accessibility concerns too.

When considering accessibility for disabled participants, I attempted to make my online survey as accessible as possible with the features that were available to me. I acknowledge that individuals with certain visual and motor skill disabilities would have been excluded entirely from participating in any online survey without specialist features such as voice command. Unfortunately, these specialist features were beyond my expertise and budget. With accessibility in mind, I made the appearance of the survey as minimalistic as possible - questions were displayed on the screen one at a time, the recall feature reduced participants need to scroll up and down whilst responding to a question, buttons were large, font size was large, text was dark coloured on a light background, and I did not have any questions which required participants to identify or respond by colour coding.

In addition to all the reasons and features discussed above, the survey tool I chose could detect what type of device the survey is being completed on. It automatically

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[643] Ibid
[644] Brace (n 620) 16

directs users to the most optimised version of the survey. This meant that the survey looked good and was easy to complete regardless of participant's device. When designing the survey, the desktop and mobile versions of each page were inspected on several devices to ensure that participants' experiences were similar regardless of the device on which they completed the survey. It also required no sign-in or email address to participate in the survey, which increased participants' ease and confidence of anonymity. The logic jump features significantly reduced the amount of time a participant required to complete the survey as it automatically skips (or adds) relevant questions based on a participant's responses. This also reduced the likelihood of me having unnecessary data to clean in my analysis process.

Bearing in mind that my participants, legal practitioners and/or legal educators, are groups of people who are generally pressed for time due to the nature of the profession, time efficiency was vital to the success of my online survey. However, as it was not hosted on an academic site, the URL to be shared to participate in the online survey did not come with a '.ac.uk' suffix. To reduce the risk of prospective participants doubting the legitimacy of the link to my online survey, I edited the URL to add 'northumbriaresearch' prefixed to 'typeform.com'. Typerform surveys also take place over a secure connection. This meant the padlock icon depicting a secure connection was visible next to the link at the top of the survey webpage. This would have given participants additional reassurance of the legitimacy of the research and that their responses were secure. Examples of the address bar on different web browsers are shown below in Figure 3.2 and Figure 3.3.

Figure 3.2. The address bar of the online survey on Microsoft Edge

Figure 3.3. The address bar of the online survey on Google Chrome
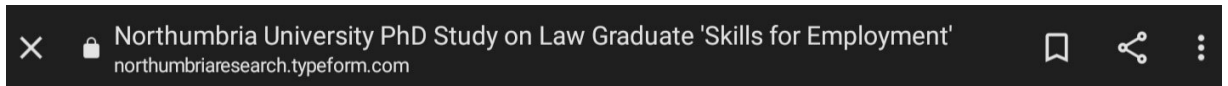
Weighing the benefits against risks of online surveys as a research tool, these considerations allowed me to increase the success rate of the online survey used in my research. Some other key considerations for the success of online surveys are sampling of participants and distribution, as discussed below.

3.3.2 Sampling of participants

Sample size is one of the key limitations of empirical studies published in top journals.[645] According to Westland, about 80% of all studies are based on insufficient sample sizes.[646] In theory, sample size is defined as the subset of a population required to ensure a sufficient amount of information to draw conclusions.[647] However, I found that determining an appropriate sample size that produces a 'sufficient amount of information' is subjective. In deciding the appropriate size of a sample, Memon and others suggest that there are several factors to consider such as

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[645] Herman Aguinis and Sola O Lawal, 'Conducting Field Experiments Using ELancing's Natural Environment' (2012) 24 Journal of Business Venturing 493; Jennifer P Green, Scott Tonidandel and Jose M Cortina, 'Getting Through the Gate: Statistical and Methodological Issues Raised in the Reviewing Process' (2016) 19 Organizational Research Methods 402; J Uttley, 'Power Analysis, Sample Size, and Assessment of Statistical Assumptions—Improving the Evidential Value of Lighting Research' (2019) 15 LEUKOS 143.

[646] J Christopher Westland, 'Lower Bounds on Sample Size in Structural Equation Modeling' (2010) 9 Electronic Commerce Research and Application 476.

[647] Uma Sekaran and Roger Bougie, Research Methods for Business (5th edn, John Wiley & Sons 2010).

research approach, analytical method, number of variables or model complexity, time and resources, completion rate, research supervisor, sample size used for similar studies, and data analysis programme.[648]

Although my research method was online surveys, the data gathered from the online surveys were a combination of qualitative and quantitative. Therefore, I considered discussions of appropriate sample sizes in relation to qualitative and quantitative research when determining an appropriate sample size. Unlike quantitative research, Bloor and Wood suggest that qualitative research does not estimate sample size to determine the statistical significance of its findings, so researchers must collect data from enough points to make meaningful conclusions about the phenomenon of interest.[649] Again, I interpreted the determination of 'enough points' to be a subjective matter at the researcher's discretion, allowing for decision-making based on critical reflection and informed knowledge rather than mere adherence to normative standards. Bloor and Wood suggest that rather than aspiring to statistical representativeness or generalisability, qualitative researchers are often more concerned with reflecting the diversity within a given population.[650]

As my research was not entirely qualitative, it was not possible for me to dispense the idea of having an 'appropriate sample size' entirely. This was a significant consideration in relation to the validity and generalisability of the quantitative data collected. However, having qualitative components to my online survey did allow me to adopt a more flexible qualitative approach for the determination of an appropriate sample size. It is also suggested that researchers describe the population and the

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[648] Mumtaz Ali Memon and others, 'Sample Size for Survey Research: Review and Recommendations' (2020) 4 Journal of Applied Structural Equation Modeling i, ii
[649] Bloor and Wood (n 570) 155
[650] Ibid, 156

sample in sufficient detail so that interested individuals can determine the applicability of the findings to their own situations. Failure to provide detailed description of the population of interest, and the sample studied, is said to be one of the most common weaknesses of published research reports.[651] Bearing this in mind, I intend to provide readers with clarity on my sampling methods through my discussions below.

In my attempt to figure out an appropriate sample size, I first tried to determine the size of my target population, which consisted of all legal practitioners, legal educators and individuals involved in either or both of the aforementioned. According to SRA and BSB statistics, in 2019, there were over 140,000 practising solicitors[652] and over 16,000 practising barristers in the UK.[653] According to the UK government's statistics, in 2019, there were 5,064 court and tribunal judges in the UK.[654] The number of other legal practitioners such as paralegals, legal executives and legal advisors in court are unknown, but it is reasonable to assume that the statistics for legal practitioners alone in the UK would definitely surpass 200,000. According to the SRA's list at that time, I knew there were over 100 providers of the QLD in the UK.[655] As there is no list or statistics indicating the number of legal educators in the UK, I researched grey literature to come up with an estimated number of legal educators in England and Wales. I came up with an estimated figure by visiting all the LLB provider websites on the SRA's list, and adding up the number of law staff from each of these websites,

[651] Fraenkel and Wallen (n 640) 91-92
[652] 'Population of Solicitors in England and Wales' *Solicitors Regulation Authority* <https://www.sra.org.uk/sra/research-publications/regulated-community-statistics/data/population_solicitors/>. Last accessed 30 September 2022
[653] 'Statistics on Practising Barristers' *Bar Standards Board* <https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/practising-barristers.html>. Last accessed 30 September 2022
[654] 'Judges and Non-Legal Members of the Judiciary' *Ministry of Justice* (Last updated 6 November 2020) <https://www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/judges-and-non-legal-members-of-courts-and-tribunals-in-the-workforce/latest>. Last accessed 30 September 2022
[655] 'Qualifying Law Degree Providers' *Solicitors Regulation Authority* <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/qualifying-law-degree-providers/>. Last accessed 30 September 2022

which amounted to over 4000 legal educators.[656] Recent REF data suggests that there were 3082 law staff who submitted units for assessment in the UK,[657] but this only accounts for academic staff from HEIs that are included in the REF with a contract of employment of 0.2 full-time equivalent or greater; and on the payroll of the submitting HEI whose primary employment function is to undertake either 'research only' or 'teaching and research'. This excludes PGRs, associate lecturers on 0-hour contracts, and other academics who may be on 'teaching only' contracts or precarious contracts who participate in legal education; and those from HEIs that are not included in the REF. For these reasons, although the exact figures are unknown, my informed understanding is that there must have been over 3082 legal educators in England and Wales when data was collected for this research project.

These estimations show that the populations I intended to collect data from for my research are incredibly large. It would not have been possible to collect data from a substantial percentage of these populations as (i) it would have been difficult to reach out to all the individuals in this population considering time, financial and ethical constraints, and (ii) I would have ended up with far too much data to analyse by myself during the period of my PhD research. These two points were key considerations when deciding an appropriate sample size for my research. To my advantage, some statisticians argue that the gains in precision decrease as the

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[656]This figure is only a rough estimate as some Universities on the list do not indicate the number of Law staff which they have on their websites, some universities list their staff for the entire department which the Law school is only a small part of (i.e. Faculty of Law and Criminology, Business and Law, Humanities and Law), some universities include support staff and admin for the department on their list, and the SRA's list does not include providers of non-QLD Law Degrees.

[657]Summary of information on 2021 REF results for Law unit of assessment: Headcount of Category A staff submitted (2621); Headcount of early career researchers submitted (455). Early-career researchers are defined as 'Category A staff who started their careers as independent researchers on or after 1 August 2016'. Category A eligible staff are defined as 'academic staff with a contract of employment of 0.2 FTE or greater, on the payroll of the submitting institution on the census date, whose primary employment function is to undertake either 'research only' or 'teaching and research''. See 'Results and Submissions: Introduction to the REF Results' *Research Excellence Framework* <https://results2021.ref.ac.uk/unit-of-assessment-summary/18>. Last accessed 30 September 2022

sample size increases,[658] and therefore the robustness of any sample depends more on the careful selection of respondents rather than its size.[659] With this knowledge, I contemplated the appropriate sample size for this research. Based on my abilities in terms of resources, time, and expertise, I determined that an ideal sample size for my research would have around 100 participants across all streams. Although this sample size would have been an insignificant percentage within the target population, the data collected from this sample would be valuable in substantiating my research. With a sample size of around 100 respondents, I would have been able to manage the analysis of data well, considering the data collected was a mixture of quantitative and qualitative. Instead of prioritising the number of respondents in total, I was more motivated to obtain suitable participants hoping to achieve an equal split in responses from legal educators and legal practitioners.

3.3.3 Recruitment of participants

As I intended to reach participants from large target populations, it was not possible to contact potential participants individually. With the resources that were available to me, my only option was to advertise my research with a call for participants that invited those who are interested and eligible to participate. This method, sometimes referred to as volunteer sampling, involves respondents presenting themselves following an advertising campaign.[660] As Giles notes, this method limits the ability to conduct purposeful sampling[661] and that potential participant could only be excluded through filtering as a form of criterion sampling[662] rather than actively seeking out

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[658]Erik Mooi, Marko Sarstedt and Irma Mooi-Reci, *Market Research: The Process, Data, and Methods Using Stata* (Springer 2018), 47

[659]Colin Boreham and others, 'Power, Precision, and Sample Size Estimation in Sport and Exercise Science Research' (2020) 38 Journal of Sports Sciences 1933; Mooi and others (n 658)

[660] Bloor and Wood (n 570) 154

[661] Giles (n 634) 122

[662] David E Gray, *Doing Research in the Real World* (3rd Edition, SAGE Publication 2014) 221.

participants who meet previously established categories suitable for study.[663] I advertised my research on social media platforms and a select few newsletters and mailing lists which I elaborate on later in this section.

Recruitment through social media is a commonly used approach, presenting some similar ethical challenges to offline recruitment in terms of privacy, transparency, and the need for informed consent.[664] In his thesis, Giles argues that this approach is an indirect purposive sampling method.[665] By promoting the research in specific spaces, specific populations can be targeted without directly approaching individuals. To an extent, this may also be a form of convenience sampling as I could make use of the relevant connections I had on these social media platforms to help me circulate my survey link with their legal educator/legal practitioner networks. I advertised my call for participants on Twitter and LinkedIn, both of which allowed other users on the platform to share my post. The survey itself allowed participants to share the survey link with others via their Facebook, LinkedIn, and Twitter upon completing the survey. This would have facilitated a degree of snowball sampling too.

The call for participants post shared on social media was of an image including a brief description of my study, accompanied with a link to the online survey. I featured my description in an image as social media platforms such as Twitter have a word limit for posts, making it difficult to include a sufficient description of my study. The image was also easy to share via email, newsletters, and other means that may have facilitated sharing my call for participants (e.g. Direct Message, WhatsApp). The information in the image also included my email address, should any potential

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[663] Alan Bryman, *Social Research Methods* (5th Edition, Oxford University Press 2016) 412-413.
[664] Luke Gelinas and others, 'Using Social Media as a Research Recruitment Tool: Ethical Issues and Recommendations' 17 American Journal of Bioethics 3.
[665] Giles (n 634) 122

participants have queries prior to participating. The image and accompanying text on the call for participants posts are shown below in Figure 3.4 and Figure 3.5.

Figure 3.4. Text on Call for Participants

Call for Participants: Seeking Legal Practitioners, Legal Educators & individuals involved in one or both of the above professions in England & Wales.

Link to online survey: [link]

Figure 3.5. Image attached to Call for Participants Tweets and LinkedIn Posts

i. Distribution of link to online survey

The online survey was distributed using the self-selection method. The inclusion criteria for participants were legal practitioners, legal educators or individuals involved in one or both of the above professions in England and Wales. The online survey link was primarily distributed via Twitter and LinkedIn. Additionally, it was also distributed through email mailing lists, newsletters and bulletins of some relevant organisations which agreed to this. At Northumbria Law School, I had colleagues who held prominent positions in the committees of organisations such as the ALT, SLSA, IJCE, CLEO and The Law Society who kindly agreed to circulate my survey link via their mailing lists and social media networks to help me achieve a wider reach of potential participants. I also enabled the feature on Typeform, which allowed participants to share my online survey link via Twitter, LinkedIn, and Facebook to maximise my reach of potential participants.

My online survey was open from 12 May to 12 November 2020. Initially, I intended to keep my survey open for four months but extended this period to 6 months when I had not met my target number of respondents by 31 August 2020. In the first instance, I did not advertise my survey on all social media platforms at the same time. On 12 May 2020, I circulated my call for participants via Twitter and some mailing lists. I Tweeted my survey link tagging the Twitter accounts of Northumbria Law School, The Law Teacher, IJCE, The SLS, SLSA, The Bar Council, BSB, SRA, Law Society Gazette and ALT on my Tweet. I also sent emails and Direct Messages to these Twitter accounts requesting that they retweet my Tweet to help me reach out to as many potential participants as possible. The BSB, SRA and Law Society Gazette accounts responded to my request to inform me that it would not be possible as it was

against their policy to share links to independent 3rd party research, but they did make helpful suggestions such as getting in contact with the Junior Lawyers Division instead.

My first Tweet gained a lot of traction with it getting retweeted by some prominent Twitter accounts in the legal sphere such as The Law Teacher, Junior Lawyers Division, Association of Law Teachers, Northumbria Student Law Office, Northumbria Law School, LSBU Law and Surrey Junior Lawyers Division. The SLSA also shared my survey link via their weekly bulletin and PGR mailing list. This first phase generated 38 responses. When the responses dwindled, I shared my survey link on LinkedIn and Twitter again on 21 May 2020. On LinkedIn, I shared the link on my LinkedIn profile and on the Law Society Gazette, Northumbria Law Networking, CILEx and Junior Lawyers Division groups. I was hoping to get another spike in the number of responses from this as I was sharing it on two social media platforms this time.

Over two weeks, this generated 11 more responses, which was slightly underwhelming as I had expected to get more responses. It was impossible to tell from which source participants came to know about the research. There was also no way of knowing if participants were sharing the link on their social media profiles upon completing the survey. However, I did reshare my own posts on Twitter and LinkedIn on a fortnightly basis. On 31 August 2020, there were 75 responses. I was not satisfied with this number of responses and decided to keep the survey open for two more months, hoping my number of responses would double in that time. I closed the survey on 12 November 2020 as it was open for quite some time, and I had to start analysis. I received 89 responses in total.

On 12 November 2020, according to the analytics, my call for participants on Twitter was retweeted 90 times and shared on LinkedIn 30 times. Table 3.3 below shows the analytics of my Call for Participants posts on LinkedIn and Twitter on 12 November 2020. The dates shown are for new posts made. The table does not include dates where I reshared my posts on these social media platforms, but my own reshares contribute to the 'retweet' and 'reshare' figures in the table.

Table 3.3. Engagement on Call for Participants posts on Twitter and LinkedIn

	Twitter		LinkedIn	
Date of post	Retweets	Views	Reshares	Views
12 May 2020	37	11,031	N/A	N/A
21 May 2020	2	534	23	400
17 July 2020	24	5505	-	102
17 August 2020	5	741	N/A	N/A
31 August 2020	6	1756	-	52
4 November 2020	8	1757	7	395
11 November 2020	8	1488	N/A	N/A

It is good practice for researchers to report both the appropriate sample sizes along with the sample sizes actually used in the study, the reasons for using inadequate sample sizes, and a discussion of the effect the inadequate sample sizes may have on the results of the study.[666] Although I received fewer responses than desired, I do not consider the sample size inadequate as the data gathered provides sufficient insight for the purposes of discussion sub-questions 2, 3 and 4 of this research

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[666] James E Bartlett, Joe W Kotrlik and Chadwick C Higgins, 'Organizational Research: Determining Appropriate Sample Size in Survey Research' (2001) 19 Information Technology, Learning, and Performance Journal 43, 49

project. However, for accuracy and transparency, I discuss considerations on reliability, validity, and generalisability in 3.4.3.

ii. Informed consent

Participants were required to confirm their acceptance of all the information about the collection and retention of data provided before proceeding to participate in the survey by selecting the 'I accept' option as part of the online survey. If participants had not accepted these terms on the survey, they would not have been able to continue to the survey questions and could leave the survey if they wished. Using an information sheet and consent form[667] is good practice as it acknowledges that participants' rights would be protected during data collection.[668] In designing my consent form, I considered Sarantakos elements where:[669]

- I identified myself as the researcher and provided participants with my email address should any queries about my survey or research arise,
- I explained the purpose of my research which was to obtain some views on law graduate 'Skills for Employment'. I elaborated that my survey would consider how legal education prepares law graduates for employment in either the legal or non-legal sector, with a particular focus on technological skills,
- I reiterated the eligibility criteria for participation which was that they had to be a legal practitioner, legal educator or involved in one or both of the above categories in some way in England and Wales

I assured participants that:

- Northumbria University had fully funded my study, and it has received ethical approval from the Ethics Committee of the Faculty of Business and Law at Northumbria University,
- All data collected would be stored securely, and that data collection and processing complied with the Data Protection Act 2018 and the General Data Protection Regulation,
- The survey would not require participants to provide data that would make them identifiable and that their anonymity was ensured, and

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[667] The information and consent page from my online survey can be found in Appendix 2.
[668] Creswell (n 32) 90
[669] Sotirios Sarantakos, *Social Research* (3rd edn, Palgrave Macmillan 2005)

- No personal details were collected as part of the survey, and all information collected from the participants was anonymous. There was an optional demographic section on the survey which participants could skip if they did not wish to provide this data. I will discuss this in further detail in 3.3.4.

iii. Drop-off and withdrawal

According to the insights on Typeform, there were 169 starts on the survey. Out of which, only 89 participants completed the survey. This results in a completion rate of 52.7%, which falls slightly below Typeform's average completion rate of 57%.[670] The literature on online surveys suggests that completion rates are a complex matter, dependent on multiple factors. For example, Liu and Wronski examined the predictors of completion rate on 25,080 online survey studies and found relationships between completion rates and length of survey;[671] presence and placement of a progress bar;[672] and type and length of opening question.[673] In 2017, Brosnan and others found that the types of device the survey was completed on affected completion rates; however, this was when many online survey platforms were not optimised for mobile

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[670] Typeform has an average completion rate of 57%. On desktop it's 58%, and on mobile, 56%. See 'What's the Average Completion Rate of a Typeform?' *Typeform* <https://www.typeform.com/help/a/whats-the-average-completion-rate-of-a-typeform-360029615911/>. Last accessed 30 September 2022

[671] As the number of pages and/or number of questions increases, the completion rate goes down. A survey with more words (measured in 50 word blocks) is also associated with a declining completion rate. See Mingnan Liu and Laura Wronski, 'Examining Completion Rates in Web Surveys via Over 25,000 Real-World Surveys' (2017) 36 Social Science Computer Review 116, 199

[672] The completion rate is the highest for surveys without progress bars and lowest for surveys with progress bars at the bottom (as opposed to bar on top, or no bar. See Liu and Wronski (n 671) 121

[673] Liu and Wronski ranked questions types in increasing order of complexity: simple multiple-choice questions, open-ended questions, other question types; and nonquestions. They found that the more difficult questions a survey has, the lower its completion rate. A longer first question (measured in 50 word blocks) decreases the completion. A survey starting with a multiple-choice question has the highest completion rate, while a survey starting with an open-ended question has the lowest completion rate. See Liu and Wronski (n 671) 120-121
Similarly, SurveyMonkey also suggests that a simple, multiple choice question as an opening question increased the average completion rate. See 'Tips for Increasing Survey Completion Rates' *SurveyMonkey* <https://www.surveymonkey.co.uk/mp/tips-increasing-survey-completion-rates/?program=7013A000000mweBQAQ&utm_bu=CR&utm_campaign=71700000098441131&utm_adgroup=&utm_content=&utm_medium=cpc&utm_source=adwords&utm_term=&utm_kxconfid=s4bvpi0ju&language=&test=&gclid=Cj0KCQjw39uYBhCLARIsAD_SzMR1fIIgST6nEpwNQ56ovLZKguDcY38Cp6NP7E4U1wCUTYb1wduOq_oaAsDtEALw_wcB&gclsrc=aw.ds>. Last accessed 30 September 2022

access.[674] On this survey, survey length was a manipulated variable as the number of questions were customised according to participant selections throughout the survey. For this reason, no progress bar was displayed as the estimated time for completion would have fluctuated accordingly throughout the survey, which participants may have perceived to be unreliable or inaccurate bearing risk of an increased drop-off rate.

Typeform takes note of where participants dropped out without storing the responses of participants who dropped out. The stages at which participants dropped out are shown in the graph below. Other than the large dropout on the information page at the start of the survey, the most significant dropouts were at Questions 6 and 11. These were both group questions where participants were asked to identify three skills using the free-text box, and then rate how well developed their named skills were using a 5-star rating. Both of these groups of questions also used the recall function. The spike in dropouts at these questions could be explained by the complexity of the multi-level question and the need to type in answers instead of selecting pre-coded responses in the other sections of the survey.

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[674] Study respondents with lower completion rates are more likely to use a smartphone or tablet instead of personal computer. See Kylie Brosnan, Bettina Grün and Sara Dolnicar, 'PC, Phone or Tablet?: Use, Preference and Completion Rates for Web Surveys' 59 International Journal of Market Research 35. 44

There were some dropouts at Question 5, which was the demographic group of questions despite my efforts to minimise this risk by specifically stating that this was an optional section that could be skipped. There are two possibilities for the dropouts at this question - (i) some participants did not take note of the instructions, which highlighted that this was an optional section, (ii) some participants took note of it but accidentally left the survey instead of skipping the section. Question 13 also saw a small spike in dropouts. This was a group of questions that required two free-text answers. Overall, there was a trend that questions which required free-text answers had more dropouts than all the other types of questions which is an observation supported by the literature.[675] The lower success rate for the free-text questions could be attributable to a few speculative reasons among them being practicality of typing on the device used (mobile phone instead of desktop), and that typing out answers takes up considerably more time than clicking on options. Participant drop-off is summarised below in Figure 3.6.

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[675] Liu and Wronski (n 671)

Figure 3.6. Drop-off rate of participants throughout the online survey
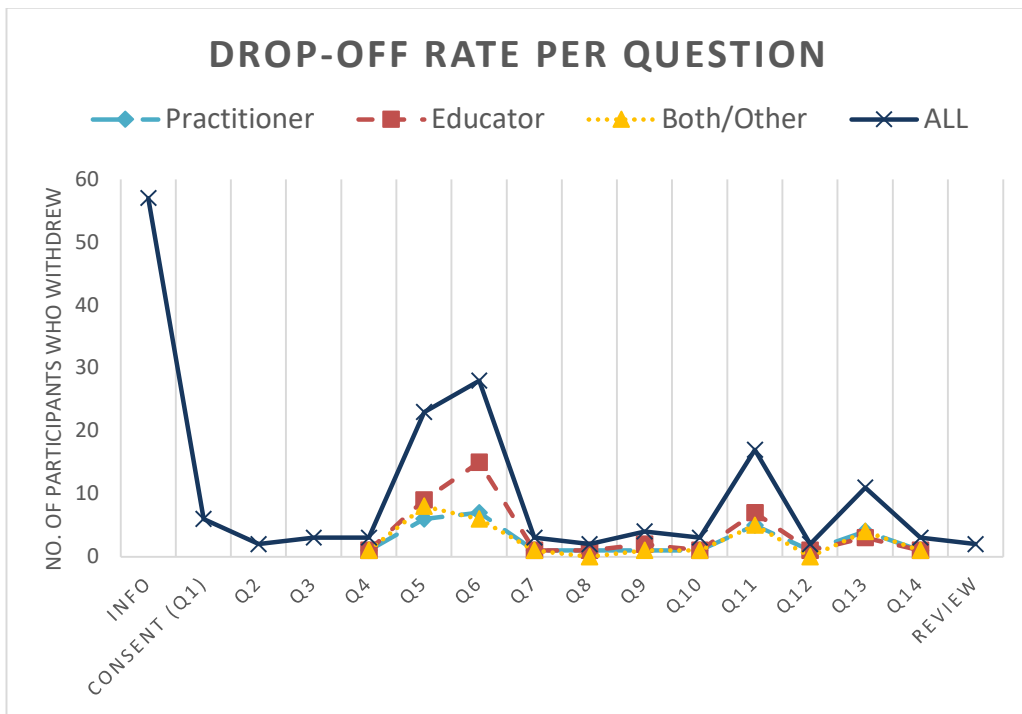
The average time taken to complete the survey across all devices was 15 minutes. Depending on the device used, there was some variation in the average time taken to complete the survey. Desktop - 14 minutes; mobile - 16 minutes; tablet - 11 minutes. This timeframe is said to be acceptable for an online survey.[676] Research shows that the average attention span is about 20 minutes for an online survey[677] and that several research companies aim for an average survey length of 15 minutes to ensure that respondents maintain attention and engagement throughout the survey.[678]

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[676] T Macer and S Wilson (2013) <https://www.quirks.com/articles/a-report-on-the-confirmit-market-research-software-survey-1> cited in Brace (n 620)

[677] P Cape (2015) Questionnaire length and fatigue effects: what 10 years have taught us Webinar 28/05/2015, <http://www.surveysampling.com/ssi-media/webinars/> cited in Brace (n 620)

[678] Brace (n 620) 52

I considered allowing participants to withdraw after completion. However, I decided not to do this for two reasons. Firstly, it would require measures that would breach participant anonymity. To enable withdrawal post-submission, I would have had to ask participants to provide identifiable data about themselves or assign participants with a reference number as part of the survey. The latter option would maintain participant anonymity, provided they did not withdraw their response. However, should they wish to withdraw, both options would require participants to contact me personally via email, and the participant would no longer be anonymous to me. Secondly, allowing participants to withdraw also posed complications regarding data analysis.

At the time the survey went live, I could not provide participants with a deadline for withdrawal as I was unsure whether I would start analysis while the survey was still open. It would have been complicated should a participant wish to withdraw once I had started my analysis. I may have been able to limit the use of their response, but it may have been impossible to fully redact a response once analysis had begun. I did not want to have any partially redacted data in my dataset for accuracy and thoroughness in my analysis. However, participants were provided with my email address at the start of the survey and again at the end. No participant contacted me with any queries about withdrawal or any other matter. Presumably, this indicates no participant had a change of mind about participating in my survey or about the responses they had submitted.

3.3.4 Online Survey Design

The online survey had four sections:[679] Part 1 (Demographic Data), Part 2 (General Skills for Employment), Part 3 (Technological Skills for Employment), and Part 4 (COVID-19 & Future Skills for Employment). A logic jump feature which automatically skips or adds relevant questions based on the participant's responses was used. This meant that participants had a varying number of questions to respond to due to selections made, and this feature significantly reduced the time taken to respond to the survey as only relevant questions were asked. The minimum number of questions a participant would have to respond to on the survey was seven, and the maximum number of questions was 18.

This online survey had three streams of questions, and the appropriate stream was determined through each participant's selection at the start of the survey – (1) Legal Practitioner, (2) Legal Educator, (3) Both of the above or Other. The questions in all three streams were similar, with different wording and perspective suited to the participant. The forms of questions used in this survey were long and short free-text answers, multiple choice (single and multi-response options), and numeric ratings. These different types of questions produced a mixture of quantitative and qualitative data, allowing for a richer interpretation and analysis of the data collected. I discuss the types of questions used and my considerations when designing these questions in more detail later in this section. The survey sections, streams and logic jumps are shown below in Figure 3.7.

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[679] The detailed survey questions can be found attached in the Appendix 2.

Figure 3.7. Online survey sections, streams and logic jumps
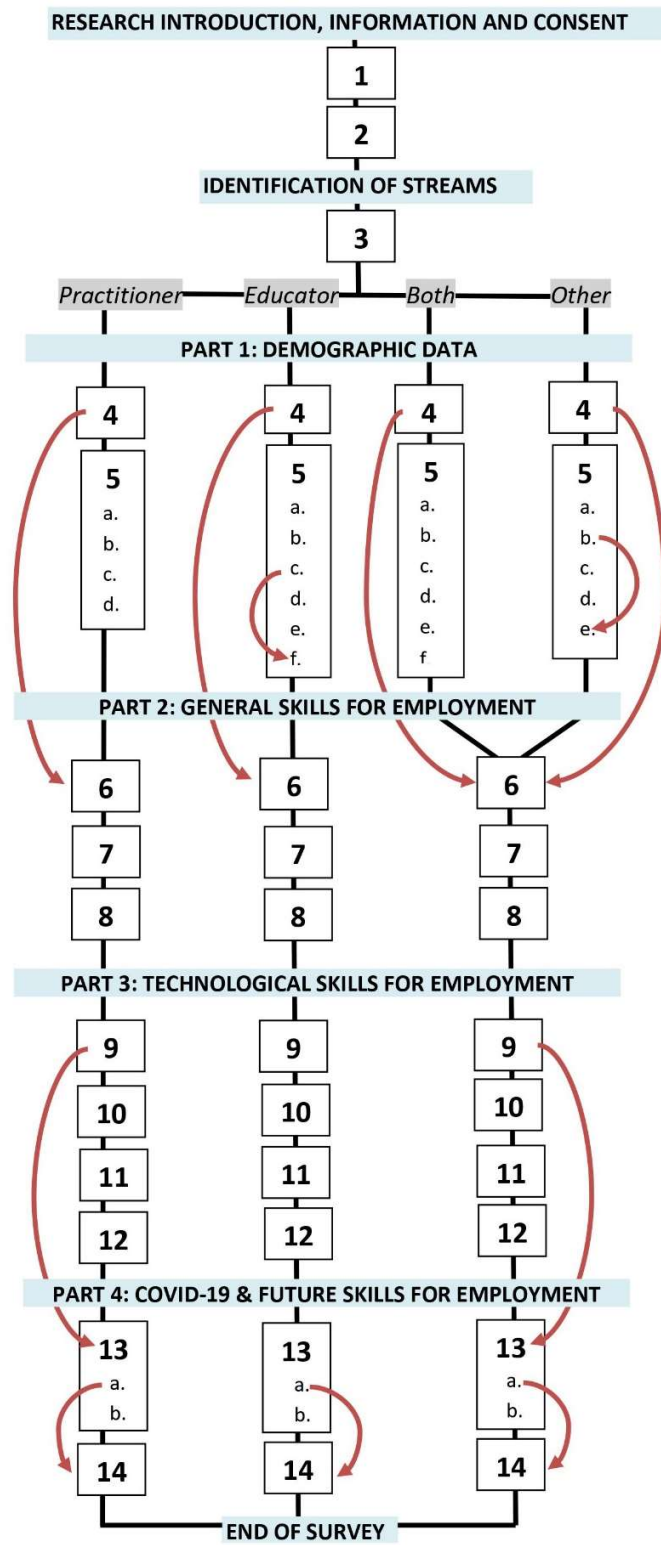
The first screen of the survey was participant information and confirmation of consent.[680] Following this, Part 1 of the survey had preliminary questions which gathered more information about the participants. The first question required participants to select which group they belonged to - (1) Legal Practitioner, (2) Legal Educator, (3) Both of the above or Other and it required participants to provide some further details depending on the group they had selected. The option selected then redirected participants to the relevant stream of questions. This first question served as an eligibility checkpoint to ensure that participants were within the recruitment criteria set out in the call for participants. There was no automated response if a participant was not eligible; they were still allowed to complete the survey. However, I would have been able to identify if any participants did not meet the inclusion criteria during analysis, and I could then exclude their responses. Having the exclusion and screening question as the start is said to be best practice, as it enabled me as the researcher to identify and exclude any irrelevant responses from the dataset easily during analysis.[681] It also allowed the participant to exit the survey before investing anymore time if they realised they did not fit the inclusion criteria.

In all the streams, the first part of the survey collected some demographic data for a richer analysis of my data. These were not the typical demographic questions i.e. age, gender, ethnicity. Instead, the demographic data collected in this survey related to the content of the study. There was a question which required participants to identify which part of England and Wales they were from based on a labelled map (the options were North East, North West, Yorkshire and the Humber, East Midlands,

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[680] The information provided to participants can be found in Appendix 2.
[681] Brace (n 620) 45

East of England, London, South East, South West, West Midlands and Wales). The demographic question is shown below in Figure 3.8.

Figure 3.8. Question which collected geographical data on the online survey

This was followed by an optional group of questions which collected data about participants' background and experience. This optional section asked participants (i) how long they have been a legal practitioner /educator/held their current role, (ii) whether they had a legal practice background (if they were not legal practitioners), (iii) their area of practice (if they were a legal practitioner or previously have been), (iv) the size of their law school/firm/company, (v) what their UG degree was in. Participants could skip this section if they did not want to provide this data. These questions were asked at the start of the survey as some literature on survey design suggests that starting a questionnaire with demographic questions may put

participants at ease before answering the main questions.[682] Although there is also literature that suggests this may be viewed as intrusive or may diminish enthusiasm to complete the survey,[683] I considered the risk of this to be minimal as the demographic questions in this instance were related to the survey questions and, therefore, not disruptive to the flow of the 'conversation'.[684] Participants could also skip this section if they did not want to provide this data, further reducing this risk.

After the inclusion and demographic questions, the survey went into the main questions. The main questions worked through general questions at the beginning to the most specific questions towards the end. This is said to be an effective way to sequence survey questions as it allows participants to get into the mindset of the subject and orientate their thinking to provide more considered answers.[685] Therefore, Part 2 was about general skills for employment. In this section, I asked participants to identify what the most important skills to have in employment was based on their experience and to assess how well-developed these skills were in law graduates, what skills/elements the participant considered law graduates lacked and why they thought this was so, and how well law schools equip law graduates with the necessary legal knowledge and skills required for employment. In this section, the type of questions and features used were short-text answer followed by a recall and a 1–5-star rating, a long-text answer, and a 'best statement' option.

Part 3 was a bridge between the previous section and the following section of the survey, as it focused on technological skills for employment. It also considered the importance of technology in participants' employment, the most prominent

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[682] P Murray, 'Fundamental Issues in Questionnaire Design' (1999) 7 Accident and Emergency Nursing 148; AN Oppenheim, *Questionnaire Design, Interviewing and Attitude Measurement* (2nd edn, Continuum 1992).
[683] Oppenheim (n 682) 108-109.
[684] Brace (n 620) 52
[685] Ibid, 48

technologies used in their employment, law graduates' skills with regard to these technologies, and how well law school equips law graduates with technological skills. This section deployed the use of yes/no option, 1-5 scale ratings, short-text answer followed by a recall and a 1–5-star rating, and a 'best option' question. In this section, the logic jump feature was used to redirect participants to Part 4 if they had indicated that there was no use of technology in their practice/employment or if it was an educator who indicated that they did not prepare law graduates for the use of technologies in practice/employment.

Section 4 went into the most specific questions, which examined the impact of the pandemic on the use of technology in employment. In this section, participants were asked to consider if the pandemic had impacted/increased the use of technology in their role, how so, and what technological skills they presumed would be important for legal practice in future. This section deployed the use of the yes/no option and long-text answers. This section also used the logic jump feature which redirected a participant to the end of Part 4 if they had indicated that the pandemic did not have impact/increase their use of technology in their work.

At the bottom of the last question, participants were prompted to review their responses before clicking the 'submit' button. Once submitted, the final screen showed a message thanking the respondent for participating. It also provided participants with my email address should they wish to get in touch with me about my research, and it had 'share' buttons if any participant wanted to share the survey link via LinkedIn, Twitter or Facebook. The end screen in shown below in Figure 3.9.

Figure 3.9. End screen once participants submitted their survey responses

THANK YOU
FOR
PARTICIPATING IN MY
QUICK SURVEY!

For any enquiries related to this online survey or my research, please email samantha.rasiah@northumbria.ac.uk

Please feel free to circulate the link to this survey using the share buttons below.

i. *Open-ended questions*

Free-text questions in the survey served as open-ended questions, allowing participants to respond unrestrictedly. The open-ended questions in the survey aimed to gather opinions on specific necessary and lacking skills in law graduates based on participants' experiences. As it was necessary to allow participants to articulate in their own words, these questions were long free-text fields with no word limit. An example of a free-text question used is shown below in Figure 3.10.

Figure 3.10. Example of a free-text question on the online survey

→ In your opinion, what technological skills will be important for legal practice in future? *

Type your answer here...

Shift ⇧ + Enter ⏎ to make a line break

I was cautious of my use of double-barrelled questions, considering the confusion a participant may face in responding to these questions.[686] However, there was one double-barrelled question in my survey, which was intentional as I wanted participants to answer both questions interconnectedly in an unrestricted and unprescribed manner. The responses for this double-barrelled question allowed participants to address or not address either of the questions asked, and respond in any order they liked without being limited by a word limit. The double-barrelled question is shown below in Figure 3.11.

Figure 3.11. Example of a free-text double-barrelled question on the online survey

→ What elements/skills do you consider they lack? Why do you think this is so? *

Type your answer here...

Shift ⇧ + Enter ⏎ to make a line break

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[686] Brace (n 620)

However, a supposed drawback of using open-ended questions to identify negative opinions such as dislikes is that participants may find it difficult to recognise and articulate how they feel, which tends to generate 'don't know' type of responses.[687] I found this to be true as I received a significant number of responses to this effect on the above question.[688] Another drawback of using open-ended questions in surveys is that respondents sometimes misunderstand the question without clues or prompts to guide their thinking.[689] I found this to be true too, as some participants expressed their inability to engage with what was being asked in the last question on the survey due to ambiguity in wording. Although this ambiguity was intentional, on reflection, it may have served my research better to have been clearer about my intentions for this question.[690] The analysis of these free-text responses was also very complex and time-consuming. Some respondents responded briefly, whereas some provided lengthy responses that could be interpreted in more ways than one. As the researcher, coding these responses was challenging as some responses would fall into more than one category, and some fell into no category. I created a 'miscellaneous' category so that these responses were not left out in the analysis and discussion of findings.

ii. Closed-ended questions

Closed-ended questions were used in this survey in various forms. Although the 'richness and illustrative power of the verbatim answer' is lost by providing pre-coded responses in the closed-ended questions,[691] it was less time-consuming for participants to respond to, and for my analysis due to the lower level of complexity of

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[687] Brace (n 620) 64
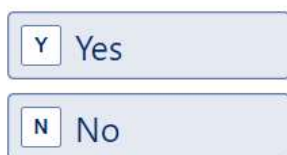[688] I elaborate on these findings in Chapter 4.
[689] Brace (n 620) 64
[690] Verbatim responses identifying respondents confusion are elaborated on in 4.4.4.
[691] Brace (n 620) 67

pre-coded responses. I used three forms of closed-ended questions in the survey, dichotomous, single-response, and multiple-response questions.[692] In the dichotomous questions, I sought only one answer from two pre-coded options presented to participants. The only form of dichotomous questions in the survey were yes/no option questions. I considered including a 'don't know' option in these questions but decided not to, as the yes/no questions were specifically designed as gateways which clarified facts to determine the appropriate logic jumps in this survey.[693] For example, for the question shown below in Figure 3.12, a 'don't know' option would have caused great complexity as there were no possible pathways to re-route participants who may have selected a 'don't know' option at these gateways.

Figure 3.12. Example of a dichotomous question on the online survey

In the single-response questions, I provided participants with a number of possible pre-coded responses but was seeking for one answer only. There was some variety in the forms of single-response questions in the survey. These were presented in the forms of multiple-choice single-option, 'best statement' questions, and different types of numeric ratings. In the 'best statement' questions, I asked participants to select the best option from a list of statements presented. The 'best statement' option questions

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[692] Ibid
[693] See Appendix 2 for all instances this was used in the survey.

were used as the last question in Part 2 and Part 3 to consolidate opinions on the section before moving on to the next. The design of these 'best statement' questions was inspired by semantic differential scales[694]   requiring respondents to indicate which statement they agree with most from a scale with opposite statements of the dimension presented at the two ends of the scale.

For semantic differential scales, statements should be as short and precise as possible,[695] and Osgood and others recommend having seven points on the scale.[696] However, as my statements were lengthy, I decided to have three options on one question and five on the other, as I believed this would better serve the purpose of my research.[697] The statement options had to be fairly wordy to ensure participants did not misinterpret the options in the context in which I used this question type. However, seven lengthy options would have been excessive as the distinction between options would have become less clear, posing the risk of confusion to participants. An example of a best-statement option used in the online survey is shown below in Figure 3.13.

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[694] Brace (n 620) 87
[695] Brace (n 620) 88
[696]Charles Egerton Osgood, George John Suci and Percy H Tannenbaum, *The Measurement of Meaning* (University of Illinois Press 1957).
[697] Oppenheim (n 682)

Figure 3.13. Example of a best-statement option used in the online survey

→ Based on my experience, with regard to technological skills, I would say Law School *

A equips Law Graduates with all the necessary technological skills required for employment.

B equips Law Graduates with some technological skills required for employment, but Law Graduates still have to learn on the job.

C does not equip Law Graduates with any technological skills that are required for employment.

D Other

I also used numeric ratings in the survey. These were presented in the form of scale or star ratings depending on the context of the question asked. When designing these rating questions, I considered the optimum range of numbers to feature in the scale and whether the scale should start at 0 or 1. For both types of numeric ratings, I decided on a range of 1-5, and I provided descriptors for what each number meant for clarity. My decision was motivated by visual and practical factors. A 1-5 scale takes up less space on a screen than a wider range and is potentially less overwhelming for participants as the distinctions between numbers are less ambiguous when there are fewer intervals on a scale. Examples of rating questions are shown below in Figure 3.14 and Figure 3.15.

Figure 3.14. Example of a 5-star rating question on the online survey

How well developed is this skill in Law Graduates at the start of employment? ____ *
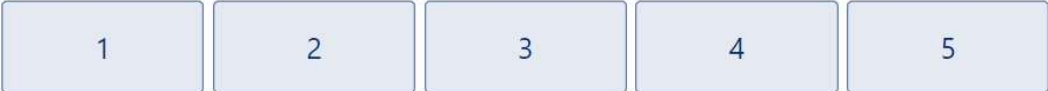
1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed

☆ ☆ ☆ ☆ ☆
1   2   3   4   5

Figure 3.15. Example of a 1-5 scale rating on the online survey

→ How important would you say the use of technology is in your role? *

1=very unimportant, 2=unimportant, 3=neutral, 4=important, 5=very important

| 1 | 2 | 3 | 4 | 5 |

Although deciding between starting the scale at 0 or 1 seemed pedantic, I decided to start at 1, as it would be more contextually accurate. The questions which used numeric scales sought to gather data on the importance of certain phenomena (e.g. use of technology or how well developed certain skills were in law graduates). 0 would imply non-existence (e.g. 'not important' or 'not developed'), and I considered this to be impossible from my review of the relevant literature. I was conscious that rating questions were less engaging than some of the other types of questions used in the survey, posing the risk of participants becoming subject to central tendency[698]

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[698] Central tendency or extreme response bias is described as the reluctance of respondents to use extreme positions. See Brace (n 620) 86

and pattern answering.[699] I tried to minimise this risk by inserting rating questions between other question types instead of having a consecutive string of rating questions. Displaying only one question at a time on the screen was also another measure taken to reduce this risk.

In the multiple-response question (sometimes known as multi-chotomous),[700] I provided participants with a number of possible pre-coded responses, allowing them to 'select all applicable options' without restriction on the number of selections. There was only one multi-response question in the survey where I asked legal educators in the demographic section to identify all the roles in which they were involved (e.g. lecturer, tutor, supervisor in a law clinic). I limited my use of multi-response questions due to the complexity involved in analysing this data. The only multi-response question used in the survey is shown below in Figure 3.16.

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[699] Pattern answering is said to occur when a respondent falls into a routine of ticking boxes in a pattern, which might be straight down the page or diagonally across it. It is often a symptom of fatigue or boredom. See Brace (n 620) 86

[700] Brace (n 620) 67

Figure 3.16. Multi-response question used on the online survey

At my University, I am *

Please select all the options that are applicable to you. If Other, please specify your role.

Choose as many as you like

A   a lecturer

B   a tutor (for workshops/seminars/tutorials)

C   a supervisor/mentor/involved in the Law Clinic/Student Law Office

D   involved in some interactive/experiential teaching modules

E   Other

All single and multiple-response questions had a free-text choice, as the 'Other' option prompted respondents to 'please specify' (short free-text field) when this option was selected,[701] except for numeric rating questions. To design options for the closed-ended questions, I had to presume participant opinions based on my knowledge of the literature reviewed. However, this presents the risk of data collected being inaccurate or unreflective of participants' genuine opinions if none of the options applied to individual participants. Therefore, these short free-text fields were integrated into the survey to gain more insight into participants' opinions when none of the available options applied to them. It is important to note that the free-text fields in the 'Other' options were not genuine open-ended questions, as Brace suggests participants tend to try to fit their answer to one of the responses provided when this

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[701] Excluding scale and star rating question types

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approach is taken in a survey design.[702] Based on responses received, although very few participants selected the 'Other' option in the questions on the survey, I found Brace's observation to be true as the descriptions provided closely aligned with the options I had presented to participants.

3.4 Analysis of Data Collected from Online Survey

I began my analysis when the survey closed. Chamberlain and others note that it is common practice for researchers to collect all the data before examining it to determine what it reveals.[703] Although I had contemplated gathering and analysing the data simultaneously, I decided not to do this as I would not have a bigger picture of all the data, possibly influencing how I analysed the data. An advantage of using Typeform as my data collection tool was that Typeform generates reports and Excel spreadsheets of the survey responses, which could be downloaded. The reports also produced some charts of quantitative responses gathered. The analysis provided by Typeform was not granular enough to be relied upon entirely, but they were a helpful starting point. Having a spreadsheet containing all the quantitative and qualitative data from all the streams saved a lot of time and effort as I did not need to manually record all these responses individually into an Excel spreadsheet or NVivo to begin my data analysis.

Some critics suggest that using computer-assisted functionality sacrifices depth for breadth when analysing qualitative data as it encourages applying quantitative principles such as frequency counting to texts. However, criticisms such as these have a narrow understanding of computer-assisted functionality, as they do not relieve the researchers from having to conduct analytic processes to explore the

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[702] Brace (n 620) 66

[703] Kerry Chamberlain, Camic Paul and Yardley Lucy, 'Qualitative Analysis of Experience: Grounded Theory and Case Studies', *Research Methods for Clinical and Health Psychology* (SAGE Publications 2003).

meaning of the data.[704] It also overlooks the efficiency of computer-assisted functionalities, such as performing a textual search for a particular string of characters so that all data containing specific words or phrases can be retrieved in little time. This aids the coding process and allows the researcher to scrutinise data held within each code and re-code more efficiently, as less time is spent manually carrying out tasks such as these. As Bloor and Wood suggest, this 'iterative process allows the indexing, modification and elaboration of data into a tree-like structure where the branches represent progressively more fine-grained analysis'.[705]

I analysed my qualitative and quantitative data sequentially. I analysed all my qualitative data on NVivo first. Once I had completed my qualitative data analysis, I started analysing my quantitative data. For the quantitative data, I used Microsoft Excel alone. Typeform had already done some broad analysis for me which could be exported to Excel. With this, I did a more granular analysis of the quantitative data to produce the bar charts, graphs and tables shown in this thesis. Once I had analysed both sets of data, I compared the two datasets against each other. Using the qualitative data, I tried to better understand why the quantitative data statistics were the way they were. Using the quantitative data, I tried to understand the extent and scale of the phenomena described by my participants from their qualitative responses. I describe my analysis of these individual datasets in the following subsections.

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[704] Bloor and Wood (n 570) 37
[705] Ibid, 36

3.4.1 Qualitative Data

I adapted my methods throughout the analysis as themes emerged in my qualitative data. I used content analysis to extract categories from the data in the initial stages of analysing the qualitative data. It is said that the focus of research using qualitative content analysis is on the characteristics of language as communication, with attention to the content or contextual meaning of the text.[706] I believe this is the approach that I had taken in the initial stages of analysing my qualitative data – I was not only looking for keywords or phrases used by my participants but for the context in their use of that language too. At this stage, I wanted to know about my participants' actual behaviours, attitudes,[707] opinions and assumptions, and I wanted to understand how the pandemic had affected legal education and legal practice. However, what I also did at this time was categorise these keywords, phrases, and contexts into wider themes. This led to some confusion as the literature on these methods is unclear, making me doubt whether the approach I was applying was content analysis, thematic analysis, or something entirely different.

Some scholars note that the lack of consistency and the absence of a clear boundary between thematic analysis and content analysis often result in the application of titles such as "thematic content analysis"[708] or result in these terms often being used interchangeably.[709] The lack of clarity on how researchers should choose between

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[706] For example, see Donald G McTavish and Ellen B Pirro, 'Contextual Content Analysis' (1990) 24 Quality & Quantity 245; Renata Tesch, *Qualitative Research: Analysis Types and Software* (Routledge 1990)

[707] Ten Have Paul, *Understanding Qualitative Research and Ethnomethodology* (1st edn, SAGE Publications 2004). See also Mojtaba Vaismoradi, Hannele Turunen and Terese Bondas, 'Content Analysis and Thematic Analysis: Implications For conducting a Qualitative Descriptive Study' (2013) 15 Nursing and Health Sciences 398. 400.

[708] Judith Green and Nicki Thorogood, 'Analysing Qualitative Data', *Qualitative Methods for Health Research* (SAGE Publications 2004).

[709] Margarete Sandelowski and Jennifer Leeman, 'Writing Usable Qualitative Health Research Findings' (2012) 22 Qualitative Health Research 1404.

the two approaches[710] also led to further confusion. Vaismoradi and others note that the confusion around the terminology of these approaches are warranted, considering the similarities that both approaches share.[711] Both approaches essentially group texts into smaller content units and submit them to descriptive treatment. However, as I kept sifting through the literature, it became apparent that although both approaches allow for qualitative data analysis, content analysis allowed me to analyse data qualitatively and quantify it simultaneously.[712] My categorisation of language into broader themes was the beginning of my descriptive approach in 'coding' the data, which would later help me interpret the quantitative aspects of the codes.[713]

The difference in the output of both types of analysis also reassured me of my use of content analysis. Thematic analysis provides a purely qualitative and detailed description of the data,[714] whereas content analysis allowed me to describe the qualitative data as well as quantify them. The quantification of qualitative data through content analysis goes beyond being a 'counting game'[715] which merely counts words. Instead, it examines language intensely to classify large amounts of text into an efficient number of categories representing similar meanings. Although both approaches are said to be largely based on the 'factist' perspective, which assumes data to be more or less accurate and truthful indexes of the reality out there,[716] the output of content analysis allowed me to present this reality using words as well as figures.

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[710]Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3 Qualitative Research in Psychology 77.

[711] Vaismoradi and others (n 707) 400.

[712] Carol Grbich, *Qualitative Data Analysis : An Introduction* (2nd edn, SAGE Publications 2013).

[713] Barbara Downe-Wamboldt, 'Content Analysis: Method, Applications, and Issues' (1992) 13 Health Care for Women International 313. 316

[714] Braun and Clarke (n 710)

[715] Downe-Wamboldt (n 713) 314

[716] Margarete Sandelowski, 'What's in a Name?Qualitative Description Revisited' (2010) 33 Research in Nursing & Health 77. 80

i. *Content Analysis – The Conventional Approach*

I used a conventional approach for my content analysis as I had intentionally decided not to start my analysis without any preconceived categories.[717] I wanted to immerse myself in the data to allow new insights to emerge.[718] This process has also been described as inductive category development by some scholars.[719] This approach aligns with the constructivist-interpretivist in me who desires to make meaning from my data. The conventional approach to content analysis allowed me to gain direct information from my data without imposing preconceived categories or theoretical perspectives. It generated knowledge based on my participants' unique perspectives grounded in the actual data.[720] At this point, it is important to note that this approach is not the same as the Grounded Theory Method or phenomenology, which goes beyond content analysis to develop theory or a nuanced understanding of the lived experience.[721] My conventional content analysis used data to develop concepts or models informed by participants' insight and experiences in their roles, but not theory or a nuanced understanding of a particular phenomenon.

I have arguably entered my content analysis through a text-driven point that Krippendorrf refers to as 'fishing expeditions'.[722] The text-driven point of entry aligns with my approach as I started without an explicit research question in mind when analysing the data. I began by familiarising myself with the data, followed by some

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[717]Nancy L Kondracki, Nancy S Wellman and Daniel R Amundson, 'Content Analysis: Review of Methods and Their Applications in Nutrition Education' (2002) 34 Journal of Nutrition Education and Behavior 224.
[718] Ibid
[719]Philipp Mayring, 'Qualitative Content Analysis' (2000) 1 Forum Qualitative Social Research; W James Potter and Deborah Levine-Donnerstein, 'Rethinking Validity and Reliability in Content Analysis' (1999) 27 Journal of Applied Communication Research 258. 264
[720]Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology* (Second, SAGE Publications 2004). 48
[721] Kent Lindkvist, 'Approaches to Textual Analysis' (1981) 9 Advances in Content Analysis 23.
[722] Krippendorff (n 720) 32

'housekeeping' chores,[723] before exploring the intertextualities[724] in my data. My use of NVivo as an aid to systematically and effectively make memos, notes and comments whilst exploring the data is referred to as 'interactive-hermeneutics' by Krippendorrf.[725] This practice is arguably a method deployed to counter my natural human tendency to read and recall selectively. I have used Elo and Kyngäs' three-phase framework for content analysis. This framework is simple, and it is reflective of the approach that I adopted. I structure the discussion of my analysis process later in this subsection based on the three phases of this framework - preparation, organising and reporting.

In my earlier sections, I discussed how certain aspects of social science research is often subject to scrutiny in the wider research community. As an approach that has come largely from the traditions of political analysis, literary scholarship, ethnography, and cultural studies,[726] content analysis approaches are no exception and have been criticised for being 'unsystematic in their uses of texts and impressionistic in their interpretations'.[727] Criticisms such as these raise concerns around the findings' accuracy and credibility. In an attempt to defend the rigour of content analysis from criticisms that it is only concerned with the surface meaning of text analysed,[728] some academics have described content analysis as a much more complicated process than it is. Lincoln and Guba described this as 'credibility within the naturalistic paradigm of trustworthiness or internal validity within a paradigm of reliability and

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[723]Krinppendorff refers to cataloguing the texts, unitising the body of text into "packages" that can be handled more or less independent of each other as 'housekeeping' chores. See Krippendorff (n 720)
[724] Krippendorff (n 720) 310
[725] Ibid, 303-307
[726] Russell Harvey Bernard and Gery W Ryan, 'Text Analysis, Qualitative and Quantitative Methods', *Handbook of methods in cultural anthropology* (AltaMira Press 1998).
[727] Krippendorff (n 720) 87
[728] Bloor and Wood (n 570)

validity'.[729] The generalisability, validity and reliability of my findings are discussed in 3.4.3. To establish credibility of my findings, I have discussed my procedures extensively in this section to provide a transparent account of my analysis process.

ii. Why not Directed or Summative approach?

The starting point of content analysis using the directed approach is to use existing theory and prior research deductively[730] to create predetermined codes before sifting through the data. The text from the data would then be assigned to these predetermined codes, and any text that could not be categorised with the initial coding scheme would be given a new code. Although this approach is said to be more structured and informed than the conventional approach,[731] the limitations of this approach were that there would be too much risk of bias in my analysis. Considering the constructivist-interpretivist approach that I have taken, it would have been likely to find evidence that was supportive rather than non-supportive of my theories had I taken this directed approach.[732] The summative approach calls for quantification of the qualitative data. Although I have presented some of my qualitative data in a manner which appears to look quantitative (e.g. bar charts), I had not quantified this data by assigning numerical value to texts as I was only interested in the context and scope of the phenomenon described by my participants. I had no intention of statistically quantifying this data as I already had quantitative data which served this purpose.

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[729] Yvonna S Lincoln and Egon G Guba, *Naturalistic Inquiry* (SAGE Publications 1985).
[730] Potter and Levine-Donnerstein (n 719) 264
[731] Gary Hickey and Cheryl Kipping, 'A Multi-Stage Approach to the Coding of Data from Open-Ended Questions' (1996) 4 Nurse Researcher 81.
[732] Krippendorff (n 720)

As quantification is not a defining criterion for content analysis, I prioritised presenting direct quotes from my participants in a clear visual format instead of producing charts and graphs,[733] as I wanted participant voices to be clear to the reader. I was also wary that the frequent occurrence of a particular code was not necessarily an indicator of greater importance as it could simply indicate a greater willingness or ability to discuss a particular code.[734] With this awareness, I actively took measures to minimise this risk. Where a participant repeatedly used the same (or similar) word in their response, I grouped all those repetitions as one code. I believe taking this approach increased the validity of my findings as it allowed me to be transparent with the reader, and enabled me to share direct quotations of participants. By doing this, the reader can see how I have coded, noded and clustered my data and understand how I have come to my findings. As data is a result of my procedures, my discretion in coding, noding, and clustering, and my understanding of the literature on these categories, it would be accurate to say that the data has been made, not found.[735]

iii. Preparation

My first step in preparation for analysis was to download the spreadsheet of all data, quantitative and qualitative, from Typeform. I then made copies of this original document to save before editing the document to begin analysis. I then separated the data into four main tabs – practitioner, educator, both, other. I went through all the data to ensure that all participants met the eligibility criteria, and to exclude any who did not. At this stage, there were two ambiguous participants in the 'Other' category who identified as 'law graduate, not practicing' and 'LPC graduate, looking for work'

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[733] Krippendorff (n 720) 87
[734] Lucy Yardley and Hélène Joffe, 'Content and Thematic Analysis', *Research methods for clinical and health psychology* (SAGE Publications 2004), 66
[735] Krippendorff (n 720) 81

but did not describe how they were currently involved in legal education or legal practice. However, I decided to retain responses from these participants as the perspective of presumably recent graduates of legal education was valuable and relevant. As a result, no responses were excluded from the dataset.

At this stage, I also went through the demographic section of the data specifically to ensure participants identified under the appropriate streams. Upon exploration of these responses, some participants that had identified as 'Other' did not appropriately belong to the 'Other' category based on descriptions they had provided of their roles. I used my discretion to re-categorise these participants and their responses based on the descriptions provided of themselves. More specifically, these participants identified as 'In house solicitor with a practising certificate' whom I re-categorised as Practitioner, a 'graduate tutor' whom I re-categorised as Educator, and a 'Practicing solicitor managing service in university law firm supervising students, but not an academic legal educator' whom I categorised as Both.

Table 3.4. Final make-up of participants once data from Part 1 was cleaned

Legal Practitioners (28)	*The breakdown of participants in this stream are as below* • Trainee Solicitor (12) • Practising Solicitor (12) • Legal Executive (3) • Paralegal (3) • Practising Barrister (2) *Other (1):* • In house solicitor with a practicing certificate
Legal Educators (49)	*The make-up of participants in this stream are as below. Due to the nature of Legal Education, many participants in this stream were involved in multiple educator-related roles. Therefore, the figures below add up in excess of the number of total participants in this stream.* • Lecturer (39) • Tutor (27) • Involved in experiential/interactive teaching modules (18) • Clinician (15) *Other (4):* • Lead of Student Legal Advice Centre • Chief Executive • Graduate Teaching Assistant • Graduate Tutor
Both (8)	*The make-up of participants in this stream are as below. All participants in this stream were involved in both, practitioner and educator-related roles. Due to the nature of Legal Education, many of these participants were involved in multiple educator-related roles. Therefore, the figures below add up in excess of the number of total participants in this stream.* *Legal Practitioner roles:* • Practising Solicitor (6) • Practising Barrister (1) *Legal Educator roles:* • Tutor (6) • Lecturer (5) • Clinician (4) • Involved in experiential/interactive teaching modules (3) *Other (1):* • Practicing solicitor managing service in university law firm supervising students, but not an academic legal educator
Other (4)	*The breakdown of participants in this stream are as below* • County Court Clerk • IT Consultant • LPC graduate looking for work • Law graduate, not practicing

Once this had been done, I removed Part 1 data from all four tabs of the Excel document that I was working on. The remaining data in Part 1 was quantitative data about participants' demographics, and I was not going to analyse this any further. I merged data from the 'both' and 'other' tabs as there were few participants in both these streams. I then exported these three tabs to NVivo for further preparation for analysis. The Excel spreadsheet with cleaned data is shown below in Figure 3.17.

Figure 3.17. Cleaned data for all survey sections on practitioner tab on Excel
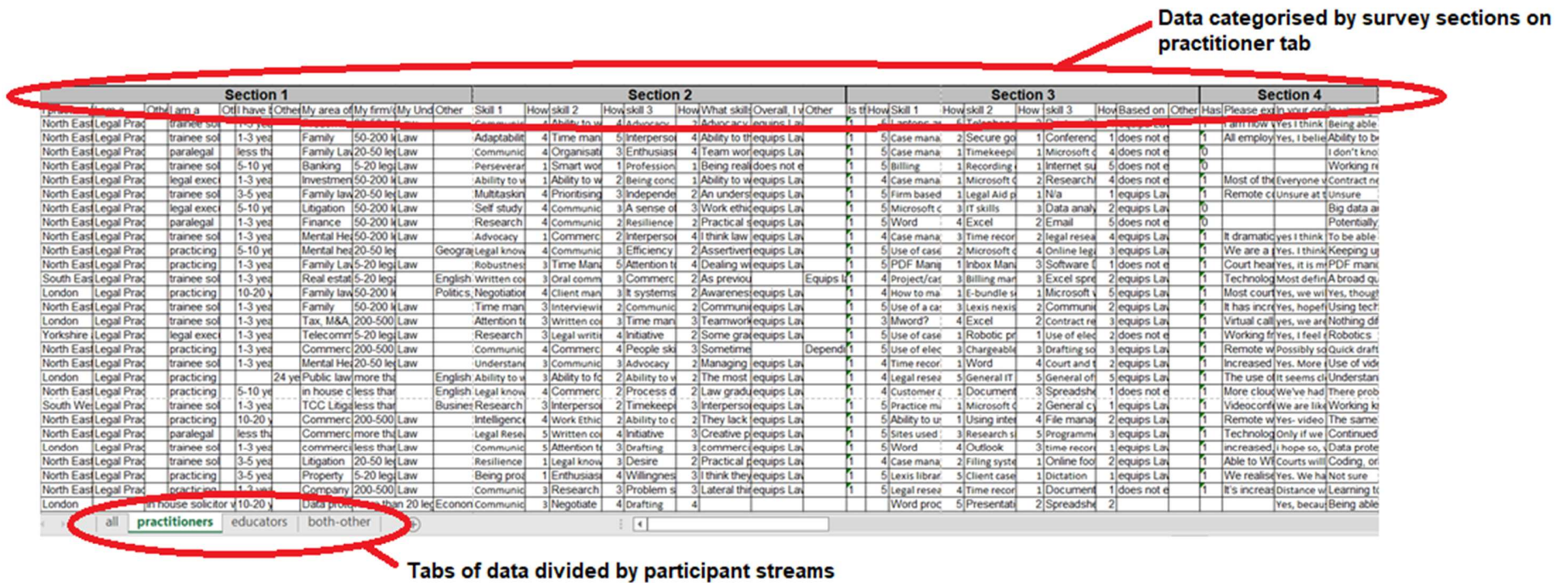
iv. Organising

On NVivo, I prepared three folders for 'general skills', 'technological skill' and 'future skills' to facilitate coding of the qualitative data according to survey sections. I started with the data from Part 2 (general skills), in the order of Practitioner, Educator, and then Both/Other streams. Once I had completed organising data from Part 2, I repeated this process in the same order for Part 3 (technology skills), and then again for Part 4 (future skills). My reason for this sequence was that I wanted to get a feel for what all my participants were saying about a particular section of questions before moving on to the next. I had contemplated organising all data in order of streams instead of sections. However, this would have meant that I would have spent a significant amount of time getting input from one stream alone about all the sections of the survey, and there was a risk that I would approach the next stream of data with preconceived ideas and categories already in mind (tending towards a demographically driven deductive approach instead of my intent to be more inductive).[736] This approach would have also made it more challenging for me to make connections and comparisons between what participants from different streams were saying about a particular issue as I would have been analysing data that related to more than one issue at a time before I moved on to the next stream.

For each dataset, I started by reading all the free-text answers repeatedly to 'achieve immersion and obtain a sense of the whole'.[737] Once I had gained a bigger picture of what my data was saying, I started to read these responses word by word to derive my initial codes.[738] The basic coding process in content analysis is to organise large

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[736] Potter and Levine-Donnerstein (n 719) 264
[737] Tesch (n 706)
[738] Matthew B Miles and A Michael Huberman, *Qualitative Data Analysis* (2nd edn, SAGE Publications 1994; David L Morgan, 'Qualitative Content Analysis: A Guide to Paths Not Taken' (1993) 3 Qualitative Health Research 112.

quantities of text into much fewer content categories.[739] I did this initial coding by highlighting the exact words from the text that appeared to capture key thoughts or concepts. Then I put these exact words (i.e. time management, organising, prioritising) into 'node' categories on NVivo. Over time, as I kept immersing myself in the data, I began to see that some words used represented more than one meaning as there were contextual elements to consider in the language used by participants. For example, when they named 'listening' as a skill, I was unsure whether participants were referring to 'comprehension' or if there was a context-specific meaning attached to the term 'listening'. When the context was not clear to me at first glance, I noted these codes and returned to them later.

Once I had sifted through all the free-text responses for a particular dataset and marked them up as codes, this became the initial coding scheme for that dataset which helped me then organise this data into wider categories.[740] The development of a clear and transparent coding scheme is said to be central to trustworthiness in research using content analysis.[741] Therefore, I went back and forth between the literature that I reviewed, excerpts, concepts, categories and sub-categories to ensure that the themes I was generating were well-informed and supported by the literature. As part of this process, I examined my initial coding scheme against published frameworks of transferable skills to better understand how the skills named in my data related and linked to each other. At this stage, many highlighted codes related to each other but were not grouped together because different words had been used (i.e. problem-solving, strategic thinking, critical analysis) and relationships had to be

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[739] Robert Philip Weber, 'Content Analysis', *Basic Content Analysis* (Second, SAGE Publications 1990).
[740] M Scott Poole and Joseph F Folger, 'Modes of Observation and The Validation of Interaction Analysis Schemes' (1981) 12 Small Group Behaviour 477.
[741] Ibid

established between some of these. This called for the clustering of data within categories where I 'formed perceptual wholes from things that are connected, belong together, or have common meanings, while separating them from things whose relationships seem accidental or meaningless'.[742]

Within these emergent categories, I organised and grouped these codes into meaningful clusters[743] based on the NRC taxonomy of skills discussed under 2.1.4(iii). Vaismoradi and others describe this process of coding, categorising, and comparing as a step in the Elo and Kyngäs'[744] organising phase in content analysis.[745] To help with my organisation of these categories into a hierarchical structure,[746] I had developed a handwritten tree diagram. I have replicated that diagram digitally in Figure 3.18 below.

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[742] Krippendorff (n 720) 210

[743] Amanda Coffey and Paul Atkinson, 'Concepts and Coding', *Making Sense of Qualitative Data* (SAGE Publications 1996; Michael Quinn Patton, *Qualitative Research & Evaluation Methods* (3rd edn, SAGE Publications 2002).

[744] Satu Elo and Helvi Kynga¨s, 'The Qualitative Content Analysis Process' (2008) 62 Journal of Advanced Nursing 107. 110

[745] Vaismoradi and others (n 707) 402.

[746] With a conventional approach to content analysis, Morse and Field suggests relevant theories or other research findings are addressed in the discussion section of the study. The discussion should include a summary of how the findings of the study contribute to knowledge in the area of interest and suggestions for practice, teaching, and future research as I have done in this Chapter 5 of this thesis. See Janice M Morse and Peggy Anne Field, *Qualitative Research Methods for Health Professionals* (2nd edn, SAGE Publications).

Figure 3.18. Digital replication of the data organisation tree-diagram for a participant stream of qualitative responses
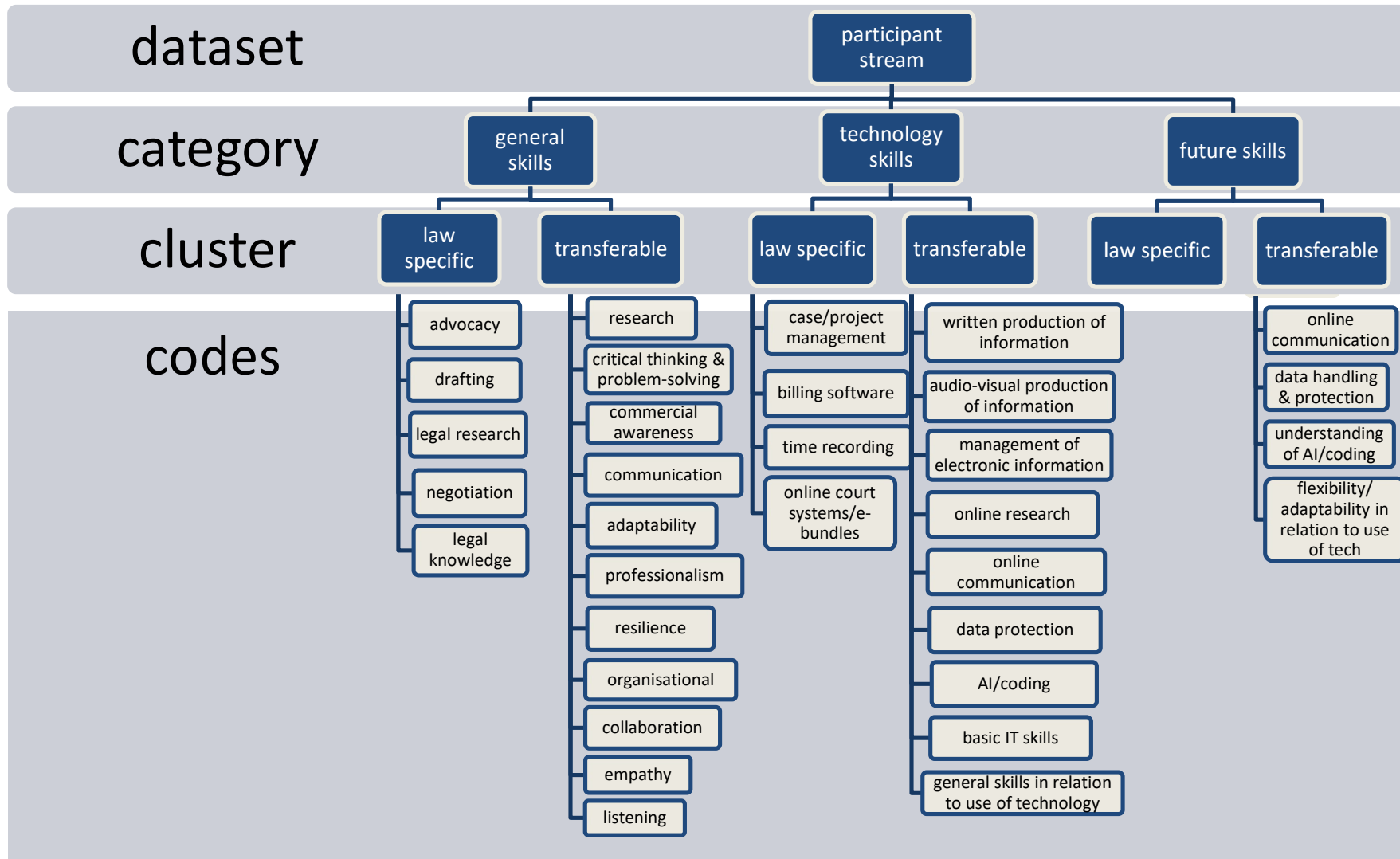
v. Reporting

Once I completed all my qualitative analysis, I moved on to the quantitative analysis on Excel in the same order of datasets as I did for my qualitative data. I then compared the qualitative data against the quantitative data to make some observations and comparisons. As some findings started to emerge in my data, I noted them in my draft Report of Findings chapter at that time to expand on and explore in light of existing literature. I will discuss my quantitative and concurrent methods in the following subsections below. Once all the data was analysed, I started visualising the data in graphs and charts to present my findings in this thesis. As part of this process, I went back into the qualitative data to select some free-text responses to provide a narrative in Chapter 4. I did not provide much discussion of my own in Chapter 4 as I wanted the participant voice to be clear to the reader when reading this chapter; and I intended for the chapter to be a report of my findings in the data. My discussions on the findings are presented in the final Discussion chapter of this thesis.

3.4.2 Quantitative Data

This research does not intend to make statistical contributions to the field and does not claim generalisability due to the small sample size and the volunteer sampling method used. I discuss this in more detail in 3.4.3. However, for context here, I believe it necessary to inform the reader of what I have and have not done with the quantitative data. Although I have presented some statistics in Chapter 4, I did not consider statistical formulas concerning matters such as weighting because of my sampling methods and sample size. The quantitative data in this study is only a representation of statistics concerning the participants in my study, and it provides

insight into my participants' views about some of the phenomena examined in the online survey. In addition to this, it would have been negligent and irresponsible for me to use any complex statistical formulas without the necessary skill to do so. Doing so would subject me to criticisms such as those of Gill, who describe the pressure on researchers to engage with complex analysis despite having neither the requisite skills nor the time to acquire them as 'the hidden injuries of neo-liberal academia'.[747] Despite what some might call as pressures of neoliberal regimes in academia, I have prioritised transparency of my methods over 'pretending to be coherent and tidy.'[748]

The features on Microsoft Excel were sufficient to analyse all the quantitative data in this research. I considered two main aspects when analysing the quantitative data from my online surveys, (i) data capture, and (ii) data visualisation. Data capture is often used to describe the process of entering numeric data into electronic files. In online surveys, the respondent enters the data directly into electronic files when they make selections on the survey.[749] This significantly eased the process of capturing the quantitative data as all the relevant data was already available to me on an Excel spreadsheet. My role in relation to data capture was simply to ensure all the quantitative data belonged to the correct streams after I had cleaned the data as described in 3.4.1(iii) and to prepare the data for visualisation.

To some extent, I had already prepared the data for quantitative analysis by separating the responses into tabs by the streams as shown above in Figure 3.17. On these tabs, I then removed all qualitative data (which was analysed on NVivo) apart from responses to 1-5 rating questions which I was going to analyse quantitatively

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[747]R Gill, 'Breaking the Silence: The Hidden Injuries of Neo-Liberal Academia'', *Secrecy and Silence in the Research Process: Feminist Reflections* (Routledge 2009) cited in Nigel G Fielding, Raymond M Lee and Blank Grant, *The SAGE Handbook of Online Research Methods* (2nd edn, SAGE Publication 2017).

[748]E Ruppert, 'Visualising a Journal: Big Data and Society'', *Paper presented at the ICS Visual & Digital Cultures Research* (2014) cited in Fielding and others (n 747).

[749] Robert M Groves and others, *Survey Methodology* (2nd edn, Wiley 2009). 344

using Excel formulas. I analysed and visualised data from Part 1 (demographic data) for all streams, and then removed Section 1 data from all tabs before further analysis of the data from the other sections of the survey. On each tab, I then separated each survey section into individual tabs so that data could be analysed in a more methodological manner as shown below in Figure 3.19.

Figure 3.19. Further separation of data by survey sections

Tabs of data divided by streams and sections for quantitative analysis

Data visualisation is the process by which data is converted into visual representations to help people make sense of data.[750] Although the idea of turning numbers into graphs or charts may seem like a simple task to a novice researcher, experience has now taught me that the visualisation of data requires significant thought and planning. I spent a lot of time contemplating the representation and presentation of data as part of my data visualisation process. Albeit related, the two are distinct from each other. Kennedy and Allen describe decisions on representation as choices about the visual form in which the data will be portrayed whereas presentation is concerned with the visualisation design, such as colour choice, composition, level of interactivity and annotation.[751] These were important aspects to consider as visualisation communicates data and facilitates a reader's understanding of what the data means.[752] As my visualisation was the means through which readers gained access to the data in my research, I prioritised being as transparent as possible[753] to avoid presenting the data in a manner that may be misleading or confusing. However, I was also mindful that despite my efforts to be as transparent as possible about the data, data visualisations are not neutral windows onto data as the process of visualisations is the result of numerous subjective choices on my part[754] and therefore, it was important to remind readers of this.

Considering I had three streams of participants on my survey, I wanted to visualise the quantitative data in a manner which reflected this, so the opinions of one stream

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[750]Helen Kennedy and William Allen, 'Data Visualisation as an Emerging Tool for Online Research', in Fielding and others (n 747) 308

[751] Ibid

[752] A Kirk, *Data Visualisation: A Handbook for Data Driven* (Sage Publications 2016) and Helen Kennedy, 'How Do Visualization Professionals about Users?' <http://seeingdata.org/> in Fielding and others (n 747) 308

[753]S Few, *Show Me The Numbers: Designing Tables and Graphs to Enlighten* (Analytics Press 2012) and RN Zambrano and Y Engelhardt, 'Diagrams for the Masses', *Diagrams 2008* (Springer Verlag) in Fielding and others (n 747)

[754] Helen Kennedy and William Allen, 'Data Visualisation as an Emerging Tool for Online Research' in Fielding and others (n 747) 309

were clear against another. When contemplating representation, I considered different types of charts and graphs that might be able to visualise the data comparatively. Although some data in this thesis is represented in tables, I only did so where necessary, as I was aware that it is not always possible to 'see' the data when they are in a tabular form.[755] Where charts and graphs were used, I considered many aspects in relation to their presentation: range of scales, orientation of bar charts (horizontal or vertical), appropriate labels for axes, and annotation. I had initially annotated data for each stream in the form of percentages. However, when presented comparatively, it gave the reader the impression that these percentages represented the total sample size instead of per stream. Some input from my supervisors informed my considerations on alternate ways to present this comparative data. I decided using numerical values with some description in the footnotes to be the most transparent way to present this data.

I also considered the use of colours in the presentation of the graphs and charts. Colour is said to be a particularly important dimension of visualisation because it is a powerful sensory cue and therefore, an influential visual property that can immediately impact the readers.[756] Although I considered colour coding to be a means that decreased participant accessibility for my online surveys, it was a means of visualising the comparative data in this thesis. I considered alternative means, such as using patterns instead of colours in these charts and graphs to increase accessibility to readers, but they were not effective and presented the risk of confusion. I also considered using interactive charts and graphs in this thesis which displayed different datasets as the reader clicked on the graphic in this thesis.

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[755] Helen Kennedy and William Allen, 'Data Visualisation as an Emerging Tool for Online Research', in Fielding and others (n 747) 308
[756] Ibid, 316

However, I would not have been able to submit a thesis document which adhered to the university requirements for submission had I done this. Therefore, in the absence of other options, I used colour to establish meaning in the comparative data but not to provide decoration.[757] Additionally, the colours chosen for graphs and charts in this thesis have been intentionally picked to be as colour-blind friendly[758] as possible. Additionally, patterns and labels have been used on all graphs and charts to reduce the need for any reader to rely on colour alone to make sense of the visualisations presented in this thesis.

3.4.3 Generalisability, Validity and Reliability

As discussed earlier in this chapter, the entire target population is rarely available to a researcher, so a researcher can usually only generalise an accessible population. Although the former is the researcher's ideal choice, the latter is usually the realistic choice.[759] It was not realistic or achievable for me to collect data from the entire target population in my research which encompassed all legal educators, legal practitioners and those involved in either or both aforementioned in England and Wales. As discussed in 3.3.2, through volunteer sampling, I ended up with a sample of 89 participants. As the sample size was an insignificant proportion of the target populations, generalisations cannot be made about entire target populations based on the data collected. However, considering the mixed methods used, it is key to remember that this research project has a qualitative component, and that qualitative research typically uses small samples. Generally, samples that rely on respondents volunteering to participate cannot be used to make inferences about a population, no

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[757] Ibid

[758] Mafalda Falcão Ferreira, 'The Information Visualization Thematic, Head to Head with Color Blindness' <https://www.researchgate.net/publication/313657827_The_Information_Visualization_Thematic_Head_to_Head_with_Color_Blindness>.

[759] Fraenkel and Wallen (n 640) 91

matter how large the sample size is. Some critics of the volunteer sampling methods would even go so far as to say 'at best, they are entertainment; at worst, they give misleading statistics'.[760]

Rather than aiming for statistical or empirical generalisation, qualitative research often seeks to produce theoretically generalisable concepts.[761] My interest in making conceptual, instead of empirical, contribution in the field is related to the discussion on validity and reliability of this research. Fraenkel and Wallen describe validity as the extent to which the research produces an accurate version of the world, and reliability as the extent to which research produces the same results when replicated.[762] Although a small sample size was used, the research has validity as it has been substantiated by other current research and relevant literature in the field. Validity is said to be improved by thorough data analysis in which the researcher searches for deviant cases, thereby revising the theory in light of the data.[763]

As described earlier in this chapter, this was the approach that I adopted as I revisited the literature as a guide during analysis and revised my discussions accordingly to understand the data I was analysing. Scholars have argued that from a qualitative perspective, validity reflects a need to provide an improved understanding of the research subject rather than improved accuracy.[764] As the purpose of the quantitative components of my research were to better understand the extent and scale of the phenomena described by my participants, I had no desire to present these findings empirically. In fact, doing so would be deceptive, potentially reducing the validity of

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[760] Ede Leeuw, Joop J Hox and Don A Dillman, *International Handbook of Survey Methodology* (n 543) 102
[761] Bloor and Wood (n 570) 93
[762] Ibid, 147
[763] Ibid, 148
[764] Norman K Denzin, 'Strategies of Multiple Triangulation', *The Research Act: A Theoretical Introduction to Sociological Methods* (3rd Edition, Prentice-Hall 1989); Bloor and Wood (n 570) 148

this research project as the sample size was small and unsuitable for making statistical contributions to improve accuracy in the field.

Some argue that reliability is impossible to achieve in practice as different researchers will always produce different versions of the social world. It is also important to note here that some degree of bias will be involved in these accounts of the social world. Arguably, this means that another researcher cannot produce identical results in their attempt to replicate the study as they are produced in different circumstances. However, in Bloor and Wood's view, there are 'no such things as biased accounts, only differently situated accounts drawing on different perspectives'.[765] Some strategies suggested to improve reliability include documenting the process of analysis. Another response is increased reflexivity, whereby researchers are encouraged to remain mindful that they are part of the social world they study and should therefore consider how their own values or biographical experiences may influence their perceptions of the culture.[766] I have discussed my approach to both of these methods in 3.1.1.

However, here, it is important to note that reflexivity is distinct from reflectivity as it is the awareness of one's self in the situation of action and of the role of the self in constructing that situation as opposed to focusing on the constitutive role of the self. Although some scholars suggest reflexivity to be good practice in research[767] and a 'relief' as academic scholarship abandons the pretence that the author is absent from the text,[768] there are critics such as Atkinson who find that reflexive accounts can be overdone as 'no reader, apart from the author's mother, will be engaged by a

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[765] Bloor and Wood (n 570), 23
[766] Ibid
[767] Ibid, 147
[768] C Geertz, *Works as Lives: The Anthropologist as Author* (Polity 1988) cited in Bloor and Wood (n 570)

research report which is too self-referential'.[769] However, as discussed throughout this chapter, I believe my transparency of methods, approaches, reflexive and reflective accounts have increased the reliability of my research and would allow for similar (not identical) results to be replicated should another researcher conduct my research using the methods and approaches outlined in this thesis. Where there may be discrepancies between my research and another researcher's replication of this research, I believe my transparent account provides sufficient justification for how I have interpreted and constructed the knowledge presented in this thesis.

3.5 Content Analysis of curricula from 107 LLB providers across England and Wales

In previous chapters, I discuss my findings from the review of curricula from 107 LLB providers across England and Wales. This had not been a method intended in the initial project plan. However, considering the technological transformation catalysed by the pandemic, it was necessary to be informed on whether and how providers adapted their LLB programmes to prepare their graduates for the transformed workplace. As no single source of information contained data on the LLB programmes offered across England and Wales, I explored LLB provider websites to understand LLB provisions for the academic year 2021/2022. This informed my discussion on the content of LLB degrees today which was discussed in 2.3. This began as an exploratory search to inform my own understanding, as little information was available. However, as I kept exploring these websites, some patterns started to emerge, which I intended to explore in a more organised manner to discuss in this thesis.

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[769] P Atkinson, *The Ethnographic Imagination: Textual Constructions of Reality* (Routledge 1992) cited in Bloor and Wood (n 570)

Based on the literature that had already been explored for this thesis, there were a few specific issues that I was particularly interested in reviewing in the LLB provisions across England and Wales. More specifically, I was interested in knowing what LLB providers' approaches were in relation to (i) CLE, (ii) work experience, (iii) technology-based modules/activities, (iv) dissertations and research projects, (v) delivery of the FLK, (vi) whether providers of professional PG law courses were more inclined to integrate legal practice knowledge and skills into their LLB curricula, and (vii) if any providers had bespoke approaches for international students. These criteria served as categories for the data I was going to document from LLB provider websites. I used Excel as I intended to analyse this data through a simple colour coding scheme by sorting the data according to four predetermined codes informed by the literature discussed in 2.1.4(iv) – 'built-in compulsory', 'built-in elective', 'bolt-on', 'none'.

A list of LLB providers was compiled from SRA and UCAS websites resulting in a sample of 107 LLB provider websites. These websites were then visited individually, and the programme descriptions and module descriptors for the LLB offerings were examined and documented. Where available, LLB offerings for the year 2021/22 were examined. However, where the relevant academic year was not indicated, descriptors were still examined to be as informed as possible. On some websites, there was information missing. For example, some providers did not indicate whether modules were compulsory or elective, or modules were named with no descriptions provided. These were noted on the Excel spreadsheet, and the missing information is made explicit where relied upon for discussion in this thesis. Figure 3.20 below shows how this data was organised and coded on Excel. The complete dataset from this review of LLB curricula is provided in Appendix 1.

Figure 3.20. Organisation and coding of data from content analysis of 107 LLB provider websites

3.6 Relationship between Literature and Data Collected

The literature review in this thesis was data-driven. Although a literature review was conducted before data collection to inform the data collection process, the literature was revisited multiple times throughout my research project. The literature review chapter in this thesis has been informed by the data collected and analysed. In the initial stages, I mapped the field by reading as much literature as possible on legal education and adult learning to understand the recent and relevant developments and discussions on legal education. At this stage, I learned about the importance of the increasing focus on the future of legal technologies and the law, and the different approaches to developing relevant skills. I also became aware of the discussions around the purpose of law schools, lawyering skills, and transferability of skills. Using this knowledge, I began to draft my online survey questions for data collection. The process of drafting this survey has been explored in greater detail in 3.3.3 and 3.3.4.

However, before I finalised my online survey, the pandemic brought about the first UK lockdown, making remote working, and online learning the default. I revisited some literature on online learning and developing graduate skills using technology. At this point in time, most of the literature written about this was about Distant Learning programs. There was some emerging literature about the effect of university closures on learning at this point, but most were about medical and health-related courses. Nevertheless, I used this knowledge to revise my online survey to include a section on the impact of the pandemic on legal education and the legal profession (Part 4). When my online surveys were live, some literature on the pandemic's effect on legal education began to emerge in online journals such as The Law Teacher. However, the most timely and relevant discussions around online learning and remote working in the legal field were emerging in the form of

podcasts, panel discussions and webinars. At this time, many publishers had suspended publications that were pending,[770] and it would have taken considerable time before publications on the implications of the pandemic emerged. As discussed in 1.2.1, I could not adopt conventional research practices, such as drawing upon the works of other researchers on the topic and in the field, as no such work existed. Therefore, I decided to include podcasts, panel discussion and webinar abstracts in my literature review to make the most out of the limited sources of relevant information that was available to me then.

Once the research questions were revised and data was collected, I began analysing the data as discussed in 3.4. However, as I started analysing this data, I learned that practitioners and educators were already aware of the gaps in legal education and that this was not new knowledge for me to contribute to the field. This challenged one of my initial aims of collecting data - to identify gaps in legal education in England and Wales. As discussed in 3.4.1(iv), as part of the analysis process, the literature on existing frameworks and taxonomies of transferable skills were explored to produce a coding scheme for the data grounded in relevant theory. As I explored participants' responses in further detail, I used the data to guide my exploration of more literature and revised my literature review chapter accordingly to produce a data-driven and congruent literature review chapter. As part of my revisions to the literature reviewed in light of the pandemic, I explored the LLB curricula on LLB provider websites as described in 3.5 to determine how providers adapted their provisions as a result of the pandemic (and the SQE). This desk-based research was not part of my initial research plan, but it ended up significantly framing the literature review and discussion in this thesis. The information gathered from the content analysis of these websites is proposed to be

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[770] Brinton (n 11) 34

valuable data for legal education stakeholders in England and Wales, but it would not have been explored as part of this research if not for the pandemic.

3.7 Summary of chapter

At the start of this chapter, I described how the three components of Cresswell's research framework structured the discussion in this chapter, as presented in Figure 3.1. In this section, I summarise discussions in this chapter according to these three components.

Philosophical worldview: I reject the proposition that a social science researcher can take a completely objective stance, although I desired to do so as a novice researcher. Considering my personal relationship with the research topic, I often drew upon my experiences and insider knowledge of legal education to problem-solve and make meaning of things throughout this research process. A constructivist-interpretivist stance was taken for most of this research process, although it is important to note that I view philosophical stances as fluid. Throughout the research process, there have been times when it was necessary to take a more pragmatic approach towards tasks, and my stance has adapted accordingly. It was also necessary to examine my positionality as researcher of the project. I found myself situated in the hyphen between insider-outsider for most of the research process. Depending on the task, I had varying degrees of insider-ness and outsider-ness, which facilitated and challenged my understanding and construction of knowledge.

Strategies of enquiry: Mixed methods were used to address the research aims and sub-questions. The main research tool used was an online survey which gathered opinion data on skills necessary for employment in the technologically transformed workplace from legal practitioners, legal educators, and individuals involved in one or both of the aforementioned. A narrative literature review and

content analysis of 107 LLB provider websites were used as supporting methods to increase the validity of the research findings. Statistical empirical generalisability cannot be made from the online survey findings as the sample size was insignificant within the target populations. However, theoretically, generalisable concepts have been made and are part of the discussions in Chapter 5. Reflective accounts have been provided throughout this thesis to increase transparency on the construction of knowledge in this thesis and the reliability of findings.

Research methods: (1) Online survey; the online survey collected qualitative and quantitative data on the impact of the pandemic on working practices and skills for employment from legal educators, legal practitioners and individuals involved in one or both of the above during the pandemic. Typeform was used as the online survey platform, and data was analysed using Excel and NVivo. Data was analysed sequentially – qualitative first. This data partially addressed research aims 2 and 3. **(2) Content analysis of 107 LLB provider websites;** LLB curricula across England and Wales for the year 2021/22 was reviewed through this method. This was done to gain an understanding of if and how providers had adapted their LLB provisions in light of the pandemic (and SQE). Specific categories were examined on the website ((i) CLE, (ii) work experience, (iii) technology-based modules/activities, (iv) dissertations and research projects, (v) delivery of the FLK, (vi) whether providers of professional PG law courses were more inclined to integrate legal practice knowledge and skills into their LLB curricula, and (vii) if any providers had bespoke approaches for international students). A simple colour coding scheme was used to analyse the data according to four predetermined codes informed by the literature discussed in 2.1.4(iv) – 'built-in compulsory', 'built-in elective', 'bolt-on', 'none'. Findings from this content analysis are discussed in 2.3, and the complete dataset can be found in Appendix 1. **(3) Narrative literature review;** the literature review was revisited and revised

multiple times as the pandemic unfolded. Unorthodox sources such as legal education webinars, podcasts, virtual panel discussions and interviews that were hosted online were relied upon to gain insight into the effect of the pandemic on legal education, as no publications were available during a crucial period at the beginning of the pandemic. Literature has been reviewed subsequently as they have become available over time. The findings from the content analysis of 107 LLB providers were discussed as part of the literature review. The literature review was informed by the data collected from the online survey to form informed opinions about the insight provided by participants.

In the following chapter, I present my findings from the data collected from the primary research tool utilised, the online survey.

Chapter 4   Report of Findings

In Chapter 3, I discussed my philosophical stance, research experience, research design and methods, including collecting and analysing quantitative and qualitative data gathered from an online survey. In this chapter, I present the analysed data from the online surveys, which partially answered four research sub-questions of this doctoral research, more specifically:

> *Sub-Q 2a: What effect has the pandemic had on legal education?*
>
> *Sub-Q 2b: What effect has the pandemic had on working practices (legal sector and others)?*
>
> *Sub-Q 3a: What skills are most important for employment today?*
>
> *Sub-Q 3b: Are the necessary skills currently fostered through LLB provisions in England and Wales?*

The online survey was divided into four sections, and each section addressed one of the above research sub-questions, as discussed in 3.2.1. This chapter presents the findings from data analysed according to these four survey sections. In this chapter, I have not included much discussion of my own as my intention for this chapter is for it to be a mere report of findings. I present my discussions of the findings in Chapter 5.

As discussed in 3.4, I used the qualitative data to gain a narrative of the statistics from the quantitative data; and I used the quantitative data to understand the extent and scale of the phenomena described by participants from their qualitative responses. Although graphs and charts are presented as visualisations of the data in this chapter, it is important to remind the reader that these statistics only provide insight from the 89 participants in this study. Generalisations about the entire legal educator and legal practitioner populations cannot be made based on these statistics alone. As described in 3.4, the qualitative data visualisations are

supported by participants' free-text responses to provide context for the reader. I have attempted to make the participant voice clear to the reader in this chapter by presenting a selection of verbatim free-text responses.[771] For this reason, I have not made any corrections to typographical or grammatical errors. This also gives the reader insight and evidence on how I have constructed my knowledge and understanding of the data.

Throughout this chapter, reference to the terms 'participant' and 'respondent' are not used interchangeably. 'Participant' refers to the 89 people who participated and completed the survey, whereas 'respondent' refers to specific people who have responded to a specific question or section. This distinction exists for accuracy, as not all participants responded to all questions (or sections of questions) due to the logic jumps and streaming features used, as discussed in 3.3.4.

4.1   Introduction to data collected from the online survey

As discussed in 3.3.4, the online survey was made up of four sections - Part 1: Demographic Data; Part 2: General Skills for Employment; Part 3: Technological Skills for Employment; and Part 4: COVID-19 & Future Skills for Employment. The online survey had three streams of questions – (1) Legal Practitioner, (2) Legal Educator, (3) Both of the above or Other; and the questions in all three streams were similar, with different wording and perspective suited to the participant. For

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[771] Where participants were addressing similar issues in their responses, I selected featured verbatim responses which best articulated the sentiments of the entire stream. As I have used my own discretion to select responses to be featured, I am explicitly acknowledging that there is a risk of bias in this selection process. As the purpose of the qualitative data was to gain insight into participant opinions, it is appropriate to make the data 'star' to ensure that the reader hears the participants with minimal voice-overs by myself as the researcher. As Sandelowski suggests, I have used my professional discretion to reduce the volume of data presented in an attempt to amplify the participants' voices. See Margarete Sandelowski, 'Writing a Good Read: Strategies for Re-Presenting Qualitative Data' (1998) 21 Research in Nursing & Health 375. 377

the reader's ease, a summary of data collected from these sections is shown below in Table 4.1. [772]

Table 4.1. Data gathered from online survey

Part 1 – Demographic data
Participant background & experience in relation to: • Current job role(s), • How long they have been in current role, • Size of their workplace, • Area of practice (for practitioners), • Whether they have a legal practice background (for educators), • Whether they have a law degree.
Part 2 – General Skills for Employment
Participant opinions based on their experience on: • 3 most important skills to have in employment, • How well developed these skills are in law graduates at the start of legal employment, • What skills/elements law graduates lack, and why they think this is so, • How well law school equips law graduates with skills required for employment.
Part 3 – Technological Skills for Employment
Participant opinions based on their experience on: • The importance of technology in their current role(s), • Whether law graduates are prepared for use of technologies in employment, • 3 most important technological skills to have in employment, • How well developed these technological skills are in law graduates at the start of legal employment, • How well law school equips law graduates with technological skills required for employment.
Part 4 – COVID-19 & Future Skills for Employment
Participant opinions on: • Whether and how the COVID-19 pandemic has impacted/increased the use of technology in their roles(s), • Whether any of these changes will have a lasting effect in their role(s), • What technological skills will be important for legal practice in future.

As I had three streams of participants in the online survey, I wanted to visualise and present the data to reflect this so that one stream's opinions were clear against another. For this reason, in this chapter, I present my qualitative data findings for individual streams before presenting them across the streams. In this chapter, graphs and charts clearly indicate data from individual streams for the

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[772] The detailed survey questions can be found attached in the Appendix 2.

quantitative data. As mentioned above, the qualitative and quantitative data have been used together to understand the responses comprehensively. Therefore, throughout this chapter, I present the quantitative and qualitative data in an interweaved manner according to survey sections.

4.1.1 Part 1: Demographic data

In 3.3.4, I elaborated on how respondent identification of roles served as a means to direct participants to the appropriate stream of questions. In Table 3.4, I present readers with the final make-up of participants once the data was cleaned. For the reader's ease, I have summarised the participant make-up in Figure 4.1 and Table 4.2 below.

Figure 4.1. Participants in the online survey
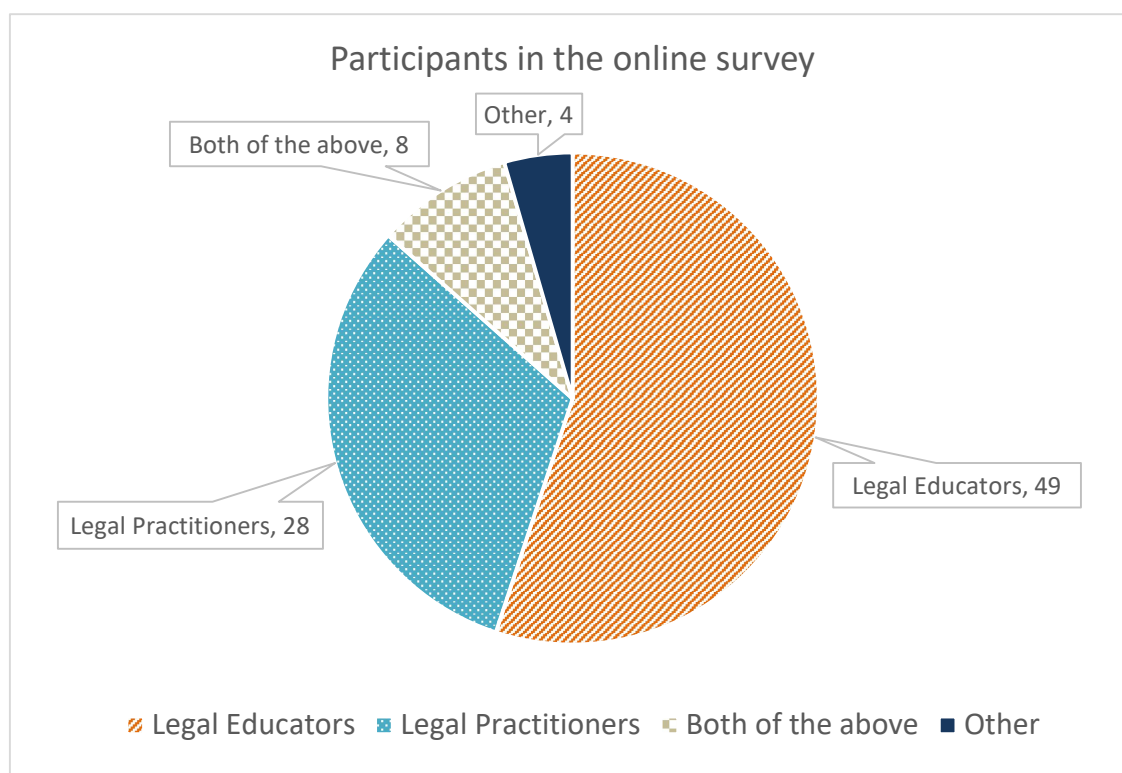
Table 4.2. Summary of participants in the online survey

28 Legal Practitioners	This stream was made up of Trainee Solicitors, Practising Solicitors, Legal Executives, Paralegals, Practising Barristers, and one 'Other'.
49 Legal Educators	The stream was made up of Lecturers, Tutors, those involved in experiential/interactive teaching modules, Clinicians, and 'Others'.
8 Both	All participants in this stream were involved in both, practitioner and educator-related roles as outlined in the aforementioned categories.
4 Others	Participants in this stream identified as 'County Court Clerk', 'IT Consultant', 'LPC graduate looking for work', and 'Law graduate, not practicing'.

When collecting my data, I was also interested to know where my participants were from to gain insight and explore whether participants from different regions had significantly different views. This could potentially have been attributable to the different offerings of law schools in different regions. The geographical regions that participants were from are illustrated below in Table 4.3.

Table 4.3. Regions participants were from

Region	Legal Practitioner	Legal Educator	Both	Other	TOTAL
North East	20	21	2	1	44
London	5	5	-	2	12
East Midlands	-	5	2	-	7
South East	1	5	-	-	6
North West	-	3	2	-	5
South West	1	4	-	-	5
Yorkshire and the Humber	1	2	1	1	5
Wales	-	3	-	-	3
East of England (Anglia)	-	-	1	-	1
West Midlands	-	1	-	-	1
TOTAL	**28**	**49**	**8**	**4**	**89**

This study obtained 89 participants in total – Legal Educators (49), Legal Practitioners (28), Both of the above (8) and Others (4). There were significantly more legal educators who participated in the study than any other groups. From the practitioner group of participants, an interesting finding to note here was that no pupil barristers participated in the online survey. In terms of geographic data, most participants were from the North East of England (44). Several factors could have contributed to this make-up of participants, such as the methods in which the survey link was circulated, different levels of interest in research between educators and practitioners, and more engagement from North East participants as I am based in the North East. However, these factors are only speculative, and inferences cannot be drawn from these in the absence of further information. As certain groups gained more representation than others in this study, it is best practice to acknowledge that the data may be skewed in certain ways. During data analysis, I was also unable to identify any patterns that emerged in the data regarding geographical regions participants were from, as some regions gained significantly more representation than others.

4.1.2 Analysis of Parts 2, 3 & 4: Main questions

As described in Chapter 3, I conducted content analysis to code, node, and cluster data from Parts 2, 3, and 4 of the online survey to produce themes and subcategories. In 3.4.1(iv), I described how I used the literature to inform my development of a coding scheme to analyse qualitative data collected from the online survey. In this section, I discuss this coding scheme so the reader clearly understands how I have made sense of the data presented in the following sections.

To develop this coding scheme, I referred to literature on employability and transferable skills. My initial sources were the Benchmark Statement[773] and Joint Statement[774] to identify skills that regulators perceived most relevant for LLB graduates.[775] However, upon exploration, both lists did not encapsulate many skills that had emerged in the data collected. In the absence of comprehensive UK frameworks of transferable employability skills, I used the NRC taxonomy of skills[776] from the US to inform the development of my coding scheme. As discussed in 2.1.4(iii), this taxonomy is underpinned by the works of Bloom, Piaget, Carroll and Goldberg, which were all works explored for this research project. The NRC taxonomy of skills is summarised below in Table 4.4

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[773] 'Subject Benchmark Statement: Law' (n 5)

[774] 'Joint Statement on the Academic Stage of Training' (n 217)

[775] The currency of the QAA Benchmark Statement and the SRA and BSB Joint Statement is discussed in 2.2.1. The statements on solicitors and barristers competences were considered to identify key skills and competences for legal practice. However, as this thesis argues that LLB degrees should not prepare graduates specifically for legal practice (discussed in 2.2.4(ii), the only relevance of these documents was to distinguish transferable skills from practice-specific skills.

[776] Committee on Defining Deeper Learning and 21st Century Skills, 'A Preliminary Classification of Skills and Abilities', *Education for Life and Work: Developing Transferable Knowledge and Skills in the 21st Century* (National Academies Press 2012). 32-34.
See 2.1.4(iii) for extensive discussion on this framework.

Table 4.4. Summary of NRC taxonomy of skills

COGNITIVE SKILLS [COG]	
Cognitive processes and strategies	Critical thinking, problem-solving, analysis, reasoning/argumentation, interpretation, decision-making, adaptive learning, executive function
Knowledge	Information literacy (research using evidence and recognising bias in sources); information and communications technology literacy; oral and written communication; active listening
Creativity	Creativity, innovation
INTRAPERSONAL SKILLS [INTRA]	
Intellectual openness	Flexibility, adaptability, artistic and cultural appreciation, personal and social responsibility (including cultural awareness and competence), appreciation for diversity, continuous learning, intellectual interest, and curiosity
Work ethic/ conscientiousness	Initiative, self-direction, responsibility, perseverance, productivity, grit, Type 1 self-regulation (metacognitive skills, including forethought, performance, and self-reflection), professionalism/ ethics, integrity, citizenship, career orientation
Positive core self-evaluation	Type 2 self-regulation (self-monitoring, self-evaluation, self-reinforcement), physical and psychological health
INTERPERSONAL SKILLS [INTER]	
Teamwork and collaboration	Communication, collaboration, teamwork, cooperation, coordination, interpersonal skills, empathy/perspective taking, trust, service orientation, conflict resolution, negotiation
Leadership	Leadership, responsibility, assertive communication, self-presentation, social influence with others

I then mapped the Benchmark Statement and Joint Statement against the NRC's taxonomy of skills, as summarised in Table 2.5, to further inform my understanding of skills that regulators perceived most relevant for law graduates.[777] To make my coding scheme comparable to regulatory guidance on skills relevant to law degrees in England and Wales, I adopted a similar structure to the Joint Statement's Schedule One, which separated 'Knowledge' from 'General Transferable Skills'.[778] This enabled me to answer the research questions of this project coherently.

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[777]See Table 2.5 for details in Joint Statement on the Academic Stage of Training and Subject Benchmark Statement for Law

[778] 'Joint Statement on the Academic Stage of Training' (n 217)

As described in 3.4.1(iii), I divided the data collected according to the three main survey question sections. For Part 2 (General skills), I produced two domains – Law Specific Skills/Knowledge, and General Transferable Skills. Law-Specific Skills were SRA and BSB named key skills for the vocational stages of training to qualify as a solicitor or barrister in England and Wales,[779] and Law-Specific Knowledge encompassed any legal knowledge related aspects as defined by the Joint Statement or Benchmark Statement.[780] Any other skills named in this dataset fell under 'General Transferable Skills', and they were categorised according to the NRC taxonomy of skills.

For Part 3 (Technological Skills), again, I produced two domains which reflected a similar structure to the Joint Statement – Law Specific Technologies, and Transferable Technological Skills (Legal Innovations). The distinction between 'legal technologies' and 'legal innovations' were based on Balajawahar's[781] distinction between the two terminologies. She discusses how although often used interchangeably, the fundamental distinction in characteristics between the two terminologies is the purpose of creating these technologies. 'Legal technologies' are law-specific technologies designed specifically for use in legal practice.[782] Some examples of legal technologies are in-house Case Management systems, e-bundle software, Legal Aid portal, Cloud Video Platform, and legal research databases such as LexisNexis. 'Legal innovations' refer to technological innovations that have been adopted for use by the legal profession.[783] These

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[779] Vocational component of Bar training: Advocacy, Opinion Writing, Legal Research, Drafting, Conference Skills. See 'BSB Bar Qualification Manual' (n 2). The legal skills assessments in SQE2: client interview and attendance note/legal analysis, advocacy, case and matter analysis, legal research, legal writing, legal drafting and negotiation. See, 'SQE2 Assessment Specification' (Solicitors Regulation Authority) <https://sqe.sra.org.uk/exam-arrangements/assessment-information/sqe2-assessment-specification>. Last accessed 30 September 2022.

[780] See Table 2.5 for details in Joint Statement on the Academic Stage of Training and Subject Benchmark Statement for Law

[781] Swaathi Balajawahar, *King's College London, The Reality of LegalTech in Operation: Tales from the Inside* (2021) <https://www.kcl.ac.uk/events/the-reality-of-legaltech-in-operation-tales-from-the-inside>. Last accessed 30 September 2022.

[782] Ibid, 9:20-11:07

[783] Ibid, 19:15-20:40

innovations are not law-specific, but are widely used in legal practice. Some examples include Microsoft Teams, Skype for business, PDF manipulation software, and e-contract platforms. Although the ambit of these terminologies are ambiguous, these distinctions served well when analysing this section of data collected.

As for Part 4 (Skills for the future), I had initially intended to duplicate all the codes from the previous sections. However, as I sifted through the data, I realised respondents were naming or prioritising different skills that they had not in the previous sections. Again, using the two domains, General Skills, and Technological Skills, I inductively coded, noded and clustered the data. Using this coding scheme, some prominent skills (codes) emerged from the data, as illustrated below in Table 4.5.

Table 4.5. Coding scheme developed to analyse qualitative data

Survey section	Domain (node)	Skill (code)
Part 2 - General Skills	**Law-Specific Skills/ Knowledge**	1. Advocacy 2. Drafting 3. Legal Research 4. Negotiation 5. Legal Knowledge
	General Transferable Skills	1. Research **[COG]** 2. Critical thinking & problem-solving **[COG]** 3. Commercial Awareness: *adaptive learning, personal and social responsibility* **[COG][INTRA]** 4. Communication **[COG] [INTER]** 5. Adaptability **[INTRA]** 6. Professionalism **[INTRA]** 7. Resilience: *perseverance* **[INTRA]** 8. Organisational: *self-direction, coordination* **[INTRA] [INTER]** 9. Collaboration **[INTER]** 10. Empathy **[INTER]** 11. Listening
Part 3 - Technological Skills	**Law-specific technologies (Legal Technologies)**	1. Case/project management systems 2. Billing management software 3. Time recording software 4. Online court systems/e-bundles
	Transferable technological skills (Legal innovations)	1. Written production of information (including use of Microsoft Word) **[COG]** 2. Audio-visual presentation of information (including use of PowerPoint) **[COG]** 3. Management of electronic information (including use of Microsoft Excel and OneDrive) **[COG]** 4. Online research **[COG]** 5. Online communication (including email, calls, and video conferencing) **[COG] [INTER]** 6. Online networking (including use of social media) **[COG] [INTER]** 7. Data protection **[COG] [INTRA]** 8. AI/Coding **[COG] [INTRA]** 9. Unspecified basic IT skills (including unspecified Microsoft Office functionality) 10. General skills in relation to the use of technology
Part 4 – Skills for the future		1. Law specific technologies 2. Online communication **[COG][INTER]** 3. Data handling and protection **[COG][INTRA]** 4. Understanding of AI/coding: *adaptive learning, personal and social responsibility* **[COG][INTRA]** 5. Flexibility/adaptability in relation to the use of technology **[COG][INTRA]**

I did not quantitatively analyse the qualitative data gathered through strictly prescribed data analysis methods. However, as I conducted my content analysis as outlined in 3.4.1(i), I noted references to the categories above to understand their prominence within the datasets contextually. As this is not a strictly prescribed analysis method, I have not produced any illustrations that comparatively indicate prominence of each of these subcategories, as that would be misleading to the reader. Instead, I will discuss the free-text responses provided by respondents in the sections below. Graphs or charts presented are based on the quantitative data collected unless stated otherwise.

4.2 Part 2: General skills

Part 2 of the survey collected data on general skills for employment in legal practice and beyond. In this section, I present data gathered from this part of the online survey.

4.2.1 General transferable skills for employment and law graduates' development of these skills

In question 6, participants were asked for their opinion on important skills for employment and how well-developed these named skills were in law graduates. The three most prominent skills which emerged across the streams were i) communication; ii) critical thinking and problem-solving; and iii) empathy. Respondents across the streams gave an average rating of 3 out of 5[784] for all three of these skills. In the NRC taxonomy, 'critical thinking' and 'problem-solving' were named as two different skills under the cognitive domain. However, due to the nature of law as a discipline, these two skills are often intertwined and were categorised together in this study.[785] Figure 4.2 and Table 4.6 summarise skills that emerged in this section, with average ratings of how well-developed respondents across the streams considered these skills to be in law graduates.

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[784] The descriptions provided to participants on the rating scales were as follows: 1 = very underdeveloped, 2 = underdeveloped, 3 = neutral, 4 = developed, 5 = very developed.

[785] For discourse on the relationship between critical thinking and problem-solving, see Barbara A Kalinowski, 'Logic Ab Initio: A Functional Approach to Improve Law Students' Critical Thinking Skills' (2018) 22 The Journal of the Legal Writing Institute 109; Nick James and Kelley Burton, 'Measuring the Critical Thinking Skills of Law Students Using a Whole-of-Curriculum Approach' (2017) 27 Legal Education Review 1; Nick James, 'Logical, Critical and Creative: Teaching "thinking Skill" to Law Students' (2012) 12 QUT Law & Justice 66; Anna Jones, 'A Disciplined Approach to Critical Thinking', *The Palgrave Handbook of Critical Thinking in Higher Education* (Palgrave Macmillan 2015) 175-176.

Figure 4.2. Three most important skills to have in employment

Communication ★ ★ ★	Critical thinking & problem-solving ★ ★ ★	Empathy ★ ★ ★
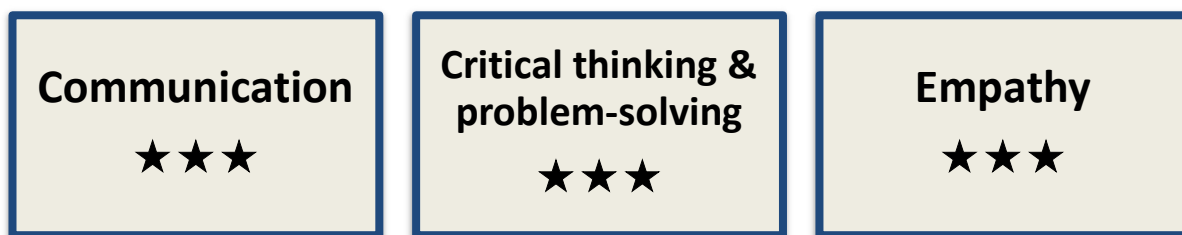
Table 4.6. Respondent named skills and ratings of law graduates' development of these general skills

Skill	Legal Educators	Legal Practitioners	Both of the above/Other
Research	★ ★ ★ ★	★ ★ ★	-
Critical thinking & problem-solving	★ ★ ★	★ ★ ★	★ ★ ★
Commercial awareness	★ ★	★ ★ ★	-
Communication	★ ★ ★ ★	★ ★ ★	★ ★ ★
Adaptability	★ ★ ★	★ ★ ★	-
Professionalism	★ ★ ★	★ ★	★ ★ ★ ★
Resilience	★ ★ ★	★ ★	★ ★
Organisational	★ ★	★ ★ ★	★ ★ ★
Collaboration	★ ★ ★	-	-
Empathy	★ ★ ★	★ ★ ★	★ ★ ★
Listening	★ ★ ★	-	★ ★ ★
Miscellaneous:	*Willingness to learn, creativity, social awareness, engagement, common sense, mindfulness, self-reflection, precision, resourcefulness, patience, confidence, reading*	*Willingness to learn, IT systems, responsibility, intelligence, self-study, smart working, enthusiasm, a sense of responsibility, negotiation, initiative, process design/improvement, desire, being proactive*	*Reflective skills, pragmatism, practical skill, reliability, commitment, technical skills (technology), networking, negotiating, self-starter/motivated, confidence*

Insights on general transferable skills needed for employment and law graduates development of these skills

Legal Educators: When asked to name three skills to equip graduates with, most educators named transferable skills, as shown in Figure 4.2 and Table 4.6 above. Some references were made to law-specific competencies and knowledge, such as advocacy, drafting, legal knowledge and legal research, which I did not analyse as this thesis focuses on transferable skills. An interesting finding from this stream was that a notable number (5) of references were made to 'listening' as a skill. I was unsure whether to categorise this under 'communication' or 'empathy'. However, upon exploration of the literature, I could not make an informed assumption without seeking further clarification from these respondents on their intended context. Therefore, I created a separate category for 'listening' in my coding scheme. This was also the only stream in which 'collaboration' emerged as a skill.

Legal Practitioners: Some law-specific competencies were mentioned by practitioners. However, an interesting finding here was that most references were to general transferable skills despite these being responses from practitioners about the most prominent skills for legal practice. In this stream, no additional skills emerged. No references were made to 'listening' or 'collaboration'.

Across the streams: Contributions made from the both/other stream were similar to those made from the educator and practitioner streams, but fewer skills were present in this dataset, as shown in the above table. However, inferences cannot be drawn from this considering the both/other stream was the smallest sample group among the three streams. 'Listening' was referred to by one respondent in the both/other stream (a practising barrister and legal educator). In all three streams, 'communication' was the most prominent skill which emerged in the data, followed by 'critical thinking & problem-solving', then 'empathy'.

4.2.2 How well law schools equip law graduates with skills needed for employment

In question 8, participants were asked to identify how well law school equips law graduates with skills needed for employment through a best-option choice. From this dataset, the general sentiment of respondents was that law school equips law graduates with some legal knowledge and skills required for employment but law graduates still have to learn on the job. Only one respondent, an educator, opined that legal education equips law graduates with all the necessary skills required for employment. There were two 'Other' responses to this question, both from legal practitioners. One of these responses was effectively the same as the first option shown below in Figure 4.3 but worded differently.[786] The other provided critical insight into their views of developing law graduates' skills:

> *'Depending on the law school I'd say B.[787] Northumbria has the law clinic and I found that most helpful for preparing for practice personally and can see a difference with work experience students who've had this experience.' – Legal Practitioner*

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[786]Respondent free-text response: '*Equips law graduates with some legal knowledge and skills required for employment, but could improve in this so they have to learn less on the job.*'

[787]Respondent referring to the second option on the multiple-choice question: 'equips Law Graduates with some Legal knowledge and some skills required for employment, but Law Graduates still have to learn on the job.'

Figure 4.3. Responses on how well law schools equip law graduates with general skills needed for employment

Overall, I would say
Law School equips Law Graduates with

Response	Legal Educator	Legal Practitioner	Both/Other
some Legal knowledge and some skills required for employment, but Law Graduates still have to learn on the job.	43	21	10
Legal knowledge but no skills that are required for employment.	3	4	1
no Legal Knowledge or skill required for employment. Law Graduates learn everything on the job.	2	1	1
all the necessary Legal knowledge and skills required for employment.	1	0	0
skills but no Legal knowledge that is required for employment.	0	0	0
other	0	2	0

Legal Educator [49 respondents] ▪ Legal Practitioner [28 respondents] ▪ Both/Other [12 respondents]

4.3   Part 3: Technological skills

Part 3 of the survey collected data on technological skills for employment in legal practice and beyond. In this section, I present data gathered from this part of the online survey.

4.3.1   The importance of technology in participants' work

In question 9-10, participants were asked to rate the importance of technology in their work. From the data, most participants across all streams said that technology was important for their work. However, four participants had stated that there was no use of technology in their employment and were therefore excluded from this survey section via the logic jump.[788] As a result, the number of respondents in this section was 28/28 practitioners, 48/49 educators, and 9/12 both/others. Figure 4.4 below illustrates how these respondents rated the importance of technology in their work on a scale of 1-5.

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[788] This was an unexpected finding. Considering the nature of employment today, it is unlikely for any person involved in legal education or legal practice to be entirely excluded from the use of technology in their work. This could perhaps indicate that some participants interpreted the 'use of technology' differently than I had intended.

Figure 4.4. Ratings on the importance of technology in employment

How important would you say the use of technology is in your practice/employment/role?

Rating	Legal Educators [48 respondents]	Legal Practitioners [28 respondents]	Both/Other [9 respondents]
1 rating	0	0	0
2 rating	4	0	0
3 rating	10	1	2
4 rating	23	8	1
5 rating	11	19	6
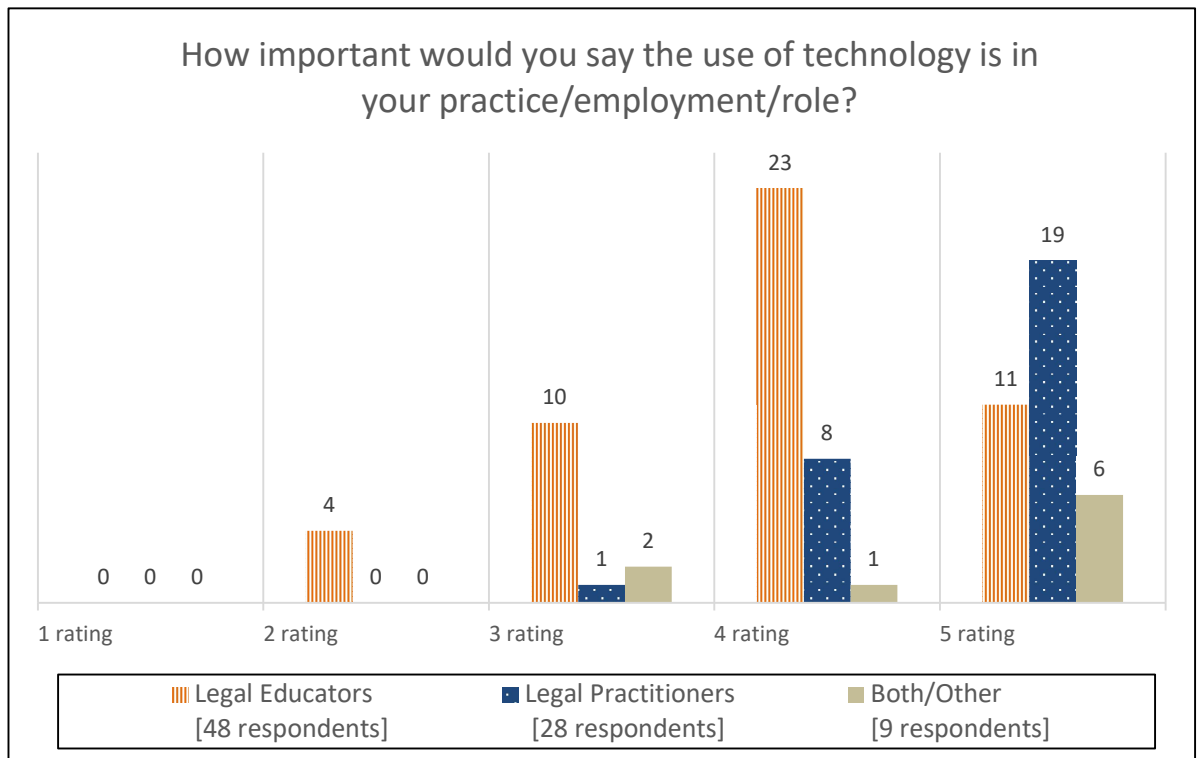
Comparing data among the streams, for this question, the most divided among the respondents were the legal educators. Legal educators' ratings ranged from 2-5, with 23 out of 48 respondents rating 4. There was also one legal educator who had stated there was no use of technology in their work and was therefore excluded from this section entirely. There was some consensus among the legal practitioners, as all respondents had given a rating of 3 and above, with 19 out of 28 giving a 5-rating for the importance of technology in their work. Although a small sample size, three participants from the both/other stream had stated that there was no use of technology in their work and were excluded from this section entirely too. An assumption that might explain this is the variance of job roles amongst participants from the both/other stream.

4.3.2 Transferable technological skills for employment and law graduates' development of these skills

In question 11, respondents had to name three of the most prominent technologies used in their employment, and their opinions on how well-developed law graduates' skills were for using these technologies. Written production of information, online communication and online research were the three most prominent skills that emerged across the streams. Across the streams, respondents gave an average rating of 3 for all three of these skills. Figure 4.5 and Table 4.7 summarise skills that emerged in this section, with average ratings of how well-developed respondents across the streams considered these skills to be in law graduates.

Figure 4.5. Three most prominent technologies used for employment

Written production of information ★★★	Online communication ★★★	Online research ★★★

Table 4.7. Respondent named skills and ratings of law graduates' development of these technological skills

Skill	Legal Educators	Legal Practitioners	Both of the above/Other
Written production of information (including use of Microsoft Word)	★★★	★★★	-
Audio-visual presentation of information (including use of PowerPoint)	★★★	★★	-
Management of electronic information (including use of Microsoft Excel and OneDrive)	★★★	★★	★★
Online research	★★★	★★★★	★★★★
Online communication (including email, calls, and video conferencing)	★★★	★★★	★★★
Online networking (including use of social media)	★★	★★	-
Data protection	★★	★	-
AI/coding	★	★	★
Unspecified basic IT skills (including unspecified Microsoft Office functionality)	N/A	N/A	N/A
Miscellaneous:	*Create videos and podcasts, video production, online forms, law empowerment, Stima*	*Laptops and computers, telephones, scanners/printers, robotic processes*	*Recording of all interactions with clients, telephony skills, telephone etiquette, Financial software for inputting client account information electronically, fax machines/phone systems*

Insights on transferable technological skills needed for employment and law graduates' development of these skills

Legal Educators: When asked to name three technological skills to equip graduates with, most educator responses were in relation to transferable technological skills as shown in Figure 4.5 and Table 4.7 above. Some references were made to legal technologies, such as case management systems, billing and time recording software, and online court applications, which I did not analyse as this thesis focuses on transferable skills. However, the most interesting finding when analysing this data set was that many educators could not engage with the question. This is inferred from free-text responses such as 'N/A', 'X', 'I don't know', 'not sure', 'can't think of any skill' and '?'. 21 responses to this effect emerged from the educator stream. For comparison, there was only 1 'N/A' response from the practitioner stream, and 1 'N/A' from the both/other stream. A similar trend is seen again in a later section of data, which I describe in 4.4.4.

Legal Practitioners: Legal technologies were more prominently mentioned by practitioners. Many references were also made to transferable technological skills, as shown in Table 4.7 above. From this stream, one respondent named skills that were significantly more basic than others from the stream. The skills mentioned by this respondent were: 'computers and laptops', 'telephones', and 'printers/scanners'. Upon further exploration, later in the survey, this respondent elaborates in their free-text response that their firm had just decided to go paperless before the pandemic. This position was different from many of the other respondents, who had stated that their firms had already gone paperless for some time prior to the pandemic. This data suggests varying levels of IT competence and skills among participants, depending on the requirements of their respective workplaces. It also suggests inconsistency in ratings that respondents may have provided as a '5' provided by one respondent with basic technology skills may only

be a '2' for a respondent with more specialist skills. I revisit this discussion again in 5.1.3.

Across the streams: Educators and practitioners named similar skills when asked for three prominent technological skills for work. However, comparing the practitioner and educator datasets, an interesting finding was that some educators had made references to general skills relating to the use of technology, such as creativity, flexibility, confidence, and criticality, whereas no practitioners did so. Contributions made from the both/other stream were similar to those made from the educator and practitioner streams, but fewer skills were present in this dataset as shown in Table 4.7 above. Across the streams, 'written production of information', 'online communication' and 'online research' were the most prominent skills that emerged in the data.

4.3.3 How well law schools equip law graduates with technological skills needed for employment

In question 12, respondents were asked to identify how well law school equips law graduates will the technological skills needed for employment through a best-option choice. When data was collected between May to November 2020, the general sentiment of respondents was that law school equips law graduates with some technological skills required for employment but law graduates still have to learn on the job. A significant proportion of respondents also opined that law school does not equip law graduates with any technological skills required for employment. One legal educator respondent selected the 'Other' option. However, upon further exploration of the free-text response provided, this response could have been categorised under the first option shown in Figure 4.6 below.[789] One legal practitioner respondent opined that legal education equips law graduates

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[789] Respondent free-text response: *'We equip students with basic technological skills but do not teach them the more specific skills they will need for employment, such as how to use the online court system or how to advocate in a remote hearing (these are skills that they will need going into practice)'*

with all the necessary skills for employment. Upon further exploration, based on this respondent's free-text responses, it was evident that this respondent worked in a less technologically adept environment than the rest in the sample, as described in 4.3.2.

Figure 4.6. Responses on how well law schools equip law graduates with technological skills needed for employment

Based on my experience, with regard to technological skills,
I would say Law School equips Law Graduates with

	Legal Educators [48 respondents]	Legal Practitioners [28 respondents]	Both/Other [9 respondents]
some technological skills required for employment, but Law Graduates still have to learn on the job.	37	17	5
no technological skills that are required for employment	10	10	4
all the necessary technological skills required for employment.	0	1	0
other	1	0	0

No qualitative data was collected that explicitly addressed what technological skills law graduates lacked, or participant opinions on why this might be so. Here I missed an opportunity to collect some qualitative data on the selections respondents made in the best option question above. As a result, any discussion on the technological skills that law graduates lack is solely based on what respondents implied through their responses to other questions. In hindsight, I should have included a free-text question to address this explicitly, as there might

have been some relevant data that emerged from this. Nonetheless, some inferences have been drawn from the data and are discussed in 4.5.

4.4 Part 4: Future skills

Part 4 of the survey collected data on skills participants opined would be important for employment in future, considering the long-lasting effect of the pandemic. Some interesting insights and findings emerged in this dataset, which I present in this section.

4.4.1 The pandemic's impact on the use of technology in employment

In question 13(a), participants were asked if the pandemic affected the use of technology in their work. Across all streams, 81 out of 89 participants found that the pandemic impacted or increased the use of technology in their role. Exploring this statistic in further detail, among the minority of participants unaffected by the pandemic, their free-text responses revealed that some had already been involved in practices such as remote or paperless working and/or teaching and assessments prior to the pandemic. The breakdown of these statistics can be seen in Figure 4.7 below.

Figure 4.7. Responses to dichotomous question on the impact of the pandemic on the use of technology in working practices

Has the COVID-19 pandemic impacted/increased the use of technology in your role(s)?
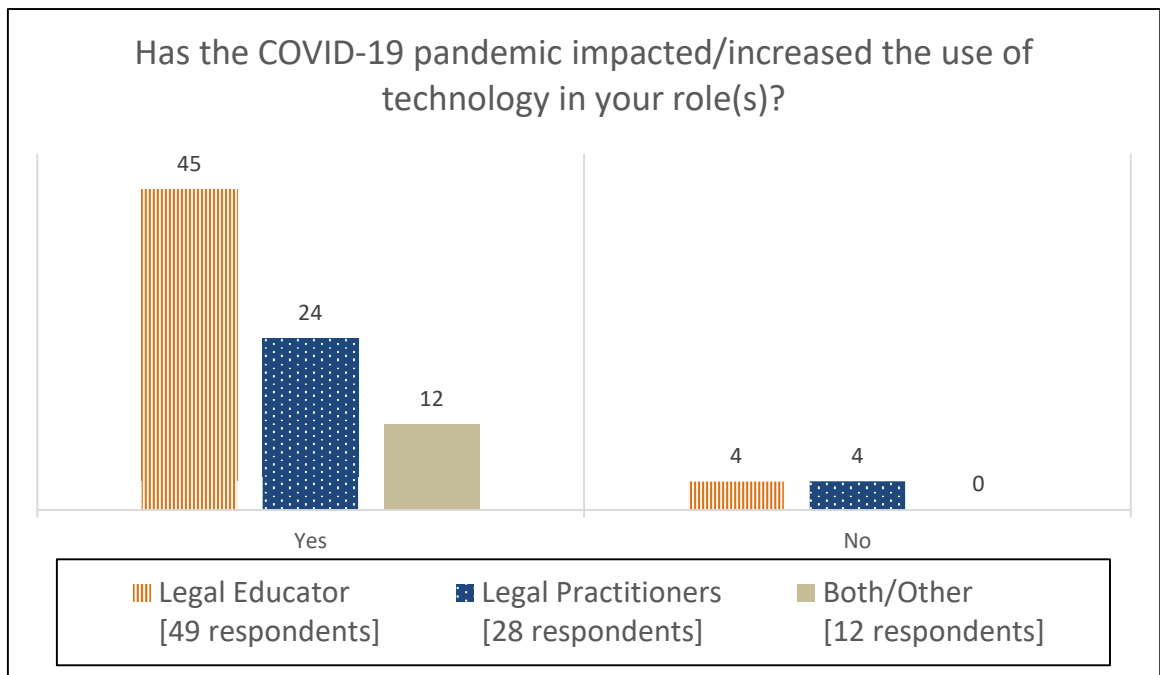
4.4.2 Opinions on how the pandemic has affected the use of technology in employment

In question 13(b), respondents who selected 'yes' in the previous question were asked to elaborate on how the pandemic has affected the use of technology in their work. An interesting finding was that respondents had similar experiences across the streams, despite having different job roles as described below.

Legal Educators insights:

With the sudden closure of university buildings, the data collected suggests that legal educators had to reinvent delivery of course content without much preparation or prior training, as stated by a respondent

> *'it has necessitated online learning despite not all lecturers having the know-how'* – *Legal Educator*

All law schools in England and Wales had adapted to full online delivery when data was collected because of the government-mandated lockdown.[790] This had meant a change in teaching, training, assessment, and study methods from traditional in-person classroom approaches to moving completely online. In their responses, educators named various approaches deployed to facilitate the change in teaching methods, among them being online live lectures, pre-recorded lectures, creating asynchronous content, and using platforms such as Zoom, Blackboard Collaborate and Microsoft Teams for interactive sessions with students.

The ways in which educators and students communicate have also changed as noted by some educators. Platforms and approaches which had not previously been used had to be utilised out of necessity.

> *'We all had to look for ways to communicate among regular social networks and comms apps' – Legal Educator*

In terms of assessment, educators named various adaptations, such as the introduction of online remote proctoring platforms (e.g. Inspera) for exams, incorporation of more open-book exams, coursework in replacement of written-exams and live skills assessments via platforms such as Blackboard and Microsoft Teams. Educators also noted some changes to student clinical work, such as replacing live-client work with simulations and supervision online.

> *'Student clinical work has moved to simulation with support and supervision again now offered online.' – Legal Educator*

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[790] Carl Baker, Paul Bolton and Sue Hubble, 'Coronavirus: Higher and Further Education Back to Campus in England in 2020/21?' (House of Commons 2021) <https://commonslibrary.parliament.uk/research-briefings/cbp-9030/> Last accessed 30 September 2022; Paul Bolton and Sue Hubble, 'Coronavirus: Easing Lockdown Restrictions in FE and HE in England' (House of Commons 2020) <https://commonslibrary.parliament.uk/research-briefings/cbp-8932/> Last accessed 30 September 2022; 'Prime Minister's Statement on Coronavirus (COVID-19)' (23 March 2020) <https://www.gov.uk/government/speeches/pm-address-to-the-nation-on-coronavirus-23-march-2020> Last accessed 30 September 2022.

Another notable change to legal education was limited or lack of access to resources, including libraries and physical study materials for students and educators, at the time they had responded. This meant increased use of online research and online libraries to access textbooks, journals, and study materials, which were once accessible with more ease.

Legal Practitioners insights:

From their responses, practitioners identified that the most notable changes to legal practice were the introduction of remote court hearings using platforms such as BT MeetMe and Cloud Video Platform. Practitioners also made reference to the use of platforms such as Teams and Skype for Business for video conferencing with clients. Some practitioner respondents noted that approaches that were unusual or even frowned upon in practice were adopted out of necessity.

> *'Remote working and video conferencing are now standard whereas they were unusual before' – Legal Practitioner*

Most practitioners also identified that shifting to completely paperless systems was a significant adaptation for their practice. This required practitioners to adapt quickly to the increased use of e-bundle systems, online/electronic document management and manipulation tools, as well as delivery of documents via email, cloud sharing and other online portals which may previously have been delivered by post or in-person. Some practitioners also mentioned that the sudden increased use of technology came into effect without sufficient preparation for it.

> *'Most court hearings have gone online, with inadequate technology and understanding of how to best use this. The ability to access bundles was moving to e bundles, but now this has snowballed without the know how in place.' – Legal Practitioner*

Insights across the streams:

From the data collected, the experience of shifting to an online work environment has been similar for all participants across the streams. The general consensus was that a lack of preparation in advance meant the changes were challenging to adapt to. A respondent from the both/other stream represents the general sentiment expressed by most participants below:

> *'In practice, face-to-face appointments are not possible, so online platforms are required, which is difficult with the lack of IT equipment at home (one basic personal laptop). For teaching, there is an emphasis on creating the "Rolls Royce" standard of online provision, which is difficult when the approach to technology is a reactive measure, rather than being strongly promoted over the last few years across all areas. As I do not have sufficient IT equipment, tasks take much longer to complete.' – Legal Practitioner and Legal Educator*

Across the streams, participants have similarly found the new methods of communication with students and clients to be something that requires caution. Although not explicitly stated, from responses such as the following, it can be inferred that there is a certain level of caution involved when communicating online as expressed by some respondents

> *'A lot of my clients are using IM [instant messaging] now much more, e.g. Teams, Slack etc. but are clumsy with it' – IT consultant in a firm*

> *'Microsoft Teams being used now - including IM which was previously frowned upon.' – Legal Practitioner*

> *'Online teaching, remote study and employment of new ways in sharing information with students, which in the past may have been avoided, even though we were aware of their existence.' – Legal Educator*

4.4.3 The lasting effect of the pandemic on working practices

In question 13(c), participants were asked for their opinions on whether any of these changes would have a lasting effect on working practices. Most respondents opined that the pandemic would have a lasting effect on working practices, as illustrated in the graph below. This section of data is the only dataset of qualitative data that has been presented quantitatively in this thesis. When analysing this set of data, all participant responses fell within one of three categories: 'yes', 'unsure', or 'possibly'.[791]

Figure 4.8. Opinions on whether any of these changes will have a lasting effect
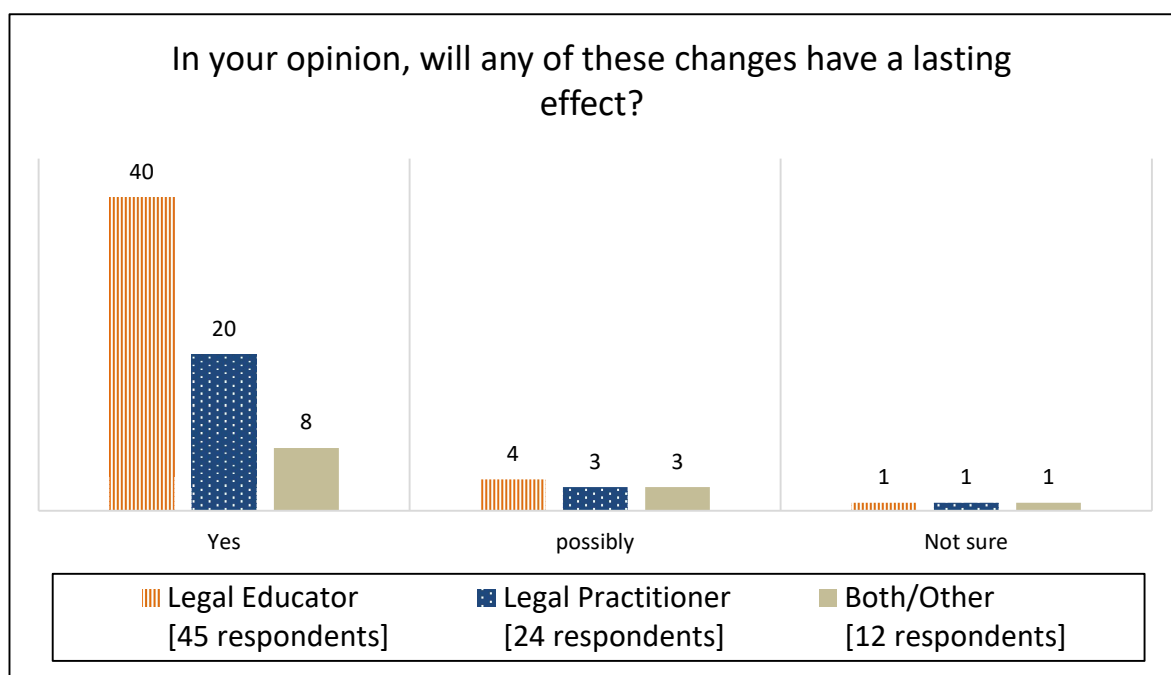
However, within these free-text responses, some respondents opined that lasting change depends on the consumer's demands (clients/students), as shown in Table 4.8 below.

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[791] All responses started with verbs to these effect. Under the 'yes' category, this included 'absolutely', 'definitely', 'I think so', 'I expect so'. Under the 'possibly' category, this included 'probably', 'perhaps', 'I hope so', 'only if', 'it depends on'. Under the 'unsure' category, this included 'not known'.

Table 4.8. Opinions on consumer demand

Legal Educator	Legal Practitioner	Both of the above/Other
'Yes, depending on student perception of online tools' *'Probably. Students often prefer the new approach'* *'Yes - subject to student feedback'* *'Possibly, it will undoubtedly depend on the dictates of student want and need. I am finding in the current climate that law schools are being increasingly driven through a consumer based model.'*	*'Possibly some remote working but unlikely unless clients request video calls rather than face to face meetings going forward. The firm I work for is quite traditional and I think will expect a full return to the office and client meetings face to face as they pay a premium for our work.'*	*'Perhaps, it would also depend on what clients want/expect in the future.'*

Within the responses which opined that the pandemic would have a lasting effect on working practices, all responses fell under one or both of these categories: (i) increase in remote working practices, and (ii) increase in the integrated use of technology. For this section of data, although I analysed them by streams of participants, I present the data across the streams below with reference to some free-text responses provided by respondents, so the reader is able to see the patterns which I saw in the data. In the legal educator stream of responses, some interesting data emerged on pedagogical considerations in relation to blended learning as a lasting effect of the pandemic. I discuss this separately in 4.5(ii).

i. *Increase in remote working practices*

Many respondents across the streams opined that remote working would be the new norm in future. There were many references to 'blended learning' in the

educator stream. Similarly, there were many references to 'work from home' arrangements in the practitioner stream. From the responses gathered, the general sentiment was that remote working did not negatively affect productivity. Some other factors which respondents identified in support of continued remote working practices in legal education and legal practice are reduced demand on physical spaces, reduced travel, and better work-life balance, as shown below

> *'Yes, I suspect that there will be an increased move toward online/blended learning to reduce the pressure on physical space both for student teaching sessions and staff offices. There is significant push-back against a decision to move to hot desking and increased home working would potentially resolve that issue.' – Legal Educator*

> *'We have gone from a business that did not allow home working, to showing we can work (better) from home. More sleep, more exercise, happier sat home with pets' – Legal Practitioner*

ii. Increase in the integrated use of technology

Many respondents across the streams also opined that the pandemic has required them to use technologies more effectively, and this will continue in the future. For educators, many of these responses were in relation to recording lectures, online teaching, and assessments. For practitioners, many of these responses were in relation to video conferencing, online court hearings and online submission of e-bundles. Across the streams, many references were made to continual use of platforms such as Zoom, Teams, and Skype for communication and collaboration. Some reasons in support of the continued integration of technology in working practices outlined by participants were ease, time, cost-effectiveness, and inevitable progress expedited by the pandemic.

> *'Yes- video conferences will replace a large number of face to face meetings, cutting down substantially on business travel, and a good proportion of remote working will continue' – Legal Practitioner*

> *'As i indicated we already use the tech : so this is part of natural evolution' – Legal Educator*

'Yes. The utilisation of such platforms for hearings is the logical and inevitable way forward. The pandemic has simply drastically expedited the process.' – County Court Clerk

4.4.4 Technological skills that will be important for legal practice in future

In question 14, the final question on the survey, all participants across the streams were asked for their opinions on technological skills that will be important for legal practice in future. Four transferable technological skills emerged in the data, as shown in Figure 4.9. These skills were: online communication, data handling and protection, AI/coding, and flexibility and adaptability in relation to the use of technology.

Figure 4.9. Technological skills important for the legal practice in future named by participants

| Online communication | Data handling & protection |
| AI/coding | Flexibility/ adaptability |
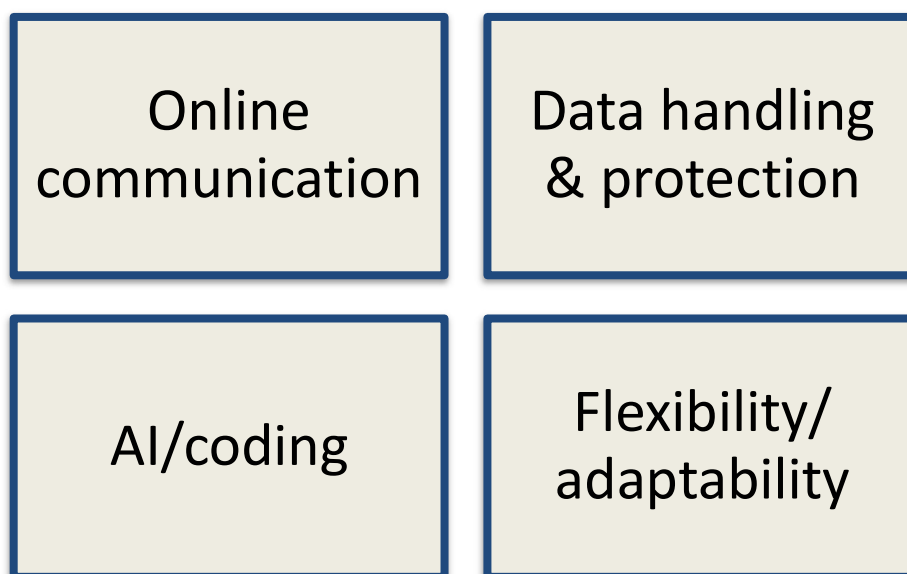
From data gathered, some interesting data emerged when asked what technological skills will be important for legal practice in the future. Although the question asked about technological skills and legal practice specifically, many participants discussed transferable technological skills or skills in relation to the

use of technologies (instead of legal technical skills). Five main skills emerged: law-specific technologies; online communication; data handling and protection; AI/coding; and flexibility/adaptability in relation to the use of technology. I did not analyse data on law-specific technologies that emerged in the data, such as case management systems and online court applications, as the focus of this thesis is on transferable skills. A few legal practitioners opined that *'same skills as now'* would be required in future. No respondents from the educator or both/other stream made contributions to this effect. However, I received three responses from educators which expressed their inability to engage with what was meant by 'technological skills' as the question was ambiguous[792] as shown below

> *'No idea. I am not entirely clear what is meant by technological skills'* – *Legal Educator*
>
> *'You need to define this as it could relate to many things.'* – *Legal Educator*
>
> *'I don't really understand how 'technological skills' is being defined in order to be able to answer this question.'* – *Legal Educator*

This was the last question on the survey, and the ambiguity in wording was intentional to solicit any opinions that participants might have on the broad theme of technology and related skills. However, on reflection, it may have served my research better to have been clearer about my intentions for this question. Similar to the previous section, I present data across the streams in relation to these four skills for the future so the reader can see patterns I saw in the data.

i. Online Communication

Online communication was the most prominent skill which emerged across all the streams in this dataset. This encompassed using Zoom, Skype, Teams, and other unspecified platforms for video messaging and meetings. Referring back to the

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[792] The question asked: 'In your opinion, what technological skills will be important for legal practice in future?'

data from Part 3 of the survey, as show in Table 4.7, across the streams, respondents gave law graduates a 3-star rating for their online communication skills.

ii. Data handling and protection

References to data handling, protection and security was another prominent skill identified as important for the future. This skill emerged in the dataset as having working knowledge of cybersecurity and information security, safe and confidential sharing of information, and in relation to emails and video calls. Referring back to the data from Part 3 of the survey, as show in Table 4.7, educators gave graduates a 2-star rating, practitioners gave graduates a 1-star rating, and this skill did not emerge in the both/other stream. Interestingly, in this dataset, no respondent from the both/other stream identified data handling or protection as a skill that is important for the future either. However, again, inferences cannot be drawn from this considering the both/other stream was the smallest sample group among the three streams.

iii. AI/coding

From data that was collected, there were repeated references to AI and coding across all the streams. However, there was divergence among the streams regarding the extent of AI/coding skills that will be required in future. In the practitioner stream, none of the references to AI/coding/big data came with any explanation. However, in the educator stream, many of the references to AI/coding referred to understanding and critical thought about its functions. Some examples are presented below

> *'Understanding use/limitations of algorithms for answering legal questions'*
> *– Legal Educator*

'Interrogation of software/apps - the changing nature of precedents – algorhythms' – Legal Educator

'Ability to be critical of AI decision-making' – Legal Educator

Similarly, in the both/other stream, the only response in relation to AI/coding was in relation to understanding it

'Personally, I think Machine Learning and AI has been 'oversold' and users need to actually understand the difference between AI and ML [machine learning] for example. These skills are rooted in Philosophy oddly enough, which we sorely lack in IT generally.' – IT Consultant in a firm

Referring back to the data from Part 3 of the survey, as show in Table 4.7, across the streams, respondents gave law graduates a 1-star rating for their development of AI/coding skills. In Part 4, most references to AI/coding/programming did not specify whether this was referring to graduates' technical coding skills or their understanding of AI/coding.

iv. Flexibility/adaptability in relation to the use of technology

Across all streams, another prominent skill that emerged was flexibility and adaptability for the use of technology. Many of these references were about using technology more frequently, increasing digital fluency, familiarity with technology, keeping up with technological advancements, and embracing technologies which will inevitably become common as remote working becomes the norm.

'I think we need to embrace cloud computing and show our students how to work from home, as this is what they'll have to do in the future. This means *we* in law clinics have to do this too. I know clinicians who have strongly resisted any sort of electronic database because they didn't trust it. We need to get over this and join the 21st Century. I think we're doing our students a disservice if we don't try to at least give them a taste of what might be utilised in practice'. – Legal Educator

'It's not a specific skill (e.g. ability to use spreadsheets) that needs to be developed. Instead our general level of comfort with technology needs to go up. We don't know what software we'll be grappling with in the future, so we

can only aim to minimise general technophobia.' – Legal Educator and
Legal Practitioner

Referring to the data from Part 2 of the survey, as shown in Table 4.6, educators
and practitioners gave graduates a 2-star rating for adaptability, and this skill did
not emerge in the both/other stream. However, in relation to skills for the future,
flexibility and adaptability for the use of technology was quite a prominent skill that
emerged within the responses in all three streams.

4.5 Criticisms and considerations about legal education today

Some data which I had not intended to gather, albeit relevant to this research,
emerged in some datasets. In Part 2, when exploring participants' opinions on
general skills for employment, some informed criticisms of legal education
emerged in the responses to this question. Later in Part 4, when exploring the
effect of the pandemic on legal education, some data regarding considerations
about the VLE from a pedagogic perspective emerged in the educator stream. I
present some free-text responses regarding these considerations below.

i.   *Criticisms of legal education*

In Part 2, Question 7 asked what skills law graduates lacked and why respondents
thought this was so. Critical thinking and commercial awareness were the most
commonly named skills across the streams. An interesting finding was that
empathy and research skills were also commonly referred to in the educator
stream, but not in the practitioner or both/other stream. As for reasons why law
graduates lack these skills, two main themes emerged in the data – (i) graduate
personal abilities and (ii) criticisms of legal education. Acknowledging that law
graduates as individuals have varying personal abilities, life experiences and
heterogeneous experiences of legal education, drawing inferences based on

graduates' personal abilities is beyond the scope of this thesis. For transparency here, the reader should be informed that I have not explored responses on this in much depth during my analysis because they were not directly relevant to the aims of this research project. However, to provide the reader with context, here are some examples of such responses which fell within the 'graduate personal abilities' theme:

> *'Wrapped in cotton wool for a long time, can't take rejection or deal with problems' – Legal Educator*
>
> *'Eager to earn money and less interested in studying profoundly law' – Legal Educator*

In relation to criticisms of law school, this was a significant finding in itself as participants were not explicitly asked to do this. Many of these criticisms were in relation to the content, purpose, and currency of legal education. I have summarised the main themes of criticisms which emerged in Figure 4.10 below.

Figure 4.10. Themes that emerged in relation to criticisms of legal education
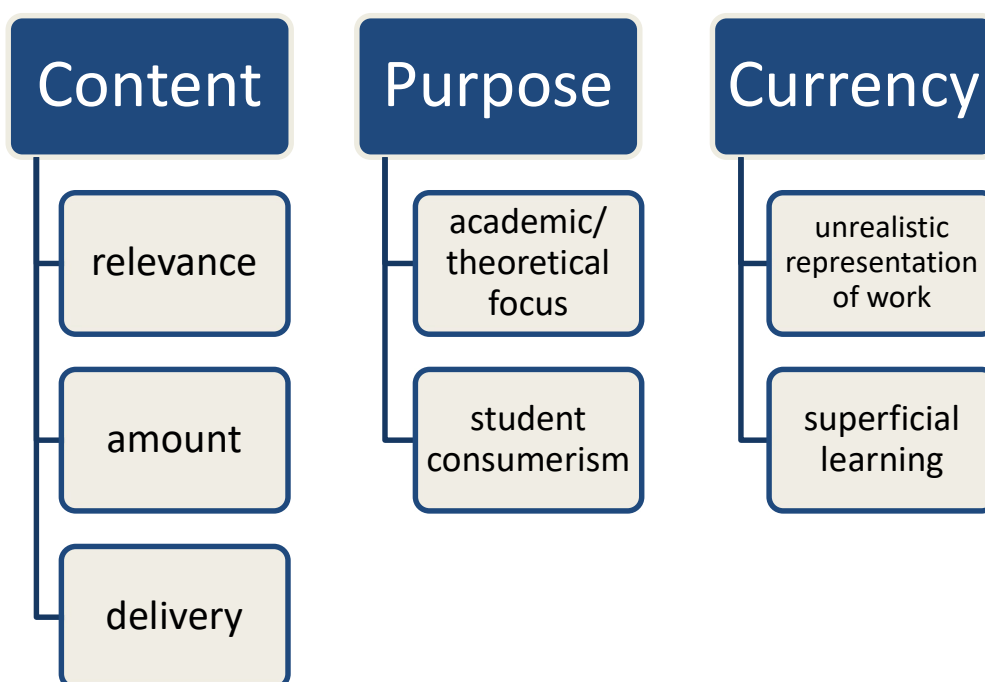
Across the streams, there were a few references to legal education being too heavily focused on theory without practical application. This consequently results in graduates lacking skills such as identification of relevant information, or the ability to interpret theoretical knowledge in practical contexts. For example,

> *'…. I think this is a product of our Legal Education system which is based too heavily on esoteric legal principles which have little practical application in practice. This encourages graduates to believe that there is a complicated legal answer to every problem' – Legal Practitioner*

From the responses, some participants opined that the legal education curriculum has too much content, some of it perhaps even irrelevant

> *'Too much bulshit in law curriculum, eg Feaucaut' – Legal Educator*

> *'….. the nature of current legal study, the speed at which they are meant to learn and the increasing pressures on them' – Legal Educator*

Some responses suggest that superficial learning is encouraged to enable students to have sufficient knowledge solely to pass the exams

> *'…. often the lack of experiential learning and courses which allow or even encourage shallow rather than deep learning.' – Legal Educator*

> *'….. because the graduate has only learnt to pass the exam and not necessarily to understand the subject matter' – Legal Practitioner*

Interestingly, some participants opined that ineffective teaching methods were a consequence of educators' lacking skills

> *'…. often because they had no one to adequately explain it to them.' – Legal Practitioner*

> *'… because we don't teach these well' – Legal Educator*

Some were of the opinion that student demands dictated the approaches taken

> *'….. Because of the way the UK higher education system is set up; students are consumers and demand the skills they want to be taught, having no clue which skills they actually need/lack.' – Legal Educator*

However, whatever the reason, this approach could be said to deprive students of exposure to the 'real world', and therefore give them unrealistic expectations of working practices that they will experience in employment

> *'…. we were always given a lot of time before exams to prepare ourselves, almost spoon fed, whereas in real life you would usually have one day to prepare for an assignment at work.' – Legal Practitioner*

> *'….. They are accustomed to positivity in university life, perhaps in consequence from the NSS, but it can be a real shock when they venture into practice, where positivity is not always possible….' – Legal Educator and Legal Practitioner*

I have explored these criticisms with reference to the literature, and I will discuss this in the next chapter.

ii. Legal Educators' considerations of blended learning

In Part 4, question 13(b) asked what effect the pandemic has had on working practices. Many legal educators referred to shifting teaching and assessments online. However, some educators also provided insight into their concerns and confidence about the blended or distance learning environment. From these responses, some themes emerged, as shown below in Figure 4.11

Figure 4.11. Themes that emerged from legal educator responses in relation to the continued use of technology-enhanced learning
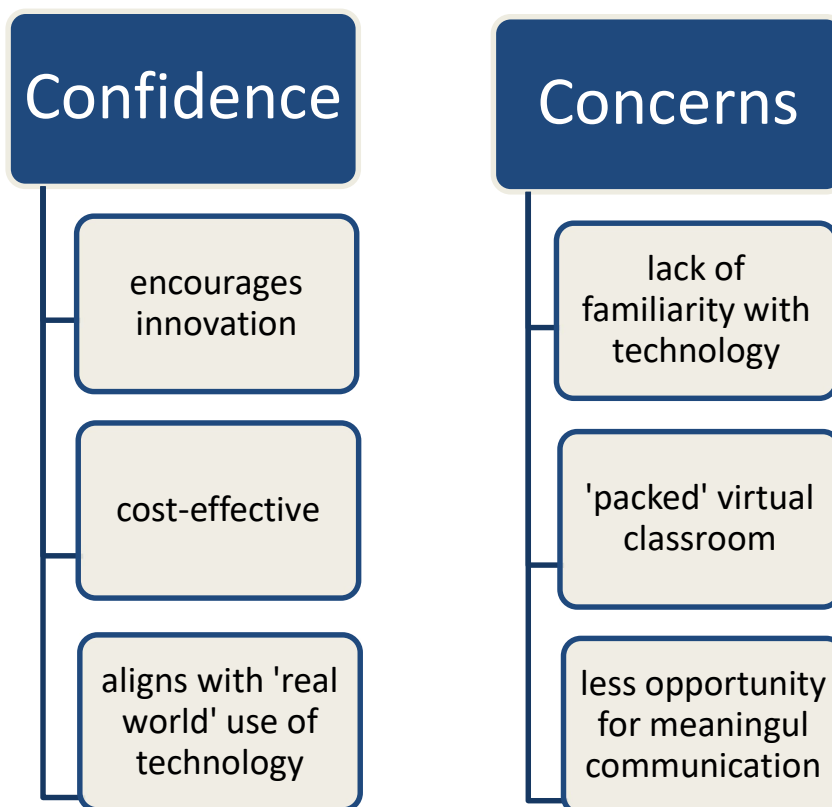
Many educators were of the opinion that some elements of virtual learning would continue to exist even after the pandemic restrictions ease. Some of the reasons indicated was the time and cost that had already been invested in developing these platforms and materials. For example,

> '…. We have learnt that many of these methods are effective, …. Staff have invested huge amounts of time to respond to the Covid-19 crisis and will be reluctant not to make effective use of the results.' – Legal Educator

Some believed this would be prudent due to the potential cost-effectiveness and from a pedagogic perspective. For example,

> '… I think the universities will ultimately continue to develop their online offering as being a cost-effective mode of learning which can be relied upon in unprecedented times.' – Legal Educator

> '… costs efficiency in the short term; pedagogically when more thought through and developed.' – Legal Educator

Some were of the opinion that the VLE encouraged educators to be innovative in their teaching and assessment methods, which may promote more effective learning

> *'… I think this will hopefully prompt people into taking a more innovative approach to how they teach legal subjects' – Legal Educator*

> *'… It would be good if they did but my institution is very resistant to change. I am not sure about open book exams but it would allow us to shift focus off memorising' – Legal Educator*

Some also noted that increased elements of virtual learning would align better with the 'real world' in relation to the use of technology in working practices

> *'…. It has enabled some lecturers to appreciate an alternative that in fact is more in line with the real world when it comes to the use of technology' – Legal Educator*

However, some were concerned that the quality of education would decline as a result of increasing elements of virtual learning in legal education. Some of these concerns were in relation to large class sizes and increasingly unmanageable workloads for educators

> *'… I believe that casualised staff will find it hard to get wok, and students will instead be packed into virtual classrooms, with no limits on physical space. However, this will reduce the quality of education as it is usually casualised staff who are more familiar with using technology in teaching settings and permanent/tenured staff will have extra workloads when they are already at breaking point.' – Legal Educator*

Some other concerns were in relation to the opportunity for meaningful communication with students. For example, some educators identified that despite the increased methods of communication available, communication with students has become more challenging.

> *'Beforehand, students would 'pop' into my office all day (sometimes, I think just to talk to someone to be honest). I'm not there now. And students are*

less inclined to 'call' you or use online tech to contact you. I think we'll be less available. I'm not sure if I've come to terms with whether that might be a good thing (mostly for me) or a bad thing (mostly for them).' – Legal Educator

From free-text responses provided by participants in Part 2, when asked what skills law graduates lacked, interestingly some educators discussed communication as a skill which was lacking as a result of the increasingly use social media which is a means of online communication

'In the era of social media and electronic communication it appears that a large number of students struggle with the necessary communication skills or the accompanying confidence to communicate.' – Legal Educator

'Unfortunately I feel that a lot of this comes down to the increasingly virtual world that we live in. Many students secure work experience through completing online forms, interacting at networking events or through social media… Similarly, online interactions tend to be briefer and more impersonal. It is difficult to see/understand the person at the other end of an online interaction. A lot of legal work requires you to 'read' people - whether the opponent, or the client - in order to be effective. You can only develop that by having face to face interaction with a wide range of people.' – Legal Educator

However, from the data collected throughout the survey, some educators expressed that they currently struggle with the use of basic technologies themselves

'… we now have to use Microsoft Teams and BB Collaborate (many tutors have not used these before, including myself).' – Legal Educator

'... I struggle with technology myself.' – Legal Educator

This data is not surprising as technological expertise was not a necessary criterion to be an effective Legal Educator prior to the pandemic. I revisit my discussion on this in 5.1.4.

4.6 Summary of chapter

At the start of this chapter, I drew the reader's attention to the research sub-questions that were partially addressed by the data collected from the online survey used in this research project. The main findings in relation to these sub-questions are summarised in the bullet points below:

Sub-Q 2a: What effect has the pandemic had on legal education?

- The pandemic has increased the use of technology for students and educators without sufficient preparation and development of the necessary skills to adapt so abruptly.

- The shift to remote delivery has required educators to be innovative with new forms of teaching and assessments to minimise disruption caused by the pandemic.

- Despite its challenges, the pandemic catalysed new and innovative forms of virtual CLE and WBL. It also introduced new ways of gaining work experience as students could engage in remote opportunities which would not have been accessible prior to the pandemic due to geographical barriers.

- The role of educators has been challenged and redefined. The pandemic required educators to broaden their scope of abilities (i.e. subject matter experts, research active, and also fluent in technology and content creation). Some educators opined that this transformation is required to educate a generation of students who will be working in technologically-enhanced workplaces. In contrast, some opined that the new responsibility was not appropriate for an educator's role.

- A consequence of these changes is that the nature of relationships between educator-student has been impacted. New forms of communication online require students to exercise more autonomy over their learning, as online methods promote increased self-directedness. The role of an educator in an online setting is akin to that of a facilitator, instead of the primary source of information. Some educators found that this new approach maximises the relationship between educator-student. However, some educators also found that the new approach has made them less approachable to students, as they have become less visible and present to students.

Sub-Q 2b: What effect has the pandemic had on working practices (legal sector and others)?

- The pandemic increased the use of technology without sufficient preparation for most practitioner participants. Some participants had already been involved in remote working practices prior to the pandemic and did not require much effort to adapt the shift to online working. However, most practitioners found this to be quite a considerable change.

- New working practices such as having meetings and court hearings online and paperless working were uncommon for most participants before the pandemic. Some noted that their workplaces frowned upon remote working practices before the pandemic but have now become the default.

- Most practitioner participants found remote practices to be more effective and hoped for their continuity once lockdown restrictions were lifted. Many opined that it would, considering the costs involved in expediently reconfiguring systems for remote working adapt in light of the pandemic.

- Although many practitioners opined that the new way of working was more suitable, some opined that they struggled due to a lack of preparation and training. Some participants also noted that the new ways of communicating and operating online were a barrier to clients who were not sufficiently technologically adept, highlighting the importance of a more flexible approach that suits the needs of individual clients.

Sub-Q 3a: What skills are most important for employment today?

- Data was collected in relation to three specific clusters of skills: general skills, technological skills, and skills required for the future in light of the pandemic. Across the streams, although the participants were asked to name skills they opined would be relevant to legal practice, many of the skills named were not practice-specific skills. This indicates that even for legal practice, the most important skills are transferable skills. These skills were categorised and coded according to the NRC taxonomy of skills.

- Across the streams, the three most important general skills named were: (i) **communication** [cognitive and interpersonal skill]; (ii) **critical thinking and problem-solving** [cognitive skill], and (iii) **empathy** [interpersonal skill]. The three most important technology skills named were: (i) **written production of information** [cognitive skill], (ii) **online communication** [cognitive and interpersonal skill], and (iii) **online research** [cognitive skill]. When asked to rate how well-developed these skills were in law graduates, the average rating for each of these skills was 3 out of 5, indicating these skills are already being developed in law schools to some extent.

- In light of the pandemic, when asked what skills participants opined would be important for employment in the future, four skills emerged in the data. These were: **online communication** [cognitive and interpersonal skill], **data handling and protection** [cognitive and intrapersonal skill], **flexibility/adaptability in relation to the use of technologies** [cognitive

and intrapersonal skill], and **understanding of AI and coding** [cognitive and intrapersonal skill].

Sub-Q 3b: Are the necessary skills currently fostered through LLB provisions in England and Wales?

- Across the streams, participants opined that law school equips law graduates with some general and technological knowledge and skills required for employment, but law graduates still have to learn on the job.

- The data collected suggests that the knowledge and skills that an LLB graduate is equipped with significantly depend on the provider where they pursue their studies; graduates from different providers graduate with different knowledge and skills.

- The data also suggests that the participants had different levels of skills developed. Some participants worked in significantly more technologically adept environments than others and had higher thresholds of competence when discussing technological skills required for employment. Conversely, some participants stated that they struggled with technology themselves and could not engage with some of the questions asked concerning technological skills.

- From these observations, it was evident that participant ratings and opinions on the development of graduate skills could have limited reliability on their own, as the diverse experience within the participant pool led to discrepancies in participant interpretation of terminology used in the survey.

In the following chapter, I discuss the significance of these findings in relation to the aims of this research project and with consideration for the existing literature reviewed in Chapter 2.

Chapter 5   Discussion

In the previous chapter, the findings of the online survey were reported. In this final chapter of this thesis, I discuss these findings in tandem with findings from the other methods used to achieve the aims of this research. To conclude this thesis, at the end of this chapter, I revisit the unique contribution to knowledge that this thesis has made, its limitations, recommendations for further research and my concluding reflections on the knowledge that has been transformed and constructed through this research journey. The aims of this research frame the discussions in the following subsections of this chapter.

5.1 Revisiting the aims

This research aimed to answer the main question, *'How can essential transferable skills be developed through the LLB curriculum to equip graduates for employment today?'* by addressing the research aims that were met through (i) a narrative review of literature, (ii) a content analysis of 107 LLB provider websites, and (iii) an online survey which collected data from legal practitioners, legal educators and individuals involved in one or both of the aforementioned in England and Wales amid the pandemic. In Figure 5.1 below, I summarise the methods used to achieve these aims.

Figure 5.1. Diagram on methods used to achieve research aims

Explore the potential long-lasting impact of the technological transformation in working practices within and outside the legal sector in England and Wales that has resulted from the pandemic

Existing literature

AIM 1

Analyse the distinctive epistemological perspectives of LLB degrees in relation to employment and legal practice

AIM 2

AIM 4

Construct possible pathways to develop these transferable skills through the LLB Degree

AIM 3

Online survey data

LLB curriculum review

Identify transferable skills required for employment within and outside the legal sector today

In the following subsections, I discuss the findings of the mixed methods used in relation to each of these aims.

5.1.1 Aim 1: Analyse the distinctive epistemological perspectives of LLB degrees in relation to employment and legal practice.

This aim was addressed through a narrative review of existing literature.

In 2.2, this thesis explored the purpose of LLBs in England and Wales in light of recent global challenges and policy changes since the 1950s.[793] As a summary of the main findings of the literature review conducted, the complex positionality of law schools within the HE sector and in relation to the legal regulators, and the limited prescription of LLB provisions, have made the purpose of LLB degrees in England and Wales rather obscure. The internationalisation and marketisation of the HE sector, as discussed in 2.2.2, have added an additional layer of complexity as providers also strive to balance the interests of international students who significantly contribute to the continuity of the HE market[794] against home students who are increasingly accessing HE through funding and student loans. It is said that the transformation of students into customers seems particularly established in university systems set up as competitive markets, such as those in the United States, the United Kingdom, and Australia.[795] From the literature reviewed and discussed in 2.2.3, it is evident that this model has placed the issue of 'attracting student–customers at the centre of university management'[796] in England and Wales. The existing literature is rich in discourse on how best to maintain and strengthen the value of universities in an environment where HE is increasingly

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[793] The most relevant policies are summarised in Table 2.5

[794] In recent years, the UK has been the second most popular global destination for international students after the US. In 2019/20 there were 538,600 overseas students studying at UK universities; 22% of the total student population. According to the House of Commons, international students in the UK provide a large and increasing share of total income due to the higher fees they pay and the increase in their numbers. Universities gain a surplus or 'profit' on teaching international students overall which helps to fund important 'loss making' activities such as research. See 'International and EU Students in Higher Education in the UK FAQs' (n 263); 'Coronavirus: Financial Impact on Higher Education' (n 269)

[795] Javier Paricio, 'Students as Customers: A Paradigm Shift in Higher Education' (2017) 131 Journal on Culture, Power and Society 137. 138

[796] Paricio (n 795) 137

seen as an economic investment and a business,[797] as discussed in 2.2.4 and 2.4. With regards to LLB degrees, two main purposes emerged in the body of existing literature: vocational and liberal education, which can be viewed as both complimentary and contradictory.[798] A prominent theme which emerged in the literature reviewed was whether the adult learner LLB student is best placed to determine what LLB provisions should offer through the authority they have over providers through means such as the NSS,[799] or whether the integral aspects of the transformative educational experience as discussed in 2.1 lay in the absence of consumer choice.

i. The relationship between LLBs and graduate employment

As discussed in 2.4, HE in the UK is increasingly being marketed to increase employability prospects.[800] This agenda is becoming more prominent in legal education, particularly since the QLD requirement for entry into the solicitors' profession was abolished. An increasing number of law schools now advertise their LLBs as 'prep for the SQE' as discussed in 2.2.4(ii), challenging the unique epistemological stance of LLBs, which have been successful in not tying themselves to any specific employment sector for decades. Considering statistics discussed in 2.2.4(ii),[801] we also know that only a small portion of LLB graduates pursue a career in the legal profession, further substantiating the argument against imposing the development of legal practice-specific skills in the LLB programme.

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[797] Paricio (n 795) 146

[798] James notes that it appears as though most who favour a vocational approach to the teaching of law do not support a liberal approach. See James (n 501) 184

[799] Collini (n 255).
See 2.2.3 and 2.3.2 for fuller discussion on student consumerism of HE.

[800] An example of this is the advertising on the British Council website '*Studying in the UK is good value for money – average costs here are lower than in both the USA and Australia. Additionally, UK graduates are amongst the most employable in the world (according to the QS annual employer survey). This means your investment is likely to result in a successful career'*. See 'Cost of Studying and Living in the UK' *Study UK (British Council)* <https://study-uk.britishcouncil.org/moving-uk/money-budgeting>. Last accessed 30 September 2022.

[801] As a summary, the number of LLB graduates every year significantly exceed the number of opportunities available to enter into the legal profession. Only a small number of LLB graduates end up going into legal practice. See Figure 2.7

However, packaging the LLB this way is attractive, as it gives students the impression that the LLB provides them with a competitive edge in an increasingly competitive legal job market. During the early days of the SQE, when discussing regulatory changes and the impact of the pandemic, Roper suggested that UG law degrees (including LLBs) would be better suited to foster 'soft skills' and technology skills, as the SQE1 assessments are not designed to address these transferable skills.[802]

From the literature on the theoretical framework explored in this thesis, we know that activity such as CLE and WBL motivates an adult learner, as they have outcomes applicable to life after graduation. Irrespective of a graduate's aspirations, the outcomes of both, CLE and WBL, include employment and employability capital, such as valuable practical experience on CVs, development of transferable skills, and a greater understanding of expectations and the operations of a workplace. These outcomes increase employability prospects and a graduate's confidence in preparation to enter the workforce. This experiential learning embedded into the curriculum facilitates an adult learner to make links between theory learned and workplace problems,[803] which challenges the assumption of knowledge being fixed rather than 'fluid and ever-evolving through practice.'[804] From a legal education lens, graduates' ability to reinforce or challenge social structures and policy (including those in the university and workplace setting) can serve as supports or constraints of future actions for their life post-graduation.[805] These transformative learning experiences can be incredibly valuable for an adult learner as they develop reflective and critical thinking skills that a graduate will continue to develop through experiences in their

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[802] Victoria Roper, *Barclays EagleLabs Panel Discussion* (n 324) 15:15-16:30

[803] Joseph A Raelin, 'Toward an Epistemology of Practice' (2007) 6 Academy of Management Learning & Education 495. 497

[804] Alexander Styhre, 'Knowledge as a Virtual Asset: Bergson's Notion of Virtuality and Organizational Knowledge' (2003) 9 Culture and Organization 15 cited Raelin (n 803) 497

[805] See Basil Bernstein, *The Structuring of Pedagogic Discourse* (Routledge 1990) cited in Raelin (n 803) 497.

personal and professional lives when they leave law school. Through conversations and collaboration with expert practitioners and other learners in a workplace setting, practical knowledge, which is 'inherently social as well as transactional, open-ended, and prospectively useful'[806] is constructed. These processes and strategies align with the self-directed, problem-based, and transformative learning that Knowles outlines as optimal methods, which equip an adult learner with valuable transferable knowledge and skills that extend beyond employment in any particular sector.

ii. The effect of HE consumerism on LLB provisions

To some, calling students "consumers" threatens the mission of HE, reducing it to a series of outcome-based monetary metrics, like jobs and salaries, to the detriment of learning, teaching, and academic freedom.[807] To others, calling students "consumers" 'is a defeat because it implicitly accepts the premise that HE is an individual investment product rather than a public good creating an educated citizenry'.[808] Paricio expresses concerns over the student-consumer dichotomy as it has redefined academic culture[809] by transforming relationships between students, faculty, and institutions. Trout additionally stresses that consumer desires represent the supreme mandate on the market and that it 'makes nonsense out of traditional notions such as hard work, responsibilities, and standards of excellence when the sovereign-customer model is applied to HE'.[810] Giroux has described the 'high-stakes testing, skill-based teaching and memorisation drills which have resulted from this remodelling of HE' as the 'antithesis of a critical approach to teaching and learning as it emphasises a

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[806] Raelin (n 803) 498
[807] Maura Dundon, 'Students or Consumers: For-Profit Colleges and the Practical and Theoretical Role of Consumer Protection' (2015) 9 Harvard Law & Policy Review 375, 386
[808] Ibid, 375
[809] Paricio (n 795) 139
[810] Paul A Trout, 'Disengaged Students and the Decline of Academic Standards' (1997) 10 Academic Questions 46. 50

'pedagogy of conformity, and a curriculum marked by vulgar "vocationalist instrumentality."'[811]

From a legal education perspective, educators such as Maharg share concerns about teaching and standards of professionalism suffering because of the commercialisation and commodification of legal education.[812] As Collier describes, law schools have become like corporations, increasingly becoming more entrepreneurial, undergoing restructuring and measured in research and teaching performance.[813] More recently, these views have been supported by legal academics such as Morrison and Guth, who discuss how the neoliberal and marketised law school is about individual success, defined by metrics such as 'highest test scores, highest paying internship or job secured, highest teaching evaluation scores and most research money secured'.[814] They also opine that the structure of universities in England and Wales has become the 'antithesis to an effective learning environment that encourages staff to focus on 'short-term, box-ticking and metric-appeasing goals'' without much consideration about the impact on students or colleagues.[815]

However, moving away from metrics is difficult. As Morrison and Guth discuss, the metrics feed the league tables, which are so inextricably linked with student recruitment, which determines the survival of departments and in some cases, institutions.[816] They discuss how this has been exacerbated by the introduction of significant tuition fees and the often unrealistic or ill-founded student

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[811] Graeme Turner, What's Become of Cultural Studies (Sage 2011) 18 cited in Henry Giroux, *Neoliberalism's War on Higher Education* (Haymarket Books 2014). 29.

[812] Paul Maharg, 'On the Edge: ICT and the Transformation of Professional Legal Education' (20006) 3 Web Journal of Current Legal Issues <https://strathprints.strath.ac.uk/3355/1/strathprints003355.pdf> Last accessed 30 September 2022.

[813] Richard Collier, 'The Liberal Law School, the Restructured University and the Paradox of Socio-Legal Studies' (2005) 68 Modern Law Review 475.

[814] Doug Morrison and Jessica Guth, 'Rethinking the Neoliberal University: Embracing Vulnerability in English Law Schools?' (2021) Online The Law Teacher. 7

[815] Ibid

[816] Ibid, 9

expectations.[817] This vicious cycle of relying on metrics has been the inevitable result of universities relying on students as funding sources due to policy introduced through the 1990s, particularly the Dearing Report that wholly transferred HE liability from state to student, as discussed in 2.2.2.

From an education perspective, Biggs warns about the messages from administration downwards, suggesting 'teaching is only about what teachers do'. The 'box-ticking, metric-measuring' activities described above only fulfils one side of the two-sided ledger sheet which Biggs analogises. It accounts for what the teacher is doing; but not for the other side: what the student learns.[818] In relation to the LLB degree, these concerns need to extend further to examine the impact of commercialisation on the best methods for adult education. Activities satisfying the adult student-consumer may not necessarily be the best methods for the transformational learning that Mezirow discusses.[819] The question that should be considered here is 'what is the adult student-consumer paying for?'. If it is an education in law, the onus of deciding best methods should rightly be on the educators. However, if it is merely a law degree which they desire, then, best methods are irrelevant as a learner does not necessarily need to experience a transformative education to acquire a law degree.

As discussed in 2.3.1, intellectually unstimulating 'chalk and talk' methods have conventionally been associated as orthodox signature methods for legal education, and it has been a tried and tested means to gain a law degree for time immemorial. However, an education in law and a degree in law are not interchangeable concepts, and it should not be mistaken as such when considering adult student-consumers. The literature on learning theories suggests

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[817] Ibid, 8
[818] Biggs and Tang (n 256)
[819] See 2.1.1(iii) for fuller discussion on Mezirow's concept of transformational learning. See also Mezirow (n 346); Jack Mezirow, 'An Overview on Transformative Learning' 16; Mezirow (n 80); Mezirow (n 47) .

that adult learners are motivated by employability and earning outcomes when they pursue HE. However, a more nuanced understanding of this desire to learn is required. Honing advocacy and drafting skills could potentially facilitate a graduate's transition from HE to the legal practice workplace, however it does not necessarily equate to better employability and earning outcomes. Grasping this fundamental distinction is vital when LLB providers consider what it is that the adult student-consumer desire from their pursuit of the LLB degree.

Transformational experiences require learners to engage with ideas that challenge their views of the world in relation to the law, and critically reflect on their role in society as law graduates. These experiences equip graduates with a competitive edge in the workplace and for life beyond the workplace. In the current model of HE that relies on student satisfaction, the ambiguity on the purpose, content, and currency of LLB provisions invites disappointment from students and providers. Student dissatisfaction is inevitable as students do not necessarily know what they have signed up for when they enrol on an LLB programme.

5.1.2 Aim 2: Explore the potential long-lasting impact of the technological transformation in working practices within and outside the legal sector in England and Wales that has resulted from the pandemic

This aim was met through a narrative review of existing literature and analysis of data collected from the online survey

As noted by a participant, *'[the use of legal technologies] is the logical and inevitable way forward. The pandemic has simply drastically expedited the process.'* Amidst the lockdown, Ashford noted that the pandemic was already beginning to re-shape legal education and legal practice, and that the shift from on-campus to online delivery that was achieved expediently tells its own story of technologies, investment, and the ethos of law teachers.[820] Today, the widespread

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[820] Chris Ashford, 'Law Teaching and the Coronavirus Pandemic' (2020) 54 The Law Teacher 167.

digital teaching and learning that was forced through the lockdown is no longer just an emergency stopgap but has an important role in the future.[821] Despite the initial transitory difficulties and challenges,[822] the pandemic also brought new opportunities to 'reflect critically on established (sometimes traditional) practices in HE'.[823] It has truly catalysed the transformation that legal educators and practitioners have debated for decades.[824]

Rizvi viewed online pedagogy as a means to 'radically overhaul the nature of student engagement and student–teacher relations, how the processes of knowledge ownership, creation, distribution and utilisation might be reimagined, and how the idea of learning itself might be re-conceptualised'.[825] The technological transformation brought about by the pandemic could potentially be the needed disruption to recalibrate the relationship between student-teacher, which has been redefined in recent years as a result of increasing HE consumerism as discussed in 2.2.3. Kalantzis and Cope suggest that the unprecedented move to online learning 'challenges conventional wisdom about teaching and learning', such as assumptions that the 'gold-standard' for learning is

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For commentary on how legal practice and legal education have adapted during the pandemic, see Devyani Prabhat, 'Online Learning and Work during the Pandemic: Update on the Legal Sector' (2022) 56 The Law Teacher 290.

[821] Survey of international university leaders in May 2020 found 55% agreed that the experience of mass online teaching and the realisation of its possibilities will increase the use of fully online degrees at their institutions over the next five years. See 'THE Leaders Survey: Will Covid-19 Leave Universities in Intensive Care?' *Times Higher Education* <https://www.timeshighereducation.com/features/leaders-survey-will-covid-19-leave-universities-intensive-care>. Last accessed 30 September 2022

[822] The World Bank identified four main challenges that affected both, the teaching and learning, in HEIs during the initial shift to online delivery, namely: (i) weakness of internet connection and low internet speed; (ii) expenses for reliable internet connection; (iii) lack of equipment (computers / laptops / tablets / smartphones) necessary to participate in the online teaching and learning process; (iv) and online tools crashing when many users connect to them simultaneously. These factors were attributable to the fact that not many higher education institutions have an online infrastructure which allows massive use, resulting in their websites and library websites not functioning. Additionally, teaching staff lack suitable equipment for remote work, further contributing to educators expanding time and effort on tasks inefficiently. See 'Tertiary Education and COVID-19: Impact and Mitigation Strategies in Europe and Central Asia' (World Bank Group 2020) <https://documents1.worldbank.org/curated/en/783451590702592897/COVID-19-Impact-on-Tertiary-Education-in-Europe-and-Central-Asia.pdf>. Last accessed 30 September 2022

[823] Farnell and others (n 9) 30

[824] For example, Susskind notes lawyers reluctance to change and adapt to the impact of technology on legal practice, even prior to the pandemic. See Richard Susskind, *Tomorrow's Lawyers* (Oxford University Press 2017), 40.

[825] Fazal Rizvi, 'Reimagining Recovery for a More Robust Internationalization' 39 Higher Education Research & Development 1313. 1315

traditional face-to-face, while online is second-best'.[826] Their research in the US shows that online learning can be completely different and potentially superior to in-person teaching by using the right tools and methods. However, the current generation of educational technologies are not suited for much more than 'reverse engineering' traditional classrooms.[827] Considering the abruptness of shifting from in-person to online teaching, there has also been little understanding on student engagement in these online learning spaces. Krummaker suggests that interactions such as virtual hand raises, comments in chat, clicking on links in VLE platforms are only superficial indicators of student engagement in an online learning environment and means such as student attendance are not accurate measures of student engagement, but rather just surveillance. [828]

Similarly, Whitford warns that a big myth to dispel about online pedagogy is that silence equals disengagement. He argues that it is grossly unfair to conceptualise students who are silent or have their cameras or microphones switched off as lazy or disinterested.[829] The incorporation of online methods has allowed for learning to happen more flexibly as adult learners are empowered to learn in their own time, in an environment conducive to their learning and in whatever format suits them best. The virtual classroom arguably has more potential to be engaging as it allows students to participate in different ways[830] and interact with each other using functions such as the chat, interactive whiteboard, breakout rooms and such. Students can contribute to their learning as technology enables this. However, educators need to understand better how to use these technologies to maximise

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[826] Mary Kalantzis and Bill Cope, 'After the COVID-19 Crisis: Why Higher Education May (and Perhaps Should) Never Be the Same' 40 Access: Contemporary Issues in Higher Education 51. 51

[827] Ibid, 52

[828] Prof Stephan Krummaker, *Educate Futures Podcast, Putting the 'Human' into Online (2): What's the Future for the Use of Data in the Higher Education Sector?* (2020) 1:40-3:40 <https://www.buzzsprout.com/949219/6419110-putting-the-human-into-online-2-what-s-the-future-for-the-use-of-data-in-the-higher-education-sector>.

[829] Tom Whitford, *Educate Futures Podcast, Putting the 'Human' into Online (2): What's the Future for the Use of Data in the Higher Education Sector?* (n 828) 15:30-17:40

[830] *Educate Future Podcast, Preparing for Quality Online Facilitation* (n 828) 18:30-19:05

deep learning in the online and blended environments. With the effective use of technology, a suitable environment for adult learning that promotes student-led, self-directed learning can be created, further transforming the student-teacher relationship, as will be discussed in 5.1.4(iii).

i. Online communication

From data collected, educators and practitioners both noted that they have become accustomed to communicating with colleagues, clients and students via email, Instant Messaging, phone calls, video conferencing platforms such as Skype, Zoom, Teams, and other platforms which are not industry-specific. They also noted a shift in attitude towards practices such as using social media apps for professional communication. This practice, once steer-cleared of by most practitioners and academics, has become more normalised due to the pandemic.

As discussed in 4.5(ii), some educator participants were concerned that they have become less accessible to students as students can no *longer 'pop into the office'* when they require input from educators. Some educators have expressed that communications with students have become less formal as students engage with them via social media platforms such as Twitter, whilst others have expressed that communication now feels more *'down-to-business'.* Features such as 'chat' in an online classroom enable more students to participate simultaneously. However, despite the widened means of participation and communication, it has also made it more challenging for an educator to gauge students interest and understanding, as it is quite common for students to have cameras switched off during live sessions,[831] or for microphones to be muted.[832] Online interactions may also be

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[831] This may be for reasons such as privacy, lack of resources (i.e. using phones instead of laptops where laptops in a household may be shared, no webcam on laptop), being in shared spaces with others who are studying/working from home. See '"Digital Poverty" Risks Leaving Students Behind' *Office for Students* <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/digital-poverty-risks-leaving-students-behind/>. Last accessed 30 September 2022

particularly challenging for disabled or foreign students of different cultures.[833] As a result, interaction in virtual classrooms is not similar to that in physical classrooms; conversation is much less natural and candid, and building organic relationships is more challenging.[834]

Nonetheless, the increased use of online communication has been not only prevalent in HE as a result of the pandemic but also in other forms of employment, including legal practice. From data collected, similar concerns emerged from practitioner participants regarding the effect of online interactions with clients. Some participants described that the sudden shift to online practice as being difficult to accommodate due to lacking facilities to work productively. This resulted in *'tasks taking more time to complete at home than in the office'.* As online communications continue to exist as the default method of communication in society today, it is worth considering whether it may be beneficial for educators to start providing students with formative feedback on their use of emails, instant messaging and video calls as a mode of communicating.[835] This shift online may be a good opportunity to consider the value of formative feedback on online

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[832] For example, to prevent background noises and interference if in a shared space; or incompatibility of device used.

[833] Advance HE found that during the pandemic, 'whilst everyone is getting more used to communicating in an online environment, it is more challenging for an educator to "read the room" and pick up non-verbal cues that demonstrate understanding or misunderstanding; this has many potential consequences but can be particularly challenging for disabled students or across different cultures.' See Gravity Assist: Propelling Higher Education towards a Brighter Future' (Office for Students 2021) < https://www.officeforstudents.org.uk/publications/gravity-assist-propelling-higher-education-towards-a-brighter-future/executive-summary/> Last accessed 30 September 2022

[834] Ryan interviewed students from the virtual law clinic at the OU. She found that students reported a mixed experience of collaborating online. Where it was successful the key outcome generated was teamwork enhancing students' learning: "working with your colleagues, you are all there to help each other and learn from other each other" but for other students the challenges of online collaboration had a negative impact on their experiences of the clinic: "it, it was a little bit difficult, you know. And you arrange meetings and the one guy, particularly, didn't turn up and so on and so forth, um, so I just found that a little bit sort of, um, a bit of a drag. You know, again, that, that, that, that's just the nature of this distance learning stuff". See Ryan (n 426) 242.

[835] For example, format of writing, salutations and signatures, CC, BCC, format of attachments, as well as appropriateness of method that has been used for the relevant communication.

communication skills to prepare students to navigate the work environment more confidently and professionally.[836]

ii. Working remotely

Educators and practitioner participants noted that they have become familiar with working from the comfort of one's own home. Some have taken a liking to this new norm more than others, and this way of working may suit some better than others for reasons such as personal preference and accommodation arrangements. However, this way of working is no longer a novelty for any educator or practitioner in England and Wales. When data was collected amidst a lockdown, many educator participants had sentiments to the effect that this '*new way of teaching was here to stay*', and that there will be '*an increased move towards online and blended learning even when restrictions are lifted*' (subject to student feedback, which I discuss in 4.4.3). Educator and practitioner participants expressed opinions on staff having '*invested huge amounts of time to respond to the demand to adapt during this time by reconfiguring systems and creating new teaching materials, and will therefore be reluctant not to make effective use of the results*'. From a strategic planning perspective, the increased remoteness also '*reduces pressure on physical space both for student teaching sessions and staff offices*'. At the time data was collected, some educators opined that educators and students may get used to this approach of delivery and may '*cease to see point of travelling to sit in classrooms*' and that it was a very likely possibility that '*universities will ultimately continue to develop their online offering as being a cost-effective mode of learning for students near and far*'. However, some educators

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[836] Smith discusses how law firms increasingly adopt collaboration technology to support the needs of modern legal practice and the importance of being able to collaborate with technology. Students with strong collaboration skills and a familiarisation with technology may gain competitive advantage as those skills become increasingly more valuable. See Marcus Smith, "Integrating Technology into Contemporary Legal Education" (2020) 54 The Law Teacher 209. 216

are also wary that this shift might reduce the quality of education as institutions gain the ability to *'pack students into virtual classrooms with no limits on physical space'*. Another point of concern about the quality of education is the decrease in utilisation of casualised staff who are often more familiar with using technology for education, as described in 4.5(ii).[837]

From the practitioner participants, many noted that this shift to remote working is pivotal to legal practice as these are practices that were not allowed by many law firms, chambers, and courts for reasons such as privacy, security, professionalism, and productivity. However, out of necessity, most firms, chambers, and courts have had to invest in costly legal technology and innovations to continue providing legal services of acceptable standards. This has allowed practitioners to work more efficiently and productively whilst maintaining a better work-life balance by having *'more sleep, more exercise, happier sat home with pets, limited change to productivity, more flexible working hours and arrangements'* as noted by a practitioner participant. In addition, the ability to work remotely has reduced costs incurred for travelling for work and has resulted in the maximisation of workable or billable hours.

On a wider scale, the absence of travel for work has allowed law schools and law practitioners to recruit staff from further afield who never have to attend work at a fixed location daily. This widens the pool of candidates who may be best suited for a job and has consequently increased job opportunities for future law graduates. This changes the nature of competition in the job market as geographical limitations have become less of an issue. This extends beyond job opportunities

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[837] Leighton highlights how there has been much talk in the last decades about the employment practices of law schools and their reliance on insecure contracts and "gig" working. Many of these academics deliver core lectures and other student support and yet match the accepted definition of "precarious work". See Leighton (n 249) 412.
Similarly, Blackham notes that precarious work is highly prevalent in UK higher education, and affects at least half of all academic staff. See Alysia Blackham, 'Unpacking Precarious Academic Work in Legal Education' (2020) 54 The Law Teacher 426.

and applies to law students seeking work experience during the LLB programmes. Opportunities to undertake placements, internships, vacation schemes, shadowing, mini-pupillages and so on have arguably become more accessible[838] as they are less restricted by regions in which they are physically located. However, the diminishing of geographical barriers comes at the price of a demand for increased connectivity. These opportunities are only accessible to those who can create suitable environments for working in their homes.[839] This may make some candidates stronger than others for reasons unrelated to their competence for the job. Diminishing geographical barriers does not necessarily mean increasing access to opportunities for all. This transformation bears the risk of further exacerbating issues around privilege and employability that Alexander examines, which were already prevalent before the pandemic.[840]

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[838] Many law firms and chambers offered virtual mini-pupilages, vacation schemes, and experience days during the pandemic, which widened the pool of application choices as geographical limitations was not a barrier to participation. See 'Coronavirus : How It's Affected Vacation Schemes and Legal Recruitment' *Chambers Student* <https://www.chambersstudent.co.uk/where-to-start/commercial-awareness-info/application-advice/coronavirus-how-its-affected-vacation-schemes-and-legal-recruitment> Last accessed 30 September 2022; 'How Are Virtual Vacation Schemes Different?' *The University of Law* <https://www.allaboutlaw.co.uk/law-careers/virtual-vacation-schemes/how-are-virtual-vacation-schemes-different> Last accessed 30 September 2022; 'COVID-19 & Law: Online Summer Vac Scheme, Chambers Recruitment on Hold, Govt Provides Legal Aid Funding' *The Lawyer Portal* <https://www.thelawyerportal.com/blog/covid-19-law-online-summer-vac-scheme/> Last accessed 30 September 2022.

[839] OfS found that students were impacted by unreliable internet connections, lack of access to appropriate hardware and software, and unsuitable home study spaces (around 30% of the students polled lacked good enough internet access, and 30% did not have access to an adequate study space). Universities responded in a range of ways. Some delivered 4G dongles to students and expanded existing laptop loan schemes for students in need. The shift to remote teaching meant students needed to work in family homes or shared accommodation, worsening issues around access to the equipment, infrastructure and space needed to engage in their studies. See '"Digital Poverty" Risks Leaving Students (n 831)

[840] Alexander (n 6) 25.
Minocha and others also highlight the relationship between globalisation and employability. They refer to UK statistics which suggest that there is a trend towards international graduates entering the UK job market each year. They propose UK universities adjust their policies and practice to take account of the global market for graduate talent, by fusing two strategically-important institutional agendas, namely employability and internationalisation. See Sonal Minocha, Dean Hristov and Martin Reynolds, 'From Graduate Employability to Employment: Policy and Practice in UK Higher Education' (2017) 21 International Journal of Training and Development 235. 237

5.1.3 Aim 3: Identify transferable skills required for employment within and outside the legal sector today

This aim was met through a narrative review of existing literature, analysis of data collected from the online survey, and a review of curricula of 107 LLB providers across England and Wales

The data collected suggests that use of legal technologies is not a skill of utmost prominence or significance in practice and that the ability to use legal innovations efficiently is more important. This is valuable insight for legal educators to inform scaffolding of relevant and appropriate skills through the LLB curriculum. The use of legal innovations are not law-specific skills, these skills are useful in any employment or field of work. When asked what skills were most important for employment in light of the technological transformation brought about by the pandemic, an interesting finding was that participants named transferable skills despite being specifically asked about skills for legal practice in some questions on the online survey. A summary of findings which emerged from the different sections of the survey are shown below.

Figure 5.2. Transferable skills which emerged from the different sections of the online survey used in this research
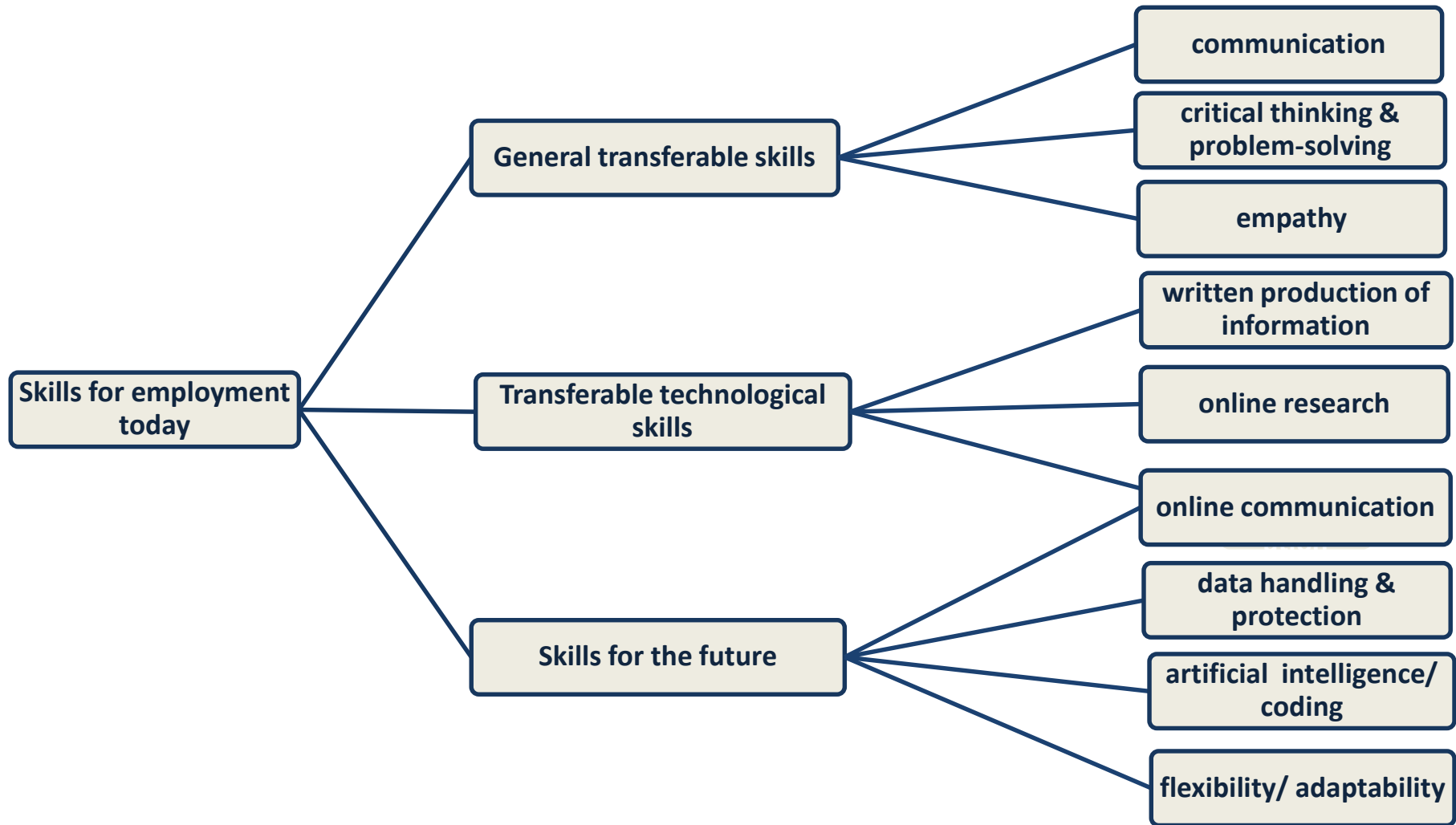
When asked what skills law graduates lacked, there were discrepancies between the streams of participants. Across the streams, commercial awareness and critical thinking were prominent skills which emerged in the data. However, empathy and research notably emerged exclusively in the educator stream.

Figure 5.3. Summary of skills which participants opined law graduates lacked
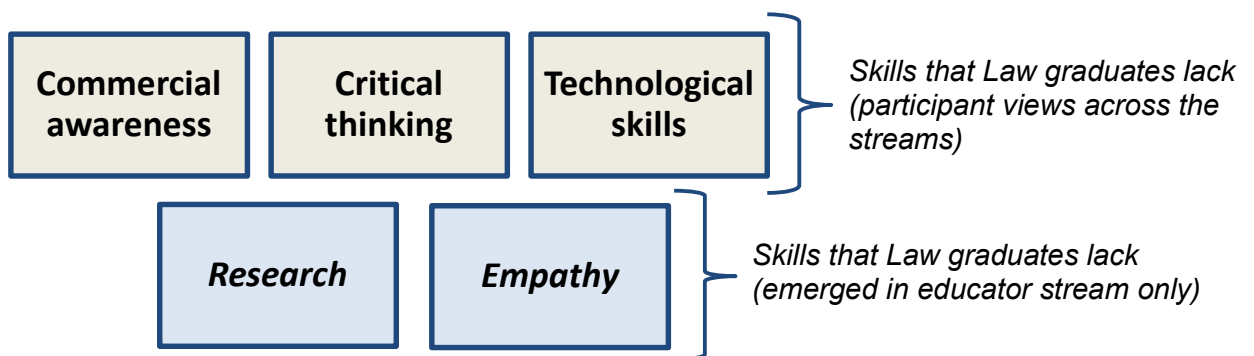
From the data collected, 28% of respondents across the streams[841] opined that law schools do not equip law graduates with any technological skills needed for employment. Considering the scope of possibilities for post-graduation pursuits of LLB graduates, it is impossible to equip graduates with technological skills for every possible form or field of employment which one may venture into. Every form of employment will have some specialist skills that can only be developed through experience. Therefore, it is reasonable for an UG course to only equip graduates with limited technological skills, leaving room for graduates to learn in whatever job they pursue. However, views that graduates have not at all been equipped with any technological skills required for employment after completing a three (or four) year UG course invites discourse from stakeholders on the purpose,

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[841] Participant responses on how well Law Schools equip Law graduates for skills required for employment are summarised in Figure 4.6

content, and currency of an LLB in England and Wales today. From exploring LLB provisions across England and Wales, it is evident that some providers seek to address this skills gap through their innovative provisions.[842] However, this is not the stance across the board. Although it would be aspirational to work toward diminishing this expectation gap, regulators have been particularly cryptic in their policies on technological skills that should be developed through the LLB curricula.[843]

As discussed in 2.2.1, there is limited description and prescription on the transferable and technological skills that should be fostered through the LLB curriculum in England and Wales in regulator policies. In the Joint Statement, the only reference to any technology-related skills are to 'use standard paper and electronic resources to produce up-to-date information';[844] 'conduct efficient searches of websites to locate relevant information';[845] 'exchange documents by email and manage information exchanges by email'; and 'produce word-processed text and to present it in an appropriate form'.[846] The current Benchmark Statement has no explicit reference to the use of technology.[847] However, there is growing recognition of the importance of these skills through emerging publications from regulators,[848] including the proposed QAA Benchmark Statement for 2023,[849]

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[842] See 2.3.2(iv) for discussion on technology-based modules currently offered in LLB provisions across England and Wales

[843] A summary of current regulatory guidance relevant to LLB is summarised in Table 2.5

[844] 'Joint Statement on the Academic Stage of Training' (n 217), Schedule One B(iv)

[845] Ibid, Schedule One B(vii)

[846] Ibid, Schedule One B(viii)

[847] 'Subject Benchmark Statement: Law' (n 5)

[848] For example, in July 2021, the SRA identified some future skills within the legal profession among them being: Understanding what depth of digital knowledge is needed within firms, both in terms of firms who are consumers of legal technology and also developing inhouse resource which can develop new technology; Incorporating lawtech skills training into continuing competence plans for existing staff or training and work experience for future employees; Increasing knowledge within law firms on constitutional and ethical issues relating to the use of data and artificial intelligence. For full report, see 'Technology and Innovation in Legal Services' (Solicitors Regulation Authority 2021) <https://www.sra.org.uk/sra/research-publications/technology-innovation-in-legal-services/> Last accessed 30 September 2022.
See also recent BSB interim guidance on the use of social media 'The Bar Standards Board Handbook: Interim Social Media Guidance' (Bar Standards Board 2022) <https://www.barstandardsboard.org.uk/uploads/assets/e531d3a3-0e99-420d-84d95e2dad006c6c/f1e5290a-6008-4e3d-ad4ab27311f58229/Interim-Social-Media-Guidance.pdf> Last accessed 30 September 2022.

[849] 'Subject Benchmark Statement: Law (Version for Consultation)' (n 231)

which will be discussed in 5.2. From these recent publications, it is evident that regulators of legal education see value in developing technological skills through the LLB curriculum in a manner that aligns with the interest of other stakeholders, such as the educators and practitioners from whom data was collected in this study.

Participants opined that commercial awareness and empathy were more nuanced skills that law graduates lacked. Depending on the field of law or sector of employment a graduate pursues, these skills may appear to have limited relevance or transferability. For example, an LLB graduate who goes on to gain employment in a commercial sector (legal or non-legal role) may not perceive empathy to be relevant to their work, whereas one who goes on to do social work may have a limited need for commercial awareness. However, as explored in 2.3.2, skills that are fundamental for success in the workplace often have complementary purposes even when they appear to have conflicting purposes prima facie. From data collected by Kayne from a number of leading General Council in the UK in 2019-2020,[850] it is suggested that what stakeholders want from their lawyers now and in the future are those who have the ability to use legal technical knowledge in a way that creates value by engaging with businesses more humanely. He opines that a significant fundamental skills gap exists here within the profession as it is often overlooked in legal education.[851]

Observations such as these suggest that a cognitive shift may be required concerning what educators view as relevant or transferable skills for legal education. Skills such as commercial awareness can have humanistic and social agendas if viewed through the lens that Campbell proposes in 2.3.2(i), and can be

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[850]'Transforming the Training & Development of Lawyers' (O Shaped Lawyer Working Group 2020) <https://static1.squarespace.com/static/5e73266f0be3ab3148757f25/t/5e736114824c026bd67da1e1/158461 9820423/O+Shaped+Lawyer+-+In-House+Report+%28February+2020%29.pdf>. Last accessed 30 September 2022.
[851] Dan Kanye, *Barclays EagleLabs Panel Discussion* (n 324) 8:20-9:50

developed through the type of liberal legal education that Ashford and Guth discuss.[852] As discussed in 2.1.1(iii), Mezirow outlines how the 'frames of reference' adults possess subject us to a 'strong tendency to reject ideas that fail to fit our preconceptions', and it is only through transformative learning that were are able to move toward a frame of reference that is more inclusive, discriminating, self-reflective, and integrative of experience to challenge these preconceptions.[853] As educators who are adults ourselves, reflective practice and immersion in research on adult education is critical in changing our perceptions on relevant and transferable skills for legal education. By doing so, we are better informed and equipped to deliver pedagogies/andragogies that are transformative for our adult learners to facilitate their cognitive shifts concerning their perceptions on skills that are relevant for employment and how these skills might be utilised in transferable ways.

Critical thinking and research were other skills for the future that participants opined law graduates lacked. In light of the expanding use of online research, the relationship between these two skills has become more intertwined. The access to information that technology brings has also brought complexities to education. Critical thinking skills today are not only about how much information can be gathered and evaluated on a certain topic, but also about the choices made on what information should be gathered for evaluation. This gathering of information has been significantly disrupted by technology because boundaries once used to signify credible and valid knowledge from those that are not have been blurred. For example, information on any given topic is no longer restricted from students by way of library cards, reading lists, availability of textbooks and other physical reading materials. Any student can expediently access information on anything

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[852] Ashford and Guth (n 499) 2
[853] Mezirow (n 80) 5

within seconds by typing words into a Google search bar on the screens of their digital devices. However, large quantity of information on any given topic does not equate to knowledge and it bears the risk of students becoming 'lazy' in their thinking.[854] As Guth notes, educators need to encourage the development of information literacy and the ability to 'distinguish quality information from soundbites'.[855] She calls for more research on developing the critical thinking skills required to 'navigate the web of (mis)information'[856] so that valuable sources can be identified by passing through the necessary cognitive filters of analytical, rational and critical thinking. Developing good academic practice and rigour should be part of a learner's cognitive development during the course of an LLB programme.

ii. Revisiting the taxonomy of skills, acquisition, and transfer

The skills that emerged in participant data were mapped against the NRC taxonomy of skills that was used to frame the coding scheme for data analysis for this thesis. Most skills fell within the cognitive skill domain, as shown in Figure 5.4 below. Critical thinking, written communication and research are skills present in the Benchmark Statement for Law and Joint Statement,[857] indicating an existing awareness of the need for these skills to be fostered through the LLB curriculum and an association of these skills to 'lawyerliness'. However, as discussed in the above section, the other skills which emerged in the data are not accounted for by the regulators and should perhaps be considered to equip LLB graduates with valuable, transferable skills in today's work environment.

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[854] Guth notes that the ability to access information at the click of the button and having answers to questions within seconds shapes the questions asked and the sort of answers students are used to and expect. Having information at our fingertips can make us lazy, as it can make us stop when we have an answer, possibly even before we have thought much about whether the answer is plausible or stands up to scrutiny. See Guth (n 286) 169
[855] Ibid
[856] Ibid
[857] The relevant sections of these statements are summarised in Table 2.5

Figure 5.4. Transferable skills which emerged from the data categorised according to NRC taxonomy of skills

Cognitive
- Critical thinking & problem-solving
- written production of information [written communication]
- online research [information literacy]
- online communication [information and communication technoloy literacy]
- data handling & protection [executive function]
- AI/coding [adaptive learning]

Interpersonal
- flexibility/adaptability

Intrapersonal
- communication
- empathy

Some of these skills, such as AI/coding, and data handling and protection, may seem distant from legal education prima facie. However, in light of the technological transformation expedited by the pandemic, it is important to consider the role of technology in society today. From a legal practice perspective, The Law Society of England and Wales suggests that AI and machine learning will impact the legal profession and significantly influence many areas of legal activity.[858] Similarly, Susskind proposes that courts today need to be approached more as a service and not a place,[859] insinuating a shift in the purpose and nature of the legal system. The significance of these legal practice examples is to demonstrate the catalytic effect that the pandemic has had on a discipline that has been known to be rigid and reluctant to change for a very long time. As technology integrates into the workplace more prominently (within and beyond legal practice), there is a greater need for LLB graduates to be literate in matters such as the use of AI, and data protection and handling, considering the wide and varied employment

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[858]'Lawtech Adoption Research Report' (The Law Society 2019) <https://www.lawsociety.org.uk/topics/research/lawtech-adoption-report>. Last accessed 30 September 2022.

[859] Richard Susskind, *Online Courts and the Future of Justice* (Oxford Scholarship Online 2021).

prospects of LLB graduates. The development of these skills can be contextualised to law-centric contexts for the purpose of the LLB programme, and it can be integrated into the curriculum quite effectively through bolt-on and built-in approaches such as those adopted by some LLB providers, as discussed in 2.3.2.

5.1.4 Aim 4: Construct possible pathways to develop these transferable skills through the LLB Degree

This aim was met through a narrative review of existing literature and a review of curricula of 107 LLB providers across England and Wales

As discussed in 2.2.4(ii), law schools have been successful by not tying themselves to any particular employment sector, which is one of the unique epistemological characteristics of LLB degrees. Turning LLB degrees into preparatory courses for practice or any specific PG course, such as the SQE, could be detrimental to the unique epistemology of legal education[860] and legal practice[861] in the UK. However, this model is insignificantly different from LLB offerings prior to recent regulatory changes, as most LLBs in England and Wales were previously QLDs which fulfilled SRA and BSB requirements for entry into the profession, even if an LLB student had no intention or interest in legal practice post-graduation. The only significance of recent regulatory changes is that it has incentivised some LLB providers to restructure their programmes to incorporate SQE1 content into the LLB for those who aspire to become solicitors. This is an

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[860] Some legal education academics such as Maharg opine that teaching and standards of professionalism will suffer because of the commercialisation and commodification of legal education. See Maharg (n 812)

[861] Kronman identifies 4 characteristics which make the profession of law unique in his view: '(1) the law is a public calling which entails a duty to serve the good of the community as a whole and not just one's own good or that of one's own clients; (2) The legal profession remains a generalist's craft whose possessor can move with relative ease from one field to another… The law is not a form of technical expertise but a loose ensemble of methods and habits easily transported across doctrinal lines, and a lawyer is not a technician trained to do one thing well but a Jack or Jill of all trades; (3) Practicing in the legal profession requires more than intellectual skill. It also requires the development of perceptual and emotional powers; (4) the law has has a special relation to the past. The law's past is not only something that can be observed from the outside. It also possesses value and prestige within the law itself. Precedent is a value in the law-not always the final or weightiest value, but a value that must always be taken into account and given its due'. See Kronman (n 216)

attractive option for LLB providers as the LLB can be marketed as means to reduce costs towards qualifying as a solicitor in England and Wales.

However, although some LLB providers have this 'prep for SQE' pathway as an option integrated into the LLB curriculum,[862] most still have no option to opt-out of the FLK modules, which makes the LLB satisfy BSB requirements to qualify as a barrister[863] by default. As discussed in 2.3.1(i), currently, only nine providers allow an LLB student to partially opt out of the FLK, resulting in a final award that does not satisfy these BSB requirements.[864] However, the existence of the FLK has disciplinary epistemic value, which extends beyond its significance in legal practice and should not be obliterated entirely from any LLB provision in England and Wales. Despite this thesis advocating for transferability of knowledge and skills, discipline-specific knowledge inscribed through the FLK is acknowledged as the bedrock of an LLB degree which should continue to exist. However, one of the arguments made in this thesis is that the weightage of these FLK subjects should be flexible for students who do not wish to pursue legal practice, as will be discussed in the following subsection.

This unique versatile characteristic of legal education can be further strengthened by allowing students to build transferable technological skills which explicitly prepares graduates for employment in a diverse range of technology-enhanced work environments (including legal practice) instead of autocratically imposing the legal practice regulator requirements upon every LLB graduate. As employment sectors have now adopted blended or flexible remote work arrangements since the pandemic, law schools are prime environments to provide law students with experiences similar to work environments, further consolidating students'

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[862] See Figure 2.9 for summary of methods used; and n.312, n.313, n.314 for list of providers.
[863] 'BSB Bar Qualification Manual' (n 2)
[864] Aston University, Cambridge University, Cardiff University, City University of London, Durham University, LSE, Open University, Manchester University, Sheffield University

experiential learning through the LLB curriculum. As legal education and working practices within and beyond the legal sector grow in their use of technology for generic purposes such as communication and managing documents and data, the online learning environment can be a transformative educational experience. In the following subsection, I discuss how relevant skills might be developed strategically so that all students on the LLB programme benefit from constructively aligned integration of TEL (primarily Type 3),[865] not only those who have opted to take elective modules with a focus on technology.

i.   *Proposed pathways LLB programmes in England and Wales*

In this thesis, I have discussed some of the approaches law schools in England and Wales used to meet the diverse purposes of LLB degrees. In this section, I draw upon inspiration from existing methods LLB providers use to propose a curriculum model for LLB degrees that preserves many of the unique characteristics of LLBs in England and Wales. As Unger discusses, recent changes and challenges have enabled LLB providers to 'move out of the shadow of the professional bodies' historic insistence on core foundation subjects and preference for unseen examinations' by allowing the freedom to design law degrees outside the traditional QLD requirements.[866] He suggests this creates an 'exciting proposition to deploy innovative and effective pedagogies to redress the deficit and to build a 'multifunctional' law school.'[867]

When developing this model, it was first necessary to ponder upon the meaning and purpose of a 'curriculum'[868] and factors that have to be considered when

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[865]Different types of are TEL discussed in 2.3.2(iv). A summary of the types are: (1) replicating existing teaching practices; (2) supplementing existing teaching; and (3) transforming teaching and/or learning processes and outcomes. This distinction is based on the discussions in Kirkwood and Price (n 432).

[866] Unger (n 233) 11-12

[867] Ibid

[868] The literature is rich in the discourse in defining the meaning and purpose of 'curriculum'. For example, Hicks discusses different definitions in the literature and draws focus upon the work of the Imaginative Curriculum Project of the Higher Education Academy in the UK which identifies five components: 1) What is

attempting to develop one.[869] For LLBs specifically, I considered how best to maintain individual institutional identity through the provision of specialised electives whilst also giving students the option to choose a practice-oriented path to reduce cost of entry into the profession, and whilst also equipping every single graduate of the programme with necessary transferable and technological skills without compromising the epistemic value of the 'core' of legal education in England and Wales. Striking a balance between these various interests of providers and students required contemplation on the ideal order of priorities for an LLB programme and whether it is even possible to develop an 'ideal' LLB programme.

The pathways proposed have been informed by the literature on skill acquisition and learning transfer explored under 2.1.3. As this thesis makes a contribution in the area of developing transferable skills through the LLB curriculum, this is integrated into the built-in compulsory modules below so learners have sufficient opportunity to practice and refine necessary transferable skills through metacognition throughout the LLB programme, whereas other specific or technical skills may be developed through the elective modules at the provider's discretion. It is important for the reader to note that this is an embodiment of what an ideal programme might look like based on theoretical knowledge explored in this thesis, and not a proposal based on considerations of practicable feasibility as matters such as funding, staffing, and individual objectives for every existing LLB provider in England and Wales would be beyond the scope of this thesis to examine. An outline of an ideal curriculum is shown in Figure 5.5 below.

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being learnt 2) Why it is being learnt 3) How it is being learnt 4) When and where it is being learnt 5) The demonstration that learning is taking place. See Owen Hicks, 'Curriculum in Higher Education: Confusion, Complexity and Currency' (2018) 5 HERDSA Review of Higher Education.

[869] For discussion on foundational works on curriculum development, see Judith Howard, 'Curriculum Development' [2007] Center for the Advancement of Teaching and Learning, Elon University; Afzaal Hussain, 'Evaluation of Curriculum Development Process' (2011) 1 International Journal of Humanities and Social Science 9; Diana Cheng-Man Lau, 'Analysing the Curriculum Development Process: Three Models' (2001) 9 Pedagogy, Culture & Society 29; Jan Parker, 'Reconceptualising the Curriculum: From Commodification to Transformation' (2003) 8 Teaching in Higher Education 529.

Figure 5.5. Proposed pathways for an LLB degree that can be adopted by LLB providers in England and Wales

Built-in compulsory introduction to academic & legal research skills

Built-in compulsory introduction to all FLK subjects

Intention to go into practice in E&W?

YES

NO

Intention to go into practice elsewhere?

YES

NO

Built-in compulsory FLK as required by SRA/BSB

Built-in compulsory electives of FLK as required by respective regulators

Built-in elective FLK determined by student interest

Built-in elective other modules

Built-in compulsory elective WBL/CLE module*

Built-in compulsory final year dissertation

* CLE or WBL to be elected in a manner which aligns with students' professional interest if options are practicable at the LLB provider

Bolt-on options available throughout the programme as practicable by LLB provider

Additional academic & legal research skills

Extra-curricular CLE/WBL activity

Extra-curricular legal skills activities

Optional placement year/ vac schemes

Other specialist options that may be available

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Considering the epistemological and commercial value of preserving the autonomy and flexibility of providers of LLB degrees in England and Wales, this thesis proposes the following as a possible way to strengthen providers' autonomy without compromising uniformity in relation to developing knowledge and skills of LLB graduates across England and Wales:

- A compulsory built-in introduction to all FLK subjects so that every LLB graduate acquires discipline-specific knowledge, preserving the 'epistemic core' of legal education. However, how this introduction to the FLK subjects is delivered should be left to the provider's discretion to best suit individual priorities and institutional identity. Some examples of how FLK subjects might be introduced are through short individual modules for each subject, or merging the key concepts and principles from a few FLK subjects into joint introductory modules as shown in Table 2.6. Whatever the method, this thesis argues that all graduates of an LLB degree from England and Wales should have some knowledge of the key concepts of the FLK subjects.

- A compulsory built-in introduction to academic and legal research skills. Similarly, how this content is to be integrated into the curriculum should be left at the provider's discretion. Currently, most law schools in England and Wales deliver this content through dedicated built-in module(s) on the first year of the LLB programme. However, in some law schools, this also extends into the following years of the LLB programme. Some providers also deliver this content through a bolt-on approach where these skills are fostered in a stand-alone manner unrelated to the legal discipline, through non-credit-bearing modules or activities, or through an embedded approach where these skills are developed through other modules. Whatever the approach, this thesis argues that module(s) on these skills should be built-in to the curriculum instead of bolted-on, as the literature suggests that activities are perceived to be more valuable and applicable when contextualised in a discipline-specific manner. This also allows for better transferability of skills. The credit-bearing aspect of this content should be left at a provider's discretion as there is pedagogic credence to both approaches, as discussed in 2.1.4(iv).

- To honour the versatility of LLBs, this thesis agrees that students should be given the option to select modules based on personal interests and career aspirations. Advanced options of the FLK should be available so that students who aspire to become practitioners can fulfil regulatory requirements through these options. For students who do not have legal practice-oriented aspirations, advanced knowledge of the FLK should not be imposed so that the flexibility of LLBs in England and Wales is not compromised. Providers should be encouraged to continue developing creative and unique specialist offerings to strengthen providers' individual identity and allow fair market competition among providers.

- For students who intend to go into practice elsewhere, where applicable, the option to opt-out of FLK subjects which are not required by the respective regulators should be honoured (for e.g. opting-out of EU law where the student intends to practice in Malaysia, and Malaysian regulators do not require EU law to have been studied). This allows the student to take other modules that may align better with their developmental interests.

- SQE-specific modules should be offered as options where a provider desires to market their LLBs as 'prep for SQE' to reduce the cost of qualifying as a solicitor. This gives students greater autonomy to decide where to pursue their LLBs based on distinct offerings that align best with personal interests. Considering most law students do not ultimately become practising lawyers, the ability to opt-out of core subjects or reduce their credit weightage, paired with variety and availability of elective modules within a law degree is an important aspect of value. This enables students to tailor their studies so that they are best placed to achieve their specific and changing objectives. This enables them to reap the benefits of an education in law, whilst acquiring knowledge or experience in specific areas in which they are interested.

- This thesis argues that some form of WBL or CLE should be built-in and made compulsory for every LLB programme across England and Wales. This will equip every LLB graduate with transferable experiences that can be transformed into useful knowledge about employment and employability post-graduation. However, the methods to impose this should be left to individual providers to determine based on feasibility. As discussed in 2.3.2(i), there are currently incredibly diverse offerings between providers concerning approaches taken to integrate WBL or CLE into the LLB curriculum. Some providers impose CLE modules upon their students, others offer placement modules, some make it compulsory to elect between either a CLE or placement module, and some have simulated WBL modules. This thesis acknowledges how resource-intensive WBL and CLE can be and may not be possible for every provider to enact. As discussed in 2.3.2(i), simulated activities can be equally effective as they provide students with similar opportunities to apply theoretical knowledge to practice to develop practical skills.

- A compulsory research project or dissertation module should be built-in to LLB programmes. Currently, most providers have a final-year research project or dissertation embedded into the curriculum as a compulsory or elective module. In this thesis, I argue that this should be an approach imposed upon all LLB students as it develops academic and research skills, which fosters critical thinking, reasoning and other transferable cognitive skills which are valuable for a graduate's personal and professional development. By offering this as an elective, some graduates will not reap the benefit of a signature method which still has considerable currency today. However, specific matters concerning this imposition, such as credit weightage and module length, should be left at a provider's discretion.

- The built-in compulsory modules are prime opportunities to integrate innovative Type 3 TEL to enhance students' digital literacy, technological skills and other transferable skills identified as necessary for employment in this thesis. Specialist technological skills should continue to be offered in

elective modules as they are currently at some law schools. This allows students who are interested in developing these specific skills to pursue these modules without imposing this on students who may instead opt for more theoretical or doctrinal modules to align with personal interests.

When integrating Type 3 TEL into these built-in compulsory modules, ensuring that it is scaffolded in a manner that amounts to high-quality learning activities[870] is paramount. Boud and Prosser identify four key areas for high-quality learning activities;[871] these activities (i) engage the learner, (ii) acknowledge the learning context, (iii) challenge the learner and (iv) provide practice. For TEL, it is important to ensure that learners meaningfully engage with activities that challenge their experiences of the world and respond to it; and not just be the recipient of an information transfer.[872] Through this transformative experience, a learner is enabled to present understandings, and self-critical skills are developed through these high-quality learning activities.[873] Martin and Tapp view TEL (more specifically computer-supported collaborative learning or CSCL) as the 'latest iteration of Vygotsky's notion of socially co-constructed knowledge'[874] when discussing their use of Microsoft Teams for LLB programmes before the pandemic. Through the effective integration of TEL, which requires students to communicate and collaborate meaningfully, knowledge can be built through the 'seamless conversation and shared ideas among students in a learning community'.[875] The authentic practice of engaging in technologies that are becoming increasingly common to use in any workplace will also help students develop their confidence in their development of skills for employment. As discussed in 2.4.1, outcomes that increase graduates' perceived employability

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[870]David Boud and Michael Prosser, 'Appraising New Technologies for Learning: A Framework for Development' (2002) 39 International Council for Education Media 237. 241

[871] ibid

[872] Ibid, 243

[873] Ibid

[874] Louis Martin and Dave Tapp, 'Teaching with Teams: An Introduction to Teaching an Undergraduate Law Module Using Microsoft Teams' (2019) 3 Innovative Practice in Higher Education 58. 59

[875] Wanli Xing, So Mi Kim and Sean Goggins, 'Modeling Performance in Asynchronous CSCL: An Exploration of Social Ability, Collective Efficacy and Social Interaction' CSCL 2015 Proceeding <https://repository.isls.org/bitstream/1/418/1/268.pdf> cited in Martin and Tapp (n 874) 59

prospects are often regarded as more valuable, increasing an adult learner's motivation and engagement with their studies.

ii. Stakeholder perceptions of TEL

During the pandemic, Marinoni and others found that students in the fields of Arts and Humanities, Social Sciences, and Business and Law were the most satisfied[876] with the switch to remote teaching due to the absence of practical components assigned to the discipline. In the absence of data on how the pandemic impacted legal education alone in England and Wales, this broad general study is used for discussion here although it is vital to note that generalisations should not be drawn from it. However, this limited data does not seem to consider the differing amounts of practical activity which varies by provider, and it does not examine whether the LLB providers in England and Wales which do have practical components integrated into the curriculum (such as Law Clinics, placement and StreetLaw modules) were more adversely affected than others, and whether these affected students were more dissatisfied compared to other LLB student counterparts. The effect on activities such as placements, vacation schemes, internships, and other work experience as discussed in 2.3.2(iii), are often part of the LLB curriculum either through built-in or bolted-on approaches. However, limited research on LLB graduate satisfaction regarding these specific activities during the pandemic is currently available.

Educators and practitioner participants identified technology's limitations when building organic student-teacher and lawyer-client relationships through email, phone calls and video conferences. This was a significant barrier as building confidence, trustworthiness, and credibility are vital for the roles of a legal

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[876] Doolan, K., Barada, V., Burić, I., Krolo, K., Tonković, Ž. (forthcoming). Student life during the COVID-19 pandemic lockdown: Europe-wide insights, European Students' Union (ESU) 46 cited in Farnell and others (n 9)

practitioner and legal educator. Where building an appropriate professional relationship fails, the confidence of students and clients are likely to be undermined. During the pandemic, clients may have also been hesitant to share private information via online methods of communication. IT hacks and cybersecurity incidents such as 'Zoom-bombing' legitimise such concerns and may have made it impossible for clients or students to confidently engage in the respective virtual environments.[877] In the year of online education, some universities in the UK experienced a mass IT hack that affected access to online libraries, assessment, course content, online classrooms, and communications, among various other functions central to education. During this time, no teaching or learning was possible. The inability to work-around when technology fails was a significant limitation contributing to negative views of technology-enhanced practice and TEL.

In addition, dissatisfaction was also expressed about the quality of education provided during this time. Although educators were putting in hours to create online content, work on their technological and online communication skills and make arrangements for remote delivery from their homes, the shift to online learning was not received well by all students.[878] Some even felt the educational experience was not significantly different from watching YouTube videos and reading books from the local library or other online sources in their own time.[879] However, this cannot be considered a shortcoming of TEL but rather of the

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[877] A 'Zoom-bombing' is an incident where uninvited cyber-guests disrupt a virtual meeting by hijacking it and sharing distressing, hateful and/or sinister content. For some University-related examples, see 'Black and LGBT Edinburgh University Students Attacked in Zoom Meeting' *BBC News* (18 February 2021) <https://www.bbc.co.uk/news/technology-56100079> Last accessed 30 September 2022; 'Zoom Meetings Targeted by Abuse Footage Sharers' (23 April 2020) <https://www.bbc.co.uk/news/uk-52391531> Last accessed 30 September 2022.

[878] In a similar vein to the student motivations about learning that Biggs and Tang (n 256) discuss. Landrum and others too found that there was a positive relationship between self-regulated learning and satisfaction about online learning if they generally liked online courses, perceived online courses as an appropriate way of learning, or were somewhat familiar with the course background. See Brittany Landrum and others, 'A Class of One: Students' Satisfaction with Online Learning' (2021) 96 Journal of Education for Business 82. 83

[879] *Educate Futures Podcast,'Putting the 'Human' into Online (1) : The Student Voice'* (n 879) 21:30-22:00

(inevitable) lack of planning on the integration of TEL. The unanticipated shift to online education overnight also meant that students were not sufficiently prepared and equipped to learn in this environment during the pandemic.[880] This put a significant proportion of students at a disadvantage when it came to adjusting to the new online learning environment,[881] further exacerbating frustrations and disappointments about TEL at that time.

In England and Wales, there was a growing movement during the pandemic where students demanded refunds for university fees,[882] as they were of the view that the education delivered at that time lacked value for money. Some were of the view that as it was similar to a distance learning program for much higher fees.[883] This dissatisfaction stemmed from a concoction of factors, including lack of communication from HEIs about where funds were being allocated to at the time, what the transition entailed, and timescales involved in the transition period, as well as the lack of preparation to transition to an online mode of education for both students and staff as discussed above.

iii. Scaffolding for TEL

Prior to the pandemic, Herrington and Parker suggested that emerging technologies had not been widely embraced within HE courses although they were an increasingly important means to support the development of digital media

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[880] The ESU survey also indicates that while 89.3 % of students have their own computer, only 41 % always have a good internet connection. Doolan, K., Barada, V., Burić, I., Krolo, K., Tonković, Ž. (forthcoming). Student life during the COVID-19 pandemic lockdown: Europe-wide insights, European Students' Union (ESU) 46 cited in Farnell and others (n 9)

[881] This is in line with Marinoni and others findings, which indicate that the students at risk are those who lack access to online communication tools and the internet. G Marinoni, H van't Land and T Jensen, 'Global Survey Report The Impact of COVID19 on Higher Education around the World' (International Association of Universities 2020) cited in Farnell and others (n 9)

[882] See 'Petition: Require Universities to Partially Refund Tuition Fees for 20/21 Due to Covid-19' <https://petition.parliament.uk/petitions/324762> Last accessed 30 September 2022. 'UK Student Unions Call for Covid Refund Process to Be Simplified' *The Guardian* <https://www.theguardian.com/money/2021/apr/22/uk-student-unions-call-for-covid-refund-process-to-be-simplified> Last accessed 30 September 2022. '"Right and Just" for Students to Get Covid Refunds' *BBC News* (5 March 2021) <https://www.bbc.co.uk/news/education-56285701> Last accessed 30 September 2022.

[883] Educate Futures podcast,'Putting the 'Human' into Online (1) : The Student Voice' (n 879) 26:45-27:25

literacy and have the potential to transform the teacher-learner relationship.[884] However, today, many law schools are fostering technological skills through the LLB due to the pandemic,[885] even though innovative use of TEL may not have been part of an institution's curriculum design. The shift online for both, working practices and legal education, has provided greater opportunity to align law student skills with those that graduates might be expected to have in a work environment today. Engaging in activities with relevant technologies provides students with an authentic experience replicating aspects of the workplace.[886] The enhanced use of TEL has also been suggested to align with methods proposed by Adult Learning Theory.[887]

From the discussions in this thesis, it is apparent that the lawyering skills expected of law graduates today extend beyond traditional legal practice competencies to encompass the use of technology in new ways. Kratz and Millermann, therefore, suggest that modules should be created in a way that brings additional benefits beyond just learning about technology theoretically and that it should engage students practically through tasks through innovative incorporation of technology.[888] Designing modules or activities incorporating relevant technologies may facilitate the explicit teaching of skills and provide students with opportunities to develop skills and strategies that resonate beyond their legal education.[889] Students familiar with technology may gain a competitive advantage as those skills

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[884]Jan Herrington and Jenni Parker, 'Emerging Technologies as Cognitive Tools for Authentic Learning' (2013) 44 British Journal of Educational Technology 607. 607.

[885]The OfS found that 58% of students and 47% of teaching staff polled had no experience of digital teaching and learning before the pandemic. By December 2020, 92% of students surveyed were learning either fully or mostly online. See 'Gravity Assist: Propelling Higher Education towards a Brighter Future' (n 833)

[886]Lori Long and Patricia Meglich, 'Preparing Students to Collaborate in the Virtual Work World' (2013) 3 Higher Education, Skills and Work-Based Learning 6. 10

[887] Halpern and Tucker discuss how the flexibility of some TEL methods align with what Knowles identifies as best methods for an adult learner. Through TEL, adult learners are able to engage and participate in their learning in a manner which suits them best, and it enables self-directness and autonomy over ones own learning. See Rebecca Halpern and Chimene Tucker, 'Leveraging Adult Learning Theory with Online Tutorials' (2015) 43 Reference Services Review 112.

[888]Sheldon Krantz and Michael Millemann, 'Legal Education in Transition: Trends and Their Implications' (2015) 94 Nebraska Law Review 1. 28.

[889]Ireland and Hockley discuss some of the barriers to the inclusion of legal tech within the curriculum. Chris Ireland and Ryan Hockley, 'A Call for Introducing LegalTech in the Classroom' (2020) 36 Computer Law & Security Review. 6

become increasingly more valuable.[890] Engagement with technology facilitates the development of highly transferable skills that apply across professional boundaries reflecting the types of skills all future workers will require to navigate the unpredictable nature of the changing workplace.[891] Collaborative and interdisciplinary approaches such as these also allow students to experience aspects of workplaces beyond legal practice, and it develops skills which can be utilised in other fields of employment. Incorporating opportunities for students to work collaboratively enables them to develop teamwork where they can learn from each other and navigate the complexities of working as part of a team.[892]

From the data collected in this research, many educator participants expressed that the extent technology will continuously be integrated into the curriculum post-pandemic depends on student feedback.[893] From the pandemic, an emerging dataset on effective and ineffective methods exist. For example, students experience difficulty concentrating in full days of Zoom learning[894] or being left to their own devices to go through pre-recorded and asynchronous materials without any structure or live input from educators.[895] The World Banks' report suggests that distance learning does not always allow for advanced ways of teaching in terms of activities such as group work, discussions and interactive project work, which affects the development of soft skills among students.[896] Thanaraj and Williams share their insight and experience of incorporating TEL at two different

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[890]Smith discusses how law firms are increasingly adopt collaboration technology to support the needs of modern legal practice and the importance of being able to collaborate with technology. Smith (n 836) 216.

[891]'Horizon Scanning, Digital Futures' (The Law Society 2020) <www.lawsociety.org.uk/topics/research/digital-futures>. Last accessed 30 September 2022.

[892] Ryan (n 442) 10

[893] Paricio states that from the academic point of view, this student–customer and university–provider scenario, which is especially typical in the United Kingdom, the United States, and Australia (whose higher education systems have been transformed into a competitive market with high enrolment rates), raises very relevant issues, to the extent that it can mean a profound transformation of the relationships between students, faculty, and institutions, which has redefined academic culture. See Paricio (n 795) 139

[894] Educate Futures podcast,'Putting the 'Human' into Online (1) : The Student Voice' (n 879) 1:40-4:00

[895] Ibid, 7:30-9:00

[896] 'Tertiary Education and COVID-19: Impact and Mitigation Strategies in Europe and Central Asia' (n 822). 6

types of institutions in England and Wales from before the pandemic,[897] and they suggest that the ideal overall adoption model which any university could take to incorporate TEL successfully into a curriculum would be one that is policy led, large scale and incremental.[898] Their experience found that resistance to the uptake of TEL has been largely due to the lack of institutional support, such as inadequate time set aside for developing and delivering online teaching, recognition and promotion of its merits to education.[899] Their experience aligns with literature that suggests that TEL takes more time to set up and facilitate than traditional teaching. This was also the sentiment of participants from data collected in this research project.

Thanaraj and Williams opine that for TEL to be effective, the understanding of what it means to be an academic needs to be challenged.[900] As discussed earlier in this thesis, the role of an academic has been redefined since the pandemic. In addition to the conventional responsibilities of delivering teaching, marking, academic and research supervision, and carrying out research and other academia-related admin, the pandemic required educators to also be content creators and innovators of TEL, although little (if any) training was provided in preparation for these new responsibilities. Although the pandemic has expedited this transformation as academics have had no choice but to conform to these new

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[897] Newcastle University which is research intensive, and Cumbria University which is a post-92 teaching-centric university. See Ann Thanaraj and Steve Williams, 'Supporting the Adoption of Technology Enhanced Learning by Academics at Universities' (2016) 5 Journal of Teaching and Learning with Technology 59.

[898] A summary of the approaches discussed by Thanaraj and Williams are as follows. Key factors identified for a policy led approach are two-way communication between policy-makers and policy-implementers (academics, student support staff etc who are key players in the operational incorporation of TEL); mixing top-down and bottom-up strategy and activities in order to integrate TEL more systematically; greater recognition and appreciation of academic and technical support for TEL. A large scale approach is identified to be one that has strategies which offer small and easy to achieve TEL projects that can be incorporated on a large scale basis across the university instead of a variety of different TEL projects being implemented in an ununiformed manner across the university. The large scale approach proposed allows for coalescence around a single set of standards and greater support in relation to technology and cost which in turns allows academics and technical staff to redevelop early work in a manner which aligns with the the emerging standards more effectively. This large scale strategic planning then allows for incremental adoption, that will 'bubble up' across the organisation where academics can be appropriately be trained and supported to start small with simple ways to integrate TEL at a modular level, then working its way up to a programme level, and then organisational. See Thanaraj and Williams (n 897) 72-76

[899] Ibid, 72

[900] Ibid, 73

responsibilities, there is still resistance in ideology concerning academic identities as evidenced by some participants in the online survey and in the emerging body of literature. During the pandemic, Frantzis warned that amidst the blurring of boundaries, it is vital to remember that educators are subject matter experts but not tech experts.[901]

Similarly, Thanaraj and Williams draw a line between the role of academics and technology experts, but they are of the view that it is necessary for academics to embrace an identity as subject matter experts and content creators whom IT and interaction design experts support.[902] In an online environment, the role of an academic changes from teaching to facilitating, collaborating, enabling and supporting.[903] 'Being there' for students as they communicate and share ideas within their learning communities is considered essential for building and transforming knowledge in a TEL environment.[904] In this thesis, as data was collected amidst the pandemic, the adoption of TEL in most institutions was an emergency measure enacted out of necessity and not one that was planned. Inevitably, this meant that the training and support needs of academics and students were left unmet, resulting in some sentiments of hesitance and resistance about TEL as a method in the data that was collected in this research. However, as institutions further develop their TEL methods on LLB programmes, there is scope to implement change in light of the rampant tried and tested methods since the pandemic. From their valuable experience, Thanaraj and Williams are of the view that each university must 'find its own balance' between supporting experimentation and mandating standards which should be debated openly across

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[901] Educate Futures podcast, 'Putting the 'Human' into Online (2) : What's the future for the use of data in the higher education sector?, (n 828) 34:55-35:15
[902] Thanaraj and Williams (n 897) 73
[903] Ibid; Martin and Tapp (n 874)
[904] Florence Martin and others, 'Award-Winning Faculty Online Teaching Practices: Roles and Competencies' (2019) 23 Online Learning Journal 184.

individual institutions.[905] It is also vital to note that although students may appear to be digitally literate, they may not have the skills required to operate digitally in an educational context, so it is necessary to embed the development of these skills within the curriculum rather than through bolt-on approaches, to maximise the potential of the technologically-enhanced learning space.[906]

In the current HE model where student satisfaction rates determine an institution's continued existence and success, it is also necessary for developers to consider prospective students' aptitudes and attitudes when planning policies in relation to the approach and extent of TEL adopted for their LLBs. Thanaraj and Williams share that it is useful to highlight the benefits of TEL to students, so they understand how their learning experience will be improved. These observations align with one of Knowles' unique distinctions between pedagogy and andragogy. He proposes that adult learners need to know the value and currency of their learning and that it is important to communicate the benefits of the LOs with adult learners.[907]   With an increased understanding of the value of collaborative learning, the use of TEL can enrich what the tutor is able to do in the classroom, and students can be empowered to become more self-directed and less dependent on the tutor.[908] These skills have value not only from an employability perspective but also from a personal development perspective. As Knowles discusses, an increase in self-directedness develops independent thought, critical thinking, and a learner's sense of self-identity,[909] all of which being desired outcomes of a liberal legal education.

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[905] Thanaraj and Williams (n 897) 74
[906] Koen Aesaert and others, 'Accuracy and Bias of ICT Self-Efficacy: An Empirical Study into Students' over- and Underestimation of Their ICT Competences' (2017) 75 Computers in Human Behavior 92 cited in Gladwin-Geoghegan and Thompson (n 434) 22.
[907] Knowles and others 2005 (n 69) 64
[908] Thanaraj and Williams (n 897) 75
[909] Knowles and others 2005 (n 69) 189

Other important considerations also include user-friendliness and adaptability. Using the past search logic requirements as an example,[910] Jackson discusses how a human-centred approach to technology design is vital for engagement and continuity. Overly complicated systems and requirements shift the focus on to the technology instead of intended educational outcomes. As mobile technologies continue to integrate into our ways of living, the user experience of TEL becomes even more important, as these are the thin and intricate boundaries between useful, credible academic knowledge, and information that is easily accessible. Beetham and Sharpe suggest that it is essential to look beyond the technology itself and instead focus on the pedagogic value of the activity. Having regard for the learner's experience is the key to successful TEL initiatives, as focus shifts to the human and organisational aspects of teaching and learning, rather than emphasising the technical use of technology itself.[911]

5.2 Findings in relation to proposed QAA Benchmark Statement for Law 2023

As stated throughout this thesis, the 2019 Benchmark Statement for Law is the current framework for UG law provisions at the time of writing, and it framed the discussions in this thesis. However, as this thesis was just about to be submitted, the QAA released the proposed Benchmark Statement for 2023 for open consultation. It was therefore considered necessary to examine this document in light of the proposals made in this thesis.

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[910] Jackson discusses how online legal research systems once deployed binary Boolean searches to bridge the gap between human communication (words) and computer data (two values only – ones and zeros, or true and false). Over time, online language search technology has matured, resulting in more intuitive solutions available such as the use of natural language. The move from binary Boolean to natural language search is a good example of how a human-centred design approach can be taken as soon as the technology is ready. Dan Jackson, 'Human-Centered Legal Tech: Integrating Design in Legal Education' (2016) 50 The Law Teacher 82. 90
[911] Helen Beetham and Rhona Sharpe, *Rethinking Pedagogy for a Digital Age* (2nd Edition, Routledge 2013). 56

In the proposed Benchmark Statement for 2023, the QAA appears to take a more holistic approach to UG law degree provisions, particularly regarding skills that graduates should be equipped with. Although the 2019 Benchmark Statement mentions that 'law degrees give a preparation for a range of careers,'[912] the LOs (Benchmark Standards) identified were mainly focused on the cognitive domain, as discussed in 2.2.1(i) and summarised under Table 2.5. No reference was made to interpersonal or intrapersonal skills in the document. However, in the proposed Benchmark Statement for 2023, the QAA explicitly refers to 'digital skills, and both inter and intrapersonal skills' as skills that are relevant to professional behaviours.[913] These digital, interpersonal, and intrapersonal skills are also reflected in the revised LOs. The LOs now have a more nuanced distinction between 'subject knowledge, understanding and skills' and 'generic skills and qualities of mind'[914] in a similar manner that skills were categorised for coding in this thesis as discussed in 4.1.2 and summarised in Table 4.4. In the 2019 Benchmark Statement, this distinction does not exist as all skills were simply listed as 'a law student's skills and qualities of mind'.[915]

In the list of 'generic skills and qualities of mind' in the proposed 2023 Benchmark Statement, many of the skills named align with the transferable skills that this thesis proposes as necessary to equip LLB graduates with for employment today.[916] The proposed 2023 Benchmark Statement places emphasis on allowing providers the flexibility to develop provisions that 'present opportunities for knowledge exchange and skills acquisition that are fair and accessible for all in ways that will afford increased opportunities', and it suggests offering routes in

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[912] Law students are employable not only in law-related roles but also in a variety of highly skilled and analytical roles in, for example, business, finance, education, public policy, public service and social services in the UK and internationally. 'Subject Benchmark Statement: Law' (n 5) Para 1.5, 1.6

[913] 'Subject Benchmark Statement: Law (Version for Consultation)' (n 231), para 1.3

[914] Ibid, section 4

[915] 'Subject Benchmark Statement: Law' (n 5), Para 2.4. These skills are listed under in Table 2.5 in this thesis.

[916] See Appendix 3

their provisions as an example.[917] This thesis has suggested possible pathways to to do this, as discussed in 5.1.4. The proposed Benchmark Statement also emphasises on ensuring that 'all students can achieve their full potential' by offering 'learning in creative ways across different modalities of delivery', including practical learning opportunities such as CLE, work placements, other experiential and innovative routes[918] including simulated activities[919] as this thesis proposes.

5.3 Summary of Research

This section summarises the discussions in this thesis. The main research question was addressed through the aims discussed in the previous subsections of this chapter. Below I summarise key findings from the mixed methods used in this thesis.

Aim 1. Analyse the distinctive epistemological perspectives of LLB degrees in relation to employment and legal practice: The literature review found that the unique epistemology of law as a discipline makes LLB provisions in England and Wales quite a complex subject for research and discussion. The LLB degree in England and Wales has an esoteric positionality as it is set out to be a purely academic degree, albeit having ancillary vocational purposes through the tangled relationship that LLB providers have with regulators of the legal profession. It is impossible to determine a unitary purpose of LLB degrees as the limited prescription from regulators have allowed providers in England and Wales the flexibility to develop programmes that align with individual institutions' ambitions, creating considerable variation in the provision of LLBs across England and

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[917] Providers will seek to harness potential solutions, using different technological mediums, for flexible delivery methods which facilitate student learning in accessible, meaningful and impactful ways. These will present opportunities for knowledge exchange and skills acquisition that are fair and accessible for all in ways that will afford increased opportunities. For example, offering courses as a work-based learning route, a theoretical route, a non-practice knowledge and skills-focused route, or a route for those who have already acquired a degree and experience in a different discipline. See 'Subject Benchmark Statement: Law (Version for Consultation)' (n 231), para 2.7
[918] Ibid, Para 2.6
[919] Ibid, Para 3.7

Wales. In recent years, this discourse on the purpose of LLBs has become more convoluted due to global and domestic challenges such as Brexit, the implementation of the SQE and, most notably, the pandemic.

Aim 2. Explore the potential long-lasting impact of the technological transformation in working practices within and outside the legal sector in England and Wales that has resulted from the pandemic: From the literature review and data collected from the online survey, this research identified that many workplaces have integrated more technology and flexible working arrangements and that legal practice is no exception. As LLB providers revise their provisions in a manner that aligns with the technological transformation that the pandemic has catalysed, there is an increased opportunity to constructively align the integration of Type 3 TEL into LLB provisions to enable greater experiential and transformative learning that prepares graduates for the technologically enhanced workplace, within and outside the legal sector.

Aim 3. Identify transferable skills required for employment within and outside the legal sector today: The online survey revealed that stakeholders of legal education, specifically legal educators, and legal practitioners, opined that the most important skills for legal practice were transferable skills. These skills were mapped against the NRC taxonomy of skills' domains to better understand the types of skills that LLB graduates should be equipped with. More specifically, these skills were: **communication** [cognitive and interpersonal skill]; **critical thinking and problem-solving** [cognitive skill]; **empathy** [interpersonal skill]; **written production of information** [cognitive skill]; **online research** [cognitive skill]; **online communication** [cognitive and interpersonal skill]; **data handling and protection** [cognitive and intrapersonal skill]; **AI and coding** [cognitive and intrapersonal skill]; and **flexibility and adaptability in relation to use of**

technology [cognitive and intrapersonal skill]. Many skills that fell within non-cognitive domains were named. This is significantly different from the skills named in the Joint Statement and Benchmark Statement for law which have heavily focused on cognitive skills. The QAA appears to acknowledge this skills gap, as 'digital skills, and both inter and intrapersonal skills' are specifically addressed in their proposed Benchmark Statement for 2023, that is currently open for public consultation. Greater focus on equipping graduates with these skills instead of vocational legal skills enhances career mobility and better equips graduates for employment within and outside the legal sector. These findings were supported by a literature review and content analysis of 107 LLB provider websites that identified skills currently developed through LLB provisions in England and Wales. The content analysis identified that very few providers of LLB degrees intentionally constructively align their provisions for the development of transferable and technological skills.

Aim 4. Construct possible pathways to develop these transferable skills through the LLB Degree: From the content analysis of 107 LLB provider websites, some innovative approaches were identified. Relevant literature was examined further to develop practicable pathways for LLB providers to adopt so that various individual institutional agendas can be preserved without compromising the development of the necessary transferable and technological skills in LLB graduates across providers in England and Wales. The pathways proposed in this thesis are an original contribution to knowledge, underpinned by education theory on skill acquisition and learning transfer. As this thesis argues that LLB graduates across England and Wales should be equipped with the necessary transferable skills for employment, the pathways proposed will develop the necessary transferable skills through the built-in compulsory modules.

This research proposes that some activities and content must be delivered through **built-in compulsory** approaches in all LLB programmes across England and Wales to ensure that every LLB graduate from England and Wales develops the necessary transferable skills for employment within and beyond the legal sector. These components are: an **introduction to all FLK** subjects so that every LLB graduate acquires discipline-specific knowledge; an **introduction to academic and legal research skills**; some form of **WBL or CLE** (through live or simulated activities) to facilitate experiential learning; and a **research project or dissertation** to develop autonomous thinking and self-directed learning. These built-in compulsory modules should integrate innovative **Type 3 TEL** to enhance students' digital literacy, technological skills and other transferable skills identified as necessary for employment in this thesis. However, matters such as module length, credit weightage and teaching and assessment methods should be left at providers' discretion to protect the unique institutional identities of individual providers. The remainder of the programme should continue to be made up of a mix of other compulsory and elective modules which a provider might wish to offer, including advanced FLK options and SQE-specific modules for students who aspire to pursue legal practice in future. Where appropriate, a provider might even wish to consider allowing an option to opt-out of FLK subjects where it is not required by overseas regulators if a student intends to pursue practice elsewhere.

5.3.1 Consolidating the original contribution to knowledge

Through the mixed methods used, this thesis has made unique contributions to fill gaps that were identified in the existing body of research on legal education.

The pathways proposed in this thesis are an original contribution to knowledge. Although there is a recent expansion in literature on the development of transferable and technological skills through activities used in individual law

schools, research which currently exists are small-scale, for example through sharing of practice at modular level or from independent projects. This research has explored how the necessary skills could be equipped in a practical manner, by any and all LLB providers throughout England and Wales.

From the review of existing literature as described in 3.5, no single document which outlines the curricula of every LLB programme in England and Wales exists. Through a content analysis of 107 LLB provider websites, this thesis has produced a document which outlines the content and approaches used by 107 LLB providers across England and Wales in the academic year 2021-2022. This document is a valuable source for educators, researchers and regulators of legal education who seek information on the current contents of LLB programmes delivered across England and Wales in light of the pandemic. With this information, areas for collaboration and consultation can be identified between educators, researchers, and curricula developers across England and Wales. This document also allows for easy comparison of institutions to identify alternative approaches and best practices in developing an LLB curriculum. For students interested in the subject of legal education; whether aspiring, current or alumni; this document and the discussions in this thesis that have been based on it, provide a greater understanding of approaches used in legal education and how they contribute to the adult learner's development.

The data collected through the online survey in this research is a unique snapshot of the time during the pandemic when educators and practitioners were adapting to remote working. At that time, there was no indication of when the lockdown would end or what HE would look like once lockdown restrictions eased. The data collected captured idealistic views of stakeholders on skills that an LLB programme could equip graduates with to survive for future employment in an

unpredictable and evolving environment. Albeit a considerably small sample of participants from the target population, data on these views are a valuable starting point for further research and development on legal education. This is particularly relevant now as LLB providers reassess the purpose, content, and currency of their LLB provisions in light of regulatory changes and the technological transformation catalysed by the pandemic. As discussed in 2.2.1, the QAA Benchmark Statement is now the only regulatory policy that remains relevant to LLB provisions in England and Wales. This research has identified pathways to develop the transferable 'digital, interpersonal and intrapersonal' skills that the QAA has suggested as necessary to develop. Findings from this research have been submitted to the QAA as a response to their consultation in support of their proposed revisions for the 2023 Benchmark Statement.

5.3.2 Limitations of study

The limitations of the online surveys were discussed in 3.4.3. As a summary, this study collected data from a small proportion of the entire target population (all legal educators, legal practitioners and those involved in either or both aforementioned in England and Wales). For this reason, data collected from this study has limited (if any) generalisability. Another limitation of this study is the lack of time, human and monetary resources to carry out a more comprehensive review of LLB curricula across England and Wales. Due to these constraints, this study only reviewed nine specific criteria[920] directly relevant to this thesis' discussions solely based on information readily available on LLB provider websites. Had there been more time and capacity, a more extensive review would have been conducted. This could have included interviews or focus groups with programme

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[920] 1. Whether the provider also offered professional PG law programmes, 2. The headline advertising for the LLB programme, 3. Whether there was CLE and its approach, 4. Whether there was WBL and its approach, 5. Whether there was tech-based modules and its approach, 6. Whether there was an option to opt-out of the FLK, 7. Whether there was a research project or dissertation and its approach, 8. Whether there were SQE options integrated into the LLB, and whether there was a separate or different pathways for international students

directors, educators and others involved in developing LLB programmes to clarify vague or ambiguous information and to better understand the various provisions across England and Wales.

5.3.3 Recommendations for further research

During the course of this research, some gaps in knowledge were identified. However, this research could not fill them all due to practical constraints. Below is a list of gaps that were most relevant to this thesis that would be beneficial to fill for the advancement of knowledge in the field of legal education:

- A more comprehensive database of the curricula of LLB providers across England and Wales, which should be updated regularly to reflect current developments and academic practice for greater transparency of diverse offerings from providers;

- The international utility of LLB Degrees from England and Wales. At present, there is no single source of information from any UK body that identifies what international students who graduate with an LLB Degree from England and Wales do once they return to their home countries. Similarly, there is no international data on the utility of LLB degrees for home students wishing to migrate. Something akin to DLHE statistics for international students, specifically in relation to LLBs, would be useful information for programme developers and regulators. I had intended to discuss the different pathways for international students to qualify as practitioners once they return to their respective home countries and the indicative costs for doing so. However, with the limited information available, this was not possible in this thesis.

- Employment and employability of the 'COVID cohorts' of LLB graduates specifically, and how they have been affected in relation to securing employment (i) within the legal sector, and (ii) outside the legal sector.

5.4 Concluding reflections on the purpose, content and currency of LLBs in England and Wales today

Throughout this thesis, I have been transparent about having a close relationship with the research topic. The very inception of the research project was exclusively driven by a personal desire to understand the HE and legal education qualifications that I had acquired. When I applied for this PhD studentship, I genuinely believed that I was objectively interested in legal education as a subject, but I had not thoroughly considered how my experiences of legal education would inform my choices and construction of knowledge on the subject of my research. To conclude this PhD journey, I reflect on my constrcution of knowledge through the transformation of formative experiences. Figure 5.6 below shows a summary of experiences that have significantly informed my knowledge construction during this research journey.

Figure 5.6. My learning spiral in this research journey inspired by 'The Life Spiral of a Shell' in Kolb 2014 (n 64).

Concrete Experience

20. Continuous research & contribution to improving adult education

CREATE

19. Recommendations for further research

18. Imagine possible pathways for LLB curricula

20. Original contribution to knowledge

15. Programme & module development

14. LLB curricula review

EVALUATE

16. Revisit aims

13. Data analysis

17. Report findings

10. Research & teaching online

Active Experimentation

Reflective Observation

ANALYSE

9. Collect data

11. Revisit literature

12. Develop coding scheme for data analysis

6. The pandemic

APPLY

7. Impact on research & career development opportunities

5. Draft survey questions

8. Revise research focus

UNDERSTAND

3. Map literature

4. Project plan

IDENTIFY

1. Personal reflections as an LLB graduate

2. Project proposal

Abstract Conceptualisation

Although built-in PhD milestones are shown, the spiral also shows activities that are not part of this research.[921] For example, events such as the pandemic which reduced teaching, research, and publication opportunities vital for an early-career academic were undeniable frustrations that impacted my views of the value HE and legal education. Conversely, securing a full-time (primarily remote) lectureship whilst completing my PhD informed my understanding of transferable skills for employment and it gave me insight on the sentiments of my educator participants; and developing modules and programmes as part of my new role gave me a more practical understanding of regulatory policy and priorities of providers.

Many experiences bolted-on to my PhD journey were formative in my development as an adult learner, researcher, and educator; and consequently, to the construction of new knowledge, which is the primary objective of any research at the doctoral level. However, my ability to engage in these experiences was a privilege that I cannot deny. Without significant conflicting demands for most of my PhD, I could afford to engage in bolt-on activities beneficial to my development, such as other research and teaching – often unpaid or with casual one-off payments. My investment of time and energy in these activities could not guarantee an increase in my employability prospects and risked me exceeding the tight timescales of my studentship, but the non-economic benefits were paramount to my development as an adult learner.

These experiences were transformative as it allowed me *Lernfreiheit* (freedom of learning). Through these authentic experiences, I was able to gain more insight into adult learning and legal education, problem-solve in a new context, apply existing skills to new situations, further develop my autonomous thinking, and critically reflect on my proximity and positionality in relation to the hierarchies

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[921] Items 1, 7, 10, 15, 20.

which exist within HE and society through a new lens. In this instance, it was a risk worth taking as I was fortunate to have secured full-time permanent lectureship before completing my PhD. As an acculturated insider to HE now, I see the relationship between research and teaching that Humboldt envisioned as a necessity for the role of an educator of adult learners. Without the continual pursuit of knowledge through research, and immersion in new authentic experiences, an educator has limited opportunity to develop their specialist knowledge and academic practice, and cannot educate an adult learner transformatively. To conclude, here is the imperfect, 'not yet completely solved' contribution I make in the service of *Wissenschaft* (scholarship) in legal education.

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Appendices

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

built-in compulsory
built-in elective
bolt-on extra-curricular/additional
none

List of QLD providers from SRA list	LLB UCAS Code	LPC/ SQE/Bar Provider	Law Clinic/CLE	Work Experience/placement	Tech-based modules	Option to opt-out of FLK	Different FLK options for intl students	Research project/dissertation	SQE options integrated
Aberystwyth University	M100	N	Extra curricular clinic https://www.aber.ac.uk/en/lac/law-legalclinics/		N	N	N	Y3 elective	
Anglia Ruskin University	M100	LPC	Elective - Legal Work Experience https://aru.ac.uk/business-and-law/economics-finance-and-law/law-clinic		N	N	N	Y3 compulsory project	
Arden University		N	Compulsory Virtual Law Firm - on every module		Y2- Technology, Innovation and the Law	N	N	Y3 elective dissertation (40 credits)	Y3 SQE pathway
Aston University	M100	N	extra curricular pro-bono law clinic	Optional sandwich placement year (between Y2 and Y3)	Y1 - The Future of Law: Introduction to Technology and its Regulation	Y (partially)	N	Y3 elective	
Bangor University	M100	N		Elective Y2 Work Placement module	N	N	N	Y3 elective dissertation (20 credits)	
Birkbeck College (University of London)	M100	N	Extra curricular https://rli.sas.ac.uk/refugee-law-clinic		N	N	N	unknown	
Birmingham City University	M100	LPC	Elective Y3 - Law in practice - law clinic or Citizens Advice placement	Elective Y2 - Placement module	Y3 elective	N	N	Y3 elective (40 credits	
Bournemouth University	M100	N		Optional sandwich placement year (between Y2 and Y3)	N	N	N	Y3 compulsory project	Y3 SQE pathway
BPP Law School		SQE, LPC, BTC							
Brighton University	M100	N	Elective Y3 - Community Law Clinic Elective Y3 - Innocence Project	Optional sandwich placement year (between Y2 and Y3)	N	N	N	Y3 elective	
Brunel University	M103	N	Extra curricular Pro Bono Legal Advice Centre		N	N	N	Y3 compulsory dissertation	
Buckingham University	M100	N		Optional sandwich placement year (between Y1 and Y2)	N	N	N	Y3 elective (30 credits)	
Buckinghamshire New University	M100	N	Elective Y3 Work Based Learning module		compulsory Y2 - Digital Business and New Technologies	N	N	Y3 elective	
Cambridge University	M100 BA(Hons) Law	N	Extra-curricular Street Law and CAB		N	Y (partially)	N	Y3 elective	
Canterbury Christ Church University	M100	N	Extra curricular Mediation clinic internship		N	N	N	Y3 elective (20 or 40 credit options available)	
Cardiff Metropolitan University	M100	N	Core Y3 Legal Employability (Work Placement Module)		Core Y2 Law in Practice and Digital Innovation (Legal Clinic and Digital Work Placement)	N	N	Y3 elective	
Cardiff University	M100	LPC, BTC	Elective Y2 - Cardiff Innocence Project		N	Y (partially)	N	Y3 elective (20 and 30 credit options available)	
City, University of London (formerly City University)	M100	LPC, BTC	Extra curricular Volunteer for the Start Ed Commercial Law Clinic	Elective Y3 - micro placement	N	Y (partially)	N	Y3 elective (30 credit)	

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University	Code		Clinic / Pro bono	Work placement	LegalTech	Other		Dissertation	SQE
Coventry University	M100	N		Optional work placement / Study/work abroad year (between Y2 and Y3)	N	N but it is compulsory to an Add+vantage module which is credits from another degree	N	Y3 compulsory dissertation (20 credits)	
De Montfort University	M100	LPC	Extra-curricular Street Law and Legal Advice Clinic		N	N and SQE prep is a compulsory Y3 module	N	Y3 compulsory project	Y3 compulsory SQE prep module
Durham University	M101	N	Elective Y3 Access to Justice module extra curricular projects http://durhamprobono.blogspot.com/p/amicus.html		N	Y (partially)	N	Y3 compulsory dissertation (40 credits)	
Edge Hill University, Lancashire	M100	N	Elective Y3 Law Clinic Experience module	Elective Y2 Work Placement module	N	N but there is an option to take a language module in Y1&2 in replacement of the compulsory Lawyers' Skills modules which are prep for SQE and BTC	N	Y3 elective dissertation module (20 credits)	
Goldsmiths University of London	M100	N		Elective Y2/Y3 Work placement module	N	N	N	Y3 compulsory dissertation module (30 credits)	Y3 SQE2 elective practical legal skills module (15 credits)
Huddersfield University		N	Elective Y3 Legal Advice Clinic module	Optional sandwich placement year (between Y2 & Y3)	N	N	N	unknown	
Hull University		N	Elective Y3 Law Clinic module Elective Y3 Mediation module (simulated experience)		N	N	N	Y3 elective dissertation module (40 credits)	
Keele University	M100	N	Elective Y2 Law in Action module Elective Y3 CAB placement		N	N	N	Y3 elective dissertation module (30 credits)	Y2/Y3 SQE elective modules
King's College, London	M100	N	Elective Y3 Student Law Clinic module	Optional internships	N	N	N	unknown	
Kingston University	M100	N	The LLB offering is LLB Law with Professional Experience Compulsory Y1 2-week internshipmodule Compulsory Y2 2-week internship module AND mediation module (role-play) Elective Y3 Law Reform Project module	Optional sandwich year abroad for study/work placement (between Y2 &Y3)	N	N	N	Y3 elective international law dissertation module (30 credits)	
Lancaster University	M100	N	Elective Y3 StreetLaw		N	N	N	Y3 elective dissertation module	
Leeds Law School, Leeds Beckett University	M100	LPC	Elective Y3 Law Clinic module	Electives Y3 Placement module Optional sandwich placement year between Y2 and Y3	Y2 elective LegalTech module	N	N	Y3 elective dissertation module	
Leeds Trinity University		N	Core Y2 Professional development and placement Extra curricular probono		N	N	N	unknown	
Liverpool Hope University	M100	N	Elective Y3 Law Clinic module		N	N	N	Y3 compulsory dissertation module	Y3 elective functional law SQE prep module
Liverpool John Moores University	M100	LPC	Core Y1 Law in Action (Legal Advice Clinic) Core Y3 Negotiation Skills and Practice Elective Y2&Y3 Legal Advice Clinic modules		N	N	N	Y3 elective dissertation module (40 credits)	
Liverpool University	M100	N	Elective Y3 Law Clinic module, Elective Y3 Access to Justice module		Elective Y3 -Artificial Intelligence and the Future of Legal Services	N	N	unknown	
London Metropolitan University	M100	LPC	Extra-curricular probono	Extra-curricular work placements	N	N	N	Y3 elective dissertation module (15 credits)	

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University	Code	Prof. course	Col4	Col5	Col6	Col7	Col8	Col9	Col10
London School of Economics and Political Science		N	N - summative assessments are all written exams		N	Y (partially)	N	unknown	
London South Bank University	M100	N	Core Y2 Working in the Law (LSBU Legal Advice Clinic/Family Law Hub). Core Y2 Law in Action (simulated road-traffic claim)		compulsory Y3 Law and Technology (Students work in teams with computer science students to design and develop access to justice LawTech resources for the local community)	N	N	Y3 compulsory research project module	
Manchester Metropolitan University		LPC, BTC		Optional placement or study/work abroad year	compulsory Y2 Digital Skills for lawyers	N	N	Y3 compulsory research project module (30 credits)	
Middlesex University	M100	N		Y3 elective Work based internship Y3 elective Intergrated learning and work placement	N	N	N	Y3 elective research project module (30 credits)	
New College of the Humanities	G243	N	N		N	N	N	Y3 elective dissertation module (30 credits)	
Newcastle University	M101	N		Optional work placement year between Y2 and Y3	N	N	N	Y3 research topic in law (20 credits), Y3 dissertation module (40 credits) options	
Newman University	M100	N	Compulsory Y1 and Y2 Professional Practice Placement modules		N	N	N	Y3 elective dissertation module (40 credits)	
Northumbria University	M101	LPC, Bar Course	Compulsory Y3 Student Law Office modules	Optional work placement/study abroad year between Y2 and Y3	N	N	N	Y3 elective dissertation module (40 credits)	
Nottingham Trent University	M100	LPC, Bar Course, SQE	Compulsory Y2 'Employer challenge' for all students - different pathway options also available to students, including Legal Advice Clinic or a professional work placement	N		N	N	Y3 elective independent legal research project (option on 'academic law' pathway)	Y3 'applied legal knowledge' pathway has SQE1 modules
Nottingham University	M100	N	Y2 elective Student Law Office		N	N	N	Y3 elective dissertation module	
Open University		N	Y3 elective Justice in Action (probono)		N	Y (partially)	N	Y3 elective on academic and QLD route (30 credits)	Y3
Oxford Brookes University	M100	N	Y3 elective Law in Action module Extra-curricular CLOCK scheme in Y2 & Y3 https://clock.uk.net/		N	N	N	Y3 elective dissertation and research project modules	
Oxford University	M100 BA Jurisprudence	N	N		N	N	N	unknown	
Pearson College London									
Queen Mary University of London	M100	N	Y2/Y3 elective The Practice of Law in a Clinical Environment module Y2/Y3 elective Public Legal Education and Community Street Law module Extra-curricular QM Legal Advice Centre projects		N	N	N	Y3 elective dissertation module	
Reading University	M100	N	Y3 elective Writing Credit Pro Bono and Professional Practice Extra-curricular law clinic activities		N	N	N	Y3 elective research writing and dissertation module options	
Royal Holloway, University of London	M100	N	Y3 elective Clinical Legal Education module		N	N	N	Y3 elective dissertation module	
School of Oriental and African Studies (SOAS) (University of London)	M100	N	N		N	N	N	Y3 elective independent study module (30 credits)	

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University	Code	Route	Clinic/Practice	Work Placement	Digital/Tech			Dissertation	Notes
Sheffield Hallam University	M100	N	Y2 elective Human Rights Clinic Y2 elective Court Practice Y3 elective Law in Practice Y3 elective Law in Practice international Y3 elective Prison clinic Y3 elective Shu Law Legal Practice Y3 elective Streetlaw	Optional work placement year between Y2 and Y3	N	N	N	Y3 elective dissertation module (30 credits)	
Southampton Solent University	M100	N	N	Must choose between a work placement exercise or dissertation in Y3	N	N	N	Must choose between a work placement exercise or dissertation in Y3	
St Mary's University	M100	N	N		N	N	N	Y3 compulsory extended essay in law module	
Staffordshire University	M100	LPC	Y3 elective Legal Advice Clinic	Y2 elective Work Experience module	Y3 elective Digital Law Project	N	N	Y3 elective dissertation module on the 'standard route' pathway (40 credits)	legal practice route has modules that prep for SQE
Sussex University	M100	N	Elective Y3 Clinical Legal Education module	Optional placement or study/work abroad year between Y2 and Y3	N	N	N	Y3 electives short dissertation (15 credits) or dissertation (30 credits) options	
Swansea University	M100	LPC	Y3 elective Clinical Legal Education module		Y2/Y3 elective foundations of LegalTech module	N	N	Y3 elective dissertation module (20 credits)	
Teesside University	M100	N	Y3 elective Student Law Clinic module		N	N	N	Y3 compulsory dissertation module	
University Centre Leeds, Leeds City College	2R11	N	N		N	N	N/A	Y3 compulsory dissertation module (40 credits)	legal practice route has modules that prep for SQE
University College London (UCL Laws)	M100	N	Y3 elective Access to Justice and Community Engagement module Extra curricular Legal Advice Clinic and probono		N	N	N	Y3 elective research essay module	
University of Bedfordshire	M100	N	N		N	N	N	compulsory Dissertation module	
University of Birmingham	M100	N	extra-curricular probono		N	N	N	Y3 elective module Criminal Evidence Dissertation on a Prescribed Legal Topic	
University of Bolton	M100	SQE	StreetLaw; professionals in practice; preparation for practice modules		N	Unknown	N	Dissertation module	
University of Bradford	M100	N	Y2 core Clinical and Employability skills in context module Y2 elective Law in the Community (Clinical route) module Y3 elective Law Clinic module		N	N	N	Y3 compulsory dissertation module (short or extended options)	
University of Bristol	M100	N	Y3 elective Clinical Legal Studies module Y3 elective Corporate law simulation module		N	N	N	Y3 compulsory choice between research project (20 credits) or dissertation (40 credits) modules	
University of Central Lancashire	M100	N	Y3 elective StreetLaw module		Y1 core Law and Emerging technologies	N	N	Y3 elective project	
University of Chichester	M100	N	Y2 Professional Skills and client care (simulation) module		N	Unknown	N	Y3 law dissertation	
University of Cumbria	M100	N	Y3 core Law in action module	Y3 elective placement module	Y2 core Lawyering in a digital age module - virtual law clinic	N	N	Y3 compulsory dissertation	
University of Derby	M100	LPC (with LLM)	Y3 elective Clinical Legal Skills module		N	N	N	Y3 elective independent study module (20 credits	

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Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University	Code									
University of East Anglia (Norwich Law School)	M100	N	extra-curricular probono / law clinic projects		N	N	N	Y3 elective dissertation module (20 credits	
University of East London	M100	N	Optional placement year between Y2 and Y3 / Extra-curricular probono and Legal Advice Clinic		N	N	N	Y3 elective law project module	
University of Essex	M100	N	Y2 elective Clinical Legal Education (placement) module / Y2 electice Legal Advice Case Work module / Y3 elective Clinical Legal Education (placement) module		N	N	N	Y3 compulsory research project (15 credits)	
University of Exeter	M103	LPC	Y2 elective Introduction to Professional Placement module / Y3 elective Law Placement module / Y3 elective Access to Justice Clinic module / Y3 elective Law with Legal Placement module	Optional year abroad for work placement/study between Y2 and Y3	N	N	N	Y3 electives legal research paper (15 credits) or dissertation (30 credits)	
University of Gloucestershire	M100	N	Y2 core Lawyers Skills module / Y3 elective Clinical Legal Education module		N	N	N	Y3 elective legal research dissertation module	
University of Greenwich	M100	N	Y3 elective Legal Work Placement module		N	N	N	Y3 elective dissertation in law module (30 credits)	
University of Hertfordshire	M100	Bar Practice Course	Y2 elective Street Law module / Y3 elective Clinical Legal Education module	Optional work placement / study abroad year between Y2 and Y3	Y3 elective Application of Computer Technologies to Legal Studies (they learn to code in Python!)	N	N	Y3 elective dissertation module (30 credits)	Y2 elective practical legal skills module
University of Kent	M100	N	Y2/Y3 elective Clinical Option module		N	N	N	Y3 elective dissertation module (15 and 30 credit options)	
University of Law (all branches)	M110	LPC, BPC, SQE	Y2 elective Legal Practice in the 21st century		Y2 elective Legal Technology and Innovation / Y3 elective Legal Technology	N	N	Y3 elective research project module	
University of Leeds	M100	N		optional placement year/year abroad between Y2 and Y3	N	N	N	Y3 compulsory long dissertation module (30 credits)	
University of Leicester	M100	N	Y3 elective Clinical Legal Skill (Law Clinic) module / Y3 elective Advanced Clinical Legal Skills module		N	N	N	Y3 elective law dissertation module	
University of Lincoln	M100	N	Y3 elective Law Clinic module	Y3 elective Work Placement module	N	N	N	Y3 elective law dissertation module	
University of Manchester	M100	N	Y2 elective Law in Practice module / Y3 elective Law in Action module		N	Y (partially)	N	Y3 elective (20 credit)	
University of Northampton	M100	N	Y2 core Law in Action module / Extra curricular StreetLaw	Y2 elective Practical Placement Preparation / Optional placement year between Y2 and Y3	N	N	N	Y3 compulsory law dissertaion module (40 credits)	
University of Plymouth	M200	N	Y2 elective StreetLaw module / Y3 elective Work Based Learning module (clinical experience) / Extra curricular Law Clinic	Optional Placement year between Y2 and Y3	N	N	N	Y3 electives dissertation or work-based action research modules	
University of Portsmouth	M100	N	Y3 elective Community Lawyer module / Y3 elective Law in Practice module		N	N	N	unknown	

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University	Code								
University of Roehampton	M100	N	Y3 elective between Law in Practice (probono/PBL/placement) or research project		N	N	N	Y3 elective between research project or Law in Practice (probono/PBL/placement)	Y3 elective SQE foundations module
University of Salford		N	Y3 elective routes - SQE prep route has compulsory clinical modules. The broader route has no experiential modules.	Optional placement year between Y2 and Y3	N	N	N	Y3 elective legal research project module on the broader route (option not available to students on SQE route); chouse bewteen a dissertation or practical legal project supervised in law clinic for the module.	Y3 SQE prep route (SQE
University of Sheffield	M100	N	extra curricular pro bono and clinical work		N	Y (partially)	N	Y3 elective criminology or law research paper modules (20 credits each)	
University of South Wales	M100	LPC	Y2 core Learning through the Workplace module (law clinic)		Y2 core law and technology in practice module.	N	N	Y3 elective dissertation module	
University of Southampton	M100	N	extra curricular pro bono and clinical work		N	N	N	Y3 compulsory legal research and writing module	
University of Suffolk	M102	N	Y2/Y3 elective Clinical Legal Practice Y2/Y3 elective Community Legal Education		N	N	N	Y3 compulsory independent project module	
University of Sunderland	M100	LPC	Y3 elective Student Law Clinic	Y2 elective Placement module Optional placement year between Y2 and Y3	N	N	N	Y3 elective law research dissertation module (20 credits)	
University of Surrey	M100	N	Y3 elective Access to Justice module		Y3 elective Law and Technology (clinical) module	N	N	Y3 elective dissertation module (30 credits)	
University of Wales Trinity Saint David (formerly Swansea Metropolitan University)	LLB Law and Legal Practice	N	Unknown (modules not shown)						
University of West London	M101	LPC	Y3 elective Community Legal Advice module		N	N	N	unknown	
University of West of England, Bristol	M100	Bar Training Course, LPC (with LLM), SQE	Y3 elective Law in Action module	Optional placement year between Y2 and Y3	N	N	N	Y3 elective dissertation module	
University of Westminster	M100	LPC	Y2 elective Work Placement in a Legal Setting module		N	N	N	Y3 elective dissertation in law module	
University of Winchester	M100	N	Y2 elective Volunteering for Law Students (no description available)		N	N	N	Y3 mandatory choice between dissertation (30 credits) or independent research project (15 credits) modules	
University of Wolverhampton	M100	LPC	Y3 elective Practical Legal Skills		N	N	N	Y3 elective research methods and project module (20 credits)	
University of Worcester		N	Y3 elective Legal Professional Practice module	Y3 elective Work Based Placement module	N	N	N	Y3 elective LLB project	
University of York	M100	N	Y2 and Y3 modules in the 'clinical' stream are all experiential/PBL/clinical		N	N	N	Y3 mandatory choice between dissertation or independent learning project modules	
Warwick University	M100	N	Extra curricular Law in the Community and Law Clinics		Y2/Y3 elective Law and Disorder module - create legal podcasts	Y (partially)	N	Y3 compulsory supervised project	
York St John University	M100	LPC (with LLM)	Y1 core Law in Action 1 module Y2 elective Law in Action 2 module Y3 elective Law Clinic		N	N	N	Y3 elective dissertation module (40 credits)	

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Additional LLB providers from UCAS list									
Bath Spa University		N	Y3 Law Clinic (not indicated whether core or elective)	Y2 Work placement (not indicated whether core or elective) Optional Professional Placement year between Y2 and Y3	N	N	N	Y3 law research project (not indicated whether core or elective)	
Blackburn College	M100	N	Y3 elective Clinical Legal Education module		Y2 core Law and technology in practice module	N	N	Y3 compulsory contemporary legal research module	
Bradford College	M100	N	N	elective work placement module	N	N	N/A	unknown	
Truro and Penwith College	M100	N	Y2 core clinical skills in context module Y2 route options (clinical or public legal education) Y3 elective Law Clinic module		N	N	N	compulsory Dissertation module	

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LLB programme headlines on websites

Aberystwyth University: In our LLB Law degree you will examine the law, how it functions, and explore the fascinating relationship between law, justice and society. As well as studying the foundational legal subjects, you will also have the opportunity to tailor your degree according to your own interests, choosing from a wide range of modules covering contemporary and specialist areas of law. Whether you want a career as a legal professional or want to explore other options, this degree is your first step on your journey to a rewarding career.

Anglia Ruskin University: Our law degree provides the seven core foundations of legal knowledge and meets the requirements of the Solicitors Regulation Authority and the Bar Standards Board for a career as a solicitor or barrister in the UK.

Arden University: Our law degree provides the seven core foundations of legal knowledge and meets the requirements of the Solicitors Regulation Authority and the Bar Standards Board for a career as a solicitor or barrister in the UK.

Aston University: Successful lawyers need more than legal knowledge. Our law degree offers an integrated professional placement and experiences that equip you for a successful career in the legal profession, as well as transferable skills for a range of career paths.

Bangor University: The Law LLB course gives you the knowledge, skills and experience to pursue your career as a lawyer, journalist, activist, civil servant or in many other areas where a law degree is highly valued. Our dedicated team of lawyers will provide you with in-depth knowledge of the contemporary legal issues that shape our lives and society. As well as developing your legal skills, our strong links with the legal profession and industry ensure exciting practical opportunities for 'real world' experiences to set you up for your chosen career.

Birkbeck College (University of London): Birkbeck's Law LLB teaches you the foundational areas of law required by the legal profession and provides you with the key skills and knowledge to move towards successfully qualifying as a lawyer. You will gain highly transferable legal skills that are also valuable in other careers beyond the legal sector.

Birmingham City University: A law degree is an important first step into a career in law, as well as an important foundation on the route to many other careers, and Birmingham City University is a long-established provider of legal education to the Birmingham legal community and beyond....

Bournemouth University: Taught by experts with strong links to the legal profession, this course will provide you with an excellent overview of the field and equip you with the tools and knowledge to tackle real-world issues within the legal sector.

Brighton University: Our qualifying Law LLB(Hons) degree combines academic study with opportunities to experience law in practice, preparing you for a career as a legal professional.

Brunel University: The Brunel Law LLB gives you the chance to earn a law degree and develop a dynamic perspective of English law – not only what the law is, but why it is.

Buckingham University: The unique structure of Buckingham's Law degree (LLB), with four full teaching terms per calendar year, enables you to graduate after just two years of study (eight, or nine terms with September start). Our LLB's concentrated mode of delivery prepares you for careers in law, governance, public service, industry, and commerce. It also satisfies the necessary first step for qualifying as a lawyer in various common law jurisdictions, including Canada, Nigeria, the Bahamas, and Bermuda.

Buckinghamshire New University: Kickstart your legal career and gain an insider's knowledge of the law on this undergraduate LLB (Hons) Law degree. Be at the centre of law and order, governance and justice as you learn about the fundamentals that underpin all aspects of society. Our degree provides the perfect opportunity to take the first steps towards a legal based career, whether it's holding people to account, protecting the innocent or advising businesses on their obligations. It is also accredited by the Solicitors Regulatory Authority and Bar Council which means you will graduate having completed the academic stage of a Qualifying Law Degree (QLD) and be well on your way to becoming a solicitor or barrister.

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Cambridge University: Although our BA (Hons) course (referred to at other universities as an LLB degree) is primarily concerned with English law, there are opportunities to study other legal systems, including civil (Roman) law, EU law and international law. You can also study theoretical and sociological aspects of law such as jurisprudence or parts of criminology. The undergraduate Law Degree at Cambridge is intended to give a thorough grounding in the principles of Law viewed from an academic rather than a vocational perspective.

Canterbury Christ Church University: Study Law with us and join a challenging, vibrant and friendly community, led by an experienced team of academics, practitioners, solicitors, barristers and international lawyers.

Cardiff Metropolitan University: The Cardiff Met LLB (Hons) Law degree is a qualifying law degree (QLD) that combines doctrinal learning with applied skills training. Our QLD degree satisfies the academic stage of professional training for those who want to become solicitors or barristers. For more information on recent changes made to the professional training for becoming solicitors or barristers, please visit the Solicitors Regulation Authority (SRA) and the Bar Standards Board (BSB) websites.

Cardiff University: A law degree doesn't restrict graduates to careers within the legal profession. Each year a number of law graduates enter professions as diverse as finance, sales and marketing, digital communications and recruitment.Our accredited, qualifying Law degree provides you with essential legal and academic skills. Study the core subjects common to all law degrees and supplement them with a wide choice of specialist elective modules. Develop your commercial awareness and confidence with pro bono clinics, volunteering and mooting opportunities.

City, University of London (formerly City University): Our accredited, qualifying Law degree provides you with essential legal and academic skills. Study the core subjects common to all law degrees and supplement them with a wide choice of specialist elective modules. Develop your commercial awareness and confidence with pro bono clinics, volunteering and mooting opportunities.

Coventry University: Law is a diverse subject and studying it could lead you to careers in law, business and similar sectors.

De Montfort University: The LLB degree at DMU Law School provides graduates with a valuable combination of the FLK, contextualised critical academic study and practice informed skills. Whether destined for the legal professions, other graduate employment or further academic study, our focus is to prepare our students for success.

Durham University: The LLB degree is a highly flexible three-year, full-time course. While providing a solid grounding in the main areas of English and Welsh law, it also allows for individual specialisation through a variety of optional modules offered by the School and other departments in the University.

Edge Hill University, Lancashire: An Edge Hill LLB Law Degree is an excellent first-step to becoming a solicitor. We provide a skills pathway that will ready you for working in a law firm, this includes practical law modules taught by practitioners and the opportunity to study the law clinic module. Further you can take a four year 'Sandwich Degree' which will provide the chance to complete a year of the required qualifying work experience.

Goldsmiths University of London: This is a qualifying law degree - your first step towards becoming a solicitor or barrister in England and Wales. You'll gain all the skills you need to progress to the next stages.

Huddersfield University: Whether you're intending to use the LLB degree as the start of your legal career in the legal profession, or as the stepping stone for other career opportunities, make Huddersfield Law School your first choice to what could be a brilliant, dynamic and rewarding future.

Hull University: How are we different from other law schools? Here, you're a name, not a number: a valued member of a tight-knit community. And you're a trainee legal professional from day one. So get your best suit ready. You're going to need it.

Keele University: Our undergraduate Law degree programme is informed by research and offers a critical approach to legal education in an enriched, inclusive environment, involving a range of professional activities and support. You will be able to go on to train as a solicitor or barrister following graduation or prepare for a legal career of your choice, from a range of options.

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King's College, London: Our LLB Law course focuses on the study of law as an intellectual discipline. It can form the first major step towards qualifying for practice as a solicitor or barrister, but also represents appropriate preliminary training for a range of other careers in which legal knowledge is an asset. The degree is suitable for students who have a general interest in law but want to find out more about it before deciding on a particular vocation.

Kingston University: We recognise that in the competitive legal world, graduates need to be more rounded than ever. Our LLB with Professional Experience delivers all the benefits of a conventional Law degree, and a lot more.

Lancaster University: The degree will introduce you to technical legal topics and help you to understand the ways that law shapes society. If you choose to do so, you can, from your second year, opt to specialise in one of our three pathways

Leeds Law School, Leeds Beckett University: Learn transferable skills and an understanding of the law, legal systems, rules and practices. This course will help open career opportunities in the legal profession and beyond.

Leeds Trinity University: Do you want to develop and apply your critical thinking and analytical skills in a legal context? Are you excited about the impact you could make in the legal profession? Start your journey to becoming a barrister or solicitor with our LLB Law degree, covering subjects including the English Legal System, Public Law, Contract Law and Criminal Law.

Liverpool Hope University: The Law LLB sets out to give you the opportunity to study law in a contemporary, contextual and reflective setting. Our aim is to go beyond a perception of law as a set of rules to be learned and to encourage you to evaluate and critique current law and practice, to understand their theoretical foundations, to develop a thorough understanding of their social and ethical context and, in the context of professional ethics and client care, to analyse and reflect upon the role and identity of the professional in contemporary society.

Liverpool John Moores University: The professionally accredited LLB (Hons) Law is uniquely placed by giving students the opportunity to observe law in action from Semester 2 of their very first year, through our award-winning Legal Advice Centre.

Liverpool University: Law is not just about learning what the rules are, but about thinking about what they should be. This degree offers a truly modern legal education reflecting the needs and concerns of society in the 21st century. Whether you are planning a career in the legal profession or a career in almost any other field of expertise, this degree will challenge and inspire you.

London Metropolitan University: You'll explore a diverse range of optional subjects while meeting the Qualifying Law Degree requirements for training as a solicitor or barrister.

London School of Economics and Political Science: Students are immersed in the legal community from the very start of their degree, with the LLB welcome reception being held at one of the Inns of Court.

London South Bank University: The course is the first step on the journey to becoming a Solicitor, Barrister or Chartered Legal Executive, as well as being the foundation for a broad range of other professional careers. It is designed to give students a 'Head Start' on professional qualification, particularly for the Solicitors Qualifying Examination with its focus on professional procedure and skills as well as the academic study of Law.

Manchester Metropolitan University: Law underpins our society. A law degree gives you a unique insight into everything, from the economy to the criminal justice system. And it gives you a huge range of skills that will last you throughout your career. The LLB (Hons) is your passport to a rewarding future – whether you have ambitions to be a solicitor, barrister, academic researcher, or a business person.

Middlesex University: We're internationally known for our law expertise – and our LLB Law puts you at the heart of legal innovation. Our law course gives you the initial skills and qualifications to succeed in the legal profession and pursue qualified solicitor or barrister status in England and Wales.

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New College of the Humanities: Your degree and Diploma from NCH can take you anywhere.

Newcastle University: We equip you for a career in law, to work for the police, to go into business or finance, and many other occupations. We give you the knowledge, expertise, skills and experience to succeed.

Newman University: The LLB degree offers you a sound understanding of the foundations of legal knowledge, which must be successfully completed at the academic stage of your legal career as well as offering you an opportunity to explore other exciting areas of law. The core modules meet the requirements of a Qualifying Law Degree (QLD) as you progress to the vocational stage of your career where you will either undertake the Solicitors Qualifying Examinations (SQE) or the training requirements of the Bar Standards Board, if you intend to pursue a career as a solicitor or barrister.

Northumbria University: Northumbria University's Law LLB Degree (Hons) is designed for those looking for a stimulating and engaging law degree. The undergraduate degree provides a thorough grounding in legal principles, including the study of the 7 foundations of legal knowledge which are required to make this a Qualifying Law Degree (QLD). This is the first stage of legal education for those intending to pursue a career as a solicitor or barrister.

Nottingham Trent University: This course provides the intellectual, legal and practical skills you'll need for a successful career. When you choose to study Law at Nottingham Trent University you become part of one of the largest and most innovative Law Schools in the UK. All of our degrees are compliant with the requirements of the SRA and the BSB for the purposes of professional qualification as a solicitor or barrister in England and Wales.

Nottingham University: You will graduate with specialist knowledge and the transferable skills and confidence you need to stand out to employers as you start your career.

Open University: Studying law is stimulating in its own right and knowing how laws are made, legal rights and duties and how law impacts upon society will help you to understand society and your own role within it. By the end of your degree, you'll have the legal knowledge to understand and apply the law, together with skills of legal analysis. This law degree will be valuable preparation to enable you to acquire the knowledge and skills needed for a legal career.

Oxford Brookes University: This course sets you up for ongoing professional training such as the Bar course for Barristers, or preparation courses for the Solicitors Qualifying Exam.

Oxford University: The BA in Jurisprudence is our regular three year undergraduate law degree, equivalent to what in some universities would be called an LLB. It is also a 'qualifying law degree' for the purpose of practice as a solicitor or barrister in England and Wales. It is one of the most highly regarded undergraduate law degrees in the UK, and those who do well in it are in high demand both in the legal professions and in other fields in which professional analytical work is required.

Queen Mary University of London: Queen Mary's long-established Law LLB is your first major step to becoming a barrister or solicitor. This renowned degree incorporates all the compulsory modules needed to meet Bar Council and Law Society requirements, and has a strong focus on analysis, attention to detail, argument and communication. It's an excellent option for students pursuing a legal career or with a general interest in law.

Reading University: Develop your legal skills and knowledge – and build valuable, real-life legal experience – with our highly practical LLB Law.

Royal Holloway, University of London: Whilst studying Law at Royal Holloway you will explore the fundamental principles of justice, equity and equality within the framework of English and European law. This degree is for anyone looking to start a career in law, whether as a barrister or a solicitor, it is also for those who are interested in the legal system and the ways in which laws are made and upheld. You will be equipped with a wide range of transferable skills which are highly sought after by employers in a wide variety of fields.

School of Oriental and African Studies (SOAS) (University of London): The SOAS Law degree programme aims to produce highly skilled, civic minded and critically engaged graduates, who can effectively contribute to their communities and societies through the knowledge and skills gained on this course. In an increasingly interconnected world, law is no longer the preserve of single jurisdictions as legal issues are

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no respecters of national borders. A SOAS Law degree addresses this need by providing our students with an educational experience that equips you with a distinctive set of skills far beyond what is offered by most traditional Law Schools.

Sheffield Hallam University: Study law and work in our on-campus law firm — getting a head start on your solicitor qualifications.

Southampton Solent University: Solent University's LLB has professional practice at its core, and covers the foundation subjects required to become a solicitor or barrister. Our new dedicated Solent Courtroom offers the chance to build experience and confidence in a professional legal setting – and our recent ground-breaking partnership with the College of Legal Practice means a preparation course for the first part of the Solicitors Qualification Examination (SQE) is built into your degree, giving you a real head start if you're considering becoming a solicitor. You will also build the essential skills and understanding for a wide range of legal roles, from corporate law to police or government work – ensuring you have maximum flexibility when choosing your future career.

St Mary's University: A law degree from St Mary's will provide you with a solid foundation for whichever law profession you decide to pursue.

Staffordshire University: LLB (Hons) Law is compliant with the QAA subject benchmark for Law. All our Law degrees and pathways enable students to proceed to the next stage of training to qualify as a Barrister or Solicitor. The LLB includes the foundation legal subjects which meet the requirements of the Academic Component of becoming a Barrister.

Sussex University: In this LLB, you'll gain a solid grounding in English law as well as exploring international, European and Canadian law. You will also cover: How the law regulates the relationship between the individual and the state; how the law responds to dealings between individuals and groups; theoretical and practical aspects of law.

Swansea University: Take the first steps towards a range of exciting and rewarding careers in law with our LLB Law Single Honours degree.

Teesside University: A law degree is a highly regarded qualification. You are trained to think, to question and to challenge. Many students study law to become a legal professional such as legal executive, solicitor or barrister, but a Teesside law degree opens up a wide range of professional roles for you, including the criminal justice field, within probation services, law enforcement and in the third charitable and voluntary sectors. You could also be successful in management, recruitment or human resources. Whether you're starting a career, developing an existing one or changing direction, a law degree presents many opportunities to you.

University Centre Leeds, Leeds City College: Take on a new career and succeed in the courtroom with our Bachelor of Laws LLB (Hons) Degree. Prepare to enter the fast-paced legal world with extensive training and support. The perfect qualification to begin your journey in law, this degree introduces you to core legal principles whilst strengthening your academic skills.

University College London (UCL Laws): The LLB Law degree three-year programme leads to the award of a Bachelor of Laws (Honours) degree from UCL

University of Bedfordshire: Graduating with an LLB from the University of Bedfordshire is the first step on your journey towards becoming a solicitor or a barrister as well as a range of other professional opportunities.

University of Birmingham: Our undergraduate LLB Law degree course enables you to become immersed in the study of Law, not just in theory but from a practical perspective too.

University of Bolton: Whether you're seeking to forge a career as a solicitor, barrister, costs lawyer, legal executive or conveyancer, or aspire to work in sectors such as business management, the civil service, politics, HR or finance, our LLB (Hons) Law is an excellent choice.

University of Bradford: Our LLB (Hons) degree gives you a rigorous academic legal education and a thorough grounding in legal, academic and clinical skills needed for you to pursue a career as a solicitor or barrister, as well as equipping you for employment in other areas if you choose not to go on to a professional qualification in law.

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University of Bristol: Our intellectually demanding, research-rich curriculum will spark your passion for a subject that opens doors to top-flight careers in both law and non-law sectors, with an exciting range of optional units to choose from that reflects the expertise of our globally-renowned academics.

University of Central Lancashire: Our LLB Law degree provides the essential training you'll need to become a successful solicitor or barrister. You'll learn about ground-breaking research topics such as war crime trials and women in prison.

University of Chichester: This three year course will develop your knowledge and understanding of legal frameworks to give you the opportunity to pursue a career as a barrister or solicitor. The course provides debate, discussion and learning on the seven core areas of knowledge, as you develop your academic and practical skills to prepare for a career within the profession.

University of Cumbria: If you're interested in the law and how it works and if you want to become a solicitor, a barrister or anything else to do with the exciting world of the law or beyond, then our course is the one for you. Our course is recognised by the Solicitors Regulation Authority (SRA) and The Bar Standards Board, and hence will facilitate your journey to becoming a solicitor or a barrister, or a broader range of careers.

University of Derby: Offering you an exceptional experience of studying law, the Derby LLB is designed to reflect the changing legal profession and set you apart in the graduate job market. We deliver a comprehensive all-round undergraduate legal education, so you'll gain all the skills and hands-on experience you need to have an immediate impact in a legal career. You'll engage with the core professional skills, bringing what you read in the textbooks to life through genuine practical experience.

University of East Anglia (Norwich Law School): Train to excel in law at UEA, and prepare yourself for success in a variety of legal professions. You will join a welcoming community of legal students and scholars, and pursue your interests in a range of legal fields as you develop valuable skills and enhance your professional knowledge of UK Law. Our LLB Law is ranked 29th for Law by 'The Guardian 2022'.

University of East London: Our LLB (Hons) Law course is a qualifying law degree, forming an essential part of the training you need to become a barrister or a solicitor. The course will equip you with a broad understanding of key legal principles and institutions within the political, social, economic and cultural context in which the law operates. You'll learn how the law is made and administered and explore the inter-relationships between the law, individuals and society.

University of Essex: Our LLB Law provides you with a rigorous academic training in the discipline of law. We enable you to develop an approach to the discipline so that you can see each subject area as part of an integrated whole. We emphasise an awareness of the place of the law of England and Wales in its European and international frameworks. You develop a critical awareness of the nature of law within its social, political and economic contexts. Not only will you learn legal rules, but you will also consider the function of law in society, the philosophy of law, policy issues and law reform. You learn to consider, evaluate and respond to alternative and, possibly, conflicting points of view.

University of Exeter: Our LLB programmes provide an excellent start to a legal career if that is your goal, equipping you with the knowledge and skills that will support you towards the next steps to professional legal qualification. This includes the 'foundations of legal knowledge' subjects required for the academic stage of qualification as a barrister. If you plan to qualify as a solicitor or barrister, after you graduate you will need to comply with the further training and other requirements of the Solicitors Regulation Authority or the Bar Standards Board, or the relevant regulatory body in the country in which you intend to practice.

University of Gloucestershire: Explore the fundamental principles of law in England and Wales on a law degree designed to enable prospective lawyers to obtain the legal knowledge, skills and attributes needed to pursue a career in law, aligned with the Solicitors Regulation Authority and Bar Standards Board Common Protocol.

University of Greenwich: Our law degree offers a range of legal knowledge, including contract law, criminal law, public law and human rights law, plus the skills to help you succeed in the workplace.

University of Hertfordshire: So, why study for your LLB law here at Hertfordshire? Well alongside a Gold rating for our teaching, we have a dedicated Law School, incredible facilities and an innovative teaching team of practising lawyers and solicitors. We've shaped our law degree around a skills-based competency framework that is geared towards the demands of today's legal profession. This will kickstart your career with exceptional skills, experience and opportunities.

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University of Kent: Kent Law School brings the study of law to life and prepares you for a successful career in law. Our LLB in Law develops your critical and analytical skills, enables you to think about the role of law in society, and provides hands-on experience through opportunities to work on real cases in our Law Clinic. A law degree from Kent prepares you for a career in law and opens doors to many other professions.

University of Law (all branches): Our law degree, known as an LLB or Bachelor of Laws, is equivalent to a BA or BSc. If your career aspiration is to be a solicitor or barrister in the UK, this degree is perfect for you as it will mean you are prepared in part for the new Solicitors Qualifying Examination (SQE1) or to progress onto our Bar Practice Course (if you wish to qualify as a barrister). And if you have set your sights on a career in politics, business or journalism, the transferable skills you will learn on our law degree will give you an excellent launch pad for these ambitions and more. With our professionally focused qualification, you can expect to learn practical skills coupled with a focus on your future employability.

University of Leeds: This law degree allows you to learn about the law, both in the sense of 'thinking like a lawyer' and studying law as a social institution. As a law student you will gain expertise in analysis, research, logical argument and more as you develop an understanding of key topics within law and the legal sector.

University of Leicester: The Law LLB is the traditional route into the legal profession and gives you the freedom to explore the areas of law that most interest you with a wide variety of optional modules. It is an excellent stepping-stone to graduate level employment as a thought-provoking and challenging subject, giving you legal knowledge and transferable skills such as reasoning, research and problem solving. Your study will take a variety of approaches, including problem-solving, analysis of cases and statutes, examining the role of law within its social, economic and political context. The foundation subjects that you will study are recognised by the Bar Standards Board and essential for future qualification as a solicitor through the Solicitors Regulation Authority's approved qualification routes.

University of Lincoln: The rule of law is the cornerstone of any just and fair society, and to be administered correctly it requires skilled and knowledgeable legal professionals. LLB (Hons) Law at Lincoln has been developed toadvance students' understanding of the changing and dynamic nature of law and how it operates in practice. There is the chance to gain important practical legal skills, such as mooting, and to take part in the Lincoln Law Clinic, a pro bono law clinic which handles real cases. The course can act as the first step towards a career in the legal profession. It provides the key skills and knowledge needed to go on and study towards qualifications as a barrister or solicitor.

University of Manchester: LLB Law offers a distinctive approach to legal education from a globally recognised institution that brings together research-informed study and practice-led approaches to law.

University of Northampton: You may have heard that legal education is changing. Our Law LLB (Hons) course has been redesigned to meet those changes and will provide you with an excellent grounding as you take your first steps towards a legal career. The LLB Law degree at the University of Northampton covers the seven foundations of legal knowledge required to meet the core academic requirements required by the Bar Standard Board for entry onto the Bar Training Course. For students who aspire to become solicitors, our LLB course has been designed to help you prepare for the Solicitors Qualifying Exam (SQE) as alongside the traditional foundations of legal knowledge there are additional optional modules covering SQE topics such as civil litigation, property law and practice, business law and criminal litigation. A law degree is not just for those who wish to pursue a legal career; it equips you with a great many skills which are desired by the graduate jobs market. We know that not all our students will wish to enter the legal profession

University of Plymouth: Are you ready to make your mark in the legal world? Combine theory and practice to prepare for a successful career. Build a deep understanding of how the law works and apply this in the real world with the support of our experienced academic team including trained and practising solicitors.

University of Portsmouth: With a Portsmouth law degree you really can change the world, fight for what you believe in and make a difference to people's lives. This Bachelor of Laws (LLB) is a fully accredited law degree that gives you the choice to go on to study for your solicitor exams or your Bar exams after you graduate. If you take our Law in Practice module you'll gain 3 months work experience that can count towards your qualifying work experience for the new Solicitors Qualifying Exam (SQE). You'll also have the option of a paid work placement between years 2 and 3 that will increase your employability.

University of Roehampton: The best preparation for the legal profession is to think like a lawyer from day one. Our practice-based approach means you'll learn to understand the law in the context of everyday life and legal practice, and apply your learning in a number of ways.

University of Salford: Combining an intellectually challenging curriculum with an industry focus, the LLB Law course at Salford Business School gives you a grounding in the key concepts of law while preparing you for a high level legal career.

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University of Sheffield: This course introduces you to all the subjects you need to develop a critical understanding of modern English law. You'll learn how the law works in our society and how it changes and develops.

University of South Wales: The LLB (Hons) Law degree is a stimulating and challenging course that focuses on justice, technology and employability

University of Southampton: Law is all around us, often governing our business, social and civil interactions. Studying this challenging and rewarding subject on our LLB Law degree will develop your analytical and problem-solving skills. Southampton Law School offers you expert tutors, a research-led curriculum and links to industry. Our challenging and inspiring law programme will give you in-depth legal knowledge, together with strong critical thinking and communication skills. Our unique employability skills programme will ensure you consolidate what you learn through exceptional work experience and networking opportunities. All our undergraduate programmes lead to qualifying law degrees recognised by the Solicitors Regulation Authority and the Bar Standards Board.

University of Suffolk: Studying law at Suffolk gives you a solid legal education. You will learn how to solve complex legal problems and develop a firm grounding in the contexts in which law and legal institutions function. We draw on a range of perspectives in our teaching, combining the finest traditions of legal education with recent innovations and current theory. You will notice a substantial change in your ability to engage with topical issues and current affairs, as well as challenging legal issues. Law students are among the most employable and adaptable graduates, and pursue a broad range of career paths. Although law is the focus, our methods and analytical approaches draw on fields within the broader humanities and the social sciences.

University of Sunderland: The LL.B. (Hons) degree at University of Sunderland Law School provides you with the knowledge and skills which are essential for a career in the legal sector. Our course not only covers the areas of functioning legal knowledge which are required to prepare you for the Solicitors Qualifying Examination but enables you to practice SQE style questions as part of your studies.

University of Surrey: On our LLB Law course, you'll gain a deep understanding of the main areas of legal knowledge, including law as it regulates the functions of the state (public law and criminal law), law as it regulates relations between private individuals (contract law and tort law), and law as it regulates the ownership and control of land and other property (land law, and equity and trusts). In addition to these core subjects, after the first year you will have the option to study a range of topics with experts in their fields, from Environmental Law to International Humanitarian Law to Medical Law to Tax Law, among many others. You will learn how to debate the law, to analyse its application to given situations and to apply your legal understanding in a national or international context. Further opportunities to develop your professional skills are provided through a series of extracurricular activities focusing on client interviewing, negotiation and mooting.

University of Wales Trinity Saint David (formerly Swansea Metropolitan University): In 2018, the Solicitors Regulations Authority (SRA) announced the plan to dispense with multiple routes into practice instead of introducing a single entry point with the Solicitors Qualification Exam (SQE). This means that universities no longer have to be accredited to offer a Qualifying Law Degree (QLD), nor do students need to have a QLD or the Legal Practice Course (LPC). Students need to have been taught the knowledge needed to pass the SQE. This course proposes to combine the foundations of law, already delivered in the joint honours degrees, with essential and corresponding practice modules, thus making it SQE compliant. This will make it easier for students to enter the SQE and remove the need for the LPC.

University of West London: Are you looking for an intellectually stimulating role that helps you fulfil your potential? This LLB Law degree gives you the knowledge, tools and experience that will ready you for a rewarding career as a legal professional.

University of West of England, Bristol: LLB(Hons) Law is a practical and contemporary degree, recognised by employers and delivered by leading experts in one of the largest law schools in the country.

University of Westminster: The Law LLB Honours offers you an exciting and dynamic educational experience, while also providing you with the core subjects required by the professional legal bodies. The legal profession requires graduates to possess both intellectual and practical skills, and the course explicitly addresses these requirements with a structured programme of skills development. It will equip you with the transferable and cognitive skills necessary for lifelong personal and professional development.

University of Winchester: This programme is ideal if you are interested in becoming a practising solicitor or barrister. It also suits those seeking a flexible qualification with a solid foundation in law that leads to a wide-range of careers in both the public and private sectors.

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

University of Wolverhampton: The LLB degree provides a qualifying law degree enabling successful to prepare for the Bar Professional Training Course (Barrister). Additionally, the LLB is designed to provide preparatory legal education for those wishing to qualify as solicitors by undertaking the new Solicitors Qualifying Examination.

University of Worcester: The LLB (Hons) Law at the University of Worcester provides you with legal knowledge in fundamental subject areas and enables you to develop both practical legal skills and transferable professional skills. Law degrees are highly valued by a wide range of prospective employers.

University of York: Our distinctive LLB degree combines academic rigour with applied, practical and interdisciplinary perspectives, ensuring you develop an understanding of law in all its contexts. We are the only law school in the UK to use a problem-based learning approach as the basis for our undergraduate programmes. We believe this modern, practical method will help you to develop the skills and techniques you will need to stand out as a professional. Our three learning streams allow you to choose a pathway based on your interests, while fitting closely together to form an integrated and comprehensive course.

Warwick University: Our Law degrees enable you to develop an in-depth understanding of the technical and doctrinal aspects of the law, and a critical awareness of the role law can play in contemporary society. Warwick Law School is renowned for its high-quality research and draws on this expertise in its teaching. The School emphasises a contextual approach to, and international and comparative perspectives on, the study of law. As well as studying legal judgements, statutes and treaties, you will gain valuable insights into the impact of economic, cultural and political change on law, and consider how law affects life beyond the courtroom and the lawyer's office.

York St John University: This degree will put you in the best possible position to start your legal career. The skills you learn on this course could also prepare you for many other exciting professions.

Bath Spa University: Our Law degree develops your practical and vocational skills alongside your knowledge of legal theory.

Blackburn College: Combining an intellectually challenging curriculum with an industry focus, the LLB (Hons) Law degree at Blackburn University Centre gives you a grounding in the key concepts of law, while preparing you for a high level legal career.

Bradford College: This programme recognises the need to provide an academically challenging degree which will give you a sound knowledge of legal concepts together with an understanding of the operation of law in society. This Honours degree consists of six semesters, taken over three years of full-time study.

Truro and Penwith College: Our LLB (Hons) degree gives you a rigorous academic legal education and a thorough grounding in legal, academic and clinical skills needed for you to pursue a career as a solicitor or barrister, as well as equipping you for employment in other areas if you choose not to go on to a professional qualification in law.

Other notes

Tech-based modules, unsure whether skills-based:

- **Aston University**, Y1 - The Future of Law: Introduction to Technology and its Regulation
- **Buckinghamshire Univerisity**, Y2 - Digital Business and New Technologies
- **Swansea University**, Y2/Y3 elective foundations of LegalTech module
- **University of Central Lancashire**, Y1 core Law and Emerging technologies
- **University of Law (all branches)**, Y2 elective Legal Technology and Innovation; Y3 elective Legal Technology
- **University of South Wales**, Y2 core law and technology in practice module
- **Blackburn College**, Y2 core Law and technology in practice module

Appendix 1: Data from content analysis of websites of 107 LLB Providers across England and Wales

Compulsory and optional components to partially opt-out of FLK:

- **Aston University:** Y1 compulsory FLK - liability in crime and tort, introduction to contract and property. Y2 compulsory FLK - public, land. Y3 FLK electives for QLD - advanced criminal, equity and trust, EU
- **Cambridge University:** Y1 compulsory FLK - criminal, constitutional, tort. Y2 elective FLK - land, contract. Y3 elective FLK - EU, equity
- **Cardiff University:** Y1 compulsory FLK - contract (30), criminal (30), public (30). Y2 elective FLK - tort (30 for QLD or 20 for others if interested), land (30 for QLD or 20 for others if interested). Y3 elective FLK - EU (30 for QLD or 20 for others if interested), equity and trust (30 for QLD or 20 for others if interested)
- **City, University of London (formerly City University):** Y1 compulsory FLK - constitutional foundations (15), contract foundations (15), criminal foundations (15), tort foundations (15), contract and practice (15), administrative and human rights (15). Y2 compulsory FLK - EU foundations (15), land foundations (15), trust foundations (15). Y2 elective FLK - further issues criminal (15), further issues tort (15), contemporary issues EU (15), UK and EU (15). Y3 elective FLK - further issues equity (15), further issues land (15), several other European and human rights options (15 credits each).
- **Durham University:** Y1 compulsory FLK - tort (20), contract (20), EU (20), constitutional (20). Y2 compulsory FLK - criminal (20), elective - trust (20), land (20)
- **London School of Economics and Political Science:** Y1 compulsory FLK - obligations (contract and tort) (1 unit), property 1 (half unit), public (1 unit), criminal (1 unit). Y2/Y3 elective FLK - EU, public 2.
- **Open University:** Y1 compulsory FLK - criminal (60), civil and tort (60). Y2 compulsory FLK - contract (30), public (30). Y3 route choices [academic route: compulsory trust (30), QLD route: compulsory trust (30), EU (30), land (30) or SEQ route: SQE1 subjects
- **University of Manchester:** Mandatory FLK Y1 - criminal (30), contract (30), public (30). Mandatory FLK Y2 - land (30), tort (30). Elective FLK Y3 - Equity & trust (20), EU (20).
- **University of Sheffield:** Y1 mandatory crim law, obligations, property, public and remedies modules. Y2 and Y3 advanced options available for students interested in QLD.
- **Warwick University**: all FLK mandatory apart from trust and EU which students wishing to obtain QLD should opt for in Y3

Appendix 2: Survey questions

	RESEARCH INTRODUCTION, INFORMATION AND CONSENT
	Study on Law Graduate 'Skills for Employment' for PhD Research The purpose of this study is to obtain some views on Law Graduate 'Skills for Employment'. This survey considers how legal education prepares Law Graduates for employment in either the legal or non-legal sector, with a particular focus on technological skills. You have been invited to participate because you are either a Legal Practitioner, Legal Educator or involved in one or both of the above categories in some way in England and Wales. This is a short survey that should take about 10 minutes to complete. You can do this on a smartphone, laptop, tablet or desktop computer. This survey will not be collecting any of your personal details. You are not required to provide any data or information that would make you identifiable. If you voluntarily provide any information in your responses that make you identifiable, your response will be anonymised by the researcher. All data collected from this study will be stored securely for a period of up to 5 years, after which it will be discarded. This study complies with the Data Protection Act 2018 and the General Data Protection Regulation. The data obtained from this study will be used for the following purposes: (i) towards the researcher, Samantha Rasiah's, PhD thesis 'The content, currency and purpose of Legal Education in England and Wales', and (ii) to enable the researcher to publish conference papers and/or articles discussing legal education. This study has been fully funded by Northumbria University and it has received ethical approval by the Ethics Committee of the Faculty of Business and Law at Northumbria University. For any enquiries related to this online survey or my research, please email samantha.rasiah@northumbria.ac.uk

1.	Please confirm your acceptance of this information before you proceed to participate in this research:
	      (i) I have read and understood the information above,
	      (ii) I understand that my input will be used for a PhD thesis and for publications of conference papers and/or articles discussing legal education,
	      (iii) I understand that all my input will be anonymous,
	      (iv) I agree to participate in this study
	
	[SINGLE CHOICE OPTION]
	    • *I accept*
	    • *I don't accept*

	Before you begin, please note that you can go back to a previous question or go forward to the next question by either
	      (i) scrolling up on your touch screen or using your mouse, or
	      (ii) by clicking on the up and down arrows on the bottom right corner of your screen. The up and down arrows are picture in the below image.
	Clicking on the back button on your web browser or device will exit the survey automatically.

2.	I practice/teach/am based in
	[SINGLE CHOICE OPTION]
	    • *North East*
	    • *North West*
	    • *Yorkshire and the Humber*
	    • *East Midlands*
	    • *West Midlands*
	    • *East of England*
	    • *London*
	    • *South East*
	    • *South West*
	      Wales

Appendix 2: Survey questions

	IDENTIFICATION OF STREAMS			

3.	I am a
	[SINGLE CHOICE OPTION]
	    • *Legal Practitioner in England and Wales (practicing solicitor/practicing barrister/trainee solicitor/pupil barrister/paralegal/legal executive)*
	    • *Legal Educator in England and Wales (lecturer/tutor/ supervisor/involved in teaching in a Law School)*
	    • *Both of the above*
	    • *Other*
	* If you hold a practising certificate but work full-time in academia, please select 'Legal Educator'. If you currently work in both legal practice and academia, please select 'Both of the above'. If none of these are applicable to you, please select 'Other'.			

	PART 1 – DEMOGRAPHIC DATA			
	PRACTITIONER	EDUCATOR	BOTH	OTHER

4.	I am a
	[SINGLE CHOICE OPTION]
	    • *practicing solicitor*
	    • *practicing barrister*
	    • *trainee solicitor*
	    • *pupil barrister*
	    • *paralegal*
	    • *legal executive*
	    • *other [FREE TEXT ANSWER]*
	* If Other, please specify your role.
		At my University, I am a
		[MULTIPLE CHOICE OPTION]
		    • *a lecturer*
		    • *a tutor (for workshops/seminars/tutorials)*
		    • *a supervisor/mentor/involved in the Law Clinic/Student Law Office as a supervisor/mentor*
		    • *involved in some interactive/experiential teaching modules*
		    • *other[FREE TEXT ANSWER]*
		* Please select all the options that are applicable to you. If Other, please specify your role.
			I am legal practitioner and legal educator. More specifically,
			
			a. I practice as a
			[SINGLE CHOICE OPTION]
			    • *practicing solicitor*
			    • *practicing barrister*
			    • *trainee solicitor*
			    • *pupil barrister*
			    • *paralegal*
			    • *legal executive*
			    • *other [FREE TEXT ANSWER]*
			* If Other, please specify your role.
			
			b. and at my University, I am a
			[MULTIPLE CHOICE OPTION]
			    • *a lecturer*
			    • *a tutor (for workshops/seminars/tutorials)*
			    • *a supervisor/mentor/involved in the Law Clinic/Student Law Office as a supervisor/mentor*
			    • *involved in some interactive/experiential teaching modules*
			    • *other [FREE TEXT ANSWER]*
				Please specify your role.
				[FREE TEXT ANSWER]

Appendix 2: Survey questions

			* Please select all the options that are applicable to you. If Other, please specify your role.	
5.	My background & experience is *This is an optional question. Please select 'Continue' to answer the question or to skip it. a. I have been in Legal Practice for [SINGLE CHOICE OPTION] • *less than a year* • *1-3 years* • *3-5 years* • *5-10 years* • *10-20 years* • *Other [FREE TEXT ANSWER]* b. My area of practice is [FREE TEXT ANSWER] c. My firm/company has [SINGLE CHOICE OPTION] • *less than 5 legal practitioners* • *5-20 legal practitioners* • *20-50 legal practitioners* • *50-200 legal practitioners* • *200-500 legal practitioners* • *500-1000 legal practitioners* • *more than 1000 legal practitioners* d. My Undergraduate Degree was in [SINGLE CHOICE OPTION] • *Law* • *Other [FREE TEXT ANSWER]* * If Other, please specify.	My background & experience is *This is an optional question. Please select 'Continue' to answer the question or to skip it. a. I have been a Legal Educator for [SINGLE CHOICE OPTION] • *less than a year* • *1-3 years* • *3-5 years* • *5-10 years* • *10-20 years* • *Other [FREE TEXT ANSWER]* b. My Law School has [SINGLE CHOICE OPTION] • *less than 100 Undergraduate Law students in total across all years* • *100-500 Undergraduate Law students in total across all years* • *500-1000 Undergraduate Law students in total across all years* • *over 1000 Undergraduate Law students in total across all years* c. I have a Legal Practice background [SINGLE CHOICE OPTION] • *Yes* • *No* d. My area of practice was [FREE TEXT ANSWER] e. My firm/company has [SINGLE CHOICE OPTION] • *less than 5 legal practitioners* • *5-20 legal practitioners* • *20-50 legal practitioners* • *50-200 legal practitioners200-500 legal practitioners* • *500-1000 legal practitioners*	My background & experience is *This is an optional question. Please select 'Continue' to answer the question or to skip it. a. I have been in Legal Practice for [SINGLE CHOICE OPTION] • *less than a year* • *1-3 years* • *3-5 years* • *5-10 years* • *10-20 years* • *Other [FREE TEXT ANSWER]* b. My area of practice is [FREE TEXT ANSWER] c. My firm/company has [SINGLE CHOICE OPTION] • *less than 5 legal practitioners* • *5-20 legal practitioners* • *20-50 legal practitioners* • *50-200 legal practitioners* • *200-500 legal practitioners* • *500-1000 legal practitioners* • *more than 1000 legal practitioners* d. I have been a Legal Educator for [SINGLE CHOICE OPTION] • *less than a year* • *1-3 years* • *3-5 years* • *5-10 years* • *10-20 years* • *Other [FREE TEXT ANSWER]*	My background & experience is *This is an optional question. Please select 'Continue' to answer the question or to skip it. a. I have held my current role for [SINGLE CHOICE OPTION] • *less than a year* • *1-3 years* • *3-5 years* • *5-10 years* • *10-20 years* • *Other [FREE TEXT ANSWER]* b. I have a Legal Practice background [SINGLE CHOICE OPTION] • *Yes* • *No* c. My area of practice was [FREE TEXT ANSWER] d. My firm/company has [SINGLE CHOICE OPTION] • *less than 5 legal practitioners* • *5-20 legal practitioners* • *20-50 legal practitioners* • *50-200 legal practitioners* • *200-500 legal practitioners* • *500-1000 legal practitioners* • *more than 1000 legal*

Appendix 2: Survey questions

<table>
<tr>
<td></td>
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<td>
• more than 1000 legal practitioners

f. My Undergraduate Degree was in
[SINGLE CHOICE OPTION]
• Law
• Other [FREE TEXT ANSWER]
* If Other, please specify.
</td>
<td>
e. My Law School has
[SINGLE CHOICE OPTION]
• less than 100 Undergraduate Law students in total across all years
• 100-500 Undergraduate Law students in total across all years
• 500-1000 Undergraduate Law students in total across all years
• over 1000 Undergraduate Law students in total across all years

5f. My Undergraduate Degree was in
[SINGLE CHOICE OPTION]
• Law
• Other [FREE TEXT ANSWER]
* If Other, please specify.
</td>
<td>
practitioners

e. My Undergraduate Degree was in
[SINGLE CHOICE OPTION]
• Law
• Other [FREE TEXT ANSWER]
* If Other, please specify.
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<td></td>
<td colspan="4" align="center">PART 2 – GENERAL SKILLS FOR EMPLOYMENT</td>
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<td>6.</td>
<td>
Based on your experience, what are the 3 most important skills to have in employment? How well developed do you think these skills are in Law Graduates at the start of legal employment?
* Law Graduates as individuals will have varying skills based on abilities and experience, but these questions aim to gather your views on graduates overall.

a. Skill 1
[FREE TEXT ANSWER]

b. How well developed is this skill in Law Graduates at the start of legal employment?
*1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed
[1-5 STAR RATING]

c. Skill 2
[FREE TEXT ANSWER]
</td>
<td colspan="2">
Based on your experience, what are the 3 most important skills to have in employment? How well developed do you think these skills are in your Law Graduates upon Graduation?
* Law Graduates as individuals will have varying skills based on abilities and experience, but these questions aim to gather your views on graduates overall.

a. Skill 1
[FREE TEXT ANSWER]

b. How well developed is this skill in Law Graduates at the start of legal employment?
*1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed
[1-5 STAR RATING]

c. Skill 2
[FREE TEXT ANSWER]
</td>
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Based on your experience, what are the 3 most important skills to have in employment? How well developed do you think these skills are in your Law Graduates upon Graduation?
* Law Graduates as individuals will have varying skills based on abilities and experience, but these questions aim to gather your views on graduates overall.

a. Skill 1
[FREE TEXT ANSWER]

b. How well developed is this skill in Law Graduates at the start of legal employment?
*1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed
[1-5 STAR RATING]

c. Skill 2
[FREE TEXT ANSWER]
</td>
</tr>
</table>

Appendix 2: Survey questions

	d. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] e. Skill 3 [FREE TEXT ANSWER] f. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING]	d. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] e. Skill 3 [FREE TEXT ANSWER] f. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING]	d. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] e. Skill 3 [FREE TEXT ANSWER] f. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING]
7.	What skills/elements do you consider Law Graduates lack? Why do you think this is so? [FREE TEXT ANSWER]	What skills/elements do you consider Law Graduates lack? Why do you think this is so? [FREE TEXT ANSWER]	What skills/elements do you consider Law Graduates lack? Why do you think this is so? [FREE TEXT ANSWER]
8.	Overall, I would say Law School [SINGLE CHOICE OPTION] *equips Law Graduates with all the necessary Legal knowledge and skills required for employment.* *equips Law Graduates with some Legal knowledge and some skills required for employment, but Law Graduates still have to learn on the job.* *equips Law Graduates with Legal knowledge but no skills that are required for employment.* *equips Law Graduates with skills but no Legal knowledge that is required for employment.* *does not equip Law Graduate with any Legal Knowledge or skill required for employment. Law Graduates learn everything on the job.* *Other [FREE TEXT ANSWER]*	Overall, I would say Law School [SINGLE CHOICE OPTION] *equips Law Graduates with all the necessary Legal knowledge and skills required for employment.* *equips Law Graduates with some Legal knowledge and some skills required for employment, but Law Graduates still have to learn on the job.* *equips Law Graduates with Legal knowledge but no skills that are required for employment.* *equips Law Graduates with skills but no Legal knowledge that is required for employment.* *does not equip Law Graduate with any Legal Knowledge or skill required for employment. Law Graduates learn everything on the job.* *Other [FREE TEXT ANSWER]*	Overall, I would say Law School [SINGLE CHOICE OPTION] *equips Law Graduates with all the necessary Legal knowledge and skills required for employment.* *equips Law Graduates with some Legal knowledge and some skills required for employment, but Law Graduates still have to learn on the job.* *equips Law Graduates with Legal knowledge but no skills that are required for employment.* *equips Law Graduates with skills but no Legal knowledge that is required for employment.* *does not equip Law Graduate with any Legal Knowledge or skill required for employment. Law Graduates learn everything on the job.* *Other [FREE TEXT ANSWER]*
	PART 3 – TECHNOLOGICAL SKILLS FOR EMPLOYMENT		
9.	Is there use of any technologies in your practice/employment? [SINGLE CHOICE OPTION] *Yes* *No*	How important would you say the use of technology is in teaching/assessment at your institution? * 1=very unimportant, 2=unimportant, 3=neutral, 4=important, 5=very important [1-5 SCALE RATING]	Is there use of any technologies in your practice/employment? [SINGLE CHOICE OPTION] *Yes* *No*
10.	How important would you say the use of technology is in your practice/employment? *1=very unimportant, 2=unimportant, 3=neutral, 4=important,	Do you prepare your Law Graduates for the use of technologies in practice/employment? [SINGLE CHOICE OPTION]	How important would you say the use of technology is in your role? * 1=very unimportant, 2=unimportant, 3=neutral, 4=important, 5=very important

Appendix 2: Survey questions

	5=very important [1-5 SCALE RATING]	• *Yes* • *No*	[1-5 SCALE RATING]
11.	What are the 3 most prominent technologies used in your practice/employment? How well developed do you think these skills are in Law Graduates at the start of their legal employment? *Law Graduates as individuals will have varying skills based on abilities and experience, but these questions aim to gather your views on graduates overall. a. Skill 1 [FREE TEXT ANSWER] b. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] c. Skill 2 [FREE TEXT ANSWER] d. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] e. Skill 3 [FREE TEXT ANSWER] f. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING]	What are the 3 most prominent technological skills that you equip your Law Graduates with? How well developed do you think these skills are in your Law Graduates upon Graduation? *Law Graduates as individuals will have varying skills based on abilities and experience, but these questions aim to gather your views on graduates overall. a. Skill 1 [FREE TEXT ANSWER] b. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] c. Skill 2 [FREE TEXT ANSWER] d. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] e. Skill 3 [FREE TEXT ANSWER] f. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING]	What are the 3 most prominent technologies used in your practice/employment? Based on your experience, how well developed are these skills are in Law Graduates at the start of employment? * Law Graduates as individuals will have varying skills based on abilities and experience, but these questions aim to gather your views on graduates overall. a. Skill 1 [FREE TEXT ANSWER] b. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] c. Skill 2 [FREE TEXT ANSWER] d. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING] e. Skill 3 [FREE TEXT ANSWER] f. How well developed is this skill in Law Graduates at the start of legal employment? *1=very underdeveloped, 2=underdeveloped, 3=neutral, 4=developed, 5=very developed [1-5 STAR RATING]
12.	Based on my experience, with regard to technological skills, I would say Law School [SINGLE CHOICE OPTION] • *equips Law Graduates with all the necessary technological skills required for employment.*	Based on my experience, with regard to technological skills, I would say Law School [SINGLE CHOICE OPTION] • *equips Law Graduates with all the necessary technological skills required for employment.*	Based on my experience, with regard to technological skills, I would say Law School [SINGLE CHOICE OPTION] • *equips Law Graduates with all the necessary technological skills required for employment.*

Appendix 2: Survey questions

	• *equips Law Graduates with some technological skills required for employment, but Law Graduates still have to learn on the job.* • *does not equip Law Graduates with any technological skills that are required for employment.* • *Other [FREE TEXT ANSWER]*	• *equips Law Graduates with some technological skills required for employment, but Law Graduates still have to learn on the job.* • *does not equip Law Graduates with any technological skills that are required for employment.* • *Other [FREE TEXT ANSWER]*	• *equips Law Graduates with some technological skills required for employment, but Law Graduates still have to learn on the job.* • *does not equip Law Graduates with any technological skills that are required for employment.* • *Other [FREE TEXT ANSWER]*
	PART 4 – COVID-19 & FUTURE SKILLS FOR EMPLOYMENT		
13.	The next group of questions aim to consider the effect of the COVID-19 pandemic to the Legal Profession. a. Has the COVID-19 pandemic impacted/increased the use of technology in your practice? [SINGLE CHOICE OPTION] • *Yes* • *No* b. Please explain how the COVID-19 pandemic impacted/increased the use of technology in your practice. *[FREE TEXT ANSWER]* c. In your opinion, will any of these changes have a lasting effect in your practice? Please explain. *[FREE TEXT ANSWER]*	The next group of questions aim to consider the effect of the COVID-19 pandemic on Legal Education. a. Has the COVID-19 pandemic impacted/increased the use of technology in your teaching/assessment at your institution? [SINGLE CHOICE OPTION] • *Yes* • *No* b. Please explain how the COVID-19 pandemic impacted/increased the use of technology in your teaching/assessment at your institution. *[FREE TEXT ANSWER]* c. In your opinion, will any of these changes have a lasting effect at your institution? Please explain. *[FREE TEXT ANSWER]*	The next group of questions aim to consider the effect of the COVID-19 pandemic to the Legal Profession/Legal Education a. Has the COVID-19 pandemic impacted/increased the use of technology in your role(s)? [SINGLE CHOICE OPTION] • *Yes* • *No* b. Please explain how the COVID-19 pandemic impacted/increased the use of technology in your role(s). *[FREE TEXT ANSWER]* c. In your opinion, will any of these changes have a lasting effect? Please explain. *[FREE TEXT ANSWER]*
14.	In your opinion, what technological skills will be important for legal practice in future? *[FREE TEXT ANSWER]*	In your opinion, what technological skills will be important for legal practice in future? *[FREE TEXT ANSWER]*	In your opinion, what technological skills will be important for legal practice in future? *[FREE TEXT ANSWER]*
	END OF SURVEY		
	If you wish to review your responses before submitting them, you can do so by either (i) scrolling up on your touch screen or using your mouse or (ii) by clicking on the up and down arrows on the bottom right corner of your screen.		
	SUBMIT BUTTON		
	THANK YOU FOR PARTICIPATING IN MY QUICK SURVEY! For any enquiries related to this online survey or my research, please email samantha.rasiah@northumbria.ac.uk Please feel free to circulate the link to this survey using the share buttons below. [SHARE BUTTONS FOR FACEBOOK, LINKEDIN AND TWITTER]		

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Appendix 3: Analysis of skills in 2023 Benchmark Statement for consultation

Proposed QAA Benchmark Statement 2023, 'Generic skills and qualities of mind' **4.4 On graduating with an honours degree in Law, students should be able to demonstrate the following generic skills**	Transferable skills that should be developed through the LLB curricula, identified by this PhD research project mapped against [NRC domain]							Other NRC skills mapped against QAA proposed skills
	Critical thinking & problem-solving [COGNITIVE]	**Communication** [COGNITIVE] [INTERPERSONAL]	**Written production of information** [COGNITIVE]	**Online research** [COGNITIVE]	**Online communication** [COGNITIVE] [INTERPERSONAL]	**Flexibility & adaptability for tech use** [COGNITIVE] [INTRAPERSONAL]	**Empathy** [INTERPERSONAL]	
Identify issues, questions and problems	X							*Analysis [COGNITIVE]*
Identify gaps in their own knowledge and acquire new knowledge	X							*Type 1 self-regulation [INTERPERSONAL]*
Understand and analyse knowledge and information	X							*Analysis, Interpretation [COGNITIVE]*
Synthesise the state of knowledge on a particular topic	X							*Analysis, Interpretation [COGNITIVE]*
Apply knowledge and understanding to provide evidenced conclusions, including to complex actual or hypothetical problems	X							*Analysis, Interpretation [COGNITIVE]*
Intellectual independence, including undertaking tasks independently (with appropriate guidance and support), conducting self-directed research and demonstrating critical judgement	X							*Research [COGNITIVE]; Self-direction, Intellectual interest and curiosity [INTERPERSONAL]*
Make appropriate use of feedback provided to further their intellectual development	X							*Type 1 self-regulation, Continuous learning [INTERPERSONAL]*
Appreciate and engage in contemporary debates relating to law, individuals, culture, and society, for example, around inequality and sustainability.	X						X	*Personal and social responsibility [INTERPERSONAL]*
Reflect on their own progress, including questions of academic integrity	X							*Type 1 self-regulation, Professionalism/ethics, integrity [INTERPERSONAL]*
Communicate effectively and appropriately verbally and/or non-verbally		X	X		X			*Self-presentation [INTRAPERSONAL]*
Work collaboratively, including undertaking work in a group or team and/or participating in discussions		X			X			*Teamwork, Cooperation, Coordination, Conflict*

								resolution, Social influence [INTRAPERSONAL]
Present knowledge or an argument in a way that is comprehensible to others		X	X						*Self-presentation, Assertive communication [INTRAPERSONAL]*
Work with a range of data, including qualitative and quantitative empirical data				X		X		*Analysis, Interpretation, Information literacy [COGNITIVE]*
Engage with a range of forms of digital technology to collate, analyse, select and present information			X	X	X	X		*Analysis, Interpretation, Information literacy [COGNITIVE]*
Understand the importance of wellbeing, mental health and emotions and their relationship with learning							X	*Type 2 self-regulation, physical and psychological health [INTERPERSONAL]*
Identify and examine underlying values and ethics within law, culture and society and on a personal level							X	*Type 1 self-regulation, Professionalism/ethics, integrity [INTERPERSONAL]*