

Institution: Leeds Beckett University		
Unit of Assessment: 18 (Law)		
Title of case study: Influencing Legal Education Policy and Regulation		
Period when the underpinning research was undertaken:		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Mr Deveral Capps Dr Jessica Guth Dr Douglas Morrison	Dean Reader Senior Lecturer	check Sept 2016 - present
Period when the claimed impact occurred: 2016 onwards		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact (indicative maximum 100 words)		
<p>The research carried out by members of the Applied Legal Education Research Group has benefitted the Association of Law Teachers, the Society of Legal Scholars, the Socio-Legal Studies Association and the Committee of Heads of University Law Schools, professional bodies such as the Legal Services Board and the Solicitors Regulation Authority and individual Law Schools by informing their approach to legal education reform leading to evidenced based responses.</p>		
2. Underpinning research (indicative maximum 500 words)		
<p>The Applied Legal Education Research Group focuses on researching the political, legal and regulatory framework in which legal education operates. Members work closely with stakeholders such as the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB), the learned associations such as the Association of Law Teachers, Society of Legal Scholars and Socio-Legal Studies Association. Research carried out within the group has focused on legal education and training and in particular on how regulation and policy changes in this area impact on those from non-traditional legal backgrounds and on the delivery of legal education itself. Recent Legal Education and Training reforms have been scrutinised arguing that they are likely to do significant damage to legal education by leading to the removal of key elements which currently make it valuable and respected (See 3.2 and 3.5). The Solicitors Regulation Authority has proposed a Solicitors Qualifying Examination which removes regulated pathways for qualification as a solicitors and replaces it with a centralised examination. The examination is split into a multiple choice assessment and a skills assessment as well as qualifying work experience which taken together will lead to qualification. Research from the group suggests that the key drivers for these reforms – cost of training and access to the profession – will not in fact materialise as the cost has not been significantly reduced, nor will law firms change the way they recruit trainees. Our research has argued for a liberal education approach to legal education and one which embraces socio-legal studies and methodologies and is inclusive with social-justice at its heart (See 3.5 and 3.6). This approach is most likely to provide students with the knowledge and skills to navigate the legal services sector if this is the career path they choose. Publications include works that outline the pitfalls of current reform, in particular how the curriculum will be reduced to have a particularly narrow focus and skills set (See 3.1 and 3.4) and how students from non-traditional backgrounds will find it more difficult rather than easier than now to enter the legal profession if Law Schools embrace the proposed reforms (See 3.2). This is because they lack the information and networks to make career decision which will</p>		

lead to access to regional, national or international law firms and are likely to instead attend vocationally focused institutions from which elite firms do not traditionally recruit.

The work carried out by the Group has led to further research and policy work with professional bodies and learned associations. In 2016, Capps was appointed to the Bar Standards Board's (BSB) Curriculum and Assessments Review group (CAR) to research and recommend changes to the Vocational and Pupillage stages of bar training. The research undertaken found that the current methods of training and assessment for the Bar did not meet the needs of the stakeholders, i.e. the BSB, the profession or the students. The research team proposed a new mode of training to be a barrister outlined in 3.3 and which forms the basis of the regulatory changes made.

3. References to the research (indicative maximum of six references)

3.1 Guth, J (2020). 'The Past and Future of Legal Skills Teaching' in Jones, E and Cownie, F (eds) Key directions in legal education: National and international perspectives. Routledge

3.2 Guth, J and Dutton, K (2018). SQE-ezed Out: SRA, Status and Stasis. The Law Teacher: The International Journal of Legal Education. 52 (4) 425-438.

3.3 Capps, D, Stec, V, Tighe, M and Tinkler H (2018) Training for the Bar: educational (r)evolution, The Law Teacher: The International Journal of Legal Education, 52 (4) 499-512.

3.4 Morrison, D (2018) The SQE and creativity: a race to the bottom? The Law Teacher: The International Journal of Legal Education, 52 (4) 467-477

3.5 Guth, J and Hervey, T (2018). Threats to Internationalized Legal Education in the 21st century UK. The Law Teacher: The International Journal of Legal Education 52 (3) 350-370.

3.6 Guth, J and Mason, L (2018). Editorial: Reclaiming Our Discipline. The Law Teacher: The International Journal of Legal Education. 52 (4) 379-383.

4. Details of the impact (indicative maximum 750 words)

The research undertaken by the Applied Legal Education Research group builds on a long tradition of legal education work at Leeds Law School and forms the cornerstone of significant development of research capacity and expertise over recent years. The work is beginning to show impact on curriculum development and interventions both at Leeds Law School and further afield as well as on the regulation governing the education and training of legal professionals.

The research has directly benefitted learned associations - the Association of Law Teachers, Socio-Legal Studies Association, Committee of Heads of University Law Schools and Society of Legal Scholars by helping them formulate their policy response to the Solicitors Regulation Authority (SRA). Dr Guth's work has subjected the proposed SRA reforms to scrutiny since the Legal Education and Training Review was commissioned by them, the Bar Standards Board and Cilex Regulation in 2013. The influence of the research can be seen in policy responses from the learned associations which argue strongly against the proposed reforms in line with the research published by the group. The joint submission of the 4 learned associations in law states:

'Most solicitors' firms, particularly the largest, which do the most complex work, will continue to seek students who have achieved excellent grades in high quality programmes with substantial intellectual content. They know that students who have had this opportunity, and who have had their transferable intellectual skills sharpened by that kind of education, make the best lawyers. They choose relatively few students who take vocationally-oriented law degree programmes. Most students of substantial and moderate means who seek a legal career are therefore likely to continue to attend high-ranking universities if they can, and not to rely primarily on 'cram' courses that would produce SQE1-ready students'

The Association of Law Teachers' statement to the Legal Services Board echoes that statement: *'the introduction of the SQE as proposed is likely to increase the divisions within the profession as well as reducing access for non-traditional applicants further.* Both statements draw on work by Guth and Dutton (published later that year 3.2 above). The Chair of the Association of Law Teachers noted that *'[Dr Guth's] work has informed debate within the Association and the contributions the Association has made to the wider debate on the regulation of Legal Education'* (Letter 4th October 2019).

The Dean of the Law School, Mr Capps, was involved in the design and implementation of a new curriculum and assessment strategy for the Bar Course, providing a pathway for the group's research to influence the content of the Bar Standard's Board latest training regime. The Director General of the Bar Standards Board commented:

'As a direct result of Mr Capps' and [Curriculum and Assessments Review group] CAR's work, all bar training commencing after October 31st 2019 in England and Wales, for approximately 1800 students per year, will follow CAR's recommended curriculum and assessment strategy; as of the date of this letter, six Authorised Educational Training Organisations have been validated to run their bar courses and we expect more applications in the next few months. Further, and in my opinion, this new bar training regime is now more affordable, more accessible and more flexible than it was before CAR's research took place, whilst also maintaining the highest standards befitting the public expectation of training for the Bar of England and Wales'. (Dr Vanessa Davies, Director General, Bar Standards Board, letter 28th January 2020).

Since the findings of Mr Capps' work was published, Bar Courses around the country have fallen considerably, in one case by £7,000 per annum. New staged courses have been introduced as well as those that concentrate on particular areas of practice, e.g. family practice.

Law Schools across England and Wales are taking a variety of approaches to the changing regulatory landscape but work published by members of the Applied Legal Education Research Group is having an impact on decision making about how to structure their degrees and the level of engagement with the SQE in the future. An article in Legal Business, which draws on Dr Guth's research and an interview with her reports:

"But given their distrust for the new exam, few academics are currently backing such a move. Guth reflects: 'Less than half of law students are going to become solicitors. The simple notion that we might have degrees that are designed for the SQE is unethical.

Not implementing the changes proposed in the way they are being proposed has the benefit to students of maintaining an education at degree level which is valued and relevant to more than just legal practice as a solicitor. It ensures that Law Schools can continue to offer programmes relevant to the wide variety of students who seek to study law for a plethora of reasons and eliminates the time and cost of having to revalidate undergraduate and postgraduate programmes to closely align with the professional regulations. The Head of Law at the University of Portsmouth noted

'the influence of the publications of Dr Jess Guth on my current decision not to develop a SQE ready version of the Law Degree. In particular I wish to refer to the Special edition of the Law Teacher published in 2018 as volume 52 No.4 that was jointly edited by Dr Guth with Dr Luke Mason. This work has informed debate within the Portsmouth Law School.'

5. Sources to corroborate the impact (indicative maximum of 10 references)

4.1 Association of Law Teachers Policy Statements and Consultation responses

<http://lawteacher.ac.uk/alt-policy/letr-and-sqe/>

4.2 Letters from Chair of ALT

4.3 Letter from Director General, Bar Standards Board

4.4 Thomas Alan and Marco Cillario, Training and Education: Regime Change. Legal Business. December 2019 <https://www.legalbusiness.co.uk/analysis/training-and-education-regime-change/>

4.5 Letter from Head of Law, University of Portsmouth

4.6 Guth, J. (2019). Great expectations: the problem with SQE. The Solicitors Journal <https://www.solicitorsjournal.com/opinion/201901/great-expectations-problem-sqe>