Playing safe: learning and teaching in undergraduate law

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Executive summary

There is neither space nor reason for discussing all of the findings in this report here since they are detailed in subsequent sections. For those seeking a quick summary, the following points provide a snapshot of the key findings; ideally these should be considered in conjunction with the concluding section. It was not the intention of the research to identify differences between pre and post 1992 universities, but distinctive differences have emerged.

NB Each of the departments is referred to by letter (A-E) to maintain anonymity.

Learning and teaching

- The pedagogic and professional values held by staff impact significantly upon teaching. There seems to be greater consistency about learning, teaching and assessment methods in departments where there is evidence of strong team work and collegiality amongst staff. Inculcating a culture where pedagogy is an everyday topic of conversation is revealed to be a significant factor to student and staff satisfaction. There is consistent evidence from all the institutions to suggest that traditional tutorial, seminar and lecture formats dominate in law teaching. In some cases credible explanations are given for this approach, for example lectures are perceived to be a sensible way of communicating basic legal facts to student numbers exceeding 200. However, when exploring with staff how analysis, evaluation and reflection are developed the data reveals a lack of alignment between intended learning outcomes, teaching and assessment methods.

- There is evidence of a range of teaching methods. In particular, specialist non-compulsory (for the qualifying law degree) options such as e-commerce and media law offer a wide variety of approaches, including small group work, simulated ‘client-based’ work, opportunities to work within the legal community and Web-based learning.

- The departmental identity is formed partly as a result of the labels imposed upon it by the Research Assessment Exercise and teaching quality league tables. In addition, departments draw strength from the status derived from associations with professional bodies, international reputation and the perceived ability of the student body (derived from entrance qualifications). All of these factors support (or erode) teacher confidence and affect the way departments position themselves in the legal education community. Departments that make a conscious decision to target a particular student group (A, B, C) or focus on a particular agenda such as employability (E) appear to be more confident to deliver quality education than those which perceive themselves as victims of a plethora of discipline specific and government agendas (D).

- As might be expected, approaches to learning and teaching vary according to the teachers’ perception of student ability. Concepts of ‘independent learning’ are espoused in all departments, but in some departments there is very little evidence of this reflected in teaching methods. Those students perceived by teachers to be academically weak are given more support and less opportunity to engage in research. Ironically, these mechanisms may induce strategic approaches to learning and encourage dependency.
The data suggests that staff at older universities are more likely to perceive themselves as ‘researchers who teach’ as opposed to post 1992 institutions, where some staff view themselves primarily as teachers who may or may not engage in research. For this reason the concept of ‘research-based teaching’ is fuzzy, and it is difficult to identify different approaches. More telling are the descriptions given about the qualities that make a ‘good law teacher’. Those members of staff who consider themselves primarily as researchers promote their work as a tool to facilitate learning; those who claim to be teachers give more emphasis to meta-cognitive characteristics such as enthusiasm.

Assessment and feedback

There is very limited innovation in assessment, and a 50:50 split between examinations and coursework. Some departments use student presentations as part of formative assessment, and one school reported using peer assessment. Self assessment had been used in only one school and subsequently abandoned because of scepticism amongst colleagues about the value of the activity.

Concerns about authenticity of student work and the fear of plagiarism dominate discussions about assessment methods. Staff are concerned that assessment methods such as group work, project work and portfolios have the potential for student abuse. All departments are required to identify the development of such skills against benchmark statements, but choose to offer them as formative opportunities within tutorials rather than risk collusion.

Feedback is offered in a number of ways, including school-based proforma, individual comments to students, general feedback to groups in lectures and face to face individualised feedback. Teachers across all law departments are very committed to giving feedback and spend considerable amounts of time in this pursuit.

The use of ICT in law teaching

There is evidence of increasing use of ICT to support learning, but this is patchy across departments. Software such as Blackboard is available in all the five departments, and there appears to be general goodwill towards developing electronic teaching and assessment resources. There is a small but significant generation differential in use, with younger, newer staff being much more likely to use ICT.

Training and resources pose a problem for some departments. In general, the post 1992 universities have newer, higher specification hardware but fewer subscriptions to electronic and paper resources. There is also at least one institution where the student computers are much more sophisticated than those used by teaching staff.

Quality enhancement and accountability

There appears to be a tension between the autonomy afforded to individual lecturers about what and how they teach and the need to provide evidence of a consistent strategy on learning and teaching. In the current climate of quality enhancement and the emphasis on explicit learning and teaching strategies there is a danger that messages being conveyed by individual
teachers militate against the overall direction of the department and/or institution. Departments that have recently (in the last five years) undergone internal and/or external quality review appear to be better placed to identify a consistent approach to learning, teaching and assessment.

- Staff development is considered important in all institutions. Teaching commitments and the resources available make attendance at external events very difficult. Not all departments are supported by a central education unit, and even when they are teaching staff have reservations about the quality and usefulness of events offered. In general ICT training is looked upon more favourably than pedagogic training.

- It would appear that lecturers perceive themselves first and foremost as subject specialists and secondly as teachers, which means that in order to be considered useful staff development activities need to be firmly located in the discipline of law. Furthermore, teachers prefer to work with their colleagues to address curriculum issues and favour activities located within the school.

Challenges

- Resources were considered a problem for all departments. Two of the departments in pre 1992 universities were fortunate enough to have a law librarian, and the support offered to staff and students in terms of research training was quite significant. In addition, lack of physical resources such as buildings in need of renovation, were also cited as a problem. This is more significant in the older universities, two of which occupy listed buildings as teaching premises making modernisation difficult.

- The heads of department at four of the departments (A, B, D and E) commented on the difficulty of attracting suitably qualified staff in key areas of law. Academic salaries and lifestyle were attributed as the main reasons for this, since the legal professions offer a more attractive lifestyle package. As a result, many departments are operating on teachers’ goodwill and commitment. Over time the stress of limited numbers against increasing student numbers is likely to impact upon the quality of teaching.

- Meeting government targets on recruitment and widening participation was seen as a challenge by all departments. As a discipline, law is significantly over-subscribed, with as many as 50 applications for every place in some departments. The widening participation agenda is therefore interpreted differently in each school, some choosing to target the local community, others to recruit more international students, and others who have yet to clearly articulate or embrace a widening participation strategy.

- Observations on the future of legal education included reservations about the influence of professional bodies over the content of the qualifying law degree and the appropriateness of teaching skills associated with the profession, such as mooting, within the undergraduate law programme. There were also concerns voiced by staff in older universities about the need to preserve a research function as a necessary and integral part of quality teaching.
‘Good’ practice drawn from the research

There are pockets of ‘good’ practice (practice that works in context). These include:

- annotated feedback available on website (B)
- drop-in centres for students who need help with academic work, with law teachers available at specific times (D)
- legal literacy courses – offering advice and support for students who struggle with English and help in understanding legal jargon and terminology (E)
- personal development portfolios – Web and paper based system, including reflection on performance, used in conjunction with personal tutor system (A)
- law in the community – opportunities for students to undertake placements and work experience (C)
- opportunities to undertake research projects (A, B and C)
- student feedback on teaching made public on departmental intranet (B)
1 Introduction

The quality of provision of undergraduate legal education has been the focus of a number of studies (see Harris and Bellerby et al 1993, Wilson 1994 and the ACLEC Report 1996). More recently vocational training has come under scrutiny, as both the Law Society and Bar Council commission training framework reviews. Qualitative research by Boon (2003), Fancourt (2004), Cownie (2004) and Mytton (1993) make useful contributions to the proposed framework. In contributing to the debate about the direction of legal education this small scale project seeks to provide a platform for the beliefs, perceptions and values held by law teachers and students about the undergraduate experience. In doing so it provides a hitherto undocumented ‘voice’ to those involved in the enterprise of legal education and training.

The project involved five law departments in universities located in England (2), Northern Ireland (1) and Wales (2). Scotland was not covered under the conditions of the funding. Three of the five institutions are older (pre 1992 universities). Prior experience of the National Centre for Legal Education (NCLE; the precursor to the UK Centre for Legal Education) had identified a lack of engagement from staff in the pre 1992 universities and regions, and the project sought to explore explanations for this. It was anticipated that the data would enable the UK Centre for Legal Education (UKCLE) to identify what learning and teaching support might be provided to these institutions and individuals. In addition, it was hoped that the data would illuminate current practice in law teaching that might usefully be shared with other institutions.

1.1 Rationale

The aim of the project was to explore the perceptions and interpretations made by law teachers of their role in facilitating learning and in responding to the wider demands of society, quality assurance requirements and the professional bodies. Students and support staff were interviewed to provide a triangulation of the data provided by academic staff. Each of the five law departments in the study can be seen as a case study of learning, teaching and assessment practices. Drawing on these case studies the report seeks to illuminate the lived experiences of key stakeholders in undergraduate law. It does this using direct quotations from teachers, students and support staff.

Specific research aims:

1. To explore and understand the context in which law is taught in each department investigated; to include curriculum, teaching methods, assessment and resources.

2. To explore the reasons of law teachers for identifying particular strengths/weaknesses and what this indicates about their perceptions of effective learning and teaching in law.

3. To identify how UKCLE can work with the departments to support their needs and enable the achievement of more effective learning and teaching practice.
1.2 Research methods and cohort

Institutions were drawn from a broad group of law schools who had little or no prior involvement with the NCLE/UKCLE, with representation from different regions and sectors. Initial contact was made with the head of department. It was explained in writing that the research would explore mechanisms for supporting learning and teaching in law and sharing good pedagogic practice. Confidentiality was assured, and it was made explicit that a key function of the research was to identify different approaches to learning to teaching such that UKCLE can develop support activities for staff. Secondary sources included analysis of law school websites, learning and teaching documentation and statistical data supplied by the school. In addition, data on numbers of students, staff, Research Assessment Exercise (RAE) and teaching quality assessment (TQA) ratings are included in Table 1.1. The interviews with staff and students represent the primary sources. Departments are represented by the letters A-E. Older (pre 1992) universities are represented by the letters A-C.

Fieldwork took place in June 2002 (phase one) and October 2002 (phase two). At one institution it was not possible to arrange a first visit, and an interview with the head of department was conducted off campus. On average the interviewer spent approximately three days at each of the institutions and made an attempt to visit all related facilities (library, IT training rooms, classrooms, staff offices, administration departments).
Table 1.1: Institutional cohort: statistical breakdown

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>number of full time academic staff</td>
<td>20</td>
<td>26</td>
<td>33</td>
<td>29</td>
<td>10</td>
</tr>
<tr>
<td>number of part time academic staff</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>number of first year students on the LLB (or equivalent) law course</td>
<td>181</td>
<td>190</td>
<td>284</td>
<td>120</td>
<td>80</td>
</tr>
<tr>
<td>total number of students on the LLB or equivalent</td>
<td>435</td>
<td>550</td>
<td>834</td>
<td>296</td>
<td>250</td>
</tr>
<tr>
<td>minimum qualifications required of an LLB student on entry</td>
<td>2 A levels grade A &amp; B plus GCSEs (NB 80% would offer 3 x B grades)</td>
<td>3 A levels grades AAB (AAA from Sep 2003)</td>
<td>AAB</td>
<td>no formal entry requirements</td>
<td>10 points (equivalent 2 A levels grade C and D)</td>
</tr>
<tr>
<td>number of postgraduates studying a) a taught courses b) a vocational course</td>
<td>a) 15 f/t 55 p/t b) n/a</td>
<td>a) 32 b) n/a</td>
<td>a) 100 b) 0</td>
<td>a) 20 b) 100</td>
<td>c) 15 d) n/a</td>
</tr>
<tr>
<td>approx. number of students who live within a 30 mile radius of the institution at the time they apply</td>
<td>5-10%</td>
<td>10%</td>
<td>statistics not available</td>
<td>40%</td>
<td>30%</td>
</tr>
<tr>
<td>approx. number of teaching hours each law teacher spends teaching on an LLB (or equivalent) course per semester</td>
<td>130 hours</td>
<td>130 hours</td>
<td>125 hours</td>
<td>140 hours</td>
<td>140 hours</td>
</tr>
<tr>
<td>RAE rating 2001</td>
<td>4</td>
<td>5*</td>
<td>5</td>
<td>no submission</td>
<td>no submission</td>
</tr>
<tr>
<td>*Guardian teaching score/100</td>
<td>77.50</td>
<td>79.87</td>
<td>80.74</td>
<td>66.29</td>
<td>71.90</td>
</tr>
<tr>
<td>*TQA score/24</td>
<td>23</td>
<td>23</td>
<td>23</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

* Source: Education Guardian University Guide, 2002
Table 1.2 illustrates the cohort breakdown. Focus groups with teaching staff were conducted at four of the institutions and comprised 28 staff in total. Focus groups with students were conducted at all five institutions representing 36 students. Individual interviews were conducted with five heads of department, five people responsible for learning and teaching, 13 teaching staff and nine support staff.

Table 1.2: Interview cohort

<table>
<thead>
<tr>
<th>Institution</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>phase 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>head of department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>together</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>head of learning and teaching</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>together</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>focus group with undergraduate staff</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>5</td>
<td>na</td>
</tr>
<tr>
<td>phase 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ICT specialist</td>
<td>1 (same person)</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1 (head of department)</td>
</tr>
<tr>
<td>law librarian</td>
<td>2 staff</td>
<td>1 (not specific to law)</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>undergraduate law teachers</td>
<td>2 staff</td>
<td>2 individual</td>
<td>3 individual</td>
<td>3 staff together &amp; 1 individual</td>
<td></td>
</tr>
<tr>
<td>total students (focus group)</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>total staff</td>
<td>13</td>
<td>14</td>
<td>14</td>
<td>11</td>
<td>8</td>
</tr>
</tbody>
</table>

1.3 Analysis

Interpretative methods of enquiry were considered most appropriate, and a decision was made to use qualitative interviews that enabled the respondent(s) to reflect and explain their experiences and feelings. In particular, the focus groups provided an open forum in which peers could voice opinions and develop theories about practice. To preserve the integrity of the text the words of the individuals have been used verbatim.

Given the focus on attitudes, beliefs and perceptions of learning and teaching, the aim of the interviews and analysis of documentation was to illuminate staff and student experiences of legal education. Each school represents a case study of a particular institutional context in which educational experiences take place. As such, they are all different and any specific recommendations for practice are restricted to that context. The report is not individual to institutions, but the wider legal education community may recognise and be sympathetic to some of the issues revealed in the data, for example concerns about plagiarism, and to this extent the findings provide insights for a wider audience. To enhance this wider appreciation the findings are presented thematically rather than institutionally. The case studies provide current, empirical data upon which (the usual caveats about validity made) generalisations to theory for practice can be made.

All interviews took place in the institutions, usually in staff offices or in the case of students in a designated room. The purpose and aims of the research were explained to interviewees and they were assured anonymity. All interviews were audiotaped, and it was explained that these would be transcribed but that individuals would not be identified. Interviews were conducted with a number of individuals and
groups considered to be key to the learning and teaching process within undergraduate law departments. During phase 1, interviews were conducted with the head of department and the person responsible for learning and teaching. In two cases these were interviewed together, creating a dialogue. A focus group with 4-8 undergraduate teaching staff allowed an initial exploration of the issues facing law teaching. These initial familiarisation interviews were analysed manually by the researcher and enabled the existing interview schedule to be refined.

During phase two interviews were conducted with individual staff members. Issues raised in the focus groups were used as the basis for questions and allowed a deeper examination of the concerns of staff. Interviews were also conducted with the person responsible for information and communication technology (ICT) and the law librarian (at institutions who had a designated law librarian). The rationale for this was to consider the context in which law teaching takes place and to explore whether learning provision extends beyond teaching staff and formal contact hours. In addition, a focus group with undergraduate students provided a useful comparison to the perspectives put forward by teaching staff.

Each interview was transcribed in full by a transcriber and analysed by the researcher using Atlas Ti, a qualitative data analysis package. Atlas Ti enables easy retrieval of segments of coded text and allows the voice of the individual to be represented, which is congruent with the aims of the research.

On commencing the research each institution was sent a letter outlining the aims, objectives and indicative timescale for the project. It was also made clear that the project would form part of a larger commitment to enhancing learning and teaching, and that UKCLE would co-ordinate a number of staff development activities for the department. These are being negotiated with each head of department and will take place at the institutions at a convenient time. Likely topics to be covered include diversifying assessment techniques, preventing plagiarism, using ICT in law teaching and dealing with widening participation and access issues.

1.4 Structure of the report

The report is structured in seven sections including the introduction:

Section 2 looks at the context in which law teaching takes place. This includes issues such as geographical location, cultural context and the student body, and draws on responses from law teachers and law students about their experiences.

Section 3 explores the learning and teaching methods used, and includes a discussion of student expectations and preparation for classes.

Assessment is the focus of Section 4. Exploration is given to the range of assessment techniques used, the use of formative assessment, opportunity for students to engage in reflective practice and the use of feedback.

Section 5 explores the use of ICT in supporting law teachers and draws on interviews with law teachers, ICT staff and students. It looks at the increasing utilisation of computers in learning and teaching and the potential afforded by software such as Blackboard.

Departments are increasingly accountable for the quality of the learning and teaching provision they offer, and this and the associated challenges of staff development, recruitment and provision of resources are the focus of Section 6.
In conclusion we revisit the research questions and offer tentative recommendations for practice.
2 Context and values in law teaching

2.1 Departmental profiles

Each of the departments included in the study has its own unique context. In many cases this cultural identity is formed as a result of the geographical location in which the institution is situated. In addition, the issues facing the local community and economic climate of the area impact upon the institution, and this filters into the department. Department D attracts approximately 40% of students from the local community and has no formal entry requirements. It has a rural location and a close community identity. The average undergraduate course comprises 120 students per year. Without prompting all students spoke very highly of the atmosphere of the department:

“It's comradeship, I feel there's no, 'oh you're coloured or you're black or your white or you're whatever' know? It's nice, I know everybody. It's just friendly. I want to stay and do my postgraduate study here. I don't aspire to go to London or anything because I feel your emotional stability is more important. If you are established in one place, why go to another place because you're doing well.” (D.11.14)

“I think it's a lovely atmosphere. When I came to visit I was so impressed….I found it quite a relaxed atmosphere and the facilities looked really good and because we're all together here I think we'll get to know each other which is really important to me because that main campus I think is really, really intimidating. If the law [dept] had been over there I wouldn't have gone back to University, but I came here because I think we'll get to know each other and it's a nice location.” (D.9.32)

The second quotation reveals how important the ‘feel’ of the department is to study. The perceived friendliness of the staff and students appears to be as important to students as the quality of the facilities, and perhaps more so than the status of the institution. The following quotation, also from a student from institution D, provides an insight into the allegiance returning students pledge to their department and to the educational experience they feel they have been provided with:

“I got an ‘A’ last year. I have three kids, I raised a family, and I'd been out of school for I don't know how many years. So I'm just explaining the progress [I have made]… I went to the court to make my divorce case because I can't afford a lawyer, I [beat] a qualified lawyer and the judge asked: ‘are you from [names an established pre 1992 university]’? and I was proud to say; “no, I'm from [names institution D] your honour!” (D.11.36)

Regionality plays a very important part, and students from the universities in more isolated regions expressed a close connection to the department and to the lecturers. Department A is in a rural location and attracts students from neighbouring counties, many of whom are attracted by the location and access to sporting activities. As one member of staff explained, the department has a close cultural identity:

“This is a small town on the end of a railway line in the middle of nowhere. We're not a commuting university, we can't be, of course sometime our students go home at the weekends but you're going to see your students in town on Saturday when you do the shopping and they'll probably serve you at the supermarket checkout. You see your colleagues out of work time because
there’s no other way around it. I think that rubs off and the ethos is that you make time for your students. I think that does replicate itself because people who come in either buy the package or they leave. (A.1.1)

Students spoke highly of the staff and felt they received sufficient guidance. One explained:

[I like that they are...] there as well for support if you need to go and ask them something. If you’re ever stuck on a certain point and you need to go and ask them a question, it’s good knowing that they’re there and things like that. Sometimes they have certain hours that you can go and see them, but they’re generally pretty much there when you need them which is quite good. (A.1.1)

Institution C also has a strong cultural identity. Statistics on the number of students living within a 30 mile radius were not available, but staff expressed the opinion that most students were from the locality. They are a largely homogenised group, with similar educational and social background. Drawing on this common identity the department offers specialised modules that reflect the social and economic context in which the university operates. The department has the largest undergraduate group, with a typical intake of 280 students in year one all achieving average A level grades of AAB. The Head of Learning and Teaching explained:

We have a very, very homogenous student body, the vast majority are from local schools, they’re young, eighteen year olds, all white, all local, a few from the South. [We get] the odd Malaysian student, but it’s a very homogenous local student body and tend to cling very much to their teachers for whatever it is they need to know and I think we do need to spend more time with them explaining how to embrace the world of independent learning. (C.9.22)

This homogeneity appears to impact on the way in which law is taught. One teacher confessed, “It’s quite traditional here. [There is] quite a strong focus on the modules they [students] need to take for a qualifying law degree.”(C. 4.1)

By contrast to this traditional student body the department at Institution E attracts students from approximately 30 different countries of different ages. There are full, part time and distance learners, and many of the students are the first in their family to attend higher education. The department accepts a range of entrance qualifications for the undergraduate courses and demands relatively low A level grades. Students consider the undergraduate law course as a passport to better life chances. The Head of Department confirms that there is a strong emphasis on employability. In relation to the employability ratings for universities, “I’d say getting to number one was the priority here”. Within this context there is a commitment to provide learning experiences and skills training. With a staff team of just ten the Head of Department admitted there were difficulties but emphasised:

Generally speaking people work very well together and do things for each other and I think it’s very difficult to get that support other than in a small team. And with everybody being permanent as well as full time it has been a great help.

The cultural diversity and variety of previous educational experiences of the students at the institution enables wide ranging discussion about the context in which the law operates. The teaching staff use this to advantage and encourage students to draw on their own experiences to apply to current legal problems. The emphasis on ‘education that works’ (the university slogan) means acknowledging the expectations
and aspirations of the students and providing opportunities for them to do well. As at Institution D the staff are very supportive and offer a legal literacy course for those students who are new to understand the subject specific language. Students are tested for competence in English and offered additional courses to help them succeed. This inclusive approach includes an emphasis and front-loading of skills teaching in year one. Very few students go on to practice, but the department holds an annual careers day aimed at exposing students to the opportunities available to them. Students are encouraged to promote their skills to potential employers. The Head of Department explained:

They [students] can still apply to the big city firms but they shouldn’t forget the local people. With minority students which tend to be the majority at this place you have to remind them what skills they have and how many languages they speak. Most of them speak at least two and they should tell people that. (E.11.33)

Institution B is the oldest in the study; located in a small city it is characterised by traditional values. It attracts high calibre students and requires three A levels at grade A for entrance onto the undergraduate law degree. Just 10% of the students are drawn from the local area, and many are international students. There is a strong emphasis on research, and the department are proud of their 5* rating in the 2001 Research Assessment Exercise. One member of staff described the department in the following way:

We’re a sort of melting pot with excellent quality ingredients. We’re fairly small. We have about eight students to a group, which I think is unusual and there is an atmosphere of collegiality and open doors. It’s fairly relaxed. (B.5.82)

Students appear to enjoy their experience, but one student explained the alienation he felt:

I’ve been trying to get references for a scholarship and the fact that I have no friends in the department and the tutors don’t know me, they can’t actually attest to my abilities. I know they make notes in my tutorials and I know that it depends what the relationship is between you and your tutors, but …[he became embarrassed] no, forget it. [laughs] Maybe it’s a bad example because I’m saying they should be more personal with you, but that’s always going to be particular to each person how you get on with somebody. I just had problems today finding a reference and I was thinking, the department doesn’t actually know very much about me. (B.1.1)

This is by no means a typical example, but allowed an exchange of opinion between the students about the context of the teaching. The most commonly used word was ‘professional’, suggesting a healthy, but perhaps distanced, respect between staff and students. The Head of Department said:

Most of the students find the experience very positive even though they may be career focused and can’t wait to earn big bucks and all the rest of it: they still find the experience positive, [pause] in terms of the evaluations. (B.1.1)

At Department B there is more evidence of competition between students to do well and to secure training contracts. Approximately 80% of students go on to vocational law courses (Bar Vocational Course or Legal Practice Course). v
The context of each of the departments is very different. Each has its own particular student body and areas of expertise, yet despite these cultural and contextual differences there are similarities in approach to learning and teaching.

2.2 Perceptions of learning and teaching

The teaching staff had very clear ideas about what they want and expect of undergraduate law students. Below is just a selection of quotations:

*I think a legal education does provide students with an ability to think critically. An ability to analyse problems in any field that they might go into.* (C.4.7)

*[I want]...to make them passionate and curious about the law and not just after the money.* (D.3.52)

*Making them interested in the questions and to be suspicious of any kind of conventional wisdom, you know even if it’s to be found in a House of Lords judgement or whatever. To develop a critical approach but not a dismissive approach with the emphasis all the time on reasons, backing up what has been said with reasons.* (B.5.32)

Staff within a department all shared similar values about the benefits of a studying a law degree, but differed in their views about how this was best facilitated. The question, ‘What makes a good law teacher?’ provoked a number of responses:

*Somebody who I think is sympathetic to the needs of the student...somebody who’s patient enough to go back over things they [students] don’t understand and keep their confidence going when they start to panic.* (D.12.13)

*Inventiveness in how to teach and assess, a willingness to experiment to try different methods not just to stick with the tried and tested.* (A.6.76)

*You’ve got to have the natural will and enthusiasm to be a teacher which means that you’re going to be a public performer in some sense.* (A.1.75)

These quotations back up the research by Mytton (2003) on lived experiences of law teachers. Speaking about law teachers Mytton, reports, “there was an emphasis on being a team a team player, working well with others and doing the best for the students” (2003: 52). When asked about the strengths of the teaching on the LLB one staff member at Institution D explained, “the level of student support and safety net is very good. Top class mollycoddling! It may be counter productive. It breeds dependency yes but students stay with us for years. The kind of students we get need support”. (D.3.48)

This supportive approach appears to be endemic amongst post 1992 institutions with a commitment to widening participation. These departments attract a diverse and heterogeneous student group and offer scaffolded learning opportunities and front-loaded courses to help students with non-traditional entrance qualifications. As a law teacher at Institution E explained, “I think some of our students are here to get their degree and that is it! They don’t see it [higher education] as a wider educational experience...This is a law degree and you are here to study law, it is an academic subject and you should be [committed]. It is a subject that is based on reading and library resources. That’s my view. If you don’t want to do it then why are you are
doing law? I suppose we take a lower level of A level grades and I do suspect that is part of the problem." (E.1.1)

When quizzed further on the issue of support the teacher lamented, “they just don’t prepare, but they should do.” (E.1.1) A member of staff at Institution D confirmed this view of students as surface learners explaining:

> Increasingly students come to higher education because they have to and not because they are impassioned about the subject. They talk about lessons; it’s like school for them. It’s a cultural thing that we have now. They’re so spoon-fed. (D.3.35).

This concern about spoon-feeding was not exclusive to the post 1992 universities. A member of staff at institution B said:

> I actually think there’s an increasing trend and reluctance towards being autonomous and wishing to be told what the right answer is. I find the biggest struggle trying to direct them away from that, particularly in tutorials and being ready with their pens to be told what the answer is and actually being prepared to put them down and be ready to discuss and argue. (B.5.6)

The Head of Department at Institution A explained at some length the problems of modern law teaching:

> I think students have not yet embraced the idea of learning. Students come wanting to be taught and anything that sort of shifts responsibility to them does meet with some resistance. I mean perhaps at the extreme, they realise they are required to say something in seminars and, well yes, [I want to say] what do you think you were here for? Or if you set a different kind of written assignment, my word. It’s just getting them to accept that some innovation, be it technology, be it different teaching techniques is good…. They still come with the idea that they sit in a lecture room, take notes, go to a seminar and take more notes. I suppose that’s a generalisation, very many of our students are quite tuned into these things, but there’s still quite a heavy body of resistance to independent work. (A.6.27)

This is confirmed by staff at Institutions B and C:

> I’m not greatly impressed by their attitude to learning, I don’t know if it’s ‘A’ levels or what but it’s very difficult to get them to listen but you or to make eye contact with anyone but you. Also the biggest challenge I found marking exams scripts and it must be the case that students have pretended to understand things and simply haven’t understood very simple points. (B.5.7)

We have a lot of students coming in who think that education is about acquiring an awful lot of knowledge and spewing it out again on exam day or in any other form of assessment. For them very little else has to go in. They don’t have to think for themselves or engage in critical analysis or reflection, or the other qualities that we’ve talked about. It’s a major problem trying to wean undergraduates away from this kind of thinking. It takes more than a year. Ideally we would like to enable 1st year undergraduates to come to understand what the game is all about. In my experience it takes some people a bit longer before they realise what is expected of them. (C.1.1)
The Head of Department at Institution B summed up the attitude in the following quotation: “One gets asked far more frequently, ‘What should I study?’ As if you’d ever answer! They have this expectation almost as if it’s a right they should have at least a 2.1 degree on leaving”. (B.10.26)

What the data suggests is that whereas teaching staff at the post 1992 universities are prepared to relent to student expectations and provide support, staff at older universities are less tolerant of modern attitudes and persevere in their commitment to provide opportunities for independent study. As one teacher said, “You just don’t spoon-feed. You indicate the general sources and students ought to be able to find them for themselves. Of course we’re here to help them if they need us”. (B.5.3)

Another teacher from Institution C described how she had adapted her teaching style to encourage more student participation:

I’m teaching less content than I used to. Twelve weeks probably isn’t enough in terms of the core modules. But in terms of something like international trade law which is specialized one can pick enough out of the area to give them an introduction to it in twelve weeks. So [I teach] less in terms of actual content, and more in terms of encouraging the students to think about it, to go away and do research. (C.19.17)

I am now making it compulsory to actually do a research paper. I found that the students last year who chose to do a research paper were much more engaged in those topics and therefore were learning critical evaluation skills, analysing cases, all of those things we value. It was much easier for me to see that they are doing that. (C.18.10)

A typical comment of staff at Institution A was, “I think we push them quite hard, I mean this is higher education”. (A.1.98)

At Institution B were similar sentiments, “We place a great deal of autonomy on the students although I would hope I give them a foundation which they will build on for themselves.” (B.5.6)

2.3 Summary

Perhaps the most striking point is the belief amongst teaching staff at older universities that when faced with intellectual challenge students will rise to the occasion. By contrast, teaching staff at post 1992 universities, who are quite rightly concerned with the reality of student drop-out, employ more supportive, didactic teaching methods in order to keep students interested. As the Head of Department at Institution E explained, “we are very aware of the kind of students we’ve got.” (E.11.43) As such, the staff deliberately tailor the curriculum to maximise student success, “We got rid of jurisprudence because nobody wanted to teach it. I’m sure at most universities you’ll find jurisprudence and legal history and those types of things. We teach what we like which has relevance and is up to date”. (E.11.51)
3  Learning and teaching methods

3.1  Student preparation

The overwhelming message from law teachers in relation to learning and teaching was the lack of preparation and reading done by students. The following quotations are typical responses from teaching staff at post 1992 institutions:

They don't prepare enough. It is a struggle. You are prising information out of them which is information that they don't have because they haven't done enough reading. (E.13.5)

When I started here no one failed medical law. This year 20 out of 30 got a third class or a fail. It's just a problem that we now face because of the system. They don't read anything and so stylistically their English is very impoverished because I don't think they even read novels. There are plenty of books and the library is good but they're not reading the journals. Perhaps we should put more pressure on them. But the real challenge is that we're getting them in year one not being able to write and not being used to reading. (D.3.32)

As the quotation indicates, some teachers felt that they could perhaps be more challenging or 'put more pressure' on students. Teachers at Institution B were willing to direct reading, but still expected this to be followed through:

You can make them read if you still use the tutorial to facilitate their learning and I would say in some instances, almost as a coercive thing. If you still use the tutorial to ask people things rather than tell them things and make it absolutely transparent that the person hasn't done the reading and you indicate a certain amount of displeasure if that is the case, then you get people reading. (B.10.31)

Access to resources was raised as an issue, but most academic and support staff felt that students had more than adequate access to the reading material. Staff at Department C, where there are 284 first year law students, took the decision to produce study packs for students. These include all the reading material and directed reading for the module supplied at a cost of £5 per student. A teacher explained that on the whole this directed approach works:

The evidence suggests that they all get through the relevant portion of the pack before they come along to class. I take a break in the middle, and you can see that ---the number of questions you get in the middle about particular issues that they have been talking about, they have been reading it. And again when they come along to the tutorials, you can tell that they have not only read material that I wanted them to read for the lecture but also they've been to the lecture and understood it, and had a look at my lecture notes as well. (C.19.15)

The Head of Department at Institution A explained that as a team they had also discussed providing students with study packs to circumvent the claims made by students that they could not get access to primary sources. However, practical and pedagogic reasons meant that they did not follow this through:
I have some reservations [about providing study packs] because one of the things we're claiming to do is to teach them research skills and to use the library and if you say, "go and read this" you give the impression that is all they need to do and there is so much they can access, both in physical hard copy and electronically, there's really less and less justification that they couldn't get hold of the material. (A.6.10)

The data supports the hypothesis that those teachers who expect commitment and preparation from their students see it reflected in performance. However, it is not simply that those students who are pushed put in the preparation. Issues such as ease of access to materials, the extent to which students are directed to particular sources and, not least, the demands being placed on students by other responsibilities (work, family, social life) all play a significant part in the level of commitment shown. Research by Cuthbert (2004) indicates that the level of debt alone can direct students away from academic work and towards paid employment. Whilst teachers can do little to alleviate the financial need to do paid work, they can support students by providing access to a range of reading material available in paper and electronic format.

3.2 Teaching methods

All five law departments appear to follow a broad pattern of whole group lectures and more interactive seminars, tutorials or workshops. The numbers involved in these groups vary according to the student intake, but several institutions (A, B and C) lecture to groups of 200 or more students. Lectures are used primarily to provide an explanation and exposition of legal rules, and in some cases to offer a commentary and critique. Seminars and workshops are more student focused and are used to explore students' understanding of particular issues. Beyond this generalisation of approach the departments all vary in the learning opportunities they provide. Below are a few brief examples of the different kinds of experiences afforded by each of the institutions.

At Institution A seminars are designed to make students think and develop critical skills. Attendance is compulsory. As one teacher explained:

You have to give them [students] enough to keep them interested and...get them willing to work and develop their own thought processes. I always feel that I have succeeded when they've thought for themselves, they've digested what they've read and they're thinking. (A.1.33)

In the focus groups staff in Department A spoke about the need to get students taking responsibility for their own learning. They achieve this through a variety of interactive and discursive methods, including small group work, projects, presentations and individual research work. One first year student said, “I have to learn for myself and I enjoy it. I enjoy the challenge of having to write an essay, of going searching through reams of dull cases that I need. It's a lot more satisfying than being at school.” (A.3.9) Students are encouraged to be confident in their own judgements and analysis. As one teacher reflected:

They [students] want to write what's in the text book because they think it's safe but I just want to show them that they're not actually safe and if they just have the confidence to step outside the text book then the world is there and they can do exciting things with it. (A.1.34)
At Institution B students are involved in small group tutorials of typically no more than eight students. In year one there are nine tutorial cycles in each of the core subjects, which means that each student receives a minimum of 36 hours in small teaching groups. The Head of Department described his commitment to student learning and academic freedom as follows, "I think it’s the epitome of being a professional person that they [teaching staff] deliver that agenda according to their own assessment of effectiveness and so we wouldn’t seek to prescribe the way that law is taught. The very quality of the department is that you will get a whole range of [teaching styles] even within one subject". (B.10.56)

One new lecturer explained, “I get them [students] to co-present tutorial groups or [engage in] online anonymous discussion forums so that they can ask questions without feeling that they are being judged.” (B.5.12) Other approaches include the use of interactive Web-based courses. Despite these pockets of innovation most staff in the department view themselves as quite traditional and place great importance on using their own areas of research expertise to inform their teaching. In the focus group discussions one teacher acting as spokesperson said, “Most of us are teaching in an area in which we are researching and that makes the teaching much more interesting and is reflected in the final results of the students. If you’re really inspired by the teaching then you’ll do better." (B.5.78). Another confirmed, this saying, “I feel really strongly about the fact that research and teaching run perfectly well in tandem with each other, one feeds off the other.” (B.5.102)

Teaching staff at Institution C expressed very similar beliefs about the importance of researching and teaching cognate areas of the curriculum., “I’m so fortunate that I was engaged to teach in the area I specialise in. It makes such a huge difference, and the students say that too.” (C.18.9) At the time of the research Department C was undergoing a major curriculum review that would allow staff to offer a wider range of interactive project-based modules. The department operates a system of lectures, seminars and tutorials. Problem solving, project work and discussions were all mentioned as commonplace activities. However, the data from students indicates some frustration with what they perceive to be traditional teaching that is unrelated to their career aspirations. As one student revealed:

I have no intention of practising law but I wanted a law degree as a background degree maybe to go and do something else. I would still have appreciated a practical aspect maybe a courtroom situation or similar to get some practice. All we do is read- read and regurgitate. Even if there was some research involved other than just going to the library and reading a book. (C.16.16)

Another student who clearly wished to go to practice law went on to say:

We have good practice at law theory but we don’t actually learn the skills and practice. We don’t have trips to court to see cases, we don’t practice oratory skills, we just sit and study these things that happen elsewhere. Basically we study law having never set foot either in a solicitor’s office or a courtroom. (C.16.15)

A teacher explained, “What I tend to do is – I just lecture them. We just give it to them. The class was really designed for 20 students and it was going to be taught by means of student presentations against the backdrop of set questions in the context of two hours. Ultimately at the end of September it went from 20 students to 50 students so I couldn’t do student presentations in the way I wanted so in the end we moved over to the lecture format.” (C.19.3)
There are some exceptions to this conventional view of teaching. For example, the department offers at least one module where students are able to take up a placement with an organisation in the community. At the time of the research the module could only accommodate 25 students, but as the lead teacher explained, “I think it takes up more time than their other modules but the marks reflect the effort they put into it. Out of 25 students there were seven or eight firsts [class degree classifications].” (C.9.29)

Staff at Institution D teach to a broad range of students and show a commitment to understanding the needs of students. There is a strong emphasis on support, with the department supporting a drop-in centre where students can get subject specific advice on issues of learning. Anecdotal evidence from the focus groups indicated that very little group work is used “for fear of stronger students carrying the academically weaker ones”. However there is evidence of role play, debate and opportunities to engage in simulation work. There is no evidence of a personal tutorial system of small group teaching. An overall institutional policy for learning and teaching is filtered through to the department.

Talking about the structure one member of staff said, “[It] puts a great emphasis on aims and objectives and also on skills so that you can identify not only what you’re teaching but also what skills the students are developing and being assessed on.” (D. 3.6)

The department uses lectures complemented by a series of workshops to encourage students to develop their skills and understanding of law:

What I did was front-load the lectures with the subject matter and then bring in the workshops probably about two or three weeks into the course so they’d have a basic grounding in the law and then would be applying law in the workshops, for example one of the workshops involved animal cloning and constructing membranes etc out of animal cells, and then moving on from that to constructing an animal. And so they had to look at the moral implications then had to look at the legal implications and come to a decision as to A) was it patentable and B) whether it was right. (D.8.4)

The students appear to be fairly content with their experiences and are particularly complimentary about the support and friendliness of staff. One student explained, “The teaching method encourages you to speak, like we had this debate which was really good. You learn research. When we were [in first year] we were already behaving like qualified barristers, you know?” (D.11.8) The students relish the opportunity to emulate practitioners, although very few enter the profession.

Institution E also offers a system of whole group lectures and discussion-based seminars involving 15-20 students. Due to the student numbers this is the smallest teaching group the department can offer. As one teacher explained, “the seminar is the only way of getting to grips with the issues and the legal problems by getting them [students] to participate fully.” (E.13.9) The diversity of the student body creates problems for teaching staff. One staff member explained that the school “has good and bad students and not much in between. I would think it’s a 30:70 split of those who are interested and those who are not.” (E. 11.76) Attempts to make attendance compulsory backfired, since around 20% of the students failed to turn up and therefore failed the module, counter-productive to the intention to energise and engage students in learning.
The teachers pride themselves on being honest about the education they provide and in doing their best for their students. This comment by the Head of Department encapsulates the approach to teaching and a broad education, “I just believe in giving people the opportunity. So long as it’s a valid opportunity and not a sort of scam where you say, ‘well we open the doors but we’re still going to teach these easy subjects in those old fashioned ways’. That’s not giving people opportunity; that’s just bringing in people to fail. The curriculum methods have got to change to enable students. If people don’t do that then it’s very flawed as far as I’m concerned and it does concern me that this will happen in older universities and they will say, ‘we are opening up our doors’ and these students will fail.” (E.11.56)

3.3 Summary

This section has detailed the context and culture of the five law departments involved in the project. It reveals a number of different approaches to learning and teaching, ranging from the traditional to the highly supportive. However, there are pockets of innovation and ‘good practice’ that other law schools may wish to adapt to their own context. What works for one school may not work for another. Heads of department provide leadership and direction by providing opportunities for teaching staff to teach to their strengths and where appropriate to teach in areas of research expertise. All of the departments appear to have a strong team ethic, yet there is healthy respect for individual areas of expertise.

Institutions A, B and C (all pre 1992) employ a range of teaching methods broadly aimed at developing critical skills and students who think for themselves. These aims are admirable, but often issues such as student numbers are used to cloak the use of conventional teaching methods. The examples cited by teaching staff of innovative practice are the exception rather than the rule, featuring in optional modules affecting a small minority of the overall student body.

Departments who take responsibility and ownership for the teaching they provide appear to inculcate a positive attitude to teaching and learning both in staff and students. The data reveals that those staff who take the time to reflect on their teaching and re-adjust methods to maximise student learning enjoy job satisfaction. There are indications that those departments that have come to terms with their student intake, with their position in league tables and the results of engagements with the Quality Assurance Agency (QAA) and the Research Assessment Exercise (RAE) are more confident about their ability to provide good legal education. Providing quality legal education means acknowledging the context in which the teaching is taking place, respecting the community being served and managing student expectations.

This section has given an overview of the departmental profiles and explored the perceptions of teaching staff and students about learning and teaching, student commitment and teaching methods. It concludes by proposing that law departments that acknowledge and use an underlying pedagogic rationale to underline their teaching practices best serve legal education. Section 4 now explores the assessment techniques and methods employed in each of the institutions.
4 Assessment and feedback

4.1 Range of assessment methods

Given the relative similarity of teaching and learning methods, it is not surprising that there is consistency between the assessment methods employed – see Table 4.1. In his book *Being a teacher in higher education* Peter Knight (2002) outlines 50 assessment techniques. Against this list the variety of methods used in the sample are disappointing, utilising a very small proportion of the techniques available.

The Harris and Jones (1996) law schools survey explored the frequency of assessments and concluded that, “In general terms, the adoption of - in particular - a semesterised academic year appears to be associated with an increase in the number of assessment events applied to student performance over the period of the law degree course”. All but one of the departments require students to complete six modules per year (Institution E requires students to complete eight, of which three are compulsory).

The standard assessment for these modules is an examination and one or two written pieces of coursework. In some departments (C) modules are assessed by 100% examination. Some departments use seen examinations, giving students the opportunity to research and plan their work in advance.

However, in most cases examinations are unseen and conducted under invigilated conditions, more likely to result in students ‘cramming’ and regurgitating material.
<table>
<thead>
<tr>
<th>Law school/assessment per module</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>number of modules per year</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>6 including some double modules</td>
<td>8</td>
</tr>
<tr>
<td>written exam</td>
<td>50:50 exam and written coursework</td>
<td>50:50</td>
<td>either 50:50 exam and written coursework or 100% exam</td>
<td>50:50 exam and one or two pieces of written coursework for core modules</td>
<td>50:50 exam and written coursework</td>
</tr>
<tr>
<td>written coursework (problem solving, essay)</td>
<td>50:50 exam and coursework</td>
<td>50:50 exam and coursework</td>
<td>limited use (fear of inequality, language problems)</td>
<td>limited use</td>
<td>including some ‘seen’ tests</td>
</tr>
<tr>
<td>oral presentations</td>
<td>some evidence of moots being used - formative only</td>
<td>oral pleadings - formative only</td>
<td>formative only</td>
<td>feedback on group work</td>
<td>reflective log (see below)</td>
</tr>
<tr>
<td>self and peer assessment</td>
<td>self assessment and action plan on feedback</td>
<td>n/a</td>
<td>formative only</td>
<td>feedback on group work</td>
<td>reflective log (see below)</td>
</tr>
<tr>
<td>additional assessment</td>
<td>‘Student Compact’ paper and online document to support personal development and personal tutor relationship</td>
<td>compulsory dissertation to develop research students (3rd year students); some entirely Web-based modules; some mooting</td>
<td>reflective journals used in some modules; student placements in a community based module</td>
<td>problem solving exercises</td>
<td>group and project work linked to benchmark statements; compulsory dissertation to develop research skills including reflective log; compulsory modules in legal literacy and a project on personal legal skills in semester 1</td>
</tr>
<tr>
<td>feedback mechanisms</td>
<td>School proforma for written feedback; some feedback given to groups using Blackboard; face to face feedback offered</td>
<td>written and face to face feedback; tutors choose how to give feedback; no proforma used; use of model student essays, annotated and available on School intranet</td>
<td>written and face to face feedback; some tutors encourage the submission of feedback on draft written work</td>
<td>individual face to face feedback; written and e-mailed feedback; no general proforma used; access to workshops which are video-taped</td>
<td>face to face and in writing; feedback proforma against assessment criteria used; some group feedback in lectures</td>
</tr>
</tbody>
</table>
The interviews with academic staff reveal several reasons for the predominant use of examinations. Firstly they are concerned with upholding standards, and interpret the requirements of the qualifying law degree and the institutional requirements in quite traditional ways. Second there is a belief in the examination as a way of testing students' understanding of the law. There is some scepticism about the rigour of other assessment methods and increasingly concerns about authenticity and plagiarism. As one law teacher explained:

An exam is the best way of testing students' own knowledge and intellectual abilities. Whereas in continuous assessment it is wide open to abuse and that is one of the problems with it. On the other hand you want to test the skills of research, of investigating material in an unrestrained way which you can't do in an exam and so you do need both. (E.13.26)

Examinations are also seen as a useful ‘stick’ by which to beat students into attendance:

Maybe I am a traditionalist this way, but I see the advantage of an exam…with coursework, you pick one topic, and maybe as one of my fellow colleagues has, excluded that topic from the exam, in other words you do that topic and they [students] don’t study for the exam. The exam is an opportunity to put the course together. I’ve always seen a value to that. Some students---those who chose the 100% coursework route – they only know one thing. They know nothing about the rest of the course. And in fact several of them stopped coming. And I found that, well, by the end of the year I was teaching my exam students, about half the class was not coming by the end of the year. This year they will all be coming till the end of the year. (C.18.28)

One head of department also expressed the view that examinations were the assessment of choice by the legal profession:

One knows from professional contacts it’s [exam] very much the mode of assessment by the profession. They [the profession] are suspicious of degrees with lots of coursework and where the assessment is in the form of non-examination. (B.10.54)

This is just one view, and articulates a particular interpretation (notwithstanding the separate branches of the profession) of “what the legal profession wants”. However, it exemplifies the attitudes and explanations for the predominant use of traditional assessment methods. With an emphasis on regulation and traditional assessment methods the Joint statement issued by the professional bodies serves to compound this view.

Interestingly, the explanations are not founded on educational principles, but rather on a belief that examinations are somehow superior and provide more pressure than other forms of assessment for students to conform. Some law teachers were prepared to concede that examinations are not the most appropriate form of assessment, “The problem with closed book examinations is that it ends up being a memory test.” (D.8.34) Another teacher confided:

I no longer like examinations as a way of assessment. I want to see students develop their own arguments rather than sort of respond, for example, to a set problem. (C.19.30)
The clearest commitment to providing assessment that is fit for purpose and appropriate to the student body came from the Head of Department at Institution E who explained:

> Students do modular ‘A’ levels now and they are not used to studying for a year and taking a three hour exam. That culture is gone. You hit students with that kind of thing these days and it has a massive impact on them. They are not used to doing it. It’s not that they are not as bright, they are, but they are being skilled differently at school and we have to appreciate that. I think [teachers] think it’s like the kind of ‘A’ levels that we used to do and they don’t realise how much it’s changed.”

He went on to explain how this recognition had led to changes in that department’s assessment:

> I think we are more aware of these changes than other departments are. We looked at the assessments over the whole degree. We might still choose to use continuous assessment [essays and coursework] but staff have to justify that within the assessment framework and show how it fits in. Some people use projects and get students working together but they have to think why they use that assessment and why it’s relevant, not just use it because they’ve always done it that way.” (E.11.44)

There is clear evidence from research on learning styles (Snyder 1970, Entwistle and Ramsden 1983) that students change their approach to learning depending on how they perceive the assessment task. As Gibbs argues, “Students are tuned in to an extraordinary extent to the demands of the assessment system and even subtle change to methods and tasks can produce changes in the quantity and nature of student effort and in the nature of learning outcomes out of all proportion to the scale of the change in assessment” (Gibbs p52 in Brown and Glasner, 1999).

The student interviews reveal strategic approaches to the work that they do:

> If you’re on a module that’s 100% coursework you realise that the whole second half of the lectures don’t have anything to do with the coursework and you’re not being examined on the work so you don’t go. (A.1.8)

In a focus group one member of staff from another institution reported a similar strategic approach in her own students:

> Students do a time and cost analysis before they’ll put their time into things …I had a number of complaints on lecture feedback sheets saying that I’d taught a topic towards the end of the semester and not told them until the end of the lecture that it wasn’t examinable and there was a lot of angry students saying ‘why am I listening to something if I’m not going to be examined on it?’’ (C.4.19)

Another teacher blamed the system rather than the students:

> I think to a large extent this focus on assessment is a product of a modular system. Assessment is always three to four months away at most. They have two diets of assessment, one in January and one in May/June and inevitably when things are that imminent they will prioritise. We have become almost unbelievably assessment focussed. It's not really about getting an education; it's about accumulating credits and you get various milestones at points
throughout the degree. You pick up three credits and then you go on to the next three credits. (C.4.21)

There is some evidence to suggest that students simply accept the beliefs and values of the academic staff. One student who had been involved in an entirely Web-based module explained:

I did an interactive module where everything was online except for the exam. It was interesting but you can’t really break away from conventional methods, the way that you’re taught and examined. When you’re rummaging through material and giving it back to the person who’s a Professor of the subject and knows all about it, that’s the quality of your reasoning skills. I don’t think there is any other teaching method. (B.4.31)

Clearly, the student had enjoyed the experience of online learning, but still believed that the aim of assessment was the ability to ‘give it back’ to the teacher. As long as students believe this is the route to success they are likely to adopt strategic approaches to assessment.

The data reveals that use is being made of moots, dissertations, project work and some reflective journals. However, in very few places do these ‘count’ towards the final degree. It would appear that there is confidence in these methods to provide formative feedback, but not in their ability to ‘test’ students. There is limited use of oral assessments. The most commonly cited reason for this was because of the time it takes to get students through and the resource issue of videotaping each presentation for the purpose of external examiner scrutiny. There is also anecdotal evidence from conversations with teachers who felt that is was unfair to disadvantage those students for whom English is a second language.

4.2 Self and peer assessment

Self and peer assessment occurred informally in some departments and was used as a way of developing students’ learning. According to the Head of Department at Institution A students are encouraged to reflect on their exam performance:

The students have the opportunity to fill out a self assessment form which is to give them an opportunity to think back on the feedback they’ve had on their performance. It’s a goal-action plan. (A.1.35)

However, when asked about self assessment none of the students mentioned these forms, suggesting that they either had a different interpretation of their use or limited memory of the experience. At Institution C the interviews with staff revealed two or three examples of the use of reflective journals. The teacher leading the clinical module explained:

It was very useful I think for the student to have a guided reflection through the feedback, that they could just look at their overall performance. We met them every week as a class and once they got used to the idea of a learning journal and got used to consciously thinking ‘what am I learning? How am I learning to learn? What challenges have faced me this week? Did I deal with them well? Could I do better next time? The students really engaged with that and it gave them a lot of confidence. They could also look back over a number of weeks and say, well actually I am clearly improving….They were more willing to say things in a weekly learning journal than they might otherwise have been willing to say in other contexts. (C.9.60)
However, the law teacher quoted in the second example admitted that he had subsequently given up using reflective diaries at the request of colleagues.

Many staff expressed reservations about the value and equity of such activities. One teacher explained:

*In tutorial groups they [students] have ten minutes to prepare a plan or something and then they swoop around the group. I have to say I’m not convinced about more formal elements of self-assessment replacing other assessments. I think that’s something that would have to be thought very carefully about.* (B.5.44)

Another teacher from a different department explained the problem from his perspective:

*I don’t particularly favour that sort of thing. I don’t think there’s a vast enthusiasm for it amongst the undergraduate student body... We take a decision about whether they’re [students] going to get a job or a particular mark, we must be able to justify that and when you get into the like of peer assessment or even assessing oral presentations, the process of assessing becomes even more subjective and it can be more and more difficult to justify the marks they give. People find themselves in a position where they are more and more defensive and they might not favour assessment methods of that kind. We just play safe.* (C.4.28)

What the quotations reveal is a perceived need to be accountable for assessment methods and a fear of new innovation. Where self and peer assessment are used, this is at the discretion of an individual tutor and formatively to aid student learning.

### 4.3 Feedback

All the departments take the issue of feedback on student work very seriously. As Table 3.1 indicates all the departments offer written feedback on coursework and make time available to see those students face to face. In particular, staff at Institution D go to great lengths to provide one to one feedback whenever possible. One senior teacher explained, “We spend a lot of time face to face with students. I block out time slots and if it takes a day then it takes a day.” (D.3.54) Feedback is offered through a variety of mediums, “We video every workshop and the students have access to this during the course and by e-mail at the open office.” (D.8.31)

This commitment to provide thorough feedback on coursework and examinations is evidenced in other departments. A teacher at institution E said:

*I do it [give feedback] in two ways, in fact three ways now. When I mark the work I put the follow up comments on their piece of coursework. I normally do a lecture or half a lecture on general comments and now we have to feedback a form sheet as well. So they get a lot of feedback of general comments.* (E.13.25)

An example of good practice came from a new lecturer at institution B. His colleague explained:

*He takes the best five essays from a cohort and annotates them with feedback and posts them on the dept intranet for all to see. Students are asked to give their permission to post them up. Most see it as an honour,*
competition to get their essays up. Students like it because it isn’t just a model answer but a selection of real essays from their peers. (B.2.15)

This method of feedback makes use of the well developed departmental intranet system. The advantage for students is that they see real examples of work and can read and re-read at leisure the comments so as to understand why one piece of work has been judged superior to another. The use of ICT also means that the students can do this without embarrassment in front of their peers, and they can see the comments quite quickly, as they can be loaded onto the intranet as soon as the feedback has been written.

Department A has a similar intranet system that supplies electronic information to all the different module groups. All students have their e-mails registered on the system, so some tutors choose to e-mail feedback to individuals and groups, outlining common problems. Tutors also put up examples of student work and highlight strengths and weaknesses. Teachers at Department C encourage students to submit drafts of coursework, and some go to great lengths to provide time when students can seek individual feedback.

Law teachers clearly feel they are offering students regular and lengthy feedback. However, the evidence suggests that their efforts may be misdirected. None of the departments gave feedback on examinations, and since this is the predominant form of assessment students are missing out on a wealth of important feedback that could help their performance. Students across the five institutions complained about teachers being unavailable and of written feedback being so vague and so late as to be useless when preparing for the next assessment. One student explained:

You know it’s a part of you that wasn’t good enough to get you higher marks…but you don’t know really which part of you and you just try to prove yourself in this or that area. That’s a problem of the feedback then really. If there was enough feedback then you would be able to see where the problem was. (B.4.50)

When asked about the use of criteria many students seemed confused about how this might best be used. One student at Department A said, “normally you just get a sheet saying, good, average, bad and then a little bit of commentary and if you get between 65 and 70% they’ll just go ‘oh very well done’ and won’t really tell you what you can do to improve on that.” (A.3.38)

Students from Department B also expressed uneasiness about the use of criteria. When asked about the marking one student elucidated:

They do have a marking scheme and I’ve referred to it before but it’s very vague. I think the whole system is too subjective. It depends on whether the professor is only into what he’s teaching; what impresses them can be very particular. (B.4.45).

Another student continued:

You don’t really know what to think of it. I mean you don’t know how someone judged you, what their motives are. You really have to put it all into perspective on how well you think you did in the exam. [You have to] ask yourself ‘how well did I write that essay? I couldn’t make out whether it was my lack of knowledge, whether it was my essay writing or a whole range of things. (B.4.49)
In the absence of detailed, useful feedback students fall back on their own resources. A student at Department A explained with resignation, “It’s your papers; it’s not the lecturer who’s going to get something out of it and if you don’t help yourself nobody else is going to.” This sentiment of alienation is echoed by the statements of students at Institution D, “It seems very impersonal to me,” said one student. “They just say e-mail me if you need anything, e-mail me.” Another student confirmed this:

> It’s just less personal than it might be. I don’t know but I think a lot of the lecturers, this isn’t their only job, they might be teaching elsewhere or they might be practicing lawyers, or PhD students; they have a hundred different things going on, so they can only reply when it’s convenient to them. (D.11.24)

However, this is not a fair representation of all students. Many appreciated that teachers were committed and did their best, given the time constraints and student numbers, to provide feedback. The following two quotations were fairly typical:

> There is definitely the option there for you to do that. I mean at the end of exams, at the end of the summer your personal tutor sends you an email saying, come and see me, we’ll go through it, what you did wrong, what you did right all that kind of thing. I haven’t really taken them up on it at all. So it’s my own fault more than anything. (A.3.35)

> If you’ve got a problem you want your tutor to be able to give you some feedback. I mean I know you have to research it yourself, but if you can’t find something or don’t understand something you want to be able to go to a tutor and get some feedback and you can do that, they’ll try and see you. (B.4.17)

The problems with feedback alluded to by both staff and students can be roughly accounted for in three ways: time, student numbers and academic autonomy. Reflecting on their ability to provide feedback, teachers from Institution C identified the problem as follows:

> There is an expectation that if students do coursework they will get feedback on it and I think that’s a legitimate expectation. I think if we want to use coursework one of the most valuable things accompanying that is the opportunity to give meaningful feedback to students. I don’t think exams are as useful a learning experience as a piece of coursework. Where you have large numbers of students giving that feedback is a nightmare. I have a final year module but because I only have 25 students and only 10 of them will opt to do the coursework I can give them feedback on a draft essay, in fact I can give feedback on a second draft. You can do that when your numbers are small and manageable. When you have 250 students it's harder. (C. 4.27)

Department C has a large student intake – over 800 students on the LLB. However, departments with smaller intakes shared the concerns about time. The commitment to providing individual, face to face feedback in the context of increased student numbers is putting a strain on teachers and is evidenced in the comments by students. Faced with increasing numbers and a commitment to widening participation institutions such as D, who claim to ‘make time’ to provide individual feedback, will soon have to make a decision about what is possible. They could do worse than learn from those departments who have begun to use ICT for feedback purposes. Engagements with the Quality Assurance Agency (QAA) and the internal review of departments means that assessment strategies now have to provide evidence of
robust feedback mechanisms. The quotations below reveal the lack of consistency about feedback practices.

*It's up to the individual tutor about how much feedback they give….We have a minimum standard where we all give a mark and a bit of feedback but then it varies from, some see students individually others will offer a choice if students want to go see them, others just give written feedback. Students can come and ask for some general guidance on exams.* (B.5.52)

The Head of Department at Institution C said:

*I think in principle we would say you can always go and see your tutor, but some tutors are more willing to give that information out. Some tutors would give more detailed information to a student I think. So there is a need for consistency on that.* (C.12.15)

A teacher at Institution D said:

*We don’t use proformas. It's wonderfully old-fashioned here. It's bespoke and personal.* (D.3.54)

It would appear from the quotations that in a number of ways the academic autonomy afforded individual teachers contributes to the inconsistency in feedback practices. Depending on the lecturer the student can expect to receive feedback by e-mail, face to face, in a group, verbally, written, via the intranet, by individual appointment or in some cases only at the request of the student. None of the departments studied gave back examination papers, but without exception the students interviewed said they would like to see the comments on their papers. Issues such as these need to be addressed as accountability becomes more important.

### 4.4 Summary

The research indicates a prevalent use of traditional assessment methods. The data indicates pockets of innovation in assessment practices, but these, unfortunately, are the exception.

At the time of the research those departments who had been subject to external scrutiny through engagements with the Quality Assurance Agency revealed a much more coherent approach to assessment and could provide a rationale for the methods they use. Despite quite significant differences in context and student intake, the departments continue to favour traditional methods of feedback and assessment and there is little evidence to show any real fertilisation or dissemination of innovations between colleagues. The data revealed genuine frustration with institutional policy and modular frameworks, which teachers feel create unhelpful barriers to the kinds of assessment they would like ideally to use. Two of the departments in the study were taking steps to move away from the modular structure, in part to enable students more opportunity to draw on formative feedback.

The research suggests a need for a coherent approach to assessment that draws on the good practice across the sector. This calls for greater dissemination of ideas and more discussion about what is appropriate. The training framework review has provided an opportunity for this. Research by Hodgson and Bermingham (2004) indicates that there is variation between the feedback processes used in undergraduate law programmes. Work by Mitchell et al (2004) indicates that there is
an inconsistency in marking procedures and calls for greater transparency in marking criteria. Empirical studies such as these are welcomed, providing as they do an evidence base upon which alternative models of assessment can be developed.
5 The use of ICT in law teaching

ICT is being used to support law teaching at all five schools in the study. As one might expect, students are almost universally in favour of the use of ICT to support law teachers. They expect to use visual and interactive media and all are computer literate. Law teachers were more mixed in their opinion, some obvious enthusiasts and others who were happy to show an interest and reserve judgement.

5.1 Use of Blackboard to support teaching

All the departments involved in the study had access to Blackboard software. Three of the departments (notably the pre 1992 institutions) have their own custom built version of Blackboard. These have been developed to enable teachers to communicate with module groups and send updated information about course materials and assessment, as well as provide opportunities for interactive pages, links to Web resources and discussion forums.

Take-up and use of ICT varies amongst law teachers. As one teacher at Institution A explained:

"In our department you’ve got lots of people who use their own web page and then you’ve got people who do not want to use it and then you’ve got the ones who dabble with it." (A.1.68)

The interviews with heads of department and ICT support officers in law suggest that in some departments (A, C, E) take-up is around 50% of teaching staff. Institution B estimated around 60%, but at the time of study only one teacher at department D claimed to use ICT to support teaching. The evidence suggests that take-up is more evident amongst younger law teachers, who use discussion boards and encourage students to use the Internet in legal research. As the person responsible for learning and teaching at Department B reflected:

"The younger colleagues, some of them are very into ICT, they put dinosaurs like me to shame. They have interesting websites and do seem perfectly happy to engage in a constant dialogue with their students in whatever way, outside the formal teaching structures which are in place." (B.10.9)

These enthusiasts are helping to disseminate ideas to other colleagues. As one such teacher said:

"The new online system learning environment is something that’s being progressively rolled out throughout the university so a couple of us have begun using that and we gave a presentation to staff on it earlier in the year to get feedback." (B.5.58)

Teachers who are enthusiastic about the use of ICT help to break down scepticism from other members of staff, many of whom see it as a glorified, techno-enhanced filing system. One teacher said, “I went on a training course for Blackboard and I found it quite constraining what you can do with it. I didn't see what the students or I would get out of it.” (A.1.67) These reservations are common amongst teaching staff, and it is down to enthusiasts and heads of department to show leadership and commitment in these areas.
The Head of Department at Institution E is very enthusiastic about ICT and has been involved in software development himself. Under his direction the department offers a compulsory module for all first year law students, Legal Information Systems, involving word processing, spreadsheets, communication. He reported:

“When I first worked there I was trying to encourage people to get involved in using the computers in teaching in sort of a more material sense. We didn't have any computers in the office. When we got them there was very little staff training and most people were not computer literate. You need somebody around all the time so I ended up and still am a sort of departmental IT officer.” (E.11.16)

He went on to say, “It’s been a very pleasant surprise the way they've [teachers] taken to Blackboard.”

In response to a question about take-up of Blackboard a teacher from Department D responded:

“There's a lot of interest in Blackboard. Some of us aren't so comfortable. I've been to a Blackboard session twice but I haven't had a chance to practice or follow up. With something new I think there has to be an element of compulsion. We’ll resist perhaps and not want to do it but you need to get enough people interested to get some momentum.” (D.3.25)

5.2 Adding value through ICT

The data shows a genuine commitment amongst law teachers to supporting and adding value to the educational experience of students through the use of ICT. One teacher reported:

“What we don’t want to do is to follow along as a lot of places are doing and just put in duplication of the hard copy material. If we’re going to do something with regards to the use of Blackboard, we want to be adding value. There's got to be a purpose behind it. We don't want to just duplicate that in a different environment.” (D.7.7)

The Head of Department at Institution C corroborated this view:

“I think the big challenge is to get staff to introduce ICT that will actually improve the quality of their teaching, not just a substitute so you don't have to spend so much time in the tutorial with them. It’s trying to find ways that actually enhance somebody’s teaching and enable them to do something they couldn't do before as opposed to simply saving some time, you know.” (C.12.13)

The person responsible for ICT at Department C explained that the majority of the 33 full time teaching team are able to create electronic versions of their learning notes and support material, and that these were accessed by students and downloaded as appropriate. One teacher said, “I love new technology; I think it’s a great idea, it engages students.” (C.18.31) Teachers at the other institutions are equally enthusiastic about the benefits:

“The discussions do work very well. The students really want it. When they come to revise there is so much on the clipboard and discussion boards; they've raised issues and that's been really useful.” (A.1.73)
“I think it complements what we do in classroom time. It adds an extra dimension.” (D.3.26)

The advantages are it’s up to date. I actually think students learn more by having to track information down through one of the web-based systems rather than reading a textbook. I think people actually pick things up much better through computer based learning than they do just reading. (D.8.24)

I think in most legal fields now there is a huge amount of material on the Internet. I have actually sat down with students here at the computer and showed them the UN website. Where to access international case law, it’s all on the net. (C.18.14)

In contrast with other school teaching methods the students were universally in favour of the use of ICT. A mature student described her achievements in ICT:

When I walked in here, I didn’t even know how to switch a computer on. I just looked at it and went ‘yeah, what do I do with it?’ And I’m into spread sheets and everything else now. I’m proud to say that last year I learnt how to open email. That was an achievement for me. (D.11.35)

5.3 Access and equipment

Many students commented about ease of access:

We’ve got computer rooms in college anyway, but a lot of people do bring their own computers. I’ve brought my own computer and I’m lucky enough to have access to the internet as well, so I can get all my emails and that in my room, so it’s all pretty much there really. You can find the information at midnight if you want. (B.4.34)

Institution A has received a significant grant to purchase additional computers for students, but admitted that they now face the ironic situation of students using faster and higher specification hardware than staff. Students have access to computer terminals in designated rooms and in halls of residence. One student said:

I was in France last year and there were absolutely no computers at all. There was a computer workroom in the hall I was living in and there were probably three hundred people in my block alone and there were ten computers for everybody in that block to use. It was just absolutely ridiculous, so it was so nice to come back and to know wherever I go within short walking distance there is a computer to use. I’ve never not been able to find a computer I could use. (A.3.26)

This last point about unlimited access was appreciated by a number of students. Many of them have family and work responsibilities and need to continue their studies at times that are convenient to their lifestyle. The ‘24/7’ access provided by the Internet allows this flexibility.

A study conducted by BILETA in 2003 (Bloxham, 2003) indicated that as much as 40% of first year undergraduates may own their own computer. Students are increasingly dependent on the Internet and specially created webpages to supplement their learning. Moreover, there is an expectation from students that support materials will be high quality and offered in the electronic medium that is now
the most common form of communication. Despite the cost implication, some students reported accessing files and intranet pages via their mobile phones.

Access to datasets is somewhat patchy. There is a clear indication that the newer university departments subscribe to fewer datasets. Institution E provides access to Lawtel and Lexis but not to Westlaw or Iolis. The law librarian admitted with some embarrassment, "[Westlaw] is slightly beyond our budget for the time being so we’re trying to get by. I know that there’s a lot more full text journal sources on it than is on Lexis…I realise it’s a big gap in our resource." (E.23.5) Department D has access to all of the above, but struggled for support and training, particularly using Blackboard:

> Resources are a problem. IT services have to support everyone. They’re overwhelmed. We were told last week that they can’t offer us any support until September. [This indicates a delay time of some ten months – nearly one whole academic year.] (D.3.27)

Subscription costs to Westlaw in particular posed problems to departments. The librarian at Department B admitted, “It’s taken us quite a long time to negotiate through the university to get the Westlaw UK so that’s going to be it for the time being.” (B.15.2)

With the exception of Institution E all institutions subscribe to all of the following: Lawtel, Lexis, Westlaw and the *All England Reports*. However, some staff felt that they were still lacking in support for their own particular areas. One frustrated teacher at Department C reported:

> I don’t use Westlaw because it doesn’t help me. I am looking for the law review articles. I use the UN website for my primary materials. It’s very difficult here. A lot of universities have access to on-line journals and the UN website. You can’t get a lot of the materials here…You can’t teach without modern information. If they want us to teach skills you have to have access to information and in my field I don’t. (C.18.19)

Teachers in some departments claimed to have access to the Iolis CD-ROM packages, but there was a mixed reception and in some cases misunderstanding of its purpose. A teacher at Department D said, “personally I haven’t used Iolis for years and I don’t know how many staff actually do any longer.” (D.7.13) However, another colleague in the same department reported:

> Iolis is always available to the students in their initial introduction and to working here, that’s perhaps the first stopping place if you like in the sense that if they’re looking for additional material or if they’re looking for a case report, that may be by far the easiest resource to use and it may be that they’ll actually strike it lucky and get the report that they’re after. (D.7.9)

A teacher at Department C said she would use Iolis, “[in the] European law section we will probably be using Iolis to support European Community Law, which the students expect for some reason.” (C.19.22) Again, the issue of student expectation is raised. Other teachers commented in passing that they would like to use Iolis, but that nothing was available to support the areas they teach.

Most of the teachers and students interviewed spoke positively about the use of computer-assisted learning and felt that it added another dimension to the teaching.
5.4 Training and support for ICT

The support for training in ICT varied enormously between departments. Department C is fortunate to have designated ICT support staff within the department. D and E rely entirely on central provision from IT Services and on representatives from the individual software companies:

*The people from Westlaw came along and did a session and they left the materials they thought were important and I picked then from them and the rest of the people went through it, so yeah you know it's done in consultation with the providers of the data set.* (D.7.20)

*The university puts on things. One of the problems with IT development was that the university put on programmes and then cancelled them or we changed the software and then were introduced to other things.* (E.11.58)

Clearly, this level of training does little to boost the confidence of staff, and many of them continue to use tried and tested methods. As the person responsible for learning and teaching at Institution D explained:

*Some of it is training, some of it is lack of imagination say on the management side at the main campus. And we've told them that. You're not going to encourage staff to do that unless there's going to be sufficient training. It's got to be straightforward if you expect staff to do it. I think, quite frankly this place should pay somebody to do it.* (D.7.12)

Departments A and B draw extensively on the expertise of teaching staff, using them to help train fellow colleagues. This impacts on the take-up of software such as Blackboard and presentation packages such as PowerPoint. As one teacher explained, take-up is about ‘winning hearts and minds’:

*People start using things like that when it is easier to do that than whatever method you were doing it in before. It is so much easier to post something up on the web than photocopy three hundred pages… you know it would reduce the amount of work that they have to do. They will use bulletin boards when they find that they are replying to the same query over and over again you know.* (C.21.10)

5.5 Summary

In many respects the use of ICT is the most impressive finding to emerge from the data. Considerable progress has been made over the last few years, and both students and teachers alike are now used to using computers to assist learning. 18 year old students entering university are used to materials being accessible on the Internet and are experienced in surfing for information. Technology has always been part of their culture, and they communicate as readily by text message or chat room as they do on a telephone.

Work by Maharg and Paliwala (2002) illustrates how the nature of law teaching has changed through the use of ICT. The idea of integrating ICT into law teaching appeals to many teachers, but the issues of resources, staff training and pressure on numbers remain fundamental to take-up. As the Head of Department at Institution E said:
I've seen stuff like Paul Maharg's stuff and that's fantastic, it's very high level but at this stage, here, it's very time consuming. You really have to think about the issues. The benefits are there but you have to think about the time. If it's distance learning then of course it's great and if you're talking about it within the institution then it's a great additional tool and they [students] can check new announcements day or night. They can use it and they’re wired in halls, it's very fast and it helps in terms of admissions but the time is the issue and we don't have enough staff. (E.1.83)

This statement confirms the findings of the second BILETA report which stated:

In the last five years, there have been significant developments in information technology. Law schools must develop strategies for integrating them into legal education framework in terms of delivery of training, acquisition of hardware and education integration; Given the technological developments, the immediate problem facing law schools are twofold; the acquisition of further computer hardware and software and making provision within and without the curriculum for an effective programme of instruction in and through the use of IT. (BILETA, 1996)
6 Accountability, resources and challenges

6.1 Staff recruitment

One of the aims of the study was to identify ways in which UKCLE could provide support to law schools. Heads of department were asked about current staffing issues and to comment on the provision of resources. The data reveals diversity in provision and a growing concern about the availability of suitably qualified and experienced law teachers.

The Head of Department at Institution C said:

*We have a lot of pressure with a couple of people being ill and a couple leaving and not being replaced and that has put inordinate pressure on the department in the last couple of years. The other thing is that because of numbers we're limited in what we can offer; we'd all like to teach more options and we all have great ideas but we're not able to; so we have to squeeze in ideas into the ones we can offer.* (A.1.9)

When asked how much of a problem staffing issues are he continued:

*Staffing levels are I think always a concern, we've just gone through the planning round and okay we got more or less what we asked for, but it was a bit of a battle and it's always the difficulty of balancing the need to cover the core subjects with the need to provide a range of options to make the scheme attractive to students. And that is a tension: I mean this year a colleague's ill in trusts and in constitutional law and they've got to find people to teach it because there's no way you can cancel. And that I think is a problem. You know actually physically delivering the core subjects. And that comes back to staffing.* (A.6.43)

The Head at Institution B expressed similar comments:

*To get the kind of staff and to keep the standard at the standard which is non-optional for us isn't straight forward…our major concern is that we - and this is where the link between research and teaching is indissoluble you know - we will not recruit anyone unless we're convinced that they have a scholarly agenda.* (B.10.55)

Like Institution A they have problems finding suitable people to teach core or commercial subjects:

*For criminal law to some extent, to legal history, to those sorts of subjects and there's no recruiting problem whatever for those subjects, but there is now for commercial law, for equity and trusts, for company law because law schools have to recruit from people who, in the past, would be perfectly happy, working either in the professional or academic, I mean people who are really into Trusts you know, the university must offer a congenial and relatively well-paid life. It doesn't. A university academic no longer offers a middle-class life. And the alternatives are so lucrative, it's a major problem.* (B.10.72)

Staff at the post 1992 universities felt competition for suitable staff as keenly. One head of department explained:
I get a nice lot of applications, but whether they’re necessarily the quality I want is another matter because incomes out there for lawyers are so big that you’ve got to be really dedicated. You don’t come into academia for the money. (D.8.4)

Interestingly, Institution C seemed to have very few problems recruiting, and put this down to the geographical location of the university:

We’ve been very fortunate generally. Every time we’ve advertised we’ve had a very good range of applicants. We’re getting a much wider range of very good applicants within the last three shortlists that I’ve been involved in. We didn’t shortlist anybody who hadn’t a PhD or was completing a PhD, so generally a high quality of applicants. We’ve always found it slightly more difficult at senior level, when advertising the chairs. Sometimes it can prove a bit more difficult to get as broad a range of applicants as we’d like, you know. (C. 12.32)

Department E has just 10 full time members of staff and offers eight modules in first year. The Head reported:

We’re getting a bit pushed at the minute but I think everybody is in the same situation now. We are trying to get a replacement for a full time permanent member of staff. It’s extremely difficult. (E.11.17)

The data from all five law schools indicates the growing problem faced in recruiting suitably qualified and experienced law teachers to higher education. It takes a committed individual to shun the benefits and attractive salary offered by practice in favour of academia. Anecdotal evidence from more experienced law teachers suggests that they would prefer to concentrate their efforts on research and graduate teaching. Admittedly the cohort is small, but given these beliefs there is a danger that as pressure on institutions to widen participation and deliver skills training increases the attraction of teaching and researching in undergraduate law schools will diminish. All the more reason for departments to protect research time and support staff in their own personal development.

6.2 Staff development opportunities

With the exception of Department A, staff at all departments have access to courses and staff development activities offered by the central education development unit at their institution, including training on all aspects of learning, teaching and assessment. The following quotation from the Head of Department at Institution B is typical, “All staff attend conferences and some go to internal programmes run by the centre for staff development and training. There are a wide range of courses available.” (B.2.19)

All departments are also served by central ICT services, many of which offer training sessions on aspects of software. In general there was considerable praise for the range of sessions on offer. Teachers at Department C said:

We have a very big training and development unit [here]. Every year we get a huge calendar of courses that are being offered by the University and you can go on any of them and they do everything from small group teaching, large group teaching and we have a very, very broad range of IT courses we can go on, so there’s any number of courses we could attend. (C.9.51)
Teachers at Departments B and D offered similar sentiments about the volume of training on offer. Unfortunately, many also complained that lack of time prevented them from taking advantage of all the sessions on offer. Department A has no central provision for staff development, but is well served by computer services and research groups. Even here the head of department struggles to find time for staff to attend. He confided:

*There’s a lot going on in terms of occasional sessions and programmes but persuading academic staff to carve out the time to go to these is very, very difficult. Every time I go to one it's always the usual faces.* (A.6.88)

This is supported by comments from teachers from all departments:

*There is a good and varied and dynamic stuff from the centre. The problem is the calendar and being able to avail yourself to them; but yes, they are on offer.* (D.3.46)

Time and resource constraints also impinge on opportunities to attend legal education conferences. As the Head of Department at Institution E explained, “I took all my colleagues to Amsterdam to the ALT Conference about 8 or 9 years ago; virtually everybody went to that. It was such an effort.” (E.11.6) A teacher from Institution C said, “I'd probably like to go to conferences; but there is a lot of travel involved. You can’t go to everything.” (C.20.25)

Clearly there is a balance to be struck between teaching commitments and staff development, but wherever possible senior staff appear to prioritise staff development. The Head of Department at Institution D was at some pains to explain their position:

*Research days are becoming more popular. Then there is the university’s staff development programme which is quite extensive and covers everything from management through teaching and learning skills, assessment etc. It's a terrifically wide range of things that they deliver and then of course there’s everything that goes on outside. Staff go off a lot to either subject specific conferences, or things like SPTL, ALT and LILI. We have always developed a policy of letting staff go to what they want to go to. We have always taken staff development very, very seriously, so we’ve upped the budget three hundred percent compared to how it used to be.* (D.8.1)

Clearly opportunities to enhance skills both internally and externally are available to staff, but the time and resource constraints affect take-up.

What the data also revealed was that the central provision of training was not always considered suitable to the discipline of law. As the Head of Department at E suggested:

*It would be nice if there was somebody at the centre of the University who would go out to departments with a long list and say; ‘Right, this is what we have to offer and we can deliver once a month or twice a semester or something. We could pick them out then because although their argument is that they advertise them through the University and they are open to all I think the best thing to do is arrange them specifically for the department…You can have the best audience then, the whole department.* (E.11.60)
It would appear that whilst plentiful the central provision of training sessions does not always meet the discipline specific concerns felt by teachers. UKCLE can contribute to staff training by offering bespoke workshops tailored around the concerns and requirements of a particular department. As one teacher at Department D commented:

*In relation to quality assurance it would be nice if there was a lot more information and maybe some external courses available for people to go on. I think maybe we would benefit from teaching assessments as well as external interaction between the universities about assessment but it is all very ad-hoc at the moment isn’t it? Nobody is coming together and actually really discussing it, especially at lecturer level.* (E.13.43)

Dissemination and communication of ideas and experiences are clearly lacking amongst law schools. This is one of the areas that UKCLE seeks to address by offering a number of resources and collaborative events drawing on ‘best practice’.

### 6.3 ILTHE membership and training for new staff

The Dearing Report (1997) and the Department for Education and Skill’s white paper on the future of higher education (2003) have led to the development of a number of institutional programmes for new members of staff. Increasingly, new teachers are required to undertake a certificate or postgraduate course in learning and teaching as part of their probationary period. Department A has undergone both internal and QAA review in the last three years and has spent significant time honing learning and teaching strategies. The time and effort involved in the process is revealed in the rigour of the many different ways in which they offer support. All new staff at Department A are required to complete the university’s Certificate in Learning and Teaching. The Head of Department said:

*Yes..that’s part of their probation agreement and we have a mentoring system and a probation agreement where the mentor, the Head of Department and the mentee agree targets in teaching and administration and research. That then goes to a probationary appointments committee to be approved by the pro vice-chancellor and then it's monitored at yearly intervals. And it works pretty well I think. It forces us to address things that maybe in the past we would have hoped gone away.* (A.6.84)

The department also uses peer observation ‘triads’ for all staff. “It’s designed so that teams will sit in on each other’s lectures and give one another personal feedback on stylistic issues and content and how effective the teaching is.” (A.1.24)

The quality enhancement structures at other law schools appear less rigorous by comparison, but even so there are a number of schemes in place to ensure that at least new staff receive some training in learning and teaching. Staff at Department D are able to do the PGCE on offer at the institution, and Department E offers a mentoring system. The Head of Learning and Teaching at Department C claimed they were intending to introduce a system of peer review in 2003-04, and the teachers also have access to funds offered centrally by the university to undertake small scale research in learning and teaching.

The Head of Department at B reported:

*All new staff do the postgraduate course in teaching and they get a reduction in teaching hours for doing that; that's the university’s main provision. Within*
the department we have a mentoring system; so every new member of staff has a mentor. They are probably the first point of call. (B.5.72)

In some institutions membership of the Institute for Learning and Teaching in Higher Education (ILTHE) is encouraged, although this varied considerably between departments. Interviews at Department C revealed that around ten out of 33 full time members of staff are ILTHE members. As the Head of Learning and Teaching explained:

*I think a lot of it is because the Dean of this particular Faculty joined himself and he is making it part of the promotion exercise so there is a kind of impetus from the top and one or two of our younger staff are going through the PGCE thing.* (C.9.50)

However, this sentiment was not reflected by all the departments. The Head of Department at Institution D said:

*I think if the university feels it's useful they should pay for it. If they don't they should forget about it. That's my view on it. I haven't joined it. If I felt it was any good I would, but I don't, I can do my job without it. And I think probably most staff feel the same way*” (D.7.17)

The data does not provide sufficient evidence to confirm or deny this suggestion, but it does suggest that in some departments there is resentment towards the more formal ‘professionalisation’ of law teaching. When asked about this the Head of Department at D elucidated in the following way:

*The notion that only excellence will do on the teaching front would depend how you defined excellence. I mean sure, we'd be looking for conscientiousness, a sufficient amount of commitment to it, which is all closely monitored and now there is an induction programme and most young staff are opting for the ILTHE, so to that extent that is done. But as long as a person is a credible lecturer and gives a sufficiency of time and effort to it then yes, I would say the research agenda is more important.* (B.10.77)

For the pre 1992 universities the Research Assessment Exercise (RAE) still dominates the agenda. This can be explained by the significant revenue to be gained from gaining 5 or 5* accolades. What is perhaps surprising is that the two institutions (D and E) who did not submit to the RAE also appear to place equal importance on research as to teaching. Until learning and teaching and membership of professional organisations such as the ILTHE (now part of the Higher Education Academy) are given status and recognised as part of the criteria for promotion as they are at some institutions it is unlikely that law teachers will see the benefit in becoming a fee paying member.

### 6.4 Increased numbers and decreasing resources

To a lesser or greater extent all departments in the study felt the impact of increased student numbers and the simultaneous deterioration in funding. Table 1.1 indicates the student and staff numbers at each institution, but this does not reveal the extent to which teachers feel pressured. As one teacher explained:

*Both modules I teach are core modules so there are 250-300 students; so it’s very difficult to give them individual attention and even to do things like team work can be difficult to organise. Organising course work or alternative types*
of assessment with such large numbers is difficult. I think there is a lot of stuff
we could be doing if we had smaller groups but it just becomes impossible.
There is also a physical problem with finding rooms big enough. (C.4.14)

A fellow colleague also reported that despite intentions to cap seminar numbers at 15
students there were often as many as 25. Teachers at Institution D seemed similarly
disheartened, “If you’ve got tons of students packed into a classroom you can’t even
get round to see what they’re doing let alone work round trying to be imaginative.”
(D.6.16) It would appear that the actual numbers are almost irrelevant; Department D
has significantly fewer students (almost half as many as Department C), yet they
clearly feel compromised in their teaching. The Head of Department at B made a
different interpretation of the situation:

We have expanded and our staff student ratio has declined, but I haven’t
seen the fall-off in quality of work that one might have anticipated. I think
there are more weak students than there were and I think probably because
there were so very few before it is more noticeable. (B.10.29)

By comparison, the Head at Institution E was much more philosophical in his
response:

Every discipline is facing a resource problem and the increasing numbers
of students that places are taking on has been creeping up and up. It’s not
unique to law. (E.11.53)

The last quotation reveals a wider appreciation of the changing face of UK higher
education. The crisis is not particular to law, but it does necessitate a reflection on
current practice and the willingness to change learning, teaching and assessment
practices in the light of demand. The Head of Department at C set his colleagues the
following question to reflect upon and find solutions to, “Do we continue to do what
we’ve always done with these larger numbers or do we change?” (D.12.8) It is now
some 18 months since this research began, and whilst staffing levels have stabilised
(around 34 full time staff) student numbers have increased from 834 to approximately
1,000. The response to the question appears to be to continue to do what they have
always done with increased numbers of graduate teaching assistants.

Resources were an issue for all law schools, but the impact on learning and teaching
is felt differently by each school; each has its own particular cross to bear. For
example, Department B is housed in a listed building, making any modifications and
modernisation difficult. They also lack a designated ICT officer, law librarian or
admissions tutor. Teachers at Department C allude to the problems of physically
fitting students into lecture theatres. Staff at Departments D and E teach on two sites
and have to plan their teaching so that they can get from one building to another.
Very few teachers (or students) complained about this and accepted it as part of the
institutional environment, but it clearly affected their energy and capacity for learning.
As mentioned in section four teaching staff at Institution A have less sophisticated
computers than those available to students. In some cases this means that teachers
cannot access the e-mail attachments sent to them by students. There is
considerable variety in the resources available, and a cursory inspection of
departmental websites reveals that these differences and shortcomings are unlikely
to be made known to students when they make their university applications.
6.5 Becoming a lawyer

There was considerable disparity between the ambitions of the students at each of the departments, and this is reflected in the values espoused by the department. For example, staff at Department D accept and make public the view that very few of their students will go into professional practice. They encourage students to consider a range of careers. Department E estimates that around a third of their graduating students would apply but not necessarily go on to the Legal Practice Course. This department and university are pioneers of schemes to increase the employability of their students and are ranked one of the best universities in the UK for graduate employment (Times Good University Guide 2002).

The Head of Department at C estimated that around half the students might apply for training contracts but conceded, “It’s become increasingly true that a large number of students will not go on to the legal profession.” (C.12.22)

The proportion of those going on to practice at Department A was around 50%, although all the students interviewed said they wanted to become lawyers (seven as solicitors and one with aspirations to the Bar):

I think this fifty percent figure is interesting because I think all the time we have to be careful, we mustn’t particularly be driven by the dictates of the profession. We get some interesting things there about what we should feature in the core subjects for a law degree, but we can’t be just about providing people for the legal profession and we have to take a far broader view. (A.6.70)

The attitude at Department B was much more clearly defined by the Head of Department:

I think there is a fit between the students and the degree in that a very high percentage of our students do go on to qualify. The number is very high. It’s still of the order of something like eighty percent, which in one way is one of the strengths of this Department because the employment prospects of our students are very good indeed. (B.10.15)

The head continued with pride:

[It is] an extraordinary number compared to, you know, even to other provincial Universities received by the profession. To a degree I think we would have to say, not blowing our trumpet, we’re held in high regard particularly by large city firms, where out of those opting for the profession, the majority of our students go to large city firms. (B.10.16)

It is perhaps no coincidence that students from Departments B and C reported experiencing pressure and competition amongst their peers.

Most of the people I know certainly are quite competitive…I suppose everyone wants to do a little bit better than the next person. You certainly notice within the first few weeks. (B.4.7)

I hope to work as a barrister. I mean it would be nice in theory. This time next year I’ll be a millionaire. (C.16.30)
These students also claimed to feel alienated, “it's just less personal than it might be.” (B.11.24) The emphasis on individual achievement is emphasised through assessments such as examinations and compulsory research dissertations. Students are capable, but may be missing out on the transferable skills such as team and group work being promoted at other law departments.

6.6 Plagiarism

Work by Bone (2003), Carroll (2002) and Hinett and Bone (2002) all explore the rise in plagiarism in higher education. The research confirmed this increase, with teachers from post 1992 departments expressing most concern about the authenticity of student work. Those in older universities tended to explain the apparent absence of plagiarism in terms of assessment, “It’s not an issue as most of our assessment is in exam form” (B.2.11) said one teacher. A fellow colleague expressed similar sentiments:

*Exams are far more plagiarism or cheating proof than any other form. You can type an essay title into a search and see if it's been plagiarised. You know if work has been plagiarised from books but if people are swapping work there is no way of knowing at all.* (B.5.46)

The predominant use of exams is justified as a way of policing plagiarism. Below is a selection of quotations revealing a growing concern for the use of coursework:

*I suppose one of the downsides can be it's difficult to know whether they're understanding what they're writing, as opposed to just getting the information from the Internet or books. And I suppose the other problem is whether they've done it.* (D.8.36)

*The plus side of the coursework is their own worth. An exam is the best way of testing students from their own knowledge and intellectual skills. Whereas in continuous assessment it is wide open to abuse and that is one of the problems with it.* (E.13.27)

*Plagiarism is very difficult in the context of an exam. But in essays, it's just one of those things you have to watch for. Students are invariably informed it is not acceptable, and will result in a mark of zero; and may result in academic disciplinary proceedings against you...There was a case some years ago where we suspected someone of plagiarism, but we couldn't find it. It was just totally inconsistent. But we couldn't find where the piece had come from. And so that again is difficult.* (C.19.38)

Taking on the role of plagiarism detective one teacher, and she was not alone, confidently claimed to be able to identify plagiarised work:

*I would imagine that I am about to be confronted by it but I'm an external examiner at a number of other institutions and I'm reasonably good at spotting it...invariably some weaker students will resort to it.* (C.19.37)

There is an assumption in this quotation that only the ‘weaker’ or younger students turn to plagiarism. A teacher from Institution D conceded:

*I haven't seen any third year students who have done it for quite a long time now. It seems to be first years. I get the impression it's not an intention to deceive, it's more the panic reaction.* (D.6.20)
One student at Institution E did admit he might be tempted to flaunt the rules, "Maybe if I was desperate", but the majority were as outraged by the idea of plagiarism as their tutors, in some cases more so. One student from Department D exclaimed:

> It's your integrity. I come from a culture where you didn't pull that stuff. I mean if you can't carry through with a problem it could be somebody's life, literally. So I mean it has just been always been instilled in me that you're just absolutely honest about everything. I mean that's just how I view it. It's just pure black white with me... [he continued] I mean 'cos you're cheating yourself as well I mean that's if 'cos you know that it's not your own work. I mean I know some people might be satisfied with that and getting the degree at the end, I personally wouldn't. I'd want to know that it's all my own work and that I've achieved that. It's self-satisfaction as well, you get satisfaction if you come out with a good mark knowing that you are the one that's achieved that. (B.4.53)

Another student took a slightly more pragmatic view: “I don’t think it is done here. I suppose it’s a bit silly. I mean if you’re going to risk your career.” (C.16.27) Other students were simply happy to accept that they shouldn’t do it and didn’t bother to question the ethics. A student told me his tutors had said, “Basically don’t do it. We will be checking. We know all the sources on the Internet, all the text books and everything else, so if it looks familiar it probably is and we will check it, so don’t do it.” (D.9.23) Clearly this is enough of a deterrent for some students, but somewhere there are students who are keeping the increasing number of Internet sites selling law assignments in business.

The Head of Department at E was ready to admit that plagiarism is a serious problem:

> Professional plagiarism is definitely on the increase and it is really difficult to establish because the university...I don't think really wants to know. You have strong suspicions when you are marking that it is not the person's work, but it is only when their exam results come in that you realise...you could have given them an A for their assessment and they get a G for the exam. You know then... you know your suspicions are confirmed, but you don't have the evidence and all you know is that they don't add up and it is very difficult to deal with. (E. 13.37)

He continued to explain that in some ways law teachers find it more difficult to deal with plagiarism than perhaps teachers of other disciplines because of the emphasis on evidence, “unless you can absolutely confirm beyond doubt that this is plagiarism...You have got to be...the proof has got to be well, I think, beyond reasonable doubt.” (E.13.36) It is an interesting hypothesis that would lend itself to further exploration. Certainly law teachers and students are more aware of the ethical implications, and perhaps law students have a more developed sense of justice than other university students. As the Head of Department at A reflected:

> My own feeling, and I might be in a minority here, is that there is a tendency to have a rather simplistic view of what is plagiarism or an unfair practice and there are lots of very complicated issues underlying this which haven't been properly thought out in education or elsewhere. (A.6.59)

### 6.7 Summary
This section has identified some of the challenges faced by law schools in delivering learning and teaching. The government has put increased pressure on university teachers to gain a form of accreditation as an emblem of their competence as professional teachers as well as researchers, and this has led to a growth in institutional learning and teaching programmes. Teachers are encouraged to attend staff development workshops on aspects of learning, teaching, assessment and ICT but often face competing demands with research and teaching commitments.

Student numbers are increasing, as are student expectations, but there is only limited evidence of a change in learning, teaching and assessment methods. Where changes are being made they are at individual module level rather than across the school.

Against a backdrop of diminishing resources law teachers remain committed and strive to do their best to provide students with a quality learning experience. In some cases this is despite inappropriate teaching rooms, outdated technology and ill equipped libraries. Plagiarism is significant enough to be raised as an issue, but few cases ever attract penalties or disciplinary action. There are indications that academic misconduct, if that is how we are to refer to it, is on the increase, but at present there are more attempts to police it than to prevent it from escalating.
7 Conclusion

This study derives from a large volume of qualitative data, which can be used to tell a number of stories about legal education. The narratives of the interviewees are compelling, but what do they tell us about learning and teaching in undergraduate legal education?

Using the aims of the research to guide the discussion this section attempts to synthesise the results of the research and to offer recommendations for practice.

Aim: To explore and understand the context in which law is taught in each department investigated; to include curriculum, teaching methods, assessment and resources.

The idea of the ‘typical’ law school is now largely redundant, since each has its own values, context and student body and these vary enormously across the sector. Furthermore, the individuals working within law schools have their own priorities and values that affect how they teach. As Mytton argues:

Not all law teachers regard themselves as academics…On the one hand there are traditional academics, dedicated to the pursuit of knowledge and extending the boundaries of understanding in their specialist areas. Alongside these academics are law teachers who prefer to retain their professional practice identity and do not relate easily to traditional academic working practice. (2003:52).

Although each institution has regulations on learning, teaching and assessment and the professional bodies stipulate requirements for the qualifying law degree, the curriculum remains principally in the hands of heads of department and individual law teachers. It is they who define the methods, approaches and syllabus for learning.

All the staff in the study appeared to be committed to the provision of a quality learning experience. Yet despite relative academic freedom the research reveals homogeneity in the use of learning, teaching and assessment methods. What the data suggests is that those departments who manage the learning and teaching agenda most successfully are those that take stock of their context, student intake and staff expertise and design a curriculum that is fit for purpose. That is, fit for the students that they attract and congruent with the aims and values of the department.

By way of example Department E has made a conscious decision to maximise student employability and to expose students to a range of learning and teaching methods and a variety of modules and to offer direction in alternative legal careers. This reflects and celebrates the multi-cultural and diverse socio-economic status of the student intake. Teachers at other departments appear less confident to strike out against traditional teaching and learning methods in fear of the impact upon league tables, student retention and plagiarism.

Perhaps the most striking point in the research is the degree to which departments are able to embrace new ideas and the willingness to, and support for experimentation in learning, teaching and assessment. This research and the work of UKCLE more generally aims to share and disseminate ‘good practice’, but ultimately teachers must define their own good practice in relation to their aims. Ideally this needs to be done in consultation with colleagues and requires a willingness to experiment.
A curriculum that respects and embraces the cultural diversity of the student intake can still be achieved within the framework of a departmental and institutional strategy for learning and teaching. A strategy does not negate creativity; it provides a framework for experimentation. What it requires is an honest appraisal of existing practice and a team commitment to quality enhancement. Students need, and more importantly, expect as paying ‘clients’, high quality teaching materials, a range of teaching methods and transparent assessment techniques. In the context of an audit culture (both nationally and internationally) law schools will be required to show consistency and transparency of learning and teaching mechanisms.

Websites and publicity material can be used to articulate the values and specific agenda of particular departments so that students can make informed choices about where and how to study law. For example, those intending to go on to professional practice need to know if they will get an opportunity to take part in mooting competitions. As the students interviewed so clearly articulated, this is not always the case.

Alignment between student expectation, educational values and quality teaching is to be encouraged. The profile of the student body in the UK is no longer that of the homogenous, 18 year old, middle class student with A levels. The teaching and assessment methods do not reflect that diversity. The law, it seems, is forever changing, but law teaching is not.

Aim: To explore the reasons of law teachers for identifying particular strengths/weaknesses and what this indicates about their perceptions of effective learning and teaching in law.

The law teachers in the study had high hopes for their students. These are exemplified in the following quotation:

*I would like to see people learn how to acquire knowledge for themselves and learn to reflect on the knowledge in a critical kind of way, not accepting everything as perceived wisdom without thinking is this good? Is this bad? Is it intelligent? It is just? Is it fair? (C.4.6)*

Many law teachers perceive increased student numbers and an emphasis on transferable skills as a challenge to their teaching, yet others embrace it and identify new ways of working. Exams and individual assessments are seen as strengths because of their apparent rigour, yet often these practices militate against the teamwork, problem solving and development of critical appreciation that law schools claim to be developing in their students. The research suggests law schools may benefit from sharing ideas and communicating about what works best in particular contexts. As a community of practitioners law teachers would benefit from stepping beyond their own departments and exploring what goes on at the neighbouring institution. An over-emphasis on status and deep rooted snobbery have hitherto prevented this sharing of ideas, yet the research suggests there is much to be learnt from a cross-fertilisation of ideas and comparison of practice between different law schools.

Resources are lacking and many staff continue to work long hours to provide the quality of experience they believe students deserve. The commitment of the teaching profession is admirable and should be rewarded in teaching fellowships and promotion, yet there is still evidence of a hierarchical divide between research and teaching activities. The data reveals that where research and teaching are linked the quality of the learning is enhanced for both the teacher and the learner. What is
important is that the two feed into other each – research can benefit from teaching experience and there is little evidence of this being pursued in the law schools studied.

**Aim:** To identify how UKCLE can work with the departments to address perceived weaknesses and enable the achievement of more effective learning and teaching practice

The dissemination of good practice amongst law departments is a theme that runs throughout the research. Teachers want to see examples and case studies of innovative work at other institutions. Conventionally this is achieved through national conferences such as those provided by subject groups (the Association of Law Teachers, the Socio-Legal Studies Association, the Society of Legal Scholars and LILI). Moreover, if, as the data and the experience of UKCLE indicates, the problem is time and not enthusiasm in learning and teaching, this traditional mode of dissemination is failing to meet the needs of the legal education community. What may work better is a combination of dissemination methods, including bespoke events at departmental level, regional events on particular topics such as quality enhancement, departmental engagements drawing on the skills and experience of neighbouring law schools, and events on specific areas such as peer evaluation run in collaboration with central education units or Higher Education Academy subject centres – plus a wealth of material and examples available on websites and CD-ROMs.

**Good practice in law teaching?**

For those looking for a ‘quick fix’ panacea to learning and teaching in law the final conclusion will offer little comfort; there is no such thing as ‘good practice’ – only practice that works in a particular context. In addition, what works for one group of students might not work with another. What the research reveals is that quality learning and teaching involves an appreciation of context, of the student body, and of the institutional ethos, with continual refinement, adaptation and reflection on teaching practices.

However, the research has highlighted a need for sharing of ideas and dissemination of methods across law schools. In that spirit the following list of ideas is offered as examples to prompt discussion:

- use annotated feedback available on the institutional intranet or school website (Department B)
- provide drop-in centres for students who need help with academic work, with law teachers available at specific times (Department D)
- offer a legal literacy course – this helps students develop basic writing skills (punctuation and grammar) and provides a non-threatening environment in which students new to law can develop an understanding of the requirements of a law degree, legal jargon and terminology (Department E)
- use personal development portfolios to enhance communication and feedback between students and teachers. These can be Web and/or paper based and include reflection on performance used in conjunction with the personal tutor system (Department A)
- provide opportunities for experiential learning. Offer placements, clinic and make use of links with the local community. Law in the community – opportunities for students to undertake placements and work experience (Department C)
- create opportunities for students to undertake research projects (Departments A, B and C)
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