

## **Legal Education and Training Review**

Consultation Paper 4 Response, Faculty of Laws, UCL

*12th October 2012*

The evidence – both as set out in this consultation paper and available elsewhere – shows that undergraduate legal education is fit for purpose and, more particularly, that the energies of the Regulators would most productively be addressed to the later stages of professional education and training. Beyond that observation, we confine our remarks to the undergraduate law degree.

Our strongly held view is that the primary mission of our undergraduate law degree is to provide a rigorous, liberal education in law. That requires students to engage across a sufficiently wide range of subject matter to provide meaningful coverage and to engage with individual subjects within the curriculum in sufficient depth to enable the development of crucial intellectual skills of analysis, critical thinking and writing. These are the bedrocks of liberal education and of successful practice and the common goals of the academy and practice on which regulation of the Qualifying Law Degree should be focused.

We would not support a proposal that, in effect, required undergraduate law degrees to incorporate material focussed on legal practice. Such a proposal would be at odds with the fundamental purpose of an undergraduate law degree. It would also place an unnecessary constraint on the studies of law students who decide not to pursue a career in legal practice. At UCL we have a very significant number of such students. About half of our students do not go on to practice law, even though the level of exit qualification and the reputation of our degree is such that the vast majority of our graduates would be capable of getting training contracts and pupillages.

We have significant reservations about the “starting point for discussion” in relation to the law degree/GDL. The range of areas covered within that statement is significantly wider than the current foundations subjects. We see two alternative ways of interpreting this. Either a much larger compulsory element in any law degree is envisaged to ensure it has dual status as a QLD, or there would be a much wider but shallower QLD element in (say) the first two years of a degree. A larger compulsory element would have the effect of acting as a dead hand over a greater part of the law curriculum. A wider but shallower compulsory curriculum would significantly inhibit the ability of the law degree to provide a grounding in the kind of in-depth analysis, critical thinking and writing skills which is essential both to a liberal education and the development of neophyte lawyers. If an aim of the Review is to increase the development of these core skills, such a proposal will not, in our view, achieve the objective.

In broad terms, we see the addition or subtraction of other courses to the Foundation as largely arbitrary. There is little merit in the regulators taking positions on individual additions or subtractions in the absence of consensus

or significant evidence of the need for change. We do not see that evidence as having emerged from the Review. Indeed, the evidence suggests that the law degree is highly regarded and fit for purpose, with more minor voices calling for some change and those voices calling for different types of change. Those calls for change suggest a need for more plurality rather than an expanded (and controversial) commonality. The legal curriculum needs to be given space to develop a vigorous, healthy plurality. That suggests that a better direction of travel would be towards less prescription not more.

In relation specifically to the issue of ethics, there is already throughout our curriculum significant emphasis on the relationship between law and the moral order in a range of compulsory and optional subjects. Indeed, an understanding of the relationship between law, morality and values is fundamental to the study of law at university level. The Faculty also has an option in lawyers' practice and ethics available to all students who wish to study elements of professional legal ethics in their third year.

We see this as meeting the general 'for discussion' outcomes of the proposed law degree whilst accommodating desirable flexibility in student choice and curriculum design. Student choice is informed by their understandings of market preferences for undergraduate education and this is a more subtle and effective way of managing the interface between the profession's needs (which are neither uniform nor – arguably - coherent) and the intellectual cohesiveness of individual law school's programmes. We would therefore not support prescription in this regard.

Similar points can be made about the prescription of corporate and commercial elements within law degrees. Undergraduate law students here, and at most – if not all- other law schools, can choose to study corporate and commercial options if that fits with their preferences and career expectations. For many it is not relevant to their interests or future employment needs.

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