
RUTLAND REVISITED: REFLECTIONS ON THE RELATIONSHIPS BETWEEN THE LEGAL ACADEMY AND THE LEGAL PROFESSION

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Abstract

This paper explores the multiple and multifaceted relationships between the legal academy and the legal profession in England and Wales. It does so by mirroring the approach of William Twining in his ‘Visit to Rutland’ in *Blackstone’s Tower*. In drawing on hypothetical happenings in two fictitious law schools and a fictitious law firm, the paper offers commentary on the many points of contact between lawyers and scholars. What is made clear is that these interfaces are often *ad hoc* and that the legal academy acts as if it needs the profession more than the profession needs it. This may well be the case. What we see then is the modern-day Blackstone’s Tower in the shadow of Cravath’s mansion.

Keywords: legal profession; legal education; Qualifying Law Degree; Solicitors Qualifying Examination; ‘core’ subjects; diversity; Blackstone’s Tower.

[A] INTRODUCTORY EXPLANATORY NOTE

This paper borrows an approach from chapter 4 of Blackstone’s Tower in which ‘tour guide’ William Twining explores Rutland – a ‘mythical middling law school in middle England’ – as a case study on law school culture. Below, I adopt a similar narrative style (and create a number of my own fictitious institutions and organizations) to reflect on the relationships between the legal academy and the legal profession. As in ‘A Visit to Rutland’, the ideas and data to which this paper speaks are partly drawn from existing studies of the legal profession and the legal academy, and on legal education. These scaffolding studies and datasets appear in a

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'References' section at the end of the paper. Some of what follows also comes from a recent empirical project I have undertaken which looks at the 'core' of a Qualifying Law Degree (QLD): data taken from 86 law school websites (collected in 2018) plus 64 interviews with legal academics in a range of law schools in England and Wales during 2019.

Bletchley University was established in the mid-1800s. A Russell Group university that consistently features in UK 'top 10' university league tables, it occupies a large number of Victorian Gothic, Tudor and Dutch Baroque buildings spread over various spaces close to Bletchley Park. Bletchley University Law School, founded in 1873, occupies the top three floors of a grand mansion on a leafy square. The Head of School, Professor Sarah Downey QC (hons), is a highly regarded expert on tax law. Almost 150 other people work in the School: 60 or so academics on permanent contracts; an army of 'law teachers' on fractional, non-permanent contracts; and (unlike many of its peers) a dedicated and large group of Law School UAs (university administrators). The academics in the School are recruited primarily on the basis of their research excellence although, of course, teaching is also important. In the main, these academics have led academic lives: progressing from certificate to certificate to certificate, from one degree to another, until they landed a permanent academic post. Maybe one-fifth qualified as solicitors or barristers before moving into academia. An even smaller handful still practise, advising on high-profile cases at the Bar. What is more common these days is that Bletchley staff (whether legally qualified or not) will advise non-governmental organizations and others in the third sector on lobbying and litigation.

Each year, the Law School at Bletchley University welcomes around 300 exceptional undergraduates onto its LLB (where they had to meet an A*AA offer) and around 150 postgraduates for study onto its LLM (which has a number of 'pathways', with the Finance and Business LLM the most popular). The Law School also accepts 20 or so doctoral students each year. Several years ago, the School ran a number of 'Law and [X]' programmes on its LLB; the common crop of language joint programmes (Law and French and Law and German) plus more unusual combinations (including Law and Social History). Dwindling student numbers on the joint programmes made them no longer economically viable. There has been some debate, over recent years, as to whether Bletchley should offer 'executive' postgraduate courses aimed at practising lawyers (having seen how successful and lucrative similar programmes have been in business schools in the UK—for accountants and others—and in law schools in

Australia). The topic comes up annually at School meetings, but little progress has been made. There are two ‘law for non-lawyers’ modules inside the School: both a mix of contract, tort and company law; and both offered not to those outside the walls of the university but instead aimed at first-year Bletchley accountancy and business school students.

The relationship between Bletchley University Law School and legal practice is probably best described as rather *ad hoc*: while there are various interfaces, there is no strategy which underpins these moments of contact. So, for example, a large number of practising solicitors and barristers undertake sessional teaching at Bletchley (a couple of LLB tutorial groups a year; a LLM seminar here and there—these lawyers existing as ‘law teachers’ in the School, with a separate email distribution list, not ‘faculty’) and there is a roll call of the great and the good (often from the Bar) who hold visiting fellowships (though it is not immediately clear what actual contribution they make to the School). The School is also well-known for its vibrant programme of extracurricular talks, and many practitioners speak at and also attend these events. Each year, a Supreme Court justice or Court of Appeal judge is asked to be President of the student law society, and they then judge the finals of the student mooting competition. The student law society is worth a closer look. It receives a healthy five-figure sum in total every year from a number of City of London law firms by way of sponsorship. This money goes into part subsidization of law society balls, into naming rights (including the Lavery and Dunn LLP Legal Technology Suite) and into putting on ‘career events’. Those events are almost exclusively aimed at students wanting to work in legal practice in the City. Every year, some students complain about the careers focus of the School and the student law society. Every year, the law society then puts on a couple of what it labels as ‘alternative’ careers talks: these tend to relate to high-profile social justice lawyering. While the talks from those practitioners in the City attract over 100 students at a time, the ‘alternative’ events are much less well attended. No one can remember the last time (if ever?) that a high-street solicitor came to talk to the students at Bletchley Law School. They certainly could not afford the fees the university careers service charges for a spot at the annual Law Careers Fair. A healthy minority of the students feel that Bletchley only wants its students to end up in the City; that the City is the ‘best’ or ‘preferred’ outcome. While this is factually untrue, and there is the occasional grumbling by certain academics about the presence of ‘big law’ inside the School, few of the Law School’s scholars take active steps to shore up the ‘alternative’ careers provision.

Bletchley Law School has a law clinic which provides free legal advice on housing and debt to local residents in and around Milton Keynes. There is also a business law and tax law clinic connected to the university's London outpost, established in 2005, which offers advice to the many start-ups that have office space in and around Old Street. The start-up part of the clinic is run in partnership with a large City firm, Stebbings Brooke, whose lawyers (dressed down in jeans and hoodies) give one afternoon a week *pro bono* to supervising the clinic students. As it happens, a start-up that received seed capital two years ago has taken off and is considering larger venture capital funding and a possible stock-market listing. Stebbings Brooke continues to advise the firm. The firm has suggested to Bletchley Law School that lawyers of the future will need to have 'law tech agility' and that the School should introduce hackathons, make strategic investments into 'law and artificial intelligence', and so on. The School only introduced essays (in addition to exams) into its assessments ten years ago. 'Hackathons' may be some way off.

The housing and debt clinic at Bletchley Law School is ran by Alex Lee. She qualified as a solicitor at a small, five-partner practice and made the move into academia, thinking it would give her more control of her work-life balance. While this has only been partly true, Alex loves her job and the students who take part in the clinic. She has worked at Bletchley Law School for eight years and not been promoted. She sometimes feels that she is an uneasy fit with the university's Pathways to Success career framework; while she has published a couple of (largely autoethnographic) chapters in edited collections on Law School clinics, she does not think of herself as 'research active' (nor does the School encourage her to be so). Alex also feels an uneasy fit with many of her colleagues. You would be unlikely to find Alex—who calls herself a 'pracademic'—at the monthly research seminars, or talking to others in the School about the work that she does. This is as much Alex's fault as that of her colleagues.

Bletchley Law School has a staff common room. Were you to sit quietly in the corner and listen in to the conversations taking place, several things would become apparent. The first is that little is said about education. Putting to one side the sort of office chat you would find in any working environment (mainly, at the moment, on the merits and demerits of *Bridgerton* and *Call My Agent*), the academics at Bletchley Law School spend a lot of time talking about their own research or about the administration of the university. Education, as a topic of conversation, manifests mainly in frustration about perceived ever-increasing bureaucracy. The second is that the legal profession is rarely mentioned by Bletchley Law School legal academics. You might occasionally hear shock at increasing newly

qualified salaries—‘*Have you seen that they’re giving 24-year-olds one hundred grand at Lavery and Dunn? That’s more than I’m on and I’ve been here 20 years!*’—and there is sometimes talk of guest lecturers coming in to certain modules from practice; but otherwise the legal profession is not a subject of much discussion. Dr Ellie Smith is the only person at Bletchley Law School whose research interests include the profession. This is not unusual. She is one of maybe 20 to 30 scholars in all of the UK who write about lawyers *per se* (there being a much larger group who do what we might call legal services-adjacent work; family law scholars interested in legal aid and access to justice and so on). Dr Smith was appointed as part of a general recruitment round and, she suspects, because (in addition to her excellent research and PhD from Oxford) she also has considerable experience of teaching multiple ‘core’ subjects. Bletchley Law School has never advertised for a legal academic post with a speciality in the legal profession and/or legal education. The university does, however, have a Professor for the Public Understanding of Economics.

As it happens, Bletchley Law School is currently in the middle of a ‘programme review’, reflecting on the size and shape of its LLB undergraduate law degree. This has been prompted by a number of factors: a new Vice Chancellor who is keen on ‘shaking things up’; student feedback asking for more space in the curriculum for optional modules; and year-on-year challenges in finding people to teach a number of the ‘core’ compulsory papers. In the first meeting linked to the review, Professor Downey, the Head of Department, says that all options are open to the School, that she is keen for some ‘blue sky’ thinking, and invites comments from her colleagues. Two hands are immediately raised. ‘It strikes me’, says Professor Ben York (who holds a chair in public international law (PIL)) ‘that there is a good case to be made, given Brexit, to drop EU law as one of our core subjects and to put PIL in its place. As some of you know, PIL was a requirement at this School until the mid-1960s.’ Dr Siobhan Fitzgerald speaks next: ‘I don’t disagree with Ben, but I should also like us to return to the question of whether we bring back jurisprudence as a compulsory module.’ Professor Downey smiles at her colleagues. ‘Programme reform doesn’t necessarily mean adding further modules to our current two years of compulsory subjects’. There are some furrowed brows at this. The meeting continues.

Less than a mile from Bletchley Law School’s Old Street start-up clinic is the London office of the law firm Lavery and Dunn LLP. Ranked in the top tiers (in every legal directory that counts) for its broad-base corporate and finance work, the firm employs somewhere in the region of 3,000 lawyers worldwide and has almost 1,000 partners. Though the

firm's financial data is a closely guarded secret, the legal press suggests that full equity partners take home more than £1 million per year. Each year, the London office (and its 700 lawyers) accepts 60 students onto its training programme. Those 60 students form a small part of the 50 per cent of all training contracts in England and Wales that take place in Greater London and with the largest law firms (a statistic that has been broadly static for the last 30 years). Lavery and Dunn LLP has a clear policy preference: that half of those incoming trainee solicitors are law students; and half are not. If you heard the firm's graduate recruitment team speak about this preference publicly, they would say two things. First, that the firm wants to be open to as wide a range of talent as possible, and that includes interest in 'non-law' as well as law students. Second, that the work that the firm does (complex, cross-border corporate and finance matters, supported by a range of specialist teams) is work which requires a range of skills (problem solving, logical reasoning, effective communication, team-work, critical thinking, attention to detail and so on) that can be developed through multiple subjects at degree-level study. In private, they might also add that the firm is in competition with its peers for the very best graduates, and it would be rather self-limiting to only look at law students when so many other students are also on offer. There is also some sense, from the partners who did not study law and have themselves advanced through the ranks, that there is no need for a law degree to work in the City. Most of what those firms require, by way of technical expertise, is knowledge and practice that can be developed *in situ*. Many of the partners, for example, find that trainees in their first seat straight out of the Legal Practice Course (LPC) (that the firm worked with Austin University Law School, a private university, to develop) simply are not up to standard.

Over time, Lavery and Dunn LLP has been working towards the diversification of its trainee solicitor intakes. What this meant, not so long ago, was accepting more and more women. What this means today is more complex: it is partly about diversity in terms of Equality Act 2010 characteristics; and it is partly about the spread of universities from which trainees are taken. The firm has, like many others, taken a bashing in the legal press for the many years in which 80 per cent or more of its trainee intake had studied at Oxbridge. Sara, one of their most recent trainees, is a graduate of Peninsula University London (PUL). She appears on the majority of the firm's recruitment webpages. Sara was highly strategic in her choice of Lavery and Dunn; many hours of careful research showing how the firm tended not to employ people like her and yet made many public statements about its commitment to diversity. Her application, in

effect, said, 'I am talented and committed, and I can help you with your image.' The firm had not taken a trainee from PUL previously.

PUL was established in 1967. It occupies a campus of light, bright modern buildings on the Greenwich peninsula in south-east London. Its School of Law, Business and Criminology was set up in 1972 and offers a range of law programmes: the LLB law degree (with around 175 students each year and an average UCAS entry tariff of 121) and a handful of variations (with business/with criminology and so on); a small LLM degree (with 30 students); the Common Professional Exam (CPE)/Graduate Diploma in Law (GDL); and the LPC. Had you the time and inclination to read the staff profiles of those legal academics working in law at PUL and compare them with the profiles of their peers at Bletchley Law School you would be struck by how many more of the PUL legal academics had been in practice before making the move into higher education. This is not, it should be said, universally true, and it is also telling how many of the more early-career legal academic staff at PUL now have PhDs (and how many more established PUL staff are working on their doctorates as part of a university-level 'ambition-raising' development programme). You would also see how many more PUL staff explicitly note teaching qualifications on their web profiles compared with Bletchley Law School staff and, if you peeked at the workload allocation model (which is a complex spreadsheet with multiple formulae at PUL and a single table Word document at Bletchley), how the PUL legal academics do many more hours of teaching each year. While it would be wrong to suggest that the two camps are separate but heterogeneous groups, there are some broad differences that are striking.

Mike is a law student at PUL. He wants to be a barrister. His grades are excellent. What he does not know is that existing evidence suggests he might struggle in 'making it'. Even if he is rated as 'outstanding' at bar school, those who attend 'top 10' law schools for their undergraduate law degrees are statistically more likely to gain pupillage than students who attend law schools in the next 40 of the top 100 (and they in turn are more likely than students who attend lower-ranked law schools). PUL is not a 'top 10' law school. Mike would have every reason to be perplexed by this data. He had done his preparatory work carefully; on their websites, chambers repeatedly say they are looking for strong academic credentials (which he has) and do not list publicly their university preferences. What Mike also does not know is that, for at least the last ten years, around 40 per cent of all pupils had not studied law at undergraduate level. Given only 568 pupillages commenced in 2019, there is a wealth of competition between law students for the 340 or so that went to those with QLDs.

These numbers are even more striking when you see how many law schools have spent a lot of money on a dedicated moot court inside their buildings and how many have dedicated Bar representatives inside their student law societies. There is also serious money spent by many law schools on mooting competitions. Bletchley, for example, each year spends up to £10,000 on The Jessup, the world's largest moot court competition (paying for fees, flights, mooting coaches and so on). Bletchley Law School students last won The Jessup in 1973. Those in charge of mooting at PUL and Bletchley would say that the preceding commentary misses the point. Mooting, they would say, develops a wide range of important skills in law schools. This may be true, but it must also be true that those skills could also be developed in other ways and without the associated (possibly unrealistic) career expectations that wigs and gowns bring with them. The moot courts do, however, always impress the Vice Chancellors when they occasionally make in-person visits to law schools as part of campus tours.

Were you to survey the partners of Lavery and Dunn LLP as to their views on the legal academy, the answers would, by and large, be positive, but they would also not show much active thought or connection between the firm and those employed in law schools. There are, for sure, copies of many textbooks written by legal academics in the firm's law library, and each year the firm spends many thousands of pounds having 'leading voices' (read: academics working in a handful of law schools) come in to do continuing professional development talks. The problem, perhaps(?), is that the firm does not do the sort of law that the majority of academics tend to be interested in. Simply ask any head of any law school how easy it is to find people able and willing to teach and research in 'corporate finance' broadly construed (and how much you have to pay them to do it, such is the small size of the market). It is not so much that the lawyers at Lavery and Dunn LLP lack respect for or have any animosity for legal academics. It is more that those academics very rarely ping on the radars of those lawyers. One would only need to compare Law Society data on practice areas with the databases of the Society of Legal Scholars and Socio-Legal Studies Association to see that that which occupies and interests practising solicitors does not perfectly align (both in terms of volume and in terms of intellectual and practical inquiry) with that which occupies and interests legal academics.

A few minutes' walk from Lavery and Dunn LLP is the London office of the Solicitors Regulation Authority (SRA). On the horizon for the Law Schools at Bletchley and PUL and for Lavery and Dunn LLP is the SRA's Solicitors Qualifying Examination (SQE). The London office of the SRA is

small and pales in comparison to the Birmingham HQ which takes up several floors of The Cube (a building name which has unfortunate Borg connotations that are sadly lost on the very many people who have not accepted *Star Trek* into their lives). From September 2021, those wishing to qualify as solicitors will need to take the SQE, a centrally-set suite of assessments (some focusing on skills, others on knowledge), in addition to doing two years' work experience and passing character tests. This will, so the SRA press briefings go, allow greater regulatory certainty about competence and provide for flexibility in where and how people qualify as solicitors. No longer will the SRA regulate the content or shape of the QLD (offered by 119 universities) or the one-year GDL. When the SQE was first raised as a possibility, much was made by the SRA of how diversity could be improved with a centrally assessed system of competence (in that employers would/should choose trainees based on performance in the SQE alone). The auxiliary verbs in that last sentence are doing a lot of heavy lifting. Over time, the possible diversity benefits of the SQE were muted by the SRA in its public statements and documents; and more made of the regulatory and quality assurance value of a centrally-set and assessed system of qualifying competence. This is not unimportant. A regulator that is unable to say exactly why or how someone is competent at the point that person is granted a licence to practise (and where that licence comes with a range of risks to the general public) may find that position hard to defend. The problem here, however, is that there was little data that incompetence was an *actual problem* for the SRA.

Perhaps three-quarters of the academics at Bletchley Law School have heard of the SQE. It was the subject of a School meeting several years ago and, since then, has been left in the hands of the School's education team. The situation is quite different at PUL where the department has met regularly to discuss and begin to implement changes to its LLB in light of the SQE and to ask harder questions about the future of its LPC (where there is a—only semi-accurate—perception that the 'Law School' partly cross-subsidizes the LPC). In the wider legal academy, there is a lot of busy activity in relation to the SQE both at the level of individual law schools and through professional associations: reports, blogs, conferences and the like. As part of a world view that sees the SRA as a key protagonist in relationships between the academic and practical, some legal scholars accuse the SRA of ignoring the negative diversity impacts the SQE may create and/or argue that multiple-choice questions are inappropriate means of assessment in law (although the full merits of this latter argument are not entirely clear). Others still suggest the SRA has been unethical in how it has responded to the consultations it ran

on the SQE and/or that the overall cost of the SQE to students will be equal to (perhaps even greater than) the current system (although other guesstimates/impact assessments suggest this is simply not true). The SRA is well aware of these, and other, pushbacks against the SQE. It carries on regardless.

In the nicest possible way, the SRA does not care about the members of the legal academy. They are not part of its regulatory remit as framed by the Legal Services Act 2007. They are simply irrelevant (in regulatory terms). A disinterested observer might find the level of energy and effort on the part of certain law schools and certain academics curious: isn't the whole point of the SQE that the regulator is saying it has *no interest* in undergraduate legal education, and so law schools can now do entirely what they like with their programmes? A more unkind disinterested observer might comment that this seems like one of those times where a relationship ends and the jilted lover is unwilling to accept that 'it's over'. Law schools have for years relied on the law degree being a step towards qualification as a solicitor. The SQE shows that the SRA does not think it is. It is certainly true that, for some academics in some law schools, the SQE is perceived and internalized as an existential threat; it being largely accepted that a prospective student (with aspirations of practice) might be more likely to choose University X over University Y where University X can speak convincingly to somehow preparing that student for the SQE. The likelihood that that particular student will, years in the future, actually sit the SQE and find employment in the space in which they think (at the age of 17) they want to find employment is largely missing from these discussions. It is also true that, for some legal academics, their concerns about the SQE are borne out of points of principle. While some see the SQE as the end of any significant role for the academy in the education and training of solicitors (and a flawed system of assessment), other academics are largely apathetic.

The partners at Lavery and Dunn LLP have been briefed on the SQE by the Head of Graduate Recruitment. The general thinking in the partnership, although few have devoted serious time to consideration, is that multiple-choice tests will not be enough for what is needed of their future lawyers. The firm is considering what would work instead, with some form of tailored lawyer preparation curriculum being discussed, although that option does have the unfortunate result of the initials 'LPC'. This course would, as in the past, likely be delivered by Austin University Law School, which allows Lavery and Dunn LLP to have significant control over the content of the programme. That control, over the soon-to-be defunct LPC, has been around for some time and, as noted above, the

partners each year complain about the knowledge and abilities of the ‘day one’ trainees. There is also some talk among the partners that the firm should actively speak with the many university law schools from which its trainees are sourced about the SQE. This has not happened yet. The new regime begins in eight months.

Very many of the law students who arrive each year at Bletchley Law School and at PUL Law School want to be lawyers of some kind. The ‘very many’ in that last sentence is intentionally vague, as was the use of the generic ‘lawyer’. Neither law school collects that sort of data on its students in any sort of meaningful way: on the reasons their students chose them and chose law; on the career aspirations of those students; how those career aspirations develop and change over time etc. Dr Ellie Smith has, for some time, been pushing for Bletchley Law School to do something similar to the longstanding US ‘After the JD’ study, but her requests have not gained much traction. Talking to first-year law undergraduates at both universities, it is clear that there are a common set of reasons for why they chose law over other subjects: the desire to be a lawyer (here, it is a given that the popular TV shows *Suits* and *How to Get Away with Murder* will be mentioned at some point), the feeling that law is a ‘safe bet’ (and will lead to good employment outcomes; a feeling that has a decent basis in Office for National Statistics data) and (for some) a lack of conviction about what else to study. The law students at Bletchley are much more likely to have a solicitor or barrister (or judge) in the family than the students at PUL. There are also more international students at Bletchley Law School than at PUL; a good number of whom are studying law in the UK because their national legal services regulator exempts or part exempts them from the lawyer qualifications in their home jurisdictions if they do so. For the students at Bletchley and PUL who became interested in law (even in part) by the glossy images presented to them in popular culture (thinking there might be greater opportunities for a powerful ‘I object’ every now and then in LLB tutorials), first year comes as somewhat of a shock.

It is rather odd, given how very different the two Law Schools are, that the websites for Bletchley Law School and PUL Law School look so similar. Both talk about the skills that someone studying a law degree will develop; both have law degrees that look almost identical (two years of compulsory subjects, with near identical names and module weights, and grouped into the same year groupings); both make rather vague references to employment after the degree (variations on ‘Many of our students go on to legal practice ...’ language); and both offer a wealth of external rankings as evidence of their excellence (although, it should be noted, the rankings that each

refers to are different; and a mean observer may wonder about the extent to which Bletchley Law School is interested in education given that the rankings it makes public mainly relate to research and the legacy of REF (2014). Where the two Schools differ is that the PUL Law School website makes explicit reference, in the third paragraph of its home webpage, to the SQE (although what is there doesn't add up to very much substance-wise) and the School has a separate, standalone 'Employability' tab (with photos of alumni who have gone on to legal careers). PUL also makes reference to a scheme it runs for those wishing to qualify as chartered legal executives ('CILEX' returning no results on a search of the Bletchley University website). Both Law Schools tell potential applicants that they will receive a 'liberal education'. Nothing more is said about this: what liberalism means in this context; or how it manifests in the choices the School has made about its educational offerings. While the websites of the Law Schools at Bletchley and PUL are both (ball-park) compliant with Competition and Markets Authority guidance, the possible futures they raise in the legal profession do not perhaps tell the whole truth. In the academic year 2018/2019, there were 73,090 law students enrolled on law degrees (as their first degrees) in the UK; 18,405 further students were studying law that year on postgraduate taught programmes; 16,499 law students graduated in the summer of 2019. In the same year, there were 6,344 new training contracts available. By 2014 (the last year in which we have data), more than half (51.2 per cent) of all those qualifying as solicitors had *not* studied a QLD as their first degree. This is for two reasons. The first is the popularity of the 'conversion course' (where the percentage of those qualifying having taken the CPE/GDL route more than doubled from 1990 (15 per cent) to 2014 (30 per cent)); and the second is the rise in overseas lawyers qualifying as SRA-regulated solicitors (almost certainly linked to the increasing globalization of the largest legal practices). In 1990, 67 per cent of new entrants to the solicitor's branch of the profession had taken a law degree. The pervasiveness of 'non-law' students (or, as they might call themselves, history and classics and mathematics graduates and so on) is also seen on the LPC. Since 2014, around a quarter of the 6,000–8,000 students enrolling onto the LPC each year studied something other than law for their first degrees. Putting all this together, it is not unreasonable to suggest both that only *circa* 3,000 training contracts in 2019 were held by trainees with law degrees and that many (many) thousands of law graduates (from undergraduate and postgraduate taught programmes) are disappointed that they cannot, and will not, qualify. One might also wonder what it says that the SRA chose, from 2014 onwards, to no longer collect data on the education of the solicitors to whom it granted licences to practise. It is not, of course, that working as a solicitor or barrister is

any better or worse than other roles, inside or outside the legal profession. That is not the point. But what does matter is whether law students are starting their degrees with aspirations about their futures which may not be especially realistic when one takes a sober look at the data; and where law schools are at best silent and at worst complicit in not managing those aspirations before the contract for education is entered into.

The SQE is also part of the conversation at Bletchley Law School's initial meeting on LLB programme reform. In her introductory comments on this topic, Professor Jan Sanderson, the School's education lead, makes reference to a conversation with a magic circle partner (an alumna of Bletchley) who said that the firm has faith that the Law School will keep producing intellectually curious and gifted graduates (whatever the LLB programme looks like). Jan then offers this thought to her colleagues:

I mean, I think ultimately, given as most of our income comes from teaching undergraduates, then it's incumbent on us to at least go some way to meeting their expectations. And, whether those expectations are reasonable or not, the reality is that a very great number of students who we teach at least begin a law degree with the ambition of becoming lawyers. And, it's not for us to totally frustrate that with a syllabus that would in no way prepare them for legal practice.

This causes a large degree of discussion over coffee. As a starting point, the vast majority of the academics at Bletchley Law School have no interest in preparing students for legal practice, whatever that preparation might be or look like.

'It's not what we do', says one.

'Yes, but it's partly what some of the students think we do', says another

'What if they all suddenly realize they'd be better off doing Classics or whatever? Don't we want students to maintain the idea that studying with us is a short cut to the money pit?'

This is an incendiary remark and the noise in the coffee room escalates. Part of the escalation comes from a sense (created more by urban legend than by actual experience) that students are now wholly consumeristic in their interactions with the university.

Later that evening, a group of Bletchley Law School academics heads out for drinks. As is often the case with certain academics, the conversation is a continuation of their work.

After one too many glasses of pinot noir, Jack, a reader in family law, says:

The thing is that we need them more than they need us. The firms, the chambers, they help make us look ... They make us look like we have this direct line to practice. Like it's a simple A, B, C. And it is, in a way. Or it sort of is. But I think they're largely indifferent to us. The firms, the Bar ... they want our students because they're gifted, but they could come from any good university and have studied any subject and they'd still take them. Academia is fungible to them in that way. And they're only really interested in the product; in the people we give bits of paper to. They don't care that I'm a world-leading authority on ancillary relief. They just don't care. But we care. We have to be nice to them. We need them to sanctify us as places worth coming to. But they don't care. They just don't. We service them. That's it. We're 'Blackstone's Tower' but in the shadow of Cravath's mansion ...

His colleague Jo pats him on the shoulder. 'I think perhaps you've had enough Jack. Time for a cab home'.

[B] POSTSCRIPT

Two things should hopefully be apparent having taken a tour of Bletchley, PUL and Lavery and Dunn LLP. The first is that, despite the many significant changes since *Blackstone's Tower*, the legal academy (generally) venerates the institution of the legal profession, with that veneration both misguided and one-sided and the profession (generally) largely apathetic about the academy. The profession is instead concerned about the quality of entrants (has the prospective trainee been to a 'good' university?; or, if not, do they have exceptional grades which perfects their poor university credentials?) and about the skills they possess (and also, somewhat, about diversity). While a handful of practising lawyer voices may proffer strong opinions on the undergraduate law degree, most law firms (and their equity partners) are focused on the 'day one' competencies needed the moment a trainee takes their first seat; which may be some time after their undergraduate legal education, and certainly many years after their first-year contract law classes. What I have also suggested in the above is that the many interfaces between the profession and the academy are often ad hoc. How many law schools, for example, have an explicit strategy that details their relationships with practising lawyers? And how many of those strategies are, in substance, about anything much more than income generation?

The second theme running through the above speaks to my concerns about how law schools 'sell' the profession to prospective students. The ongoing path dependency of the academy on the profession partly harks back to much smaller law student numbers and a stronger alignment between law degrees as the first steps for legal practice, but it is also partly

about kudos and about image. We legal academics want lots of students to study law at university, and we also want ‘good’ students to study law: numbers and quality being not unimportant indicators for when law school heads and deans are jostling in a tournament of influence with their peers in front of their vice chancellors. It also helps us that we do not have perfect/great/good/much data on what our students go on to do after they study with us so that we are unable to answer the question: ‘Exactly how many of each of your final year LLB students qualify as solicitors or barristers within X years of graduation?’ It seems to have passed us by that collecting such data is well within our gift.

The above tour was largely pessimistic and also, in many parts, quite unkind to legal academics. The latter was intentional; and the former a result of my reading of where we are. My perhaps naive hope is that what I say, and the data I have offered up, causes some of us to sit back and ask hard questions of our own roles (individual and institutional) in the machinery of law student recruitment and education; and to also ask to what extent it is incumbent on us to reject feeding or fuelling the unrealistic expectations of our students. Looking forward, I see the SQE as an opportunity and a risk. The SQE opens up a space for law schools to have a debate about the purpose and content of their law degrees (which subjects are made compulsory and why; how subjects are taught; and so on) and also the possibility that prospective students will say, ‘Thanks but no thanks, I’m off to study English.’ That risk has been around for some time and, while the majority of newly admitted solicitors (and 40 per cent of newly admitted barristers) have not studied law for their first degrees, law student numbers have grown year on year. My main concern, I think, is that there is a (return to) conservatism among the majority of legal academics (or some combination of conservatism, path dependency, and lack of interest) which means that if a ‘Rutland Revisited Once Again’ paper is written 25 years from now, little may have changed. Let me end, however, on a more positive note. The shadow cast by Cravath is simply that: a shadow, and nothing more substantial. We need to have a little more confidence about our place. Even if the vast majority of our students do not go on to become regulated members of the legal profession (and they do not), we need to remember that what we do—as legal scholars, as legal educators—has value that transcends the production of practice-ready graduates (i.e. that legal education, based on the highest quality scholarship, is necessary for members of a well-functioning society bound by the rule of law); and we can and should be better about articulating that value—to ourselves; to our current and prospective students; within our own institutions; and beyond.

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