

The Changing Nature of Academic Careers in Law

Anthony Arnull
Birmingham Law School

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By Anthony Arnull

Law School, University of Birmingham

This paper was the introductory talk given to Birmingham Law School PGR students as part of their annual PGR Conference, held at the University of Birmingham in June 2014.

I was told I could speak about whatever I liked. I was tempted by the World Cup, but chose instead the changing nature of academic careers in law.

I started my academic career in the 1980s. I had a BA from Sussex and had just qualified as a solicitor. In those days it was quite common for academics to have professional qualifications and not to have a PG degree. Some did not publish much, devoting themselves instead to student-facing work, mainly teaching. As you will see if you look at the prefaces of books published in the period, others wrote mainly for students or practitioners. In pre-internet days, copies of an important recent judgment or policy document were highly prized.

In 1986 the first RAE was held and things began to change. The RAE represented the first official attempt to measure the quality of the research output of university departments. The outcome enabled league tables to be drawn up. The exercise showed that no-one was an island. Money attached to the outcome, so your working conditions depended on how well your colleagues were doing. This was to lead to a febrile recruitment market, in which academics tried to improve their prospects by moving to departments perceived as better.

In 2005 the National Student Survey was launched in an attempt to do for teaching what the RAE had done for research: measure its quality (though the NSS would not pass any social science test of research methodology). The technological revolution of recent years has made other metrics available by which universities can be ranked, further encouraging the growth of league tables. Indeed, if you consult the Guardian tables online, you can choose how much importance to attach to each criterion.

A year after the introduction of the NSS came so-called top-up or variable tuition fees, which got Nick Clegg into trouble when the cap was increased to £9,000 in 2012. Fees turned students into consumers looking for value for money. They used the league tables to tell them where they could find it. They came in increasing numbers and brought with them expectations from A-levels of what they needed to do to succeed. The answer – don't think of a degree as a consumer product and engage with your subject – was difficult to absorb for some of them, who had achieved very high marks at A-level by cracking the methodology sought by examiners. Now a once relatively stable admissions environment has been replaced by one in which there is intense competition for the best students.

So today's climate is markedly different. Consider the types of people who are typically appointed to lectureships in good university law schools.

- They rarely have a professional qualification.
- They nearly all have a PG qualification, usually a PhD, or are on the verge of acquiring one (I got my PhD while I was a lecturer, but that's another story).
- They will often have acquired some teaching experience.

Law schools look for people who will make a contribution to what is now called the REF and at the same time deliver effective teaching which will enhance their student satisfaction scores in the NSS. They are increasingly interested in potential to attract outside funding.

So what does a good REF contribution look like?

- There is little room now for work aimed at practitioners or even students.
- The REF panel tends to reward work that is innovative in some way. This is nothing to do with the style of scholarship it embodies: doctrinal, theoretical, empirical and interdisciplinary work is all treated equally. It doesn't matter – at least not much - where your work is published. What does matter is its originality, significance and rigour. So descriptive work or work with a short shelf life is out and work which ploughs a familiar furrow is unlikely to prosper.
- Another thing which was introduced for the 2014 REF and looks here to stay is impact outside academia.

Many universities are increasingly valuing teaching and introducing promotion routes based on teaching excellence. This doesn't just mean delivering good lectures or seminars. This is taken for granted, though we all have to work at it. It might mean introducing something innovative which can be taken up by colleagues, perhaps even outside your school. An example here is the exercises some people now do to help students understand what our marking criteria mean in practice. These originated outside the Law School. It might mean contributing to the pedagogical literature.

In both research and teaching, information overload is a big challenge. For every document that was treated like gold dust 30 years ago, 50 are now available at the click of a mouse. Mountains of spreadsheets are produced analysing what applicants and students say they want. These all have to be studied and acted on.

That said, there is no doubt that the quality of much of what goes on in university law schools has improved.

- New staff are better qualified.
- The academic literature is more interesting.
- Teaching is taken more seriously (though SSRs are now much worse – when I started my career we interviewed all applicants and held tutorials of 4 or 5 students).

But the basic nature of the endeavour hasn't changed:

- It is about deconstructing the law and the legal system and challenging received wisdom.
- It is about making complex material accessible to an increasingly diverse student body.

And the buzz you get from seeing yourself in print or referred to in a footnote for the first time, from seeing students learn to reason their way to a solution in a way that once seemed beyond their grasp? Well, that is as great as it ever was.