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The value of a law degree – part 4: a perspective from employers

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ABSTRACT

Rising costs, an increasingly competitive graduate jobs market, and the introduction of alternative routes to highly skilled employment, have led many to question the “value” of higher education courses. This is the fourth in a series of papers which examines the value of a law degree from a range of perspectives: Part 1 explored theory from the marketing discipline in an attempt to identify the full range of possible value components; Part 2 analysed the online prospectus pages of over 50 UK law schools to understand which aspects of value were being articulated to the market; and Part 3 reported on life history interviews conducted with past and present students from a UK university, ultimately presenting a theory of value from a student viewpoint. This final paper provides a perspective from employers. It reports the findings of a qualitative study comprising 13 semi-structured interviews with people who have responsibility for trainee solicitor recruitment in England and Wales. The data reveals that whilst these influential individuals are guided by their own diverse range of value perceptions, they appear to reflect a common view that the legal profession is changing, and legal education needs to respond.

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KEYWORDS Value; differentiation; employability; marketing; value propositions; value slices; customer value

Introduction¹

The “value” of university courses in the UK is currently under the political microscope,² and employment outcomes have become a key metric for the sector.³ For some time, the popularity of law degrees in particular has been attributed to their vocational link with legal practice – a link cemented in England and Wales by the regulatory significance of the “qualifying law degree” (QLD), which had established itself as the dominant

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¹The author would like to express thanks to Alannah Collins and Jayde Pullar of Sheffield Hallam University who worked as Casual Student Researchers on this project, and also to the Association of Law Teachers for agreeing to fund this work.

²Dr Philip Augar and others, *Independent Panel Report to the Review of Post-18 Education and Funding* (Her Majesty’s Stationery Office, May 2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805127/Review_of_post_18_education_and_funding.pdf> accessed 10 August 2020.

³See for example Office for Students, “Teaching Excellence and Student Outcomes Framework: Guide to Subject-Level Pilot Data” (2018) <www.officeforstudents.org.uk/media/ea9f3f58-00b6-45ef-bd00-1be029eb7114/ofs-201844a.pdf> accessed 1 April 2021.

route into the main branches of the legal profession.⁴ However, in September 2021, the Solicitors Regulation Authority (SRA) will (subject to transitional arrangements) dispense with its requirement for would-be solicitors to have completed a QLD. In most cases the requirement to study an undergraduate degree will remain, but the SRA will no longer be concerned with the subject or content of that degree, since candidates' substantive legal knowledge will instead be assessed in Stage 1 of the regulator's new, centralised Solicitors Qualifying Examination (SQE).⁵ In this context there is a risk that the perceived value of a law degree within the jurisdiction may diminish. Such a consequence would of course be of concern to legal education providers at any time but is particularly so given the wider challenges that the higher education (HE) sector is facing. Amidst the SQE reforms, unless providers are proactive in evaluating, developing, and articulating the value of their courses, then they may find it more difficult to sustain the relative success that they have enjoyed in recent decades as compared with less vocational courses.

This is the fourth and final paper in a series which explores the holistic value of a law degree at this pivotal moment and seeks to identify opportunities for legal education providers to reform their programmes to ensure that they continue to deliver value. Part 1 explored literature from the marketing discipline in an attempt to identify theoretically the full range of possible value components that might exist.⁶ It proposed a model (the "Value Slices Model") that organised relevant value components into six discrete categories (or "slices"): (1) "symbolic" (i.e. the personal meaning that students or those around them might attach to a programme of study); (2) "lifetime" (i.e. the longer-term benefits of study); (3) "instrumental" (i.e. the extent to which a particular course might enable a student to achieve a specific objective, such as employment within the legal profession); (4) "community" (i.e. opportunities created by the programme of study for students to benefit societal groups of significance to them); (5) "experiential" (i.e. the value a student might attribute to the experience of studying the course itself); and (6) "sacrifice" (i.e. the quantitative difference between the benefits gained and the costs – financial or otherwise – incurred by the student).⁷ This study served a useful purpose in highlighting, from a theoretical perspective, the aspects of value potentially offered by a law degree beyond simply employability enhancement. However, it did not collect any empirical data and therefore was unable to provide any insight into the relative significance of each value slice.

Accordingly, Part 2 then analysed the online prospectus pages of over 50 UK law schools to understand which aspects of value were currently being articulated to the market.⁸ Whilst there certainly were some examples of unique features articulated by individual providers, almost 50% of the word count on those pages was devoted to instrumental aspects of value.⁹ This second study therefore appeared to suggest that providers may themselves be contributing to the narrative that university education is

⁴Ben Waters, "Widening Participation in Higher Education: The Legacy for Legal Education" (2013) 47 *The Law Teacher* 261; Julian Webb and others, "Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales" (LETR 2013).

⁵"Solicitors Qualifying Examination (SQE)" (*Solicitors Regulation Authority*, March 2021) <www.sra.org.uk/students/sqe/> accessed 1 April 2021.

⁶Alex Nicholson, "The Value of a Law Degree" (2020) 54 *The Law Teacher* 194.

⁷Nicholson (n 6) 204.

⁸Alex Nicholson, "The Value of a Law Degree – Part 2: A Perspective from UK Providers" (2020) *The Law Teacher* (forthcoming).

⁹Nicholson (n 8) 6.

at least predominantly concerned with employability – a claim which has previously been hotly contested by academics and which, regardless of its merit, may mean that other important aspects of value are ignored and therefore underdeveloped.¹⁰ The data within that second study facilitated the presentation of an important albeit narrow perspective on the value of legal education, and more data was needed to unveil more of the complete picture.

As such, the study reported in Part 3 comprised life history interviews conducted with past and present students from a UK university, ultimately presenting a theory of value from a student perspective.¹¹ The findings of this study confirmed that this important stakeholder group – at least within the case study institution – did indeed perceive broader aspects of value across the full range of value components identified in Part 1, though perhaps unsurprisingly there was a strong emphasis on employability enhancement in general, and on qualification as a lawyer in particular.¹²

Arguably, all organisations exist to create value of some kind, and there is likely to be merit in adopting a strategic approach to value creation.¹³ On the one hand, the findings of the third study highlighted the breadth of opportunities that might exist for legal education providers to develop distinctive and differentiated value propositions which prioritise different value components of significance to different segments of the market, and that doing so may enable them to compete more effectively for particular applicants.¹⁴ However, they also unavoidably emphasised the importance of getting employability enhancement right. Regrettable as this might be, HE is now a consumer market.¹⁵ Thus, given the financial costs of going to university,¹⁶ and the emergent alternatives,¹⁷ prospective students may well vote with their feet if providers choose not to focus on this aspect of value at all, or do not do so effectively. It seems therefore that employability enhancement has become an “expected deliverable”.¹⁸ In other words, whilst providers may achieve an essential competitive edge by also prioritising one or more alternative aspects of value in their course design and marketing activities (for example world-leading research or a cutting-edge student experience), a strong emphasis on employability enhancement would seem to have become a threshold standard that all but the strongest brands will need to meet in order to compete at all.

¹⁰See John McMurtry, “Education and the Market Model” (1991) 25 *Journal of Philosophy of Education* 209; Sarah Speight, Natasa Lackovic and Lucy Cooker, “The Contested Curriculum: Academic Learning and Employability in Higher Education” (2013) 19 *Tertiary Education and Management* 112; M Tasker and D Packham, “Freedom, Funding and the Future of Universities” (1990) 15 *Studies in Higher Education* 181.

¹¹Alex Nicholson and Paul Johnston, “The Value of a Law Degree – Part 3: A Student Perspective” (2020) *The Law Teacher* (forthcoming).

¹²Nicholson and Johnston (n 11) 7.

¹³SJF Slater, “Developing a Customer Value-Based Theory of the Firm” (1997) 25 *Journal of the Academy of Marketing Science* 162.

¹⁴Kim W Chan and Renée Mauborgne, “Blue Ocean Strategy” (2004) 82(10) *Harvard Business Review* 76.

¹⁵Competition & Markets Authority (CMA), “UK Higher Education Providers – Advice on Consumer Protection Law” (CMA 2015) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428549/HE_providers_-_advice_on_consumer_protection_law.pdf> accessed 2 April 2021.

¹⁶Times Higher Education, “The Cost of Studying at a University in the UK” *The Times Higher Education* (London, 4 May 2020) <www.timeshighereducation.com/student/advice/cost-studying-university-uk> accessed 2 April 2021.

¹⁷For example, on the rise of degree apprenticeships see Universities UK, *Degree Apprenticeships: Realising Opportunities* (Universities UK 2017) <www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2017/degree-apprenticeships-realising-opportunities.pdf> accessed 2 April 2021.

¹⁸Theodore Levitt, “Marketing Success through Differentiation – of Anything” (1980) 58(1) *Harvard Business Review* 83.

This final paper therefore provides a view from employers, which legal education providers of different kinds may regard as significant to a greater or lesser extent. The study focuses on those responsible for trainee solicitor recruitment within England and Wales, since this is where the SQE reforms will have the most immediate impact. At this important turning point, these employers arguably have an important perspective that legal education providers and policymakers should understand before they make decisions about how to respond strategically to the challenges that the sector is currently facing. This qualitative study comprised 13 semi-structured interviews. The aim was to understand how individuals with responsibility for trainee solicitor recruitment in England and Wales currently perceive the “value” of a law degree in general, and the relative value of different law degrees in particular, in order to:

- (1) assist legal education providers with their attempts to preserve, enhance and/or articulate the value of their programmes following the introduction of the SQE and given the growing emphasis on graduate outcomes (such as their employment status and salary levels); and
- (2) inform legal education policy reform more widely.

The data revealed that whilst these influential individuals are guided by their own diverse range of value perceptions, they appear to reflect a common view that the legal profession is changing, and legal education needs to respond. This paper will be of particular interest to legal educators who wish to develop their understanding of employer expectations, preferences and biases that might be at play in a post-SQE world, to help them proactively strengthen the employability enhancement value of their courses. Additionally, this paper will be of interest to students who aspire to qualify into the solicitors’ branch of the legal profession as it provides insight into how relevant employers might perceive the value of the courses they have studied, thus equipping them to tailor and/or discuss their experience in a way that resonates more strongly with these key stakeholders.

Methodology

Since this study is driven by a need to solve a pressing issue within the legal education market, it constitutes “pragmatic science” (42),¹⁹ and for that reason is principally underpinned by a pragmatist research philosophy which permits a wide range of methodological options.²⁰ However, since “value” exists predominantly in the eyes of the beholder,²¹ its exploration typically lends itself to more qualitative methods which

¹⁹Gerard P Hodgkinson, Peter Herriot and Neil Anderson, “Re-aligning the Stakeholders in Management Research: Lessons from Industrial, Work and Organizational Psychology” (2001) 12(Special Issue) *British Journal of Management* 41.

²⁰Mihaela L Kelemen and Nick Rumens, *An Introduction to Critical Management Research* (SAGE 2008); Bente Elkjaer and Barbara Simpson, “Pragmatism: A Lived and Living Philosophy. What Can It Offer to Contemporary Organization Theory?” in Haridimos Tsoukas and Robert CH Chia (eds), *Philosophy and Organization Theory* (Emerald 2011).

²¹Simon Kelly, Paul Johnston and Stacey Danheiser, *Value-ology* (Palgrave Macmillan 2017); Valarie Zeithaml, “Consumer Perceptions of Price, Quality, and Value: A Means-End Model and Synthesis of Evidence” (1988) 52(3) *Journal of Marketing* 2.

can produce rich data capable of challenging accepted wisdom.²² Though the concept of value is very real in an ontological sense, its nature means that it can only be studied through the lens of lived experience, and qualitative methods provide the best access to that lens.

Given the strong, historic vocational link that the law degree has with legal practice, and the likely impact of the forthcoming SQE reforms, the solicitors' branch of the legal profession provides a particularly significant context worthy of examination. The study therefore adopted a case study research strategy, which focused specifically on employers within this space.²³ The popularity and credibility of case study research amongst social scientists have grown markedly in recent decades, and whilst results are not generalisable in a positivist sense to other contexts beyond that which is studied, it is generally accepted that insights gained from such studies may still be useful in understanding those wider contexts.²⁴ As such, whilst the present study focuses on employers operating within the solicitors' branch of the legal profession, its findings may to some extent provide insight into the attitudes and perceptions of employers more generally, at the very least facilitating inductively the development of hypotheses for empirical investigation in alternative settings.

The study comprised 13 semi-structured interviews with individuals who have responsibility for trainee solicitor recruitment in England and Wales, each interview being no longer than one hour in duration. This number of interviews is within the range that is usually considered appropriate for qualitative studies of this kind.²⁵ Purposive sampling was used to select cases of particular relevance, specifically to ensure that different employment settings and viewpoints within the case study context were examined, including: local, national, international, and global law firms; in-house and public sector environments; and a mixture of senior lawyers and graduate recruitment specialists.²⁶ Table 1 provides an overview of the participants, and details the range of roles and legal practice contexts represented within this study. Participant names have been replaced with pseudonyms to preserve anonymity.

Participants were asked questions on the following themes:

- **Theme 1:** How they perceive and/or evaluate the value of a law degree.
- **Theme 2:** The factors that might be influencing them to perceive the "value" of a law degree in the way that they do.
- **Theme 3:** The extent to which the introduction of the SQE might influence how they perceive the value of different law degrees.

²²Norman K Denzin and Yvonna S Lincoln, "Introduction: The Discipline and Practice of Qualitative Research" in Norman K Denzin and Yvonna S Lincoln (eds), *The SAGE Handbook of Qualitative Research* (4th edn, SAGE 2011); Valerie Fournier and Chris Grey, "At the Critical Moment: Conditions and Prospects for Critical Management Studies" (2000) 53 *Human Relations* 7.

²³Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th edn, SAGE 2018).

²⁴Anna Dubois and Lars-Erik Gadde, "Systematic Combining: An Abductive Approach to Case Research" (2002) 55 *Journal of Business Research* 553; Pratima (Tima) Bansal and Kevin Corley, "From the Editors: The Coming of Age for Qualitative Research: Embracing the Diversity of Qualitative Methods" (2011) 54 *The Academy of Management Journal* 233.

²⁵John W Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (3rd edn, SAGE 2013).

²⁶W Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (7th edn, Pearson 2014).

Table 1. Participant summaries.

No.	Pseudonym	Role
1	Adrian	Adrian is a general counsel working within the public sector.
2	Brenda	Brenda is a director at a regional, private client law firm and she specialises in care law.
3	Caroline	Caroline is a senior HR manager working within a national law firm that specialises in personal injury.
4	David	David is a partner at a global, commercial law firm and he specialises in commercial litigation.
5	Erika	Erika is a graduate recruitment specialist working within a global, commercial law firm.
6	Florence	Florence is a senior recruitment consultant and works with a wide range of legal practice employers.
7	Gregory	Gregory is a partner at a national, full-service law firm and he specialises in commercial litigation.
8	Harriet	Harriet is a graduate recruitment specialist working within an international, commercial law firm.
9	Iain	Iain is a partner at a regional, private client law firm and he specialises in family law.
10	Jonah	Jonah is a partner at a boutique, commercial law firm.
11	Keshia	Keshia is a graduate recruitment specialist working within an international, full-service law firm.
12	Lucia	Lucia is a partner at a regional, full-service law firm and she specialises in litigation.
13	Miriam	Miriam is a senior lawyer working within the public sector and she specialises in criminal law.

- **Theme 4:** The nature of modern legal practice and the extent to which law degrees provide appropriate preparation.
- **Theme 5:** The extent to which opportunities exist for legal education providers to enhance the value of their law degrees and/or the extent to which legal education policy may benefit from reform.

The resultant transcripts were analysed through template analysis which used *in vivo* codes (i.e. themes identified inductively through an early analysis of the dataset itself) in order to develop a rich picture of the relevant value perceptions whilst limiting as far as possible the effect of any preconceived ideas or biases.²⁷

Findings and analysis

As is common in qualitative studies of this kind, a wealth of rich data was collected from the 13 interviews conducted. In turn, this data generated numerous *in vivo* codes, and evidence of complex and interdependent relationships which may benefit from further empirical investigation in the future. However, this paper presents a focused analysis of the themes that emerged most strongly from the dataset and draws four tentative conclusions which collectively constitute a theory of value from an employers' perspective, providing important insight for legal education providers and graduates alike.

The significance of traditional university brands may be fading, but degree classification still appears to weigh heavily

In Part 3 of this research (a student perspective), some participants expressed a belief that the value of their degree was at least to some extent determined by the awarding

²⁷Nigel King, "Doing Template Analysis" in Gillian Symon and Catherine Cassell (eds), *Qualitative Organizational Research: Core Methods and Current Challenges* (SAGE 2012).

institution and final degree classification.²⁸ Evidence of this belief was found in the present study. For example, Caroline – a senior HR manager working within a national, personal injury law firm – said: “[t]here is something about a brain that achieves a first in a topflight academic institution – there is a reason for that.” Similarly, Jonah, a partner at a boutique, commercial law firm, explained:

I would view my 2:1 from [my university] as similar to a first from a lot of other places. That then kind of filters through that, if I saw a first from a non-traditional university and a 2:1 from a Russell Group, then I would probably view them on a par. Whether rightly or wrongly, that’s how I would perceive them.

These comments seem to suggest an aspect of value that these participants believe to be more than merely symbolic in nature. Rather, they point to an underlying belief that a first-class degree from a particular institution may be comparatively more difficult to achieve and therefore constitute a marker of greater ability, compared with the same result achieved by another individual elsewhere. However, amongst the participants, there were mixed views on this. Adrian, general counsel at a large public sector organisation, strongly disagreed. He argued:

... that’s assuming this person has had the perfect life or they’ve just gone through and everything’s worked out for them, and they’ve just not been smart enough to go to a redbrick university, and they’re just not smart enough to pass their exams, and therefore they can’t possibly go into the professional legal world – what a load of rubbish. You might find that there’s a story behind all of these individuals.

Similarly, Keshia – a graduate recruitment specialist at an international, full-service law firm – explained it like this:

... [just] because somebody didn’t go to Oxford or Cambridge doesn’t mean they weren’t capable of going to Oxford and Cambridge – it means that they might have to stay close to home because they have to put themselves through university and they’ve got a full-time job as well as going to uni ... They could be carers, they could have siblings that they have to look after – there’s [sic] so many variables ... We’ve got so many different examples of people who’ve gone through what some maybe old dinosaurs might think of as a lesser university, but they are really high performing lawyers within our business. Whereas, if you had the mentality of “Oxbridge law graduate, that’s what we want”, then you’re not representing the communities, you’re not representing your clients, and you’re certainly not going to have people who are able to bring different ideas and ways of looking at things, because [they’re] all exactly the same ...

For some organisations, it has been possible to take a more data-driven approach to the issue. For example, Erika – a graduate recruitment specialist at a global commercial law firm – described the practice in her organisation as follows:

We do a lot of analysis ... once we’ve completed a recruitment season, for example ... we [can] track: where do people fall down; where do people succeed; and then, ultimately, who goes on to get offered?

She explained that, through this process, it was possible to identify correlations between applicant success and awarding institution, that could then inform future recruitment decisions more reliably than less informed or less up-to-date perspectives. Similarly, though smaller organisations may not have the volume of data needed to

²⁸Nicholson and Johnston (n 11) 10. See also Alex Nicholson and Paul Johnston, “Generative Mechanisms for Student Value Perceptions: An Exploratory Case Study” (2021) *Journal of Further and Higher Education* (forthcoming) 6.

conduct such a sophisticated analysis, there is evidence that some do make similar judgements. For example, Brenda – a director at a regional, private client law firm – explained: “[y]ou do get a feeling for places that produce good quality students”.

Since it is well established that people tend to recruit in their own image,²⁹ it is at least conceivable that any value perceptions which weigh certain awarding institutions more heavily than others risk unfairly excluding certain groups of graduates from accessing the legal profession.³⁰ In the interests of equality, providers would surely need to ensure that any relevant institutional data was appropriately weighted against other considerations, and that there were sufficient safeguards in place to identify anomalous talent. However, where such precautions were taken, these more informed approaches would seem to be a fairer way to discern between the quality of awarding institutions and their graduates than relying on historic reputations alone.

In any event, on balance, the data in this study indicates that employer perceptions of the significance of traditional university brands may be fading, in favour of more inclusive perspectives. Whilst four of the participants did state that awarding institution was a key factor in determining the value of the qualification, the remaining nine participants all positively emphasised that this was simply no longer the case. Florence, a senior graduate recruitment consultant serving the legal sector, described any reliance placed on candidates’ awarding institution when making recruitment decisions as merely “historical snobbery”, and many other participants specifically reported that their organisation now takes steps to remove details of an applicant’s education provider from their application entirely, prior to the screening process, in recognition of the risk of unconscious bias. The signs from this dataset then, are that awarding institution may be far less significant in influencing employer value perceptions than it once was.

However, degree classification does appear to retain a very significant influence. Eleven of the participants explained that degree classification was still a key determinant of value, and typically that this was used by their organisation as a means of sifting applications in the first round – something that some participants felt was inevitable given the high volume of applications that they received. Interestingly though, there was a strong sense not merely that the decision to sift on this basis was an unfortunate necessity, but that classification was in fact a reliable measure of applicant quality. For example, Brenda explained that:

The feeling is that a 2.2 is a student who probably could have done better but couldn’t be bothered. You don’t want people with that kind of attitude. You want people with a really good working ethos. That’s important.

However, research suggests that an applicant’s classification may be affected by a wide range of factors which limit its validity as a measure of ability or achievement, such as: their university’s degree classification calculation algorithm;³¹ the social pressures that

²⁹Lauren A Rivera, “Hiring as Cultural Matching: The Case of Elite Professional Service Firms” (2012) 77 *American Sociological Review* 999.

³⁰Heather Rolfe and Tracy Anderson, “A Firm Choice: Law Firms’ Preferences in the Recruitment of Trainee Solicitors” (2003) 10 *International Journal of the Legal Profession* 315; Louise Ashley and others, “A Qualitative Evaluation of Non-Educational Barriers to the Elite Professions” (produced for the Social Mobility and Child Poverty Commission, HMSO 2015) <www.gov.uk/government/publications/non-educational-barriers-to-the-elite-professions-evaluation> accessed 19 April 2021.

³¹Vanessa Simonite, “The Effects of Aggregation Method and Variations in the Performance of Individual Students on Degree Classifications in Modular Degree Courses” (2000) 25 *Studies in Higher Education* 197.

women face, relative to their male peers;³² the necessarily unscientific nature of the grading process;³³ and/or the impact of grade inflation generally within the UK HE sector.³⁴ Additionally, significant attainment gaps exist within HE, and there are growing calls for explanations which move beyond deficit perspectives.³⁵ It seems therefore that legal practice employers might be overstating the reliability of degree classification as a measure of applicant quality, and – despite the progress made on institution-blind recruitment – that may still inadvertently be unfairly excluding certain individuals and/or minority groups from the legal profession.

This raises an important question for the UK HE sector as a whole, as to whether the degree classification system is still fit for purpose or whether it may of itself be perpetuating inequalities. Given the significance that the 2.1 benchmark appears to have for employment prospects, more may need to be done to raise awareness of the limitations of the classification system and/or to reform it.³⁶ Calls for reform in this area are not new. As Winter argued nearly three decades ago:

... the existence and continued influence of the classified honours degree is not a consequence of any justifiable curriculum theory but an historical and a cultural phenomenon, explicable in terms of widespread but questionable common-sense practices, by the ambiguities of the university tradition, and by the universities' current role in social selection (363).³⁷

Options for such reform within the UK might include: regulatory intervention to achieve improved validity and reliability of degree classification processes across disciplines and institutions; adopting an entirely new grading approach; or removing the grading processes entirely.³⁸ There is some evidence that students may themselves prefer an alternative approach,³⁹ but a full-scale review of the classification system and its consequences may be needed to determine the best approach.

Knowledge and skills requirements for the modern lawyer may be changing

One of the aspects of value most commonly perceived by participants in relation to a law degree was the foundational legal knowledge that students would acquire as part of their studies, with eight participants specifically highlighting this as important. This is perhaps unsurprising given that the QLD has historically focused on substantive legal knowledge and broader academic skills, leaving the Postgraduate Diploma in Legal Practice (or Legal Practice Course (LPC)) (completion of which is also a prequalification requirement for aspiring solicitors under the outgoing framework) to cover lawyer skills.

³²Simon Clarke, "Another Look at the Degree Results of Men and Women" (1988) 13 *Studies in Higher Education* 315.

³³Mantz Yorke, "Summative Assessment: Dealing with the 'Measurement Fallacy'" (2011) 36 *Studies in Higher Education* 251.

³⁴Ray Bachan, "Grade Inflation in UK Higher Education" (2017) 42 *Studies in Higher Education* 1580.

³⁵DRE Cotton and others, "Understanding the Gender and Ethnicity Attainment Gap in UK Higher Education" (2016) 53 *Innovations in Education and Teaching International* 475.

³⁶On the signalling effect of degree classifications more generally see Giorgio Di Pietro, "Degree Classification and Recent Graduates' Ability: Is There Any Signalling Effect?" (2017) 30 *Journal of Education and Work* 501.

³⁷Richard Winter, "Education or Grading? Arguments for a Non-subdivided Honours Degree" (1993) 18 *Studies in Higher Education* 363.

³⁸For a case for the abolition of grading processes altogether, see Stuart Tannock, "*No Grades in Higher Education Now!* Revisiting the Place of Graded Assessment in the Reimagination of the Public University" (2017) 42 *Studies in Higher Education* 1345.

³⁹Kristina Nyström, "When Students Are Allowed to Choose: Grading Scale Choices for Degree Projects" (2018) 43 *Studies in Higher Education* 1993.

Interestingly however, participants' views on so-called foundational knowledge were more nuanced than might be expected.

Two participants indicated that the substantive content of a law degree – which has been largely static for many years – may be overrated. As Adrian put it:

... if you gave me someone who has finished a law degree, and someone that's [*sic*] finished [a] business degree – all other things being equal – and I was going to employ one of them, I would hands down employ the business graduate. Because learning the law ... so little of it is relevant to day-to-day practice. Whilst, of course, you've got to have a grounding in the basics ... you can *learn* the law in the area that's of interest to you ... I passed my contract law exam by using Nutshells ... because it was just all about knowledge in, knowledge down, end of. I get it, but I also think it's such a waste of opportunity.

It seems likely that any pedagogical expert would agree with this sentiment, in the sense that all education ought to move beyond mere regurgitation.⁴⁰ Similarly, it could be argued that for lawyers specifically, skills – such as being able to find out the answers to legal questions – are of far greater value to a student in the long term than specific rules or principles of law that they might be asked to memorise in anticipation of an examination.⁴¹ This then suggests that there may be opportunities – particularly given that aspiring lawyers may not in the future acquire such skills through an LPC or equivalent – for providers to reimagine legal education, moving away from traditional content and approaches in order to facilitate the development of more useful and transferable knowledge and/or skillsets.

In this respect, participants also identified specific knowledge or skills that are not traditionally incorporated within a law degree, but which they considered were now nevertheless important for would-be lawyers. Various, participants suggested that: project management; leadership; entrepreneurialism; emotional intelligence; resilience; flexibility; writing concisely; managing conflicting deadlines; and building a strong personal brand, were all now essential for the modern-day lawyer. One of the strongest themes in this area, identified by eight different participants, was that aspiring solicitors needed to understand how law firms operate as a business. As Brenda put it:

We want people who understand that we are a business, and we are there to make a profit, and that they have an awareness of that, and that they're coming to us to make profit – because that's how they will be ultimately successful ... an understanding that that is the core basis of a law firm.

David – a partner at a global, commercial law firm – framed it even more expansively. He said:

... if you wanted a wish list and a big bucket list: you'd want somebody to walk through the door, who's a good traditional lawyer, could do the work – and that's taken as read – but then combined with somebody who has a recognition, at least of the value of business development skills, of commercial skills, of the economy ... and then of technology, and adaptation, and the fact that people are going to have to develop and enhance their products and their services, and understand value. Value in a business – the value that that lawyer can offer to the client – is fundamental.

Additionally, understanding and awareness of relevant technologies – including automation, artificial intelligence, and the impact on data protection – were also highlighted

⁴⁰See for example Dennis Fox, "Personal Theories of Teaching" (1983) 8 *Studies in Higher Education* 151.

⁴¹Alex Nicholson, "Research-Informed Teaching: A Clinical Approach" (2017) 51 *The Law Teacher* 40.

by seven participants as core to the modern lawyer's role, and eight participants talked about the importance of so-called "soft skills".

It is not clear whether student populations would themselves recognise the value of new content of this kind,⁴² though there is evidence that embedding employability skills within the curriculum can be beneficial for the classroom experience.⁴³ In any event, these findings certainly raise questions for legal education providers as they evaluate and develop their courses, and specifically as they seek to differentiate their employability offer to students and thus enhance the holistic value of their programmes.

Employers want "work-ready" graduates

It may appear somewhat trite to conclude that employers want their graduates to be "work-ready", and in reality there will always be a role for organisations themselves in helping applicants adjust to working life within their organisation once they are in situ.⁴⁴ However, data from this study provides some insights into where law graduates (even after having also studied an LPC) may currently be missing the mark in this respect, thus identifying further opportunities for course development. Providers that can prepare graduates more effectively in this regard may be delivering greater value to those students.

First, nine of the participants expressed that they felt there was something of a disconnect between graduates' expectations of legal practice, and the reality – and that this caused issues for employers. Lucia, a partner specialising in litigation at a regional, full-service law firm, explained that: "... law is made sexy on TV, isn't it? ... [I]t's really hard to say to somebody, 'I love my job and I love the area, but it's not what you think is.' How do you pass that message on?" Iain, a family law partner at a regional, private client law firm, put it like this:

I'm seeing some really, really good "on paper" academic people coming through, where we just go, "you could not possibly sit across from a homeless alcoholic telling them that they're not going to see their kids again. You haven't got it in you," – and they don't really know that's the job.

These participants clearly felt that legal education providers did their students a disservice if they did not present an accurate picture of legal practice, enabling them to make informed decisions about their future career and to prepare for it appropriately.

Relatedly, nine participants also spoke about the importance of equipping graduates to enter the world of work in general. As Erika articulated it:

I think there's a real sense of lack of understanding around actually, what does it mean to navigate an office environment? Where do they go to get answers? How do they succeed in the workplace? How do they manage working for their supervisor versus communicating effectively with their partner? Just that general, basic office know-how ... We often see huge gaps there. So that's definitely something that universities should focus on ... How do you go about navigating

⁴²Chiara Succi and Magali Canovi, "Soft Skills to Enhance Graduate Employability: Comparing Students and Employers' Perceptions" (2020) 45 *Studies in Higher Education* 1834.

⁴³Jenny Knox and Melanie Stone, "Embedding Employability Skills for the Legal Professionals of the Future" (2019) 53 *The Law Teacher* 90.

⁴⁴Tim Moore and Janne Morton, "The Myth of Job Readiness? Written Communication, Employability, and the 'Skills Gap' in Higher Education" (2017) 42 *Studies in Higher Education* 591.

conversations if you feel overloaded? What do you do if you don't have enough work? When you're submitting a piece of work back to your partner, actually, partners are not necessarily impressed with you just delivering that piece of work back, they want you to say, "this part of this piece of work really interested me – how can I go away and find out more about that?" So, it's teaching that fundamental mindset around being curious, being ambitious, and being determined ... I think connected to that [are]: skills around a general, basic email etiquette; how to write minutes; adapting written style for different audiences ...

Finally, four participants highlighted the importance of wellbeing as a key area in which aspiring lawyers may benefit from training. As Caroline explained:

We know in our sector, mental health concerns are prevalent, and yet we do nothing to prepare people for the rigours ... what are we doing to ready people for that, and how they segment their time to prevent things building. So yeah, if [legal education could incorporate] mental health support, we'd have it sorted, I think.

Developing the kinds of skills identified in this section within a consumer-focused HE course is not straightforward and providers may be inhibited by the "employability paradox": the idea that often the very skills that employers value are those that students do not enjoy developing.⁴⁵ Similarly, providers who adopt an almost exclusionary emphasis on students' employability (and/or on SQE preparation) may find themselves unable to compete with emerging private providers of so-called "crammer courses" in a race to the bottom.⁴⁶ However, given the potential employability value of such activities, important opportunities for providers to develop differentiated value exist in this space.

The value of a law degree as an access route to the profession may diminish

As noted above, the QLD has for many years served an important quality assurance function for the Solicitors Regulation Authority as part of its qualification framework but, following the introduction of the SQE, the QLD will lose its regulatory significance in that respect, since aspiring solicitors will need only to have studied a degree, and not necessarily a law degree. Whether the introduction of the SQE will change employers' perceptions of the value of a law degree remains to be seen. It may be that, even when it is no longer required as part of the qualification process, a law degree retains something of its status as a credible and robust programme of study. As Lucia put it: "I think it's always a degree that people will be impressed with because it's serious, isn't it?" Alternatively, students and employers may treat the deregulation as an opportunity to move away from the QLD, particularly if providers succumb to the temptation to reduce their programmes to the surface, rote learning that the SQE appears to promote.⁴⁷

In the present study, seven of the participants specifically referred to the law degree's current role as a threshold qualification that might enable a student to have their application considered, and some did so rather reductively – emphasising that other factors were already far more influential during the recruitment process. As Iain put it: "... it's getting your foot through the door, initially, to be interviewed – that's the most important aspect of it ...". Miriam, a senior public sector lawyer, agreed. She

⁴⁵Nicholson (n 6) 206.

⁴⁶Richard Bowyer, "Regulatory Threats to the Law Degree: The Solicitors Qualifying Examination and the Purpose of Law Schools" (2019) 30 *Law and Critique* 117.

⁴⁷Doug Morrison, "The SQE and Creativity: A Race to the Bottom?" (2018) 52 *The Law Teacher* 467.

explained: "... in terms of the degree, it's just 'have they either got a law degree or another degree and a GDL – tick', they get past that stage." Whilst this sentiment resonates with student perspectives illuminated in Part 3 of this research,⁴⁸ and may well reflect the reality of recruitment decisions, it seems to suggest that providers and graduates need to do more to ensure that prospective employers are made aware of the unique value of their programmes, and that the importance of doing so will only increase as the admission requirements move away from the QLD.

Relatedly, there was a sense from some participants that alternatives to the traditional law degree may in fact already be more attractive to some employers. For example, Gregory – a partner at a national, full-service law firm – said:

I'm a big fan, I guess I would be, of anybody doing something a bit different. It just means they're a more rounded individual when they hit the ground with us. Whether that's a previous career ... any candidate who can talk about their history and exploit the fact they've had a slightly unorthodox route I'm a big fan of, if I'm honest, it just makes them a more rounded person. They come to us much more mature. They've got something to say, they've actually had to make sacrifices to do what they want to do. It makes them more committed. It means, frankly, you can put them in a room, and they can talk to clients without any trouble because they're not fazed by it. That's a biggie as well. We do get traditional route trainees who have got the confidence and everything else to do that, but it comes easy for those who've done something before, frankly.

Similarly, Keshia explained that her firm has proactively sought to recruit candidates who have followed different paths, precisely to achieve a more diverse team. She explained:

... as a business, we really need to think about the diversity of the people we're bringing in – the talent – and it's not just from the traditional diversity pools that you think about when you talk about diversity, like ethnicity, or what have you. It's more about having people who come at things in a different way – so that diversity of thought as well. Because you do need to have people who come from different backgrounds, you're representing clients from different backgrounds – I think it's also very important that you represent the community that you're in as well. As a business, we have a footprint the length and breadth of the UK and very different communities within our footprint as well. I think you do need to represent that.

In theory, the introduction of the SQE broadens the scope for aspiring lawyers to take different paths through to qualification, though in practice it seems unlikely that it will do so in any way that has a positive impact on diversity within the profession.⁴⁹ However, whilst most participants indicated that their organisations did not yet have firm plans to reform their recruitment practices in the wake of the SQE, the apparent attractiveness of alternative routes, and the tendency for some participants to view the law degree as little more than a regulatory "tick-box", suggests that the loss of the law degree's QLD status may have significant implications for its popularity in the decades to come.

When specifically asked about how the traditional law degree might be reformed in order to preserve and even enhance its value in this context, participants emphasised the importance of universities collaborating with employers to develop practical and applied approaches and – where possible – incorporate placement opportunities for students to gain experience of legal practice. Overwhelmingly, participants felt that – to constitute a course that was valuable in their eyes – the degree would need to move

⁴⁸Nicholson and Johnston (n 11) 11.

⁴⁹Jessica Guth and Kathryn Dutton, "SQE-ized Out: SRA, Status and Stasis" (2018) 52 *The Law Teacher* 425.

well beyond a purely academic/theoretical study of core areas of law, and instead introduce legal issues in their real-world context, providing students with hands-on experience so they can develop a wide range of relevant skills.

Gregory explained:

When I did my original law degree, the closest we got to real life – and it was a fairly narrow cohort that did – was perhaps the pro bono stuff we did, which was there but it wasn't part of the course. That has now come on leaps and bounds where certain institutions do modules where they're practising law ... Because it's all about having trainees who hit the ground, confident, know what legal practice looks like more than just a vac scheme, and aren't fazed by being put in front of a client, virtually or otherwise. And so, where there are opportunities to do that, and not be fazed by that – I think that's worth a bank of gold.

Similarly, Harriet – a graduate recruitment specialist working at an international, commercial law firm – said:

I actually really rate degrees, where people have done a year in industry. I think if there's any way that you could have that practical experience during your university degree (a bit like an apprenticeship but perhaps not as much working time as that) I think that would be really valuable, not only to the student, but also to the firm that student is going to.

As noted in Part 2 of this research, most UK legal education providers do now explicitly offer work experience and/or placement opportunities of some kind to their students, but few stand out as offering differentiated value in this space and there are significant challenges associated with competing on this basis alone.⁵⁰ As such, whilst all but the strongest brands must surely continue to innovate in relation to practical/applied pedagogies in order to continue to attract aspiring lawyers to their programmes, it seems likely that most providers will also need to identify other unique value propositions that appeal sufficiently to particular segments of the market if they are to maintain the student numbers on their courses that they have enjoyed in recent decades.

Conclusions

Although they were not specifically prompted to do so, employers in the sample almost unanimously tended to focus their reflections on the instrumental value of a law degree, and in particular its ability to enhance a student's prospects of securing employment within legal practice. Even when specifically pressed, only a minority identified other alternative aspects of value, such as enjoyment of the university experience, or development of broader life skills.⁵¹ It is of course possible that this emphasis was due to the way the study was framed, and in particular the fact that participants understood that they had been selected due to their status as an employer with influence. Alternatively, however, it may simply be that individuals with responsibility for trainee solicitor recruitment do indeed perceive that the primary function of legal education is employability enhancement, and that they may do so even more strongly than student populations.

The findings of this study suggest that there may be more work for providers and policymakers to do in changing employer perspectives where unconscious biases (particularly in relation to degree classification and institution status) may be having

⁵⁰Nicholson (n 8) 11.

⁵¹For a full discussion on the holistic value of a law degree see Nicholson (n 6).

a disproportionate impact on minority and disadvantaged groups.⁵² Additionally, they suggest that there may be opportunities for legal education providers to reform the content of their courses so as to equip their graduates with knowledge and skills that have in recent years become essential for modern legal practice. The deregulation that will be brought about by the introduction of the SQE provides a fresh opportunity for legal education providers to proactively enhance the employability value of their courses, through applied perspectives, placement activity, and/or closer collaboration with the legal profession. Of course, not all law students aspire to be lawyers. However, where providers choose not to develop their courses in this way, they must be prepared for the perceived employability value of those courses to diminish, and therefore to compensate for this reduction through the development of alternative value propositions that sufficiently resonate with key target market segments.

It is acknowledged that these conclusions may imply that greater employability enhancement is or should be HE's central concern, or at least one important aim of many. It is worth noting again however that this is by no means universally accepted by the academic community or indeed necessarily by society at large. In this study, after his interview had ended and the tape had stopped rolling, Gregory asked about the relationship between his own value perceptions and the value of academia more generally. He acknowledged that what he wants from a law degree – as a partner in a national law firm – is likely to be very different from what society needs from the academy in general, and indeed from what legal academics want from their working lives. Despite the employability emphasis in his interview – which was consistent with the sample as a whole – Gregory was keen to stress his view that academic research also had essential value for society, and care needed to be taken to ensure that universities did not become so employability-focused that society's leading experts – and their vital research activities – were lost through an exclusionary approach. This presents an absolutely fundamental challenge which must not be ignored, but which perhaps only sector-level reform is truly able to resolve.

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⁵²See Hilary Sommerlad, "The 'Social Magic' of Merit: Diversity, Equity, and Inclusion in the English and Welsh Legal Profession" (2015) 83 *Fordham L Review* 2325; Louise Ashley and Laura Empson, "Differentiation and Discrimination: Understanding Social Class and Social Exclusion in Leading Law Firms" (2013) 66 *Human Relations* 219.