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The value of a law degree - part 3: a student perspective

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The value of a law degree - part 3: a student perspective

The “value” of university courses in the UK is increasingly equated with their potential for employability enhancement. Part 1 of this research utilized theory from the marketing discipline to highlight the many other aspects of value that a law degree in particular offers beyond lawyer qualification, and Part 2 presented a theory of value for the UK legal education market specifically, based upon the value propositions articulated by UK providers in their online prospectus pages. This third paper in the series explores student perspectives on this theme, identified through six life history interviews conducted with past and present LLB students from a post-92 university in the UK. The findings indicate that - whilst employability (and lawyer qualification specifically) is unquestionably important - there is still much untapped value potential that can be harnessed in order to differentiate law programmes in an increasingly competitive market. As the relevant regulatory body prepares to make radical changes to the way that solicitors qualify in England and Wales from 2021, the time for providers to develop differentiated and distinctive value, is now.

Keywords: "value"; "differentiation"; "employability"; “marketing”; “value propositions”; “value slices”; “customer value”

Introduction

In the UK, the “cost” of attending university and the “value” that it delivers are under increasing scrutiny both politically and in the media.¹ Law courses in particular currently face additional questions because the Solicitors Regulation Authority is in the process of introducing a centralized assessment for admission to the solicitors’ branch of the profession, and removing the existing requirement for would-be solicitors to have studied a Qualifying Law Degree (QLD), or equivalent.² Whilst the QLD will in some form live on for aspiring barristers, the introduction of the Solicitors Qualifying Examination (SQE) will change fundamentally the significance of a law degree within the legal education market, and – in the context of the wider rhetoric – has the potential to diminish its perceived value, since the popularity of the law degree in recent decades has often been attributed to its significance for lawyer qualification.³

The solution for providers is not merely working harder to tell students what the value of their programme is.⁴ Rather, it is about understanding what students value, and then reflecting this in course design and marketing materials. If legal education providers are to continually enhance the value of their programmes and maintain sustainable competitive advantage within what has arguably become a ‘sea of sameness’, they must constantly strive to develop

¹ Dr 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; ‘The cost of studying at a university in the UK’ (*Times Higher Education*, 4 May 2020) <<https://www.timeshighereducation.com/student/advice/cost-studying-university-uk>> accessed 29 July 2020.

² ‘Background to the SQE’ (*Solicitors Regulation Authority*) <<https://www.sra.org.uk/sra/policy/sqe/background-sqe/>> accessed 5 March 2020.

³ Ben 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) <http://irep.ntu.ac.uk/id/eprint/26418/1/PubSub3106_Maharg.pdf> accessed 27 October 2020.

⁴ Patrick Sturgis and Nick Allum, ‘Science in Society: Re-Evaluating the Deficit Model of Public Attitudes’ (2004) 13 *Public Understanding of Science* 55.

a greater understanding of this evolving value picture.⁵ The aim of this study was to understand how students at the case study institution perceive the value of their law degree, in order to help inform providers' strategic attempts to preserve, enhance and/or articulate the value of their programmes.

Interest in the notion of “value” has a long history and the concept is examined in a range of disciplines from axiology (philosophy), sociology, economics, psychology, and organization and management. The concept of “customer value” has its theoretical home in the marketing discipline, and comprehensive reviews of relevant literature in this area have already been conducted by those operating within that discipline.⁶ Collectively, this literature is useful in terms of understanding, theoretically speaking, the different types of value that might exist and/or be perceived in different contexts. For example, amongst many other things, consumers might perceive a product or service as providing any combination of the following: ‘co-creation value’;⁷ ‘economic value’;⁸ ‘experiential value’;⁹ ‘epistemic value’;¹⁰ ‘functional/instrumental value’;¹¹ ‘symbolic value’;¹² or even simply, ‘happiness’.¹³ A full

⁵ Stacey Danheiser, Dr Simon Kelly and Dr Paul Johnston, *Lost in a sea of sameness: lack of differentiation dominates the telecommunications industry* (Shake Marketing Group, 2018) <<https://www.shakemktg.com/lost-sea-sameness>> accessed 10 August 2020.

⁶ Robert B Woodruff, 'Customer value: The next source for competitive advantage' (1997) 25 *Journal of the Academy of Marketing Science* 139; Jagdish N Sheth, Bruce I Newman and Barbara L Gross, 'Why We Buy What We Buy: A Theory of Consumption Values' (1991) 22 *Journal of Business Research* 159; J Brock Smith and Mark Colgate, 'Customer Value Creation: A Practical Framework' (2007) 15 *Journal of Marketing Theory and Practice* 7; Tony Woodall, 'Conceptualising “Value for the Customer”: An Attributional, Structural and Dispositional Analysis' (2003) *Academy of Marketing Science Review* 1.

⁷ Stephen Vargo and Robert Lush, 'Evolving to a New Dominant Logic for Marketing' (2004) 68(1) *Journal of Marketing* 1.

⁸ Michael E Porter, *Competitive Advantage: Creating and Sustaining Superior Performance* (Free Press 1985).

⁹ Morris B Holbrook, 'Customer value and autoethnography: subjective personal introspection and the meanings of a photograph collection' (2005) 58 *Journal of Business Research* 45.

¹⁰ Sheth, Newman and Gross (n 6).

¹¹ Smith and Colgate (n 6).

¹² Kevin Lane Keller, 'Building strong brands in a modern marketing communications environment' (2009) 15 *Journal of Marketing Communications* 139.

¹³ Kevin Kaiser and S David Young, *The Blue Line Imperative: What Managing for Value Really Means* (Jossey-Bass 2013), 2.

explanation of these different types of value and how they might apply to the legal education context is provided in Part 1 of this research.¹⁴

However, whilst academics have devoted a lot of attention to describing the general attributes of value, what this vast collection of value literature cannot do on its own, is provide much insight into which of these types of value are most likely in fact to be perceived by students (and specifically law students) in relation to their university studies, and in what proportions. It was this richer picture that the present study sought to unveil.

Part 1 of this research applied, at a theoretical level, the customer value literature to the legal education context, so as to identify the wide range of value components that are likely to make up the holistic value of a law degree.¹⁵ Whilst this work was useful in combating the current societal rhetoric and in encouraging and equipping legal education providers to think more holistically about the value that their programmes offer, it was not based on any new primary data collected within the legal education context and nor did it deal with the complexity or diversity of value perceptions at the individual student level. As regards the objective of the present study therefore, this work suffered from the same limitation as much of the wider customer value literature.

Similarly, there have been many empirical studies that provide evidence for different aspects of value in the context of HE programmes. For example, the literature shows that, in general, graduates benefit economically from their studies, live longer, and live more socially useful

¹⁴ Alex Nicholson, 'The value of a law degree' (2020) 54 *The Law Teacher* 194.

¹⁵ Nicholson (n 14).

and happier lives, than non-graduates.¹⁶ Additionally, their families also appear to benefit, as first-generation university students tend to raise aspirations for their siblings.¹⁷

However, studies of this kind tend to be quantitative in nature and are therefore typically limited to testing previously identified hypotheses. Whilst their findings may have some utility in helping providers to enhance the objective value of their programmes in a measurable way, they do not generally reveal the extent to which individual students do in fact recognize and value these components subjectively, and/or how they might weigh them against other important value components and why. Equally, with such studies there is a risk that those who have power simply affirm their own ideology and views about what is valuable by selecting what to measure.¹⁸ Such studies therefore present a crude and oversimplified perspective that potentially neglects minority viewpoints and presupposes certain causal relationships. In any event, to assume that students simply make a rational choice based upon objective evidence when deciding which course to sign up to is likely to be flawed.¹⁹

Empirical studies have also been conducted in relation to student *perceptions* of value, but most have examined only the perceived value of a single aspect of course design, and those with a broader focus at best serve only to highlight the complexity and evolving nature of the

¹⁶ Jack Britton and others, *The impact of undergraduate degrees on lifetime earnings* (Institute for Fiscal Studies, 29 February 2020) <<https://www.ifs.org.uk/uploads/R167-The-impact-of-undergraduate-degrees-on-lifetime-earnings.pdf>> accessed on 10 August 2020; Kasey Buckles, Andreas Hagemann, Ofer Malamud, Melinda Morrill and Abigail Wozniak, 'The effect of college education on mortality' (2016) 50 *Journal of Health Economics* 99; Philip Trostel, *It's not just the money: the benefits of college education to individuals and to society* (Lumina Foundation 2015) <<https://www.luminafoundation.org/files/resources/its-not-just-the-money.pdf>> accessed 22 February 2019.

¹⁷ Emma Wainwright and Mike Watts, 'Social mobility in the slipstream: first-generation students' narratives of university participation and family' (published online: 10 February 2019) *Educational Review*, DOI: 10.1080/00131911.2019.1566209.

¹⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Penguin Books 1991).

¹⁹ Melvin Aron Eisenberg, 'The Limits of Cognition and the Limits of Contract' (1995) 47 *Stanford Law Review* 211.

issue.²⁰ For example, one reputable international student survey reported that international students were most influenced by their passion for their chosen subject when deciding what and where to study.²¹ Just two years later the same survey reported that subject interest had been overtaken by the potential for employability enhancement as the key factor in this decision, and this finding was replicated in the most recent equivalent study of domestic students.²² In relation to law students specifically, Hardee found that in England and Wales most opted to study law principally because of their interest in the subject, but given the results of the 2019 QS survey, and how much the sector has changed since Hardee's study was conducted, there can be little confidence that the results would be the same if it were repeated.²³

Accordingly, even these studies which claim to provide insight into student perceptions of value are typically either also quantitative in nature and/or very narrow in focus. The problem with such studies is not that they present only a partial picture, but that the partial picture they present is often treated as being complete. For example, much of the focus in HE has been on measuring satisfaction rather than value. These terms are often mistakenly conflated in that

²⁰ See Donella Caspersz and Doina Olaru, 'The value of service-learning: the student perspective' (2017) 42 *Studies in Higher Education* 685; C. Larsen, C. Walsh, N. Almond and C. Myers, 'The "real value" of field trips in the early weeks of higher education: the student perspective' (2017) 43 *Educational Studies* 110; Louise Pigden and Franc Jegede, 'Thematic analysis of the learning experience of joint honours students: their perception of teaching quality, value for money and employability' (published online: 4 September 2019) *Studies in Higher Education*, DOI: 10.1080/03075079.2019.1661985; Ben Waters, "'A part to play": the value of role-play simulation in undergraduate legal education' (2016) 50 *The Law Teacher* 172.

²¹ QS, *International Student Survey 2017: Welcoming the World* (QS 2017) <<https://www.internationalstudentsurvey.com/international-student-survey-2017/>> accessed 10 August 2020, 10.

²² QS, *International Student Survey 2019 - Growing Global Education: Rising to the international recruitment challenge* (QS 2019) <<https://www.internationalstudentsurvey.com/international-student-survey-2019/>> accessed 10 August 2020, 35; QS, *Domestic Student Survey 2020 - Student recruitment in the new paradigm: Britain 2020* (QS 2020) <<https://www.qs.com/portfolio-items/uk-domestic-student-survey-2020/>> accessed 10 August 2020, 26.

²³ Melissa Hardee, *Career Expectations of Students on Qualifying Law Degrees in England and Wales* (The Higher Education Academy, April 2012). <https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/hea/private/resources/hardee-report-2012_1568037246.pdf> accessed 15 April 2020, 11.

customer value refers to something the customer desires and includes a comparative subjective assessment of potential competitive offers, whereas satisfaction is a retrospective measure of something the customer has received from a single provider.

As such, the collection of rich data which examines in detail the perceptions of value in the legal education context at the individual student level was much needed, to complement and contextualize the wealth of quantitative and compartmentalized data that already exists. Such data would not only provide insight in its own right, but could also identify a range of value components which might be later studied more deductively to understand wider sector trends.

Methodology

The key driver for the present study was a search for information that would help legal education providers better understand what individual students might value about their legal studies, in the hope that this would facilitate a more empathetic and thereby more effective and inclusive approach to future course design and marketing. Given that this quest was prompted by a current business/societal problem, and aimed to inform the development of strategies designed to solve this problem, this appeared to necessitate a pragmatic approach, which lends itself to mixed methods research design.²⁴

²⁴ Mihaela 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 C H Chia (eds), *Philosophy and Organization Theory* (Emerald 2011).

However, based on the inherently subjective nature of value and the diversity of student populations, it was clear that at least initially a subjective approach to this inquiry was most likely to deliver the kind of information that was needed for the intended application.²⁵

Such an approach lent itself to a qualitative research design which could facilitate a predominantly inductive reasoning process.²⁶ In this respect, the methodology was broadly influenced by Glaser and Strauss' Grounded Theory, albeit the data analysis did not rigidly adhere to a grounded theory method, but rather was conducted using subsequent derivatives of this approach.²⁷ The nature of such an approach is that its aim is to build an evidence-based, original explanation from the ground up, rather than testing the validity of pre-existing hypotheses.

The study comprised an inquiry into student perceptions of value, specifically in relation to the law programme at the authors' own institution, Sheffield Hallam University (SHU), and in that sense was suited to a single case, holistic, case study research strategy.²⁸

Though case studies do not produce generalisations that apply in exactly the same way in every in case, the findings can be treated as generalizable, even though their purpose is to generate rich data and insight within a limited context.²⁹ In this way the insights gained from

²⁵ See Simon 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;

²⁶ Norman 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).

²⁷ See Barney G Glaser and Anselm L Strauss, *The discovery of Grounded Theory: strategies for qualitative research* (first published 1999, Routledge 2017); Gary L Evans, 'A Novice Researcher's First Walk Through the Maze of Grounded Theory: Rationalization for Classical Grounded Theory' (2013) 12 *Grounded Theory Review* <<http://groundedtheoryreview.com/2013/06/22/a-novice-researchers-first-walkthrough-the-maze-of-grounded-theory-rationalization-for-classical-grounded-theory>> accessed on 10 August 2020.

²⁸ Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th ed, Sage 2018).

²⁹ Bent Flyvberg, 'Case Study' in Denzin and Lincoln (n 26); Anna Dubois and Lars-Erik Gadde, 'Systematic combining: an abductive approach to case research' (2002) 55 *Journal of Business Research* 553; Hans-Gerd Ridder, Christina Hoon and Alina McCandless Baluch, 'Entering a Dialogue: Positioning Case Study Findings towards Theory' (2014) 25 *British Journal of Management* 373.

a specific case can be re-contextualized into other settings. As a research strategy, case studies are gaining increasing recognition within social science.³⁰

The study could also be described as a ‘narrative inquiry’ since participants were asked to provide a narrative which contextualized their perceptions of value within their life experiences.³¹ The use of narrative inquiry as a complementary research strategy is also established.³² The aim was that by adopting this strategy, the social reality could be studied through the lens of lived experience.³³

Data collection comprised six life history interviews, where participants would start from their earliest memory in narrating their perceptions of the value of their studies.³⁴ Narrative enquiry encourages the participants themselves to identify the significance of their data and convey the meaning of that data through their narrative.³⁵ In the present study, this meaning was validated by asking participants to comment on or revise narrative summaries prepared after each interview to ensure that their narratives were interpreted correctly.³⁶

A small number of participants was used to provide insight into the wider population, and these were selected purposively and heterogeneously to ensure a mix of experiences/backgrounds/personal characteristics (specifically gender, age, ethnicity, and

³⁰ 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.

³¹ Susan E Chase, ‘Narrative Inquiry: Still a field in the making’ in Denzin and Lincoln (n 26).

³² Gill Musson, ‘Life Histories’ in Catherine Cassell and Gillian Symon (eds), *Essential Guide to Qualitative Methods in Organizational Research* (SAGE 2004).

³³ Yiannis Gabriel and Dorothy S Griffiths, ‘Stories in Organizational Research’ in Cassell and Symon (n 32).

³⁴ Sally Maitlis, ‘Narrative Analysis’ in Gillian Symon and Catherine Cassell (eds), *Qualitative Organizational Research: Core Methods and Current Challenges* (SAGE 2012).

³⁵ Amanda Coffey and Paul Atkinson, *Making Sense of Qualitative Data: Complementary Research Strategies* (SAGE 1996).

³⁶ Julien Cayla and Eric Arnould, ‘Ethnographic Stories for Market Learning’ (2013) 77(4) *Journal of Marketing* 1.

employment). Purposive sampling is appropriate for case study research as it enables the researcher to select cases of particular relevance, where representativeness is not sought.³⁷

The literature indicates that between 5 and 30 interviews may be appropriate for a qualitative study.³⁸ However, narrative inquiry studies generally use sample sizes at the lower end of this scale due to the quantity of data that they produce and the complexity of the data analysis process.³⁹ Accordingly, this study comprised six life history interviews, each lasting between 1 and 2 hours. In line with the aims of narrative enquiry, these were so-called ‘informant interviews’ which did not have a fixed set of questions, but rather, were led by the participants who were simply asked to narrate their life experiences chronologically, commenting on the impact that they might each have had on the evolution of their perceptions of the value of their law degree.⁴⁰ This approach was chosen specifically to ensure that participants would not be led by the researcher to focus on any particular aspects of value.

Findings and analysis

Value slices – primary analysis

Data in this study was analysed using template analysis - a form of thematic analysis involving the creation of coding templates – often through initial analysis of a small proportion of the dataset - followed by subsequent systematic reviews of the full dataset to integrate it into the template(s) in order to identify themes and relationships.⁴¹ However, for

³⁷ W Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (7th edn, Pearson 2014).

³⁸ John W Creswell, *Quantitative Inquiry and Research Design: Choosing Among Five Approaches* (3rd edn, SAGE 2013).

³⁹ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson 2016), 198.

⁴⁰ Janet Powney and Mike Watts, *Interviewing in Educational Research* (Routledge 1987).

⁴¹ Nigel King and Joanna M Brooks, *Template Analysis for Business and Management Students* (SAGE 2017), ch 3.

the first stage of the data analysis, all of the data was coded using the “slices” of the Value Slices Model from Part 1 of this research as *a priori* codes, noting the occurrences of each value slice within the data. Though statistical representativeness is not claimed due to the methodological approach and the subjective nature of the value concept, this did provide an early and very visual illustration of how the participants perceived the value of their law degree, and one that could be compared to the theoretical and provider perspectives identified in the earlier papers in this series.

The Value Slices Model is a practical tool - derived from established marketing theory (see above) - which was originally designed to support HE providers with the identification, development and articulation of value, by compartmentalizing the typically obscure, holistic value of their programmes into six broad categories or “slices”: (1) symbolic (i.e. personal meaning that a student might attach to their studies); (2) lifetime (i.e. longer-term benefits, beyond graduation); (3) instrumental (i.e. potential to help a student achieve specific objectives, such as lawyer qualification); (4) community (i.e. benefits for the student’s own communities or society more broadly); (5) experiential (i.e. benefits realised through undertaking the study itself, for example enjoyment or interest); and (6) sacrifice (i.e. the difference between what is invested and what is received).⁴² In Part 2 of this research, the Value Slices Model was then utilized as a framework for developing a theory of value within the UK legal education sector specifically, through a content analysis of the online prospectus pages of over 50 randomly selected UK law schools.⁴³ Amongst the sample population at least, the study showed that providers were overwhelmingly emphasising instrumental aspects of value, and specifically the employability benefits of their courses.

⁴² Nicholson (n 15).

⁴³ Alex Nicholson, 'The value of a law degree - part 2: a perspective from UK providers' (2020) *The Law Teacher* (forthcoming).

It is perhaps unsurprising therefore that primary coding of the data collected in the present study similarly illustrates that participants tended to focus heavily on instrumental aspects of value when talking about their law degrees, though it is interesting to note that symbolic and lifetime aspects of value appear at first glance to be proportionately more significant for participants in this study than is generally reflected in online prospectus pages. Table 1 below provides a useful indication of these emphases.

[Table 1 near here]

Whilst completing the primary coding using the Value Slices *a priori* codes, a preliminary list of *in vivo* codes (i.e. codes identified through analysis of the data itself) was also generated. These codes were then used to conduct a second level template analysis, which would help illuminate further the specific aspects of value that were perceived by participants within each value slice. Once again, this methodological approach deviates from pure Grounded Theory Method (GTM), but this deviation can be justified on the basis that it supports the development of the Value Slices Model as a practical tool. As Bryant put it:

*'[t]he epistemological issues that separate different strands, or branches of the GTM family, can...be set to one side provided that people's research writings do not seek to make strong epistemological claims; the ultimate criterion of good research should be that it makes a difference.'*⁴⁴

⁴⁴ Anthony Bryant, 'Grounded Theory and Pragmatism: The Curious Case of Anselm Strauss' (2009) 10(3) Qualitative Social Research, para 102.

Table 2 below provides a consolidated list of these *in vivo* codes. Again, the table shows the number of occurrences of each code within the data, thereby providing a preliminary indication of their potential relative significance which could be examined further through more in-depth analysis of the qualitative data.

[Table 2 near here]

Collectively, the consolidated *in vivo* codes provide a much more granular picture of the holistic value of a law degree, at least as perceived by the students in the sample, and – in spite of its prominence – suggest that the true holistic value of a law degree may indeed incorporate much more than simply employability enhancement.

Figure 1 below illustrates these findings diagrammatically, though it must again be emphasized that the size of each value slice and the order in which sub-slices are listed are indicative only, based upon the figures outlined in Tables 1 and 2.

[Figure 1 near here]

The following sections now explore the value slices in more detail in an attempt to explain the more granular value components identified by the participants, and why they are significant. Each of the slices will be considered in turn and illustrative quotations from the interview data will be provided.

i. *Symbolic*

The most cited aspect of symbolic value related to the way that a law degree and/or lawyers are perceived in society. These societal perceptions of themselves appeared to represent an aspect of value that was perceived by the participants, beyond the instrumental value of obtaining a career in law. As one graduate put it:

‘What reaction do you get from people when you tell them that you studied law... “Oh, God, you’ve done law? That must have been really difficult. How hard is that? Oh, wow, that’s really impressive. You managed to do a law degree?” Everybody in the whole world thinks that law is hard, because it is. If I know somebody who studied law, I automatically have a respect for them that I probably wouldn’t immediately have for anybody else...’

Graduate, working outside the legal sector

Institutional reputation also came out strongly as an aspect of value, though not necessarily one that strengthened value perceptions of the participant’s own degree. A number of participants referenced the idea of a “polytechnic stigma”. Although most when questioned did not believe that this impacted on the value of their degree, this is because they assessed value in predominantly instrumental terms. In fact, this did seem to be a significant issue, to the extent that one might reasonably conclude that it did detract from the perceived overall value of the degree for these participants. Five out of the six participants spoke in detail on this theme, but their comments are best encapsulated by the following quote:

‘...I became aware that there was a bit of a stigma of going to Shef Hallam as opposed to go into Shef Uni because it used to be a polytechnic, and apparently I think people kind of

turn their nose [up], “oh it's not the same standard as going to somewhere like Sheffield uni”...I think because it was a polytechnic, I think a lot of people still thought of it as a polytechnic...whereas Shef Uni is sort of...it's an institution, it's been there for so many more years than Hallam. So it's almost like it's not the original, it's an imitation, sort of thing. People like the partners I worked under, and other fee earners I worked with, would say, “oh, that's not a proper university”, as well. It's almost like once they know that's where I did my law degree, rightly or wrongly - perhaps it's just my own sort of insecurity - I certainly felt like there was a, “well, you're not as intelligent as me”.’

Graduate, working as junior in-house counsel

Beyond these key themes, participants also referenced the idea of “personal meaning” which encompassed concepts such as self-fulfilment and a sense of achievement, whereas fit / “feels right” was more about whether the participant felt that their own identity matched with the identity of the institution, for example:

‘I'm from Sheffield. This is my university, my hometown...’

Graduate, working at Partner level

ii. Lifetime

On the one hand it seems remarkable that the participants had so much to say about this value slice given the relative absence of focus on this aspect of value in providers’ online prospectus pages, but this could result from a recognition that this value component is perhaps not perceived by students until they experience it, i.e. after they graduate.

The value that participants perceived here could generally be classified into two categories: “career utility” and “other lifetime benefits”. Perhaps surprisingly given the emphasis on instrumental aspects of value, participants tended to focus on the latter of these two categories. Lifetime benefits in this sense were diverse and included concepts such as: self-formation or “growing up”; development of life skills such as self-discipline and an ability to prioritize; and the value of legal knowledge in various life situations. In some cases, this lifetime value also had an arguably symbolic flavour, at least in the way that participants framed it. For example:

‘I think “value” is the added extra; it helps create you as a person. University is such a big stage in your life; you change as a person so much during that time. I think university really does add that value, that life experience, that I don't think you get without going to uni...’

Graduate, working as a trainee solicitor

However, participants did generally also make links between the skills that they gained on their studies and the longer-term utility of those skills within their careers. Of the five participants now in employment, four of them identified such links. References included: use of legal knowledge; advocacy skills; confidence; communication; report writing; out-the-box thinking; and creativity. However, one participant strongly disagreed, though this could be because she completed her degree a number of years ago, when it did not have the applied focus that the course has developed in recent years. As she put it (speaking about practical experience she gained and how it prepared her for legal practice):

‘Again, it comes back to the fact: was my education of any value? And as far as the degree was concerned, save for the few experiences on the Law Clinic, I’d say no, not in terms of being able to do the jobs that I’ve done.’

Graduate, working at Partner level

iii. Instrumental

As noted above, this was the primary area of focus across the sample, and qualification as a lawyer was the single most important aspect of instrumental value that participants highlighted. In so doing, participants explained that this objective was derived predominantly from aspirations to: (1) have an enjoyable career; (2) achieve career autonomy; (3) receive a good salary; (4); join a prestigious profession that is well regarded in society; (5) and have opportunities to help others. Whilst there was some diversity amongst participants in terms of the reasons for wanting to qualify as a lawyer, there was a strong and consistent sense that participants saw the law degree as an important means to a clearly defined end. As one graduate put it succinctly:

‘To be a lawyer, I need to do a law degree, so I’m going.’

Graduate, working as a trainee solicitor

Additionally, however, there were a whole range of other objectives that participants articulated when opting to study law and/or to study at SHU. As is evident from Table 2 and Figure 1 above, these objectives were varied and diverse, and provide an important reminder of the subjective nature of value and the potential risks that providers might face in making any generalizations when developing marketing and/or curriculum development strategy.

iv. *Community*

The community value slice offers a contrasting picture to the lifetime value slice, in that it featured reasonably prominently in UK law school online prospectus pages, but barely featured at all in the qualitative data collected through the present study.

Where this aspect of value was cited, the references typically comprised reflections on the extent to which going to university and/or becoming a lawyer might enable the participant to make a greater contribution to society in the future. For example, as one participant commented:

‘...it's just about contributing to society. I think that the whole reason my mum got into teaching was to help young people achieve their dreams...And I suppose my mum wanted the same for me, she didn't just want me to run through the motions of life really, she wanted me to maximise the opportunities that I've got...’

Graduate, working as a mid-level solicitor

However, not a single participant identified the value of being able to help communities during their studies, for example through *pro bono* clinical activities, which form a very significant part of the modern law degree in the UK and have featured in the case study institution's law programme for more than 25 years. This is surprising against the backdrop of the clinical legal education literature which suggests that law clinic students often do recognise and appreciate the opportunities that they receive to help others through such activities.⁴⁵ However, by contrast, one relatively recent study in the UK reported that student

⁴⁵ See for example Paul McKeown, ‘Pro Bono: What's in it for law students? The students' perspective’ (2017) 24(2) *International Journal of Clinical Legal Education* 43; Ben Waters and Jeanette Ashton, ‘A study into situated learning through community legal companionship’ (2018) 25(2) *International Journal of Clinical Legal*

motivations for undertaking *pro bono* work did not survive after their studies ended, suggesting that – perhaps in line with the participants in this study – they perceived the value of their clinical activities in predominantly instrumental terms.⁴⁶

v. *Experiential*

The experiential value slice was another that comprised a diverse range of components across the sample, though one common thread was the institution's location, and what this would mean for each participant's experience of their degree. For example, those who chose to move away from home valued that highly, but equally, those who chose to stay at home valued the fact that it was local, as the following contrasting quotes illustrate:

'I basically chickened out; I just wasn't really ready to leave home. I'm a big family person and I just wasn't quite ready. So, I ended up going through clearing to go to Hallam.'

Graduate, working as junior in-house counsel

'I knew I wanted to live away, because I thought that the independence that came along with going to uni was going to be a big part of my experience.'

Graduate, working outside the legal sector

In the UK, most full-time undergraduate students do elect to study away from home and the Augar report describes this as 'a deep-seated part of the English culture'.⁴⁷ However, whilst

Education 4; Claudia Man-yiu Tam, 'Measuring law students' attitudes towards and experiences of clinical legal education at the University of Hong Kong' (2020) 27(1) *International Journal of Clinical Legal Education* 47.

⁴⁶ Paul McKeown, 'Law student attitudes towards pro bono and voluntary work: The experience at Northumbria University' (2015) 22 *International Journal of Clinical Legal Education* 6.

⁴⁷ Augar (n 1) 195.

the figures suggest that most students do value the opportunities for independent living that living away from home might provide, the contrasting quote here demonstrates that – far from diminishing a student’s perception of value – staying in the parental home might equally represent an important aspect of value for those who choose that path.

Particularly for those looking to move away, the city of Sheffield was a key attraction. As one graduate put it:

‘Sheffield was a really nice city as well, that was important, because I’m from Derby - which isn’t necessarily a big city at all - and we live in a village in Derby, and so me moving away was quite a big deal. And I think my mum was quite happy that Sheffield wasn’t too far away, and I wasn’t moving to somewhere like Leeds or Manchester, which are big cities; it was just a step up. Sheffield was big enough for me at the time.’

Graduate, working as a trainee solicitor

Generally, participants did perceive the experiential value of their degree to a significant extent, amongst other things referencing their interest in the subject, the facilities on offer, and the experience of working alongside staff and students from beyond their own local networks. However, the view was not unanimous. In particular, one senior-level participant experienced limited experiential value, reporting:

‘I’ll be blatantly honest - and I make no secret of this - I hated it; absolutely hated the prospect of spending three years doing what were the most driest, dullest, most boring subjects...All I remember is the fear and the anxiety, and I’m not really understanding it. I don’t really remember anything positive...’

Graduate, working at Partner level

Again this participant studied a previous (less applied) iteration of the programme a number of years ago, but these comments serve as a useful reminder that providers cannot afford to neglect the student experience as this potentially has a very significant impact on student perceptions of the overall value of their degree.

vi. Sacrifice

Finally, participants identified the sacrifice value of their degree, acknowledging the economic and non-economic costs of study, and how these weighed against the benefits received. Whilst most participants commented on this aspect of value, there was little consensus in terms of how they perceived it, as the following comments illustrate:

'...if I'd have been looking to do a law degree at the time when it was £9,000 pounds a year, I'm pretty sure I wouldn't have even bothered...'

Graduate, working as junior in-house counsel

'I don't think it's a waste of money at all. I always think of education as an investment in terms of money.'

Level 4 student

There was also a recognition of other aspects of sacrifice value, such as the degree of student support on offer, and the ease with which a student might secure a place. As one participant explained:

‘...the reason I eventually ended up pulling out of York, was because I got my unconditional for Hallam, and I was invited to an interview for York. I'd never sat in an interview before, ever in my life. I was too much of a chicken to go to the interview, so I cancelled my application.’

Graduate, working outside the legal sector

Conclusions and recommendations

As illustrated by Figure 1 above, the participants in this study appear to perceive the value of their law degree in highly instrumental terms, with an overwhelming emphasis on employability, and specifically on lawyer qualification.

This emphasis is already highly compatible with the strategic direction of the participants’ institution – with its vision to be the ‘world’s leading applied university’ – and of their Department, which recently launched its own on-campus law firm (SHU Law) in which all law students, at all levels of study, gain practical work-experience as a substantial credit-bearing component of their degree.⁴⁸ This context brings credibility and distinctiveness to any claims that the Department might make about the all-important instrumental/employability value of its law programme.⁴⁹ SHU Law in particular has a vital role to play because it means that the Department has a very clear mechanism for delivering on the employability promises that it is making to prospective students, which is more important than ever now that HE has become a consumer market.⁵⁰

⁴⁸ Sheffield Hallam University, *Transforming Lives* (2017) <<https://www.shu.ac.uk/~media/home/campaigns/files/transforming-lives.pdf>> accessed on 10 August 2020; Sheffield Hallam University, ‘LLB (Hons) Law’ (2020) <<https://www.shu.ac.uk/courses/law/llb-hons-law/full-time>> accessed on 10 August 2020.

⁴⁹ Keller (n 12).

⁵⁰ Competition & Markets Authority, *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 10 August 2020.

However, as Part 2 of this research demonstrated, lawyer qualification and employability and are also the aspects of value emphasised most heavily by other UK providers across the market.⁵¹ This suggests that students at many other universities might also value these aspects most highly. Yet many such providers will not benefit from similar strategic alignment and/or mechanisms to support the delivery of employability value. In any event, the qualitative comments suggest that by “lawyer qualification”, participants specifically mean qualification as either a barrister or a solicitor, the two most prestigious branches of the legal profession in England and Wales. For any provider, meeting student expectations of this kind is exceptionally difficult, since the number of law students in the UK vastly exceeds the number of opportunities to qualify into these branches of the profession.⁵² Even putting aside for a moment the potential ethical questions that this raises (as to which see further below), providers must be alert to the potentially damaging implications of this graduate outcomes deficit for perceptions of value in the longer term – if students’ sole objective in studying their law degree is to qualify as a barrister or solicitor, and they do not ultimately achieve that objective, then it is almost inevitable that they will perceive their degree to be of limited value, unless they also perceive (and attach significant weight to) other value components, to a greater extent than the data from this study suggests that they do currently. For this reason, focusing marketing and course development activities exclusively on employability is a particularly high-risk strategy for all but the most “applied” providers. The findings of this study do provide a stark reminder of the importance of delivering on the lawyer qualification

⁵¹ Nicholson (n 43).

⁵² The Law Society, 'Entry trends' (*The Law Society*) <<https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/>> accessed 12 March 2019; The Bar Standards Board, 'Pupillage statistics' (*The Bar Standards Board*) <<https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/pupillage.html>> accessed on 9 June 2020.

aspect of value, but the challenging employment market also necessitates the expansion of one or more of the *other* value slices.

In developing particular value slices within a particular provider context, the key challenge is to achieve both differentiation (i.e. ensuring that the product offers something that is both competitively unique and valuable to the consumer, predominantly through innovation), and distinctiveness (i.e. ensuring that it grabs attention, for example through impactful advertising that stands out and prompts action).⁵³ One way in which providers might be able to achieve this is to develop a value proposition stack in order to facilitate the development of value propositions that resonate with the market through a focus on a small number of core proposition themes around which decision making can be organized; such an approach enables value propositions to pervade an organization/department, helping to ensure that teams and individuals remain value-focused.⁵⁴ Such an approach is preferable to a broader focus on the holistic value of the programme, as it is more likely to result in a distinctive offer that resonates strongly with particular market segments.

At the time of writing, the impetus for such action has never been stronger, not least because the UK HE sector is under unprecedented financial pressure as a result of the COVID19 global pandemic.⁵⁵ In that context, and given the present homogenous market within which they are operating, no legal education provider can afford to develop value indiscriminately.⁵⁶ By developing core themes, teams and initiatives, legal education providers can more easily

⁵³ Simon Kelly, Paul Johnston and Stacey Danheiser, *Stand Out Marketing: How to differentiate your organisation in a sea of sameness* (Kogan Page, in press).

⁵⁴ Kelly, Johnston and Danheiser (n 25), 33-42.

⁵⁵ Simon Baker, 'Covid-19 crisis could bankrupt a dozen UK universities, IFS warns' (*Times Higher Education*, 6 July 2020) <<https://www.timeshighereducation.com/news/covid-19-crisis-could-bankrupt-dozen-uk-universities-ifs-warns>> accessed 9 July 2020.

⁵⁶ Kim W Chan and Renée Mauborgne, 'Blue Ocean Strategy' (2004) 82(10) *Harvard Business Review* 76.

focus on creating and communicating unique and distinctive value. The aim is not merely to help stakeholders recall value propositions that are constructed, but rather to help those stakeholders to make sense of them, and to own them – to persuade them to think differently about the programme.⁵⁷ Once impactful themes have been developed, they should then be used to drive all marketing and course development activities.

Alongside these strategic marketing recommendations, a word of caution is also needed.

There is certainly a case for engaging in a dialogue about value with prospective and current students, with a view to increasing awareness and appreciation of pre-existing but under-recognised value components, such as “community” and “lifetime” value. Indeed, as Vargo and Lusch explain, value is a dynamic and moving target that is ‘idiosyncratic, experiential, contextual, and meaning laden’.⁵⁸ However, any such efforts should principally take the form of open discussion with students and influence for mutual benefit - rather than omnidirectional attempts to manipulate points of view – recognizing that both provider and student have a role to play in marketing activity.⁵⁹ “Value” is after all in this context ultimately determined by the student, and providers should therefore strive for co-creation.

Rather than pre-preparing value to be exchanged, any marketing activities should facilitate the identification of opportunities for mutual resource integration which enable providers to better help students create “value in use”.⁶⁰ The natural conclusion of this argument is that providers must continually ensure that their value focus aligns with the value perceptions of a

⁵⁷ Professor Sam H Ham and Professor Betty Weiler, ‘Persuasive Interpretation’ (2003, Autumn) 8(3) *Interpret Scotland* < <https://interpretsotland.files.wordpress.com/2015/02/interpret-scotland-newsletter8.pdf> > accessed 10 August 2020.

⁵⁸ Stephen L Vargo and Robert F Lusch, ‘Service-dominant logic: continuing the evolution’ (2008) 36 *Journal of the Academy of Marketing Science* 1, 7.

⁵⁹ Richard J Varey, ‘A Dialogical Foundation for Marketing’ (2003) 3 *The Marketing Review* 273.

⁶⁰ David Ballantyne and others, ‘Value propositions as communication practice: Taking a wider view’ (2011) 40 *Industrial Marketing Management* 202; Andreas Eggert and others, ‘Conceptualizing and communicating value in business markets: From value in exchange to value in use’ (2018) 69 *Industrial Marketing Management* 80.

sufficient segment of the market, and must be prepared to depart from aspects of value that are simply not recognized or valued by students and/or graduates, where it is appropriate to do so.

In this respect, providers may in the short-term benefit from commissioning studies similar to the present study, but within their own contexts, with the aim of identifying the nature of the value perceptions across their own student body, and opportunities for value creation, specifically within envisaged areas of focus. Thereafter, providers may similarly benefit from implementing mechanisms through which changing value perceptions can be monitored and responded to accordingly, for example through annual focus groups with or questionnaires from current students and graduates. The Value Slices approach is likely to be most effective as a continuous improvement process, rather than a one-time evaluation. Relatedly, whilst it may be acceptable for a provider to focus on particular value components precisely with the objective of attracting prospective students, significant ethical questions arise thereafter unless the provider is able to: (a) deliver on those particular components; and/or (b) deliver alternative aspects of value which are subsequently perceived and valued by graduates.

The pressing questions for all legal education providers in this fiercely competitive market are: (1) whether the programmes it offers are sufficiently unique; and (2) whether that uniqueness is clearly articulated to, and highly valued by, a sufficiently large segment of the market. As providers seek to move away from value propositions which focus exclusively on legal qualification - it will be important to build on their core competencies.⁶¹ However, being able to effectively communicate those competences will be equally important, and

⁶¹ C K Prahalad and Gary Hamel, 'The core competence of the organisation' (1990) 68(3) Harvard Business Review 79.

there may even be providers that are able to develop this in itself as one of their strengths.⁶²

In deciding how to shape and influence the value of different legal education programmes, the Value Slices Model and studies such as this one may assist those responsible for marketing and curriculum design by facilitating the identification and development of targeted interventions designed to create value and/or enhance stakeholder perceptions of that value.

The legal education market in the UK has reached a tipping point. Clear opportunities do exist within the market for providers to focus on relatively untapped value aspects, for example by developing the technology used within programme delivery,⁶³ aligning more closely to the SQE,⁶⁴ or indeed in taking a more liberal arts approach which is for example committed to retaining instruction in precisely the kind of higher-level legal reasoning that the SQE arguably seeks to discredit.⁶⁵ The “right” approach will be different for each and every provider and will very much depend upon existing areas of strength. However, with rising study costs, solicitor apprenticeships, the introduction of the SQE, and now a global pandemic, it will likely become more and more difficult for any provider to compete so exclusively on a promise to deliver a route to legal qualification. This means that legal education providers must adopt one or both of the following core strategies: (1) invest heavily in ensuring that their programme provides a more reliable route to qualification than that of their competitors, ensuring this is both sustainable and clearly evidenced by key sector metrics; or (2) expand their focus, identifying one or more key market segments, and working

⁶² Thomas Ritter, ‘Communicating firm competencies: Marketing as different levels of translation’ (2006) 35 *Industrial Marketing Management* 1032.

⁶³ Dan Jackson, ‘Human-centered legal tech: integrating design in legal education’ (2016) 50 *The Law Teacher* 82.

⁶⁴ Nicholson (n 43).

⁶⁵ See for example Luke Mason, ‘SQEezing the jurisprudence out of the SRA’s super exam: the SQE’s Bleak Legal Realism and the rejection of law’s multimodal truth’ (2018) 52 *The Law Teacher* 409.

with those segments to develop and articulate value propositions that are differentiated and distinctive.

Table(s) with caption(s)

Table 1. Occurrences of value slice *a priori* codes

Value Slice	Coded Occurrences
Symbolic	72
Lifetime	60
Instrumental	230
Community	6
Experiential	84
Sacrifice	65

Value Slice	<i>In Vivo</i> Codes	Coded Occurrences
Symbolic	Societal perceptions	27
	Institution reputation / history	25
	Personal meaning	17
	Fit / “feels right”	9
Lifetime	Other lifetime benefits	32
	Career utility	19
Instrumental	Qualification as a lawyer	130
	Employability enhancement	48
	Developing personal attributes	25
	Gaining practical experience	24
	Making family proud	22
	Obtaining a formal qualification	18
	Academic community	16
	Gaining independence	14
	Developing skills	12
	Quality of the provision	10
	Meeting new people	9
	Proving people wrong	5
	Acquiring knowledge	4
Community	<i>All</i>	6
Experiential	Leaving home	19
	Subject interest	14

	Enjoyment	13
	Activities beyond the course	11
	The city of Sheffield	10
	Course content / activities	9
	Culture	9
	Facilities	3
Sacrifice	Non-economic costs	21
	Economic costs	16
	Student support	8
	Ease of admission	7

Table 2. Occurrences of value slice *in vivo* codes

Figure caption(s)

Figure 1. Value Slices Model of a law degree as perceived by past and present students