



An exploration of value discourses in legal education

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An exploration of value discourses in legal education

Alex Nicholson

*A thesis submitted in partial fulfilment of the requirements of
Sheffield Hallam University
for the Degree of Doctor of Philosophy on the basis of published work*

November 2021

Candidate Declaration

I hereby declare that:

1. I have not been enrolled for another award of the University, or other academic or professional organisation, whilst undertaking my research degree.
2. None of the publications submitted for the award have been submitted by me for a research degree of any other institution.
3. I am aware of and understand the University's policy on plagiarism and certify that this thesis is my own work. The use of all published or other sources of material consulted have been properly and fully acknowledged.
4. The work undertaken towards the thesis has been conducted in accordance with the SHU Principles of Integrity in Research and the SHU Research Ethics Policy.
5. The word count of the thesis (comprising the publications and critical appraisal) is 102,153.

| | |
|------------------------|---|
| Name | Alexander John Nicholson |
| Award | Degree of Doctor of Philosophy on the basis of published work |
| Date of Submission | November 2021 |
| College | Social Sciences and Arts |
| Director(s) of Studies | Dr James Marson |

Abstract

In September 2021, the regulator of the largest branch of the legal profession in England and Wales introduced a radically reformed qualification framework. Not only does this arguably of itself precipitate the need for transformational change within the legal education market, but it comes at a time when societal rhetoric is questioning the value of higher education more widely. When one is asked to speak about the “value” of legal education, the resultant discourse tends at least initially to focus on instrumental aspects, and there is often an economic flavour. However, dig a little beneath the surface and it soon becomes clear that individual perceptions of value are multifaceted, inherently subjective, and subject to a constant process of evolution. The overarching aim of this programme of research was to explore the value discourses that exist within legal education and thereby formulate recommendations for reform. This aim was achieved using a predominantly pragmatist approach, and comprising a mixed methods design – albeit with an exclusive focus on doctrinal, theoretical, socio-legal, and qualitative methods, given the subjective nature of “value”. The collective contribution of the eleven publications presented in this work is three-fold. First, they highlight the complexity of the value concept – specifically in relation to its application within legal education – and propose new theoretical models which can assist legal and other education providers in evaluating, creating, and articulating value more holistically. Second, they illustrate the value of interdisciplinary and socio-legal research, and in so doing present important evidence to further support calls for greater interdisciplinarity within legal education. Finally, they highlight opportunities where an exploration of other value discourses might enhance educational and/or research outcomes by revealing previously hidden perspectives.

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Table of Abbreviations

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| DLC | Department of Law and Criminology |
| HE | Higher education |
| HEA | Higher Education Academy |
| NSS | National Student Survey |
| P | Published work within this thesis (followed by a numerical value to denote the particular publication referred to – see the Table of Publications below) |
| QLD | Qualifying Law Degree |
| SHU | Sheffield Hallam University |
| SQE | Solicitors Qualifying Examination |
| SRA | Solicitors Regulation Authority |
| TEF | Teaching Excellence Framework |

Table of Cases

England and Wales

Addis v Gramophone Company [1909] AC 488.

Alfred McAlpine Capital Projects Ltd v Tilebox Ltd [2005] BLR 271.

Anglia Television Ltd v Reed [1971] 3 WLR 528.

Arlene Carswell (The Personal Representative of James Carswell Deceased) v The Secretary of State for Transport, The Motor Insurers' Bureau [2010] EWHC 3230 (QB).

Arnold v Britton [2015] 2 WLR 1593.

Attorney-General v R [2003] EMLR 24 (PC).

Barco de Vapor BV and others v Thanet District's, Council [2014] EWHC 490 (Ch).

Brace v Calder [1895] 2 QB 253.

Bridge Appellant v Campbell Discount Co Ltd [1962] 2 WLR 439.

Byrne v Motor Insurers' Bureau and another [2009] QB 66.

Calderbank v Calderbank [1976] Fam 93.

Carlill v Carbolic Smoke Ball Co [1893] 1 QB 256.

Carswell v Secretary of State for Transport and MIB [2010] EWHC 3230 (QB).

Cavendish Square Holdings BV v Makdessi [2013] 1 All ER (Comm) 787 (QB).

Cavendish Square Holdings BV v Makdessi and ParkingEye Limited v Beavis [2015] 3 WLR 1373.

Chertsey Urban District Council v Mixnam's Properties Ltd [1965] AC 735.

Clarke v Kato and Cutter v Eagle Star Insurance Ltd [1998] All ER (D) 481.

Clydebank Engineering & Shipbuilding Co Ltd v Don Jose Ramos Yzquierdo y Castaneda [1905] AC 6.

Cooden Engineering Co LD v Stanford [1953] 1 QB 86.

Co-operative Insurance Society Ltd v Argyll Stores (Holdings) Ltd [1997] UKHL 17.

Delaney v Secretary of State for Transport [2014] EWHC 1785 (QB).

Delaney v Secretary of State for Transport [2015] EWCA Civ 172.

Dunlop Pneumatic Tyre Company Limited v New Garage and Motor Company Limited [1915] AC 79.

Duke v GEC Reliance [1988] AC 618.

EBR Attridge LLP v Coleman [2010] ICR 242.

El Makdessi v Cavendish Square Holdings BV & Anor [2013] EWCA Civ 1539.

EUI v Bristol Alliance Partnership [2012] EWCA Civ 1267.

Euro-Diam Ltd v Bathurst [1990] 1 QB 1.

Export Credits Guarantee Department v Universal Oil Products Co and Others [1983] 1 WLR 399.

Farley v Skinner [2001] UKHL 49.

Foster, and Griffin and others v South West Water Services Ltd [1995] IRLR 15.

Ghaidan v Godin-Mendoza [2004] 2 AC 557.

Gibson v Manchester City Council [1979] 1 WLR 294.

Giraud UK Ltd v Smith [2000] IRLR 763.

Gray v Thames Trains [2009] UKHL 33.

Hadley and Another v Baxendale and Others (1854) 9 Exchequer Reports (Welsby, Hurlstone and Gordon) 341.

Harrison v Hill [1932] JC 13, [1931] SLT 598.

Hounga v Allen and another [2014] UKSC 47.

Howe v Smith (1884) 27 Ch D 89.

Jeancharm Ltd (t/a Beaver International) v Barnet Football Club Ltd [2003] EWCA Civ 58.

Jobson v Jobson [1989] 1 WLR 1026.

Keeley v Pashen [2004] EWCA Civ 1491.

Lansat Shipping Co Ltd v Glencore Grain BV (The Paragon) [2009] All ER (Comm) 12.

Litster v Forth Dry Dock & Engineering Co Ltd [1990] 1 AC 546 (HL).

Lloyd-Wolper v Moore [2004] EWCA Civ 766.

Mighell and ors v Reading [1999] 1 CMLR 1251.

Murray v Leisureplay Plc [2005] IRLR 946.

National Union of Teachers and others v Governing Body of St Mary's Church of England (Aided) Junior School and others [1997] IRLR 242 CA.

Omak Maritime Ltd v Mamola Challenger Shipping Co Ltd [2011] Bus LR 212.

Paul Jeremy Duffen v FRA BO SpA [1999] ECC 58.

Peachy v Duke of Somerset (1720) 1 Strange 447.

Phonographic Equipment (1958) Ltd and Another v Muslu [1961] 1 WLR 1379.

Photo Production Ltd v Securicor Transport Ltd [1980] AC 827.

Post Office v Norwich Union Fire Insurance Society Ltd [1967] 1 All ER 577.

Procter & Gamble v Svenska Cellulose [2012] EWCA Civ 1413.

Rainy Sky v Kookmin Bank [2011] 1 WLR 2900.

Recall Support Services Limited and others v Secretary of State for Culture, Media and Sport [2013] EWHC 3091 (Ch).

Re Oasis Merchandising Services Ltd [1995] 2 BCLC 493.

Robophone Facilities Ltd v Blank [1966] 1 WLR 1428.

Seddon v Binions [1978] RTR 163.

Storer v Manchester City Council [1974] 3 All ER 824.

South Australia Asset Management Corporation Respondents v York Montague Ltd [1996] 3 WLR 87.

Thomas v Thomas (1842) 2 QB 851.

USDAW v Ethel Austin Ltd (In Administration) [2013] UKEAT/0547/12/KN.

USDAW and Wilson v Unite the Union, WW Realisation 1 Ltd and Secretary of State for Business, Innovation & Skills [2013] UKEAT/0548/12/KN.

Victoria Laundry (Windsor) LD v Newman Industries LD [1949] 2 KB 528.

Watts, Watts and Company, Limited v Mitsui and Company Limited [1917] AC 227.

Webb v EMO Air Cargo (UK) Ltd (No. 2) [1995] IRLR 647.

Wickman Machine Tools Sales Ltd v Schuler AG [1974] AC 235.

White v White [2001] 1 WLR 481.

Australia

Andrews v Australia and New Zealand Banking Group Ltd (2012) 247 CLR 205.

European Union

Bayerische HNL Vermehrungsbetriebe GmbH & Co. KG v Council and Commission of the European Communities, Case 83/76 [1978] ECR 1209.

Becker v Finanzamt Münster-Innenstadt, Case 8/81 [1982] ECR 53.

Bernhard Pfeiffer et al v Deutsches Rotes Kreuz, Kreisverband Waldshut eV, Case C-397/01 to C-403/01 [2004] ECR I-8835.

Brasserie du Pêcheur v Germany and R v Secretary of State for Transport, ex p. Factortame (III), Cases C-46/93 and C-48/93 [1996] ECR I-1029.

Churchill Insurance Company Limited v Benjamin Wilkinson and Tracy Evans v Equity Claims Limited, Case C-442/10 [2011] ECR I-00000.

CIA Security International SA v Signalson SA and Securitel SPRL, Case C-194/94 [1996] ECR I-2201.

Damijan Vnuk v Zavarovalnica Triglav, Case C-162/13 [2014], Judgment 4 September.

Elaine Farrell v Alan Whitty, C-356/05 [2007] ECR I-3067.

European Commission v Alrosa Co Ltd, Case C-441/07 [2010] ECR I-5945.

Evans v The Secretary of State for the Environment, Transport and the Regions and The Motor Insurers' Bureau, Case C-63/01 [2005] All ER (EC) 763.

Foster v British Gas, Case C-188/89 [1990] ECR I-3313.

Francovich and Bonifaci and others v Italy, Cases C-6/90 and C-9/90 [1991] ECR I-05457.

Fratelli Costanzo SpA v Comune di Milano, Case 103/88 [1989] ECR 1839.

Gábor Csonka and others v Magyar Állam, Case C-409/11 [2014] 1 CMLR 14 (CJEU).

Gervais Larsy v Inasti, Case C-118/00 [2001] ECR I-5063.

Johnston v Chief Constable of the RUC, Case 222/84 [1986] ECR 1651.

Katja Candolin, Jari-Antero Viljaniemi and Veli-Matti Paananen v Vahinkovakuutusosakeyhtiö Pohjola and Jarno Ruokoranta, Case C-537/03 [2005] ECR I-5745.

Klaus Konle v Republic of Austria, Case C-2/97 [1999] ECR I-3099.

Krzysztof Filipiak v Dyrektor Izby Skarbowej w Poznaniu, Case C-314/08, Judgment 19 November 2009.

Mangold v Helm, Case C-144/04 [2005] ECR I-9981.

Marshall v Southampton and South-West Hampshire Area Health Authority (Teaching), Case 152/84 [1986] ECR 723.

Ministero delle Finanze v IN.CO. '90 Srl, Cases C-10-22/97 [1998] ECR I-6307.

R v Secretary of State for the Home Department ex p. Gallagher [1996] 2 CMLR 951.

Rafael Ruiz Bernáldez, Case C-129/94 [1996] ECR I-1829.

Rieser Internationale Transporte GmbH v Autobahnen- und Schnellstraßen-Finanzierungs-AG (Asfinag), Case C-157/02 [2004] ECR I-1477.

Robins v Secretary of State for Work and Pensions, Case C-278/05 [2007] ECR I-1053.

Salomone Haim v Kassenzahnärztliche Vereinigung Nordrhein, Case C-424/97 [200] ECR I-5123.

Sozialhilfverband Rohrbach, Case C-297/03 [2005] ECR I 4305.

The Queen v Ministry of Agriculture, Fisheries and Food, ex parte Hedley Lomas (Ireland) Ltd, Case C-5/94 [1996] ECR I-2553.

Vitor Manuel Mendes Ferreira and Maria Clara Delgado Correia Ferreira v Companhia de Seguros Mundial Confiança SA, Case C-348/98 [2000] ECR I-6711.

Table of Legislation

United Kingdom

Statutes

Consumer Insurance (Disclosure and Representations) Act 2012.

Consumer Rights Act 2015.

Education Reform Act 1988.

Human Rights Act 1998.

Road Traffic Act 1988.

Trade Union and Labour Relations (Consolidation) Act 1992.

Unfair Contract Terms Act 1977.

Universities of Oxford and Cambridge Act 1877.

European Legislation

Directives

Directive 72/166/EEC on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability [1972] OJ L103/1.

Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life insurance.

Directive 84/5/EEC on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles [1984] OJ LL8/17.

Directive 90/232/EEC on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles [1990] OJ L129/33.

Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the member states relating to collective redundancies.

Directive 2000/26/EC on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC.

Directive 2005/14/EC amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council

relating to insurance against civil liability in respect of the use of motor vehicles [2005] OJ L149/14.

Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability [2009] OJ L263/11.

1 – Table of Publications

In this thesis, references to the following publications will be in accordance with the abbreviations provided in the following table. For example, Paper 1 shall be cited as “P1”. Whilst some of these papers were co-authored, I use the first-person singular pronoun for consistency in my discussion of this work.

| Paper | Details of Publication | Role in publication preparation |
|-------|--|-----------------------------------|
| P1 | Alex Nicholson, 'Too entrenched to be challenged? A commentary on the rule against contractual penalties post <i>Cavendish v Makdessi</i> and <i>ParkingEye v Beavis</i> ' (2016) 22(3) European Journal of Current Legal Issues < http://webjcli.org/index.php/webjcli/article/view/498/670 > | Sole authored. |
| P2 | James Marson, Katy Ferris and Alex Nicholson, 'Irreconcilable Differences? The Road Traffic Act and the European Motor Vehicle Insurance Directives' (2017) 1 Journal of Business Law 51 | Co-authored (50%). ¹ |
| P3 | Alex Nicholson, 'Research-informed teaching: a clinical approach' (2017) 51 The Law Teacher 40 DOI: 10.1080/03069400.2015.1073503 | Sole authored. |
| P4 | Alex Nicholson, 'Should the penalty rule in contract law be abolished? A biblical answer to an apparently irreligious question' (2018) 24(1) European Journal of Current Legal Issues < http://webjcli.org/index.php/webjcli/article/view/595/789 > | Sole authored. |
| P5 | Alex Nicholson, 'The value of a law degree' (2020) 54 The Law Teacher 194 DOI: 10.1080/03069400.2019.1633117 | Sole authored. |
| P6 | Alex Nicholson and Alireza Pakgohar, 'Lean Thinking in a UK University Law Clinic: A Reflective Case Study' (2020) 27(1) International Journal of Clinical Legal Education 171 DOI: 10.19164/ijcle.v27i1.816 | Lead authored (70%). ² |
| P7 | Alex Nicholson, 'The value of a law degree – part 2: a perspective from UK providers' (2020) 55 The Law Teacher 241 DOI: 10.1080/03069400.2020.1781483 | Sole authored. |

¹ See email from James Marson and Katy Ferris dated 11 November 2021 at Appendix 12.

² See email from Alireza Pakgohar to author dated 19 October 2021 at Appendix 12.

| | | |
|-----|--|-----------------------------------|
| P8 | Alex Nicholson and Paul Johnston, 'The value of a law degree – part 3: a student perspective' (2020) 55 The Law Teacher 431 DOI: 10.1080/03069400.2020.1843900 | Lead authored (75%). ³ |
| P9 | Alex Nicholson and Paul Johnston, 'Generative mechanisms for student value perceptions: an exploratory case study' (2021) 45 Journal of Further and Higher Education 1104 DOI: 10.1080/0309877X.2021.1905158 | Lead authored (75%). ⁴ |
| P10 | Alex Nicholson, 'The value of a law degree – part 4: a perspective from employers' (2021) The Law Teacher (published online 9 July 2021) DOI: 10.1080/03069400.2021.1936396 | Sole authored. |
| P11 | Alex Nicholson, 'Customer value theory and dispute resolution strategy' (2021) 2 European Journal of Legal Education 99 < https://www.ejle.eu/index.php/EJLE/article/view/24/14 > | Sole authored. |

³ See email from Paul Johnston to author dated 20 October 2021 at Appendix 12.

⁴ Ibid.

2 – Acknowledgements

This thesis has been seven years in the making, and it is fair to say that it has been the most challenging journey of my professional life so far. I have so many friends, family members, and colleagues to thank for getting me to this point. I am unable to name them all here, but I do wish to make special mention of just a few.

Thank you, **Dr James Marson** and **Dr Jamie Grace**, for mentoring me on my research journey over the years. You have always been unreservedly generous with your time, and your advice has been invaluable.

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3 – Ethics Statement

Each of the published works forming part of this thesis has received appropriate ethics approval.

4 – Critical Appraisal

4.1 Introduction

This thesis presents a fresh vision for legal education. It will be of particular interest to individuals with responsibility for designing, developing, and leading legal education programmes in England and Wales, in the context of what in recent years has become a highly competitive market, dominated and at times arguably oppressed by employability agendas.⁵ The doctrinal, socio-legal, and empirical studies of which this thesis is comprised, together propose commercially and socially useful theories and models that legal education providers can use to develop their own “blue ocean” strategies to deliver distinctive and differentiated value propositions to specific segments within the market,⁶ thereby enabling them to escape the ‘sea of sameness’ within which most providers are currently swimming.⁷ It is contended that this, in turn, has the potential to foster a more diverse and sustainable legal education market, capable of delivering cumulatively more value to its stakeholders.

Background

Historically, the *raison d’être* of the UK’s universities was simply to advance ‘education, religion, learning and research’.⁸ Today, higher education (HE) is a consumer market,⁹ and meeting those original educational aims is more complicated.¹⁰ Furthermore, the “value” of university education is now often construed by society in highly economic terms,¹¹ and has increasingly been the subject of political scrutiny.¹² Faced with the prospect of long-term

⁵ See for example the metrics used to assess “teaching quality” in: 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 3 February 2019.

⁶ W Chan Kim and Renée Mauborgne, ‘Blue Ocean Strategy’ (2004) 82(10) Harvard Business Review 76.

⁷ Simon Kelly, Paul Johnston and Stacey Danheiser, *Stand Out Marketing: How to differentiate your organisation in a Sea of Sameness* (Kohan 2021) 3.

⁸ Universities of Oxford and Cambridge Act 1877 (40 & 41 Vic c 48), s 15.

⁹ 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.

¹⁰ Rajani Naidoo, Avi Shankar and Ekant Veer, ‘The Consumerist Turn in Higher Education: Policy Aspirations and Outcomes’ (2011) 27 Journal of Marketing Management 1142.

¹¹ Michael Tomlinson, ‘Conceptions of the Value of Higher Education in a Measured Market’ (2018) 75 Higher Education 711.

¹² See for example 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

liability for substantial tuition fees, employability enhancement appears to have become the central concern of prospective students,¹³ and this is echoed by an emphasis on graduate outcomes (assessed at least in part with reference to salary data) in the Office for Students' attempts to evaluate teaching quality.¹⁴

In addition to these wider issues within the HE sector as a whole, legal education is facing its own unique challenges. The number of law graduates in any given year consistently exceeds the number of training placements for barristers and solicitors,¹⁵ and law graduates have reportedly expressed 'anger' at their inability to qualify after several expensive years of study.¹⁶ Additionally, in September 2021, the regulator of the largest branch of the legal profession introduced a new qualification framework which, most significantly, included a centralised qualifying examination and dispensed with the established requirement for aspiring solicitors to have studied a qualifying law degree (QLD) or equivalent.¹⁷ Since it is likely that it is the QLD status that has attracted such large numbers of students to law courses in recent decades,¹⁸ it seems that there is a very real risk that these reforms may further threaten the perceived "value" of traditional undergraduate law courses.

Reflected in this analysis, we see the value of HE predominantly quantified in financial terms,¹⁹ reminiscent of classical economist perspectives such as those of Smith, Ricardo,

8_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; Rowan Moore, 'The free-market gamble: has Covid broken UK universities?' (*The Observer*, 17 January 2021) <<https://www.theguardian.com/education/2021/jan/17/free-market-gamble-has-covid-broken-uk-universities>>.

¹³ QS, 'International Student Survey 2019 – Growing Global Education: Rising to the International Recruitment Challenge' (QS 2019) 35 <www.internationalstudentsurvey.com/international-student-survey-2019/> accessed 10 August 2020; QS, 'Domestic Student Survey 2020 – Student Recruitment in the New Paradigm: Britain 2020' (QS 2020) 26 <www.qs.com/portfolio-items/uk-domestic-student-survey-2020/> accessed 10 August 2020.

¹⁴ Office for Students (n 5).

¹⁵ The Law Society, 'Entry Trends' (The Law Society) <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) <www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/pupillage.html> accessed 9 June 2020.

¹⁶ Julian Webb and others, 'Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales' (LETR 2013) <www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf> accessed 18 January 2019.

¹⁷ 'Background to the SQE' (*Solicitors Regulation Authority*) <www.sra.org.uk/sra/policy/sqe/background-sqe/> accessed 5 March 2020; see also Legal Services Board, 'Legal Services Board approves significant changes to how solicitors qualify' (*LSB*, 28 October 2020) <<https://www.legalservicesboard.org.uk/news/legal-services-board-approves-significant-changes-to-how-solicitors-qualify>> accessed 11 November 2020.

¹⁸ Ben Waters, 'Widening Participation in Higher Education: The Legacy for Legal Education' (2013) 47 *The Law Teacher* 261; Webb (n 16).

¹⁹ Michael E Porter, *Competitive Advantage: Creating and Sustaining Superior Performance* (Free Press 1985).

and Marx.²⁰ Such perspectives purport to construe value entirely objectively and based exclusively on intrinsic attributes and transaction potential (so-called “exchange value”).²¹ In other words, university education is valuable if the financial costs that students incur are outweighed by the financial benefits that accrue to them, for example by access to jobs with higher salaries over the course of their career.

However, not everyone perceives the value of HE in this way, and indeed many directly oppose any attempt to evaluate its utility with reference to employability.²² Similarly, literature from the marketing discipline indicates that the very notion of “value” is far more complex than purely economic perspectives might suggest. Indeed, the value that an individual consumer perceives a particular product or service to hold for them, is likely to comprise a unique blend of a wide range of possible value components. Amongst others, non-economic perspectives on value presented by this literature include: “co-creation value” (i.e. that which is created as a result of, but long after, initial consumption of the product or service);²³ “experiential value” (i.e. the enjoyment or other positive feelings or emotions experienced by the consumer whilst consuming the product or service);²⁴ “epistemic value” (i.e. the extent to which the product or service satisfies an inherent curiosity);²⁵ “functional/instrumental value” (i.e. the extent to which the product or service helps a consumer to achieve a specific objective);²⁶ “symbolic value” (i.e. the particular meaning or significance that the product or

²⁰ Douglas McKnight, ‘The Value Theory of the Austrian School’ (1994) 62 *Appraisal Journal* 465.

²¹ T Woodall, ‘Conceptualising ‘Value for the Customer’: An Attributional, Structural and Dispositional Analysis’ (2003) *Academy of Marketing Science Review* 1.

²² See 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.

²³ Stephen Vargo and Robert Lush, ‘Evolving to a New Dominant Logic for Marketing’ (2004) 68(1) *Journal of Marketing* 1.

²⁴ Morris B Holbrook, ‘Customer value and autoethnography: subjective personal introspection and the meanings of a photograph collection’ (2005) 58 *Journal of Business Research* 45.

²⁵ 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.

²⁶ J Brock Smith and Mark Colgate, ‘Customer Value Creation: A Practical Framework’ (2007) 15 *Journal of Marketing Theory and Practice* 7.

service has for a particular consumer and/or how it might be perceived by others in their networks);²⁷ and even 'happiness'.²⁸

It was this context that highlighted the need for research into value discourses within legal education, which could help identify a wider range of value components (beyond merely the economic), and thereby facilitate the formulation of recommendations for legal education reform at a time when they are greatly needed. There already existed a well-established and vast body of literature on theories of value in general.²⁹ Similarly, literature documenting the challenges facing legal education in the light of the forthcoming Solicitors Qualifying Examination (SQE) was also emerging.³⁰ However, no studies had yet brought these two fields together with the aim of seeking out possible solutions. This programme of research aimed to do just that.

The result is hope for all who despair at the apparent, current trends towards the massification, consumerisation, and homogenisation of higher education in general, and legal education in particular.

Originality, Significance and Contribution to Knowledge

Broadly speaking, the original contribution to knowledge of this thesis is that it provides a novel perspective on the value of legal education, which challenges the prevailing rhetoric in society, and equips policymakers and legal education providers with tools, models, and theories that collectively enable them to enhance value within the sector.

²⁷ Kevin Lane Keller, 'Building strong brands in a modern marketing communications environment' (2009) 15 *Journal of Marketing Communications* 139.

²⁸ Kevin Kaiser and S David Young, *The Blue Line Imperative: What Managing for Value Really Means* (Jossey-Bass 2013), 2.

²⁹ For a useful overview see Smith and Colgate (n 26).

³⁰ See for example Jessica Guth and Kathryn Dutton, 'SQE-ezed Out: SRA, Status and Stasis' (2018) 52 *The Law Teacher* 425; 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.

Uniquely, customer value theory has been used as a framework for evaluating, *inter alia*: the relative merits and limitations of black-letter and socio-legal approaches to legal research and education; the way that key stakeholders such as students and employers perceive the value of legal education; the way that legal education providers market their programmes; how value might be maximised in the legal education context through process design; and what opportunities might exist for law students to better understand law and legal practice by looking through a customer value lens. Following the introduction of the SQE earlier this year, leaders of legal education programmes may well be wondering whether – in order to continue recruiting students – all programmes must now converge around the assessment specification for the new “super exam”, and pursue an employability strategy at the expense of more critical, socio-legal perspectives. For such leaders, this research offers both light at the end of the tunnel, and a means of reaching it. It is argued that there is in fact scope for legal education providers to develop sustainable competitive advantage through a wide range of diverse value propositions, and theoretical models are presented that can assist legal education providers with the development of such strategies.

Details of the individual and collective contributions of each paper are outlined in Table 1 below.

Table 1

| Paper | Original Contribution(s) to the existing body of knowledge | Significance for this thesis |
|--------------|---|--|
| P1 | Offers a fresh argument in the long-running debate on the legitimacy of the rule against contractual penalties, namely that tradition may of itself may be preserving a rule which lacks a sound theoretical underpinning | P1 and P2 are examples of traditional, doctrinal research, which for the purposes of this thesis illustrate the widely recognised benefits of retaining established doctrinal approaches within legal education, |
| P2 | Brings to light deficiencies in the UK’s implementation of the European Motor Vehicle Insurance Directives and the resultant lack of protection for innocent | |

| | | |
|----|---|--|
| | victims of road traffic accidents caused by uninsured drivers and the potential for UK state liability | as well as their limitations |
| P3 | Offers a new definition of “research-informed teaching” which recognises the law degree’s unique vocational links and common student aspirations | P3 challenges common assumptions about the benefits of “research-informed teaching” within legal education, raises questions about its value, and proposes an alternative perspective which might offer enhanced value |
| P4 | <ul style="list-style-type: none"> (1) Offers a second, fresh argument in the debate on the legitimacy of the rule against contractual penalties, namely that biblical law may provide some support for the rule; and (2) illustrates the potential of interdisciplinary research (and specifically the application of biblical law) for understanding legal phenomena and solving legal problems | P4 illustrates the benefits of incorporating interdisciplinary/socio-legal perspectives within legal education, i.e. the opportunities that it provides for equipping students to solve legal problems which cannot be solved by doctrinal approaches alone. |
| P5 | <ul style="list-style-type: none"> (1) Uniquely applies customer value theory to legal education practice to generate new insights into the value components that might comprise the holistic value of a law degree; (2) challenges prevailing rhetoric regarding the value of a degree in general, and the value of a law degree in particular; and (3) proposes a new theoretical model (the Value Slices Model of Higher Education), which could assist legal education providers in evaluating, creating, and articulating value more holistically | P5 – P10 inclusive present new theories of value within legal education (supported by new empirical evidence) and associated theoretical models/frameworks which can help legal education providers to better understand, evaluate, create, maximise, and articulate value within the sector |
| P6 | <ul style="list-style-type: none"> (1) Uniquely applies lean management theory to legal education practice to generate new insights into how law clinic processes can be engineered so as to maximise value; and (2) illustrates the importance of interdisciplinary research (and specifically the role of management theory) for understanding legal education practice, solving practical problems, and maximising value within legal education | |
| P7 | <ul style="list-style-type: none"> (1) Presents new empirical evidence for the various value components that UK legal education providers currently articulate most strongly in relation to their programmes; and (2) presents new recommendations for legal education reform, and in particular identifies new ways in which legal education providers may successfully differentiate their courses in order to maintain market share following the SQE reforms | |

| | | |
|-----|--|---|
| P8 | <ul style="list-style-type: none"> (1) Presents new empirical evidence for the various value components that law students may perceive in relation to their degree; and (2) presents new recommendations for legal education reform, in particular identifying new ways in which legal education providers may successfully differentiate their courses in order to enhance student value perceptions | |
| P9 | <ul style="list-style-type: none"> (1) Presents new empirical evidence for the generative mechanisms that may be influencing student value perceptions within legal education; and (2) proposes a new theoretical model (the Value Slices + Model), which could assist legal education providers in understanding and/or influencing the development of student value perceptions | |
| P10 | <ul style="list-style-type: none"> (1) Presents new empirical evidence for the various value components that legal practice employers may perceive in relation to a law degree; and (2) presents new recommendations for legal education reform, in particular identifying new ways in which legal education providers may successfully differentiate their courses in order to enhance employer value perceptions | |
| P11 | <ul style="list-style-type: none"> (1) Presents a new theoretical model (the Value Slices Model of Dispute Resolution), which might assist legal educators, students, and practitioners in developing dispute resolution strategies that deliver greater value for clients; (2) illustrates the importance of interdisciplinary research (and specifically the role of customer value theory) for understanding legal phenomena and solving legal problems; and (3) illustrates the wider benefits of and opportunities for customer value theory in relation to enhancing legal education outcomes | P11 highlights the broader potential for applications of customer value theory within law and legal practice to enhance the value of legal education through socio-legal perspectives |

In summary, the original contribution to knowledge of this thesis has three main threads.

Principally, the thesis highlights the complexity of the value concept – specifically in relation to its application within legal education – and proposes new, theoretical models (the Value Slices Model of Higher Education, and the Value Slices + Model), supported by new empirical evidence, which can assist legal and other education providers in understanding, evaluating, creating, maximising, and articulating value more holistically. Second, it illustrates the value of interdisciplinary, or socio-legal research (in this case the application of theories and perspectives from disciplines such as education, law, lean management,

marketing, and theology) and in so doing presents important evidence to further support calls for greater interdisciplinarity within legal education, which has traditionally had a strong doctrinal focus. Finally, it highlights opportunities where an exploration of other value discourses (for example in the context of legal dispute resolution strategy) might enhance educational outcomes for law students.

SHU PhD Requirements

This critical appraisal is structured so as to comply with the requirements for a PhD on the basis of published work at Sheffield Hallam University. In this respect it: comprises between 5,000 and 10,000 words; states the aims of the research (at 4.2); provides a description of the research programme (at 4.3); offers an analysis of the component parts of the research and a synthesis of them as a coherent study (at 4.4); and highlights and evidences the significant and original independent contribution of the work to knowledge in the field of study (at 4.1 and 4.5).

4.2 Research Aims and Objectives

The aim of this programme of research was to explore value discourses within legal education and thereby formulate recommendations for legal education reform. To support achievement of this aim, the following research objectives were set:

- O1 To identify opportunities for interdisciplinarity which might enhance the value of legal education.
- O2 To understand how different stakeholder groups perceive the value of traditional legal education.
- O3 To develop practical theories and/or models which aid the evaluation, creation, and/or articulation of value within the legal education context.
- O4 To formulate recommendations for legal education reform following the introduction of the SQE.

4.3 Research Strategy and Methodologies

Philosophical Assumptions

Before I took up my first academic post in July 2014, I was a practising solicitor at a global business law firm, specialising in dispute resolution and advising a wide range of FTSE 100 and FTSE 250 companies. When at various points since then I have taken time out to reflect systematically on my research journey and the corresponding conceptualisation of my own philosophical beliefs in relation to how knowledge is constructed, I have increasingly come to appreciate the extent to which my own background and personal experiences have had an influence.³¹

My earliest publications (some of which are not presented as part of this thesis) employed a purely doctrinal legal method, or perhaps more precisely a “black letter law” approach.³² The doctrinal method has been defined as ‘...the research process used to identify, analyse and synthesise the content of the law’,³³ and – using the term “black letter law” specifically – McConville and Hong Chui wrote that such an approach ‘...focuses heavily, if not exclusively, upon the law itself as an internal self-sustaining set of principles which can be accessed through reading court judgments and statutes with little or no reference to the world outside law.’³⁴ Whilst I was carrying out this early research, I almost certainly would not have been able to identify the philosophical basis for my methodological choices. Quite simply, I set out to answer questions that formed in my mind regarding the content of legal rules and their coherence within the system as a whole, and a black letter law approach was all I knew – it was the only method I had encountered on my own undergraduate degree in

³¹ David A Kolb, *Experiential Learning: experience as the source of learning and development* (Prentice-Hall 1984).

³² See for example Jill Dickinson and Alex Nicholson, ‘Supreme Court Closes Another Vicarious Liability Loophole: Woodland v Swimming Teachers Association’ (2015) 21(2) *European Journal of Current Legal Issues*; Alex Nicholson, ‘Too entrenched to be challenged? A commentary on the rule against contractual penalties post *Cavendish v Makdessi* and *ParkingEye v Beavis*’ (2016) 22(3) *European Journal of Current Legal Issues*; James Marson, Katy Ferris and Alex Nicholson, ‘Irreconcilable Differences? The Road Traffic Act and the European Motor Vehicle Insurance Directives’ (2017) 1 *Journal of Business Law* 51; James Marson, Katy Ferris and Alex Nicholson, ‘Brexit means Brexit: What does it mean for the Protection of Third Party Victims and the Road Traffic Act?’ (2018) 39(2) *Statute Law Review* 211.

³³ Terry Hutchinson, ‘Doctrinal research: researching the jury’ in Dawn Watkins and Mandy Burton (eds) *Research Methods in Law* (2nd edn, Routledge 2018) 13.

³⁴ Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (Edinburgh University Press 2007), 1.

Law and the only approach to legal research that I adopted as a practising lawyer – its selection therefore seemed almost intuitive,³⁵ and research conducted by The Nuffield Foundation in 2006 suggests that this may not have been an atypical experience for a law graduate embarking upon an academic career.³⁶ With hindsight, I can see that – in relation to my early work – the focus on black letter law within my academic and vocational training strongly influenced both the nature of the research questions that I conceived, and the approach that I took to answering them.

Relatedly, although again I may not have been able to articulate this at the time, my philosophical perspective on the nature of law and of legal problems would have aligned more closely with Dworkin's notion of 'law as integrity' – the notion that judges in hard cases are always constrained by a framework of pre-existing rules and principles that dictate a single "right" answer to a legal question (i.e. judges as "law finders") –³⁷ than the now generally more widely accepted notion of judges as "law makers" which has been popularised by Hart, and by the Legal Realism movement.³⁸ This early paradigm may well have had its roots in my own education, with standardised curricula and testing creating – as the late Sir Ken Robinson suggested – the sense '...that there's one answer and it's at the back, and don't look and don't copy'.³⁹ However, it was certainly reinforced by experiences working as a commercial litigator. Strategic discussions with colleagues about disputes that we were working on would routinely incorporate debate on the risks of unknown facts, unpredictable witnesses, misleading documents, or conflicting client objectives – but rarely, if ever, did we even conceive of the possibility of judicial discretion or law reform. Even in the most complex cases, where identifying the so-called "correct" application of the law might

³⁵ Douglas W Vick, 'Interdisciplinarity and the Discipline of Law' (2004) 31 *Journal of Law and Society* 163.

³⁶ Professor Dame Hazel Genn, Professor Martin Partington, and Professor Sally Wheeler, 'Law in the Real World: Improving Our Understanding of How Law Works: Final Report and Recommendations' (The Nuffield Foundation, November 2006) <<https://www.nuffieldfoundation.org/wp-content/uploads/2019/12/Law-in-the-Real-World-full-report.pdf>> accessed 16 December 2021, 29.

³⁷ Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986) 255.

³⁸ See H L A Hart, *The Concept of Law* (3rd edn, OUP 2012); Brian Leiter, 'Rethinking legal realism: towards a naturalized jurisprudence' in Brian Leiter, *Naturalizing Jurisprudence: Essays on American Legal Realism and Naturalism in Legal Philosophy* (OUP 2007) 21.

³⁹ Ken Robinson, 'How schools kill creativity' (*TED.com*, 23 May 2006)

<https://www.ted.com/talks/ken_robinson_says_schools_kill_creativity> accessed 6 April 2021.

require a formal opinion from a leading QC in the relevant area, the risk that a judge might determine a case in a way that was contrary to the advice received was invariably construed in terms of the potential for human error in such matters (either on the part of the QC or on the part of the judge) rather than accepted as a legitimate but perhaps unfortunate exercise of judicial freedom and creativity. Though we accepted that not all legal rules were yet known, this did not detract from our implicit albeit naive faith in a system of rules, within which the answers to all legal questions were to be found.

However, as my academic career developed, I began to broaden my understanding of research methods, and this opened more opportunities for me as a researcher. As I began to read research papers from a range of other legal scholars, including the work of some of my new colleagues, I learned that it was acceptable for legal scholars to move beyond a purely “black letter” approach, and started to explore whether theoretical and/or empirical methods might complement my study of the law in a way that might produce alternative perspectives and/or solutions. I later came to recognise this approach as “socio-legal”. The essence of this approach is neatly encapsulated by the slogan of the Socio-Legal Studies Association as: ‘[w]here law meets the social sciences & humanities.’⁴⁰ Cownie cautions that the distinction between “black letter” and “socio-legal” approaches may be as much a question of identity as it is of substance,⁴¹ but what is clear is that in recent decades there has been a significant rise in the use of socio-legal methods within legal research.⁴² When presented with a complex or apparently unsolvable legal problem, there seems to be a growing consensus that there is value in looking beyond the discipline to see whether other theories, models, or empirical data might offer any solutions.

⁴⁰ SLSA, ‘Home’ (2021) <<https://www.slsa.ac.uk/>> accessed on 17 December 2021.

⁴¹ Fiona Cownie, *Legal Academics: Culture and Identities* (Hart Publishing 2004) 56.

⁴² Harris (n 74).

One important catalyst for my personal development as a researcher was studying for my Executive MBA. On this course, I studied empirical, social science research methods, and as a result I saw opportunities for me to use these methods to conduct empirical research that would help me in my role as a leader of legal education programmes (such as how students might perceive the value of their legal education). On the concept of “value” in particular, I had an instinctive view that my own value perceptions were real in an ontological sense, and so – epistemologically speaking – my first thought was that I needed a method that would deliver objectively measurable data from my participants regarding their own perceptions, and an ability to detach myself and my own values entirely from my research.

However, I quickly came to recognise the impossibility of the task. Whilst through deliberate reflexivity I felt (I now think somewhat naively) able to sufficiently mitigate the impact of my own values on my research,⁴⁴ it soon became clear that the value perceptions of others simply were not directly observable, and anything that was observable (such as their answers to my questions) represented too small a piece of the overall puzzle for it to solve the problems that I had identified. If I wanted to access my participants’ experiences of reality to a fuller extent – and thus better understand the reality itself – I would need to do so through their eyes, since it is not possible to separate their sensory experience from the mental processing that gives it its meaning, and both are important in understanding the underlying unobservable phenomena that I hoped to investigate. I later came to recognise this philosophical perspective as Critical Realism.⁴⁵ Whilst individuals – be they students, legal educators, or employers – may observe actual events or materials which contribute to their understanding of value, these represent only a fraction of reality, since the causal structures which exist beneath give rise to both observable and non-observable phenomena. Only by seeking out these underlying causal social structures can we hope to find them, and

⁴⁴ Kathryn Haynes, ‘Reflexivity in qualitative research’ in Gillian Symon and Catherine Cassell (eds), *Qualitative Organizational Research: Core Methods and Current Challenges* (SAGE 2012) 72.

⁴⁵ Roy Bhaskar, *Reclaiming Reality: A Critical Introduction to Contemporary Philosophy* (Routledge 2011).

the complexity and interrelatedness of such structures means that they simply cannot be accurately captured by quantitative methods, which necessarily measure only that which is observable.

At first glance, this narrative might suggest a linear evolution of my own philosophical assumptions, which constitutes a steady and consistent enlightenment – as if I have over time grown to appreciate the claims made by some that the more obviously empirical methods of the social sciences (and qualitative methods in particular) are more useful or more persuasive than the doctrinal, “black letter” method traditionally used by legal scholars.⁴⁹ However, this would be an oversimplification. It would be more accurate to say that, during my academic career to date, I have been presented with opportunities to conduct a wide range of studies, adopting a broad and diverse range of methodologies – and I have taken these opportunities. As such, whilst objectively there may to some readers seem not to be much philosophical connection between the methodologies I have adopted across my work, the thread that joins them together is my own personal development as a researcher.

The work that I have done has enabled me to develop doctrinal, socio-legal, and classically empirical research skills, and this now places me in a strong position to be flexible as a researcher, and to adapt my approach to suit the needs of particular research questions. Although some legal questions do lend themselves to a purely “black letter” approach, not all questions which might trouble the legal scholar can be resolved using this method alone.⁵⁰ In my view, it is the nature of the question under examination and the wider aims of the research which should determine methodological choice.⁵¹ Since a socio-legal approach

⁴⁹ Roger Cotterrell, ‘Why Must Legal Ideas Be Interpreted Sociologically’ (1998) 25 *Journal of Law and Society* 171.

⁵⁰ Susan Bartie, ‘The lingering core of legal scholarship’ (2010) 30 *Legal Studies* 345; Anthony Bradney, ‘The Place of Empirical Legal Research in the Law School Curriculum’ in Peter Cane and Herbert M Kritzer (eds) *The Oxford Handbook of Empirical Legal Research* (OUP 2010) 1026.

⁵¹ Bonnie Kaul Nastasi, John H Hitchcock and Lisa M Brown, ‘An Inclusive Framework for Conceptualizing Mixed Methods Design Typologies: Moving Toward Fully Integrated Synergistic Research Models’ in Abbas Tashakkori and Charles Teddlie, *SAGE Handbook of Mixed Methods in Social and Behavioural Research* (2nd edn, Sage 2010).

permits of the combination of the doctrinal, theoretical, and empirical in research activity, I find myself increasingly aligned with this movement. Certainly, I would place myself amongst what would appear now to be the majority of legal academics who are (whether they personally accept this or not) conducting work that could fairly be described as “socio-legal”,⁵² recognising, as I do, that such work has the potential to ‘...provide new perspectives on law,... [and] complement[s] and add[s] value to more doctrinal considerations of legal issues...’.⁵³

Relatedly, I have a strong philosophical belief that research is useful when it can help solve society’s problems, and different methods (despite their sometimes apparently contradictory philosophical bases) may well be suitable for solving different, real-world problems. A social scientist might describe this perspective as Pragmatism, and (in some cases with hindsight) its underpinning influence can be seen throughout my work.⁵⁴ As I have encountered real-world problems, I have consistently selected methods that I believe are most likely to produce data, theory, and/or answers that will be useful in identifying practical solutions to those problems, recognising that – in the social world at least – a single truth almost never exists, but rather, “truth” is a collection of ‘...all sorts of definite working-values in experience.’⁵⁵ Whilst there will always be purists on all sides of the debate who consequently deny the credibility of my research, most scholars must surely accept the value of methodological diversity in the advancement of human knowledge.⁵⁶

⁵² Cowrie (n 47) 54-58.

⁵³ Jessica Guth and Chris Ashford, ‘The Legal Education and Training Review: regulating socio-legal and liberal legal education?’ (2014) 48 *The Law Teacher* 5, 8.

⁵⁴ Mihaela L Kelemen and Nick Rumens, *An Introduction to Critical Management Research* (Sage 2008) 40.

⁵⁵ William James, *Pragmatism: A New Name for Some Old Ways of Thinking* (first published 1907, Floating Press 2008) 51.

⁵⁶ Christian Knudsen, ‘Pluralism, scientific progress, and the structure of organization theory’ in Hardimos Tsoukas and Christian Knudsen (eds), *The Oxford Handbook of Organization Theory: Meta-Theoretical Perspectives* (OUP 2003) 262.

Research Design

As Duram explains, '[p]ragmatic studies are inductive, moving from a complex problem to a general theory of understanding in order to improve a given situation'.⁵⁷ Indeed, the exploratory nature of my research has typically necessitated an inductive approach to theory development, the aim of which is to identify – through the collection of rich data – new insights which are not constrained or determined by pre-existing hypotheses.⁵⁸ I have endeavoured throughout my research to build theory from the ground up – striving as far as possible to allow participants to create their own meaning and offer new perspectives, rather than testing my own (heavily biased) pre-existing meanings or hypotheses with them.

For these reasons, and also given the inherently subjective nature of the value concept itself,⁶⁰ it was almost inevitable that the core of my work would adopt a predominantly – if not exclusively – qualitative research design. However, as Saunders, Lewis and Thornhill illustrate in their 'research onion', the relationships between philosophical assumptions, methodological choice, and research strategies are more complex than this.⁶¹ Qualitative and quantitative research are better seen as two ends of a continuum and, whilst most of my research has clustered at the qualitative end, my Pragmatist philosophy has meant that I have been prepared to adopt quantitative techniques (e.g. for the subsequent analysis of qualitative data) where I considered that doing so might enhance the usefulness and/or impact of my work.⁶² As Bryant put it, '...the ultimate criterion of good research should be that it makes a difference.'⁶³ Throughout my work, this has been a key determinant of my methodological choices.

⁵⁷ Leslie A Duram, 'Pragmatic Study' in Salkind N (ed), *Encyclopedia of Research Design* (SAGE 2010), 1073.

⁵⁸ 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).

⁶⁰ Simon Kelly, Paul Johnston, and Stacey Danheiser, *Value-ology* (Palgrave Macmillan 2017); Zeithaml V A, 'Consumer Perceptions of Price, Quality, and Value: A Means-End Model and Synthesis of Evidence' (1988) 52(3) *Journal of Marketing* 2.

⁶¹ Mark Saunders, Philip Lewis and Adrian Thornhill, *Research Methods for Business Students* (7th edn, Pearson 2016) 164.

⁶² Saunders, Lewis and Thornhill (n 61) 165.

⁶³ Anthony Bryant, 'Grounded Theory and Pragmatism: The Curious Case of Anselm Strauss' (2009) 10(3) *Qualitative Social Research*, Article 2, para 102.

Looking, as I have done, at different stakeholder perspectives, in different contexts, and with different applications, I have generally favoured a single case, case study research strategy – limiting each inquiry to a clearly defined and manageable group or context, with the aim of collecting rich data that might challenge prevalent assumptions.⁶⁴ As a research strategy, the case study has grown markedly in popularity amongst social scientists in recent years, and it is now widely accepted as a credible and reliable means of obtaining new insights which can be useful in understanding not only the context immediately under investigation, but also other related settings.⁶⁵

As regards research methods, the legal scholar might simply categorise much of my work as broadly “empirical” (i.e. ‘...the study of law, legal processes and legal phenomena using social research methods...’),⁶⁶ and/or as socio-legal. However, within social science, a much broader set of methodological categories exist within which I am able to situate my work more precisely. The table below provides an overview of the research methods and techniques adopted for each of the publications presented in this thesis, together with a brief rationale for their selection.

Table 2

| Research Methods and Techniques | Rationale | Papers |
|---|--|---------|
| Doctrinal (“black letter”) ‘...the research process used to identify, analyse and synthesise the content of the law.’ ⁶⁷ | <ul style="list-style-type: none"> It ‘provides an often under-recognised parallel to “discovery” in the physical sciences...[involving] rigorous analysis and creative synthesis, the making of connections between seemingly disparate doctrinal strands, and the challenge of extracting general | P1 & P2 |

⁶⁴ Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th ed, SAGE 2018).

⁶⁵ Anna 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.

⁶⁶ Mandy Burton, ‘Doing empirical research: exploring the decision-making of magistrates and juries’ in Dawn Watkins and Mandy Burton (eds) *Research Methods in Law* (2nd edn, Routledge 2018) 66.

⁶⁷ Terry Hutchinson, ‘Doctrinal research: researching the jury’ in Dawn Watkins and Mandy Burton (eds) *Research Methods in Law* (2nd edn, Routledge 2018) 13.

| | | |
|---|--|--------------|
| | principles from an inchoate mass of primary materials. ^{'68} | |
| Critical Theory '...theory as a method for doing critical theoretical research in education.' ⁶⁹ | <ul style="list-style-type: none"> It facilitates '...immanent critique, working from within categories of existing thought in order to radicalize those categories, reveal their internal contradictions and shortcomings, and demonstrate their unrecognized possibilities.'⁷⁰ It can be used '...as a catalyst to change reality through enlightenment and emancipation'.⁷¹ | P3, P5 & P6 |
| Action research '...research that will help the practitioner.' ⁷² | <ul style="list-style-type: none"> It '...supports practitioners to seek ways in which they can provide good quality education by transforming the quality of teaching-related activities thereby enhancing students' learning.'⁷³ | P6 |
| Socio-legal '...the study of law and legal institutions from the perspectives of the social sciences...' ⁷⁴ | <ul style="list-style-type: none"> It has a 'rich, almost anarchic heterogeneity and [a] consistent openness to many different aims, outlooks, and disciplinary backgrounds [and thereby offers]...a set of new perspectives on law to allow a breakout from the claustrophobic world of legal scholarship and education...'⁷⁵ | P3, P4 & P11 |
| Documentary research/Document Analysis '...a systematic procedure for reviewing or evaluating documents...' ⁷⁶ | <ul style="list-style-type: none"> It allows a researcher to 'analyse critical incidents or decision-making processes, or evaluate different policy propositions or strategies.'⁷⁷ | P7 |
| Narrative Inquiry with life history interviews '...[interview participants are] invited to provide a complete narrative of their experience.' ⁷⁸ | <ul style="list-style-type: none"> It enables a researcher to '...understand the complex processes which people use in making sense of their organizational realities.'⁷⁹ | P8 & P9 |
| Semi-structured interviews | <ul style="list-style-type: none"> Useful where a researcher wishes 'to understand the reasons for the decisions that...research | P10 |

⁶⁸ Council of Australian Law Deans, 'Statement on the Nature of Legal Research' (CALD 2005) 3 <<https://cald.asn.au/wp-content/uploads/2017/11/cald-statement-on-the-nature-of-legal-research-20051.pdf>> accessed 22 July 2021.

⁶⁹ Cheryl E Matias, *The Handbook of Critical Theoretical Research Methods in Education* (Routledge 2021) 5.

⁷⁰ Thomas A Schwandt, *The SAGE Dictionary of Qualitative Inquiry* (SAGE 2011) 55.

⁷¹ Mihaela L Kelemen and Nick Rumens, *An Introduction to Critical Management Research* (SAGE 2011) 8.

⁷² Kurt Lewin, 'Action Research and Minority Problems' (1946) *Journal of Social Issues* 34, 34.

⁷³ Valsa Koshy, *Action research for improving educational practice: a step-by-step guide* (2nd edn, SAGE 2010) 1.

⁷⁴ D R Harris, 'The development of socio-legal studies in the United Kingdom' (1983) 3 *Legal Studies* 315.

⁷⁵ Roger Cotterrell, 'Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies' (2002) 29 *Journal of Law and Society* 632, 632.

⁷⁶ Glenn A Bowen, 'Document Analysis as a Qualitative Research Method' (2006) 9(2) *Qualitative Research Journal* 27, 27.

⁷⁷ Saunders, Lewis and Thornhill (n 61) 184.

⁷⁸ Saunders, Lewis and Thornhill (n 61) 197.

⁷⁹ Gill Musson, 'Life Histories' in Gillian Symon and Catherine Cassell (eds), *Essential Guide to Qualitative Methods in Organizational Research* (London, SAGE 2004) 34, 42.

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| '...the researcher asks informants a series of predetermined but open-ended questions'. ⁸⁰ | participants have taken, or to understand the reasons for their attitudes and opinions...' ⁸¹ | |
|---|--|--|

Additionally, many of these methods have been supported by established analytical techniques and processes, such as thematic analysis⁸² and template analysis⁸³ to facilitate robust and reliable inductive theory development across the programme of research.

Similarly, it has been paramount throughout for me to manage my own bias, as a former law student myself and now a leader of legal education programmes, through careful reflexivity.⁸⁴ In general I have achieved this through the use of qualitative methods (such as semi-structured interviews and life history interviews) which allow participants to take control of their own narrative, and by focusing on inductive analytical techniques which allow themes to emerge from the data. However, given my interpretivist epistemology, I would have to acknowledge that any attempt to ignore my own beliefs and values entirely would have been artificial and futile. Instead, my approach has been to seek to identify my own biases, acknowledging them where appropriate, so that I can be proactive in seeking to limit their effect on my findings.

Reflections and Limitations

As is arguably the nature of all research, the publications comprising this thesis constitute merely several pieces in a much larger puzzle. I set out to explore value discourses within legal education and in so doing to gain new insights that might help inform recommendations for reform. My aspiration was, as far as possible, to set aside prevailing assumptions, gather

⁸⁰ Lisa M Given (ed), *The SAGE Encyclopedia of Qualitative Research Methods* (SAGE 2008) <<https://dx-doi-org.hallam.idm.oclc.org/10.4135/9781412963909.n420>> accessed on 22 July 2021.

⁸¹ Saunders, Lewis and Thornhill (n 61) 394.

⁸² Virginia Braun and Victoria Clarke, 'Using thematic analysis in psychology' (2006) 3 *Qualitative Research in Psychology* 77.

⁸³ Nigel King, 'Doing Template Analysis' in Gillian Symon and Catherine Cassell (eds), *Qualitative Organizational Research: Core Methods and Current Challenges* (SAGE 2012).

⁸⁴ Haynes (n 35).

rich, new data, and then use established customer value theory to examine how different stakeholders might perceive the value of legal education, and what might be influencing those perceptions. I believe that I have achieved that aspiration. I have developed theories of value from provider,⁸⁵ student,⁸⁶ and employer perspectives;⁸⁷ I have developed theoretical models that help to explain how legal education might be valued holistically,⁸⁸ and how students might be influenced to perceive value in the way that they do;⁸⁹ and I have begun to apply customer value theory to other legal issues, the results of which have implications both for legal practice and for the teaching of law.⁹⁰

However, the nature of my work has been to look with a microscope at very small pockets of reality, in the hope of developing theories which might be useful for legal educators and policy makers. Whilst many social scientists would consider the insights that I have derived from the qualitative data that I have collected to be generalisable beyond the case study contexts or samples used,⁹¹ it is important to emphasise that statistical representativeness cannot be claimed, and a Positivist would be likely to classify the results of this programme of research as merely a collection of hypotheses which are themselves in need of rigorous testing. Yet even on this analysis the impact of this research is clear: stakeholder perceptions of the value of legal education are incredibly diverse, and this programme of research provides some possible insights into what they might be, how they might be influenced, and what that means for legal education providers. As a leader of legal education – accepting the bias that I have as a result – I strongly believe that these insights have value, and I can confidently say that at the very least, they have and will influence my own practice.

⁸⁵ See P7.

⁸⁶ See P8.

⁸⁷ See P10.

⁸⁸ See P5.

⁸⁹ See P9.

⁹⁰ See P11.

⁹¹ Dubois and Lars-Erik Gadde (n 49), Bansal and Kevin Corley (n 49).

4.4 Analysis of Published Works and their Coherence

In this section, I will outline in brief the research questions, methodology, and resultant findings from each of the 11 publications in this thesis, and identify their place within the overarching theoretical framework that has resulted from this work.

Traditional, doctrinal approaches to legal education

For centuries, legal research – and therefore also legal education – has been dominated by a doctrinal or “black letter” approach. Legal education has its roots within professional legal practice, since the earliest law schools were established within London’s Inns of Court, and pupil lawyers would be schooled in legal doctrine, thus providing them with a common framework both for conducting legal research and for practising law. Though routes to qualification have evolved almost beyond recognition since then, the legacy of these origins can still be found in today’s law schools and their pedagogies.⁹³

As noted above – likely owing to my own experience and training –⁹⁴ my early work adopted what might be described as a doctrinal or “black letter law” method. Two such papers are included within this thesis.⁹⁵ The first of these, P1, is included partly because it provides an illustrative example both of the merits and indeed of the limitations of adopting a purely “black letter” approach to understanding and researching the law, and partly because in that respect it represents a key point in the evolution of my own philosophical position away from a dogmatic focus on such approaches and towards more expansive socio-legal perspectives. This in turn raises questions about the value of prioritising classically doctrinal approaches within modern legal education programmes, and whether other, more liberal,

⁹³ Ben Waters, ‘The importance of teaching dispute resolution in a twenty-first-century law school’ (2017) 51 *The Law Teacher* 227.

⁹⁴ The Nuffield Foundation (n 36).

⁹⁵ For other examples of the doctrinal method within my work see Jill Dickinson and Alex Nicholson, ‘Supreme Court Closes Another Vicarious Liability Loophole: *Woodland v Swimming Teachers Association*’ (2015) 21(2) *European Journal of Current Legal Issues*; James Marson, Katy Ferris and Alex Nicholson, ‘Brexit means Brexit: What does it mean for the Protection of Third Party Victims and the Road Traffic Act?’ (2018) 39(2) *Statute Law Review* 211.

approaches may in fact be more effective both at enhancing employability and in developing more intellectual, more critical, or even more ethical graduates.⁹⁶

The paper takes what is generally regarded as a longstanding anomaly within English contract law – the rule against contractual penalties – and explores whether any principled basis can be found, doctrinally speaking, to justify its continued existence. This paper is doctrinal therefore in the sense that it is concerned with establishing the content of legal rules and synthesising their coherence within the wider body of law as a whole.⁹⁷ Pendleton has argued that this kind of work constitutes ‘discovery in the non-empirical sense and [is] no less valuable than the discovery of new knowledge in the natural or social sciences’.⁹⁸

However, in P1, after a comprehensive analysis of the judicial precedent that underpins the rule, and analysis of the wide range of pre-existing literature on the issue, the article concludes that the rule may have simply become ‘too entrenched to be challenged’.

Accordingly therefore, this paper also highlights a significant limitation of a purely “black letter” approach, since it demonstrates that, in fact, logic, principle, and the existing body of law within a jurisdiction are not necessarily the only generative mechanisms that can impact upon judicial decision-making. Perhaps controversially, other broader social factors (in this case history and tradition) may also have a role to play. This paper therefore constitutes a case study example of the limitations of a purely doctrinal legal education, which lends support for the growing body of legal scholars who advocate for more expansive, socio-legal approaches.⁹⁹ Not only does the paper demonstrate that social factors may influence judicial decision making (a fact of which aspiring lawyers should be cognisant) but it suggests also that broader social theory and/or methodologies may assist the legal scholar in answering questions about what the law is, as well as what it should be.

⁹⁶ Guth and Ashford (n 53).

⁹⁷ Hutchinson (n 67).

⁹⁸ Michael Pendleton, ‘Non-empirical Discovery in Legal Scholarship – Choosing, Researching and Writing a Traditional Scholarly Article’ in McConville, M and Hong Chui, W, *Research Methods for Law* (Edinburgh University Press 2007) 177.

⁹⁹ See for example Caroline Hunter (ed) *Integrating Socio-Legal Studies into the Law Curriculum* (Palgrave 2012).

P2 serves a similar function. Using the doctrinal method, it examines the UK's implementation of the European Motor Vehicle Insurance Directives into national law, and systematically demonstrates the legislature's failings in this regard by highlighting a significant deficit between the level of protection afforded by the European Directives and that which has in fact been granted within domestic legislation. Once again, this doctrinal approach reveals black and white problems in a very grey world. Like P1, this paper – and indeed the approach to legal research upon which it depends – clarifies the content of the law and highlights legal issues which require resolution. At the same time, however, it is clear where this doctrinally focused paper falls short of providing a complete analysis of the legal problem. When advocating for law reform in this area there would, for example, surely be merit in turning beyond the legal rules themselves to consider *why*, from a political perspective, the UK has decided to implement the relevant directives in the way that it has, and the nature and extent of the impact that its failings might have on those affected. In recent years, the doctrinal emphasis within legal education has come under significant scrutiny. At best, under such an approach, students are taught to read case judgments, analyse legal principles, and critique their coherence within the wider body of law. At worst, '...there is barely room for theoretically questioning some heavy, abstract doctrinalism, because of case cramming.'¹⁰⁰ These first two papers therefore set the scene for an exploration of the value of different approaches.

Emerging trends: clinical pedagogies, socio-legal studies, and broader interdisciplinary approaches

One important movement within legal education in the UK and US that has risen sharply over the last few decades, is clinical legal education.¹⁰¹ Whilst not all academics would agree

¹⁰⁰ Charlotte O'Brien, 'European Union Law' in Hunter, C (ed) *Integrating Socio-Legal Studies into the Law Curriculum* (Palgrave 2012), 184.

¹⁰¹ See Kevin Kerrigan and Victoria Murray, *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave MacMillan 2011).

that this is appropriate, legal education programmes have maintained a strong vocational link with legal practice. In that context, calls for applied learning have intensified.¹⁰²

It is often said that teaching at HE level should be ‘research-informed’.¹⁰³ The suggestion seems to be that if academics are conducting contemporary research, and this informs the curriculum, then this will be more valuable for students. P3 sought to explore the important concept of research-informed teaching to identify whether there might be a clinical equivalent that would offer greater value for students, either instead of or in addition to traditional approaches. It concluded that, if a law student wishes to practise law – as many do – an ability to find out the answers to a wide range of legal questions that might arise in their day to day working life would surely be more valuable than developing a bank of cutting-edge knowledge of one or more niche areas of law.

It was through this paper that I first started to explicitly ask myself questions about the “value” of legal education. As a law lecturer, I wanted to maximise the value of my classes, and my modules, for my students – a clinical approach to research-informed teaching provided one possible means of doing so. This paper is included in the thesis because it raises an important question about the relative value of different approaches to so-called “research-informed teaching”. It seems likely that on more traditional legal education programmes, which have a stronger doctrinal focus, students will be less equipped to critique and challenge the content of the law than those which adopt a more liberal approach.¹⁰⁴ However, since employability enhancement is likely to remain an important objective for all but the most elite institutions, and doctrinal approaches align most closely

¹⁰² Hugh Brayne, Nigel Duncan and Richard Grimes, *Clinical Legal Education: Active Learning in Your Law School* (Blackstone Press 1998); Erwin Chemerinsky, ‘Why Not Clinical Education?’ (2009) 16 *Clinical Law Review* 35; Lydia Bleasdale-Hill and Paul Wragg, ‘Models of Clinic and Their Value to Students, Universities and the Community in the post-2012 Fees Era’ (2013) 19 *International Journal of Clinical Legal Education* 257; Malcolm M Combe, ‘Selling intra-curricular clinical legal education’ (2014) 48 *The Law Teacher* 281; Paul McKeown, ‘Pro Bono: What’s in It for Law Students? The Students’ Perspective’ (2017) 24(2) *International Journal of Clinical Legal Education* 43; Rachel Dunn, Victoria Roper and Vinny Kennedy, ‘Clinical Legal Education as Qualifying Work Experience for Solicitors’ (2018) 52 *The Law Teacher* 439.

¹⁰³ Mick Healey and Alan Jenkins, ‘Developing Undergraduate Research and Inquiry’ (2009) <https://www.heacademy.ac.uk/sites/default/files/developingundergraduate_final.pdf> (accessed 26 November 2014).

¹⁰⁴ Guth and Ashford (n 53).

with the lawyer's daily practice, there is a balance to be struck here. This paper presents a pedagogical model which aims to achieve both objectives, through the systematic integration of a range of research-informed teaching methodologies.

Another emerging trend within legal education – arguably fuelled by the rise of the socio-legal studies movement – is growing calls for greater interdisciplinarity.¹⁰⁵ Whilst doctrinal approaches may teach students to find answers to legal questions from a Dworkinian perspective, it seems likely that other disciplines and their research may have something to contribute to questions pertaining to the fairness and/or efficacy of legal principles, which – when backed by credible evidence – would almost certainly have legitimate implications for law and policy reform. In P4 I explored this potential first-hand by looking to the discipline of theology in search of answers to the penalty clause question that my research in P1 had failed to provide. This interdisciplinary, socio-legal study – which sought a biblical answer to an apparently irreligious question – provided new insight into the problem and identified a possible basis for the rule against contractual penalties that could never have been found within the legal principle itself. This paper is included within this thesis as a case study of example of the utility of interdisciplinary/socio-legal approaches and, given the value of such approaches to the legal scholar, the case for incorporating such approaches into legal education is compelling.¹⁰⁶

Theories of value in legal education

What these early papers (P1-P4) do is set the scene for the inquiry that is at the core of this thesis. All organisations exist to create customer value,¹⁰⁹ and this includes the university law school. The benefits of doctrinal research for legal education are clear, but what the clinical legal education movement and calls for interdisciplinarity within legal education have

¹⁰⁵ Greta S Bosch, 'Deconstructing Myths about Interdisciplinarity: is now the time to rethink interdisciplinarity in legal education?' (2020) 1 *European Journal of Legal Education* 27.

¹⁰⁶ Bosch (n 105).

¹⁰⁹ S F Slater, 'Developing a customer value-based theory of the firm' (1997) 25(2) *Journal of the Academy of Marketing Science* 162.

in common is that they offer new ways to enhance the value of legal education for students – and they do so at a time when the value of HE in general – and legal education in particular – is facing significant challenge.

They raise the question however, as to what the true value of a law degree is, where the opportunities for value creation might exist, and indeed what we mean by “value” in this context. To answer these questions, it was necessary to move beyond the discipline once again. “Value” is a concept about which much has been written – a concept which has been claimed by the marketing discipline. In P5 – a purely theoretical study – it was possible to apply a broad range of marketing theory on the value concept, to the law degree as we understand it today. Through this critical theoretical analysis, it was possible to develop a broader understanding of what “value” exists in a legal education context, and thus how that value might be more holistically evaluated, developed, and articulated by legal education providers, than it has previously. P5 proposed a new model, the Value Slices Model of Higher Education, which encourages legal (and other HE) providers to perceive the value of their programmes more holistically, and helps them to do so. The true value of legal education is, I argue, not something that can be assessed in purely financial terms, nor is it found merely in a programme’s ability to prepare students for employment. Rather, the holistic value of a law degree can be found in six component parts, which together create the mnemonic “SLICES”: ‘symbolic’ (i.e. the personal meaning that is attached to it, or how others perceive a student because of it);¹¹⁰ ‘lifetime’ (i.e. the longer-term benefits of a programme, whether for a student’s career or for their life more broadly);¹¹¹ ‘instrumental’ (i.e. the extent to which it helps a student achieve their goals, which may of course include lawyer qualification);¹¹² ‘community’ (i.e. the benefits that a student’s study might have for the communities of which they are part); ‘experiential’ (i.e. a student’s experience of,

¹¹⁰ Keller and Young (n 27).

¹¹¹ See “co-creation value” in Vargo and Lush (n 23).

¹¹² Smith and Colgate (n 26).

enjoyment of, or interest in studying the course itself);¹¹³ and 'sacrifice' (i.e. the trade-off between the benefits a student gains and the costs, financial or otherwise, that they must incur).¹¹⁴ By understanding the value of a law degree more holistically, legal education providers are able not only to evaluate the existing value of their own programmes more comprehensively, but also to more strategically identify opportunities that might exist to develop distinctive value which might provide them with the sustainable competitive advantage that they need when the market is threatening to contract.

P5 served an important function in raising awareness amongst legal educators, students, and society more broadly of the range of value components that exist, and which may currently be being inadvertently eroded. However, as a purely theoretical study, what it could not do was provide any insight into which value components were most significant in reality. Only empirical data could provide this insight.

Accordingly, P7 set out to explore what legal education providers were currently telling the market about the value of their programmes. Taking the UK legal education market as a case study, this research analysed the online prospectus pages of over 50 UK law schools and found that they were overwhelmingly emphasising instrumental aspects of value. Clearly it must be accepted that marketing materials offer only a limited picture of how law schools perceive the value of their programmes (and almost certainly do not represent the collective views of academics themselves). Marketing materials are produced for the purpose of attracting student applicants, and so to a significant extent are tailored to meet the expectations of that stakeholder group. This may go some way to explaining the relative absence of community aspects of value (for example, the potential for programmes to develop critical, ethical, or even activist graduates who will contribute to the betterment of society as a whole). However, the paper nevertheless demonstrates that law schools are

¹¹³ Holbrook (n 24).

¹¹⁴ Smith and Colgate (n 26).

contributing, wittingly or unwittingly, to the current political and societal rhetoric about the value within the sector.

P8 sought to unveil more of the value picture by exploring how students might perceive the value of their programmes. Again, adopting a case study approach – this time focusing on past and present students of just one post '92 university in the UK – life history interviews revealed that, to students, employability enhancement is important, but lots of the other value slices are prominent too. The findings suggest that the value of a law degree to its most important stakeholder is much more complex and varied than one might expect, and there is no one size fits all.

Again, it was disappointing to see that there was very little recognition from the sample of the community value slice, which represents the value of a student's legal education to the local and global communities to which they belong. Some aspects of community value associated with higher education programmes are statistically proven,¹¹⁵ and others seem almost intuitive. However, it seems that community aspects of value are not recognised – or perhaps valued – as much as they ought to be. As a leader of legal education with a strong sense of social justice, I have a personal commitment to identifying and articulating such aspects of value in order to enhance visibility and appreciation of such value components within and amongst stakeholder groups, and would welcome more research in this area. Similarly, there may be scope for a small number of providers to specifically focus on the creation and articulation of this aspect of value within their programmes as a means of developing a unique and differentiated value proposition to offer to the market, and the potential value of such programmes for society as a whole is self-evident.

¹¹⁵ See for example in relation to benefits for a student's family: Emma Wainwright and Mike Watts, 'Social Mobility in the Slipstream: First-Generation Students' Narratives of University Participation and Family' (2021) 73 Educational Review 111.

The next paper, P9 – which was based on the same data as P8 – presented an analysis of possible external factors (or “generative mechanisms”) that might be influencing students to perceive the value of their legal education in the way that they do, together with some common themes and potential opportunities that might exist for legal education providers to positively influence these perceptions. The results suggest that the factors that influence value perceptions are as wide ranging and varied as the perceptions themselves, but that early influences – such as family relationships – can have a long-lasting impact.

Given the strong emphasis on employability identified in P7 and P8, an additional and essential piece of the value puzzle was to explore how legal practice employers perceive the value of a law degree. P10 reported on a study comprising 13 semi-structured interviews with individuals who have responsibility for trainee solicitor recruitment in the UK. It affirms some of the early hypotheses that research and other practical skills may be just as important – if not more important – than substantive legal knowledge, and that there may be some merit in interdisciplinary approaches in preparing graduates for a changeable legal market. It also indicates that employer perceptions of value are just as wide ranging and varied as student ones, and that there is no one size fits all there either. A more diverse legal education market would therefore probably suit a clearly very diverse legal employment market.

These publications together present a rich picture of the value discourses within legal education, the impact that they might currently be having, and the opportunities that might exist for providers to enhance value by developing their programmes in a way that is informed by these discourses. Once a provider has identified what is of “value” within its programmes and where it wishes to differentiate itself, then it becomes important to maximise that value in a strategic way.

Value is also a key concept within business operations and process management. Lean management theory, for example, is concerned with designing processes for value maximisation.¹¹⁶ If we can better understand what we mean by value in the legal education context therefore, then we can refine teaching methods, pedagogies, and processes so that they deliver that value as efficiently and as effectively as possible.¹¹⁷ Whilst lean thinking has been widely applied and studied in the manufacturing context,¹¹⁸ and to a much more limited extent in HE,¹¹⁹ there were no examples in the literature where it had been applied to legal education specifically. Accordingly, P6 explored the application of lean management theory to law clinic processes and identified opportunities to maximise the value delivered. My role as a leader of legal education programmes meant that I was uniquely placed to collect and analyse data, but also to implement lean thinking effectively.¹²⁰ It is generally accepted that clinical legal education enhances students' employability,¹²¹ and has wider benefits,¹²² but it can be highly resource-intensive.¹²³ As such, in this study I used lean thinking theories and

¹¹⁶ See Taiichi Ohno, *Toyota Production System: Beyond Large-Scale Production* (first published 1978, Productivity Press 1988); John F Krafcik, 'Triumph of the Lean Production System' (1988) 30(1) *Sloan Management Review* 41; Nigel Slack, Alistair Brandon-Jones, Robert Johnston and Alan Betts, *Operations and Process Management* (4th edn, Pearson 2015).

¹¹⁷ James P Womack and Daniel T Jones, *Lean Thinking* (2003 Simon & Schuster).

¹¹⁸ Cipriano Forza, 'Work organization in lean production and traditional plants: What are the differences?' (1996) 16 *International Journal of Operations and Process Management* 42; Jaideep Motwani, 'A business process change framework for examining lean manufacturing: a case study' (2003) 103 *Industrial Management and Data Systems* 339; M Kumar and others, 'Implementing the Lean Sigma framework in an Indian SME: a case study' (2006) 17 *Production & Planning Control* 407; L N Pattanaik and B P Sharma, 'Implementing lean manufacturing with cellular layout: a case study' (2009) 42 *The International Journal of Advanced Manufacturing Technology* 772; S Vinodh, S G Gautham and R Anesh Ramiya, 'Implementing lean sigma framework in an Indian automotive valves manufacturing organisation: a case study' (2011) 22 *Production & Planning Control* 709; Ana Julia Dal Forno and others, 'Value Stream Mapping: a study about the problems and challenges found in the literature from the past 15 years about application of Lean tools' (2014) 72 *The International Journal of Advanced Manufacturing Technology* 779; Maurizio Bevilacqua, Filippo Emanuele Ciarapica, & Claudia Paciarotti, 'Implementing lean information management: the case study of an automotive company' (2015) 26 *Production Planning & Control* 753; Peter E Johansson and Christer Osterman (2017) 55 *International Journal of Production Research* 6903; Ali-Asghar Dadashnejad and Changiz Valmohammadi (2019) 30 *Total Quality Management & Business Excellence* 466; Womack and Jones (n 117); Philip Atkinson, 'Creating and implementing lean strategies' (2004) 48(2) *Management Services* 18; Farshid Abdi, Sohrab Shavarini and Seyed Mohammed Seyed Hoseini, 'Glean lean: how to use lean approach in services industries?' (2006) 6 *Journal of Services Research* 191; Niall Piercy and Nick Rich, 'Lean transformation in the pure service environment: the case of the call service centre' (2009) 29 *International Journal of Operations & Production Management* 54; Michael Leyser, Leonid Vogel and Jürgen Moormann, 'Twenty years research on lean management in services: results from a meta-review' (2015) 21(4) *International Journal of Services and Operations Management* 389.

¹¹⁹ See for example James D Hess and Bruce A Benjamin, 'Applying Lean Six Sigma within the university: opportunities for process improvement and cultural change' (2015) 6(3) *International Journal of Lean Six Sigma* 249; Andrew Thomas and others, 'A comparative study of Lean implementation in higher and further education institutions in the UK' (2015) 32(9) *International Journal of Quality & Reliability Management* 982; Gopalakrishnan Narayanamurthy, Anand Gurumurthy and Raju Chockalingam, 'Applying lean thinking in an educational institute – an action research' (2017) 66(5) *International Journal of Productivity and Performance Management* 598; William K Balzer, Michelle H Brodke and Elsy Thomas Kizhakethalackal, 'Lean higher education: successes, challenges, and realizing potential' (2015) 32(9) *International Journal of Quality & Reliability Management* 924.

¹²⁰ Mudhafar Alefari, Konstantinos Salonitis and Yuchun Xu, 'The role of leadership in implementing lean manufacturing' (2017) 63 *Procedia CIRP*, 756.

¹²¹ Bleadsdale-Hill and Wragg (n 102).

¹²² Brayne, Duncan, and Grimes (n 102); Frank S Bloch (ed), *The Global Clinical Movement: Education Lawyers for Social Justice* (Oxford, OUP 2011); Combe (n 102); Chemerinsky (n 102).

¹²³ Ayse A Bilgin, Anna D Rowe and Lindie Clark, 'Academic workload implications of assessing student learning in work-integrated learning' (2017) 18(2) *Asia-Pacific Journal of Cooperative Education* 167.

models as a mechanism for identifying ways to maximise those benefits and thereby the value of legal education courses. Amongst others, the paper recommends that law clinic operators consider value stream mapping, efficient process design, and continuous improvement as tools and techniques for helping staff to “think lean” and thereby maximise the learning value of those activities.

Additional applications for consumer value theory within legal education and research

Once the research had met its primary aim of illuminating the value discourses that exist within legal education – and being mindful of the growing calls for interdisciplinarity noted above – my attention turned to the alternative benefits that customer value theory might have for understanding law and legal practice. If most law students do aspire to the legal profession, what other uses might exist for customer value theory in legal education? A number of employers in P10 specifically cited business skills as essential for aspiring lawyers. Perhaps, then, if students understood customer value theory, they might better understand the law and legal practice. P11 offers an example.

Strategy is concerned with proactively taking action which will help facilitate the achievement of particular goals.¹²⁴ Those developing strategy should consider the external environment and internal strengths and weaknesses, in order to plan effectively.¹²⁵ Whilst clearly things do not always go to plan, and it is necessary to adapt,¹²⁶ lawyers need to be “commercially aware” and move beyond legal principles to consider a wider range of factors if they are to ensure that their clients achieve their objectives.¹²⁷ For example, modern litigants risk being

¹²⁴ Alfred D Chandler Jr, *Strategy and Structure: Chapters in the History of the American Industrial Enterprise* (Beard Books 1962), 13.

¹²⁵ CK Prahalad and Gary Hamel, ‘The Core Competence of the Corporation’ (1990) 68(3) *Harvard Business Review* 79; David Bach and David Allen, ‘What Every CEO Needs to Know about Nonmarket Strategy’ (2010) 51(3) *MIT Sloan Management Review* 41.

¹²⁶ See Stéphane J G Girod and Richard Whittington, ‘Change Escalation Processes and Complex Adaptive Systems: From Incremental Reconfigurations to Discontinuous Restructuring’ (2015) 26 *Organization Science* 1520; Marshall Scott Poole and Andrew H van de Ven, ‘Using Paradox to Build Management and Organization Theories’ (1989) 14(4) *Academy of Management Review* 562; Henry Mintzberg, *Tracking Strategies: Towards a General Theory* (OUP 2007).

¹²⁷ Caroline Strevens, Christine Welch and Roger Welch, ‘On-line legal services and the changing legal market: preparing law undergraduates for the future’ (2011) 45 *The Law Teacher* 328.

penalised by the court in terms of costs if they fail to explore possible alternatives to litigation,¹²⁸ and this is likely to significantly influence the strategy adopted. Knowledge of and expertise in alternative dispute resolution is now therefore arguably just as important for disputes lawyers as knowledge of civil procedure, and this has clear implications for legal education.¹²⁹

Previous literature had explored the strategic use of ADR,¹³⁰ and even the application of wider theory to enhance the development of dispute resolution strategy.¹³¹ However, the application of customer value theory had not yet been explored. Accordingly, the study in P11 applied customer value theory to dispute resolution strategy in an attempt to identify factors that might warrant consideration when developing the latter, together with the associated implications for legal education. A wide range of such factors were identified, including: the dispute's potential to create long-term value for a client organisation;¹³² personal meaning that an individual client may place upon particular property; the emotional costs of litigating;¹³³ a client's desire to prevent others from suffering similar harm;¹³⁴ the need to preserve a client's business model;¹³⁵ prevailing public opinion;¹³⁶ and even the

¹²⁸ See CPR 44.4(3)(ii).

¹²⁹ See Nigel Duncan, 'Preparation for Practice: Developing effective advocates in a changing world of adversarial civil justice', in Chris Ashford, Nigel Duncan and Jessica Guth (eds), *Perspectives on Legal Education: Contemporary Responses to the Lord Upjohn Lectures* (Routledge 2018); Dr Julie Macfarlane, 'The challenge of ADR and alternative paradigms of dispute resolution: How should the law schools respond?' (1997) 31 *The Law Teacher* 13; Duffy and R. Field, 'Why ADR Must Be a Mandatory Subject in the Law Degree: A Cheat Sheet for the Willing and a Primer for the Non-believer' (2014) 25(1) *Australasian Dispute Resolution Journal* 2; Judy Gutman, Tom Fisher and Erika Martens, 'Why Teach Alternative Dispute Resolution to Law Students? Part One: Past and Current Practices and Some Unanswered Questions' (2006) 16 *Legal Education Review* 125.

¹³⁰ For example, see Ray Fells, *Effective Negotiation: From research to results* (3rd edn, Cambridge University Press 2016), ch 5.

¹³¹ For example, see Marc B Victor, 'The Proper Use of Decision Analysis to Assist Litigation Strategy' 40 *The Business Lawyer* 617; Catherine H Tinsley, 'Culture and Conflict: Enlarging our Dispute Resolution Framework' in Michelle J Gelfand and Jeanne M Brett (eds), *The Handbook of Negotiation and Culture* (Stanford Business Books 2004), ch 9; Anurag Agarwal, Sridhar Ramamoorti and Vaidyanathan Jayaraman, 'Decision Support Systems For Strategic Dispute Resolution' (2011) 15(4) *International Journal of Management and Information Systems* 13; Ho-Won Jeong, *International Negotiation: Process and Strategies* (Cambridge University Press 2016), ch 3; B. Mayer, *The Dynamics of Conflict Resolution: A Practitioner's Guide* (John Wiley & Sons, 2010), pp. 98–102; MacFarlane, 'The New Advocacy: Implications for Legal Education and Teaching Practice', in Roger Burridge and others (eds), *Effective Learning and Teaching in Law* (Routledge, 2003).

¹³² Constance E Bagley, 'Winning Legally: The Value of Legal Astuteness' (2008) 33 *Academy of Management Review* 378; see also Constance E Bagley, *Winning Legally: How to use the Law to Create Value, Marshall Resources, and Manage Risk* (Harvard Business School Press 2005), 142–143.

¹³³ Michaela Keet, Heather Heavin and Shawna Sparrow, 'Anticipating and Managing the Psychological Cost of Civil Litigation' (2017) 34(2) *Windsor Yearbook of Access to Justice* <<https://wyaj.uwindsor.ca/index.php/wyaj/article/view/5023>> accessed 10 November 2020.

¹³⁴ See for example Haroon Siddique, 'Woman gets £2m over near-drowning in school swimming lesson' *The Guardian* (London, 21 August 2016) <<https://www.theguardian.com/uk-news/2016/aug/21/woman-awarded-2m-compensation-over-near-drowning-16-years-ago>> accessed 10 November 2020. See also *Woodland v Essex County Council* [2013] UKSC 66.

¹³⁵ See for example *Cavendish Square Holding BV v Talal El Makdessi and ParkingEye Limited v Beavis* [2015] UKSC 67.

¹³⁶ See for example the decision in *Hounga v Allen and another* [2014] UKSC 47.

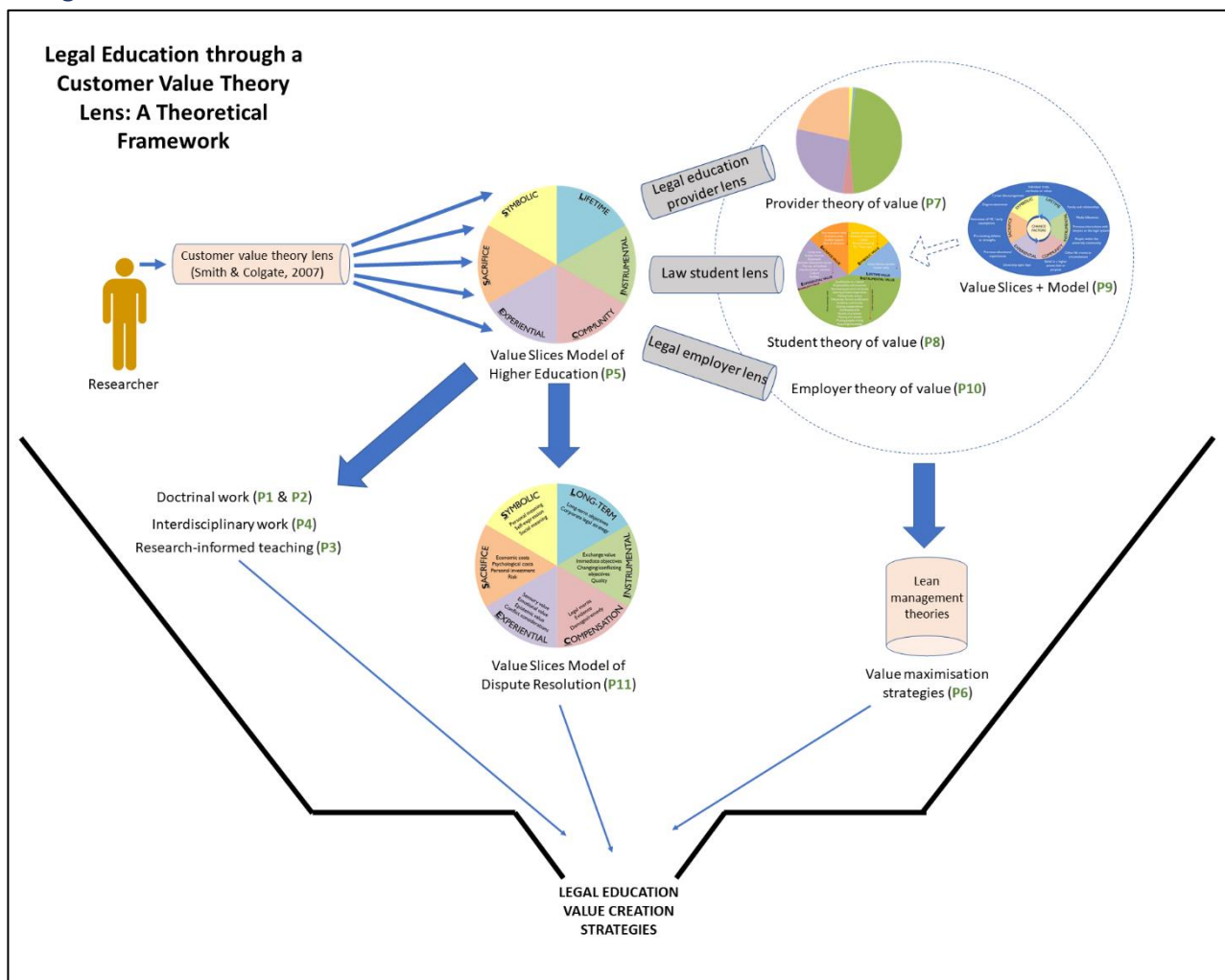
wider public interest.¹³⁷ The findings demonstrate that an understanding of customer value theory would likely assist students and graduates with developing dispute resolution strategy, thus enhancing their employability. The study thereby provided one illustrative example of how interdisciplinarity in general, and customer value theory in particular, has the potential to enhance the value of legal education.

[An overarching theoretical framework](#)

The coherence of this work is further illustrated by the overarching theoretical framework presented diagrammatically in Figure 1 below. As noted above, the aim of this research was to explore value discourses within legal education and thereby formulate recommendations for legal education reform. As Figure 1 demonstrates, this was achieved initially by examining legal education value discourses through Smith and Colgate's customer value framework in order to establish a theoretical lens for the study as a whole, namely, the Value Slices Model of Higher Education (see P5). Then, using this lens, further studies developed theories of value from legal education provider, law student, and legal employer perspectives respectively (see P7, P9, and P10). A further study examined factors that might influence the development of student value perceptions in this area (see P8), and then lean management theories and models were used to explore how value might be created and/or maximised for these key stakeholders (see P6). Finally, the Value Slices Model also provides a mechanism by which the value of established aspects of legal education can be assessed (see P1, P2, P3, and P4), as well as identifying opportunities to bring customer value theory into the legal education curriculum to enhance its value (see P11).

¹³⁷ Linda Mulcahy, 'The Collective Interest in Private Dispute Resolution' (2013) 33 *Oxford Journal of Legal Studies* 59.

Figure 1



4.5 Conclusions, Recommendations, and the Future

Legal education is on the brink of the biggest shake-up in a generation, and a wide range of key stakeholders are questioning its value. This programme of research serves an important function in that context. It highlights the wide-ranging value of legal education programmes – which goes significantly beyond employability – and provides theoretical models that providers can use to enhance that value, be it through clinical legal education, greater interdisciplinarity, or simply focusing strategically on one or more of the value “slices” in their programme development.

In summary, the principal recommendations from this research are that:

1. providers must continue to innovate in order to make their students more employable, as this is an important aspect of value for students and employers alike;
2. providers must seek, perhaps with reference to the Value Slices Model, to identify and strategically develop the value of their courses in a way that helps them to achieve differentiated and sustainable competitive advantage within a contracting market;
3. by understanding the generative mechanisms that influence student value perceptions (as illustrated by the Value Slices + Model) providers may be better equipped to ensure that students recognise particular aspects of value;
4. by applying lean management theory and models to course design and delivery processes, providers may be able to maximise the value of those processes;
5. greater interdisciplinarity within legal education, and moving beyond purely doctrinal approaches, may of itself have potential for enhancing the value of legal education programmes; and

6. there may still be work for policymakers to do to ensure that employer value perceptions do not result in recruitment practices that unfairly prejudice minority and/or disadvantaged groups.

The originality, significance, and contribution of the 11 papers in this thesis is clearly evidenced by their acceptance within leading journals within my discipline. In particular, the Law Teacher, the International Journal of Clinical Legal Education, and the European Journal of Legal Education collectively represent the most widely read pedagogical publications within the legal academic community. Similarly, the Journal of Further and Higher Education is highly regarded and has a diverse and multidisciplinary audience. Additionally, the European Journal of Current Legal Issues and Journal of Business Law each have a strong reputation for doctrinal work – it is notable in particular that P2 was entered into the REF by institutions as a paper considered to be of 3* quality, and praised by the journal's Editor, Professor Rob Merkin QC, as 'brilliant'.

The work in this thesis has also been recognised by the leading pedagogical association for my discipline, the Association of Law Teachers (ALT), through the award of the Stan Marsh Best Paper Prize at its Annual International Conference in April 2019. The prize was awarded for my publication P5, which I presented to the conference both verbally and as a full-length, written article. It was through this recognition that I first began to appreciate the relevance of my work for the wider academic community. It clearly related to an educational message that resonated strongly with legal educators, who intuitively felt that the law degree must comprise a much wider range of value components than were currently being emphasised within the market, and that this might hold important keys to achieving the sustainability, efficacy, and enhancement of legal education programmes in the wake of the SQE reforms.

More recently, the ALT further recognised the significance and originality of my work through the award of a research grant in the sum of £750.24 on 15 December 2020. This grant funded the study reported in P10, which explored how legal practice employers perceived the value of a law degree – an important piece of the emerging puzzle. This study has highlighted the diversity of value perceptions even amongst this relatively homogenous stakeholder group, whilst also identifying something of a disconnect between student and provider theories of value on the one hand and employer perspectives on the other.

Furthermore, throughout my publication journey, peer reviewers have consistently emphasised the originality, significance, and contribution of my work. As part of the double-blind review process in relation to P5, one reviewer described it as ‘...a topical article, firmly located in the academic literature, which introduces readers of The Law Teacher to a new perspective’. Putting it more strongly, the second reviewer wrote:

‘In the light of a number current and upcoming changes or concerns about legal education this is an important and interesting perspective, combining as it does, marketing theory with a number of legal education issues. The core argument in the article is a sound one – that we need to [be] more aware and respond more effectively to the value of both a degree and a law degree in particular.’

Similarly, on P7, one peer reviewer commented that it was ‘...a timely and well-justified piece of work’, while on P8, the feedback was that: ‘[the] submission engage[d] with a very topical area and [wa]s very well written and researched’, with a second reviewer describing it as ‘...the third in a valuable and interesting series of articles...[with] some really insightful data and analysis’.

Similar comments can also be found across the remaining papers. P6 was specifically noted by one peer reviewer as being ‘[a] very innovative look at one of the recurring practical issues...’ and by another as being ‘...very original in its application of lean theory to law clinics’, adding also that ‘the authors are to be commended for their interdisciplinary

approach.’ P9 was praised for its narratives which were described as ‘rich and revealing’, with the article tackling ‘...complex issues associated with the perceived value of courses, that purely quantitative methods would find difficulty in addressing.’ P10 was described as ‘...an interesting and well-written article of direct interest...’, whilst P11 was said to be ‘an interesting and well-written article’, ‘...addressing an important aspect of value driven dispute resolution and how this has to be considered/enhanced in legal education in order to create modern lawyers...’, with its Value Slices Model of Dispute Resolution specifically noted as ‘encourag[ing] deep and thorough critical analysis’.

Self-evidently, the most immediate impact of my work is on legal education practice. First and foremost, my work has informed my own practice. For example: P6 reflects action research conducted in relation to a practical problem experienced within my own department; and P5, P7, P8 and P10 have informed the validation, design, and implementation of a new law programme at SHU, where professional practice is embedded within every module and all students at all levels of their study gain work experience within the department’s own on-site, fully regulated, teaching law firm. No other university offers the same volume of work experience to all its undergraduate students, and the programme thereby arguably offers precisely the kind of distinctive value within the legal education market that the models within the present thesis are designed to help produce.

The extent of this impact on the practice of others has also been recognised externally. In November 2017 I was awarded Senior Fellowship of the HEA, and one of the two case studies upon which my application was based was my work in P3.

My research continues. As the original aims of this thesis have been satisfied, I am now turning my attention to other applications of customer value theory of the kind identified in P11. As an example, I am currently collaborating on a paper which examines how customer value theory might provide insight into the nature of cryptocurrency and therefore help inform

its regulation. This is just one example of what I anticipate will be a focus of my research for the medium-term.

Finally, my work has also started to have an impact beyond academia. In January 2020, I facilitated a Strategic Marketing Workshop to approximately 25 members of the Executive Team at Northern Ambition Academies Trust, in which delegates used my Value Slices Model (from P5) to evaluate the value of their organisation's activities and identify strategic opportunities to create and articulate such value. After the event the Trust's CEO, Elizabeth Fairhurst, explained that:

‘It really made us all consider what it's like to be associated with our family of schools, but more importantly, appreciate the current benefits of being part of it and consider how we can create new value. As CEO, it allowed me to think more deeply about what we are here to do...’

I have also conducted similar activities with KnownValuedLoved, a new charity concerned with the restoration of education provision in post-conflict communities. This organisation has used the Value Slices Model to help formulate its own organisational strategy and to reflect on the value that its activities can deliver to different stakeholder groups.

It is clear from my work to date that the challenge of navigating value discourses and formulating strategic responses is not unique to legal education. As such, my intention is to continue developing this work further in the medium-term by offering similar CPD activities for a wider range of educational and other organisations.

The award of a PhD on the basis of published work would serve both to recognise the original contribution to knowledge of my work to date, whilst at the same time enhancing my own credentials in a way that will open up additional opportunities in the future.

Appendices

Appendix 1 – P1

Alex Nicholson, 'Too entrenched to be challenged? A commentary on the rule against contractual penalties post *Cavendish v Makdessi* and *ParkingEye v Beavis*' (2016) 22(3) European Journal of Current Legal Issues.

Appendix 2 – P2

James Marson, Katy Ferris and Alex Nicholson, 'Irreconcilable Differences? The Road Traffic Act and the European Motor Vehicle Insurance Directives' (2017) 1 Journal of Business Law 51.

Appendix 3 – P3

Alex Nicholson, 'Research-informed teaching: a clinical approach' (2017) 51 The Law Teacher 40.

Appendix 4 – P4

Alex Nicholson, 'Should the penalty rule in contract law be abolished? A biblical answer to an apparently irreligious question' (2018) 24(1) European Journal of Current Legal Issues.

Appendix 5 – P5

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

Appendix 6 – P6

Alex Nicholson and Alireza Pakgohar, 'Lean Thinking in a UK University Law Clinic: A Reflective Case Study' (2020) 27(1) International Journal of Clinical Legal Education 171.

Appendix 7 – P7

Alex Nicholson, 'The value of a law degree – part 2: a perspective from UK providers' (2020) 55 The Law Teacher 241.

Appendix 8 – P8

Alex Nicholson and Paul Johnston, 'The value of a law degree – part 3: a student perspective' (2020) *The Law Teacher* (published online 3 December 2020).

Appendix 9 – P9

Alex Nicholson and Paul Johnston, 'Generative mechanisms for student value perceptions: an exploratory case study' (2021) 45 Journal of Further and Higher Education 1104.

Appendix 10 – P10

Alex Nicholson, 'The value of a law degree – part 4: a perspective from employers' (2021) The Law Teacher (published online 9 July 2021).

Appendix 11 – P11

Alex Nicholson, 'Customer value theory and dispute resolution strategy' (2021) 2 European Journal of Legal Education 99.

Appendix 12 – Personal Communications

Bibliography

Books and Book Chapters

Atiyah PS, *The Rise and Fall of Freedom of Contract* (Clarendon Press 1979).

Bagley C E, *Winning Legally: How to use the Law to Create Value, Marshall Resources, and Manage Risk* (Harvard Business School Press 2005).

Baumol W J and Blinder A S, *Economics: Principles and Policy* (13th edn, Cengage Learning 2016).

Berman H J, 'The Christian sources of general contract law' in Witte Jr J and Alexander F S (eds), *Christianity and Law: An Introduction* (Cambridge University Press 2008).

Bhaskar R, *Reclaiming Reality: A Critical Introduction to Contemporary Philosophy* (Routledge 2011).

Bicheno J and Holweg M, *The Lean Toolbox: The Essential Guide to Lean Transformation* (4th edn, PICSIE Books 2009).

Blake S, Browne J and Sime S, *A Practical Approach to Alternative Dispute Resolution* (4th edn, OUP 2016).

Bradney A, 'Law as a Parasitic Discipline' (1998) 25 *Journal of Law and Society* 71.

Bradney, A, 'The Place of Empirical Legal Research in the Law School Curriculum' in Cane P and Kritzer H M (eds) *The Oxford Handbook of Empirical Legal Research* (OUP 2010).

Brayne H, Duncan N and Grimes R, *Clinical Legal Education: Active Learning in Your Law School* (Blackstone Press 1998).

Burnside J, *God, Justice, and Society* (OUP 2011).

Burrell G and Morgan G, *Sociological Paradigms and Organisational Analysis* (first published 1979, Routledge 2016).

Burridge R and others (eds), *Effective Learning and Teaching in Law* (Routledge 2003).

Burrows A, *Remedies for Torts and Breach of Contract* (3rd edn, OUP 2004).

Burton M, 'Doing empirical research: exploring the decision-making of magistrates and juries' in Watkins D and Burton M (eds) *Research Methods in Law* (2nd edn, Routledge 2018).

Cassell C and Symon G (eds), *Essential Guide to Qualitative Methods in Organizational Research* (SAGE 2004).

Chandler Jr A D, *Strategy and Structure: Chapters in the History of the American Industrial Enterprise* (Beard Books 1962).

Coffey A and Atkinson P, *Making Sense of Qualitative Data: Complementary Research Strategies* (SAGE 1996).

Collins H, 'Fairness in Agreed Remedies' in Willet C (ed), *Aspects of Fairness in Contract* (Blackstone Press 1996).

Cooper R G, *Winning at New Products: Creating Value Through Innovation* (4th edn, Basic Books 2011).

Cownie, F *Legal Academics: Culture and Identities* (Heart Publishing 2004).

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

Cyert R M and March J G, *A Behavioral Theory of the Firm* (2nd edn, first published 1992, Prentice-Hall 2001).

Danermark B, Ekström M and Karlsson J C, *Explaining Society: An Introduction to Critical Realism in the Social Sciences* (2nd edn, Routledge 2019).

Denzin N K and Lincoln Y S (eds), *The SAGE Handbook of Qualitative Research* (4th edn, SAGE 2011).

Doe N, *Christian Law* (Cambridge University Press 2013).

Doyle C, *A Dictionary of Marketing* (4th edn, OUP 2016).

Dworkin R, *Taking Rights Seriously* (Duckworth 1977).

Edge P W, 'The contribution of law to interdisciplinary conversations on law and religion' in Ferrari S (ed), *Routledge Handbook of Law and Religion* (Routledge 2015).

Elkjaer B and Simpson B, 'Pragmatism: A Lived and Living Philosophy. What Can It Offer to Contemporary Organization Theory?' in Tsoukas H and Chia R C H (eds), *Philosophy and Organization Theory* (Emerald 2011).

Feld W M, *Lean Manufacturing: Tools, Techniques and How to Use Them* (CRC Press 2001).

Fells R, *Effective Negotiation: From research to results* (3rd edn, Cambridge University Press 2016).

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

Fried C, *Contract as Promise: A Theory of Contractual Obligation* (Harvard University Press 1981).

Fuller LL, *The Morality of Law* (Yale University Press 1969).

Gelfand M J and Brett J M (eds), *The Handbook of Negotiation and Culture* (Stanford Business Books 2004).

Glaser B G and Strauss A L, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (first published 1999, Routledge 2017).

Given, L M (ed), *The SAGE Encyclopedia of Qualitative Research Methods* (SAGE 2008) <<https://dx-doi-org.hallam.idm.oclc.org/10.4135/9781412963909.n420>> accessed on 22 July 2021.

Grimes R, 'The Theory and Practice of Clinical Legal Education', in Webb J and Maugham C (eds), *Teaching Lawyers' Skills* (Butterworths 1996).

Haynes K, 'Reflexivity in qualitative research' in Symon G and Cassell C (eds), *Qualitative Organizational Research: Core Methods and Current Challenges* (SAGE 2012).

Heron J, *Co-Operative Inquiry: Research into the Human Condition* (Sage 1996).

Hunter C (ed), *Integrating Socio-Legal Studies into the Law Curriculum* (Palgrave Macmillan 2012).

Hutchinson T, 'Doctrinal research: researching the jury' in Watkins D and Burton M (eds) *Research Methods in Law* (2nd edn, Routledge 2018).

James, W, *Pragmatism: A New Name for Some Old Ways of Thinking* (first published 1907, Floating Press 2008).

Jeong H, *International Negotiation: Process and Strategies* (Cambridge University Press 2016).

Johnson G and others, *Exploring Strategy: Text and Cases* (11th edn, Pearson 2017)

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

Kelly S, Johnston P and Danheiser S, *Value-ology* (Palgrave Macmillan 2017).

Kelly S, Johnston P and Danheiser S, *Stand Out Marketing: How to differentiate your organisation in a Sea of Sameness* (Kohan 2021).

Kelemen M L and Rumens N, *An Introduction to Critical Management Research* (Sage 2008).

Kerrigan K and Murray V, *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave MacMillan 2011).

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

King N and Brooks J M, *Template Analysis for Business and Management Students* (SAGE 2017).

Koshy, V, *Action research for improving educational practice: a step-by-step guide* (2nd edn, SAGE 2010).

Lancaster G, Massingham L and Ashford R, *Essentials of Marketing* (4th edn, McGraw-Hill 2002).

Matias C E, *The Handbook of Critical Theoretical Research Methods in Education* (Routledge 2021).

Mayer B, *The Dynamics of Conflict Resolution: A Practitioner's Guide* (John Wiley & Sons 2010).

McConville, M and Hong Chui (eds), W, *Research Methods for Law* (Edinburgh University Press 2007).

McKendrick E, *Goode on Commercial Law* (4th edn, Penguin 2010).

Merkin, R M and Hemsworth, M, *The Law of Motor Insurance* (Sweet and Maxwell 2015).

Metzger B M and Coogan M D (eds), *The Oxford Companion to the Bible* (OUP 1993).

Mintzberg H, *Tracking Strategies: Towards a General Theory* (OUP 2007).

Morgan J, *Great Debates in Law: Contract Law* (2nd edn, Palgrave 2015).

Musson, G, 'Life Histories' in Symon, G and Cassell C (eds), *Essential Guide to Qualitative Methods in Organizational Research* (London, SAGE 2004) 34.

Neely A D, *Measuring Business Performance* (Profile Books 1998).

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

O'Brien C, 'European Union Law' in Hunter, C (ed) *Integrating Socio-Legal Studies into the Law Curriculum* (Palgrave 2012),

Ohno T, *Toyota Production System: Beyond Large-Scale Production* (first published 1978, Productivity Press 1988).

Pendleton, M 'Non-empirical Discovery in Legal Scholarship – Choosing, Researching and Writing a Traditional Scholarly Article' in McConville, M and Hong Chui, W, *Research Methods for Law* (Edinburgh University Press 2007).

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

Powney J and Watts M, *Interviewing in Educational Research* (Routledge 1987).

Radnor Z J and others, *Public Service Operations Management: A Research Handbook*. (Routledge 2016).

- Rogers E M, *Diffusion of Innovations* (5th edn, Simon & Schuster 2003).
- Salkind, N J (ed), *Encyclopedia of Research Design* (SAGE 2010).
- Saunders M, Lewis P and Thornhill A, *Research Methods for Business Students* (7th edn, Pearson 2016).
- Sayer A. *Method in Social Science: A Realist Approach* (rev. 2nd edn, Routledge 2010).
- Shell G R, *Make the Rules of Your Rivals Will* (2004 Crown Business).
- Slack N, Brandon-Jones A, Johnston R and Betts A, *Operations and Process Management* (4th edn, Pearson 2015).
- Smith A, *The Wealth of Nations* (Everyman's Library 1991).
- Tashakkori A and Teddlie C, *SAGE Handbook of Mixed Methods in Social and Behavioural Research* (2nd edn, Sage 2010).
- Taylor C, *A Secular Age* (Belknap Press of Harvard University Press 2007).
- Travers, M, *Understanding Law and Society* (Taylor & Francis 2009).
- Womack J P and Jones D T, *Lean Thinking* (Simon & Schuster 2003).
- Worthington S, 'Common Law Values: The Role of Party Autonomy in Private Law' in A Robertson and M Tilbury (eds), *The Common Law of Obligations: Divergence and Unity* (Hart Publishing 2016).
- Yin R K, *Case study research and applications: Design and Methods* (SAGE 2018).

Journal Articles

- Abdi F, Shavarini S and Hoseini S, 'Glean lean: how to use lean approach in services industries?' (2006) 6 Journal of Services Research 191.
- Agarwal A, Ramamoorti S and Jayaraman V, 'Decision Support Systems For Strategic Dispute Resolution' (2011) 15(4) International Journal of Management and Information Systems 13.
- Alefari M, Salonitis K and Xu Y, 'The role of leadership in implementing lean manufacturing' (2017) 63 Procedia CIRP 756.
- Andrés-López E, González-Requena I and Sanz-Lobera A, 'Lean Service: Reassessment of Lean Manufacturing for Service Activities' (2015) 132 Procedia Engineering 23.
- Atkinson P, 'Creating and implementing lean strategies' (2004) 48(2) Management Services 18.
- Bach D and Allen D, 'What Every CEO Needs to Know about Nonmarket Strategy' (2010) 51(3) MIT Sloan Management Review 41.
- Bagley C E, 'Winning Legally: The Value of Legal Astuteness' (2008) 33 Academy of Management Review 378.
- Ballantyne D and others, 'Value Propositions as Communication Practice: Taking a Wider View' (2011) 40 Industrial Marketing Management 202.
- Balzer W K, Brodke M H and Kizhakethalackal E T, 'Lean higher education: successes, challenges, and realizing potential' (2015) 32(9) International Journal of Quality & Reliability Management 924.
- Bansal P(T) and Corley K, 'From the Editors: The Coming of Age for Qualitative Research: Embracing the Diversity of Qualitative Methods' (2011) 54 The Academy of Management Journal 233.
- Bartie S, 'The lingering core of legal scholarship' (2010) 30 Legal Studies 345.
- Bevilacqua M, Ciarapica F E and Paciarotti C, 'Implementing lean information management: the case study of an automotive company' (2015) 26(10) Production Planning & Control 753.
- Belknap G N, 'Objective Value' (1938) 35 The Journal of Philosophy 29.
- Bermingham V and Hodgson J, 'Desiderata: What Lawyers Want from Their Recruits' (2001) 35 The Law Teacher 1.
- Bermingham V and Hodgson J, 'Feedback on Assessment: Can We Provide a Better Student Experience by Working Smarter than by Working Harder?' (2010) 40 The Law Teacher 151.
- Bevan, N, 'A Call for (More) Reform' (2015) Legal World, 9
<https://www.newlawjournal.co.uk/docs/default-source/article_files/009_nlj_7661_lawheadlines_bevan.pdf?sfvrsn=d49e2377_2> (accessed 14 October 2021).
- Bevan, N, 'A World Turned Upside Down' (2014) 3 Journal of Personal Injury Law 136.
- Bevan, N, 'Bad Law?' (2014) 164(7624) New Law Journal, 7.

- Bevan, N, 'On the Right Road' (Pt I) (2013) 163(7546) New Law Journal 94.
- Bevan, N, 'On the Right Road' (Pt II) (2013) 163(7547) New Law Journal 130.
- Bevan, N, 'On the Right Road' (Pt III) (2013) 163(7548) New Law Journal 160.
- Bevan, N, 'On the Right Road' (Pt IV) (2013) 163(7549) New Law Journal 193.
- Bilgin A A, Rowe A D and Clark L, 'Academic workload implications of assessing student learning in work-integrated learning' (2017) 18(2) Asia-Pacific Journal of Cooperative Education 167.
- Bird R C and Orozco D, 'Finding the Right Corporate Legal Strategy' (2014) 56(1) MIT Sloan Management Review 81.
- Birmingham R L, 'Breach of Contract, Damage Measures, and Economic Efficiency' (1970) 24 Rutgers Law Review 273.
- Bleadsdale-Hill L and Wragg P, 'Models of Clinic and Their Value to Students, Universities and the Community in the post-2012 Fees Era' (2013) 19 International Journal of Clinical Legal Education 257.
- Blom B and Morén S, 'Analysis of Generative Mechanisms' (2011) 10(1) Journal of Critical Realism 60.
- Bolton R N and Lemon K N, 'A Dynamic Model of Customers' Usage of Services: Usage as an Antecedent and Consequence of Satisfaction' (1999) 36 Journal of Marketing Research 171.
- Bone A, 'The Twenty-First Century Law Student' (2009) 43 The Law Teacher 222.
- Bosch G S, 'Deconstructing Myths about Interdisciplinarity: is now the time to rethink interdisciplinarity in legal education?' (2020) 1 European Journal of Legal Education 27.
- Bowen, G A, 'Document Analysis as a Qualitative Research Method' (2006) 9(2) Qualitative Research Journal 27.
- Bradney A, 'The Success of University Law Schools in England and Wales: Or How to Fail' (2018) 52 The Law Teacher 490.
- Braun V and Clarke V, 'Using thematic analysis in psychology' (2006) 3 Qualitative Research in Psychology 77.
- Broadbent G and Sellman P, 'Great Expectations? Law Schools, Websites and "the Student Experience"' (2013) 47 The Law Teacher 44.
- Brown R, 'Why Link Personal Research and Teaching?' (2005) 47(6) Education and Training 393.
- Bryant A, 'Grounded Theory and Pragmatism: The Curious Case of Anselm Strauss' (2009) 10(3) Qualitative Social Research, Article 2.
- Buckles K and others, 'The Effect of College Education on Mortality' (2016) 50 Journal of Health Economics 99.
- Buckley C A, 'Student and Staff Perceptions of the Research–Teaching Nexus' (2011) 48(3) Innovations in Education and Teaching International 313.

- Burgess T F, Lewis H A and Mobbs T, 'Academic workload planning revisited' (2003) 46(2) Higher Education 215.
- Burnside J, 'The Spirit of Biblical Law' (2012) 1(1) Oxford Journal of Law and Religion 127.
- Carr H and Dearden N, 'Research-Led Teaching, Vehicular Ideas and the Feminist Judgments Project' (2012) 46(3) The Law Teacher 268.
- Caspersz D and Olaru D, 'The Value of Service-Learning: The Student Perspective' (2017) 42 Studies in Higher Education 685.
- Cayla J and Arnould E, 'Ethnographic Stories for Market Learning' (2013) 77(4) Journal of Marketing 1.
- Chemersinsky E, 'Why Not Clinical Education?' (2009) 16 Clinical Law Review 35.
- Childe S, 'Case studies in the management of operations' (2017) 28(1) Production Planning & Control 1.
- Childs P, Firth N and de Rijke H, 'The Gap between Law Student Career Aspirations and Employment Opportunities' (2014) 48 The Law Teacher 51.
- Clough J and Shorter G, 'Evaluating the Effectiveness of Problem-Based Learning as a Method of Engaging Year One Law Students' (2015) 49 The Law Teacher 277.
- Coase R H, 'The Problem of Social Cost' (1960) 3 The Journal of Law and Economics 1.
- Colbran S, Gilding A and Colbran S, 'Animation and Multiple-Choice Questions as a Formative Feedback Tool for Legal Education' (2017) 51 The Law Teacher 249.
- Combe M M, 'Selling intra-curricular clinical legal education' (2014) 48 The Law Teacher 281.
- Corley K G and Gioia D A, 'Building Theory about Theory Building: What Constitutes a Theoretical Contribution?' (2011) 36 Academy of Management Review 12.
- Cotterrell, R, 'Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies' (2002) 29 Journal of Law and Society 632.
- Cotterrell R, 'Why Must Legal Ideas Be Interpreted Sociologically' (1998) 25 Journal of Law and Society 171.
- Crotty M, *The Foundations of Social Science Research: Meaning and Perspectives in the Research Process* (SAGE 1998).
- Dadashnejad A and Valmohammadi C, 'Investigating the effect of value stream mapping on overall equipment effectiveness: a case study' (2019) 30(3-4) Total Quality Management & Business Excellence 466.
- Davies M, 'Changes to the Training of English and Welsh Lawyers: Implications for the Future of University Law Schools' (2018) 52 The Law Teacher 100.
- Day W, 'A Pyrrhic victory for the doctrine against penalties: *Makdessi v Cavendish Square Holding BV*' [2016] Journal of Business Law 115.
- Day W, 'Penalty clauses following *Makdessi*: postscript' [2016] Journal of Business Law 251.

de Ruyter K and Bloemer J, 'Customer Loyalty in Extended Service Settings: The Interaction between Satisfaction, Value Attainment and Positive Mood' (1999) 10 International Journal of Service Industry Management 320.

Dewsnap B and Jobber D, 'A Social Psychological Model of Relations between Marketing and Sales' (2002) 36 European Journal of Marketing 874.

Dickinson J and Nicholson A, 'Supreme Court Closes Another Vicarious Liability Loophole: Woodland v Swimming Teachers Association' (2015) 21(2) European Journal of Current Legal Issues.

Dingwall R and Cloatre E, 'Vanishing Trials: An English Perspective' (2006) Journal of Dispute Resolution <<https://scholarship.law.missouri.edu/jdr/vol2006/iss1/7>> accessed 10 November 2020.

Doman M S, 'A new lean paradigm in higher education: a case study' (2011) 19(3) Quality Assurance in Education 248.

Dubois A and Gadde L, 'Systematic Combining: An Abductive Approach to Case Research' (2002) 55 Journal of Business Research 553.

Duffy J and Field R, 'Why ADR Must Be a Mandatory Subject in the Law Degree: A Cheat Sheet for the Willing and a Primer for the Non-believer' (2014) 25(1) Australasian Dispute Resolution Journal 2.

Dunn R, Roper V and Kennedy V, 'Clinical Legal Education as Qualifying Work Experience for Solicitors' (2018) 52 The Law Teacher 439.

Dworkin, R, *Law's Empire* (Harvard University Press 1986).

Edge P W, 'Determining Religion in English Courts' (2012) 1(2) Oxford Journal of Law and Religion 402.

Eggert A and others, 'Conceptualizing and Communicating Value in Business Markets: From Value in Exchange to Value in Use' (2018) 69 Industrial Marketing Management 80.

Eisenberg MA, 'The Limits of Cognition and the Limits of Contract' (1995) 47 Stanford Law Review 211.

Emiliani M L, 'Using "kaizen" to improve graduate business school degree programs' (2005) 13(1) Quality Assurance in Education 37.

Emiliani M L, 'Engaging faculty in Lean teaching' (2015) 6(1) International Journal of Lean Six Sigma.

Evans G L, '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-walk-through-the-maze-of-grounded-theory-rationalization-for-classical-grounded-theory>> accessed 10 August 2020.

Forno A, Pereira F, and Forcellini F, 'Value Stream Mapping: a study about the problems and challenges found in the literature from the past 15 years about application of Lean tools' (2014) 72(5-8) The International Journal of Advanced Manufacturing Technology 779.

Forza C 'Work Organization in Lean Production and Traditional Plants: What Are the Differences?' (1996) 16(2) International Journal of Operations & Production Management 42.

Fox D, 'Personal Theories of Teaching' (1983) 8(2) Studies in Higher Education 151.

Fuller L L and Perdue Jr W R, 'The Reliance Interest in Contract Damages: 1' (1936) 49 Yale Law Journal 52.

Girod S J G and Whittington R, 'Change Escalation Processes and Complex Adaptive Systems: From Incremental Reconfigurations to Discontinuous Restructuring' (2015) 26 Organization Science 1520.

Goetz CJ and Scott RE, 'Liquidated Damages, Penalties and the Just Compensation Principle: Some Notes on an Enforcement Model and a Theory of Efficient Breach' (1977) 77 Columbia Law Review 554.

Gordon A, 'Differentiate or Die' (2002) 22(7) Adweek Magazine's Technology Marketing 22.

Gresty K A, Pan W, Heffernan T and Edwards-Jones A, 'Research-Informed Teaching from a Risk Perspective' (2013) 18(5) Teaching in Higher Education 57.

Griffiths R, 'Knowledge Production and the Research–Teaching Nexus: The Case of the Built Environment Disciplines' (2004) 29(6) Studies in Higher Education 709.

Grönroos C, 'Service Quality: The Six Criteria of Good Perceived Service Quality' (1988) 9(3) Review of Business 1.

Grönroos C, 'Value-Driven Relational Marketing: From Products to Resources and Competencies' (1997) 13 Journal of Marketing Management 407.

Guth J and Ashford C, 'The Legal Education and Training Review: regulating socio-legal and liberal legal education' (2014) 48 The Law Teacher 5.

Guth J and Dutton K, 'SQE-ezed Out: SRA, Status and Stasis' (2018) 52 The Law Teacher 425.

Gutman J, Fisher T and Martens E, 'Why Teach Alternative Dispute Resolution to Law Students? Part One: Past and Current Practices and Some Unanswered Questions' (2006) 16 Legal Education Review 125.

Hadfield G K, 'Where Have All the Trials Gone? Settlements, Nontrial Adjudications, and Statistical Artifacts in the Changing Disposition of Federal Cases' (2004) 1 Journal of Empirical Legal Studies 705.

Haggis T, 'Meaning, Identity and "Motivation": Expanding What Matters in Understanding Learning in Higher Education?' (2004) 29 Studies in Higher Education 335.

Hake R, 'Interactive Engagement versus Traditional Methods: A Six Thousand-Student Survey of Mechanics Test Data for Introductory Physics Courses' (1998) 66 American Journal of Physics 64.

Ham S H and Weiler B, 'Persuasive Interpretation' (2003, Autumn) 8 Interpret Scotland 3 <<https://interpretscotland.files.wordpress.com/2015/02/interpret-scotland-newsletter-8.pdf>> accessed 10 August 2020.

Hammer M, 'Reengineering work: don't automate, obliterate' (1990) 68(4) Harvard Business Review 103.

Harris D R, 'The development of socio-legal studies in the United Kingdom' (1983) 3 Legal Studies 315.

Hart, H L A, *The Concept of Law* (3rd edn, OUP 2012).

- Harvey L, 'Defining and Measuring Employability' (2001) 7 *Quality in Higher Education* 97.
- Havelock R, 'Law Studies and Active Learning: Friends Not Foes?' (2013) 47 *The Law Teacher* 382.
- Healey M, 'Linking Research and Teaching to Benefit Student Learning' (2005) 29(2) *Journal of Geography in Higher Education* 183.
- Hedley S, 'Making Sense of Negligence' (2016) 36 *Legal Studies* 491.
- Henderson W, 'From Big Law to Lean Law' (2014) 38 *International Review of Law and Economics* 5.
- Hess J D and Benjamin B A, 'Applying Lean Six Sigma within the university: opportunities for process improvement and cultural change' (2015) 6(3) *International Journal of Lean Six Sigma* 249.
- Hodgkinson G P, Herriot P and Anderson N, 'Re-aligning the Stakeholders in Management Research: Lessons from Industrial, Work and Organizational Psychology' (2001) 12 *British Journal of Management* 41.
- Hogg D P E, 'Lean in a Changed World' (2011) 174(3) *Manufacturing Engineering* 102.
- Holbrook M B, 'Customer Value and Autoethnography: Subjective Personal Introspection and the Meanings of a Photograph Collection' (2005) 58 *Journal of Business Research* 45.
- Jackson D, 'Human-Centered Legal Tech: Integrating Design in Legal Education' (2016) 50 *The Law Teacher* 82.
- Jasti N V K and Kodali R, 'Lean production: literature review and trends' (2015) 53(3) *International Journal of Production Research* 867.
- Johansson P E and Osterman C, 'Conceptions and operational use of value and waste in lean manufacturing – an interpretivist approach' (2017) 55(23) *International Journal of Production Research* 6903.
- Kalafatis S and Ledden L, 'Carry-over Effects in Perceptions of Educational Value' (2013) 38 *Studies in Higher Education* 1540.
- Kaplan R S and Norton D P, 'The Balanced Scorecard - Measures That Drive Performance'. (1992) 70(1) *Harvard Business Review* 71.
- Keet M, Heavin H and Sparrow S, 'Anticipating and Managing the Psychological Cost of Civil Litigation' (2017) 34(2) *Windsor Yearbook of Access to Justice*
<<https://wyaj.uwindsor.ca/index.php/wyaj/article/view/5023>> accessed 10 November 2020.
- Keller K L, 'Building Strong Brands in a Modern Marketing Communications Environment' (2009) 15 *Journal of Marketing Communications* 139.
- Kenny J D J and Fluck A E, 'The effectiveness of academic workload models in an institution: a staff perspective' (2014) 36(6) *Journal of Higher Education Policy and Management* 585.
- Kim W C and Mauborgne R, 'Blue Ocean Strategy' (2004) 82(10) *Harvard Business Review* 76.

- Knudsen C, 'Pluralism, scientific progress, and the structure of organization theory' in Tsoukas H and Knudsen C (eds), *The Oxford Handbook of Organization Theory: Meta-Theoretical Perspectives* (OUP 2003).
- Kracik J F 'Triumph of the Lean Production System' (1988) 30(1) Sloan Management Review 4152.
- Kregel I and Coners A, 'Introducing Lean Six Sigma to a German municipality: an action research report' (2018) 9(2) International Journal of Lean Six Sigma 221.
- Kumar M, Antony J, Singh R K, Tiwari M K and Perry D, 'Implementing the Lean Sigma framework in an Indian SME: a case study' (2006) 17(4) Production Planning and Control 407.
- Leiter, B, *Naturalizing Jurisprudence: Essays on American Legal Realism and Naturalism in Legal Philosophy* (OUP 2007).
- Lewin, K, 'Action Research and Minority Problems' (1946) Journal of Social Issues 34.
- Lapierre J, 'Customer-Perceived Value in Industrial Contexts' (2000) 15 Journal of Business and Industrial Marketing 122.
- Larsen C and others, 'The 'Real Value' of Field Trips in the Early Weeks of Higher Education: The Student Perspective' (2017) 43 Educational Studies 110.
- Levitt T, 'Marketing Success Through Differentiation – of Anything' (1980) 58(1) Harvard Business Review 83.
- Levitt T, 'Marketing Myopia' (2004) 82(7/8) Harvard Business Review 138.
- Levy P and Petrulis R, 'How Do First-Year University Students Experience Inquiry and Research, and What Are the Implications for the Practice of Inquiry-Based Learning?' (2012) 37(1) Studies in Higher Education 85.
- Leyer M, Vogel L and Moormann J, 'Twenty years research on lean management in services: results from a meta-review' (2015) 21(4) International Journal of Services and Operations Management 389.
- Macfarlane J, 'The challenge of ADR and alternative paradigms of dispute resolution: How should the law schools respond?' (1997) 31 The Law Teacher 13.
- Marginson S, 'Student Self-Formation in International Education' (2014) 18 Journal of Studies in International Education 6.
- Marodin G A and Saurin T A, 'Implementing lean production systems: research areas and opportunities for future studies' (2013) 51(22) International Journal of Production Research 6663.
- Marson J, Ferris K and Nicholson A, 'Brexit means Brexit: What does it mean for the Protection of Third Party Victims and the Road Traffic Act?' (2018) 39(2) Statute Law Review 211.
- Marson J, Ferris K and Nicholson A, 'Irreconcilable Differences? The Road Traffic Act and the European Motor Vehicle Insurance Directives' (2017) 1 Journal of Business Law 51.
- Marson, J, and Ferris, K, 'The Transposition and Efficacy of EU Rights. Indirect Effect and a Coming of Age of State Liability?' (2015) 36(4) Business Law Review 157.

- Mason L, 'SQEeizing 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.
- McKeown P, 'Law Student Attitudes towards Pro Bono and Voluntary Work: The Experience at Northumbria University' (2015) 22 *International Journal of Clinical Legal Education* 6.
- McKeown P, 'Pro Bono: What's in It for Law Students? The Students' Perspective' (2017) 24(2) *International Journal of Clinical Legal Education* 43.
- McKnight D, 'The Value Theory of the Austrian School' (1994) 62 *Appraisal Journal* 465.
- McMurtry J, 'Education and the Market Model' (1991) 25 *Journal of Philosophy of Education* 209.
- Mitchell R K, Agle B R and Wood D J, 'Toward a Theory of Stakeholder Identification and Salience: Defining the Principle of Who and What Really Counts' (1997) 22 *Academy of Management Review* 853.
- Möller K E K and Törrönen P, 'Business Suppliers' Value Creation Potential: A Capability-Based Analysis' (2003) 32 *Industrial Marketing Management* 109.
- Motwani J, 'A Business Process Change Framework for Examining Lean Manufacturing: A Case Study' (2003) 103(5) *Industrial Management & Data Systems* 339.
- Mulcahy L, 'The Collective Interest in Private Dispute Resolution' (2013) 33 *Oxford Journal of Legal Studies* 59.
- Naidoo R, Shankar A and Veer E, 'The Consumerist Turn in Higher Education: Policy Aspirations and Outcomes' (2011) 27 *Journal of Marketing Management* 1142.
- Narayanamurthy G, Gurumurthy A and Chockalingam R, 'Applying lean thinking in an educational institute – an action research' (2017) 66(5) *International Journal of Productivity and Performance Management* 598.
- Nastasi B K, Hitchcock J H and Brown L M, 'An Inclusive Framework for Conceptualizing Mixed Methods Design Typologies: Moving Toward Fully Integrated Synergistic Research Models' in Tashakkori A and Teddlie C, *SAGE Handbook of Mixed Methods in Social and Behavioural Research* (2nd edn, Sage 2010).
- Newbery-Jones C, 'Ethical Experiments with the D-Pad: Exploring the Potential of Video Games as a Phenomenological Tool for Experiential Legal Education' (2016) 50 *The Law Teacher* 61.
- Nicholson A, 'Too entrenched to be challenged? A commentary on the rule against contractual penalties post *Cavendish v Makdessi* and *ParkingEye v Beavis*' (2016) 22(3) *European Journal of Current Legal Issues*.
- Oliver D, 'The Integration of Teaching and Research in the Law Department' (1996) 30 *The Law Teacher* 133.
- Olssen M, 'Neoliberal Competition in Higher Education Today: Research, Accountability and Impact' (2016) 37 *British Journal of Sociology of Education* 129.
- Parasuraman A, Zeithaml V A and Berry L L, 'A Conceptual Model of Service Quality and Its Implications for Future Research' (1985) 49(4) *Journal of Marketing* 41.

- Park W C, Jaworski B J and MacInnis D, 'Strategic Brand Concept-Image Management' (1986) 50(4) Journal of Marketing 135.
- Pattanaik L N and Sharma B P, 'Implementing lean manufacturing with cellular layout: a case study' (2009) 42(7) International Journal of Advanced Manufacturing Technology 772.
- Peel E, 'Unjustified penalties or an unjustified rule against penalties?' (2014) 130 LQR 365.
- Piercy N and Rich N, 'Lean transformation in the pure service environment: the case of the call service centre' (2009) 29(1) International Journal of Operations & Production Management 54.
- Pigden L and Jegede F, 'Thematic Analysis of the Learning Experience of Joint Honours Students: Their Perception of Teaching Quality, Value for Money and Employability' (2020) 45(8) Studies in Higher Education 1650.
- Poole M S and van de Ven A H, 'Using Paradox to Build Management and Organization Theories' (1989) 14(4) Academy of Management Review 562.
- Porter M E, 'The Five Competitive Forces That Shape Strategy' (2008) 86(1) Harvard Business Review 78.
- Prahalad C K and Hamel G, 'The Core Competence of the Corporation' (1990) 68(3) Harvard Business Review 79.
- Prince M, 'Does Active Learning Work? A Review of the Research' (2004) 93(3) Journal of Engineering Education 223.
- Resnik J, 'Migrating, Morphing, and Vanishing: The Empirical and Normative Puzzles of Declining Trial Rates in Courts' (2004) 1 Journal of Empirical Legal Studies 783.
- Richins M L, 'Special Possessions and the Expression of Material Values' (1994) 21 Journal of Consumer Research 522.
- Ridder H, Hoon C and McCandless Baluch A, 'Entering a Dialogue: Positioning Case Study Findings towards Theory' (2014) 25 British Journal of Management 373.
- Rittel H W J and Webber M M, 'Dilemmas in a General Theory of Planning' (1973) 4 Policy Sciences 155.
- Ritter T, 'Communicating Firm Competencies: Marketing as Different Levels of Translation' (2006) 35 Industrial Marketing Management 1032.
- Saunders M, Lewis P and Thornhill A, *Research Methods for Business Students* (7th edn, Pearson 2016).
- Schapper J and Mayson S E, 'Research-Led Teaching: Moving from a Fractured Engagement to a Marriage of Convenience' (2010) 29(6) Higher Education Research & Development 641.
- Seth D and Gupta V, 'Application of value stream mapping for lean operations and cycle time reduction: an Indian case study' (2005) 16(1) Production, Planning & Control 44.
- Sfakianaki E and Kakouris A, 'Lean thinking for education: development and validation of an instrument' (2019) International Journal of Quality & Reliability Management.
- Shane S and Venkataraman S, 'The Promise of Entrepreneurship as a Field of Research' (2000) 25 Academy of Management Review 217.

- Sheth J N, Newman B I and Gross B L, 'Why We Buy What We Buy: A Theory of Consumption Values' (1991) 22 *Journal of Business Research* 159.
- Sheth J N and Parvatiyar A, 'Relationship Marketing in Consumer Markets: Antecedents and Consequences' (1995) 23 *Journal of the Academy of Marketing Science* 255.
- Shiffrin SV, 'The Divergence of Contract and Promise' (2007) 120 *Harvard Law Review* 708.
- Skead N, 'Uncle Jack, Jaycee and the Equitable Doctrine of Estoppel: Using Second Life to Support the Development of Advanced Oral Communication Skills in Law Students' (2016) 50 *The Law Teacher* 230.
- Slater SFJ, 'Developing a Customer Value-Based Theory of the Firm' (1997) 25 *Journal of the Academy of Marketing Science* 162.
- Smimou K and Dahl D W, 'On the Relationship Between Students' Perceptions of Teaching Quality, Methods of Assessment, and Satisfaction' (2012) 87(1) *Journal of Education for Business* 22.
- Smith J B and Colgate M, 'Customer Value Creation: A Practical Framework' (2007) 15 *Journal of Marketing Theory and Practice* 7.
- Speight S, Lackovic N and Cooker L, 'The Contested Curriculum: Academic Learning and Employability in Higher Education' (2013) 19 *Tertiary Education and Management* 112.
- Spronken-Smith R and Walker R, 'Can Inquiry-Based Learning Strengthen the Links between Teaching and Disciplinary Research?' (2010) 35(6) *Studies in Higher Education* 723.
- Stratton T D, Rudy D W, Sauer M J, Perman J A and Jennings C D, 'Lessons from industry: one school's transformation toward "lean" curricular governance' (2007) 82(4) *Academic Medicine* 331.
- Stevens C, Welch C and Welch R, 'On-line legal services and the changing legal market: preparing law undergraduates for the future' (2011) 45 *The Law Teacher* 328.
- Sturgis P and Allum N, 'Science in Society: Re-Evaluating the Deficit Model of Public Attitudes' (2004) 13 *Public Understanding of Science* 55.
- Suddaby R, 'From the Editors: What Grounded Theory is Not' (2006) 49(4) *The Academy of Management Review* 633.
- Sweeney J C, Soutar G N and Johnson L W, 'The Role of Perceived Risk in the Quality–Value Relationship: A Study in a Retail Environment' (1999) 75 *Journal of Retailing* 77.
- Tam C M, '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.
- Tasker M and Packham D, 'Freedom, Funding and the Future of Universities' (1990) 15 *Studies in Higher Education* 181.
- Thomas A, Antony J, Francis M and Fisher R, 'A comparative study of Lean implementation in higher and further education institutions in the UK' (2015) 32(9) *International Journal of Quality & Reliability Management* 982.
- Tomlinson M, 'Conceptions of the Value of Higher Education in a Measured Market' (2018) 75 *Higher Education* 711.

Turner J, Bone A and Ashton J, 'Reasons why law students should have access to learning law through a skills-based approach' (2018) 52 *The Law Teacher* 1.

Ulag W, 'Capturing Value Creation in Business Relationships: A Customer Perspective' (2003) 32 *Industrial Marketing Management* 677.

Varey R J, 'A Dialogical Foundation for Marketing' (2003) 3 *The Marketing Review* 273.

Vargo S L and Lusch R F, 'Evolving to a New Dominant Logic for Marketing' (2004) 68(1) *Journal of Marketing* 1.

Vargo S L and Lusch R F, 'Service-Dominant Logic: Continuing the Evolution' (2008) 36 *Journal of the Academy of Marketing Science* 1.

Vick, D W, 'Interdisciplinarity and the Discipline of Law' (2004) 31 *Journal of Law and Society* 163.

Victor M B, 'The Proper Use of Decision Analysis to Assist Litigation Strategy' 40 *The Business Lawyer* 617.

Vinodh S, Gautham S G and Anesh Ramiya R, 'Implementing lean sigma framework in an Indian automotive valves manufacturing organisation: a case study' (2011) 22(7) *Production Planning & Control* 708.

Völckner F and Hofmann J, 'The Price-Perceived Quality Relationship: A Meta-Analytic Review and Assessment of Its Determinants' (2007) 18 *Marketing Letters* 181.

Wainwright E and Watts M, 'Social Mobility in the Slipstream: First-Generation Students' Narratives of University Participation and Family' (2021) 73 *Educational Review* 111.

Waters B, "A Part to Play": The Value of Role-Play Simulation in Undergraduate Legal Education# (2016) 50 *The Law Teacher* 172.

Waters B, 'The importance of teaching dispute resolution in a twenty-first-century law school' (2017) 51 *The Law Teacher* 227.

Waters B, 'The Solicitors Qualification Examination: something for all? Some challenges facing law schools in England and Wales' (2018) 52 *The Law Teacher* 519.

Waters B, 'Widening Participation in Higher Education: The Legacy for Legal Education' (2013) 47 *The Law Teacher* 261.

Waters B and Ashton J, 'A Study into Situated Learning through Community Legal Companionship' (2018) 25(2) *International Journal of Clinical Legal Education* 4.

Watkins D, 'Podcasting: A Lawyer's Tale' (2010) 44 *The Law Teacher* 169.

Westaby C, 'A Qualitative Study of the Impact of Law Clinics on Students' Perceptions of Emotional Labour Expectations' (2014) 48 *The Law Teacher* 248.

Whittington R, 'Strategy as Practice' (1996) 29 *Long Range Planning* 731.

Woodall T, 'Conceptualising "Value for the Customer": An Attributional, Structural and Dispositional Analysis' (2003) *Academy of Marketing Science Review* 1.

Woodall T, Hiller A and Resnick S, 'Making Sense of Higher Education: Students as Consumers and the Value of the University Experience' (2014) 39 *Studies in Higher Education* 48

Woodruff R B, 'Customer Value: The Next Source for Competitive Advantage' (1997) 25 Journal of the Academy of Marketing Science 139.

Xiao J and Wilkins S, 'The effects of lecturer commitment on student perceptions of teaching quality and student satisfaction in Chinese higher education' (2015) 37(1) Journal of Higher Education Policy and Management 98.

Zeithaml V A, 'Consumer Perceptions of Price, Quality, and Value: A Means-End Model and Synthesis of Evidence' (1988) 52(3) Journal of Marketing 2.

Other Sources

“A7 Common Protocol on the Academic Component of Training” (Bar Standards Board) <www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual/part-2-for-students-pupils-transferring-lawyers/a7-common-protocol-on-the-academic-component.html> accessed 9 June 2020.

Adams R and Smith D, ‘Universities Spend More to Attract Clearing Students’, *The Guardian*, 8 August 2014 <<http://www.theguardian.com/education/2014/aug/08/university-spending-clearing-limit-undergraduates>> (accessed 26 February 2015).

Augar P, Independent Panel Report to the Review of Post-18 Education and Funding (Department for Education, 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 13 April 2020.

“Background to the SQE” (Solicitors Regulation Authority) <www.sra.org.uk/sra/policy/sqe/background-sqe/> accessed 31 March 2020.

Baker S, ‘Covid-19 Crisis Could Bankrupt a Dozen UK Universities, IFS Warns’ *Times Higher Education* (London, 6 July 2020) <www.timeshighereducation.com/news/covid-19-crisis-could-bankrupt-dozen-uk-universities-ifs-warns> accessed 9 July 2020.

Britton J and others, “The Impact of Undergraduate Degrees on Lifetime Earnings” (Institute for Fiscal Studies, 29 February 2020) <www.ifs.org.uk/uploads/R167-The-impact-of-undergraduate-degrees-on-lifetime-earnings.pdf> accessed 10 August 2020.

Competition & 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 8 February 2019.

Council of Australian Law Deans, ‘Statement on the Nature of Legal Research’ (CALD 2005) 3 <<https://cald.asn.au/wp-content/uploads/2017/11/cald-statement-on-the-nature-of-legal-research-20051.pdf>> accessed 22 July 2021.

Danheiser S, Kelly S and Johnston P, ‘Lost in a Sea of Sameness: Lack of Differentiation Dominates the Telecommunications Industry’ (Shake Marketing Group 2018) <www.shakemktg.com/lost-sea-sameness> accessed 10 August 2020.

Department for Education, “Participation Rates in Higher Education: Academic Years 2006/2007 – 2017/2018 (Provisional)” (Department for Education, 26 September 2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843542/Publication_HEIPR1718.pdf> accessed 17 April 2020.

Department for Education, ‘Review of Post-18 Education and Funding: Terms of Reference’ (Department for Education 2018) <www.gov.uk/government/uploads/system/uploads/attachment_data/file/682348/Post_18_review_-_ToR.pdf> accessed 22 February 2019.

Genn, H, Partington, M, and Wheeler, S, ‘Law in the Real World: Improving Our Understanding of How Law Works: Final Report and Recommendations’ (The Nuffield

Foundation, November 2006) <<https://www.nuffieldfoundation.org/wp-content/uploads/2019/12/Law-in-the-Real-World-full-report.pdf>> accessed 16 December 2021.

Hardee M, 'Career Expectations of Students on Qualifying Law Degrees in England and Wales' (Higher Education Academy 2014) <www.heacademy.ac.uk/system/files/resources/hardee_interimreport_2014final.pdf> accessed 22 February 2019.

Hattersley A, 'Weighing the Cost of Qualification' *The Law Society Gazette* (London, 4 February 2019) <www.lawgazette.co.uk/commentary-and-opinion/weighing-the-cost-of-qualification/5069108.article> accessed 27 June 2019.

HC Deb 5 December 2013, vol. 571 col. 1110.

Healey M and Jenkins A, 'Developing Undergraduate Research and Inquiry' (2009) <https://www.heacademy.ac.uk/sites/default/files/developingundergraduate_final.pdf> (accessed 26 November 2014).

HM Treasury, *Autumn Statement 2013* (2013) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263942/35062_Autumn_Statement_2013.pdf> (accessed 26 November 2014).

Hughes R, 'Uni Applicants 2014: How and Why You Made Your Choices' (2014) Which? <<http://university.which.co.uk/advice/university-applicants-2014-course-choices-important-factors>> (accessed 26 November 2014).

Independent Panel Report to the Review of Post-18 Education and Funding (2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805127/Review_of_post_18_education_and_funding.pdf> accessed 13 June 2019.

Jackson R, 'Review of Civil Litigation Costs: Final Report' (TSO 2009) <<https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Reports/jackson-final-report-140110.pdf>> accessed 11 November 2020.

Legal Services Board, 'Legal Services Board approves significant changes to how solicitors qualify' (LSB, 28 October 2020) <<https://www.legalservicesboard.org.uk/news/legal-services-board-approves-significant-changes-to-how-solicitors-qualify>> accessed 11 November 2020.

Law Commission Penalty Clauses and Forfeiture of Monies Paid (Law 11/14/2016 Com No 61, 1975).

Moore R, 'The free-market gamble: has Covid broken UK universities?' (*The Observer*, 17 January 2021) <<https://www.theguardian.com/education/2021/jan/17/free-market-gamble-has-covid-broken-uk-universities>>.

Motor Insurers' Bureau, 'Memorandum and Articles of Association' (1946, as amended by special resolution passed on 7 June 2012) <<http://www.mib.org.uk/NR/rdonlyres/32A4AB2C-5B4A-43A8-8610-1A629B7A933B/830/ArticlesofAssociation070612.pdf>> (accessed 27 May 2015).

Motor Insurers' Bureau, 'Two million warnings sent to tackle uninsured driving' (27 November 2014) <<http://www.mib.org.uk/NR/rdonlyres/F7D8D0E9-9FFF-4A12-B516->

6EDEBB808ACB/0/PressreleaseTwomillionwarningsenttotackleuninsured driving.pdf> (accessed 27 May 2015).

Motor Insurers' Bureau, 'MIB Uninsured Agreement' (2015)
<<http://www.mib.org.uk/media/166917/2015-uninsured-drivers-agreement-england-scotland-wales.pdf>> (accessed 8 October 2015).

Motor Insurers' Bureau, 'MIB Untraced Drivers Agreement' (2003)
<<http://www.mib.org.uk/NR/rdonlyres/CF78D433-D453-4AB5-9DCA-10C00538CBBC/0/030207MIBUntracedAgreement7Feb2003sealedversion.pdf>> (accessed 28 May 2015).

Motor Insurers' Bureau, 'Supplementary Uninsured Drivers' Agreement' (1999)
<<http://www.mib.org.uk/NR/rdonlyres/5ADC3E9F-44B9-4667-9B78-69A458D00800/0/SupplementaryAgreement071108.pdf>> (accessed 28 May 2015).

Motor Insurers' Bureau, 'Supplementary Untraced Drivers' Agreement' (2008)
<<https://www.mib.org.uk/media/166892/2008-england-scotland-and-wales-supplementary-untraced-drivers-agreement.pdf>> (accessed 14 October 2021).

Motor Insurers' Bureau, 'Supplementary Untraced Drivers' Agreement' (2011)
<<https://www.mib.org.uk/media/166913/2011-second-supplementary-agreement-to-the-untraced-drivers-agreement-england-scotland-and-wales.pdf>> (accessed 14 October 2021).

Motor Insurers' Bureau, 'Supplementary Untraced Drivers' Agreement' (2013)
<<https://www.mib.org.uk/media/166880/2013-third-supplementary-agreement-for-the-untraced-drivers-agreement-england-scotland-and-wales.pdf>> (accessed 14 October 2021).

Motor Insurers' Bureau, 'Supplementary Untraced Drivers' Agreement' (2015)
<<https://www.mib.org.uk/media/166877/2015-fourth-supplementary-agreement-for-the-untraced-drivers-agreement-england-scotland-and-wales.pdf>> (accessed 14 October 2021).

Motor Insurers' Bureau, 'Supplementary Untraced Drivers' Agreement' (2015)
<<https://www.mib.org.uk/media/166874/2015-fifth-supplementary-agreement-for-the-untraced-drivers-agreement-england-scotland-and-wale.pdf>> (accessed 14 October 2021).

Neves J and Hillman N, 'Student Academic Experience Survey' (HEA and HEPI 2017)
<www.hepi.ac.uk/wp-content/uploads/2017/06/2017-Student-Academic-Experience-Survey-Final-Report.pdf> accessed 18 January 2019.

Office for National Statistics, 'How Has the Student Population Changed?' (ONS 2016)
<www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/articles/howhasthestudentpopulationchanged/2016-09-20> accessed 8 February 2019.

Office for National Statistics, 'Religion in England and Wales 2011' (ONS 2012)
<<http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/articles/religioninenglandandwales2011/201212-11/pdf>> accessed on 12 August 2016.

Office for Students, 'About the NSS' <www.thestudentsurvey.com/about.php> accessed 13 June 2019.

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 3 February 2019.

Pew Research Center, 'The Future of World Religions: Population Growth Projections, 2010-2050' <http://www.pewforum.org/files/2015/03/PF_15.04.02_ProjectionsFullReport.pdf> accessed on 31 January 2017, 234-245.

Proposal for a Regulation of the European Parliament and of the Council 11/14/2016 on a Common European Sales Law Com(2011) 0635.

Purcell K and others, 'The Class of '99: A Study of the Early Labour Market Experiences of Recent Graduates' (HECSU, October 2005)
<https://hecsu.ac.uk/assets/assets/documents/Class_99_Full.pdf> accessed 17 April 2020.

Quality Assurance Agency for Higher Education (QAA), 'Subject Benchmark Statement: Law' (QAA 2015) <www.qaa.ac.uk/docs/qaa/subject-benchmark-statements/sbs-law-15.pdf?sfvrsn=ff99f781_8> accessed 18 January 2019.

Quality Assurance Agency for Higher Education (QAA) 'Subject Benchmark Statement: Law' (2019) <https://www.qaa.ac.uk/docs/qaa/subject-benchmark-statements/subject-benchmark-statement-law.pdf?sfvrsn=b939c881_16> accessed 6 March 2020.

QS, 'Domestic Student Survey' (QS 2020).

QS, 'International Student Survey 2017: Welcoming the World' (QS 2017).

QS, 'International Student Survey' (QS 2019).

Robinson K, 'How schools kill creativity' (TED.com, 23 May 2006)
<https://www.ted.com/talks/ken_robinson_says_schools_kill_creativity> accessed 6 April 2021.

SLSA, 'Home' (2021) <<https://www.slsa.ac.uk/>> accessed on 17 December 2021.

Soilemetzidis I et al., 'The HEPI-HEA Student Academic Experience Survey 2014' (2014)
<http://www.hepi.ac.uk/wp-content/uploads/2014/05/HEA_HEPI-Report_WEB_160514.pdf> accessed 5 February 2015.

Solicitors Regulation Authority, 'A New Route to Qualification: The Solicitors Qualifying Examination (SQE)' (SRA 2017). <www.sra.org.uk/documents/SRA/consultations/sqe-summary-responses.pdf> accessed 18 January 2019.

Solicitors Regulation Authority, 'Code of Conduct for Solicitors, RELs and RFLs' (SRA 2019) para 8.7 <<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>> accessed 10 November 2020.

Solicitors Regulation Authority, 'SQE 1 Assessment Specification' (SRA 14 October 2020) <<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/sqe1-functioning-legal-knowledge-assessment-specification/>> accessed 12 November 2020.

Swant M, 'The world's most valuable brands' (Forbes 2020) <<https://www.forbes.com/the-worlds-most-valuable-brands/>> accessed 13 November 2020.

The Bar Standards Board, 'Pupillage Statistics' (The Bar Standards Board)
<www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/pupillage.html> accessed on 9 June 2020.

The Law Society, 'Entry Trends' (The Law Society) <www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/> accessed 12 March 2019.

The Law Society and General Council of the Bar, 'Joint Statement on the Academic Stage of Training' (1999) <<http://www.sra.org.uk/students/academic-stage-joint-statement-bsb-law-society.page#notes>> (accessed 26 November 2014).

Times Higher Education, 'The cost of studying at a university in the UK' The Times Higher Education (London, 1 December 2017) <www.timeshighereducation.com/student/advice/cost-studying-university-uk> accessed 12 March 2019.

Trostel P, 'It's Not Just the Money: The Benefits of College Education to Individuals and to Society' (Lumina Issue Papers, 2015) <www.luminafoundation.org/files/resources/its-not-just-the-money.pdf> accessed 22 February 2019.

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 18 January 2019.

Universities UK, 'Where Student Fees Go' (2013) <<http://www.universitiesuk.ac.uk/highereducation/Documents/2013/WhereStudentFeesGo.pdf>> (accessed 3 March 2015).

Unistats, 'About Unistats' (2019) <<https://unistats.ac.uk/find-out-more/>> accessed 19 March 2019.

"University Guide 2020: League Table for Law" The Guardian <www.theguardian.com/education/ng-interactive/2019/jun/07/university-guide-2020-league-table-for-law> accessed 8 January 2020.

Vlaskovits P, 'Henry Ford, Innovation, and That "Faster Horse" Quote' (Harvard Business Review, 29 August 2011) <<https://hbr.org/2011/08/henry-ford-never-said-the-fast>> accessed 22 February 2019.

Webb J and others, 'Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales' (LETR 2013) <www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf> accessed 18 January 2019.

Yorke M, 'Employability in Higher Education: What It Is – What It Is Not' (2004) Learning & Employability 1 <https://www.heacademy.ac.uk/sites/default/files/id116_employability_in_higher_education_336.pdf> (accessed 10 July 2015).