



Legal Pedagogy

KEY DIRECTIONS IN LEGAL EDUCATION

NATIONAL AND INTERNATIONAL PERSPECTIVES

Edited by
Emma Jones and Fiona Cownie



Key Directions in Legal Education

Key Directions in Legal Education identifies and explores key contemporary and emerging themes that are significant and heavily debated within legal education from both UK and international perspectives. It provides a rich comparative dialogue and insights into the current and future directions of legal education.

The book discusses in detail topics including the pressures on law schools exerted by external stakeholders, the fostering of interdisciplinary approaches and collaboration within legal education and the evolution of discourses around teaching and learning legal skills. It elaborates on the continuing development of clinical legal education as a component of the law degree and the emergence and use of innovative technologies within law teaching. The approach of pairing UK and international authors to obtain comparative insights and analysis on a range of key themes is original and provides both a genuine comparative dialogue and a clear international focus.

This book will be of great interest for researchers, academics and post-graduate students in the field of law and legal pedagogy.

Emma Jones is a Senior Lecturer in Law in the School of Law, The University of Sheffield, UK, and a Senior Fellow of the Higher Education Authority.

Fiona Cownie is Professor of Law Emerita in the School of Law, Keele University, UK, a Principal Fellow of the Higher Education Academy and a Senior Research Associate of the Institute of Advanced Legal Studies, London University, UK.

Legal Pedagogy

Series Editor: **Kris Gledhill**, Auckland University of Technology, New Zealand

This series consists of high-quality monographs, each of which explores best practice in an aspect of the law school curriculum. Books cover teaching methods and curriculum design in the main areas of law, how to integrate themes and areas of jurisprudential thought, and wider questions about legal education more generally. With contributions from around the world, this series explores innovative thinking and practice within the context of a generally conservative branch of academia, with the aim of promoting discussion as to how best to teach the various aspects of the law degree and ensure the ongoing validity of the law degree as a whole. Typical topics addressed include the value of variety in teaching methods and curriculum design, how best to incorporate educational research, the role for more practical courses, and the need to ensure that law schools provide degrees of relevance to the needs of students and of society.

The books in this series will be of great interest to academics, researchers and postgraduates in the fields of law and education, as well as teachers of law who may be interested in revising curricula and need guidance in doing so. In addition, the legal profession, and in particular those who regulate entry into the profession, will find much to interest them within the series.

Books in this series:

Re-thinking Legal Education under the Civil and Common Law

A Road Map for Constructive Change

Edited by Richard Grimes

Reimagining Contract Law Pedagogy

A New Agenda for Teaching

Edited by Warren Swain and David Campbell

Key Directions in Legal Education

National and International Perspectives

Edited By Emma Jones and Fiona Cownie

For more information about books in this series, please visit www.routledge.com/law/series/LEGPED

Key Directions in Legal Education

National and International Perspectives

Edited by
Emma Jones and Fiona Cownie

First published 2020
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
52 Vanderbilt Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2020 selection and editorial matter, Emma Jones and Fiona Cownie;
individual chapters, the contributors

The right of Emma Jones and Fiona Cownie to be identified as the authors
of the editorial material, and of the authors for their individual chapters, has
been asserted in accordance with sections 77 and 78 of the Copyright,
Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced
or utilised in any form or by any electronic, mechanical, or other means,
now known or hereafter invented, including photocopying and recording, or
in any information storage or retrieval system, without permission in
writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or
registered trademarks, and are used only for identification and explanation
without intent to infringe.

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record has been requested for this book

ISBN: 978-1-138-33005-4 (hbk)

ISBN: 978-0-429-44806-5 (ebk)

Typeset in Bembo
by Taylor & Francis Books

To all our students, past and present, remembering our shared experiences of legal education



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Contents

<i>List of contributors</i>	x
<i>Acknowledgements</i>	xv
<i>Introduction</i>	xvi
EMMA JONES AND FIONA COWNIE	

PART I	
Legal education and external stakeholders	I
1 Legal education future(s) – the changing relationship between law schools and the legal profession	3
ANDY UNGER	
2 Changing legal education in China – the political legal system, academic study and professionalism	17
LING ZHOU AND MICHAEL PALMER	

PART 2	
Legal education, interdisciplinary approaches and collaboration	33
3 Interdisciplinary approaches and collaboration in legal education in England and Wales	35
MANDY BURTON AND DAWN WATKINS	
4 Law in context – towards a reflexive approach in (Dutch) legal education	48
UBALDUS DE VRIES	

PART 3	
Legal education and technology	65
5 Innovative technologies in UK legal education	67
FRANCINE RYAN AND HUGH MCFAUL	
6 Legal education and legal advocacy in the age of digital technology: An Indian perspective	80
DEBARATI HALDER	
 PART 4	
Clinical legal education	91
7 Experiential learning and legal education – the role of the clinic in UK law schools	93
RICHARD GRIMES	
8 Clinical legal education in the United States: Emerging trends, challenges and opportunities	109
SEÁN ARTHURS	
 PART 5	
Legal education and well-being	123
9 The wrong message: Law student well-being in the contemporary higher education environment	125
CAROLINE STREVEN	
10 Threshold concepts in law: Intentional curriculum reform to support law student learning success and well-being	142
RACHAEL FIELD AND JAN H. F. MEYER	
 PART 6	
Legal education and skills	159
11 The pasts and futures of legal skills in English law schools	161
JESSICA GUTH	

12	Legal skills: Making a real change in Nigerian legal education EKOKOI SOLOMON	174
	Conclusion: What are university law schools for? ANTHONY BRADNEY	187
	<i>Index</i>	199

Contributors

Emma Jones (Co-Editor) is a Senior Lecturer in the University of Sheffield School of Law. She is currently developing courses that explore the role of digital lawyering and provide critical perspectives on the legal profession. Her research focuses on legal education and the legal profession, with a particular emphasis on the role of emotion and well-being and her monograph *Emotions in the Law School: Transforming Legal Education Through The Passions* is published by Routledge. She is a member of the executive committee for the Association of Law Teachers and the steering group of the Legal Education Research Network. She previously worked as a solicitor in private practice and is a qualified teacher.

Fiona Cownie (Co-Editor) is Professor of Law Emerita at Keele University, UK, and is a leading expert on legal education, having published widely in the area for several decades. Her approach to research is interdisciplinary, and she is a Fellow of the Royal Society of Arts and a Fellow of the Academy of Social Sciences. From 2013–2017 she was Pro Vice Chancellor (Education and Student Experience) at Keele University in the UK and she is a Principal Fellow of the Higher Education Academy. Professor Cownie is currently writing a biography of the first female professor of law in the U.K.

Seán Arthurs is the Senior Manager of Education Initiatives for the National PTA, a lawyer, teacher and lifelong learner. He holds a Doctorate in Education Leadership from Harvard, a BBA (University of Notre Dame), a JD (University of Cincinnati), a Master of Arts in Teaching (University of Portland), and an LLM in Advocacy (Georgetown). Dr Arthurs has worked as a judicial clerk, Legal Aid attorney, human rights volunteer, litigation associate and high school teacher. When he is not attending school, Dr Arthurs is learning and laughing with his two inquisitive children who remind him frequently about how little he knows.

Anthony Bradney is Emeritus Professor of Law at Keele University and a Senior Research Fellow at the Institute of Advanced Legal Studies,

University of London. He has published widely on a number of topics including university legal education, law and religion and law and popular culture.

Mandy Burton is Professor of Socio-Legal Studies at the University of Leicester. Her research and teaching lies mainly in the fields of family law, criminal law and criminal justice. She has carried out numerous empirical projects examining the law in action in domestic abuse cases, as well as other serious sexual and violent crimes. Mandy adopts interdisciplinary and collaborative approaches in both her research and teaching. She is also committed to policy relevant research and making an impact on how the law responds to domestic abuse.

Ubaldo de Vries is Associate Professor and Director of Education at Utrecht University, the Netherlands. In his research, de Vries bridges social theory and jurisprudence, addressing questions in the field of sustainability, risk and responsibility and global justice. In addition, he seeks to integrate research into teaching and experiments with new didactical ways to strengthen the academic nature of legal educations. His latest publications are (with John Fanning) *Law in the Risk Society* (eleven international publishers, 2017) and (with Bart Van Klink) *Academic Learning in Law* (Edward Elgar, 2016).

Rachael Field is a Professor in the Law Faculty at Bond University on the Gold Coast, Australia. She is a member of the Executive of Bond's Centre for Professional Legal Education and Co-Director of the Bond Dispute Resolution Centre. Her areas of research expertise include legal education, dispute resolution, family law and domestic violence. Rachael is an Australian Learning and Teaching Fellow and a Senior Fellow of the Higher Education Academy. She founded the Australian Wellness Network for Law in 2010 and co-founded the Australian Dispute Resolution Research Network. Rachael has volunteered at Women's Legal Service in Brisbane since 1993, and has been president of the Service since 2004. In 2013 Rachael was named Queensland Woman Lawyer of the Year.

Richard Grimes qualified as a solicitor in 1977 and worked initially in a law centre and later as a full-equity partner for a provisional law firm, handling, principally, publicly funded cases. He has since worked in a number of universities in the UK and overseas and for the last 25 years has devoted his time to developing experiential means of learning about law and the legal system that focus on the application of theory to practice. He is now a visiting professor at Charles University, Prague, and is an independent legal education and access to justice consultant.

Jessica Guth is a Reader at Leeds Law School, Leeds Beckett University. She is the former Chair (now Treasurer) of the Association of Law Teachers and has previously also held committee or sub-committee roles on the Socio-

Legal Studies Association Executive Committee and the Society of Legal Scholars Education Sub Committee. Prior to joining Leeds Law School, Jess was the Head of Law at the University of Bradford. Jessica's research is focused on legal education generally and she has particular interests in the lived experiences of legal academics as well as in feminist and queer approaches to law and law teaching and the development of legal skills.

Debarati Halder is presently engaged as Professor of Legal Studies at United-world School of Law, Karnavati University, Gandhinagar, Gujarat, India. She is the founder-Managing Director (Hon.) of the Centre for Cyber Victim Counselling (www.cybervictims.org) and founder-secretary of the South Asian Society of Criminology and Victimology (www.sascv.org). She has authored several books and scholarly peer reviewed articles on cybercrimes against women and legal issues, therapeutic jurisprudence and cyber victimology. She is an expert resource person for several government and non-government stakeholders including UNICEF, the National Commission for Women in, India and Facebook. She has been awarded a WebWonderWomen award for her work on law and policy regarding women's rights from the Ministry of Women and Child Developments, Twitter and Breakthrough India. She can be reached at debaratihalter@gmail.com.

Hugh McFaul is a Director of The Open University Law School's Open Justice Centre, leading on public legal education issues. He has worked to develop innovative community-based experiential learning opportunities for OU students with national and international partners. He is particularly interested in harnessing the potential of online technologies to support the social justice agenda by increasing levels of public legal literacy and has experimented with virtual reality technology to support and engage his students.

Jan H. F. Meyer is an Honorary Professor, and a former Professor of Education, in the School of Civil Engineering at the University of Queensland, Australia. He has two symbiotic research interests: the theoretical underpinning of university teaching; and student learning well-being at under- and postgraduate levels. Much of his earlier research focused on the quantitative modelling of individual differences in students' learning, particularly in the transition from school to university. Later work focused on helping students to develop their metalearning capacity in, and beyond, this transition. Jan is the originator of the notion of a 'threshold concept' and proposed the basic idea with Ray Land in a seminal paper in 2003. The subsequently-developed Threshold Concepts Framework has integrated and extended his research interests into new domains. Recent work contributes in both practical and theoretical terms to previously alluded, to but relatively under-researched, aspects of the Framework; namely, the professional development of university teachers and the affective experiences of student learning.

Michael Palmer is Emeritus Professor of Law at the University of London (SOAS) and Senior Research Fellow at both the Institute of Advanced Legal Studies (IALS) and the Hong Kong Institute of Asia-Pacific Studies (HKI-SAPS) at the Chinese University of Hong Kong. Between 2009 and 2016 he was an Associate Dean and then Dean of a mainland Chinese law school.

Francine Ryan is a Senior Lecturer and the Director of The Open University Law School's Open Justice Law Clinic, whose innovative feature is that it is an entirely online service. Francine's research focuses on the impact of technology on the future of legal education and the legal profession; she is particularly interested in the integration of technology into legal education to support access to justice and to help students prepare for a rapidly changing workplace.

Ekokoi Solomon is a barrister and solicitor of the Supreme Court of Nigeria. He is a constitutional scholar and law lecturer at the Faculty of Law, University of Uyo, Nigeria. His main fields of research are constitutional law and theory and legal education. He teaches the Nigerian legal system and other law courses at the University of Uyo, Nigeria, and has published in local and international journals. He holds an LLB degree from the University of Calabar, Nigeria, an LLM degree from the University of Uyo, Nigeria and is currently a PhD candidate at the University of Calabar, Nigeria.

Caroline Strevens is Reader in Legal Education, Head of the Law Department at the University of Portsmouth, UK and Chair of the Association of Law Teachers. Her academic career was preceded by a career in legal practice as a solicitor. Caroline's primary research area is legal education including experiential learning and more recently she has been investigating how principles of positive psychology may influence well-being of staff and students in higher education. Her most recent publication, entitled 'Perceptions of Wellbeing in Law Teachers', was published in *The Law Teacher*. Caroline continues to work with international collaborators investigating the well-being of law students, legal academics and junior lawyers.

Andy Unger is Associate Professor in Law and Head of the Law Division in the School of Law and Social Sciences, London South Bank University. He teaches human rights, medical law and ethics and law and technology. He is currently leading the revalidation of the LSBU law courses in the light of the introduction of the Solicitors Qualifying Examination and other changes to professional qualification.

Dawn Watkins is Professor of Law, University of Leicester, UK. Her varied research and teaching interests are in law and the humanities and in legal education, especially public legal education, and she is strongly committed to pursuing interdisciplinary and collaborative approaches in both these fields.

She is currently leading the FORTITUDE research project funded by the European Research Council. Its aim is to improve children and young people's legal capability, drawing on theories of play. She is a National Teaching Fellow of the Higher Education Academy.

Ling Zhou is a Research Associate at the Hong Kong Institute of Asia-Pacific Studies (HKIAPS), Chinese University of Hong Kong. She was awarded her DPhil in law at the University of Oxford in 2018. Her main research interests include civil justice and dispute resolution, socio-legal studies, and consumer protection. At the HKIAPS, Dr Zhou also researches issues in constitutional and administrative law.

Acknowledgements

Our thanks to all the authors who have contributed to this collection for their support. Our thanks also to Kris Gledhill, editor of the Legal Pedagogy series, for his encouragement.

Introduction

Emma Jones and Fiona Cownie

Entanglements and entrapments in the law school: legal education, change and relationality

This book is about contemporary legal education. Its view is international, across geographical boundaries and continents. Its contributions draw lessons from the past and provide predictions (or exhortations) for the future. Its contents vary from pedagogy to skills, from well-being to technology. Each topic contains two companion chapters, one written from the perspective of the United Kingdom (UK) and one from that of a different country. In places, there are explicit comparisons drawn between jurisdictions, in others there are more implicit questions raised about similarities and differences, commensurability and compatibility.

Despite this diversity of topics, approaches and comparisons, regardless of the countries involved, the undergraduate or postgraduate nature of the qualification and the different voices included, there is a key unifying feature across all contributions and discussions, namely, the law student. The law student features in every chapter within this volume. This is sometimes as a part of case studies, as in de Vries' discussion of interdisciplinary initiatives involving law schools (Chapter 4). At other points it is in terms of what legal education is, and should be, providing for students, as in the discussion by Unger in Chapter 1 and Palmer and Zhou in Chapter 2, a theme also found in Bradney's exploration of 'What are university law schools for?' (Conclusion). In other contributions, the focus is on specific facets of the law student's law school experience, from experiential learning as discussed by Grimes and Arthurs (Chapters 7 and 8) to the role and use of skills as considered by Guth and Solomon (Chapters 11 and 12). Without law students, legal education in arguably its most familiar form, that of the university law school, would not exist. That is not to denigrate the vital role of legal academics in shaping the law school in countless ways. It is also not disregarding the fact that there are myriad other forms of legal education present in contemporary society, such as public legal education, citizenship (or similar) within compulsory schooling and informal legal learning, through articles, social media and Massive Open Online Courses. However, it is the university law school that is the focus of

this volume and at its heart are law students. The student body forms a collection of individuals who have chosen (for whatever reason) to study law and who will spend a sustained period of time engrossed in its rules and norms, its culture and expectations.

The concept of relationality within legal education

In the preceding paragraph, I describe students as being at the “heart” of the law school for a particular reason. Around St Valentine’s Day in the year of writing (festival of romance, greetings cards and last-minute chocolates), I saw an interesting meme on social media. It was an image of a person labelled ‘Me’, on bended knee, presenting an engagement ring to a woman labelled ‘My law degree’. While there are several ways of interpreting this meme, what piqued *my* interest was the notion of the student as being in a relationship with their degree. I found this interesting, because it seemed to challenge some of the commonly held conceptions of the contemporary law student. In Chapter 9 of this volume, Strevens rightly points out that we live in an era in which students are often characterised and addressed as consumers. There is an assumption that students are rights orientated and employability focused, perhaps because that reflects so many of the neoliberal policies and explicit and implicit messages that are now enmeshed in higher education (Zepke, 2015, 2014). However, what was engaging about this meme was that it suggested something more (at least for some) than a functional, instrumental form of approach on the part of a law student. It hinted at a deeper engagement, an emotional attachment, to law as a discipline as well as to the law degree as an educational experience and the law school itself.

To suggest or discern an attachment to or engagement with law and legal education on the part of law students should not really be surprising. After all, it is usual for any individual to have their emotional responses and reactions mediated and influenced by their surroundings, their activities and those around them (Feldman Barrett, 2017). If an individual has committed themselves to becoming a law student, in the environs of a university law school, such emotional reactions and responses are inevitable and indeed inescapable. They will shape, and be shaped by, the law students’ daily interactions, learning and relationship with both the law and other stakeholders in the law school (Jones, 2019). Such emotions and affect (feelings and preferences) will, in turn, contribute to the web of relationships that the individual creates (or, in some cases, fails to create) throughout their time in legal education. At its broadest this can encapsulate not only relationships with fellow students, legal academics and other staff within the law school and wider university, but it may also encompass a relationship with the discipline and experience of law itself as the law student’s sense of identity develops (see, for example, Sommerlad, 2007). These relationships may be positive in terms of both learning and well-being, as when a law teacher provides an appropriately nurturing environment

(Bromberger, 2010). However, they may also be negative, as when students fail to develop a sense of belonging or social connectedness (Bergin and Pakenham, 2015; Tani and Vines, 2009). To develop this notion further than its starting point of one individual on bended knee solely addressing a (somewhat glamorous) personification of the law school, it is possible to conceptualise a law student as being at the centre of a web of relationships and connections throughout their legal studies – a form of spider diagram with intricate and interwoven lines and elements. A university law school will provide, and be inextricably enmeshed within, a range of relationships, entanglements and entrapments each with emotional and social facets and influences.

This form of attachment or interconnectivity can be best encapsulated by terms such as relationship centred and relational – terms that focus on the concept of relationality. With regard to lawyering, Brooks and Madden have described a relationship-centred approach as one that ‘includes all approaches that focus on understanding and relating to the client in context, with a narrative that goes beyond the legal controversy and includes the many people and systems with which the client interacts’ (2009, p.26). They are creating a vision of the legal profession that acknowledges the complexities of the relationships that are centred around the client and provide the context within which the more rigid, prescribed procedures and processes of the justice system take place. Brooks has also argued for a form of relational approach to clinical legal education in the context of the United States of America (US), defining it as one that explicitly identifies and explores the ‘relational dynamics’ inherent in interactions between students and their supervisors (2006, p.215). The advantages and opportunities (as well as the challenges) provided by clinical legal education programmes are well illustrated within this volume through the contributions of Richard Grimes and Sean Arthurs (Chapters 7 and 8). However, there is no reason why such a relational approach should begin and end in quasi-lawyering situations. Indeed, there is a strong argument that, within university law schools, legal education as a whole requires a relational approach. In other words, an approach acknowledging the relationships and connections within the law school as valuable and important and which seeks to factor these into the choices, decisions and conversations that arise both within and about legal education. Discussing the notion of a relational ontology in education more broadly, Lange suggests that it includes:

[T]he contexts, properties, and patterns of interactions in which an individual is embedded, not just the worldview of an individual. It would address as much of the relational network as possible – geographic place and other non-human relations in that place, the myriad of work, personal, and familial relations brought into the room by learners, and the larger cultural, social, economic, and political relations as well as cosmic mythology and spiritual relations that exist at the historical moment. (2018, p.291)

This type of relationality is antithetical to traditional notions of legal education. The law has commonly been presented as the epitome of objective, reasoned rationality, disparaging personal relationships, emotions and the wider affective domain and characterising them as irrational and thus irrelevant (Grossi, 2015; Maroney, 2006). It has failed to acknowledge the importance of such relationships, emotions and affect, despite the overwhelming body of evidence from neuroscience and psychology that demonstrates the ways in which cognition is influenced by (and influences) relationships and affect (Damasio, 2006). Within legal education, it is perhaps unsurprising therefore that the focus has been on ignoring or suppressing the more relational aspects of human life, notably emotion and affect (Bromberger, 2010; Jones, 2019). More broadly, it is individualistic notions such as ‘thinking like a lawyer’ and particular forms of intellectual analysis and reasoning that are commonly prized, even deified, within law schools (James, 2008a). Arguably this results in the normalisation of a specific lexicon of language and behaviour which is rigid, narrow and impoverished (Mertz, 2007). This means that the broader connections and interactions surrounding an individual are disregarded, because they fall outside that particular, narrow legal prism. In relation to lawyering, Stier (1992) contrasts the notion of a relational approach with that of an ‘instrumental’ approach that is impersonal and focuses on using clients as tools to achieve success (see also Pearce and Wald, 2012). The traditional approach to legal education is arguably similarly instrumental in approach and thus only values the individual student’s intellectual capabilities, those ‘qualities of the mind’ (Quality Assurance Agency, 2015) which law chooses to prize and prioritise. Such an approach denies or excludes the role of relationality within both law and education by rejecting the essence of what makes us human and eschewing the value of relationships and relationality.

To what extent does the traditional approach still dominate law schools? To what extent has the situation changed in contemporary legal education? There are interesting tensions and conflicts at play here, often influenced by wider policy discourses and narratives in higher education. For example, the neoliberalisation and marketisation of universities has led (as Strevens discusses in Chapter 9) to a seeming privileging of the student voice, often through formalised feedback-gathering exercises on either an institutional or national scale (such as the National Student Survey within the UK). This could be seen as beneficial in terms of relationality, in as much as it emphasises the viewpoint of the student (including law students), requiring their perspective to be heard (Zepke, 2014, 2015). However, at the same time, there is evidence that the results of such feedback can be skewed by other issues; for example, the gender of the academic teaching a course has been found to impact on the types of comments provided, with male academics receiving higher teaching evaluations from male students (Mengel, Sauermann and Zölitz, 2019). At one level, this demonstrates that relationality cannot be interpreted as a one-way flow of information and views. Instead, it needs to involve a process of dialogue and learning by all involved to enable discussion and exploration of wider issues

such as gender (Brooks, 2016). At the same time, this example illustrates how one of the reasons for the difficulties that can be found within discourses around the student voice lies within the origins of its development. The neo-liberal academy seeks to use emotional and affective reactions and responses, not to foster relationality but to promote economic productivity (Burke, 2015; Lynch, 2006). For universities to produce appropriately qualified knowledge production workers, and ensure their own survival, they must meet the demands of students and cater to the increasing prevalence of discourses around employability that often dominate discussions of the purpose of higher education (Frankham, 2016). In other words, the purpose of the contemporary emphasis on feedback-gathering is not to foster greater or more open dialogue, and thus nurture closer relationships. Instead, it is part of a broader agenda that focuses on individual productivity and gain and requires universities to play a full role in facilitating this wider economic prosperity. It does not place the student at the heart of higher education, because it does not acknowledge that there is such a heart.

One of the advantages of taking a relational view of higher education generally is the way in which it challenges such neoliberal discourses. At the same time, while focusing on the law school and the law student, it is necessary to consider what specific importance and value such relationality has within contemporary legal education. This is particularly the case when a snapshot of legal education across jurisdictions tends to suggest that law schools are already thriving (see, for example, the Legal Education and Training Review, 2013, para. 2.11). Law can be characterised as a discipline with high student numbers and relatively low running costs, making it popular with higher education institutes and (being perceived as) offering a certain status to those who chose to study it (Twining, 1994). Although such a broad-brush summary masks increasing disparities and challenges arising both within and between jurisdictions, overall law schools can be characterised as a success story on a range of measures. However, it is also clear that law schools are facing a range of challenges and demands and being compelled to address a series of changes at present. These mean that continued success cannot be taken for granted or assumed, but it also suggests a potential and ability for a relational conceptualisation to assist in navigating change and uncertainty. This volume itself, with its focus on key directions for legal education, demonstrates a range of these imperatives and pressures and the possible role of relationality within them.

Relationality within the university law school

In Chapter 1, Unger discusses the proposed introduction (in 2021) of the Solicitors Qualifying Examination in England and Wales. This will remove the requirement of a qualifying law degree, or its equivalent, for qualification into the solicitors' profession, thus potentially diminishing some of the university law

school's appeal for prospective legal professionals. However, at the same time, as Unger argues, it allows for university law schools to develop distinct, innovative and effective pedagogies for law teaching by freeing themselves of the requirements of the qualifying law degree. What will these new pedagogies be and how will they reframe the current degree? The answer has to be, at least in part, that these will be shaped by the relationships within the law school, with its students, its legal academy, its broader stakeholders in the local community and the wider university. If a layer of regulation and procedure is removed, the gap that remains should be filled with the form of inclusive and open dialogue that is core to a relational approach (Brooks, 2016). Of course, there will be wider imperatives stemming from broader policy agendas and financial pressures in higher education too, but a relational approach can pervade many levels. These levels can include individual teaching pedagogy, in particular, through the notion of relational pedagogy where the teacher's or academic's interactions with their students become the foundation for developing flourishing communities for learning and development (Reeves and Le Mare, 2017; Saevi, 2011). Another level encompasses a broader engagement with external (or broader) internal pressures, by including relationality as an embedded element within decisions and choices and as a marker of progress and success. There is arguably a sentient warning about the dangers of ignoring relationality within Unger's companion chapter, Chapter 2, which focuses on legal education in the Chinese context. In this chapter, Zhou and Palmer discuss the limited relationship between legal education and the legal profession, and the lack of embedding of professional skills that has resulted from this. This is particularly problematic given Chinese law schools' potentially pivotal role in the training of legal professionals. The strong political-legal domination of the state seems to suggest an eschewing of relationality that has perhaps contributed to this lack of dialogue and disregard for the connection between law as an academic discipline and the realities of legal practice. The dictates of the wider system have led to a failure to appreciate the real and potential connections and relationships that exist between different parts of both legal education and the wider legal framework. This provides an indication of the benefits of acknowledging and exploring relationality alongside political-legal concerns.

It is this type of wider connection that is the focus of Burton and Watkin's contribution in Chapter 3 and de Vries' companion discussion in Chapter 4. The focus on interdisciplinary approaches and collaboration illustrates relationality at a conceptual level, demonstrating how university law schools can draw on, work with and connect to other disciplines. Burton and Watkins acknowledge that challenges arise in ensuring that such approaches and collaboration are nurtured within law schools, not least because of the tradition of doctrinalism and the influence of market forces. However, their argument is that interdisciplinarity and collaboration are vital components of legal education, regardless of whether a law degree is viewed as having academic or vocational purposes. The contribution of de Vries provides an overview of a number of interdisciplinary initiatives

that draw on disciplines such as politics, psychology and economics, as well as placing law in a societal context. Perhaps the most inspirational example given is the use of poetry to encourage students to reflect on the relationship between the rule of law and authoritarian leadership. For de Vries, such programmes not only facilitate the ability of law students to find their own voice; they also enhance the relationality that can occur between legal education and the legal profession, and contribute to the development of a new type of legal practitioner who possesses greater criticality and openness. De Vries' reference to teams of lecturers suggests that connections can also be fostered between academics within and across disciplines. On some occasions, he notes that such interdisciplinarity may also involve law students working directly with students of other disciplines (for example, law and geography students working together on an environmental law programme). The reflexivity he urges readers to embed within such approaches can be used to foster a broad appreciation of the relationships and connections surrounding and enmeshing individual students as well as those within both the law school and the discipline of law, an essential quality for navigating change.

Alongside the rise of interdisciplinary approaches and collaboration (however far from linear that has been), in recent years legal education has had to adapt to the proliferation of new technologies within society. The contributions by Ryan and McFaul (Chapter 5) and Halder (Chapter 6) in this volume demonstrate two strands of this phenomenon. First, there are the ways in which law engages with the role and impact of technology within society as a whole. Second, there are the ways in which technology can affect the design and delivery of the law degree itself within university law schools. Both of these strands arguably have implications for a relational approach within legal education. With regard to the first, Ryan and McFaul provide a broad-brush overview of how technology and society interact, with a specific focus on the UK. They refer to the impact of technology on legal services, in particular in relation to dispute resolution. Halder's chapter discusses a number of key legal cases in India that also demonstrate the ways in which technology is interacting with a range of aspects of daily life. Such discussions and examples demonstrate the need to acknowledge the role of technology within human relationships and connections in the contemporary age, from the use of social media for networking and campaigning to the fascinating example of the triple *talaq* (a form of instant divorce) being sent via telephone or other media, effectively severing a relationship without any form of face-to-face contact. Halder's exploration of some of both the positive and negative interactions that technology can foster within relationships demonstrates both that any critique of technology needs to consider its impact on human relationships and, conversely, that human relationships and connections cannot be considered without factoring in the role technology now plays (Malpass, 2012).

The second thread, that of technology within legal education, is well illustrated by Ryan and McFaul's case study of The Open University's Open

Justice Centre in the UK and Halder's discussion of the use of legal databases and other technology within Indian law schools. Both explicitly demonstrate the importance of technology within university law schools. I would also argue that, implicitly, they both illustrate the need to consider the interaction between technology and relationships. As technology alters the way students connect and relate to their peers, their teachers and the wider law school, we need to critically evaluate and reflect on the impact of this. For example, what does it mean for the well-being of those navigating new technological advances? How does the use of new forms of communication influence the types and strength of connections that are formed? What can legal academics do to ameliorate the potential negative impacts and accentuate the positive? Without asking such key questions, there are dangers that technological innovations will be embraced within the law school without questioning whether there is a potential human cost involved, or a need for adaptation to preserve key relationships.

Clinical legal education provides a strong example of the importance of relationality in legal education. It is referred to in a number of chapters in this book (including by Unger in Chapter 1 and Ryan and McFaul in Chapter 5). The contributions of Grimes (Chapter 7) and Arthurs in this volume (Chapter 8) specifically discuss the role of clinical legal education within university law schools. Grimes, with a particular focus on the UK, traces key definitions, challenges and opportunities, including identifying a number of potential models of clinical legal education and exploring the different balances that can be struck between education and service. In the companion chapter, Arthurs considers the US context and identifies key trends influencing the development of the field, including the potential for it to be integrated within the wider law school curriculum. It is arguable that much clinical work is, or should be, imbued with relationality (Brooks, 2006). When dealing with clients, in clinic and in legal practice, much of the focus is on communicating, building dialogue and fostering rapport and empathy (Gerdy, 2008). Experiential learning itself is a process that involves not just the cognitive, but also the affective, including strong emotional components in an individual's response to their experience (see, for example, Abe, 2011). The work and experience of clinical legal education can potentially highlight connections between legal education and the legal profession and enhance law students' understanding of the importance of relational approaches. The pedagogies and practices it will often use can both reveal the importance of relationality and also assist in fostering and developing it further. It is therefore perhaps unsurprising that several authors in this volume suggest that there is the potential for clinical legal education to play a greater, and more embedded, role within law schools. This is not only a valuable response to change, but also a way of fostering change that acknowledges and appreciates relationality.

Given its relational aspects, it is fitting that, after exploring clinical legal education, the subsequent two chapters in this volume move on to explore