

Legal education research and evidence-based policy-making: “The nightmare and the noble dream”

Julian Webb

Abstract

Without evidence, policy makers must rely at best on theory, or at worst fall back on instinct, ideology, and tradition. Although by no means new, the concept of evidence-based policy-making has evolved in recognition of that fact and, since the 1990s, and gained some degree of traction amongst governance institutions as an alternative basis for decision-making.

In January 2011, in the context of legislative reforms to the regulation of legal services, the Solicitors Regulation Authority, the Bar Standards Board and ILEX Professional Standards announced the establishment of a joint fundamental review of legal education and training in England and Wales. The subsequent Legal Education and Training Review (LETR) has been the most extensive review of English legal education since the 1971 Ormrod Report, and the first to be designed as a research-led process. Over a period of some 18 months an independent research team, led by the speaker, completed an extensive literature review and undertook mixed-methods research into the ongoing changes in the legal services market, and the content, structures and design of existing training regimes. It published its report and recommendations in June 2013, since when the regulators have commenced their own developmental and implementation activities.

The primary aim of this paper is to explore the conceptual and methodological issues and challenges involved in undertaking research-led review in a setting where there has been little tradition of evidence-based policy-making and an absence of reliable data. It explains the LETR research team’s approach to legal education and training reform as a socially complex problem, requiring what we described as ‘socially robust’ solutions, and discusses a number of cultural and systemic reforms that would potentially enhance the legal education and training sector’s capacity for continuing evidence-based policy-making.

Speaker bio

Julian Webb is Professor of Law at the University of Melbourne, Australia, and Honorary Professor of Law at the University of Exeter, UK. He has previously held chairs at the Universities of Warwick and Westminster in the UK, and between 2006-11 was Director of the UK Centre for Legal Education, located at Warwick. Julian has published extensively on legal education policy and practice, on the legal profession and on lawyers’ ethics and regulation. He has been involved in a range of legal education reform projects across the UK, Australia and New Zealand since the 1990s, and is co-author (with Professors Jane Ching, Paul Maharg and Avrom Sherr) of *Setting Standards*, the final research report of the BSB/IPS/SRA Legal Education and Training Review (2013). Julian currently teaches legal ethics, legal theory and theories of regulation on the Melbourne JD programme.