

## **Editorial**

In Spring 2020 our ‘normal’ changed dramatically, on a really large scale. We, like colleagues across the globe, have been moving through the crafting of this EJLE second issue under extremely unusual circumstances, and in the wider context the crisis has created challenges for and within the higher education community. Education has not shut down during the pandemic, instead it has shifted from physical spaces to online and remote learning - and this is something the education industry was not prepared for. It is no surprise that this issue is influenced by these experiences over the last twelve months, and some of the analyses and reflections were prompted by this crisis. It is difficult to predict the ramifications for higher education and the longer term implications of the challenges we faced over the last months. However, some resulting challenges, the opportunities and the broadening of our perspectives are addressed in this second issue.

Despite the very different topics these articles represent at a first glance, a number of common themes reverberate through them. Most striking is the recognition of the extra-ordinary significance of the pandemic, the importance of student motivation, the role of values in legal education and our role as educators, as well as reflections on fresh perspectives which can prepare law graduates more fully for modern professional life as well as a critique of legal education as being overly academic. The issue is structured in the following way, moving from the topic of university governance to teaching using technologies, to our role as educators (in teaching students the meaning of judicial independence) and how we deliver teaching through fresh perspectives which can prepare law graduates better for life after university. The two contributions following this focus on critiquing clinical legal education – one exploring the clinical context and how this can encourage autonomy, relatedness, and competence. The central premise being that student motivation drives student behaviour and engagement. The final contribution, also working in the context of clinical legal education poses the question whether legal training through the clinical legal education programmes in law schools offer the opportunity for those students who want to practise in the public sector (drawing on experiences from US Law schools).

In particular this issue offers the following:

Richard Bogue & Stuart MacLennan in “Effective Governance in English Universities: a case study of pre- and post-1992 institutions” recognise that following the COVID-19 pandemic, and resultant resource pressures, might post the risk of increased likelihood of governance failings at universities in England. This article examines governance in relation to the two major categories of universities outlined above, namely: pre-1992 universities and post-1992 universities, why the legal and regulatory framework is currently not conducive to ensuring effective governance and summarising the key shortcomings that should be addressed. There are a number of aspects where improvement can be achieved. They suggest that the focus should be on ensuring university governing bodies have the composition and relevant skills and experience they require, and that stakeholders, especially academic staff, are being effectively engaged and involved in strategic decision-making processes.

Simon Sneddon, in “Do we need to use a Best Appropriate Technology standard for Technology Enhanced Learning in Legal Education?” explores whether Technology enhanced learning is fit for purpose and whether a framework of Best Appropriate Technology is needed. The argument raised here is that inappropriate use of technology is worse than no use of technology, and the paper identifies a new approach which could be used to model the Best Appropriate Technology for any given task, and outlines a worked example of the model.

Bald de Vries in “Independence of mind: Moral reasoning and judgment in legal education” analyses how we can teach our students what judicial independence (at the individual level) means in practice and how we can teach them in developing an independent mind as a lawyer. The analysis is embedded in the wider context of the role of values in legal education, of teaching law that goes beyond the case study method or the study of black letter law.

This leads smoothly into Alex Nicholson in “Customer value theory and dispute resolution strategy” who presents the findings of an interdisciplinary, theoretical study which explored the application of customer value theory to modern dispute resolution strategy in a private law context. The author argues that the inclusion of Customer Value Theory provides insights and enhances effectiveness of strategies; and on a wider scale that the inclusion of this and

similar perspectives within the modern law degree would complement its longstanding and important doctrinal content and enhance the employability value of such programmes.

Michal Chodorowski, Amy Lawton, & David Massey in “Mapping Motivations: self-determination theory and clinical tax education” draw on Self Determination Theory and student surveys. The paper exposes the intricacies of what happens in the clinical context and how this can potentially impact the way in which an environment encourages autonomy, relatedness, and competence.

Zia Akhtar in “Legal Education in the US, Case Study method of training and public interest litigation” then offers us insights from US legal education and the case method as a medium of instruction. This paper explores whether it prepares students to enter the broad field of law including public sector practice, or if the social differentiation caused by student debts and selection leads to many of them exclusively working in the private sector.

This pandemic has taken us all by surprise. We are painfully aware that some of you may be dealing with issues resulting from the pandemic, such as medical emergencies, housing and food issues, job losses, dependent care situations, isolation and exhaustion, irregular computer or internet access, to name just a few. We wish for our journal to bring together our community (promoting kindness, compassion and solidarity), and we hope to achieve this with our second issue and our live panel debate on 23 June at the ELFA AGM.

Greta Bosch  
Editor-in-Chief