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K. F. Maxwell
University of Wollongong, kaym@uow.edu.au

J. Pastellas
Queensland University of Technology

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Valuing practice: The place of practical legal research in academic life

Kay Maxwell, University of Wollongong
Julie Pastellas, Queensland University of Technology

Abstract

Practical legal training has traditionally been the poor relation of the legal education family. Along with the similarly placed clinical legal education, it is a latecomer to formal legal education and its academic value is regarded with some reservation by those involved in more mainstream areas of academia. These reservations are not entirely unfounded. While few could deny the value of practical legal training in terms of teaching and contribution to the legal community, it is in the contribution to research and scholarship that practical legal training may be seen to be less successful. Few academics who teach in practical legal training go on to conduct research into it, external funding opportunities in this area are quite limited and such research as is conducted is not perceived to have a high academic value.

This paper draws on a research project conducted by the writers to explore the climate influencing research in practical legal training and the standards by which its research successes are measured. The paper relies on interview data obtained from PLT academics to ascertain obstacles to research in PLT and to postulate how positive outcomes for valuing practical legal training research might be achieved.

Introduction

Over the past century, the face of pre-admission legal training has altered dramatically. Where once the study of law centred almost exclusively on a system of apprenticeship, the subjects necessary to gain admission as a legal practitioner may now only be acquired in universities and similar training institutions. Where once practical legal skills were learned, in the first instance, in the workplace from more senior practitioners, the foundations of these skills are now learned in training institutions from legal educators.

Although the study of both substantive law and practical legal skills are now institutionally based, there are fundamental differences in how teaching, service and research are effected in each context. For example, where academics involved in teaching undergraduate law commonly focus on imparting legal knowledge and an understanding of legal principles, those involved in teaching in a practical legal training (PLT) program focus instead on imparting legal skills and the use of legal knowledge in a practical context. Similarly, where law academics may contribute to the external legal community through specialist legal

consultancies, PLT academics may instead contribute through training courses for young lawyers.

While both of these approaches to academic work may be supported and readily validated within the higher education context, it is the third area of academic endeavour, that of research and scholarship, that is more difficult to substantiate for academics involved in PLT. The evidence, both anecdotal and report based, suggests that PLT academics do not conduct research to the same extent or at the same level of recognition as their law school counterparts, whether by way of publishing texts and articles, delivering conference papers, or obtaining competitive external grants. It is this discrepancy in research output and recognition that provides a significant obstacle for those PLT academics who wish to pursue academic careers within traditional university structures. However, the publication of research may not be the only obstacle facing these academic staff.

The writers have been involved in the teaching and scholarship of PLT for a combined period of 36 years. During this period, the writers have managed PLT programs and in that capacity have sought to encourage scholarship in PLT academic staff. In this paper, the writers draw on their cultural knowledge of PLT and the university environment together with interview data gathered from past and current PLT academics to frame an understanding of the PLT academic culture and its impact on research outcomes and recognition for PLT.

The context of pre-admission practical legal training

The nature of practical legal training

In most common law countries, a person wishing to practice law must complete a period of practical legal training (PLT) before entering practice. Depending on the jurisdictional admission requirements, this training may be completed either during or after undergraduate law studies. Most commonly, however, PLT is offered either through a form of apprenticeship known as "articles of clerkship" or through a period of professional work experience combined with an institutional program of vocational training.

These vocational training programs supplement and often replicate traditional apprenticeship systems by seeking not only to teach the concrete tasks entailed in the practice of the legal profession (such as the ability to draft a contract, to appear in court and so on) but also to engender the professional confidence, values and attributes that are a necessary part of the competent and successful practice of those skills in a legal environment. Much of the learning in PLT is problem based and may rely on the simulation of real life scenarios.

While all PLT programs differ in content, structure and degrees of simulation, to successfully complete a program a student must demonstrate competency in a specified range of practical legal tasks. These may include the writing of letters, the drafting of contracts, appearing on behalf of a litigant in court proceedings, negotiating the settlement of a dispute and so on. These tasks are conducted in the context of subject areas such as Civil Litigation Practice, Commercial and Corporate Practice and Property Law Practice (APLEC, 2000, p.2). During a PLT program, students will "learn by doing" legal tasks, similar in nature to those undertaken by beginning lawyers, in a guided learning environment in which they receive extensive performance feedback from academic staff.

The PLT workplace
There are currently sixteen pre-admission PLT programs operating in Australia. Of these, twelve are conducted under the umbrella of university law schools and the remaining four are associated instead with state law societies. While academic staff employed at both types of institution are responsible for the teaching and administration of their respective programs, academic staff employed by universities are also required, under the terms of their employment, to conduct and publish research and to be involved in professional and community activities. These added responsibilities are not required of those who teach in non-university programs.

These university requirements are not only linked to perceived satisfactory job performance, but are also the basis for promotion within the university system. Failure to perform in all of these areas may jeopardise the continued employment and promotion prospects of individual academics.

Academic engagement
The practical and structured nature of the teaching conducted in PLT means that academic staff engaged in PLT programs will spend a great deal more of their working week in active teaching, facilitating, mentoring and assessing than will those who are involved in mainstream law subjects. PLT programs generally do not adhere to regular university semesterisation. For example, at both the University of Wollongong and the Queensland University of Technology, a full-time PLT program is taught over a twenty-week period rather than the usual thirteen to fourteen week semester.

The length of the PLT program, combined with the degree of student engagement while the program progresses, creates inequities that, while informally recognised by institutions offering PLT programs, have never been satisfactorily explored in terms of the employment and, in particular, the career progression of academic staff in PLT programs. The standard workload schemes adopted in law faculties, where academic staff may be required to teach for 8-9 hours each week, are not readily applied to PLT academics who may, as is the case at the Queensland University of Technology, have up to 28 contact hours each week. A number of institutions, such as the Australian National University and the University of Wollongong, are considering this problem and others, such as the University of Technology Sydney and the Queensland University of Technology, have devised plans to address the inequities. However, it is still too early to see the practical results of these changes. However, without effective change to the teaching regime, there is little doubt that teaching and administration workloads for academics involved in PLT are both lengthier and heavier than for their contemporaries in other law academic programs.

The discussion framework
In 2004, the writers conducted interviews with nine PLT academic staff to explore perceptions of the culture of teaching, research and service within the PLT environment. The questions asked of the participants were semi-structured and participants were invited to express their views of the place of research in PLT. The questions asked sought information concerning participants':

(a) prior teaching experience;
(b) level of formal education;
(c) level of practical experience;
(d) understanding of the term "scholarship";
(e) views of the relationship between scholarship and work product;
(f) views of scholarship in PLT academic life and generally;
(g) institutional pressure to conduct research;
(h) academic progression and staffing of PLT programs; and
(i) perceptions of value and reward.

Six of the interview participants (A1 to A6) were current PLT academics and three (A7, A8 and A9) no longer taught in this area. The participants had taught in a variety of programs across three Australian states. Participants A1, A6 and A9 had each taught in one University-based program only. Participant A2 had taught in two different PLT programs at the same university institution. Participants A3, A4, A5 and A8 had all taught in a university-based program and in a non-university based program. Participant A7 had taught in one non-university based course only. Three of the programs in which participants had taught were based in universities and two were conducted by non-university providers. All interview participants had taught in PLT programs for a period of at least five years.

Participants A1, A3, A4 and A8 had postgraduate qualifications at Masters level. Particpants A2, A6 and A7 held Bachelor of Laws degrees and A5 and A9 did not hold university qualifications but had extensive practical experience as solicitors.

An expectation of research

The changing nature of research and scholarship

A significant issue that was explored in the interviews involved the institutional expectations of academic staff involved in PLT. All university-based participants agreed that while they spent most of their working life in teaching related activities, their employers placed equal importance on the research and community service aspects of their job. Three of these participants expressed a belief that it was not appropriate to expect them to research, at least as much as other academics would do, given the nature and scope of their teaching responsibilities. Two other participants expressed a desire and interest in conducting work-related research but were frustrated by the lack of opportunity and workplace support to enable this to occur.

While participants were aware of the traditional "scholarship" construct and supported the notion that they should "grow" their knowledge and understanding of law, PLT and education theory and practice, none of the participants supported the proposition that this growth should be reflected in or measured by research output. As two participants noted, the research output valued by universities was thought to be of a limited nature and not necessarily related to the research interests of PLT academics who are generally more interested in practical (not theoretical) law and practical education issues.

Over the past decade, research has undeniably become a part of what universities expect of a PLT academic. In 1989, the advent of the Unified National System of Higher Education

substantially changed the complexion of publicly funded higher education in Australia through the amalgamation of 51 colleges of advanced education with 19 universities, resulting in the establishment of 36 universities (Subramaniam, 2003, p.1). As the new higher education system was "bedded down", academic staff in institutions which had previously focused "on teaching and professional training became not only able to engage in research but actively encouraged to do so" (Bazeley, 2003, p.258). Those involved in long established practice-based disciplines, such as law, accounting, social work, and architecture, were encouraged to obtain doctoral qualifications, seek external funding for activities and evidence scholarship in the form of refereed publications (Anderson et al. 1997).

The research activity engendered by the reforms represented a departure from the historical scholarship construct on which universities and university careers had traditionally been founded. The notion of a scholar as "a learned person, esp[ecially] in language, literature, etc.; an academic" and "scholarship" as "the methods and standards characteristic of a good scholar" (Thomson, 1996, p. 910-911) expanded to embrace concepts of discovery (as evidenced by research), integration (finding meaning), application (or service) and teaching (Boyer, 1990).

Later researchers have built on the work of Boyer (1990) in the context of teaching scholarship. For example, Trigwell et.al. (2000) gave a useful overview of the literature and then conduct their own empirical study to come up with a multi-dimensional model describing teaching scholarship:

> From the relations between the results of the empirical study and the literature described above, at least four dimensions of scholarship of teaching emerge – being informed about the literature and/or knowledge of teaching and learning in a discipline; focusing on student learning and on teaching, rather than mainly on teaching alone; reflection on the literature, one's own context and the relations between the two; and communication. (pp163 – 164)

In the view of those authors: "All four dimensions are considered to be a necessary part of the scholarship of teaching." (p 167)

Contributions to research

This changing approach to scholarship has on the one hand been beneficial to PLT academics in recognizing the value of research into teaching and learning. However, on the other hand, it has proved problematic for academics involved in practice-based areas of their discipline (Subranamian, 2004). In the case of PLT academics, these challenges may be highlighted by a prevailing view, as expressed by two participants (A1 and A5), that those who teach skills in law programs are thought to be somehow less able to contribute to the other intellectual pursuits of the faculty. One participant (A1) expressed the view that this approach was offensive, as PLT academics were often as well qualified as law academics in terms of higher degree studies. That the research and interests of PLT academics (which focused on practical matters both with respect to the law and also with respect to student learning of legal skills) differed from that of traditional law teachers did not, in the view of these participants, suggest that PLT academics were somehow less intellectually able than other academic staff.

While all participants were agreed that PLT institutions did not actively pressure their academic staff to conduct research in the manner expected of other academics, all agreed that without evidence of research output, the scope of PLT academics' careers would always be limited in the wider university context. Four participants (A1, A2, A3 and A8), expressed the view that, while the universities might want academics to research and might pay "lip service" (A8) to that aim, it was much better in economic terms if PLT academics concentrated on teaching and administration at the expense of research. To limit the time spent on research would make a university-based PLT program more economically competitive as the course would be "cheaper to run" if staff could spend their time "teaching increasingly larger bodies of students without the need to waste time researching" (A3). This observation was thought to apply just as much to teaching research as it did to legal research.

Seven of the participants expressed the view that for PLT academics there was no clear attainable career path given the nature of the work undertaken in the PLT work environment. Interestingly, one of the participants (A8) who had achieved some degree of academic progression believed that to be successful researchers, PLT academics should not research in legal education, as many do, but should instead concentrate on research into law or legal practice. In the words of this participant: "at APLEC Conferences [Association of Professional Legal Education Courses Conferences at which PLT academics regularly give papers] people always talk about teaching. They never talk about the latest practices in litigation or conveyancing…I can understand that. PLT teaching is difficult…and you are always looking for better ways to handle it"

Nevertheless, all interview participants believed that scholarship of teaching with its student learning focus was an important part of the developing PLT academic's career. However, they also believed that it was harder for PLT academics to produce research than for other law academics. Some of the reasons given are explored further below.

Higher degree research

Unlike those in regular academic positions, teaching staff appointed to PLT programs generally are engaged on the basis of professional experience rather than academic qualifications. While most appointees to substantive law school positions will hold (or be in the process of obtaining) higher degree or doctoral qualifications, few will have extensive experience in the practice of law. Conversely, academics appointed to PLT positions will generally have considerable experience in practice but will seldom hold higher degree qualifications at either masters or doctoral level. It should be noted that a number of effective PLT academics (such as A5 and A9) are even appointed on the basis of non-university legal qualifications such as those obtained through bodies such as the Legal Practitioners' Admission Board in NSW or, in Queensland, the now defunct Solicitors' Admission Board.

Once appointed to university positions, many PLT academic staff are reluctant to commence higher degree studies and those who do, indicate that the study (in law) has little relevance to their practice-based teaching. For example, the subjects offered for study in coursework Masters degrees do not directly relate to the practical subjects taught in PLT programs. On interview, the participant (A4) who had pursued higher degree studies in the education

discipline reported greater success in finding linkages between study, research and teaching practice. However, she noted that the transition from research in law to research in education was not an easy one as research methods and expectations differ markedly. Further, there was a general concern amongst the interview participants (A4, A6 and A8) that higher qualifications in a discipline other than law may not be regarded by other law academics and supervisors as highly as those obtained in the law discipline.

When asked why they had undertaken post-graduate studies, some participants indicated that they wanted to progress in their academic careers while others cited a general interest in further study. Of those who had not undertaken higher degree study, one indicated that it might happen one day (A5) and the others, including one currently based in a non-university based course (A7), believed that there was no need to do so.

Funding opportunities

External funding of PLT research activities is difficult to acquire. Grant opportunities, such as those offered by the Australian Research Council, do not encompass the types of professional and/or skills-based topics that PLT academics are likely to pursue. With the exception of the various state law foundations, such as the Law and Justice Foundation of New South Wales which funds research promoting access to justice (Law and Justice Foundation Act 2000, s.5), there are currently few, if any, external granting bodies operating in Australia that specifically contemplate research applications arising from practical or professional legal education.

In the case of more substantive grants, such as those offered by the Australian Research Council (ARC), it is noted that these are most often allocated to those with a history of successful prior application and high research profiles. Few, if any, PLT academic staff would have a sufficient profile to successfully apply for such grants, even if the scope of the funding available extended to research in practical legal matters. Of the nine interview participants, none had applied for an ARC grant. While three had successfully applied for external grant moneys (A1, A4 and A8), these moneys were for infrastructure and were not dependent on research.

On being asked for reasons why PLT academic staff might not apply for external research funds, six interview participants indicated that PLT teaching responsibilities were too heavy and three participants believed that the grants schemes were not suited to PLT work. There was also a generally held view that there was not enough time in the working week to pursue activities that might not prove successful. In this sense, the participants seemed generally to be wary of risk taking in their professional lives.

As to the internal funding of PLT research, anecdotal evidence suggests that PLT academics have more success in their applications. For example, by 2003, five of the eight academic staff employed in the Legal Practice Course at the Queensland University of Technology (QUT) had been the recipient of at least one internal QUT grant. All of these grants were collaborative, some with other PLT academics and others with law academic staff and some which were education rather than law based.

Publication
What of the publication of the research done by PLT academics in law schools? PLT academics face a number of difficulties in furthering their research. These include finding inspiration for research activities, finding time to conduct research, finding suitable outlets for research in PLT and finding recognition of the type of research conducted by PLT academics.

The inspiration for many research projects, whether in law or in PLT, arises from the subject research and maintenance that takes place through routine teaching activities. All interview participants were agreed that most of the ideas for their research were or would be founded in their daily teaching lives. As one interview participant (A8) noted, "A student will ask a question or write something in an assignment and that gives me an idea for a project."

If research activities arise from the teaching of a law subject, the resulting work will often be of a type that is publishable in one of the many legal research journals that are assessed by the Department of Education, Science and Training (DEST) as refereed publications. However, if the inspiration arises in a legal practice based subject, the resulting work (which might be a preferred approach to practice) will often only be publishable in professional journals such as those produced by the various law societies, most of which are not referred.

While inspiration, based on teaching or educational practice, is open to both types of academic, it can be difficult to conduct valuable research in education without the academic foundation necessary to explore this discipline. PLT and law academics who seek to publish in the area of education must compete for a place in a conference or journal with those researchers with considerably greater educational knowledge. For law and PLT academics research associated with teaching activities is a fairly recent phenomenon.

Although few academic staff in PLT programs evidence scholarship in the form of publication, those that do so generally prefer the vehicle of text rather than journal-based publication. When this issue was explored in interview, participants who had been involved in the publication of research pointed to the limited availability for publication of practical legal education research in Australia. It was noted that law-based journals seldom encourage publications relating to law teaching and PLT academics are seldom aware of the various education-based journals that might be available.

The Journal of Professional Legal Education (the journal of the Australasian Professional Legal Education Council) which PLT academics previously relied on for publication and information has not been published for a number of years. PLT academics who have turned to professional publications, such as practical or skills-based texts, commentaries or reviews, have often found that their publications do not meet the Department of Education Science and Training criteria (DEST, 2004). Hence, while many of the textbooks, online publications, legislation and practice commentaries that are written by PLT academics are recognised as offering a service to the public, they may not be recognised in the manner of other law publications as they are not always considered to be of a sufficiently "scholarly" nature.

Of the interview participants, three currently employed in university-based PLT programs (A3, A6 and A8) had published in both refereed and non-refereed journals as well as producing both refereed and non-refereed conference papers. The remaining six participants had published in non-refereed journals and/or produced non-refereed conference papers. In exploring the research success of the participants, the three most successful researchers cited an interest in research and a desire to see promotional opportunities as underlying their pursuit of research opportunities. Of the other participants, four cited opportunity and time constraints as limiting their ability to publish more widely. This, they said, led to feelings of frustration and a lack of job satisfaction. On the other hand, one participant (A7) employed by a non-university PLT program indicated that research was not part of her employment requirements and so that participant did not feel compelled to spend time in pursuing this area and was not personally interested in doing so.

Career aspirations of PLT academics

One influence mediating against the progression and recognition of PLT research may flow from the career aspirations of (or career possibilities for) PLT academics. While some legal practitioners will join PLT programs with the intention of changing their career direction from practice to academia, others join with other goals in mind. PLT programs, both in universities and elsewhere, have a history of attracting practitioners who remain to teach for several years before returning to practice or moving on to other careers or retiring from work altogether. The impetus for changing careers may arise from individual preference, from the social and cultural constraints of professional life and/or from perceived career limitations in academic life.

In its genesis, PLT programs were mainly staffed by more experienced (and older) practitioners who had moved to PLT after some considerable period in legal practice. PLT was regarded as something of a sea-change to be pursued for a short period prior to retirement, as one interview participant (A9) commented, “to give something back to the profession.” For these academics, career progression and the research necessary for such progression was not a matter for concern.

However, for those who have entered PLT with an intention to progress their academic careers, the situation is quite different. As one interview participant (A7), based in a non-university program, commented, "progression is almost impossible in universities." This view accords with research into university careers that suggests progression is problematic for those who don’t seem to fit in to the collegial environment (Mawdsley, 1999). In this regard, PLT academics are at a disadvantage as they may have different professional and educational backgrounds, different research interests, and different career aspirations to other academics. In terms of physical dissonance, PLT courses and academics may also be housed apart from the remainder of the law faculty and have little social or professional contact with the remainder of the staff.

Despite these expressed differences, interview participants state (and it is the writers’ experience) that to seek career progression university-based PLT academics must demonstrate similar levels and types of achievement in areas such as teaching (and teaching

leadership), research, professional and community contribution, as those displayed by their law school counterparts.

In an examination of the factors affecting the career progression of Australian accountants, Subramaniam (2004) identifies and explores a number of factors that mediate against progression in the university environment as including research productivity, disparate teaching responsibilities and workplace discrimination, all of which most interview participants agreed applied equally to academics in the PLT environment. In the PLT environment, specifically, participants were all of the view that:

a) PLT academic research productivity did not and could not objectively match that of undergraduate law-teaching academics, either in legal content or in volume;
b) The teaching and marking loads of the PLT academic were much heavier than those of undergraduate law teaching academics, due to the constant nature of skills teaching. Due to the structure of PLT courses, PLT academics could rarely find a block of time in their working lives to devote to research and publication. Any research that is conducted is completed in short snatches of time during the day or in the evenings or at weekends.
c) The type of research which is often preferred by PLT academics is not always highly regarded in the faculty and university context. (Most participants believed that they were discriminated against because of the nature of their research.) Research for PLT academics is often oriented towards legal practice or practical legal education rather than law itself.

The casualisation of PLT

According to one of the interview participants, career aspirations in PLT may also be affected by the overall casualisation of academic staff. For example, in 1990, the Legal Practice Course at the Queensland University of Technology was staffed by four staff members, three of whom were tenured and the fourth of whom was engaged on a three-year contract. In 2004, the same course with greatly increased student numbers is staffed by seven academic staff, two of whom hold full-time tenured positions, one a .65 tenured position, another a .5 tenured position (with the other .5 allocated to another program) and the remaining three employed as casual staff.

Where there are no prospects for converting a casual position into a contracted or tenurable one, participants (A1, A2, A6 and A8) believed that staff might be less inclined to spend additional time in research. This is especially so when research for PLT academics will take place over and above a heavy and lengthy teaching and marking load. And yet, without a significant and measurable research output, there is little reported opportunity for advancement within the University structure.

The feminisation of PLT

In more recent years, the PLT environment has been increasingly feminised, staffed by what two PLT academics (A6 and A8) unflatteringly described in interview as “the mothers' club”. That is, by younger female practitioners who have left the legal workforce to seek the more flexible working arrangements offered in the higher education sector. Whether this descriptor offers the best depiction of staffing arrangements in PLT programs may well be debatable. However, there is no doubt that there is an increasing feminisation of the PLT

discipline (APLEC, 2001; APLEC, 2003). For example, in one university based PLT program, the academic staff consists of one male (director) and six female instructors (a combination of full-time, part-time and casual staff). Staffing levels in a number of other university-based PLT programs are similarly skewed towards female staff. Several of the interview participants (A3, A6 and A8) were of the view that female academic staff, who were parents, were not inclined or indeed able to conduct research if it needed to be done outside normal working hours.

It is interesting to note that the feminisation of PLT programs is largely limited to the university-based institutions. Staffing levels in private institutions such as the Leo Cussen Institute in Victoria and the College of Law in New South Wales reveal a far more balanced gender constitution. Two of the interview participants (A3 and A7) were of the view that the disparity between employment profiles might be explained by differing salary and progression rates between private institutions and universities. That is, private institutions were expressed to be more attractive to those practitioners who sought to teach in PLT because the salaries were higher than those offered in university-based courses and advancement was based on teaching and administrative performance rather than on the more nebulous criteria applied by academic institutions with a heavy emphasis on research output.

Hence, three of the interview participants (A3, A6 and A8) were of the view that male practitioners (who could command higher incomes in practice and who were often the "family breadwinner") would seek to work for the private providers. Female practitioners (as "carers") were more attracted by the university's flexible working hours than to the salary and career opportunities offered by the private providers.

It should also be noted that the trend to feminisation in universities is not limited to PLT programs but extends to other areas of academic life, and especially to those areas that involve "practical" aspects of the various disciplines (Blackmore, 1997). The fact that female academic staff are employed in university-based PLT programs may simply reflect the university-wide position, described by August& Waltman (2004, p.177):

> Relative to men, women tend to be hired …. disproportionately into lower ranked positions within the institution ...(and)...are also more likely to be employed at less elite institutions and in the less prestigious disciplines. Women are disproportionately represented in full-time, but nontenure-track positions, of lecturer and instructor, which not only lack job security but are also among the lowest paid (Harper et al., 2001). They are tenured and promoted more slowly (Bentley and Blackburn, 1992; Moore and Sagaria, 1993), awarded tenure and promotion less often (Bain and Cummings, 2000), and paid less than their male colleagues (Nettles, Perna and Bradburn, 2000), even when controlling for other variables such as career age, rank, discipline, and institutional type (Perna, 2001).

Conclusion

The focus of academic endeavour in PLT has traditionally been on teaching rather than research. While this focus may still be justified for those involved in non-university based programs, the evolving nature of university-based academic work has had an undeniable

effect on the requirements of academic staff engaged in PLT programs. PLT staff must now perform across all aspects of academic work, including in the area of research and scholarship, to comply with university requirements for job performance and promotion.

This requirement, while acknowledged by PLT academics, does pose considerable difficulties for them. To pursue research, PLT academics must not only change the culture of research in their sub-discipline and recognise the need to modify work practices and job orientation but must also create, within their working lives, the time and intellectual opportunity required to pursue research opportunities.

For PLT academic staff to develop a research culture, they must have the support of both academic managers and of the institution itself. As matters stand, a PLT academic who wishes to pursue promotion within a university must seemingly turn away from writing the practical texts and contributing towards the practice-based publications that receive little institutional recognition and seek research interests in more mainstream (and institutionally recognised) areas of legal research. While this approach has proved successful, in terms of job progression, for several of the PLT academics questioned, it has created the somewhat artificial situation of academic staff needing to research outside their discipline and area of acknowledged expertise in order for their research to be recognised and rewarded. Alternatively, PLT academics turn to research into education, which is a wholly new scenario to which they must adapt with respect to research and writing style and publication avenues.

Is this a desirable outcome for academic life? The writers, and those interviewed, believe not. If practical legal training is a sufficiently valid sub-discipline of law for it to be offered in a tertiary institution, its research product should be sufficient for the purposes of achieving the research outcomes required by the institution. While the lack of avenues for this to occur may present a challenge to PLT academics, it is one that is not necessarily insurmountable if adequate support at all levels is available.

This paper has reflected on a number of factors that PLT academics believe influence research in PLT. Whether or not these beliefs are well founded is a matter for further study. However, the fact that these concerns exist should give institutions reason to review the way in which the question of research in practice-based disciplines is treated. Support for research endeavours filters, as in any other area of management, from the top down. If universities were adequately rewarded for practical and professional research, it would be easier for institutions to recognised and reward this research. If institutions recognised and appreciated this research in terms of the retention and progression of academic staff, it would encourage PLT academics to pursue it. If institutions encourage this research, it will enhance the overall quality of their students' educational experience and the ability of PLT academics to contribute to that both practically and in terms of research into the scholarship of teaching.

The writers believe that PLT academics must become proactive in these contexts. They must seek to advocate and persuade more clearly on a number of different levels. They must persuade others of the value of skills teaching within the university context. They must highlight the different nature of skills teaching and the greater and different demands that are made on the time and resources of the PLT academic. They must demonstrate the resultant

difficulties faced by PLT academics in complying with university requirements for job performance and promotion. They must advocate their desire to be involved in scholarly and useful research related to their work and show how opportunity and workplace support may allow that to happen. Finally, they must stress the value of the areas of research that PLT academics undertake and their relevance and contribution to the "scholarship" of practical legal training and educational knowledge in that context. The concept of "scholarship" is a developing one and should be flexible enough to accept that, in the legal skills teaching context at least, the research conducted by PLT academics can be just as valid and acceptable as other more traditionally academically founded research and scholarship with the resultant value added to the student learning experience..

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