

TRINITY COLLEGE DUBLIN



PROVOST'S REPORT TO COUNCIL ON THE REVIEW OF THE SCHOOL OF LAW

1. INTRODUCTION

This report presents the outcome of a review of the School of Law. An external peer review visitation was undertaken on the 11th & 12th December 2008 by Professor Christine Chinkin, London School of Economics, Professor dr. Deirdre Curtin, University of Amsterdam and Professor David Feldman, University of Cambridge. The internal facilitator was Professor Cecily Begley, School of Nursing & Midwifery, Trinity College Dublin.

The report is based on (i) feedback from the external Reviewers received on the 13th March 2009, (ii) a submission from the School of Law received on the 7th April 2009 and (iii) a submission from the Dean of Arts, Humanities and Social Sciences received on the 20th May 2009.

The main purpose of the School review is (a) to provide a structured opportunity for the School to reflect on its activities and plans for development, while benefiting from a constructive commentary by senior colleagues external to College; (b) to ensure that quality and standards in teaching, research and administration are being maintained and enhanced and that areas of concern in this regard are identified and addressed. Each School in College is reviewed once every seven years.

2. OVERVIEW OF THE SCHOOL

2.1 Aims and Objectives of the School

Trinity College Law School is committed to the highest standards in the teaching of law, at both undergraduate and postgraduate level, and seeks to develop the ability to think analytically amongst its student body. It is also committed to the promotion of excellence in scholarship and research, both in law and at an interdisciplinary level, in an environment which promotes and fosters academic freedom. The Law School also attaches great importance to the concepts of public service and equality of access to education, and forms a vibrant community inspired by the values of mutual respect and co-operation.

2.2 Programmes to which the School provides teaching

Undergraduate:

- Bachelor in Laws (LL.B.)
- Bachelor in Laws and French (LL.B. (Ling. French))
- Bachelor in Laws and German (LL.B. (Ling. German))

New courses commencing in 2009/10:

- Bachelor in Laws and Business (LL.B. (Business))
- Bachelor in Laws and Political Science (LL.B. (Political Science))

Postgraduate:

- LL.M

2.3 Research

The research interests of staff members cover a wide range of areas; human rights, constitutional law, globalisation and law, international law, environmental law, commercial and corporate law, jurisprudence, administrative law, contract, European media regulation, civil procedure, restitution, tort, public interest law, criminology and feminism and the law.

2.4 Summary Statistical Profile of the School for the Academic Year 2007/08¹

Full-time Staff FTE	Undergraduate FTE	Postgraduate FTE	School Staff: Student Ratio	Faculty Staff: Student Ratio
22	443	93	25	19

Figures from Senior Lecturer's Annual Report approved by Council at its meeting on 14th January 2009

2.5 Accommodation and Facilities (Physical Resources)

At present the Law School is primarily situated in House 39, New Square. There are seventeen offices, occupied by twenty one members of staff. There is no office space for part-time staff members. A computer and printer terminal has been set up in the post-room/photocopy room which can only accommodate one person at a time. There is a departmental library located in House 39, however, due to the lack of teaching space available this room is often in use for seminars and small lectures. The Law School has two teaching rooms in House 39 which seat twenty two and forty students respectively (totalling 62.81 sq m). These rooms are used for small group teaching (seminars and mooted programmes) and some Sophister undergraduate lectures and postgraduate lectures. The Law School also has a School library which is regularly used for seminars and the Dublin Legal Workshop. In addition, the Law School uses the shared pool of theatres and classrooms for all other teaching. There is a common-room with six computers and printers for exclusive use by students on the taught masters (LL.M.) programme. Due to space constraints there is no designated space for research students in House 39. The School also occupies offices in two additional premises located off the main campus. The LL.M. office and common-room are located in Rooms 1.4 and 1.14A, 1 College Green. There are also three offices and a corridor space in Dunlop Oriel House. Three full-time and one part-time academic staff member are based in three offices in this building, and the corridor space is occupied by a Research Assistant.

3. EXTERNAL PEER REVIEW REPORT

SUMMARY OF REPORT

The Reviewers commend the Law School's long-standing reputation as a centre of academic excellence in Ireland, providing a good range of programmes and courses at a high standard to students of good quality. They also note that *"the expansion of postgraduate education has been pursued without compromising the quality of students or of the academic provision"* and acknowledge that these are impressive achievements. The Reviewers note that *"in maintaining and extending the range of its activities, the School benefits from immense commitment and collegiality on the part of both full-time and part-time staff, both academic and administrative"* and that *"the immense good will extends to attitudes to students at all levels and is reflected in the continuing loyalty of alumni to the School and involvement in its work."* This, they feel, is an immensely valuable asset. The Reviewers are of the view that the Law School has *"the potential to provide academic leadership in a range of teaching and research fields at European and wider international levels"* and to ensure that this potential is realised, they make recommendations that

¹ The staff FTEs include all Professors, Associate Professors, Senior Lecturers and Lecturers funded from the core HEA grant, or from self-financing courses, and all part-time and occasional staff and demonstrators, converted to an FTE, who are funded from core grant or from self-financing courses.

require the School to “*decide where it wants to get to in terms of a strategic vision and how best to do it.*”

3.1 RESEARCH

The Reviewers felt unable to consider whether the Law School would be regarded internationally as a leading research School due to the limited time available to them in which to consider the School’s publications. They were, however, able to make comments and recommendations in relation to the general research environment in the Law School. They report that “*the demands on the time of academic staff are such as to limit severely the time available for research and writing.*” This, they feel, is a consequence of (a) staff having an open door policy for students, (b) under-resourcing of administrative support, and (c) a weakness in the IT provision to support availability of information and advice to students electronically. The effect will vary, the Reviewers feel, depending on whether the staff member is always based at the School or spends part of their time in practice at the bar. In general, the Reviewers are of the opinion that “*the development of a sustained research culture needs to be given greater recognition within the Law School: the current culture seems... to lead to teaching and student welfare taking priority over research, sometimes to the detriment of the latter.*”

The Reviewers could see no clarity as to the criteria for allowing research leave or the procedure for applying for it; “*nor was there any clarity as to the way in which teaching and administrative loads were balanced so as to facilitate availability of time for research at crucial points in people’s careers.*” The Reviewers suggest that the introduction of semesterisation “*offers an opportunity to make research time available in a more sustained and visible fashion, for example by concentrating a lecturer’s teaching predominately in one semester, making time available for research in the other semester.*” The Reviewers report that the School is divided as to whether they should have a research strategy and recommend that “*it would be useful to think carefully and holistically about the place of research in the overall workload of academic staff.*” They also highlight a division in the School between those who consider that the School’s research efforts should be directed primarily towards the domestic aspects of the Irish legal system and those who “*favour a more outward-looking approach examining themes in a comparative, European or international framework.*” If the School is to be seen as a major international player, the Reviewers recommend that “*the outward-looking approach should come to dominate the future strategy of the School.*” They welcome the fact that successive Heads of School have already been advising new members of staff that “*publishing in international, peer-reviewed journals is likely to advance their careers more than adopting a purely Irish focus for research and publishing.*” They suggest that the Director of Research should be actively involved in “*developing such an overall research strategy and in working towards its implementation on the basis of agreed deadlines.*”

The Reviewers are of the opinion that if the Law School is to expand the breadth of its research, exploit funding opportunities from outside bodies and provide support to colleagues and PhD students to develop their research careers, the College should assist by providing “*a forum at College level in which Schools’ Directors of Research can share their knowledge and experience.*” Such a College-level research committee would aim to provide support and opportunities to share experience without seeking to push research in particular directions.

As with other Law Schools, the Reviewers note the pressure on the School to undertake an ever-increasing number of tasks which is putting pressure on time available for research. While the staff-student ratio has improved in recent years, the Reviewers express concern that the 2006/07 ratio of 28:1 was extremely poor compared to the Faculty and College averages of 19:1 and 17:1 respectively. They feel that School’s coping strategy of raising funds to hire part-time staff to provide small-group teaching and to offer courses on the LL.M programme may not be sustainable in the medium term, “*particularly in view of the time and energy that is having to be devoted to restructuring, semesterisation and modularization, all to the detriment of time available for research.*”

3.2 TEACHING & LEARNING

3.2.1 Undergraduate

3.2.1.1 General Comments

The Reviewers were impressed by the quality of teaching as evidenced by the teaching materials made available to them and the feedback obtained from students, both during their meetings with them and from the student questionnaires. The students appear to gain a well rounded grounding in their subjects and the level of student satisfaction is reflected in the *"the intense loyalty felt by many graduates of the Law School which encourages them to help the School in many different ways (including through teaching) in later life."* The Reviewers feel that this is *"entirely consistent with the excellent reputation which the Law School has historically enjoyed."* The Reviewers also report favourable comments from the students on the operation of the student mentor system, whereby more senior students act as mentors to less experienced ones. With regard to the Erasmus programme, the Reviewers note that *"students planning and preparing for the year abroad have a perception that they would welcome further information"* even though the School *"actively promotes the exchange programme and offers comprehensive information about it."* The Reviewers recommend that further information about the Erasmus programme *"could be facilitated by improved provision of web-based information and the resources needed to make it effective."* They note the amount of time and effort that staff are devoting to preparing for semesterisation and modularization and express the hope that *"this major upheaval will settle soon"* as staff efforts in this area could be *"better invested in research or the development of web-based learning provision."* They suggest that while semesterisation may have the effect of increasing the teaching load for full-time academic staff, *"the number of formal contact hours will still be low compared to what would be expected in most universities in Europe, and is significantly lower than that experienced by College teaching officers in Oxford and Cambridge."* This, they feel, is largely because most seminar teaching is provided by part-time academic staff. Nevertheless, the Reviewers report that *"actual time spent with students is greater than the formal teaching allocation would suggest"* partly because the teaching allocation does not include time spent supervising research dissertations and partly because staff have an open door policy for students. In relation to this open door policy, the Reviewers recommend improving IT facilities for staff and students as a means of *"improving the flow of information, facilitating innovative teaching and learning methods, and reducing the time that academic staff would spend answering questions from students outside normal contact hours."*

3.2.1.2 Broad Curriculum

With regard to the possibility of the Law School participating in the College's Broad Curriculum initiative, the Reviewers note that the Law School *"already practices a broad curriculum for those students who participate in the joint degree programmes."* They feel that it would not be practical to extend the Broad Curriculum agenda much beyond its present scale in the Law School for a number of reasons. Firstly, from a practical point of view, *"students who want to qualify as Solicitors or Barristers need to cover the subjects required by the professional bodies"* and *"their chance of obtaining a broadly based legal education beyond the core subjects would be reduced if they were required to take options outside law."* Secondly, as law is a *"distinct and distinctive discipline with its own sources, methodology and style of exegesis, analysis and critique"* it is not necessarily transferable to other disciplines, and the methodologies of other disciplines are not necessarily helpful to the study of law. The Reviewers suggest that *"the subjects best suited to study by non-law students would be those basic, first-year subjects which are taught in such a way as to help students to come to terms with the demands of legal study, or (as at present), the course on Sustainable Development, which has a relatively low level of legal technicality and is taken...by a good number of engineering students."* Thirdly, *"at present the structure of modules militates against law students choosing five-credit modules from other subjects, as there is a shortage of five-credit modules in law that could create a ten-credit combination....this difficulty will be eased by the major revision to the modular curriculum attendant on semesterisation, as a number of new five-credit modules will be created in law."*

3.2.1.3 The LL.B. programme

With regard to the process for review of and reflection on the objectives of the LL.B. programme, the Reviewers report that the School Committee deals with *“questions of policy relating to the structure of the degree, while the LL.B. subcommittee deals with logistical details”* and that this arrangement has enabled the School to keep the LL.B. operating a standard that maintains a high level of satisfaction among students. The Reviewers report that students speak highly of the amount and quality of contact with lecturers, and the quality of lectures and seminars/tutorials. The Reviewers report that some students feel that they would have benefited from *“more opportunities to practice and receive comments on legal writing during the year in preparation for assignments.”* They also suggest that *“there are opportunities to engage students at all levels more fully with the stimulating intellectual challenges which forms part of a degree in law through web-based systems for communicating information (both about the courses and about developments in particular subjects) and for encouraging exchanges of views and regular feedback among students inter se and between students and staff.”* While some members of staff have initiated innovative ways of extending students’ engagement with their subject, the Reviewers recognise that there are significant obstacles in the way of extending on-line teaching resources, the main one being the very limited provision of IT facilities in the Law School.

3.2.1.4 The Law/French & Law/German degrees

With regard to the degrees in Law & French and Law & German, the Reviewers report that *“these programmes are highly successful and the Law School is rightly proud of them.”* The Reviewers recognise that *“these are demanding degrees attracting students of a very high quality who perform well, taking a high degree of responsibility for their year abroad and acquiring valuable experience and skills going well beyond the normal law curriculum.”* The Reviewers express concern that students undertaking these degrees have a particularly heavy workload in their final year as they have to do all the subjects required for a final year student in the ordinary LL.B. plus additional subjects in French or German. Although this is necessitated by the requirements of professional bodies, the Reviewers consider that *“it is not satisfactory for students in the joint degrees to have to take modules amounting to more than the normal year’s credits for students on other programmes.”* They feel that *“it undermines comparability between degree programmes and risks giving the appearance that students on the Law and German and Law and French programmes are unfairly disadvantaged.”* They feel that the new degrees in Law & Business and Law & Political Science to be introduced in 2009/10 may exacerbate this problem.

The Reviewers report that while *“co-ordination with the German department seems to be working well”*, co-ordination with the German universities, however, is more complex. Grades derived from the German system of assessment are not easily translated into the assessment conventions used in the College. The Reviewers feel that the College requirement to take the *Hausarbeit* should be reconsidered, as German Law students would normally only complete this special assessment after a considerably longer period of study. In relation to co-ordination with the French Department, the Reviewers report that this is more problematic and that some students felt that *“their studies in the French department did not cohere well with their legal studies.”* *“They reported a heavy emphasis on language and literature courses unrelated to law, and a shortage of opportunities to study French law in French while at College.”* In addition, the generic French courses provided by the French Department do not cater to the particular needs of law students. The Reviewers warn that students may become de-motivated as a result and the reputation of the degree will be compromised and they note that a number of students move from the Law and French programme to the ordinary LL.B. programme every year probably because of this. In relation to coordination with the French universities the Reviewers report that *“students noted the wide variations between what is offered in the various universities to which the students from the Law School go, and between methods of assessment and the standards and conventions applied in assessing performance.”*

3.2.2 Postgraduate

3.2.2.1 LL.M. programme

The Reviewers comment that *“the LL.M. programme is notably successful”* attracting good students who enjoy a wide range of courses, small teaching groups, high quality teaching, and direct contact with staff specialising in their areas of interest. Students on the course are *“very well motivated and enthusiastic about the programme”* and are quickly welcomed into the Law School community, benefiting from their own dedicated common room. The only slight dissatisfaction expressed to the Reviewers related to the lack of adequate provision of computer facilities, which the Reviewers recommend is addressed urgently given the highly competitive nature of taught postgraduate law programmes and the fact that the LL.M. is a course of academic and financial benefit to the Law School and the College. The Reviewers remark that *“the quality of administrative support for the LL.M. is excellent, and exceptionally well regarded by students and staff.”* While the LL.M. is successful, it is also labour intensive. The Reviewers report that *“the courses usually grow out of lecturers’ special interests, providing a synergy between their teaching and research activities, and lecturers offer the courses voluntarily.”* While the School maintains that as a result the course does not represent a cost to the School, the Reviewers think that this underestimates the real costs – *“the cost of employing full-time and part-time lecturers to spend at least part of their time teaching on the LL.M”* in addition to *“the opportunity costs that result where expensive staff are being used to teach small numbers of students, and are not teaching other students or conducting research”* though this is mitigated to some extent by the synergy between the LL.M. teaching and research.

3.2.2.2 – Ph.D. and M.Litt.

The Reviewers report that *“the Law School admits good research students who usually complete their research successfully within a reasonable time.”* They note that the students they met *“spoke appreciatively of personal supervision”* and reported a feeling of being part of a postgraduate community and contributing to a scholarly community within the School. With regard to admitting applicants to a research degree, potential supervisors are given considerable discretion to take on students whose research complements their own areas of interest and expertise. While this can be valuable, the Reviewers expect that Schools Officers would ensure that the combination of *“ambition to increase numbers, desire to satisfy the aspirations of as many applicants as possible, and enthusiasm for the subject does not lead to individual members of staff becoming overburdened with research supervision.”* The likelihood of this happening, the Reviewers feel, could be reduced if it were possible to *“trade off a heavier supervision load against a lighter allocation of other teaching or administrative responsibilities”* and they recommend that the overall effect be kept under review to ensure that the quality of research student supervision is maintained and further enhanced.

The Reviewers commend the research methodology training programme offered in the Law School which provides an introduction to different research methods, to electronic legal research and to legal writing, publication and presentation. They also commend the information offered to postgraduate research students about research methodology conferences and seminars taking place elsewhere and suggest that *“it might be useful to ensure that the programme of research methods training is compulsory for all PhD students so far as the programme is relevant to their own research.”* With regard to facilities, the Reviewers feel that research students suffer as a result of the shortage of accommodation for study and socialising in the School and from the relative weakness of the ICT provision. While it is somewhat alleviated by having access to the College’s Postgraduate Reading Room and the Library, where wireless access appears to have improved considerably, the Reviewers feel that the lack of a home base *“reduces their sense of being a central part of the Law School’s activities and of the Law School being central to their work.”*

The Reviewers highlight the lack of sufficient funding as a serious constraint to further increasing the size and quality of the postgraduate research cohort. While they commend the College Scholar system and the various postgraduate scholarships and bursaries administered at College and

Faculty level, they recommend that *"thought be given at College and School level to whether it would be possible to make some additional funding available to support research students."* They are also supportive of the opportunity for research students to deliver undergraduate seminars, which provides valuable teaching experience for the postgraduates. The Reviewers report that the School *"appears to have coped well with the introduction of the new structure of the PhD programme."* They state that the process works well *"with the review panel providing good discussion and positive analysis of the student's work and thereby contributing in a valuable way to the further development of the project."*

3.3 ORGANISATIONAL STRUCTURES AND PLANNING

The Reviewers note the existence of both a School Executive Committee (composed of the main officers of the School with some student representatives) and the Law School Committee (composed of all academic staff with some student representatives). They report that while the College envisages that each Head of School be supported primarily by an Executive Committee, the Executive Committee *"rarely meets and even more rarely makes a decision."* Decisions taken by the Law School Committee include virtually everyone and this fosters democracy and inclusiveness in the decision making process and is the preferred arrangement.

The Head of School has responsibility for administrative decisions. Policy decisions and arrangements for modularising the curriculum are discussed and approved at the Law School Committee but the Reviewers were unable to understand *"how discussion at School Committee is shaped and how policy options are identified and presented for discussion."* It is not clear to the Reviewers who identifies *"priorities for policy-making, who leads the policy-making process, or how it was done."* They report that *"decision-making seems to follow a somewhat ad hoc course"* with diplomacy and discussion being used to resolve issues and consensus emerging. Even in relation to career development and appraisal, and research advice it was felt that issues were resolved *"because people see each other and talk informally all the time."* While the Reviewers have *"great sympathy for a method of working that minimizes formality and bureaucracy and involves as many people as possible in decision-making"*, they are not persuaded that it is completely reliable. A significant number of staff members are not based in the Central Law Building and there are as many part-time as full-time staff members. The Reviewers feel that *"these conditions are not ideal for effective management by informal, social means: too many people are likely to be excluded from the regular encounters that make such a method work effectively."* In addition, the Reviewers fear that *"the drive for consensus and the lack of structure in the decision-making process make it difficult to identify pressing problems and threats and the strategic options for dealing with them, and so lead to a situation in which the Law School Committee will find it hard to be proactive or ensure that it has all the relevant information available to it when considering policy issues."*

Part of the problem, the Reviewers feel, is the absence of anyone who is regarded as having a responsibility for formulating policy options and leading discussion. This has led to the development of *"a rather unclear and opaque leadership structure, particularly with regard to the pro-active and strategic development of policy."* It also seems to affect career development arrangements, particularly for those on fixed-term contracts who may need advice on how to plan for the next phase of their careers as well as those at the start of their careers at the point of considering applying for promotion. The Reviewers feel that *"lack of performance review and career management means that there is no guarantee that designated senior staff with responsibility for reviewing career progress will make an informed and candid assessment of prospects and routes for career development and give advice on timing and strategy."*

The Reviewers report that administrative support to the School is provided by four full-time members of staff and one or two part-time staff, all of whom are housed in two and a half offices. Although College policy is *"to devolve an increasing range of administrative functions to the Schools"*, the Reviewers were not aware of any additional resources for Schools to help with the growing administrative workload. As a consequence, most members of academic staff spend a significant amount of time on administrative and secretarial tasks which *"cannot help but impact*

negatively on the time available for research and other academic activities.” The Reviewers report that the School’s administrators are *“very well regarded by academics and students, and devote themselves to the work of the School with commendable determination and dedication.”* However, they fear that the growing complexity of its operations and the additional workload imposed by devolution of functions *“are in danger of outstripping the capacity of the support staff to provide effective administration without undue strain on those involved.”*

3.4 RESOURCES

The Reviewers predicate their comments on resources by acknowledging the changing financial situation in the College. They acknowledge that *“as in many Law Schools, the budget of the Law School consists largely of the stipends of staff. There is relatively little money available from the centrally generated budget to support non-staff expenditure.”* As a result, the Law School relies significantly for its financial flexibility on the money generated from profit-making conferences provided for the legal professions and the judiciary, the money from which is used for several purposes. The Reviewers detect a sense that Law, as part of the social sciences and humanities, are the poor relations of the science, technology, engineering and medical disciplines in terms of funding from the College. The Reviewers feel that if the Law School is to encourage a more outward-looking approach to legal scholarship, as they suggest, *“it would be important for academics to be able to travel to conferences abroad, both to give papers and to listen to discussion related to matters relevant to their research”* and they therefore recommend that *“all staff should be informed periodically of the type and level of funding available from the College for conference participation and for other research-related activity.”*

The Reviewers note that the shortage of accommodation in the School remains a problem and feel that the dispersed accommodation for academic staff makes the preferred informal management style of the School unreliable and *“deprives the affected members of staff of the opportunity for regular personal contact with senior staff on which staff development advice in the School appears to depend.”* While there is little realistic possibility of a new building for the School, the Reviewers suggest that a previous plan to develop additional space in the attic of House 39 which was shelved due to high building costs may now be feasible with the falling cost of construction services.

With regard to the provision of IT services for the School, the Reviewers note that the School does not have an IT Officer but that the School Administrator takes on that role in addition to her other duties. While all three Executive Officers have been trained to maintain the website and to use and advise on the use of WebCT, there is no-one in the School with expertise in website construction which limits the capacity of the School to create and support WebCT provision for its academics and students. They report the absence of wireless internet in most of the main building as a further weakness and recommend that *“resources should be found for a School IT Officer competent to take forward the development of high quality ICT and WebCT provision for the benefit of teaching, learning, communications and research in the School.”*

3.5 SERVICE TO COLLEGE AND SOCIETY

The School’s commitment to providing public benefits through improving the quality of the Irish legal system and delivery of legal services is noted by the Reviewers, as is the School’s success in securing funding from public bodies to achieve this end. In addition, the Reviewers note a *“growing awareness of the importance of going beyond the public service function in conducting research, and of seeking external funding for scientific purposes alongside the commendable public service commitment.”*

3.6 RECOMMENDATIONS

The Reviewers make the following recommendations:

3.6.1 Management and decision-making

- i) The School should consider revising its arrangements in order to ensure (a) that all aspects of the School's work are regularly and robustly reviewed and lessons are learned, (b) that threats and opportunities are identified and plans are made to respond to them, and (c) that the advantages of guidance to individual members of staff are available to all members of staff.*
- ii) The Head of School should institute a systematic process for ensuring that all newly appointed staff receive, and other staff have regular access to, advice from senior colleagues on establishing themselves in their posts, on career development and opportunities for support for teaching and research, and on the expectations which the Law School and the College has of them generally and in terms of promotion in particular.*
- iii) The College and the School make it a high priority to achieve additional administrative and IT support and appropriate space in order to allow the staff to operate efficiently.*

3.6.2 Research

- iv) If the College considers an assessment of the quality of research desirable, the College should initiate a thorough review by people with the opportunity and expertise to read and assess all the relevant publications in a timely and serious fashion.*
- v) All members of staff, in discussion with the Head of School, should give active consideration to developing individual research plans and taking advantage of opportunities to arrange teaching commitments so as to free significant blocks of time for research.*
- vi) A formal programme be instituted for allowing staff to take study leave after a specified number of semesters, in line with international practice, in order to structure and give practical effect to a more sustained research culture. Provision should be made for such a system of research leave to be systematically monitored and evaluated. Staff should be required to submit reports immediately following a period of study leave, showing how they have spent their time and what the product of the period of leave has been in terms of scientific publications.*
- vii) The School should develop a research strategy, which should take account of the connections between all parts of the workload of members of staff, and should continue to help to clarify how to set personal and institutional objectives and provide guidance on how to achieve them. We recommend that the strategy should place a heavy emphasis on outward-looking research and publication that engages with and contributes to international, European and comparative debates in the field of law (while not denying the public-service value of work focusing more on matters internal to Ireland).*
- viii) There should be a research committee at College level to allow Directors of Research to share knowledge and experience.*
- ix) The development of the research strategy at College and School levels as it relates to law should be informed by the understanding that the best research in the arts, humanities and social sciences tends to be the result of self-directed scholars undertaking work that flows from their academic interests, rather than being part of a programme imposed by others.*

- x) *Attention should be given at School and College levels to increasing the financial support for research, for example by providing for travel to international conferences, as this is essential if the School is to be seen as a major international research institution.*

3.6.3 Teaching and learning

- xi) *The School should make speedy progress towards improving communication of information to students by electronic means, and using Web CT methods of supporting teaching and learning, with appropriate provision of computer facilities, to improve the IT provision for staff and all students in order to optimise the learning and teaching environment and facilitate communication between students and staff and innovation in teaching.*
- xii) *The School should review its structures and procedures to ensure that the Director of Teaching and Learning (Undergraduate) is responsible for initiating the regular review of undergraduate programmes referred to in recommendation 1, above. Such review should subsequently be the subject of detailed debate and deliberation by the Law School Committee on the basis of specific recommendations.*
- xiii) *The School should introduce a module co-ordinator for each module with more than a certain number of students and/or lecturers, the number to be settled by the Director of Teaching and Learning (Undergraduate).*
- xiv) *The Law School should consider allowing students on the joint programmes to take some subjects earlier in the programme, and/or to reduce the number of subjects they are required to take in partner departments.*
- xv) *The Law School should reconsider the need for and fairness of the requirement for Law and German students to take the huisarbeit and amend it if appropriate.*
- xvi) *The Law School should initiate a review of the content of courses provided for Law students and make such changes as seem appropriate to the way in which French and French law teaching is provided in the College. The Director of Law and French should be responsible for this initiative, bringing proposals to the Law and Languages Sub-Committee (on which the French Department is represented) which would then be able to make recommendations to the Law School Committee.*
- xvii) *The Law School should take steps to make students aware before they go abroad of the methods of assessment and conventions for translating assessments of performance from each French university to the TCD system, in order to avoid any suspicion of unfairness as between students in the assessment process.*
- xviii) *The development of the LLM should be continued, but that the efficiency of use of staff time on the programme and the contribution of teaching opportunities to research development and output should be kept under regular review and that changes to the programme should be made if necessary to optimise the utilisation of scarce resources in line with the research strategy which we hope the School will develop. . This might entail imposing a minimum number of students to make a course viable. The Director of Postgraduate Teaching and Learning should be responsible for initiating the review and bringing recommendations before the Law School Committee.*
- xix) *The School should consider allocation of postgraduate research supervision responsibilities and (a) formulate guidance for those involved in the admission and supervision processes and (b) make arrangements for the supervision load of individual members of staff to be monitored in the light of their other responsibilities.*
- xx) *The School should consider requiring postgraduate research students to attend courses relevant to their own research as well, perhaps, as some courses giving a broader introduction to research methodology.*
- xxi) *If additional space becomes available in the Law School, it should be a priority to make some part of it available for research students.*

- xxii) *Thought should be given at College and School level to whether it would be possible to make some additional funding available to support research students.*

3.6.4 Resource context

- xxiii) *In view of the severe constraints on space, we recommend that consideration should be given to revitalising the plan to develop the space in the attic of the main law building.*
- xxiv) *At the earliest opportunity, resources should be found for a School IT Officer competent to take forward the development of high quality ICT and WebCT provision for the benefit of teaching, learning, communications and research in the School.*
- xxv) *All staff should be informed periodically of the type and level of funding available from the College for conference participation and for other research-related activity.*

4. RESPONSES FROM THE SCHOOL & THE DEAN OF ARTS, HUMANITIES & SOCIAL SCIENCES

The Law School welcomes the Reviewers' report stating that *"many of the observations and recommendations made by the reviewers are very helpful, and their implementation will certainly enhance the Law School's activities."* They also welcome the Reviewers' findings in relation to the quality of teaching provided in the Law School at both undergraduate and postgraduate level, the School's efforts to foster collegiality and their commitment to public service. The School is disappointed that the Reviewers are unable to make any substantive assessment of the research output of the School and would be happy to facilitate a review of research in the School at the earliest opportunity, as recommended in the Reviewers' report, provided that a budget from College was made available for this. The Law School expresses concern regarding certain factual inaccuracies in the final version of the Reviewers' report and feels that *"in some aspects the Report is unduly impressionistic and the reviewers were not given adequate opportunity to gather factual information where they formed particular impressions."* With regard to the Law and Language programmes, the School notes that *"reviewers did not meet with any staff members involved in the law and language degree programmes, though these staff members were available to meet them. This omission allowed a number of significant errors in relation to these programmes to arise with no opportunity for them to be discussed or rebutted."* In relation to the Law & French programme in particular, students on this course feel that the Reviewers comments that *"they (the students) reported a heavy emphasis on language and literature courses unrelated to law, and a shortage of opportunities to study French law in French while at the College"* did not accurately reflect their views. The students state that *"French Law takes up the majority of our time on the French side of the course and for the most part students find it enjoyable and challenging. Furthermore, a heavy emphasis on language and literature courses was not reported..."*

The School feels that the Reviewers are critical of the decision-making processes in the School because they have concerns that long-term planning is being neglected at the expense of democracy. At the same time, the School notes that the Reviewers *"did not identify any actual areas where there has been a failure by the School to set goals or to develop policies."* *"Similarly, the reviewers did not identify any specific deficiencies in the decision-making process, and indeed...express doubt as to whether there is any problem in this regard."* The School reports that *"the decision-making structures have proved particularly effective in the development, for example, of the LL.M. programme; the two new combined degrees; and the implementation of the major changes required by a move to semesterisation due to take place in the next academic year."* While recognising the advantages of a consensual approach to policy development, the Faculty Dean feels that *"the benefits of a more proactive approach by a smaller group of staff should not be underestimated"* and he would like to see the School Executive take a more active leadership role.

The School reports that a change is being made to office arrangements for some full-time staff in order to ensure that they have office space in House 39. With regard to the recommendation to regularly review all aspects of the School's work, the School responds that *"the Law School*

Committee delegates review of different aspects of the School's work to the various well-established sub-committees" who then report back to the School Committee. In relation to the recommendation to identify threats and opportunities, the School reports that an away-day held in 2007 identified various threats and opportunities facing the School. They also report that following a review of governance structures in 2006, the School decided to maintain the existing structures – these are the subject of on-going review. In relation to the recommendation that *"the advantages of guidance to individual members of staff are available to all members of staff"* the School states that *"it was made clear to the Reviewers that this recommendation is already being implemented through the PMDS system."*

The Reviewers' recommendation that all staff have regular access to advice on career development, promotion and support for teaching and research is being implemented through the roll-out of the PMDS system whereby *"the Head of School has instituted a systematic process for ensuring that all staff receive regular career advice and support."* The Faculty Dean reports that *"the intention is that full implementation of PMDS will facilitate individual career development"* and he supports the principle of a College-level mentoring system for new staff. The School agrees with the recommendation that priority be given at School and College level to sourcing additional administrative and IT support, and appropriate space to allow staff to operate efficiently, and is engaging with College on ensuring that it is implemented. The sum claimed through ARAM for IS services is, they feel, disproportionately high and the School believes that a more cost-effective service could be provided.

In relation to the Reviewers' recommendations regarding Research, the School feels that *"implementation of their recommendations will be extremely beneficial to the on-going evolution of a sustained research culture in the Law School."* The Reviewers express concern in their report that staff are too accessible to students but the School rejects this criticism and is confident that staff in the School *"have the time management and social skills necessary to ensure that research does not suffer on account of student interaction."* The School reports that a systematic approach to developing individual research plans for academic staff is already being co-ordinated by the Head of School and the Director of Research. In addition, *"a policy on sabbatical leave has been developed and approved by the Faculty Executive and is being implemented by the School"* and the recommendation that staff should take advantage of the opportunities presented by semesterisation to arrange teaching commitments in order to free up significant blocks of time for research has been implemented.

The School agrees with the Reviewers' recommendation that the School should develop a research strategy, and reports that the process is already underway. Moreover, they confirm that there is already a strong and increasing emphasis among colleagues on outward-looking research and publication but state they would be reluctant to *"adopt a more dirigiste approach in which individual goals are subordinated into institutionally-approved objectives."* The Faculty Dean commends the development of a School research strategy which includes outward-looking research and more domestically focused research, and suggests that *"a stronger emphasis on the former is particularly necessary if Law is to realise its potential and make a strong contribution to College's international research reputation."* Regarding the recommendation that there should be a research committee at College level to allow Directors of Research to share knowledge and experience, the School agrees with this and notes that *"this recommendation requires commitment from College and development of College structures."* The School also supports the recommendation that *"attention should be given at School and College level to increasing the financial support for research..."* and points out that there is already some support at College and Faculty level for conference and research travel through schemes such as the College's conference and travel fund and the Trinity Trust, and at School level by the Moran trust.

With regard to the recommendation that the School should *"make speedy progress towards improving communication of information to students by electronic means, and using Web CT methods of supporting teaching and learning..."*, the School reports that it is working on

improvements in communicating with students by electronic means and that many members of staff are already using WebCT. It notes, however, the School's strong commitment to *"maintaining an emphasis on face-to-face methods of delivery for teaching and learning; and to developing the legal skills of students through the legal research and writing classes and the mooted programme."* The Faculty Dean recommends that *"Schools consider sharing existing resources to progress the development of web-based teaching across a suite of Schools."* Concerning the recommendation that the School should *"review its structures and procedures to ensure that the Director of Teaching and Learning (UG) is responsible for initiating the regular review of undergraduate programmes..."* the School notes that the role and functions of Directors of Teaching and Learning are still being developed at College level and that the School's Director has input into this development through attendance at the College's Undergraduate Studies Committee meetings. The School feels that the Reviewers' point with regard to the recommendation that it introduce module co-ordinators is unclear, as *"most modules are taught by one lecturer alone, and thus that individual constitutes the co-ordinator for that module. Where courses are taught by two lecturers (or, very rarely, by three) those lectures effectively constitute joint coordinators."*

The Faculty Dean *"commends the School for its engagement with multidisciplinary undergraduate programmes, in line with the College's strategic aims."* The Reviewers recommend that the School should consider allowing *"students on the joint programmes to take some subjects earlier in the programme, and/or reduce the number of subjects they are required to take in partner departments."* The School feels that *"this would be difficult to implement given the delicate balance that has been worked out in each of the combined degrees with the partner departments/schools."* In addition, the School reports that *"the small classes of Law and Language students develop a very strong collective identity within their group"* and are concerned that *"allowing the students to take different subjects could therefore jeopardize the well-established working methods of these small and cohesive classes."* With regard to the Reviewers' concerns that students on Law and Language programmes are disadvantaged by having to take more modules with a higher combined credit total than other Law students, the School responds by saying that *"while the workload is necessarily heavy in degree programmes which are both fully qualifying law degrees and fully interdisciplinary, students are aware of this from the start, high levels of support have always been provided and the success rates on both programmes are exceptionally high."* In comparing the workloads of the LL.B. and the Law and Languages courses, the School feels that the Reviewers are not comparing like with like because *"the courses are substantially different in terms of objectives, content and methods of teaching"*. They state further that under semesterisation, the new course structure *"is designed to meet the objective that students receive sufficient preparation in the Freshman years for the Junior Sophister year while also avoiding an especially heavy workload in the final year: this will be, as recommended, the same as for other students."*

With regard to the recommendation that *"the Law School should reconsider the need for and fairness of the requirement for Law and German students to take the huisarbeit and amend it if appropriate,"* the School feels that *"Law and German students are particularly well prepared (for the Kleiner Schein), due to the lecture and seminar on BGB in their SF year, which covers most of the basic content of the Kleiner Schein BCG"* and report that only one student has failed the requirements of the Kleiner Schein in the last four years. They feel that *"for now a reconsideration of the requirements of the year abroad is not desirable"* given that *"students perform very well in their year abroad and on graduation."*

The School feels that the Reviewers' recommendation that *"the Law School should initiate a review of the content of courses provided for Law students and make such changes as seem appropriate to the way in which French and French law teaching is provided in the College"* arises from *"an inaccurate impression of the way in which Law and French is taught, based on an apparent misunderstanding of what Law and French students said to them (the Reviewers)."* The impression gained by the Reviewers that *"the course does not have significant French Law instruction is very far from reality, and could easily have been corrected had they spoken with the Law and French*

co-ordinator." They report that French Law takes up the majority of the students' time on the French side of the course. Similarly, the School feels that the criticism of co-ordination with the French Department seems to be based on students' perceptions as reported to the Reviewers rather than on fact, and the School feels that *"its inclusion in the final report may harm our relations with the French Department."* They report that *"there is, and has been, on-going communication and dialogue between the departments in relation to all issues pertaining to the structure and delivery of the interdisciplinary degree programmes. This occurs both through the relevant subcommittee and through direct contact between the relevant individuals."* The Faculty Dean suggests that the course management committee should give some consideration to the view of the Reviewers and the students on the appropriateness of the generic courses in the freshman years.

The School reports that *"extensive steps are already taken by the Law School... to make students aware before they go abroad of the methods of assessment and conventions for translating assessments of performance from each French university into the TCD system."* To date, the School has not published the conversion tables in advance but is happy to amend this policy in the interests of transparency, in order to alleviate the potential for anxiety which might arise.

Concerning the Reviewers' comments about the broad curriculum, the Faculty Dean does not accept the reviewers' arguments that the Broad Curriculum is inappropriate for Law.

With regard to the LL.M., the School reports that *"the modules taught on the LL.M. are kept under regular review by the LL.M. sub-committee and by the Director of the LL.M. programme who seeks to align the teaching responsibilities of full-time staff with their research projects and the School's research strategy."* Furthermore, they report that *"a minimum of three students are generally required in order to make a course viable. This rule is rigorously enforced where part-time members of staff or outside lecturers are concerned but may, in exceptional circumstances, be waived where full-time members of staff specifically request this."* The School is reluctant to reduce the number of modules offered, both because the diversity of modules offered enhances the scholastic merit of the programme, and because the large number of subject options is one of the most attractive features of the programme. The Faculty Dean feels that the LL.M is a very successful programme that reflects well on the School and the College and suggests that *"the School's minimum of three students per module should be increased."*

Concerning supervision responsibilities and workload, the School reports that the Director of Teaching & Learning (postgraduate) *"currently provides guidance to all staff carrying out supervision"* and, in conjunction with the Head of School, undertakes periodic checks of the supervisor responsibilities of all members of staff to see whether anyone is over burdened. The Dean reports that *"the Faculty is developing a workload model that should ensure that teaching allocations take full account of thesis supervision as well as formal teaching hours."*

The Faculty Dean supports the recommendation that postgraduate research students should be required to take modules on research methodology. The School states that while postgraduate research students in the Law School currently attend courses relevant to their own research in addition to broader research methodology courses, it is not mandatory, as was the case until 2007. The School wholeheartedly agrees with the Reviewers' recommendations that it would be desirable if the College could provide more funding and space for research postgraduate students in the Law School and the Dean reports that *"with the allocation of additional space in Phoenix House, there is potential to improve the facilities for postgraduate research students"* With regard to the recommendation to revitalise plans to develop the attic space in House 39, the School reports that *"planning permission for such a development would not be forthcoming"* but that *"negotiations are ongoing to ensure that further space will be made available in House 39 in rooms adjacent to those presently occupied by the Law School."*

5. RECOMMENDATIONS TO COUNCIL AND BOARD

In light of the review report and the responses from the School of Law and the Faculty Dean it is recommended that:

1. The School of Law working closely with the Dean of the Faculty of Arts, Humanities and Social Sciences, and other relevant Academic Officers, should consider the detailed recommendations of the Review Report and draw up an implementation plan² for Council approval;
2. College should, in conjunction with the Faculty Dean and the School, conduct a comprehensive review of research in the School addressing, among other things, the balance between international and national foci compared with comparable universities elsewhere.
3. In light of this review report and other recent School reviews, College should:
 - a. develop structures to support and encourage new teaching and learning strategies and in particular technology enhanced solutions;
 - b. develop and implement a staff mentoring programme;
 - c. draw up a Development Control Plan and a space allocation plan to begin to address space shortage.

Provost
26th May 2009

² See *Procedures and Protocol for Quality Review of Schools 2008/09* at <http://www.tcd.ie/vp-cao/qu/qopdf/adrpack2.pdf>