



Nottingham
Law School
Nottingham Trent University

Disrupting Tradition: Pedagogical Innovation in Legal Education

Open University, 10 March 2026



THE OPEN UNIVERSITY



Nottingham
Law School
Nottingham Trent University

Living and looking outside the box: rejuvenating law

Jane Ching, Professor of Professional Legal Education

And the people in the houses
All went to the university
Where they were put in boxes
And they came out all the same.

And there's doctors and lawyers
And business executives
And they're all made out of ticky-tacky
And they all look just the same. ...

And the children go to summer camp
And then to the university
Where they are put in boxes
And they come out all the same

Malvina Reynolds, "Little Boxes", 1962



- “Copilot, provide a photorealistic picture of a lawyer who is ‘made out of ticky-tacky’”
- “Here is your photorealistic depiction of a lawyer “made out of ticky-tacky,” inspired by the imagery of uniformity and constructed sameness from *Little Boxes*. If you'd like a different style (more whimsical, more exaggerated cardboard texture, different setting, etc.), I can generate alternatives—just let me know!”

Boxing

What is it that is distinct about legal education (or the law degree)?

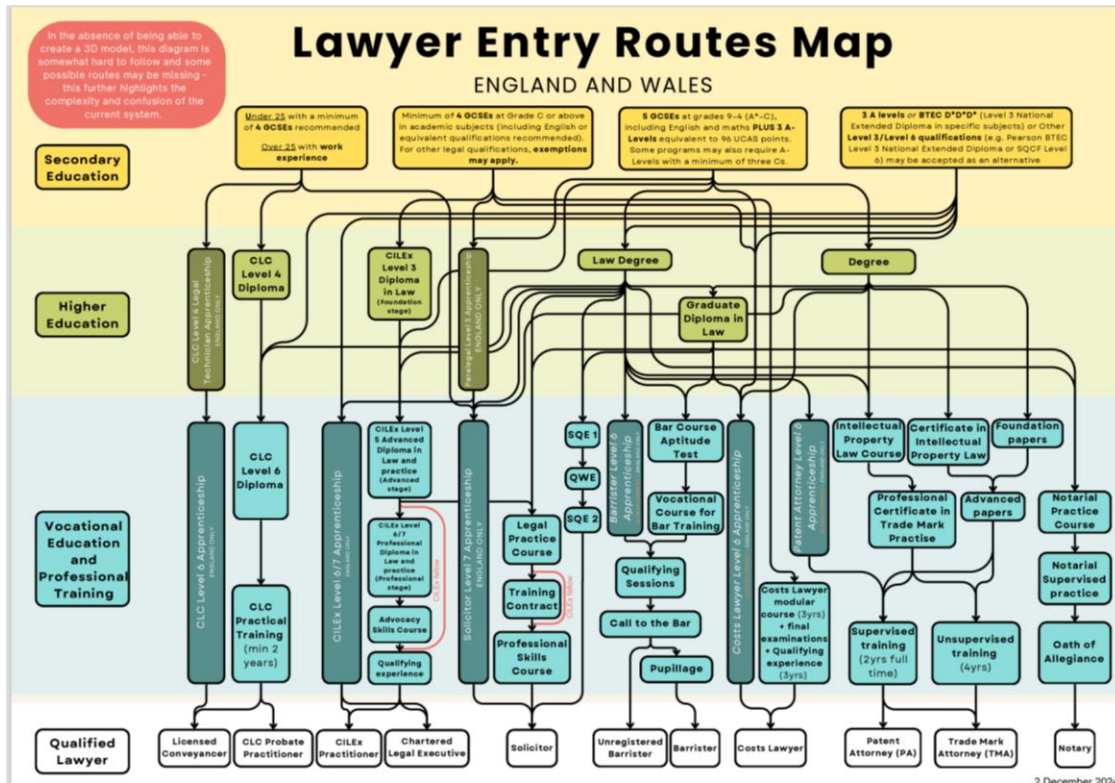




The LLB sits in an odd place in England and Wales

- Not required to qualify as a regulated lawyer (in effect an exemption from professional qualifications)
- “Law degrees prepare graduates for a range of careers”
- What is it that a law degree gives a student that another degree would not?

Quality Assurance Agency, ‘Subject Benchmark Statement: Law’ (Quality Assurance Agency 2023)
<https://www.qaa.ac.uk/docs/qaa/sbs/sbs-law-23.pdf?sfvrsn=c271a881_6> accessed 26 February 2026.



Ann Thanaraj and others, 'The Many Routes into Law – and the Resulting Problems' (*Beyond Compliance*, 2 December 2024) <<https://beyond-compliance.co.uk/compliance-matters/the-many-routes-into-law-and-the-resulting-problems/>> accessed 30 January 2026

What do students think the degree is for?

Melissa Hardee, 'Career Aspirations of Students on Qualifying Law Degrees in England and Wales.' (Higher Education Academy 2014)¹¹, <<https://www.advance-he.ac.uk/knowledge-hub/career-expectations-students-qualifying-law-degrees-england-and-wales>> accessed 26 February 2026.

Table 3: Comparison of reasons for studying law - ranked by mean scores

Ranking	Cohort study (Q12)		UKCLE study (Q1)	
1st	Interested in the subject matter	4.36	Interested in the subject matter	1.63
2nd	Want a stable secure future	4.22	Desire for intellectual stimulation	1.81
3rd	Desire for intellectual stimulation	4.06	Want a stable secure future	1.84
4th	Desire to help people	4.00	Desire to practise law	1.90
5th	Desire to practise law	3.98	Law is a prestigious profession	2.03
6th	Prospect of above average income	3.87	Desire to help people	2.05
7th	Desire for independence	3.82	Prospect of above average income	2.08
8th	Enjoyment of debating and argument	3.75	Desire for independence	2.15
9th	Law is a prestigious profession	3.69	Desire for professional training	2.18
10th	Desire for professional training	3.67	Enjoyment of debating and argument	2.19
11th	Desire to reduce social exclusion and disadvantage	3.29	Desire to reduce social exclusion and disadvantage	2.61
12th	Media portrayals of what lawyers do	2.06	Media portrayals of what lawyers do	3.61
13th	Family wanted me to study law	1.95	Uncertain, law seemed best option	3.89
14th	Uncertain, law seemed best option	1.91	Family wanted me to study law	4.04
15th	Influence of schoolteacher(s)	1.68	Influence of schoolteacher(s)	4.08
16th	Having a lawyer in the family	1.58	Having a lawyer in the family	4.15

Can we work out what is distinct from threshold concepts (and threshold capabilities?)

- A threshold concept is specific to a discipline and:
 - Transformative (occasioning a significant shift in the perception of the subject);
 - Irreversible (unlikely to be forgotten, or unlearned only through considerable effort);
 - Integrative (exposing the previously hidden interrelatedness of something); and
 - Troublesome

Jan HF Meyer and Ray Land, 'Threshold Concepts and Troublesome Knowledge (2): Epistemological Considerations and a Conceptual Framework for Teaching and Learning' (2005) 49 Higher Education 373

Threshold concepts (and threshold capabilities?)

- In law?
 - rule of law and precedent
 - uncertainty
 - 'analogy, materiality, responsibility, allocation of risk'
 - 'contingency'
 - research
 - 'malleability'
 - 'thinking like a lawyer'
 - contracts
 - the difference between ratio and result

Is the distinctiveness in method and methodologies?



- Doctrinal
- Comparative
- Legal skills
- “Thinking like a lawyer” – but what kind of lawyer? Why, if most undergraduates won’t become lawyers?

Is the distinctiveness in signature pedagogies?

- For advocates and appellate judges
 - Langdellian Socratic case method
 - Mooting
- For legal advisors
 - Problem questions (not the same as PBL)
 - Clinical legal education (as a subset of experiential legal education)

Creativity

- “Prescribe”
 - Draft and interpret laws
- “Describe”
 - Draft contracts and other legal documents
- “Persuade”
 - Negotiate deals
 - Advocate
 - Solve problems
- Translate





Unboxing

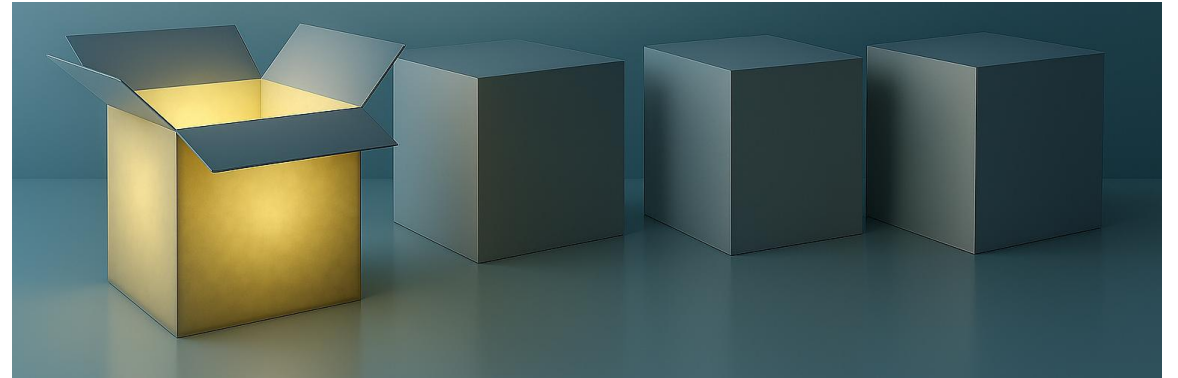
What could we rejuvenate or change?





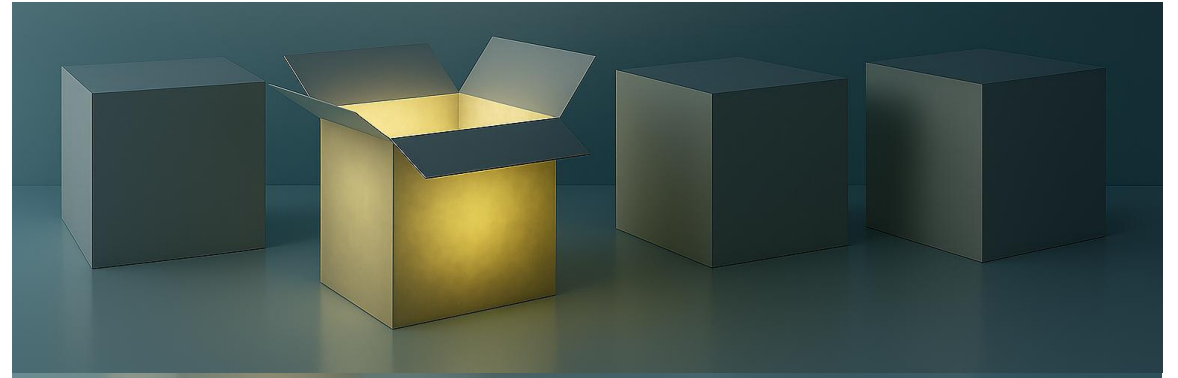
Box 1: the subject

- Law of obligations anyone?
- Comparative law? Global law?
- The double maîtrise
- Business law? Law with Business?
- Applied law v pure law? Pathways?



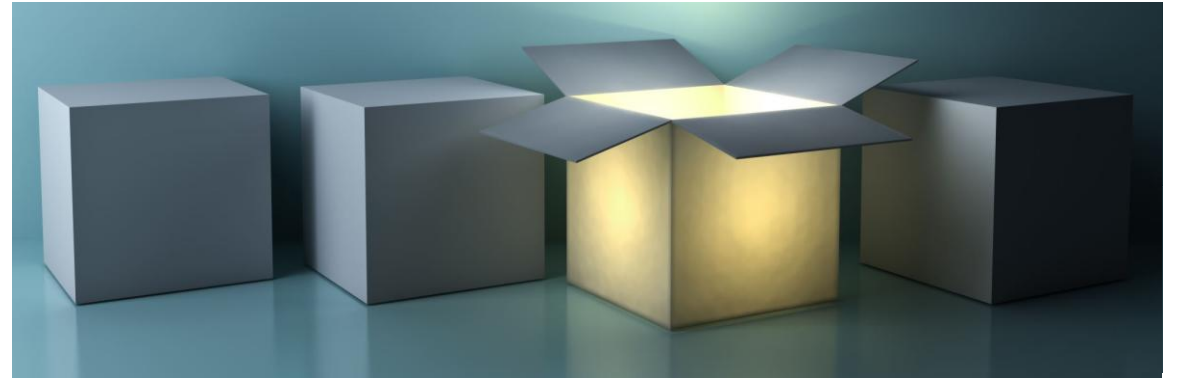
Box 2: the school

- Mandatory IT?
- A social justice theme? An international theme?
- Problem-based learning for all (Maastricht, York)?
- Clinical and experiential (Universidad de los Andes, Brigham Young Academies)?
- Expertise in part-time study (OU)



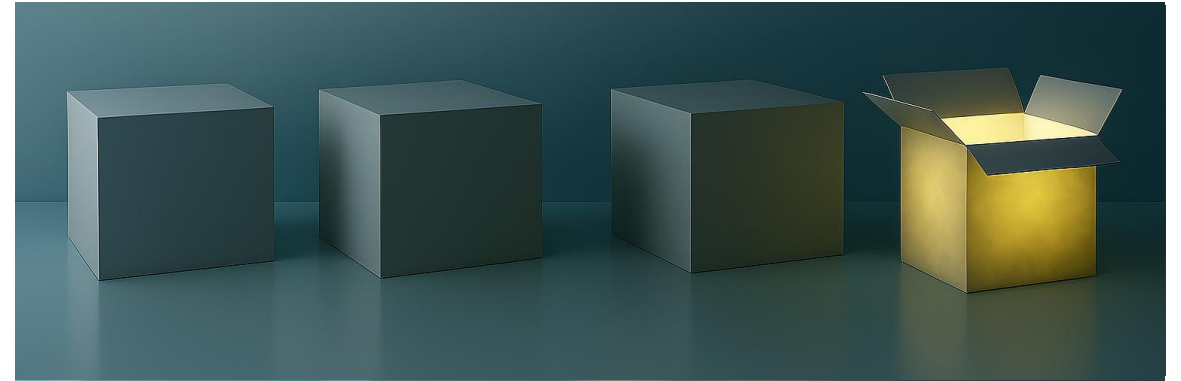
Box 3: the classroom

- Victorian classroom?
- SCALE-Up and other spaces?
- IT, online and gamification?
- Learning by walking around?
- The clinic?
- The workplace?

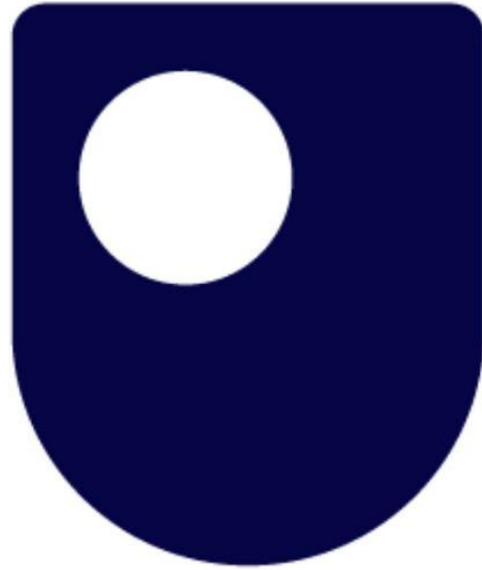


Box 4: the teacher and the students

- International students. Working students. Caring students. Commuting students.
- Life experiences?
- Interaction and co-teaching?
- Co-creation? Self-determination?







**The Open
University**

References

- Anon, 'Reflections on a Student Co-Creation Project in Law Using Micro-Sprints' (*University of Manchester, SoSS Teaching and Learning*, 17 May 2023) <<https://sites.manchester.ac.uk/sossteachlearn/2023/05/17/reflections-on-a-student-co-creation-project-in-law-using-micro-sprints/>> accessed 4 March 2026
- Bellos D, *Is That a Fish in Your Ear?* (Penguin Books 2012)
- Burke DD, 'Scale-Up! Classroom Design and Use Can Facilitate Learning' (2015) 49 *The Law Teacher* 189
- BYU Law School, 'Academies' (*BYU Law School*, 2025) <<https://law.byu.edu/academies>> accessed 4 March 2026
- Cabral A and others, 'Curriculum Enhancement through Co-Creation: Fostering Student-Educator Partnerships in Higher Education' (2023) 7 *International Journal for Students as Partners* 111
- Carlin N and Vincent J, 'A Legal "Dweller on the Threshold"' (2025) 59 *The Law Teacher* 478
- Ching J, "'Favourable Variations": Towards A Refreshed Approach For The Interviewing Classroom.' (2015) 25 *Legal Education Review* 173 <<https://classic.austlii.edu.au/au/journals/LegEdRev/2015/8.pdf>> accessed 4 March 2026
- Claessens SJFJ, 'The Role of Student Evaluations in a PBL Centred Law Curriculum: Towards a More Holistic Assessment of Teaching Quality' (2020) 54 *The Law Teacher* 43
- Edwards C and Hardie L, 'A Symposium of Co-Creation' (*The Open University*, 2026) <<https://law-school.open.ac.uk/blog/symposium-co-creation>> accessed 4 March 2026 Hardee, M, 'Career Aspirations of Students on Qualifying Law Degrees in England and Wales.' (*Higher Education Academy* 2014) <<https://www.advance-he.ac.uk/knowledge-hub/career-expectations-students-qualifying-law-degrees-england-and-wales>> accessed 4 March 2026
- Field R and Meyer JHF, 'Threshold Concepts in Law: Intentional Curriculum Reform to Support Law Student Learning Success and Well-Being' in Emma Jones and Fiona Cownie (eds), *Key Directions in Legal Education* (Routledge 2020)
- Hutchinson T and Duncan N, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17 *Deakin Law Review* 83
- Huxley-Binns, R and Ferris, G, 'Putting Theory into Practice: Designing a Curriculum According to Self-Determination Theory' (2013) 19 *The International Journal of Pedagogy and Curriculum* 1.
- Leering, M, 'Enhancing the Legal Profession's Capacity for Innovation: The Promise of Reflective Practice and Action Research for Increasing Access to Justice' (2017) 34 *Windsor Yearbook of Access to Justice* <<https://papers.ssrn.com/abstract=3162880>> accessed 4 March 2026
- Menkel-Meadow C, 'Aha? Is Creativity Possible in Legal Problem Solving and Teachable in Legal Education?' (2001) 6 *Harvard Negotiation Law Review* 97

References

- Meyer JHF and Land R, 'Threshold Concepts and Troublesome Knowledge (2): Epistemological Considerations and a Conceptual Framework for Teaching and Learning' (2005) 49 Higher Education 373
- Moust JHC, 'The Problem-based Education Approach at the Maastricht Law School' (1998) 32 The Law Teacher 5
- Rodríguez EL and Muñoz DON, 'Learning Law through Experience and the Development of Competencies: The Case of the Law School at Uniandes' (2025) 6 European Journal of Legal Education 291 <<https://publications.coventry.ac.uk/index.php/EJLE/article/view/1329>> accessed 4 March 2026
- Solomon, S, 'Little Boxes — Malvina Reynolds' 1962 Song Captured the Mood of the Times' *Financial Times* (17 January 2022) <<https://ig.ft.com/life-of-a-song/little-boxes.html>> accessed 4 March 2026
- Steel A, 'Succeed, Question, Repeat: Threshold Concepts and Variation Theory in Understanding How Law Students Build Competency' (2019) 53 The Law Teacher 231
- Thanaraj, A and others, 'The Many Routes into Law – and the Resulting Problems' (*Beyond Compliance*, 2 December 2024) <<https://beyond-compliance.co.uk/compliance-matters/the-many-routes-into-law-and-the-resulting-problems/>> accessed 4 March 2026
- Tilburg University, 'Global Law LLB' (*Tilburg University*, 8 April 2026) <<https://www.tilburguniversity.edu/education/bachelors-programs/global-law>> accessed 4 March 2026
- Webb J, 'Problem-based Legal Education' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford University Press 2008) <<https://www.oxfordreference.com/view/10.1093/acref/9780199290543.001.0001/acref-9780199290543-e-1737>> accessed 4 March 2026
- Webster E and McDiarmid C, 'Contingency in Practice: Applying a Threshold Concept in Law' (*Uk Centre for Legal Education*, 2010) <<https://resources.ials.sas.ac.uk/ukcle/78.158.56.101/archive/law/resources/directions/issue-20-spring-2010/contingency-and-contested-narrative-a-threshold-co/index.html>> accessed 4 March 2026
- Weresh MH, 'Stargate: Malleability as a Threshold Concept in Legal Education' (2014) 63 Journal of Legal Education 689
- Yin K and De Maio C, 'Transformative, Troublesome and Liminal: Does the Presentation of Legal Reasoning in the Legal Studies Curricula in Higher Education Institutions Satisfy the Characteristics of a Threshold Concept?' (2023) 57 The Law Teacher 1
- York Law School, University of York, 'York Law School' (*University of York*, No date) <<https://www.york.ac.uk/law/>> accessed 4 March 2026



Nottingham
Law School

Nottingham Trent University

Jane.ching@ntu.ac.uk

