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Institute of Advanced Legal Studies

Report of the Review Committee

Preface

The Committee for the review of the Institute of Advanced Legal Studies was set up as a sub-committee of the Board of the Institute at a meeting of the Board on 3 November 1998 with the following terms of reference:

"To review the current structure, management and academic performance, academic activities and objectives of the Institute, and to furnish a report and recommendations to the Chairman of the Board of the Institute in time for consideration by the Board at its meeting in May 1999."

The membership of the Committee was as follows:

Professor Roy Goode (Chairman) (University of Oxford)
Professor Hugh Beale (Warwick University)
Professor Paul Davies (London School of Economics and Political Science)
Professor Hazel Genn (University College London)
The Rt Hon Lord Justice Mummery (Lord Justice of Appeal)
Professor Genevra Richardson (Queen Mary and Westfield College)
Professor Sir David Williams (University of Cambridge)

The Secretary to the Committee was initially Mr David Phillips, Administrative Secretary of the Institute. He was succeeded by Mrs Gail Duggett, Head of the Central Secretariat of the University of London, assisted by Miss Rosalind Sector.

The Committee met on seven occasions for a total of six days. The first meeting was held on the afternoon of 1 December 1998 at the Institute of Advanced Legal Studies. Subsequent meetings were held in the Senate House on 29 January, 19 February, the morning of 20 February, 26 February, 26 March and 16 April 1999.

We sought evidence from as wide a range of interested parties as possible, including individuals and organisations within the various constituencies served by the Institute. These included the current and recently retired members of the Board, the Society of Public Teachers of Law, the Socio-Legal Studies Association, the Association of Law Teachers (invitations to these bodies being sent to the relevant officers with a request to co-ordinate responses from their members), the Heads of the University of London law schools (with a request to distribute this invitation to members of staff of their faculty or department), current and recent visiting fellows of the Institute,
members of the Society for Advanced Legal Studies, the LLM Co-ordinator, and staff and research students of the Institute. An invitation to submit written evidence was also published in Amicus Curiae (the journal of the Institute and the Society for Advanced Legal Studies) and on the Institute's web site. In addition, letters were sent to a number of individuals inviting them to give oral evidence, and a similar invitation sent to student groups to send their representatives to talk to us.

Written evidence was submitted by no fewer than 59 individuals and organisations, and we took oral evidence from 19 witnesses. A complete list of those who gave written and/or oral evidence is set out in Appendix 1. We are indebted to them all for taking the time to give us their views on the Institute and its activities and objectives.

We should also like to record our warm appreciation of the help we received in various ways from the Director, Professor Barry Rider, the Librarian and Deputy Director, Mr Jules Winterton, and the Administrative Secretary, Mr David Phillips, initially as Secretary to our Committee and later in responding so efficiently and cheerfully to our decidedly demanding requests for information and documents. We were also greatly assisted by our discussions with the Vice-Chancellor, Professor Graham Zellick, and the Dean of the School of Advanced Study, Professor Terence Daintith.

We owe a particular debt also to Mrs Gail Duggett, who, ably assisted by Miss Sector and other members of the Central Secretariat, served the Committee with wonderful efficiency, making our task a great deal easier than it might otherwise have been.

Finally, as Chairman of the Review Committee I should like to pay tribute to my colleagues on the Committee, who despite other heavy pressures of work found time to peruse a considerable volume of paper, to take part in our meetings (rather more numerous, I fear, than I may initially have led them to expect!) and to make an invaluable contribution to our work and the resultant Report.

We had to conduct our wide-ranging review within a fairly severe time constraint. We are conscious of the fact that in the period of a little over four months available to us there are issues we may have overlooked and factors we may have failed to take into account as fully as we should have done. But we hope that our Report will be of assistance to the Board and to the Institute as it moves into a new and potentially very fruitful plane of activity in order to realise its potential as a research institute of international standing. We wish it well in its endeavours.

Roy Goode
27 April 1999
Introduction to Our Review

It is now over 52 years since the Institute of Advanced Legal Studies was established and 12 years since the fundamental review conducted by the Megarry Committee. In that time the Institute, which possesses one of the three best law libraries in the United Kingdom and one of the best in Europe, has established itself as a meeting ground not only for postgraduate students of the University of London using the Library and lecture room facilities, but also for scholars, judges and practising lawyers in the United Kingdom and from all other parts of the world. Over the past decade its role and activities, which for many years were identified primarily with its Library facilities and the hosting of various lectures, seminars and workshops, have greatly expanded, due to the energy and drive of the previous Director, Professor Terence Daintith, and his successor, Professor Barry Rider. Between them they have transformed the Institute into a body which now undertakes a substantial amount of research, facilitates valuable research by scholars from law schools and other institutions in this country and abroad, registers its own research students in selected areas, and has made great efforts, with no small degree of success, to strengthen its links with the practising profession and actively to welcome practitioners to participate in a wider academic community. The achievements of the Institute during this period with what is still a small staff are striking.

Inevitably this growth of activity has imposed stresses, both within the Institute itself and in its relationship with the law schools of the University of London. Concerns have been expressed that the Institute is taking on more research students than it can properly handle - indeed, that it is beginning to compete with, rather than to complement the work of, the law schools; that too many of its activities and publications are directed to short-term, practice-oriented issues, rather than to the promotion and facilitation of high quality academic research; and that its ability to engage in serious theoretical work of the kind to be expected of an institute of advanced study is inhibited by its heavy dependence on "soft" money and the fact that most of its research posts are tenable for only one year at a time. There is also a sense that while many of the Institute's activities may involve contact and collaboration between the Institute and individual scholars within the London law schools, the unique opportunities which the Institute's location provides for collaboration between the Institute and the London law schools are not being taken. The Institute for its part is concerned that there may be a lack of awareness among the law schools of what the Institute has achieved, what it is seeking to achieve, and the severe constraints, financial and otherwise, under which it has to labour.

Accordingly a review of this kind is timely. In this Report we have sought to identify the many strengths of the Institute, to evaluate the various criticisms that have been made - some of which in our view are well-founded, while others are, perhaps, based on misunderstandings or misconceptions - and to

1See paragraphs 9 et seq. and Appendix 2.
propose measures by which weaknesses can be remedied. In making such criticisms as appear in the following pages we have been very conscious of the fact that the Institute is serving - and in our view rightly serving - a much wider range of constituencies than is the case for some of the other Institutes within the University which are focused more exclusively on academic research and scholarly publication. But one of the striking features of the School of Advanced Study is the diversity of Institutes under its umbrella, each possessing distinctive characteristics which mark it out from the others, while having the common aim of promoting advanced learning and scholarship nationally and internationally, not merely within the University of London.

As we explain later, the Institute not only provides a service to students and law teachers within the University of London but also has a national and international role. This has two distinct facets. The first is the Institute's own research, which is not confined to domestic law but encompasses European, international and comparative law. The second is the facilitation of research by others. The Institute seeks to fulfil this role in a variety of ways. We describe these a little later and indicate how the Institute's important research facilitation role, which requires it to be responsive to developments across the whole field of law, might be significantly expanded.

In preparing our Report we have sought, first, to describe the Institute's activities, organisation and management; secondly, to evaluate its performance of its various functions as defined by its own Mission Statement, identifying both its many strengths and what we perceive to be certain weaknesses; and, thirdly, to suggest in a series of recommendations the ways in which the Institute can realise its potential as a research centre of national and international standing. At the end of the day the reputation of the Institute as a national and international centre for advanced legal research will depend on the quality of its core academic work and its success in promoting and facilitating such work by others. The measures we propose in this Report, as summarised overleaf, are directed to that end.
II Summary of Recommendations

Recommendation 1

The Institute’s objects, to be set out in the revised Scheme for the Institute, should be restated in the following terms (paragraph 24):

"The role of the Institute of Advanced Legal Studies is to conduct research; to promote and facilitate, within London and nationally and internationally, research and scholarship at an advanced level across the whole field of law; to disseminate the results of such research and scholarship; and to provide to all those undertaking research in law a library facility, with up-to-date technology, that is international in character and standing."

Recommendation 2

Given its remit as a general, rather than a specialist, research institute, the Institute should engage in research and research facilitation across the whole field of law. The Institute’s own research should be conducted in at least five major areas at a time, but it should be prepared to move out of any given area and into another in response to changing circumstances, including shifts in its areas of interest and expertise (paragraphs 26-27).

Recommendation 3

Whatever the current fields of research, they should together encompass, wherever possible, public and private law, comparative and European law, public international law and the conflict of laws, and substantive and procedural law, together with legal education, training and professional responsibility (paragraph 27).

Recommendation 4

In its research work the Centre for Corporate Law and Practice should seek to undertake more long-term theoretical work running alongside its other activities, including, but not limited to, work based on empirical research (paragraph 39).

Recommendation 5

The role of the Centre for Legislative Studies should be expanded to develop sustained theoretical work in this neglected field and appropriate resources should be provided (paragraph 44).

Recommendation 6

The Institute should be prepared to assist the London law schools by
encouraging its research fellows, with the agreement of the relevant law teachers in the law school concerned, to contribute to the LLM programme within their fields of expertise (paragraph 49).

**Recommendation 7**

In general, there should be a Centre for each major field of research. This should be headed by a senior academic holding a permanent or long-term appointment. Ideally, he or she should be supported by a senior research fellow appointed for a five-year period and at least two research/senior research fellows appointed for not less than three nor more than five years. The minimum should be the above complement less the five-year research fellow. In addition, there should be research assistants appointed from research grants (paragraphs 51-52).

**Recommendation 8**

The Institute should seek through the School of Advanced Study and the University to persuade external funding bodies to increase their grant (paragraph 53).

**Recommendation 9**

More effort should be devoted to attracting research funds from grant-awarding bodies such as the Economic and Social Research Council and the Arts and Humanities Research Board and from other sources of funds (paragraph 53).

**Recommendation 10**

If choices have to be made through shortage of funds, the Institute should give priority to maintaining research in at least five fields over increases in the size of Centres above the minimum we have proposed (paragraph 53).

**Recommendation 11**

Opportunities should be taken to pick up ideas sparked off at meetings with practitioners, particularly through the activities of the Society for Advanced Legal Studies, and to develop these into research projects (paragraph 57).

**Recommendation 12**

The Institute should seek to secure a greater involvement of Government lawyers in its activities (paragraph 58).
Recommendation 13

To assist practitioners in responding to consultation papers the Institute could organise workshops to discuss the issues raised in such papers and invite practising lawyers to participate (paragraph 59).

Recommendation 14

The Institute should consider expanding its role of a clearing-house for the dissemination of information on legal research, for example by placing on its web site details of research in progress by doctoral students. It should also provide information on research fellows and visiting scholars at the Institute and elsewhere in the United Kingdom, and should assist visitors and encourage them to visit law schools, particularly outside London, which would be interested in receiving a visit (paragraphs 61-62).

Recommendation 15

The Institute should seek to bring together a regular flow of visiting scholars of the highest intellectual calibre with a view to establishing the Institute as a focal point for the flowering of ideas and scholarship (paragraph 66).

Recommendation 16

No member of the academic staff of the Institute ought normally to be supervising more than the full-time equivalent of eight students at any one time. For this purpose a part-time student should be counted as 0.75 in terms of full-time equivalent (paragraph 81).

Recommendation 17

Over time the admission standard for research students should be raised so as to restrict admission to those having outstanding academic qualifications or manifesting, by publications or otherwise, equivalent intellectual ability (paragraph 82).

Recommendation 18

The Institute should feel free, in accepting research students, to take into account their willingness to participate in one or other of the Institute's research programmes, but it would not be appropriate to require all research students to fit into such pre-determined programmes (paragraph 84).
 Recommendation 19

The Committee endorses the view that the extension of the present building to provide more space is vital, particularly to accommodate the expansion of the Library, and fully supports the work of the Development and Advisory Committee in that regard (paragraphs 95-96).

Recommendation 20

The Institute should enter into discussions with the London law schools with a view to increasing the capitation fee for LLM students so as to capture part of the unrecovered costs attributable to them, and to setting a higher fee for full-fee students (paragraphs 99-100).

Recommendation 21

It is important that the Institute should remain an integral part of the University of London and continue to benefit from being within the School of Advanced Study (paragraphs 101-103).

Recommendation 22

Steps should be taken to foster closer links between the Institute and the London law schools. These should include the measures suggested in paragraph 111 (paragraphs 110-111).

Recommendation 23

A person appointed as Director should, first and foremost, be a scholar of international repute in his or her chosen field and should possess the leadership skills necessary to promote the Institute's national and international role as a research institute. The appointee should also have an interest in strengthening the Institute's links with the practising profession and a willingness to engage in fund-raising (paragraph 115).

Recommendation 24

The Directorship should be open to all scholars meeting the criteria set out in Recommendation 23 (paragraphs 116-118).

Recommendation 25

The normal period of appointment should be five years in the first instance, with an indication in the particulars of the post that if the Director's performance is well-regarded the appointment could normally be expected to be renewed for a further period of five years (paragraph 119).
Recommendation 26

Steps should be taken to make the conditions of appointment appropriately attractive for a post which should be recognised as one of the most prestigious academic legal appointments in the country (paragraph 120).

Recommendation 27

The composition and business of the Institute’s Board and its various committees are matters which the Board may wish to consider. Thought should be given to reconstituting the Resources Policy Committee, with new terms of reference, to assist the Director with fund-raising (paragraphs 125-131).

Recommendation 28

The Woolf Professor of Legal Education for the time being should be invited to join the Management Committee, as should a full-time Director of any other Centre to be established in the future (paragraph 132).

Recommendation 29

Periodic staff meetings should be held for administrative staff, and members of the Management Committee should, in addition, maintain regular informal contact with staff members (paragraphs 133-134).

Recommendation 30

In future Annual Reports the academic staff list should be arranged so as to show the membership of each Centre or other grouping. The Institute should also produce a handbook describing its functions and the facilities it offers (paragraphs 135-136).

Recommendation 31

The Institute’s performance should be assessed against its Mission Statement and the revised statement of objects we have suggested (see Recommendation 1). The criteria to be applied should include the performance indicators set out in paragraph 142 (paragraphs 141-142).

Recommendation 32

External appraisal should take place every five or six years. Relatively light internal appraisals by members of the Board of the Institute who are not on the staff of the Institute should be undertaken every two or three years (paragraphs 143-145).
Recommendation 33

Efforts should be made through the School of Advanced Study and the University to have the Institute’s national and international role as a facilitator of research fully taken into account by the Higher Education Funding Council for England (paragraph 149).

Recommendation 34

The Institute should launch a major appeal for funds (paragraph 152).

Recommendation 35

Efforts should be made to raise funds, from within the University or from external sources, to allow for the financing of a possible "gap year" between the ending of one research project and the beginning of another (paragraph 153).
III Historical Background

Early Days

1. The Institute of Advanced Legal Studies was established in 1946, though its first staff were not appointed until 1947. While the Institute was set up by the University of London, it was from the outset conceived as a centre of excellence for the promotion of advanced legal research which would serve legal scholars everywhere. The creation of just such an institute had been strongly urged before the war by the Atkin Committee, whose Report made clear its perception of the national and international role an institute of advanced legal studies would be designed to play:

"There is also a need for an institution which would be a headquarters for academic research and would promote the advancement of knowledge of the law in the most general terms. The natural organ for this purpose will be found in the establishment of an Institute of Advanced Legal Studies. The situation of this Institute must necessarily be in London. The experience of the Institute of Historical Research (which is part of the University of London) shows that the constitution of that University is sufficiently flexible to allow of direct association with the University of the city in which the Institute is placed without in any way prejudicing the co-operation either of other Universities or of other bodies....

"An Institute of this character would, moreover, serve as a centre of study for many of the students who come to this country from our overseas Dominions and Colonies. It would also serve as a clearing house by the aid of which information as to the laws of the British Commonwealth of Nations and foreign countries could be made available."  

The Founding of the Institute

2. There was no Government action on the Atkin Report for some years, but in 1938, upon the urging of a sub-committee of the Society of Public Teachers of Law, Lord Maugham, who had become the Lord Chancellor, appointed a new committee under the chairmanship of Lord Macmillan to advise as to the best means of carrying into effect the recommendations of the Atkin Committee for the establishment of an institute of advanced legal studies. But the Macmillan Committee's activities were suspended soon after

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2Report of the Legal Education Committee (Cmd. 4663, 1934). The committee was set up by the then Lord Chancellor, Lord Sankey.

3Report, section B, paragraphs 2 and 4.

4See further Willi Steiner, "The establishment of the Institute of Advanced Legal Studies of the University of London", Bulletin of the Institute of Advanced
the outbreak of the Second World War, and it was the University of London that took the initiative in bringing the Institute into being.\(^5\) In 1948 the Macmillan Committee was discharged without having rendered a report. By that time the new Institute was up and running. In its First Prospectus 1948 it defined its national and international role in unambiguous terms:

"The establishment in London of a centre for the promotion of Advanced Legal Studies fulfils a long-cherished aspiration. For many years it has been felt to be eminently desirable that in the parent metropolis of the Common Law better provision should be made for the encouragement of the study of the higher branches of legal science and for making available to scholars not only in this country but throughout the British Commonwealth and abroad the unrivalled materials which exist in London for legal research.... The Institute aims at becoming the focal point of legal research for the United Kingdom and the countries of the British Commonwealth."

**Expansion**

3. For many years the Institute operated with a very small staff. The post of Director was part-time until 1976, being held successively by Professor (later Professor Sir David) Hughes-Parry, who during his first year of office was concurrently Vice-Chancellor of the University and who served as Director until 1959, and Professor (later Professor Sir Norman) Anderson, who held office for 17 years, and who for much of that time continued as Head of the Department of Law at the School of Oriental and African Studies. The legendary Howard Drake combined the offices of Secretary and Librarian. Starting from scratch in 1947, he not only created what was to become the leading law research library in the United Kingdom, but also was responsible for securing recognition of law librarianship as a distinct profession. In addition, he built up the administration of the Institute and organised all its activities. Through the labours of Howard Drake and his two distinguished Directors the Institute rapidly developed links with overseas law schools and law libraries, and from its early days the Institute attracted a flow of outstanding postgraduate law students, many of whom went on to achieve high judicial office or to establish themselves as jurists of international repute.

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\(^5\) A fact of which the Attorney-General was blissfully unaware when, in a written answer in May 1947 to a question raised by a Member of Parliament, he stated that it was inappropriate to set up an Institute of Advanced Legal Studies!
4. However, with the passage of time it became increasingly clear that the Institute could not fulfil its objectives on so small an academic and administrative base and in the cramped premises they occupied at 25 and 26 Russell Square. These were insufficient to hold the library collection, part of which had to be housed, inconveniently, at the University of London Depository Library at Egham. During the early 1970s various steps were taken to deal with these problems. The post of Secretary and Librarian was divided in 1971, and in 1976 the Institute moved to its present premises at Charles Clore House in Russell Square, built through a generous benefaction from Sir Charles Clore. That same year Professor Aubrey Diamond, Professor of Law at Queen Mary (later Queen Mary and Westfield) College, was appointed the first full-time Director, a post he continued to hold until September 1984, when he retired, continuing on a part-time basis until the end of January 1986. Sir Jack Jacob QC took over the following month as temporary part-time Director pending a search for a new permanent Director. Over the same period the complement of Library staff was substantially expanded and the administrative support reinforced.

_The Megarry Report_

5. In May 1985 the Institute's Committee of Management appointed a Sub-Committee to review the policy of the Institute. Sir Robert Megarry was elected Chairman. The Megarry Report, the first major policy review since the Institute's original Policy Statement in 1946, noted the excellence of the facilities but focused on what had widely been regarded as a key weakness of the Institute, namely its almost exclusive Library function.

"As the Institute has developed over the years, it has established a law Library that is first class both in the materials that it contains and in the premises that house them. It also provides accommodation for some important functions of the University of London, and organises various ancillary activities. Nevertheless, there is much force in the comment that as it stands today the Institute is essentially an excellent Library with a number of peripheral activities. It has yet to develop into what it should be and was originally intended to be, namely, the national centre for legal research with a wide range of scholarly activities. Many of the recommendations which follow are aimed at the development of the Institute into just such a national centre."  

6. The Megarry Committee went on to record the strong sense of disappointment at the fact that the Institute had not itself been involved in initiating legal research. It recommended that the Institute should initiate, promote and sustain research through a wide range of activities and emphasised that it would be unrealistic to expect all these activities to be

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*Ibid., p. 5.*
overseen by a part-time Director. That was a matter not merely of available time but of the stature of the post appropriate to a centre of excellence for legal research. It was necessary to appoint a full-time Director who by his example and reputation would attract other research workers and research activity to the Institute.  

This has been the primary goal of the two subsequent Directors, Professor Terence Daintith, who served as Director for nearly eight years before becoming Dean of the School of Advanced Study, and his successor, the present Director, Professor Barry Rider. Under their leadership the Institute has expanded its activities, very much along the lines envisaged by the Megarry Committee, and has also strengthened its links with the practising profession as described later in this Report.

7. We have given this outline of the Institute's history to emphasise two central points: first, that from its inception the Institute's role has been to serve the wider community of scholars, both within and outside the United Kingdom, and not simply, or even primarily, to accommodate the needs of the University of London and its constituent law schools; and secondly, that the undertaking and facilitation of advanced research, supported by one of the finest research law libraries in Europe, lies at the heart of the Institute's endeavours.
IV  The Institute in Transition

The Unique Character of the Institute

8. In various respects the Institute is unique as a centre of legal scholarship in the United Kingdom. In the first place, it is the only academic organisation whose remit as an institution encompasses all fields of research in law. There are a number of law schools with specialist research institutes, but no law school with an institute whose terms of reference for legal research are general in character. Teachers of law do, of course, engage in research covering a wide range of subjects, but such research is typically individual rather than institutional. Secondly, the Institute is neither free-standing nor part of a self-governing College but is an integral part of the University of London. Thirdly, the Institute functions at three distinct levels, local, national and international, as discussed below. Finally, it is increasingly serving as the central bridge between the academic lawyers and the practising profession, to their mutual advantage. For all these reasons the Institute plays a vital part in the life of academic lawyers here and overseas.

The Institute’s Local Role

9. Within the University of London the Institute possesses a priceless resource in its Library, which is the central research facility for the University’s law teachers and its 1,200 postgraduate law students, as well as a number of non-law graduates and non-degree students attending LLM seminars. The Institute also makes available its lecture and seminar rooms for lectures and seminars in the intercollegiate LLM programme. The Institute’s location in London makes it the natural centre for legal research by scholars in other academic institutions in London and by practising lawyers and judges based in London.

The Institute’s National Role

10. Important though the Institute is for legal research within the University of London, its primary function, as conceived from the very beginning and reinforced by the Megarry Report, is to serve the wider community of scholars in the United Kingdom. Its fine Library is used by postgraduate students and scholars from all parts of the country. The Library provides an excellent training in law librarianship, and while it is true that many younger staff are not retained - since law firms value their training highly and are able to offer more attractive salaries - the Institute believes that this training contributes to the national good in helping to raise standards of law librarianship. The Institute assists the promotion of academic interchange through its programmes of lectures, seminars, conferences and workshops, most of which

*We set out in paragraphs 101 et seq. the reasons why we consider it should remain so.
are open without charge to all who are interested and to which law teachers from all over the United Kingdom contribute. In recent years it has helped to strengthen the links between academic and practising lawyers and increasingly serves as the gateway through which members of the legal academic community make contact with practising lawyers and work with them on issues of mutual interest and concern. In addition, the Institute provides distance services to law firms and other subscribers.

11. We see opportunities for a significant expansion of this research facilitation role, for example, by publishing details of ongoing research, by assisting practitioners to formulate responses to consultation papers on law reform, and by picking up ideas provoked in discussions with practitioners and translating these ideas into research projects.

The Institute's International Role

12. The Institute's international links are of long-standing. From the time of its creation it has acted as host to visiting scholars from all parts of the world, providing them with offices or carrels and making its Library and other facilities available to them. It also invites distinguished overseas lawyers, including judges and practitioners, to deliver lectures and conduct seminars at the Institute. For many years the Institute has organised programmes on public and private international law and legislative drafting for the legal advisers of Commonwealth governments; and it provides professional training, through its International and Professional Training Unit and otherwise, for foreign judges and senior civil servants on such issues as economic crime, money laundering and corruption. Its relations with overseas governments now extend well beyond the British Commonwealth.

From the Megarry Report to the Present Day

13. The Megarry Report lamented the fact that so much of the Institute's activity was focused on its Library function and so little on research, which was surely a primary function of an institute of advanced study. In the 13 years since the publication of the Megarry Report the Institute, under the leadership, first, of Professor Daintith and, later, of Professor Rider, has made great efforts towards the fulfilment of its mission to become a national and international centre for the promotion of advanced legal research and, to that end, to draw not only on the knowledge of the academic community but also on the expertise of the practising profession. Much has been achieved, as we indicated briefly at the beginning of our Report and set out in more detail in the pages that follow. Yet there is still a good deal to be done before the Institute is fully able to realise its potential and to fulfil the aspirations set out in its Mission Statement as set out in paragraph 23. In the concluding part of this Report we discuss the Institute's strengths and weaknesses; what needs to be achieved to bring its ambitions to fruition; and the opportunities we consider are there to be seized, given the vision, energy and enterprise needed to capture them.
V  A Profile of the Institute

Activities

14. The Institute's activities fall principally under seven heads:

- the undertaking of research, both commissioned and on its own initiative, and the dissemination of the fruits of such research through publications
- the facilitation of study and research through the provision of library facilities
- the supervision of research by MPhil and PhD students of the University in fields of law in which the Institute's academic staff have expertise
- the organisation and/or hosting of a range of academic events, including lectures, seminars and workshops in a variety of subjects
- the provision of continuing legal education
- the promotion of links between academics and the wider legal community - in particular, lawyers in private practice and industry and members of the judiciary - both on its own and through or in collaboration with the Society for Advanced Legal Studies
- the training of legal staff and other officers of overseas governments in particular fields

Each of these fields of activity will be examined in more detail a little later. Central to the Institute's work as a whole is its Library, to which we devote a separate section of our Report.

Staffing

15. The Institute has some 66 posts, of which two are currently vacant. The staff fall into four groups: academic, administrative and secretarial, library and domestic. Their composition is shown in Table 1 overleaf.
Table 1 – Staffing of the Institute

<table>
<thead>
<tr>
<th>Academic Staff</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Professors¹</td>
<td>3</td>
</tr>
<tr>
<td>Director, Centre for Legislative Studies</td>
<td>1</td>
</tr>
<tr>
<td>Postgraduate Tutor</td>
<td>1</td>
</tr>
<tr>
<td>Research Staff</td>
<td>11</td>
</tr>
<tr>
<td>Information Officer</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
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<table>
<thead>
<tr>
<th>Administrative and Secretarial Staff</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Secretary</td>
<td>1</td>
</tr>
<tr>
<td>Other Administrative/Secretarial Staff²</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Library Staff</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Librarian/Deputy Director</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Librarian/Head of Readers' Services</td>
<td>1</td>
</tr>
<tr>
<td>Head of Technical Services</td>
<td>1</td>
</tr>
<tr>
<td>Senior Assistant Librarians</td>
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</tr>
<tr>
<td>Assistant Librarians</td>
<td>3</td>
</tr>
<tr>
<td>Senior Library Assistants³</td>
<td>7</td>
</tr>
<tr>
<td>Library Assistants²</td>
<td>3</td>
</tr>
<tr>
<td>Graduate Trainees</td>
<td>4</td>
</tr>
<tr>
<td>Library Administrative Officer</td>
<td>1</td>
</tr>
<tr>
<td>Library Accounts Clerk⁵</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Domestic Staff</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Premises Manager⁶</td>
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</tr>
<tr>
<td>Senior Attendant</td>
<td>1</td>
</tr>
<tr>
<td>Attendants⁷</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

¹One of whom, Professor Daintith, is part-time
²Two posts part-time; one secretarial post vacant
³Including one for computing services
⁴Including one part-time vacant post
⁵Part-time
⁶Part-time
⁷Including four part-time posts

16. Academic staff posts are normally advertised and appointments are made by a panel which includes one person external to the Institute and one or more members of academic staff, depending on the nature of the appointment. Academic-related staff are appointed in much the same way. Non-academic
staff are appointed by an internal panel after advertisement.

Organisation of Work

17. The Institute’s academic work falls under four main heads: research, research facilitation, the supervision of research students, and legal education and training. The research and some of the legal education and training are conducted partly by research groups and centres - the research group associated with the Woolf Chair of Legal Education, the Centre for Corporate Law and Practice and the Centre for Legislative Studies - and partly by individual senior academics, in particular, the Director and Professor Daintith. At the heart of the research facilities is the Library, used by postgraduate students, law teachers and other scholars from all over the world. Legal training and support services are provided by the International and Professional Training Unit and the Information Unit. The Institute’s administration provides the infrastructure for these activities.

Management Structure

18. The Institute is run on a day-to-day basis by the Director, supported by a small Management Committee (currently consisting of the Director, Professor Barry Rider; the Administrative Secretary, Mr David Phillips; and the Librarian and Deputy Director, Mr Jules Winterton) and various Institute committees. These are the Library Committee, the Research Committee, the Higher Degrees Committee (which is a Standing Committee of the Board but also reports to the School’s Academic Standards and Policy Committee), and the Resources Policy Committee. Reports from these committees are received by the Board of the Institute, whose Chairman is Lord Nolan. In addition, there is a Health and Safety Committee, established by the Management Committee, which advises the Director, and a Development and Advisory Committee, also chaired by Lord Nolan. This has no formal terms of reference and was set up as an ad hoc committee in July 1998 to advise the Director in relation to development and fund-raising issues, and the Institute’s proposal for a new building on the vacant site at 20 Russell Square. General oversight of all the Institutes, include the Institute of Advanced Legal Studies, is exercised by the organs of the School of Advanced Study, as explained earlier.

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10 See paragraph 25 et seq.
11 See paragraph 54 et seq.
12 See paragraph 67 et seq.
13 See paragraph 85 et seq.
14 See paragraph 86 et seq.
The Institute Within the School of Advanced Study

19. In 1994 the University of London set up the School of Advanced Study to bring together the specialised scholarship and resources of its postgraduate research Institutes and to foster intellectual activity across subject boundaries in the humanities and social sciences. While the individual Institutes possess a high degree of autonomy in their internal management, they operate under the general oversight of the Directorate of the School of Advanced Study (consisting of the Dean of the School of Advanced Study and the Directors of the 10 Institutes) and the School’s Curators (shortly to become a Board). Funds to help support the Institutes are allocated by the Curators from funding received by the University from the Higher Education Funding Council for England (HEFCE). When the School was established nine Institutes of the University were brought under its umbrella, including the Institute of Advanced Legal Studies. Meetings of the Curators are chaired by the Vice-Chancellor. The Dean of the School is Professor Terence Daintith, who after being appointed Dean continued as Director of the Institute on a part-time basis for a further year and has since then held a Chair within the Institute, again part-time. Recently the Centre for English Studies, constituted as a programme of the School, has become an Institute. Of the 10 Institutes now within the School, the Institute of Advanced Legal Studies was the third to be established and is the largest in terms of staff and income.

20. Each of the Institutes had developed separately, with its own terms of reference and management structures. Up to 1989 management responsibility reposed in an often large Committee of Management, to which the Director was responsible. In 1989 the University adopted a new Model Scheme for Institutes under which the Committee of Management was replaced by an Advisory Board. While the Board retained powers of approving and keeping under review the Institute’s academic plan, and of calling for reports from the Director, in most respects management control passed to the Director, who became answerable to the Vice-Chancellor and to the Principal (a post now defunct). Since the foundation of the School of Advanced Study in 1994, the powers of the Institute’s Board and Director have been subject to the policies of the Directorate of the School and the oversight of its Curators. That process is now being taken a step further in that the body of Curators is being converted into a Board, while under the new Model Scheme the Boards of the Institutes are being retitled as Advisory Councils.

The Society for Advanced Legal Studies

21. The Society for Advanced Legal Studies was set up in February 1997 and incorporated in May 1997 as a company limited by guarantee to replace the Friends of the Institute of Advanced Legal Studies, an organisation which had become largely moribund. Lord Steyn is Chairman of the Advisory Council, while Professor Rider chairs the Executive Committee. The main purpose of the Society, as described to us by Professor Rider and two members of the Executive Committee, Mr Michael Ashe QC and Mr Christopher Hale,
is to complement the work of the Institute by fostering collaboration between academics, judges and practitioners in fields of mutual interest with a view both to addressing topical problems and to stimulating further research.

22. The Society has been vigorously promoted and within a mere two years has built up a membership of nearly 900 academics, practising lawyers and judges, and a substantial programme of activity. The work of the Society is conducted primarily through volunteer specialist working groups, of which there are currently four, devoted respectively to cross-border movement of children, planning and environmental law reform, financial regulation, and legal ethics and lawyer fee arrangements. A further three groups are being formed, relating to human rights, company law reform and international corruption, the last of which has the strong support of Ms Clare Short, the Secretary of State for International Development, and will be chaired by Lord Steel of Aikwood. The Society is at present self-financing and draws no support from the Institute. However, funding will be required to take its research projects forward, and it is hoped to raise the necessary funds from the profession. Each is considered important to the other and the intention is to develop more extensive links between the Institute and the Society's working groups.
VI Statement of Objectives

23. Under the original Model Scheme the objects of the Institute of Advanced Legal Studies were stated in the following terms:

"The general objects of the Institute are the prosecution, promotion and facilitation of legal research and study; the diffusion of its results; and the training of graduate students in its principles and methods."

The Institute's current Mission Statement, as set out in its Strategic Plan for 1998-2003, expands on the original statement of objects to emphasise its national and international role:

"The role of the Institute of Advanced Legal Studies is to conduct, promote and facilitate, both nationally and internationally, research and scholarship at an advanced level, and to disseminate its results; and to provide to all those undertaking research in law a library facility, with all that this entails in terms of technological developments, that is national in standing and international in character and calibre. It is the only body in the United Kingdom specifically and exclusively devoted to fostering advanced study over the whole field of law."

24. We were invited to express our views on the statement of the Institute's objects under its revised Scheme before the objects clause was finalised. We consider that the Mission Statement, incorporating as it does the reference to the Institute's national and international role, is an improvement on the existing objects clause, which has remained unchanged since the foundation of the Institute. We would propose the following, which reproduces the Mission Statement in a slightly modified form:

**Objects**

"The role of the Institute of Advanced Legal Studies is to conduct research; to promote and facilitate, within London and nationally and internationally, research and scholarship at an advanced level across the whole field of law; to disseminate the results of such research and scholarship; and to provide to all those undertaking research in law a library facility, with up-to-date technology, that is international in character and standing."

**Recommendation 1**

The Institute's objects, to be set out in the revised Scheme for the Institute, should be restated in the terms set out above.
VII The Institute's Research Role

The Promotion of Legal Research

25. The Megarry Report had identified as a major weakness of the Institute its lack of the research activity which one expects of an institute devoted to advanced legal studies. We, too, believe that research is a vitally important function of the Institute, for however valuable its role in facilitating research by others it cannot expect to become known as an international centre for advanced study unless it has a substantial research programme of its own.

26. Given the Institute's remit as a general, rather than a specialist, research institute and its important role of research facilitation, which we discuss later, it should be open to the examination of all branches of law and to be able to conduct research itself in at least five major areas at any one time.

27. Again, it follows from the nature of the Institute as a general research institute that it should not regard as necessarily permanent any particular field of research but should be responsive to changing circumstances, including shifts in its areas of interest and expertise. Accordingly there need be no compunction in restyling a Centre to conform more accurately to its new focus or even closing down altogether a Centre that ceases to fulfil a useful function and replacing it with a new Centre in a different field. But whatever fields are within the Institute's research programmes, they should together encompass, wherever possible, public and private law, comparative and European law, public international law and the conflict of laws, and substantive and procedural law, together with legal education, training and professional responsibility.

Current Research Activity

28. It is evident that since the Megarry Report a great deal has been done to remedy the lack of research activity. The Institute's promotion of legal research takes a variety of forms. In particular the Institute:

- undertakes its own research programmes, through its professoriate and its research fellows and senior research fellows appointed on fixed-term research contracts

- appoints visiting fellows to spend periods of up to a year working on research projects of their own falling within areas associated with the particular visiting fellowship or otherwise falling within the Institute's areas of interest, with the prospect of publication of the fruits of the research

- provides research facilities for visiting scholars wishing to spend a period of study at the Institute on their personal research
- registers postgraduate students wishing to read for the MPhil or PhD
degree and provides supervision
- facilitates in some degree legal research that is being conducted elsewhere

In this section we describe and evaluate the Institute's own research function
and activities and set out our views on the minimum levels of staffing required
if the Institute is to enjoy international standing for its own research. The next
section is devoted to its research facilitation role.

Current Research Fields

29. The Institute's own research activity focuses, as one would expect, on
the fields of interest of the senior academic staff, notably the Director,
Professor Sherr, Professor Daintith, Sir William Dale and Dr Andenas. These
fields are (in alphabetical order): company law, comparative law, dispute
resolution, economic crime, financial services regulation, legal education and
the legal profession, legislative studies, and public law.

Evaluation of the Research Activity

30. The nature of the research varies widely from one research group to
another. Some of it is theoretical, some empirical, some directed primarily at
the needs of the practising profession. It is clear that over the past few years
the Institute's research programme has significantly expanded, and it
succeeded in raising its Research Assessment Exercise rating from 2 to 4.
Given the range of the Institute's activities and the financial constraints which
have led it to limit almost all its research appointments to one-year contracts,
this is a considerable achievement. However, the Director has expressed
concern that the Institute may not be able to maintain this grade, still less to
raise it, if so much of the research will continue to depend on short-term
appointments and there remains uncertainty surrounding individuals' contracts
of employment.

31. It is not part of our remit to engage in a Research Assessment Exercise-
type evaluation of the Institute's publications. However, the question has been
raised whether some sectors of its research are not excessively practice-
oriented. Within a law school academics are usually left to determine their
own research interests and priorities. In law, which is a professional as well as
a scientific activity, there are some senior academics who are particularly
interested in legal theory and concepts and in the role and policies of law,
while others are more interested in relatively black-letter expositions (and we
use the term "black-letter" in a descriptive, and not in any way in a pejorative,
sense) of the kind particularly characteristic of practitioners' works. We well
understand the desire to fulfil the needs of the practising profession through
publications in relatively new fields of law in which the legal literature is still
rather undeveloped. Moreover, the funding that comes from the law publishers
to support the Institute's research is a not insignificant additional benefit that
the Institute derives from its assumption of editorial responsibility for these journals. But the Institute is not a professional law school; its primary function is to undertake and to promote scholarly research. It clearly has an interest in being identified with theoretical and empirical research at the cutting-edge of legal development. We felt, therefore, it was important that we should, in a broad-brush approach, form a view on the degree of the Institute’s success in performing this function.

Legal Education and the Legal Profession

32. We have been particularly impressed by the work done by Professor Sherr and his research group. Within the space of a few years Professor Sherr, in addition to maintaining his own flow of publications, has built up a team with an enviable reputation for empirical research, and has succeeded in procuring major research grants from the Lord Chancellor’s Department, the Legal Aid Board, the Scottish Office and the European Commission, for a variety of significant projects. These include the contracting of advice and assistance work for solicitors in private practice, an evaluation of the quality of legal services, fast-track court proceedings, the Public Defender Solicitor Office in Scotland, and the provision of legal services in Europe for those experiencing HIV/AIDS-related discrimination. He and the other members of his group have also been active in promoting debate and publication on theory in legal education and in carrying out on behalf of the Lord Chancellor’s Advisory Committee on Legal Education a review of the literature on family mediation in Great Britain, Ireland and the United States.

33. In addition Professor Sherr is the current convenor of the Legal Skills Research Group, a body formed in 1989 as a collective enterprise by some of the country’s leading researchers into the skills needed for the study and practice of law and funded by HEFCE. The Institute hosts seminars of the Group, publishes its seminar papers in Institute working papers, and acts as Archivist of the Group’s records.

34. Professor Sherr will also be mounting a one-year postgraduate Diploma in Legal Education which is scheduled to begin in October 1999. The Diploma course will cover both the theory and the practice of legal education, with a multidisciplinary approach and an international perspective. This is a welcome development.

Public Law

35. Another strong research activity at the Institute is in the field of public law. Professor Daintith contributed the title Regulation to the prestigious International Encyclopaedia of Comparative Law and supervised a major project sponsored by the Economic and Social Research Council on The Constitutional Implications of Executive Self-Regulation in the United Kingdom, and the results are shortly to be published as a book written jointly by Professor Daintith and Professor Page under the title The Executive in the
Constitution. Professor Daintith is also continuing research on a comparative basis into the law governing public utilities.

Comparative Law

36. While there is no research group specifically devoted to comparative law, a considerable amount of comparative research is in fact undertaken within the Institute, including some of Professor Sherr’s research and the work of Professor Daintith mentioned above. The Centre for Corporate Law and Practice has also been active in European and comparative commercial law and financial services law, through the writings of members of the Centre and the editing of collected papers. The Institute is now associated with Kluwer Law International in the publication of several volumes of such papers. We believe that comparative law should continue to feature prominently in the work of the Institute, both in the publications of its own academic staff and in its important research-facilitation role in sponsoring or co-sponsoring comparative law conferences and editing the conference papers. The Institute is well placed for collaboration with the British Institute of International and Comparative Law, which occupies a floor in the same building and which, indeed, joined with the Institute in submitting a major joint proposal to the Economic and Social Research Council for the establishment of a centre on international financial law, though this proved unsuccessful.

Company Law, Financial Services Law and Economic Crime

37. The main vehicle for research in company law is the Centre for Corporate Law and Practice, set up in 1996 with its own Advisory Committee under the chairmanship of Professor A J Boyle and directed by Dr Mads Andenas, of King’s College London, who at present holds a senior research fellowship in Company and Commercial Law (a post partly funded by the Law Society’s Standing Committee on Company Law) but who will, we understand, be returning to King’s College London at the end of the present academic year. The study of economic crime is a particular interest of the Director. Financial services regulation, formerly a branch of company law but now recognised as a field of study in its own right, is a subject in which the Director and, from a European law perspective, Dr Andenas have specialist knowledge and have been primarily responsible for research.

38. The members of the Centre for Corporate Law and Practice have a number of publications to their credit. The Director himself has written and contributed to numerous books in a variety of fields. He and other members of the Centre have also published many articles. Several of these are in journals and other publications associated with the Institute, or for which it has editorial responsibility, and which reflect the particular interests and areas of expertise of Professor Rider and Dr Andenas: company law, financial services law and economic crime. There are, indeed, no fewer than six periodicals in these fields with which the Institute is currently associated, most of them brought into being within the past few years. These specialist journals, which
are primarily, though not exclusively, designed for practitioners, clearly fill an important need and, together with the work being done on the right to provide financial services in the European Union, offer a further example of the Institute's commitment to increasing collaboration between the academic community and the practising profession. Moreover, the law publishers have been willing to reward the editorial commitments undertaken by the Institute by providing funds for the appointment of much-needed research staff. Some consist of contributions to books or collections of essays edited by a member of the Centre, and some take the form of articles in periodicals not connected with the Institute.

39. We have no doubt that the Centre's various publications make a very useful contribution to knowledge in a variety of ways. The practitioners' texts and periodicals help to develop an understanding of branches of law which are relatively new and in a state of flux, while the editing and publication of collected papers of scholars in the field of comparative corporate and financial services law contribute to the Institute's role as a facilitator of legal research. We are, however, concerned that so much of the total effort (albeit principally by research officers and information officers rather than research fellows) appears to be devoted to servicing periodicals that are designed primarily for practitioners and are, to a considerable extent, descriptive and updating in character. We do not question the value of the Centre's work in company and financial services law; the issue in our minds is one of degree and emphasis. Given that the Institute has only limited resources, we would like to see more long-term theoretical work running alongside this activity, including, but not limited to, work based on empirical research.

40. We are also concerned that so much of the activity in these three fields is linked to, and dependent on the, expertise of the Director, with potentially serious consequences for this whole field of research activity when his term of office comes to an end.

41. The root of the problem lies in the chronic underfunding of the research side of the Institute's activities, a subject to which we revert a little later. We believe that the Institute has a significant role to play in advancing such research within its fields of expertise. The Director has told us that he would like to advance the Institute's theoretical work in the fields with which the Centre for Corporate Law and Practice is concerned but is seriously hampered by the lack of funds for research appointments of reasonable duration, and, as regards his own research, by his responsibilities as Director, which plainly impose heavy administrative burdens. The ordering of priorities and the opportunities to develop a major research activity in the fields of corporate law and financial services law tend to reflect the interests of outside funders. We do, nevertheless, strongly recommend that the Institute takes steps to secure its funding base and to convey to those whose financial support is sought the vital importance of having scholarly research as a substantial component of the Institute's work in these fields, particularly since relatively little research of this kind is being undertaken in law schools in the United Kingdom.
42. The Centre for Legislative Studies was created a little under two years ago. It evolved from the very successful courses in international law and in legislative drafting conducted at the Institute by Sir William Dale over many years for legal advisers to Commonwealth governments. These courses are, and are designed to be, highly practical in nature. The Centre was created to give a theoretical base to this area of the Institute's activities by pursuing a scientific enquiry on a comparative basis into the legislation of countries in common law, civil and other legal families, with a view to identifying "principles on which sound, durable and intelligible legislation can be based." The idea was commendable, particularly since legislation, a subject of immense importance, has been largely ignored as a distinct subject of study in United Kingdom law schools. However, we feel that more thought should have been given to the resourcing of a centre of this kind before it was set up. The scientific work is almost entirely in the hands of a single research fellow, who was engaged on a one-year contract primarily to support Sir William Dale in running his annual courses, while also liaising with the editorial team of a new journal, *The European Journal of Law Reform.* This leaves the research fellow with only a limited opportunity for the theoretical development of the subject.

43. We asked about the Diploma in Legislative Studies which the Centre had planned to introduce. This would have been directed by Sir William Dale, while the research fellow would have been responsible for supervising students registered for the Diploma. She told us that the course was designed to be very practical in its orientation, focusing exclusively on techniques and technical aspects of legislative drafting, and lacked an infrastructure of theory and of consideration of policy and ethical issues, which she felt was to be expected of a postgraduate Diploma. In the end the University refused to approve the Diploma, not, we understand, for this reason, or because of any objection in principle to a Diploma in Legislative Studies, but because it was felt that by comparison with other Diploma courses the course was not substantial enough to lead to the award of a Diploma.

44. We feel that there is a great need for the development of sustained theoretical work in the field of legislation, a field which has received remarkably little attention in this country, and that the Institute, based as it is in London, is particularly well placed to initiate programmes of research into the influences that shape legislation, the principles and policies by which the preparation of legislation is determined and the impact of legislation on those whom it is designed to serve. But the Centre needs significantly increased resources if it is to undertake serious scientific work in this field. We discuss in paragraph 51 the level and seniority of staffing we regard as the minimum needed for centres of this kind.

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The Problem of Short-term Research Contracts

45. What currently bedevils the Institute's attempts to undertake serious and sustained research is the excessive dependence on short-term research appointments. This creates significant problems. Research is forced into a series of short-term pieces of work. The alternative is that the research fellow will have to be involved in negotiating renewal of funding, and by the time this has been secured he or she may have decided to accept a more secure post elsewhere, so that longer-term projects may involve a series of researchers, each working for a year, with no little or no continuity of thought. The short-term nature of the research post substantially reduces the level of interest in accepting appointment, so that the field of applicants is not as strong as it might otherwise be. Indeed, the Institute already regards it as impracticable even to canvass applications from overseas scholars for one-year research posts, particularly in view of the need to obtain work permits for them. Moreover, as is shown by the evidence we have received, a research fellow is likely to have a sense of insecurity and may find it difficult to cultivate a commitment to an institution in which his or her stay will be so transitory. Even work during the year will be hampered by the fact that within a relatively short time after appointment the research fellow will have to begin thinking about his or her next post. Several of those who gave evidence to us, including one of the research fellows, commented on the adverse effects of such short-term appointments.

46. For all these reasons we regard it as wholly unacceptable that in an institute of the stature of the Institute of Advanced Legal Studies 15 out of 17 research posts are held on one-year contracts, particularly as the rolling nature of the funding (described in paragraph 48, below) allows the research posts to be continued from year to year.

The Excessive Dependence on "Soft" Money

47. The dominance of "soft" money as a source of funding is an associated cause of concern. This may distort the pattern and direction of research. One research fellow referred to the intense pressure of seeking and managing funding and observed that while the Institute services a strong need for academically beneficial work which also has policy relevance and clear, practical impact

"there is little funding currently available for developmental work or the academic development of ideas away from the inevitably more policy focused approach of funded research."

Similar views were expressed by another research fellow, who told us that exploratory and long-term theoretical research was a problem when there was such a heavy dependence on commissioned research, particularly where the research fellow had several short-term commissioned research projects under way at any one time, each contributing to a portion of the research fellow's
salary and each having its own tight deadline. The overall funding might well be for a period of three years but it was made up of a cocktail of grants at different times and for different periods and this made for a great deal of pressure and uncertainty. There was also a sense of frustration at the fact that the empirical work carried out as part of the commissioned research was providing a rich source of material for theoretical work which the researchers were keen to analyse and write up but lacked the time to do so.

The Need for Longer-term Appointments

48. In the light of these two concerns, the short-term nature of research appointments and the heavy dependence on "soft" money, how should the Institute proceed? As regards the first of these, the problem is to some extent self-induced. We probed the relationship between the period of funding for a post and the period of actual appointment and were told by the Director that while appointments were made for one year, the funding was in practice provided for a minimum of two or three years, usually on the basis that it would continue thereafter unless and until terminated by an agreed period of notice, which might, however, be quite short, eg three months. The Director gave various reasons for the short-term nature of the appointments, including caution in the light of the fact that most of the funding arrangements had only been concluded recently, and the need to ensure that researchers who were expected to be able to carry some degree of editorial responsibility for the editing of works published by the funder were equipped to do the job. The Director went on to say that, notwithstanding these factors, annual contracts, other than for probationary reasons, were undesirable, and that if continued in post he would make every effort, in the absence of compelling reasons to the contrary, to ensure that appointments were made for no less than three years and ideally for five years. This is broadly in line with the staffing structure we recommend below.

49. The insecurity of short-term fellows to which we have earlier drawn attention is liable to be compounded by a sense of detachment from the underlying academic work going on within the London law schools. Increasing the term of research appointments to a period of at least three years would enable the Institute to provide a valuable service to the London law schools by encouraging their research fellows, with the agreement of the relevant law teachers in the school concerned, to make a contribution to teaching on the LLM programme within their fields of interest. This would strengthen the teaching capacity, allow for ideas generated by the research to feed into the teaching, and expose the researcher to questions and debate which could assist his or her research. The view was expressed that it could also help to reduce the sense of isolation from the broader academic community that research fellows accustomed to working within a law faculty might otherwise experience.

The Reduction of Dependence on "Soft" Money

50. The dependence on "soft" money can be reduced only by going out to
secure external funding for posts rather than projects, including funds to build up a core of permanent or semi-permanent posts as described below. We regard this as essential if the Institute is to be able to function as a research institute of international standing. It is equally necessary for fulfilment of the Institute’s national and international role in facilitating research by others as described in Section VIII.

The Research Staff Establishment

51. We consider that in general there should be a Centre for each major field of research headed by a senior academic holding a permanent or long-term appointment. Ideally he or she should be supported by a senior research fellow appointed for a five-year period to give stability to the field of research in question, together with at least two research/senior research fellows appointed for terms of not less than three and not more than five years. That would give a group of at least four researchers for every Centre. The minimum target should be a Centre of three researchers, consisting of the above less the five-year research fellow. We conceive the Centres as encompassing most of the institutional research of the Institute of Advanced Legal Studies. In addition, of course, there may well be research by individuals or small ad hoc research groups engaged on work falling outside the programme of any particular centre.

52. Adoption of these recommendations would result in a minimum complement of 15 research staff at any one time, of whom five would constitute a permanent or semi-permanent nucleus that would provide stability and continuity for the research programmes. In addition, there would, as now, be research assistants appointed from research grants. The establishment of research posts for a minimum of three to five years will help to make research appointments within the Institute extremely competitive and international, and ensure that only scholars of the highest calibre are appointed. In saying this we do not in any way wish to decry the abilities of the present or past research staff; we merely point out that the more competitive and international the environment, the greater the prospects of ensuring that the Institute has, at all times, a cadre of research staff of the first order.

53. Funding for the minimum establishment we propose is an ambitious target which may take some time to achieve. But it represents what we regard as an attainable target in the medium term if appropriate steps were taken. To accelerate this process the Institute should seek through the School of Advanced Study and the University (which may be able to provide at least some of the additional funds required) to persuade external funding bodies to increase their grant. We also recommend that more effort should be devoted to attracting funds from grant-awardi}
of fields of research over increasing the size of the Centres above the minimum we have proposed.

Recommendation 2

Given its remit as a general, rather than a specialist, research institute, the Institute should engage in research and research facilitation across the whole field of law. The Institute’s own research should be conducted in at least five major areas at a time, but it should be prepared to move out of any given area and into another in response to changing circumstances, including shifts in its areas of interest and expertise (paragraphs 26-27).

Recommendation 3

Whatever the current fields of research, they should together encompass, wherever possible, public and private law, comparative and European law, public international law and the conflict of laws, and substantive and procedural law, together with legal education, training and professional responsibility (paragraph 27).

Recommendation 4

In its research work the Centre for Corporate Law and Practice should seek to undertake more long-term theoretical work running alongside its other activities, including, but not limited to, work based on empirical research (paragraph 39).

Recommendation 5

The role of the Centre for Legislative Studies should be expanded to develop sustained theoretical work in this neglected field and appropriate resources should be provided (paragraph 44).

Recommendation 6

The Institute should be prepared to assist the London law schools by encouraging its research fellows, with the agreement of the relevant law teachers in the law school concerned, to contribute to the LLM programme within their fields of expertise (paragraph 49).

Recommendation 7

In general, there should be a Centre for each major field of research. This should be headed by a senior academic holding a permanent or long-term appointment. Ideally, he or she should be supported by a senior research fellow appointed for a five-year period and at least two research/senior research fellows appointed for not less than three nor more than five years. The minimum should be the above complement less the five-year
research fellow. In addition, there should be research assistants appointed from research grants (paragraphs 51-52).

Recommendation 8

The Institute should seek through the School of Advanced Study and the University to persuade external funding bodies to increase their grant (paragraph 53).

Recommendation 9

More effort should be devoted to attracting research funds from grant-awarding bodies such as the Economic and Social Research Council and the Arts and Humanities Research Board and from other sources of funds (paragraph 53).

Recommendation 10

If choices have to be made through shortage of funds, the Institute should give priority to maintaining research in at least five fields over increases in the size of Centres above the minimum we have proposed (paragraph 53).
VIII The Institute's Research Facilitation Role

The Institute's Academic Programmes

54. If it is important that the Institute should maintain a strong research profile for its own research, it has an equally valuable role to play in facilitating research by others, and in stimulating discussion and debate of legal issues among academic lawyers, and between academics and practising lawyers and judges. This has long been a significant part of the Institute's activity and has grown impressively in recent years. Thus, in the academic years 1996-97 and 1997-98 the Institute mounted numerous conferences and workshops, including the annual W G Hart Legal Workshop, and between 40 and 50 public lectures and seminars. These covered not only subjects within the Institute's own areas of expertise but a wide range of other topics, domestic and European, comparative and international, practice-oriented and jurisprudential, secular and Biblical. Several events were held abroad, and numerous conferences and lectures were organised in association with other bodies, including overseas universities, law firms, the British Council, the relevant section of the Society of Public Teachers of Law, and the Institute's own Society for Advanced Legal Studies. The speakers included senior judges, academics, practising lawyers, government advisers and general counsel to international organisations, from some 15 different countries.

The Institute and the Practising Profession

55. Practitioners now make extensive use of the Library, and many law firms and barristers' chambers subscribe to its services. Practising lawyers, including lawyers in Government service, have welcomed the distance services scheme offered by the Library, where legal materials can be ordered by telephone on a direct line and copies sent by fax or post.

56. The Institute has made great efforts to bring practising lawyers into its activities, and in the two years of its existence the Society for Advanced Legal Studies has done much to facilitate collaboration between academics and the practising profession, through its lectures and its working groups, which are steadily increasing in number and in which postgraduate students are actively involved and are invited to participate free of charge. While the Institute's focus is on academic activity, the Society is the primary vehicle for the more practice-oriented work associated with the Institute. It is evident from the evidence we have received that these efforts are appreciated. Mr Richard Youard, a retired City Solicitor with a long-standing interest in the relationship between academic and practising lawyers, wrote that:

"I see the Institute of Advanced Legal Studies as providing a useful mechanism for bridging the gap between the academic and practising lawyers. To do so is to make for better lawyers of both sorts: it stimulates ideas, opens eyes and leads to better law as well as better lawyers."
Practising lawyers have also welcomed the invitations they receive to attend, and indeed to contribute to, the lecture and conference programmes of the academic community. So too, have bodies whose work involves close contact with both practitioners and academics. Thus, Mr Colin Bamford, Chief Executive of the Financial Panel, writing on behalf of himself and the Chairman, Lord Donaldson, praised the work of the Institute in helping to bridge the gap between academics and practitioners, welcomed the establishment and activities of the Society for Advanced Legal Studies, and stated that in his experience the Institute's public lectures were almost always well attended, as well as being of a very high quality. The Institute and the Society are uniquely placed to serve as a bridge between the legal profession and the academic community.

57. Not only is the strengthening of collaboration between scholars and practitioners welcome in itself but it may serve to spark off ideas which will lead to research in directions that might otherwise have escaped attention. Professor Daintith expressed the view that this "repatriation" of ideas provoked in discussions with practitioners, particularly through the activities of the Society for Advanced Legal Studies, should be more vigorously explored in the future.

58. We would also urge the Institute to encourage a greater involvement by Government lawyers in its various activities. Given their crucial role in the shaping of new legislation and the examination of the policy issues involved, an interchange of ideas between lawyers in Government and academics working in fields in the subject of law reform would bring benefits to both sides.

59. A further role for the Institute was identified by Mr Youard, namely the provision of assistance to busy practitioners in dealing with consultation papers on legal issues, a task to which they found it difficult to devote sufficient time. One way of providing such assistance would be for the Institute to organise workshops on issues raised by consultation papers and to invite practising lawyers to participate in these. This would not only make for a better understanding of the issues by both groups but would also help to increase the rate and quality of the responses to consultation papers, and thereby assist bodies issuing them, in particular, the Law Commission and Government departments.

Clearing-house and Other Facilities

60. It is evident from the comments we have received that the Institute has a considerable way to go in fulfilling a national role as a facilitator of legal research. We feel the Institute could be of great service to academic lawyers by acting as a clearing-house for the dissemination of information on research that is being conducted within law schools and on forthcoming academic conferences.

61. This clearing-house role was specifically mentioned in the Institute's First Prospectus 1948 as an aspect of its work. To some extent it fulfils this function already, though it is not alone in the field, since activity of this kind is
also conducted by organisations such as the Society of Public Teachers of Law, the Association of Law Teachers and the Socio-Legal Studies Association. But there is scope for a significant expansion in the Institute's activities in this direction, and it should be seen as part of the duties of the Director to promote this.

62. Among other things, the Institute could collate and place on its website details of research in progress by doctoral students, and collect and circulate details of research fellows and visiting scholars, whether at the Institute or elsewhere, whom researchers in the law schools could meet to exchange ideas or invite to give an occasional lecture or seminar or contribute to a conference. The Institute could generally be more pro-active in bringing researchers together. Visitors are an important source of research ideas and contacts. They should be encouraged to visit law schools, particularly those outside London who may have less opportunity for contact with visiting academics and who would be interested in receiving a visit, and should also be introduced to practising lawyers, including those in industry, commerce and Government, knowledgeable in their fields of research and interested in learning of the fruits of visitors’ researches. Situated in the capital, and in close proximity to the central University and most of the Colleges, and to the courts and to solicitors' offices, barristers' chambers and Government departments, the Institute is ideally placed to provide services of this kind. In addition, scholars from outside London who have difficulty in fitting a day’s research within the confines of the Library's opening hours could be assisted by information about providers of accommodation within the University, so that they could stay overnight in relatively inexpensive accommodation. Finally, there is scope for closer collaboration with the London law schools, to which we devote particular attention later in this Report.

63. One of the problems the Institute faces in developing activities of these kinds is that they feature only marginally in the HEFCE research assessment and, therefore, do not bring significant funding benefits. As Professor Daintith put it:

"The enabling role of the Institute is an absolutely crucial one, but it is very difficult in my opinion to combine this effectively with the demands of the Research Assessment Exercise. It is also difficult to combine these demands with the small size and shifting research population in the Institute. I suspect this problem is particularly acute at the Institute at the present time because of the very substantial work which is being done there to create really effective links between the academic and professional concerns. It may be difficult to establish, but the Institute needs a specific reputation in an area which I think can fairly be described as advanced legal studies. At the same time, however, it is fairly clear to me that that particular role maps badly onto the way the Research Assessment Exercise is structured."
An International Community of Scholars

64. A central role of the Institute should be to attract top-quality scholars to undertake research at the Institute. The point was trenchantly expressed by Professor Simon Roberts, Convenor of the law department at the London School of Economics and Political Science, in the evidence given to us by him and Professor Jeffrey Jowell, Head of the law department at University College London.

"Professor Jowell and I believe that the Institute, both nationally and internationally, has a central role in supporting advanced legal scholarship, a role which we had hoped would be maintained and extended in the future. We believe that one particular role has been lacking in the Institute's operations over the years, that is, the difficult but important task of getting together, at any one time, a body of first-rate scholars who could spend their time at the Institute, with no particular responsibilities, conducting their research and interacting with each other."

65. Every year the Institute accommodates visitors from some 30 different countries who spend significant periods of time working at the Institute. They come from law schools of undoubted standing and their presence contributes to the collegiate research environment which characterises the Institute as well as providing them with the facilities of a first-class library.

66. It is, however, true that the Institute has not so far sought to create an environment which will attract a fluctuating group of scholars of international repute whose intellectually challenging research can be harnessed to provide a powerhouse of academic scholarship and debate within the Institute. We believe the Institute, building on its long tradition of providing facilities for visiting scholars, should seek to bring together a regular flow of visiting scholars of the highest intellectual calibre who, in working on their research and discussing their ideas with others, would help to establish the Institute as an international focal point for the flowering of ideas and scholarship. There are various factors which could make the Institute attractive to such scholars. One, of course, is the quality of the Institute's own research and researchers. Another is the help the Institute can provide in introducing visitors to other scholars in this country working in the same or related fields. A third is the effecting of introductions of visitors to lawyers in private practice and in Government service and members of the judiciary.

Recommendation II

Opportunities should be taken to pick up ideas sparked off at meetings with practitioners, particularly through the activities of the Society for Advanced Legal Studies, and to develop these into research projects (paragraph 57).
Recommendation 12

The Institute should seek to secure a greater involvement of Government lawyers in its activities (paragraph 58).

Recommendation 13

To assist practitioners in responding to consultation papers the Institute could organise workshops to discuss the issues raised in such papers and invite practising lawyers to participate (paragraph 59).

Recommendation 14

The Institute should consider expanding its role of a clearing-house for the dissemination of information on legal research, for example by placing on its web site details of research in progress by doctoral students. It should also provide information on research fellows and visiting scholars at the Institute and elsewhere in the United Kingdom, and should assist visitors and encourage them to visit law schools, particularly outside London, which would be interested in receiving a visit (paragraphs 61-62).

Recommendation 15

The Institute should seek to bring together a regular flow of visiting scholars of the highest intellectual calibre with a view to establishing the Institute as a focal point for the flowering of ideas and scholarship (paragraph 66).
IX  Research Supervision

Registration of Research Students by the Institute

67. Until recently, all law students reading for the MPhil or PhD degree were registered in one of the six London law schools. The Institute provided research facilities through its library and reading areas but had no research students of its own. However, in 1988 the then Director, Professor Daintith, secured University approval for registration by the Institute itself of research students engaged in research within the Institute’s fields of expertise. Initially, the numbers registered were very small, but the year 1995-96 saw a dramatic increase in the number of research students registered by the Institute, and these continued to rise so that by the end of the year 1997-98 there were 18 full-time and 27 part-time MPhil and PhD students. Table 2 shows the build-up in the number of registrations over the past eight years:

<table>
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<th>Year</th>
<th>New Registrations</th>
<th>Existing Registrations</th>
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<th>Total</th>
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<td>1</td>
<td>18</td>
<td>26</td>
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</tbody>
</table>

*At 1 December 1998

68. This major expansion has given rise to concern within the University on several fronts. There is anxiety among some of the law schools that the Institute, instead of fostering intercollegiate activity within the University of London, is becoming a competitor, or is even seeking to develop into a graduate school. There is a sense that the Institute lacks the resources to supervise such a large number of research students. And the question has been raised whether the Institute would not put its limited resources to better use by devoting less time and effort and resources to the supervision of MPhil and PhD students and more to the attraction of first-class post-doctoral scholars to undertake research at the Institute. We examine each of these concerns in the paragraphs that follow.

The Institute as Competitor?

69. It would obviously be anomalous if an institute devoted to advanced research were not able to register and supervise its own research students. The Megarry Committee, the membership of which included senior law teachers
from all the five London law schools then in existence, specifically recommended that steps should be taken to amend, if necessary, any University regulations to enable this to be done.

70. The principle, therefore, is not in doubt; what has caused concern in some quarters is the growth in the number of students registered with the Institute, particularly from 1995-96 onwards, to the present total of 47. It was represented to us with some force by two senior law teachers from different London law schools that this number was excessive, that the Institute appeared to be seeking to develop into a graduate school at the expense of the London law schools, that it was impossible for the small number of academic staff to supervise so many students effectively, and that, anyway, the time and effort needed to do this was diverting the Institute from its own research role. It was also argued that while it was perfectly legitimate for the Institute professoriate to devise and define research programmes and to attach each research student to one or other of such programmes, it was not appropriate to accept research students simply on the basis that there was someone in the Institute able to supervise them, or to build up a large body of research students who would be pursuing their own research projects without being required to fit these to the Institute's research programmes.

71. We consider separately the question of whether the Institute has the capacity to give effective supervision to what is undoubtedly a considerable number of students in relation to the number of academic staff. At this point we are simply concerned with the criticism that the Institute is, in effect, making a drive for PhD students, and in so doing is going beyond its proper role and competing with the London law schools rather than complementing their activities.

72. There are two points to be made about this criticism. The first is that in some degree the Institute is in competition with the London law schools in taking on research students at all who might otherwise have registered with one of the schools. But we see nothing inappropriate about that; it is simply a consequence of the sensible decision, taken in conformity with the Megarry Committee's recommendations, to allow the Institute to register its own research students. The admission requirements are those prescribed by University regulations (namely at least a good second-class honours degree in law or a good LLM degree awarded by a United Kingdom university, or an overseas qualification of equivalent standard, or equivalent experience), and all applications are considered by an Admissions Panel of the Higher Degrees Committee. We have no reason to suppose, and it has not been suggested to us, that the calibre of students registered by the Institute is lower than that of students registered by the London law schools.

73. Moreover, we have seen nothing to indicate that the Institute is seeking to offer general supervision for research degrees in competition with the London law schools, still less that it is seeking to become a graduate school. A memorandum issued by the Director and revised in January 1998 makes it clear that the Institute neither is, nor seeks to become, a graduate school of the
University. That would involve a major teaching function, over a wide range of subjects, which the Institute does not perform or intend to perform. It would also require resources vastly in excess of those either currently available to or likely to become so in the foreseeable future. We therefore feel that the London law schools need have no anxiety on this score. There are approximately 160 law teachers in the six law schools of the University of London. They accordingly have the capacity, if they so wish, to offer supervision over an extremely wide range of subjects. The breadth of subject coverage available across the six law schools is demonstrated by the fact that the present LLM programme currently offers LLM students a choice from no fewer than 143 options,¹⁶ a choice unrivalled elsewhere in the United Kingdom or, we suspect, anywhere else. This figure represents a 31 per cent increase on the 109 options available 10 years ago. The Institute’s capacity to register students is necessarily severely circumscribed by the small size of its academic staff, and the position will not change radically relative to that of the law schools even if the target we have proposed for an increase in research staff were to be achieved.

74. There remain the two other areas of concern identified above, namely the large number of research students registered by the Institute compared to the small number of academic staff available to supervise them, and the absence of any requirement that their selected field of research should be related to the Institute’s own research programmes. It is to these we that now turn.

Supervision Arrangements

75. It is evident that the Institute has taken considerable care to put in place mechanisms to ensure that its MPhil and PhD students are properly equipped for research and have adequate supervision and advice. The Institute supplies all students and supervisors with a document, Guidelines for Research Students and their Supervisors, which sets out in some detail the respective responsibilities of supervisor and student. Each student has access not only to his or her supervisor but to the postgraduate tutor, who fulfils the role of mentor and offers advice on tutorial and non-academic matters. Any student who considers that his or her work is not progressing satisfactorily for reasons outside the student’s control may make representations to the Higher Degrees Committee via the Administrative Secretary. That Committee is itself responsible for formal annual assessment of all research students on the basis of supervisors’ reports.

76. A 10-week Research Methods course, which originated in an initiative taken by the Academic Policy and Standards Committee of the School of Advanced Study, is also provided covering research theory, design and strategy, qualitative and quantitative research methods of data collection and the use of electronic and library resources. This course is open to all research students.

¹⁶For this purpose a half-subject is counted as one option if it is only available independently as a discrete course.
students in law in the University and at least one College registers many of its students on the course. The Director told us that supervision was provided on a team basis and involved people outside the Institute as well as those within it.

"That has been done deliberately. The Institute has tried to create research teams comprising a lead researcher in the Institute who is a senior member of the academic staff; a junior member of the academic staff who is a research fellow who can work more closely with the student and perhaps benefit his/her own work; and then somebody who is competent outside of the Institute. For example, there is at the Institute, at present, one student, a practising solicitor, doing a PhD on prosecution and fraud. I am supervising her, a research fellow is also working with her, and the Institute has appointed a co-supervisor, a former Senior Assistant Director in the Serious Fraud Office. Added to that there is also a graduate mentor, but he is not involved in the academic work of the Institute."

The Supervision Load

77. In general the arrangements for research training and supervision appear to us to have been well thought out. The evidence we have received also indicates that they are widely appreciated by the students themselves. Nevertheless, there has been concern at the number of students supervised by the Director himself as lead supervisor. In the current academic year he is lead supervisor for no fewer than 28 students. By contrast Professor Daintith, the Dean of the School of Advanced Study, supervises six students and Professor Sherr supervises four students. After weighting for full-time/part-time and sole/joint supervision these teaching loads for the senior academic staff in terms of full-time equivalent come out at 19.50 for the Director, 5.88 for Dr Andenas, 3.38 for the Dean and 2.50 for Professor Sherr. This is on the basis that a part-time student is to be counted as 0.5 of a full-time student, a computation which in our view allows too much of a discount for part-timers, for the reasons mentioned below. However, the information supplied to us showed that only six of Professor Rider's students have a joint supervisor; for the remaining 22 students he is the sole supervisor. The Vice-Chancellor himself expressed deep concern to the Director over the latter's supervision load, indicating that he felt that the number of students the latter was supervising was excessive, and subsequently it was agreed between the Dean of the School of Advanced Study and the Director that the latter's total supervisory load would be reduced.

78. We have taken up this issue with the Director, not only because of anxieties as to whether such a large number of students can be adequately supervised in this way but also because of concerns that the Institute is moving too heavily into research supervision in one particular field. We have heard nothing but praise from students about Professor Rider as a supervisor. All those who submitted evidence to us wrote of his constant encouragement and support and his kindness to students. Even allowing for the understandable
reluctance of students to offer criticism of their supervisors we would have expected at least a few forthright souls to complain if they felt they were being neglected. Professor Rider is a pioneer in the study of economic crime and of financial services law, and has worked hard to promote the latter in particular as a subject of academic study, and the Institute is one of the few places able to offer supervision in this field. Moreover, the students are rather different from those normally supervised in law schools, in that a high proportion of them are part-time students, and some are established academics. A characteristic feature of the student body is that of the 47 students, 18 are part-time, and in Professor Rider’s view the latter need considerably less supervision. Professor Rider has no teaching responsibilities and told us that he has always supervised between 10 and 12 students even when he was teaching. We have been told that apart from the formal arrangements described above, the working environment at the Institute provides a means of informal and ready access to teachers and senior researchers, so that a student in need of assistance can usually knock on a door and obtain help. Students appear to enjoy the back-up of the team supervision approach and have expressed their appreciation of the collegiate spirit pervading their relations with the academic staff.

79. A number of PhD students have successfully completed their doctoral thesis, though it is a little early to judge the adequacy of the completion rate, since the substantial increase in numbers did not begin until 1995-96. We have, however, been told that the first two students of the 1996-97 cohort (one full-time, one part-time) and the first (full-time) student of the 1997-98 cohort are expected to complete before the end of the current academic year, which is an encouraging indication that more students will be completing on time.

80. We also accept the Director’s point that a critical mass of research students is needed to give each research student an appropriate research environment.

81. Despite all these factors, we share the Vice-Chancellor’s concern over numbers of supervised students so vastly in excess of the norm. It is fair to say that this was due in part to the fact that on two occasions the Director had to step in to assume supervision of students registered with other supervisors who had later left the Institute. Moreover, the arrangements were approved by the Higher Degrees Committee. But leaving aside these particular circumstances, it seems to us that if the present arrangements do work they must do so at the expense of diverting effort from other aspects of the Institute’s activities which require the Director’s attention. Moreover, we do not think that the factors particular to the Institute, such as the fact that its research staff are not burdened with teaching and that a significant proportion of students is part-time, justifies more than a modest increase above what we would regard as the desirable maximum for a teacher in a law school, namely five or six supervisees at any one time. Even if it is the case that part-time students need less supervision, they still have to be seen, and their work discussed, individually. So it is not in our view appropriate to treat 16 part-time students
as only eight. Again, the range of activities in which the Institute is involved, and the administrative burdens imposed on some of the academic staff, particularly the Director, have to be set against the absence of a teaching load. Our view is that no member of staff of the Institute ought normally to be supervising more than, at most, the full-time equivalent of eight students at any one time, counting part-time students as 0.75 in terms of full-time equivalent. We recommend that the Institute move as rapidly as possible to this position. Although the effect would be to reduce the number of students for each supervisor, the critical mass advocated by the Director need not be reduced if the number of academic research staff increases as we have proposed.

Raising the Admission Standard

82. We are in no doubt that the supervision of MPhil and PhD students is not only a proper activity for the Institute to undertake but a necessary and integral part of its mission to establish itself as an international centre for legal research. In saying this we do not in any way intend to suggest, nor has it been suggested to us, that the existing cadre of students falls short of the standards set by the University for admission to studies for the MPhil and PhD degrees. Moreover, several of them have successfully completed their doctoral theses. What we are urging is that the Institute should set a distinctive standard in admitting research students. In particular, we consider that it should aim to restrict admission in most cases to those having outstanding academic qualifications or manifesting, by publications or otherwise, equivalent intellectual ability.

83. We do not suggest that this should happen all at once. Apart from other considerations, the Institute cannot ignore the relevance of student numbers to its fee income from research students, which represents some 10 per cent of its total income. But it will undoubtedly enhance the Institute’s academic standing if it becomes known both in this country and abroad that it is a mark of distinction to be accepted by the Institute to read for the PhD degree. We strongly recommend that it moves to this position as rapidly as it can and makes it a selling point in its literature. A cadre of top-flight research students will not only strengthen the Institute’s reputation generally, it will provide an additional intellectual stimulus for supervisors and others working in the Institute and a pool from which future research staff can be selected in competition with others. If it is possible for the Institute to raise funds for a bank of scholarships to support such students, this will greatly facilitate the process.

Participation of Students in Research Programmes

84. The second issue is whether, as some of those who gave evidence to us suggested, research students within the Institute should be required, as a condition of registration, to fit into one of the research programmes devised by the Institute rather than simply pursuing their own research in an area in which the Institute happened to have a member of the academic staff who could
supervise them. We see no reason why, in accepting research students, the Institute should not feel free to take into account their willingness to participate in one or other of the Institute’s research programmes, thus enhancing the Institute’s research capacity while giving the students an opportunity of working with experienced researchers - an opportunity some students are already encouraged to take by their supervisors where opportunities arise. This already happens in reverse, with some of those taken on as research fellows or assistants being permitted to register for the PhD. It is, of course, necessary to have mechanisms in place to identify the student’s own research work and to distinguish it from the work of the rest of the research team. On the other hand, we think it would be too constricting to require all research students to fit into such pre-determined programmes. This could have the effect of cutting off the Institute from new ideas, and new fields of study, into which it could usefully move, as well as possibly depriving it of the opportunity to attract outstanding research students capable of blazing a trail in virgin territory. We would wish to see numbers controlled not by any rigid ceiling but by reference to supervision capacity and by raising the entry standard to a high level as described above.

Recommendation 16

No member of the academic staff of the Institute ought normally to be supervising more than the full-time equivalent of eight students at any one time. For this purpose a part-time student should be counted as 0.75 in terms of full-time equivalent (paragraph 81).

Recommendation 17

Over time the admission standard for research students should be raised so as to restrict admission to those having outstanding academic qualifications or manifesting, by publications or otherwise, equivalent intellectual ability (paragraph 82).

Recommendation 18

The Institute should feel free, in accepting research students, to take into account their willingness to participate in one or other of the Institute’s research programmes, but it would not be appropriate to require all research students to fit into such pre-determined programmes (paragraph 84).
X Legal Education and Training

85. This head of the Institute's work covers a number of distinct, but interrelated, spheres of activity, including:

- theoretical work and empirical research in the field of academic and vocational legal education
- the study of professional responsibility and quality evaluation and control in the provision of professional legal service
- continuing legal education
- legal training for overseas government officers in particular fields, such as legislative policy and drafting and the tackling of money laundering and other types of economic crime

Work in these areas is divided among Professor Sherr and his research team, Sir William Dale's Centre for Legislative Studies, and the International Professional Training Unit, with support from the Information Unit. We have discussed these activities earlier in our Report (see paragraphs 32-44 above); they clearly represent a valuable contribution both to the theory of legal education and to the enhancement of standards of professional practice. Both the Institute and the Society are registered with the Law Society (in respect of continuing professional development accreditation) and the General Council of the Bar (as external course providers for its New Practitioners' Programme). Additional resources would enable such activities to be strengthened. For example, the Centre for Legislative Studies, whose activity has hitherto been sharply focused on the practical aspects of legislative drafting, could usefully develop a theoretical base to its work. The Institute would be well placed to pioneer theoretical work in this important but neglected field if its research capacity were enhanced. All three units suffer the problem of the short-term nature of their funding, to which we have alluded earlier.
Importance of the Library

86. The Library is at the heart of the Institute's activities. With a collection of over 240,000 volumes and nearly 2,900 current serial titles it is, as we have said earlier, one of the three best law libraries in England (the others being the Bodleian Law Library at Oxford and the Squire Law Library at Cambridge), and one of the best in Europe. It shares with the other libraries of the School of Advanced Study the characteristic of providing a nationwide facility and of enabling those using another library as their library of first resort to obtain access to a wide range of material not held in local libraries; and it works closely with the other libraries of the School to produce a coherent and integrated strategy for the development of information services. The Library is financed from the budget allocation made to the Institute by the Curators of the School of Advanced Study and is independent of the University of London Library.

87. The Institute Library statistics in the Annual Report provide a further illustration of the national and international role played by the Institute. In the academic year 1997-98, 1,739 students were registered for postgraduate work and used the Library. They came from 87 different countries. Some 340 postgraduates were studying at British universities other than the University of London; altogether they were drawn from 47 university law schools and an institute of higher education. A further 99 postgraduate students were studying for degrees with overseas universities. Law teachers and legal research staff using the Library come from all over the United Kingdom and from overseas. The combined figure for full and temporary admission to the Library for 1997-98 was 5,737, encompassing teachers of law, legal research staff, teachers and research staff in subjects other than law, postgraduate students, and institutional subscribers such as law firms and barristers' chambers.

88. On any one day there are up to 448 readers, with an average daily attendance of 331 readers in term time and 232 in vacation. In the academic year 1997-98 there were no fewer than 168,837 visits to the Library, while 54,200 book loans were made, mainly short-term. The Library also deals with a substantial number of telephone enquiries, with 6,470 telephone enquiries under the Distance Services information service to commercial clients, to whom 4,471 items were supplied, and a further 2,143 telephone enquiries outside the Distance Services scheme, including 95 from UK Government departments, 20 from overseas governments and international organisations and 955 members of the legal profession, of whom 39 were overseas lawyers.

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17Functions that have long been associated with the libraries of the Institutes now within the School of Advanced Study. See, for example, the Joint Funding Councils' Libraries Review Group: Report (the Follett Report, 1993), paragraph 202, and the Report of the Group on a National/Regional Strategy for Library Provision for Researchers (the Anderson Report, 1996), paragraph 21 (v).
Achievements

89. We were told by Mr David Gee, Assistant Librarian responsible for Readers’ Services, that over the past 10 years the number of readers had grown by over 75 per cent and there had been massive increases in loans to readers and in library use. Library hours had been extended and the Innopac automated Library system had been introduced. Electronic information services had also been substantially developed. These included the provision of access to networked databases, the creation and expansion of the Library web site and an increase in reader equipment to provide 25 public workstation computers and 42 CD services. All this has been achieved with little or no increase in Library staff, which is a tribute both to the efficiency of the Library under the direction of its Librarian, Mr Jules Winterton, and the dedication of the staff, who, Mr Gee told us, often subsidised Library operations by working in their own time to help develop and deliver services. Speaking both for himself and for the whole of the Library staff, Mr Gee emphasised the considerable advantages they felt in having an independent Institute with a full-time Director and a Librarian who is part of the management team. These changes had facilitated many important developments.

90. In the substantial volume of evidence we have received we have seen and heard little but praise for the Library, both in its collections and in the helpfulness and quality of services provided by the staff. The Library is undoubtedly the jewel in the Institute’s crown, and we were impressed by the amount of strategic planning in which the Librarian and his colleagues are engaged. It is constantly seeking ways to expand its services and provides remote access outside Library hours not only to the Library catalogue but also to the Institute web site, which contains extensive information on the Library and its collections and a guide with links to legal information around the world on the Internet. Mr Winterton told us that the Library, which now offers a home to important collections such as the FCO Commonwealth Law Library, is well ahead of many research libraries in its information technology provision. In addition to being heavily involved in the information strategy in the School of Advanced Study, the Institute has its own well-developed information technology strategy, and has made a bid to the Joint Information System Committee of HEFCE to create the national electronic gateway to law on the Internet; the final selection has not yet been announced. At the international level the Library has just embarked on a partnership with the New York University School of Law Library in a major funded project in which the Institute Library will form part of a network of “global law libraries” helping to support emerging democracies around the world by the provision of legal information.

91. The Library also attaches great importance to training in law librarianship. The Megarry Report had drawn attention to the lack of an appropriate career structure for Library staff and the need for the Institute to be able to train its own staff and give them proper opportunities for professional development. Following the Report the Library introduced some further gradings for senior staff to allow for more progression and has steadily expanded its
training in law librarianship. An extensive training programme is in place and the Library Association has approved a training plan leading to completion of professional qualification as Associate of the Library Association.

Problems Confronting the Library

92. It would not be right to say that there is a complete absence of criticism. Submissions received on behalf of the King’s College Postgraduate Law Society expressed a number of concerns. It was felt that the range of materials acquired by the Library needed to be reconsidered. In particular, since there was an excessive emphasis on materials from the United States and inadequate holdings of European law publications. The computer facilities were considered very inadequate, with readers often having to wait for up to an hour to use a computer, a problem exacerbated by the heavy use of computers by United States law students spending a term abroad studying at a London law school. The photocopiers were old and constantly breaking down. The carrels were uncomfortable. The building itself became too hot in summer and too cold in winter. The opening hours were inadequate. The Librarian accepts that there is some force in certain of these criticisms, while pointing out that many of the proposed improvements had already been anticipated by the Library’s policies (see below) or were due to existing financial and other constraints. For example, we have been told that the Library actively considers the balance of the collection, and a general strategy has been to make selective reductions in expenditure on the United States and Canada in favour of a strengthening, among other areas, European titles. The collections of law from western Europe, within the co-operative acquisitions framework of the University, in general are probably the best in the United Kingdom; the Library has recently taken on a role in the collection of law from some areas of central and eastern Europe. The Library has added extra networked computers for public use in each of the last four years and would like to add more machines as space and funds permit. Large increases in carrels and computer workstations are included in the requirements for the proposed new building, with a better carrel design. Opening hours were increased by 20 per cent in 1995, and the Librarian would like to see a further increase if funds become available. The criticism of the photocopiers is not accepted by the Library. The machines have been replaced on a rolling three-year programme, and the problem has arisen from inadequate servicing owing to the supplier having over-extended itself. A contract on better terms, which will allow a price reduction, has been placed with a new supplier.

93. The few complaints about the Library that we have received suggest that it is in no small degree beginning to suffer from its own success. The financial constraints are impeding the Library’s development, both in its collections and in its computing facilities. Mr Winterton told us that he felt the Library had been well treated by the Institute in terms of the proportion of existing Government funding allocated to the Library over the past few years, but indicated that while he was not seeking a larger slice of the cake currently available to the Institute the cake was simply not large enough. All law libraries suffer from the fact that the cost of legal materials increases year by
year at a rate which regularly exceeds the increase in the level of Government funding. In order to avoid cancellations of subscription services which most other libraries have been forced to endure it has been necessary for the Institute to secure additional funds and to make efficiency gains each year. The introduction of electronic materials, far from reducing the volume of use of existing paper collections, had to some extent increased it. The Library also faces, in common with other libraries, the problem of digital preservation. While digital materials are extremely useful research tools they deteriorate over time and are not archivally permanent. Accordingly they tend to supplement rather than displace paper-based materials.

94. The building itself is far from satisfactory. Because of the mass of glass it is susceptible to large temperature changes, so that it can become too hot in the summer (attaining "equatorial temperatures", in the words of a postgraduate student who submitted evidence to us) and too cold in the winter. The building also suffers considerably from external noise, mainly due to traffic, which has increased greatly over the years, and it requires double-glazing, which should, indeed, have been installed at the outset. The Librarian told us that the heating system itself is dated, expensive and inadequate. It is located at the School of Oriental and African Studies and the heating is piped to the Institute building where there are no local controls, so that the system is not responsive to changes in internal temperature at the Institute. There is no air-conditioning and the ventilation system is poor. The Library considers that the refurbishment of the existing building is a vital element in the project to extend the building.

95. Space is becoming a serious problem. In a paper prepared for us the Librarian observed:

"The Library overall will be full (generally considered to be 90 per cent for operational purposes) in late 2001. This is a threat to the efficiency of research which can be accomplished by users of the Library. The lack of space already necessitates time-consuming and costly moving and relegation of stock for the staff. Over the remaining six years until total occupancy the Library will become increasingly unmanageable. The more imminent problem is that the open-access shelving is completely full....

"There is a saturation of reader seats at peak periods and no differentiation of reading room space. The use of computers will make it necessary to provide separate sound-deadened areas for both fixed workstations and laptops."

The Librarian estimates that, overall, an additional 3,000 metres of shelving, mostly open access, will be needed, with 300 metres of archive store, 100 seats, increased staff accommodation, an additional 20 carrels, a training suite, and a trebling of the number of workstations, from 20 to 60, together with improved disabled access and facilities. In total this represents an expansion of the book area by about 27 per cent and in reader/information technology
accommodation by about 50 per cent. We also believe it is important to increase the facilities available to overseas visitors, particularly if the Institute is to attract a core of top-flight scholars in the way we have previously described.

96. These problems are being vigorously addressed by Lord Nolan's Development and Advisory Committee, and as indicated earlier it is hoped that the building can be extended to an adjacent site in Russell Square. We understand that when Charles Clore House was first built the architect, Sir Denys Lasdun, anticipated just such a development and structured the building accordingly. The importance of securing this extension to the building cannot be sufficiently emphasised. Without it the Library's future plans will be seriously inhibited, to the detriment of its users both from this country and overseas.

97. On the staffing front, we have been told that while the academic-related Library staff tended to remain in post for a long time, there was a high turnover in younger Library staff, who were attractive to law firms because of the quality of the training given by the Institute in law librarianship, and could, therefore, command salaries substantially greater than they earned at the Institute. The Librarian felt that a reasonable staff turnover was healthy, but the lack of prospects for promotion to academic-related posts made it difficult to retain the cadre of younger Library staff from whom future senior staff would later be drawn. It is not easy to see a solution to this problem. The Librarian accepts it as a fact of life and has found ways of coping with it. We are confident that if a method can be found for resolving this difficulty he will find it.

98. Finally, the constantly increasing numbers of LLM students and of options in the LLM programme, over which the Institute has no control, add to the burdens on the Library, both in terms of materials and in terms of staff time devoted to looking after their needs. The University of London is without rival in the number and diversity of its postgraduate taught courses in law. Table 3 shows the huge growth in the number of LLM students issued with tickets to the Library and the increase in the number of options available over the past 30 years. These are impressive by any standards. In the last full year alone the Law Subject Panel approved 15 new options, though some of these were revisions or replacements of existing options.
Table 3 - Number of LLM Students Issued with Library Tickets and LLM Options 1968-69 to 1998-99

<table>
<thead>
<tr>
<th>Year</th>
<th>LLM Students Issued with Library Tickets</th>
<th>Number of LLM Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968-69</td>
<td>246</td>
<td>44</td>
</tr>
<tr>
<td>1973-74</td>
<td>187</td>
<td>52</td>
</tr>
<tr>
<td>1978-79</td>
<td>266</td>
<td>55</td>
</tr>
<tr>
<td>1983-84</td>
<td>358</td>
<td>66</td>
</tr>
<tr>
<td>1988-89</td>
<td>605</td>
<td>109</td>
</tr>
<tr>
<td>1993-94</td>
<td>871</td>
<td>134</td>
</tr>
<tr>
<td>1998-99</td>
<td>993*</td>
<td>143</td>
</tr>
</tbody>
</table>

*Figures not yet final for 1998-99

But the burden of ensuring adequate library materials for the LLM students falls substantially on the Institute Library. The London law schools have been very understanding of the problems and have readily agreed to pay capitation fees to the Institute each year in respect of their LLM students and to increase these from time to time in accordance with a formula worked out in considerable detail by the Institute, in terms of heads of expenditure attributable to each student, and agreed with each of the Schools.

99. Nevertheless, a paper prepared by the Librarian at our request indicates that there are heads of expenditure attributable to students which the present formula does not, or does not adequately, capture. These include binding and repair costs which are significantly increased by the heavy wear and tear of books from use and photocopying by LLM students (in 1997-98 some 2,047,990 photocopies were made); a proportion of the costs of loose-leaf filing; and computing costs (including replacement of hardware and support costs) for computer services provided directly to students. There would seem to be a good case for some increase in the capitation fee to take account of these costs.

100. Moreover, we understand that in fixing the capitation fee no distinction is made between full-fee students and others. We should have thought that there was a good case for an increased capitation fee for full-fee students, for the full fee is intended to cover a contribution to overheads. Accordingly the formula agreed with the Schools may need some modification to reflect part of the overhead cost element which the fee is intended to provide.

Recommendation 19

The Committee endorses the view that the extension of the present building to provide more space is vital, particularly to accommodate the expansion of the Library, and fully supports the work of the Development and Advisory Committee in that regard (paragraphs 95-96).
Recommendation 20

The Institute should enter into discussions with the London law schools with a view to increasing the capitation fee for LLM students so as to capture part of the unrecovered costs attributable to them, and to setting a higher fee for full-fee students (paragraphs 99-100).
XII The Institute and the University of London

101. The Institute is an integral part of the University of London, and we regard it as extremely important, both for the University and in the national interest, that it should remain so. Attachment to a particular College would seriously undermine its ability to serve the wider community of scholars for whom it was specifically established. To detach it from the University would cut it off from its intellectual roots and deprive it of the rich academic culture that is associated with one of the world's great universities.

102. The Institute also benefits from being within the School of Advanced Study and in turn makes a useful contribution to the work of the School and thus to the development of the School's other Institutes. Co-ordination of strategic planning and budgetary control are achieved through the Directorate of the School and the Curators, supported in relation to financial matters by the University's Director of Finance and his office. A particularly successful form of co-operation among the School's 10 Institutes is in the development by the Librarians' Committee of an integrated strategy for the provision of information services and an automated system development plan, the operational requirements for which were the subject of a report prepared by the School in the very first year of its existence.¹⁸

103. Other benefits derived from membership of the School are the sharing of experiences and ideas among the different Institutes, both generally and in fund-raising, a visible influence within the University which it would not otherwise have, and more efficient dealings with external funding bodies, which already appreciate being able to obtain from a single source information about the activities and finances of the constituent Institutes, as well as an overall view from the School on issues on which the Institutes are on common ground, particularly in relation to research facilities. Finally, the School structure enables the Institute to enjoy all the benefits of attachment to the University while at the same time retaining a fair measure of independence in the performance of its functions - the School acting as a buffer between the Institute and the central University.

Recommendation 21

It is important that the Institute should remain an integral part of the University of London and continue to benefit from being within the School of Advanced Study (paragraphs 101-103).

¹⁸ The Operational Requirements for an Automated Library and Information System, 1994.
XIII Relations with the London Law Schools

Causes for Concern

104. While the Institute is primarily a national and international centre for the facilitation and promotion of legal research, it also plays an important role in relation to the six law schools of the University of London. Though each of the Schools has its own specialist collection, the Institute Library is the principal place of study and research for LLM, MPhil and PhD students and for the London law teachers. The Institute also provides a central location for the intercollegiate LLM seminars and lectures. The London law schools are strongly represented on the Board of the Institute, each School having three representatives on the Board. From the evidence we have received it is clear that the Schools regard the Institute as having the capacity to play a crucial role in supporting advanced legal research. That, indeed, was emphasised by Professor William Twining, of University College London, in his review of the London LLM, when listing a number of fundamental points on which there appeared to be agreement and which had been endorsed by the heads of law schools:

"The Institute of Advanced Legal Studies is recognised to be of immense value to the academic legal community in the University and support for it needs to be given a very high priority indeed."\(^{19}\)

105. Nevertheless our impression is that the relationship between the Institute and the law schools is not as close as it might be, and this despite the terms of reference of the Institute’s Resources Policy Committee, which refer (albeit in a slightly puzzling context) to the promotion of co-operation between the Institute and the London law schools (see paragraph 131).

106. We sense that the opportunity has not been taken on either side to develop collaborative links in the advancement of legal research. Professor Hugh Collins, a former Convenor of the law department at the London School of Economics and Political Science, expressed the sense of malaise in the following terms:

"Due to the change in funding arrangements between the University and the Colleges, the former position when the Colleges were implicitly funding the Institute in the University top-slice has gone. As a consequence, the Institute has had to seek funds for itself. In turn this leads to greater independence of the Institute from the Colleges than has hitherto been the case. It is in the process of becoming, if it has not already done so, an entirely independent research institute. My view is that this development is a mistake, because it separates the Institute from its best potential resource, that is the scholars in the six Colleges. At the same time, it tends to remove the Institute as the local forum for

\(^{19}\) LLM Review: Final Report (March 1993), paragraph 4(ii).
intercollegiate co-operation and synergy. As a result the work produced by the Institute is considerably diminished. Instead of the Institute being the natural home for any intercollegiate activity, it becomes merely a library used and paid for by the Colleges. Indeed the Institute of becomes a competing institution, with research students, postgraduate degrees etc."

107. In his interesting and reflective contribution to the volume of essays celebrating the 50 years of the Institute’s existence Professor Daintith observes that:

"co-existence is sometimes uneasy; and the competitive ethos instilled by teaching quality assessments and research assessment exercises is driving Colleges towards separate structures for their postgraduate and research work in law, such as College-wide graduate schools. Most notably, it is fair to say that there is no greater co-operation between London University Law Schools in research - or even research-based discussion - than between any of these law schools and other institutions, within or outside London."

108. It seems to us that there are a number of factors which have contributed to this lack of collaboration between the Institute and the London law schools. First, most of the law schools are large departments with heavy teaching loads, their heads of department and other senior academics carry burdens of administration which are progressively more onerous, and individual members of each department are hard put to it to find time for their own research. Secondly, the introduction of research and teaching quality assessments, beneficial though this may be in some respects, has undoubtedly led to a shift in attitudes from co-operation to competition, and the Institute and the schools are not immune from this syndrome. Although many individual members of the law schools are involved in the Institute’s workshops, seminar and lecture programmes, there is little involvement with the law schools at the institutional level, despite the fact that each of them has three representatives on the Institute’s Board, so that there would seem to be plenty of opportunity for the exchange of information and ideas. Thirdly, we feel that insufficient effort has been devoted to the informal nurturing of relationships between the Director of the Institute and the heads of the law schools. While they come together at formal meetings for the conduct of business, such as meetings of the Board of the Institute and of the Law Subject Panel (an intercollegiate body which replaced the Board of Studies in Law and of which the Director and Librarian of the Institute are members), there is a lack of that informal contact and discussion which are so important to the maintenance of good working relations. We can understand the problems. In the hustle and bustle of modern university life, with all its pressures, it is all too easy to neglect those informal

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exchanges of information and views which enable potential problems to be identified and addressed at an early stage before they have developed into serious issues.

109. The problem of communication between the Institute and the London law schools is at first sight surprising, given that each of them has three representatives on the Board of the Institute and is thus well placed to keep abreast of the Institute’s plans and activities and, indeed, to influence its development. But it has to be said that the Board itself does not appear to function as well as it might, partly because of its size and partly because of the nature of its business, and in Section XV we raise various points which the Board may wish to consider.

110. The Institute’s location in London as part of the University means that the Institute and the London law schools are particularly well placed to benefit from collaboration in areas of mutual interest. A closer relationship would also enable misunderstandings to be avoided, allowing the Institute to be responsive to the concerns of the London law schools and for them, in turn, to be aware of the Institute’s aspirations and its achievements (including, in particular, a substantial expansion in the volume and diversity of its activities and the raising of its Research Assessment Exercise rating from 2 to 4), and of the financial constraints under which it labours. Moreover, we hope that, as in the case of the other London institutes, academic lawyers, both within and outside the University of London, would see the Institute as both a meeting ground and a catalyst for the advancement of their discipline.

Measures to Enhance the Relationship

111. There are various steps that could be taken on both sides to deal with the lack of communication and collaboration to which we have referred:

- Regular meetings between the heads of the London law schools and the Director of the Institute would allow of the exchange of ideas and information, facilitate collaboration and enable potential problems to be identified and remedied at an early stage.

- The London law schools could make themselves better informed as to what the Institute does, what it is seeking to achieve and the difficulties it confronts in a transitional phase as it moves to a new plane of development, and, through their representatives on the Board, could play a more pro-active role in identifying areas of concern and in raising issues of policy concerning the direction of the Institute’s activities.

- The Institute could address the criticisms made by the London law schools, which we endorse, as to the excessive number of research students currently registered at the Institute in relation to the number of academic staff available to supervise them, and could give greater
emphasis to the quality of the intake and to measures to attract scholars of the highest calibre to accept visiting fellowships at the Institute.

- The Institute and the London law schools could work more closely together both in collaborative scientific work and in exchanging information about visiting scholars and their research interests and facilitating visits by such scholars from the schools to the Institute and vice versa.

- In preparing its programmes of conferences, seminars and workshops the Institute could liaise with the London law schools with a view to having their input of ideas into the content of the programmes and to a measure of synchronisation between such programmes and the schools' academic events.

- In agreement with the relevant teachers on the LLM programme, the Institute could, through its research staff and visiting scholars, provide a measure of support for teaching on an LLM course offered by a London law school.

- The Institute could seek to ensure that any major developments (including, for example, the creation of new Centres) were discussed with the London law schools both informally and formally by submission to the Board, so that the law school representatives would have the opportunity to make the views of their law schools known before decisions were taken.

We hope that the Director will feel able to take the initiative in carrying at least some of these ideas forward in discussion with the heads of the London law schools.

Recommendation 22

Steps should be taken to foster closer links between the Institute and the London law schools. These should include the measures suggested in paragraph 111 (paragraphs 110-111).
XIV The Directorship

Introduction

112. Our wide-ranging terms of reference include a review of the Institute's structure and management. Of key importance in this respect is the post of Director of the Institute. The present Director's term of office expires on 31 August 2000, but he is eligible for reappointment. In the following paragraphs we discuss the nature of the post and the criteria for appointment in terms of principle and policy.

Nature of the Appointment

113. In the early days of the Institute, as noted earlier, the Directorship was a part-time appointment, and the Director was appointed from one of the London law departments then in existence. Successive Directors saw no great difficulty in combining the office of Director with their continued academic work in their department or even the continued headship of the department. But as the Institute gradually moved beyond its predominantly library function into increasing academic activity of its own it became apparent that this could not continue. So in 1976 Professor Diamond was made the first full-time Director of the Institute, a post he held for the next eight years. The Megarry Report records that when he indicated his intention to retire attempts were made to interest some senior London law teachers in the post of part-time Director. But all such attempts failed, since none of those approached was interested. In the words of the Megarry Report:

"The matter is one not merely of available time but also of the stature appropriate to a centre of excellence for legal research. The Director should be someone who by his example and reputation would attract other research workers and research activity to the Institute."

The financial constraints were such that the first estimates for the Institute's 1986-87 budget made provision only for a part-time Director, and the Megarry Committee gave careful consideration to the question whether it should recommend the postponement of the appointment of a full-time Director until the financial situation improved. Fortunately the Committee took a robust line, denouncing such an approach as a recipe for failure, and in due course Professor Daintith was appointed to succeed Professor Diamond, Sir Jack, Jacob meanwhile holding the fort as temporary Director.

114. Today, following a major expansion in the Institute's activities over the past decade, no one has sought to question the need to continue the Directorship as a full-time post, and one which, through the need both to promote academic development and to raise funds for posts, has become extremely demanding. The debate now turns on different issues. What should be the criteria for appointment? For what period should the appointment be made? Should the Directorship rotate among the London law schools? The
answers to the last two questions depend critically on the role the Director is expected to play and the abilities he or she needs to possess to perform that role effectively. So it is with these that we begin.

Criteria for Appointment

115. In our view the essential qualities required of the Director are little changed from those stated in the Megarry Report. The appointee should, first and foremost, be a scholar of international reputation in his or her chosen field and should possess the leadership skills necessary to promote the Institute's national and international role as a research institute and a facilitator of research by others, not merely in the Director's own field but across the range of the Institute's research interests. The management role is also of great importance, though the Director should be able to delegate to others much of the routine administration, while exercising a general oversight. Also important is an interest in the maintenance and strengthening of links with the practising profession. Inevitably he or she must be able and willing to engage in fund-raising on a reasonably substantial scale, though this can only be done with help both from within and outside the Institute.

Catchment Area

116. It has been suggested to us that the Director should be a professor seconded for a period, of say, three years from one of the London law schools, on a rotating basis. We can see certain advantages from such an arrangement. It would strengthen the links between the Institute and the London law schools and it would allow a senior academic to accept appointment without sacrificing tenure at his or her College. Nevertheless, it is not a proposal we feel able to recommend. While we strongly advocate a closer relationship between the Institute and the London law schools it would, in our view, be incompatible with the Institute's national and international role to restrict appointments in the manner suggested. Quite apart from the fact that such a restriction might well result in no applications coming forward, it would severely limit the field and could exclude candidates of international repute from other institutions here or abroad.

117. The main purpose of the Institute is to foster national and international legal research. For that purpose the field should be as open as possible. Moreover, although we see no reason why a senior academic from one of the London law schools should not be seconded to the Institute, we regard it as important that the Director should be, and be seen as, independent of his or her law school. The rationale for the Institutes themselves as free-standing Institutes of the University rather than as attachments to particular Colleges is that they are designed to serve not only the whole University but also the wider national and international community of scholars. With a secondment for no more than the three-year period proposed it is likely that the holder of the post will maintain a significant involvement with his or her department, with a consequent dilution of the energy that should be devoted to the Institute.
118. Finally, we do not consider that three years is long enough a period to enable the Director to formulate and implement a strategic plan for the Institute's development or to set his or her impress upon the Institute. It is difficult enough already to attract interest in the post with a five-year term, and we see no reason why a senior academic of international standing would wish to incur the disruption of moving from an existing post for as short a period as three years.

Period of Appointment

119. With the exception of Sir Jack Jacob, who was appointed on a temporary basis, no previous Director has held office for a total period of less than eight years. Our view is that the term of office should be five years in the first instance, with a clear indication in the particulars of the post that if the Director's performance is well-regarded the appointment could normally be expected to be renewed for a further period of five years. This would provide a senior academic with a reasonable basis for giving up a tenured post while at the same time ensuring that the University is not committed beyond the primary period if a particular appointee fails to come up to expectations. It would also help to ensure the commitment and independence of a person appointed on secondment from a law school.

Other Aspects

120. The period of appointment is not, of course, the only factor relevant to the attractiveness or otherwise of the post of Director. The huge gulf between the level of academic salaries in comparison with those available in private practice is now causing acute concern in appointments in law throughout the university sector. It is not possible for universities to bridge this gulf, nor, indeed, would most academics expect them to do so. On the other hand, it is essential to invest in quality. The Directorship of the Institute of Advanced Legal Studies should be seen as one of the most prestigious academic legal appointments in the country. But if it is to have this cachet the salary and other conditions of appointment must be made sufficiently attractive, by comparison with normal professorial salaries, to engage the interest of senior academics of the highest intellectual calibre. This may require a significant investment of money and other resources, but over the medium to long term such an investment would, in our view, pay handsome dividends. Without it, we cannot see how the Institute can be expected to play a major role in research and research facilitation on the international stage.

Recommendation 23

A person appointed as Director should, first and foremost, be a scholar of international repute in his or her chosen field and should possess the leadership skills necessary to promote the Institute's national and international role as a research institute. The appointee should also have
an interest in strengthening the Institute's links with the practising profession (paragraph 115).

**Recommendation 24**

The Directorship should be open to all scholars meeting the criteria set out in Recommendation 23 (paragraphs 116-118).

**Recommendation 25**

The normal period of appointment should be five years in the first instance, with an indication in the particulars of the post that if the Director's performance is well-regarded the appointment could normally be expected to be renewed for a further period of five years (paragraph 119).

**Recommendation 26**

Steps should be taken to make the conditions of appointment appropriately attractive for a post which should be recognised as one of the most prestigious academic legal appointments in the country (paragraph 120).
XV  Management and Organisation

The Present Management Structure

121. We have outlined the management structure of the Institute earlier in this Report (see above paragraph 18). Appendices 3 and 4 set this out in more detail in diagrammatic form. Appendix 3 gives an overall picture of the constituent parts of the Institute, while Appendix 4 sets out the committee structure.

122. The School of Advanced Study is the umbrella for the 10 University Institutes. The University receives special funding from HEFCE21 for the Institutes as the major part of their funding within the HEFCE system. The grant is allocated to the School, which distributes it among its member Institutes by way of an allocation approved by the Curators (shortly to become the Board). The Board of the Institute has been an advisory body since 1989. Under the revised Scheme of Institutes now being put in place the Board will be retitled the Advisory Council of the Institute, though its functions and influence will not be modified.

123. We imagine that these changes will not significantly affect the Institute's day-to-day management, which is in the hands of the Director, assisted by his Management Committee. This is not formally constituted and has no specific terms of reference. It is a group established to advise the Director rather than a formal committee of the Institute. While its meetings range over all aspects of the Institute's life and work, academic, library, administrative and domestic, the wide discretion vested in the Director, coupled with the allocation of different functions to various committees of the Institute (see, paragraph 18 above), means that in practice the Committee's role is largely confined to domestic matters and to discussion and the pooling of ideas and information. Beyond the approval of those matters submitted to it by the Director its decision-making function is a very limited one. Nevertheless it plays an essential role in helping to ensure that the Institute runs smoothly and that each of its different sectors is aware of what is going on elsewhere within the Institute.

124. In general, these arrangements seem to have worked well. Each of the Institute's committees has its terms of reference and we have not heard anything to suggest that they are not properly fulfilling their allotted functions. Meetings are held regularly and discussions and decisions recorded in detailed minutes. The same applies to the weekly meetings of the Management Committee. The Board of the Institute, on which all six schools are strongly represented, meets twice a year, in May and November, and receives reports

21 Though the funding body referred to throughout this Report is HEFCE, it may be that the Institute's national role will, in due course, involve also the Higher Education Funding Council for Wales, the Scottish Higher Education Funding Council and the Department of Education for Northern Ireland.
and drafts of the rolling five-year development plans and out-turn reports. However, there are certain improvements we can suggest.

Composition and Business of the Board

125. The Institute’s Board may wish to give thought to its composition and to the nature of its business. There are currently six ex officio members of the Board and no fewer than 32 other members, of whom 18 are from the six London law schools, each of which has three representatives on the Board. It seems to us that it is very difficult for a Board of this size to function efficiently, and that the distribution of the Board’s collective responsibility over such large membership may be seen as diluting the impact of the contribution to discussion made by any one member, thereby reducing interest in the Board’s activities. It is not without significance that of the 18 representatives from the London law schools no more than one in three ever attends a meeting at any one time. We should have thought that one representative from each law school, with power to send an alternate, was sufficient, particularly since the role of the Board has changed from a Board of Management to an Advisory Board. If the representation of the law schools were to be reduced in this way, it would obviously become necessary to review the size of the external membership of the Board, with a view to reducing this by a similar proportion. However, we have not discussed this question with the Board (though two of our number are members of the Board) or with the heads of the law schools and therefore make no firm recommendation but merely suggest that the matter be considered.

126. We also wonder whether the business of the Board has not become mainly formal in character, with relatively few substantive issues for consideration. Most of the items on the Board’s agenda for meetings are designated as matters for report or for receipt of documents. This is true not only of routine business coming forward from the Institute’s various committees (whose function ought not in any event to preclude discussion of their decisions by the Board) but also of matters such as staff appointments, the establishment of Centres, the quinquennial Strategic Plan and the Director’s Annual Report. There might be a greater interest in what was going on in the Institute if the members of the Board were given more to do in contributing ideas and advice, from consideration of proposals for new appointments, or the creation of a new Centre, to the evaluation of draft annual reports and strategic plans and advice on the direction to be taken by the Institute as its activities expand, and on budgets. This last might include, for example, discussion of the internal allocation of funds within the Institute prior to submission of the budget to the Directorate and the Curators.

127. We do not see this as in any way incompatible with the Board’s status as an Advisory Board, since its views will continue to carry great weight and influence with the Director and the School. In short, we would suggest that Board meeting agendas should contain fewer items for mere report and more items for discussion and advice, to which the law school representatives could make a particularly useful contribution. For this purpose it would, of course, be necessary for Board members to receive with their papers the kind of
information needed for meaningful discussions.

*Higher Degrees Committee*

128. We are puzzled by two aspects of this Committee. It appears to report both to the Board of the Institute and to the Academic Policy and Standards Committee of the School of Advanced Study; and almost all its members either are or have been members of the Institute academic staff. There is currently no other member of a London law school; on the other hand there are members external not only to the Institute but to the University, which seems to us rather unusual. But we understand that these and other issues concerning higher degrees committees are currently under discussion within the University and we, therefore, say no more about them.

*Research Committee*

129. Given the Institute's national and international role, we were surprised to find that this Committee has no academic members external to the University. We understand from the Director that the composition of the Committee reflects the very limited research role the Institute had at one time and has not been adapted to the changed circumstances. We suggest that this be reviewed, particularly since it is the Research Committee that determines such matters as the arrangements for the annual W G Hart Workshop, as regards which there is, we understand, some feeling that decisions are concentrated too heavily in London.

*Library Committee*

130. The current membership of the Library Committee includes a law firm librarian and a practising lawyer which gives quite a significant representation from the profession. It has two student members (normally one LLM and one research student) and the LLM Co-ordinator giving a substantial input from the student viewpoint. It also has valuable representation from the British Library. In addition, each of the London law schools is represented. In our view, however, the Committee ought also to have significant representation from the law schools outside the University, which as presently constituted it does not. We suggest that the constitution be reviewed.

*Resources Policy Committee*

131. This Committee consists of a representative from each of the London law schools and the Director *ex officio*. The terms of reference of the Committee are:

"To advise the Director and the Board on resource and financial policies with a view to promoting co-operation between the Institute and the schools of the University where law is taught."

The reference to collaboration in this context is a little puzzling and appears to
be historical. We understand that in practice the sole function of the committee is to determine the principles on which the LLM capitation fee payable by the London law schools to the Institute is to be calculated, and then to agree on the fee for each College and adjust the figures from time to time. The principles have now been settled and the annual adjustment is agreed very quickly at a short meeting. In these circumstances we wonder whether there is any need for the committee to continue in existence. In these circumstances we wonder whether there is any need for the committee to continue in existence in its present form. We can, however, see a need for a reconstituted committee with new terms of reference to assist the Director in fund-raising. Such a committee should include both academics with good fund-raising/research grant experience and some practitioners.

The Management Team

132. At present Professor Daintith and Professor Sherr are not part of the Management Committee, though they are invited to attend one meeting in four. We can well understand Professor Daintith's reluctance to be a member of the Management Committee in view of his position as Dean of the School of Advanced Study and the possibility of a conflict of interest. But we think that the current holder of the Woolf Chair should be invited to join the Management Committee, not merely so that he or she can take part in matters relating to the work associated with the Chair but also contribute to the general management. At present the Director is the only academic member of the Committee. We feel it would be of benefit to have an input from at least one other senior academic involved in a different area of the Institute's academic work. Similar considerations apply to a full-time Director of any other Centre that may be created in the future.

Formal Meetings of Administrative Staff

133. Another matter to which we wish to draw attention is the concern among administrative staff that they are somewhat detached from involvement in the Institute's aspirations and activities. We have been told that while the Library staff meet regularly together, and individual departments within the Library have their own meetings, it has not been the practice to hold staff meetings for administrative staff. In the days when there were fewer staff such meetings were no doubt unnecessary, since they would meet each informally on most days. As staff numbers increase it is easy to overlook the need to organise meetings on a more formal basis. We recommend that arrangements for such meetings be introduced.

Informal Contacts between Management and Administrative Staff

134. Giving the administrative staff a sense of involvement in the Institute's affairs and aspirations is not simply a matter of formal staff meetings. It is important that members of the Management Committee take the time to wander round the building every so often to speak to staff, even if only briefly,
and make them feel they are part of the enterprise. This is not always easy with the pressure of work on the management group; but it is small things like this which contribute so much to a happy atmosphere within an organisation.

Listing the Membership of Centres

135. As pointed out earlier, the Institute’s academic work is organised primarily through Centres and research groups. The composition of these organisational units is not easily visible, since the academic staff list in the Annual Report is arranged by post rather than by Centre or unit, so that details of the academic staff in any one grouping can be extracted only by careful reading of the body of the Annual Report, and even then only as regards those academic staff who are mentioned in connection with a conference, publication or other activity associated with the field of research under discussion. We feel it would be helpful if in future Annual Reports the staff list were to be rearranged so as to show the membership of each Centre or other grouping. This is not merely a matter of information, it may also be relevant to a Centre’s profile when it is seeking external funding. We have discussed elsewhere the academic organisation of the Institute and have made certain suggestions in this regard. We have nothing to add to these.

An Institute Handbook

136. We understand that the Institute currently has no prospectus or handbook, though there are certain documents which partially fulfil that role, such as the document entitled Postgraduate Legal Work at the Institute, at present being revised. In view of the increased diversity of the Institute’s activities we believe it would be helpful to have an up-to-date, attractively produced handbook briefly describing the Institute’s functions and the facilities it offers. Such a handbook could perform a variety of functions. In particular it could be used:

• to inform prospective research students of their ability to apply for registration within the Institute for research within an area of the Institute’s interests, and to convey the high standards required

• to attract leading scholars from this country and overseas to spend periods of personal research at the Institute and to exchange ideas with other top scholars

• to promote the Institute’s research facilitation role

• to give information about the Institute’s Library, and to inform practising lawyers of the various subscription facilities, including distance services, which the Library has to offer
* used in conjunction with the Annual Report, to give prospective funders a picture of the work of the Institute, and in particular of its national and international role, in carrying out and facilitating research

Recommendation 27

The composition and business of the Institute’s Board and its various committees are matters which the Board may wish to consider. Thought should be given to reconstituting the Resources Policy Committee, with new terms of reference, to assist the Director with fund-raising (paragraphs 125-131).

Recommendation 28

The Woolf Professor of Legal Education for the time being should be invited to join the Management Committee, as should a full-time Director of any other Centre to be established in the future (paragraph 132).

Recommendation 29

Periodic staff meetings should be held for administrative staff, and members of the Management Committee should, in addition, maintain regular informal contact with staff members (paragraphs 133-134).

Recommendation 30

In future Annual Reports the academic staff list should be arranged so as to show the membership of each Centre or other grouping. The Institute should also produce a handbook describing its functions and the facilities it offers (paragraphs 135-136).
137. In 1988 the then Director, Professor Daintith, introduced the idea of a five-year development plan, which in due course became a rolling five-year plan, updated annually. Over time the procedures were elaborated, and when Professor Daintith became Dean of the School of Advanced Study he introduced them to the School. The Development Plan was changed to the Strategic Plan early in 1998 as part of a series of reforms by the Vice-Chancellor which introduced a new and less detailed format for the whole of the central University and one more closely related to the timetable for estimates. The Institute’s Strategic Plan sets out its objectives for the ensuing five years and the resource implications of each. A second document produced is the Out-turn Statement showing how much of the objectives for the year have been achieved.22 This seems to us an excellent method of planning and monitoring developments and one that could usefully be emulated elsewhere.

138. What the Out-turn Statements do not provide is a quality assessment, either internal or as viewed by users of the Institute’s services. At a meeting in 1998 the School’s Directorate agreed that, as a first step towards providing reliable qualitative evidence of School and Institute performance, each Institute and Programme should be asked to submit a short paper on its present practice in collecting feedback from users or possible users. Following upon this meeting the Dean sent a memorandum to each Institute asking (inter alia) how it identified the membership of its constituency (ie those who ought to be interested in its activities) and how it ascertained the satisfaction of that constituency with the way the Institute performed its activities in relation to:

- Libraries
- Other information services
- Research
- Teaching and training
- Publications
- Other

139. Institutes were also asked how each Institute used the information so gathered to guide its policies and whether they planned to use any new methods to obtain the above information during the current academic year. Responding on behalf of the Institute the Administrative Secretary, Mr Phillips, referred to the large number of databases, mailing lists and library

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22 The Institute also used to prepare an annual Operating Statement, which was designed to show briefly those elements of the Development Plan which were to be implemented during the forthcoming year, and how they would be funded or what savings would accrue, with reference to the budget and estimates. But the Operating Statement has now been discontinued, and what would have been the different elements of it are now absorbed into the relevant sections of the Strategic Plan.
readership records available within the Institute but stated that this material needed to be reorganised into a more structured format; identified the various forms of feedback obtained for most, though not all, of the Institute’s activities and referred to the setting up of our Committee and the information it was hoped to glean from its review.

140. The identification of proper performance criteria and the methods of establishing whether appropriate standards have been attained are of particular importance in the context of the Research Assessment Exercise but are also relevant to the general purposes of the Institute. The nature of much of the Institute’s research, coupled with its heavy dependence on research fellows appointed for no more than one year, means that the Institute does not readily fit into the Research Assessment Exercise framework. Moreover, the spread of the Institute’s activities inevitably means that it is less of a “pure” research institute than some of its sister Institutes within the School.

Performance Indicators

141. We begin with the observation that the yardstick by which the Institute’s attainments should be measured is its own Mission Statement, set out earlier in paragraph 23. Achievement of the objectives set out in the Mission Statement predicates a combination of high quality and substantial volume of work across the range of the Institute’s activities. Given the diversity of interests within the Institute’s constituency, it will be evident that it is necessary to evaluate performance not only in terms of a particular activity but also from the separate perspectives of the different interest groups. Some services, such as the Library, underpin the work of all interest groups: students, scholars within and outside the United Kingdom, practising lawyers, judges, and other users of the Library services. Other services, such as the supervision of research students, concern only one interest group, namely the students themselves, though obviously the level of their satisfaction with the supervision arrangements is of importance not only to the Institute itself but to the School and the University.

142. Moreover, it is not in our view sufficient to show that all interest groups are well satisfied. Since the Institute’s primary function is to foster advanced legal research, it is also necessary to ask whether it is striking the right balance between its theoretical work and its more practice-oriented activity, valuable though that may be in its own terms. Accordingly, the Institute’s performance cannot be measured simply by aggregating or averaging the levels of performance of its different activities. At the end of the day, the crucial question is its standing in the national and international community of scholars. The problem is how to test this. One way is to ask a group of distinguished scholars for their views, but it is difficult, if not impossible, to devise a satisfactory method of selecting those whose views should be canvassed. In any event, responses are likely to depend very much on the respondent’s particular impressions at a particular time and on the nature of his or her association with the Institute and familiarity with its work. There are
less direct, but in our view more reliable, criteria for judging the Institute's standing in the community of scholars. We have in mind in particular:

- the Institute's research record, and in particular:
  - the judgement of the quality of publications of the Institute's research staff through the Research Assessment Exercise peer review and in reviews in well-regarded academic periodicals
  - the Institute's ability to attract commissioned research or funds for its own research
- the quality of the Library and Library services, as reflected partly in the volume of use and the diversity of user groups and partly by the level of satisfaction or dissatisfaction expressed by the users
- the qualifications and standing of scholars who accept appointment to research posts
- the calibre of students accepted for postgraduate research at the Institute
- the degree of interest shown by academics in the Institute's programme of seminars, workshops, conferences and lectures, and the views of participants whose judgements are respected
- the nature and extent of the Institute's activities directed towards promoting collaboration with, or among, law schools and research institutions
- the calibre and degree of involvement of the Institute's visiting fellows

143. While the existence and adequacy of appraisal systems are now rightly emphasised by funding bodies as well as by universities themselves, it should be kept in mind that the appraisal process is complex and time-consuming and inevitably distracts those whose work is being appraised from carrying out the very functions for which they are being appraised. It is, therefore, an exercise that should be conducted relatively infrequently and then undertaken in depth.

144. In general, we would regard it as sufficient to have an external appraisal every five or six years. It may well be that a particular project, such as a substantial piece of research, could be separately appraised in a shorter time-scale, but we doubt the wisdom of selecting one particular activity in isolation, and in any event it may take some time and reflection before the true value of a particular work becomes apparent. There are, however, particular indicators of quality that can sensibly be reviewed annually. One example is the enhancement of library services, where the very nature of what is planned is clearly indicative of a continuing drive to improve an already excellent
service. Another example relates to the academic qualifications of students admitted during the year to read for the PhD degree. If our recommendation to set a particularly high standard for admission of Institute of Advanced Legal Studies students is accepted, it will be relatively easy to monitor progress on this front.

145. We consider that a relatively light internal appraisal, consisting of such matters as a review of publications and consideration of research strategy and the range of activities being carried on, should be conducted every two or three years by members of the Board of the Institute who are not on the staff of the Institute.

Recommendation 31

The Institute's performance should be assessed against its Mission Statement and the revised statement of objects we have suggested (see Recommendation 1). The criteria to be applied should include the performance indicators set out in paragraph 142 (paragraphs 141-142).

Recommendation 32

External appraisal should take place every five or six years. Relatively light internal appraisals by members of the Board of the Institute who are not on the staff of the Institute should be undertaken every two or three years (paragraphs 143-145).
XVII Resources and Resource Allocation

Resource and Financial Policies

146. We have drawn attention earlier to the now very limited role of the Resources Policy Committee and have suggested that consideration be given to its reconstitution (see paragraph 131).

Income

147. The Institute receives an annual grant of a little over £1 million from the total of £5.3 million allocated by the University to the School of Advanced Study. Though this is not the largest allocation (both the Institute of Historical Research and the Warburg Institute receive slightly more), the Institute has significant sources of other income - including academic fees, research grants and contracts, capitation fees from the London law schools, income from room lettings, publications, and a relatively small HEFCE grant paid direct - which bring its total annual income to some £2.4 million, making it the largest of the 10 Institutes in financial terms. The allocation among the Institutes is prepared by the Directorate and approved by the Curators. We have already expressed the hope that the Board of the Institute will itself take an active interest in the allocation of funds within the Institute's budget.

148. The sourcing of the Institute's funds altered radically with changes in the constitutional structure and funding of the University itself. Until 1994 HEFCE paid a block grant to the University which it then distributed to its constituent Schools after "top-slicing" the grant to cover a variety of central costs, including those of certain Institutes. Since 1985 funding for a number of Institutes, including the Institute of Advanced Legal Studies, has been provided by the funding in the form of what is now known as "special funding", which is determined separately for each higher education institution receiving it rather than being computed according to standard formulae, such as the number of students, etc. Under post-1994 arrangements grants from HEFCE are paid directly to the current 17 Colleges, so that the University has to negotiate with the Colleges the level of subscriptions to be paid for central services and has lost the block grant and with it any ability to provide for the budgets of the Institutes by top-slicing. With this change, special funding was extended to cover all the Institutes including those formerly covered by "top-slicing". The special form of funding for the Institutes recognises that they are not merely, or even primarily, designed to serve the University of London but, as we have said earlier, fulfil a national, and indeed, international role. The effect of these arrangements is that the funding of the Institutes is separate from, and does not affect, the amount of funds received by the Colleges.

149. Funding for research from HEFCE depends on the number of research-active staff in relation to the total and on the assessment of the quality of their research in the Research Assessment Exercise. However, there are various reasons why the Institute does not fit very well into the Research Assessment
Exercise model. Its heavy dependence on temporary research staff means that it is unable to obtain credit for a good part of its research, since it is likely that they will have moved to another institution by the census date. That is a problem that would be resolved if the recommendation we have made for independent reasons, that appointments to research posts should in general be made for at least three years, were to be adopted. But the Institute’s national and international role in facilitating research by others - a role which several representatives of the London law schools have urged should be expanded and given a higher priority than the Institute’s own research - brings only limited benefits under the Research Assessment Exercise scheme, in that it may at best tip the balance in favour of a higher grade in a marginal case. The Research Assessment Exercise benefits are secured entirely by the institution by which the particular researcher or research leader is employed at the relevant cut-off date. Efforts should be made through the School of Advanced Study and the University to ensure as far as possible that HEFCE will take fully into account the national and international research-facilitation role of the Institute.

Expenditure

150. For 1997-98, as in previous years, income slightly exceeded expenditure, permitting a transfer of just over £67,000 to reserves. As one would expect, by far the largest slice of the grant received from the Curators of the School was devoted to the Library, which (with the proportion of the premises and administration costs attributable to the Library) accounted for some 90 per cent of the total HEFCE grant received from the School, inclusive of teaching and research allocations as well as Non-formula Funding, less the top-sliced charges for central University services and facilities. This leaves the Institute very limited room for manoeuvre for non-library activities which are unsupported by "soft" money. We have been told that the only post supported by fee income derived from research students is that held by Professor Rees, the postgraduate tutor, which is a part-time post involving only modest expenditure. All other research posts, apart from those held by Professors Daintith and Rider, are funded entirely from other sources. A further problem is that the annual increase in the cost of books and periodicals for the Library substantially exceeds the cost-of-living increase given by the Government, so that the gap between publicly-funded grants to the Library and Library expenditure on publications is steadily expanding. While the Librarian and his staff have done exceedingly well in controlling the problem through efficiency savings, there is a limit to this process beyond which cuts begin to impair the quality of the services provided.

151. Finally, the Institute may be called upon to raise a substantial sum for or towards the cost of the extension to its present building which is now being planned under the oversight of the Development and Advisory Committee.

23 In the next Research Assessment Exercise this approach is to be modified so as to address the practice of attracting research-active staff from another university shortly before the cut-off-date.
The Need to Raise Additional Funds

152. It is, therefore, abundantly clear that the Institute, far from being able to expand its activities, faces the prospect of gradual decline unless it is able to raise a substantial capital sum (the first priority for which is the additional building) and to augment its income considerably, particularly to fund research posts. The Institute should launch a major appeal for funds. We were pleased to hear that the Institute is now beginning to take active steps to that end and has appointed a part-time fund-raiser to assist for one day a week. We have already suggested that consideration be given to reconstituting the Resources Policy Committee to assist the Director (paragraph 131). It is our impression that the growing collaboration with the practising profession, particularly through the activities of the Society for Advanced Legal Studies, is generating a considerable amount of goodwill among practitioners which we would hope could in due course form the basis of an appeal for funds, whether directly or through the Society. Other possible sources are Commonwealth governments which have benefited over many years from the training courses provided for their lawyers by Sir William Dale, and visitors to the Institute who have happy memories of their periods of research there.

153. We have referred earlier to the considerable difficulties which can be experienced where a researcher who is in the course of completing one project has to look around for funds to support a new project. This may result in an unfortunate diversion of effort away from the task of bringing the earlier work to fruition. What is very helpful for this situation is transitional "gap-year" funding which will ensure that funds are available to keep the researcher in post between the ending of one project and the securing of funds for the next one. We hope that it will be possible to raise funds, whether from within the University or from external sources, to provide assistance to the Institute in this way.

154. It is inescapable that the Director will need to be significantly involved in the task of fund-raising, though much of the time-consuming routine work could be delegated to a development officer, if funds could be found to appoint one.

Recommendation 33

Efforts should be made through the School of Advanced Study and the University to have the Institute's national and international role as a facilitator of research fully taken into account by the Higher Education Funding Council for England (paragraph 149).

Recommendation 34

The Institute should launch a major appeal for funds (paragraph 152).
Recommendation 35

Efforts should be made to raise funds, from within the University or from external sources, to allow for the financing of a possible "gap year" between the ending of one research project and the beginning of another (paragraph 153).
XVIII  An Evaluation of the Institute and its Future Development

155. In paragraph 24 we suggested a restatement of the Institute’s objects in the form of a modified version of its current Mission Statement. It is against this restatement that we summarise below the Institute’s many strengths and its major weaknesses.

Strengths

156. The Institute not only serves the University of London and its constituent law schools but also performs, through its Library facilities, programmes of lectures and seminars, accommodation for visiting scholars and assistance to United Kingdom and overseas governments and other public bodies, the national and international role which was envisaged for it from the time it was first conceived by the Atkin Committee in 1934.

157. The Institute has made considerable progress in implementing the key recommendation of the Megarry Report in evolving from an institute with an almost exclusively library function to one which now carries on a wide range of activity. This includes research and research supervision and facilitation, legal education and training and the development of collaborative links with the practising profession. This is largely due to the drive and imagination of the current Director, Professor Rider, and his predecessor, Professor Daintith. The Institute is unique in the United Kingdom as a general legal research institute with an interest in all fields of law and a commitment not only to research within the areas that from time to time fall within its sphere of activity and expertise but also to stimulating and assisting research by others, whether in London or elsewhere.

158. Particularly impressive is the combination of empirical research and theoretical work conducted over the past few years by Professor Sherr and the team he has built up. The value of this is amply attested by their ability to secure commissioned research from Government departments and a range of public bodies. These research activities will be complemented on the teaching front by the new Diploma in Legal Education, which seems to us to have particular merit in its combination of the theoretical and the practical and in its multidisciplinary and international approach.

159. Valuable work has been done on the theoretical side in public law through Professor Daintith’s publications and in the Institute’s editorial involvement in publications in comparative corporate law and comparative financial services law.

160. The Library also deserves particular praise, both for the quality of service and for the clear sense of direction given by the Librarian, Mr Winterton, ensuring that the Institute not only maintains and enhances its fine collection of books and periodicals but is in the vanguard of developments in
the provision of automated information services. It has also established law librarianship as a distinct professional skill and its trainee law librarians are in much demand from law firms. The Library is thus playing a significant role in raising standards of law librarianship nationally.

161. Through its Director, Professor Rider, assisted by Dr Andenas, the Institute has advanced the boundaries of knowledge in the complex fields of financial services law and economic crime, both of which are of key concern both to industry and commerce and to governments.

162. The winding-up of the Friends of the Institute of Advanced Legal Studies and the creation of the Society for Advanced Legal Studies as a company limited by guarantee has been amply justified. The work of the Society in collaboration with the Institute has resulted in growing collaboration between academic scholars and the practising profession in fields of common interest, to their mutual benefit.

163. The Institute has built up an impressive programme of workshops, seminars, conferences and lectures. The lecture series covers a very wide range of subjects, domestic, comparative and international, and represents a significant contribution to the Institute's steadily growing role as a facilitator of legal research and the dissemination of knowledge of developments in law.

164. Useful links have been forged with institutions overseas, and valuable work has been done by Sir William Dale and his Centre for Legislative Studies through his course on legislative drafting for legal officers of overseas governments, and by the Director and others in the provision of training courses and other assistance to staff of overseas governments.

165. Also to be commended is the Institute's commitment to its research students and the sense of collegiality and well-being engendered among them and among visiting scholars.

Weakenes and Ways of Addressing Them

166. The Institute is far too dependent on one-year research contracts, which account for 15 of its 17 research posts. In general, appointments should be made for not less than three years to ensure the requisite research productivity and continuity.

167. The number of students registered for postgraduate research degrees is excessive in relation to the size of the academic staff able to give supervision. Over time the number of supervisees for each supervisor should be sharply reduced and the emphasis should be on quality of intake.

168. While the funding of research posts by law publishers is to be welcomed, and is indeed greatly appreciated by the Institute, this should not detract from efforts to secure funds that will allow a shift of emphasis from
practice-oriented works to scholarly research and publication.

169. There should be closer relations between the Institute and the London law schools, and we have suggested ways in which this might be achieved.

170. There is a sense among the administrative staff that, through lack of regular contact with management, they are not sufficiently involved in or identified with the work of the Institute and its objectives. Periodic staff meetings and informal contact between management and staff would alleviate this.

171. The inability to provide an attractive career structure for the younger library staff may make it difficult to build up pool of personnel properly trained in law librarianship from which vacancies for more senior library posts can be filled in the future. We see no easy way of resolving this problem, given the much greater salary and responsibility offered by law firms to trained law library assistants. The upside, as the Librarian has pointed out, is that the Library is contributing to the national good by raising the standards of law librarianship.

172. The fundamental problems confronting the Institute are lack of space and chronic under-funding of research activity. Both are now being addressed by Lord Nolan's Development and Advisory Committee. A high priority should be given to the raising of funds, both from external funding bodies and from a major fund-raising appeal.

The Way Ahead

173. We have identified a number of weaknesses and constraints affecting the Institute’s activities and operations. However, we wish to emphasise that these are relatively minor when set against what the Institute has achieved, particularly under the leadership of Professor Daintith and Professor Rider. The Institute is now well placed to seize the opportunities open to it to establish itself as a research centre of national and international excellence and to enhance its role in research facilitation. We are confident that with planning, effort and enthusiasm most of these problems, if not completely soluble, can be substantially alleviated. The Institute is already playing an important part in promoting and facilitating legal research at national and international level, while its own research work is steadily expanding. In our view it has every reason to look to the future with confidence. While continuing to strengthen its links with the practising profession and its collaboration with practitioners in identifying and resolving problems of mutual interest, its primary aim should be to enhance the calibre of its research-student intake, to attract scholars of the highest intellectual ability to the Institute as visitors or as appointees to research posts, creating an environment for the flowering of ideas and scholarship, and to enlarge its research-facilitation role by disseminating information about ongoing research and by introducing visiting scholars to law schools within and outside London. In its work with practising lawyers the
Institute should take the opportunity to pick up ideas for subjects of theoretical study and develop these into academic research projects, so that the link with the profession is not only welcome in its own right but serves as a catalyst for intellectual development. We see no reason why in due course the Institute should not become recognised as a research institute of international standing, and why admission to the Institute as a research student or appointment as research fellow should not be seen as a mark of distinction.
INSTITUTE OF ADVANCED LEGAL STUDIES

REPORT OF THE REVIEW COMMITTEE

Appendix 1

The total number of people who submitted evidence, either written or oral, was 68, 13 of whom provided both written and oral evidence.

Notes
(i) bold type indicates witness provided both written and oral evidence
(ii) notation responds to record of formal set of papers

Written Submission supplied by (in order of receipt):
WSIALS/1  Professor T C Daintith, Dean, School of Advanced Study
WSIALS/2  Sir William Dale, Director of the Centre for Legislative Studies, IALS
WSIALS/3  Professor S Picciotto, Department of Law, Lancaster University
WSIALS/4  Professor D Hayton, Law School, King’s College London
WSIALS/5  Ms D Zinovieva, Research Fellow, Institute for Legal Studies, Bulgarian Academy
WSIALS/6  Mr C Bamford, Chief Executive, Financial Law Panel Limited
WSIALS/7  Professor C Warbrick, Chairman of the Board of Studies, Department of Law, University of Durham
WSIALS/8  Professor R Cocks, Head of Department, School of Law, Keele University
WSIALS/9  Professor H Collins, Law Department, London School of Economics and Political Science
WSIALS/10 Mr S Savla, Sweet & Maxwell Fellow in Commercial Law, IALS
WSIALS/11 Ms A Bidin, PhD Student, IALS
WSIALS/12 Professor C Harlow, Professor of Public Law, London School of Economics and Political Science
WSIALS/13 Mr R Southwell QC
WSIALS/14 Professor T C Fischer, Professor of Law, Dean Emeritus, New England School of Law
WSIALS/15 Mr A Shahrim, PhD Student, IALS
WSIALS/16 Professor J Cooper, Dean of Law Faculty, Southampton Institute
WSIALS/17 Professor C F Stychin, Secretary, Socio Legal Studies Association, Department of Law, University of Reading
WSIALS/18 Dr M Andenas, Senior Lecturer, King’s College London and Law Society Senior Research Fellow, IALS
WSIALS/19 Mr R Moorhead, Research Fellow, IALS
WSIALS/20 Dr A Haynes, Head of Institute of Finance Law, University of Wolverhampton
WSIALS/21 Dr F Dahan, Lecturer in Law, University of Essex
WSIALS/22 Professor A Boyle, Faculty of Laws, Queen Mary and Westfield College
WSIALS/23 Mr E A Lara-Cabrera, Research Student, Institute of Advanced Legal Studies
WSIALS/24 Mr S Whittle, Senior Assistant Librarian Computing Services, IALS
WSIALS/25 Mr C Roper, Director of the Centre for Legal Education, Australia
WSIALS/26 Mr R T B Green, Student member of the Board, IALS
WSIALS/27 Professor F N Baldwin, Professor of Law, University of Florida
Mr M Chan, MPhil/PhD Student, IALS
Mr Ye Feng, Director, Institute of Procuratorial Theory of China
Mr R Alexander, Rowe & Maw Research Officer in European Financial Services Law, and Co-ordinator of the International Professional Training Unit, IALS
Ms L Webley, Research Fellow, IALS
Professor R Card, Professor of Law, De Montfort University
Professor R Baldwin, Law Department, London School of Economics and Political Science
Mr A Hudson, PhD Student, IALS
Mr B Tupman, Department of Politics, University of Exeter
Professor A Harding, Head of the Department of Law, School of Oriental and African Studies
Mr J Haines, Research Fellow in Corporate and Financial Services Law, IALS
Professor A Sherr, Woolf Professor of Legal Education, IALS
Mr J Harris, Senior Information Officer, IALS on behalf of the Information Unit (and including Ms C Paul, Mr P Gray, Mr P Clement and Mr S Savia)
Mr P Johnstone, Principal Lecturer, Subject Leader in Law, University College, Northampton
Mr J R Winterton, Librarian and Deputy Director, IALS
Professor M Serio, University of Palermo
Ms C A Png, PhD Student, IALS
Mr N Swan, Partner, Cameron McKenna
Mr E Avgouleas, Lecturer in Law, the University of Manchester
Mr M Bagheri, Research Student, IALS
Mr M Ashe QC and Mr C Hale, Executive Committee, Society for Advanced Legal Studies
Professor G G J Morse, Head of School, School of Law, King’s College London
Ms H Xanthaki, Research Fellow, IALS
Mr S Ali, PhD Student, IALS
Professor C Douzinis, Chair of the Department of Law, Birkbeck College
Ms S Konstantinova, Counsellor, Embassy of the Republic of Bulgaria
Professor W M Rees, Barrister, Barnards Inn Chambers
Professor A A Paterson, Chairman, Committee of Heads of University Law Schools
Professor J Jowell, University College London and Professor S A Roberts, London School of Economics, Heads of the respective University of London Law Schools
Ms A Ramasastry, Assistant Professor of Law, University of Washington
Mr T King on behalf of the King’s College London Postgraduate Law Society
The Hon Mrs Justice Arden DBE
Mr R G A Youard
Oral Evidence provided by (in order of receipt):

OIALS/1  Mr R Cranston, MP, Solicitor General
OIALS/2  Professor B A K Rider, Director, IALS
OIALS/3  Professor T C Daintith, Dean, School of Advanced Study
OIALS/4  Sir William Dale, Director of the Centre for Legislative Studies, IALS
OIALS/5  Mr M Chan and Mr K Loney, Student Representatives, IALS (joint presentation)
OIALS/6  Mr J Harris, IALS Information Unit and Administrative Staff Representative, IALS
OIALS/7  Mr D Gee, Library Staff Representative, IALS
OIALS/8  Mr P Finigan, Domestic Staff Representative, IALS
OIALS/9  Dr M Andenas, Senior Lecturer, King's College London and Law Society Senior Research Fellow, IALS
OIALS/10 Professor J Jowell, University College London and Professor S A Roberts, London School of Economics, Heads of the respective University of London Law Schools (joint presentation)
OIALS/11 Mr G Troost, Intercollegiate Postgraduate Law Society Representative
OIALS/12 Mr M Ashe QC and Mr C Hale, Executive Committee, Society for Advanced Legal Studies (joint presentation)
OIALS/13 Mr J R Winterton, Librarian and Deputy Director, IALS
OIALS/14 Ms H Xanthaki, Research Fellow, IALS
OIALS/15 The Vice-Chancellor
OIALS/16 Professor A Sherr, Woolf Professor of Legal Education, IALS
OIALS/17 Professor I Fletcher, Director of the Centre for Commercial Law Studies, Queen Mary and Westfield College, representing the Head of the Law School
OIALS/18 Mr D E Phillips, Administrative Secretary, IALS
OIALS/19 Ms L Webley, Research Fellow, IALS
OIALS/20 Professor T C Daintith, Dean, School of Advanced Study (second attendance)
OIALS/21 Professor B A K Rider, Director, IALS (second attendance)
Demands on the Institute
The Institute, it should be emphasised, serves a very wide constituency: graduate students in law; teachers of law at universities and polytechnics throughout the country; scholars from all parts of the world; the judiciary at all levels; and legal practitioners. Significantly greater demands have been made upon the Institute in recent years, owing to a number of factors. There has been an increase in the need for lawyers in this country and abroad. There have been changes in the pattern of legal practice and a more important role for law in our society and in the international environment in which UK-trained lawyers play a crucial part. In legal education many new subjects are entering the curriculum and the traditional barriers between law and other disciplines are being eroded. All these changes are likely to continue and intensify in the coming years.

Inadequate Resources
The Institute's resources have not kept pace with these increasing demands, which it cannot itself control. The UGC grant has declined in real terms, and even though the Institute is providing services which already generate from non-UGC sources some 20% of its total annual income, it has been unable to keep up with the calls made upon it. Book prices have risen in excess of general inflation, and currency fluctuations have made things worse since so much of the material comes from abroad. Periodicals have had to be cancelled, and in 1985 the Library found itself in the extraordinary position of being prevented by the financial situation from purchasing desperately needed text books. The external photocopying service to non-academic users (e.g. practising solicitors) was suspended in October 1985 due to staff shortage, and for the same reason the opening hours of the library cannot be extended, despite a substantial demand.
Committee of Management

Since the beginning, the national status of the Institute in the legal life of the country has been emphasised by the range of membership of the Committee of Management. Throughout, the Committee has included not only representatives of other universities but also distinguished members of the judiciary, both branches of the practising profession, and of the Government Legal Service. The importance of the Institute as a link between the academic and practising professions of law was emphasised in the Atkin Report. The composition of the Committee of Management has done much to strengthen this link, as well as to provide major contributions from distinguished lawyers outside the University.
A CENTRE OF EXCELLENCE FOR LEGAL RESEARCH

This major Policy Review is the first to take place since the Institute's original Policy Statement was prepared in 1946. The Sub-Committee therefore felt it right to re-examine the earlier policy document and the recommendations of the Atkin Committee on which it was based. Early on in their discussions the members of the Sub-Committee re-affirmed the basic premise formulated by the Atkin Committee that there should be in London a centre of excellence for legal research.

As the Institute has developed over the years, it has established a law library that is first class both in the materials that it contains and in the premises that house them. It also provides accommodation for some important functions of the University of London, and organises various ancillary activities. Nevertheless, there is much force in the comment that as it stands today the Institute is essentially an excellent library with a number of peripheral activities. It has yet to develop into what it should be and was originally intended to be, namely, the national centre for legal research with a wide spectrum of scholarly activities.

Many of the recommendations which follow are aimed at the development of the Institute into just such a national centre. It is fully appreciated that such developments cost money and additional public finance is not immediately available. Nevertheless, the Sub-Committee decided first to set out clearly the ideals to which the Institute should be committed and then to recommend to the Committee of Management that the Fund-Raising Working Party should seek the finance necessary to begin at least some of the proposed new developments. The Sub-Committee considers that the present funding arrangements for the Institute are wholly inadequate for the proper discharge of the Institute's responsibilities. Additional sources of finance must therefore be sought as a matter of urgency. The Institute should seek by advertising and otherwise to maximise the financial return from its major capital asset, namely, its excellent library. In addition to those who already use it, there are many more who could greatly benefit from the services which it does or could provide, and would be willing to pay for the privilege, for example practising barristers and solicitors, including those working for corporate bodies, Government departments, public bodies and local authorities.
THE DIRECTORSHIP

The development of the Institute into a national centre for legal research calls for the appointment of an eminent legal scholar as Director in order to provide the necessary focus and the vital academic leadership that is needed. It is therefore recommended that a full-time Director be sought as soon as possible. Sir Jack Jacob emphasised strongly that to do all the things the Sub-Committee expected the Director to do and to undertake new initiatives in research projects and fund-raising would most certainly require a full-time Director. The Sub-Committee agrees that it would be unrealistic to think that a part-time Director would be able to oversee the many academic developments envisaged in this report. Recently attempts were made to interest some of the senior London law teachers in the post of part-time Director. Several names were suggested, but nobody who was approached wished to pursue the matter. The matter is one not merely of available time but also of the stature appropriate to a centre of excellence for legal research. The Director should be someone who by his example and reputation would attract other research workers and research activity to the Institute.

The First Estimates for the Institute for 1986-87, prepared before the major recommendations of the Policy Review Sub-Committee were formulated, include provision for only a part-time Director. Even so, the estimated deficit on the year's working is over £41,000. If a full-time Director is appointed and if the recommendations of the Librarian for promotions of existing staff and the appointment of additional library staff are carried out, the financial position in 1986-87 will be extremely difficult, despite the welcome recent news that the Institute's basic Court/Senate grant is to be increased next year by £30,000. The Sub-Committee therefore gave careful consideration to the question whether it should recommend that the appointment of full-time Director be postponed until the financial situation improved.

The Sub-Committee was strongly of the view that this was a recipe for failure. The specification for the new Director will have to include a significant role in fund raising. Without this, the future of the Institute is likely to be bleak, staggering year by year from crisis to crisis, and gradually declining to a second class institution, or worse. What is needed is a new beginning. The incoming Director will have to make it a top priority to put the Institute on to a sound financial basis so as to enable it to perform all its present functions, including in particular the maintenance of its Library and Library services, and at the same time carry out the new functions in the area of research which this report strongly urges should be undertaken. This should be well possible. In overall terms, the expected deficit at present is
relatively small. An energetic Director should be able to play a large part in raising the money needed, either by way of annual sums or, better, by way of a substantial endowment fund. The Institute enjoys a high reputation both in this country and abroad. The new focus of activities in the area of research would provide an ideal basis for a fund-raising drive which should be attractive in particular to foundations, the profession and even to some business interests.

The Sub-Committee therefore attaches the highest priority to the appointment of a full-time Director at the earliest possible date.

(f) Library Staff

The library needs a more appropriate staff structure, so that full career opportunities for professional staff will be provided. This is required so that the library may have the requisite combination of management experience, technical skills, linguistic competence and specialist knowledge. It is difficult to recruit staff with these skills because there are very few libraries in the UK with major overseas law collections. It is thus important for the Institute to be able to train its own staff and give them proper opportunities for professional development.
6. RESEARCH

For some years there has been a strong sense of disappointment at the fact that the Institute of Advanced Legal Studies has not itself been involved in initiating legal research. This raises many issues, but after lengthy discussion the Sub-Committee recommends that the Institute should:-

(1) Initiate, promote and sustain research activities. This might include co-ordinating research in a particular field of the law being pursued in two or more of the five University of London Law Schools (and possibly elsewhere as well), undertaking specific research initiated by the Director or other research staff as well as research commissioned by outside bodies, and engaging appropriately-funded research staff, normally on short-term contracts. The Director would be expected to play a leading role in this aspect of the Institute's work.

(2) Develop the highly regarded evening Study Groups which have long provided an opportunity for members of the judiciary, the Law Commission and Government Departments, the practising professions and law teachers (together with appropriate scholars from other disciplines) to meet and discuss current legal problems.

(3) Develop further its programme of workshops and conferences.

(4) Arrange seminars involving distinguished visiting scholars working at the Institute.

(5) Provide a focal point for research students, and facilitate seminars and meetings of MPhil and PhD students, thereby encouraging and stimulating an interchange of ideas among those who often are working in isolation.

(6) Provide bibliographical assistance for research scholars.

In this context "Research" is used to encompass the widest range of scholarly activity.

Registration of Students

Steps should be taken to amend, if necessary, any University regulations in order to enable the Institute itself to register (and therefore receive fees from) MPhil and PhD students. These students would be supervised by the Director and any other future academic staff.
9. SUMMARY OF MAIN RECOMMENDATIONS

1. The Institute should in the near future be developed into the national centre of excellence for legal research that was the expressed intention of the founding fathers.

2. A full-time Director of the highest calibre should be appointed as soon as possible in order to give the necessary dynamic academic leadership to its expanding work and to head the necessary fund-raising effort.

3. The excellence of the library should be maintained and developed. Library services in support of legal research should be strengthened, taking full advantage of new technology.

4. New efforts should be made to advertise widely the services provided by the library, particularly to the practising professions. Economic fees should be charged to the practising professions.

5. Present policies regarding the scope of the library collections and the admission of readers should continue, in each case subject to one or two very minor changes.

6. The Institute should itself initiate, promote and sustain research activities.

7. New research appointments, similar to the Senior Research Fellowship in Company and Commercial Law, should be sought.
INSTITUTE OF ADVANCED LEGAL STUDIES - REPORT OF THE REVIEW COMMITTEE
Staff Chart as at February 1999

Key to Abbreviations

- SRF: Senior Research Fellow
- SF: Senior Fellow
- RF: Research Fellow
- F: Fellow
- PG: Postgraduate
- FSL: Financial Services Law
- CL: Company Law
- IPTU: International and Professional Training Unit
- SAL: Senior Assistant Librarian
- AL: Assistant Librarian
- LA: Library Assistant
- *: Part-time
- #: Provides secretarial support for librarian, Professor of Law and other academic staff
- ##: Supports other areas of Institute

Note: The Projects Administrator and Senior Projects Secretary support the Society for Advanced Legal Studies and, therefore, have been excluded. The part-time development consultant has also been excluded.
INSTITUTE OF ADVANCED LEGAL STUDIES - REPORT OF THE REVIEW COMMITTEE
Committees Structure as at February 1999

Notes
1. In addition, the Centre for Corporate Law and Practice and the Centre for Legislative Studies each have their own Advisory Boards.
2. The committee structure of the Society for Advanced Legal Studies, an independent company limited by guarantee, is not shown.