

Alastair Hudson
Professor of Equity and Law
Queen Mary, University of London

Claim for National Teaching Fellowship 2008

INTRODUCTION

The philosophical underpinning of my teaching is best expressed by EM Forster to the effect that we need 'only connect the prose in us with the passion'. There is no better motto for an academic lawyer. The law is undoubtedly prosaic at times, but it is also capable of great passion. The people it affects are certainly passionate about it. I teach areas of law which are legendarily considered to be prosaic (equity, trusts law and property law). Thus, I have to connect the prose in these laws with the passion in their application.

As a teacher of law I also try to connect with each individual law student. By connecting with their life experiences and by using a variety of methods to bring the material alive, I believe I will communicate with everyone in lectures. Typically, I face a lecture theatre containing anything up to 300 students aged, for the most part, around 19 or 20. I have to engage them in difficult and abstract debates about complex issues to do with the transmission of property on death, the sheltering of property from taxation, the taking of security in complex banking transactions and so forth. Not only do I have to bring this difficult material to life but I also have to connect it with a diverse group of students. The Queen Mary student body is very cosmopolitan with a remarkably broad array of personal circumstances (60% come from ethnic backgrounds); thus, the pursuit of teaching excellence requires me to use a range of teaching techniques to reach every learner. I need to communicate not only general legal principles but also the detail in which these have become linked to practice and the skills which are needed to manipulate them.

My claim for the award of a National Fellowship is based on three interrelated elements:

- a systematic, structured and learner-responsive approach to effective teaching-learning
- an explicit linkage of published research to high quality teaching materials
- the development of new, post-graduate 'frontier' topics for law teaching.

In essence, my mission as a university teacher working in a research-intensive environment is to connect with each individual learner and therefore with each individual mind.

1 INDIVIDUAL EXCELLENCE

UK Law Teacher of the Year 2008

I was awarded UK Law Teacher of the Year in January 2008. This competitive award is administered by the UK Centre for Legal Education (UKCLE) at the University of Warwick and originates from personal nominations received from peers, colleagues and students. The judging process was exhaustive. After short listing, one of the

UKCLE judges, Tracey Varnava attended one of my teaching sessions – in this case a lecture on the somewhat dry topic of ‘the beneficiary principle’ in trusts law. The lecture was also filmed so that other judges would be able to assess its quality. Additionally, a selection of my students from the previous academic year were interviewed and recorded; the same process was repeated with two of my colleagues. Other judges scrutinised these recordings in absentia.

Student testimonials

The most easily verifiable commentary on my teaching was given by five students, interviewed by Tracey Varnava as part of the Law Teacher of the Year assessment process. The following text is taken directly from an e-mail sent to me by Tracey Varnava (T.Varnava@warwick.ac.uk) summarising her interviews with those students. The beginning of the passage, while preserving the students’ anonymity, explains the circumstances in which the information was provided.

‘The following quotations sum up the main points that the students made about you as a teacher. All the students were in their third year and had studied equity and trusts with you in their second year. A, B, and D had been in your [Equity] and [Trusts] tutorials and D has you as a dissertation supervisor.

B. Very structured in his lectures, very clear, he’s very approachable as well. He encourages people to go to lectures. Even though equity and trusts... is a very difficult subject...somehow everyone understood what was going on and enjoyed the lectures. ...he’s very, very clear. We know what we are supposed to be doing with him. He guides us very well.

A. He’s really enthusiastic about what he does. When he teaches a subject that comes across. You know he’s passionate about it so it makes you feel the same way about the subject, makes you want to learn it and study it. He’s also really approachable so if there’s something you don’t understand in a tutorial you can always see him afterwards, and you are encouraged to do that I think.

C. He was born to teach and lecture. Lectures were perfect. Right pace, amusing, obviously very informative. The subject is very complicated and yet he breaks it down in a very manageable way. Extremely clear. He repeats the important points many times and yet you never notice that. He does it every time from a different angle. Rephrases sentences. You don’t feel like he’s been saying the same thing many times yet he does and that’s the right thing to do because there is no other way of remembering it. Complicated stuff you have to reiterate again and again. Everyone really liked going to his lectures.

B. He cares. He cares about what he’s doing. Not only about the subject but about the students.

D. His book and his website are absolutely amazing...the book was structured in exactly the same way as his lectures were so it was very easy to follow through. On the website everything was just there for you, immediately available.

B. Our handouts were really structured. We always knew what we were doing. There was never any hesitation as to what was needed. If we wanted

to do some extra work at home and practise some exam questions he would happily take them on and give us feedback.

A.it was very clear what you had to do if you wanted to do wel..

C. 'He knows everything about Trusts. Absolutely everything!
He missed nothing. It just didn't happen. You got the feeling that you could rely on what he said.'

Three elements in particular emerge from these evaluations First, experiential descriptions of a lecturing style which demonstrates my determination to structure the material clearly and to present it with enthusiasm and commitment. Secondly, an appreciation of the various on-line resources which I make available to students. Thirdly, positive responses to my pastoral care and genuine commitment to creating a high quality learning community based on 'cognitive apprenticeship'. (Bandura, A 1997, *Social Learning Theory*). All these issues are considered in greater detail below.

Other student testimonials

There is, to my never-ending embarrassment, an area on 'Facebook' (I am reliably informed) called the 'Hudson Adoration Society' which contains 44 enthusiastic student comments 83 student have joined the group).. A colleague also found the following statement on 'The Student Room' web-site:

By the way, as an update, I revoke the ban on applauding for any lecture given by Alastair Hudson. That last lecture was fantastic, and he earned the mid-lecture applause (followed by his bow) for his rant on love, Lexus cars, PE teachers and death.

This 'rant' is an annual feature of my second year lectures when I feel students need reassurance that all their hard work will pay off in the long run. The occasional transformation of my lectures into entertainment should never be overlooked, nor my determination to empathize with their experience and ambitions as students.

The 2002/03 Undergraduate Yearbook (the only year in which one was produced) recorded 39 unsolicited, complimentary comments from students about me, out of 120 students with a Yearbook entry. Comments included:

a positive ray of sunshine

funny, intelligent and friendly

enthusiastic and humorous lectures....[he] goes beyond his duties as a lecturer in looking out for the well being of his students

made the hardest subject easiest to understand I've greatly enjoyed his lectures

that rara avis, a top-class academic and visionary with a keen sense of humour.

I was also pleased to note appreciative comments for support I provided outside the classroom, namely: *[he] always had a moment to listen when I needed him* and *[he] 'gave support through trying times.*

Appreciation of my style and approach to teaching has resulted in nominations and short-listing for the Queen Mary Drapers' Award for Teaching Excellence on three occasions over three separate academic years.

2 RAISING THE PROFILE OF EXCELLENCE

The scope of my teaching responsibilities

Most of my teaching is currently focused on a second year undergraduate course 'Law of Property II' for which I am course leader. This covers equity and trusts law and is a compulsory element under the professional body's regulations. I am responsible for delivering lectures for the entire cohort of about 300 students, for preparing all lecture course documents and smaller group seminar materials, and for support components on WebCT.

Rising numbers of law undergraduates at QMUL (a doubling since 1997) and the paucity of academic colleagues with expertise in this field, means I am now somewhat restricted to this course. These circumstances have influenced the manner in which I have changed the structure and delivery of the programme. Significant curriculum change has involved: increasing the amount of skills teaching, adjusting seminar questions to be more appropriate for larger seminar groups than before and increasing the amount of assessment guidance I put in my textbooks. It also prompted me to create my own web-site (see later) with materials which reinforce classroom teaching (see below).

New undergraduate Foundation Course

For about six years I was also responsible for the Foundation Course for new undergraduates, which introduced them to the English legal system, which gave them foundational skills such as reading cases and statutes and which introduced them to legal writing and the culture of studying law generally. I changed the Foundation Course radically when I was Senior Tutor in the Department and that structure persists to this day. It was singled out for particular praise in the Internal Review in 2001:

'The Quality Enhancement Committee commends the format and content of the foundation programme provided for first year undergraduate students (para 10.2).'

My aim was both to introduce students to their new university 'home' environment (something I felt had been missing previously) and to lay the foundations of their legal reasoning skills. This entailed giving them just enough written work and human contact in the early days of their degree to energise them and to make them feel as though they belonged in the Queen Mary Law School.

Impacting poor progression rates

I taught the compulsory course 'land law' for about ten years at King's College London and to first year undergraduates at QMUL. When I assumed responsibility for the Queen Mary programme in 1998 there had been a student failure rate of

nearly 40% in the May exams. This had been a course feature for some time since a former lecturer had attempted to impose a conceptual organisation for the course which was supported by no textbook and which, by way of example, required every student to access a single copy of a textbook held on weekly loan in the library for one particular tutorial.

I restructured the course so that early tutorials followed on explicitly from the case-reading skills element of the foundation course. This gave students greater continuity from their foundational studies. It also increased their confidence by putting their core skills to work. The course was further reorganised around one of two recommended textbooks and easily accessible cases. The initial course topic in the rearranged programme – on the distinction between leases and licences – was deliberately chosen because it: was rich in case law (so that each student could prepare a case themselves to present in tutorials); was the easiest three-part rule on the course (and so easy for a first-year student lacking in confidence to assimilate) and it began the learning process with a general topic (i.e. the law of leases) the subject matter of which is much more accessible than, for example, the abstractions of land registration. When aggregated these improvements increased student progression rates to nearly 80% in subsequent exams without jettisoning any of the more challenging material.

My approach to curriculum structure

Much of the success of a law course lies in its structure, just as the success of a story lies in the order and the manner in which it is told. In structuring law courses, I begin with fundamental theoretical concepts which are illustrated by comparatively easy technical ideas to generate student confidence and momentum. Progression through the course is then dependent on acquiring a greater volume of technical-legal principles and theoretical perspectives, and moving through increasingly conceptual and abstract ideas which build on earlier threshold concepts. This facilitates student's momentum through progressive levels of achievement.

When writing for students and structuring university programmes of study I invariably begin with foundational principles and add, layer-on-layer, more complex ideas which learners need to absorb in order to reach a level of attainment necessary for the intellectual integrity of the course. This approach to the acquisition of higher order thinking skills has a sound, proven foundation in cognitive learning theory (Ausubel, D *et al* 1978 *Educational Psychology: A Cognitive View*). By contrast, when writing for practitioners, one approaches these issues in a conceptual order that is less concerned with imbuing the reader with skills.

I have developed systems of assessment, support and feedback including: 'common problems with essays' documents; suggested solutions; lecture support of seminars; visual, tick-box assessment forms organised by skills exhibited in the assessment; and so forth. I undertake a large amount of problem-answering and essay-writing work in lectures to illustrate the skills which the students must develop. In part this is motivated by questions of equity and a desire 'to level the playing field' between students who are taught in seminars by part-time teachers and those who are not. The same is true of my podcasts.

The effectiveness of the approach is evidenced by the large number of students who progress from this mode of study into conducting research in these fields by way of an optional, dissertation course under my supervision.

Enhancing the teaching- research nexus

Published research in law – whether in the form of student textbooks, practitioner treatises or journal articles – constitutes primary material if the research is cited in court by judges, as my work has been, or if they genuinely conceptualise and order the existing case law and statutory principles. In this sense my published research constitutes a body of teaching materials. My student textbooks in particular have developed novel ways of presenting material in my specialist fields, both in terms of accounts of technical concepts and also in terms of the teaching of self-reflective skills which I embed and undertake through these materials. On-line podcasts and essays then personalise skills teaching and advise on assessments without interfering with pedagogic study.

I take tremendous professional pleasure in my research, whether it has been written to teach law to students or to provide an analysis of for practitioners. Frequently, especially in the field of finance law, my research acts as a primary resource for scholars and practitioners in frontier areas where little has been written or decided by the courts.

The best example of this marriage of teaching and research is my textbook *Equity & Trusts* (5th edition, Routledge-Cavendish, 2007). There are a number of distinctive features which I believe make this book more ‘student-friendly’ than others:

- the book is written with a controlled enthusiasm I do not discern in many other legal textbooks;
- it is written primarily to teach students rather than to impress other academics;
- each section begins with a summary of relevant principles before going on to analyse these in depth. This means students know what principle they are seeking to study before they begin their reading. This acts as an ‘advanced organiser’ which is essential to the successful study of law and encourages deep learning;
- each chapter has easy-to-understand, worked examples of legal principles, before then turning to the detail of the decided cases and statute. Again, by working through hierarchical levels, students more easily develop core understandings before seeing these worked through;
- the book advances a thesis of the nature of equity over its 1,200 pages (thus engaging with key pedagogic debates) as well as discussing the technical material which all trusts law courses require. This makes the book a better companion over the course of a programme of study because it is constantly giving a perspective on the technical material and so lifts the student out of the drudgery of note-taking;
- the book is interspersed with essays providing summations of several chapters which tend to be studied separately by the typical student reader. Each essay is supported by free-to-air podcasts. The overall intention is to teach detailed concepts within an accessible theoretical framework. No other book in the field takes this approach.

One review of the 3rd edition of *Equity & Trusts* considered that:

‘Any textbook on English law that quotes Aristotle and discusses chaos theory is likely to contain an interesting approach. *Equity & Trusts* does not disappoint. ... [it] takes a radically different approach from other books ...

One of the distinguishing features of this book is the readiness of the author to discuss equitable principles in their wider historical, economic, philosophical and political context. ...

One of the book's great strengths is its clear exposition of some very difficult areas of the law, moving seamlessly from points that puzzle students to points that puzzle practitioners. Other strengths are the breadth of its approach, the fact that it is extremely up to date, the freshness and vividness of its approach and its willingness to place equity in a wider context.

The student will enjoy a clear, lively and challenging account of the subject matter. The practitioner will find the book well worth consulting for its clear exposition of the basic principles and of their application in difficult areas'.

New Law Journal (30 January 2004)

The book's international impact

This book was used recently by the Malta Financial Services Authority and the Maltese International Financial Practitioners' Association for the professional education of its members on the occasion when 'the trust' was introduced to Malta. The book was also taken as a definitive statement of the law in the first decided case on Maltese trusts law. Additionally, it is used by Prof Baroudo, University of Paris, Sorbonne and former judge in the Court de Cassation, in his comparative study of trusts law in civil code jurisdiction. He and his colleague Prof Tiraud attended a seminar I ran in Geneva in July 2006 to learn more about English trusts law. Academics at the University of Sydney have also begun to use this book to deliver trusts law courses at the postgraduate level.

Other books on the same subject occupy opposite ends of the spectrum. At one end, *Understanding Equity & Trusts* (2nd edition, Cavendish Publishing, 2004) is a short textbook which has even more accessible examples and which has been stripped down to the bare principles a student needs to know to understand trusts law. At the opposite end of the spectrum is my scholarly, practitioner text *The Law of Trusts* (Oxford University Press, 2004, written with Prof Geraint Thomas) which sets out a new organisation of the subject so as to challenge *Snell's Equity, Underhill and Hayton Trusts and Trustees*, and *Lewin on Trusts*. Both are field-leading practitioner books which have been in print since the 19th century.

Our book was reviewed in 'The Fourth Musketeer' (2006) *Conveyancer* 398) by Prof Griffiths as being an equal (the 'fourth musketeer') alongside these long-established and more traditional treatises. The significance of our book is that it creates a new understanding of the subject which reflects and informs modern trusts law practice. It has been cited with approval in the courts of Australia and England.

My books on equity and trusts are intentionally aimed at *shaping* the subject both nationally and internationally among judges, scholars, practitioners and students both in civil code and common law jurisdictions. For me, this link between research and teaching is axiomatic.

Research which attracts postgraduates to QMUL

There are a number of postgraduate students who have come to Queen Mary specifically to study with me because of *Equity & Trusts*. They sensed enthusiasm and passion for the subject from the written page. One student had my course

recommended to her by a senior practitioner and academic at the University of Malta; she is now my dissertation student. Another, Italian student came to study with me so as to progress his Italian PhD. In the academic year 2005/06 I had two people who were already teaching trusts law at undergraduate level at other universities who came to study with me specifically on the LLM. Another Maltese student who came to study specifically with me blossomed while here and progressed under my tutelage to join the part-time teaching faculty at Queen Mary.

New subjects: reshaping the subject field

Much of my other research is in 'frontier' areas where there is little or no published work. Like all my research this also feeds directly into my teaching. At present personal research is directed at developing new areas of law – principally in the field of finance – so that they can be taught to postgraduate students and, for the first time, to undergraduate students in 2009. I also intend to increase the number of research students in these fields.

My book *The Law on Financial Derivatives* (4th ed., Sweet & Maxwell, 2006) remains the only treatise in the world on this topic written by an academic. Its approach is more scholarly than other 'how-to' handbooks which make up most finance law literature. It serves both as a primary resource describing standard market practices and contracts, and also as a means for scholars to penetrate the field. I receive a large number of contacts seeking to undertake doctoral research with me in this field from students and practitioners in the UK and other jurisdictions.

Writing *The Law on Financial Derivatives* has enabled me to develop an approach to finance law – marrying private law norms with financial regulatory norms – that enables it to be taught to, and understood by, undergraduates. An Indian review of *The Law on Financial Derivatives* stated:

'Alastair Hudson has over the years built up an impeccable reputation as the author of several 'new generation finance products' legal titles – and supported by statutory and case law developments – his writings have grown bigger, better and more authoritative. This title is truly a must for any financial product professional.'

www.globalreview.com/lawoffinder.html

A new textbook, currently in production, *The Law of Finance* (Sweet & Maxwell, 2009) will attempt for the first time to conceive the entire law of finance in one book. It is hoped that organising this material into a single book will enable practitioners *and* students to understand the ordering of this subject. I am attempting to establish this subject area as a distinct field through my research so that it can be taught as such.

My most recent book, *Securities Law* (Sweet & Maxwell, 2008) is a scholarly, practitioner treatise in the same vein. Again, it is the first UK book in this area and will inform future teaching of finance law at postgraduate level. The book's publication endorses my continuing strong commitment to develop genuinely research-led teaching. This began 2002-03 when I first taught an LLM course based entirely on my book *The Law on Investment Entities* (Sweet & Maxwell, 2000) examining investment and law in a novel manner.

Engagement beyond my institution

I have taught international audiences of legal and financial practitioners in Geneva, Malta, Dublin, Catania and frequently in London. Each of these ventures has led to repeated invitations to speak, always as sole presenter, and frequently to run one- or two-day seminars. My CV records work as an external examiner in eight other universities, including the Institute of Advanced Legal Studies, London and Hong Kong University. I consider service of this kind essential for benchmarking my own teaching practice and for ensuring our departmental procedures are rigorous and fit for purpose.

3 DEVELOPING EXCELLENCE

Researching, publication and the production of student-focused teaching texts are major vehicles for reviewing and enhancing my own performance. Together, they form a powerful means of securing continued professional development and achieving improvement in the quality of my students' learning experiences. Other mechanisms include:

Developing my own web-site

I have built, written and maintained my own web-site for a number of years previous to this (www.alastairhudson.com). The intention was twofold: first, to supplement my teaching and, secondly, to provide an outlet for my writing more generally. I created the web-site initially so that I could both keep my courses up-to-date with case notes and essays, and also to provide students with gateways into further study and self-directed research. In my LLM course Advanced Equity & Trusts, I was able to keep a log of class discussions on-line so that we could trace and evaluate the directions in which we had taken the material: this facilitated an experimental, open-textured approach to the subject without students feeling we might lose our moorings.

As a means to reach out to that small part of the lecture hall which was still not connecting with teaching provided solely through classes and textbooks, in 2005 I bought an MP3 recorder, some web development software and some sound mixing software myself so that I could record podcasts.

My web-site now contains over 50 podcasts, most of which were recorded specifically to support my textbook, *Equity & Trusts*. I produce podcasts for students at two levels: the first provides introductory materials for students about to begin their studies and the second provides pathways into further research. Each podcast can be downloaded and played on any MP3 player or through a computer. The sound has been mixed so that podcasts take up minimal memory space and yet are recorded at a suitable volume level.

Beyond the ordinary support materials for my taught courses, the web-site also contains hundreds of pages of social theory, fiction and other material which both informs and runs parallel to my teaching. As I am also responsible for the QMUL WebCT areas relating to my taught courses I can ensure provision from either source is complementary.

Participation in ongoing review of teaching

I have served as Senior Tutor and Deputy Head of the Law Department (a position defined at the time as bearing 'responsibility for the delivery of the LLB programme'). At the same time I directed the Foundation Course, and taught land law, equity and

trusts, and company law. As course leader I am responsible for the review of part-time teachers and their CPD through mentoring.

At this time I also chaired the Undergraduate Affairs Committee and the Staff-Student Liaison Committee, as well as being responsible for the Department's response to QAA Teaching Quality Assessment. I was responsible for the Internal Review of Law in 2001 and for Law's participation in the 2004 QAA Institutional Audit. Currently I serve on the Law School Teaching and Learning Committee in my role as Academic Tutor. It is in this role that I participate most obviously with colleagues in considering academic policy relating to the delivery of teaching and the relationship between academic staff and students. I also serve on the Law and Social Sciences Faculty Board, which is responsible for teaching quality matters.

Mentoring

I undertake a lot of mentoring on an informal ad hoc basis. One, long-standing example may illustrate this: I mentored R.H. during her undergraduate studies at Queen Mary and then continued in that role informally when she studied for an LLM at King's College, before she returned here to begin a PhD under my supervision. On beginning her doctoral studies she also began teaching land law as part of my QMUL team. I have thus known R. through all stages of her university career.

The mentoring I provide entails frequent discussion of teaching strategy, especially the enhancement of optimal learning and formative assessment methods for our courses. We speak at least once a week about our teaching and this serves as a near-constant process of monitoring individual student performance on the different courses we teach. Importantly, it also helps scrutiny of our own in-class performance. We are contracted to write a textbook together for Routledge-Cavendish called *The Law of Property*, which will open a new chapter in our professional development and co-operation.

R. is by no means the only 'student-into-colleague' I have helped and encouraged. A similar mentoring process has supported five other former students through their transition to university teachers and colleagues.

Conclusion

Working at Queen Mary has provided me with a fertile and challenging environment in which to develop my practice, reflect on what I do and contribute to the enhancement of student learning. I hope this application reflects both my commitment to an effective pedagogy for law *and* my enthusiasm to deploy research-led activities for the professional formation of intending and practising lawyers. Both are clearly linked. When engaged with either my approach can be summarised as: I communicate. I connect. I care.

* 4894 words