Piercing the Professional Imaginarium?

Educational Lessons from The Post Office Project

Keynote address to the Association of Law Teacher's Conference 2026

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Good morning everyone — it's a real pleasure to be here.

I am going to spend the next twenty minutes highlighting the central challenge posed by the Post Office Scandal. My title says "educational lessons" but what I really mean to do is pick up on an educational need.

The Legal Services Board recently asked the regulators to rethink their educational strategies on ethics– which may bring them back to degrees. The SRA is said to be looking at CPD. I believe law schools, traditionally overburdened by foundation subjects, and many other problems, have routinely ducked the need to see education on lawyering and professionalism as a central aspect of a liberal education in law regardless of whether students want to practice. but I am not going to spend time reheating that case.

What I want to do instead is share parts of our learning an ESRC research project with Rebecca Helm, Karen Nokes, Sally Day, Beth Growns, Emily Spearing, and Paul Gilbert. We have been poring over the history of the scandal and learned from the sub-postmasters themselves about how wronged they feel by law, by the legal system, and, in particular, by the Post Office and its lawyers.

We are also working with practitioners to understand their cognitive models for managing ethical tensions and will be reporting more over the coming year as our project draws to a close. The book of the Hamlyn lectures is coming out in June. Unusually, and thanks to the ESRC, it will immediately be open access. Please read it if you are at all interested and share it with your students.

As you will know, the central story of the Post Office is how it prosecuted around 1,000 sub-postmasters wrongfully. That central wrong comes with many cousins. It began with POL's lawyers drafting grossly unfair contracts - a matter of routine in some business contexts – that set the belligerent framework against which prosecutions were brought without necessary evidence, and then conducted improperly; they then covered that up through a range of lawyer-led strategies for protecting the Post Office's reputation (slanted reviews, attritional mediations, misleading litigation strategies) that rendered lawyers architects of or complicit in the abuse of the courts, and the misleading of opponent, judges, and Parliament.

The likely wrongdoing covers solicitors and barristers, in-house and in private practice, junior and senior. GCs and KCs. A former SCJ is involved in a situation pregnant with problems interestingly insulated from regulatory scrutiny.

Perhaps you have found ways to bring this into the classroom. I know of examples in contracts, corporate governance, public law, criminal justice, evidence, and of courses on lawyers and legal ethics. It can be used to explore doctrine, philosophy, psychology and skills; effective and ethical interviewing and professional identify formation, a particularly important and I hope promising way forward being taken forward at Leeds. Elizabeth Connaghan, at Reading, involved her students in a research-led drama based on the scandal. She raised £20,000 to commission a playwright to write GLITCH. It's had excellent reviews.

What I think is particularly important is bringing the personal and the emotional reality of legal failure into the classroom. Doing that well is priceless. My own undergrad education was transformed by a clinic at Warwick that confronted me with the messy, emotional terrain of real cases — and the theory and evidence that showed how lawyers make mistakes, mistakes that are patterned and repeated. A kind of professional complacency and blindness that lurks inside the Professional Imaginarium of my title.

Let me explain it with an example… Another Warwick.

Warwick Tatford was a barrister in private practice responsible for prosecuting Seema Misra, sent to prison whilst ten weeks pregnant.

In his written statement to the PO Inquiry described himself as "proud of my role as a barrister in the criminal justice system." He was he said " pretty experienced" as a barrister. His handling of the expert witness Gareth Jenkins he said, "utterly transparent". Jenkins was a Fujitsu employee; the starting point should have been that he lacked the necessary independence to be a witness. Tatford said he had "made considerable efforts to ensure that the witness did understand his duties".

He could offer up no evidence beyond his own assertion that he had so advised. Indeed, the evidence suggested he encouraged Post Office to be more aggressive in the case than they needed to be. His aim appears to have been to make it easier to recover the money against her.

There was no documentary evidence he advised Jenkins of his obligations to be independent. There was evidence that he asked him to "rephrase" or avoid "damaging concessions", to say that theft was the "more likely", and to reframe potential concessions as not being concessions at all. I would be fairly confident in predicting that the Inquiry will find the altering of expert evidence was serious and improper, as the expert evidence they called found.

As his written account of proud professionalism is questioned in oral evidence, he eventually concedes disclosure was 'nowhere near' satisfactory; advice given by his instructing solicitors was 'risible', and the overall approach was 'disastrous'. It leads to one of more meaningful apologies given to the Inquiry. Being forced to think about it has "clarified my mind as to what happened", he said he felt ashamed and

> "when I said I felt ashamed, I do. I actually feel worse because it's become quite clear in the way that the evidence is properly been put before me that there are many failings that I had ignored on my part and I perhaps created a rosier version in my memory that wasn't really there. ...I have changed my view. It's taken me a long time. I suspect I was in denial for a long time, perhaps in a self-justificatory way, and I apologise for that.

Tatford does not concede full responsibility, but he does concede he assessed himself against flawed presumptions of professionalism that many lawyers before the Inquiry have often leant on: that they are ethical and competent and so would have done, did do, the right thing.

I spend a great deal of time wondering how much of this professional imaginary is what he (and others like him) believed or was part of his defensive reaction as a witness. In other words, have they duped themselves, or have they become so ritualised though bad habits, that they let themselves astray. Or how much of it is simply a pose of professionalism to put before the Inquiry. In truth, I think it is a bit of all these.

Throughout the Inquiry we can find evidence of this professional imaginary. Lord Grabiner KC concedes an opinion he gave that Mr Justice Fraser should be recused for bias in the Group Litigation was in fact shaped by an advocacy document written by colleagues themselves bruised by losing before Fraser. He claims nevertheless his view was independently arrived at. Anthony Robinson KC's explanation for apparently misleading the court being met with an incredulous "Is that really what you're saying?" from Jason Beer KC, senior counsel to the Inquiry. Brian Altman KC being roughed up by one of his fellow Silks for his own failures offers an irate, "I'm human, like the rest of us.... Probably including you and I make mistakes and we all make mistakes." The Inquiry is long on lawyers conceding that they (or more often some other member of their team) made mistakes, chose their words poorly, took decisions they would not take now with the benefit of hindsight. Some confess they weren't trained in the areas they were working in, simply mimicked documents produced by others, and so on.

Individually, the professional imaginary. I am competent, I am ethical, I am merely human, works sometimes, but systemically, used repeatedly, it wears very thin indeed. Not least because we know one of these lawyers was having his services sold to clients as being that of a steam roller who would let nothing stand in the way of victory and another sold as being able to hold clients in the palm of his hand and capable of turning a pile of refuse into something that looks great. Half-truths and legal bullying. This is what appears to be being bought and sold in the name of the rule of law. By some. At the apex of the profession.

How do we, as educators, resist this hagiography of hollowness?

My own approach has been to sensitise students and practising lawyers to their own fallibility — to the biases and gaps in competence that lawyers are no more immune to than anyone else.

Alongside that, I try to help them understand the processes of alignment and situational pressure that shape professional life from the vacation scheme onwards: the "be more commercial" mantra is part reasonable pragmatism, part ideological re-education away from legality and towards risk-taking.

How way practitioners interpret legal ethics can, and does, slide into serious misconduct. Client-first, zealous advocacy is at odds with the rules more often than practitioners appreciate. Lawyers really do not understand their own rules.

And how very important lawyerly management of facts is. How often arguments take the place of facts and *slant* agendas improperly.

As well as what happens in moments of crisis, particularly crises that threaten to expose past mistakes or reveal that a clever strategy is failing.

And yet they also need a sense of their own agency in the face of powerful pressures to do the expedient but ultimately wrong thing — to speak up, to give voice to values, whilst also recognising the very reasonable desire of young lawyers to succeed and be accepted in their careers. Voice must be nuanced not naïve. A point I really struggle to land in practice.

Whilst I do not think any of these aims can be fully achieved at any one stage and much depends on the professions, courts, and regulators themselves taking culture seriously, I do think we need to equip all law students with a degree of measured scepticism of professional claims to competence and to propriety. And I also think a law degree that does not contain proper education on lawyering misses a vastly important component of the law as a subject and a system.

Currently young lawyers enter legal practice incredibly suggestible to order the behaviours, good bad or ugly, they see in teams within which they work. They do not have the tools to grapple with the rapid acculturation. The cynical lessons too easily absorbed from an apparently sophisticated and very financially driven environment.

It is perhaps best illustrated by one last example from the Post Office Scandal. Amy Prime in consultation with her supervising partner drafts an email to deal with a set of documents that can be used to "show that Post Office was not taking issues with Horizon seriously" The strategy involves the deliberate suppression of a document: the email says in terms "we'll do what we can to avoid disclosure... in a way that looks legitimate. However, we are ultimately withholding a key document." Subsequently she and Parsons seek to defend the strategy as badly phrased but legitimate.

How did Amy Prime come, so early in her career, come to draft such a cynical strategy. She suggests Parsons told her this was how to handle it and she followed his lead. Kuhn's fascinating study of US students entering a firm tells us something about this process of acculturation. Students who enter caring about being "very humanitarian" [and doing] "a lot of pro bono work" quickly cast such youthful adornments aside:

> "you need to just kind of rethink, as an adult …anytime you go into something that's not purely self-sacrificial, 'oh, I'm going to better the world,' you have these compromises you make. …. I don't really see [them] as compromising my morals in the long term. I see it as pursuing something that I actually am somewhat talented at …
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> ….I could enjoy doing something that maybe it's not saving the world. And, actually, I think civil procedure is cool."

Admiration for their own technical ability replaces a more fundamental sense of right and wrong and a life well lived.

Much of this problem, I suspect, derives from the culture of legal practice — about which legal educators can do relatively little. Those of us in critical scholarship think of ourselves good at alerting students to the wicked ways of the world. Basic preparation for the personal dimensions of professional integrity are another matter.

Students leave for practice with very little realistic knowledge of what awaits them. Career trajectories become gamified: get into the highest ranked firms, learn the rhetorical poses of being commercial, succeed on extrinsic rather than intrinsic motivation, learn to love your own technical ability and the ability to please the firm and your clients. Finding an educational answer to that problem is difficult. We should try and find a way.

There is something oddly poignant about "I think civil procedure is cool". An appreciation of technical expertise, a mature accommodation with ‘real life’ perhaps but it also something quite small, almost empty. Perhaps civil procedure is cool. But somewhere between that and Amy Prime's draft disclosure strategy, or Warwick Tatford’s apology, something went wrong. Our job, I think, is to at least name what it is and prepare students for it.