

A New Training Framework for Solicitors

The Advice Services Alliance's response to the Law Society's second consultation paper

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1 Introduction

This paper has been prepared in response to the Law Society's second consultation on a new training framework for solicitors, issued in September 2003.

ASA acknowledges that by carrying out this consultation the Law Society hopes to develop a rigorous solicitor qualification that is more accessible to individuals traditionally less able to enter the profession. ASA welcomes the Law Society's attempts to develop the qualification in this way and is pleased to respond to this consultation.

The Advice Services Alliance (ASA) was established in 1980, and is the umbrella organisation for independent advice networks in the U.K. Our aims are to:

- Champion the development of high quality information, advice and legal services;
- Ensure that people are not denied access to such services on account of lack of means, discrimination or other disadvantage;
- Encourage co-operation between organisations providing such services;
- Provide a forum for the discussion of issues of common interest or concern to advice organisations.

Full membership of ASA is open to national networks of independent advice services in the U.K. Current full members are:

- Advice UK (formerly Federation of Information and Advice Centres)
- Age Concern England
- Citizens Advice (formerly National Association of Citizens Advice Bureaux)
- Citizens Advice Scotland
- DIAL UK (the disability information and advice service)
- Law Centres Federation
- Scottish Association of Law Centres
- Shelter
- Shelter Cymru
- Youth Access

Our members represent over 2,000 organisations providing a range of services to diverse groups and working mainly on a local level throughout the U.K.

There are a number of qualified solicitors working within the not for profit advice sector. The sector also employs many individuals who have undertaken some part of the training process.

ASA is particularly interested in proposals that will widen access to the solicitor qualification and which will shift the focus from the length of study or practice to level of achievement. As we are not experts on legal education, we will not respond to questions in the consultation that deal with specifics.

Questions 1 and 2

We agree that the proposed principles to underpin any qualification scheme are appropriate. We also agree that the requirements set out in paragraph 46 capture

what all solicitors should be able to do at the point of qualification. However, there is a suggestion that these requirements should only apply “at the highest level”. If this means that entry to the profession can be gained if the requirements are only partially achieved or achieved at a lower level, ASA does not agree. It is ASA’s view that they should apply strictly to all candidates for entry to the profession.

Question 3

The categorisation at paragraph 47 is helpful. However, it might be useful to separate professional and personal management skills from client relationship skills. The two skills sets are different and develop through different types of experience. See response to Question 5 for more detail.

Question 4

The outcomes listed at paragraphs 49-53 largely capture what a solicitor should know and understand at the point of admission. However, we suggest that numeracy should be included as a general intellectual skill as the ability to make basic calculations is essential in most areas of law.

Paragraph 51 lists some of the legal transactions a solicitor should be able to complete at the point of admission. ASA agrees that all solicitors should have the ability to work with clients, progress legal disputes and plan and implement strategies to progress cases. These are general abilities required for the conduct of cases in all areas of law.

However, the specific transactions listed relate to establishing business structures and conveying property. Although ASA accepts that an understanding of the principles of property ownership and possibly business structures is important for all solicitors, an ability to draft agreements and complete transactions is rarely necessary for a solicitor specialising in social welfare law. It is ASA’s view that at present too much time on the LPC course is spent teaching subjects that will not be relevant to social welfare lawyers. The vocational stage of solicitor training should take greater account of non-commercial practice and build in flexibility to allow students to take less comprehensive courses in business and conveyancing law. This would allow those students interested in pursuing a career in Legal Aid to take courses in subjects more relevant to them.

Question 5

The level of detail specified in paragraphs 49-53 is correct, however, as stated above, it is ASA’s view that client relationship skills should be a separate category. This category could contain more detailed elements such as the ability to: probe beyond the immediate presenting problem(s) of the client; ascertain what the client wants to achieve; present knowledge or options to clients in a way that is comprehensible to them and directed at their concerns; adapt to situations as they arise and deal with difficult clients; write fluent prose and convey legal information clearly and concisely in a manner the client will understand.

Questions 10 and 11

ASA agrees that some of the outcomes can only be achieved in the environment of a legal practice. In particular, client skills can only really be developed through regular client contact; it is only through case work that a solicitor learns to apply legal knowledge so as to be able to progress legal disputes and to make strategic decisions about how to conduct a case; and the practicalities of case recording, time

recording and completing applications for public funding are only learned within a legal practice. For these reasons, a period of work-based learning is essential.

Questions 12 and 13

ASA believes that the protection provided to trainee solicitors by the Law Society's regulation of training establishments and by the existence of the training contract should continue. However, training contracts are in short supply and are often not accessible to members of marginalized groups such as ethnic minorities, women or lone-parent families. Individuals who do not manage to obtain training contracts frequently go on to gain significant paralegal or voluntary experience in private practice or the not for profit sector. Whilst ASA accepts that in order to qualify a solicitor should have some experience in a Law Society regulated training establishment, there should be more scope for recognising experience gained outside of such establishments. So long as the individual can demonstrate that objectives have been achieved, experience gained outside a regulated training establishment should count towards qualification as a solicitor. This will help increase diversity within the profession and open it up to groups that have traditionally been excluded.

Questions 17 and 18

ASA sees potential in all the pathways set out in Section 6 of the paper. However, we believe that the courses which integrate study and work-based learning are the most attractive as they address the important issue of the cost of qualification as a barrier to entry to the profession. This concern is well put at paragraph 29. We believe that flexible entry routes that allow individuals to earn money during their course of study, whilst at the same time gaining credit towards their professional qualification, will improve access to the profession and increase social diversity within it.