

LawNet's response to LETR discussion paper 01/2011 – Key issues (1): Call for evidence

Background

LawNet is a network of 67 small to medium sized independent law firms geographically spread throughout England and Wales. Firms undertake a wide range of legal work. The firms range in size from six to 43 partners. The combined income of the 67 firms comprising LawNet is currently in excess of £250m – equivalent to a UK Top 15 law firm – with members ranging from £2m to £18m turnover. There is a mixture of partnerships and LLPs, but no ABSs.

A survey for LawNet member firms was created incorporating the themes raised by the questions posed on pages 25 and 26 of the above discussion paper. The survey was sent to LawNet partners/members and to those responsible for training and human resources in the practices.

Set out below is a summary of the responses:

1. Do the foundations of the Qualifying Law Degree continue to provide a sufficient knowledge base?

66.7% of respondents said that the QLD provided a sufficient knowledge base.

The 33.3% who responded to say that the QLD did not provide a sufficient knowledge base, suggested additional elements which may be included in the QLD, as follows:

- Ethics
- English grammar
- Law in a business context and business reality and commercial acumen/awareness would be useful. Perhaps some focus on ethics and the wider history and development of the legal system.
- Compulsory company law knowledge and perhaps also a course in "the business of law" - many students lack an understanding of how law firms work as business structures.

The basic core subjects such as contract law, property, criminal law & tort should remain as currently prescribed.

2. Is the Qualifying Law Degree still adequate as the initial stage of training?

Most respondents thought it was still adequate. Respondents commented as follows:

- Lawyers have to start learning somewhere/sometime
- The degree courses which last four years and offer a practical "year out" working in Industry are a welcome addition
- Yes, providing the students undertake a thorough LPC/BPTC that expands upon background legal knowledge as well as practical skills. Limits to the initial stages of training highlight the importance of a significant training period and on the job learning
- The QLD provides a good foundation for legal training. Although there may not be much practical application it is essential to understand from where legal principles are derived

3. Should the GDL or Qualifying Law Degree be the only entry qualifications or should other qualifications be permitted?

80% of respondents thought that any qualification must have a background in law for the qualification to assist the entrants to the legal profession. 20% thought other degrees or qualifications could be considered.

4. Is the LPC still a necessary or desirable element in the qualification process?

100% of respondents thought the LPC is still necessary and desirable.

5. If the LPC were to be abolished what would be the implications for your firm?

A supplemental question was asked about the implications for law firms if the LPC were removed:

The responses all fell within the following themes:

- Without the LPC there was concern that trainees would be unable to apply legal knowledge in a practical context
- Increased training overheads which may make some firms decide not to take trainees
- Increased fee earner time spent on training and supervision
- Poorer knowledge of the requirements of the legal profession

6. Do training contracts prevent fair access to the profession?

80% of respondents thought that training contracts do not prevent fair access.

7. Are training contracts sufficiently regulated to ensure quality?

68% of respondents thought they were sufficiently regulated.

8. Should solicitors be qualified after completion of the Qualifying Law Degree and the LPC and be able to practice on their own account at that point?

83% thought that lawyers should have to go through a training process and that the "three year" rule is still necessary to protect the public.

9. Should CPD be reformed?

The respondents were split 50/50 on this question.

The comments of the respondents were all along similar lines to those outlined below:

50% thought that CPD should be made compulsory in the area in which the solicitor practiced and that there should be a requirement for regular management training for those running law firms. It should not be possible to earn CPD points from attending any training course available whether or not it is relevant to the person undertaking the training simply to gain the required number of points at the end of the CPD.

There was a theme that CPD should meet objectives for those undertaking it and should not be viewed simply as hours i.e. it should be more than a box ticking exercise.

Prepared on behalf of LawNet by Jeanette Lucy, Director of Learning and Development, LawNet.