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**TECBAR RESPONSE TO THE LETR  
DISCUSSION PAPER 02/2012 (“KEY ISSUES II”)**

1. This is the response of the Technology & Construction Bar Association (‘TECBAR’) to the Legal Education and Training Review’s (‘LETR’) Discussion Paper 02/2012 “Key Issues II: Developing the Detail” (‘DP 02/12’).
2. TECBAR is the specialist Bar Association for barristers who regularly practice in the Technology and Construction Court (‘TCC’), both in London and the provinces, or who do similar work before other Courts and tribunals, including arbitration and adjudication. There are about 350 members of TECBAR. Our members are highly specialist advocates who practice before judges, who are themselves experts in the fields of construction and technology disputes. For much of the work, instructions come via highly specialist solicitors.
3. TECBAR understands that the Bar Council will be responding to the questions raised in DP 02/12 on behalf of the Bar as a whole. Accordingly, TECBAR does not respond to the detail of the issues raised in DP 02/12, save that we consider it helpful and important to make an additional contribution on behalf of our members in one regard, namely in relation to continuing professional development (‘CPD’).
4. One of the central purposes of TECBAR is to provide continuing education for barristers who practice in the Technology and Construction Court. It does this

throughout the year with a busy programme of conferences and lectures. These involve the participation of leading academics, judges, solicitors, judges and other professionals. These CPD training events address recent legal developments in the field of construction and technology disputes and related commercial areas, as well as, facilitating skills development, covering, for example, alternative dispute resolution training workshops and advocacy skills. While a number of these events are organized by TECBAR on its own, we also work closely with other specialist bar associations and other associations, where beneficial for our members.

5. We refer to, and agree with, the concerns set out in COMBAR's response to DP 02/12 - in particular we would be extremely concerned about any shift toward a more active and "*outcomes-focused*" system, particularly in the form of periodic testing or examination. TECBAR is similarly unaware of any body of evidence which suggests that an "*outcomes-focused*" approach is required.
  
6. Our programme of CPD events is far from the "*box ticking*" exercise referred to in DP 01/02. It involves some of the leading judges and practitioners in the field, lecturing and debating current topics of interest. Indeed, if it were not of a high calibre, we would find it difficult to attract our members. Further, many of our members are engaged in activities which currently cannot count towards a barrister's CPD, or which can only count to a very limited extent. For example, keeping up to date by reading daily law reports, a regular feature of our members' practice, cannot count towards CPD. Similarly members' further education through writing articles, editing law reports or books can only count towards 4 hours a year, irrespective of the length or academic value of the same. It is frankly extraordinary that these researches and educational exercises do not count, or only count to a very limited extent. What is necessary is a better recognition of the activities which can be carried out for the purposes of CPD.

23 October 2012