

## Response: LETR Discussion Paper 02/2012 (Key Issues II: Developing the Detail)

Name of responding person: Sarah E. Z. Martin

Name of organisation (If responding on behalf of an organisation):

**Your named response will be published (but without contact details) on the LETR website unless you indicate to the contrary, below:**

I wish my response to be published wholly anonymously

I DO NOT want my response to be published

**If you are willing to be contacted by the research team with respect to any of your responses below, please provide the following contact details**

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**Are you responding as a:**

- |  |   |
|--|---|
| <input type="checkbox"/> Barrister                         | <input type="checkbox"/> Licensed conveyancer               |
| <input type="checkbox"/> Barrister's clerk                 | X <input type="checkbox"/> Other non-lawyer                 |
| <input type="checkbox"/> BPTC/LPC student                  | <input type="checkbox"/> Other provider of legal activities |
| <input type="checkbox"/> BPTC/LPC tutor                    | <input type="checkbox"/> Paralegal                          |
| <input type="checkbox"/> Chartered legal executive         | <input type="checkbox"/> Practice manager                   |
| <input type="checkbox"/> Claims manager                    | <input type="checkbox"/> Registered foreign lawyer          |
| <input type="checkbox"/> Client/consumer of legal services | <input type="checkbox"/> Regulated immigration adviser      |
| <input type="checkbox"/> CPD provider                      | <input type="checkbox"/> Regulator of legal services        |
| <input type="checkbox"/> Law student (undergraduate)       | <input type="checkbox"/> Solicitor/Notary                   |
| <input type="checkbox"/> Law teacher (school/FE)           | <input type="checkbox"/> Trade mark/patent attorney         |
| <input type="checkbox"/> Legal academic (university)       | <input type="checkbox"/> Trainee solicitor/Pupil barrister  |
| <input type="checkbox"/> Legal advice worker               | <input type="checkbox"/> Trainee legal executive            |
|  | <input type="checkbox"/> Will writer                        |

**Question 1: in the light of limited evidence received so far we would welcome further input as regards the preferred scope of QLD Foundation subjects, and/or views on alternative formulations of principles or outcomes for the QLD/GDL (We would be grateful if respondents who feel they have already addressed this issue in response to Discussion Paper 01/2012 simply refer us to their previous answer).**

**Question 2: Do you see merit in developing an approach to initial education and training akin to the Institute of Chartered Accountants of England and Wales? What would you see as the risks and benefits of such a system?**

**Question 3: we would welcome views on whether or not the scope of the LPC core should be reduced, or, indeed, extended. What aspects of the core should be reduced/substituted/extended, and why?**

**Question 4: should greater emphasis be placed on the role and responsibilities of the employed barrister in the BPTC or any successor course? If so, what changes would you wish to see?**

**Question 5: do proposals to extend rights to conduct litigation and the extension of Public Access to new practitioners require any changes to the BPTC, further education or new practitioner programmes, particularly as regards (a) criminal procedure (b) civil procedure (c) client care, and (d) initial interviewing (conferencing) skills?**

**Question 6: we would welcome any additional view as to the viability and desirability of the kind of integration outlined here. What might the risks be, particularly in terms of the LSA regulatory objectives? What are the benefits?**

**Question 7: We would welcome additional evidence as regards the quality of education and training and any significant perceived knowledge or skills gaps in relation to qualification for these other regulated professions.**

**Question 8: As a matter of principle, and as a means of assuring a baseline standard for the regulated sector, should the qualification point for unsupervised practice of reserved activities be set, for at least some part of the terminal ('day one competence') qualification at not less than graduate-equivalence(QCF/HEQF level 6), or does this set the bar too high?(Note: 'qualification' for these purposes could include assessment of supervised practice). What are the risks/benefits of setting the standard lower? If a lower standard is appropriate, do you have a view what that should be (eg, level 3, 4, etc)?**

**Question 9: Do you consider that current standards for paralegal qualifications are fragmented and complex? If so, would you favour the development of a clearer framework and more coordinated standards of paralegal education?**

**Question 10: If voluntary co-ordination (eg around NOS) is not achieved, would you favour bringing individual paralegal training fully within legal services regulation, or would you consider entity regulation of paralegals employed in regulated entities to be sufficient?**

**Question 11: Regarding ethics and values in the law curriculum, (assuming the Joint Announcement is retained) would stakeholders wish to see**

**(a) the status quo retained;**

**(b) a statement in the Joint Announcement of the need to develop knowledge and understanding of the relationship between morality and law and the values underpinning the legal system**

**(c) a statement in the Joint Announcement of the need to develop knowledge and understanding of the relationship between morality and law, the values underpinning the legal system, and the role of lawyers in relation to those values**

**(d) the addition of legal ethics as a specific Foundation of Legal Knowledge.**

**In terms of priority would stakeholders consider this a higher or lower priority than other additions/substitutions (eg the law of organisations or commercial law)?**

**Would you consider that a need to address in education and training the underlying values of law should extend to all authorised persons under the LSA?**

**Question 12: Do you agree the need for an overarching public interest test in assessing the aims and outcomes of LET? If so do you have any view as to the form it should take?**

**Question 13: we would welcome any observations you might wish to make as regards our summary/evaluation of the key issues (as laid out in paras. 127-31 of the Paper)**

**As an independent business coach to senior lawyers, former solicitor and in-house counsel, I offer the following responses on your key issues, based on my experience:**

- **General team management skills: Strengths and confidence.**

I have found that helping lawyers to develop a clear awareness of their own strengths and those of their individual team members can greatly enhance their effectiveness in their professional life and the quality of their professional service to clients.

Individual and team coaching to identify and build on strengths can temper the natural disposition of many lawyers to be overly critical of themselves and their colleagues.

Lawyers are, quite rightly, trained to look for possible problems on behalf of their clients. In relation to their colleagues the emphasis can helpfully be reversed to create a focus on looking for their strengths and potential.

The importance of listening well and bringing emotional intelligence to bear on teamwork cannot be overstated.

I have found that many young lawyers, and particularly female lawyers benefit from coaching for confidence, helping them to find their voice amongst strong colleagues, with clients and in client development activities.

- **Individual management skills: Balance, resilience and flexibility.**

In the increasingly pressurized environment of legal practice the legal skills of an individual

have to be complemented by personal management to a very high level. A regular coaching request from lawyers is to help structure a bespoke programme to balance the competing demands of client work and development with those of leading and managing a team, department or firm. Many lawyers can benefit from working on clear and effective delegation skills. An essential part of this important personal management is the development of the resilience, positive approach and flexibility needed to meet tough and changing market conditions.

**Question 14: Do you agree with the assessment of the gaps (now or arising in the foreseeable future) presented in this paper in respect of the part(s) of the sector with which you are familiar? If not, please indicate briefly the basis of your disagreement. [If you feel that you have already responded adequately to this question in your response to Discussion Paper 01/2012, please feel free simply to cross-refer]**

**Question 15: do you consider an outcomes approach to be an appropriate basis for assessing individual competence across the regulated legal services sector? Please indicate reasons for your answer.**

**Question 16: in terms of the underlying academic and/or practical knowledge required of service providers in your part of the sector, would you expect to see some further specification of (eg) key topics or principles to be covered, or model curricula for each stage of training? If so do you have a view as to how they should be prescribed?**

**Question 17: Would you consider it to be in the public interest to separate standards from qualifications? What particular risks and/or benefits would you anticipate emerging from a separation of standards and qualifications as here described?**

**Question 18: Decisions as to stage, progression and exemption depend upon the range and level of outcomes prescribed for becoming an authorised person. A critical question in respect of existing systems of authorisation is whether the range of training outcomes prescribed is adequate or over-extensive. We would welcome respondents' views on this in respect of any of the regulated occupations.**

**Thank you very much for your contribution. Please now e-mail your responses to [letrbox@letr.org.uk](mailto:letrbox@letr.org.uk), putting 'Developing the Detail response' in the subject line.**