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Dear Sirs,

LETR Call for Evidence and Discussion Paper

We are one of the largest and longest-established specialist bar associations (SBAs). We represent about 1200 Chancery barristers on the Bar Council of England and Wales. Our functions are principally: the continuing training and education of our members (by lectures, seminars and an annual conference); liaison with other professional bodies (at home and abroad) and the Government; responding to Government, judicial and regulatory consultation papers, and pursuing the equality and diversity initiatives of the legal professions and the pro bono activities of legal charitable bodies.

We note that the SBAs were not invited to respond to this Discussion Paper and are aware that the Bar Council of England and Wales and other bodies association with the Bar and the Inns of Court are responding to it.

We note that the main topics on which you are interested in receiving evidence are the following:

- The extent to which the overarching structure of legal education and training is or is not fit for purpose;
- Any weaknesses that exist in respect of the existing stages, and the extent to which there is willingness to consider radical change in the system;
- The extent to which the objectives and assumptions of the Legal Services Act 2007 and the move to outcomes-focussed regulation may be creating new or additional problems for the regulation of legal education and training.

We believe that neither the Chancery Bar Association nor the Bar in general, nor its regulator, the Bar Standards Board, is complacent about the suitability in the public interest of the education and training for practice at the Bar. The BSB has itself conducted in the last few years a three-part appraisal of the stages of legal education for the Bar under the chairmanship of Derek Wood QC, a former Principal of St Hugh's College, Oxford, and is

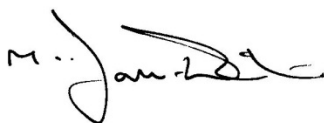
implementing his recommendations for reform. There is always some scope for improving a good system.

On the other hand, we feel that it is important to bear in mind, as the Government, the Judiciary and business leaders frequently tell us, that England and Wales has the legal system with the best reputation in the world, to which many other countries aspire and whose citizens freely choose English Law and the courts of England and Wales as their law and jurisdiction of choice. We refer you in particular to Unlocking Disputes initiative (<http://www.unlockingdisputes.com/>). Clearly, we are doing something right, and the system is not unfit for purpose. Our courts and legal system could not possibly have the universal reputation that they have if the lawyers who operate it were being educated and trained inappropriately. Radical change is clearly not required, and we caution against any such approach.

We have no doubt that modest improvements, which do not amount to an overhaul of the entire system, can continue to be made and will be made. These are likely to be in parallel with changes that the Government introduces to the operation of the courts, such as the Jackson reforms, or (as you suggest) in view of some of the changes implemented by the Legal Services Act 2007. In that regard, the principal change is that all lawyers (including the self-employed) now seem to be regarded as running a business, rather than conducting a profession. Apart from (a) teaching law students the statutory objectives and the professional principles of the Act and (b) explaining to them that their codes of conduct are now more outcomes-focused than prescriptive, we doubt whether legal education and training is greatly affected by the changes that the Act implemented. After all, we are training lawyers to be ethical and professional lawyers, not businessmen. We therefore doubt whether new or additional problems for the regulation of legal education and training are created to any extent.

We very much wish (and are sure that other SBAs feel similarly) to be consulted on any further proposals that LETR has for reform of the system of legal education and training. Would you please note our interest and ensure that we are issued with any future consultation paper?

Yours faithfully,



Malcolm Davis-White QC
Chairman, The Chancery Bar Association