

# Law: 'Do you consider that the current system of legal education and training can provide the lawyers that this country needs?'

## Plan:

### Introduction:

- Types of lawyers- barristers and solicitors
- Qualities needed by lawyers in this country- e.g. legal knowledge, practical skills, efficiency, cost effectiveness and ability to use their skills to benefit society

### The current system of legal education and training:

- Briefly describe education and training for solicitors and barristers
- 3 stages- academic, vocation and professional

### The need for certain qualities:

As mentioned in my intro, certain qualities are needed within lawyers that this country needs. But the argument is if the current system of legal training and education provides this or not.

### The need for legal knowledge and practical skills

### The need for cost-effectiveness and efficient service

### The need for lawyers to be accessible to all community members:

### Are professional lawyers even needed in today's society?

Are they really needed because of the increased workload and popularity of unqualified legal advisers in agencies such as the Citizens Advice Bureaux.

### Reforms:

Charter 88- pressure group

OMROD Committee Report 1971

### Conclusion:

Summarise.

Do I feel that the current system of legal education and training provides the lawyers that this country needs?

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## Introduction:

There are two types of lawyers; barristers and solicitors, referred to as the 'legal profession'. Both of which must go through variations of the current legal education and training system to become qualified and experienced, however, it is argued whether the current system actually provides the lawyers that this country needs. There are many qualities which lawyers in this country may need, such as legal knowledge and practical skills, cost-effectiveness, efficient service and to be accessible to all members of the community. However, the current system may not be producing lawyers with the mentioned qualities that this country needs for an effective, fair and easily accessible legal system.

## The current system of legal training:

There are many similarities between the training of both solicitors and barristers, however, after a certain stage in the process, the two professions divide, however, this is criticised as many law students are made to decide early on in their career which path to pursue. However, the current system allows a number of ways of entering the profession, either via a law degree, a non-law degree or as a mature student. Depending on how you enter the profession, the time in which it takes to qualify will vary.

## Training of solicitors:

There are over 100,000 solicitors practising in England and Wales, all of whom would have entered the profession in one of the three ways mentioned above. Within the system, there are three stages; the academic, vocational and professional. The academic stage is where students enter with a minimum of three A levels and a law degree which in itself can be very costly due to student debts. In the three years of gaining a law degree, students study the key areas of law such as criminal law, contract law and tort law, while specialising in chosen areas such as family law. This academic stage shows how the current system is providing lawyers with the legal knowledge needed to become good lawyers, however, it can prevent many able students becoming a lawyer due to the high costs, which do not end once a degree has been completed, as seen in the vocational stage where more courses have even more expensive fees. Following this is the Vocational stage where the Legal Practice Course (LPC) is paid for and undertaken. Costing around £7,000, this too poses the problem of able students from low income households struggling to make it in the profession due to the costs. This course provides solicitors with the practical training needed such as negotiation and advocacy. Finally, they progress onto the professional stage which includes a two-year training period and also a 20-day Professional Skills Course which builds on the skills learnt in the LPC. They are then qualified as trained solicitors. Also, non-law graduates can still become a solicitor. By having three A levels and a degree in a subject other than law, a Common

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Professional Examination (CPE) costing between £3,000-£7,000 will be taken. Followed by the LPC, (another £7,000-£10,000) then the two-year training period to become qualified. Although it takes longer to do and more expensive, it allows more people to become lawyers, even though some argue the profession makes students decide too early on which route to take, which is clearly not true in this case as non-law graduates can still enter the profession, along with mature students who have a slightly longer and costly route. In this example, mature student's need 4 GCSE's followed by the Institute of Legal Executives Part 1 and 2 Exams. They then work for two years in a solicitor's office and are then admitted as a Fellow of Institute of Legal Executives. They then undertake the LPC or a two-year training period followed by an exam to become qualified.

### **Training of barristers:**

There are around 12,000 barristers currently working in England and Wales, and similar to the routes taken by solicitors, would have qualified in one of the three ways mentioned previous. As with entering the profession as a solicitor, barristers must also have a minimum of three a levels followed by a law degree (however, this is only one of three routes). The academic stage begins with the a levels and law degree where they learn the same as solicitors. However, instead of doing the LPC, they go on a different course called the Bar Vocational Course which costs around £15,000. This course is part of the vocational stage which is where they learn practical skills such as legal research and draftings for pleadings for use in court. Also students have to join one of four Inns of Court; Inner Temple, Middle Temple, Gray's Inn or Lincoln's Inn. They then take part in a pupillage for a year and earn half the usual salary of a barrister as part of the professional stage. Following this they are qualified barristers. Another route is by having a non-law degree and then taking the Common Practice Examination (CPE) and continue the route the same as a law-degree based student. Finally, the other route which can be taken is a non-graduate entering as a mature student who takes a two-year long version of the CPE and then follow the same route as the law student.

### **The need for certain qualities:**

As mentioned in my introduction, certain qualities are needed within lawyers to become those that this country needs. However, the argument is if the current system of legal training and education provides this or not. Such qualities include legal knowledge, practical skills, cost-effectiveness, efficient service and to be accessible to the community. I will now further explain my arguments whether the above mentioned qualities are provided for by the system of education and training currently in use.

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### **The need for legal knowledge and practical skills:**

These are obvious qualities needed in lawyers, however, the system is largely criticised due to the fact that the legal knowledge can be bypassed and that the system mainly focuses on a more practical approach. This is due to the current courses on offer to provide lawyers with legal practical skills, which in the past, they were criticised not to have. The need for legal knowledge is vital, as lawyers need to win their cases by using their legal knowledge, however, although law graduates will gain the necessary knowledge in their three-year law degree, non-law graduates and mature students can still become lawyers without gaining a law degree. This is criticised as they only do a one-year course consisting of formal law and it has been said that this quick and easy way of gaining legal knowledge is like a surgeon not knowing how to properly carry out an operation. On the other hand, this does allow those who are not certain at an early stage in their education which career path to follow, to then change their mind and later on, after gaining a degree in another subject or even working in another profession, to become a lawyer. This makes the legal profession more diverse and easier to access, as it has been criticised that it forces students too early on to decide which route to take, due to the fact that it takes many years to become qualified as a lawyer. Another criticism of the current system is that although the system does provide practical training and skills needed for a lawyer, it is hard to get training or a pupillage as there are more graduates than there are places. Also, the quality of the training and pupillages can vary tremendously. For example, one pupil may be used as 'free labour' for a year, and not given much work to do apart from the work which no one else in the firm may want to do, yet on the other hand, a student could gain a place in one of the best law firms and learn a lot from the experience. Therefore, the current system is not necessarily producing the lawyers this country needs as many students who are non-law graduates or mature students take a condensed course to gain legal knowledge, so there is not as much depth learnt as what a law degree provides. Also the practical skills gained by all students can be varied and not necessarily beneficial, that is even if they manage to get hands-on practical skills!

### **The need for cost-effectiveness and efficient service:**

There are many problems with the current system and another one is that the service is not very efficient or cost-effective. A major disadvantage to the system is that it currently trains the two types of lawyer separately even though the paths are similar up to a certain point. This poses the argument over fusion<sup>1</sup>, meaning to combine the two professions. This would reduce costs as only one lawyer would be needed, not both a solicitor and barrister, making it more efficient as the same person could carry the case from beginning to end. Up until 2004<sup>2</sup>, people who wished to use a barrister

<sup>1</sup> OCR Law for AS, Jacqueline Martin, page 130

<sup>2</sup> OCR Law for AS, Jacqueline Martin, page 126

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had to go to a solicitor first. This created unnecessary costs and hassle for the client as well as being inefficient. However, direct access is still not available for criminal and family cases, so these types of case still have the problems of inefficiency and unnecessary costs. Another argument is that the service is not always efficient as the system divides the profession very early on and is wasteful of talent. This leads me on to my next point of the financial problems associated with this costly scheme of educational and training which leads to many able students being put off by the large fees.

### **The need for lawyers to be accessible to all community members:**

The typical stereotype of a lawyer is that of an older, upper-class white male, which can be intimidating to many of the people who would try and get legal aid of some sort. Because of this intimidating stereotype, many people are put off using solicitors especially for claims regarding social security and employment problems. This stereotype arises due to the current system of training. Due to its very high costs, many able students who are not from privileged backgrounds or who do not want to get into so much debt are put off from entering the profession. This leads to many students who rely on funding from their parents, as they are from wealthy families to afford the university, courses and living fees. This therefore puts many able under-privileged students from entering the profession, which are the lawyers this county really needs, and not the wealthy students who may not necessarily have a talent for the profession, they can only afford the expenses. However, even though many able students are put off from entering the profession, there are three routes of entry into the profession for those who will go into debt to try and become a success in this very competitive profession. So although there is the argument that the system forces students to decide to early on, there are many ways in which they can enter the profession which I have already explained; the law-degree route, non-law degree route and mature student route. This shows how the current system allows more people to enter the profession later on in life and opens it up to more people, in a bid to make the profession more diverse and to gradually change the stereotypical image of lawyers. This has shown an increase in the number of women and ethnic minorities<sup>3</sup> entering the profession, however they are more likely to get junior position, yet this is an improvement on previous years.

### **Are professional lawyers even needed in today’s society?**

There is also the issue of whether today's society even needs professional lawyers. This is due to the increased workload of unqualified legal advisers in organisations such as the Citizens' Advice Bureaux who, unlike the stereotype of solicitors, can be approachable by everyday members of the community, without being intimidated as the legal advisers are unqualified and may not pass judgement on those who visit

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<sup>3</sup> OCR Law for AS, Jacqueline Martin, page 131

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them as they do not charge for their services. Also, Law Centres provide free legal advice and as with the Citizens' Advice Bureaux, are more efficient and cost effective as they are free.

### Reforms:

There are many reforms that could improve the current system of legal education and training. One reform is the 'OMROD Committee Report'<sup>4</sup> which was published in 1971. This report called for common education for all prospective lawyers and that the main entry route should be via a Law degree. Although I disagree with the latter point as it restricts the entry routes and would make the profession less diverse than what it already is, I do agree with the former point, that a common training system should be introduced for all lawyers. This is seen in many other countries and means that students are not made to decide at an early stage which type of lawyer they would like to become. This would allow students to become lawyers and then specialise in either becoming a solicitor or a barrister, so talent is not wasted. Another body which has suggested ways of improving the current system is 'Charter 88'. This is a pressure group who calls on the Government to fund all university fees. This could help to produce the lawyers that this country needs; the gifted and able, not the rich. This would improve the system dramatically as able students who cannot afford to go into debt or pay any fees towards becoming qualified as a lawyer, to enter the profession without having financial problems

### Conclusion:

In conclusion, I do not believe that the current system of educating and training lawyers is producing the lawyers that this country needs. This is due to many lawyers lacking key qualities such as legal knowledge and practical skills, as well as the profession not being cost-effective or efficient. The current system does produce lawyers, however, because of problems with finance many able students are put off from entering the profession. As well as this, the training and education which lawyers undertake is not always considered sufficient and can vary in its quality, and there is no guarantee students will even get the training when they want it due to so many people wanting so few places. This is obviously a problem which needs to be sorted in order to encourage and provide the lawyers which this country needs and many people share this view, leading to bodies such as the OMROD Committee and Charter 88 publishing reports to try and address and resolve this problem. If these recommendations are listened to, as well as addressing the points I have mentioned in my essay, the current system of legal education and training can change for the better and begin producing the lawyers which the country needs.

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<sup>4</sup> OCR Law for AS, Jacqueline Martin, page 118.  
Sarina Worley's essay, Jan 2008.