

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

Introduction

There are two main types of lawyers in the UK: barristers and solicitors, however, judges are technically also lawyers. Lawyers play a vital role in the English legal system, and have to undertake many years of education and training. Over the years, there have been many criticisms and suggestions made by professional bodies relating to the education and training process of English lawyers. These professions deal with a huge variety of cases, so therefore it is important that they should be skilled with legal knowledge, be efficient and cost-effective. They should also have the capability to use and adapt their skills for the benefit of all member of the society and to serve all clients well. In this essay I am going to discuss whether or not the current system of legal education and training provides the lawyers that this country needs.

The current system of educating and training Solicitors

There are over 100,000 solicitors practicing in England and Wales. Although there are different education and training routes for solicitors, there are three main stages, known as the academic stage, vocational stage, and the professional/practical stage. The academic stage involves gaining three A-Levels or the equivalent, and then going on to gain a degree in Law. The degree itself can be very expensive as it costs around £3000 each year for the course, and can put some students into debt before they have even gained the qualification. A Law degree lasts for three years, and teaches students about areas such as Contract Law, Constitutional Law, Property Law and Criminal Law, alongside many others, and the additional chosen subject. There is also an academic stage for non-law graduates. This involves gaining a degree in another subject, different to Law, and then going on to do the Common Professional Examination, which is a one-year course in which they learn about all the main aspects and areas of the law. In general, the academic stage can be very expensive and can prevent people who are not from a wealthy background from gaining a Law degree. This could be a potential loss to the Legal System as there could be potential great solicitors, who are prevented from following the Legal Profession due to the financial side of it.

The vocational stage is the next step after the academic stage has been completed. It includes the one year Legal Practice Course, in which involves more practical work, learning skill such as advocacy, client interviewing, drafting documents, negotiation, and legal research. The Legal Practice Course was set up to meet the criticism that students with good qualifications were unable to find a place to carry on the next stage of their training. However, the Legal Practice Course is over-supplied as many students who pass the Legal Practice Course are unable to obtain a training contract. There is also the financial cost involved, as the Legal Practice Course costs around £7000, and a student is not guaranteed to be able to carry on their training at the end of it. This factor could prevent possibly great solicitors from applying as it may be off-putting, or they may simply not be able to afford it. As the Legal Practice Course is a post-graduate scheme, students cannot take out a student loan to help cover the costs.

The professional/practical stage is the last of the education and training process. As a student who has passed the Legal Practice Course is not yet a qualified solicitor, they have to undertake a two-year training period during which they will work in a solicitor's firm gaining practical experience. As well as a solicitors firm, students can carry out their training period in the Crown Prosecution Service. Whilst completing the training period, students also need to complete a 20 day Profession Skills Course which builds on the skills learnt in the Legal Practice Course. Once the training period is complete, the student now becomes a qualified solicitor and will be added to the role of solicitors by

the Master of the Roles. Training contracts are hard to obtain after completing the LPC, and many potential solicitors are unable to continue in their pursuit of the career. This means that although the current system of legal education and training is providing solicitors, it may be failing to provide some of the potentially great solicitors who are unable to qualify due to financial issues or the high competition.

The current system of training and educating Barristers

There are around 12,000 barristers working in independent practice in England and Wales. Their main role is to provide advocacy and written advice. Similarly to the education and training of solicitors, barristers' training also requires a minimum of three A-levels, and is split into the academic stage, the vocational stage, and the professional/practical stage. The academic stage for barristers is the same as for a solicitor, requiring the student to undertake a law degree or a law degree plus a Common Professional Examination, which is a one-year course. However, there is also a route for non-graduate mature students, under which a small number of students qualify each year. This involves taking a two-year Common Professional Examination course instead of just the one. However, there are many criticisms about this as many people feel that the one and two-year courses for the Common Professional Examination, is not enough time for the students to understand the Law fully. They only cover the main aspects and areas of the Law so may not have as good legal knowledge as they would if they had done the Law degree instead.

The vocational stage is where the training for barristers and solicitors split. Whereas solicitors will go on to do the Legal Practice Course, barristers are required to undertake the Bar Vocational Course. This itself also brings with it more financial problems as the course costs £7000, which can put students even further into debt. The Bar Vocational Course teaches the practical skills of drafting pleadings for use in court, negotiation, interviewing, legal research, advocacy, litigation and evidence, all of which are required in the profession. Alongside the Bar Vocation Course, the student also has to join one of the four Inns of Court. These are Lincoln's Inn, Inner Temple, Middle Temple, and Grey's Inn. A student then had to dine at their chosen Inn twelve times before being called to the Bar. The idea behind this rule is that the students will meet senior barristers and judges and absorb the traditions of the profession. Dining at the Inn, can also be expensive to students who live along way from London, as they will have to pay for transport and accommodation costs. It would be more beneficial if each Inn had bases in a few different areas of the country, making them more accessible.

The professional/practical stage for barristers is called a pupillage. This is where a student barrister shadows an experienced barrister. This can either be with the same barrister for twelve months or two different barristers for six months each. After the first six months, a trainee barrister is eligible to appear in court and may be given some of their own cases. This is a 'hands on approach', as they are experiencing real cases to consolidate what they learnt in their academic and vocational stages. Whilst carrying out the pupillage, barristers are paid a very small salary, usually about half the amount paid to a trainee solicitor. Although this does help with not reducing the student's debt further, it makes it hard for them to pay off their loans for the previous years' training. Once the student has completed their training, there are now a qualified barrister, and have to find a chamber to work in. This can be very challenging, and some people may fail to be successful. Therefore, it is possible that some students can build up a large debt, and then fail to succeed in the profession, making it highly difficult for them to repay their loans.

Criticism and improvements of the current system of training and education lawyers

Over the years, there have been many criticisms and suggestions made by professional and non-professional bodies relating to the education and training process of English lawyers. The most common criticism is the financial problems that the training causes. This means that students from poor families cannot afford to become solicitors or barristers, and others start the training with large debts from bank loans. An average student can collect between £15,000 and £25,000 during their training, and have problems paying it back. This calls for demands that the aspect of the cost-effectiveness should be reassessed. There is also worry about the fact that non-law graduates only do one year of formal law, as this means that they only learn a few areas of the law. Some people view this as inadequate as they believe that all solicitors and barristers should have a law degree, as other professions such as doctors would not be satisfactory if they only did a one year medicine course rather than the degree. The possible different routes may also result in inconsistencies in the amount of legal knowledge among various solicitors and barristers. It can be argued that it is not fair to those who have completed the four year law degree, and also means that they simply cannot have the amount of legal knowledge as someone who has studied for longer. The route for non-graduates also raised the question about whether they should be allowed as in theory; they produce lawyers with less legal knowledge than those with law degrees. The lack of social diversity in the professions is another problem, with a lack of women and ethnic minorities. Out of the professions only about 30% of barristers and 42% of solicitors are female. Women also suffer prejudice in the terms of wages. On average women earn around £15,000 less than a man doing the same job. This is unfair as a woman could obtain much higher skills and qualities than a man, but still be paid less for it. It is arguable that the selection process for lawyers should be adjusted to encourage a wider social representation.

There has been an increased emphasis on the more practical sides involved in the training of both solicitors and barristers. The practical training for solicitors means that they can gain a better understanding, particularly those non-graduate students, in what the job involves. This is because they get a 'hands on' insight into things like advocacy and negotiation, increasing the level of skill and experience. Similarly, during the Bar Vocational Course, there is emphasis on the practical side of the job including drafting pleadings for use in court and negotiation. However, Michael Zander argues that both the academic and vocational stages of training should be improved. He believes that law degrees should include preliminary hearings in areas such as drafting documents and developing interview skills. He further argues that both pupillage and training contracts can be 'infinitely variable' in quality 'ranging from excellent to deplorable depending on where they are undertaken'. This suggests that there should be tighter rules and regulations about how the training is carried out.

There is also the issue of efficiency. Some people believe that the separate training of solicitors and barristers is inefficient, and that it would be much more cost effective to have one fundamental training for both types of lawyers with the option of specialising at a later date. This may include extra training at the Bar for barristers. This would keep the costs down, and therefore reduce the fees that students would have to pay. It would also decrease any inconsistencies that may be present in legal knowledge, as they will all have to go down the same route. It could also be argued that the current system of having separate training may be wasting talent as there are people who could be successful in either profession, who are prevented from completing the training due to financial issues or the high level of competition. The current system requires a student to decide which profession they want to follow early on, so makes it difficult if a student suddenly changes their mind.

Every citizen should have the right and opportunity to contact a lawyer if necessary. The current system does not make this very easy as there are certain aspects that can actually put people off using lawyers, even if they are needed. The financial issue of lawyers is a major factor which can influence

a possible client's decision as to whether or not they can afford to use a lawyer. There is also a stigma attached to lawyers, which can prevent many members of society from contacting them. It is a widely held view that lawyers are all 'middle, aged, middle class' and to some extent this can be seen as true because the financial costs involved with the training means that the majority of those who complete the course are from wealthier backgrounds. In effect, this means that lawyers are not available to everyone, despite the fact that they should be available to any member of society who needs them.

Conclusion

In conclusion, although the current system of legal education and training provides lawyers, it does not provide the best lawyers that this country needs. Although there are some excellent lawyers already in the system, there are some potentially greater lawyers who are prevented from succeeding into the profession due to the financial costs and great levels of competition. There is also an issue of social diversity that needs to be looked at, as only when the levels of women and ethnic minorities start to increase in the lower levels, will the numbers in the higher judiciary positions increase. The issue of inconsistencies in the legal knowledge gained by lawyers also needs to be considered as it may be more efficient if all student lawyers undertake the same education and training process, followed by the option to specialise at the end. Overall, although the current system of legal education and training does currently work, there are still some issues that need to be discussed and reassessed in order to ensure that our current system of legal education and training provides the high quality lawyers that this country needs.