

## **Training for Practice at the Bar**

### **RESPONSE**

**from the**

### **SOCIETY OF LEGAL SCHOLARS**

**Is the Collyear view of the Bar the correct one for the future? Do you agree that initial training for the Bar should focus strongly upon the development of written and oral advocacy skills?**

The Society of Legal Scholars has no objection in principle to the view put forward in the Collyear Report that the Bar's strength lies in the provision of advocacy services. If the Bar is to remain an independent body of specialist advocates, as envisaged by Collyear, it will need to ensure that trainee barristers receive relevant training; this will need, *inter alia*, to focus on the development of written and oral advocacy skills.

The Society would merely note, in this context, that the development of both oral and written skills forms part of the Law Benchmark, but that the appropriate stage at which these skills can be specifically taught to those who wish to pursue a career at the Bar is as part of their professional training, rather than at the academic stage of qualification.

**Do you agree that the minimum level of intellectual skills to be demonstrated by a barrister on entry into practice should be set above honours degree level? Is there anything you would wish to add or delete from the statement of additional skills?**

The Society of Legal Scholars welcomes the move towards developing a 'competency statement', since this could, in principle, offer intending barristers more flexibility in terms of qualification routes, which might in turn assist those from less affluent backgrounds who wish to become barristers.

The standard of intellectual skills to be demonstrated by a barrister on entry into legal practice is a matter for the Bar to decide. However, the Society would wish to point out that any intellectual skills at a level *higher* than that of an honours graduate will not be contained within an honours degree in law (or any other subject). The Society is also of the view that any such requirement would need to be carefully and precisely justified, especially if the requirement for barristers differs from that of solicitors.

**Is the above statement an adequate summary of the minimum level of legal knowledge which must be demonstrated by all barristers on entry into practice? Should the statement be modified, and if so, how?**

The Society of Legal Scholars would urge the Bar to be cautious in the amount of specific legal content that it lays down for intending barristers. The Consultation Paper does not specify at what stage of training the different aspects of legal knowledge would be acquired; the Society is firmly of the view that it would not be desirable to increase the number of compulsory subjects which intending barristers need to take at the academic stage of their training. As the Society has already indicated in its response to the Law

Society's *Second Consultation on a New Training Framework for Solicitors* the existing 'seven foundations' already curtail the choice of students as to the subjects they can study within their law degree. To decrease their choice further would, in the opinion of the Society, damage the quality of legal education and lead to an unacceptable narrowing of the curriculum. In the context of newly-emerging areas of law, and new developments in the way in which law is taught and learnt, any extension of the compulsory curriculum would constitute a serious threat to the high standards of legal education which are currently enjoyed by students reading law as undergraduates. Furthermore, the Bar should be aware that the result of any additional requirements for intending barristers, in terms of additional compulsory subjects, is likely to increase the number of compulsory subjects which *many* law students feel they should study, so as to leave their options open as to whether they become barristers or not.

**Is the above statement an adequate summary of the legal skills needed by a barrister on entry into practice? Should the statement be modified? If so, how?**

**Is the above statement an adequate summary of the professional and personal management skills needed by a barrister on entry into practice? Should the statement be modified? If so, how?**

The skills discussed in this section of the Consultation Paper are all expressed in terms of professional skills needed by practising barristers. As such, the Society of Legal Scholars would wish to point out that, while the basis of some of these skills may be laid during the course of an undergraduate degree, in general professional skills are appropriately acquired during training, rather than during the course of an academic law degree.

**Do you agree that to demonstrate compliance with all of the competency statement, a period of in-service training will be necessary?**