

Trainees have it too easy these days

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Stop dumbing down: Kerry Underwood calls for a tougher training regime for trainees

One of our most important roles is that of training the next generation of solicitors. Current talk is about dumbing down – scrapping training and making the exams easier. Such proposals are hopelessly wrong. Now is the time to make the training process much tougher to ensure that we produce solicitors of the very highest quality. The legal profession needs a generation of superlawyers willing and able to take on and beat the challenge of supermarket law.

Even if that were not the case, the law of supply and demand means that as a profession we can now afford to be very fussy indeed. Law is the sexiest career of them all (well, maybe second to being a Premiership footballer). A dozen applications for every university place. Thousands of applications for training contracts. It is hard to find a child who does not want to be a lawyer. All of this in spite of negative press coverage and a perpetual collective whinge by us all.

Longer training periods

Specifically let us return to four or five-year Articles, properly remunerated, so that only those really dedicated to the law will seek to qualify. Two years is a woefully inadequate period of training. Proper remuneration will ensure that those from less well-off backgrounds are not deterred. Only in exceptional cases should a transfer of articles be allowed. Young lawyers should understand that this is a tough and demanding profession, which is not for the faint-hearted and where running away at the first hint of trouble is not an option.

Broaden experience

Make it compulsory, as in some states in the US, to spend time in a separate but related environment, such as the probation service, the court service, or as a civilian police worker. No more solicitors qualifying by spending two years just in a City firm, or just in a legal aid firm. Broader experience will benefit everyone, including the city firms and the legal aid firms. The concept, now fashionable, of doing City exams for City training in a City firm or legal aid exams for legal aid training in a legal aid firm ought to be anathema to every lawyer everywhere. Encourage, financially where necessary, trainee swaps between City firms and High Street firms.

Free training for principals

Train the trainers free. The Law Society should run free but compulsory courses for training principals. I will lecture free of charge. Involve the judiciary, senior and junior, so that principals and then trainees understand what is expected of them and what being a lawyer is all about.

Make it compulsory for trainees to undergo extensive training in information technology, management and personnel, diversity, client care, costs, public relations and human rights. Four or five years allows this. At present, very many solicitors qualify without training in any of these areas and down the line they get in to difficulties with the Law Society, employment tribunals, the press or whatever. That is not fair on people who have received no proper training in these difficult, complex areas.

Compulsory advocacy

Ensure that every trainee undergoes Higher Audience Rights training so that upon qualification, subject to mentoring and “flying hours”, they can appear in any court in the land. If someone wishing to qualify as a lawyer is not even prepared to contemplate advocacy, we can do without them. They are unlikely to have the character and courage to stand up, literally, for their clients.

Revive the term solicitor’s articulated clerk. “Trainee solicitor” is redolent of Lee or Tracey at the checkout counter with “trainee chief executive” on their lapel.

Tougher exams

Make the exams tougher; 30 per cent of entrants passing seems a reasonable rate to me. That is what it was when I qualified.

Revive the Law Society interview which took place before you were even allowed to start on the road to qualification. As a very long-haired, very rebellious left-wing 18-year-old I was deeply impressed that senior people took the time and trouble to interview me. Obviously I had thought about becoming a solicitor, otherwise I would not have been there, but that was the day I decided to qualify as a lawyer.

Let us have a world-class next generation of solicitors – intelligent, ambitious, entrepreneurs – diverse too, with social diversity being as important as race and gender diversity.

Law is a business, but it is also a profession, a vocation, a calling. Each of us needs to remember that as we fight the proposed supermarket takeover of the legal system and with it the risk of the breakdown of the rule of law.

Nelson Mandela is a lawyer. Gandhi was a lawyer. Both respected the rule of law. Both achieved change through using the law. Given their recent histories, both India and South Africa have done spectacularly well since independence, in no small part because in each case their first democratic leader was a lawyer.

Mandela and Gandhi, not mergers and acquisitions, should be in the hearts and minds of our next generation of lawyers. Life as a solicitor will knock much of the idealism out of them, but let us at least start them off on the right track.

What do you think?

Email editorial@solicitorsjournal.co.uk

Kerry Underwood is senior partner in Underwoods