

The Legal Education Group is a discussion group, organised by the Centre for Legal Education but open to everyone (including, if your line manager says yes, subject administrators). It positively benefits from bringing together people from across the school. The autumn meeting focussed on "What is a solicitor" and was led by John Hodgson.

CLE News

Since the last newsletter, the special edition of the *Nottingham Law Journal* derived from the 2014 conference was published as Volume 24, with articles by (in alphabetical order), Jane Ching, Nigel Duncan (City University), John Flood (now at Griffith University), Paul Maharg (ANU and NLS) and Judith Welch Wegner from the USA, co-author of the influential Carnegie report on legal education Sullivan WM and others, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007)

In June 2015 the CLE held a second, highly successful international conference focused around the concept of "access to justice". Many NLS staff participated, and the conference was attended by participants from 12 different countries. Keynote sessions anchored and challenged the audience, including sessions by Amerdeep Somal, NLS alumna and last year's Nottingham Trent University Alumna of the Year; Professor Janine Griffiths-Baker; Simao Paxi-Cato of Invictus Chambers and Young Legal Aid Lawyers and Professor Ron Staudt from Chicago on innovative ways in which US law students have worked to provide legal resources and templates for use by the public. Professor Pat Leighton of the Legal Education Research Network provided rousing closing comments encouraging participants to follow up their innovations and ideas by exposing them to rigorous research and critique.

Details of the conference recorded live as it unfolded can be found at paul.maharg.com and have received in the region of 700 views. A report also appears on the LERN website. Papers, posters and presentations were given by the following:

Talha Abdul Rahman (Advocate, Supreme Court of India)

Deborah Ankor (Flinders Law School, Australia)

Jo Ann Boylan-Kemp and Pamela Henderson, (Nottingham Law School, UK)

Graeme Broadbent (Kingston Law School, UK)

Jane Ching (Nottingham Law School) **and Michele M Leering** (Executive Director/Lawyer, Community Advocacy & Legal Centre, Canada)

Liz Curran (Australian National University, Australia)

Sameena Dalwai (Jindal Global Law School, India)

Nigel Duncan (City University, UK) **and Sally Hughes**

Graham Ferris (Nottingham Law School, UK)

Kilinç Ayşe and Akkuş Ezgi Fulya (Afyon Kocatepe University Faculty of Law, Turkey)

Jenny Gibbons (University of York Law School, UK)

Yves Goguen (Doctorate in Civil Law (Candidate), Faculty of Law, McGill University, Canada)

Árpád Gyuris (PhD candidate, Pázmány Péter Catholic University, Hungary)

Jane Harries (Director, TNA Consulting Services, UK):

Liz Heffernan (Trinity College Dublin, Ireland)

John Hodgson (Nottingham Law School, UK)

Henry Holderness and Chris Gallavin (School of Law, University of Canterbury, New Zealand)

Jenny Holloway, Nick Johnson and Jane Jarman (Nottingham Law School, UK)

Becky Huxley-Binns (University of Law, UK)

Jane Jarman (Nottingham Law School, UK)

Nick Johnson and Janice Denoncourt (Nottingham Law School, UK)

Jeffrey Kennedy (Doctorate in Civil Law (Candidate), Faculty of Law, McGill University, Canada)

Veronica Lachkovic (City Law School, UK)

Paul Maharg (Nottingham Law School, UK/ Australian National University, Australia)

David Ong (Nottingham Law School, UK)

Jennifer E Spreng (Arizona Summit Law School, USA)

Lynn Su (New York Law School, USA)

Other news about members of the centre:

Plans for a publication based on the 2015 conference are in place with **Pamela, Jane Jarman, Nick** and **Graham** as editorial committee. **Jo** received the prestigious NTU VC's teaching award and has been shortlisted for Most Innovative Teacher of the Year in this year's Times Higher Education (THE) Awards. **Pamela** was nominated NLS' Academic Tutor of the Year 2014/2015. **Louise** has been awarded a sabbatical from the Trent Institute of Learning and Teaching to examine the use of portfolio assessment in undergraduate legal education. **Graham's** book is now available as *The Uses of Values in Legal Education* (Intersentia 2014). **Paul's** PEARL (Profession, Education & Regulation in Law) Centre at ANU is active at <https://pearl.law.anu.edu.au/>.

What is a solicitor?

John began with a historical analysis. In the 19th century it was possible to say with some certainty what solicitors did. They were the technicians, the tradesmen and definitely the junior profession. Their education was practical and essentially through apprenticeship, rising through the profession. Or, in the terms of the song from *HMS Pinafore*:

When I was a lad I served a term
As office boy to an Attorney's firm.
I cleaned the windows and I swept the floor,
And I polished up the handle of the big front door.
I polished up that handle so carefuller
That now I am the Ruler of the Queen's Navee!

Representations of solicitors during that period (in e.g., Dickens and Trollope) range from the trusted advisor to the Machiavellian schemer. The Law Society developed in the mid-19th Century as a means of becoming recognised as a "profession" and as "complete lawyers". See Law Society of England and Wales, 'Our History - The Law Society' (*Law Society of England and Wales*, No date) <<https://www.lawsociety.org.uk/about-us/our-history/>> accessed 13 November 2015

Currently, the make-up of the professional activity is partly about its technical expertise and partly about selling a service. There is no longer any actual overlap between the knowledge base in particular of solicitors working in different areas of practice. Skills such as communication skills may be common, but what is being communicated is very different. The profession has a crisis of identity.

John then moved on to consider trends in the training of solicitors. Until the 1960s it was not primarily a graduate profession (although many articulated clerks did 'audit' university law lectures to prepare them for the Part I exam) There was a move in the 1960s from the 5 year apprenticeship. An increase in the HE sector in the 1960s led to the law, and other professions being arguably "captured" by the academy. By the 1970s, most candidates for Part II of the Law Society examinations were LLB graduates. This may have meant they had different aspirations – they were less likely, for example, to settle for a "managing clerk" status, even if they were in fact carrying out work that the old managing clerks were competent to do. CILEX developed in the 1960s: see Chartered Institute of Legal Executives, 'History of CILEX' (*Chartered Institute of Legal Executives*, No date) <http://www.cilex.org.uk/about_cilex/who_we_are/history_of_cilex.aspx> accessed 13 November 2015. In 1971, the Ormrod settlement created the tripartite academic/vocational/training contract structure and in the 1990s ACLEC endorsed the status quo whilst emphasising the liberal arts role of the LLB. The Training Framework Review in the 2000s was initially very radical, but then fizzled out.

The Legal Services Act 2007 liberalised business structures and provision of legal services. It created statutory regulators who were beholden to the legislation rather than to the professions. The Legal Education and Training Review 2011-2013 focused on diversity and did not include proposals for activity based regulation. The solicitors' profession retains, however, a broad base, both in education and in licensing. It is claimed the public 'like the idea that their solicitor has a broad qualification'. Individual general practitioners are rare. Breadth might allow solicitors to recognise and refer to specialists in other areas of law (like medical GPs). In theory it allows solicitors to change specialism but in practice this may be rare and in any event not in the public interest (if not accompanied by extensive CPD).

About 20% of solicitors took the old hours based CPD scheme seriously, planning and integrating what they had learned into their appraisal structure and so on. The new SRA CPD scheme is based in effect on trust (to be compared with the medical focus on revalidation), so leaving solicitors' competence to the integrity of the individual solicitor. The SRA competence statement is relatively uncontroversial in terms of its skills. The statement of underpinning knowledge can be criticised and contains no statement of level allowing it to be compared to eg the LLB. The SRA's focus on outcome assessment has as a consequence no explicit need for a graduate level qualification as opposed to, say, apprenticeship. Responses to this aspect of SRA policy have been made by the Law Society and are being discussed by a national Qualifications Working Group.

Dates for your diary:

3-4 December 2015	HEA, <i>Inspire – sharing great practice in Social Science teaching and learning</i> , Manchester
9 December 2015	LERN Annual Showcase, IALS
11 December 2015	Deadline for proposals for Association of Law Teachers Conference, <i>Promoting Collaboration</i> , Newcastle Upon Tyne, 20th-22nd March 2016
14 th December 2015	Paul Maharg's annual NLS Christmas seminar: <i>Writing out loud': blogging and the rhetoric of web thinking/writing</i> . 2pm, Chaucer 2706.
15 th December 2015	NLS Research Activity Day: <i>funding bids and their criteria</i> . 10am, Chaucer 2604.
11 January 2016	Deadline for proposals for Teaching Legal Ethics UK, <i>Workshop on Teaching Legal Ethics</i> , City University 4 March 2016
11 January 2016	Deadline for proposals for BILETA annual conference, <i>Future, law, education and technology: WoW, have we forgotten something?</i> , University of Hertfordshire, 11-12 April 2016
18 January 2016	Deadline for proposals for NLS Centre for Advocacy, <i>Advocacy Teaching Conference, The 21st Century Advocate</i> , 24-25 June 2016
18 January 2016	Deadline for proposals for SLSA conference, Lancaster, 5-7 April 2016
29 January 2016	Deadline for proposals for <i>Interdisciplinary Learning and Teaching: Frameworks and Practice</i> , University of Sheffield, 7 April 2016, 2pm. For more information contact: interdisciplinaryconf@sheffield.ac.uk
24 February 2016	Pamela and Jo's Legal Education Group Meeting on <i>Loving Scale-Up</i> . 2pm, Chaucer 3507
24 February 2016	Deadline for proposals for WG Hart Workshop, <i>Valuing Expertise: Legal, Normative and Social Dimensions</i> , 20-21 September 2016
26 February 2016	Deadline for proposals for British Academy conferences
24-26 May 2016	<i>Global Legal Skills 11</i> , University of Verona, Italy
6-9 September 2016	Society of Legal Scholars Conference, <i>Legislation and the Role of the Judiciary</i> , Oxford