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The seeds of change that lead to growth

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TEN years ago this week, the Faculty of Advocates launched a foundation course for those starting out on training prior to becoming an advocate, known as "devilling". Over a decade, 200-plus aspiring advocates have had training in how to conduct cases in our highest courts.

If it seems run-of-the-mill now, its introduction in 1995 marked a significant change. For centuries, advocates had learned courtroom skills watching "devil-masters" in court, then, after formal entry to the Bar, on their feet in real cases. There was a view that advocacy could not be taught.

All that was changed by the inspirational example of advocates from the US and Australia, who came to Scotland to share their techniques. Many practising advocates took courses to hone their skills; some went to the US to learn how to instruct others.

However valuable, such training does not produce a generation of forensic masters. It enables those with talent to realise their potential earlier and encourages those whose skills can be refined to think carefully about how they do things. It cannot transform the average into courtroom wizards. Hence the Faculty's decision last year to introduce assessment of competency is a logical step.

Existing assessment procedures have been augmented so devils must show competency in a number of categories of court work before being allowed to practice. Entry to the Bar was never an easy option, and these steps reinforce the message.

In recent years the vocational training for would-be Scottish lawyers at the stage of the Diploma in Legal Practice has undergone radical change. At Strathclyde University, more than half of Scotland's future lawyers undertake a skills programme far removed from traditional legal training, utilising web-based and IT-backed materials.

Whether conducting this training in a university setting works may be an open question, but the ambition to nurture professionals with relevant skills is certainly present.

The real challenge arises afterwards: maintaining, refreshing and renewing key skills and knowledge in the busy years as a practitioner. Gone are the days of securing a degree or apprenticeship and settling into a job for 40 years. Lifelong learning is not an optional extra. Even Scotland's judges now partake of continuing training.

These pages have addressed complaints against lawyers; such discussions can become polarised and adversarial.

In reality, as Professor Alice Brown, the Scottish Public Services Ombudsman, said, people often want acknowledgement, reassurance, explanation or just someone to say "sorry". That, as she pointed out, can seem to be the hardest word.

Thus, a very encouraging breakthrough in legal training is the emphasis on communication skills - and on the importance of effective business and personal relationships.

Lawyers have greater appreciation of what is required, and understand a hierarchical lawyer/client approach is not what many clients want.

It may take time for these changes to permeate the whole profession. But permeate they must. As Darwin said: "It's not the strongest of the species that survive, nor the most intelligent, but the ones most responsive to change."