

Practical way forward could replace diploma

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START a debate, they said. Be controversial. We can, perhaps, try the first. In a recent article, Brian Allingham suggested it is time to abolish the Diploma in Legal Practice. After 25 years we are entitled to ask if a one-year course at university is the best way to prepare the next generation of lawyers. The practice of law has changed and diversified hugely, technology's role has expanded, traditional means of providing legal services have been challenged.

Spending a year at university to learn how to practise in an office creates difficulties: students can behave as they have at undergraduate level; the discipline of 9 to 5 is difficult, if not impossible, to sustain; and the culture and environment is very different from real practice. This is not to downplay the considerable efforts of some diploma providers, just to reflect reality.

Allingham's suggestion that practical training be integrated with office training is not new; suggesting that training can be conducted "on the job", though, poses a number of problems. One is the diversity of legal practice. Law in one of the large firms (which train a significant proportion of trainees in Scotland) is very different from that in small and rural firms (many of which do not take trainees at all). Should practical training be broad - to cater for all career eventualities - or specialist and focused? Would moving training to the office take us down the latter route and reduce mobility - expanding a gulf that already exists? How many law firms have the resources, time and manpower, to train new lawyers in a way to meet the standards of competence expected of modern professional training? A few?

Allingham proposes more practical matters be taught in the undergraduate LLB degree. What do we mean by "practical matters"? Around half of those who undertake the LLB go on to careers other than law and there have been efforts to make the degree more broad-based. Reverting to days of teaching house conveyancing, for example, seems misconceived. On the other hand, modern lawyers should all be able to analyse problems creatively, negotiate effectively, communicate in writing and orally with skill and work in teams. Many, including current students, feel the LLB teaches these areas insufficiently.

Allingham is probably right to point to finance as a major driver in present arrangements. It may be unlikely that government funding would be available for short, modularised training, interlaced with office experience. Here, perhaps, lies the challenge: upon whom should the responsibility fall for training the next generation of lawyers? The state, because it is vital to the fabric of any nation that it has a well-trained independent legal profession? The profession itself, so future lawyers maintain the provision of services and the role of the profession? Trainee lawyers themselves, because they stand to benefit from financial and career benefits of becoming lawyers? Or a mix of all three?

It might be preferable to take a fresh sheet of paper and ask what is needed in the 21st century, then decide how to fund it. It is not beyond the profession, the educational institutions, funding bodies and others with an interest, to come up with a bold plan to produce up-to-date, competent and appropriately skilled lawyers.