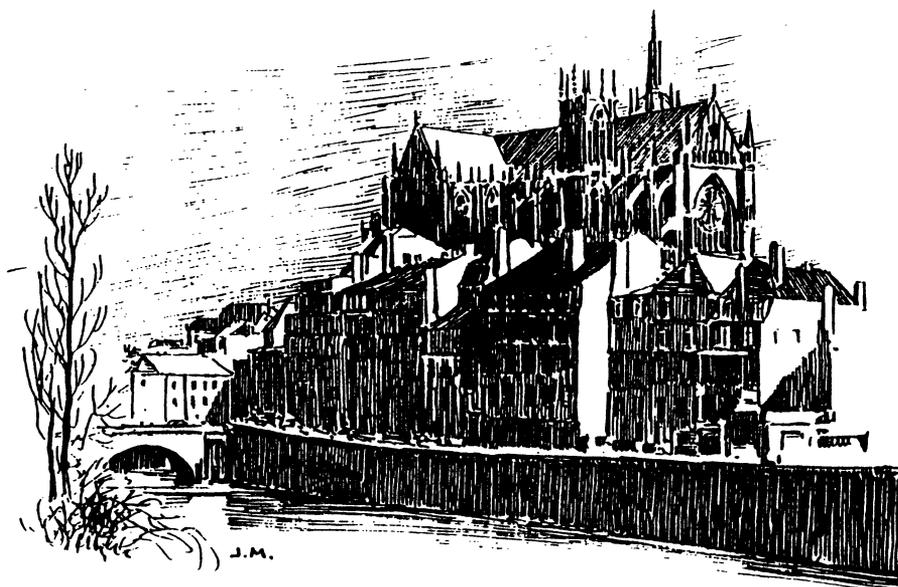


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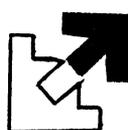


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LEGAL EDUCATION AND TRAINING IN TOMORROW'S EUROPE



UNITED KINGDOM



UNIVERSITE DE METZ

LEGAL EDUCATION AND TRAINING
IN TOMORROW'S EUROPE

United Kingdom

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Ø. INTRODUCTION

In this report I will try to provide an overview of the systems of legal education within the United Kingdom (Section I). I will then consider some of the problems and issues which presently face these systems (Section II) mainly with a view to assessing how far the United Kingdom is likely to make a significant contribution to the to the further development of a Europe-wide system of legal education and training over the next few years.

However I must begin by entering some important caveats and disclaimers.

- First, the UK consists of three distinct jurisdictions - England and Wales; Scotland; and Northern Ireland. Each has its own legal system; judiciary; legal professions (2 in each jurisdiction); law (England Wales and Northern Ireland being common law jurisdictions, Scotland strongly civil law); and system of legal education. Though the report tries faithfully to cover all three jurisdictions, in some parts, particularly in Section II, it will reflect most strongly the position in England and Wales.
- Second, legal education - especially in England and Wales - is currently in the middle of a period of unprecedentedly rapid and fundamental change, which began in the 1980's, shows no sign yet of ending and which is having an impact upon every part of the system. This paper will try to describe some of the changes which have already occurred, to predict ones which seem in prospect and, where necessary to suggest reasons for them. However, it must be emphasised that this is a particularly difficult moment to be trying to present a reliable account of the current state or to predict the future shape of legal education in the United Kingdom.
- Third, the distinction between 'university' ('academic') and 'professional' ('vocational') legal education is not at all easy to make in the case of the United Kingdom; there is a high level of interrelationship between the two. For example, as will be explained further below, in all three jurisdictions the undergraduate degree can serve as the first stage in the process of professional qualification. Equally, many programmes intended exclusively for purposes of professional qualification or continuing education are now provided by higher education institutions ("HEI's"), and increasingly attract academic credit and awards.
- Fourthly, all three jurisdictions have arrangements for the selection and training of judges which differ markedly from those in other EU countries. Whether for the lay magistracy or for the professional judiciary, training in the UK is in effect 'post-appointment', part-time, and comparatively unsystematic. For that reason the paper's treatment of judicial training will necessarily be comparatively brief.
- Finally I hope that what I say in Section II about a number of important policy issues will be broadly endorsed by those with a professional interest in legal education. However, as I have indicated above, throughout the 3 jurisdictions as a whole there are a large number of constituencies with a such an interest, and though I have endeavoured to make contact with most of the important ones, I simply have not had the time to consult fully with each of them on the views which I express in this paper. These must therefore be considered very much my own and cannot be regarded as representative.

1 LEGAL EDUCATION IN THE UNITED KINGDOM

1.1. AN OVERVIEW OF THE 3 SYSTEMS OF LEGAL EDUCATION ¹

Though differing in detail the systems of legal education are essentially the same in all three jurisdictions. For those wishing to qualify as lawyers it consists of three stages: a period of academic higher education ("Stage 1"); a period of formal vocational training ("Stage 2"); and a period of apprenticeship ("Stage 3").²

1.1.1. ENGLAND AND WALES

For both solicitors and barristers Stage 1 can be completed by obtaining an undergraduate law degree which has been accredited for qualification purposes by both professions and in which the following 6 subjects (known as the 'exemption subjects') have been passed: Contract, Tort, Constitutional Law, Criminal Law, Property and Equity and Trusts. For those with undergraduate degrees in other disciplines, it is possible to complete Stage 1 by successfully completing a conversion programme 'The Common Professional Examination' ("CPE"), which comprises all 6 exemption subjects, and normally involves one year's full-time study. For solicitors it is also possible to complete this stage by obtaining qualification as a Fellow of the Institute of Legal Executives; or, for those over the age of 25 without any undergraduate degree at all, by passing an extended CPE which can be studied part-time over 4 years.

For solicitors Stage 2 consists of a one year Legal Practice Course (described in more detail in Section 2 below) which is provided at a number of institutions throughout the country, followed, Stage 3, by a 2 year period working in a solicitors' firm under a 'training contract', during which, from autumn 1994, trainees have to take the part time 'Professional Skills Course'. For barristers these 2 stages consist of a one year Bar Vocational Course, currently offered only in the Inns of Court Law School (operated by the Bar itself) in London, followed by a year spent as a 'pupil' of a practising barrister.

1.1.2. NORTHERN IRELAND

In Northern Ireland Stage 1 for both solicitors and barristers consists either of a law degree which has been recognised for qualification purposes by the English and Welsh professions in which, in addition to the 6 exemption subjects which they require, the Law of Evidence and Company Law have been taken. Non-law graduates can qualify by taking a 2 year Certificate in Academic Legal Studies which can be taken only at Queens University Belfast. Stage 2 comprises a one year 'Certificate in Professional Legal Studies', taught at the Legal Practice Institute which is part of Queens> To complete Stage 3 prospective solicitors undertake a 1 year "apprenticeship"; prospective barristers a 1 year pupillage.

1.1.3. SCOTLAND

To complete Stage 1 those wishing to qualify as solicitors or advocates in Scotland must normally have obtained an 'ordinary' (3 year) degree from one of 5 universities: Aberdeen, Glasgow, Dundee, Edinburgh, or Strathclyde. The structure of such a degree programme varies between the 5 universities, consisting of about 12 year-long courses or equivalent shorter modules. However, for Stage 1 purposes it must have covered 11 core subjects:

¹ See Appendix 1 Consolidated Table of Programmes and Providers

² See Table 2 "Qualifying as a Lawyer in the United Kingdom"

Public Law and the Legal System; Scots Private Law (comprising Family Law, Contract, Delict, Property and Trusts); Scots Criminal Law; Conveyancing; Evidence; Taxation; Accounting; Procedure; Professional Responsibility; and since 1991 European Community Law. Graduates without such a degree can complete Stage 1 by taking a special 2 year programme which covers all of the core subjects.

Stage 2 consists of a Diploma in Legal Practice (offered by units within each of the above 5 Scottish Law Faculties). Stage 3 for both professions normally entails a period of 2 years traineeship with a solicitor. Those intending to become advocates can reduce this period of traineeship to one year although, in addition, they must then complete a period under apprenticeship (known as "devilling") with a qualified advocate, during which time they must pass a further set of examinations in Evidence, Procedure, Pleadings and Ethics set by the Faculty of Advocates.

1.2. UNIVERSITY LEGAL EDUCATION

I have already mentioned that it is extremely difficult to draw a firm line between 'University' and 'Professional' legal education. Therefore this section will be confined to degree programmes - undergraduate or postgraduate; taught or research based.

1.2.1. UNDERGRADUATE DEGREES

The last 25 years have witnessed an enormous expansion in the number of institutions offering undergraduate law degrees, particularly in England and Wales; in the number of students taking such degrees; and in the types of degree programme available to them.

1.2.1.1. Institutions and Student Numbers

According to the Ormrod Report ("Ormrod") in the early 1970's in England and Wales there were about 30 universities, polytechnic (which became universities in 1992) or colleges of higher education offering undergraduate law degree programmes of one kind or another.³ There are now over 80 in the UK as a whole.⁴

There has been an equally striking increase in the number of students enrolled for such degrees: from about 5000 in the early 70's; to about 12600 in 1980 and 18600 in 1992. In Scotland 498 students graduated with LLB's in 1984; 780 in 1993. Despite the large increase in the number of institutions offering law degrees over the past 20 years or so, and the impact which the recession has had upon employment prospects in the legal professions, demand for places remains very heavy: an average of 14 applications per place for the institutions covered by the Wilson survey⁵. Admission requirements, at least as measured by conventional 'A' Level scores are commensurately very high indeed: around 24-28 points for the 'Wilson' institutions; and 16-20 for those covered by a parallel survey conducted by Harris and Bellerby.⁶

³ Report of the Committee on Legal Education Cmnd 4595 1971 para 35

⁴ See Appendix 1

⁵ Wilson J: A Third Survey of Legal Education in the United Kingdom (1993) Legal Studies vol 13 no 12 143,146 (covering only the 'pre-1992' universities).

⁶ Harris P and Bellerby S A Survey of Law Teaching 1993 ALT/Sweet and Maxwell 1994 pp36-7 (covering the 'post-1992' universities and other HEIs offering law degrees)

1.2.1.2. Types of Programmes

Compared with its counterparts in many other EU countries, a UK university formally possesses a great deal of autonomy to determine the programmes of study which will be prescribed for all of its undergraduate and postgraduate awards. However, until the early-mid 1970's there tended to be a great deal of uniformity among the curricula adopted for undergraduate law degrees throughout the United Kingdom.

Thus, as the examples appended to Ormrod demonstrate ⁷, the vast majority of curricula in England and Wales, whether leading to a degree awarded by a particular institution, or one conferred through the CNAAs or under the "external" London University arrangements, had very similar structures (normally 4/5 courses per x 3 years); foci ("black letter law", ie principles, doctrines and rules rather than process or behaviour); and methods of teaching and assessment (a heavy reliance on lectures, textbooks, and unseen end-of-year examinations). The whole was aptly characterised by one leading jurist William Twining as the "expository orthodoxy".

There were a number of factors which probably lay behind this level of uniformity: the conventions of a tenacious tradition legal scholarship, which itself was heavily focused on "black letter" problematics, particularly those generated by the common law; the relatively narrow confines of both judicial method and legal practice; and above all the conditions imposed by the professions in all 3 jurisdictions for recognising an undergraduate degree programme for Stage 1 purposes.

Superficially, the picture presented by Wilson suggests that the expository orthodoxy still characterises many aspects of UK undergraduate legal education. He shows curricula still dominated by the courses required for Stage 1; heavy reliance on lectures as the main method of teaching - possibly reinforced over the last 10-15 years as a result of markedly worsening staff:student ratios (c 1:11 in 1980/1, 1:16 - and often in excess of 1:20 - in 1992/3) ⁸; and assessment still based heavily upon end-of-year 3 hour unseen examinations.

However, in reality, there has been significant change and diversification in undergraduate legal education over the past 20 years. For the purposes of this paper 2 trends seem particularly important. First, there has been an increasing concern with the processes and practices - both formal and informal - through which law is applied and in the impact which law has upon social economic and political relations. This will be termed 'contextualisation'. Second, there has been an increasing recognition of the European dimensions of law and the legal system - 'Europeanisation'.

1.2.1.3. Contextualisation

This has had a three-fold impact upon undergraduate law programmes. In the first place it has led to an increasingly *interdisciplinary* approach within law courses themselves. This is rather difficult to demonstrate without close inspection of syllabuses and reading lists, but can perhaps be evidenced from the proliferation of 'socio-legal' option courses over the past 20 years noted by Wilson ⁹; from the publication of 'contextual' student text books;¹⁰ and by the increasing use of research-based dissertations as important components within the overall assessment process. ¹¹

⁷ Note 3 Appendix C pp 116-152

⁸ *ibid* p.158

⁹ *ibid* p.168

¹⁰ See for example the 'Law in Context' series published by Butterworths and now consisting of ??? titles which cover almost all of the subject areas comprised within standard undergraduate curricula

¹¹ *ibid* p.172

In the second place there has been a huge expansion in the availability of *multidisciplinary* degree programmes, which allow students to obtain a law degree -even one which qualifies for Stage 1 purposes - by taking a programme which consists of courses drawn from other disciplines. This has long been the case in Scottish law schools, some of which allow those studying for Ordinary LLB degrees to take 1/3 or more of their courses in non-law subjects. Overall multi disciplinary packages come in a variety of forms: some permit only a small proportion of non-law courses; others are almost entirely modular, and, subject to pre-requisites which may be specified for particular courses, degree titles or, of course professional qualifications, give students an enormous latitude over the combination of courses they take. Others - sometimes known as 'combined honours degrees, - consist of 50% law courses and 50% courses from one other discipline. These are currently offered, normally in addition to a standard 'single honours' programme, by 50 institutions, among which number of possible combinations ranged from about 2 or 3 in most law schools; to no fewer than 35, including 'Fine Art and Law' and 'Microbiology-Parasitology and Law', at East London University.

Finally, since the late 80', there has been growing interest in using the undergraduate degree as a vehicle for developing occupationally relevant skills: both 'generic', such as oral and written communication, personal organisation and group coordination; and more 'law-specific', such as interviewing, legal research, negotiation, drafting and advocacy. Harris and Bellerby report that the vast majority of the law schools covered by their survey now claim to include skills-development as part of their degree programmes.¹²

All of them claimed to train and assess their students in legal research and the use of a law library; over 80% in computers and IT; between 60-70% in interviewing, negotiation and advocacy, and about 50% in drafting. The extent of 'skills' work, its importance within the curriculum as a whole and the methods through which it is carried out vary considerably and include: incorporation (eg by means of specifically designed assignments) within courses on substantive areas of law; the creation of specialised introductory or advanced legal process courses, in which students, often working in groups, handle simulated cases; the establishment of law clinics which allow students, supervised by specially appointed practitioner-teachers, to provide legal services to real clients and to obtain academic credit for doing so; and in the case of the Northumbria University law school, a 4 year curriculum which combines all of these methods and provides both Stage 1 and 2 qualification for the English and Welsh solicitors' profession.

Though by no means uncontroversial,¹³ the growing tendency to use undergraduate programmes to develop employment relevant skills has been given strong impetus by the government's Enterprise in Higher Education programme;¹⁴ and more indirectly by the HEFCE's Quality Assessment methodology,¹⁵ and the changes which have been introduced in some of the Stage 2 programmes in recent years. These are discussed further below.

¹² Harris and Bellerby 29-30

¹³ W. Twining Legal Skills and Legal Education The Law Teacher vol 22 no 1 p.4 (1988);7 etc and N. Duncan Why Legal Skills - Whither Legal Education The Law Teacher vol 25 no 2 p.142 (1991)

¹⁴ A. Boon Enterprise in Higher Education: A New Agenda for Educational Change? The Law Teacher Vol 24 no 1 p.14 (1990)

¹⁵ Higher Education Funding Council for England: Subject Overview Report:Quality Assessment of Law paras 5-12 QO 1/94 (1994)

1.2.1.4. Europeanisation

The other major general developments in undergraduate legal education since the early 70's can be attributed to the impact upon law, the legal system and legal practice of the UK's membership of the European Community. There have been 4 main ways in which this has influenced curricula.

First, there has been a proliferation of option courses which aim to provide a general introduction to the constitutional arrangements, institutional structure and substantive law of the European Union itself. Wilson shows that in 1974/5 only about 30% of the law schools in his survey offered such options; in 1994 all of Wilson schools and all of those surveyed by Harris and Bellerby did so. In Scotland European Law has been required for Stage 1 qualification purposes since 1991 and it has been proposed that from 1995 it should similarly be required for those wishing to qualify for the professions in England and Wales.¹⁶ Furthermore, partly as a 'spin-off' from the creation of the 'European' programmes described below, many law schools, particularly in Scotland, now offer option courses in the 'municipal' law and legal systems of other member states within the European Union.¹⁷

Second, in those areas such as Constitutional Law, Labour Law, Trade and Competition Law, Company Law and, Environmental Law, in which the impact of European Law has been particularly great, coverage of European Law has often been integrated into mainstream syllabuses. It is difficult to assess precisely the extent to which this has occurred, and it is certainly the case that what de Witte recently referred to as "the traditional vexed question"¹⁸ of whether to separate or integrate the teaching of European Law still remains unresolved. However, evidence from student texts covering the above areas suggests that there is a growing trend towards integration; and the legal professions in England Wales have proposed that their new Stage 1 European Law requirement can be satisfied either by a separate course in the subject or through the European coverage provided within other courses.

However perhaps the most comprehensive efforts to Europeanise undergraduate legal education have been through the introduction of special degree programmes, which combine the study of the 'mainstream' subjects with the language and/or the law and legal system of one or more of the other members states. These programmes are usually of 4 years duration, involve a period (normally the whole of the third year) spent studying in the other state(s) concerned, and of course rely heavily upon inter-university exchange agreements established under the Erasmus scheme.

At present programmes of this kind are offered by 49 of the 83 law schools listed by UCAS (including 4 in Scotland), and during the early 1990's numbers applying for Erasmus grants in Law grew far more rapidly (around 25% pa)¹⁹ than did applications for undergraduate law programmes as a whole (around 5% pa).²⁰ Among law schools offering European programmes they account on average for about 25% of their available undergraduate places. The range is, though, considerable. In a few schools only about 5% of undergraduate students are registered for Europe oriented degrees; in most between 30-40%; in one, the University of Kent which offers the widest range of these programmes, over 50%.

Unsurprisingly perhaps, by far the largest proportion of UK students taking these European programmes opt for those based on French language or law. Thus of the 650 UK law students studying abroad under the Erasmus scheme during 1993/4 almost 50% were in

¹⁶ Law Society and Council of Legal Education: Preliminary Notice to Law Schools Regarding Qualifying Law Degrees July 1993

¹⁷ Note 5 p.180

¹⁸ B. de Witte. The European Dimension of Legal Education Paper presented to the Seminar 'Reviewing Legal Education, SPTL 30 April 1994

¹⁹ Erasmus Student Grants Council Erasmus and Lingua Action II Statistics Abstract 1991-1993 Table 4

²⁰ The Law Society of England and Wales Annual Statistical Report 1993 Table 12.2

France, with the next highest proportions in Germany (17%), and the Netherlands (15%). Only 38 (c5%) were in Italy, and 26 (4%) were in Spain.²¹

1.2.2. POST GRADUATE DEGREES

1.2.3.1. Taught Programmes

There are currently about 50 taught programmes leading to the award of a Master's level degree - normally classified as an LL.M but sometimes a MA (and in the case of Oxford a BCL) - offered by universities throughout the UK. In addition, all 5 Scottish Law faculties offer LL.B (Honours) programmes. These are not formally of postgraduate status, but rather comprise a fourth year added onto the LL.B (Ordinary) programme. However, since the Honours year provides students with an opportunity to study advanced level courses and to specialise if they so wish to concentrate their studies on a particular areas, it closely resembles a taught Masters-level programme.

Of the taught postgraduate programmes currently on offer, 10 are specifically designated 'European', and consist of advanced options in the substantive law of the European Union. In addition, there are normally a number of such options available on the general postgraduate programmes offered by universities such as London, Oxford and Cambridge and so students on these can also focus most or even all of their studies on European Law if they so wish.

Over the past 10-15 years there has been a rapid growth in the number of students studying on taught postgraduate programmes. According to Wilson the total in the pre-1992 universities stood at about 2300 in 1991/2 and had increased by over 150% since 1980. Furthermore, over the same period, the proportion of all postgraduates taking taught programmes had grown from c50% to almost 75%, and whereas in 1980 54% of them were from overseas, by 1991/2 that proportion had declined to 28%.²²

Until the mid 80's post graduate courses of this kind tended to be taken mainly by those who were seeking a career as academic lawyers - and this is still true of research programmes leading to M.Phil or Ph.D degrees. However, the burgeoning number of taught postgraduates suggests that these programmes are now catering for a much more heterogeneous clientele, which, in addition to those hoping to embark upon an academic career, also includes qualifying or qualified practitioners who may see specialised advanced level study as a means to enhance their employment or promotion prospects in an increasingly competitive and diversified job market.

There is, though, a marked distinction between the kind of postgraduate provision made in the pre-1992 universities on the one hand and other universities and colleges - the ones covered by the Harris and Bellerby survey - on the other. In the former most postgraduate taught courses were essentially academic in nature. In the latter they were strongly vocational. Thus of the 2798 postgraduate students recorded by the Harris and Bellerby survey, 85% were on postgraduate courses established exclusively for Stage 1 or 2 qualification purposes; and there were only 28 enrolled for post graduate research degrees.²³

²¹ Statistics supplied by UK Erasmus Office

²² Wilson p.155

²³ Harris and Bellerby p.

1.2.2.2. Degrees by Research

In the 'Wilson' schools by contrast during 1991/2 there were 550 students registered for M.Phil or PhD degrees. It is extremely difficult to generalise about the work that they were doing, because each of them will have been engaged on a research project specifically designed in collaboration with his/her supervisor. The most comprehensive picture of the research currently being undertaken in UK universities is given by the annual CRIB Digest. This suggests that in 1992/3 there were about 50 projects focused primarily on aspects of European Law. However this almost certainly understates the full extent of research into European Law because much of it will have been incorporated into projects classified under the substantive areas such as Company, Competition and Labour, which are themselves heavily Europeanised.²⁴

1.3. LEGAL EDUCATION FOR THE PROFESSIONS AND THE JUDICIARY

1.3.1. GENERAL NOTE

This will be confined to programmes of legal education provided specifically for purposes of professional qualification or continuing education; and for judicial training. There are no other professions for which a degree in Law is required. Indeed in England and Wales and in Northern Ireland, as already noted, it is not even a requirement for those seeking to qualify as barristers and solicitors.

1.3.2. THE LEGAL PROFESSIONS

Broadly speaking there are three types of programme provided exclusively to meet qualification or training requirements of the legal professions. Following the general scheme adopted in this paper, I will refer to these as: 'Stage 1' programmes; 'Stage 2 programmes'; and 'Post Stage 2 programmes'.

1.3.2.1. Stage 1 Programmes

As indicated above the professions in all 3 jurisdictions provide for alternatives to a full undergraduate degree as routes to Stage 1 qualification. In Northern Ireland, this is through a 2 year programme 'The Certificate in Academic Legal Studies' which covers the 8 core subjects; is taught only by Queens University Belfast; and available to a maximum of 10 students per year of whom must already possess either a non-law degree or a law degree which, for one reason or another, did not confer a Stage 1 qualification. In Scotland it is normally through a special accelerated 2 year Ordinary Degree programme, which, once again covers all of the required core area and is available at all 5 of the universities which offer Ordinary and Honours LLB's.

Similar accelerated degree programmes are also made available to non-law graduates on an ad hoc basis by most universities in England and Wales. However the preferred route for such graduates to take is the 'Common Professional Examination' ("CPE"). As the name suggests it is recognised for Stage 1 purposes by both the solicitors' and barristers' professions; consists of a one year (or 2 year part time) course of study, covering only the 6 'exemption' subjects, each of which is examined at the end of the year in which it is taken. Furthermore, students without any degree at all who are aged 25+ can complete Stage 1 by taking a 2 year, 8 unit CPE.

²⁴ Current Research in Britain *Social Sciences* British Library (1993)

CPE programmes are currently offered by 23 law schools, mainly in a number of post-1992 universities and in the Colleges of Law which are run by the Law Society, the solicitors' governing body. About 15% of those taking Stage 2 programmes to qualify as solicitors complete Stage 1 through the one-year CPE.²⁵ The availability of this route has been one of the main sources of controversy between academic lawyers and the professions (and in recent years between different groups of academic lawyers). This will be discussed further in the next section of the paper.

1.3.2.2. Stage 2 Programmes

In Scotland Stage 2 for both solicitors and advocates consists of a one-year Diploma in Legal Practice offered by all 5 of the law faculties. It covers 9 areas: Accountancy, Conveyancing, Civil Court Practice, Finance Taxation and Investment, Formation and Management of Companies, Professional Responsibility, Public Administration, and Wills Trusts Executries. Though the syllabuses appear to give some attention to practical skills, the Diploma curriculum as a whole would seem to be more oriented towards providing instruction in rules of substantive law and less towards the development of practical skills than are its equivalents in the other 2 jurisdictions.

In Northern Ireland this is the one year Certificate in Professional Legal Studies, which must be obtained by those intending to qualify as barristers or solicitors. For the latter, study for the Certificate is integrated into a 2-year of apprenticeship which also contains 2 periods of training in a firm attached to a "master" (qualified solicitor): the first during 4 months before the Certificate and the second during 8 months after it. The Certificate programme, on which there are 70 places pa available for intending solicitors and 20 pa for intending barristers, is offered only by the Institute of Professional Legal Studies which is part of Queen's University Belfast.

The present curriculum, which was first introduced in 1988, consists of a wide range of modules, each relating to a different area or aspect of practice (eg Advocacy, Company, Conveyancing, Chancery, County Court, Negotiation, Wills) and each taught intensively in periods which, depending on the module, vary between 1 and 3 weeks. Exercises to encourage the development of skills are integrated into the syllabuses, and though use is made of conventional examinations in some modules assessment is on the basis of course work and/or practical exercises.

In England and Wales there are separate Stage 2 programmes for Barristers and Solicitors: the Bar Vocational Course ("BVC") for the former; the Legal Practice Course ("LPC") for the latter. Both have only recently been introduced (the BVC in 1989 and the LPC in 1993) to replace the Bar Finals and Law Society Finals courses respectively. As the Marre Committee reported in 1988, these had been widely criticised for what was claimed to be their over-emphasis upon substantive law, their overwhelming reliance on methods of instruction and assessment which encouraged passive rote learning; their inadequate attention to the skills which have to be deployed by barristers and solicitors; and consequently their limited value as a preparation for effective legal practice.²⁶

The curricula adopted for the BVC and LPC both seek to give a high priority to the development of practice relevant skills. They still provide instruction in the core bodies of substantive law and procedure which are particularly important to the work of barristers or solicitors, and to an extent still use unseen examinations or multiple choice tests to assess how far such knowledge has been assimilated. However a great deal of the work which is carried out by BVC or LPC students consists of practical exercises.

²⁵ Law Society Annual Statistical Report 1993 Table 8.6 p.55

²⁶ General Council of the Bar and Law Society: Report of the Committee on the Future of the Legal Profession paras 14.43ff (1988)

These normally require a student - sometimes in collaboration with others - to act for a designated party within a simulated case. He/she will be expected to take appropriate steps (perhaps through interviews, conferences and library research) to determine the facts and the legal, procedural or professional ethical issues relevant to the client's legal claim; to decide and communicate to the client (perhaps through conducting a conference) what practical steps should be taken to pursue the claim; and then to take whatever steps - drafting negotiation or advocacy - are deemed necessary. The exercises, a number of which are formally assessed and contribute to each student's overall assessment for the programme as a whole, are designed so that each will involve a different core area of substantive law or procedure or set of practice skills.

Within the BVC the core areas, taken by all students during the first two terms are Criminal Litigation, Civil Litigation and Evidence. During the final term students have to choose 2 courses from a range of options. And over the whole programme, through separate courses and assessments and through integration into the work prescribed for the core areas and options, the curriculum attempts to develop the skills of interviewing, conducting conferences, legal research, fact management, negotiating, opinion writing, drafting and advocacy. Currently the BVC is available only at the Inns of Court Law School in London. This is run by the Bar itself and can offer about 750 places on the course each year.

The structure of the LPC curriculum is similarly divided into core ("compulsory") areas (Conveyancing, Wills Probate etc, Business Law and Practice and Litigation and Advocacy); options which are grouped with reference to client-type (Corporate and Private); and practical skills, which are broadly the same as for the BVC. However In addition consideration of a set of "pervasive topics", - Professional Conduct, Investment Business, European Community Law and Revenue Law -, is integrated into the teaching of the compulsory areas, options and skills.

The LPC is offered at 15 university law schools, in one of which, Northumbria University, it can be taken as part of a 4 year LLB programme, and at the Law Society's 4 Colleges of Law. Each LPC programme is validated by the Society's Legal Practice Board, which allows each provider a certain flexibility over the options it will offer and over the way in which some units are assessed. For 1993/4 5750 places were available on validated LPC programmes.²⁷

1.3.2.3. Post Stage 2 Programmes

'Post Stage 2' education and training requirements vary greatly among the legal professions within the United Kingdom. None are currently imposed by the professions in Northern Ireland, though the Law Society is considering whether to introduce mandatory continuing education, and in the meantime organises an annual voluntary programme for solicitors in the Province.

Barristers in England and Wales are required to complete two courses during their their pupillage year: one on Advocacy, which is organised by each of the 4 Inns of Court; the other, which lasts two days, is organised by the Inns of Court Law School and intended to offer advice on how to overcome some of the problems and challenges that typically confront a barrister in his/her first months in practice. Scots Advocates, during their period devilling have to complete The Faculty of Advocates exams mentioned in para 8 above and attend a series of weekly seminars organised by the Faculty. It is intended that from September 1995 pupils will also have to participate in a skills oriented 4 week course on Advocacy.

However, at present, the most onerous 'post Stage 2' requirements are imposed by the solicitors' professions in England and Wales and in Scotland. In England and Wales, from Summer 1994, those engaged under 2 year training contracts (the period of apprenticeship

²⁷ Law Society Annual Statistical Report 1993 Table 10.1 p.68

prior to final qualification as a solicitor) have had to complete the 'Professional Skills Course'. This is intended to develop work completed on the LPC and is almost exclusively skills based. It consists of 5 modules: Advocacy and Communication Skills; Accounts; Investment Business; Personal Work Management; and Professional Conduct. The amount of tuition required ranges from only 6 hours for Professional Conduct to 36 hours for Accounts. Thus far 8 organisations have been accredited by the Law Society to run PSC programmes.

In addition since the mid 1980's the Law Society has required an increasing proportion of fully qualified solicitors to complete about 16 hours of accredited continuing education each year as a condition of maintaining their certificates to practice. At present it applies only to solicitors admitted since 1987. However in November 1994 it will be extended to those qualified since 1982; and from 1998 to all solicitors. Though initially the Society was relatively prescriptive about the kinds of continuing education provision it was prepared to accredit, it is now extremely flexible, and accredits a very wide variety of programmes, modes of delivery (including distance learning) and providers including university law schools, commercial trainers, and indeed in-house provision made by law firms for their own staff.²⁸ Broadly similar - though marginally heavier (20 hours pa) - continuing education requirements are imposed on Scots solicitors.

1.4. JUDICIAL EDUCATION AND TRAINING

Compared with most other EU countries, judicial legal education in all three UK jurisdictions must appear extremely ill developed and piecemeal. The most extensive provision is made in England Wales where the judiciary consists of about 29000 lay justices, who try about 98% of the criminal cases and exercise a wide civil jurisdiction particularly in relation to matrimonial and child-care matters; and around 3-4000 professional judges of whom about 1000 are part-time (Recorders or Assistant Recorders).

For lay magistrates initial training consists of a mandatory induction course which comprises lectures, practical exercises, court-room observation and visits to other agencies in the criminal justice system, and has to be completed before they are permitted to begin hearing cases. Thereafter they are required to attend at least 12 hours of training every 3 years (and 12 additional hours if they are members of the specialist 'panels' entitled to hear juvenile, domestic or child-care cases). All magistrates' training is organised locally by the Magistrates Court Committees, though with some support over the design of syllabuses, production of training-materials, evaluation of programmes and training of trainers, provided by the Judicial Studies Board ("JSB")²⁹

The JSB was established in 1979 by judges themselves. It is serviced by a small team of civil servants seconded by the Lord Chancellor's Department. However, its chairman and the vast majority of the members of its main board and its various committees are serving judges at varying levels of seniority, and the JSB has strongly resisted proposals that responsibility for the organisation of its courses should be assumed by specially employed professional law teachers. The JSB's initial function was to provide suitable educational support to judges in the criminal trial courts. However it now attempts to provide a similar service to all members of the professional judiciary. This is still appointed almost exclusively from the ranks of experienced solicitors and barristers (and still very largely from the latter especially in the case of the judges in the High Court, Court of Appeal and House of Lords) -and until the late 70's was subject to hardly any compulsory training requirements at all.

However, since 1981 Assistant Recorders, part-time judges sitting in the Crown (criminal) and more rarely in the County (civil) Courts, who are quite often appointed to prepare them for

²⁸ The Law Society *Register of Authorised Providers: Continuing Professional Development 1993-4*

²⁹ Judicial Studies Board *Report for 1987-1991* pp28-31 HMSO 1992

higher full-time judicial office, have been required to complete an induction programme before they are authorised to hear cases. Each programme - covering criminal trials (organised by the JSB's 'Criminal Committee') and civil trials (organised by its 'Civil Committee') - consists of 2 residential courses lasting just over 3 days; 2 x 5-10 day 'pupillages' sitting in each court alongside an experienced Circuit judge; and visits to penal institutions.³⁰ These programmes are also available, but on a voluntary basis only to newly appointed Recorders, and Circuit Judges.

Again through its various committees the JSB also organises a large number sentencing conferences and "refresher seminars", some of which are targeted at particular client groups (eg Crown Court Judges, Tribunal Chairmen, District Judges), while others focus on important developments in law or procedure. These are conducted by experienced judges, others working in the criminal or civil justice systems (such as police or probation officers), government ministers and academic lawyers. All JSB events would appear to attract large numbers of practising judges, even though attendance is entirely voluntary.³¹

This is not the place to analyze the reasons why judicial education has remained so doggedly voluntaristic, unsystematic, and in its somewhat marginal reliance on the services of professional educators, amateur. Suffice to note though that, in part it relates to nature and background of the judiciary itself. Overly systematic or extensive training might be thought antithetical to the very character of and justification for a lay magistracy; while at the same time being able to add little to what a professional judge will have learned through long years in legal practice before his/her appointment to the bench.

However, as the 1981 Bridge Report on Judicial training made clear, there are also some significant constitutional concerns which lie behind the resistance to overly comprehensive or professionalised judicial training. Probably because it depends so heavily upon the common law for its basic principles of constitutional law and thus for guaranteeing adherence to constitutionalism and the rule of law, the UK places great store by the integrity and autonomy of the judicial process and thus of the judges themselves. It is believed that any external influence over the judicial process, including that which might derive from overly comprehensive or prescriptive training programmes, might compromise that autonomy.

The European Dimension in Professional and Judicial Training

The impact of European Law is reflected in professional and judicial legal education though, as yet, not to anything like the same extent as in undergraduate and postgraduate degree programmes. Thus it receives specific treatment, as a one week module, in the Certificate in Northern Ireland; is listed as one of the LPC's 'pervasive topics'; is one of the options offered on the BVC; and features prominently among the accredited continuing education courses available to solicitors in both England and Wales and in Scotland. Furthermore, it is one of the 2 continuing education courses which are offered to barristers in England; has been the subject of refresher seminars organised for judges by the JSB; and forms part of the programme of optional continuing education offered to Scots advocates.

³⁰ *ibid* para 3.4-3.8; 4.5-4.11

³¹ *Ibid* Appendices 6-8

2. CURRENT NEEDS AND MEASURES TO MEET THEM

From the last section it should be apparent that the last decade has been one of rapid and significant change in all aspects of UK legal education. This section tries to identify what gaps and needs remain - particularly insofar as they relate to the development of a European-wide system of legal education and training - and to predict which of those gaps will be filled (and how).

However to understand some of the conclusions I reach I think that it is important to take account of the increasingly competitive environment in which both higher education institutions ("HEI's") and the legal professions have been required to operate as a result of government policy over the 1980's and 1990's.

2.1. GOVERNMENT POLICY

In relation to the HEI's this environment has been produced by a variety of measures:

First, the government grant funding, which is distributed by 3 Higher Education Funding Councils ("HEFCE"), one each for England, Wales and Scotland, and by the Northern Ireland Office, has been disaggregated, firstly by subject, then into separate support for teaching on the one hand and research on the other.

Second, the quantification of funding for each activity has been done, in the case of teaching, by reference to the numbers of students taught in each subject within each HEI and by reference to average cost of teaching students in that subject across HEI's as a whole. For research, each HEI's subject receives a weighted proportion of the fund established globally to support research in that subject. The proportion received by each HEI's subject depends upon the research rating obtained by that subject in a triennial research assessment exercise conducted by each of the Funding Councils.

Third various incentives have been introduced to encourage HEI's to supplement their grant income from other sources: for example by recruiting non-EU students, who have to pay what are termed 'full-cost-fees'; or by obtaining research contracts from public or private sector agencies.

Finally, in England and Wales, since 1992 all former polytechnics have been given the status of universities and now compete for available teaching and research funds on exactly the same terms as available to the 'pre-1992' universities. They are similarly subject to the new external systems of quality assessment and quality audit which have been introduced since the early 1990's.³²

Competitive pressures on the legal professions (in addition to those which they already face as a result of the completion of the European Single Market in 1992, and, the increasing globalisation of the market for legal services) have included: the conferral on solicitors in England and Wales and in Scotland of rights of audience in the higher courts which were previously enjoyed exclusively by barristers or advocates; the removal of the monopoly over conveyancing real property for gain which had been granted to solicitors in England and Wales in the mid 19th Century;³³ and a range of measures, which aim to force the professions to account more fully and publicly for the quality of the services they provide and thus for the competence of the practitioners they have certified as qualified to deliver them.

³² See, for example: Higher Education Funding Council for England and Wales Quality Assessment of Law 1993-4 Subject Overview Report QO 1/94 (1994)

³³ B. Abel-Smith and R. Stevens: Lawyers and the Courts Heinemann (1970) pp23-4

As a result of all of these competitive pressures on both the professions and the law schools the planning horizon for legal education has tended to become extremely short term and 'cost-benefit' driven. There has been precious little space for visionary thinking.

2.2. CURRENTLY PERCEIVED NEEDS

2.2.1. STAGE 1 LEGAL EDUCATION

2.2.1.1. The Core and the CPE

Though no significant changes to Stage 1 programmes for qualification in Scotland or Northern Ireland seem imminent, those in England and Wales - qualifying undergraduate law degrees and the CPE - are currently in a state of some turmoil.

In part, this has been occasioned by 2 simultaneously mounted reviews covering both undergraduate degrees and CPE programmes. One is being carried out, as part of a review of legal education as a whole, by the Lord Chancellor's Advisory Committee on Legal Education and Conduct ("LCAC"), which under the Courts and Legal Services Act 1990 has responsibility "to keep under review the education and training of those who offer to provide legal services".³⁴ The LCAC's review is still at a relatively preliminary stage. A Consultation Paper, setting out the Committee's initial thinking - mainly in the form of series of options - was published during summer 1994 and a Consultative Conference held to discuss it last July.³⁵

The other was undertaken by the Law Society and Bar, and was to consider what modifications ought to be made to the "core" requirements (currently 6 courses occupying about 50% of a three year curriculum), to take account of the growing importance of European Law; and the expansion of modularisation and semesterisation. In 1993, following a somewhat controversial consultation exercise the 2 professional bodies announced that they proposed to make a number of significant changes³⁶. Firstly, the core areas would be expressed as "foundations of law"; secondly, European Law would be added to the core as a 7th "foundation"; thirdly, teaching equivalent to at least 1/6 of a year would have to be devoted to each of the 7 "foundations"; and finally the minimum required teaching could be delivered either through discrete modules specifically dedicated to each "foundation", or be spread through a range of modules. In August the LCAC announced that it would support the introduction of these changes from autumn 1995, but that they would have to be reconsidered within 5 years in the light of the conclusions which it reached in its own review.

There has been far greater controversy over the CPE. Popular with the professional bodies and practitioners by whom it is seen as a source of intellectually able and flexible recruits, and with the law schools which teach it, for whom it has provided a welcome supply of fee-income, it has long been strongly criticised by academics in many of the pre-1992 university law faculties³⁷. In part their objection is to the very principle that a person, no matter how extensive or distinguished his/her background in another discipline, should be able to become professionally qualified having completed only one year's academic study in law, totally confined to the core areas. They stress that this is less time than is required in any other jurisdiction in the UK, the EU or North America. More immediately they question how it will be possible adequately to cover a new 7-area core in a CPE programme which can presently be completed in as little as 30 weeks.

³⁴ Courts and Legal Services Act 1990, sched 1 para 1

³⁵ Lord Chancellor's Advisory Committee on Legal Education and Conduct Review of Legal Education: The Initial Stage Consultation Paper July 1994; Second Consultative Conference Report, September 1994

³⁶ See note 16

³⁷ Society of Public Teachers of Law: Future of the CPE Report 1992.

The professions have proposed that when the new 7-area core is introduced, each CPE programme will have to last for at least 36 weeks and though this has also been accepted by the LCAC pending the outcome of its more general review, it has stated, with reference to multi disciplinary degrees, that it regards law studies amounting to no more than 1/2 the curriculum as an inadequate academic preparation for legal practice. It would therefore seem likely that in the near future those wishing to qualify for the professions in England and Wales having completed a degree in a non-law discipline will, like their counterparts in the other 2 jurisdictions, face a 2-year conversion programme.

2.2.1.2. European Programmes

Granted the large number of Law-Language and 4-year Comparative Law degrees introduced over the last 10-15 years, it is unlikely there remains a significant unmet demand for programmes of this kind, particularly since it would appear that the number of students taking foreign language 'A' Levels has not been growing and indeed may even have been decreasing over the past few years. Furthermore, to the law school operating within the increasingly crowded and diversified undergraduate degree market of the late 80's and early 90's, the introduction of such programmes might well have seemed an attractive way of putting itself on the map. However the law schools facing the more straitened and insecure environment of the mid-late 90's are much more likely to be impressed by the relatively high administrative and financial costs of running these degrees; and to feel that funds available for further Europeanisation of undergraduate studies will have to be spent ensuring that sufficient staff will be available to meet the increased demand for European Law teaching once it becomes a "foundation" area in 1995.

However, as discussions at the LCAC's recent Consultative Conference emphasised, if the market for legal services does become increasingly Europe-wide over the next 10 years, then undergraduate or taught post graduate programmes will have to expand opportunities to study, albeit at an introductory level and in English, the law and legal systems of other EU member states. This will require the design of suitable course syllabuses; the production of appropriate reading material; and above all the availability - perhaps through staff-exchange arrangements - of specialist, bi/multilingual teachers.³⁸

2.2.2. STAGE 2 PROGRAMMES

It has been suggested that the curriculum for the Scots Diploma in Legal Practice might be altered substantially within the next few years in order that it more heavily emphasises skills development. However its counterparts in the other 2 jurisdictions, having themselves been so recently introduced, are unlikely to undergo substantial revision for quite a while. The concerns of those responsible for running the LPC and BVC are likely to be political and economic rather than pedagogic. Both programmes currently face a number of pressures.

On the one hand, the employment opportunities for LPC and BVC students have contracted quite severely since these programmes were planned in the more expansionist late-80's. It was recently reported that 30% of the first cohort to complete the LPC last summer have yet to obtain training contracts³⁹; and it is estimated that only 50% of the 700-800 students who complete the BVC will be able to obtain tenancies in chambers and thus to practice as barristers.

On the other, as the Bar has recently discovered somewhat to its cost, it is to be anticipated that any attempt to restrict the number of places on LPC or BVC programmes will be vigorously opposed. Despite worsening job prospects there seems to be no shortage of

³⁸ Lord Chancellor's Advisory Committee Report on Consultative Conference September 1994 pp???

³⁹ *Guardian* 5.09.94

applicants for the LPC or BVC and both professions are committed to opening access as a result of the equal opportunities policies which they have adopted. Furthermore, in order to meet the demands of its strongly skills-oriented curriculum and obtain Law Society accreditation, many of the HEI's and Colleges of Law offering the LPC have had to invest quite heavily in time, staff and capital. They are most unlikely willingly to accept restrictions on the numbers they can recruit, particularly if demand for places remains strong.

3. MEASURES TO BE TAKEN IN ORDER TO MEET THESE REQUIREMENTS

The central premise underlying this paper - and indeed the Metz Conference as a whole - is that prospects for any further development over the next few years of a European System of Legal Education, depend crucially upon the priorities which are likely to be pursued by system of legal education in each member state. Those priorities will in turn depend upon the pressures and demands which each of those systems currently faces.

Viewed from this perspective, my conclusion is that over the next decade the UK is likely to make a less significant contribution than it has made over the last decade to the development of a European system. As I have tried to show above, each of the bodies and institutions with major responsibilities for the planning and delivery of legal education in all three jurisdictions will have to give priority to consolidating the changes introduced since the late 1980's and to responding - sometimes at short notice - to fluctuations in government policy and in patterns of student recruitment.

However, over the last decade the UK system of legal education has proved to be extremely adaptable, and in particular, capable of responding quickly and constructively to initiatives where it appears cost-beneficial to do so. It therefore quite conceivable the professional bodies and the HEI's would be prepared to contribute to projects which furthered the development of European Legal education as long as those projects were sensibly designed and resourced. Granted some of the needs identified above the following projects might be worth pursuing:

The establishment of networks to develop the resources which will encourage European Comparative Legal Studies in undergraduate, postgraduate, Stage 2 and Stage 3 programmes. For example my own University is presently working with the newly established Littoral University in Nord Pas de Calais to establish a university system within our Euro Region. Though discussions are at a very preliminary stage, it is already clear that there is a great potential for collaboration between the two Law Faculties in the delivery of courses and possibly of integrated degree programmes in comparative Anglo-French law.

The design of practice-related, 'Euro-focused' programmes suitable for Stage 2 and beyond. It is clear, for example that, as things stand the provision of European-related legal education beyond Stage 1 tends to be somewhat limited and ad hoc.

The sponsorship of coordinated research to identify more clearly and coherently what ought to be comprised within a European System of Legal Education. Thus far - and perhaps necessarily - this has done by trial-and-error: ie through the creation of networks and exchanges on a somewhat random basis on the assumption that they must somehow be contributing to the development of a European system of legal education. It must surely be the time, at very least, to put some resources into taking stock of what has been achieved so far; and to investigating whether a more planned approach might be feasible.

Appendix 1
Consolidated Table of Providers of Legal Education

INSTITUTIONS -	PROGRAMMES									1.
	UNDERGRADUATE (Nos in each Programme where available)					POSTGRADUATE	PROFESSIONAL FORMATION			
				TAUGHT	RESEARCH					
	Conventional LLB	Multidisciplin LLB's	EuroLaw/Lan-Lang LLB	General LLM	Eurolaw LLM	MPHIL/PH.D	CPE	LPC	OTHER	
ABERDEEN	.	.	*(F,G,S)	.		.				
ABERYSTWYTH	.	.	*(Lang)	.	.	.				
ANGLIA	.	.	*(F,G,I)		.	.				
BIRMINGHAM	. (137 pa)	.	*(F,Eur) (27 pa)	.		.	.	.
BOURNEMOUTH		.					.			
BRIGHTON		.								
BRISTOL	.	.	*(F,G)	.	.	.		.

INSTITUTIONS	PROGRAMMES									3.
	UNDERGRADUATE (Nos in each Programme where available)			POSTGRADUATE			PROFESSIONAL FORMATION			
				TAUGHT	RESEARCH					
	Conventional LLB	Multidisciplin LLB's	EuroLaw/Lan-Lang LLB	General LLM	EuroLaw LLM	MPHIL/PH.D	CPE	LPC	OTHER	
de MONTFORT	.		*(F,G)			.	.	.		
DERBY	.									
DUNDEE	.			.		.				
DUNDEE INSTITUTE		.	*(Euro)							
DURHAM	.	.			.	.
EAST ANGLIA	. (88)	.	*(Euro,F,G) (56)			.				
EAST LONDON	.	.				.				
EDINBURGH	.	.	*(F,G,S)	.		.	.			
ESSEX	.		*(Euro/F)	.		.				
EXETER	. (103)	.	*(Euro) (13)	.	.	.	.	.
GLAMORGAN	.	.				.	.
GLASGOW	.		*(F,G,S)	.		.	.			
GLASGOW CALEDONIAN		.								

INSTITUTIONS	PROGRAMMES									5.	
	UNDERGRADUATE			(Nos in each Programme where available)			POSTGRADUATE		PROFESSIONAL FORMATION		
				TAUGHT		RESEARCH					
	Conventional LLB	Multidisciplin LLB's	EuroLaw/Lan-Lang LLB	General LLM	EuroLaw LLM	MPHIL/PH.D	CPE	LPC	OTHER		
LEICESTER	.	.	*(F) (22)	.	.	.					
LIVERPOOL	.		*(F,G)			.					
LIVERPOOL (JOHN MOORES)	.	.	*(F,G)			.					
LONDON - KINGS	.		*(Euro/F,G) (31)	.		.					
- LSE	.	.	*(F,G) (10)	.		.					
- QMW	.	.	*(Euro/G)	.		.					
- SOAS					
- UNIV	.	.	*(F,G,I) (24)	.		.					
LONDON GUILDHALL	.	.	*(F)			.	.				
LUTON	.	.						.			
MANCHESTER	.	.	*(F) (9)	.		.	.				
MANCHESTER METROPOL	.		*(F) (59)			.	.	.			

INSTITUTIONS	PROGRAMMES									7.	
	UNDERGRADUATE (Nos in each Programme where available)						POSTGRADUATE			PROFESSIONAL FORMATION	
							TAUGHT		RESEARCH		
	Conventional LLB	Multidisciplin LLB's	EuroLaw/Lan-Lang LLB	General LLM	Eurolaw LLM	MPHIL/PH.D	CPE	LPC	OTHER		
SHEFFIELD HALLAM	.	.				.					
SOUTHAMPTON	.	.				.					
SOUTH BANK	.					.					
STAFFORDSHIRE	.	.	*(Euro/F,G,S)	.		.	.	.
STIRLING		.		.							
STRATHCLYDE	.	.	*(Euro)			.		.			
SURREY			*(F,G)								
SUSSEX	.	.	*(Euro/Lang)	.		.	.	.
SWANSEA	.		*(F,G,I,S)								
SWANSEA INSTITUTE	.										
TEESIDE	.	.									
THAMES VALLEY	.	.	*(F,G,S)	.			.	.			
ULSTER		.				.					
WARWICK	*(70)	.	*(Euro) (32)	.	.	.					
WESTMINSTER	.		*(F,G,S)			.		.			
WOLVERHAMPTON	.		*(F)	.		.	.	.	.

**APPENDIX 2: BASIC GUIDE TO QUALIFYING AS A LAWYER
IN ENGLAND AND WALES, SCOTLAND AND NORTHERN IRELAND**

<u>JURISDICTION</u>	<u>STAGE</u>		
	1	2	3
<u>ENGLAND AND WALES</u>	Law Degree (3 yrs)	<i>Solicitors:</i> Legal Practice Course (1yr)	<i>Solicitors:</i> Training Contract (2yrs)
	or Non-Law Degree + Common Professional Examination (1 yr)	<i>Barristers:</i> Bar Vocational Course (1yr)	<i>Barristers:</i> Pupillage (1yr)
<u>SCOTLAND</u>	Scots Ordinary Law Degree (3yrs)	Diploma in Legal Practice (1yr)	<i>Solicitors:</i> Training with Solicitor (2yrs)
			<i>Barristers:</i> Training w i t h solicitor (1-2yrs) + pupillage w i t h barrister (1yr)
<u>NORTHERN IRELAND</u>	Law Degree	Certificate in Professional Legal Studies (1yr)	<i>Solicitors:</i> Apprent- iceship (1yr)
	or Non-Law Degree + Certificate in Academic Legal Studies (2yrs).		<i>Barristers:</i> Pupillage (1yr)

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Note pratique

Remarques générales

Conformément aux instructions données par le comité d'organisation et le comité scientifique, les rapports nationaux ont été soumis en anglais ou en français, à la seule exception du rapport allemand (présenté en allemand).

Certains rapports ont nécessité un travail plus ou moins conséquent de remise en forme ou même de réécriture, en particulier (mais pas seulement) lorsque la langue maternelle du rapporteur n'était pas l'une ou l'autre de ces langues. Dans tous les cas, les propositions de modifications ont été soumises aux auteurs qui ont donc pu valider les changements suggérés.

Toutes les versions traduites ont également été soumises aux rapporteurs pour validation avant impression.

Options retenues pour la traduction

L'équipe des traducteurs a pris les options suivantes dans son travail et les a appliquées de façon systématique à tous les rapports nationaux (textes originaux et traduits), dans un souci de cohérence et de bonne compréhension

- le premier terme des expressions désignant une discipline porte une capitale lorsqu'un s'agit de renvoyer au nom d'un enseignement (cours, modul, unité de valeur, etc.)
- les termes donnés dans la langue originale du rapporteur sont écrits en italiques; il s'agit essentiellement de désignations de diplômes, titres, ou encore d'institutions et d'organismes propres au pays. Les italiques sont également employés pour les mots pleins ou en abrégé repris du latin.

En conséquence, un terme ou une expression pourra apparaître en italique même s'il s'agit, par exemple d'un mot français dans le rapport français ou belge.

Practical Note

General

Following the guidelines provided by the organising committee and the scientific committee, all national reports were submitted in English or French, with the sole exception of the German report (drafted in German).

Some reports required more or less extensive editorial work or even re-writing, especially –but not exclusively – when the rapporteur's mother tongue was neither of these two languages. In all cases, proposals for amendments were submitted to the corresponding authors who were thus given the opportunity to validate the suggestions for changes.

All translated versions were also submitted to rapporteurs for validation before printing.

Decisions made for the translation

The translation team made the following decisions for their work and then systematically applied them throughout the national reports (original and translated texts) for the sake of greater consistency and readability

- the first term of phrases referring to a specific discipline is capitalised whenever they identify a part of a curriculum (course, module, study unit, etc.)
- terms provided in the rapporteur's original language have been italicized. This holds true in particular for references to degrees and diplomas, or for the names of institutions and organisations proper to the country concerned. Full words or abbreviations in Latin have also been italicized.

Consequently, a term of expression can be italicised even if, for instance, it is an English word found in the English or Irish report.

Dans certains cas, les traducteurs proposent – entre parenthèses – une traduction du terme original. Cette traduction est mise entre guillemets simples lorsqu'il s'agit d'une approximation plus ou moins grossière.

- certains éléments de la terminologie employée dans les traductions peut paraître artificiel. Il ne pouvait pas en être autrement. On citera comme exemple l'emploi systématique du mot *advocate* pour traduire *avocat*, alors que ce terme n'est pas le plus courant dans la pratique anglaise ou irlandaise.
- la table des matières est en principe identique pour tous les rapports. Il peut se faire que certaines rubriques, jugées sans objet par les rapporteurs, n'ont pas donné lieu à un quelconque texte. La numérotation peut alors présenter des lacunes. Certains rapporteurs ont ajouté des explications et des rubriques, généralement en introduction. Ces paragraphes ont été numérotés logiquement, en respectant la structure de base et en usant du Ø... lorsque cela était nécessaire. D'autres rapporteurs se sont éloignés du plan-type qui leur avait été proposé. L'équipe de traduction a pris la liberté de chercher à rapprocher les plans proposés du plan type en question.

In certain cases, the translators suggested – in parentheses – a translation of the original term. This suggestion is in single quotation marks when it is only a tentative approximation.

- some elements of the terminology used in translated texts may appear as artificial. But it could hardly be otherwise. A typical example is using the word *advocate* to translate the French *avocat*, even though this term is not so common in English or Irish practice.
- the table of contents is supposed to be identical for all reports. But it can happen that some items were deemed not applicable by rapporteurs and that there is no corresponding text. Consequently, there can be some gaps in the numbering sequence.

Certain rapporteurs provided some additional information and inserted new items, in most cases in the introduction. These paragraphs have been numbered in logical order, following the basic structure and using Ø... when necessary. Some other rapporteurs departed from the suggested outline, in which case the translation team took the liberty of making the proposed structures conform to this reference structure as closely as possible.