



Response to LETR Discussion Paper No 11

BACFI welcomes the opportunity to discuss education and training issues with the research team as envisaged in paragraph 21 of the Discussion Paper - will the research team suggest some convenient dates and times for the proposed meeting?

BACFI would be pleased to propose an agenda for the meeting. We hope you will find this helpful.

In the meantime, to give the research team an indication of BACFI's views, we have the following comments on issues raised in the Discussion Paper, all of which we would like to discuss with you in more detail at our meeting.

Paras 29 and 30: BACFI is very concerned about the unregulated activities of people who have been called to the Bar but are unable to obtain pupillage, and therefore cannot obtain a practising certificate. Many of them are offering some sort of legal service but are not subject to BSB Regulation. BACFI has argued repeatedly that such persons should be subject to the Bar Code of Conduct and CPD requirements.

Para 38: BACFI is concerned about the lack of career mobility within the legal profession – many of its members work in solicitors firms and often have to re-qualify.

Para 61: Given BACFI's concerns about career mobility, BACFI would regard greater collaboration and cohesion between education providers across the sector as a very positive development.

Paras 63 and 69: BACFI agrees that a poor standard of writing, poverty of overview and lack of clarity in sustained prose are key issues amongst many newer recruits to the legal profession. This must be addressed urgently to ensure that the different legal qualifications continue to be well regarded and respected. Business and commercial awareness are also very important. Prospective employers in the commerce finance and industry sector must have confidence in the thoroughness of the barrister's legal training. These employers must also be confident that the legal qualification of barrister provides assurance that a prospective employee is competent to do the job, and will be able to understand the employer's business and provide realistic advice.

Paras 70 and 71: The declining number of pupillages at the self employed Bar has been a major concern to BACFI for a long time. BACFI is also very concerned about the lack of pupillages in commerce finance and industry. We would like to discuss with you in detail at our meeting the difficulties and obstacles that some of its members have encountered in trying to become accredited pupil masters.

Para 87: Since BACFI members often work in legal teams consisting of barristers, solicitors and sometimes legal executives, it would be helpful if solicitors, barristers and legal executives did at least some of their training together. We agree that each of the professions would benefit if they understood more about how the other works and we believe it would facilitate career mobility and improve employment prospects.

Para 88: We agree that the regulators should become more involved in technology based learning and pay greater attention to how this works in other jurisdictions.

Paras 98 and 99: We believe that it is essential that the foundation subjects should be prescribed. These form a sound basis on which to build the increasingly specialised knowledge that is required for current legal practice.

GDL or equivalent – any revised qualification for entry into the legal profession must be of degree standard.

The three year rule is crucial and we agree that CPD requires reform and we would be pleased to discuss this further at our meeting.

Finally, the BACFI experience is that mobility within the legal profession is becoming more and more important. A common professional training would help promote career mobility and simplification as you suggest would be far more beneficial to BACFI members than designing ever more complex routes in and around the profession.

We look forward to hearing from you and hope that we will be meeting soon.

Esme Chandler
Chair BACFI Professional Issues Committee

BACFI
May 2012