

Legal Education and Training: Welsh Dimensions

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1 IS WALES DIFFERENT

The laws in Wales have essentially been the same as in England for over 650 years. We have to thank Henry VIII for initiating this, in what later became known as the Acts of Union.

Outside the M4 corridor there are proportionately many more sole practitioners than England. Outside the industrial belt in the south, Wales is largely rural. It is one country but with two distinct parts. It has parallels with England, where London is seen as being a very different legal market to the rest of the country.

Recent legislative changes may mean greater divergence. The introduction of the National Assembly coincided with a resurgence of national confidence in Wales – this manifests itself not only in a greater interest in speaking the Welsh language but also has brought economic benefits, certainly to the south-east of the Principality.

The questions we have to consider are:-

- Is divergence a threat or an opportunity to lawyers in Wales?
- How could it affect consumers?

Coming from New Zealand reminds me of the similarities it has with Wales and its relationship with its closest neighbour . You have England – we have Australia. In that relationship there is always going to be a dominant power. The question is how do the lawmakers in the smaller country get the best advantage for their people. Is it best served by being the same or being different?

What I want to do is to look at some issues that may help a discussion. I will also look at the possible effects on consumers and lawyers.

2 DOES DIVERGENCE MATTER?

In The Co-operative Legal Services, our aim is to provide a consumer legal service across the whole of England and Wales, offering consistent levels of service and value for money. The Co-operative Legal Services was one of the first three alternative business structures to be licensed by the SRA. We are part of the Co-operative Group, one of the world's biggest mutually owned businesses with over six million members. The legal services division was created in 2006.

What we offer is a national legal service across various areas of consumer law – in family law, which we're launching this summer, it will be primarily a fixed fee,

transparently priced service. It has been designed to be a different proposition in the market from that offered by current providers.

Scotland and Northern Ireland, with their separate jurisdictions, are not currently within the delivery plan. ABSs, of course, are not yet permitted in Scotland.

In order to provide benefits to consumers, an offering must be capable of being delivered in scale. Here we have to consider the prospect of Welsh law in future diverging to the extent that a separate service must be provided. The question is whether, if the laws in Wales begin to diverge, whether these will have a material effect on the ability of our business to service and price a national product. Small differences in procedure won't in themselves have an impact. However, the greater the changes the greater the potential to force the type of service we can offer to be different – and that difference could affect costs.

3 OPPORTUNITY OR THREAT?

We need to think about whether ABS will create or lose opportunities here in Wales. ABS will undoubtedly have an effect on the market for legal services. Wales could leverage a comparative cost advantage by firms being based here providing services nationally. Wales has a competitive cost advantage for businesses. Not only are commercial rents generally cheaper than the major English conurbations, but it also offers a better quality of life, such as easier commuting and lower housing costs. There are already examples of national providers of legal services here in Cardiff such as Eversheds. Also, one of the latest ABSs, New Law is based here in Cardiff.

There is also the question of opportunities for lawyers in Wales. ABSs could create a demand for recruits – and that could be helpful to lawyers looking for training contracts and employment. It is suggested that trainees in Wales have greater difficulty in finding a training contract because of the number of sole practitioners. And with the current economic pressures those sole practitioners are going to be ever more reluctant to commit to the cost of having trainees.

However, divergence *could* affect this:-

- The benefit to consumers could be lost
- It could affect opportunities in the legal jobs market?

If the law is different it could affect the pricing of services – lower demand for services generally means that the costs have to be higher. The differences may be marginal but that lack of competitiveness filters through into the general economy. We don't get richer by creating a closed shop. We get richer by being an open economy.

4 THE JOBS MARKET

Does a distinct legal system benefit the jobs market?

- Lack of competition may inhibit developments which could benefit consumers and widen the market. It is that lack of competition which has the potential to hinder economic advantages. The ability to create laws must be tempered by an appreciation of the wider economic impact assessment.
- Separate legal systems may not encourage jobs transfer – may be less attractive for businesses to transfer client facing work. One of the attractions of Wales is that it has largely the same legal system – if that begins to diverge could Wales lose that

advantage in favour of equivalent cost on-shore centres such as the north-east of England or off-shore centres such as South Africa or India.

- The cost of training may be affected. If courses become less attractive to those studying then less people may wish to attend and the cost per head could rise – making it more expensive for future lawyers.
- Possibly less options for qualified lawyers – this could act as disincentive for employers in jobs market. And those lawyers who do qualify might find their options more limited at home and have to seek jobs elsewhere – we then have to think how a training in Wales would affect their potential in the eyes of an employer. Would they favour someone whose practical studies had been more focused on the law which they would be practising.

4 WHAT IS THE CO-OPERATIVE DOING?

Before I begin this section I want to make it clear that I don't want to sound all doom and gloom. Coming from an equally small country I feel passionately that we should have the ability to make things right for our people and take into account the things that really matter to them. However, at the end of the day to most people it's their economic wellbeing that dictates how they feel about the remainder of their lives.

Now about us:

- Our ABS licence has been granted
- We have announced a major expansion
- We were one of the first three ABSs licensed by the Solicitors Regulation Authority
- We have over 450 staff working in Bristol
- We have a new office opening in West London this summer
- We're recruiting 150 new lawyers this year alone – many of them will be based in London with our new family law service
- Further expansion planned: We received over 550 applications for the vacancies in the family law team – many from experienced practitioners including partners of existing firms.
- We offer apprenticeships. It's not only solicitors we want to attract. Across the group we will be offering 2000 apprenticeships in the next 5 years. These are offered in partnership with national training providers
- We currently have four Apprentices in the legal business (with a further vacancy advertised) undertaking both QCF (Qualification Credit Framework) in Level 2 Business Administration and QCF Level 2 Customer Services. We are currently in contact with and supporting the Skills for Justice in their development of a legal framework which is anticipated to be completed in 2013. At this point we intend to offer this qualification as an apprenticeship at CLS.
- We provide training academies. We offer a full induction, that is a 2 to 3 week training coupled with life long learning. Because of the scale of the organisation we can offer roles to lawyers who want to develop their management skills and move from full-time fee earning roles to a business oriented career – includes project management and operational management.

How does the Co-operative Legal Services differ?

It's the breadth of skills and the ability to work with other, complementary areas of the business. Also, it's about the ethics and social responsibility that the Co-op stands for. I started my career as a legal aid lawyer. We have just been awarded our first legal aid contract to deliver family law services. What we have got is the chance to offer consumers a full legal service wherever they are in a way which is suited to their needs.

In legal terms this might be considered revolutionary. However, if we look at it from a consumer perspective it's not unusual. We're responding to what people want and more importantly providing a service they can afford.

Do we hold all the answers – no. Are we going to listen to people - consumers and staff
- yes

Will we make a difference ? I think so, but time will tell.

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The Co-operative Legal Services
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