

**JUSTICE COMMITTEE**  
**PROFESSIONAL LEGAL EDUCATION ROUNDTABLE**  
**SUBMISSION FROM ELIZABETH COMERFORD**

**Pathways to becoming a qualified solicitor in Scotland**

The traditional pathway to becoming legally qualified in Scotland is the attainment of an LLB degree (typically a four year honours course) plus a further one year postgraduate Diploma in Professional Legal Practice (DPLP) followed by satisfactory completion of a two year traineeship with a law firm (7 years).

The core content of both the LLB and DPLP are prescribed by the Law Society of Scotland being the accrediting body.

It is possible for the LLB to be undertaken as an accelerated course as a second (fee paying in Scotland) degree for which the University of Dundee charges £6000 per year followed by the DPLP and traineeship (5 years).

I have been involved with the DPLP at the University of Dundee for six years and Programme Director for four. Based on my own experience, I would estimate that approximately 25% of incoming students to the DPLP have secured traineeships prior to commencing the course. For the balance, undertaking this essential qualification to become a Scottish solicitor is a speculative venture which distinguishes this very much from the other professions such as medicine and dentistry where securing a job post University is more or less guaranteed. The approximate cost of a DPLP course at a Scottish University provider is £7500-£8000.

Several Scottish Universities, including the University of Dundee, offer the DPLP on a part-time basis over a 24 month period of study. I feel it is important that part-time routes continue to be offered as they offer prospective lawyers the opportunity to spread the, not insubstantial, DPLP fee over two years as well as the risk of securing a traineeship post completion. They afford a sector of candidates the ability to work part-time alongside undertaking the course or undertake additional responsibilities such as caring for relatives or young children.

The Law Society of Scotland offer an alternative route being an apprentice style offering which requires the candidate to be working in a Solicitor's office whilst studying for exams set by them as the professional body.

The traditional pathway to becoming a qualified Solicitor in Scotland is seven years. Some may argue that this is overly long but it is not out of kilter with other professions such as medicine and the potential financial rewards for successful lawyers are evident. All Scottish Universities work on a semester system with two semesters replacing the older three term model. It might be possible to condense the LLB element to a three year pathway. However there would be potential logistical issues with this given the traditional four year honours Scottish University model coupled with the volume of professional subjects to be undertaken by students which the Law Society of Society of Scotland, as accreditors, stipulate must be studied by students undertaking each qualification.

An argument might exist for a reduction in number of professional subjects prescribed by the Law Society as core, given the move in Scottish legal practice as a whole to a model whereby Solicitors tend to specialise in particular fields of law and not be general practitioners. A counter argument to this however might be that it is often necessary for lawyers to have a consciousness of the potential impact of one area of law which they are instructed in, upon another e.g. awareness that one outcome of a corporate transaction that they are working upon might be a tax implication for their clients.

I think it important that Universities retain their independence as to curriculum choices and approaches to legal education. One of the world's largest law firms now direct all their future Scottish trainees to a particular DPLP Scottish University provider.

### **Widening access**

In my view it is key that initiatives such as REACH, which was established in 2010, and supported by the Scottish Funding Council continue. REACH facilitates staff within Universities to go out to low progression schools and actively encourage interest from talented young people in the legal profession. REACH offers "Law Tasters" for potential students hosted in the University. These are of real value in opening up the profession to young people whose parents may not have gone to University and who perceive that becoming lawyers is something out with the realm of possibility.

The Law Society of Scotland is doing excellent work in promoting wider access to the legal profession in terms of initiatives such as Street Law which encourages law students to go into schools and the wider communities to both educate and promote interest in the law.

The Scottish Government has categorised prospective students from lower socio economic groups by postcodes. Category one represents the lowest 20 % postcodes in Scotland and Category two extends to the lowest 40 %. These categories are not restricted purely to postcodes but include young people who have been in full time care, refugees etc. From speaking to my colleagues, those students who fall into these categories and are offered places at the University of Dundee cannot be readily distinguished from others in terms of their academic performance.

It should be noted that many applicants to Law Schools can speak to work experience in law firms which has often been facilitated by a parent, relative or family friend who is a lawyer. Young people in lower socio economic groups do not have that advantage. I would also think that this point applies to those looking to undertake the alternative route to the profession via the Law Society of Scotland exams, as an applicant requires to be working in a law firm to undertake these which once again can often involve having appropriate contacts.

The Law Scot Foundation established recently by the Law Society of Scotland is doing much good work in supporting those from lower socio economic backgrounds in their study of law and awards £2500 each year to successful applicants. I understand that it has received approximately 60 applications this year for approximately eight awards.

Whilst not strictly relevant to the matter of the future of legal education, I feel it important to mention in this context that the current gender split in undergraduate students of law is approximately 70 % female and 30 % male. The reason for this appears to be that females consistently attain higher exam results than their male counterparts. The prevalence of

women qualifying as Scottish Solicitors raises questions for the legal profession as a whole in terms of moving towards more flexible work models that support maternity leave, caring for children whilst providing a framework for women to continue career progression.

### **Fees and funding**

Currently full time students undertaking the DPLP receive £5,500 from SAAS in 2018/19 towards fees by way of a loan.

The Scottish Government introduced a cost of living loan for postgraduate full time students several years ago of up to £4,500. Based on my own experience of DPLP students, I believe that approximately two thirds of DPLP students apply for the cost of living loan.

I firmly believe that the introduction of the cost of living loan has encouraged and benefitted prospective students entering the legal profession and undertaking a course which for many is speculative in terms of the fact that approximate 75% of students have not secured traineeships when they commence their studies.

However a gap remains for DPLP students between the fees loan of £5,500 and the actual cost of DPLP – approximately £7,500 - £8000. For some students plugging this gap can be an issue. Professional and Career Development Loans are available currently from the government but this scheme is closing on 25<sup>th</sup> January 2019. Under the current scheme students can borrow up to £10,000 generally at a reduced rate of interest and the interest on the loan is paid by the government for the period in which the student is studying.

Whilst students can apply for traditional bank loans to plug this gap, rates of interest are often high given the applicant's age and risk profile. Typically DPLP students are around 21/22 years old if they started their legal studies after completing sixth year at school.

Based on my experience, many DPLP students undertake part-time work during their period of study in what is a very demanding programme. Contact hours in semester one at the University of Dundee are typically around 23 hours per week. Some students work part-time of hours up to 22 per week. At Dundee we restrict teaching days within the DPLP at three set days to facilitate part-time work in recognition that this is essential for many students in meeting the cost of living.

I wonder if it would be beneficial for the Scottish Government to consider making a small charge of approximately £500 per law student per year of study on a means tested basis towards LLB fees to support those prospective students who wish to undertake study but are deterred by cost.