

City of London Law Society – Training Committee

**MINUTES a meeting of the CLLS Training Committee with the SRA at 9.00 am
Monday, 6 March 2017 at Slaughter and May, One Bunhill Row, London EC1Y 8YY**

CLLS TRAINING COMMITTEE

Caroline Pearce, Cleary Gottlieb Hamilton & Steen (Chair)
Hannah Kozlova Lindsay, Berwin Leighton Paisner
Stephanie Tidball, Macfarlanes
Frances Moore, Slaughter and May
Ben Perry, Sullivan & Cromwell
Catherine Moss, Winckworth Sherwood
Greg Lascelles, Covington & Burling
Lindsay Gerrand, DLA Piper
Rita Dev, Allen & Overy
Patrick McCann, Linklaters

ALSO PRESENT:

David Hobart, CLLS

APOLOGIES:

Ruth Grant, Hogan Lovells
Caroline Janes, Herbert Smith Freehills

SRA

Crispin Passmore, Executive Director at the SRA with responsibility for Policy
Nick Eastwell, Chief Adviser, City Law Firms

Meeting to discuss the CLLS response to the SRA's Consultation on the SQE

1. Responses generally to the Consultation

Crispin Passmore began by saying that the SRA had received about the same number of responses as it received to its first Consultation, in the order of 250. The responses were predictable, given the responses to the first Consultation. The views have moved on a little but are broadly the same with a broadly similar level of negative responses. The Board will receive a summary of all of the responses.

As to the City engagement, there were common themes, generally in favour of a centralised assessment and almost unanimous support for 2 years QWE. There was clear disquiet about the SQE curriculum and whether it was rigorous enough. Also a concern around MCQs with a desire to see the SQE less reliant on it. The SRA recognises that it will need to demonstrate sufficient breadth and depth in the SQE and will seek help from a number of quarters including the experts in the City to achieve this. It is considering piloting it to test whether the exams are deep and wide enough, although a decision has yet to be taken on a pilot. There have been indications (although not in the Consultation responses) from SRA conversations

with senior figures in City firms that the City sees social mobility advantages of dispensing with the LPC.

2. Timing

The Board will make a decision by the end of April on whether, in principle, to go ahead with a centralised assessment. If approved, there is then a great deal of detail to work out. It is expected that the first SQE will be in September 2020 and not 2019. A pilot may be run in 2019. An assessment provider or providers will be appointed before the end of 2017. The assessment provider will work on the curriculum, MCQs and the contexts for SQE2 and include short form answers as well as MCQs.

Further thought on the transition arrangements is also needed, for those who have started a law degree and for those taking the current route part-time. Of those who have not secured training contract by September 2020, they might be given a choice on the route they take. Likely final cut-off 2031 or 2032.

The SRA will issue a formal consultation on the Regulations needed to implement the SQE but is hoping to work on the detail of the assessment with informal meetings, workshops and papers, including on the assessment framework, the balance between the MCQs and other methods of assessment and the QWE. The SRA will respond to evidence that changes or delays should be made.

3. Q&A

The responses to questions put to the SRA were as follows:

- The SRA believes that it is possible for an assessor to be a provider also if suitable information barriers are set up to separate assessment from course provision.
- At the start there will be two assessments per year.
- The SRA believes that the LPC should be abolished because it discourages social mobility and because of the cost. If all students sit a centralised assessment then students' backgrounds are irrelevant. Whilst noting that there has always been a two-tier issue in the profession, diversity issues are of secondary importance, the preliminary issues is standards. Social mobility is a matter for the market as well as the Regulator. The SRA accepts that the lower costs of the SQE is not proven and it will have to be demonstrated.
- The National Council of Bar Examiners in the US has confirmed to the SRA that the SQE is wider and more complex than the NY Bar exams. It was pointed out that the SQE would be the only exam needed to qualify and it is not so with the NY Bar where a law degree is a pre-requisite to taking the NY Bar exams.
- The SRA accepts that the draft assessment does not contain enough contract, tort and constitutional law. It was suggested that the Brexit Supreme Court judgement was a good constitutional law illustration of the need to teach black letter law. It was also suggested that the SQE should cover a wider breadth of the law needed to practice as solicitors and not just to undertake the reserved activities and that includes the LPC electives. The SRA believes that the SQE should be designed to cover the core legal principles and skills. SQE2 might be open book.
- MCQs will now not be the sole method of testing, there will be short form questions, but all would be computer based. Advocacy needs to be included in SQE1 as it is a reserved activity.

- The SRA believes that it will not be possible to take SQE2 without experience even if there are issues for firms relating to staffing client matters and secondments where trainees are absent from the office. These are risks that firms will have to manage.
- QWE of two years to allow trainees to assimilate cultural norms and values and this will be preserved even if the SQE2 is taken early. It was noted that two of the magic circle firms were now in favour of the two years where previously they had at least considered a shorter period. The recommendation to the Board will be 24 months for the QWE.
- The SRA is very conscious of the Brexit ramifications and are in discussion with politicians, the EU Commission and the Law Society of Ireland. The SRA's position is to get as close to mutual recognition as possible.
- The QLTS will be abolished for overseas qualified lawyers and instead exemptions will be granted for parts of the SQE (by mapping the home state exams against SQE1), 2 years' experience will be required and suitability will also be assessed. There will be no examination of skills (ie the OSCE exam will no longer be set).
- Whilst there is "no appetite" to change the reserved activities, the CLLS was assured that the SRA were listening to all concerns, whether broad-reaching such as City lawyers not being prepared for practice (based on the SQE) and the detail of the assessment framework.

4. Next meeting

Crispin Passmore concluded by saying how useful such meetings as these were and suggested that we meet again in two months.

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Chair