

BECOMING A SOLICITOR:

An examination of the process by  
which trainee solicitors develop  
the appropriate skills and  
identity that enable them to become  
recognised as fully qualified  
members of the solicitors'  
profession

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# **Becoming a solicitor:**

**An examination of the process by which trainee solicitors  
develop the appropriate skills and identity that enable them to  
become recognised as fully qualified members of  
the solicitors' profession**

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## **4. Results Chapter**

The results chapter is divided into separate chapters. This division represents both a methodological and a theoretical division. The first section presents the results of the initial study involving mainly qualitative data from interviews. The remaining sections represent the bulk of the results from the national questionnaire survey. These are divided in line with the theoretical divisions made earlier.

## 4.1 The Initial Study

The initial study examines the experiences of trainee solicitors undertaking their Training Contracts in private practice in Sheffield. This represents the first step towards an examination of the process of education, training and socialisation into the solicitors' profession. The initial study was undertaken concurrent with an ongoing literature survey and feed into the preparation for the main empirical part of the study - the national questionnaire survey. As such the initial study shared the central aims and objectives of the overall study but included specific objectives of its own. These are research objectives are introduced and clarified in the following section.

### Introduction and research objectives

It is the intention of the overall study is to examine the process of acceptance into the solicitors' profession or more specifically *to examine the process by which a trainee solicitor develops the appropriate skills and identity that enables them to be recognised as a fully qualified member of the solicitors' profession*. The assumption is that a successful trainee will have recognised, learned, and possibly internalised specific rules, skills and behaviours, and further "absorbed" some of the culture, ethos and attitudes that are thought appropriate to the solicitors' profession. This begs a number of questions that were explored through literature, discussion and thought (see earlier sections).

The underlying assumption is that a process of socialisation, or more specifically professionalisation, operates, and is amenable to study. I suggest that such a process might initially be conceptualised under the broad headings of; education and training, knowledge and skills, professions and professionalism, and socialisation and culture (set out in the various theory sections above). However, these ideas had not been fully developed at the point that I began the fieldwork. This is a summary of the position as I began the initial study.

The area of education and training included the practical aspects relating to the form and structure of a trainee's training, namely their Training Contract. A general picture of the form of a Training Contract is available from the official Law Society literature. It was the intention of the initial study to confirm the validity of such a

picture and, furthermore, to survey variations across firms, to develop questions to elicit this information, and to gauge trainees' responses to training. At this early stage the theoretical debates surround the form of legal education and training had not been fully accessed and therefore did not inform the fieldwork for the initial study.

There has been very little work directly relating to solicitors' skills. Much of the work that has been carried out, such as that by the Law Society (Sherr, 1991a., Economides and Smallcombe, 1991) which attempts to identify the skills needed by trainee solicitors, or earlier investigations by legal educationalists (e.g. Gold, Mackie and Twining, 1989) proved to be of limited value to the present study for a number of reasons. The commentators generally approached the concept of skills with a particular purpose in mind, namely to teach them, which has resulted in a partisan view and the adoption, very often, of a specific perspective. This disadvantage is further compounded by the questionable validity and reliability of attempts to concoct an essential list of skills currently in use. Any such repertoire is enormously variable, not least across specialisms, and tends to side-step the issue of a skill as an inherently dynamic phenomenon. This led me to ask certain questions: Can the kinds of work that trainee solicitors do be reflected in a core set of skills? How can one begin to consider the process-like (dynamic) aspect of a skill, in terms of stages or levels of competence? This introduces a second major element within the section on skills, namely that of change. Beyond the specific question of skills an attempt is made to uncover the strategy and attitude that firms adopt in relation to training. What is training envisaged as doing? What is the reality for trainees? Here the intentions are to uncover both the overt and covert forms of training. Is training about personal development or just word-processing? Here lies the cross-over with the earlier section on education and training and the final section on socialisation. The crucial questions centre on the teaching and learning process - on the often critical relationship between skills and knowledge on the one hand and trainee and supervisor on the other.

A number of sources are drawn upon within the area of professions and professionalism. The theories and debates within the sociology of professions provide an enormous number of ideas to be explored. Other sources include current literature

from the professions themselves both through the Law Society and individual solicitors' firms, government material and so-called grey literature.

The work of the traditional school or trait theorists as epitomised by Carr-Saunders and Wilson's seminal work (1933) provided numerous attempts at identifying the defining characteristics of a profession. This has served to focused attention on the essentially altruistic nature of solicitors as public servants and guardians of justice. Others, most notably Freidson (1973) and later Cain (1983), identified the struggle within the ideological arena in terms of access to exclusive knowledge and the use of restrictive language. The most recent contribution to the debate has focused on profession's struggle within the market place to maintain a monopoly service and resist state incursion. The work of Larson (1977), and most recently that of Abel (1988), has adopted this neo-Weberian or economic approach.

This led to a number of questions that revolve around the role of professions in seeking market closure, possibly through restrictive mechanisms, and the contradiction with their professed self-image as highly skilled and independent agents offering a public service for which they are suitably remunerated. Other ideas probed include the use of special language by professionals, the creation of myth by the profession to bolster its public image and support claims to state-backed legitimacy that may act to disempower the client and generally undermine the idea of altruism in relation to public service. The slightly different emphasis of professionalism is reflected in questions of ethics, competence and efficiency (see individual theoretical sections for a fuller treatment of these topics).

The area of socialisation, identity and culture proved to be far harder to access (see Geertz, 1973). The ideas to be teased out again involve change, particularly in relation to trainee's self-image and their view of themselves within the larger picture of a changing profession (for a treatment of the early socialisation of articled clerks see Sherr and Webb, 1989)

The specific aim of the initial study is to clarify the rather vague issues arising from early theoretical explorations and take them into the field. I believe theory to be of value only if it has demonstrated explanatory power (Glaser and Strauss, 1967). The

necessity of an empirical field study requires the operationalisation of these questions and the development of a methodology. These theoretical tools can then be taken into real solicitors' firms and the theory offered up to the harsh light of reality in order to:

to identify and resolve possible problem areas,

to re-assess and strengthen the theoretical base,

to improve field skills particularly in interviewing,

to refine the methodology and tools for a larger survey.

An examination of the specific methodology adopted for the initial study is provided within the methodology section as well an outline of sample characteristics. Here the responses of trainees are presented question by question grouped under appropriate headings before a discussion of the initial findings is offered. It should be noted as previously mentioned that each of the participating solicitors' firms have been given a pseudonym. Here is a brief sketch of each of the selected firms:

*Barker Nathan Davis* - is a large provincial firm operating in the commercial sector.

*Newton Leech* - is a medium sized general practice firm with a wide client base.

*Norman Lovelace & Co.* - is a relatively small legal aid firm.

*Nelson Neap & Partners* - is a small specialist firm dealing with trade union work.

### **Initial results**

Naturally enough, one of the first questions asked of trainees was "what were your reasons for applying to this firm in particular?" The aim here was to start with something accessible to ground the interview. As might have been expected, beyond the trends outlined in the method section regarding age and previous experience, the specialist firms tended to attract applicants with a particular interest in their field of

specialism. All three trainees at Nelson Neap & Partners, for example, expressed a well formed and abiding sympathy for left-wing politics and the Trade Union organisation. Likewise, those successful applicants to Norman Lovelace & Co. had previous experience in Citizens Advice Bureaux, voluntary law centres and the like. They also had stated interests in rights work, immigration and "the minorities angle". Probably the most striking feature across all trainees was the important and often formative role played by a summer placement or work experience to subsequent choice of firm/specialism. Five trainees had summer placements and four had previous experience in a legal capacity. The spread reiterates an earlier point, that the majority of both summer placement and legal experience (please note that here I am not referring to previous work experience) was amongst the specialist firms. Indeed the ranking by greatest number with previous experience/summer placements was Norman Lovelace & Co. [3/0], Nelson Neap & Partners [2/1], Newton Leech [0/2], then Barker Nathan Davis [0/1]. Other factors taken into account when applying to firms included; reputation in a field of interest, size and possible quality of training, and provincial as opposed to Central (London) location.

Expectations on beginning articles, gauged by self-admission as to whether or not they had been realistic or unrealistic, again related to age and experience and followed a similar but diluted pattern. The younger trainees were also less tolerant of what they saw as training deficiencies, such as Barker Nathan Davis' restriction of rotation options following a change in firm policy and direction, with a greater emphasis towards commercial work.

In asking "how well-prepared trainees felt they were" I opened an entirely unexpected "can of worms", the Law Society Finals (LSF). Even amongst those about to finish articles, memories, or one might say wounds, were still fresh. It was said by numerous respondents to be "tedious", "long-winded", "unreal" and "archaic", with an over-emphasis on memory and substantive legal book work. It is merely a "whittling-out process". More specifically they went on to suggest that the LSF (and Law Society see later role of professional bodies) was out of kilter with the reality of legal practice, for example insisting on covering conveyancing in great depth whilst completing company and insolvency in two lectures, (11 sides of notes). The course

was thought to be too generalist, restricting any opportunity to specialise, and lacked practical, basic things, with no work on communication skills or time-management. In fairness some speculated on the extent to which the new Legal Practice course (LPC) might ameliorate some of these short-comings (see *Training Tomorrow's Solicitors*, Law Society, 1990b). This negativity was further tempered with an appreciation, by some, of the insights gained into basic legal concept and procedures, with more than one mentioning the subsequent value of LSF materials, "some use of real documents" and "hands on experience".

Apart from the LSF, two of the trainees at Nelson Neap & Partners mentioned the value of a two week "induction course" run in-house. This showed new trainees standard letters, example cases, exercises, role-play and interview experience, referred to as "a noddy's guide". Generally trainees from the two larger firms felt lost upon starting articles. In their own words "it was a whole new ball game", they were "in at the deep end", it was a matter of "survival, thinking on ones' feet", in short they felt "ill-equipped" and "incompetent".

### **The training experience**

The role of the supervisor was central to the training process and played an often critical part in the trainees' entire experience of training. It was felt that this role was to oversee, support, and advise. However, many respondents recognised the difficult balance that supervisors negotiated between an over-dominant and a laissez-faire style. Ideally a supervisor would allow room for initiative, providing work sufficiently challenging to test the trainee whilst not stifling their confidence. Trainees persistently remarked that a supervisor should guide but not lead, they should be constantly gauging the trainees' ability and feeding them work of an appropriate complexity. It was felt to be the supervisor's role to review the learning process by controlling the input, observing and where necessary correcting the output, and by providing constant feedback. It is worth noting that this all had to be accomplished alongside their role as an active fee earner.

In reality numerous supervisors were felt to be unhelpful, unapproachable, uninterested, or just too busy to provide adequate training. A criticism frequently voiced was that of limited or inappropriate feedback (see below). In order to improve

at anything beyond a rate of trial and error trainees required consistent, considered and constructive assessment of their performance. This was felt to be entirely absent in some firms and not sufficient in others. Interestingly a few trainees recognised the incompatibility of their expectations with those of the firm's, particularly with trainees straight out of college expecting to be taught. Supervisors varied greatly within and between firms in terms of their training styles: sitting by Nellie, laissez-faire, or a democratic, discursive style.

It was felt that mutual respect might go some way to ameliorating these difficulties. A supervisor might then supply appropriate work (i.e. taxing - "not too easy and not too hard"), sufficient work to keep a trainee busy (not so much as to bury them, but equally not too little so that they sit around unoccupied). Trainees felt the critical balance often lay in giving them some free rein and allowing minor mistakes as an essential ingredient in building confidence and as part of the learning process, yet maintaining sufficient control to oversee the overall process and check the final output.

There was a general recognition in terms of the range of work that trainees were given to perform of the limitations of time and possibility offered within a specialist firm, however, trainees resented what they felt were the inflexible, and somewhat arbitrary Law Society regulations. Essentially this is the requirement that trainees select their options equally from two blocks, one consisting of contentious, the other of non-contentious specialisms. Those that had to some extent circumvented the Law Society requirements and focused on a group of related specialisms, for example selecting solely litigation departments, felt they had gained adequate training but harboured lingering doubts at having specialised too early and the near impossibility of changing at a later date. Others complained of a limited range of work, superficial coverage of subjects and having too short a time to get to grips with a particular area. There was a general feeling that insufficient thought was given to the structure of training. Allocation to departments within a firm was often decided with little or no input from the trainees. It was at best up to the individual trainee, or at worst, sheer chance whether articles held any coherence. The central dilemma was whether one should have a well-rounded or complete training as a general practitioner in all areas

including legal skills, which was felt to be impossible to achieve in any adequate sense, or whether concentration in a particular area to a competent level should be allowed. Many trainees felt thwarted in both respects, by either the Law Society regulations, firm policy or firm practice. The general feeling was that the latter route was the realistic option, with the corollary that continuing education should enable a later switch in specialism.

Trainees were asked to comment on how "the sorts of things given to you" (tasks) vary over the period of training. The aim was to elicit indications as to the concept of training implicit to the trainer's thinking and the process of learning trainees experienced. There did seem to be a progression in the complexity of work given during training, but the matter was far from straight-forward. There were distinct variations between firms, departments, and supervisors. The general picture, however, was of parts of files being given and explained "step by step", then parts being given with less explanation, followed by the handling of whole files, and finally trainees being allowed "to run their own complete files".

The tendency was to "break trainees in gently", giving them "delegated bits of work". Trainees were thus "fed bits of work from their supervisors' files", in such a way that their confidence and "ability to cope" could be gauged. Such a pattern might also serve to ensure that trainees experienced the basic or "essential things". With greater responsibility, as trainees "find their feet", the quality and quantity of work gradually increases. Greater latitude is given, and trainees find themselves involved in more files, "thicker files", doing larger sections or "dealing with [slightly] more complex matters".

Inevitably this provides something of a caricature, the reality in terms of individual experiences varying considerably. By far the two most important factors were the point at which rotation occurred ( the department entered and the length of time spent there), and also the style of their immediate supervisor. The form of work dealt with by different departments varied considerably, for example, commercial cases would rarely be handled by a single individual and might be ongoing for a considerable period of time. Hence trainees might find themselves a fly-by-night visitor on a number of cases which had started before they arrived and which continued long after

they had left. This could be a very different experience to dealing with criminal cases. The spread of supervisor styles might mean a very different experience of training (see under the role of the supervisor).

The four firms again varied in terms of the types of work they generally handled and hence the types of work trainees were most likely to experience. Trainees at Nelson Neap & Partners indicated a gradual if haphazardly organised progress from packaged units or bits of cases to whole cases or more complex issues within a case.

Norman Lovelace & Co. operated a system whereby new trainees manned the front reception desk for a period; first year trainees therefore "acted as a filter", gaining wide experience but in a time-consuming manner. There was a sharp divide between first and second year trainees, with the latter often being left to work on their own with what was essentially their own case load. Despite the obvious pragmatic reasons for this distinction, it was felt to be somewhat illogical. The initial client contact was frequently recognised to be "make or break" for the success of the entire case, however, trainees' participation was rarely reflected in greater responsibility in the office generally. The mixed case load from the front desk and the frequency of rotation between departments (four slots rather than the usual two) in the first year of articles meant that the first year was frequently felt to lack structure and trainees from this firm in particular indicated this directly by answering that they had experienced "no progression through the year". However both in their final period stated that they saw cases from start to finish and that they could envisage the pattern of a whole case. Or put more poetically, "during the Law Society Finals you were shown the whole then immersed in the detail; in articles the situation is reversed, at first you are lost in a mixture of work on your supervisor's files then gradually you see the forest for the trees".

At Barker Nathan Davis the tendency was for trainees to speak of growing confidence, more subtle testing and greater responsibility as trainees progressed. The learning curve was characterised as rising rapidly at first, with the incline flattening until a performance drop was experienced upon entering a new department, whereupon the curve started to rise rapidly again. The degree to which it tailed off in transferring to a new department would relate to the extent of cross-over or

commonality between the old and the new department, whether in type of work or tasks performed (litigation or letter writing, for example).

Some similarity was demonstrated in the answers given by trainees at Newton Leech. The emphasis of the question was often interpreted by respondents as relating to their own growth in abilities and confidence, which itself was met by an increased role given to them by their firm. Trainees pointed to an increase in responsibility and trust, reflected in greater freedom and an expectation that they would "stick their neck(s) out", make judgements and take decisions, "you earn the right to independence". Again confidence was mentioned - and interviewing clients played a crucial role in building this up. However, here again, the progression from the basic things taught step by step, interspersed with "office junior responsibilities", leading on ultimately to "taking a case from scratch", was clearly and consistently apparent in the answers given.

A reserved and somewhat diplomatic approach was adopted in response to a general question asking trainees to assess the good (and bad) points of training. The general quality of training was felt to be excellent; trainees felt they were reasonably well integrated into firms, and praised the standard of in-house seminar programmes. However most felt the need for more feedback, with a better introduction to office procedures and formal training in interpersonal skills. In several cases there was felt to be a specific need for "an appraisal system", structure and assessment with regular monitoring. A few even called for advocacy training. The majority of these criticisms and suggested improvements centred around the crucial principal-trainee relationship.

The degree of perceived autonomy varied quite considerably, particularly by stage of training (as one might have expected), bar the anomaly provided by Norman Lovelace & Co.'s policy of having first year trainees manning the queries desk with virtual autonomy. Again of course there was the inevitable variation between departments, and between supervisors. Generally speaking, however, the system of checks whereby firms ensured protection against errors also meant that autonomy was near-impossible, certainly in the early stages of training and except in very mundane tasks. However the degree to which this policy translated into practice varied.

At Nelson Neap & Partners the necessity of having such a system of checks was recognised as slightly limiting, but essential in protecting the firm and the trainee, and ensuring quality to the client. Indeed, most trainees felt able to take decisions on files when they felt competent to do so. Trainees at Norman Lovelace & Co. experienced possibly the greatest ambiguities. In some respects as mentioned, trainees exercised an enormous degree of autonomy, yet in other instances might not be permitted to take decisions as to how a case might be progressed. The relaxed supervisory structure and the variety of work, as well as the restrictions of time and checks made on outgoing letters, reflected a very mixed approach to trainee autonomy.

The degree of autonomy allowed or indeed encouraged was closely matched to supervisor style by trainees at Barker Nathan Davis. Whilst some supervisors offered no direct or close supervision beyond what was required to protect against negligence claims, others might maintain a far closer hold on outgoing work, checking files and vetting letters. One supervisor adopted what was termed a democratic style, encouraging decision making then offering suggestions. This empowered the trainee rather than reining them in with a constant need for approval and too much spoon-feeding ("the broken-down and fed" style of working). At Newton Leech the greatest variation was between departments. As with task allocation, in family law cases, trainees exercised virtual autonomy within the usual system "to protect the reputation of the firm". However, in company or commercial law cases, where the firm's stake was felt to be far higher, virtually everything was checked and every letter seen.

Each firm operated a reasonably similar system for asking advice (who trainees were expected to ask for advice). But again the variations reflected differences in the ethos of each firm, and in some instances had very real impact on the trainees' experiences. Nelson Neap & Partners operated an open door policy where advice was concerned. Most mistakes were avoided through supervision and minor errors were possible and would be accepted and corrected as part of the training process. The emphasis in Norman Lovelace & Co. was on "networking" with others in the same department or between branches. Despite the fact that people were generally busy, trainees were encouraged to ask or ring round for help. Mutual support was further engendered through departmental meetings and, with little competitive ethos between members of

staff, it reduced the constant need to demonstrate competence. At Barker Nathan Davis, the theory was that one would ask one's supervisor or indeed anyone, but in practice there seemed to be a tendency to gauge how hard the question was and to ask only those most recently qualified about more basic matters. This involved an idea of "saving face" (if wrong in one's estimation of difficulty) which, for some trainees, meant a real impact on their chances of being offered a job at the end of articles. People were also extremely busy, which at times meant a trainee would have either to research the problem themselves, or make a note on the file and draw it to the attention of their supervisor when time permitted. Newton Leech operated an open door policy where the work giver was generally considered the best informed person to advice, however, an informal system also operated within which individual's perceived approachability played an important part in deciding who was asked for advice.

### **Essential legal skills**

A generic open-ended skills question was asked of all interviewees. The intention was to elicit from individual trainees those skills that they felt as essential for survival in articles. It was hoped that these might then be distilled to provide a core set of skills essential for all trainees. In effect the list produced a mixture of buzz-word legal skills, more generic skills, attitudes, abilities and personal characteristics or traits. This was consistent with the findings of previous research (Johnston and Shapland, 1990: 70), who found that barristers talked in terms of "a wide variety of skills, attributes and personality characteristics". The raw listing has been agglomerated and repetitions deleted. The final product has also been arranged and ordered in categories.

#### *Knowledge skills and legal research*

A reasonable knowledge of substantive law

Some procedural knowledge

The ability to locate, access and interpret legal material and retain relevant points

#### *Skills of judgement*

Good early decisions

An ability to identify the issues involved and discern relevance

An ability to establishing liability

*Interpersonal, social or people skills*

An ability to handle, deal with or get on with people - colleagues and clients

*Client-related skills*

Client management, entertainment of clients and/or client care

The ability to put clients at ease

The ability to obtaining relevant information

*Communication skills*

Verbal communication - face to face or by telephone

The ability to be concise, clear and comprehensible to clients

The need to listen carefully and try to understand clients

Interviewing skills; specificity and clarity in questioning

Negotiation skills

Advocacy skills

Written communication - letter writing

Drafting skills

*Personal traits*

Initiative or "common sense" - general know-how

*Effective working practice*

A requirement to be well organised, efficiency, prioritise work, manage time

An awareness of responsibilities and urgency

The need to be highly literate

Good motivation, a willingness to learn and if necessary to ask

The ability to be critical and self-review

A willingness to work, be diligent and hard working

Analytical skills and accuracy

Personal conduct - including honesty and dependability

Assertiveness, confidence or "face"

A commercial awareness

- A sense of direction, of personal perspective or ambition
- An aspiration towards developing one's own client base, a sense of end objectives
- The ability to adopt various perspectives
- An interest in the subject
- The ability to crisis manage or deal with stress

Further questioning would be necessary to validate this list and rank the entries by, for example, importance. However, it is interesting to speculate on how various skills were attributed (cf. attribution theory - Kelly, 1955), whether internally, as personal traits or characteristics, or externally, in relation to specific tasks or situations.

In relation to a more general question about legal skills, trainees emphasised practical and organisational skills as of far greater importance than substantive law skills, with one indicating the tiny proportion of time spent on law as such. Equally, from a client's perspective, social skills were felt to be vital. As to the question "what are legal skills", many trainees slipped into using the accepted and much bandied terms negotiation, drafting, interviewing, etc. However, others saw skills as contextual, and continual. The profession adapts a set of basic (everyday) skills towards its particular needs. The role of the lawyer was succinctly put by one interviewee as "to analyse a situation, give advice or seek a remedy", this could equally refer to a counsellor or financial analyst. Another saw their role as "a calm, wise oracle".

How are these skills learnt? Through osmosis was one reply. "Our academic training provides a skeleton upon which we gradually build". The anatomical metaphor was continued by an ex-physiotherapist who astutely pointed out the similarity between "practising anatomy dissection on corpses and then being expected to relate this knowledge to the living, moving body, similarly we are taught dead law and expected to go out and practise on the real world". This serves to illustrate the often enormous gulf felt by trainees to exist between their substantive, academic legal teaching and the reality of practice. This theme is further expanded in relation to trainees' views on the Law Society Finals course. It is worth reiterating the number of trainees that recognised the strong developmental aspect of skills. "Forget learning all this law...it's how to access it, application to a clients needs, a matching problem - skills

to situation". Skills are the tools used at work, honed through continuous education and complimented by experience. "We learn the basics on the Law Society Finals course which is then polished through experience, a refining process, developing competencies". Much of the response to questions on training and, in particular, the one on how tasks vary, threw light on the parts/whole conception of skills.

### **Attitudes towards the Profession**

In relation to the perceived role of professional bodies, generally read to mean the Law Society, all trainees expressed similar sentiments. There appeared to be little or no significant variation by firm. Trainees were of the general opinion that Law Society check lists in their present form were both of limited value and poorly implemented. A few voiced criticisms but the majority offered suggestions for improvements.

The general impression given by trainees was that the Law Society was something of "a spectre" in their lives, offering promise it often failed to fulfil, while taking their money ("it's a rip-off"). The Law Society was seen as a traditional and archaic institution; it was felt to be both out of touch and out of date with the reality of practice. More guidance should be offered to trainees, with less bureaucracy, less secrecy, less formality and less dryness. Their check lists were felt to be irrelevant, "a token system" that is not policed. A suggestion here was that the present spot-checks be totally re-vamped and made far more effective.

The Law Society should have far greater involvement in training, not necessarily in any strict regulatory sense which could lead to the possibility of restrictive bureaucracy but rather in overseeing the whole process of training, of professional development. The Law Society would vet firms (incidentally a move towards certifying firms taking trainees is well under way AGCAS Conference, 1992), it would also set minimum standards of training - a form of quality (rather than just the check lists quantity) control and enforce these. A role was also seen for the Law Society in controlling admission, "taking equal ops and mature access seriously", with the possibility of financial assistance. This greater involvement would entail "a real presence" but would also require a real power, the readiness to intervene on a trainee's behalf. A further point that was made by numerous trainees was the need

for greater flexibility on the part of the Law Society towards individual trainee and firm needs or circumstances. Beyond what might be termed a regulatory role, trainees felt that it was also the Law Society's place to offer a supportive hand, not only to trainees, but to supervisors and firms alike. They should facilitate the training process, offering courses "beyond professional conduct and legal matters" (in line with professional development in vocational, "real" skills and updating substantive knowledge). This information role might also involve operating a training "helpline".

The question asking trainees to speculate on the extent to which economic criteria were important to their work caused a number of problems. The ambiguity of the wording led trainees to make a variety of different interpretations. The most common interpretations were that the question related either to the profession generally, as in changes in the core values held (see under core values), or to the trainee specifically, leading to talk of time-sheets and targets.

At Nelson Neap & Partners trainees were aware that when qualified they would be under pressure to "bring in costs" and "toe the line", however, as trainees they had no time-sheets and felt relatively relaxed with regard to targets - time was "never [considered] a constraint". Trainees at Norman Lovelace & Co. had a day-to-day sense of what was economic for both the firm (in line with the view that management takes the rate of billing as an important criteria in determining salary), and their client (what is affordable and efficacious). Feed-back was provided through a monthly printout from the accounting department. Barker Nathan Davis was said to be a "money-making machine". Trainees spoke in terms of chargeable time (CT) and non-chargeable time (NX). They had daily targets (6 hours a day) and felt under constant economic pressure to "streamline", with a view to greater efficiency. It was noted that this can introduce a contradiction between charging time and a trainee's need for non-chargeable research and learning. At Newton Leech "fees are paramount", "the bottom line was always we are not a charity", if you had "come into the profession to help your fellow man" you were mistaken, here you were expected to "bring in the bread for the firm and for yourself". This hard-boiled economic image was softer in some departments, however, it was generally expected that trainees should have an awareness of costs, of future targets, and a strong "business sense". One's ability to

balance value against principle might be linked with promotion, and indeed trainees were conscious that they themselves were considered as investments by the firm, "you have to prove your worth".

Trainees at Nelson Neap & Partners felt, with no hesitation, that the core value(s) held by the profession was "money", "not justice". This was felt to be particularly true among the larger firms. A particular view of "the profession" was expressed by Norman Lovelace & Co. trainees who saw it as really "a number of professions in one". There could be no core value, as any idea of the profession failed fully to represent the different groups and the diverse set of interests involved, despite the Law Society's attempts at acting as a figure-head to hold things together. However, status and money were grudgingly offered as possible candidates. The picture was clearer amongst trainees at Barker Nathan Davis, who broadly felt that tradition regulates, status is the goal and that competition serves to drive the profession, although client or "consumer needs" are playing an increasing role in the growth and development of the profession. The profession is demand-driven - internally by money and externally by client need - this was the sentiment at Newton Leech. Despite the attempt at coupling a service ethos and the need for money, the profession's status and legitimacy were felt to be in crisis, with old patriarchal relations breaking down in the face of increased questioning by the client public as to the form of service.

In answer to the question "Do you see yourself as joining a profession or a business?" the replies inevitably reflected aspects of both (see *Lawyers in the market*, Whelan and McBarnet, 1992). Trainees at Nelson Neap & Partners saw themselves as "working", "just doing a job", using law as a tool but also recognising professional aspects and status. They felt they offered a skilled job (to the Trade Unions). At Norman Lovelace & Co. trainees appeared to hold a similar attitude; they were joining a body which could be described as both a profession and a business - balancing aspects of a profession against profit maximisation, and providing a skilled service (to the public). There was felt to be less antithesis between the idea of a profession and a business amongst trainees at Barker Nathan Davis. Here the talk was of a professional business service, "a traditional British institution" demanding

“respect and offering discipline (like the monarchy)”, coupled with the business “nature of economy”, regulated and geared around money and selling a service. A strong sense of the profession was felt at Newton Leech, with all trainees talking of joining a profession. They mentioned aspects of a profession such as integrity, operating a code of practice, offering an assured quality of service and helping people. Despite the economic reality - “money is important” - trainees felt they should be giving a professional service.

Trainees had various attitudes and opinions about the possible mystifying role of legal language. The question attempted to balance its representation of the views propounded by the pressure group for simpler legal language with the notions from sociology of the impact specialist language has on occupational closure and elitism.

Trainees at Nelson Neap & Partners felt that legal jargon can serve to mystify - “plac[ing] us above the layman” - but that it should be plainer and more “user-friendly”. The dual role of legal language was noted at Norman Lovelace & Co. - it can be both a convenient short-hand as well as reinforcing authority: while some might “use jargon as a defence to hide ignorance”, we should be under an obligation to explain “straight-forwardly” (the distinction is between the necessary and the unnecessary). At Barker Nathan Davis trainees were of the opinion that “blunt”, direct and understandable advice is to be preferred to the mystery and detachment of Latin terminology. Indeed, a simplification of legal language is inevitable as clients are demanding it. However, a professional language is required to indicate that solicitors offer a “unique service” that clients would be unable to provide for themselves. Mixed ideas also emerged from the interviews with trainees at Newton Leech. Traditionally lawyers were said to be paid by the word, such that the profession demanded verbosity, prolixity and wordiness. The mystique was such that only the initiated could comprehend and this served to define a market. Some of the conflicting strains were also highlighted. Some established professionals were held to fear a reduction in status, while clients were demanding greater clarity. The stress on communication skills and grammar was also focusing attention on the role of “words as tools”. Apparently an indication of the gradual change of emphasis can be seen reflected in simpler legal aid forms and the re-written Children’s Act. This was

generally considered to be a good trend, enabling increased accessibility. Any implication for loss of status or the erosion of solicitors' sole preserve was thought, however, likely to limit the extent of change. Legal language should be measured, between the blunt and the dressed.

### **Aspects of identity and culture**

What was most immediately apparent in the responses trainees gave to a question asking them to speculate on the distinctive culture or identity of their firm was the recurrent distinction drawn between an external and internal image.

The specialist trade union firm Nelson Neap & Partners had an external image as a people-oriented, politically left of centre firm, in which staff "share with the firm a sympathy with the traditions and aspirations of the labour movement" (CSU, 1992). For some trainees the internal reality was "just a job", whilst others indicated the contradiction between the perceived (external) image and the internal reality of a predominantly white, male, middle-class firm, where attracting income and placing a large number of claims were in fact paramount. Despite this disparity between a very political external image and the far more moderate internal reality, most of Nelson Neap & Partners trainees felt that they had "unconsciously fitted in".

The legal aid firm Norman Lovelace & Co. promulgated their external image as a socially aware, left-wing, service provider to the general public: "we take anyone off the streets". Despite an implicit, all-pervasive awareness of money (costs), internally the firm was generally felt to be run democratically, on a first name basis, "not stuffy", with "no sexism or racism" and a "commitment to good legal advice for the low income". However, both specialist firms were acutely aware of their precarious financial position as reliant on a fringe market during a recession.

The large commercial firm Barker Nathan Davis offered a consistent external image as an "aggressive", "self-assured" and "cut-throat" business firm "profit motivated" with a "corporate mentality". The internal experience was of a hard, male-oriented firm, with an "us and them" way of thinking, where trainees felt a need to fit in, and here attitudes, physical appearance and personality were crucial - "do the job right", make personal sacrifices if necessary, or expect the consequences, and "don't take it

personally" (34% of solicitors are still with the firm they were articled to - Chambers, 1992).

The mid-sized generalist firm Newton Leech had probably the most overt and well developed image in terms of public recognition. They saw themselves and felt themselves to be seen, by the public and by fellow professionals alike, as the "John Waynes" of the legal scene, a maverick firm, "the barrow boys of solicitors" prepared to take on anything. They were the "bad boys" of the legal establishment, playing David to Goliath, cocky and non-conformist (or was this pandering to the value system of a predominantly male-oriented culture - "just a lot of willy waving"?). Enthusiasm, commitment, and even arrogance were singled out in a firm where your face must fit. An emphasis on friendly competition, sports and the pub stressed the need to be a "team player", to work hard and play hard. Articles was described by one trainee as "like growing up in a small village" - you know everyone and everyone knows you, personality counts for a lot, and again, pressure is on the need to fit in.

An attempt to get trainees to introspect on identity, culture and change at a personal level was less than successful. It has always been notoriously difficult to get individuals to gauge directly how they might have changed their thinking or behaviour, and to put their impression of this process into words. While many trainees felt they had not particularly changed over the time of their traineeship, others felt they had become serious and more conservative in their views, attitudes and conversation. This could merely have been the results of maturation, "a natural growing up", and the inevitable responsibilities of adulthood or the impact with "the serious side of life". A clearer indication of professional or occupational socialisation came from talk of house styles, particularly when coupled with the idea of fitting in. One trainee was less tolerant of personal failings and felt she had lost her sparkle, others mentioned the erosion of drive and enthusiasm and having to cope with criticism and pressure. Another trainee summed this up with the evocative phrase "a drift from idealism".

In response to a rather ambiguous question "what do you consider as a job well done", one might have expected a wide range of answers. Although this was the case it proved surprisingly easy to agglomerate these into patterned responses and then to

draw out points of particular emphasis. A common starting point was to define the job, or rather to define aspects of the job such as "dealing with a file". These "tasks", series of tasks or a process could then be qualified in a way that made them *good*, or successful, commonly through the use of elements of efficiency such as speed and accuracy but also creativity. The tasks served as a core (the "cake") and then in some answers virtually all trainees interpreted the question in terms of "goodness" or satisfaction (the "icing"). Ideally satisfaction would be the satisfaction of all parties involved, the trainee, their client, their supervisor, even their colleagues with the work done.

Client satisfaction - meeting their needs and wishes in providing a good service - was central to qualifying what was a "good job" or a "job well done". In some cases, notably at Norman Lovelace & Co., this might be combined with the personal satisfaction of helping someone out of trouble. The glow from client satisfaction might be felt directly through the expression of gratitude. Alternatively the (unpredictable) client might be by-passed, with satisfaction being gauged from the result obtained (a successful task as above). Supervisor satisfaction has been dealt with at length elsewhere, but usually consisted of positive feedback and acknowledgement. Far more complex were the forms of personal satisfaction trainees identified with doing a job well. Primarily this involved a sense of achievement which required an initial element of fear, uncertainty and/or pressure to be overcome, followed by the resultant elation, "buzz" or "kick". Beyond this gut feeling of a job well done, trainees indicated the pleasure of being in partial control of the actual situation and in their new mastery of knowledge. This might be expressed as having learnt something new or as being "up to date", or "on the ball". A final form of satisfaction was recognised through operating as a team member (in both Barker Nathan Davis and Newton Leech), pulling your weight and "playing your part". The whole process might best be illustrated as having "completed the job to the best of your ability [that you] gave appropriate advice, obtained a good result, with gratitude, no complaints and billed correctly". The responses trainees gave in answers to a question asking them to explore their conception of success served to compliment but complicate this picture.

Trainees at Nelson Neap & Partners felt that dealing with files unaided, doing a consistently *good* job and getting *good* results, running a *good* case load and bringing in *good* costs could all be considered as *good* indicators of success. The repetitive use of the qualifier "good" makes these subjective statements somewhat meaningless, though trainees did suggest that success was about doing your job properly - having the ability to "advise, sue or settle". It is "not necessarily just [about] making money" but involves a sense of betterment, of achieving. Success for trainees at Norman Lovelace & Co. meant being competent: versed in knowledge, competitive, motivated, creative and confident to take risks, whilst maintaining a level of detachment and involvement, being sensible, practical and realistic. A cornerstone of success was good client skills, being committed (to both client and work - a dual duty), honest ("up front") and balanced (not too competitive), which would give you a good reputation, attract clients and a good caseload. A sense of competence was again crucial at Barker Nathan Davis where trainees needed to be fulfilled, balanced, well regarded, "the best I could be". Results were important, as was fitting in, working well for the client and ultimately becoming a partner. A point made by many female trainees across all firms was that success meant having "a rounded life", "getting on" "but not total sacrifice". Many of the same ideas were reiterated by trainees at Newton Leech. Success meant feeling competent, knowing the law (up to date), bringing in fees (money), getting on with the clients (offering a proper quality of service) and having a sense of humour. You are a success "when others come to you for advice", when you are a useful well known member of the community and ultimately when you are equity partner.

Trainees interpreted the question about their experience of discrimination in two ways. They interpreted it in relation to first-hand knowledge of discrimination within the firm and they also gave their general impression (hearsay) of discrimination in the profession as a whole. Various possible forms of discrimination were mentioned. There was felt to be some discrimination against women, mature entrants, ethnic minorities, disabled persons and the low waged, but not at a level that would be unusual in other professions. Although it would not seem appropriate to draw distinctions between the individual firms involved (due to sample size and representativeness) it would be valid to indicate some apparent associations between

firm culture and discrimination. Apparently at Norman Lovelace & Co. (the small, politically left of centre, legal aid firm), some effort was made to recruit from disadvantaged groups and, indeed, informal inquiry suggested that they had the highest proportion of women in higher positions of any of the firms approached. The medium sized, progressive, general practice firm, Newton Leech, also appeared to recruit equal numbers of women, but its sporty culture may have had some influence on the fact that of 30 partners only 2 were women. According to trainees at Newton Leech there were no members of ethnic minorities or disabled persons employed. They also made greatest mention of instances of *mild or good humoured* sexist behaviour and racist jokes, what one might expect from a firm that has (by trainees, see under culture) been linked with the pub culture and that draws its predominantly male clientele from a northern, industrial city. At this point it is worth noting that very few trainees had experienced any overt discrimination personally and it would seem that any further extrapolation at the level of the individual firm might be unjustified.

Many trainees felt there to be discrimination in terms of access to the profession, which was further exacerbated by access to education generally. There was talk of "an old boys network", of a preference for university rather than polytechnic graduates and of the preclusive cost of training (estimated at £12,265, *Street Legal*, 1992). It was also felt that solicitors had a poor record when it came to employment rights. This was particularly true in relation to maternity rights and part-time work. Indeed, several female trainees indicated the "problem" faced by them or other women wishing to balance a successful career and a family (Marks, 1988). There was felt to be discrimination around this issue, most notably with the more mature candidates but also by a younger married trainee who felt the need to remove her wedding ring for the final interview. The "family question" was still asked. "The solicitors' profession is [still] very conservative" and will be "slow to change". This was most certainly felt to be the case with ethnic minorities - "it is a massive, unrecognised problem" - the only ethnic minority trainee interviewed felt he was "a token ethnic minority".

### **Speculation on the future**

All trainees saw a need for continuing education (complimenting the opinion of Bar pupils, Johnston, Shapland and Wild, 1991), but while the idea was felt to be admirable, many considered the existing system to be inappropriate. The law is not static and there is a real need to combat inertia, to up-date one's knowledge and keep abreast of new developments (see "The new model - Top-loading rather than front-loading", Sherr, 1991b). However, the pressures of time might all too easily distort this good intention. The points system provides a necessary incentive, but often the external courses are costly and not entirely relevant - "well meant but misguided". These courses must not be too prescriptive - a degree of flexibility is essential along with greater encouragement for firms to provide high quality in-house seminars (the financial incentive is there to do this and indeed some firms already do).

A few trainees went further in suggesting that an integration of the vocational stage of training with articles would make far greater sense than the present system. Many trainees indicated that it was a brief period of work experience or summer placement that first sparked their interest in becoming a solicitor. It would appear reasonable to suggest that greater hands-on experience would make the vocational stage more interesting, relevant and valuable (also possibly to the firm). It was the opinion of one trainee that a combined first year would serve to ground both knowledge and practice. Another suggested an American clinical stage approach, whilst a third proposed the possibility of day release with funding provided by the sponsoring firm. Whilst these all seem to have valuable aspects, any greater role for work experience must be coupled with continuing education refresher courses.

Greater specialisation is considered by trainees to be an inevitable reaction to market forces. It is an essential strategy in the face of an increasingly complex body of lore, "a fact of life" (70% of solicitors describe themselves as specialists - Chambers and Harwood, 1990). With the increasing volume of legal work and the demand of clients for a higher standard of service - "faster and for less" - greater specialisation is the only way to ensure competitiveness. However, there is a danger in over-specialisation for the individual. Early specialisation involves "hedging one's bets" or taking a risk, as retraining would be problematic. Whilst it is impractical to suggest

that a general practitioner could provide a competent service in any area of law - "it is no longer a possibility" - one could imagine a system, similar to medical GPs and hospital consultants, where more complex cases could be referred to a specialist department (I understand that this is already happening in some firms). This would provide a public interface for larger firms which would be backed by the specialist knowledge of numerous departments. This is possibly why one trainee felt that articles should be extended to cover more options/departments. The implication of greater specialisation is for a fractured profession. This is happening even between departments within a generalist firm. This pressure to specialise is warping the general competence idea behind articles and affecting the experience of training for individual trainees.

On the question of information technology (IT) and its role or possible role in solicitor's firms, trainees split into pro and contra camps, regardless of firm. There were those who could envisage a future, not so distant, when every solicitor would have a terminal on their desk - a future of data-bases, E-mail, standard letters and forms, immediate access to files and diary systems that prompt action. For others this held the danger of treating clients as standard, depersonalising the work and adding stress - in a "leave it to the last minute then fax it!" culture. Whatever the vision, the reality is very different. The present role of IT in most solicitor's firms is well below capacity. Law remains tied to a paper tradition and the reality of IT has done little to change this, despite its promise. Most trainees felt that IT has had little or no impact on them (or indeed on the majority of solicitors), where it has had value is in simplifying the work of support staff. Whilst future demand and a growing workload may make the introduction of IT increasingly attractive, it would require solicitors to alter their practices and break with tradition, such that only half felt there would be any great change in the next ten years. Whatever happens before IT can have any substantial impact, the technical and logistic problems that often accompany it would have to be resolved - "theoretically it should make things easier but in practice it brings chaos!".

The trainees in each firm were then asked to speculate on the future - "what changes does the future hold?". The following is a paraphrasing of their responses, grouped

by firm, which, despite considerable overlap, serve to give an indication as to the points of greatest relevance to trainees within each specialism.

*Nelson Neap & Partners* the T.U. firm: the profession faces an uncertain future with greater specialisation, less legal aid funding and the disappearance of the small general practice firms. The greater specialisation is as a direct result of consumer needs. Growing consumer awareness is forcing firms to get into line through increased competition and demand for services. The profession is becoming younger and there is a growing demand for rights of audience and some advocacy.

*Norman Lovelace & Co.* the legal aid firm: the traditional image of the profession is having to change, with greater specialism heralding the demise of the general practice firm and growing numbers of women entering the profession altering its profile. The problems faced by women leaving to start a family must soon be tackled (see Law Society, 1991c), such that part-time working, crèche facilities and maternity leave all become available. The greater specialisation will mean "a flawed profession", with a potential loss of power over clients. There have been calls for more accountability and a demand for greater openness generally, but at the same time, access to legal services is becoming increasingly restricted, as is access to the profession through the mounting cost of training. One trainee offered the opinion that a higher quality of service can be provided through greater competition within a fractured profession, which will result in increased efficiency. Solicitors advocacy may become a reality, "greatly simplifying the court performance". Larger practices are becoming the norm and there is a likelihood that they will turn increasingly towards greater technology and support staff structures. Smaller firms may form into chains, [networks] or co-operative groupings with an eye to business practices dealing less with legal aid and bringing in more costs.

*Barker Nathan Davis* the large commercial firm: there is a general move among solicitors towards business and business practices with greater efficiency, streamlining, and cost-effectiveness. Greater specialism in an open market with growing numbers of lawyers will mean a dual service for rich and poor. The collapse of legal aid and the limitation on entry for the underprivileged can only exacerbate this situation. The immediate future will mean a diversification of firms with greater

specialisms and the death of the small general practice (for comparison one third of all firms are sole practices - Chambers and Harwood-Richardson, 1991).

*Newton Leech* the mid-sized general practice firm: the complexities of law will become clarified, with a change of emphasis from profession to business. There will be less restrictions placed on earning fees (e.g. advertising) and on inter-firm competition (e.g. conveyancing quotes). This commercial orientation will be less traditional and more dynamic; it will be in touch with the business world leading to a growing tendency to simplify and to greater openness. This greater accountability will generate an increase in the standard of work. These trends are indicated in the growing popularity of alternative dispute resolution (ADR) which points away from the adversarial concept of law rooted in equal competition towards resolution, based on co-operation rather than just win or lose. There are also the possibilities of multi-disciplinary practices (MDPs) and the growth of IT.

It was hoped that asking trainees to reflect on how their own ideas about law have changed might provide a glimpse into the process of socialisation they underwent. Most mentioned a sense of disillusionment - "I moved from an idea of law to just a job". At Nelson Neap & Partners, specialising in trade union law, one trainee spoke of his original view that "law is a vehicle of the state" and how such a picture was naively simplistic. A similar change of perspective was indicated by a trainee at Norman Lovelace & Co. who had thought of "law as a way of changing things" (compare Santinelli, 1993; "Lawyers are not eager to overturn the status quo"), but now felt only little victories within a profoundly conservative profession. There was also felt to be an arbitrary tendency particularly with regard to judicial sentencing - "there are some cases you are just bound to lose". Some of the trainees at Barker Nathan Davis found the commercial aspects a surprise, with unexpected pressure and a "cut-throat" approach to, for example, repossessions. Any idea of the big firm glamour evaporated as trainees felt they had become "hardened" and "cynical", law is far "more down to earth", "as a subject I found law far easier than I had thought".

## **Discussion of the findings**

When dealing with an exploratory initial study based on semi-structured interviews it is often inevitable that a large array of interesting material will be uncovered. However, many of the ideas that have been illustrated and condensed above need to be collated and simplified. This is necessary before addressing a larger sample and attempting a more quantitative piece of work - there is just too much detail. But in order to do this there are various methodological problems to be overcome. There were two frequently repeated differences in the ways trainees interpreted the questions. These were differences in so-called "macro and micro level" interpretations of slightly ambiguous general questions and difficulties in discerning (or externalising) change or "process questions". It is thought that a solution could be achieved by framing the questions in such a way as to match the trainee's way of thinking. This would involve integrating an understanding of the kinds of concepts that are meaningful to trainees with a clear reframing of questions such that trainees are left in no doubt as to their interpretation. The point is best illustrated with reference to the unanticipated difficulties resulting from process and general questions (see below). A corollary of this will be the need to make conceptual leaps between what trainees say and how this is to be interpreted in terms of the areas: education and training, knowledge and skills, professions and professionalism, and socialisation and culture.

### **The macro/micro division**

What was most immediately apparent was a disparity in the level at which certain things were questioned or even perhaps perceived of by trainees. For the purpose of discussion I have termed this a macro/micro division.

Whilst I approached certain crucial theoretical questions on a macro level, trainees would often reinterpret my meaning with reference to a more immediate or micro level of explanation. I might, for example, ask a broad abstract theoretical question that I felt held implications for the entire profession which, might then be interpreted by a trainee in terms of concrete and practical aspects of their immediate situation, or in terms of the kinds of work they were currently doing.

By way of illustration, individual trainees did not feel or think of themselves as members of the solicitor's profession as yet and as such could only aspire to

professional status (or not). However, the idea of professionalism had an immediate and real meaning to them - "what it is to do a good job". Similarly, the debate surrounding legal skills and competence had limited impact and relevance for the trainees within a law firm but what was of vital importance to them was the structuring of their articles and training, the selection and quality of supervision and the impact this might have on their future prospects. This led directly to the introduction of an expanded section looking at the form and structure of their legal education and training.

### **The process questions**

Trainees appeared to be unable to perceive or verbalise the changes they were undoubtedly undergoing. Naturally, we are all locked into a life-long process of socialisation which is, in effect, a compound process implying a gradual alteration of attitudes affecting identity both as one perceives oneself and as others perceive us. There is, however, a noteworthy danger here, in placing constructs onto ambiguous responses i.e. interpreting trainee's answers in one's own words/ideas (the subject/experimenter effect - see Hammersley and Atkinson, 1983). One of the critical factors in this process of change for the individual is the effect their social environment has on them. It is for this reason that the enormous variation in office culture, social rules, and firm ethos have such an immediate and confounding impact. We are looking at a process of change on the level of the individual trainee in terms of cognition (attitudes and self-image) and behaviour (modes and skills/competencies). This demands that we examine their environment; professional/social, social/social and ideological environments.

The specific culture and ethos of the trainee's firm had a far greater impact than any perceived association with the wider profession. Whilst ideology operated at various levels - the professional, the firm, the department, the group, the individual and his/her supervisor - the closer the relationship the more meaningful and the greater the (perceived) impact.

On a theoretical level many of the implications arising from this study are dealt with in relation to each of the larger theoretical pieces. However, there does appear to be some conflict at various stages of articles between their conception as education or

training (see Halpern, 1994 on the disparity between student/teacher expectation or course objectives). The distinction might best be indicated as a contrast between the traditional apprenticeship model and the contemporary interest in skills training and competence. This gave rise, on occasion, to friction between supervisor and trainee as to the appropriate form of work provision, feedback and skills teaching.

### **The preliminary conclusion from the initial study**

The specific aims of this stage of the research have been satisfactorily accomplished. Certain problem areas gradually became apparent, however, their resolution has served to strengthen the validity of the larger study. A surprising amount of invaluable field experience has been gained in study management, in seeking and maintaining access and in interviewing technique. Possibly the most exciting aspect of this study has been witnessing the dissolution and crystallisation of theoretical ideas in response to the data. Finally, the initial study has provided a dry-run for the main study and, as such, it has provided insight and experience along with the methodological refinement and the development of tools (questionnaire) for a larger survey. It is to the results of this that I shall now turn.

## 4.2 Education and Training

This section outlines the structure of training, the general form of work undertaken and the experience of trainees with regard to particular aspects of training such as the role of supervision, the provision of feedback and the exercise of control. This includes a comparison of the actual structure of training as opposed to the generally perceived structure of training as advocated by the professional body of the Law Society through regulations and licensing procedures (Randall, 1992) as outlined in the theory chapter (see page 57). Specifically, this identifies the type of departments generally on offer to trainees and the actual departments that they were in or rather the type of work that they did. This is followed by a look at the number of such departments or seats that trainees experienced, for what length of period they were attached to each seat or department and what procedures were in place to allocate trainees to different departments. There is also an analysis of the type of work that trainees are given. This includes the general form of the work provided and a more detailed examination of the various tasks performed by trainees as well as from whom trainees receive new work. An indication is also given of the policy firms have on the range of experience and work that trainees should have during articles. This section continues by focusing on three important aspects of a trainee's experience of training namely their supervisory relationship, the type of feedback that they receive and the degree of control exercised.

The supervisory relationship is absolutely central to a trainee's experience of training. This was shown by the importance given this statement by trainees. Trainees also answered whether they had a regular time set aside to meet with their supervisor, whether this was often enough and how useful they found these meetings to be. An attempt is made to characterise trainee's supervisory relationships in terms of the degree of formality, closeness and productivity and trainees were further asked to characterise both the relationship they had with their supervisor and their supervisor's way of dealing with them. Interconnected with the supervisory role are questions surrounding the form of feedback provided to trainees. Do trainees feel that they receive sufficient feedback? How do trainees characterise the feedback that they receive? What does such feedback include and do trainees have a formal appraisal

system? These are all questions answered by trainees with reference to this section. The final set of questions centre around control: Control of space - do trainees share an office? Control of work - what degree of control do supervisors maintain over the work that trainees do and to what extent is their work checked? Control of working arrangements - for whom do trainees generally work? And finally, control of money - what proportion of trainees are required to charge time, keep a time sheet or meet targets for charging time?

### **The actual structure of training**

Almost inevitably, there is a disparity between the general form and structure of a Training Contract presented by formal governing bodies such as the Law Society or local law societies and the reality of training for trainees in specific solicitors firms across the country. It is this disparity that is explored here. What then is the actual structure and form of Training Contracts and how do they vary in terms of the departments on offer, the way in which trainees are allocated to departments, how long they spend in each department, the types of works that trainees do there and the number of departments they experience throughout their Training Contract? These are each explored in turn.

### **The departments on offer to trainees**

Respondents were presented with a list of department headers drawn from the Law Society list of headers and were asked which of the departments (or subject headers) were on offer to trainees in their firm. The overall frequencies are listed below grouped under contentious (Table 22) and non-contentious (Table 23) headers. The proportion of all 180 firms that offer each header is also listed as a percentage. In this case non responses were considered as negative, responses giving a potential response for all 180 firms.

**Table 22: The number and percentage of firms offering contentious department headers**

	Frequency	Percentage
Civil Litigation	174	96.7
Employment Law	138	76.7
Family	106	58.9
Insolvency	102	56.7
Intellectual Property	86	47.8
Criminal Litigation	74	41.1
Shipping & Airways	38	21.1
Welfare Law	26	14.4
Other Contentious	10	5.6
Local Government Law	7	3.9

**Table 23: The number and percentage of firms offering non-contentious department headers**

	Frequency	Percentage
Property*	167	92.8
Commercial	143	79.4
Wills & Probate	134	74.4
Company	132	73.3
Trusts	104	57.8
Tax & Financial Planning	99	55
Planning	72	40
European Community Law	61	33.9
Other Non-Contentious	11	6.1
Magisterial	9	5
Not Applicable	2	1.1

\* include. Landlord & Tenant

When examining these percentages it is important to bear in mind the over-representation of large commercial firms in the overall sample. The responses by type of firm are separated and examined later in this section (see Table 24). However, it is possible to identify the specialisms which are either generally rare or which are not

usually on offer to trainees. These include European Community law, shipping and airways law and welfare law (offered by 34%, 21% and 14% of firms respectively). Less commonly available to trainees were seats in magisterial or local government law offered by less than 5% of firms. In contrast, practically all firms offer trainees a seat in civil litigation (96.7%) or property (92.8%). The listed headers appear to have covered the vast majority of departments or seats on offer to trainees as only 6.1% and 5% of firms offered other non-contentious and contentious seats respectively that had not been specifically included.

The following table compares the percentage of firms in each of the three groups, large commercial firms (LC), mid-sized general practice firms (MGP) and small legal aid firms (SLA) that offer each department header to trainees.

**Table 24: The percentage of firms types offering these department headers to trainees**

	LC Firms	MGP Firms	SLA Firms
Company	97.6	66.7	25
Commercial	98.8	72.7	43.8
Tax & Financial Planning	91.5	27.3	18.8
European Community Law	68.3	7.6	-
Planning	75.6	13.6	3.1
Wills & Probate	64.6	78.8	90.6
Trusts	70.7	51.5	37.5
Property*	97.6	93.9	78.1
Magisterial	1.2	4.5	15.6
Other Non-Contentious	9.8	3	3
Not Applicable	-	-	6.3
Family	25.6	83.3	93.8
Criminal Litigation	8.5	68.2	68.8
Civil Litigation	97.6	98.5	90.6
Employment Law	89	66.7	65.6
Shipping & Airways	36.6	12.1	-
Insolvency	87.8	36.4	18.8
Intellectual Property	82.9	25.8	3.1
Local Government Law	7.3	1.5	-
Welfare Law	1.2	21.2	34.4
Other Contentious	4.9	4.5	9.4

\* include. Landlord &amp; Tenant

(n=180)

The eighteen departments on offer to trainees can be grouped in terms of the profile of the types of firms offering them. There are twelve departments which are offered by a higher percentage of large commercial firms than either mid-sized general practice or small legal aid firms. These can be further refined into seven departments that are offered by a high proportion of large commercial firms (70-100%), but only a medium proportion of mid-sized general practice firms (13-70%) and a small proportion of small legal aid firms (3-30%).

The departments in this refined group can be ranked in terms of the “gradient” of the percentage difference between large commercial firms, mid-sized general practice firms and small legal aid firms. The resultant order is company (98%/67%/25%), commercial (99%/73%/44%), trusts (71%/51.5%/37.5%), insolvency (88%/36%/19%), tax and financial planning (91.5%/27%/19%), planning (76%/14%/3%) and intellectual property (83%/26%/3%). It can be seen that very few small legal aid firms and less than a quarter of mid-sized general practice firms are able to offer trainees departments in planning or intellectual property. Of the other five departments in this group, trusts seems to be more generally on offer across different types of firm, whilst tax is the most exclusive.

The remaining five of the twelve departments that are offered by a high percentage of large commercial firms can be further separated into three groups. Employment law is offered by 89% of large commercial firms and a roughly equal proportion of medium and small firms 67% and 66% respectively. Property demonstrates a different pattern in that 98% of large commercial firms and a similarly high percentage (94%) of mid-sized firms offer it to their trainees. A substantial percentage (78%) of small legal aid firms also have it on offer. EC law, shipping and airways law and local government law are not offered by small legal aid firms. They are on offer in a larger proportion of large commercial firms than mid-sized general practice firms; EC law 68% as compared to 8%, shipping and airways law 37% to 12% and local government law 7% to 1.5%.

The other six (of all eighteen) departments are on offer by a higher percentage of either mid-sized general practice firms or small legal aid firms. Civil litigation is commonly on offer in all firms regardless of type. Wills and probate is offered by 91% of small legal aid firms, 79% of mid-sized general practice firms and 65% of large commercial firms. Finally, criminal litigation and family also tend to be on offer across all types of firms however, only 8.5% and 26% of large commercial firms offer them respectively as compared to 68% and 83% of mid-sized general practice firms and 69% and 94% of small legal aid firms. These two departments appear to constitute the mainstay of smaller firms’ practice and of trainees’ experience in these firms.

### The way in which trainees are allocated to departments

Trainees were asked to indicate which of a choice of phrases best described the procedure used in their particular firm for allocating trainees to different departments. The responses are listed in the tables below in percentages according to the type of firm (Table 25) and the seat that a trainee is in (Table 26).

**Table 25: The means by which trainees are allocated to departments by type of firm**

	LC Firms (n=82)	MGP Firms (n=66)	SLA Firms (n=32)
Trainee choice	20.7	7.6	9.4
Needs of the firm	30.5	34.8	53.1
Negotiated	20.7	31.8	12.5
A mix	26.9	16.6	12.5
Other situation	1.2	9.1	3.1
Not Applicable	-	-	9.4

Trainees in large commercial firms are more than twice as likely to be allocated to departments according to their own choice when compared to those in either mid-sized or small firms. This distinction is further emphasised by the high proportion of these trainees in the larger firms to be allocated to departments by a combination of factors involving a degree of trainee choice, and the fact that less than a third were allocated according to firm needs. Mid-sized general practice firms had the smallest proportion of trainees allocated to departments by their own choice with the majority, a third each, allocated either according to firm needs or negotiated between firm and trainee. Over half of trainees in small legal aid firms were allocated to departments as best suited the needs of their firm with a further quarter evenly split between those allocated by negotiation or a combination of factors.

**Table 26: The means by which trainees are allocated to departments by stage of training**

	First Seat (n=7)	Second Seat (n=36)	Third Seat (n=71)	Fourth Seat (n=66)
Trainee choice	-	16.7	16.9	10.6
Needs of the firm	42.9	44.4	36.6	30.3
Negotiated	28.6	22.2	23.9	22.7
A mix	14.3	13.9	18.3	27.3
Other situation	-	2.8	4.2	6.1
Not Applicable	14.3	-	-	3

There does not appear to be any clear trend in the means by which trainees are allocated to different departments as they progress through seats. However, if we ignore an anomaly in figures for trainees in their second seat then a series of trends emerge. The most likely factor in the allocation of trainees regardless of seat are the needs of the firm. This factor decreases in importance as trainees progress through their training. The proportion of trainees that are allocated to departments of their choice also declines across seats. Apart from a slightly higher figure for trainees in their first seat, roughly the same proportion of trainees are allocated to departments by negotiation across seats two to four. Trainees are more likely to be allocated by a combination of these methods or find themselves in another situation as they move from seat to seat. Given the anomaly with seat two and the small size of these trends it would be unwise to attempt to read too much into them however, it does seem justified to indicate that the method of allocation appears to be more complex as trainees progress into their training.

#### **The types of departments that trainees actually experienced**

An immediate comparison can be made between the types of department, types of work or subject headers on offer to trainees and the actual departments that they experienced. The latter is set out in the table below according to the percentage of trainees experiencing each header by the type of firm that they were in.

**Table 27: The percentage of trainees that experienced a certain department by type of firm**

	LC Firms	MGP Firms	SLA Firms
Company/Corporate (n=54)	88.9	11.1	-
Commercial (n=39)	56.4	41	2.6
Tax/Financial Planning (n=14)	78.6	14.3	7.1
EC Law (n=5)	100	-	-
Planning (n=2)	100	-	-
Wills/Probate/Trusts (n=19)	10.5	57.9	31.6
Property *(n=117)	59	29.9	11.1
Other Non-Contentious (n=4)	-	75	25
Family/Matrimonial (n=56)	10.7	51.8	37.5
Criminal Litigation (n=25)	-	76	24
Civil Litigation (n=158)	44.3	37.3	18.4
Other Contentious (n=1)	-	100	-
Employment Law (n=9)	55.6	33.3	11.1
Insolvency (n=8)	100	-	-
Intellectual Property (n=9)	77.8	22.2	-
Private Client Work (n=22)	31.8	36.4	31.8
Secondment (n=6)	33.3	66.7	-
Not applicable (n=1)	-	-	100

\* include. Landlord & Tenant

Any reading of this table must bear in mind the distribution of trainees among the different types of firms. The large commercial firms had 48% of trainees, mid-sized general practice firms had 36% and small legal aid firms were left with only 16% of trainees. This skews any comparison across firm type. There are also extremely small numbers of trainees experiencing certain types of departments. Having said this, however, some things are immediately apparent. EC law, planning and insolvency take few trainees and are exclusively the preserve of the large commercial firms. Large commercial firms also have the greatest number of trainees in company/commercial, tax and finance, property and intellectual property departments. Mid-sized general practice firms have the highest proportion of trainees in wills,

probate and tax departments, criminal litigation and family/matrimonial. They also have a strong showing in commercial where they have only slightly fewer trainees than large commercial firms. The majority of trainees in small legal aid firms experience work in will, probate and trusts, family/matrimonial, some criminal litigation and other private client work. No trainees from these firms went on secondment.

Before offering a direct comparison between the types of departments on offer to trainees and the types of departments to which they were actually attached a further technical point must be made. We are not comparing like with like. All 180 trainees are included in the listing of the departments on offer whilst the actual departments experienced includes all 549 seats experienced by those 180 trainees. In effect, this further magnifies the overrepresentation of large commercial firms. With this borne in mind we can see that there are certain types of department which are nominally on offer to trainees but very rarely experienced. Whilst a small percentage of trainees were offered magisterial, shipping and airways, local government law and welfare law no trainee in this sample actually experienced such a department. Another striking fact is that small legal aid firms purport to offer a wider variety of departments than were actually experienced by trainees in such types of firms. No trainee in a small legal aid firms in this sample had had a seat in company/commercial, planning, insolvency or intellectual property whilst up to a quarter of firms offered some of these departments.

**Table 28: The percentage of trainees that experienced a certain department by stage of training**

	First Seat	Second Seat	Third Seat	Fourth Seat
Company/Corporate (n=54)	20.4	31.5	29.6	18.5
Commercial (n=39)	25.6	25.6	30.8	17.9
Tax/Financial Planning (n=14)	7.1	21.4	42.9	28.6
EC Law (n=5)	-	40	20	40
Planning (n=2)	-	-	100	-
Wills/Probate/Trusts (n=19)	42.1	31.6	26.3	-
Property* (n=117)	44.4	30.8	18.8	6
Other Non-Contentious (n=4)	50	50	-	-
Family/Matrimonial (n=56)	28.6	33.9	28.6	8.9
Criminal Litigation (n=25)	45.8	25	16.7	12.5
Civil Litigation (n=159)	35.0	38.9	14.6	11.5
Other Contentious (n=1)	100	-	-	-
Employment Law (n=9)	33.3	-	44.4	22.2
Insolvency (n=8)	37.5	25	37.5	-
Intellectual Property (n=9)	22.2	22.2	44.4	11.1
Private Client Work (n=22)	13.6	27.3	50	9.1
Secondment (n=6)	-	-	50	50

\* include. Landlord & Tenant

The overall proportions of seats that trainees spent in contentious and non-contentious departments was 51.31% and 48.69% respectively. If contentious departments were taken to include employment, insolvency and intellectual property the proportion would become 48.75% in non-Contentious departments and 51.25% in contentious departments. Either way the proportion of seats or departments that trainees spent in either contentious or non-contentious is approximately 50/50.

There does not appear to be any significant difference in the proportion of non-contentious/contentious seats/departments when broken down by order i.e. trainees are equally likely to do a non-contentious seat/department as they are a contentious seat/department regardless of whether it is their first/second/third or fourth

seat/department. This is true whether one includes employment, insolvency and intellectual property or not. The actual proportions of non-contentious/contentious work for first, second, third and fourth seats/departments are as follows (with the adjusted % including employment, insolvency and intellectual property in brackets): 50.3% and 49.7% (or 48% and 52%), 46.91% and 53.09% (or 45.78% and 54.22%), 58.72% and 41.28% (or 53.33% and 46.67%) and 52.63% and 47.37% ( or exactly 50% and 50%) respectively.

### **The number of departments that trainees experienced**

These results are based on the responses given by trainees from their experience of Training Contracts. Specifically, they draw on the experiences of trainees in 550 different seats. All the trainees had had experience in at least one seat and some had experienced as many as five different seats. The figures are provided in the table below (Table 29).

**Table 29: The number and percentage of trainees that experienced one or more seats**

No. of seats	No. of trainees	Percentage
One	6	3.3
Two	32	17.8
Three	70	38.9
Four	58	32.2
Five or more	13	7.2
Missing	1	0.6

(n=180)

On average the trainees in the sample had completed and felt able to comment on three seats although a further third had experienced four seats. The most striking feature is the imbalance between trainees in their first year of the Training Contract (1 or 2 seats) and those in their second year (3 or 4 seats) or more advanced. Some of the reasons for this are covered in the methodological section (pg. 18).

Trainees were asked what stage of articles they were at and they were also asked how many seats they had taken. At first thought it would seem that these two questions

should demonstrate an almost perfect correlation. A trainee in their first year could be expected to have experienced 1 or 2 seats, one in their second year 3 or possibly 4, and a newly qualified solicitor to be able to express views on 4 or more seats. As can be seen from the following table (Table 30) this was not the case.

**Table 30: Trainee's stage of articles by the number of seats experienced**

	One	Two	Three	Four	More
First Year	5	16	2	1	-
Second Year	2	17	64	40	6
Qualified	-	3	5	14	5

(n=180)

However, there may have been confusion whether a different supervisor constituted a different seat. Furthermore, although "seats" tended to be of about six months they were not all uniformly of this length as can be seen from Table 31 to Table 34. Many trainees have moved from one area to another *within* a department or from one supervisor to another *within* a department. A few may also have confused 'supervisor' with 'principal' in answering the questionnaire.

There does not appear to be any clear pattern to the structure of training across all firms such that trainees experience contentious work first or headers in any specific order. However, there are some general things which can be said about the structure of training and trainees progress through departments.

#### **The length of time trainees spent in each department**

The following four tables give an indication as to the average period that a trainee spent in each of their four seats. For ease of interpretation the period spent in a department has been grouped under one of four ranges from 1 to 11 weeks, 12 to 24 weeks, 25 to 36 weeks or finally 37 or more weeks. These ranges represented the typical lengths of a seat or rotation from a short placement of a few weeks through the more common 12, 24 or 36 week stage to an extended seat for the best part of a year. It should be noted that trainees were asked what period they had spent in each department not what period they should have spent in each department therefore any

hope of a clear picture of short and long seats is muddled by those trainees just commencing or part way through a seat.

**Table 31: The number of weeks spent in the first department**

	Frequency	Percentage
11 or less	5	2.87
12 - 24	92	52.88
25 - 36	68	39.08
37 or more	9	5.17

(n=180)

**Table 32: The number of weeks spent in the second department**

	Frequency	Percentage
11 or less	7	4.19
12 - 24	90	53.89
25 - 36	62	37.13
37 or more	8	4.79

(n=180)

**Table 33: The number of weeks spent in the third department**

	Frequency	Percentage
11 or less	26	20.47
12 - 24	62	48.82
25 - 36	36	28.35
37 or more	3	2.36

(n=180)

**Table 34: The number of weeks spent in the fourth department**

	Frequency	Percentage
11 or less	1	1.23
12 - 24	53	65.43
25 - 36	26	32.11
37 or more	1	1.23

(n=180)

63.75% of trainees spend a period of approximately six months in each seat. This conforms to the pattern of four six month seats in four different departments over the two year Training Contract. However, this pattern is far from uniform. 7% of the seats had been for a period of twelve months which seems to represent those seats taken in either a specialist department or where there is limited experience to gain. Smaller sojourns in seats include many as yet unfinished seats on which respondents felt able to comment. Whilst this explains some of the unusual periods spent in seats (e.g. one week) it does not account for all of the variety. We have to conclude that there is no uniformity in the structure of training across firms in terms of the length of period trainees spend in any one department and that the idea of a rigid 6 month rotation is not occurring. What is less clear is why there is such variation. Does it reflect firms' needs for the kind of work trainees can do, or trainees' preferences, or perceived training requirements?

### **The form of the work that trainees do**

Little is known about what it is that trainees actually do. In this section an attempt is made to gauge the frequency with which trainees perform a variety of common legal tasks from making a phone call and writing a letter through to advising at a police station or clerking at court. A common concern among trainees is the variety of such work that they will experience during their Training Contract. Here they are asked whether their firm has a policy on the range of work they should experience during their training and the degree to which such a policy is adhered to. Effort is also directed towards exploring other aspects of the work that trainees do such as the general form of their everyday work. By this I mean whether it involves sitting in with their supervisor and observing, actual doing a task within a file or case, seeing a client, or dealing with whole cases. This question represents an attempt to engage with the learning process in terms of the "tutoring" style of supervisors (passive or active) and assess progress through the responsibility and complexity of the work given. Trainees are also questioned on how they receive the majority of their work either from their supervisor, from an assistant solicitor, directly from a client or via another route. This also holds implications for a trainee's learning process.

### The kind of tasks that trainees perform

Trainees were asked to indicate the frequency with which they performed specific tasks selected from a list presented to them. This list included what one might expect to be extremely common and frequently performed tasks such as telephoning and letter writing but also less common tasks such as advising at a police station or clerking at court. Also included were quite specialist tasks general associated with certain types of work or departments such as performing site visits or tribunals. The frequency with which these tasks were performed was examined across the different types of firm, departments and stages of training in order to assess the breadth of experience that trainees in differing environments obtain and in order to measure any progression across seats.

**Table 35: The percentage of trainees that performed certain tasks**

	Very often	Often	Occasionally	Never	N/A
Making a telephone call (n=550)	70.0	18.9	10.7	0.4	-
Writing a letter (n=551)	68.6	20.5	10.2	0.7	-
Drafting a document (n=551)	47.0	30.1	20.3	2.4	0.2
Interviewing clients (n=551)	20.7	13.4	35.2	28.5	2.2
Advice at police stations (n=543)	2.9	0.4	4.1	10.5	82.1
PTR/Directions appointments (n=540)	7.2	10.7	20.4	10.6	51.1
Clerking at court (n=544)	8.1	12.3	19.3	9.4	50.9
Site visits (n=545)	1.3	2.9	28.6	25.7	41.5
Tribunals (n=539)	0.2	0.6	8.2	27.3	63.8
In conference (n=546)	9.7	15.4	36.1	14.8	24.0

(n=180)

This table provides a general picture of the frequency with which trainees perform certain tasks. From the figures one can assume that making a telephone call and writing a letter are daily activities. Of the remaining tasks only drafting a document and interviewing clients are performed by a majority of trainees with any degree of frequency. Despite some confusion over the term, well over half of trainees are in conference at least occasionally. A number of general points need be made before examining these differences in greater detail. Clearly trainees spent their time on the

telephone and corresponding rather than in the more obviously legal tasks of drafting or advising clients. Whilst this is no entirely surprising it does seem unusual that over 90% of trainees either feel that providing advice at a police station is not a task applicable to their situation or have never had the opportunity to do so. Judging from the figures in Table 27 will experience work in a criminal or civil litigation department or both. It is an open question as to how many of these trainees may end up at civil firms after completing their training. Similarly, over 60% of trainees had never experienced clerking at court or felt that it was not applicable. This effectively excludes a majority of trainees from what many others would consider a formative legal experience. Finally, over 90% of trainees had not experienced a tribunal. This seems quite extraordinary given the legal significance of such events.

In order to provide a comparison between the types of tasks trainees performed in different firms trainees were asked to indicate the kinds of tasks they have performed in that firm - selecting these from a list of common tasks. In order to obtain an average frequency value for each task the possible responses were ascribed a value (very often = 3, often = 2, occasionally = 1 and never = 0). The responses for all trainee seats could then be divided by the total number of valid responses by type of firm to obtain an average frequency value for each type of firm. These "average frequencies" are compared in the following three tables.

**Table 36: The average frequency with which trainees performed certain tasks by type of firm**

	LC Firms	MGP Firms	SLA Firms
Making a telephone call	2.498	2.695	2.605
Writing a letter	2.483	2.631	2.698
Drafting a document	2.135	2.227	2.442
Interviewing clients	0.824	1.577	1.885
Advice at police stations	0.087	1.020	0.875
PTR/Directions appointments	1.078	1.440	1.362
Clerking at court	1.100	1.539	1.532
Site visits	0.526	0.791	0.737
Tribunals	0.226	0.321	0.273
In conference	1.171	1.370	1.279

As can be seen from the table above, trainees in mid-sized general practice firms list making phone calls as the most frequent task performed. This also represents one of the most frequent tasks performed by any trainee regardless of the type of firm and is only just topped by letter writing for trainees in small legal aid firms. So trainees in mid-sized general practice firms phone more frequently than they write letters, whilst trainees in small legal aid firms write more frequently than phone. Trainees in large commercial firms rate both tasks at about equal frequency. This may represent differences in work pattern or client type. It is perhaps understandable that small legal aid firms operate with a faster turnover of letter involving clients with lower rates of telephone ownership as compared to the slightly larger or more affluent clients and businesses served by mid-sized general practice firms. To extend the speculation one might imagine that mid-sized general practice firms operate at a slightly more informal level with their clients conferring by phone when compared to the larger commercial clients served by large commercial firms. This provides one of a numbers of possible explanations for these slight variations.

There was a degree of ambiguity surrounding the use of the phrase "in conference". Solicitors are frequently in conference with clients, with counsel, with other professions, with each other, or with a variety of these parties. A conference may

also vary considerably in terms of formality from a "chat" between parties to a multi-party conference in dispute resolution for example. Due to the ambiguity of the term it must be taken to include all of these and accepted in the broadest sense. If we include "in conference" along with interviewing clients and advising at police stations as tasks involving direct contact with clients we see that trainees spend a relatively small proportion of their time in direct contact with clients - just over one fifth (an average of 20.83%) of them do so more than occasionally (see Table 35). If we look at a comparison of average frequencies by the type of firm we find that the frequency with which trainees deal directly with clients decreases as the size of firm increases from 0.694 or less than occasionally in large commercial firms to 1.322 in mid-sized general practice firms and 1.346 in small legal aid firms (or more than occasionally - see Table 36).

Trainees were asked how often they had performed the ten tasks in each of the seats that they had experienced. For convenience of comparison their responses have been combined to provide an average figure representing the overall frequency with which trainees performed each task in that particular department. Trainees were asked to mark one of four categories - very often, often, sometimes or not at all. They were also permitted to mark a certain task as not applicable to that particular department. The average figure was obtained by assigning an arbitrary value of 3 to a response of very often, a 2 to one of often, a 1 to sometimes and a 0 for not at all. Responses of not applicable were disregarded. A total figure was obtained for all responses and weighted appropriately. This could then be divided by the overall number of responses to provide an average figure for trainee responses in terms of the frequency with which a task was performed in each department. Departments have been arranged according to contentious and non-contentious categories.

**Table 37: The average frequency with which trainees performed certain tasks in contentious departments**

	Family	Crime	Civil Lit.	Emplo- -yment	Insolv- -ency	Intel. prop	Priv. client
Making a telephone call	2.696	2.667	2.658	2.889	2.5	2.444	2.682
Writing a letter	2.571	2.667	2.671	2.667	2.5	2.556	2.591
Drafting a document	2.321	1.913	2.304	1.889	1.625	1.889	2.591
Interviewing clients	1.893	2.52	1.449	1.111	0.429	0.888	1.545
Advice at police stations	-	2	0.302	-	-	-	1
PTR/Directions appointments	1.585	0.643	1.425	1.8	-	0.666	1
Clerking at court	1.840	2.125	1.356	1.667	0.333	0.833	1
Site visits	0.643	0.8	0.763	0.5	0.75	0.666	0.833
Tribunals	0.083	0.222	0.269	1	-	-	0.2
In conference	1.6	1.957	1.429	1.333	1	1	1.125

Trainees were asked how often they had performed ten tasks across the seven departments categorised as contentious. Three of these tasks, making a telephone call, writing a letter and drafting a document, were frequently (i.e. often) performed across all departments. A further three tasks, giving advice at police stations, pre-trial review (PTR) or directions appointments and tribunals, were not performed in all departments. Making a telephone call was generally the most frequently performed task across all departments, followed by writing a letter (the most frequently performed task in civil departments). Both letter writing and phoning had average figures of 2.5 or over (i.e. at least half of trainees performed these tasks very often) across all departments. Drafting a document was the third most frequently performed task. It was most frequently performed by trainees in a private client department but was also often performed in family and civil departments. Of the remaining tasks that were performed in all departments, interviewing a client was the most uniformly undertaken. Trainees in criminal departments felt they did this most often with trainees in family, private client and civil departments rating it slightly lower. Interviewing clients was most infrequently performed by trainees in insolvency departments. Trainees had some conference experience with clients - ranging from "sometimes" to "often" (most commonly in civil departments). Advice at police stations was mostly given by trainees in criminal departments with those in private

client and civil departments also undertaking some of this type of work. Pre-trial reviews or directions appointments were experienced in all but insolvency departments with trainees in employment departments rating it as most frequently experienced. Tribunals were not undertaken by trainees in insolvency or intellectual property departments and very infrequently undertaken by trainees in all but employment departments. It should be noted that the small number of trainees experiencing insolvency and intellectual property departments may account for the fact that not every task was performed.

**Table 38: The average frequency with which trainees performed certain tasks in non-contentious department**

	Comp- pany	Comm- ercial	Tax	Wills	Prop- erty
Making a telephone call	2.358	2.462	2.071	2.368	2.658
Writing a letter	2.241	2.487	2.214	2.526	2.684
Drafting a document	1.981	2.103	2.143	2.316	2.282
Interviewing clients	0.577	0.703	0.929	1.722	0.886
Advice at police stations	-	-	-	0.333	-
PTR/Directions appointments	-	0.75	-	-	0.733
Clerking at court	0.5	0.75	-	0.333	0.437
Site visits	0.4	0.687	0.25	0.571	0.476
Tribunals	0.666	-	-	-	0.045
In conference	1.074	0.913	1.091	0.429	0.767

A similar pattern of responses was provided by trainees in non-contentious departments in as much as making a telephone call, writing a letter and drafting a document were the only tasks frequently performed across all departments. Average figures for the frequency with which these tasks were performed in each department ranged from just less than often (1.981) for drafting a document in company to nearer very often (2.658) for making a telephone call in property departments. Interviewing clients, site visits and in conference were experienced by at least some trainees in all five non-contentious departments. Interviewing clients was most frequently performed by trainees in the wills departments and least frequently by those in commercial or company departments. Site visits seemed to play a small part in all five

departments. Trainees in company and tax departments were most frequently in conference although those in commercial, property and wills also spent some time in conference.

**Table 39: The percentage of trainees that performed certain tasks in the first department they experience**

	Very often	Often	Occasionally	Never	N/A
Making a telephone call (n=178)	71.9	15.7	12.4	-	-
Writing a letter (n=179)	69.8	20.1	9.5	0.6	-
Drafting a document (n=179)	42.5	34.1	21.8	1.7	-
Interviewing clients (n=179)	21.2	15.1	34.1	28.5	1.1
Advice at police stations (n=175)	5.1	0.6	3.4	13.7	77.1
PTR/Directions appointments (n=174)	6.9	12.6	20.1	13.8	46.6
Clerking at court (n=175)	8.6	13.1	17.1	8.6	52.6
Site visits (n=177)	2.3	4	37.3	29.4	27.1
Tribunals (n=174)	-	-	9.2	31.6	59.2
In conference (n=177)	8.5	17.5	38.4	11.3	24.3

The figures from this and the following three tables are compared below in order to discern trends across seats as trainees “progress” through their Training Contracts. However, it should be noted that one in twenty trainees in their first seat provided advice at police stations very often and nearly one in ten did so at least occasionally. Whilst this figure is small in comparison to a common task such as drafting it represents the highest proportion and frequency of advising at police stations for trainees at any stage of training and begs the question - what supervision or training did trainees have for advice at police stations? In view of recent (and recurrent) media dismay at the quality of provision in this area this provides a salutary reminder of the need for client protection and fair access to justice.

**Table 40: The percentage of trainees that performed certain tasks in the second department they experience**

	Very often	Often	Occasionally	Never	N/A
Making a telephone call (n=172)	72.1	15.7	11.6	0.6	-
Writing a letter (n=172)	69.8	17.4	12.8	-	-
Drafting a document (n=172)	47.7	29.1	20.9	1.7	0.6
Interviewing clients (n=171)	22.8	10.5	36.8	26.9	2.9
Advice at police stations (n=168)	2.4	-	5.4	11.3	81
PTR/Directions appointments (n=169)	7.7	13.6	23.1	10.7	45
Clerking at court (n=169)	10.1	11.8	22.5	10.1	45.6
Site visits (n=169)	-	4.7	27.8	26.6	40.8
Tribunals (n=169)	-	-	7.1	29	63.9
In conference (n=171)	11.1	16.4	39.2	14.6	18.7

Trainees in their second seat seem to experience the most frequent (as in very often) direct contact through interviewing, advising or in conference although if we include those also performing these tasks often or occasionally an unusual picture emerges.

Trainees have less direct contact with clients as they progress through training.

Clerking at court seems to be a popular "activity" for trainees in their second seat.

**Table 41: The percentage of trainees that performed certain tasks in the third department they experience**

	Very often	Often	Occasionally	Never	N/A
Making a telephone call (n=134)	64.2	26.1	9	0.7	-
Writing a letter (n=134)	65.7	25.4	7.5	1.5	-
Drafting a document (n=134)	47.8	29.9	17.9	4.5	-
Interviewing clients (n=134)	17.9	14.2	35.1	30.6	2.2
Advice at police stations (n=133)	0.8	-	03.8	9	86.5
PTR/Directions appointments (n=133)	7.5	6.0	18	6.8	61.7
Clerking at court (n=134)	6.7	11.2	19.4	9.0	53.7
Site visits (n=134)	1.5	-	22.4	23.9	52.2
Tribunals (n=132)	0.8	2.3	8.3	22.7	65.9
In conference (n=133)	10.5	12.8	30.1	18.8	27.8

The types of tasks performed by trainees in their third seat does not appear to differ greatly from the general spread of tasks performed in their final seat. In all likelihood if a trainees is to experience a tribunal then it is in this seat that they will do so.

**Table 42: The percentage of trainees that performed certain tasks in the fourth department they experience**

	Very often	Often	Occasionally	Never	N/A
Making a telephone call (n=63)	71.4	20.6	7.9	-	-
Writing a letter (n=63)	66.7	20.6	11.1	1.6	-
Drafting a document (n=63)	55.6	22.2	20.6	1.6	-
Interviewing clients (n=64)	18.8	14.1	34.4	29.7	3.1
Advice at police stations (n=64)	1.6	1.6	3.1	3.1	90.6
PTR/Directions appointments (n=61)	6.6	8.2	18.0	9.8	57.4
Clerking at court (n=63)	3.2	12.7	17.5	11.1	55.6
Site visits (n=62)	1.6	1.6	19.4	17.7	59.7
Tribunals (n=61)	-	-	8.2	21.3	70.5
In conference (n=62)	8.1	11.3	33.9	17.7	29.0

Only 9.5% of trainees in their fourth seat indicated that they performed certain tasks very often that brought them into direct contact with clients. This is the lowest proportion for all trainees regardless of seat and remains low if combined with the percentage performing these tasks less often. Trainees in their fourth year also make the most use of the telephone (92% do so either often or very often). They draft documents most frequently but demonstrate the least chance of clerking at court.

The frequencies for trainees in individual seats were combined to provide comparative figure for the average frequency with which trainees experienced each task by seat in a similar fashion to previous tables (contentious/non-contentious). It is important to remember that this average figure excludes those who responded that the task was 'not applicable'. In cases where there are only a limited number of responses this may generate a misleading figure. Taking each task at a time and examining variations across the seats it is possible to see that there are few clear increases or decreases in any category. It would seem that trainees do not progress from one kind of task to another when they move through their training. Could this be because the same kinds of tasks are always dominant?

**Table 43: The average frequency with which trainees perform certain tasks by stage of training**

	First Seat	Second Seat	Third Seat	Fourth Seat
Making a telephone call	2.596	2.593	2.537	2.635
Writing a letter	2.592	2.57	2.552	2.524
Drafting a document	2.173	2.234	2.209	2.317
Interviewing clients	1.294	1.301	1.198	1.226
Advice at police stations	0.875	0.656	0.444	1.167
PTR/Directions appointments	1.237	1.333	1.373	1.269
Clerking at court	1.458	1.402	1.339	1.179
Site visits	0.713	0.63	0.562	0.68
Tribunals	0.225	0.197	0.444	0.278
In conference	1.306	1.295	1.208	1.136

(1 = Sometimes, 2 = Often and 3 = Very Often)

The three most frequently performed tasks were making a telephone call, writing a letter and drafting a document. However, whilst each task shows a high figure representing high frequency (typically well above often), a cursory examination of the table below shows that either there is little discernible pattern (making a phone call) or the pattern is slight and confused (writing a letter and drafting a document). If we compare the combined percentage of trainees making a phone call either often or very often we see a slight but marked increase across seats from 87.6% in their first seat via 87.8% and 90.3% to 92% in their final seat. Trainees experience a gradual increase in the use of the phone as their training progresses. Curiously, trainees appeared to write letters less as they progressed through seats one to four but if we combine the percentages for often and very often (as was done with making a phone call) there is an obvious pattern. Drafting a document seems to show a gradual if uneven increase - but only a very slight one.

Apart from these three main tasks which were often experienced by all trainees, at least some trainees experienced each of the remaining tasks in every seat. Only two of the remaining seven tasks showed a simple pattern in the table below. Clerking at court, a task generally seen from the initial interviews as less skilled and very time-consuming but interesting and exciting early on in providing a flavour of court work, demonstrated a decline from a value of 1.458 to 1.179 from trainees' first seat to their last. Similarly, trainees spent less time in conference as they progressed through their training. That leaves half of the tasks which trainees said they performed at various points in their training showing really very similar patterns over time. For example, interviewing clients - seemingly a responsible job - varied from 36.3% (very often/often) vs. 62.6% (occasionally/never) for trainees in their first seat to 33.3% vs. 63.7%, 32.1% vs. 65.7% and 32.9% vs. 64.1% for the subsequent three seats. These figures show that in fact from a little over a third to a little under a third (with a slight hiccup in the final seat) of trainees interviewed clients either often or very often.

Whilst at first sight this might seem counter-intuitive, trainees seeing clients less as their training progresses, numerous explanations can be offered. The early seats that trainees experience are often weighted with hands-on, contentious seats such as criminal, family or civil with the idea of engaging the new trainee in the "exciting" aspects of law. These involve a disproportionate amount of client interviewing and

leaves an over-representation of non-contentious and less client contact based seats in the second year of a trainee's Training Contract (see Table 28). As some of the evidence suggests that this may not be a sufficient explanation it is likely that as trainees gain in experience they require less time to gain the requisite information from clients through interviews i.e. they become more efficient.

Less than 10% of trainees gave advice at a police station in any one seat whether very often, often or occasionally (9.1%, 7.8%, 4.6% and 6.3% for each seat). Excluding the fourth seat and excusing the small numbers it is possible to indicate an overall decrease in exposure to this task as training progressed with a significant drop between the first and second year (5.7%, 2.4%, 0.8% and 3.2% of trainees advised clients at a police station either very often or often for seats 1-4 respectively). As has been noted this highlights the question of the future of such a training experience, the lack of training for this and the probable negative impact for clients. Between 30-45% of trainees experienced a pre-trial review or directions appointment in each seat (39.6%, 44.4%, 31.5% and 32.8% respectively). No pattern is obvious with the percentage of trainees having a pre-trial review or directions appointment either often or very often rising from 19.5% in the first seat to 21.3% in the second seat only to fall to 13.5 in a the third seat and rise again fractionally to 14.8% in their final seat. A pattern of rise within each year and falling between each year may be statistically plausible but would be difficult to support in argument.

Such small percentages are involved when examining the frequency with which trainees undertook site visits in each of their seats that it is not surprising to find ambiguous trends. By combining the percentage of trainees doing site visits very often, often or occasionally it is possible to see that less site visits are generally undertaken as training progresses (43.6%, 32.5%, 23.9% and 22.6% for each seat 1-4 respectively).

The percentage of trainees experiencing a tribunal drops through seats 1-4 (40.8%, 36.1%, 34.1% and 29.5% respectively) and again only the combined percentage of those occasionally or never experiencing a tribunal mirror this trend. Only trainees in their third seat had experienced a tribunal either very often (1 respondent) or often (3 respondents). The negligible numbers make it unnecessary to search for reasons.

However, this highlights a persistent dilemma regarding the purpose of training. Should the emphasis be upon providing a wide range and variety of tasks in order to instil a breadth of experience in trainees or is a deepening experience in the most common areas of practice paramount. There is also the question of who's needs are best served by various strategies - the trainee's, the firm's, or the client's?

Despite the presence of gross trends across the various seats or stages of training it is necessary to distil the more precise variations by taking account of the different experiences of trainees across firms and crucially in different departments. It is to this that I now turn.

**Table 44: The average frequency with which trainees perform certain tasks at each stage of their training in large commercial firms**

	First Seat	Second Seat	Third Seat	Fourth Seat
Making a telephone call	2.5	2.5	2.485	2.514
Writing a letter	2.5	2.488	2.455	2.486
Drafting a document	2.012	2.207	2.091	2.324
Interviewing clients	0.756	0.756	0.818	0.892
Advice at police stations	0.012	0.012	-	-
PTR/Directions appointments	0.475	0.412	0.246	0.278
Clerking at court	0.367	0.370	0.379	0.405
Site visits	0.444	0.272	0.197	0.243
Tribunals	0.062	0.037	0.154	0.027
In conference	0.854	0.951	0.8	0.730

(1 = Sometimes, 2 = Often and 3 = Very Often)

There are few clear and unambiguous trends apparent in the above table and those that exist run counter-intuitive, such as the frequency with which trainees clerk at court. We might reasonably expect the frequency with which trainees perform this task to decline over the period of their Training Contract, however, the reverse appears to be the case. In general, large commercial firms showed the same pattern as for all firms but trainees made less phone calls and wrote less letters as their training progressed, with the aforementioned exception of the fourth seat which bucks the trend somewhat. At the same time trainees undertook an increasing amount of

drafting from seats one to four (again despite a slight drop in seat three). There is a gradual, particularly at first, increase in the amount trainees interviewed clients but conferences per se decreased. Trainees in large commercial firms almost never gave advice at police stations but the two that did did so in their first year. The frequency with which trainees held pre-trial reviews (PTR) or directions appointments declined over seats one to three with a slight increase in seat four, as did site visits. The majority of trainees experienced a tribunal in their third seat, however, generally, tribunals became a less common experience for trainees in large commercial firms as their training progressed.

**Table 45: The average frequency with which trainees perform certain tasks at each stage of their training in mid-sized general practice firms**

	First Seat	Second Seat	Third Seat	Fourth Seat
Making a telephone call	2.692	2.5	2.485	2.514
Writing a letter	2.5	2.488	2.455	2.486
Drafting a document	2.012	2.207	2.091	2.324
Interviewing clients	0.756	0.756	0.818	0.892
Advice at police stations	0.359	0.262	0.128	0.286
PTR/Directions appointments	0.723	1.032	0.857	0.95
Clerking at court	0.877	1.082	0.854	0.65
Site visits	0.515	0.516	0.271	0.4
Tribunals	0.093	0.145	0.128	0.2
In conference	1.094	1.206	0.979	0.9

(1 = Sometimes, 2 = Often and 3 = Very Often)

Variations in the frequency with which trainees performed certain tasks in mid-sized general practice firms were hardly less ambiguous than for those in large commercial firms. Within their first year the frequency with which trainees made telephone calls, wrote letters and gave advice at police stations declined - indeed this trend continued into their third seat before a slight increase in seat four halted the decline. There was no change in the frequency with which trainees interviewed clients in their first year, but a gradual increase over their second year. Trainees noted an increase in the frequency of performance of the remainder of the tasks in their first year. Of these

drafting a document, pre-trial review (PTR) or directions appointments, site visits and tribunals all dropped in frequency in their third seat before increasing again in their final seat. Clerking in court and in conference both continued to decline throughout the second year of trainees' Training Contracts.

**Table 46: The average frequency with which trainees perform certain tasks at each stage of their training in small legal aid firms**

	First Seat	Second Seat	Third Seat	Fourth Seat
Making a telephone call	2.645	2.519	2.714	2.429
Writing a letter	2.742	2.593	2.81	2.571
Drafting a document	2.452	2.333	2.619	2.286
Interviewing clients	2	1.815	2.095	1.125
Advice at police stations	0.367	0.154	0.238	0.125
PTR/Directions appointments	1.034	1	0.857	0.714
Clerking at court	1.129	1.222	0.952	0.875
Site visits	0.733	0.346	0.476	0.143
Tribunals	0.167	-	0.19	-
In conference	1.129	1	0.905	0.857

(1 = Sometimes, 2 = Often and 3 = Very often)

Trainees in small legal aid firms also showed a clear bifurcated trend in the frequency with which they performed certain tasks between the first and second year of their Training Contract. Apart from clerking in court which showed a gradual decline in frequency over both years with a slight rise in the second seat, all other tasks reduced in the frequency with which they were performed during a trainee's first year. This decline continued for pre-trial reviews (PTR) or directions appointments and trainees in conference but the dominant trend was for a rise in frequency at the beginning of a trainee's second year followed by a fall in their final seat. This was the case with the remaining tasks.

If we concentrate on those department headers with a response rate of around 20 or above we lose eleven headers. Including wills and probate (which has 19 responses) we are left with eight headers which fall neatly into two groups in terms of the frequency with which trainees make telephone calls. In the one group, those

department headers where over 70% of trainees felt they made telephone calls very often includes family, civil, property, criminal and private client in that order. The less frequent group includes commercial, company and wills and probate. This is not terribly surprising as the former five headers generally involve a higher degree of client contact and a faster turnover of cases which taken together would tend to necessitate more frequent use of the telephone. A similar if slightly less clear picture emerges if we examine the responses from the same eight department headers for the task of letter writing. Trainees write letters most frequently in property departments although the remaining four headers which have a higher degree of client contact all have responses within 15%.

Trainees in private client departments felt they drafted documents most frequently with all trainees responding that they did so either very often or often. Over half of trainees in family and civil departments responded that they drafted documents very often with over 75% doing so either very often or often. A similar, if not slightly higher, overall percentage was given by trainees in wills and probate or property departments although the distribution between those doing so very often and often was more evenly distributed. Patterns of work in criminal departments appeared to vary as most trainees either drafted documents very often or occasionally although at least some trainees responded in every category. Finally, trainees in commercial and company departments did the least drafting with responses more or less evenly spread through the categories of very often, often and occasionally. Responses from trainees in commercial departments were slightly more weighted towards the very often response.

64% of trainees in criminal litigation departments interview clients very often whilst all such trainees do so at least occasionally. Trainees in family and those doing private client work also interview client relatively frequently although it seems to be a more regular occurrence for those in family departments. A similar comparison can be drawn between trainees in wills and probate and those in a civil litigation departments. A quarter of them interview clients very often whilst nearer half of trainees in civil departments only do so occasionally i.e. interviewing clients is a more regular and slightly more frequent occurrence for trainees doing wills and probate

work. Nearly half of trainees in company and commercial departments never interviewed clients whilst a third did so only occasionally. This serves to highlight the most striking fact surrounding the frequency with which trainees interview clients.

With the exception of the cases mention above (wills/probate/trusts, family/matrimonial and criminal litigation) a majority of trainees do very little or no interviewing of clients. At least half of trainees in company/corporate, commercial, European Community law, planning and insolvency have never interviewed a client. Almost as surprising is the fact that in addition a majority of trainees in tax/financial planning, property, civil litigation, employment law, intellectual property and even private client work have interviewed clients at most occasionally.

Not surprisingly, half of trainees in criminal litigation departments gave advice to clients at police stations very often with a further third doing so occasionally. Only three of the other department headers had trainees that experienced giving advice at police stations at all. They were private client, civil litigation and will and probate in descending order of frequency. This makes the point that despite the emphasis here on tasks or procedures training is arranged by departments or seats and inevitably certain procedures are associated with certain departments as in advising at police stations with criminal litigation departments. However, just as with junior doctors (Dowling and Barrett, 1991) and judging from preliminary interviews, trainees place importance on the number of procedures or discrete experiences they have had the opportunity to obtain. It is precisely for this reason that the rarer tasks such as participating in a tribunal or clerking at court hold a degree of kudos. This is not to suggest that it is more important to obtain experience of specific tasks or procedures rather than departments or specialisms although the two are generally related.

Pre-trial reviews or directions appointments were pretty rare occurrences for all trainees regardless of the department they were in. No trainee experienced one whilst in a company or wills and probate department. This is also the case for trainees in a commercial department with the exception of one trainee that for some reason did a pre-trial review very often. Seven trainees did a pre-trial review or directions appointment whilst in a property department with one doing it very often, two often and four only occasionally. About 30% of trainees doing private client work or

criminal litigation undertook a pre-trial review or directions appointment. The overall figure for trainees in civil litigation was about 80% whilst it was just over 90% for those in family departments with similar proportions experiencing a pre-trial review or directions appointment either very often, often or occasionally.

**Table 47: The frequency with which trainees clerked at court in contentious departments**

	Very Often	Often	Occasionally	Never	N/A
Civil Litigation (n=156)	12.2	21.2	38.5	14.7	13.5
Family/Matrimonial (n=55)	21.8	34.5	32.7	1.8	9.1
Criminal Litigation (n=24)	37.5	37.5	25	-	-
Private Client Work (n=22)	4.5	9.1	9.1	18.2	59.1
Employment Law (n=8)	25	12.5	25	12.5	25
Insolvency (n=8)	-	-	12.5	25	62.5
Intellectual Property (n=9)	-	-	55.6	11.1	33.3
Other Contentious (n=1)	-	-	-	-	100

Needless to say clerking at court was most frequently undertaken by those trainees in a department that does a high proportion of court work. In this regard, contentious departments accounted for all but a few isolated instances of clerking at court. Clerking at court generally involves accompanying senior solicitors and possibly counsel to court and assisting where necessary. As such it may have been used in these departments in order to introduce new trainees to the courtroom. Three quarters of trainees in criminal litigation departments clerked at court either very often or often (even split) with the remainder doing so occasionally. Trainees in family departments clerked in courts relatively frequently. 20% did so very often, over half did so at least often and nearly 95% had clerked at some point. The figures were lower for trainees in civil litigation departments but they followed a similar distribution. Of trainees across other contentious departments very few had experienced clerking at court as anything other than a very occasionally activity. For example, less than 25% of trainees doing private client work had clerked with less than 5% having done so very often.

Site visits are an activity characteristic of civil litigation departments although it appeared to represent an occasional activity for trainees across all department headers. The overall percentage of trainees that had made a site visit regardless of frequency ranged from 58.3% in criminal litigation to 11.1% for company departments. This is not high as no more than 10% of trainees in any one department had undertaken site visits any more frequently than occasionally. Civil litigation requires special mention as trainees here marked the second highest response which was also spread across frequencies making it the most likely department in which a trainee might experience a site visit.

17.5% of trainees in civil litigation departments had participated in a tribunal with one trainee doing so often and 28 doing so only occasionally. Apart from these trainees only 8 other trainees across the seven other departments (with a response rate of 19 or more) had participated in a tribunal and only one of these had done so anything other than occasionally. Tribunals were an intermittent or one off occasion for a small number of trainees in all but civil litigation departments.

**Table 48: The frequency with which trainees were in conference by type of department**

	Very Often	Often	Occasionally	Never	N/A
Company/Corporate (n=54)	7.4	5.6	20.4	16.7	50
Commercial (n=39)	7.7	-	30.8	20.5	41
Tax/Financial Planning (n=14)	7.1	7.1	50	14.3	21.4
EC Law (n=5)	-	-	20	60	20
Planning (n=2)	50	-	50	-	-
Wills/Probate/Trusts (n=19)	-	-	15.8	21.1	63.2
Property* (n=114)	-	8.8	22.8	21.1	47.4
Other Non-Contentious (n=4)	25	-	25	-	50
Family/Matrimonial (n=55)	21.8	21.8	50.9	5.5	-
Criminal Litigation (n=24)	29.2	37.5	25	4.2	4.2
Civil Litigation (n=158)	13.3	24.7	50	9.5	2.5
Other Contentious (n=1)	-	100	-	-	-
Employment Law (n=9)	11.1	22.2	55.6	11.1	-
Insolvency (n=8)	-	12.5	25	50	12.5
Intellectual Property (n=9)	-	11.1	55.6	11.1	22.2
Private Client Work (n=22)	9.1	9.1	36.4	18.2	27.3
Secondment (n=5)	-	20	20	40	20
Not Applicable (n=1)	-	100	-	-	-

\*incl. Landlord & Tenant

By contrast, at least some trainees were in conference relatively frequently across all departments. A closer look shows that almost all trainees in criminal, family or civil departments were in conference with some regularity. Half of trainees in family and civil departments were in conference occasionally with the remainder of those that had been in conference at some time split evenly between very often and often in the case of family trainees and graded between an eighth and a quarter for those in civil litigation departments. Trainees in criminal litigation departments were more heavily represented in the very often, often categories with well over half accounted for here. Over half of trainees doing private client work had been in conference but far fewer did so more than occasionally. This pattern was even more apparent among trainees

in company or commercial departments where less than half of trainees were in conference with any frequency at all. Trainees in property or wills and probate departments were in conference least of all with only about 30% of the former and 15% of the latter doing so with any frequency.

Despite some ambiguity about what it is exactly it means to be "in conference" it seems safe to suggest that it often represents an alternative forum involving case discussion and frequently client contact. As such these figures seem to indicate that trainees are perhaps to some extent excluded from client conferences in commercial departments where the complexity and importance (for the firm) of each individual case is likely to be high. In contrast, conferences were a frequent activity for trainees in contentious departments where client encounters generally were more likely and more encouraged (Table 37).

An alternative way to examine these figures is to group them by department type. This provides a clearer picture of the balance of tasks in terms of frequency with which they are performed by trainees within a particular department. There is a slight variation in the exact number of responses as trainees were originally asked to respond to a task based not a department based question. These differences are accounted for when comparing percentages. Activities can be characterised as very frequent (i.e. very often), frequent (i.e. often) or relatively infrequent (i.e. occasionally). They may also be undertaken by a varying proportion of trainees in that particular department. I shall summarise the pattern of tasks in contentious departments (civil litigation, criminal litigation, family/matrimonial and private client work) with greater client contact and then in non-contentious departments (company/corporate, commercial, property and wills/probate/trusts).

Making phone calls and writing letters are frequent activities for all trainees in civil litigation departments. Practically all trainees also draft documents but generally not quite as frequently. The majority of trainees are in conference, interview clients, take pre-trial reviews or directions appointments and clerk at court but these represent occasional activities whilst just under half of trainees have made an occasional site visit. Tribunals and advising clients at a police station are occasional activities for a very small number of trainees in civil litigation departments. All trainees in criminal

litigation departments make telephone calls, write letters, interview clients and clerking at court with the vast majority doing so frequently or more likely very frequently. The vast majority (approx. 90%) have also advised clients at a police stations, drafted documents and been in conference but with diminishing frequency. Half of trainees in criminal litigation have also occasionally been on site visits and a quarter did a pre-trial review or directions appointment. Tribunals were a occasional activity for only two trainees (8.3%). Making telephone calls and writing letters were also very frequent activities for all trainees in family/matrimonial departments. The vast majority of trainees also drafted documents and interviewed clients with half doing so very often and the remainder evenly split between often and occasionally. 90% or more of trainees were in conference, clerking at court or did a pre-trial review or directions appointment although the majority did so only often or occasionally. The remaining activities were infrequently undertaken if at all by a diminishing number of trainees. Of the 22 trainees in private client departments making telephone calls, writing letters and drafting documents were regular and very frequent activities for all of them. About a third were occasionally in conference, on site visits or interviewing clients although a further third of trainees interviewed clients very often. A smaller number of trainees occasionally did pre-trial reviews or directions appointments. Only a few trainees undertook any of the other activities.

Turning to the trainees undertaking non-contentious work all trainees in commercial departments write letters, make telephone calls and draft documents however with slightly decreasing frequency. Of the other activities, only interviewing clients and being in conference are experienced by any number and these only infrequently. Commercial departments present a similar story. Making telephone calls, writing letters and drafting documents are undertaken by virtually all trainees relatively frequently whilst being in conference and interviewing clients are generally only occasional activities for the minority that experience them at all. All trainees in property departments made telephone calls, wrote letters and drafted documents. Over 75% of them made telephone calls or wrote letters very often. This figure fell to 50% drafting documents. Over half of trainees interviewed clients but the majority of these did so only occasionally. A third were in conference or went on site visits but again only occasionally. A few trainees clerked at court and one trainee assisted

at a tribunal. No trainees in this department had given advice at a police station. Again writing letters, making telephone calls and drafting documents were very frequent activities for trainees in wills/probate/trusts departments. 85% of trainees interviewed clients, these were evenly distributed between those doing so very often, often or occasionally. Less than four trainees experienced any of the other activities.

From these results it is possible to give some indication of the types of task or procedure commonly undertaken by trainees and the role of these tasks in their training. An immediate distinction can be drawn between general procedures that are common to all trainees in different firms and across all departments. These include use of the telephone and letter writing. It is these tasks that constitute the daily activity for the majority of trainees. More variable in frequency but relatively equally distributed by firm and department are drafting and interviewing. While there is some variation by department type with, for example, more drafting occurring in private client departments and more client interviewing in criminal litigation departments, these activities taken together represent the core of legal work. In conference must also be included as the fifth general although only occasional activity. There were some problems of interpretation due to ambiguity which may have confused the pattern response. The remaining tasks or procedures represented infrequent or department specific activities. For example, clerking at court and advising at a police station were more common in criminal litigation departments as site visits were to civil litigation.

The opportunity to experience these tasks varied by type of firm, type of department, and stage of training. A clear division was found between tasks associated with contentious and non-contentious work with the former including a far greater degree of direct client contact. This somewhat paralleled the task distribution between small legal aid firms and large commercial firms with the former providing greater opportunity to deal face to face with clients. There was no overall progression of tasks across seats as trainees gained in experience, however, phone use and to some extent drafting did increase. This may indicate that these activities represent the bread and butter of legal work along with letter writing and interviewing clients, however, while the time spent phoning and drafting increases letter writing and

interviewing clients both require initial effort to master before settling into a regular, and slightly lower, frequency of use. This may also explain why trainees actually see clients less as they progress through their training and get down to the more mundane reality of everyday legal work. Another aspect of this is reflected in the variety of less usual tasks that trainees experience early on in their training such as police station visits, site visits and client contact generally. This increase continues through the first year of training culminating in tribunals and pre-trial directions in the third seat before declining. This provides a simplified picture not representative of any particular firm or any specific trainee's experience as it is overlain with department variations and differences with the type of firm, for example far fewer trainees in large commercial firms visited police stations to interview clients. Finally, there remains a question over the purpose of training vis-à-vis providing a variety of such tasks. It is to this that I shall address the subsequent part of this section.

#### **Firm's policy on the range of experience and work that a trainee should have during their training**

As has already been mentioned, there can be a tendency among trainees to "collect" new experiences. In some sense this is only natural and often encouraged within the training ethos of many firms. The Law Society also stipulate training regulations that require Training Establishments to provide training experience equally across contentious and non-contentious headers (see training and education section). It is unclear to what extent these requirements are translated into firm policy and ultimately into firm practice and trainee experience.

**Table 49: The percentage of trainees in firms that have a policy on training by type of firm**

	Yes	Yes (Formal)	Yes (Informal)	No
LC Firms (n=80)	2.5	40	52.5	5
MGP Firms (n=63)	1.6	14.3	60.3	23.8
SLA Firms (n=32)	-	9.4	62.5	28.1

A clear picture emerges with regard to the policy on training that the differing firms have. The likelihood that a firm will have a policy on training decreases with size of

firm. Similarly, the likelihood that this will be a formal policy also declines in proportion to the size of the firm. Whilst 95% of large commercial firms have a policy on training, this figure falls to just over 70% of small legal aid firms. The proportion of firms that have an informal training policy is 10% higher for small legal aid firms than for the larger commercially oriented ones.

**Table 50: The percentage of trainee's firms that adhere to this policy or not by type of firm**

	Yes	No	Sometimes	Usually
LC Firms (n=74)	83.8	13.5	1.4	1.4
MGP Firms (n=44)	84.1	15.9	-	-
SLA Firms (n=22)	72.7	27.3	-	-

It appears as if large commercial firms and mid-sized general practice firms are equally likely to adhere to such a policy on training with around 85% of them doing so at least some of the time. This figure falls to nearer 70% of small legal aid firms.

**Table 51: A comparison of the type of policy on training that firms have and the extent to which it is adhered to**

	Yes	No	Sometimes	Usually
Formal (n=43)	90.7	9.3	-	-
Informal (n=94)	78.7	19.1	1.1	1.1

As one might expect, those firms with a formal policy on training were far more likely to adhere to it than firms that had a more informal policy.

### **The general form of the work that trainees do**

Trainees were asked how often they did certain aspects of solicitor's work, as opposed to certain skilled activities (drafting, interviewing, etc.), which was discussed in the last section. The variety of forms they were offered as possibilities varied from sitting in with their supervisor, doing a task within a file or case, seeing a client or dealing with a whole file or case. From the information gained in earlier interviews it was assumed that these forms in which tasks may be experienced were progressive - namely, that a trainee might be expected to sit in before they saw clients. The figures

were also examined according to seats, in order to make apparent any development in the form of work across seats which one might expect to occur as training progressed.

For example, we might expect the number of trainees sitting in with their supervisors or others observing how they work to decrease over time. This would not seem to be the case. Not only are the numbers of those selecting the frequency category "v. often" significantly higher than any other frequency category across all seats but the difference appears to increase as trainees progress through the seats 35%, 37%, 39% and 48% respectively for seats 1-4 (although the proportion answering often or very often remained similar).

One might expect that sitting in would be viewed as an introductory method of experience gathering. One might also expect that, as a trainee gains in experience and confidence, one could reasonably expect them to require less exposure through sitting in before being able to attempt the task themselves or at least move to a more intensive method of experience acquisition. Before concluding that there appears to be no account taken of experience in what trainees are asked to do, we need to ensure there are no confounding factors.

A possible factor might be the form in which work is given across departments. If, for example, it comes courtesy of supervisors, then it may be necessary for trainees to continue to sit in (though this would seem potentially time-wasting - and certainly not an ideal introduction to the responsibilities expected of a qualified solicitor). We are dealing with very low levels of response for trainees experiencing specific forms of work in certain departments at each stage of training, however, if we exclude those departments with less than 19 responses overall of the remainder just over half of trainees sit in with their supervisor either often or very often. This is not the case in company/corporate departments or criminal litigation departments. In the comparable percentage for trainees in the former department is around 80% but drops to half that figure for those in the latter department. Despite the low response for individual cells, varying between  $n=10$  and  $n=17$  for company and  $n=3$  to  $n=11$  for crime departments, it is possible to suggest that there does not appear to be much variation between seats. This supports the general finding that sitting in with one's supervisor

remains common throughout the Training Contract and across department types. The figures are not so ambiguous if we examine variations by type of firm. There is a decrease in the frequency with which trainees sit in with their supervisor with size of firm. Approximately 70% of trainees in large commercial firms sit in either often or very often. This falls to around 50% for trainees in mid-sized general practice firms and 40% for those in small legal aid firms.

If we turn our attention to the proportion of trainees doing a task within a file we find no immediate pattern across seats as training progresses with the average figure for those doing so either often or very often hovering around the 85% mark. A comparison with other forms of working (sitting in, seeing clients etc.) shows a very slight increase from year one to year two of the Training Contract from 39% to 41% of their time doing a task within a file as opposed to a variable 25-29% sitting in with their supervisor, 17-20% dealing with whole files and a decreasing percentage seeing clients (14.28%, 13.68%, 11.05% and 10.34% for seats 1 to 4 respectively). The percentage of trainees doing a task within a file regardless of the stage of training varies across different departments (with 19 or more responses) from 90.9% of trainees doing private client work, 89.5% in wills/probate/trusts, 87% in company/corporate, 86.7% in civil and 84% in criminal litigation, 82.8% in property and 76.8% in family/matrimonial departments. The low cell values make it impractical to explore these variations across departments although a cursory glance at the percentage doing a task within a file or case either often or very often within particular departments at each stage of their training seems to indicate that the percentage falls slightly in company, wills and property departments rises in civil litigation and is variable across seats in the other departments with at least 19 responses. The pattern across firms is also unclear by stage of training, however, the average percentage of trainees doing a task within a file or case varied from 81.375% of trainees in mid-sized general practice firms through 85.425% of those in small legal aid firms to 88.45% of trainees in large commercial firms.

When it came to seeing clients there were distinct variations according to the type of department a trainee was in. On average about half of trainees in contentious departments saw clients either often or very often. This figure fell to just over 15% in

non-contentious departments. However, this disguises further variation with only 5.2% and 5.7% of trainees in commercial and company/corporate seeing clients either often or very often as opposed to 15.5% in property departments and 36.9% doing wills, probate and trusts. Similarly with contentious departments 31.8% and 33% of trainees doing private client work or civil litigation saw clients frequently when compared to 53.6% of those in family/matrimonial or a staggering 72% in criminal litigation departments. These can be further examined by stage of training with the proviso about diffuse response figures. Trainees in the majority of departments (with 19 or more responses) see clients more frequently in their first year than in their second with the exception of those in company/corporate, wills/probate/trusts or family departments. This pattern is most apparent in contentious departments where trainees see clients more often anyway (average across seats of those seeing clients often or very often is 45.47% vs. 12.75% in non-contentious departments). For example, in criminal litigation departments 81.9% and 83.3% of trainees in seats one and two respectively saw clients often or very often as compared to 40% and 66.6% of those in their final two seats. A year one to year two comparison for trainees doing civil litigation and private client work is 37.1% vs. 20.95% and 33.3% vs. 37.4% (in seat three) respectively. Family is the only contentious department in which trainees in their later stages of training are more likely to see clients (32.48% vs. 71.25%). Having said this, a slightly higher percentage of trainees see clients often or very often in criminal litigation rather than family departments (67.95% vs. 59.15%). The similar percentage for other departments falls to 29.025% for trainees in civil litigation, 28.55% in wills/probate/trusts and 25.75% for those doing private client work before dropping down to around or below 10%. In the first year of training there is an inverse relationship between the percentage of trainees seeing clients either often or very often and the size of the firm they are in. In other words, only 8.6% and 12.6% trainees in large commercial firms in their first and second seats see clients with an great frequency as compared to 43.9% and 38.1% of those in mid-sized general practice firms or 61.3% and 55.5% in small legal aid firms. What there is of this pattern deteriorates in seats three and four leaving a decrease in the percentage with seats (as previously mentioned) and a decrease in the average

percentage the larger the firm - large commercial firms 9.6%, mid-sized general practice firms 36.75% and small legal aid firms 52.125% respectively.

The final form of work that trainees were questioned about in order to gauge progress through training asked what percentage and with what frequency they were able to deal with whole files or cases. Interestingly, what was found was that trainees in commercial or company/corporate departments were far less likely to deal with whole files or cases either often or very often, 10.3% and 13.2% of trainees in these departments respectively, than trainees in other departments where about half did so on average. Indeed, the initial figures contrasting 32.625% of trainees in non-contentious departments as opposed to 45.25% of those in contentious departments were misleading in that 52.6% and 54.4% of trainees in wills/probate/trusts and property dealt with whole files or cases often or very often compared to 50% of those doing private client work, 45.9% in criminal litigation, 44% in civil litigation and only 41.1% of trainees doing family/matrimonial. When broken these figures are further broken down by stage of training we find that the proportion of trainees dealing with whole files or cases either often or very often rises from seats one to four for those doing criminal litigation or private client work. Apart from trainees in civil litigation departments where there is a decrease in the percentage dealing with whole files with any frequency from the first year of their Training Contract to the second the frequency by seat is variable in the remaining departments. If we examine the frequency with which trainees in different types of firm deal with whole files or cases we again find an increased likelihood the smaller the firm. This pattern is most apparent if an average is taken of the frequency for each seat experienced in each type of firm giving the figures 33.65%, 47.6% and 51.2% for large commercial, mid-sized general practice and small legal aid firms respectively. It should be noted that the figure for small legal aid firms is an average for seats one to three discounting the low value for the fourth seat (14.3%) which may be considered unrepresentative (n=7) otherwise the figure would have been 41.975%.

### **How trainees receive work**

Trainees were asked how they received their work, either from their supervisor, from an assistant solicitor, directly from the client or by another route. They were asked to

answer yes or no to each of these possibilities. The tables below shows the percentage of those answering yes to each of the four categories.

**Table 52: Who trainees received work from by type of firm**

	Client	Supervisor	Solicitor	Other
LC Firms (n=521)	7.68	49.71	40.5	2.11
MGP Firms (n=404)	15.84	43.32	33.91	6.93
SLA Firms (n=187)	26.2	43.85	27.8	2.14

Not surprisingly, a greater proportion of trainees across all firm types received their work through their supervisors than from anyone else. However, over half of trainees across all types of firm received some work from others. Surprisingly, given the larger number of assistant solicitors in such firms, trainees in large commercial firms represent the highest proportion of trainees receiving work from their supervisor, with the remainder being accounted for by those receiving work from other solicitors. Trainees in mid-sized general practice firms follow a similar pattern with a slightly lower proportion receiving work directly from their supervisor and from other solicitors. The difference from trainees from large commercial firms made up for the doubling of the proportion in mid-sized firms receiving work directly from clients. In addition, it seemed that trainees in mid-sized general practice firms were either more generally available to work to others or were available to work more widely for a variety of people. In small legal aid firms most received work through their supervisor but over a quarter obtained their work directly from clients (and received little guidance from others). A very small proportion, exactly the amount as for trainees in large commercial firms, received work from others.

**Table 53: Who trainees received the majority of their work from by stage of training**

	Client	Supervisor	Solicitor	Other
First Seat (n=378)	12.96	45.77	35.71	5.56
Second Seat (n=345)	13.62	46.09	37.10	3.19
Third Seat (n=261)	14.17	47.13	35.25	3.45
Fourth Seat (n=128)	15.62	47.66	35.16	1.56

Surprisingly, the number of trainee seats in which trainees received the majority of their work directly from the client increased only very gradually. The number of trainees dependent on their supervisors for receiving work decreases gradually as they progress through training - but the changes are almost minimal. The amount of work they received from others in the department decreases, while that from other solicitors remains the same. Apparently trainees do not become much more independent in their workload.

The overall picture regarding the form of the work that trainees do confirms that trainees in small legal aid firms have greater client contact as they receive more work directly from clients. However, the fact that they receive nearly half their work from their supervisor regardless of the type of firm or, more surprisingly, stage of training may explain why sitting in with their supervisor remains a significant activity throughout their training. It cannot be used as a measure of progress through training as there is in fact a slight increase in frequency as trainees move from their first seat to their final seat. An adjusted percentage shows the proportion of time (from a measure of frequency) trainees spent sitting in with their supervisor 32%, when compared to the time spent doing a task within a file or case 36%, seeing clients 13% or dealing with a whole file or case 19%. The assumption was that sitting in would decrease over time when in point of fact it increased. Similarly, it was hypothesised that the other three forms of work would increase as training progressed and whilst doing a task within a file or dealing with whole files fluctuated seeing clients again decreased through the stages of training. There was departmental variation in the frequency with which trainees sat in with their supervisors from 80% in company departments to around half in other departments except criminal litigation where only 40% did so with any frequency. The larger the firm the more likely a trainee was to sit in with their supervisor. Doing a task within a file represented a common form of activity with about 85% of trainees doing so frequently. There was a slight increase from the first to the second year of training and trainees within large commercial firms were most likely to do a task within a file often or very often. On average half of trainees saw clients frequently although this varied from 5% of trainees in commercial or company/corporate departments to around 30% for most departments except family where half of trainees saw clients frequently up to nearer 3/4 of those doing

criminal litigation. The smaller the firm the greater the proportion of trainees seeing clients frequently. In this respect, there was a similar pattern in dealing with a whole file or case the smaller the firm the greater the likelihood. Only about 10% of trainees in commercial or company/corporate departments dealt with whole files frequently as compared to around half of those in other departments. Effectively, this provided further indication that trainees in small legal aid firms had greater opportunity for hands on experience but the larger the firm the more likely it is to have a policy on the range of experiences that a trainee would be expected to have. This is particularly true of a formal policy on such things. Large commercial firms and mid-sized general practice firms are also more likely to adhere to such a policy. This suggests that trainees in small legal aid firms have greater client contact, depending on the type of department, receive a higher proportion of work directly from clients and deal with whole files or cases more frequently than trainees in other types of firm. However, this is likely to occur in a haphazard way throughout the period of training (note the absence of a pattern across seats) and is therefore not necessarily indicative of better training. In contrast, the training in large commercial firms is more likely to be (formally) structured and regulated (adhered to) with a greater amount of time spent sitting in with supervisors. Given the increased proportion of time sitting in in some non-contentious departments this may be indicative of a particular pattern of working which could itself be suggestive of good training. These matters remain open and to a great extent both are dependent upon the form and quality of supervision provided to trainees. It is to this that I now turn.

### **The supervisory relationship**

In many respects the supervisory relationship represents the nub of the training process. A majority of the activities associated with training are mediated to the trainee through the person of their supervisor. It is this individual that will act as their mentor under the apprenticeship model. As we have seen, a significant portion of a trainee's time will be spent sitting in with their supervisor. It is also from the supervisor that many will receive the majority of their work. Subsequent results suggest that many trainees share office space with their supervisor who also often represents a trainee's initial point of contact when seeking advice, clarification,

redress etc. In effect, a good supervisor can mean a good experience of training whereas a less adequate supervisor may lead to a very different experience.

The starting point for this section is to determine the importance of the supervisor to a trainee's experience of training. This can then serve to confirm (or disconfirm) the impression given by trainees during initial interviews that the supervisor's role is absolutely central in so many ways. Some substance is then given to the form of the supervisory relationship in terms of the regularity frequency of meetings and the extent to which trainees find this time to be useful or constructive. Trainees are then asked to comment more specifically on the centrality of the supervisory role - whether it should be more or less central, and on variations in the style of supervision. Finally, an attempt is made to encompass some of variation in the supervisor trainee relations in terms of the three qualities of formality/informality, distance/closeness and productiveness/unproductiveness.

#### **The importance of the supervisor to a trainee's experience of training**

Trainees were asked how important the supervisor was to their experience of training. They were asked to make a single response for each of the seats that they had experienced selecting from "very important", "important", "not so important" or "not important". The results are tabulated below in relation to the type of firm that a trainee was in (Table 54) and the stage of training that they were at (Table 55).

**Table 54: How important is your supervisor to your experience of training by type of firm**

	Very important	Important	Not so important	Not important
LC Firm (n=266)	62	29.3	7.5	1.1
MGP Firm (n=195)	50.3	39	8.2	2.6
SLA Firm (n=85)	56.5	30.6	12.9	-

The majority of trainees felt that their supervisors were very important to their experience of training. The figure rose from just over half of trainees in mid-sized general practice firms to 56.5% of trainees in small legal aid firms and 62% for those in the larger commercially oriented firms. However, about ninety percent of trainees

in large and medium sized firms felt their supervisor's role was either very important or important to their experience of training. 87.1% of trainees in smaller firms felt this way with the remainder seeing the role of their supervisor as not so important to their experience of training. A few trainees in large and mid-sized firms felt that their supervisors were not important to their experience of training. Whilst the position of supervisors within departments may not be formally recognised under training regulations (see education and training) their role appears crucial to trainees' experience of training.

There is a similar profile of responses for all of those departments where at least 19 trainees replied. 90% of trainees felt that their supervisor was either very important or important to their experience of training and 10% felt they were either not so important or not important at all. Trainees in private client, criminal, company and commercial departments fell above the average. Over sixty percent of trainees in company (66.7%) and private client departments (63.6%) felt supervisors were very important to a trainee's experience of training.

**Table 55: How important is your supervisor to your experience of training by stage of training**

	Very important	Important	Not so important	Not important
First Seat (n=176)	54	37.5	6.8	1.7
Second Seat (n=171)	59.6	32.7	7	0.6
Third Seat (n=133)	54.1	33.1	12	0.8
Fourth Seat (n=63)	61.9	22.2	11.1	4.8

These responses vary across seats in such a way as to open them to a variety of interpretation. If we look at the percentage of trainees that felt supervisors to be very important to their experience of training then we see an increase from 54% to around 60% within the first year from the first to the second seat which is duplicated in year two. If we then combine these figures with those trainees that felt supervisors to be important to their experience of training then a gradual decline in importance emerges as trainees gain in experience from 91.5% of trainees in their first seat to 84.1% of those in their final seat. It is entirely possible that both cases reflect trainee opinion.

As trainees pass from seat to seat they find the role of their supervisor to be gradually less important but at the same time they gradually realise just how formative had been the role of early supervisors. With slightly differing interpretation of the question both of these findings could be read into the same results.

### The regularity with which trainees meet their supervisor

Trainees were asked if a regular time is set aside for them to meet with their supervisor and discuss any problems. Affirmative responses were categorised according to the frequency of meeting. These findings can be compared to the following on the perceived frequency of meeting (Table 59).

**Table 56: How regularly do trainees meet their supervisors by type of firm**

	At least once a day	2/3 times a week	At least once a week	Twice a month or less	No/Never
LC Firm (n=266)	13.5	4.9	7.5	21.1	53
MGP Firm (n=193)	13	5.2	8.8	23.8	49.2
SLA Firm (n=82)	14.6	1.2	14.6	17.1	52.4

An overall majority of trainees do not have regular meetings with their supervisors although, as several trainees indicated in their questionnaire responses, this is not necessarily a criticism. There are few significant differences between department types in respect to the timing of regular supervisory meetings, with only a few percent separating the three categories in most instances. This is true of the number that do not have regular supervisory meetings with all three types of firm having a clear majority in this situation. This accounts for approximately half of the trainees in each type of firm, between 49.2 - 53%. This seems to indicate that regular supervisory meetings are no longer the generally accepted mechanism for governing training. It is questionable to what extent this was ever the case with ad hoc meeting of varying formality the norm among the firms in the initial study. However, good practice guidelines for postgraduate supervision emphasises the use of regular structured meetings between supervisor and research student. Also to some extent, and depending upon the firm culture, an informal support system may have replaced earlier more formal supervisory structures (see Asking advice p358).

**Table 57: How regularly do trainees meet their supervisors by type of department**

	At least once a day	2/3 times a week	At least once a week	Twice a month or less	No/ never
Company/Corporate (n=52)	7.5	3.8	9.4	32.1	47.2
Commercial (n=37)	18.9	-	5.4	16.2	59.5
Tax/Financial Planning (n=14)	14.3	7.1	7.1	21.4	50
EC Law (n=5)	-	20	-	20	60
Planning (n=2)	-	-	-	50	50
Wills/Probate/Trusts (n=19)	26.3	15.8	5.3	15.8	36.8
Property* (n=114)	17.5	4.4	7.9	21.9	48.2
Other Non-Contentious (n=4)	25	-	25	25	25
Family/Matrimonial (n=56)	10.7	5.4	7.1	21.4	55.4
Criminal Litigation (n=24)	4.2	-	12.5	25	58.3
Civil Litigation (n=156)	13.5	3.8	11.5	17.9	53.2
Other Contentious (n=1)	-	-	100	-	-
Employment Law (n=9)	22.2	22.2	11.1	11.1	33.3
Insolvency (n=7)	-	-	-	57.1	42.9
Intellectual Property (n=9)	11.1	-	-	44.4	44.4
Private Client Work (n=20)	5	5	10	10	70
Secondment (n=6)	33.3	-	-	16.7	50
Not Applicable (n=1)	-	-	100	-	-

\*incl. Landlord & Tenant

We have already established the fact that the majority of trainees do not meet with their supervisors on a regular basis regardless of the department they are presently in. Having said this, regular supervisions are a more common occurrence in some departments than in others. For example, 63.2% of trainee respondents in wills/probate/trusts departments felt that they had regular meetings with their supervisors as compared to only 30% of trainees doing private client work. If we extract the responses of those that did feel they had regular supervisions it is possible to gain a clearer picture of the frequency with which these meetings were held across different departments. Curiously, all departments followed a similar pattern in that a

high proportion of trainees met their supervisors either relatively frequently (at least once a day) or relatively infrequently (twice a month or less). It may of course be the case that there exist two quite differing groups of supervisors (or trainees) - one that meet very often, the other only seldom. Hence no departmental effect as the two groups go some way towards cancelling each other out.

**Table 58: How regularly do trainees meet their supervisors by stage of training**

	At least once a day	2/3 times a week	Once a week	Twice a month	No/ never
First Seat (n=176)	10.8	4	9.1	22.7	53.4
Second Seat (n=170)	12.4	4.1	10	21.2	52.4
Third Seat (n=132)	17.4	5.3	7.6	22	47.7
Fourth Seat (n=60)	16.7	5	10	15	53.3

There does not appear to be any great difference in the occurrence or regularity of supervisor meetings according to the stage of training. This may indicate the importance of the "supervisor effect" namely, that individual supervisory style is a more important determinant factor than either stage of training or department type per se.

#### **The frequency with which trainees meet their supervisors?**

Trainees were asked to indicate whether they felt that they met with their supervisor too often, often enough or not often enough. A comparison with previous results regarding the timing of such meeting were not entirely clear although they did support the somewhat self evident finding that those that felt they did not meet with their supervisor often enough generally saw their supervisor more infrequently than those that felt they met with their supervisor too often. This held for all four seats.

**Table 59: How often do trainees meet their supervisors by type of firm**

	Not often enough	Often enough	Too often
LC Firm (n=265)	14.7	82.3	3
MGP Firm (n=196)	28.1	66.8	5.1
SLA Firm (n=87)	23	75.9	1.1

Overall, three quarters of trainees felt that they met their supervisors as often as was appropriate. The majority of the remainder felt that they did not meet with their supervisor often enough whilst only 3.5% of all trainees felt they saw their supervisors too often. There does not appear to be a significant amount of variation in the proportions of trainees meeting their supervisors too often or not often enough across seats.

#### **The extent to which trainees find supervision to be constructive or useful**

Trainees were asked to indicate whether they generally found the time that they spent with their supervisor to be useful or constructive. Although they were required to respond either yes or no a significant minority gave intermediate responses such as some of the time or depends. These responses were ascribed the category "sometimes".

**Table 60: How useful/constructive is supervision by type of firm**

	Yes	No	Sometimes
LC Firm (n=263)	87.5	11.4	1.1
MGP Firm (n=192)	82.8	16.7	0.5
SLA Firm (n=86)	81.4	17.4	1.2

There is a straight correlation between the size and type of firm a trainee is in and the likelihood that they will find their periods of supervision to be useful and/or constructive. The larger the firm the higher the proportion of trainees that found their supervisions to be useful or constructive and the smaller the percentage who do not find this to be the case. It is unclear why this may be the case although it may reflect the tendency for supervision and training generally to be more structured in the larger firms. It is also baffling why well over ninety percent of trainees in

wills/probate/trusts and commercial departments found their supervisions to be useful or constructive whilst with the remainder of departments this figure only varied between 81.4% and 86.4%. Perhaps this is an indication of the different role of supervision in these departments or merely a further occurrence of the supervisory effect.

**Table 61: How useful/constructive is supervision by stage of training**

	Yes	No	Sometimes
First Seat (n=175)	87.4	12	0.6
Second Seat (n=168)	79.2	19	1.8
Third Seat (n=132)	87.9	11.4	0.8
Fourth Seat (n=63)	85.7	14.3	-

Again it is difficult to distinguish any clear pattern between trainees in different seats which might indicate a change over time as their training progressed, other than to say that for some reason trainees in their second seat appeared to find their supervisory periods to be less useful/constructive. We do not know why but it may be that initial feelings of diffidence in the first seat are replaced by greater confidence in the second seat - and hence there is more frustration at continued checking and supervision.

### **The centrality of the supervisory role to training**

Trainees were asked how central a role their supervisor had in their training. They were also requested to state whether they would have preferred their supervisor to have played a more or less central role in this respect. The responses to these two questions are grouped together and examined below.

**Table 62: The percentage of trainees that felt their supervisor to be central to their training by type of firm**

	Yes	No
LC Firm (n=267)	75.3	24.7
MGP Firm (n=197)	61.4	38.6
SLA Firm (n=86)	60.5	39.5

The proportion of trainees that felt that their supervisor played a central role in their training was lower than one would have expected in view of earlier discussions. However, the larger the firm the greater the proportion of trainees that felt their supervisor played a central role in their training.

**Table 63: Should their role be more or less central by type of firm**

	More	Less	Neither*
LC Firm (n=235)	57.4	13.2	29.4
MGP Firm (n=177)	61.6	15.8	22.6
SLA Firm (n=81)	63	13.6	23.4

\*Neither also includes responses of "same" or "OK".

A majority of trainees across all types of firm felt that their supervisor should play a more central role in their training. This rose from 57.4% of trainees in large commercial firms to over 60% of those in the smaller legal aid firms i.e. There was an inverse relationship between the percentage of trainees that felt their supervisor should play a more central role in their training and the size of firm a trainee was in. It is unclear from this question alone what exactly it is that these trainees wanted in terms of their supervisor playing "a more central role in their training". It could simply mean more meetings. However, earlier findings suggest that this is not generally appealing. I would imagine, judging from initial interviews, that trainees who felt that their supervisors should play a more central role in their training would like them to act more positively as a constructive force in their training whether that be through advice, support, understanding or whatever.

**Table 64: How central a role does your supervisor play by type of department**

	Yes	No
Company/Corporate (n=54)	64.8	35.2
Commercial (n=39)	61.5	38.5
Tax/Financial Planning (n=14)	64.3	35.7
EC Law (n=5)	100	-
Planning (n=2)	50	50
Wills/Probate/Trusts (n=19)	78.9	21.1
Property* (n=116)	71.6	28.4
Other Non-Contentious (n=4)	75	25
Family/Matrimonial (n=56)	58.9	41.1
Criminal Litigation (n=24)	62.5	37.5
Civil Litigation (n=158)	68.4	31.6
Other Contentious (n=1)	100	-
Employment Law (n=9)	66.7	33.3
Insolvency (n=8)	50	50
Intellectual Property (n=9)	77.8	22.2
Private Client Work (n=22)	81.8	18.2
Secondment (n=5)	40	60
Not Applicable (n=1)	100	-

\*incl. Landlord & Tenant

If we arrange the eight departments with the highest responses in rank order, top comes private client work where 81.8% of trainees felt that their supervisor played a central role in their training. This dropped to 78.9% and 71.6% respectively for trainees in wills/probate/trusts and property. Half of the departments had between 61.5% and 68.4% of trainees who felt their supervisor's role was central to their training. Only family departments approached a balance of trainees who felt that their supervisor played a less than central role in their training. However, family/matrimonial departments also had one of the highest proportions of trainees that would like to see their supervisor play a less central role in their training. This figure is over eighty percent for trainees in civil litigation and family, seventy percent for property and company and lower still for trainees in wills/probate/trusts where a

third would like their supervisor to play a less central role. This may indicate that certain types of department and the kind of work that is done in such departments do not best lend themselves to certain forms of supervision. Perhaps the typically high file turnover in family/matrimonial departments makes it less appropriate to have frequent supervisory meetings and tends towards an informal and diffuse supervisory style. As one might expect, a greater proportion of trainees in their first seat, at the very beginning of their Training Contract, feel that their supervisor plays a central role in their training. However, this does not appear to be the beginning of a progressive decrease in the centrality of supervisors to training, as roughly the same amount (65%) of trainees in seats 2-4 feel that their supervisor plays a central role in their training.

**Table 64: Should their role be more or less central by stage of training**

	More	Less	Neither*
First Seat (n=160)	57.5	15.6	26.9
Second Seat (n=153)	62.7	17	20.3
Third Seat (n=120)	60.8	10	29.2
Fourth Seat (n=57)	59.6	10.5	29.9

\*Neither also includes responses of same or OK.

Furthermore, there is no clear pattern demonstrated in terms of the percentage of trainees that would like their supervisors to play a more or less central role at different stages of their training. This supports the interpretation that after a brief period, when trainees are perhaps still expecting to be taught, early on in their training they settle into a pattern where a majority (approx. 60%) would like their supervisors to play a more central role in their training.

**Table 65: Has your supervisor played a central role in your training by whether their role should be more or less central**

		More (n=295)	Less (n=70)	Neither* (n=128)
Has your supervisor had a central role?	- Yes (n=322)	45	17.7	37.3
	- No (n=171)	87.7	7.6	4.7

\*Neither also includes responses of same or OK.

If we do a direct comparison of these two questions we discover that of the trainees that felt their supervisor played a central role in their training, 45% would like their supervisor to be even more central and 17.7% less so. Predictably, a high proportion (37.3%) were content with the role their supervisor played. If we then compare this figure with those for trainees that did not feel that their supervisors had played a central role in their training we find that a far higher percentage would like change (95.3%), 87.7% would like their supervisor's role to be more central and 7.6% less central. Only 8 trainees who felt their supervisor did not play a central role to their training were happy with that state of affairs (i.e. 4.7%). An alternative perspective on these responses shows that regardless of whether the role a trainee's supervisor adopted was central or not approximately half of trainees wanted their role to be more central.

### **The style of supervision**

In an attempt to appraise differences in supervisory styles trainees were asked to rate the working relationship that they had with each of their supervisors in each of the seats or departments that they had experienced. They were asked to rate the relationship in terms of three criteria that trainees themselves had used during initial interviews as descriptors of styles of supervision. Each was placed on a five point scale. The criteria were phrased in terms of formality/informality, distance/closeness, and productiveness/unproductiveness. Initially it had been envisaged that an ideal supervisory relationship would tend towards informality, closeness and productiveness, as became apparent, this was not necessarily appropriate in each or even the majority of cases. It had been intended that the formality criterion refer to the manner in which the supervisory relationship was maintained, contrasting an open and relaxed style with a more sententious or awkward one. However, this assumes a particular reading of formal and informal whereby the former is viewed pejoratively as traditional as opposed to say conventional. Equally, there is a sense of informal as appropriate when quite obviously in some situations informal would be decidedly inappropriate and may also imply unstructured or haphazard treatment. In this way each of these dichotomies was open to a degree of reinterpretation. Much the same can be said of closeness. Here the emphasis was on the degree of understanding felt

to exist between trainee and supervisor although there was some obvious cross-over with the criterion of informality. The axis of productive/unproductive reversed the negative criterion/positive criterion balance of the previous axes. At least here there could be little confusion regarding the status of the negative criterion as an unproductive supervisory relationship reflected a distinctly undesirable outcome. Having said all this a clear majority of trainees rated the working relationship that they had with their supervisor as more informal than formal (70%), closer rather than distant (60%) and productive as opposed to unproductive (70%).

Trainees were asked to rate the working relationship that they had with the supervisor in each seat or departments. It is thus possible to compare differences at each stage of training before aggregating the responses and examining them in relation to different types of firm or different types of department. An increasing proportion of trainees rated their supervisory working relationship as informal or very informal (rating 4 or 5) as they progressed from their first seat to their last (52.9%, 55.4%, 59.7% and 63% respectively). There was also a gradual increase in the percentage rating the relationship as close and productive in the same way although in both cases this trend was reversed in the fourth seat. In the case of those rating their supervisory relationship as close or very close the percentage rose from 39.3% in seat one through 40.6% and 46.9% in seats two and three before falling to only 36% in the fourth seat. The similar trend for those rating the relationship as productive or very productive (in this case 1 or 2) showed a rise from just over half (51.2%) to 57.4% and 59.8% for trainees in their second and third seats before dropping back to 56.3% of those in their fourth seat. These findings are tabulated below according to each criterion and by type of firm and type of department.

**Table 66: The proportion of trainees that describe the working relationship with their supervisor as formal/informal by type of firm**

	1	2	3	4	5
LC Firm (n=267)	7.9	13.1	24.3	37.5	17.2
MGP Firm (n=190)	6.8	10	23.2	31.1	28.9
SLA Firm (n=84)	17.9	4.8	22.6	28.6	26.2

Slightly more trainees in medium sized general practice firms rated the relationship they had with their supervisors as very informal (5) as compared with those in small legal aid firms. Large commercial firms had the lowest percentage of trainees rating their supervisory relationship as very informal at 9% less than mid-sized general practice firms. This pattern from mid to small to large firms in terms of the informality of the supervisory relationship is further supported if we obtain an average rating by dividing the number of respondents in each category by the value of that category. This calculation shows an average rating on the formal (1) - informal (5) continuum of 3.65, 3.43 and 3.4 for mid-sized, large and small firms respectively. In each type of firm over half of trainees rating their supervisory relationship as more informal than formal. However, if we examine the combined percentage of trainees that felt their supervisory relationship to be either informal (4) or very informal (5) we find that this was the case for 60% of trainees in mid-sized general practice firms as compared to about 55% of those in either larger or smaller firms. Curiously, a substantial minority of trainees in small legal aid firms (17.9%) rated the relationship they had with their supervisors as very formal (1).

**Table 68: The proportion of trainees that describe the working relationship with their supervisor as distant/close by type of firm**

	1	2	3	4	5
LC Firm (n=264)	11	11	35.6	30.3	12.1
MGP Firm (n=188)	5.9	14.9	41.5	22.9	14.9
SLA Firm (n=82)	13.4	11	30.5	35.4	9.8

On average trainees in all types of firm rated the relationship that they had with their supervisors as slightly closer rather than distant. If we compare the average ratings (gained by the method explained above) we find there to be little difference between firm types with mid-sized general practice firms coming in highest with an average rating of 3.26 followed by trainees in large commercial firms (3.22) and small legal aid firms (3.17). However, a substantial minority (13.4%) of trainees in small legal aid firms felt their supervisors to be very distant.

**Table 69: The proportion of trainees that describe the working relationship with their supervisor as productive/unproductive by type of firm**

	1	2	3	4	5
LC Firm (n=268)	25.7	31	28	10.8	4.5
MGP Firm (n=188)	30.3	27.1	25.5	14.9	2.1
SLA Firm (n=83)	25.3	24.1	26.5	18.1	6

Interestingly, the pattern in terms of average rating (see above) was reversed for this continuum with trainees in small legal aid firms coming in highest at 2.55 followed by those in large commercial firms at 2.37 and mid-sized general practice firms at 2.31. However, this only serves to substantiate the premise that trainees in mid-sized firms rate the relationship with their supervisors more positively than trainees in larger or smaller firms because the negative characteristic was at the top of the scale on this continuum. That is to say, with both formal/informal and distant/close the characteristic most commonly perceived of as positive was at the far end of the continuum (5) namely informality and closeness. However, with the final continuum this situation was reversed with the negative characteristic, unproductive rated 4 or 5. In effect, if each continuum is scaled from the negative to the positive then there is a consistency of response with a higher percentage of trainees in mid-sized firms rating their supervisors positively than those in large commercial firms who rate similarly tend to rate their supervisors more positively than trainees in small legal aid firms. The pattern is consistent with the percentage of trainees that rated their supervisor relationship as very unproductive (5) where the ranked order from highest to lowest percentage was small firms, large firms and medium firms.

These results show that a variety of supervisory styles are in practice across different types of firm and department. This would suggest that either variations in firm culture are responsible for the differences or they simply come down to variation in the individual supervisory style of supervisors regardless of the firm or department. In turn this would emphasize the fact that there is no generally accepted method of supervising trainees despite some guidance for firms (see education and training).

There seemed to be very little variation by the type of department. A majority of trainees in all but wills/probate/trusts departments rated the working relationship with

their supervisor as more informal than formal. Over 70% of trainees in criminal litigation departments rated the relationship with their supervisors as either informal or very informal (rating 4 or 5) with the highest average rating for any department of 3.96. In general, contentious departments with greater client contact rated their supervisory relations as more informal. The issue was far more balanced in relation to the dimension of closeness. Only two departments had a majority of trainees that felt their supervisory relationship was either close or distant. Trainees in both private client and criminal litigation departments felt that the relationship they had with their supervisors were close. The combined percentage for those that felt it to be either very close (5) or close (4) were 57.1% and 54.2% respectively. In the case of all but one department, a minority of trainees felt their supervisory relationship to be distant. The exception again was wills/probate/trusts where there was a balance between the number of trainees that felt their relationship to be very close (5) or close (4) and those that felt it to be distant (2) or very distant (1). A high proportion felt it to be neither close or distant.

As has been previously mentioned, this continuum was reversed with the positive characteristic represented by a low value (1) and the more negative one by the higher value (5). In effect this serves to double check the validity of trainee responses. Over half of all trainees in each department rated their supervisory relationship as productive (2) or very productive (1). The actual percentages of trainees that felt their supervisory relationship to be either very productive (1) or productive (2) ranged from 66.6% of trainees doing criminal litigation and private client work, 61.6% in commercial, 57.9% in wills/probate/trusts, 54.4% in property, 54.3% in civil litigation, 51.8% in family and 50.9% in company. This ranking is almost identical to the reverse order of average values for each department which is what one might expect. The actual order is as follows: company (2.51), property (2.47), family (2.43), civil litigation (2.39), wills/probate/trusts (2.37), commercial (2.26), criminal litigation (2.17) and private client (2.1). Around a fifth of trainees in property, wills/probate/trusts and civil litigation felt their supervisory relationships to be unproductive (4) or very unproductive (5).

In summary, a majority of trainees felt that their supervisor was very important to their experience of training and played a central role in it, however, the majority also felt that their supervisor should play a more central role. This figures did not vary significantly across different departments. A small minority (10%) felt that their supervisors were not important to their training. The majority do not have regular supervisory meetings and yet most feel that this situation is adequate. There is some variation by department with, for example, over 60% of trainees in wills/probate/trusts seeing their supervisors frequently compared to only 30% of those doing private client work. The majority also found the time spent in supervision to be constructive and useful although this was more so in the larger firms.

Despite some ambiguities surrounding the dimensions chosen to characterise different styles of supervision most trainees rated their supervisory relationships positively in terms of informality, closeness and productiveness. These positive ratings increased as training progressed. Trainees in mid-sized general practice firms rated their supervisors marginally higher in terms of these dimensions whilst a significant minority of trainees in small legal aid firms rated their supervisory relationships quite the opposite as very formal, distant and unproductive. There were few if any significant variations in supervisory style by department type suggesting that supervisory style is either a factor of wider firm culture or reflects individual predilections. These questions did not allow us to engage with, for example, what it was that made a supervisory relationship unproductive. It could mean that the supervisor was insufficiently trained and thus unable to manage the supervision or perhaps the trainee just did not see them as was the case with some trainees interviewed. What we are able to say is that there is no standard approach to supervision across firms. Supervisory meetings rather than being regular periods of feedback and training are quite often frequent but ad hoc or infrequent meetings with a specific agenda such as appraisal. This point is emphasised by the fact that supervisions do not become more or less common as training progresses. In the majority of cases they are simply part of the everyday work pattern in departments and firms providing some feedback but also operating as a mechanism of control. Both these aspects are explored in greater detail below.

## Feedback

Throughout the literature on professional training and in the guidelines provided by the Law Society a strong emphasis is placed upon the provision of appropriate feedback. An immediate distinction can be made between the everyday feedback generally provided by a trainee's supervisor and the periodic assessment of trainees' performance through systems of appraisal. An answer is sought to the questions what proportion of Training Establishments operate a formal appraisal system and to what extent do trainees feel that they would benefit from such a system. The focus then turns towards the quality, form and delivery of feedback within the supervisory relationship.

### Formal systems of appraisal

Law Society guidelines on training (see education and training) strongly recommend the implementation of a formal system of appraisal whether it take the form of performance reports, end of seat appraisals or even an end of Training Contract appraisal. Despite these recommendations and the importance of feedback at this level for a trainee's sense of achievement and overall direction evidence from preliminary interviews suggest some variation in the realisation and value of systems of appraisal across different firms. This is examined along with whether trainees feel they benefit from such systems.

**Table 70: The percentage of trainee's firms that have a formal appraisal system by type of firm**

	Yes	No	Don't Know
LC Firms (n=82)	98.8	1.2	-
MGP Firms (n=66)	65.2	31.8	3
SLA Firms (n=32)	56.3	43.8	-

Quite simply, the larger the firm the higher the percentage that have a formal appraisal system. All but one of the large commercial firms have such a policy whilst the figure drops to around two thirds and a half of mid-sized and smaller firms respectively.

**Table 71: The percentage of trainees that benefit or would benefit from a formal appraisal system by type of firm**

	Yes	No	Don't Know
LC Firms (n=81)	95.1	2.5	2.5
MGP Firms (n=63)	92.1	3.2	4.8
SLA Firms (n=32)	87.5	9.4	3.1

The pattern of response for trainees who feel that they would benefit from a formal appraisal system follows a similar pattern to those types of firms that actually have one. Namely, a slightly higher proportion of trainees in large firms as compared to mid-sized firms and then small firms feel that they would benefit from such a system. Not surprisingly, the overall percentage of trainees that feel they would benefit from a formal appraisal system is around 90% or higher regardless of the type of firm.

**Table 72: A comparison of the percentage of firms that have a formal appraisal system and the percentage of trainees that feel they would benefit from such a system**

	Yes benefit	No benefit	Don't Know
Yes appraisal (n=140)	95.7	2.1	2.1
No appraisal (n=34)	79.4	11.8	8.8
Don't Know (n=2)	100	-	-

The vast majority of trainees in firms which have a formal appraisal system feel that they benefit from it. A couple of trainees that felt they did not benefit from a formal appraisal system and a further two were unsure. This compared with a slightly lower proportion of trainees in firms that did not have a formal appraisal system but who felt they would benefit from one. A slightly higher percentage were unsure whether they would benefit or not.

#### **The quality of feedback that trainees receive**

In the context of supervisors and supervisory relationships trainees were asked whether they felt that their supervisor provided adequate feedback on the work that they do. Trainees were offered the responses excellent, adequate or poor.

**Table 73: The quality of feedback by type of firm**

	Poor	Adequate	Excellent
LC Firm (n=268)	16.4	53.7	29.9
MGP Firm (n=197)	23.9	49.2	26.9
SLA Firm (n=86)	23.3	53.5	23.3

About a half of trainees felt the quality of feedback they gained to be adequate and there was a normal distribution around this mean point. Variation across different types of firm suggested that the larger the firm the higher the percentage of trainees that rated the quality of feedback that they received as excellent. This chimes with the finding in relation to appraisal systems.

**Table 74: The quality of feedback by type of department**

	Poor	Adequate	Excellent
Company/Corporate (n=54)	14.8	59.3	25.9
Commercial (n=39)	20.5	48.7	30.8
Tax/Financial Planning (n=14)	14.3	42.9	42.9
EC Law (n=5)	-	80	20
Planning (n=2)	50	50	-
Wills/Probate/Trusts (n=19)	10.5	47.4	42.1
Property* (n=117)	21.4	54.7	23.9
Other Non-Contentious (n=4)	-	75	25
Family/Matrimonial (n=56)	26.8	44.6	28.6
Criminal Litigation (n=25)	36	60	4
Civil Litigation (n=157)	21	47.1	31.8
Other Contentious (n=1)	-	100	-
Employment Law (n=9)	22.2	44.4	33.3
Insolvency (n=8)	-	100	-
Intellectual Property (n=9)	-	66.7	33.3
Private Client Work (n=22)	18.2	45.5	36.4
Secondment (n=5)	40	60	-
Not Applicable (n=1)	-	-	100

\*incl. Landlord & Tenant

In actuality, of the eight departments with at least 19 responses, over thirty percent of trainees in wills/probate/trusts, private client, civil litigation and commercial departments felt that the feedback they had was excellent. However, over twenty percent of those in criminal, family, property and commercial also found the quality of feedback to be poor. In summary, the quality of feedback was rated more highly by trainees in wills/probate/trusts, private client and civil litigation and least highly by those in criminal litigation. This may merely reflect the fact that trainees in wills/probate/trusts receive more supervision or that those in criminal litigation departments do not rate the supervision they receive very highly (see earlier results). There does not appear to be any clear pattern or relationship between the seat a trainee is in and the quality of feedback that they experience. This follows the more general findings along these lines in relation to the provision of supervision.

### **The form of feedback**

Trainees were asked if the feedback that they received in this department generally included instructions on what to do, feedback on the quality of their work or interest in their professional development. They were encouraged to mark whichever applied. As a result responses fell into one of the following seven permutations listed below with the percentage of trainees in each category:

**Table 75: The form of feedback**

1.	Instructions	17.4%
2.	Feedback on the quality of their work	11.4%
3.	Interest in their professional development	0.4%
4.	Instructions & Feedback on the quality of work	28.5%
5.	Instructions & Interest in professional development	7.3%
6.	Feedback on quality of work & Interest in professional development	2.4%
7.	All three	32.6%

*These numbers apply in the following four tables.*

Only a third of trainees had feedback that involved all three elements. Of the remainder instructions and feedback were most common followed by instructions or

feedback on the quality of work separately. Interest in their professional development was only shown to just over 40% - a commentary on how trainees perceived their firms' interest in their futures and their careers.

**Table 76: The form of feedback by type of firm**

	1	2	3	4	5	6	7
LC Firm (n=262)	13.7	11.8	-	29	8.8	1.1	35.5
MGP Firm (n=189)	20.1	11.1	1.1	29.1	6.3	4.2	28
SLA Firm (n=83)	22.9	10.8	-	25.3	4.8	2.4	33.7

Figures 1-7 refer to the different forms of feedback in the table above (Table 75)

Despite some variations between firm types, the responses given by trainees in any one type of firm comply with the general observations made above, namely that instructions are most commonly included in feedback followed by feedback on the quality of a trainees work with less than half of trainees shown interest in their continuing professional development.

**Table 77: The form of feedback by type of department**

	1	2	3	4	5	6	7
Company/Corporate (n=54)	9.3	14.8	-	25.9	13	-	37
Commercial (n=39)	15.4	15.4	2.6	15.4	10.3	5.1	35.9
Wills/Probate/Trusts (n=19)	10.5	21.1	-	36.8	5.3	5.3	21.1
Property* (n=114)	22.8	9.6	-	33.3	6.1	0.9	27.2
Family/Matrimonial (n=49)	18.4	14.3	2	20.4	4.1	-	40.8
Criminal Litigation (n=24)	20.8	12.5	-	37.5	4.2	8.3	16.7
Civil Litigation (n=152)	19.1	10.5	-	32.2	4.6	2.6	30.9
Private Client Work (n=21)	14.3	9.5	-	23.8	19	9.5	23.8

\*incl. Landlord & Tenant

Figures 1-7 refer to the different forms of feedback in the table above (Table 75)

It is immediately apparent that there is greater variation between different departments than there had been between different firm types. The range of those that receive feedback that includes instructions (15.7%) is lower than for those that receive feedback on the quality of their work (17.7%) which is again substantially

lower than the responses for those that were shown interest in their professional development (24.7%). This would appear to offer further support for the supposition that instructions are a more common element of supervisory feedback than feedback on the quality of a trainees work which is in itself more common than an interest in their professional development.

Instructions formed a constituent element of feedback for nearly ninety percent of trainees in property departments. Over eighty percent of trainees in civil litigation, company, family and private client work also received feedback that included instructions. 84.3% of trainees in wills/probate/trusts received feedback on the quality of their work as compared to 71.8% and 77.7% in the other departments with at least 19 responses except for those in private client were only 66.6% received such feedback. At least half of trainees in commercial, private client and company departments were shown interest in their professional development whilst less than thirty percent were shown such interest in criminal departments.

**Table 78: The form of feedback by stage of training**

	1	2	3	4	5	6	7
First Seat (n=170)	12.9	14.7	-	34.1	8.2	0.6	29.4
Second Seat (n=166)	20.5	12	-	25.9	6.6	1.8	33.1
Third Seat (n=133)	19.5	8.3	0.8	26.3	6	5.3	33.8
Fourth Seat (n=62)	17.7	8.1	1.6	22.6	9.7	3.2	37.1

Figures 1-7 refer to the different forms of feedback in the table above (Table 75)

If we start by examining the figures for those trainees that received only instructions, feedback on the quality of their work or interest in their professional development for an indication of trends which might apply to the remaining responses we find that apart from a trainee's first seat the amount of instruction they receive decreases. Similarly, the amount of feedback on the quality of their work they receive also decreases as trainees move from their first to fourth seat. Conversely, interest in their professional development increases although this is extremely slight and restricted to the second year. If we than examine the combine percentages of trainees that receive feedback that includes each of these elements we find a degree of support for these

fragile indications. Whilst the percentage of trainees that receive instructions in their feedback increases within each year it decreases between the two years of the Training Contract. The percentage of those that receive an element of feedback on the quality of their work decreases as trainees progress from their first seat to their last. The likelihood of interest in a trainee's professional development increases with less than forty percent shown such interest in their first seat to over half in their final seat. This supports the notion that as trainees progress through their training they are given fewer instructions on what and how to do work as it is assumed that they know more. Similarly, trainees are given less feedback or rather the proportion of feedback that they receive falls in comparison to a growing interest in their wider professional and career development.

**Table 79: The form of feedback by the quality of feedback**

	1	2	3	4	5	6	7
Excellent (n=153)	1.3	7.8	-	19.6	8.5	2	60.8
Adequate (n=287)	14.6	11.1	0.3	36.2	7.3	3.5	26.8
Poor (n=93)	52.7	18.3	1.1	19.4	5.4	-	3.2

Figures 1-7 refer to the different forms of feedback in the table above (Table 75)

It is striking that, of the 153 trainees who felt that the quality of feedback that they received was excellent, 93 stated the form of such feedback to be a mixture of instruction, feedback on the quality of work a trainee was doing and an interest in their professional development. This provides a strong indication of the trainees' preferred form of feedback. In total 90.9% of trainees that marked the quality of the feedback they received as excellent stated the form to be a mixture of at least two elements, the preferred being instruction and feedback on the quality of work that they were doing. Furthermore, over half of the trainees that viewed the feedback they received as poor were given instructions only and 72.1% received supervisory feedback that consisted of only one element. This provides a clear indication of the need for a variety of instructions, feedback and personal interest from supervisors that is responsive to trainees' needs and changing situation. In many instances there is substantial room for improvement in the quality of feedback provided to trainees particularly in terms of professional, personal and career development. However, it is

important to recognise that what is good for the trainee may not necessarily be optimal for either firm or client - it is easy to fall into the trap of expecting the training on a Training Contract to be entirely aimed at the educational and professional development of the individual trainee - this is not the case.

### The delivery of the feedback that trainees receive

A third attempt to engage with the overall pattern of feedback given to trainees involved distilling characteristics of the delivery of feedback from references made in initial interviews. Trainees were then asked to rate their supervisory relationships in terms of each of these dimensions. In order to reduce any ambiguity two comparable descriptors were used to evoke each dimension. Three were viewed as positive characteristics and the fourth was initially meant to be more negative although to some extent this was not entirely successful. The dimensions were consistent or reliable which assumed that the form and delivery of feedback was generally of a similar or comparable nature and that it was dependable. Considered or well thought-out implied feedback that was balanced, appropriate and comprehensive.

Constructive or helpful feedback suggested a positive value or usefulness to the feedback provided whilst critical or judgmental represented inappropriate, faultfinding, censorious, overly particular or captious feedback that carried a negative value. There may have been some room for critical to be interpreted as constructively critical although results suggest this was not the case.

**Table 80: The delivery of feedback**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=530)	35.8	41.5	18.1	4.5
Considered/well thought-out (n=530)	32.8	39.1	23.8	4.3
Constructive/helpful (n=539)	35.3	40.3	21	3.5
Critical/judgmental (n=528)	6.1	12.5	48.7	32.8

A clear distinction can be drawn between those trainees that found the delivery of feedback that their supervisors provided to be consistent, considered or constructive as opposed to those that found it to be critical or judgmental. Of the former trainees that categorised the delivery of feedback as positive (consistent, considered or

constructive) on average three quarters (74.93%) felt this to be the case either always or mostly. Indeed, on average 34.63% felt that they always received positive feedback whilst a further 40.3% felt that feedback was mostly positive. The remainder were split between those that felt that they sometimes received positive feedback (18.1%) and those that felt that they never received such feedback (4.1%). This pattern was more or less reversed when we examine average responses to the final category of trainees that found the delivery of feedback to be either critical or judgmental. 81.5% felt that their supervisors were never or only sometimes critical/judgmental whilst the remaining fifth felt the negative delivery of feedback to be a predominant situation. If we then attempt to breakdown the three "positive" categories we find there to be very little difference with a range of no more than 5%. These categories are thus further examined by type of firm.

**Table 81: The delivery of feedback by in large commercial firms**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=259)	40.2	40.5	16.2	3.1
Considered/well thought-out (n=259)	35.5	41.7	20.5	2.3
Constructive/helpful (n=265)	41.1	38.1	18.5	2.3
Critical/judgmental (n=258)	8.9	14.7	48.1	28.3

More trainees in large commercial firms found the delivery of feedback to be mostly or always consistent/reliable than considered. However, slightly more of these trainees had indicated that the delivery of feedback that they received was always constructive than consistent. In effect, 80.7% found their feedback to be always or mostly consistent and 79.2% found it to be constructive or helpful whilst a slightly lower 77.2% found the delivery to be considered or well thought-out. In comparison, 23.6% found the delivery of feedback to be always or mostly critical or judgmental. The picture painted is a pretty positive one supporting the evidence that training and supervision in large commercial firms is far from dismal.

**Table 82: The delivery of feedback by in mid-sized general practice firms**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=189)	32.3	40.2	21.2	6.3
Considered/well thought-out (n=188)	30.3	36.7	26.1	6.9
Constructive/helpful (n=191)	30.9	41.4	22	5.8
Critical/judgmental (n=189)	2.1	7.9	46.6	43.4

The internal pattern of variation among trainees in medium sized general practice firms was similar to that for other trainees but a slightly greater percentage clearly finds their guidance unhelpful. In this regard the picture in mid-sized general practice firms is not quite as positive as for trainees in large commercial firms although there are also fewer trainees rating the delivery of feedback as always or mostly critical/judgmental.

**Table 83: The delivery of feedback by in small legal aid firms**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=82)	30.5	47.6	17.1	4.9
Considered/well thought-out (n=83)	30.1	36.1	28.9	4.8
Constructive/helpful (n=83)	26.5	44.6	26.5	2.4
Critical/judgmental (n=81)	6.2	16	55.6	22.2

Trainees in small legal aid firms are slightly less positive about the forma and delivery of feedback, however, there is very little overall difference between the different types of firm. This could be interpreted to mean that trainees are uncritical of the feedback that they receive however earlier finding show this not to be the case. Demographic differences can also be excluded in as much as there does not appear to be any significant variation by sex or age of trainee.

If we look at the breakdown for departments with at least 20 responses we see that supervisors in company/corporate departments are rated generally very positively although those in commercial departments do even better. Trainees seem to have some problem with supervisors in property departments, however, 35.7% of them felt that the feedback that they received was always consistent whilst about 30% felt it to

be considered or constructive. The combined figures for those that felt it to be mostly the case and always the case were similar for all three characteristics. Just over half also felt the feedback that they received was sometimes critical/judgmental. There was a similar picture in family/matrimonial departments where a high proportion of trainees in felt that the feedback they received was always consistent, constructive and considered with percentages ranked in that order. Over half of trainees viewed the feedback that they received to be critical/judgmental. By contrast to the previous department, in criminal litigation only between 18.2% and 9.1% of trainees felt the feedback that they received to always be considered, consistent or constructive. Whilst over half felt it to be mostly consistent and constructive and sometimes critical. Just under half felt the feedback to be sometimes or never considered or well thought-out. About a third of trainees in civil litigation departments felt that the feedback that they received was always consistent, constructive and considered. This percentage rose to around 75% if those that felt it to be mostly the case were included. The actual figures display a slight pattern in that the percentages that felt their feedback to always be consistent and constructive were similar and both higher (approx. 5%) than for those that felt it to be considered. Furthermore, this pattern remained if combined with those that felt such and such to be mostly the case. Exactly half of trainees felt that the feedback that they received was sometimes critical and nearly 75% felt it to be either sometimes or never critical. Half of trainees doing private client work felt that the feedback that they received was always constructive. The percentage was slightly lower for those that felt it to be always considered and substantially lower in terms of consistency. 14.3% felt that their feedback was always critical or judgmental. It is also possible to re-arrange these figures by delivery of feedback which allows a clearer comparison of firm types.

**Table 84: The delivery of consistent/reliable feedback by type of department**

	Always	Mostly	Sometimes	Never
Company/Corporate (n=53)	30.2	47.2	20.8	1.9
Commercial (n=39)	28.2	56.4	15.4	-
Property* (n=115)	35.7	37.4	20	7
Family/Matrimonial (n=53)	42.6	33.3	16.7	7.4
Criminal Litigation (n=22)	13.6	59.1	18.2	9.1
Civil Litigation (n=146)	36.3	40.4	19.9	3.4
Private Client Work (n=21)	38.1	38.1	14.3	9.5

\*incl. Landlord & Tenant

Of the trainees that felt the delivery of feedback that they received was always consistent or reliable the highest proportion were in family departments closely followed by those doing private client work. If we then combine those that felt they always received consistent feedback with those that felt this to be mostly the case a different picture emerges. Apart from trainees in commercial departments (84.6%) about 75% of trainees (within a range of 3.2%) in all other departments felt that they always or mostly received feedback delivered in a consistent or reliable way. Indeed, there were no trainees in commercial departments that felt that they had never received consistent feedback as compared to between 2% - 10% of trainees in other departments.

**Table 85: The delivery of considered/well thought-out feedback by type of department**

	Always	Mostly	Sometimes	Never
Company/Corporate (n=53)	28.3	49.1	18.9	3.8
Commercial (n=39)	33.3	41	23.1	2.6
Property* (n=114)	29.8	41.2	24.6	4.4
Family/Matrimonial (n=54)	37	27.8	27.8	7.4
Criminal Litigation (n=22)	18.2	36.4	31.8	13.6
Civil Litigation (n=147)	29.9	41.5	25.2	3.4
Private Client Work (n=21)	47.6	33.3	14.3	4.8

\*incl. Landlord & Tenant

Nearly half of trainees in private client departments felt that the feedback that they received was always considered or well thought-out. This figure dropped to a third for trainees in commercial departments. Furthermore, over 80% of trainees doing private client work felt that they always or mostly received considered feedback. The similar combined figures for other departments varied quite considerably from three quarters of trainees in company departments to just over half of those in criminal litigation departments.

**Table 86: The delivery of constructive/helpful feedback by type of department**

	Always	Mostly	Sometimes	Never
Company/Corporate (n=53)	32.1	41.5	24.5	1.9
Commercial (n=39)	41	25.6	33.3	-
Property* (n=117)	29.9	45.3	20.5	4.3
Family/Matrimonial (n=54)	33.3	40.7	18.5	7.4
Criminal Litigation (n=22)	9.1	59.1	22.7	9.1
Civil Litigation (n=151)	35.1	41.1	21.2	2.6
Private Client Work (n=22)	50	22.7	18.2	9.1

\*incl. Landlord & Tenant

There was a similar pattern among trainees when asked whether the feedback that they received was generally constructive or helpful. Half of those in private client departments felt that this was always the case. However, the range of percentages of trainees that felt this way was far wider than for considered or well thought-out feedback with figures ranging from just over 40% to under 10% again in criminal litigation departments. If the percentage that always or mostly felt that the feedback they received was constructive or helpful are combined then a different picture emerges. The figures for all departments average at three quarters of trainees and range within 10% from 66.6% of those in commercial departments to 76.2% of those in civil litigation departments.

**Table 87: The delivery of critical/judgmental feedback by type of department**

	Always	Mostly	Sometimes	Never
Company/Corporate (n=53)	7.5	20.8	56.6	15.1
Commercial (n=39)	7.7	12.8	28.2	51.3
Property* (n=114)	5.3	13.2	50.9	30.7
Family/Matrimonial (n=54)	3.8	11.3	56.6	28.3
Criminal Litigation (n=23)	8.7	17.4	52.2	21.7
Civil Litigation (n=148)	5.4	10.1	50	34.5
Private Client Work (n=21)	14.3	9.5	28.6	47.6

\*incl. Landlord & Tenant

A high proportion of trainees in private client departments felt that the feedback that they received was always consistent, considered and constructive but a similarly high proportion felt it to be critical or judgmental. Indeed, the percentage of trainees that felt that the feedback that felt this to be the case was twice the percentage found in any other department. Again, if we combine figures for those that felt that the feedback that they received was always critical or judgmental with those that felt it to be mostly so we find this difference virtually disappears. 28.3% of trainees in company/corporate departments felt that the feedback that they received was always or mostly critical. This figure drops to 26.1% and 23.8% for those in criminal litigation and private client departments respectively. Only 15.1% and 15.3% of trainees in family and civil litigation departments viewed the feedback they received to be critical or judgmental.

**Table 88: The delivery of feedback in the first seat**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=171)	37.4	40.9	15.8	5.8
Considered/well thought-out (n=171)	30.4	42.1	24	3.5
Constructive/helpful (n=174)	31	46.6	18.4	4
Critical/judgmental (n=168)	6	15.5	47.6	31

More trainees in their first seat felt that the feedback that they received was always consistent rather than constructive or considered. This order remains the same if we

also include those that felt the feedback to be mostly consistent, constructive and considered. 21.4% of trainees felt that the feedback was always or mostly critical/judgmental.

**Table 89: The delivery of feedback in the second seat**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=164)	31.7	41.5	22	4.9
Considered/well thought-out (n=164)	29.3	38.4	26.8	5.5
Constructive/helpful (n=167)	31.7	41.3	22.8	4.2
Critical/judgmental (n=166)	7.8	10.8	53.6	27.7

There is a constancy of pattern among trainees in their second seat with an equal proportion that felt their feedback to be consistent and constructive with a slightly lower percentage that felt it to be considered. This pattern remains when those that felt it to be mostly the case are also included with about 73% that felt their feedback to be always or mostly consistent and constructive as compared to 67.7% that felt it to be considered. Only 21.4% felt the feedback to be always or mostly critical.

**Table 90: The delivery of feedback in the third seat**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=132)	34.1	44.7	17.4	3.8
Considered/well thought-out (n=131)	37.4	35.1	22.1	5.3
Constructive/helpful (n=133)	39.8	37.6	19.5	3
Critical/judgmental (n=132)	3	12.9	44.7	39.4

About 40% of trainees in their third seat found the feedback that they received to be always constructive. The proportions dropped for those that felt it to be always considered or consistent. A similar percentage (approx. 78%) felt their feedback was always or mostly consistent and constructive with a slightly lower proportion rating it as always or mostly considered. The percentage that felt the feedback to be always or mostly critical rose from the previous seat to 21.6%.

**Table 91: The delivery of feedback in the fourth seat**

	Always	Mostly	Sometimes	Never
Consistent/reliable (n=60)	45	36.7	16.7	1.7
Considered/well thought-out (n=61)	37.7	41	19.7	1.6
Constructive/helpful (n=62)	45.2	25.8	27.4	1.6
Critical/judgmental (n=59)	8.5	8.5	45.8	37.3

About 45% of trainees felt that the feedback that they received was always consistent and constructive. A slightly lower percentage felt it to be always considered.

However, the percentage rose to 81.7% if we also include those that felt the feedback to be mostly consistent. A similar combined figure of 78.7% and 71% felt that the feedback was mostly or always considered and constructive respectively. The proportion that felt the feedback to be always or mostly critical fell to 17%.

These figure can also be re-arranged by delivery of feedback which allows for a clearer comparison between seats.

**Table 92: The delivery of consistent/reliable feedback by stage of training**

	Always	Mostly	Sometimes	Never
First Seat (n=171)	37.4	40.9	15.8	5.8
Second Seat (n=164)	31.7	41.5	22	4.9
Third Seat (n=132)	34.1	44.7	17.4	3.8
Fourth Seat (n=60)	45	36.7	16.7	1.7

Initially, in their first seat, a high proportion of trainees felt that the feedback that they received was always consistent and reliable. This percentage fell in the second seat before rising in the remaining seats to top at 45% of those in their final seat. This pattern is replicated if we combine those that felt the feedback to always be consistent with those that felt it to be mostly consistent. From seats one to two there is a drop from 78.3% to 73.2% before rising through seats three and four from 78.8% to 81.7%.

**Table 93: The delivery of considered/well thought-out feedback by stage of training**

	Always	Mostly	Sometimes	Never
First Seat (n=171)	30.4	42.1	24	3.5
Second Seat (n=164)	29.3	38.4	26.8	5.5
Third Seat (n=131)	37.4	35.1	22.1	5.3
Fourth Seat (n=61)	37.7	41	19.7	1.6

There is a similar pattern among trainees in different seats who felt the feedback that they received to be considered or well thought-out. There was a slight fall in the percentage that felt that the feedback was always considered from the first seat to the second and a slight rise from the third to the fourth. This pattern is again mirrored when combined with those that felt this to be mostly the case.

**Table 94: The delivery of constructive/helpful feedback by stage of training**

	Always	Mostly	Sometimes	Never
First Seat (n=174)	31	46.6	18.4	4
Second Seat (n=167)	31.7	41.3	22.8	4.2
Third Seat (n=133)	39.8	37.6	19.5	3
Fourth Seat (n=62)	45.2	25.8	27.4	1.6

There was an increase in the percentage of trainees that felt that the feedback that they received was always constructive as they progressed through seats from 31% in the first seat to 45.2% in the fourth seat. However, the reverse was true for those trainees that felt this to be mostly the case with a pronounced decrease from seat one to four. In effect, if we combine these figure to provide an overall percentage of trainees that felt the feedback that they received to be always or mostly constructive we find that it is slightly higher in seats one and three and indeed lowest in seat four.

**Table 95: The delivery of critical/judgmental feedback by stage of training**

	Always	Mostly	Sometimes	Never
First Seat (n=168)	6	15.5	47.6	31
Second Seat (n=166)	7.8	10.8	53.6	27.7
Third Seat (n=132)	3	12.9	44.7	39.4
Fourth Seat (n=59)	8.5	8.5	45.8	37.3

A confused picture also emerges when we examine the percentages of trainees that found the feedback that they received to be critical or judgmental. Of those that found this to be always the case the greatest percentage were in the fourth seat with those in their second seat not far behind although the overall proportions are not high (3% - 8.5%). This is partially resolved if combined these figures with those that found feedback to be mostly critical in which case there is a decrease of sorts from 21.5%, 18.6% to 15.9% from seats one through three with an increase in seat four to 17%.

#### **The quality of feedback compared to the delivery of feedback**

Here the responses that trainees gave when questioned about the quality of feedback and the form or style of delivery are compared. It might be expected that there be a correlation of sorts with a greater proportion of those that rated the quality of feedback as high falling within the three more positive characteristics of consistent, considered and constructive with the reverse being true for critical or judgmental feedback.

**Table 96: The delivery of consistent or reliable feedback compared to the quality of feedback**

	Always	Mostly	Sometimes	Never
Excellent (n=152)	69.1	27.6	3.3	-
Adequate (n=280)	27.9	54.3	17.5	0.4
Poor (n=97)	7.2	25.8	43.3	23.7

The premise holds true for trainees that felt that the feedback that they received was consistent or reliable. Trainees who found the quality of feedback to be poorer were less likely to find the feedback to be always consistent or reliable. Indeed, 96.7% of

trainees that rated the quality of feedback to be excellent also felt it to be always or mostly consistent. The percentage of trainees that felt the delivery of feedback to be always or mostly consistent fell from 82.2% to 33% of those that found the quality of feedback to be adequate and poor respectively. This relationship is followed with the other two positive characteristics of feedback that trainees were asked about namely whether it was considered or constructive.

**Table 97: The delivery of considered or well thought-out feedback compared to the quality of feedback**

	Always	Mostly	Sometimes	Never
Excellent (n=152)	67.8	28.3	3.9	-
Adequate (n=282)	23	49.6	26.2	1.1
Poor (n=95)	6.3	24.2	48.4	21.1

There was a corresponding relationship between the percentage of trainees that felt the feedback that they received to be considered or well thought-out and the overall perceived quality of that feedback. A higher percentage of the trainees that felt feedback to always be considered also rated feedback as excellent. The reverse was true for those that felt feedback to be poor. The combined percentage of trainees that felt feedback to be mostly or always consistent declined from 96.1% of those that felt it had been excellent through 72.6% of those that felt it to be adequate to 30.5% of those that felt feedback to be poor.

**Table 98: The delivery of constructive or helpful feedback compared to the quality of feedback**

	Always	Mostly	Sometimes	Never
Excellent (n=152)	69.1	29.6	1.3	-
Adequate (n=283)	28.6	51.9	19.1	0.4
Poor (n=103)	3.9	23.3	55.3	17.5

The third "positive" characteristic also demonstrated an increasing percentage of trainees that felt the feedback that they received was always constructive the better they felt the overall quality to be. This correlation between the prevalence of positive characteristics and the overall perceived quality of feedback further serves to

demonstrate the internal consistency and validity of both questions. This relationship is maintained if we examine those that felt feedback to be mostly or always. The percentage decreases from 98.7% of those that felt feedback to be excellent and always or mostly constructive to 27.2% of those that found feedback to be poor and yet constructive. There is a rapprochement in the percentages of those that felt feedback to be excellent and those that found it to be only adequate in terms of feedback that was always constructive.

**Table 99: The delivery of critical or judgmental feedback compared to the quality of feedback**

	Always	Mostly	Sometimes	Never
Excellent (n=148)	8.1	8.1	44.6	39.2
Adequate (n=277)	2.9	11.9	52.7	32.5
Poor (n=102)	11.8	20.6	43.1	24.5

There is no clear relationship between the percentage of those trainees that felt that the feedback that they received was always critical or judgmental and the perceived quality of such feedback. A higher percentage of trainees felt that the quality of feedback was poor and always critical or judgmental in delivery in comparison with those trainees that felt feedback to be excellent or adequate. However, the percentage of those that felt feedback to be excellent and always critically delivered was slightly higher than for those that found feedback to be adequate. This anomaly is reduced but does not disappear when we also include those that found the feedback to be mostly critical or judgmental although the difference with trainees that found feedback to be poor is further emphasised.

In summary, the quality, form and delivery of feedback was crucially important to training but variable across firms and within firms. Although the majority of firms operated some form of appraisal system the larger the firm the higher the percentage that did and the more likely it was to be adhered to. Half of feedback that trainees receive on an everyday basis was adequate. Considering the importance of appropriate and high quality feedback this is not impressive. There was some variation across departments and stages of training but this did not show a consistent pattern. A third of feedback included elements of instructions, feedback and wider

interest in professional development, however, as this was the ideal form of feedback the percentage could again be considered quite low. The degree of instruction decreased as training progressed and the amount of interest shown in a trainee's professional development increased slightly. Three quarters of trainees rated the delivery of feedback as positive in terms of consistency and whether it was considered and constructive. Over 80% felt that their supervisors were never either critical or judgmental. The larger the firm the more positive the rating given to the delivery of feedback and there was a very slight increase as training progressed.

These results indicate that despite the importance placed on quality supervision and consistent, considered, constructive and considerate feedback, both in the literature on training and by trainees themselves, this is not fully reflected in the reality for trainees. This is particularly the case in the smaller firms and in certain departments such as criminal litigation, where supervision is often haphazard and feedback is variable. As has been mentioned, the attitude that training is a form of education in the workplace (see knowledge and skills) reflects a degree of naiveté. In interviews many trainees expressed the opinion that Training Contracts were simply another form of job. Others, perhaps more cynically, suggested that they were being manipulated and used to perform certain functions at low cost. There is some evidence in the literature to support such a supposition. After all the Training Establishment is primarily a profit oriented institution and as such many other aspects of training are controlled or subverted to the needs of the firm. These aspects are explored in the final part of this section.

## **Control**

The role of the supervisor and their function in providing feedback form the core of the training experience for the majority of trainees, however, their training takes place within a specific work environment that is governed by a number of mechanisms that also impact upon trainees' experience of training. These mechanisms can be grouped under the notion of control; physical restrictions on space, control over work patterns, overseeing output, charging time and meeting targets. These are addressed in turn below.

### The proportion of trainees that shared an office

As one might expect, the proportion of trainees required to share an office reduces the more experienced they become. However, there is a marked relationship between the necessity to share an office and the type of firm. Trainees in large commercial firms are almost twice as likely to share an office during the early period of their Training Contract than a trainee in a smaller legally aided firm (91.4% in LCs, 71.2% in MGPs and 47.1% in SLAs). The most obvious explanation would seem to be that right from the beginning trainees in the small legal aid firms are often required to see clients and this requires a degree of privacy. This would seem to hold with the evidence of mid-sized general practice firms where one might expect trainees to see clients more often than their counterparts in larger commercial firms but less often than trainees in small legal aid firms - indeed, 76% are required to share in their first seat as compared to 96% and 48% for large commercial and small legal aid firms respectively. This can be further broken down according to whom trainees had to share with.

**Table 100: Who trainees shared an office with by type of firm**

	No-one	Super-visor	Other trainee	Assistant solicitor	Mix of people	Other situation
LC Firms (n=268)	8.6	63.1	6.7	19	-	2.6
MGP Firms (n=198)	28.8	39.4	12.1	8.1	2	9.6
SLA Firm (n=87)	52.9	23.1	12.6	-	5.7	5.7

When we compare the likelihood that a trainee shares an office against seniority in terms of the order of seats we find that apart from a slight anomaly with the fourth seat there is a growing chance that a trainee will have a room of their own the further into their Training Contract they progress from 19.6% to 24.2%. In all likelihood this relates to the increasing responsibility on them to see their own clients.

**Table 101: Of those trainees that share an office: Who do they share an office with by type of firm**

	Own supervisor	Other trainee	Assistant solicitor	Mix of people	Other situation
LC Firms (n=245)	69	7.3	20.8	-	2.9
MGP Firms (n=141)	55.3	17	11.4	2.8	13.5
SLA Firm (n=41)	48.8	26.8	-	12.2	12.2

Interestingly, of those trainees that had to share an office, there is a proportionate relationship between the size of a firm and the likelihood that a trainees will share an office with their own supervisor (or indeed anyone's supervisor). Nearly 70% of such trainees in large commercial firms shared an office with their own supervisor and nearly 70% of the remainder shared an office with an assistant solicitor. Over half of the trainees that shared an office in mid-sized general practice firms did so with their supervisor and a quarter of the remainder shared with an assistant solicitor. About a third of the remainder either shared an office with another trainee or worked in an open plan office. Just under half of trainees that shared an office in small legal aid firms shared it with their own supervisor. The majority of the remainder shared with another trainee with the rest working in a situation with a number of others.

Of those trainees required to share an office, 70% did so with their own supervisor regardless of the seat they were. For example, whilst just under half of all trainees in their first seat were required to share with their supervisor this figure rose to just over half of those in their final seat. This has quite extraordinary implications for their experience of training as sharing an office with one's supervisor was axiomatic to earlier models of apprenticeship. Despite changing attitudes to professional legal training it seems as if around half of trainees still have to maintain a working relationship with their supervisor in close "physical" proximity or, as one trainee put it, with their supervisor "constantly looking over their shoulder". Nearly 70% of the remainder shared with an assistant solicitor whilst only 8% of the total shared with a peer, a fellow trainee.

### Who trainees generally work for

Trainees were asked who they worked to in this department with the option of working solely to their supervisor, mostly to their supervisor, to several solicitors or in a team of solicitors and trainees. These categories decrease in terms of exclusivity to one's supervisor and increase in terms of the number of potential work providers and the degree of interpersonal work contact. The categories range from working exclusively for one person, your supervisor, through working mostly for them but doing some work for others, to group work, firstly accepting work from a number of different solicitors and ultimately on to true teamwork. This covers the majority of situations that trainees experience in terms of the variety of typical departmental personnel and work habits.

**Table 102: Who trainees work for by type of firm**

	Solely to supervisor	Mostly to supervisor	For several solicitors	As part of a team
LC Firms (n=268)	6.3	53	35.4	5.2
MGP Firms (n=196)	9.2	43.4	38.3	9.2
SLA Firms (n=86)	23.3	47.7	25.6	3.5

A clear relationship is evident between the form of supervisory relationship and the type of firm. The likelihood that a trainee will work solely to his or her supervisor is inversely proportional to the size of the firm and relates to the type of work typically undertaken (see below by department type). A trainee in a small legal aid firm is three times more likely to work solely to their supervisor. This also accounts for the most likely supervisory situation across all small legal aid firms sampled, with over a third of trainees working solely to their supervisors. It is also more likely that trainees in mid-sized general practice firms will work solely to their supervisors than it is for trainees in large commercial firms. However, we should be aware of the possibility that the 23.3% of trainees working solely to their supervisors in small legal aid firms may simply be an artefact of the higher number of such firms with only one principal. Overall, team-working is far from common even in the largest of firms but varies rather by the type of department (see below).

**Table 103: Who trainees work for by stage of training**

	Solely to supervisor	Mostly to supervisor	For several solicitors	As part of a team
First Seat (n=178)	9	49.4	32.6	9
Second Seat (n=172)	7.6	47.7	40.7	4.1
Third Seat (n=134)	13.4	50.7	32.8	3
Fourth Seat (n=66)	12.1	45.5	30.3	12.1

No clear picture emerges although these figures again tend to show little or no progress through the stages of training. One would expect to see a slight move from working solely to your supervisor towards accepting more work from others. This is not the case, however, this trend would be highly dependent on the type of department a trainee was in with criminal or family work tending to demonstrate a greater degree of dependence on one's supervisor's workload as opposed to say commercial or larger case based training which might tend towards teamwork and inter-linking with a number of different 'main players'. What then of differing work patterns across department types.

The responses of trainees in civil litigation departments made up nearly 30% of all departmental responses and were evenly spread between working mostly to your supervisor and working to several solicitors with a small proportion working solely to their supervisors or in a team. The response given by trainees in both family and commercial departments followed a similar, if more diffuse pattern. They were more or less evenly split between working mostly to your supervisor and working for several solicitors which together accounted for between 71% and 85% of responses in each department respectively. Responses from trainees in a property seat accounted for just over 20% of all responses. Half of these worked mostly to their supervisor with the rest working either solely to their supervisors or to several solicitors. Apart from civil litigation and property, family, company/corporate and commercial each had about 10% of the overall responses (10.1%, 9.9% and 7.1%). None of the remaining departments had sufficient responses to identify a pattern. Company/corporate departments had one of the highest percentages of trainees working mostly to their supervisors with half as many working to several solicitors

and the remaining 10% split, two-thirds working solely to their supervisors and one-third working in a team. Although these figures were too small to place a great deal of significance on they failed to support the initial supposition that trainees in company/corporate or commercial departments would be more likely to work in teams. Indeed, there appeared to be few real differences between departments.

Looking at the departments that at least five trainees had experienced, considering the percentage that did not work either solely or mostly for their supervisors, we could gain an indication of those departments that have a less supervisor-centred training programme. Trainees in employment law departments generally worked to several solicitors (56%). Civil litigation, commercial, family and private client departments also had between 45-50% of trainees working either for several solicitors or in teams. In no other department was the response above 40%. Of the six trainees on secondment it was hardly surprising that none worked solely to their supervisors.

We next need to consider whether the effect of the type of department interacts with the stage of training. Civil litigation accounts for between 17-35% of trainee responses for each seat (30.9%, 35.5%, 16.8% and 29.2% for seats 1, 2, 3 and 4 respectively). Interestingly, the pattern of response progressing from the first seat to the fourth seat demonstrates an increase in the proportion of trainees working for their supervisor. A comparison of the combined percentages for working solely or mostly to your supervisor, compared to several solicitors or in a team, for seats 1-4 gives percentages of 44% vs. 56%, 49% vs. 51%, 64% vs. 36% and 60% vs. 40% respectively. If trainees were being trained to become more self-reliant, one might expect the trend to operate in the reverse direction, with trainees becoming less dependent or exclusive to their supervisor as they gain experience and progress through their Training Contract. If, however, trainees are being used primarily as work horses, as a trainee grows in seniority the more valuable they become. So it may be that the less they are available to work to anyone who requests them and the more they are able to develop a portfolio of work under the direction of their supervisors, (who are responsible for portfolios in those departments). It would seem that work done is out-weighing greater independence.

The pattern of responses for trainees in property departments across their first to fourth seats shows a more ambiguous picture. Whilst the overall proportion of its share of responses diminishes from 29% of first seats through 21%, 17% and finally 11% for trainees' fourth seat, an examination of the combined percentages for working solely or mostly to your supervisor shows trainees as increasingly less likely to work to their supervisor from their first seat to their third (73%, 67% and 59% working solely or mostly to their supervisor), however, the percentage rises again for those in their fourth seat to 86%. If we recall that the 11% of all responses for trainees in their fourth seat only amounts to seven trainees it is possible to disregard this anomaly and view the characteristic trend as a move away from working to your supervisor. The responses from trainees in company/corporate or commercial departments are insufficient to make exact interpretations on variations as training progresses, however, the proportion of responses for both departments increased from the first seat to the fourth. It should be noted that more trainees experience these departments as their later seats. The bottom line regardless of firm, department or stage of training is that the majority of trainees work for their supervisors the majority of the time. The question then has to be to what extent do trainees find these working arrangements to be satisfactory. It is to this question that we now turn.

**The extent to which trainees find their working arrangements to be restrictive**  
Initially it makes sense to examine the relationship between the working pattern (i.e. who a trainee works to) and how restrictive they find these arrangements. The table below sets out this relationship in terms of whether trainees find their present working arrangement to be too restrictive, not close enough or just about right.

**Table 104: The relationship between the form of working arrangement and the restrictiveness of the working arrangement**

	Too restrictive	Just about right	Not close enough
Solely to your supervisor (n=53)	22.6	77.4	-
Mostly to your supervisor (n=268)	16.8	81	2.2
To several solicitors (n=191)	2.6	82.7	14.7
In a team (n=35)	-	91.4	8.6

It seems that the closer a trainee works with their supervisor the more restrictive they find it. In other words, those trainees working solely to their supervisors found this working arrangement to be too restrictive. The proportion of trainees that found their working arrangements to be 'just about right' increased the more people that a trainee worked for. The most satisfying working arrangement in terms of a balance between 'too restrictive' and 'not close enough' was provided by working as part of a team. However, earlier findings indicate that this represented an uncommon working arrangement.

Of the 53 trainees that worked solely to their supervisors, 58.8% (n=17) of those in large commercial firms found the arrangement just about right as compared to 81.3% (n=16) of those in mid-sized general practice firms and 90% (n=10) of those in small legal aid firms. Whilst the number of respondent incidence are low it is possible to indicate that the larger the firm the more restricted trainees felt working solely to their own supervisors. As we have seen from previous tables, the likelihood of working to more people increases with the size of the firm and one can speculate that this may correspondingly increase the likelihood of dissatisfaction among those whose working arrangements limit them to working solely to their own supervisor. Similarly in smaller firms trainees would be aware of the more limited number of work providers and for this reason they may be more accepting of the perceived necessity of limiting a trainee's working arrangements to their own supervisor.

In contrast, trainees found the situation of working to several solicitors to be more satisfactory the larger the firm. 93.7% (n=95) of trainees in large commercial firms found working to several solicitors to be 'just about right' as opposed to 73.3%

(n=75) of those in mid-sized general practice firms and 66.7% (n=21) of those in small legal aid firms. It could simply be that this finding reflects current working patterns in different types of firm or the types of work undertaken there.

If we examine a breakdown of these results by department type we see a very similar pattern emerge. There seems to be little difference across departments. Looking only at those departments with a sufficient number of responses to provide a spread across cells (company, commercial, property, family, criminal and civil litigation), the vast majority of trainees, regardless of their working arrangement and type of department found their situation "just about right". The percentage that found this so varied slightly between departments from 65% of trainees working solely to their supervisor in property departments ((n=20) to 100% in many of the situations where responses drop below 10. The exceptions to this latter case are the 100% of trainees working to several solicitors in company departments (n=15) that found it just about right and 90.3% (n=31) of those in a similar position in property departments. Of trainees working mostly to their supervisors over three quarters of trainees found it just about right; family 75% (n=20), property 76.3% (n=59), civil litigation 81.8% (n=66), company 84.8% (n=33) and commercial 88.9% (n=18). However, of the remainder in each department, those in commercial were evenly spread (5.6%) whilst family (25%), property (22%), company (15.2%) and civil litigation (10.1%) all tended to be viewed as too restrictive. The number of responses of trainees working in a team were generally too few to make any reliable comment.

**Table 105: How restrictive do trainees find these working arrangements in their first seat**

	Too restrictive	Just about right	Not close enough
Solely to supervisor (n=16)	25	75	-
Mostly to supervisor (n=88)	15.9	81.8	2.3
To several solicitors (n=57)	1.8	80.7	17.5
In a team (n=16)	-	87.5	12.5

**Table 106: How restrictive do trainees find these working arrangements in their second seat**

	Too restrictive	Just about right	Not close enough
Solely to supervisor (n=13)	46.2	53.8	-
Mostly to supervisor (n=82)	18.3	78	3.7
To several solicitors (n=70)	1.4	82.9	15.7
In a team (n=7)	-	100	-

**Table 107: How restrictive do trainees find these working arrangements in their third seat**

	Too restrictive	Just about right	Not close enough
Solely to supervisor (n=15)	13.3	86.7	-
Mostly to supervisor (n=68)	17.6	80.9	1.5
To several solicitors (n=44)	6.8	81.8	11.4
In a team (n=4)	-	100	-

**Table 108: How restrictive do trainees find these working arrangements in their fourth seat**

	Too restrictive	Just about right	Not close enough
Solely to supervisor (n=7)	-	100	-
Mostly to supervisor (n=30)	13.3	86.7	-
To several solicitors (n=19)	-	89.5	10.5
In a team (n=8)	-	87.5	12.5

A comparison between the supervisory and working situation of trainees and their perceptions of how restrictive these were in relation to the seat that they were experiencing demonstrates a mixed pattern of results. What is immediately apparent is that none of the trainees that work solely to their own supervisor find this arrangement to be insufficiently close, however, the proportion finding this to be too restrictive changes from a quarter of those in their first seat up to nearer half in their second. The percentage then slumps to a fraction in the third seat and disappears completely in the fourth. An explanation might be that trainees in their first seat, and

in the majority of cases their first experience of supervision, lack a baseline or comparison from which to draw a measure. By their second seat many clearly feel that working solely to their supervisor is too restrictive whilst those few who remain in this situation through the remainder of their seats grow more content.

### The degree of control that supervisors exercise over trainees

One of the most obvious forms of control over trainees and the training process centres around the degree of control exercised by supervisors over the work that trainees do. Typically this may range from supervisors that oversee virtually every task that a trainee performs to the other extreme where a supervisor may merely wait for trainees themselves to seek clarification on a task. Not only do these represent degree of control but also differing supervisory styles from an autocratic to a *laissez faire* approach.

**Table 109: The degree of control supervisors maintain by type of firm**

	Oversees all tasks	Oversees most tasks	Waits for me to seek clarification
LC Firms (n=268)	23.5	56.3	20.1
MGP Firms (n=198)	12.1	55.1	32.8
SLA Firms (n=87)	21.8	44.8	33.3

In all firms the norm is for supervisors to oversee most of their trainees work (54%). However, over a quarter of supervisors wait for trainees to seek clarification (27%). At the other extreme, almost a fifth (19%) of supervisors oversee each and every task that a trainee undertakes thereby maintaining a very high degree of control. If we re-examine these figures when broken down by the type of firm a more complicated pattern of differences appears. If we assume an increasing scale of control from "waits for me to seek clarification" to "oversees all tasks" then large commercial firms undoubtedly maintain the highest degree of control. However, small legal aid firms are not far behind in terms of the percentage of trainees who have all their work overseen. This is in contrast to those in mid-sized general practice firms where only 12% are in this situation. All in all it would seem as if large firms exert the greatest degree of control over the work their trainees do, whilst medium firms tend to

oversee most work and smaller firms operate a mixture of policies with a fifth overseeing all work and a third waiting for clarification. This may indicate a difference across departments which will become clearer with reference to the following table.

**Table 110: The degree of control supervisors maintain by type of department**

	Oversees all tasks	Oversees most tasks	Waits for me to seek clarification
Company/Corporate (n=54)	27.8	51.9	20.4
Commercial (n=39)	15.4	66.7	17.9
Property* (n=117)	18.8	56.4	24.8
Family/Matrimonial (n=56)	16.1	44.6	39.3
Criminal Litigation (n=25)	8	52	40
Civil Litigation (n=158)	15.8	53.8	30.4
Private Client Work (n=22)	18.2	54.5	27.3

\*incl. Landlord & Tenant

Supervisors in company/corporate departments seem the strictest in terms of the degree of control they maintain over the work done by their trainees. This was the only department in which more trainees felt that their supervisors oversaw all tasks than waited for them to seek clarification. The only other department close to a balance was commercial where the highest percentage of trainees felt their supervisors oversaw most tasks with a near even split of the remainder either side. Supervisors in property departments were also relatively strict with a comparatively high percentage of trainees seeing their supervisors as overseeing all or most of their work. By comparison trainees in criminal, family and civil departments had a high percentage of trainees who felt their supervisors waited for them to seek clarification. These are also the departments where trainees are most likely to see clients, receive work directly from clients and have a rapid turnover of files or cases. For this reason if no other it would be impractical for supervisors to oversee each and every task performed. The obvious corollary must highlight the possible impact on clients - a point that is surely not lost on large commercial firms with a wary eye towards claims of professional negligence and such like. However, implications extend to economic

and profit factors, quality of service and access to justice for the larger firms and small legal aid firms alike (see Discussion p431).

**Table 111: The degree of control supervisors maintain by stage of training**

	Oversees all tasks	Oversees most tasks	Waits for me to seek clarification
First Seat (n=179)	20.7	56.4	22.9
Second Seat (n=172)	16.3	55.2	28.5
Third Seat (n=135)	20.7	50.4	28.9
Fourth Seat (n=64)	18.8	54.7	26.6

According to trainees, through the early period of their training there is a gradual decrease in the percentage of supervisors overseeing all tasks and also those overseeing most tasks. There is also a corresponding increase in supervisors waiting for trainees to seek clarification. However, this all changes towards their final seat when there is an increase in the minority whose supervisors oversee all tasks and an increase over the previous seat in supervisors overseeing most tasks. This is also reflected in a slight downturn in the percentage of trainees whose supervisors wait for them to seek clarification. I earlier suggested that this may, in part at least, be due to a change in the emphasis of training from the gradually lessening supervisory control associated with training to the stricter control placed on a new member of staff with growing responsibility now dealing with the full range of work and clients. It should be noted that these trends are extremely slight and beyond the first seat there is almost no change.

### **To what extent is the work that trainees do checked**

When examining the way in which a trainee's work is checked and what kinds of mechanisms are in place to monitor trainees output, one thing is immediately apparent. There is some degree of monitoring in all firms and indeed there is a surprisingly high degree of monitoring in a large proportion of firms, regardless of a trainee's level of experience. Monitoring of course can be seen to serve a variety of functions. The most obvious purpose is to monitor a trainee's progress in order to facilitate their training, control the type or difficulty of work or task that they are

given or otherwise monitor the quality of their work to feedback into their training. This is possibly the most important mechanism for trainee feedback, along with monitoring the time taken to complete work or perform tasks. However, of time taken and quality of output, only the latter allows for constructive feedback and facilitates learning, improvement or training. The other function of checking and possibly the most important as demonstrated by trainee comments is to protect the firm from incompetence or, seen from a different perspective, to ensure clients receive competent service regardless of whether their case is handled by a trainee solicitor or a fully qualified solicitor (thereby avoiding any costly negligence suit). This illustrates the dilemmas of apprenticeship training - is it purely to train future solicitors or to provide a lower cost workforce whilst trying to ensure clients continue to be adequately served? Is this to the firms' benefit or the trainees' benefit?

The following four tables present the percentage of trainees that had their work checked in terms of the extent to which this occurred during each stage of training. That categories refer to increasingly strict and inclusive forms of checking implied in the phrases offered to trainees. These phrases ranged from "nothing checked" to "everything checked/agreed i.e. all written material and the content of telephone calls outside the firm". The intermediate phrases were; "minimal checking/if I request it", "check outgoing written material to clients i.e. correspondence, drafted documents", "check all written material going outside the firm i.e. correspondence with solicitor for the other side, other professionals etc." and "check all written material including memos". Trainees were asked how they would characterise the way that their work was checked early and later on in this department or by this supervisor. Their responses are tabulated for each stage of training.

**Table 112: When and to what extent trainees work is checked in their first seat**

	Early (n=173)	Later (n=166)
Nothing Checked	-	1.2
Minimal Checked	2.3	18.1
Outgoing Checked	4	10.2
Outside Checked	53.2	53.0
Internal Checked	13.9	7.8
Everything Checked	26.6	9.6

**Table 113: When and to what extent trainees work is checked in their second seat**

	Early (n=169)	Later (n=156)
Nothing Checked	0.6	2.6
Minimal Checked	5.3	17.3
Outgoing Checked	8.3	9.6
Outside Checked	58	53.8
Internal Checked	7.7	6.4
Everything Checked	20.1	10.3

**Table 114: When and to what extent trainees work is checked in their third seat**

	Early (n=133)	Later (n=97)
Nothing Checked	0.8	-
Minimal Checked	6	19.6
Outgoing Checked	9.8	15.5
Outside Checked	59.4	55.7
Internal Checked	6	3.1
Everything Checked	18	6.2

**Table 115: When and to what extent trainees work is checked in their fourth seat**

	Early (n=65)	Later (n=53)
Nothing Checked	1.5	5.7
Minimal Checked	10.8	20.8
Outgoing Checked	10.8	11.3
Outside Checked	63.1	54.7
Internal Checked	1.5	3.8
Everything Checked	12.3	3.8

In complete contrast to the lack of progression over seats in our previous indications, there is a neat and consistent intra-seat pattern demonstrated, with a change from the checking of written letters and documents to clients to all written material going outside the firm being checked. With the former, there is an increase in the percentage experiencing such checking from earlier to later in the seat whilst the reverse is true for those having all outgoing written material checked with the percentage of trainees decreases from earlier to later. The two exceptions, one each side of the divide, are of a insignificant percentage difference and appear incidental to the overall pattern. The inter-seat pattern is equally clear, apart from a few minor exceptions to the scheme it can be seen that the combined percentage for early and later for each seat increases from first through to a trainees fourth seat up to and including those that have all written material checked. The pattern is reversed for the final, and most extreme, two categories where all either internal material is checked or everything is checked with a decrease from seat to seat as trainees progress through their Training Contracts. These results indicate that the work trainees do is more or less constantly monitored to a greater or less extent. Having said this there is a clear balance between firms checking nothing and those that check everything. The crucial category appears to be whether or not they check all written material or not. Over half of all trainees at all stages of their training are in this category and whilst the percentage experiencing this degree of monitoring decreases within a seat it gradually increases across seats. This would seem to suggest that this is the norm for a majority of firms and that contradictorily as the work that trainees do increases in

importance so the percentage monitored increases whilst the degree of monitoring remains constant.

### The degree of financial control exercised over trainees

The whole question of control holds relevance for the learning process that trainees are able to engage in. As has been discussed in the theoretical sections not only does successful learning require reflection as well as repetition it must also allow for some trial by error i.e. minor mistakes. However, control can also produce pressures which in some instances may be counter-productive to the learning process. An obvious example of concern for many trainees is the strong perceived need for them to attract an almost immediate financial return for the Training Establishment. Any such requirement on trainees to mark time, meet targets and charge costs can be both an important part of their training and conflict with that very learning process. For this reason it is essential to uncover the degree of financial control and pressure placed on trainees in different firms or departments and at various stages of their training.

Trainees were asked two questions in relation to the degree of financial control exercised over them. Initially they were asked whether, generally, they had chargeable hour targets. Trainees were later asked specifically, in relation to each department/seat they had experienced, whether they had been required to keep a time sheet, charge time or meet targets for chargeable hours. This allows us to compare for agreement from the general (n = approx. 180 in total) to the specific (n = approx. 550 in total).

**Table 116: The percentage of firms that have chargeable hours targets for trainees by type of firm**

	Yes	No	Sometimes
LC Firms (n=81)	30.9	67.9	1.2
MGP Firms (n=66)	37.9	62.1	-
SLA Firms (n=30)	40	60	-

Just over 30% of large commercial firms required their trainees to meet chargeable hours targets but this compares to nearer 38% and 40% of trainees in mid-sized and small legal aid firms respectively. This is not necessarily what one might have

expected if we assume that larger commercially oriented firms tend to adopt stricter financial controls. However, once we are reminded of the tight profit margins of many small legally aided firms and their reliance on trainees to turn over cases/files these finding begin to make more sense.

**Table 117: The degree of financial control exercised over trainees by type of firm**

	Required to keep a time sheet	Required to charge time	Required to meet targets	Mix of all three	Other
LC Firms (n=267)	67.4	10.9	0.7	20.6	0.4
MGP Firms (n=192)	51	15.6	1.6	26.6	5.2
SLA Firms (n=87)	40.2	20.7	9.2	25.3	4.6

When asked specific points about financial control, their responses clearly confirm the previous results that trainees in smaller firms are more likely to be expected to charge time and are under stricter financial control. The mildest form of financial control offered to trainees is having to keep some form of time sheet whereby they log the time spent on various tasks or in different activities. Having to charge time or meet targets for chargeable time are both qualitatively different and far more severe because they involve marking the time spent on a particular case in the file to be charged by the accounts department to the client or in the case of meeting targets of meeting quotas of such charged time per hour, day, week or month. As can be imagined these methods can place enormous pressure upon trainees in terms of the amount of time they feel they can give over to the process of "learning the ropes". Over a quarter of trainees in small legal aid firms had to charge time or meet such targets, compared to 17% and 12% of those in mid-sized or large firms. The division between small or mid-sized and the larger, primarily commercial, firm widens if we include the combination responses. This seems natural as a combination of time sheet, chargeable hours and targets could only be stricter than keeping a time sheet itself. Is this difference between firms due to the types of department or a faster progression through training? These questions can only be answered by examining a breakdown by stage of training and then department type.

**Table 118: The percentage of trainees that have chargeable hours targets by stage of training**

	Yes	No	Sometimes
First Seat (n=176)	35.2	64.2	0.6
Second Seat (n=169)	35.5	63.9	0.6
Third Seat (n=132)	37.1	62.1	0.8
Fourth Seat (n=62)	33.9	64.5	1.6

Through seats one to three there was a gradual increase in the likelihood that a firm will expect trainees to meet chargeable hours targets. Curiously, there is an anomaly in the fourth seat where fewer trainees are expected to meet such targets than had been expected to when they began their Training Contract. In addition, there is an increasing likelihood that trainees will come under the control of a mixture of financial methods as they pass from seat to seat.(see below).

**Table 119: The degree of financial control exercised over trainees by stage of training**

	Required to keep a time sheet	Required to charge time	Required to meet targets	Mix of all three	Other
First Seat (n=175)	58.3	14.9	2.9	4.6	19.4
Second Seat (n=170)	58.2	14.1	1.8	-	25.9
Third Seat (n=134)	56	14.2	3	0.7	26.1
Fourth Seat (n=64)	56.3	12.5	1.6	-	29.7

Curiously, this table show almost no variation in the proportion or degree of financial control as trainees move from seat to seat and progress through their training. This may represent the actuality in departments or merely the poor recollection of trainees after the event.

**Table 120: The percentage of firms that have chargeable hours targets by type of department (with 19 or more responses)**

	Yes	No	Sometimes
Company/Corporate (53)	30.2	69.8	-
Commercial (38)	39.5	57.9	2.6
Wills/Probate/Trusts (19)	36.8	63.2	-
Property* (113)	32.7	65.5	1.8
Family/Matrimonial (54)	37	63	-
Criminal Litigation (24)	29.2	70.8	-
Civil Litigation (156)	37.8	61.5	0.6
Private Client Work (22)	36.4	63.6	-

\*incl. Landlord & Tenant

However, variation does not seem to be linked very strongly to department type with different departments demonstrating a range of just over 10% in the percentage that require trainees to charge time. Furthermore these variations contrast with those presented in the more specific table referring to trainee's experiences in particular seats.

**Table 121: The degree of financial control exercised over trainees by type of department (with 19 or more responses)**

	Required to keep a time sheet	Required to charge time	Required to meet targets	Mix of all three	Other
Company/Corporate (54)	72.2	11.1	-	16.7	-
Commercial (39)	59	15.4	-	25.6	-
Wills/Probate/Trusts (19)	68.4	5.3	-	26.3	-
Property* (115)	60.9	13	3.5	20.9	1.7
Family/Matrimonial (56)	44.6	19.6	5.4	21.4	8.9
Criminal Litigation (24)	45.8	25	4.2	20.8	4.2
Civil Litigation (156)	55.8	10.3	2.6	30.1	1.3
Private Client Work (21)	57.1	19	4.8	9.5	9.5

\*incl. Landlord & Tenant

If anything, trainees in those departments that have a higher degree of direct client contact are most likely to be expected to start charging time and meeting targets whilst the lower client contact department such as company keep most trainees on time sheets.

In summary, there are a host of ambiguous answers to the questions surrounding physical and financial controls over the work that trainees do and the time they spend doing it. The proportion of trainees that share an office decreases as training progresses and sharing an office is less common among trainees in small legal aid firms than larger firms. A high proportion of trainees are required to share an office with their supervisor which implies a particular form of training with overtones of the old apprenticeship model. The smaller a firm the more likely a trainee is to work solely to their supervisor. There does not appear to be a great deal of progress through seats or across departments. This is a finding that is mirrored in later results. The closer a trainee works to their supervisor the greater the chance that they will find this to be too restrictive. In many ways the preferred manner of working would seem to be teamworking although very few trainees have actually experienced this. Could this be a case of the grass on the other side of the valley is greener? Supervisors generally oversee a surprising amount of the work that trainees do although this is less so in mid-sized general practice firms and in the departments with higher client contact such as criminal litigation. This carries implications for quality control and client service. Again, there does not appear to be any significant decrease in the extent to which supervisors oversee the work that trainees do regardless of the stage of training. Indeed there may be a slight increase in the degree of checking although this in itself belies a decrease in the percentage of trainees that have all their work checked. This may reflect both a general need to ensure quality or avoid mistakes and possible claims of negligence and a process of training which relies less on comprehensive checking as trainees grow in experience. Finally, in terms of financial controls the larger the firm the less the degree of financial control placed on trainees or inversely, in small legal aid firms over a quarter of trainees are required to charge time or meet targets for charged time.

### **4.3 Knowledge and Skills**

The results section on knowledge and skills looks at trainee confidence and competence at performing certain tasks and explores the form and process of learning and the role of reflection. This includes whether trainees feel that the Law Society Finals provided an adequately preparation for articles, how often trainees ask advice of a solicitor other than their supervisor and how competent trainees expect to be. How confident do trainees currently feel and how confident do trainees expect to feel about interviewing clients, dealing with other solicitors or dealing with other professionals? Do trainees have sufficient time for reflection in order to learn from the training experience and do they feel that there can be a conflict between charging time and this learning process? Time for reflection is essential in order for trainees to recognise and internalise patterns - the basis of legal understanding. Experience alone does not necessarily equal to expertise (Sherr, 1993; Blasi, 1993). Trainees also talk about their continued development; what areas have trainees had instruction in? Are trainees undertaking Continuing Education? What form if any should continuing education take? Do trainees feel that some form of integration of vocational training (i.e. the former Law Society Finals or Legal Practice Course) with practical training (i.e. the first year of the Training Contract) would be a good thing and what form might it take? Finally, in this section, trainees were asked for their views on specialisation. Do trainees expect to specialise? In what areas do trainees expect to specialise and at what stage do they expect to specialise? Do trainees expect to require further training after articles in addition to continuing education?

#### **Law Society Finals**

For many trainees the successful completion of the professional examination represents a crucial phase in the process of becoming a solicitor. Until recently this examination was called the Law Society Finals examination. It has since changed to become the Legal Practice Course (see Education and Training). All of the respondents of this survey would have taken the original Law Society Finals course and examination. It is this course that provided the initial professional grounding for the subsequent stage of articles, or more properly now, Training Contract. It seemed appropriate to ask trainees a general question - How would you rate the Law Society

Finals course in terms of the preparation it provided for articles? Their responses are tabulated and analysed below.

**Table 122: How trainees rated the Law Society Finals course in terms of the preparation it provided for articles by type of firm**

	Excellent	Good	OK	Poor	Inadequate
LC Firms (n=80)	-	22.5	40.1	26.3	11.3
MGP Firms (n=66)	-	28.8	47	19.7	4.5
SLA Firm (n=31)	6.5	22.6	35.5	25.8	9.7

The highest proportion of trainees rated the Law Society Finals course as providing adequate preparation for articles. There were slight differences between the views of trainees in different types of firm. Trainees in small legal aid firms were more likely to rate the Law Society Finals course as poor whilst those in mid-sized general practice firms tended to rate the preparation it provided for articles as good. However, small legal aid firms were the only type of firm where any, in this case two, trainees rated the Law Society Finals course as excellent. The response of trainees in large commercial firms fell somewhere between those of trainees in the medium and smaller firms although there was a slight tendency towards the view of the Law Society Finals as less than adequate.

These findings indicate that trainees began their Training Contracts in a state that was less than well prepared. Given this presumed gap in the knowledge and skills demanded of trainees by the reality of training within firms did trainees feel able to seek help and advice from others?

### Asking advice

Previous research demonstrated the recognised importance for trainee legal professionals to be able to seek advice from a wide variety of persons within their specific legal environment if they were to develop a support structure to help them through the early, and perhaps formative, period of professionalisation and cultural adjustment (Shapland, Wild and Johnston, 1995: pp50). Trainees' experience of training and their continuing development of appropriate knowledge and skills depended on the culture of advice asking engendered within different firms and

departments. To this end trainees were asked how often they sought advice from a solicitors other than their supervisor.

**Table 123: How often do trainees ask advice by type of firm**

	At least once a day	2-3 times a week	Once a week	Twice a month	Never
LC Firms (n=268)	25.7	36.9	23.5	10.8	3
MGP Firms (n=198)	33.3	35.4	19.2	10.1	2
SLA Firms (n=87)	20.7	31	21.8	16.1	10.3

A glance at the totals regardless of firm type provides a 'normal' advice asking profile of 2-3 times a week, sometimes slightly more, sometimes slightly less. However, 85% of all trainees asked advice of someone else between once a day and once a week. How then does this profile vary according to the type of firm? Large commercial firms fit the profile almost exactly, which is not altogether surprising considering that trainees in these firms make up nearly half the total sample of incidence (48.5% of trainee seats). If this sample bias is removed by comparing firm type percentages, we see that trainees in mid-sized general practice firms tend to ask advice of others more often and/or perhaps more freely while, surprisingly, trainees in small legal aid firm are less likely to ask advice as often perhaps indicating a greater self reliance or restricted opportunity to ask advice. There is further cause for concern when we realise that trainees in smaller firms are far more likely to work solely to their own supervisors and have a greater chance of managing their own caseload. However, it remains unclear at what point not getting or seeking advice become problematic.

**Table 124: How often do trainees ask advice by type of department**

	At least once a day	2-3 times a week	Once a week	Twice a month	Never
Company/Corporate (n=54)	20.4	29.6	29.6	14.8	5.6
Commercial (n=39)	23.1	38.5	28.2	5.1	5.1
Tax/Financial Planning (n=14)	28.6	50	7.1	14.3	-
EC Law (n=5)	-	40	40	20	-
Planning (n=2)	-	50	-	-	50
Wills/Probate/Trusts (n=19)	21.1	21.1	26.3	21.1	10.5
Property* (n=117)	24.8	29.1	22.2	17.9	6
Other Non-Contentious (n=4)	-	50	25	25	-
Family/Matrimonial (n=56)	32.1	30.4	21.4	12.5	3.6
Criminal Litigation (n=25)	40	36	16	8	-
Civil Litigation (n=158)	28.5	42.4	20.3	7	1.9
Other Contentious (n=1)	100	-	-	-	-
Employment Law (n=9)	44.4	44.4	11.1	-	-
Insolvency (n=8)	62.5	25	12.5	-	-
Intellectual Property (n=9)	11.1	44.4	33.3	11.1	-
Private Client Work (n=22)	36.4	40.9	13.6	9.1	-
Secondment (n=6)	33.3	33.3	33.3	-	-
Not Applicable (n=1)	-	100	-	-	-

\*incl. Landlord & Tenant

The eight department headers with at least 19 responses fall neatly into three categories in terms of the frequency with which trainees ask advice. Advice is most frequently sought by those trainees in criminal, family, private client or civil litigation departments. The first three of these department headers rate highest in the most frequent, once a day category whilst trainees asking advice at least once a day or 2-3 times a week account for 77.3%, 76% and 70.7% of all trainees in the private client, the criminal litigation and civil litigation departments respectively. Private client and civil litigation department trainees also represent the highest percentage of those asking advice 2-3 times a week. Trainees in family departments fall below the 70% threshold with only 62.5% of them asking advice 2-3 times a week or more, as

responses are more spread out across the spectrum indicating a greater variation in practice. Trainees in company or commercial departments ask advice less frequently, topping the once a week category, although both are weighted towards the more frequent categories.

**Table 125: How often do trainees ask advice by stage of training**

	At least once a day	2-3 times a week	Once a week	Twice a month	Never
First Seat (n=179)	31.8	35.2	19.6	12.3	1.1
Second Seat (n=172)	28.5	27.9	27.3	12.2	4.1
Third Seat (n=135)	24.4	40.7	17.8	9.6	7.4
Fourth Seat (n=64)	20.3	46.9	21.9	7.8	3.1

As trainees move through their Training Contract they tend to ask advice less often. The percentage decreases from around once a day to 2-3 times a week although it does not seem to drop much below this level. This may reflect less need to ask advice, less time or opportunity to ask advice or a growing concern among trainees not to demonstrate uncertainty or ignorance. This relates to ideas of 'saving face' (Becker et al, 1961) particularly given the keenly felt pressure for trainees to gain a place in the firm beyond the Training Contract.

### **Trainee competence**

Trainees were asked to speculate on the degree of competence they expect to feel once they have completed their Training Contract. This related particularly to the extent of competence a trainees expects to feel within a single specialism or across all specialism.

**Table 126: The extent to which trainees feel they will be competent once they have completed their Training Contracts by type of firm**

	All areas of practice	A wide specialism	A particular specialism	Several wide specialisms
LC Firms (n=77)	10.4	68.8	19.5	1.3
MGP Firms (n=62)	24.2	59.7	16.1	-
SLA Firms (n=29)	37.9	37.9	24.1	-

The smaller the firm the more likely a trainee is to feel competent across all areas of practice. Similarly, the larger the firm the more likely a trainee is to feel competent across a wide specialism or several wide specialisms. A quarter of the trainees in small legal aid firms only expected to be competent in a particular specialism. This figure fell to a fifth of those in large commercial firms and even less of those in mid-sized general practice firms. These results are not surprising for several reasons mainly resulting from the form and structure of different types of firms and the training they provide. The smaller a firm the fewer the number of specialisms or separate areas of practice covered and therefore the size of the 'all' mentioned in the question. Also the smaller firms concentrate in all likelihood on a limited area of work (legal aid funded) or in a particular specialism hence the 25%. However, they indicate that trainees themselves do not expect to feel competent as the generalist solicitors their training is designing them to be.

**Table 127: The extent to which trainees feel they will be competent once they have completed their Training Contracts by stage of training**

	All areas of practice	A wide specialism	A particular specialism	Several wide specialisms
First Seat (n=7)	42.9	57.1	-	-
Second Seat (n=33)	15.2	63.6	21.2	-
Third Seat (n=64)	26.6	53.1	18.8	1.6
Fourth Seat (n=64)	14.1	65.6	20.3	-

Trainees' responses by order of seat are again somewhat ambiguous. Responses for trainees in their second and fourth seats are almost identical and those for seats one

and three are similar. Despite this, it is possible to discern a trend as trainees progress through their seats towards an expectation of more specialised competence. Nearly 43% of trainees in the early stages of their training expect to be competent across all areas of practice. By their second seat this has fallen dramatically to just over 15%. Similarly, there is a move from expected competence in a wide specialism to competence in a particular specialism. However, this shift in expectation from the first seat to the second does not continue through seats three and four. This may mean that trainees find different specialisms to be very different in actuality or simply that the culture of solicitors treats the work as very different. The latter supposition fits neatly with other findings that indicate little or no pattern across seats. A possible implication of all this is that skills that are disassembled are either useless or are considered to be useless by supervisors who place a premium on situated learning.

**Table 128: The extent to which trainees feel they will be competent once they have completed their Training Contracts by sex of trainee**

	All areas of practice	A wide specialism	A particular specialism	Several wide specialisms
Male (n=102)	23.5	56.9	19.6	-
Female (n=66)	15.2	65.2	18.2	1.5

There are no large differences between the expectations of male and female trainees in terms of the degree of specialisation by the end of their training. A higher proportion of male trainees expect to be competent across all areas of practice.

**Table 129: A comparison of the percentage of trainees that expect to require further training and the extent to which they feel they will be competent once they have completed their Training Contracts**

	All areas of practice	A wide specialism	A particular specialism	Several wide specialisms
A little training (n=26)	19.2	61.5	19.2	-
Some training (n=99)	25.3	59.6	14.1	1
A lot of training (n=39)	7.7	59	33.3	-
No further training (n=3)	33.3	66.7	-	-

A correlation of these two questions was not shown to be significant. A higher proportion of trainees that expected to require a lot of training expected to specialise in a particular area compared to those expecting less training but a similar degree of specialism.

### Trainee confidence

Trainees were asked how confident they felt about interviewing clients, and dealing with other solicitor or other professionals. These figures can then be compared with the following table where trainees were asked how confident they expected to be by the end of their Training Contract in performing these tasks. The intention is to provide a comparison between the present level of trainee confidence and the expected level of confidence at the end of their Training Contract.

#### Trainee confidence at interviewing clients

Trainees were asked how confident they felt about interviewing clients and how confident they expected to feel towards the end of their Training Contract. The following tables are paired offering a comparison by type of firm, stage of training and sex of trainee.

**Table 130: The percentage of trainees that currently feel confident about interviewing clients by type of firm**

	Not at all confident	Quite confident	Very confident
LC Firms (n=78)	19.2	62.8	17.9
MGP Firms (n=66)	4.5	54.5	40.9
SLA Firms (n=31)	-	71	29

**Table 131: The percentage of trainees that expect to feel confident about interviewing clients by type of firm**

	Not at all confident	Quite confident	Very confident
LC Firms (n=77)	2.6	53.2	44.2
MGP Firms (n=63)	3.2	33.3	63.5
SLA Firms (n=30)	-	53.3	46.7

Trainees in mid-sized general practice firms felt most confident about interviewing clients. Trainees in small legal aid firms were less confident although they were still relatively confident. The trainees in large commercial firms were the least confident about interviewing clients. This pattern could simply reflect the opportunity trainees in different types of firms had had to interview clients. Those in mid-sized and small firms were far more likely to have experienced interviewing clients and therefore felt more confident about doing so. A glance at the second table (Table 131) shows that trainees in large commercial firms expect to be as confident as trainees in small legal aid firms at interviewing clients by the end of their Training Contract whilst trainees in mid-sized general practice firms outstrip trainees in both of these types of firms with practically two thirds of trainees expecting to be very confident by the end of their training.

**Table 132: The percentage of trainees that currently feel confident about interviewing clients by stage of training**

	Not at all confident	Quite confident	Very confident
First Seat (n=7)	14.3	42.9	42.9
Second Seat (n=35)	8.6	68.6	22.9
Third Seat (n=70)	7.1	65.7	27.1
Fourth Seat (n=63)	14.3	54	31.7

**Table 133: The percentage of trainees that expect to feel confident about interviewing clients by stage of training**

	Not at all confident	Quite confident	Very confident
First Seat (n=7)	-	28.6	71.4
Second Seat (n=36)	-	30.6	69.4
Third Seat (n=68)	1.5	51.5	47.1
Fourth Seat (n=59)	5.1	50.8	44.1

All trainees were asked how confident they felt about interviewing clients at the present moment. The results are ambiguous when examined by order of seat. One might expect trainees to grow in confidence as they progress through their training and experience more. Alternatively one could argue that trainees may express an

exuberant confidence early on in their Training Contract, a confidence which they come to question as they begin to interview clients and realise their shortcomings. There would then be a gradual increase in confidence with learning as they develop a body of experience. This latter scenario appears to best fit the actual pattern of response where initially trainees feel confident about interviewing clients. This initial confidence is challenged in their second seat and the number of trainees that felt very confident halves. There is then a gradual increase in confidence over the two remaining seats. Curiously, the percentage of trainees that expect to feel very confident in interviewing clients by the end of their Training Contract is lower the further into their training a trainee is. Five of the seven trainees in their first seat felt that they would be very confident by the end of their training. This proportion dropped slightly for trainees in their second seat and then fell dramatically for those in seats three and four. This may be explained by the initial scenario proposed above. The further into their training they are not only do trainees develop a more realistic view of their abilities in interviewing client i.e. "we've still got a lot to learn" but they also reassess their expectation vis-à-vis the degree of confidence they expect to have at the end of their training.

**Table 134: The percentage of trainees that currently feel confident about interviewing clients by sex of trainee**

	Not at all confident	Quite confident	Very confident
Male (n=111)	9	59.6	31.5
Female (n=64)	12.5	64.1	23.4

**Table 135: The percentage of trainees that expect to feel confident about interviewing clients by sex of trainee**

	Not at all confident	Quite confident	Very confident
Male (n=104)	1.9	44.2	53.8
Female (n=66)	3	48.5	48.5

The spread of responses across the categories is similar for both sexes and for present confidence as opposed to trainees' expected confidence. However, female trainees consistently rate their confidence in interviewing clients slightly lower than male

trainees. This is true for their present level of confidence in performing this task and their expected confidence, which is substantially higher but remains a few percent short of the expected confidence of male trainees.

### Trainee confidence in dealing with other solicitors

Trainees were asked how confident they felt about dealing with other solicitors and how confident they expected to feel by the end of their Training Contract. The following tables offering a comparison by type of firm, stage of training and sex of trainee.

**Table 136: The percentage of trainees that currently feel confident dealing with other solicitors by type of firm**

	Not at all confident	Quite confident	Very confident
LC Firms (n=78)	5.1	71.8	23.1
MGP Firms (n=66)	10.6	75.8	13.6
SLA Firms (n=31)	9.7	83.9	6.5

**Table 137: The percentage of trainees that expect to feel confident dealing with other solicitors by type of firm**

	Not at all confident	Quite confident	Very confident
LC Firms (n=77)	1.3	45.5	53.2
MGP Firms (n=63)	1.6	54	44.4
SLA Firms (n=30)	3.3	63.3	33.3

The degree of confidence that trainees feel in dealing with other solicitors increases with the size of the firm that they are in. This relationship remains for the degree of confidence trainees expect to have by the end of their training. This could be called the 'snob effect' - the larger and more impressive a firm the more it reflects glory on and imbues confidence in its trainees.

**Table 138: The percentage of trainees that currently feel confident about dealing with other solicitors by stage of training**

	Not at all confident	Quite confident	Very confident
First Seat (n=7)	14.3	85.7	-
Second Seat (n=35)	5.7	71.4	22.9
Third Seat (n=70)	11.4	78.6	10
Fourth Seat (n=63)	4.8	73	22.2

**Table 139: The percentage of trainees that expect to feel confident about dealing with other solicitors by stage of training**

	Not at all confident	Quite confident	Very confident
First Seat (n=7)	-	28.6	71.4
Second Seat (n=36)	-	41.7	58.3
Third Seat (n=68)	2.9	54.4	42.6
Fourth Seat (n=59)	1.7	57.6	40.7

Trainees gave an ambiguous pattern of responses when examined by order of seat. Trainees increased in confidence within each year of their Training Contract but not between the first and second year. These variations in how confident trainees feel about dealing with other solicitors are not large. However, the variations in expected confidence are clearer and demonstrate a regular pattern. The proportion of trainees that expect to feel very confident decreases the further into their training that trainees are. This proportion falls by over 30% from 70% for trainees in their first seat to about 40% for those in their final seat.

**Table 140: The percentage of trainees that currently feel confident about dealing with other solicitors by sex of trainee**

	Not at all confident	Quite confident	Very confident
Male (n=111)	10.8	74.8	14.4
Female (n=64)	3.1	76.6	20.3

**Table 141: The percentage of trainees that expect to feel confident about dealing with other solicitors by sex of trainee**

	Not at all confident	Quite confident	Very confident
Male (n=104)	1.9	53.8	44.2
Female (n=66)	1.5	48.5	50

Interestingly, female trainees feel more confident in dealing with other solicitors than their male counterparts. This remains the case for the degree of confidence that trainees expect to have in dealing with other solicitors by the end of their Training Contract. A possible explanation is that whilst female trainees feel slightly less confident when dealing with people from outside their firm, particularly clients in a very masculine environment such as police stations, they possess a greater degree of interpersonal skills when dealing with other solicitors within their own firm and equals from another firm.

#### **Trainee confidence in dealing with other professionals**

Trainees were asked how confident they felt about dealing with other professionals and how confident they expected to feel by the end of their Training Contract. The following tables are give findings by type of firm, stage of training and sex of trainee.

**Table 142: The percentage of trainees that currently feel confident dealing with other professionals by type of firm**

	Not at all confident	Quite confident	Very confident
LC Firms (n=78)	5.1	69.2	25.6
MGP Firms (n=65)	3.1	73.8	23.1
SLA Firms (n=31)	3.2	83.9	12.9

**Table 143: The percentage of trainees that expect to feel confident dealing with other professionals by type of firm**

	Not at all confident	Quite confident	Very confident
LC Firms (n=77)	-	46.8	53.2
MGP Firms (n=63)	-	54	46
SLA Firms (n=30)	3.3	60	36.7

Trainees' confidence in dealing with other professionals shows the same pattern of response for both present confidence and expected confidence as trainees had felt when dealing with other solicitors. Hence, trainees feel increasingly confident the larger the firm they are in although the difference between trainees in large commercial firms and mid-sized general practice firms is only very slight. This relationship persists and indeed is amplified when we look at the proportion of trainees that expect to feel very confident in dealing with other professionals by the time they have finished their training.

**Table 144: The percentage of trainees that currently feel confident about dealing with other professionals by stage of training**

	Not at all confident	Quite confident	Very confident
First Seat (n=7)	-	100	-
Second Seat (n=34)	-	73.5	26.5
Third Seat (n=70)	7.1	72.9	20
Fourth Seat (n=63)	3.2	71.4	25.4

**Table 145: The percentage of trainees that expect to feel confident about dealing with other professionals by stage of training**

	Not at all confident	Quite confident	Very confident
First Seat (n=7)	-	28.6	71.4
Second Seat (n=36)	-	41.7	58.3
Third Seat (n=68)	1.5	52.9	45.6
Fourth Seat (n=59)	-	59.3	40.7

Again, there is an ambiguous response pattern when examined by the stage of training that trainees are presently in. There is an increase in confidence within each year of the Training Contract but not between the first and second year. This ambiguity transforms into diminishing confidence with experience when trainees are asked how confident they expect to be. Over 70% of trainees in their first seat expect to be very confident in dealing with other professionals by the end of their training whilst only 40% of those in their final seat expect to be this confident - a fall of 30%. This could be the result of a growing sense of realism as trainees have greater experience in actually dealing with other professionals and the difficulties involved.

**Table 146: The percentage of trainees that currently feel confident about dealing with other professionals by sex of trainee**

	Not at all confident	Quite confident	Very confident
Male (n=110)	5.5	72.7	21.8
Female (n=64)	1.6	75	23.4

**Table 147: The percentage of trainees that expect to feel confident about dealing with other professionals by sex of trainee**

	Not at all confident	Quite confident	Very confident
Male (n=104)	1	51	48.1
Female (n=66)	-	53	47

There is very little difference in terms of gender. Female trainees were slightly more confident when dealing with other professionals and yet slightly fewer expected to be very confident by the end of their training in comparison to their male counterparts.

### **Time for reflection**

Much has been made in the discussion around knowledge and skills of the importance of reflection to the learning process. Similarly, throughout much of the literature on training and vocational education there is an emphasis not only on the opportunity to experience but also the time to reflect upon that experience (e.g. Schön, 1983). What opportunities did trainees have to reflect upon their training and how important did they feel that such an opportunity was? Also to what extent did trainees experience

conflict if any between the observed need for many trainees to log time in various ways and the time given over for reflection. It is the responses to these questions that are addressed here.

**Table 148: The amount of time that trainees have for reflection by type of firm**

	Plenty	Sufficient	Insufficient	Virtually none
LC Firm (n=263)	9.5	71.5	16.7	2.3
MGP Firm (n=198)	11.6	57.6	23.7	7.1
SLA Firm (n=87)	8	57.5	26.4	8

The majority of trainees felt that they had sufficient time for reflection. Around ten percent of trainees felt that they had had plenty of time for reflection which breaks down into 11.6% of trainees in mid-sized general practice firms, 9.5% of those in large commercial firms and only 8% of trainees from small legal aid firms. However, a substantial minority of trainees felt that they had had insufficient or virtually no time for reflection, as high as 34.4% in small legal aid firms. Effectively, this means that up to one third of trainees in certain types of firm experienced training without the time to reflect and, according to preliminary research, learn (Sherr, 1993). There did not appear to be any significant variation by either gender or age of trainee.

**Table 149: The amount of time that trainees have for reflection by type of department**

	Plenty	Sufficient	Insufficient	Virtually none
Company/Corporate (n=54)	13	66.7	16.7	3.7
Commercial (n=39)	10.3	84.6	5.1	-
Wills/Probate/Trusts (n=19)	21.1	57.9	15.8	5.3
Property * (n=115)	6.1	61.7	26.1	6.1
Family/Matrimonial (n=56)	8.9	53.6	26.8	10.7
Criminal Litigation (n=25)	4	68	20	8
Civil Litigation (n=157)	8.9	63.1	22.3	5.7
Private Client Work (n=20)	15	65	20	-

\*incl. Landlord & Tenant

There was some variation in the amount of time that trainees had for reflection in different departments. For example, between 28% and 37.5% of trainees in family, civil or property departments felt they had insufficient or virtually no time for reflection during their training in these departments, which compared to as little as 5.1% of trainees in commercial departments. There was, however, no difference across seats with no noticeable increase or decrease in the amount of time that trainees felt they had had for reflection regardless of the seat or stage of training that they were in.

**Table 150: A comparison of the amount of time that trainees have for reflection and the importance that they place upon having such time**

	Importance of reflection*				
	1	2	3	4	5
Plenty (n=51)	-	3.9	21.6	11.8	62.7
Sufficient (n=315)	1	6.3	20.6	29.8	42.2
Insufficient (n=103)	2.9	4.9	20.4	27.2	44.7
Virtually none (n=24)	-	8.3	16.7	16.7	58.3

\*Please note this is an increasing scale of importance from 1 to 5

A comparison of the amount of time that trainees felt that they had had for reflection and the importance that they placed upon such time showed an interesting pattern. On the whole, trainees that felt they had had plenty of time for reflection, and those that felt that they had had virtually no time rated the opportunity for reflection more highly than trainees that felt they had had either sufficient or insufficient time for reflection. This could be a reaction to the perception that trainees have of the adequacy of the work that they do. This trend is apparent in two ways, firstly, there is a preponderance of responses higher up the rating scale and secondly, a greater percentage of these trainees rate time for reflection as of maximum importance (5 on a scale of 5) - though the second of these indicators virtually disappears if we combine the responses of those trainees that rate the opportunity to reflect as either a 4 or 5. There are two obvious explanations, neither of which shed light on the issue at stake. One explanation is statistical, the other more psychological. Statistically we might expect the far greater response rates for the sufficient and insufficient

categories to yield a broader normal distribution. Psychologically speaking, those trainees that hold an extreme position vis-à-vis one variable namely the amount of time they have for reflection are, I would suggest, more likely to express an extreme opinion on the importance of having such time for reflection. For these reasons it would be unwise to place a high degree of significance on this slight variation in the pattern of distribution of responses. However, an examination of trainees' rating of importance in relation to other factors may in itself yield points of interest.

**Table 151: The importance of time for reflection by type of firm**

	Importance of reflection*				
	1	2	3	4	5
LC Firm (n=242)	2.1	7	20.2	23.6	47.1
MGP Firm (n=179)	0.6	6.1	16.8	31.8	44.7
SLA Firm (n=72)	-	1.4	30.6	25	43.1

\*Please note this is an increasing scale of importance from 1 to 5

The percentage of trainees that rated the opportunity for reflection most highly increased with the size of firm from trainees in the smaller legal aid firms to those in mid-sized general practice firms and finally, to large commercially oriented firms. Although a slight trend is observable in the figures above it was not statistically significant.

**Table 152: The importance of time for reflection by type of department**

	Importance of reflection*				
	1	2	3	4	5
Company/Corporate (n=49)	2	4.1	16.3	32.7	44.9
Commercial (n=36)	2.8	13.9	13.9	25	44.4
Wills/Probate/Trusts (n=18)	-	-	22.2	22.2	55.6
Property** (n=101)	3	4	18.8	25.7	48.5
Family/Matrimonial (n=47)	-	6.4	12.8	27.7	53.2
Criminal Litigation (n=20)	-	-	35	35	30
Civil Litigation (n=145)	-	6.9	23.4	26.2	43.4
Private Client Work (n=19)	-	5.3	10.5	21.1	63.2

\* please note this is an increasing scale of importance from 1 to 5

\*\* incl. Landlord & Tenant

A majority of trainees in private client, wills/probate/trusts and family departments felt that time for reflection was of maximum importance (5 on a scale of 5). Apart from trainees in criminal litigation departments, where only 30% felt this way, between 43.4% and 48.5% of trainees in the remaining departments with at least 18 responses saw time for reflection as extremely important.

**Table 153: The importance of time for reflection by stage of training**

	Importance of reflection				
	1	2	3	4	5
First Seat (n=164)	-	6.1	19.5	26.2	48.2
Second Seat (n=158)	1.9	5.1	22.8	25.3	44.9
Third Seat (n=115)	0.9	5.2	21.7	27.8	44.3
Fourth Seat (n=53)	3.8	9.4	13.2	32.1	41.5

\*Please note this is an increasing scale of importance from 1 to 5

The proportion of trainees that rate the time for reflection as extremely high reduces as trainees progress through their training from seat one to four. Although this trend is again not statistically significant it is the reverse of what one might expect unless it simply recorded the fact that as trainees progress from seat to seat they find less time for reflection and yet place no greater value upon it. Could this be, at least partly, as the result of an increasing conflict with the need to charge time?

**Table 154: The percentage of trainees that felt there to be a conflict between the need to charge time and their learning process by type of firm**

	Never	Sometimes	Much of the time	Always
LC Firms (n=81)	21	66.7	9.9	2.5
MGP Firms (n=63)	19	63.5	11.1	6.3
SLA Firms (n=30)	16.7	63.3	20	-

Over 60% of all trainees felt that there was sometimes a conflict between the need to charge time and their learning process. The proportion that felt that such a conflict existed decreased with size of firm. About 10% of trainees in large or medium sized

firms felt such a conflict to exist much of the time as compared to 20% of those in smaller legal aid firms. Conversely, the proportion that felt that there was never a conflict between charging time and learning increased from the smaller firms to mid-sized and then large commercial firms.

**Table 155: The percentage of trainees that felt there to be a conflict between the need to charge time and their learning process by stage of training**

	Never	Sometimes	Much of the time	Always
First Seat (n=6)	16.7	83.3	-	-
Second Seat (n=35)	22.9	54.3	17.1	5.7
Third Seat (n=69)	15.9	72.5	7.2	4.3
Fourth Seat (n=64)	21.9	60.9	15.6	1.6

It is difficult to make any immediate sense out of the responses that trainees gave in each of the seats. Trainees in their first seat are less likely to indicate there to be a conflict between the need to charge time and their learning process. The spread of responses between those that felt such a conflict to exist some of the time or always was more or less the same for trainees in their second or fourth seats. The difference between these trainees and those in their third seat is that the spread was less with a higher proportion indicating that a conflict existed some of the time. This then does not seem to provide an explanation for the lack of an increase in the importance of time for reflection as trainees move from seat to seat.

**Table 156: A comparison of trainees that have chargeable hours targets and those that find conflict between this and the learning process**

	Never	Sometimes	Much of the time	Always
Yes (n=62)	11.3	71	9.7	8.1
No (n=110)	24.5	60.9	13.6	0.9
Some depts (n=1)	-	100	-	-

In summary, whilst the majority of trainees felt that they had had sufficient time for reflection a substantial minority particularly in small legal aid firms had had insufficient or virtually no time for such reflection. There was some variation across

departments with those in the non-contentious departments of company or commercial having substantially more time for reflection than in family or civil litigation for example. There did not appear to be any variation across seats. Generally, those that had had the opportunity to reflect valued it more highly whether this be across firms, departments or seats. Similarly, there was more conflict with charging time among those trainees that lacked the opportunity to reflect i.e. trainees in small legal aid firms who were also the most likely to be required to charge time.

### Skills training

Initial interviews and an assessment of theoretical debates suggested an interest in an integrated system of training that would combine the vocational legal training course (currently the Legal Practice Course) with the professional stage of legal training (currently the Training Contract). In many instances it was envisaged that this would provide the opportunity for trainees to combine and transfer knowledge and skills learning and training from the educational environment into the work environment and to some extent visa-a-versa. A large component of such an integrated system would be the development of general and specialised legal skills transferable and adaptable to the practice context. To what extent did trainees approve of such ideas? The section then goes on to explore the extent of skills training in various areas.

### Integrated vocational training

Trainees were asked specifically whether they felt that some form of integration of vocational training (i.e. LSF/LPC) with practical training (i.e. the first year of articles) would be a good thing.

**Table 157: The proportion of trainees who felt that some form of integration of vocational and professional training would be a good thing by type of firm**

	Yes	No	Possibly
LC Firms (n=80)	77.5	22.5	-
MGP Firms (n=61)	77	21.3	1.6
SLA Firms (n=32)	87.5	12.5	-

A very high proportion of trainees approved, at least in theory, to some form of integration. Such a sentiment was particularly strong amongst those trainees serving

their Training Contracts in small legal aid firms. Around a fifth or less of trainees did not feel that there was any virtue to integrating the vocational and professional stages of training. Two thirds of trainees in their first seat approved of some form of integration as compared to one third who disapproved. The proportion in favour of integration rose to around 80% of trainees in their later seats with a very slight increase as they progressed from seat two to four.

Having established a majority interest in some form of integration it seems appropriate to discuss various forms of integration suggested either in the training debate or by trainees in the initial interviews. These ranged from a complete integration of the vocational stage of training with the professional stage, a modified form of the existing vocational course offering greater hands-on application, a first year of training with a wider range of input, a more structured approach to the existing Training Contract with more emphasis on supervision, the possibility of day release with funding provided by the firm, to any greater role for work experience. Trainees were also offered to opportunity to suggest other forms of integration.

**Table 158: The percentage of trainees that would support each of the following forms of integration (n=167)**

	Percentage
A vocational course year with greater hands-on application	56.9
An integration of the vocational stage of training with articles	51.5
The possibility of day release with funding provided by the firm	43.7
A more structured approach to articles with greater supervision	38.9
Any greater role for work experience	31.7
A first year of articles with wider ranging input	22.8
Other	4.2

It should be noted that since the construction and distribution of the questionnaire many elements of these suggestions have been incorporated in the current Legal Practice Course and, through modifications to, the Training Contract (see Education and Training). Trainees' choices have been placed in descending order of popularity. A majority of trainees would like to see a vocational course with greater hands-on application. To some extent the new Legal Practice Course was envisaged as

accomplishing this aim. Just over half of trainees would like to see a complete integration of the vocational and professional stages of legal education and training this has many implications some of which were spelt out in the theory chapter on education and training. Slightly fewer trainees would like to have the opportunity of day release from the Training Contract to attend vocational courses. However, the idea that firms would fund such a scheme seems somewhat naive within the present economic climate. The remaining options offered to respondents included greater structure to training, more work experience and a wider input. Although these options were less popular they were still advocated by a significant minority. There is certainly no lack of enthusiasm for change among trainees. Particularly apparent is a bent for practical applicability and an underlying concern for the cost of training noted by the Lord Chancellor's Advisory Committee among others (ACLEC, 1996; Moorhead and Boyle, 1995).

### The extent of skills training

In theory then a majority of trainees are interested in some form of integration but what are the current practices? In order to ascertain the extent to which skills training has already become an element of the training experienced by trainees on their Training Contract they were asked to evaluate the skills training they had received in various important areas. These related to the activities they are likely to experience and included interview skills, negotiation, advocacy, drafting, office procedures, file management and typing or word-processing skills.

**Table 159: The extent to which trainees have received training in interview skills by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=255)	27.1	38.4	20.8	13.7
MGP Firm (n=185)	36.2	38.9	15.7	9.2
SLA Firm (n=84)	50	27.4	13.1	9.5

There was an inverse relationship between the size of a firm and the percentage of trainees that felt they had received sufficient instruction in interviewing skills. Half of

trainees in small legal aid firms felt they had had sufficient instruction whilst just over a quarter of those in larger firms felt this was the case. However, this fails to obscure the fact that between 40-60% of trainees were not happy with the extent of training that they had received and they recognised that they need interviewing skills.

**Table 160: The extent to which trainees have received training in negotiation by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=251)	28.7	43.8	19.5	8
MGP Firm (n=179)	21.2	48	22.9	7.8
SLA Firm (n=84)	19	40.5	32.1	8.3

Negotiation can be seen as a predominant activity of commercial firms. This would seem to be reflected in the percentage of trainees that felt they had received sufficient instruction which rose in line with the size of the firm. These findings are interesting as they correspond roughly to those relating to pupil barristers and their experience of the then new Council for Legal Education course where negotiation was generally "used a bit". Half of trainee barristers (pupils) found it useful in terms of relevance to practice and felt that they had improved "to a limited extent". However, negotiation was not among those skills on the course that they felt should be covered in greater depth (Shapland, Wild and Johnston, 1995: pp31-35).

**Table 161: The extent to which trainees have received training in advocacy by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=238)	17.2	23.5	12.2	47.1
MGP Firm (n=177)	19.8	41.2	12.4	26.6
SLA Firm (n=79)	13.9	43	21.5	21.5

It is unclear from the questions asked of trainees what proportion are actually doing any advocacy although the small percentages assisting counsel and attending tribunals almost certainly includes some experience of advocacy. Despite this it seems

apparent that at least a substantial minority are receiving some form of advocacy training. Between 13.9 and 19.8% of trainees in each type of firms felt that they had received sufficient instruction in advocacy. A substantial proportion of trainees particularly in small and medium sized firms felt they had not received sufficient instruction. Indeed, this proportion increased as the size of the firm decreased.

**Table 162: The extent to which trainees have received training in drafting by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=258)	62.8	24	10.5	2.7
MGP Firm (n=181)	55.2	30.4	12.2	2.2
SLA Firm (n=86)	59.3	19.8	17.4	3.5

The figures relating to training in drafting skills are quite different with only a few trainees stating that no instruction was required. However, it seems as if the majority of trainees felt that they had received sufficient instruction in drafting regardless of the type of firm that they were in. Actual percentages ranged from 55.2% of trainees in mid-sized general practice firms to 62.8% of those in large commercial firms. However, between 19.8% and 30.4% of trainees felt they had had insufficient instruction. The percentage of trainees that felt they required instruction fell as the size of firm increased. A very small percentage of trainees felt they did not require any instruction in drafting.

**Table 163: The extent to which trainees have received training in office procedures by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=256)	68	6.3	6.6	19.1
MGP Firm (n=191)	66.5	14.7	5.8	13.1
SLA Firm (n=83)	60.2	16.9	14.5	8.4

Instruction in office procedures demonstrated a similar pattern to drafting in that it represented a common skill that many recognised required some training, however,

over sixty percent of trainees felt that they had received sufficient instruction in office procedures and only between 6.3% and 16.9% felt they had had insufficient instruction. It is always possible that these figures may be the result of the method of instruction (e.g. poor, irrelevant or boring) rather than a reflection of its intrinsic value or worth.

**Table 164: The extent to which trainees have received training in file management by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=255)	64.3	10.2	7.8	17.6
MGP Firm (n=190)	64.7	18.4	6.3	10.5
SLA Firm (n=82)	64.6	14.6	13.4	7.3

Much the same can be said of training in file management as has been said of training in office procedures. Both are common activities that the majority of trainees recognise requires some instruction, however, the majority of trainees feel that a little training is quite sufficient.

**Table 165: The extent to which trainees have received training in typing/word-processing by type of firm**

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
LC Firm (n=248)	33.9	11.3	10.1	44.8
MGP Firm (n=177)	24.3	15.3	16.4	44.1
SLA Firm (n=76)	18.4	13.2	10.5	57.9

A substantial proportion of trainees felt that they did not require instruction in typing or word-processing (44% of those in large or medium firms and 58% in small firms). Between 20-30% felt they had either had insufficient instruction or required some instruction. The proportion that felt that they had received sufficient instruction increased with the size of firm from 18.4% of trainees in small legal aid firms to 33.9% of those in large commercial firms. It is probable that this reflects, to some extent, the greater likelihood that trainees in smaller firms will do more of their own

typing. However, it is unclear whether these findings mean that some trainees require greater training in word-processing or that they feel it is something that they should learn for themselves.

When these responses are analysed according to the department that a trainee is experiencing it becomes apparent that either trainees are receiving differing amounts of training in different firms or more likely they find the training that they receive to be of differing relevance or value. This point can be made with reference to interviewing skills. A higher proportion of trainees in the departments in which they are most likely to experience interviewing (of clients) i.e. family, criminal, private client and civil are also the departments in which the highest percentage of trainees felt that they had received sufficient training. This was also true of other departments. What is uncertain is how much dissatisfaction there is with the provision of appropriate skills training and to what extent supervisors realise training needs in less obvious areas. However, it does seem as if there is a general finding that trainees do not get enough training, in their view, in what is seen as the most important attributes of a department's work although this may be a transitory feature that diminishes once trainees have experienced sufficient different departments.

Over half of trainees in family and criminal litigation departments felt that they had received sufficient instruction in interview skills. A roughly equal proportion of trainees in private client and civil litigation departments felt that they had received sufficient instruction as felt they had received insufficient instruction. This meant that a majority of the trainees in the remaining departments were dissatisfied with the training, or rather the lack of training, that they had received. One of the consequences of this is to reinforce the difficulty that trainees imagine in altering specialism later in one's career if one had experienced a training biased in terms of departments experienced. There is little variation between departments in terms of the instruction trainees received in negotiation which is surprising given the premium placed on this activity in some areas of law. Between 20 - 27.3% of trainees felt that they had received sufficient instruction regardless of department type. Between 64.6% and 71.7% of trainees felt that they had had insufficient instruction or required instruction and between 2 - 11.8% felt they required no instruction.

Departments fall into one of two groups in relation to trainees' requirements for training in advocacy skills which in turn depend on the relevance to the type of work that is done in that department. Between half and three quarters of trainees in four departments felt that they required no instruction in advocacy. This included around half of trainees in commercial and private client departments and 63% and 74.9% of those in property and company departments respectively. However, a minority, between a fifth and a quarter of the remainder in private client, property and commercial departments felt that they had had insufficient instruction in advocacy. The other group consists of the three main contentious departments in which over 60% of trainees felt they had either had insufficient instruction or required training in advocacy. This would seem to be close to what one might expect given the likelihood that any experience of advocacy a trainee has would be likely to have been in one of these three departments.

Generally speaking, a high proportion of trainees felt that they had received sufficient instruction in drafting with all but a few percent of the remainder split between those that felt they had received insufficient instruction and those that required instruction. The few percent, between 1.9% and 7.7%, felt that no instruction was required. In terms of variation between departments, over three quarters of trainees doing private client work felt that they had received sufficient training in drafting. This figure was 64.6% of trainees doing property and between 51-58% for the other departments apart from criminal litigation. Less than half (42.9%) of trainees in criminal litigation departments felt that they had received sufficient instruction in drafting exactly the same number as felt they had received insufficient instruction. Over half (52.4%) felt they had either received insufficient instruction or required instruction. The comparable figure for other departments varied from as low as 19.1% for trainees in private client departments through 35.4% for those doing property to around 40% for the remainder of departments.

Three quarters of trainees doing private client work and criminal litigation felt that they had received sufficient instruction in office procedures. This figure was a few percent lower for trainees in company departments and dropped to around two thirds for trainees in civil litigation, family or property. Again the figure was slightly lower

for trainees in the remaining department, commercial. Here 21.1% also felt that they had no need for instruction a figure higher than for any of the other departments which otherwise ranged from 7.8% to 17.3%. The combined percentage of trainees that felt they either had had insufficient instruction or required instruction ranged from 25.4% to 11.6%. This seems to indicate a relatively stable pattern across different department types with a substantial majority between 66-75% requiring no more instruction. Eighty one percent of trainees doing private client work felt that they had received sufficient instruction in file management. For the remaining departments this figure ranged between 60-70%. The percentage of trainees that felt they had not received sufficient training or required more was consistently around 25% for most departments with a lower figure for those that felt no instruction was required.

Half of trainees in the three contentious departments of family, criminal and civil litigation felt that no instruction was required in typing or word-processing. This figure dropped to 45.1%, 44.4% and 42.6% for trainees in company, private client and property departments respectively whilst only 36.1% of those in commercial departments felt that instruction in typing or word-processing was not required. In effect, if these figures are combined with those that felt they had received sufficient instruction then a clear majority of over 70% felt that they required no instruction. The remainder were split between those that felt they had had insufficient instruction and those that required instruction.

If a similar exercise is undertaken to examine the areas in which trainees had received training at the various stages of their training what is most apparent is that there are few significant variations. In relation to interviewing skills there was a gradual increase in the percentage of trainees that felt that they had received sufficient instruction through seats one to three. There was a corresponding fall in the proportion of trainees that felt they required instruction. The pattern of responses across seats for trainee's training requirements in negotiation resembled those for interview skills. Apart from a slight hiccup in the third seat trainees demonstrated a consistent pattern of response in relation to the requirements for advocacy training across seats one to four. There was a gradual decline in the numbers that felt they

had had insufficient instruction or required instruction and a corresponding increase in the percentage of those that had had sufficient instruction or felt that no instruction was required. The percentage of trainees that felt that they had had sufficient instruction in drafting fell through seats one to four. There was a slight increase in the percentage that felt that no instruction was required. The proportion of trainees that felt that they had had insufficient instruction remain more or less constant through the period of training at around 25% and there was an increase in the number requiring instruction through seats one to three followed by a slight drop in the final seat. This seems to indicate that there existed an unsatisfied demand for some training in drafting throughout the period of the Training Contract. An alternative reading may indicate that the complexity of drafting tasks increased as training progressed and therefore the need for further training remained constant. Training in office procedures is not terribly popular and it seems clear that after the first year of training very few trainees want any further training in it.

The pattern of response for training in file management was virtually identical to that for office procedures. There was a decline through seats one to four in the percentage that felt that they had received insufficient instruction or required instruction as well as in those that felt they had had sufficient instruction. This was compensated for by a large rise in the proportion that felt that no instruction was required. This seems to indicate an overall rise of 10% from seat one to four in the percentage that require no more instruction. This includes the responses that switch from sufficient instruction to no instruction required which points to the limited relevance placed on training in file management by a proportion of trainees. At least half of trainees in their second, third and fourth seats felt that no instruction in typing or word-processing was required. Apart from a few anomalies in the responses of trainees in their fourth seat there was a rise in the proportion of trainees that felt they had had sufficient instruction through seats one to four. There was a corresponding drop in the proportion that either required instruction or felt that they had received insufficient instruction. The anomalies in the final seat were a very slight drop in the percentage that had had sufficient training and a rise in the percentage that required instruction. One could speculate on this apparent reversal but the trend is so slight as to barely justify it.

The overall findings on the integration of training and the extent of skills training suggest that trainees are strongly in favour of greater hands on applicability or a total integration of the vocational and professional stages of legal training. In relation to the current extent of skills training trainees intimated there were problems particularly with targeting training in certain skills at periods when associated activities were being undertaken. This meant that a degree of skills training lacked relevance as trainees moved from department to department and much skills training was front loaded at the very beginning of the Training Contract. An extension of this point suggested that often there was an over-emphasis on general 'situation-specific' skills training (e.g. office procedures) and an under-emphasis on more specific 'activity-related' skills such as negotiation. Within the current structure of legal training it is often envisaged that such specific or one might say advanced skills training could take place under the auspices of continuing professional education as and when relevant. It is to some of the issues related to this final stage of training that I now turn.

### **Continuing Professional Education**

The fourth and final stage of legal training that is quite often ignored or underestimated, certainly until recently (see education and training), is continuing professional education (CPE not to be confused with the Common Professional Examination). Continuing professional education represents a continuing lifelong commitment to learning involving the updating of both knowledge and skills. Recent Law Society requirements with the introduction of CPE points had re-focused attention on this area of legal education and training. Despite the current interest in continuing professional education it seems as if there is some confusion among trainees as to what exactly it is, when it starts and what it will entail. This confusion is clearly demonstrated in the responses given to the first question concerning the proportion undertaking continuing professional education (see Table 167). Trainees were then asked how continuing professional education was provided, either through in-house training, outside course providers or some mixture of the two. They were also asked what was generally included in such courses, updating on the law, skills training or practice management. Finally, an indication was obtained as to the proportion of trainees that expect to require further training once they have completed their Training Contract (i.e. the professional stage of legal training) before

embarking on continuing professional education. The findings in relation to these questions are dealt with in turn starting with the proportion undertaking continuing professional education in different firms and at various stages of training.

**Table 166: The proportion of trainees that are undertaking continuing education by type of firm**

	Yes	No
LC Firms (n=80)	3.8	96.3
MGP Firms (n=65)	18.5	81.5
SLA Firms (n=32)	34.4	65.6

This table appears to give the impression that as much as a third of trainees are currently undertaking continuing professional education. This seems extremely unlikely given that less than 15% of respondents had qualified (less than 10% of those in small legal aid firms). Perhaps some trainees assumed that any in-house or 'out-house' seminars, courses, training programmes or such like constitute continuing professional education. However, if so their pattern of response is not consistent. Given these ambiguities it is impossible to analyse these particular responses further other than to suggest that perhaps trainees in the larger firms have a clearer understanding of the system of continuing professional education.

**Table 167: The proportion of trainees that are undertaking continuing education by stage of training**

	Yes	No
First Seat (n=7)	14.3	85.7
Second Seat (n=34)	11.8	88.2
Third Seat (n=71)	14.1	85.9
Fourth Seat (n=65)	16.9	83.1

This table provides definitive evidence of confusion over the term continuing education used in the questionnaire in that as many as 15% of trainees regardless of the stage of training that they were in stated that they were undertaking continuing professional education. It seems likely that a proportion of trainees conflated the Professional Skills Course element of training undertaken during the Training

Contract with continuing professional education courses (and points) gained after completion of the Training Contract. For clarification of this point see the earlier section on the structure of legal education and training (p57).

**Table 168: The provision of continuing education**

	Percentage
All in-house	38.5
Some in-house	6.2
Outside courses	5.6
All in-house & outside courses	5
Some in-house & outside courses	42.9
Other situation	1.9

There are no surprises in the form of provision of continuing professional education. The majority of firms (80%) are evenly split between those that provide all such courses in-house and those that provide some in-house and the remainder through outside courses. Furthermore, the larger the firm the greater the likelihood that they will provide all of their training in-house and not farm it out to other providers. Over half of small legal aid firms used outside course providers and only 10% were able to provide all their training in-house.

**Table 169: The form of continuing education**

	Percentage
Updating on law & skills training	45.3
Updating on law, skills training & practice management	28
Updating on law	16.8
Updating on law & practice management	4.3
Skills training	2.5
Other	2.5
Skills training & practice management	0.6

Trainees were asked if they expected to require further training after the completion of their Training Contracts in addition to continuing education i.e. did they feel that

the present form and quantity of continuing education would be sufficient for their future training needs? Trainees were offered four categories of requirements ranging from updating knowledge on the law, further skills training, practice management or something other than these mentioned. Despite a mixed response just under half of trainees felt that they would be requiring some further updating and skills training. Next most popular was a combination of all three elements suggested and then the updating of law alone. This suggests that the main focus of concern regarding future training requirements centres on the updating of law which emphasises the continued knowledge focus of trainees and firms alike at the expense of a skills perspective proposed throughout much of the training literature.

Trainees were then asked how much further training they expected to require beyond that that they received during their Training Contract. There was some variation in these figures for trainees in different types of firm.

**Table 170: The percentage of trainees that expect to require further training after articles by type of firm**

	A little training	Some training	A lot of training	No further training
LC Firms (n=80)	13.8	53.8	28.8	3.8
MGP Firms (n=64)	17.2	56.3	25	1.6
SLA Firms (n=31)	16.1	71	12.9	-

The larger the firm a trainee is in the greater the amount of training they expect to require after completing their Training Contract. Whilst the majority of trainees expected to require some further training over a quarter of those in mid-sized general practice firms and large commercial firms expected to need a lot more training. This might be explained by the simple fact that the more training a trainee has received the more they feel they require. In large commercial firms where trainees' training is more structured, formal or explicit, trainees may either realise the value of good training or be more likely to express their needs in terms of formal training requirements. This is as compared to what seems to be the "just get on with it" atmosphere in small legal aid firms.

**Table 171: The percentage of trainees that expect to require further training after articles by stage of training**

	A little training	Some training	A lot of training	No further training
First Seat (n=7)	14.3	85.7	-	-
Second Seat (n=34)	17.6	61.8	20.6	-
Third Seat (n=69)	10.1	60.9	26.1	2.9
Fourth Seat (n=65)	20	49.2	27.7	3.1

Generally speaking, the further a trainee is into their training the greater the amount of additional training they expect to require after they have completed their Training Contract (Socratic wisdom), although there is also a wider spread of opinion in the later stages of training with a tiny minority expecting to require no further training. It would seem that the more advanced a trainee is with their training and the more experienced they are in terms of the breadth of work that they have done then the more realistic is their evaluation of their future training requirements. These findings also offer some indication that trainees have absorbed the mental attitude regarding continuing professional education which, after all, is a relatively recent phenomenon.

**Table 172: The percentage of trainees that expect to require further training after articles by sex of trainee**

	A little training	Some training	A lot of training	No further training
Male (n=108)	14.8	59.3	25	0.9
Female (n=67)	16.4	55.2	23.9	4.5

There is very little difference between the perceived training needs of male and female trainees over and beyond what they receive through their Training Contract.

### **The tendency to specialise**

Throughout the discussion of legal education and training and the debate on the transferability of knowledge and skills there is the real issue of specialisation.

Trainees feel an urgency to carve a niche for themselves at an earlier and earlier stage of their professional career. Inevitably this produces tensions within the training system and leads to the kinds of fundamental question about the purpose of training

that have been addressed in earlier sections. The intention here is to relate these concerns to trainees by asking them what their expectations are about specialisation. What percentage expect to specialise? When do they expect to specialise - before the Training Contract, during the Training Contract, in the first few years of practice or later in practice? Also when do trainees feel that they should be able to specialise if they wanted to? The final question offers a subtle contrast questioning what trainees anticipate the situation to be with what they would ideally like it to be. The responses to each are presented in relation to firms type, stage of training and in some cases sex of trainees.

**Table 173: The percentage of trainees that expect to specialise after articles by type of firm**

	Yes	No	Don't Know
LC Firms (n=79)	96.2	1.3	2.5
MGP Firms (n=64)	95.3	3.1	1.6
SLA Firms (n=30)	93.3	6.7	-

Virtually all trainees expect to specialise after completing their articles. The proportion is slightly higher the larger the firm. Presumably this small difference can be explained by the type of work done in smaller firms and the greater likelihood that they are not separated into distinct departments.

**Table 174: The percentage of trainees that expect to specialise after articles by stage of training**

	Yes	No	Don't Know
First Seat (n=6)	100	-	-
Second Seat (n=34)	97.1	2.9	-
Third Seat (n=68)	94.1	1.5	4.4
Fourth Seat (n=65)	95.4	4.6	-

Interestingly, 100% of trainees in their first seat expect to specialise although this represents only six trainees. This percentage decreases slightly as trainees progress through their training. These findings corroborate those of Shapland et al relating to

pupil barristers where “findings at the pupillage stage indicate that people saw themselves as becoming specialists early on in their careers” (Shapland and Sorsby, 1995: pp14). There is absolutely no difference between male and female trainees in terms of their expectations about specialisation. This is also true for any differences in the point at which trainees expect to specialise, however, there are difference by firm and stage of training. Trainees in smaller firms expect to specialise later in practice than trainees in other types of firm.

**Table 175: The stage at which trainees expect to specialise by stage of training**

	Before articles	During articles	First few years of practice	Later in practice
First Seat (n=6)	-	-	83.3	16.7
Second Seat (n=34)	-	17.6	76.5	5.9
Third Seat (n=65)	1.5	18.5	76.9	3.1
Fourth Seat (n=60)	-	16.7	80	3.3

Initially, trainees expect to specialise in the first few years of practice or later. Trainees who are more advanced in their Training Contract expect to specialise a little earlier with up to a fifth of those in their third seat expressing the intention to specialise during their Training Contract. Following on from the lack of difference in the expectations of female and male trainees about whether they will specialise it is not altogether surprising to find virtually no difference between male and female trainees regarding the stage at which they expect to specialise.

In interviews with trainees there seemed to be a degree of tension between different conceptions of specialisation held by trainees and those responsible for their training. In an attempt to explore this further trainees were not only asked when they expected to specialise but also when they felt that they should be allowed to specialise. The responses to this slightly different question is tabulated below and comparisons drawn. It was imagined that a large proportion of trainees would like to specialise earlier if given the opportunity.

**Table 176: The stage at which trainees feel they should be able to specialise by type of firm**

	During the Law Society Finals	During the Training Contract	First few years of practice	Other
LC Firms (n=80)	1.3	28.8	68.8	1.3
MGP Firms (n=64)	3.1	32.8	64.1	-
SLA Firms (n=31)	9.7	22.6	64.5	3.2

A comparison of the responses of trainees to the slightly different questions when would you expect to specialise as opposed to when would you have liked to have specialised shows a general view amongst trainees that they would like to be allowed to specialise earlier. The inter-firm type pattern remains almost identical. A slightly higher proportion of trainees in mid-sized general practice firms expect to specialise during their Training Contract when compared to trainees in either of the other types of firms. This remains true when we look at the percentage that feel they should be allowed to specialise during the period of their Training Contract although the overall proportions are higher. The only difference between when trainees expect to specialise and when they feel they should be allowed to specialise is among those that feel they should be allowed to specialise very early on. Nearly 10% of trainees in small legal aid firms feel they should have been allowed to specialise during the Law Society Finals (an optional element has since been introduced into the new Legal Practice Course).

**Table 177: The stage at which trainees feel they should be able to specialise by stage of training**

	During the Law Society Finals	During the Training Contract	First few years of practice	Other
First Seat (n=7)	14.3	28.6	57.1	-
Second Seat (n=35)	2.9	20	74.3	2.9
Third Seat (n=68)	4.4	35.3	60.3	-
Fourth Seat (n=65)	1.5	27.7	69.2	1.5

There is still a slight tendency for trainees early on in their training to feel they should be allowed to specialise earlier. This is particularly apparent among those that feel they should be allowed to specialise during the Law Society Finals. A comparison of this table with that relating to the earlier question (Table 175) clearly shows that a far higher proportion of trainees particularly early on in their Training Contract would have liked to have specialised earlier on sometimes as early as the vocational stage of training. Again it seems as if trainees feel this way regardless which sex they are.

## 4.4 Professions and Professionalism

The debates continue about how to define a profession, about what it is that makes a profession different to other occupational groups or about how an occupational group achieves professional status. These are questions which were addressed in earlier sections. Here the central overriding question is what does all this mean for trainee solicitors? To what extent do trainee solicitors feel part of a profession and what does being a professional mean to them? Many of the research questions relate to how trainees view the profession and how this is reflected in their everyday activity. These include such things as their reflections on firm culture which can serve to reproduce traditional practices, maintain professional status and old school images or embrace the competitive new global markets for legal services in original and innovative ways. Trainees have also been questioned on the impact of market forces on legal education and training which lies at the heart of the profession in controlling the production of producers, maintaining status, quality standards and perhaps most importantly socialising the new initiates. Other issues include frequent accusations of privilege, nepotism or elitism levelled at the profession which are addressed in relation to family ties, recruitment practices and discrimination. However, there is one question which strikes at the core of professions and professionalism - what does it mean for trainees to be part of a profession and to act with professionalism?

Trainees were asked which of a series of statements best described what "being a professional" meant to them. Each statement carries a number of implied meanings. The first statement associated being a professional with traditional trait school or altruism approach ideals of providing a public service. The second statement aligned being a professional with being part of a recognised group of experts. This draws on the skills debate and attitudes towards expertise and the control of formal and often esoteric knowledge with the appropriate status affording recognition and reward. The third statement places the emphasis on acting according to a set of ethical rules. This offers the public trust argument, that the professions represent a bastion of moral probity and act as bulwarks of social justice and principled behaviour. The following statement offers a diluted version of this stance whereby professionals merely have a professional code of conduct similar to many occupational groups in western

societies. The final statement offers the stance of the professional, the fully competent practitioner as fully versed in the knowledge and skills required of them. Trainees were also given the opportunity to suggest alternative statements to describe what being a professional meant to them. The responses to these statements are outlined below.

### What does “being a professional” mean to trainee solicitors?

Trainees were asked to what extent certain statements described what “being a professional” meant to them. They were asked to rank their responses from 1 (the best) to 6 (the worst). For convenience the statements have been slightly abbreviated from:

*Giving a service to the public*

*Being part of a recognised group of experts*

*Acting according to a set of ethical rules*

*Having a professional code of conduct*

*Being fully versed in the knowledge and skills required of you*

*Something else*

**Table 178: What does “being a professional” mean for trainees? - the percentage ranking for each statement**

	1	2	3	4	5	6
Giving a public service (n=172)	27.9	18.6	19.2	15.7	14.5	4.1
A recognised group of experts (n=174)	12.6	22.4	21.3	14.9	23.6	5.2
A set of ethical rules (n=172)	13.4	18	23.3	24.4	18.6	2.3
A professional code of conduct (n=174)	6.9	18.4	28.2	23.6	17.8	5.2
Fully versed in knowledge & skills (n=174)	53.4	24.7	8	5.7	3.4	4.6
Something else (n=56)	16.1	5.4	7.1	-	3.6	67.9

Note 1 is high and 6 is low.

A majority of trainees felt that being a professional meant being fully versed in the knowledge and skills required of them. Half as many trainees also rated giving a public service as the most important aspect of being a professional. Being part of a recognised group of experts was also felt to be quite important by a majority of trainees although responses demonstrated a bi-modal distribution with a substantial minority of trainees who felt this was not important. About half of trainees felt that acting according to a set of ethical rules or having a professional code of conduct were only moderately important to being a professional. The vast majority of trainees felt that these statements covered what being a professional meant to them. These general observations are now broken down and examined by type of firm. The response to each descriptive statement of what it means to be a professional is then considered in turn.

**Table 179: What it means "being a professional" for trainees in large commercial firms - the percentage ranking for each statement**

	1	2	3	4	5	6
Giving a public service (n=172)	18.5	11.1	27.2	17.3	19.8	6.2
A recognised group of experts (n=174)	12.3	24.7	22.2	14.8	21	4.9
A set of ethical rules (n=172)	10	22.5	20	25	21.3	1.3
A professional code of conduct (n=174)	6.2	22.2	27.2	23.5	16	4.9
Fully versed in knowledge & skills (n=174)	56.8	21	7.4	6.2	4.9	3.7
Something else (n=56)	18.5	7.4	7.4	-	3.7	63

Note 1 is high and 6 is low.

Trainees in large commercial firms followed the average in that just over half felt that being fully versed in the knowledge and skills required was the most important part of being a professional. However far fewer of these trainees felt that giving a public service was important. Being part of a recognised group of experts was important but again demonstrated a bi-modal distribution with a substantial minority that felt the reverse to be the case. Acting according to a set of ethical rules or professional code of conduct were of only average importance.

**Table 180: What it means “being a professional” for trainees in mid-sized general practice firms - the percentage ranking for each statement**

	1	2	3	4	5	6
Giving a public service (n=172)	31.7	27	12.7	19	7.9	1.6
A recognised group of experts (n=174)	9.5	25.4	20.6	12.7	23.8	7.9
A set of ethical rules (n=172)	17.5	19	27	17.5	15.9	3.2
A professional code of conduct (n=174)	7.9	12.7	31.7	22.2	19	6.3
Fully versed in knowledge & skills (n=174)	52.4	22.2	9.5	4.8	3.2	7.9
Something else (n=56)	19	4.8	4.8	-	4.8	66.7

Note 1 is high and 6 is low.

Half of trainees in mid-sized general practice firms felt that being fully versed in the knowledge and skills required was the most important part of being a professional.

Nearly a third felt the most important factor was giving a service to the public. Being part of a recognised group of experts split opinion with about a quarter of trainees in mid-sized general practice firms that believed this to be central to being a professional whilst a quarter felt this was not the case. Acting according to a set of ethical rules or having a professional code of conduct were of some importance and given a rating slightly above the average by a majority of trainees.

**Table 181: What it means “being a professional” for trainees in small legal aid firms - the percentage ranking for each statement**

	1	2	3	4	5	6
Giving a public service (n=172)	46.4	21.4	10.7	3.6	14.3	3.6
A recognised group of experts (n=174)	20	10	20	20	30	-
A set of ethical rules (n=172)	13.8	3.4	24.1	37.9	17.2	3.4
A professional code of conduct (n=174)	6.7	20	23.3	26.7	20	3.3
Fully versed in knowledge & skills (n=174)	46.7	40	6.7	6.7	-	-
Something else (n=56)	-	-	12.5	-	-	87.5

Note 1 is high and 6 is low.

An equal percentage of trainees in small legal aid firms rated being fully versed in the knowledge and skills required and giving a public service as the most important part of being a professional. Being part of a recognised group of experts was least

important and the two remaining statements about acting according to a set of ethical rules and having a professional code of conduct were of slightly less than average importance. A massive majority felt that these statements covered the most important aspects of being a professional. It is also informative to draw a direct comparison between each of these statement. The responses to them will therefore each be addressed in turn.

### Giving a public service

The first statement associated being a professional with traditional trait school or altruistic notions associated with providing a public service.

**Table 182: Giving a public service - the percentage ranking for this statement by type of firm**

	1	2	3	4	5	6
LC Firm (n=81)	18.5	11.1	27.2	17.3	19.8	6.2
MGP Firm (n=63)	31.7	27	12.7	19	7.9	1.6
SLA Firm (n=28)	46.4	21.4	10.7	3.6	14.3	3.6

Note 1 is high and 6 is low.

Trainees in small legal aid firms rate giving a public service as most important to being a professional. This proportion is lower among trainees in mid-sized general practice firms and even lower still in large commercial firms.

**Table 183: Giving a public service - the percentage ranking for this statement by stage of training**

	1	2	3	4	5	6
First Seat (n=7)	14.3	57.1	-	14.3	14.3	-
Second Seat (n=35)	25.7	8.6	22.9	22.9	14.3	5.7
Third Seat (n=65)	36.9	15.4	18.5	15.4	12.3	1.5
Fourth Seat (n=65)	21.5	23.1	20	12.3	16.9	6.2

Note 1 is high and 6 is low.

As trainees progress through their Training Contract they do not appear to substantially alter their view of what it means to be a professional in terms of giving a

service to the public. High ratings for this statement seem to tail off slightly but not significantly. Whilst it might be imagined that trainees shift from an idealistic impression of professionals as do-gooders, as was indicated by the responses given in initial interviews, there does not appear to be any evidence for that here. Similarly, there does not seem to be any significant variation between male and female trainees.

### Being part of a recognised group of experts

The second statement aligned being a professional with being part of a recognised group of experts. This draws on the skills debate and attitudes towards expertise and the control of formal and often esoteric knowledge with the appropriate status affording recognition and reward.

**Table 184: Being part of a recognised group of experts - the percentage ranking for this statement by type of firm**

	1	2	3	4	5	6
LC Firm (n=81)	12.3	24.7	22.2	14.8	21	4.9
MGP Firm (n=63)	9.5	25.4	20.6	12.7	23.8	7.9
SLA Firm (n=30)	20	10	20	20	30	-

Note 1 is high and 6 is low.

A roughly similar proportion of trainees in large commercial firms and mid-sized general practice firms rated being part of a recognised group of experts as relatively important in describing what being a professional meant to them. Opinion among trainees in small legal aid firms was far more spread. There is some variation in the importance given to this statement in describing what it means to be a professional, however, there does not appear to be any pattern to the variation that is consistent with a progression in the stages of training. A high proportion of trainees in their first seats rate being part of a recognised group of experts as of slightly higher than average importance. Opinion is more diffuse among trainees in their second seat but still slightly above average. This cannot be said for trainees entering the second year of their Training Contract where there is a diffuse pattern but with a lower average rating. Trainees in their fourth seat show a similar pattern to those in their second seat. This confusing picture is confirmed if we compare the percentage of trainees that rate this statement as either very important or important (1 or 2). Approximately

40% of trainees in seats one, two and four rate it as such compared to only 25% of those in their third seat. This appears to be an anomaly.

**Table 185: Being part of a recognised group of experts - the percentage ranking for this statement by sex of trainee**

	1	2	3	4	5	6
Male (n=106)	10.4	18.9	21.7	18.9	24.5	5.7
Female (n=68)	16.2	27.9	20.6	8.8	22.1	4.4

Note 1 is high and 6 is low.

A higher proportion of female trainees rate being part of a recognised group of experts as either an important or very important part of what it means to be a professional as compared to the ratings given by male trainees.

#### Acting according to a set of ethical rules

The third statement places the emphasis on acting according to a set of ethical rules.

This offers the public trust argument, that the professions represent a bastion of moral probity and act as bulwarks of social justice and principled behaviour.

**Table 186: Acting according to a set of ethical rules - the percentage ranking for this statement by type of firm**

	1	2	3	4	5	6
LC Firm (n=80)	10	22.5	20	25	21.3	1.3
MGP Firm (n=63)	17.5	19	27	17.5	15.9	3.2
SLA Firm (n=29)	13.8	3.4	24.1	37.9	17.2	3.4

Note 1 is high and 6 is low.

There was very little difference in the importance placed on acting according to a set of ethical rules among trainees in different types of firm. Trainees in mid-sized general practice firms rated a set of ethical rules slightly higher than those in large commercial firms who themselves rated it higher than trainees in small legal aid firms in terms of importance in describing what being a professional means.

**Table 187: Acting according to a set of ethical rules - the percentage ranking for this statement by stage of training**

	1	2	3	4	5	6
First Seat (n=7)	28.6	-	42.9	-	28.6	-
Second Seat (n=34)	11.8	11.8	17.6	29.4	23.5	5.9
Third Seat (n=66)	10.6	22.7	25.8	24.2	16.7	-
Fourth Seat (n=65)	15.4	18.5	21.5	24.6	16.9	3.1

Note 1 is high and 6 is low.

These responses appear to show that trainees place greater importance on acting according to a set of ethical rules as they progress from the first year of their articles to their second. This shift is not great, however, it does seem to be explainable in terms of trainees growing awareness of such ethical rules and the firm or professional lore in relation to transgressions. Effectively, they are professionalised into that very set of ethical rules.

**Table 188: Acting according to a set of ethical rules - the percentage ranking for this statement by sex of trainee**

	1	2	3	4	5	6
Male (n=105)	13.3	14.3	26.7	22.9	20	2.9
Female (n=67)	13.4	23.9	17.9	26.9	16.4	1.5

Note 1 is high and 6 is low.

Again, female trainees rate this statement slightly more highly as a descriptor of professionalism when compared to their male counterparts.

### Having a professional code of conduct

The following statement offers a diluted version of the ethical stance whereby professionals conform to a professional code of conduct similar to other occupational groups.

**Table 189: Having a professional code of conduct - the percentage ranking for this statement by type of firm**

	1	2	3	4	5	6
LC Firm (n=81)	6.2	22.2	27.2	23.5	16	4.9
MGP Firm (n=63)	7.9	12.7	31.7	22.2	19	6.3
SLA Firm (n=30)	6.7	20	23.3	26.7	20	3.3

Note 1 is high and 6 is low.

Trainees gave a similar pattern of response rating having a professional code of conduct as only moderately important to being a professional. Again there was very little difference between different types of firm and little significant variation as trainees progressed through the stages of training. There was little variation in opinion between male and female trainees with the average rating for the former slightly higher than for the latter.

**Being fully versed in the knowledge and skills required of you**

The final statement offers the stance of the professional as fully competent practitioner versed in the knowledge and skills required of them.

**Table 190: Being fully versed in the knowledge and skills required of you - the percentage ranking for this statement by type of firm**

	1	2	3	4	5	6
LC Firm (n=81)	56.8	21	7.4	6.2	4.9	3.7
MGP Firm (n=63)	52.4	22.2	9.5	4.8	3.2	7.9
SLA Firm (n=30)	46.7	40	6.7	6.7	-	-

Note 1 is high and 6 is low.

The larger the firm the greater the proportion of trainees that rated being fully versed in the knowledge and skills required of you as central to describing what being a professional is. Around half of trainees in all firms rated this as very important to being a professional. Having said this, if we combine the percentage of trainees rating this statement as either important or very important we find that this accounts for around three quarters of those in large commercial or mid-sized general practice firms but nearer 90% of those in small legal aid firms. It seems safe to suggest that trainees

consider being fully versed in the knowledge and skills required of you to be the defining element of what it means to be a professional.

**Table 191: Being fully versed in the knowledge and skills required of you - the percentage ranking for this statement by stage of training**

	1	2	3	4	5	6
First Seat (n=7)	71.4	14.3	-	14.3	-	-
Second Seat (n=35)	60	17.1	2.9	8.6	5.7	5.7
Third Seat (n=67)	50.7	28.4	10.4	3	-	7.5
Fourth Seat (n=65)	50.8	26.2	9.2	6.2	6.2	1.5

Note 1 is high and 6 is low.

A higher proportion of trainees early on in their Training Contracts rate this statement as very important (1 on the scale of 6). A comparison of those rating it as either very important or important shows a similar proportion of trainees in the later stages of training to rate as such. There is little or no significant difference between the importance given to this statement by both male and female trainees.

#### Some other characteristic as representative of a professional

Trainees were also given the opportunity to suggest alternative statements to describe what being a professional meant to them.

**Table 192: Something else - the percentage ranking for this statement by type of firm**

	1	2	3	4	5	6
LC Firm (n=27)	18.5	7.4	7.4	-	3.7	63
MGP Firm (n=21)	19	4.8	4.8	-	4.8	66.7
SLA Firm (n=8)	-	-	12.5	-	-	87.5

Note 1 is high and 6 is low.

The majority of trainees across all types of firms felt that the statements offered described what being a professional meant. If the response to these statements are examined for differences according to which seat trainees are in there appears to be

little consistent variation. These statements describing what it means to be a professional can also be analysed by sex.

**Table 193: Something else - the percentage ranking for this statement by sex of trainee**

	1	2	3	4	5	6
Male (n=31)	12.9	6.5	6.5	-	6.5	67.7
Female (n=25)	20	4	8	-	-	68

Note 1 is high and 6 is low.

The majority of both female and male trainees rated something else as least characteristic of what it means being a professional although a higher percentage of female trainees questioned this.

In summary, the statements offered to trainees to describe what it meant to them to be a professional seemed to cover the major of aspects. Something of a profile emerged for different types of firm. All trainees rated being fully versed in the knowledge and skills required of you highly particularly those in large commercial firms who also rated providing a public service less highly. The reverse was true of trainees in small legal aid firms who also rated being part of a recognised group of experts least highly of trainees in different firm types. Trainees in mid-sized general practice firms fell somewhere between in relation to elements of public service and the importance of knowledge and skills but rated acting according to a set of ethical rules proportionately higher. Surprisingly there was very little variation either as trainees progressed through their training or between male and female trainees in terms of the importance of these statements in describing what it meant to be a professional. The two exceptions were that trainees in their first seat rated being fully versed in the knowledge and skills required of you more highly and female trainees rated being part of a recognised group of experts slightly more highly.

There is confirmation for the supposition that the larger the firm the less publicly oriented its service ethic and the view that knowledge and skills form the basis of professions and professionalism in a multitude of ways. The finding that trainees in small legal aid firms rate being part of a recognised group of experts less highly that

those in large and medium sized firms supports the notion of a fragmented profession with those working in the smaller firms, nearer the streets and predominately for legal aid, feel increasingly alienated from more traditional notions of professions and professionalism promulgated through early literature, by highly placed established practitioners and through the solicitors' professional association. There is little solid evidence for sex differences or, more surprisingly, for a change in notions of professionals as trainees pass through various stages of training.

## 4.5 Socialisation and Culture

The results relating to socialisation and culture look at trainees' self image and their attitude towards their firm's culture (the 'firm culture'). This section is structured chronologically in terms of the socialisation of trainees. It explores some of the early socialising influences on trainees before addressing their current self image. The section also moves from the general to the specific, from the socialisation of the individual trainee first into a legal culture and then into a specific firm culture to trainees evaluations of that firm culture as a situated, socialised or semi-socialised participant.

Previous research findings have suggested that a high proportion of entrants to legal profession come from privileged backgrounds and specifically, that many have parents or relatives practising law. Whilst it did not seem appropriate for this study to delve too far into respondents' past schooling and parental background (evidence exists, see Smith and Halpern, 1992) trainees were asked if their parents practised in the law. This was further expanded to gauge the influence of important others in terms of the proportion of trainees that had a connection with people already working in the law or encouraging them to work in the law.

An indication of the early professional socialisation of those thinking about entering the solicitors' profession can be gained by examining the educational background of trainees. What proportion of trainees held undergraduate degrees? What disciplines were their degrees in? Had they studied for their degree part-time or full-time? What proportion of trainees also held postgraduate degrees? What form of postgraduate qualification did these trainees hold? How had trainees obtained their vocational qualification to allow them to begin their Training Contract? Effectively, these questions were attempting to describe the proportion of trainees that were what one might term standard entrants as opposed to non-standard entrants. Trainees were asked this question as a crude form of control measure against which to check responses. However, this also uncovered those trainees that completed their studies as mature students, were registered disabled or that had transferred into the solicitors' profession either from practice overseas or from the other branch of the domestic legal profession, namely barristers.

Another aspect of early professional socialisation of trainees relates to their previous work experience. This includes the proportion of trainees that have been previously employed for more than three years. The arbitrary three years minimum period was felt to be reasonable in order to exclude shorter periods of temporary or voluntary employment. Respondents were asked in what capacity they had been previously employed and for how long. Previous experience in a solicitors' firm has been shown to have a significant influence on trainees and firms in terms of career choice and the likelihood of future employment. An attempt was made to access this significant aspect of socialisation by determining the proportion of trainees had had previous experience of work in a solicitors' firm. This was fleshed out by detailing the proportion that had undertaken paid work, as opposed to those taken on in an unpaid capacity for a voluntary placement. Further information was requested as to the form of the work undertaken and importantly, whether any of this previous experience in a solicitors' firm was with the firm that the trainee was now contracted to.

Finally, trainees were asked how they would best describe both themselves and their firm culture in order to give some insight into the process of cultururation. They were asked which of the following statements best described how they saw themselves, as a solicitor, as a lawyer, as in business or as helping people. This links in with the finding from previous sections relating to attitudes towards the profession and the market orientation of practice or what has elsewhere been termed the drift from ideals. With regard to firm culture, trainees were asked to rate their firm in terms of the following criteria; altruism, democratic, masculine, radical, aggressive, profit-motivated, traditional, competitive, socially-oriented. Although crude, this gave an insight into the cultural profiles of different firms, which could then be compared according to the size of the firm or the attitudes of male and female trainees.

### **Family background**

Trainees were asked if they had a father or mother practising law, another close relative, a friend (of the family), teacher, tutor or career advisor that encouraged them to pursue a career in the law or any significant other that influenced their decision to become a solicitor. These were discrete questions and, therefore, there is certain to

be a degree of overlap with an individual trainee who might have a mother and an uncle practising law and responding in each category. However, the responses to any one category were low. 13 trainees had at least one parent practising law (7.2%). This figure rose to 23 or 12.8% of trainees that had another close relative in law or 31 (17.2%) that had a friend or friend of the family that worked in law and strongly encouraged them to pursue a career in law. Only 15 trainees felt that a teacher, tutor or career advisor had encouraged them to enter the solicitors' profession. One trainee felt influenced by an unspecified significant other. Apparently, although there is an effect it seems small compared to individual propensities.

### Academic background

Not surprisingly, all trainee respondents had obtained an undergraduate degree. What was surprising was that 98.3% of these (177) had done so on a full-time basis, which meant that less than 2% or only three trainees had obtained their undergraduate degree by studying on a part-time or distance learning basis. Over half of trainees that specified the subject of their degree stated that it was law (58%), whilst this figure rose to just over 70% if you included those who studied law and languages (3.6%) or law and another subject (8.9%). The next most popular discipline for trainee solicitors was social science (16.6%) followed by English language or literature (5.3%) and modern languages (4.1%). Half a dozen trainees had taken either a science subject or a management or business degree (1.8% respectively). 11 trainees failed to specify what the subject of their undergraduate degree had been. There was little variation in these proportions across the different types of firm, beyond the fact that large commercial firms accounted for five of the six law and language graduates and all three of the science graduates.

Trainees were asked if they held any postgraduate qualification, excluding vocational qualifications such as the Common Professional Examination, the Diploma in Law or the Law Society Finals Examination (as these are dealt with later). Nineteen trainees or just over 10% held some form of postgraduate qualification. The most popular form of qualification held by six trainees was the LLM or Masters in Law closely followed by the MA or Masters of Arts (which five trainees had obtained). At least three trainees had entered or considered entering teaching as they held PGCEs or

postgraduate certificates in education and a further two held unspecified diplomas. Of the remainder, one had a doctorate, one had a PGCE and a Certificate for Qualification in Social Work (CQSW) and the final one held a AGB. There was an interesting variation by firm type in the distribution of postgraduate qualifications. Only three of these nineteen trainees were in small legal aid firms and those three were two of the three ex-teachers (PCGEs) and the former social worker (CQSW). This would seem to suggest that the smaller legal aid firms either attracted trainees with a social service bent or recruited such candidates. In contrast, the larger and medium firms placed a premium on greater specialisation evidenced by Masters in Law, Masters of Arts and doctorates. Such firms were perhaps also better able to offer such candidates greater remuneration although this is only likely to apply after completion of the Training Contract.

All trainees would have had to have completed the Law Society Finals examination (now replaced by the Legal Practice Course) and those that had taken a degree other than law or who did not hold sufficient exemption subjects (see The vocational stage of training page 59) would also have had to have passed the Common Professional Examination. The split between those in the former situation and those in the latter was 123 as compared to 53 trainees or approximately 70% to 30%. It should be noted that this figure ties in quite neatly with the proportion of trainees that had taken an undergraduate degree involving law and hence had had the opportunity to gain exemption subjects. Interestingly, the slight variation that there is between the different types of firm shows that the proportion of trainees that took the Common Professional Examinations (i.e. non-standard entrants) falls in line with the size of the firm from 32.9% of those in large firms to 25% of those in small legal aid firms. This could indicate the larger firms' willingness to accommodate the more unusual candidate (which would seem to run counter to some popular wisdom) or simply that these are young graduates entering from other degrees who are attractive to the larger firms. The latter is most likely the case as can be seen from the fact that there is very little variation in the distribution of standard and non-standard candidates by type of firm (see below). A higher proportion of trainees had obtained their vocational qualification through part-time study than had done so for their

undergraduate degree, although the exact figure cannot be known due to some ambiguous responses.

**Table 194: Vocational qualifications**

	Frequency	Percentage	Cumulative percentage
LSF full-time	123	69.1	69.1
CPE full-time & LSF full-time	44	24.7	93.8
CPE full-time	3	1.7	95.5
CPE part-time & LSF full-time	3	1.7	97.2
LSF part-time	2	1.1	98.3
CPE part-time	2	1.1	99.4
CPE correspondence & LSF ?	1	0.6	100

CPE - Common Professional Examination & LSF - Law Society Finals examination

Between 6.2% and 4.5% of trainees took at least part of their vocational education on a part-time basis, which is either double or triple the proportion that took their undergraduate degree on a part-time basis. Whilst the figures are small, this would seem to indicate a shift towards part-time study as trainees progressed through the stages of education and training to become a solicitor, almost certainly due to increased financial pressures. These figures are also an indicator to the limited number of entrants to the profession from access courses or via correspondence courses. Whilst there can be no certainty from these figures they do seem to support the suggestion that the solicitors' profession is still not sufficiently open to unusual or disadvantaged candidates such as single parents, mature students, those with caring commitments or special needs. Here the smaller legal aid firms do seem to take a higher proportion of part-timers, between 6.3% and 9.4%. Medium sized firms account for 6.3% and the larger commercial firms take between 2.4% and 4.8%.

To reiterate several of the points made above, 122 respondents considered themselves to be standard entrants to the profession and 58 indicated that they were non-standard (67.8% as opposed to 32.2%). These categories were somewhat ambiguous and merely served to confirm the 70/30 split between those graduates entering their Training Contracts either directly or within a few years of finishing an undergraduate

law degree and the Law Society Finals examination, as compared to a minority that had substantial previous employment experience, were mature and/or part-time students or who entered their Training Contracts via part-time study, distance learning or the Common Professional Examination. Of the 180 trainee respondents, 24 were mature students (13.3% of all trainees, 9 in large firms, 11 in mid-sized firms and only 4 in small firms) and in this particular sample no trainee transferred into the solicitors' profession as an overseas lawyer or a barrister. However, one trainee took a substantial period of time out before commencing their Training Contract. One trainee was registered disabled.

### **Previous employment experience**

An important aspect of trainees' occupational, organisational or professional socialisation is previous employment experience, whether that be generally, as in any organisation or occupation, or specifically, in a legal environment or organisation.

The period of employment is also significant in terms of the role it might play in a trainee's socialisation. For this reason, as previously mentioned, respondents' general employment experience was only excluded from the study if it had been both temporary, less than three years, and general i.e. in an area other than law. 32 trainees (17.8%) had been previously employed for a period of at least three years.

The smaller the firm the greater the proportion of trainees that had had such previous employment experience. Of these trainees 3 failed to specify either the capacity in which they had been employed or the period for which they had been employed and were, therefore, excluded from any further more detailed analysis. Many also specified employment in several or various capacities.

The following comments give an indication rather than an exact picture of the previous employment experience of trainee solicitors. Nine had had some experience in teaching. This ranged from 20 years as a school teacher to a few years as a TEFL teacher. Five trainees had previous experience in administration, secretarial or personnel work for anything up to 8 years. Four had previous experience in a legal capacity including para-legal, legal assistant or clerk for 4 years or less. Four trainees had had experience in banking, four had been civil servants and three had been involved in some form of research. Two trainees were police officers and two were

social workers. The length of employment of the 29 valid responses from the 32 trainees ranged from 2 years (two trainees had included answers despite the fact that they had been employed for only 2 and 2.5 years respectively) to 20 years. The mean length of previous employment was 6.28 years but the mode was lower at 5 years. This was accounted for by a few high values (five values in the range 11-20).

Research into the career choices of students, the selection motives of entrants into the profession and the recruitment practices of firms has highlighted the significance of work placements in a solicitors' firms. Even a short period spent in a real legal environment can have an important influence on a student's future employment pattern. It often represents an individual's first experience of 'serious' employment (by which I mean to imply full-time, adult and regular employment). A placement also provides firms with an ideal opportunity to select potential new recruits at a very early stage and indeed allows them to "be in on" what in all likelihood may be an individual's formative period of socialisation into legal-work experience. It is important not to overstate this potential or to place greater significance upon it than is warranted. However, in view of the absence of empirical research, anecdotal evidence suggests that these early experiences with the solicitors' profession through parents, relatives, previous employment contacts (i.e. as practising police) and informal visits or placements can play a significant role in occupational socialisation. Other surveys of entrants into professions corroborate this implication by the higher than average number of individuals with parents in the profession and who have held placements (e.g. Shiner and Newburn, 1995).

In the current study just under 80% (143 out of 180) of trainees had had some previous work experience in a solicitors' firm. Of these trainees 99 or 68.8% had had a placement and a further two had had a placement and an informal visit. Fifteen or just over 10% had had an informal visit. The remaining 28 trainees or approximately 20% had previous work experience in a solicitors' firm as a legal executive, in another legal position or in some other capacity (four, seventeen and seven respectively). This confirms the previous finding that four trainees had had three or more years working in a legal capacity, effectively, this provided an alternative route into the profession (see page 66).

There was an 80/20 percent split between those 143 trainees that had had some paid work experience in a solicitors' office and those whose experience had been unpaid or voluntary. Once we have excluded the legal executives and the other legal positions (which were in all likelihood paid) it is apparent that the majority of placements were paid placements whilst the informal visits were unpaid and voluntary. Statistics confirm this inference. All four legal executives were paid, the vast majority of other legal positions and other positions were paid (85%+), 88% of placement were paid and 80% of visits were unpaid. There was substantial variation in the responses that trainees gave when asked how many weeks they had spent on placement in solicitors' firms. Four of the 99 trainees that had a placement failed to specify the duration of the placement. Over half of the remainder had placements of six weeks or less. Indeed six weeks was the most common length of a placement followed by four weeks and then 10.5% that were of 2 or 8 weeks. Three-quarters of those trainees that had had placements had had placements of ten weeks or less, although three trainees had had a placement of approximately a year and one had even had a placement, if one can still call it that, of two years. In order to gauge the importance of the firm where a trainee held a placement to a trainee's future place of employment, they were also asked if any of these placements had been with the firm with which they are presently employed. 37.2% of all trainees that had had some previous experience in a solicitors' firm answered in the affirmative. This figure rose to 42.4% of those that had specifically had a placement. In other words, getting on for half of all trainees that had had a work placement in a solicitors' firm were now undertaking their Training Contract as a trainee solicitor in that same firm. This clearly makes the earlier point about the importance of placements both for trainee and firm.

Trainees were slightly more likely to have had a placement if they were in medium or large firms and it is also more likely that they were paid. Whilst the medium and larger firms favoured placements, over 70% compared to less than 10%, the situation was reversed for those in small firms where the figures were 20% for placements and 45% for informal visits. These differences almost certainly come down to financial and size constraints on the smaller legally aided firms. There was no inter firm

difference in the likelihood that the experience that a trainee had had was with the firm that they were now training.

### **The various ways in which trainees characterise themselves**

Trainees were asked which of these best describes how you see yourself? They were offered the categories of a solicitor, a lawyer, in business or as helping people. These categories had been drawn from the most common responses given in the interviews for the initial study and represented a specific self image as a practising solicitor, or a more general image of oneself as a lawyer (Huntington, 1957). These two categories are contrasted with a less legal and more commercially oriented interpretation - in business or the common ideal that many law students and trainees entering their Training Contract hold of the work that solicitors do as helping people (Smith and Halpern, 1992).

Not terribly surprisingly, 80% of trainees saw themselves as either solicitors or more generally as lawyers. Only 20% felt that what they were about was either business or helping people. However, a further breakdown shows that 13.1% still held the belief that their self image was tied into helping people whilst, I would suggest, a growing minority (6.9%) began to see themselves as in the business of making money, a view fostered and encouraged by the senior partners in some of the firms I visited. Over half (54.9%) did not see themselves specifically as a solicitor yet, indeed over a third (34.9%) held a more generalist notion of themselves as lawyers still, perhaps an indication of the ongoing and uncompleted nature of their professionalisation or professional socialisation or simply a more reflection of the way that lawyering is going. Some of these patterns become even more apparent if we then overlay the differences between types of firm each with their own slant on what it means to be a solicitor.

**Table 195: How trainees “best describe” themselves - the percentage by type of firm**

	As a solicitor	As a lawyer	In business	Helping people
LC Firms (n=81)	44.4	38.3	9.9	7.4
MGP Firms (n=63)	47.6	36.5	4.8	11.1
SLA Firms (n=31)	41.9	22.6	3.2	32.3

There are few surprises when these responses are broken down by type of firm. A higher proportion of trainees who work in small legal aid firms described themselves as helping people. This figure drops for trainees in mid-sized general practice firms and then drops further for those in large commercial firms. This pattern is reversed for those trainees that described themselves as in business. The larger the firm the higher the proportion that described themselves as in business although the percentages are not high. A similar trend is demonstrated for those that described themselves as a lawyer, from 22.6% of trainees in small legal aid firms up to 38.3% of trainees in large commercial firms. The high proportion that described themselves as solicitors was similar regardless of the type of firm. This would seem to indicate two things. Firstly, that trainees reflect some of the characteristics of the type of firm that they are attached to. Trainees in the smaller, perhaps more personal, legal aid firms with an individual client orientation and the tendency to have a left of centre political slant were either initially selected or found it easier to maintain a self image that included the notion of helping people. Whilst trainees in larger commercially oriented firms were imprinted with the importance of fees and perhaps more significantly, encouraged to develop an economical good sense or commercial common sense which oriented them and their interpretation of the service they provide towards the business world and their predominantly commercial clients. Secondly, and here I speculate, the trend with regard to more ambiguous or generalist self conceptions as a lawyer might indicate that larger the firm the less likely it is that a trainee will have begun to identify themselves fully with either the professional role, as solicitor, the work they are doing, as in business, or the social orientation towards clients as helping people. The larger the firm the greater the likelihood that trainees will still be

in a plastic stage of professional socialisation, associating more strongly still with their legal education than with their current professional ethos or work environment.

**Table 196: How trainees “best describe” themselves - the percentage by stage of training**

	As a solicitor	As a lawyer	In business	Helping people
1 <sup>st</sup> Seat (n=7)	42.9	-	14.3	42.9
2 <sup>nd</sup> Seat (n=35)	54.3	31.4	5.7	8.6
3 <sup>rd</sup> Seat (n=68)	32.4	41.2	4.4	22.1
4 <sup>th</sup> Seat (n=65)	53.8	33.8	9.2	3.1

The responses are confusing when broken down by seat. The only trends which are evident is a fall from 42.9% of trainees starting their training that described themselves as helping people through subsequent seats and a slight increase in the proportion of trainees that described themselves as in business as seats progressed. The low response rate (n=7) for trainees in their first seat could easily explain some of these variations. These responses are disappointing in as far as they fail to corroborate some of the trends suggested above. One might have expected to see an increasing number of trainees identifying more strongly with the solicitors' profession as their training progressed or a shift towards what one might term a commercial realist position as they become hardened to the financial/transactional side of lawyering which could also represent a drift from ideals. There is some evidence for the latter two trends although as mentioned the low response rate for the first seat distorts any interpretation placed on these figures.

**Table 197: How trainees “best describe” themselves - the percentage by sex**

	As a solicitor	As a lawyer	In business	Helping people
Male (n=107)	55.1	23.4	3.7	17.8
Female (n=68)	29.4	52.9	11.8	5.9

A majority of male trainees described themselves as a solicitor whilst a majority of female trainees described themselves more generally as lawyers. Could this indicate

that male trainees are more ready to identify with the predominantly masculine professional culture in adopting a image of themselves as a solicitor whilst female trainees are more comfortable with the more neutral sobriquet of a lawyer? Any attempt at sexual role stereotyping is bucked by the higher percentage of female trainees with a commercially oriented self image as opposed to the higher proportion of male trainees who see themselves as helping people.

### **The various ways in which trainees characterise their firm culture**

Trainees were asked how they would describe the firm culture of their particular firm according to a rating of nine characteristics drawn from the initial study. Inevitably, there was a degree of ambiguity and misinterpretation around the characteristics and the phrasing of the characteristics. This is perhaps best dealt with by stating the intended implications surrounding each characteristic and the intended meaning of the word chosen by the researcher. The first characteristic offered to trainees was the degree to which their firm culture was *altruistic*. It was thought that this might be a characteristic more associated with the smaller legally aided firms and less with the larger commercial firms, including notions of social responsibility and public service orientation. The second characteristic offered to describe firms was *democratic*. This was intended to refer most directly to the management structure and general political orientation within the firm including less hierarchical and more open decision making structures and facilities for and acceptance of intra-firm debate. Masculinity implied a predominately *masculine* firm culture which placed a strong emphasis on the kinds of attitudes and activities which, whilst not necessarily exclusionary towards women, operated in such a way as to bias in favour of men and more general patriarchal societal values (Witz, 1992). This might vary from the mundane to the extreme, from an interest in traditionally male team sports and evening activities to child care and paternity arrangements (Sommerlad, 1994). The notion of a *radical* firm also related to political and management orientation and included unusual and alternative attitudes and approaches to the business of lawyering. This characteristic was felt to be in contrast with traditional law firms. Firms might be considered *aggressive* because of their marketing strategy, their staff or client handling policies or any kind of acquisitive or "go getting" attitudes prevalent throughout the firm ethos. This characteristic could easily be linked to younger firms, extremely competitive firms or

those operating in a harsh profit maximisation environment. Related to the previous characteristic is how *profit-motivated* a particular firm is. This is directly related to a firm's perceived attitude towards money, fees and financial control. The adjective *traditional* tended to be seen as pejorative by trainees in the initial study. Firms were traditional if they operated according to the original precepts of the profession. This held implications of a dusty and anachronistic monolith, slow to move with the times, to modernise and adapt to the harsh economic realities of today's global legal environment. *Competitive* was seen as a central characteristic for the vast majority of firms. Similar to social Darwinism, if a firm had failed to be competitive in all likelihood it would no longer exist. Having said this, it was felt possible to draw degrees of competitiveness between either a large aggressive commercial firm or a small and highly motivated specialised firm as opposed to more established traditional firms or struggling legal aid firms. The final characteristic offered to trainees to describe their firm culture was whether it was *socially-oriented*. This proved to be the most susceptible to misinterpretation. It was intended to refer to the degree of intra-firm sociability, cross hierarchical communication and ease of dialogue within firms as opposed to their formality, impersonal nature or purely work orientation. There is a certain amount of overlap with other characteristics such as democratic, radical or even masculine. These then were the researcher's intentions behind each of the characteristics which will be reinterpreted in view of the response of trainees reflecting on their firm culture.

### Altruistic

Table 198: The degree to which firms were felt to be altruistic

	1	2	3	4	5
LC Firm (n=76)	22.4	40.8	28.9	3.9	3.9
MGP Firm (n=60)	15	41.7	21.7	16.7	5
SLA Firm (n=25)	20	16	36	20	8

1 (uncharacteristic) or 5 (very characteristic)

Trainees were asked which of certain characteristics best described their firm. The first of these characteristics was altruism. Not terribly surprisingly the majority of trainees did not rate this as very characteristic of their firms. Over half of trainees in

large commercial firms or mid-sized general practice firms rated their firms as either very uncharacteristically altruistic or uncharacteristically so. 36% of trainees in small legal aid firms felt this to be the case. The same proportion that were undecided either way. Overall, trainees tended to find large commercial firms to be the least altruistic. Mid-sized general practice firms were not too far behind with smaller legal aid firms seen as relatively altruistic by comparison.

### Democratic

**Table 199: The degree to which firms were felt to be democratic**

	1	2	3	4	5
LC Firm (n=78)	16.7	33.3	37.2	11.5	1.3
MGP Firm (n=62)	21	35.5	24.2	16.1	3.2
SLA Firm (n=29)	27.6	27.6	27.6	10.3	6.9

1 (uncharacteristic) or 5 (very characteristic)

There was less difference in trainee's perceptions of their firms as democratic or not. The majority of trainees in all types of firms found their firms to be either very uncharacteristically or uncharacteristically democratic. Mid-sized general practice firms were seen to be both the most uncharacteristically democratic of the three types of firms and the most characteristically democratic. This confusing pattern was repeated in the views of trainees in small legal aid firms which were only very slightly less uncharacteristically democratic and slightly less characteristically democratic. The spread of opinion in large commercial firms was far narrower with a relatively high proportion who felt that their firms was neither uncharacteristically or particularly characteristically democratic.

### Masculine

**Table 200: The degree to which firms were felt to be masculine**

	1	2	3	4	5
LC Firm (n=80)	5	27.5	33.8	22.5	11.3
MGP Firm (n=62)	16.1	29	17.7	24.2	12.9
SLA Firm (n=28)	14.3	17.9	25	10.7	32.1

1 (uncharacteristic) or 5 (very characteristic)

Again, although the differences are not large it is possible to indicate that the smaller the firms is the more likely is it that it will be seen as characteristically masculine.

Nearly a third of trainees in small legal aid firms felt their firms to be very characteristically masculine. However, a similar proportion of trainees in small and large sized firms felt their firms were either uncharacteristically or very uncharacteristically masculine. This figure rose to 45.1% of those in medium sized firms. It should, therefore, be noted that a roughly similar proportion of trainees felt their firms to be characteristically masculine as felt this not to be the case with trainee responses from mid-sized firms weighted slightly towards the uncharacteristic and those in small firms weighted slightly towards the characteristic. There was no significant variation by sex of trainee.

### Radical

**Table 201: The degree to which firms were felt to be radical**

	1	2	3	4	5
LC Firm (n=78)	41	32.1	17.9	7.7	1.3
MGP Firm (n=63)	44.4	27	20.6	7.9	-
SLA Firm (n=27)	37	37	11.1	11.1	3.7

1 (uncharacteristic) or 5 (very characteristic)

Firms were generally not considered to be radical. Over 70% of trainees in each type of firm felt their firms to be either uncharacteristically or very uncharacteristically radical. Similarly, less than 10% of trainees in large and medium felt that their firms were either characteristically or very characteristically radical. This figure was 14.8% for trainees in small legal aid firms.

**Aggressive****Table 202: The degree to which firms were felt to be aggressive**

	1	2	3	4	5
LC Firm (n=79)	5.1	26.6	31.6	26.6	10.1
MGP Firm (n=63)	14.3	31.7	33.3	19	1.6
SLA Firm (n=28)	14.3	35.7	35.7	14.3	-

1 (uncharacteristic) or 5 (very characteristic)

Firms are characteristically seen as increasingly aggressive the larger they are in size. A bare majority of trainees in large commercial firms found their firms to be characteristically aggressive as opposed to the reverse. Around a third of trainees in mid-sized and smaller firms felt this to be the case. Indeed, the exact percentage of trainees that found their firms to be characteristically aggressive were 52.5% of those in large commercial firms as compared to 37.25% in mid-sized firms and 32.15% in small legal aid firms.

**Profit-motivated****Table 203: The degree to which firms were felt to be profit-motivated**

	1	2	3	4	5
LC Firm (n=79)	-	3.8	13.9	39.2	43
MGP Firm (n=63)	1.6	3.8	23.8	42.9	28.6
SLA Firm (n=29)	-	-	34.5	20.7	44.8

1 (uncharacteristic) or 5 (very characteristic)

The vast majority of firms of all types were characterised by their trainees as profit-motivated. The exact percentage of trainees that felt their firms to be either characteristically or very characteristically profit-motivated were 82.2% of those in large commercial firms, 71.5% for mid-sized general practice firms and 65.5% for small legal aid firms. This appears to demonstrate an increasing characterisation of firms as profit-motivated the larger they are. However, this hides the distribution of responses between those that characterise their firms as profit-motivated as opposed to very profit-motivated. Just over 40% of trainees in large and small firms felt their

firms to be very profit-motivated whilst a similar proportion of those in mid-sized firms felt their firms to be only profit-motivated

### Traditional

**Table 204: The degree to which firms were felt to be traditional**

	1	2	3	4	5
LC Firm (n=79)	11.4	27.8	36.7	19	5.1
MGP Firm (n=63)	11.1	27	22.2	25.4	14.3
SLA Firm (n=28)	10.7	25	28.6	17.9	17.9

1 (uncharacteristic) or 5 (very characteristic)

The majority of trainees in large and small firms tended to rate their firms as more uncharacteristically traditional than characteristically so although a higher proportion of the remainder of trainees in the smaller firms saw their firms as characteristically traditional. There was a bi-modal distribution in response for trainees in mid-sized firms with just over a half of trainees split more or less evenly between the characteristically traditional and the uncharacteristically traditional responses. This would seem to indicate that large commercial firms are typically seen as less traditional than either the mid-sized or smaller firms. Mid-sized general practice firms are generally viewed as the most traditional with a high proportion of trainees ranging around the centre of the scale from uncharacteristically to characteristically traditional. Small legal aid firms followed a similar profile to the larger firms except that a further quarter rated their firms as either characteristically or very characteristically traditional.

### Competitive

**Table 205: The degree to which firms were felt to be competitive**

	1	2	3	4	5
LC Firm (n=81)	-	2.5	17.3	39.5	40.7
MGP Firm (n=63)	-	9.5	38.1	41.3	11.1
SLA Firm (n=28)	-	7.1	42.9	35.7	14.3

1 (uncharacteristic) or 5 (very characteristic)

All trainees rated their firms as competitive. Large commercial firms were rated by their trainees as most characteristically competitive. Mid-sized general practice firms were not far behind and trainees in small legal aid firms saw their firms as least competitive with more or less an equal number falling either side of the characteristic/uncharacteristic divide.

### Socially-oriented

**Table 206: The degree to which firms were felt to be socially-oriented**

	1	2	3	4	5
LC Firm (n=78)	10.3	21.8	33.3	26.9	7.7
MGP Firm (n=61)	19.7	21.3	26.2	19.7	13.1
SLA Firm (n=27)	25.9	29.6	14.8	14.8	14.8

1 (uncharacteristic) or 5 (very characteristic)

Trainees in large commercial firms were the only ones to see their firms as more characteristically socially-oriented than not so. The majority of trainees in mid-sized and smaller firms felt their firms to be uncharacteristically socially-oriented. Indeed, over half of trainees in small legal aid firms felt their firms to be either uncharacteristically or very uncharacteristically socially-oriented. This finding was quite unexpected and suggests that trainees in smaller firms are perhaps more isolated or at least feel more isolated from both other trainees and colleagues.

It is also possible to compare the perceived cultural profiles of differing types of firm by assigning an overall value for each characteristic. This overall or average figure can be arrived at by multiplying the number of responses with the value for each characteristic and dividing the total by the overall number of responses. This then provides an average value for all responses which can provide comparison between firms. The profiles were as follows:

Average rating for all firms	Large Commercial Firms	Mid-sized General Practice Firms	Small legal aid Firms
<i>Profit-motivated</i>	<i>Profit-motivated</i>	<i>Profit-motivated</i>	<i>Profit-motivated</i>
<i>Competitive</i>	<i>Competitive</i>	<i>Competitive</i>	<i>Competitive</i>
<i>Masculine</i>	<i>Aggressive</i>	<i>Traditional</i>	<i>Masculine</i>
<i>Traditional</i>	<i>Masculine</i>	<i>Masculine</i>	<i>Traditional</i>
<i>Socially-oriented</i>	<i>Socially-oriented</i>	<i>Socially-oriented</i>	<i>Altruistic</i>
<i>Aggressive</i>	<i>Traditional</i>	<i>Aggressive</i>	<i>Socially-oriented</i>
<i>Altruistic</i>	<i>Democratic</i>	<i>Altruistic</i>	<i>Aggressive</i>
<i>Democratic</i>	<i>Altruistic</i>	<i>Democratic</i>	<i>Democratic</i>
<i>Radical</i>	<i>Radical</i>	<i>Radical</i>	<i>Radical</i>

Figure 12

Table 207: A ranking of characteristics by type of firms for direct comparison

	LC Firms	MGP Firms	SLA Firms
Altruistic	2.26	2.55	2.8
Democratic	2.47	2.45	2.41
Masculine	3.07	2.89	3.29
Radical	1.96	1.92	2.07
Aggressive	3.1	2.62	2.5
Profit-motivated	4.21	3.94	4.1
Traditional	2.78	3.05	3.07
Competitive	4.18	3.54	3.57
Socially-oriented	3	2.85	2.63

In this way it is possible to provide a thumbnail sketch of the type of firms in each category. All three types of firms are profit-motivated and competitive and generally not very radical. Large commercial firms are characterised as aggressive, masculine and socially-oriented. Mid-sized general practice firms are more traditional but also masculine and socially-oriented. Interestingly, whilst small legal aid firms are seen as masculine and traditional they are also altruistic. Here lies the greatest perceived differences between the differing firm types.

At first sight many of the findings in this section are less than startling and often barely significant. However, this should not obscure the fact that they corroborate earlier findings of this study and other studies (Abel, 1988). There is an over-representation of trainees from privileged backgrounds. A significant minority of trainees have a relative or family friend practicing or connected with the practice of law. There are very few part-time or mature students entering the profession - a situation that is far more striking when we look for trainees of ethnic minorities. Findings show that often a crucial experience in relation to the socialisation of trainees occurs before they even begin their formal legal training. A placement in a solicitors' firm proved to be formative in deciding where and whether a student entered the solicitors' branch of the legal profession. Such an experience represented a powerful example of anticipatory socialisation. Over half of trainees did not as yet see themselves as solicitors. This was particularly true for a large majority of female trainees. I have suggested that this may support the notion that the Training Contract only represents the beginning of a process of professionalisation that stretches into practice. Equally, this finding may highlight the changing nature of lawyering taking into account the growing number of employed solicitors and the advent of multi-disciplinary practices. Trainees very quickly learned that lawyering was less about helping people, an idea that many brought to their training, and more about commercial business sense, a trend particularly evident among trainees in the larger, more commercially oriented firms. This leads on to the final set of findings relating to trainees' characterisations of their firm's culture. Again, the profiles that trainees draw may not appear to be particularly informative. However, they also represent the traits that trainees rate as positive. Firms were generally seen as profit-motivated, competitive and masculine. Larger firms were viewed as less altruistic, less masculine and less traditional but more aggressive and more competitive. Mid-sized general practice firms were more masculine and traditional and small legal aid firms were also more altruistic. Effectively, trainees associate the pursuit of profit, competitiveness and even aggression with contemporary solicitors' firms rather than more traditional, democratic or radical values. The reason it is important to form an understanding of variations in firm culture is because of the influence organisational culture exercises over the trainee's training and context affecting everything from styles of supervision to overall training policy.

## 5. Discussion

Given the complexity and number of the issues covered by this study, it may help the reader to start with a brief summary.

### A brief summary of the research

The intention of this study was to explore the process whereby a trainee solicitor becomes a fully qualified practising solicitor. The central theme of 'becoming' was approached from a number of different perspectives. 'Becoming' includes the formal procedures required for qualification as a solicitor in England and Wales. This entails the successful completion of a series of elements of legal education and training as the law student becomes first a trainee solicitor and finally a practising solicitor. This process of education and training itself generally incorporates a number of elements, including the acquisition of knowledge and the development of specific skills, themselves just two aspects of the broader process of learning that includes the development of competences. There is a further perspective on the process of becoming which both underlies and subsumes the more overt and formal procedures of qualification. This is the process of socialisation or professionalisation whereby a trainee solicitor assumes aspects of the professional collective or professional project and becomes a solicitor in a way that entails more than simply the acquisition of appropriate knowledge and skills. A trainee adopts certain behaviour patterns, attitudes and opinions, in short a professional identity that is appropriate to his or her new role. This is the position from which the study began.

There is virtually no work that has been done on the 'becoming' of trainee solicitors and as such there was no existing field of literature from which to structure a study. There is, however, a vast amount of work with tangential relevance to the 'becoming' of trainee solicitors, but it involves a number of discrete fields of study and theorising which tend to adopt different perspectives. It seemed prudent to focus attention separately on each of these fields of enquiry, at least initially, in order to explore existing work and relate it to the study in hand. Initially, three broad areas were identified that related to: work on the legal profession; studies of legal skills; and

examinations of the socialisation of legal students and those seeking entrance to an occupation or profession. Each of these areas gradually expanded. The first area tapped into an existing debate on the professions and aspects of the professions and included an interpretation of professionalism. The second involved an examination of the basis of knowledge, skills and learning, as well as the specific forms of legal knowledge, legal skills and lawyering competence, both in theory and practice. The third area incorporated an understanding of the situation into which the prospective solicitor is socialised, namely the culture, be it specifically of each solicitors' firm or more generally the professional culture. As these theoretical explorations continued and more particularly when the ideas were taken out into the field, it became obvious that, given the dearth of work beyond the formal structure of training on the practical reality experienced by trainee solicitors, it would be necessary to expand the first area. This was subsequently divided into an examination of the theory and practice of legal education and training and a separate exploration of the constituent elements of legal knowledge and skills. This resulted in the four sections that are reflected throughout the study.

The existing literature in each of these areas was surveyed. A number of different theoretical perspectives were explored and various debates that were ongoing in relation to each section were engaged. This process provided a number of research questions drawing from each section which were tested and then taken into the field. Initially, these questions included:

What is the formal structure of *legal education and training*? How is this reflected in the actual form of legal education and training as experienced by trainee solicitors? Which features of professional legal training are of central concern and importance to this period of training?

What constitutes *legal skills*? How do these skills relate to *legal knowledge*? How do individual trainees develop an appropriate skilled repertoire? Is it possible to talk of a core of skills defining all solicitors?

What does *professionalism* mean to individual trainees? What is the process of entry into a *profession*? What is the present role played by professional status?

Can one characterise a specific legal occupational *culture* or 'firm' culture? What impact does this have on recruitment and selection procedures? How does this inform an examination of the process of *socialisation*, attitude change and identity formation among trainees?

Each group of questions was expanded and developed through the various theoretical debates. The main research questions have been stated at the end of each of the theoretical sections of the thesis. They can be summarised in point form here grouped according to the relevant section.

#### *Education and training:*

How does the perceived form and structure and the actual experience of training for trainee solicitors in England and Wales compare to the formal structure of training as set out and regulated by the Law Society, as reviewed by various committees, commissions and other bodies, as perceived by those outside the training process, and as outlined in the section on legal education and training?

It is assumed by the Law Society and successive review bodies that the supervisory role, originally carried out by the principal under the apprenticeship model, is central to a trainee's experience of training (although this in itself is questioned), but to what extent is it functional in the training process? This strikes at the heart of the system of Training Contracts which the Marre Report (1988) held to be the most appropriate method of practical training for solicitors. There is also a question over the form of feedback and the form of control exercised over the trainee by the supervisor and the Training Establishment through the use of time sheets, work targets, office space allocations and work checking procedures.

*Knowledge and skills:*

What it is that trainees actually do? How do trainees accomplish the work that they do? What are the skills and knowledge that they bring to bear in so doing? Are there a core set of professional skills common to all solicitors? To what extent is this true for trainees? Do knowledge and skills develop incrementally? To what extent is this an accurate reflection of trainees experience? Do trainees learn through a gradual process of enculturation? Is it possible to discern a stage by stage process of learning and can this be seen in the quality and quantity of the work 'fed' to trainees? Are trainees allowed the time and space to reflect and learn from their experiences? Finally, do trainees develop greater confidence and is this related to their perceived levels of competence?

*Professions and professionalism:*

What, for trainee solicitors, are the crucial features of a profession? How do they define and what value do they place upon professionalism? Do trainees feel an increased sense of autonomy and independence in terms of the form and function of the work that they do? Does professionalism simply imply providing a quality service to clients or do trainees feel a growing sense of membership of a professional group of like individuals defining and maintaining competence and offering recourse should clients not receive quality service? What is important about being a solicitor? Finally, are traditional notions surrounding professions more about ideology than practice?

*Socialisation and culture:*

What makes a lawyer? How do the legal cultures in solicitors' firms vary? What sort of people become trainees, in other words, what sort of backgrounds do they come from? Are a disproportionate number from privileged backgrounds with relatives working in law? How were trainees' expectations of practice shaped? How many had had previous experience in a solicitors' firm or other legal environment? Who was the central socialising

agent in trainees experience of training? How do trainees characterise the culture of the firm that they are in? Are there differences between the externally presented or 'espoused' culture and the culture as perceived and experienced by trainees within the firm? What does this say about the types of firm and the legal culture generally?

These are the questions presented by each of the four theory sections. These research questions were operationalised, tested and taken into the field in the form of a questionnaire. I should like to state that throughout the study it was apparent that these four divisions were entirely artificial and to some extent arbitrary. It would not have been possible to address such an enormous area of diffuse literature without first adopting some sort of structure. These divisions suggested themselves from the literature and proved useful at each stage of the study. It is for this reason that they were retained if slightly altered. I now propose to summarise the main findings and the implications of these findings before drawing together the broader aspects in relation to many of the earlier theoretical points. This summary offers answers to many of the original questions such as: Who are trainees? What is the general form and structure of a Training Contract, including what we can say of trainees' experience of Training Contracts, about the role of supervision and the feedback provided? How does training vary across different firms and different departments? To what extent is there a progression through training? And finally, what is the purpose of the Training Contract? Each is addressed in turn.

### **Who trainees are**

Very little information exists on who trainee solicitors are, apart from professional surveys by the Law Society (Marks, 1988; Chambers and Harwood, 1991) and the Trainee Solicitors Group (Moorhead and Boyle, 1995) and studies of law students (Halpern, 1994; Sherr and Webb, 1989). What little work there is suggests that trainees often come from a privileged social background, they may have a parent practising law, and are likely to have had some previous experience working in a solicitor's office or other legal environment. According to my findings less than 10% of trainees had a parent practising law and less than 20% had a friend or friend of the family that worked in law. Although I have no control measure these figures confirm

and point to a possible concentration among trainees of individuals with parents practising law. This is in line with earlier studies in which around 5% of law students described their fathers as solicitors, barristers or judges (Halpern, 1994; McDonald, 1982) [possibly as high as 9.2% including occupations described as police or law (other) and excluding blank responses]. As far as the academic background of the trainees was concerned, 70% had taken a degree including at least an element of law and just over 10% held a postgraduate qualification. Thirty percent had passed the Common Professional Examination which confirms the 70/30 split between what I have termed standard entrants and non-standard entrants. The former include trainees that took an undergraduate law degree and the Law Society Finals. The latter entered the professional stage of training having substantial previous employment experience, as mature and/or part-time students who took the Common Professional Examination. The smaller firms tended to take a higher proportion of such part-time students.

These indications, taken in concert with the findings of other studies (e.g. Smith and Halpern, 1992, Skordaki, 1992), hold a variety of implications for the profile of the future profession. It comes as little surprise that there is still a degree of privilege within the profession (Abel, 1988). The proportion of women entering the profession is increasing, however, there remain very few members of ethnic minorities entering Training Contracts. There are a growing number of trainees that hold postgraduate qualifications (frequently a law masters or, in the case of a increasing minority transferring into the solicitors' profession with substantial employment experience in another occupation, a postgraduate qualification relevant to their previous position e.g. a teaching qualification). There is also a large proportion of students who have taken a degree other than law registering for Training Contracts.

### **The Training Contract**

The training of trainee solicitors is governed by the Law Society. The specific requirements and recommendations relating to the Training Contract are contained within the Training Regulations 1990 (superseding the earlier Training Regulations 1989), the Training Code and the Training Contract itself. Each of these are binding upon the Training Establishment through the person of the Training Principal. The

Law Society also provides recommendation in the form of written standards (Law Society, 1994; 6.2.2), otherwise referred to as Skills Standards, and the section on elements of training and development in the Authorisation Guide (Law Society, 1994; 4.2). Each of these documents is contained within the *Authorisation and trainee solicitors: A practical guide* (Law Society, 1994) provided to Training Establishments upon authorisation to accept trainees and the registration thereof. The specific detail of these requirements and recommendations were dealt with in the theory section on education and training. I propose to summarise the central aspects in relation to the findings on the experience of trainees of the overall arrangements for training, the role of supervision, and the role of appraisal and feedback. Under each heading the official picture of training is summarised and then compared with the perceived reality of training as experienced by trainees in the present study.

### **The arrangements for training**

Having become authorised, the Training Establishment is required to abide by the terms of the Training Code: "The Training Code is intended to provide a framework in which training is organised. It sets out broad requirements that are considered essential to the provision of adequate training. The requirements can be met by all firms and organisations whatever their size and structures" (Law Society, 1994; 2.4.2). Under the Training Code the Training Establishment is required to provide "a desk for the trainee solicitor's own work" and "appropriate secretarial support". In order to help firms achieve the requirements of the Training Code, guidance is provided on the skills trainees should have acquired by the time of admission in the form of a set of Skills Standards. This reflects the "move to a greater emphasis on skills ... in respect of the Legal Practice Course and developed by the Professional Skills Course" (Law Society, 1994; 2.4.3). The purpose of the set of Skills Standards is to assist those involved in the training of trainee solicitors in identifying "key elements within the skills specified in the contract and illustrate the type of experience likely to foster their development" (Law Society, 1994; 2.4.3). These statements are not prescriptive to allow flexibility presumably such that "all firms and organisations whatever their size and structures" can achieve them. "The variety of solicitors' practices and the exigencies of client work make it impossible to prescribe precisely what experience is required" (Law Society, 1994; 6.2.2). It is intended that local law

societies should monitor Training Contracts on behalf of the Law Society by questionnaire in order to ensure the training is of the required standard. However, the focus "will be on the system of training provided by the Training Establishment rather than on the experience of an individual trainee solicitor" (Law Society, 1994; 2.4.4). Furthermore, some, or indeed many, trainees will not experience any monitoring during the period of their Training Contract. In contrast, the Training Contract *is* in a prescribed form and replaces the deeds of articles. The form of the Training Contract requires the Training Establishment through the person of the Training Principle to provide the trainee solicitor with the opportunity to practice communication skills, practice support skills, legal research, drafting, interviewing and advising (Law Society, 1994; 6.5.1). There is also a requirement for the training to include the opportunity for trainees to gain experience of the practice of negotiation, advocacy and oral presentation skills. The Training Establishment must provide trainees with "proper training and experience" in at least three of the prescribed English legal topics and ensure that the trainee solicitor gains experience in both contentious and non-contentious work. The Law Society Training Regulations 1990 simply state that training must be adequate and "a Training Contract must be in such form and contain such terms and conditions as the Society may from time to time prescribe".

The Law Society recognises that the form and structure of training will vary according to the type of Training Establishment. The extent of such variation is unspecified. The responses given by trainees in the larger firms in the present study tend to suggest that training in such firms is more clearly structured and adheres to the letter of the Law Society requirements more tightly. In contrast, the training provided in many of the smaller firms may be more loosely interpretative of such requirements, particularly in relation to the form and frequency of supervision and feedback. This is not to suggest that one is necessarily better than the other although further discussion on the variations in training between different firms and departments is dealt with in greater detail below (see Variations in training p443).

It should be noted that there was a difference between the range of departments that were on offer to trainees and those that trainees actually experienced. While virtually

all trainees were offered, and experienced, seats in civil litigation and property, only a tiny minority were offered seats in magisterial law, shipping and airways, local government or welfare law and no trainee, in this study, actually experienced such a seat. Curiously, although the Law Society only insist that a trainee must experience both contentious and non-contentious work, in actuality trainees experienced almost exactly half and half contentious and non-contentious. Whilst the majority of trainees experienced seats of approximately six months there was no universal structure of training dividing the two year Training Contract into four six month seats. As for the range of tasks that a trainees should experience, the majority of trainees spent the majority of their time making telephone calls and writing letters. As might be imagined these constituted common, daily activities. Trainees also drafted documents and interviewed clients with some degree of frequency and over half of trainees were in conference at least occasionally. Many other activities such as attending or participating in a tribunal constituted intermittent or one off occasions for all but a tiny number of trainees. Furthermore, many of these more unusual activities were department specific, for example, advising at a police station was almost exclusively undertaken by trainees in criminal litigation departments. Overall, trainees spent a relatively small proportion of their time in direct contact with clients.

The requirement to provide trainees with a desk and secretarial support may imply the provision of adequate and appropriate space for trainees to perform the work required of them. It could also mean that firms should encourage trainees' training and learning in a broader sense. If this is so, then there are significant implications to the fact that not only are the vast majority of trainees required to share an office but a high proportion share an office with their own supervisor. This carries overtones of the apprenticeship model of training. Taken in combination with the finding that the closer a trainee works with their supervisor the more restrictive they find their working arrangements this suggests a degree of dissatisfaction. Furthermore, there is some degree of monitoring in all firms and a substantial degree and extent of monitoring in many firms. In the majority of instances supervisors oversee most, if not all, of the work that a trainees does. Given that a high proportion of trainees were required either to charge time or meet chargeable time targets it is not surprising that a majority of trainees felt that there was sometimes a conflict between the need to

charge time and their learning process. A substantial minority of trainees felt that they had insufficient time for reflection, though, a majority felt that they had had sufficient time to reflect. Interestingly, those that had the opportunity to reflect valued it more highly. An important part of the training process entails the space to learn, not just the physical space and the social opportunity but the mental space created by the time to reflect and even the opportunity to commit minor errors (see *The process of learning and the role of skills training* p455).

### **The role of supervision**

The Law Society Training Regulations make no specific requirements regarding the form or provision of supervision beyond the need for "adequate training". Indeed, the term supervisor is not fully recognised in either the Regulations or the Code, but in the Standards (Written or Skills) it is envisaged that supervision is given by the supervisor "the lawyer for whom the trainee is doing the work" (Law Society, 1994; 6.2.2). The term was introduced to "reflect the reality that someone other than the 'principal' supervises Trainee Solicitors on a day to day basis" (Law Society, 1994; 3.4). However, the Training Code does require the Training Principal to "ensure that anyone in the Training Establishment supervising trainee solicitors is adequately trained and competent to undertake this role. Furthermore, the supervision of training under the Code requires that trainee solicitors be adequately supervised, supervisors must have adequate time to devote to the supervision of training, and in addition to regular meeting with each trainee there must be adequate arrangements made for daily guidance. Similarly, under the terms of the Training Contract "adequate" arrangements must be made for guidance including "access to a supervising solicitor, on a day to day basis" (Law Society, 1994; 6.5.1).

These requirements are further detailed in the recommendations to Training Establishments, Principles and supervisors provided in the guide (Law Society, 1994).

The role of the supervisor has many aspects and:

"extends beyond supervision to include *coaching, counselling, monitoring, delegation and appraisal* ...

Supervisors provide much of the practical training and so their importance in ensuring the successful completion of

the Training Contract cannot be under estimated. The lessons learned from a good supervisor will last throughout a solicitor's career. If trainee solicitors find the work done during the Training Contract rewarding they will remain motivated and loyal to the firm or organisation and make a positive contribution to its future" (Law Society, 1994; 3.4).

On a day to day basis the role of the supervisor is to provide the trainee with well defined tasks and work that is of an increasing difficulty. There should be a suitable amount of work that should be of an appropriate level and it should demand the use of a range of different skills. The trainee should feel able to ask questions, seek advice, make mistakes and receive support i.e. "create an open, honest and friendly environment". Further suggestions are provided under the elements of training and development, specifically the practical training or "supervising the trainee" (Law Society, 1994; 4.2) on improving performance, delegation, handling difficult issues and appraising performance. *The Training Contract - written standards* (or Skills Standards) are far more specific in describing the seven skills a trainee can be expected to acquire and provides examples of tasks involved in their exercise. It is not the Law Society's intention that trainees necessarily perform these tasks personally and in the case of interviewing, advising, negotiating and advocacy it is recommended that supervisors monitor trainees with "particular care". The general point is also made that "trainees will learn little if their work is not properly supervised" (Law Society, 1994; 6.2.2).

In actuality, trainees felt that supervisors were very important to their experience of training. They received the majority of their work through their supervisors. Although the majority of trainees did not have regular supervisions this did not seem to present a problem. The majority felt that they met with their supervisors often enough although they would also have liked their supervisors to have played a more central role in their training. The ideal supervisor relationship was felt to be close, productive and informal - but, in the majority of cases, this was *not* how trainees

characterised their supervisors. Despite these variations the majority of trainees found their supervisions to be constructive and useful.

These findings suggest an anomaly between the ideal form of supervision as envisaged by the Law Society (in terms of adequate time, frequent and regular meetings, support and advice) and the perceived reality in Training Establishments where there exists substantial variation in terms of the pattern and style of supervision. This illustrates that there is no generally accepted pattern of supervision across all firms, in different departments, and most importantly between individual supervisors (what one might term a 'supervisor effect'). Some trainees in some firms or some departments receive frequent, regular if often rather formal supervisions whilst other trainees benefit from more informal, irregular and infrequent ad hoc meetings or discussions. These variations reflect the differences in overall training structure in different firms. They also highlight the nature of different kinds of work and how this can impact on the form of supervision. Most significantly, this variation draws attention to the variety of supervisory styles and the differing requirements of individual trainees (see Variations in training p443).

### **The role of appraisal and feedback**

A central aspect of the training process and a crucial element within the role of supervision relates to the provision of feedback. Under the terms of the Training Contract suitable arrangements must be made to monitor the progress of trainee solicitors at least quarterly and to discuss their progress with them. The Law Society strongly recommends the implementation of a formal appraisal system as trainees will want feedback not merely on the performance of individual tasks but on their performance generally. "An appraisal system will establish a recognised procedure within a Training Establishment for this purpose" (Law Society, 1994; 4.2.4). It is recommended that this might also provide an opportunity to "discuss the future training needs of each individual trainee" i.e. take an interest in their professional development.

In view of the Law Society recommendations, it is interesting to note that the majority of Training Establishments did operate a formal appraisal system, although this was far from universal. However, the role of feedback was significantly more

variable. Whilst the majority of trainees found the quality of feedback to be at least adequate, responses covered the full breadth of possibilities and followed something approximating a normal distribution. Trainees' preferred form of feedback included elements of instruction, feedback on the quality of work and some interest in their professional development. In actuality, this does not appear to reflect the majority case. The majority of 'feedback' consisted of instructions to do work, although a substantial proportion also included some feedback on the quality of work that trainees had done. Interest in a trainee's professional development was expressed in a minority of instances. The delivery of feedback was generally felt to be good (a high rating was equated with feedback that was consistent, considered and constructive).

### **Variations in training**

As has been mentioned, the Law Society recognise that training will vary depending on the Training Establishment. What is unclear is the extent of such variation and the degree of acceptance of such variation. It is possible to offer half an answer to this question. There are substantial differences in the form and experience of training in different firms dependent on, among other things, their size, specialism and the departments they offer. This is true to such an extent that the training that a trainee solicitor receives in one firm may be wholly unrecognisable to a trainee in another firm. In a following section on the purpose of the Training Contract it is suggested that this serves to undermine many of the implicit values of the present system of training.

### **Large commercial firms**

Those firms that were included in the sample as large commercial firms tended to offer a higher proportion of trainees seats in company, commercial, trusts, insolvency, tax and financial planning, planning and intellectual property. Indeed, they were the only firms to have offered European Community law, planning and insolvency although only a very few trainees had actually experienced a seat in one of these departments. Large commercial firms were more likely to have allocated trainees to the departments of their choice. Trainees in such firms were twice as likely to share an office. Large commercial firms exerted the greatest degree of control over the work that their trainees did and their trainees were least confident about interviewing

clients. Large commercial firms also favoured placements over visits when offering pre-training work experience to law students.

### **Mid-sized general practice firms**

Mid-sized general practice firms had the highest proportion of trainees experiencing seats in wills, probate and tax, criminal litigation and family seats although they also had a strong showing in commercial work. Trainees in mid-sized firms appeared to be more likely to work for solicitors other than their supervisor. A higher percentage of their trainees rated their supervisors positively. Their supervisors tended to oversee most rather than all of their work. Skills training in negotiation also appeared to be a particular neglect or a neglected requirement for trainees in these types of firm. Placements were the favoured means of introducing law students to the firm.

### **Small legal aid firms**

Small legal aid firms tended to offer a higher proportion of seats in wills and probate, criminal litigation and family law. The majority of trainees in such firms experienced work in these areas as well as other private client work. Smaller firms purport to offer seats in a wider variety of departments than were actually experienced by trainees in this sample. Small legal aid firms were less likely to have a policy on the range of work that a trainee can expect to experience and if they had such a policy they are less likely to adhere to it. However, trainees in such firms were likely to have far more direct contact with clients, to receive work directly from their clients, and generally had greater opportunity for hands on experience. Sharing an office was less common, however, over a quarter of trainees were required to charge time or meet targets for chargeable hours. This left a substantial minority of trainees in small legal aid firms with little or no time for reflection. A significant minority also rated their supervisory relationships as very formal, unproductive or distant. This is not surprising, as trainees in these firms were three times as likely to work solely to their supervisor - a situation which trainees generally found to be restrictive. Small legal aid firms operated a mixture of policies on the degree and extent to which trainees' work was overseen and checked. Some firms, and some supervisors, oversaw everything that a trainee did whilst others simply waited for trainees to seek clarification. Trainees in small legal aid firms felt particularly strongly in favour of

some form of integration of professional and vocational training. Training in negotiation was also felt to be lacking. A majority of such firms used outside course providers to instruct trainees in these skills. Small legal aid firms favoured informal visits as an introduction for law students and took a higher proportion of students that had studied part time.

### **Variations by size of firm**

The preceding three paragraphs paint a picture of the significant differences between training in large commercial, mid-sized general practice and small legal aid firms.

There are also numerous trends that vary according to the size of the Training Establishment, trends that I shall now summarise. Many of these variations reiterate the differences between the three types of firm.

The larger the firm (assuming a progression from small legal aid firms to large commercial firms) the more likely it is that the firms will have a policy on the range of work that a trainee can expect to have experienced and the more likely it is that such a policy was adhered to. With regard to supervision, the larger the firm, the greater the proportion of trainees that felt their supervisors played a central role in their training and the less likely they were to feel that their supervisors should have had a more central role. As firms increased in size so a greater proportion of trainees sat in with their supervisors and a higher percentage of these found their supervision to be constructive or useful. The larger the firm the less frequently trainees see clients and the less likely they are to deal with whole cases or files. In terms of feedback, the larger the firm the higher the percentage that have a formal appraisal system and the greater the number that feel they do or would benefit from such a system. The larger the firm the higher the percentage of trainees who rate the quality of feedback that they receive as excellent and the more positive they are about the form and delivery of the feedback. The larger the firm the greater the likelihood that a trainee will share an office with their supervisor but it is less likely that they will work solely to their supervisor. There is an increasing chance that they will work as part of a team although this working arrangement accounts for very few trainees. The larger the firm the more relaxed the system of financial control and the less likely it is that trainees will be expected to meet chargeable hours targets. There is also less chance

that trainees will feel a conflict between the need to charge time and the opportunity to reflect on their learning. Trainees are less likely to feel competent across all areas of practice the larger the firm, the higher the proportion that felt they had had insufficient skills training in negotiation and the greater the percentage of trainees that expect to require further training after they have completed their Training Contracts. The larger the firm the greater the likelihood that the firm will provide all their training in-house rather than farm it out to external providers. Finally, the larger the firm the lower the proportion of trainees that had had previous employment experience.

### **Variations by department**

These then are the major differences between the training experienced by trainees in differing firms. There are also differences according to the department a trainee is attached to although these differences tend to be subsumed under many of the previous differences as they relate to the type of work generally carried out in each particular department. Some of these differences will also be summarised as a contrast between contentious and non-contentious departments.

Trainees in criminal litigation departments interviewed clients most often along with those in the other contentious departments of family, private client and civil litigation departments. They also accounted for the majority of trainees who gave advice at police stations. Clerking at court was most frequently experienced by trainees in departments that involved court work such that contentious departments accounted for all but a few instances of this activity. Trainees in these contentious departments felt that they had substantially less time for reflection, had a higher degree of client contact and spent more time seeing clients. A higher percentage also felt that their supervisors waited for them to seek clarification, were most likely to receive work directly from clients and start charging time or meet targets. This is perhaps explained by the higher turnover of files which reduces the opportunity for formal or even regular supervisions. Having said this supervisory styles appear to vary more according to the individual supervisor rather than the department they operate from. By contrast, at least half of trainees in many non-contentious departments had never interviewed clients. Trainees in company or commercial departments were far less

likely to deal with whole files or cases, they are more likely to work as part of a team and are likely to be under relatively strict monitoring with extensive checking of their work.

### **Progress through training**

The most striking impression about the progression experienced as trainees move through their Training Contracts is, in fact, the lack of any such progression. This is extraordinary because one would expect the training to support, reflect and engender a gradual change in trainees from inexperienced newly employed trainees to those about the qualify. According to the Law Society there should be a gradual increase in the complexity and difficulty of work given to trainees. Normally one might expect this to be associated with a concurrent increase in responsibility, autonomy and self sufficiency in both tasks and caseload as trainees are prepared for practice as a fully qualified solicitor. However, this is not happening. In the many cases trainees virtually start their training anew every six months. The training received as part of the Training Contract in the majority of firms can be characterised as a series of steps, usually four of six months, with very little overall gradient. This contrasts with the gradual smooth learning curve idealised in many models of learning and represented in the literature on developing competence (e.g. Gold, 1985). It seems that not only does the current system of training fail to produce a fully competent 'generalist' practitioner but it reduces the benefit of two years training by dividing it into shorter periods of training which do not build one upon the other. In this sense there may be very little advantage to the present system of a series of seats as compared to a single placement in one department as preparation for continued employment.

Despite this there are some slight variations from seat to seat and trends across these stages of training which are here summarised. Curiously, trainees are less likely to experience direct client contact say through advising at police stations as training progresses. Trainees are also less likely to clerk at court or be in conference. There is a gradual increase in the use of the telephone with trainees in their final seat making most use of the phone and drafting documents most frequently. I suggest that this is because, by this stage, they are actually doing law as opposed to learning or experiencing it. In relation to what trainees do, it has already been mentioned that

trainees see clients less as training progresses, however, there is no change in the frequency with which trainees sit in with their supervisors or observe others working. The proportion of trainees receiving work from their supervisors decreases gradually as trainees progress through training but they do *not* become increasingly independent in their workload. There is a very gradual decrease in the percentage of supervisors who oversee all tasks and also those that oversee most tasks, with a slight corresponding increase in supervisors waiting for trainees to seek clarification.

Trainees see the role of their supervisor as less important to their experience of training although a growing proportion rate their supervisory working relationship as informal, close and productive. The proportion of instructions they receive decreased as did the amount of feedback on the quality of their work. There was a very slight increase in the interest expressed in their professional development. Trainees are also less likely to have to share an office. As the work that trainees do increases in importance so the percentage of work monitored increases although the degree of monitoring remains constant. There is a gradual increase in the likelihood that a firm will expect trainees to meet chargeable hours targets as training progresses. Indeed, trainees are increasingly likely to come under the control of a mixture of financial methods. There is a substantial decrease in the number of trainees asking advice at least once a day. Trainees become more realistic and expect to be less competent across fewer specialism. They also feel less confident initially before a gradual increase in confidence as training progresses, however, there is an expect that they will require a greater amount of further training. Trainees do not feel that they have any greater time for reflection as they move from seat to seat and they place less importance on the need for reflection. Early on in their Training Contract trainees rate being fully versed in the knowledge and skills required as most important aspect to being a professional and as they progress through their training fewer describe themselves as in the business of helping people.

Hence, whilst there are few significant variation in terms of the tasks that trainees are given as they 'progress' from their first six months to their final six months there are some interesting trends. The trends that have been identified include a shift from doing a wider variety of more 'interesting' or unusual tasks and activities early on in training towards more standard, usual or commonplace legal activities such as

phoning and drafting. Trainees also see clients less which may reflect the above trend or the fact that trainees become more adept at obtaining the information from clients more efficiently and thus spend less time on the activity. The supervisor is seen as less central to the training experience as training progresses although there is little change in the proportion of time trainees spent sitting in with their supervisors.

Trainees do not become significantly more independent as had been predicted. They receive slightly less of their work from their supervisor and are less likely to share an office with them although they are more likely to be required to charge time in some form and the form and role of monitoring alters. Trainees find these changes to be less restrictive and less overbearing. They feel the need to ask advice of others less often or perhaps feel that they should not be seen to ask advice too often. Despite the fact that they feel they have less time for reflection they place less value on it and feel gradually more competent. They also express greater confidence as training progresses. There is a shift away from an early emphasis on the need for knowledge and skills with a growing recognition of other aspects of professionalism. This is just part of the growing realism, or possibly cynicism, that one trainee referred to as "the drift from idealism" and from the idea that law is primarily about helping people.

What these findings do not show is a gradual increase in the complexity of tasks given to trainees or a progression as trainees learn from seat to seat. This holds implications for the learning process which are dealt with below (The future of the Training Contract p452).

### **The purpose of the Training Contract**

The findings of the study suggest that there exists a degree of ambiguity over the exact purpose of the Training Contract (also Abbey, 1995). Implicit within much of the Law Society literature on training is the implication that the training should be catholic and inclusive. The Training Contract is intended to represent the final stage in a general training that should prepare trainees for practice in whatever field of law they may wish to enter. This reading runs against the natural inclination of many trainees who wish to specialise increasingly early and many Training Establishments that are either not in a position to offer a fully 'generalist' training or who covertly allow a degree of specialisation within Law Society regulations. Trainees perceive a

growing demand for specialist practitioners and wish to carve a niche for themselves often as early as possible.

This comparison emphasises a parallel debate around the form of learning within a Training Contract. Should trainees be introduced to a variety of work or should the emphasis be upon the achievement of a certain degree of competence? Is training about obtaining a wide experience or a deep experience? Is it about training the trainee for an uncertain future, preparing them for practice in a specific area, fitting them to the needs of the firm and thereby increasing the likelihood of their continued employment, or is it about developing them into a 'professional'? Throughout this study the temptation has been to focus upon the concerns of the trainee and adopt a trainee's perspective on training. It should be borne in mind that training in the form of a Training Contract serves many purposes which entails balancing the needs of the trainee, the Training Establishment, the client and the profession. I mention this because there can be a temptation, say within the Law Society recommendation, to overemphasise what might be termed the educational or learning aspects of the Training Contract experience whilst down playing or leaving unrecognised other aspects such as the practical perspective on the Training Contract as employment or work. This question of situated learning is dealt with below (The process of learning and the role of skills training p455).

Trainees do not feel that their training is equipping them to work as the 'generalist' practitioner that can be read as implicit within many of the Law Society requirements. It is also highly questionable to what extent such a practitioner exists. However, I would suggest that the underlying need is to enable a degree of career flexibility and basic competence which is seen as transferable across legal specialisms. This identifies two areas that require further research. One is into the early careers of solicitors to test the suggestion that many change specialism as much as three times within the first few years of practice (Baker, 1996). The other is to examine the general assumption that skills are transferable or portable between specialism. To some extent this issue has already been flagged in relation to lawyers (Johnston and Shapland, 1990) but further investigation is called for. There are implications for the structure of training (see The future of the Training Contract p452) - what of trainees

who move from a large commercial firm to a smaller legal aid firm having experienced four six month seats in predominantly commercial areas with very little direct client contact? This question also related to the implicit assumption often made from law school upwards that there are a core set of legal skills representative of all lawyers or solicitors. This question is also addressed in relation to skills below (The process of learning and the role of skills training p452).

Throughout the literature and within the profession there is concern over the cost of training. Increasingly, the burden of trainee debt may be pushing trainees towards the larger and more prosperous firms that are best able to support the costs of training and remunerate them most handsomely. This in itself, holds implications for the future training of trainee solicitors. Certainly there are indications that smaller firms find it increasingly difficult to take trainees, pay them the Law Society minimum salary, meet the increasingly stringent training requirements and support the cost of additional training. This may lead to a number of things. The smaller firms may simply disappear from the training of trainees and rely on employing those trained in larger firms. Greater elements of training may be farmed out to private providers as is already happening or indeed we may witness the further integration and co-operation of profession and university in meeting future training needs as has been seen with the new Legal Practice Course. There are also concerns expressed within some of the comments made by trainees that the Training Contract can also offer some firms with the means of obtaining cheap labour - a concern that is supported in some of the surveys of employment patterns in solicitors' firms (Chambers and Harwood-Richardson, 1991). There is a further concern in some quarters that there are increased signs of the 'poaching' of trainees from other firms or the 'tying in', contractually or financially, of trainees in order to obtain an enforced repayment in service of the extensive costs of training them. Having said this there is still an underlying impression that trainees are being prepared for work in the firm in which they are trained. This suggests the importance of fitting the trainee to the needs of the firm, an aspect of the training reflected in the expressed requirement that trainees "fit in". This point is further developed under socialisation below (Induction or Reaction: The socialisation of trainees revisited p454).

Finally, training within the Training Contract can play a number of vital roles beyond equipping the trainee for practice. As the final stage of training for a would-be solicitor and as the only stage of training entirely under professional control the Training Contract represents the main mechanism for incorporating trainees as new members of the profession. It is therefore the mechanism for reproducing the profession and sustaining the professional project. On a more mundane level the Training Contract often represents trainees' first experience of full time adult employment and as such represents their introduction and induction as new employees to a solicitors' firm. These aspects are reflected in the concerns around professions or professionalism and socialisation respectively, each of which is dealt with below (Professions and Professionalism: Ideology or practice? p455 and Induction or Reaction: The socialisation of trainees revisited p454).

### **The future of the Training Contract**

The implicit intentions for training expressed within the Law Society regulations are not always successfully translated through the policy of the Training Establishment, the management of Training Principal, Training Partner or the Training Committee and the ability, time or inclination of the supervisor into the training experience of individual trainees. There is little evidence of any gradual learning curve, any increase in complexity or greater autonomy and control for trainees as they progress through their Training Contract. The work of trainees is checked and monitored throughout the period of the Training Contract and there is an increasing urgency for them to charge time.

Essentially, the Training Contract represents situated learning in a practice environment, a working environment not a learning environment. Just as the checking and monitoring of trainees' work serves educational and training needs, it also meets the firms' purposes in maintaining a certain level of output, assuring client satisfaction and insuring against indemnity claims. The increasing need for trainees to charge time interferes with a trainee's ability to reflect on their experience and thereby learn fully from it, however, the ability to charge time effectively is also a constituent element of legal practice that a trainee must acquire. It is itself part of the skills and knowledge, the practical training, that is essential to practice. It is exactly these

tensions that pervade training and it is likely that they always will. Although training draws on the 'culture of learning' it is situated, managed and constructed within a 'culture of practice'. Supervisors are au fond solicitors not teachers or *cognitive coaches*. Although many are trained to train, many are still not adequately trained it seems despite Law Society regulations. How then can a supervisor be expected to manage the training of trainees and gauge the appropriate level of work required by that particular trainee at a specific moment in the training process? Even if we assume that this is possible, work does not present itself neatly packaged as tasks or activities labelled easy or difficult. Similarly, the very nature of legal practice means that work of a particular kind, complexity or general suitability is not always available for supervisors to distribute. As I have said, in reality, trainees tend to subsist on the work that passes across their supervisor's desk. The training of trainee solicitors is governed as much by the edicts of the Law Society as by the exigencies and vagaries of the everyday situation in a legal practice.

What then of the current structure of the Training Contract? Some firms it seems have changed little since the articles of apprenticeship became the contract of training. A large proportion of trainees share an office with their own supervisor, they receive their work from this person, they receive instructions from this person and virtually all of their output is then checked by this same person. Other firms, often the larger better resourced firms, have developed a highly structured approach to training. Such firms take upwards of a dozen trainees whose training is managed firm-wide by a director of training. Skills training is integrated into the training they receive and specialised department seminars run along side these. Despite this variation (see above), and regardless of which of these types of firm a trainee joins, at the very heart of the Training Contract, just as for the deed of articles, lies the one to one relationship between a trainee and their supervisor. However, it is worthwhile taking a moment to question some of the implications that lie behind these variations in the current structure of training in case they suggest patterns for the future.

Trainees in smaller legally aided firms are more likely to work on whole files or cases under less structured supervision. Trainees in the larger firms see clients less, have more structured training and are generally more content with the quality of their

training and supervision. This goes beyond the obvious factors of money and power. The unit cost per client is far lower working on legal aid than for your average business client. So therefore the turnover must needs be higher. The potential cost to the firms in damages and loss of business are also disparate. This may begin to explain why trainees in the smaller firms generally get to the meat of the work earlier than trainees in the larger firms. This holds widespread ramifications for clients in terms of an ensuring an appropriate quality of service (Harris, 1994) and equal access to justice. It is likely that the dictum "power and wealth can get you anything" reflects the inevitable disparity in the quality of service between clients of different means. However, it is a central tenet of the profession that all clients receive a minimum standard of service and have equal access to justice. Within the current political and social climate it seem increasingly unlikely that the profession will be able to defend this position with, for example, the massive reductions in legal aid funding. Furthermore, in terms of training, this holds implications for the trainee trained in a large city firm who then takes a position in a small inner city legal aid firm. Given the enormous variation in the form of practice between departments and between firms it seems unlikely that the present system of training can adequately prepare trainees for the future. This is supported by the view of trainees that they will require further training and re-training into practice. Given this situation in conjunction with the inconclusive evidence for the existence of a set of core skills, the questionable value attached to the notion of a 'generalist' practitioner and the patent inadequacy of the current system of training to deliver such a practitioner, it may be appropriate to consider alternative forms of training such as a shorter probationary period attached to one particular department or specialising in a certain area of practice.

Already the training in small legal aid firms can often be more easily characterised as two years rather than the conventional four six month seats. Trainees are introduced to the work in their first year often by manning the front desk and in their second year they handle their own files and charge time. Beyond the implications for clients, it should be noticed that this model offers advantages to the six month rotation scheme but may only be possible in a small firm with a limited range of departments. It seems curious the extent to which Law Society regulations have been interpreted at and

beyond their word despite the repeated references to flexibility. This is most clearly demonstrated by the fifty fifty balance in contentious and non-contentious work experienced by trainees.

### **The process of learning and the role of skills training**

Law Society documentation places an emphasis on skills development throughout each of the stages of legal education and training. A majority of trainees were not satisfied with the extent of interview skills training that they had received. The same was true of instruction in drafting. Certain skills such as common office procedures and file management were recognised as skills that required some training, however, trainees felt that a little training was quite sufficient. Other skills such as typing or word-processing were felt to be unnecessary or best left to the individual. The overall emphasis on skills training highlighted a number of concerns among trainees. For example, much of the skills training they received was front loaded and add on. In effect they felt skills were best taught and learned at the point that they were most relevant and when there was an opportunity to practice them. In actuality, this rarely happened with skills instruction given in pre-designed and isolated units. There was also an over emphasis on general office wide skills at the expense of more specific task related skills for similar reasons.

Around half of trainees recognised that they would be requiring further skills training beyond the completion of their Training Contract, although substantial emphasis was placed upon the need to update legal knowledge at the expense of specific skills development. At present skills training is far from fully integrated and accepted by Training Establishments or trainees alike. For this reason skills are frequently parcelled up and presented in isolation from the associated activities. A skills emphasis is also a long way from eroding the hegemonic position held by the idea of 'pure legal knowledge' in an environment that is far from paperless, and dominated by legal procedure and legal texts.

There is also the question of a core set of lawyering skills that related back to the conception of a generalist practitioner. Despite agreement around nebulous skill descriptions it seems unlikely that a finite group of skills could be identified that fully represent the core of practice for all solicitors beyond "the generic human skills of

clear thinking" (Twining, 1986). Furthermore, whilst these skills or capabilities are by definition transferable it is uncertain the extent to which the specific competences obtained by trainees in each department are fully transferable between specialisms. As has been mentioned on a number of occasions throughout this study, learning is situated or state dependent and, as such, whilst telephone manner, letter writing and elements of drafting, for example, can be developed across departments there does not appear to be much evidence for the cumulative flexible growth in widely transferable legal skills during the two year period of the Training Contract. This holds a number of implications. At the very least trainees would benefit from a brief induction at the beginning of each new seat which would introduce them to the activities and procedures unique to that department or specialism. More broadly, this can be read as further support for a degree of specialisation in the Training Contract to enable trainees to get to grips with legal practice, and therefore situated learning through doing, as soon as possible without compromising the service to the client.

There are two further caveats that I should like to mention. There is a perceived danger that itemising and attempting to reduce practice down to constituent skills may lead to vocationalism. In this way, if we ignore the 'ghost in the machine' we fail to appreciate the art in lawyering (Webb, 1995). The second point to be borne in mind is that learning, in its broadest sense, is incremental and lifelong. There is a need for continued study of solicitors in early practice beyond the Training Contract as solicitors do not suddenly emerge from the cocoon of formal training a fully fledged practitioner.

In many ways the training of trainee solicitors is less about the explicit learning of skills or a gradual learning progression through training and more about gaining acceptance into a specific situation, a department, a firm, and a culture (see *Induction or Reaction: The socialisation of trainees revisited* p457). This emphasis became apparent in the lack of space to learn provided for trainees. The search for the role of reflection in trainee learning (Schön, 1983) proved fruitless both in terms of the time available for reflection and the importance placed upon it by trainees themselves. This form of reflective learning was not paramount. Similarly, the perceived freedom

to make mistakes or ask advice demonstrated less about learning say by trial and error and more about trainee's fear at "losing face".

### **Induction or Reaction: The socialisation of trainees revisited**

Revisiting the becoming of trainee solicitors after an examination of their experience of training reveals a host of interesting findings. Trainees do not simply incorporate learning and skills they react to the experience of training, the firm environment, the general occupational climate and the professional culture. In this sense, the socialisation of trainees combines elements of both the inductive and reactive model of socialisation. The formal structure of training sets parameters for the form of training experience, however, it is the individual's reaction to this experience that is internalised not the structure per se. Hence the overarching sense among trainees of a need to "fit in". These notions correspond with the idea of a distinct trainee culture concerned with coping with training contingencies, obtaining support, saving face, fitting in, asking questions and holding the job (Becker et al, 1961) or *studentmanship* (Olesen and Whittaker, 1968). This holds very real implications for trainees not only in terms of their experience of training but ultimately it is felt to affect the chances that they will be kept on after their Training Contract terminates.

With respect to the perceived firm culture, the majority of trainees characterised their firms as profit-motivated. They did not feel that their firms were either altruistic, democratic or radical. The larger the firm the greater the likelihood it would be characterised as aggressive and the less likely it would be described as masculine. Large firms were seen as less altruistic, less traditional but more competitive, aggressive, masculine and socially-oriented. Mid-sized general practice firms were characterised as more traditional than other firms and also masculine and socially-oriented. Trainees in small legal aid firms see their firms as more altruistic compared to large commercial firms, but also masculine and traditional.

Inevitably, these thumbnail characterisations offer gross generalisations of the type of firm in each category. However, these are the perceptions of trainees and chime with the representations made by the trainees interviewed for the initial study. The larger more commercially oriented firms tend to be seen as very aggressive, go-getting, profit-motivated firms. This is an image that many such firms seem happy to project.

This is not entirely surprising within the current political climate where greed is not necessarily something to be ashamed of. Medium sized firms share many of these characteristics, however they tend to be seen as more traditional by trainees. Both medium and large firms are strongly associated with a masculine ethos and are described as socially-oriented perhaps in terms of sporting events and after work drinks. This supports much of the literature linking notions of hard work, aggressive techniques and long hours with a workplace machismo (Sommerlad, 1993). The smaller firms are equally masculine and also traditional although they incorporate, or project, a greater sense of altruistic compassion almost certainly associated with the more personal nature of their work and the areas of specialism.

#### **Professions and Professionalism: Ideology or practice?**

Trainees characterise the state of being professional with being fully versed in the knowledge and skills required. Many also rated giving a public service as an important aspect of being a professional whilst being accepted as part of a recognised group of experts was generally felt to be less important. Trainees in large commercial firms felt that giving a public service was less important to being a professional than trainees in other firms. Trainees in mid-sized general practice firms rated public service and the requisite level of knowledge and skills as important elements of being a professional although they also rated acting according to a set of ethical rules highly. Trainees in small legal aid firms felt that giving a public service was one of the most important parts of being a professional and they rated being part of a recognised group of experts least highly. A higher proportion of trainees who work in small legal aid firms describe themselves as helping people. The trend is that the larger the firm a trainee is in, the greater the proportion that rate being fully versed in the knowledge and skills required as the prime characteristic of professionals and the higher the proportion of trainees that describe themselves as in business.

These findings represent the changing attitudes among trainees towards the profession and conceptions of professionalism. For many trainees ideas around professions and professionalism have less to do with joining a recognised group of experts and more to do with providing a quality profitable service to clients, however that may be interpreted. Trainees are increasingly pragmatic in their view

towards the profession. Given that the majority do not experience any significant increase in autonomy or independence, for example, over the work that they do, any temptation to equate growing professionalism with increased autonomy must be rejected.

In a very real sense the debate around professions covered in the theory chapter fails to address the development of professionalism in the individual trainee. Ascendancy within the professional project is achieved by the collective and bestowed upon the young professional through a series of symbolic actions (e.g. admission to the roll), however, this does not necessarily mean that trainees automatically and instantaneously adopt the core or pivotal values (Schein, 1968a) and traditions associated with the solicitors' profession. Neither are they immediately able fully to assume the powers and privileges that are really only exercised by an established practitioner of some seniority. Much of the current debate around professions fails to take account of the gradual process of professionalisation or professional becoming and instead relies on formal entry procedures to demarcate the non-professional from the professional. This provides an account that is both partial and insufficient. Just as certain 'traditional' or 'liberal' professions are frequently presented as the archetypal professions so established or senior professional and particularly those professionals who are able to annex the professional body and therefore speak on behalf of the entire profession are frequently taken to represent the core of the profession (Shamir, 1993). In order to sustain any form of coherent and consistent professional project outside the profession it is essential that it operate within the profession to buy in new adherent in order to continuously reproduce and maintain a sense of the professional endeavour.

These comments contain a healthy measure of speculation. Further research is required into the specific processes of professionalisation operating at the level of the individual to ascertain how and when young practitioners or neo-professionals become fully accepted, recognised and established within the core of the profession as represented in much of the literature on professions. However, will this ever occur? There is no agreement on the end state of professions, only continued debate in terms of an ideal type. One thing is clear, in terms of the experiences of trainee solicitors,

any debate around professions has more to do with ideology than practice. Trainees tend to associate talk of professions and professionalism less with vague notions of occupational elitism and more with the ideas and principals of skilled activity, client care and ethical conduct.

### **Theoretical unification?**

This study has made use of numerous quite distinct literatures. These literatures and the debates arising from them have contributed to the theoretical divisions sustained throughout the study. In conclusion, it would be both appropriate and ideal to attempt a rapprochement and offer a more unified conception of the 'becoming' of trainee solicitors. Effectively, the questions are to what extent do these have to remain four separate literatures? Can the obvious tensions within and between the literatures be in any way resolved? Are the four strands/sections only different aspects of a similar debate or are they entirely irreconcilable?

As is so often the case, the answer I offer is both partial and not entirely satisfactory. The literatures are quite separate deriving as they do from different disciplines. They draw on quite distinct research and adopt a variety of perspectives. For this reason it would be inappropriate if not impossible to unify the literatures as they currently exist. They each serve very different purposes. None of these literatures lend themselves to an examination of the becoming of trainee solicitors. Whilst this may present significant difficulties when attempting to incorporate element of each in one research endeavour, their very separateness provides a robust theoretical base and the variety of perspectives offer a triangulation on the process of becoming. It is for this reason that no attempt was made to force a theoretical integration or pick selectively from each strand. An understanding of the theories, perspectives and debates within each strand gave a different reading of the process of becoming. Whilst these reading were not necessarily complimentary each offered something to the final product and their absence would have been noticeable.

The literature on legal education and training set the research with a practical and very concrete context. The work on legal knowledge, legal skills and competences offered an understanding of the elements involved in legal education and training.

The remainder of the studies on professions, professionalisation, socialisation and cultures began by flavouring the context of training. However, these long standing debates proved to offer essential elements that contribute to, and indeed construct, an understanding of the change from law student to legal practitioner. Any amount of emphasis on elements of training, such as lawyering skills, or the process of training cannot ignore the fact that the training provided under a Training Contract is situated within a professional, organisational and very real context.



## 6. Appendices

## **Appendices**

- Appendix: A Training Contract**
- Appendix: The Training Contract - Written Standards**
- Appendix: The Training Regulations 1990**
- Appendix: The Training Code**
- Appendix: Specimen Checklist**
- Appendix: Introductory Letter to Training Partners (Initial Study)**
- Appendix: Explanatory Cover Sheet for Interviews**
- Appendix: Interview Schedule**
- Appendix: Introductory Letter to Training Partners (Main Study)**
- Appendix: Follow-up Fax to Training Partners (Main Study)**
- Appendix: Questionnaire to Trainees**
- Appendix: Accompanying Letter to Trainees**
- Appendix: Reminder Letter to Trainees**
- Appendix: Department Headers**
- Appendix: The Categorisation of Departments**

## 6.1 Appendix: A Training Contract

THIS CONTRACT is made on 199

BETWEEN "X"

of the "Training Establishment" and

of (the "Trainee Solicitor")

1. "X" is the Training Establishment for the purpose of the Training Regulations 1990.
2. [The Training Establishment] is authorised by the Law Society and has agreed to provide training for the Trainee Solicitor according to the rules of the Law Society.
3. The Trainee Solicitor agrees to be trained by [the Training Establishment].
4. [The Training Establishment] has appointed to be its Training Principal.

#### DATE OF COMMENCEMENT AND FIXED TERM

5. This Contract begins on 199 and continues for two years, subject to the provisions for earlier termination.

#### COVENANTS OF [THE TRAINING ESTABLISHMENT]

##### Salary

6. [The Training Establishment] will:
  - (a) pay the Trainee Solicitor a yearly salary of not less than £ payable by equal monthly instalments.
  - (b) ensure that the Trainee Solicitor's salary is never less than the minimum prescribed for Trainee Solicitors in the local law society area where the Trainee Solicitor is based.

##### Training Principal

7. (a) The Training Principal is the individual responsible for [the Training Establishment's] obligations under this Contract.
- (b) The Training Principal may delegate those responsibilities to others but where this is done the name of the person or persons appointed must be given to the Trainee Solicitor.

##### Terms and Conditions

8. The Trainee Solicitor is employed by [the Training Establishment] under the terms and conditions of employment which have been supplied but if there is any conflict between those terms and this Contract then the terms of this Contract prevail.

**Note:** The name of the Training Establishment may be substituted for the wording given in square brackets.

### Basic Skills

9. [The Training Establishment] will:
- (a) provide the Trainee Solicitor with the opportunity to practise:
    - (i) communication skills;
    - (ii) practice support skills;
    - (iii) legal research;
    - (iv) drafting;
    - (v) interviewing and advising;
  - (b) provide the Trainee Solicitor with the opportunity to gain experience of the practice of:
    - (i) negotiation;
    - (ii) advocacy and oral presentation skills.

### Legal Topics

10. (a) [The Training Establishment] will provide the Trainee Solicitor with proper training and experience in at least three of the following English legal topics;

Banking;	Intellectual Property;
Civil Litigation;	Local Government;
Commercial;	Magisterial;
Company;	Planning;
Construction;	Property; (including Landlord & Tenant)
Criminal Litigation;	Shipping and Airways;
Employment;	Tax and Financial Planning;
European Community;	Trusts;
Family;	Welfare;
Immigration;	Wills and Probate;
Insolvency.	

If [the Training Establishment] is not able to provide proper training and experience in at least three of these topics it must make suitable arrangements for the Trainee Solicitor to be seconded to an office of another solicitor or elsewhere as agreed by the Law Society to acquire the appropriate experience.

- (b) [The Training Establishment] must ensure that during the term of the Training Contract the Trainee Solicitor gains experience of both contentious and non-contentious work.

### Review of Experience and Appraisal of Performance

11. [The Training Establishment] will:
- (a) provide the Trainee Solicitor with the means to maintain a record of the Trainee Solicitor's training;
  - (b) ensure adequate arrangements for guidance, including access to a supervising solicitor, on a day to day basis;
  - (c) make suitable arrangements to monitor the Trainee Solicitor's progress and at least quarterly to discuss that progress with the Trainee Solicitor.;
  - (d) make prompt and adequate arrangements to deal with any personnel concerns in respect of the Trainee Solicitor.

**Law Society Requirements**

12. [The Training Establishment] will:
- (a) (i) permit the Trainee Solicitor to have paid leave to attend courses and interviews as required by the Law Society or the local law society
  - (ii) pay all the fees and reasonable expenses in connection with such courses and interviews.
  - (b) inform the Trainee Solicitor of any change:
    - (i) in the Law Society's requirements relating to this Training Contract;
    - (ii) of the Training Principal;
  - (c) permit the Trainee Solicitor to have 20 working days paid holiday in each year of employment in addition to public holidays;
  - (d) complete a certificate of training at the end of this Contract.

**COVENANTS OF THE TRAINEE SOLICITOR****Duties**

13. The Trainee Solicitor will:
- (a) carry out duties given by partners or employees of [the Training Establishment] faithfully and diligently and follow all reasonable instructions;
  - (b) treat all information about [the Training Establishment] and its clients and their business as wholly confidential;
  - (c) deal properly with any money or property entrusted to the Trainee Solicitor;
  - (d) keep a proper record of all work done and training received;
  - (e) comply with all requirements of the Law Society;
  - (f) attend courses and interviews as required by the Law Society and the Training Principal.

**DISPUTES**

14. (a) Any dispute about this Contract or the conduct of either party in relation to it may be referred to the Training Principal (or to another appropriate person within [the Training Establishment] if the dispute concerns the Training Principal), who must deal with it within four weeks of referral.
- (b) If the dispute is not resolved within four weeks the issue may be referred by either party to the Law Society or such person as it may appoint.
- (c) the Trainee Solicitor may also use [the Training Establishment's] grievance procedure.

**APPLICABLE LAW**

15. This Contract is subject to English law.

**NOTICES**

16. Any notices must be in writing and given:
- (a) personally; or

- (b) by post addressed to the other party at:
  - (i) the address set out in this Contract; or
  - (ii) any other address given by one party to the other for the purpose of this clause.
- 17. Any notice to be given to [the Training Establishment] must be addressed to the Training Principal.
- 18. Notices will be deemed served two working days after posting.
- 19. This Contract may be terminated by:
  - (a) agreement between [the Training Establishment] and the Trainee Solicitor.
  - (b) the Law Society
    - (i) with or without an application for that purpose by either party;
    - (ii) following an application by [the Training Establishment] in the event of poor performance by the Trainee Solicitor.
- 20. This Contract would not normally be terminated by:
  - (a) the resignation or appointment of any partner of [the Training Establishment];  
or
  - (b) the merger of [the Training Establishment] with another body, firm, company or individual

## TERMINATION

- 21. If the Trainee Solicitor:
  - (a) has completed a Legal Practice Course, Integrated Course, an Exempting Law Degree Course or the Law society Final Examinations and
  - (b) commenced this Contract prior to the publication of the results of that course or examination;either party may end this Contract within four weeks of the results being published if the Trainee Solicitor does not reach the required standard as set out in the letter of offer.
- 22. Under Section 142(1) and (2) of the Employment Protection (Consolidation) Act 1978 the Trainee Solicitor excludes any right under section 54 and 81 of the Act in relation to the expiry of this contract.

Signed by

on behalf of [the Training Establishment]

Signed:

Trainee Solicitor

## 6.2 Appendix: The Training Contract - Written Standards

## 6.2.2 THE TRAINING CONTRACT - WRITTEN STANDARDS

### Introduction

The new arrangements for training solicitors give great prominence to the need to develop practical skills. Both the Legal Practice Course \* and the Professional Skills Course # include skills training, through simulation and role play.

Such training is of little value unless reinforced by supervised on-the-job experience before admission. The training contract requires that every Training Establishment will provide trainees with the opportunity to gain experience of the practice of the seven skills covered by the guidelines. These are:-

- communication;
- practice support;
- legal research;
- drafting;
- interviewing;
- negotiation;
- advocacy

The Training Code, to which all Training Establishments must adhere, requires that such experience be supervised. Such supervised experience will, therefore, be necessary to satisfy the Law Society (under the 1990 Training Regulations) that a Trainee seeking admission has received adequate training in accordance with the terms of the Training Contract.

The purpose of the skills standards is to help Training Establishments and those supervising Trainees to identify the key elements of each of the seven skills and the type of experience likely to foster their development. Apart from specifying these skills, the standards are not prescriptive but allow for flexibility. The variety of solicitors' practices and the exigencies of client work make it impossible to prescribe precisely what experience is required. By describing the skills and giving examples of tasks involving their exercise, the standards should make it easier to identify work in each practice which, under supervision, will satisfy the requirements of the Training Code and Contract.

The standards are divided into seven sections - one for each skill. Each section begins with a summary of the essential characteristics of the skill and sets the broad aim of on-the-job experience. This is followed by a brief description of the training in the LPC and/or PSC on which experience will build. The skill is then defined in more detail and examples are given particular tasks involving its exercise. With the first four skills (communication, practice support, legal research and drafting), the intention is for the Trainee to perform the tasks personally. This is not the case with the remaining three skills (interviewing, negotiation and advocacy) where the interests of the client may preclude such hands-on experience. Here it will be sufficient for the Trainee to observe and review the exercise of the skill by experienced practitioners. Each section ends with particular advice for those supervising the Trainee's work.

Trainees will learn little if their work is not properly supervised. The standards envisage such supervision being given by a 'Supervisor' - the lawyer for whom the Trainee is doing the work. Supervisors must provide feedback and guidance but it is recognised that the guidance can also be provided in off-the-job training organised by the Training Establishment.

\* The 'LPC' replaces the Law Society's Finals from September 1993.

The 'PSC' is a new mandatory course to be taken during the Training Contract from September 1994.

## **Communication Skills**

Trainees should understand the need to use appropriate methods of oral and written communication. They should be able to present their ideas in an effective way and be able to view situations, problems and issues from the perspective of the recipient of a communication, and should structure written and oral communications to suit the purpose of the communication and the recipient(s) to whom it is directed.

During the **Legal Practice Course** Trainees will have been instructed in communication skills through simulation and role plays in interviewing and advising, negotiation and advocacy.

During the **Professional Skills Course**, Trainees will be introduced to those aspects of communication skills that are directly related to the office environment including the need to:

1. develop appropriate methods of oral and written communication; and
2. implement systems and procedures that will ensure lawyers communicate clearly and regularly with their clients.

During the **Training Contract** Trainees should be given work which will enable them to:

- (a) select appropriate means of communication;
- (b) express ideas with precision, clarity, logic and economy;
- (c) choose language appropriate to the recipient;
- (d) use grammar, syntax and punctuation correctly;
- (e) attend to detail (e.g. using defined terms consistently, proof-reading, written communications)
- (f) listen actively and speak effectively

To help Trainees develop these skills they could be required to:

- (a) draft letter to clients and others
- (b) draft internal notes and memoranda
- (c) report to clients and others by telephone;
- (d) take clear notes in meetings with clients, colleagues and other professionals
- (e) dictate notes and letters.

Supervisors should provide regular advice, guidance and feedback on Trainees performance. In particular, they should emphasis the importance of keeping the client regularly informed of the progress of the matter and the client care procedures (Rule 15).

## **Practice Support Skills**

Trainees should understand the need to develop the skills required to work in an efficient practice and should be given work that will enable them to manage time, effort and resources effectively.

The **Legal Practice Course** provides no specific training in practice support skills.

The **Professional Skills Course** will introduce Trainees top basic practice support skills, including:

1. the need to develop systems and procedures for getting work done; and
2. the practical use of information technology.

During the **Training Contract** Trainees should be given work which will enable them to:

- (a) prioritise tasks;
- (b) set and meet deadlines;
- (c) review and report progress on matters;
- (d) balance immediate and long term objectives;
- (e) keep appropriate records;
- (f) understand the processes of setting fees and billing clients;

**To help Trainees develop these skills they could be required to:**

- (a) use their diaries to plan work;
- (b) make regular use of computerised e-mail, word processing, and information systems;
- (c) work effectively with support staff;
- (d) record expenses and disbursements and obtain reimbursement;
- (e) open and close file.

**Supervisors** should check regularly that Trainees are performing such tasks in a way which will enable them to develop good working habits.

### **Legal Research**

**Trainees should be able to carry out and communicate the results of effective research. They should learn to analyse problems and find solutions by thorough investigation of factual and legal issues.**

During the **Legal Practice Course** Trainees will have been instructed in the skills involved in legal research, including the need to:

- (a) analyse a clients instructions and identify the factual, legal and other issues presented by them;
- (b) identify appropriate sources;
- (c) relate the relevant factual and legal issues to each other;

The **Professional Skills Course** provides no specific training in the skills involved in legal research.

During the **Training Contract** Trainees should be given work that will enable them to practice skills taught in the **Legal Practice Course**, making use of traditional legal sources and, where appropriate, computerised research tools, business information and other relevant sources.

**To help Trainees develop these skills they could be required to:-**

- (a) research specific legal issues;
- (b) prepare for interviews;
- (c) analyse corporate searches;
- (d) investigate title to property and relevant searches;
- (e) review title documents;
- (f) review clients' papers;
- (g) conduct due diligence.

**Supervisors** should provide regular guidance and feedback on Trainees performance and ensure that Trainees understand the context and purpose of their research.

## Drafting

Trainees should work in a manner which is clear and precise recognising the need to produce documents which achieve their purpose.

During the **Legal Practice Course** Trainees will have been instructed in the general principles of writing and drafting and will have practised drafting documents in the compulsory subjects of Conveyancing, Wills, Probate and Administration, Business Law and Practice, and Litigation and Advocacy.

The **Professional Skills Course** provides no specific training in general principles of writing and drafting.

During the **Training Contract** Trainees should be given work which will enable them to:

- (a) maintain a standard of care which protects the interests of the client;
- (b) meet the client's objectives;
- (c) address all relevant factual and legal issues;
- (d) identify relevant options;
- (e) demonstrate a critical use of standard forms and precedents;
- (f) draft documents which:
  - \* are logically organised;
  - \* form a consistent and coherent whole;
  - \* are clear and precise;
  - \* meet any requirements of form and style.

To help Trainees develop these skills they could be required to draft:-

- (a) affidavits
- (b) corporate resolutions;
- (c) wills and trust deeds;
- (d) pleadings;
- (e) documents transferring property;
- (f) leases;
- (g) instructions to counsel;
- (h) contracts.

Supervisors should ensure that Trainees progress from simple to complex drafts, including amending drafts of documents received from the other side, and practice using standard forms and precedents.

## Interviewing and Advising

Trainees should have the opportunity to observe and conduct interviews with clients, experts, witnesses and others. They should understand the importance of identifying the client's goals and of taking accurate instructions.

During the **Legal Practice Course** Trainees will have been given instruction in the skills of interviewing and advising through role plays and simulation.

The **Professional Skills Course** provides specific training in the skills of interviewing and advising.

During the **Training Contract** Trainees should be given work which will enable them to understand the need to:

- (a) prepare for an interview;
- (b) allow the client or other professional advisers to explain his or her concerns;
- (c) identify the client's goals and priorities;
- (d) use appropriate questioning techniques;
- (e) determine what further information is required;
- (f) identify possible courses of action and their consequences;
- (g) help the client decide on the best course of action;
- (h) agree action to be taken following the interview;
- (i) accurately record the interview, confirming instructions and action that needs to be undertaken;
- (j) establish a professional relationship with the client and deal with any ethical problems that may arise when advising the client.

**To help Trainees** develop their skills they could observe and take notes of meeting with clients and others, whether face to face or over the phone.

**Supervisors** should, wherever practical, explain the purpose of a meeting and should review the meeting with the Trainee. Where Trainees are asked to conduct interviews or meetings Supervisors should provide guidance and feedback on the Trainee's performance. Where Trainees, in the course of a meeting, are expected to give advice to a client, this should be monitored with particular care by the Supervisor.

### **Negotiation**

**Trainees** should have the opportunity to observe or conduct negotiations. They should understand the processes involved in handling both contentious and non-contentious negotiations and the importance to the client of reaching agreement or resolving the dispute.

During the **Legal Practice Course** Trainees will have been given instruction in the skills of negotiation through role plays and simulation.

The **Professional Skills Course** provides no specific training in the skills of negotiation.

During the **Training Contract** Trainees should be given work which will enable them to have experience of and understand the process of negotiation, including the need to:

- (a) identify the central issues and explain them to the client;
- (b) assess the bargaining positions of each party;
- (c) plan a negotiation;
- (d) establish an agenda at the start of the negotiation;
- (e) generate alternative solutions to resolve the issues;
- (f) use appropriate negotiating style;
- (g) identify the strategy and tactics used by the other side;
- (h) document the agreement or settlement;
- (i) explain the benefits and disadvantages of the agreement or settlement.

**To help Trainees** develop these skills they could observe negotiations conducted by qualified lawyers either in person or on the telephone.

Supervisors should, whenever practical, explain the purpose of a negotiation and review its conduct and outcome with the Trainee. Where Trainees are asked to prepare for or take part in a negotiation, the Supervisor should provide guidance and feedback on their performance. Supervisors should monitor negotiations conducted by Trainees with particular care and should always consider whether they need to be present.

### **Advocacy and Oral Presentation Skills**

On completion of the Training Contract Trainees should be competent to exercise the rights of audience available to Solicitors on admission. They should have had experience which will enable them to understand the specific communication skills of the advocate and the techniques and tactics of examination, cross-examination and re-examination. They should understand the need to act in accordance with the ethics, etiquette and conventions of the professional advocate.

During the Legal Practice Course Trainees will have been instructed in the general principles involved in advocacy through role plays and simulation. They will, also, have been given instruction on the appropriate pre-trial procedures and proceedings and, through simulation, on how to make interlocutory applications before a District Judge.

During the Professional Skills Course Trainees will be given experience, through simulation and role play, that will enable them to:

- (a) use the specific communication skills and techniques employed by the presenting advocate.
- (b) demonstrate the techniques and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence.
- (c) act in accordance with the ethics, etiquette and conventions of the professional advocate;

During the Training Contract Trainees should be given practical opportunities that will enable them to understand the principles involved in preparing, conducting and presenting a case, including the need to:

- (a) identify the clients' goals;
- (b) identify and analyse relevant factual and legal issues and relate them to one another;
- (c) summarise the strengths and weaknesses of each party's case;
- (d) plan how to present the case;
- (e) outline the facts in simple form narrative form;
- (f) formulate a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner.

To help Trainees develop these skills they could be required to:

- (a) help advise on pre-trial procedures;
- (b) help prepare cases before trial;
- (c) in the company of one or more lawyers;
  - (i) attend the Magistrates Court to observe trials, bail applications, pleas of mitigation or committal;
  - (ii) observe the conduct of a submission in chambers or examination, cross examination and re-examination in open court;
- (d) observe proceedings in family cases, industrial tribunals, planning tribunals or other statutory tribunals or the use of alternative forums of dispute resolution; or

- (e) as training progresses, and under appropriate supervision, take a more active role in the conduct of a case. This could include interlocutory applications before a Master or District Judge.

**Supervisors** should discuss the progress of a case with Trainees and review with them the performance of advocates. Supervisors should also review the Trainee's own performance, drawing attention to those aspects which could be improved.

## 6.3 Appendix: The Training Regulations 1990

## THE TRAINING REGULATIONS 1990

Made on the 12th day of July 1990 as amended on the 31st day of January 1991, the 9th day of July 1992, the 18th day of March 1993, the 10th day of June 1993 and the 7th day of October 1993 by the Council of the Law Society under Sections 2 and 80 of the Solicitors Act 1974 with the approval of the Lord Chancellor and each of the designated judges.

### Part I Introductory

- |    |   |  |
|----|---|--|
| 1. | (1) These Regulations may be cited as the Training Regulations 1990 and shall come into force on such date or dates as the Council may determine.   | <b>Title and Commencement</b>          |
|    | (2) The Training Regulations 1989, save as provided in the Schedule, shall cease to have effect on such date or dates as the Council may determine.   |  |
|    | (3) The Post Admission Training Regulations 1991 shall cease to have effect on such date as the Council may determine, on which date Part VI of these regulations shall come into force.  |  |
| 2. | (1) The Interpretation Act 1978 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.   | <b>Interpretations and Definitions</b> |
|    | (2) Words and phrases not expressly defined in these Regulations, unless the context otherwise requires, bear the same meaning as they bear in the Solicitors Act 1974.   |  |
|    | (3) In these Regulations -  |  |
|    | “academic stage of training” means that stage of the training of an entrant to the solicitors’ profession which is completed by satisfying Regulation 7;  |  |
|    | “the CPE Board” means the Common Professional Examination Board set up pursuant to resolutions passed by the Society and by the Council of the Inns of Court;   |  |
|    | “Common Professional Examination” means the Examination specified in the General Regulations of the CPE Board;  |  |
|    | “CPE Course” means a course in preparation for a Common Professional Examination approved by the CPE Board;   |  |
|    | “continuing professional development” means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of solicitors and complies with guidance issued from time to time by the Society; |  |
|    | “core subjects” means the subjects prescribed from time to time by the CPE Board for the purpose of a Common Professional Examination;  |  |
|    | “Diploma in Law” means a diploma or second degree awarded by:-  |  |
|    | (i) a university in the United Kingdom or the Republic of Ireland;  |  |
|    | (ii) an institution in England or Wales empowered by the Privy Council to award degrees;  |  |
|    | (iii) a polytechnic or college authorised to award the degrees of the Council of National Academic Awards before its dissolution  |  |

on 31st March 1993;

- (iv) the College of Law;
- (v) an overseas university or college approved by the Society;

being of such standard as the Society determines following a course of study including study of the core subjects;

“Exempting Law Degree” means a qualifying law degree incorporating a Legal Practice Course;

“FILEX” means a Fellow of the Institute of Legal Executives;

“Integrated Course” means a course of such standard as the Society determines and approves incorporating study of the core subjects and a Legal Practice Course;

“Justices’ Clerk’s Assistant” bears the meaning contained in the Justices’ Clerks (Qualifications of Assistants) Rules 1979 (as amended);

“Legal Practice Course” means a course the satisfactory completion of which is recognised by the Society as satisfying in part the vocational stage of training;

“Professional Skills Course” means a course the satisfactory completion of which is recognised by the Society as satisfying in part the vocational stage of training;

“The Qualified Lawyers Transfer Regulations” means The Qualified Lawyers Transfer Regulations made from time to time by the Council of the Society;

“qualifying employment” means employment, after attaining the age of 18 years, on legal duties under the supervision of a solicitor;

“qualifying law degree” means:-

- (i) a degree awarded by an institution in England or Wales empowered by the Privy Council to award degrees;
- (ii) a degree conferred by the Council for National Academic Awards before its dissolution on 31st March 1993; and
- (iii) a Licence in Law conferred by the former University College of Buckingham before the College was granted university status;

being of such a standard as the Society determines following a course of study including study of the core subjects; or

- (iv) such other degree or qualification as the Society considers the equivalent of the qualifications listed above.

“Society” means the Law Society;

“trainee solicitor” means any person receiving training under a training contract;

“training contract” means a written contract between a training establishment and a trainee solicitor which complies with these Regulations;

“training establishment” means a body, firm, company or individual authorised by the Society to take a trainee solicitor;

“training principal” means any solicitor who:-

- (i) holds a current practising certificate;
- (ii) has held immediately prior to a current practising certificate four consecutive practising certificates;
- (iii) is nominated by a training establishment as such;
- (iv) is a partner or has equivalent status;
- (v) has undertaken such training as the Society may prescribe;

**Review of decisions**

“vocational stage of training” means that stage of the training of an entrant to the solicitors’ profession which is completed by

- (i) (a) satisfactory completion of a Legal Practice Course, or
  - (b) obtaining an Exempting Law Degree, or
  - (c) satisfactory completion of an Integrated Course, and
- (ii) subject to Regulations 31 and 32 serving under a training contract as prescribed in Part IV of these Regulations, and
- (iii) satisfactory completion of a Professional Skills Course and such other course or courses as the Society may from time to time prescribe.

3. The Marginal Notes do not form part of these Regulations.

**Marginal Notes**

4. Subject to the Qualified Lawyers Transfer Regulations, an applicant for admission as a solicitor must have satisfactorily completed the academic and the vocational stages of training and otherwise have complied with these Regulations.

**Compliance with Regulations**

## **Part II Enrolment**

5. No person may:-

- (i) proceed beyond the first year of a course leading to an Exempting Law Degree; or
- (ii) attend a Legal Practice Course; or
- (iii) attend an Integrated Course, or
- (iv) serve under a training contract without holding a current Certificate of Enrolment.

**Requirement to obtain Certificate of Enrolment**

6. (1) The Society shall issue a Certificate of Enrolment only if it is satisfied:-

**Application for Enrolment Title and Commencement**

- (i) as to the applicant’s character and suitability to become a solicitor; and
  - (ii) that the applicant has a good knowledge of spoken and written English.
- (2) The Society may require the applicant to attend before a committee or panel appointed by the Society.
- (3) The Society may refuse to issue a Certificate of Enrolment and must notify an applicant in writing giving reasons for the decision.
- (4) If the Society refuses to issue a Certificate of Enrolment the applicant may:-

- (i) within one month of receiving notification from the Society of its decision ask for the application to be reviewed; and
- (ii) within three months of receiving notification from the Society of its decision under paragraph (4)(i) apply to the Master of the Rolls who may :-
  - (a) affirm the decision of the Society; or
  - (b) direct the Society to issue a Certificate of Enrolment to the applicant.
- (5) The applicant may make not more than three further applications for enrolment at intervals of not less than 12 months of the Society's refusal under paragraph (3).
- (6) (i) A first Certificate of Enrolment is valid for a period not exceeding 24 months as specified in the Certificate.
- (ii) Any other Certificate of Enrolment is valid for 12 months from the date of issue.
- (iii) Notwithstanding (i) and (ii) a Certificate of Enrolment which is in force when the holder commences a training contract shall remain valid for the duration of that training contract.
- (7) Unless otherwise expressed, any reference in these Regulations to a Certificate of Enrolment refers to a Certificate issued pursuant to this Regulation.

### **Part III The Academic Stage of Training**

- 7. (1) A person satisfies the academic stage of training by:-
  - (i) graduating with an Exempting Law Degree; or
  - (ii) graduating with a qualifying law degree; or
  - (iii) passing a Common Professional Examination; or
  - (iv) gaining a Diploma in Law; or
  - (v) satisfactorily completing an Integrated Course.
- (2) In exceptional circumstances, notified to and accepted as such by the Master of the Rolls, the Society may accept such other evidence of academic ability as it thinks fit as equivalent to satisfaction of the academic stage of training for the purposes of paragraph (1) in the case of a person who completes a course of study for one of the qualifications referred to in paragraph (1).
- (3) Before proceeding to the vocational stage of training a person seeking to establish that the academic stage of training has been satisfied by virtue of paragraphs (1)(ii), (iii) or (iv) must obtain from the Society within the prescribed time limit a certificate to that effect.
- (4) Before entering into a training contract a person seeking to establish that the academic stage of training has been satisfied by virtue of paragraphs (1)(i) or (v) must obtain from the Society within the prescribed time limit a certificate to that effect.
- 8. (1) A person within regulation 7(1) must apply to the Society for a certificate and lodge such evidence as the Society may require.

**Completion of the Academic Stage**

**Certificate of Completion of the Academic Stage**

- (2) The Society will not grant a certificate on an application made later than five years after the 1st October in the year in which the applicant obtained the degree or diploma, passed a Common Professional Examination, or satisfactorily completed an Integrated Course unless satisfied that:-
- (i) special reasons exist for granting the certificate; and
  - (ii) the applicant has complied with such requirements as to courses of study, written tests or otherwise as the Society may have imposed as a condition of granting the certificate.
- (3) Subject to paragraph (2), if the Society is satisfied that an applicant holds an Exempting Law Degree, a qualifying law degree, a Diploma in Law or has passed a Common Professional Examination, or satisfactorily completed an Integrated Course it must issue a certificate that the applicant has completed the academic stage of training.
- (4) A certificate remains in force for five years after the 1st October in the year in which the applicant obtained the degree or diploma or passed a Common Professional Examination or satisfactorily completed an Integrated Course or for three years from the date of the certificate, whichever is the later.
- (5) If an application for a certificate in respect of a degree or diploma is refused, the Society may accept the applicant's degree or diploma as entitling the applicant to a Certificate of Eligibility to take a Common Professional Examination under Regulations 10 and 12.
9. For the purposes of Regulations 10 to 14 "eligible student" means a student eligible to attempt a Common Professional Examination who has obtained a certificate from the Society to that effect.
10. (1) To be an eligible student a person must:-
- (i) hold a degree (other than an honorary degree) conferred by an institution in England or Wales empowered by the Privy Council to award degrees or by a university in the United Kingdom or the Republic of Ireland or by the Council for National Academic Awards before its dissolution on 31st March 1993 or a licence awarded by the University College of Buckingham before that college was granted university status; or
  - (ii) hold a degree (other than an honorary degree) conferred by a university outside the United Kingdom and the Republic of Ireland which the Society considers to be of a standard at least equivalent to that of a degree conferred by a university in the United Kingdom; or
  - (iii) be accepted by the Society for admission as a mature student; the applicant for such acceptance must:-
    - (a) have had considerable experience or shown exceptional ability in an academic, professional, business or administrative field;
    - (b) have attained the age of 25 years;
    - (c) have attained such standard of general education as the Society may consider sufficient;

**Definition for the purposes of Regulations 10 to 14**

**Eligibility to attempt a Common Professional Examination**

**Conciliation procedure**

- (d) have satisfied the Society as to character and suitability to become a solicitor and
- (e) have a good knowledge of written and spoken English; or
- (iv) be a FILEX; or
- (v) be a Member of the Institute of Legal Executives who has 3 years qualifying employment; or
- (vi) have attained the age of 25 years and hold such qualification in Magisterial Law awarded after successful completion of a relevant course as shall from time to time be recognised by the Society; or
- (vii) have attained such academic and vocational qualifications as the Society considers to be equivalent to a first degree under paragraph (i).
- (2) In exceptional circumstances notified to and accepted as such by the Master of the Rolls the Society may accept such other evidence of academic eligibility as it thinks fit in the case of a person who completes a course of study for a degree at an institution referred to in paragraphs (i) and (ii).
11. (1) A person may apply to the Society for exemption from any subject in a Common Professional Examination.
- (2) The Society may grant exemption if it is satisfied that the applicant has:-
- (i) passed an examination approved by the Society in a subject considered by the Society to be substantially equivalent to the subject from which the applicant seeks exemption; or
- (ii) satisfactorily completed the appropriate portions of an Integrated Course.
12. If the Society is satisfied that an applicant is an eligible student it must issue a Certificate of Eligibility specifying:-
- (i) which subjects the applicant must pass in a Common Professional Examination; and
- (ii) which CPE Course the applicant must attend (in whole or in part) and any other course of instruction the applicant must follow before attempting a Common Professional Examination; and
- (iii) the date on which the applicant will cease to be eligible to attempt a Common Professional Examination.
13. Only a holder of a valid Certificate of Eligibility may attempt a Common Professional Examination.
14. An eligible student attending a course in preparation for a Common Professional Examination or attempting a Common Professional Examination must comply with any rules or regulations approved by the CPE Board and for the time being in force of the institution providing the course or conducting the examination.
- Exemption from a part of a Common Professional Examination**
- Certificate of Eligibility to attempt a Common Professional Examination**
- Attempting a Common Professional Examination**
- Compliance with Regulations relating to a Common Professional Examination**

#### Part IV The Vocational Stage of Training

15. The vocational stage of training is completed by:- **Completion of the Vocational Stage**
- (i) (a) satisfactory completion of a Legal Practice Course, or
  - (b) satisfactory completion of an Integrated Course, or
  - (c) obtaining an Exempting Law Degree, and
  - (ii) serving under a training contract, and
  - (iii) satisfactory completion of a Professional Skills Course and such other course or courses as the Society may from time to time prescribe.
16. Only a training establishment may take a trainee solicitor. **Employment of trainee solicitors**
17. Every training establishment must provide training in accordance with guidance issued from time to time by the Society. **Provision of training**
18. The Society may:- **Authorisation of training establishments**
- (i) declare any body, firm, company or individual a training establishment subject to any conditions and for such period as the Society considers appropriate;
  - (ii) vary or discharge any condition;
  - (iii) refuse to declare any body, firm, company or individual a training establishment;
  - (iv) declare that a training establishment ceases to be such.
19. (1) If the Society **Review of decisions**
- (i) refuses to declare a body, firm company or individual a training establishment;
  - (ii) declares a body, firm, company or individual a training establishment subject to conditions, or varies any condition; the body, firm, company or individual may apply for review of the decision within one month of receiving notification of it.
- (2) Pending the hearing of an application for review under paragraph (1), any variation of a condition the subject of review stands suspended.
- (3) If the Society declares that a training establishment ceases to be such, then, notwithstanding Regulation 16 the body, firm, company or individual may apply for review of the decision within one month of receiving notification of it; and pending the hearing of an application for review may continue to provide training to any trainee solicitor who has entered into a training contract at the date of the decision of the Society but may not provide training to any other person.
- (4) An application for review made under this Regulation shall be heard by such body or committee as the Society may determine, not being the body or committee which made the decision the subject of review.
20. (1) Every training establishment must appoint a training principal and must notify the Society of the name of such person and if a different person is appointed training principal. **Training Principal**
- (2) A training principal must undertake to the Society to comply with the Training Code issued from time to time by the Society.

21. Before a training establishment enters into a training contract with any person it must set out in a letter of offer to that person such information as to the terms and conditions to be included in the training contract as the Society may from time to time prescribe. **Offering training**
22. (1) Subject to paragraphs (3), (4), (5) and (6) for all persons who have satisfied the academic stage of training the term of a training contract is two years. **Term of training contracts**
- (2) Subject to paragraphs (3), (4), (5) and (6) a person must serve a continuous period of not less than 18 months under a training contract after completing a Legal Practice Course, or an Integrated Course.
- (3) The Society may permit a person who has satisfied the academic stage of training to serve under a training contract for a period not exceeding four years and to be employed part-time provided that:
- (i) the total period of service is no less than would be served by a person in full-time employment and receiving training under a two year training contract; and
- (ii) a continuous period of not less than 18 months must be served after completing a Legal Practice Course or an Integrated Course; and
- (iii) the Society is satisfied that adequate training can be given.
- (4) A trainee solicitor who follows a CPE Course, a Legal Practice Course or an Integrated Course on a part-time basis may, unless the Society otherwise determines, reckon only up to one half of the time from commencement of the training contract until completion of the relevant course as good service under a training contract.
- (5) A person who follows a course leading to a qualifying law degree, an Exempting Law Degree, or a Diploma in Law on a part-time basis may, unless the Society otherwise determines, enter into a training contract and reckon only up to one half of the time from commencement of the training contract until completion of the relevant course as good service under a training contract, provided that no person to whom this paragraph applies may enter into a training contract more than two years before completion of the relevant course.
- (6) A person who as part of the academic stage of training or who, after completing the academic stage of training, spends a period working in the office of a training establishment in a way comparable to service under a training contract but without having entered into a training contract may apply to the Society to reckon not less than one month nor more than six months of such period as the equivalent of good service under a training contract.
23. A training contract must be in such form and contain such terms and conditions as the Society may from time to time prescribe. **Contents of training contract**
24. A training establishment must apply to the Society for registration of a training contract within 28 days of its execution 25. The term of service under a training contract is reckoned from the date of commencement of service in the office in accordance with the offer of a training contract or from such later date as may be specified in the training contract, but if the training contract is not executed within three calendar months of commencement of service under a training **Registration of training contract**

- contract, then, unless the Society otherwise determines, the term of service will be reckoned from the date of execution.
25. The term of service under a training contract is reckoned from the date of commencement of service in the office in accordance with the offer of a training contract or from such later date as may be specified in the training contract, but if the training contract is not executed within three calendar months of commencement of service under a training contract, then, unless the Society otherwise determines, the term of service will be reckoned from the date of execution. **Date of commencement of service under a training contract**
26. A trainee solicitor may reckon as good service under a training contract such periods of absence:
- (i) as the Society may allow; or
  - (ii) as may be necessary for the trainee solicitor to attend a Professional Skills Course. **Absence during service under Articles**
27. (1) If the Society is satisfied that any training contract ought to be terminated it may order its termination on such terms as it may determine. **Termination of training contract**
- (2) A training contract may be terminated by mutual agreement of the parties.
28. (1) A training principal and a trainee solicitor must, if required by the Society, complete and return a questionnaire in a form prescribed by the Society in respect of service under a training contract. **Monitoring**
- (2) The Society may appoint panels (monitoring panels) to monitor training provided by a training establishment.
- (3) The Society may require a training principal or a trainee solicitor who has been required to complete a questionnaire to attend for interview before a monitoring panel and to provide any further information as shall be required for the interview.
- (4) A monitoring panel may visit the premises of a training establishment and require a training establishment to provide such information as it considers necessary.
- (5) A monitoring panel must report to the Society in writing in every case.
- (6) If
- (i) a training establishment, solicitor or trainee solicitor is in default of any of the requirements of these Regulations; or
  - (ii) following an interview or visit conducted by a monitoring panel the Society is not satisfied either that a trainee solicitor is receiving or has received adequate training or that the training establishment can give the trainee solicitor adequate training the Society may exercise such of the following powers as it considers appropriate:-
    - (a) declare that a training establishment ceases to be such;
    - (b) prohibit a training establishment from taking any or more than a specified number of trainee solicitors for such period as the Society may determine or until otherwise determined by the Society;

- (c) impose any other condition upon the training establishment which it considers appropriate;
  - (d) terminate the training contract on such terms as the Society may de-terminate;
  - (e) direct that all or any part of the period served by the trainee solicitor shall not be reckoned as good service under a training contract;
  - (f) direct that a trainee solicitor shall serve such further period under a training contract or receive such further training for such further period and in such form as the Society shall require;
  - (g) direct that a training principal undertake such training as the Society shall require.
- (7) Any training establishment or trainee solicitor who is aggrieved by any decision made under paragraph (6) may apply for review of it in accordance with Regulation 19.
29. (1) If a training establishment or a trainee solicitor is in dispute with regard to any matter arising from the trainee solicitor's service under a training contract, either party may refer the matter to the Society which shall endeavour to resolve the dispute. **Conciliation procedure**
- (2) The Society may appoint any person to act as conciliator in respect of a dispute between a training establishment and a trainee solicitor.
- (3) If the Society is unable to resolve a dispute between a training establishment and a trainee solicitor and it is satisfied that the training contract ought to be terminated it may order its termination on such terms as it may determine.
- (4) Any training establishment or trainee solicitor who is aggrieved by any decision made under paragraph (3) may apply for review of it in accordance with Regulation 19.
30. (1) No person required to serve under a training contract can be admitted as a solicitor until the Society has certified that it is satisfied that such person has received adequate training in accordance with the terms of a training contract. **Adequate training under a training contract**
- (2) A person seeking to establish that adequate training has been received must apply to the Society for a certificate to that effect and must submit such documentation as the Society may require.
- (3) If the Society is satisfied that a person has received adequate training under a training contract it must issue a completion certificate.
- (4) If the Society is not satisfied that a person has received adequate training it may refuse to issue a completion certificate until that person has satisfactorily completed such further training as the Society may direct.
31. (1) Notwithstanding Regulation 15 a FILEX who has satisfied the Society of completion of the academic stage of training is not required to serve under a training contract if the applicant:- **FILEX not required to serve under a training contract**
- (i) has satisfactorily completed a Legal Practice Course or an Integrated Course and

- (ii) either
    - (a) before attending that course has been continuously engaged as a FILEX in the practice of the law since qualifying as a FILEX; or
    - (b) satisfies the Society that, although the requirements of sub-paragraph (a) are not met, the applicant has experience in the practice of the law since qualifying as a FILEX that is sufficiently recent to justify the applicant not being required to serve under a training contract; and
  - (iii) has satisfactorily completed a Professional Skills Course.
- (2) (i) A Member of the Institute of Legal Executives who has 3 years qualifying employment and who has satisfactorily completed all the Part II Examinations of the Institute of Legal Executives which give exemption from the Common Professional Examination may commence a Legal Practice Course on either a full-time or part-time basis.
- (ii) A Member of the Institute of Legal Executives who completes the Legal Practice Course under the provision of Regulation 31(2)(i) must serve under a 2 year training contract.
32. Notwithstanding Regulation 15 a person who is employed as a Justices' Clerk's Assistant and who has satisfied the Society of completion of the academic stage of training is not required to serve under a training contract provided that the applicant:-
- (i) has satisfactorily completed a Legal Practice Course or an Integrated Course; and
  - (ii) before attending that course has served at least five years out of the last ten years in the Magistrates' Courts Service as a Justices' Clerk's Assistant; and
  - (iii) has satisfactorily completed a Professional Skills Course.
33. (1) Subject to the Qualified Lawyers Transfer Regulations, no person can be admitted as a solicitor unless the Society is satisfied that such person has satisfactorily completed a Professional Skills Course.
- (2) Only a person who has satisfactorily completed a Legal Practice Course or an Integrated Course may attend a Professional Skills Course.
- Part V Misbehaviour**
34. (1) "An unadmitted person" means a person who
- (i) holds a current Certificate of Enrolment; or
  - (ii) has completed the vocational stage of training in accordance with Regulation 15 and does not hold a current Certificate of Enrolment but who has not been admitted as a solicitor.
- (2) If the Society at any time is not satisfied as to the character and suitability of an unadmitted person to become a solicitor it may in relation to that person on such terms as the Society may determine:-

**Justices' Clerk's Assistant not required to serve under a training contract**

**Professional Skills Course**

**Misbehaviour of a prospective solicitor**

- (i) cancel enrolment;
  - (ii) prohibit entry into a training contract;
  - (iii) refuse to register a training contract;
  - (iv) discharge a training contract;
  - (v) prohibit attendance at a Legal Practice Course or an Integrated Course or at a course leading to an Exempting Law Degree;
  - (vi) prohibit attendance at a Professional Skills Course;
  - (vii) oppose admission as a solicitor.
- (3) If the Society imposes a prohibition or other sanction under paragraph (2) the unadmitted person may:-
- (i) within one month of receiving notification from the Society of its decision, ask for the matter to be reviewed; and
  - (ii) within three months of receiving notification from the Society of its decision on an application for review under paragraph (3)(i), apply to the Master of the Rolls who may:-
    - (a) affirm the decision of the Society;
    - or
    - (b) make such other order as the Master of the Rolls thinks fit;
  - (iii) make not more than three applications to the Society to remove the prohibition or other sanction at intervals of not less than 12 months of the Society's decision under paragraph (2);
  - (iv) within three months of receiving notification from the Society of its decision on an application for the removal of a prohibition or sanction under paragraph (3)(iii), apply to the Master of the Rolls who may:-
    - (a) affirm the decision of the Society; or
    - (b) make such other order as the Master of the Rolls thinks fit.

## **Part VI Continuing Professional Development (CPD)**

35. This Part shall apply:-
- (a) on 1st November 1992 to solicitors admitted after 1st August 1987;
  - (b) on 1st November 1994 to solicitors admitted on or after 1st November 1982;
  - (c) on 1st November 1998 to all solicitors.
36. A solicitor must in the first three years following admission attend such continuing professional development courses as the Society may prescribe.
37. A solicitor who has been admitted after this Part has come into force must undertake one hour of continuing professional development for each whole month in legal practice or employment between admission and the next 1st day of November.

**Application of Part VI**

**CPD requirement during the first three years of admission**

**CPD requirement during the first months after admission**

38. (1) A solicitor must in each of the first three complete years in legal practice or employment commencing with the 1st day of November immediately following admission undertake 16 hours of continuing professional development. **CPD requirement in first three complete years of legal practice or employment and subsequent years**
- (2) A solicitor must in each subsequent three year period undertake 48 hours of continuing professional development.
39. Solicitors admitted on or before 2nd November 1989 must undertake 48 hours of continuing professional development in each successive three year period the first of which commences as follows:- **CPD requirement for solicitors admitted on or before 2nd November 1989**
- (a) on 1st November 1992 for solicitors admitted on or after 2nd August 1987 and on or before 2nd November 1989;
- (b) on 1st November 1994 for solicitors admitted on or after 1st November 1982 and on or before 1st August 1987;
- (c) on 1st November 1998 for solicitors admitted on or before 31st October 1982.
40. A solicitor must keep a record of such continuing professional development undertaken to comply with these regulations and produce the record to the Society on demand. **Obligation to keep record**
41. A solicitor who has undertaken continuing professional development between the expiry of articles or a training contract and the date of admission shall be credited with the relevant number of hours for the purpose of Regulations 37 and 38 provided that at the time of undertaking the continuing professional development an application for admission in accordance with admission regulations current at that time had been lodged with the Society and a record kept in accordance with Regulation 40. **CPD undertaken pre-admission**
42. If a solicitor does not work for any period in legal practice or employment in England and Wales the application of this Part is suspended for that period. **Suspension**
43. If a solicitor works part-time in legal practice or employment the requirements under this Part are reduced on the basis that in each year one hour of continuing professional development must be undertaken for every two hours per week worked. **Part-time working**
- Part VII General**
44. In any particular case the Society has power to waive in writing any of the provisions of these Regulations and to revoke such waiver. **Waiver of Regulations**
45. (1) Any application made or notice given to the Society must be in the prescribed form and accompanied by the prescribed fee. **Forms and Fees**
- (2) When at the time of the making of an application or giving of a notice no form has been prescribed by the Society the application or notice must be in writing, signed by the applicant or the person giving it and give such information as is necessary to enable the Society to deal with the application or to comply with the Regulation under which the notice is given.
- (3) Whether or not the application is made or notice given on a prescribed form the Society may require the applicant or the person giving notice to furnish such further information as it considers necessary.

- (4) The Society may require any application to be supported by such evidence as it considers necessary and it may require facts relevant to any application to be deposed to by statutory declaration and may require the attendance of the applicant for interview.

## SCHEDULE

### Transitional Provisions

1. In this Schedule -
  - the "Solicitors First Examination" means the examination referred to in Regulation 20 of the Training Regulations 1989;
  - "the last Solicitors First Examination" means the Solicitors First Examination to be held in Summer 1994;
  - "Final Examination" means the examination referred to in Part IV of the Training Regulations 1989;
  - "the last Final Examination" means the Final Examination to be held in Summer 1994;
  - "articles of training" means articles entered into pursuant to the Training Regulations 1987 or the Training Regulations 1989.
2. (i) No person may attempt the Solicitors First Examination for the first time after 1st August 1993.
- (ii) A person who has passed the Solicitors First Examination at or before the last Solicitors First Examination is deemed to have completed the academic stage of training.
- (iii) If a person has attempted but not passed the Solicitors First Examination at or before the last Solicitors' First Examination:-
  - (a) and has entered into articles, those articles shall be discharged with effect from 1st October 1994;
  - (b) that person must complete the academic and vocational stages of training in accordance with these Regulations.
3. (i) No person may attempt the Final Examination for the first time after 1st August 1993.
- (ii) A person who has passed the Final Examination at or before the last Final Examination is deemed to have satisfactorily completed a Legal Practice Course.
- (iii) A person who after the last Final Examination has passed all the required papers apart from the Accounts paper in circumstances which would have entitled him to resit that paper under Regulation 37(3) of the Training Regulations 1989, is deemed to have satisfactorily completed a Legal Practice Course.
4. Subject to paragraph 3(iii), a person who has attempted but not passed the Final Examination at or before the last Final Examination:-
  - (i) and has not entered into articles is subject to these Regulations as if that person had completed the academic stage of training on 1st August 1994;
  - (ii) and has entered into articles must:-

- (a) complete a Legal Practice Course before or after serving the remainder of the articles; and
  - (b) complete a Professional Skills Course after completing a Legal Practice Course and before admission as a solicitor.
5. (i) A person who served the requisite term of articles under the Training Regulations 1987 or the Training Regulations 1989 and received adequate training thereunder is deemed to have completed service under a training contract, but will be required to complete a Professional Skills Course in accordance with these Regulations.
  - (ii) Articles of training entered into under the Training Regulations 1987 or the Training Regulations 1989 shall continue to be governed by those Regulations save as modified by this Schedule.
  6. Nothing shall prevent any person to whom any of the provisions of this Schedule apply from electing to complete training under these Regulations rather than the Training Regulations 1989 as preserved by this Schedule.
  7. Where a person has been deemed to have satisfactorily completed a Legal Practice Course under paragraphs 3(ii) or (iii) the Society may grant exemption from such parts of a Professional Skills Course as the Society may determine.
  8. (1) Regulations 16-21, 23-30, 32 and 33 shall come into effect on 1st July 1994.
  - (2) Until 1st July 1994 the vocational stage of training will be completed as required by Regulation 15 except students will be required to serve under a deed of articles and not a training contract.
  - (3) Regulations 22 and 31 will apply from the commencement of these Regulations except that the requirement to serve under a training contract will be satisfied by service under a deed of articles. This provision will apply until 30th June 1994.
  - (4) Regulations 39-42 and 44-59 of the Training Regulations 1989 are preserved by this Schedule for the purposes of this paragraph, until 30th June 1996.
  9. For the avoidance of doubt, a person who commenced training under the Training Regulations 1989 or any predecessor Regulations, to whom none of the provisions in this Schedule apply, must complete the academic and vocational stages of training in accordance with these Regulations.
  10. The provisions in this Schedule shall cease to have effect on 31st December 1999. Thereafter, a person who has not completed training in accordance with the provisions in this Schedule must complete the academic and vocational stages of training in accordance with these Regulations.

## 6.4 Appendix: The Training Code

## 6.4 THE TRAINING CODE

### 1. The Training Establishment

- (i) A Training Establishment must provide training in accordance with this Code.
- (ii) A Training Establishment may have up to two trainee solicitors for each solicitor/partner or solicitor/director in private practice or each solicitor in any other organisation who;
  - (a) has been admitted at least five years;
  - (b) is not forbidden to take on a trainee solicitor;
  - (c) with the exception of Justices' Clerks' and their assistants and solicitors in central government departments, holds a current practising certificate and has held four consecutive practising certificates immediately prior to the current certificate.
- (iii) The Training Establishment will provide;
  - (a) a desk available for the trainee solicitor's own work;
  - (b) appropriate secretarial support;
  - (c) convenient access to a library or suitable material for research.

### 2. The Organisation of Training

- (i) The Training Establishment will appoint a Training Principal to
  - (a) liaise with the Society;
  - (b) ensure that those involved in training are kept informed of the Society's requirements.
- (ii) The Training Establishment will;
  - (a) make resources available to the Training Principal to ensure compliance with this Code;
  - (b) make payment of fees to the Society in relation to authorisation;
  - \* (c) ensure that the Society's policy on recruitment and selection of trainees is taken into account, including the provisions of the Guide to Good Practice in the recruitment of Trainee Solicitors and Equal Opportunities in Solicitors Firms. The firm's policy must also take into account the Employment Handbook of the Arbitration Conciliation Advisory Service and Recruitment Guidelines of the Race Relations Committee of the Law Society; (See 6.6.)
  - \* This paragraph of the code will require amendment following the Society's proposed practice rule and guidance on ethnic minority recruitment, currently being considered by the Lord chancellor's Advisory Committee.
  - (d) encourage adoption of measures showing commitment to non-discriminatory recruitment practices and procedures.
- (iii) The Training Principal will:
  - (a) establish a system to monitor the training and appraisal of all trainee solicitors;
  - (b) establish suitable arrangements to deal with personnel matters relating to trainee solicitors; to include additional pastoral support for those with severe disabilities;

- (c) ensure that anyone in the Training Establishment supervising trainee solicitors is adequately trained and competent to undertake this role;
  - (d) advise the Society of any changes in the Training Establishment relevant to authorisation, for example the name of his or her successor;
  - (e) ensure that each trainee solicitor maintains a training record for inspection at review of progress meetings.
- (iv) The Training Principal may delegate these responsibilities to others but where this is done the trainee solicitor will be informed.

### 3. Arrangements for Training

- (i) The Training Establishment will provide:
  - (a) practical instruction and supervised experience in three of the prescribed legal topics and the prescribed legal skills as set out in the S kills Standards for training produced as guidance by the Society;
  - (b) the opportunity for the trainee solicitor to learn the principles of professional conduct.
- (ii) Where a Training Establishment cannot discharge its obligations in respect of (i)(a) above the Society will permit a secondment of a trainee solicitor as agreed by the Law Society.
- (iii) A Training Establishment may second a trainee solicitor during the Training Contract in accordance with guidance issued by the Law Society.

### 4. Supervision of Training

- (i) Trainee solicitors will be adequately supervised within the Training Establishment;
- (ii) Supervisors must have adequate time to devote to the supervision of training;
- (iii) In addition to regular meetings with each trainee solicitor there will be adequate arrangements for daily guidance.

### 5. Arrangements for attending Compulsory Courses during the Training Contract

The Training Establishment will:

- (i) allow trainee solicitors paid study leave to attend courses prescribed by the Society; and
- (ii) pay the course fees.

### 6. Terms and Conditions of Employment

- (i) The Training Establishment must comply with the requirements of the Society relating to the form and content of training contracts and any other prescribed documents.
- (ii) There will be a conciliation procedure which:
  - (a) is known to the trainee solicitor;
  - (b) provides the opportunity to the parties to discuss any difficulty or dispute which occurs during the term of the training contract;
  - (c) incorporates any details on the handling of disputes contained within the Training Contract.

## **GUIDE TO GOOD PRACTICE IN THE RECRUITMENT OF TRAINEE SOLICITORS**

Incorporating amendments approved by Training Committee in June 1990 and July 1993.

Agreed by The Law Society of England and Wales

AGCAS - The Association of Graduate Careers Advisory Services

TSG - Trainee Solicitors Group

This Guide has been drawn up to assist all who are concerned with the recruitment of trainee solicitors. The Guide is intended to operate alongside the Code of Practice agreed between AGCAS, AGR and the NUS. It overrules the provisions of that Code only where specifically stated e.g. Clause 4 of the Section for Employers.

Employers and students alike must appreciate that an offer and acceptance of articles gives rise to contractual obligations on both parties and that a breach of those obligations by either side could lead to legal proceedings.

### **Careers Advisory Services**

Careers Advisory Services will observe the provisions of the general Code of Practice and will encourage and monitor the observance of this Guide by all with whom they have dealings.

### **Employers**

1. Employers will not hold any interview for employment as a trainee solicitor before 1 st September in the student's final year of undergraduate studies. No final date for the receipt of applications shall be before the 31 st July which occurs at the end of the penultimate year of an applicants undergraduate study.
2. If the employer is considering for employment as a trainee solicitor a student who is undertaking or has undertaken vacation experience with that employer, no offer of articles of training will be made before 1 st September in the student's final year of undergraduate studies.
3. Employers who intend to visit institutions of higher education to interview applicants will not undertake such visits before 1 st October in the final year of undergraduate studies and will agree visit dates in advance with the appropriate careers service. This provision replaces Clause 4 of the employers section of the general Code of Practice.
4. Where the selection procedure takes place off campus during term time, employers will offer alternative interview dates if requested.
5. At the interview, the applicant will be told how long the employer will require to decide whether an offer of employment will be made. An offer of employment will not be withdrawn before the time limit for acceptance has expired.
6. Within two weeks of an interview the employer will inform the applicant in writing whether the application has been rejected or whether it is being considered. (This will not preclude an offer of employment being made within two weeks of an interview).
7. Wherever possible an employer will not make an offer of employment subject to a time limit for acceptance if the period of training is due to start longer than 12 months ahead of the offer. If this is not possible, an offer may state a final date by which a decision is required (or by which the offer, if not accepted, will be deemed to be declined) provided that date is not before 1 st November in the academic year in which the law student takes degree finals (or the non-law graduate the CPE course) or the expiry of three weeks after the offer is sent, whichever is the later.

8. Employers will be prepared to consider sympathetically a request from a student to extend a time limit on an offer of employment provided good reason is given for the request.
9. Employer will not discriminate directly or indirectly on the grounds of race, religion or sex at any stage of the recruitment of trainee solicitors.
10. All offers of employment will be in writing and contain such information as the Law Society may prescribe.
11. If an employer is prepared to provide financial assistance to a trainee solicitor in relation to his undergraduate or postgraduate studies, the terms and conditions on which that assistance is offered will be explained to the student in writing when the offer of articles is made. An offer of financial assistance must comply with the time limits in this Guide; for example, the time limit for acceptance of financial assistance must not have the effect of reducing the time limit for acceptance of an offer of employment.
12. This section should not be construed as imposing upon solicitors any new requirements of professional conduct.

### **Students**

Students will:

1. Respond as promptly as possible to any offer of employment as a trainee solicitor. If they are unable then to give a final decision on the offer they may ask for time to consider it, but will indicate the date by which a final decision will be given. This date will not be after the period laid down in the above section relating to employers, unless good reason is given for such an extension being requested.
2. Not accumulate offers; in particular this means that a student who receives more than two offers will without delay turn down those offers in excess of the two that he or she wishes to hold.
3. Accept offers in writing.
4. Once they have accepted an offer, inform all other employers who have asked them to attend for interview and thereafter make no further applications.

### **The Law Society**

The Law Society in conjunction with AGCAS will monitor the operation of this Guide. Alleged breaches of the Guide should be referred to the Head of Articles Unit, Legal Education Division, The Law Society, Ipsley Court, Redditch, Worcestershire B98 0TD. DX 19114 - REDDITCH.

## 6.5 Appendix: A Specimen Checklist

**THE LAW SOCIETY**

**SPECIMEN CHECKLIST**

**LITIGATION (CIVIL)**

- NOTES:
- A. This checklist is suggested in case it may help at monthly or more frequent meetings of the trainee solicitor and his/her principal.
- B. This specimen provides examples of aspects of practice which might be selected by principals or firms to cover the field of Litigation (Civil) but does not purport to be comprehensive.
- C. Principals and/or firms are encouraged to prepare checklists appropriate to their own particular practices. For precedents covering other legal topics please apply to the Articles Unit at The Law Society, Ipsley Court, Redditch, Worcs, B98 0TD DX: 19114 - Redditch.

Name of Trainee Solicitor: .....

Date of Articles of Training: .....

	<i>Areas of practice experienced Tick as appropriate.</i>	<i>Skills Employed (eg Drafting, Communication, Research, Office Routines, Procedures and Costs or Legal Routines and Procedures.)</i>
<p>1. <b>High Court</b></p> <p>(i) Draft Writ, with simple endorsement</p> <p>(ii) Appear before Master/District Judge</p> <p>(iii)</p> <p style="padding-left: 20px;">(a) Draw instructions to counsel to settle pleadings</p> <p style="padding-left: 20px;">(b) Draw case to counsel to advise, in particular to advise on quantum and to advise on evidence.</p> <p style="padding-left: 20px;">(c) Draw brief to counsel on interlocutory hearing and on trial.</p> <p>(iv) Prepare List of Documents.</p> <p>(v) Peruse opponent's list and decide which documents should be copied and obtained.</p> <p>(vi) Draw up Orders.</p>		

	<i>Areas of practice experienced Tick as appropriate.</i>	<i>Skills Employed (eg Drafting, Communication, Research, Office Routines, Procedures and Costs or Legal Routines and Procedures.)</i>
<p>(vii)</p> <p>(a) Attend on interlocutory hearing with solicitor/counsel</p> <p>(b) Attend on trial with counsel.</p> <p>(viii) Obtain/oppose judgment under Order 14.</p> <p>(ix) Taking witness statement with a view to exchange</p> <p>(x) Negotiations - opportunity to observe conduct of negotiations</p> <p>(xi) Attending on taxation of costs.</p> <p>(xii) Enforcement proceedings.</p> <p>2. <u>County Court</u></p> <p>(i) Draft Particulars of Claim. for personal injury/contract</p> <p>(ii) Draft Defence, Counterclaim.</p> <p>(iii) Consideration of enforcement proceedings, in particular - oral examination of judgment debtor, warrants of execution, warrants of possession, attachment of earnings, charging orders, garnishee proceedings, bankruptcy.</p> <p>(iv) (a) Attend before District Judge on pre-trial review.</p> <p>(b) Attend before District Judge on oral examination.</p> <p>(v) Draft affidavits in support of application.</p> <p>(vi) Prepare list of documents</p> <p>(vii) Draft Instructions/Brief to counsel.</p> <p>(viii) Attend hearing with solicitor/counsel.</p> <p>(ix) Taking witness statement with view to exchange.</p> <p>(x) Negotiations - opportunity to observe conduct of negotiations.</p>		

	<i>Areas of practice experienced Tick as appropriate.</i>	<i>Skills Employed (eg Drafting, Communication, Research, Office Routines, Procedures and Costs or Legal Routines and Procedures.)</i>
(xi) Obtaining judgment in default/ acceptance of admission and offer.		
(xii) Drawing a bill of costs for taxation.		
(xiii) Attending on taxation of costs.		
(xiv) Enforcement Proceedings.		
<b>3. <u>Tribunals</u></b>		
(i) Preparing originating application.		
(ii) Preparing notice of appearance.		
(iii) Discussions with conciliation officer (ACAS).		
(iv) Presenting case to the Tribunal.		
(v) General advice to client subsequent to hearing.		

#### GENERAL COMMENTS

Principal/Supervisor	Trainee Solicitor	Date
(Sgd) .....	(Sgd) .....	..... 19 ...
.....	.....	..... 19 ...
.....	.....	..... 19 ...
.....	.....	..... 19 ...

NOTE: Precedents of checklists for Legal Topics are available from The Law Society as follows:-

Banking	Intellectual property
Civil litigation	Local Government
Commercial	Magisterial law
Company	Planning
Construction	Property (including landlord and tenant)
Criminal litigation	Shipping and airways
Employment	Tax and financial planning
European Community	Trusts
Family	Welfare
Immigration	Wills and probate
Insolvency	

## **6.6 Appendix: Introductory Letter to Training Partners (Initial Study)**

&lt;date&gt;

Mr <name>  
<firm>  
<address1>  
<address2>

Dear Mr <name>,

I am a postgraduate student in the Faculty of Law at the University of Sheffield undertaking research for a PhD into the solicitors' profession, entitled "Becoming a solicitor: The socialisation of trainee solicitors, the acquisition of professional identity and lawyering skills". The study will draw on work previously carried out by or on behalf of the Law Society by their Research and Policy Planning Unit examining the structure of the legal profession (G. Chambers) and on legal skills (K. Economides & J. Smallcombe). The focus will be on trainee solicitors; their entry into the profession and various aspects of their training, their socialisation, identity formation and skills development. The research is funded by the Economic and Social Research Council and is being supervised by Dr Joanna Shapland, Senior Lecturer in the Faculty.

Yours is one of a small number of local firms I am approaching as part of a pilot study. Obviously, I need to obtain a better idea of current practice and the kinds of work that trainee solicitors are doing. The pilot will, therefore, involve some informal observation and some general exploratory interviews with trainee solicitors and more senior staff with responsibility for training. I would hope to spend about four days in your firm.

The aim of the project is to contribute towards the debate on training and the shape of the profession, as the external constraints on it change. Among several points of direct interest to you might be my concerns with identifying recruitment criteria, evaluating the impact of differing work practices on trainees, and setting out the effects of different kinds of firm structures and training strategies. This would all form part of my attempt to conceptualise the process of entry into a changing profession. What are the expectations of trainee solicitors and how are these changing? What can they realistically expect and what can their firms expect from them?

The pilot study will lead on to a much broader survey covering different kinds of firms and areas of the country. The pilot is essential to develop a realistic research agenda and to tighten up my topics of enquiry, and the research instruments I hope to use in the national survey.

I foresee no need for access to confidential material and will not wish to examine client files. I would like to stress that the firm will not be identified in my thesis or any published document and that all information will be treated in the utmost confidence. Transcripts or records of any kind will be held securely. No individual will be identifiable whether by name or otherwise.

Naturally I would consider myself a guest in the firm and act accordingly. I appreciate how busy you and your articulated clerks undoubtedly are, yet feel that very little work has been done examining the process of articles, particularly in view of the ongoing changes in the LSF/LPC and in the profession as a whole. The Law Society's Research and Policy Planning Unit has expressed considerable interest in the research and is very supportive of it, but I shall, of course, be working entirely independently.

I should be very grateful for the opportunity to meet you and discuss further the possibility that I might visit your firm and include your trainee solicitors in my study. I look forward to hearing from you.

Yours sincerely

Richard Wild

## **6.7 Appendix: Explanatory Cover Sheet for Interviews**

The aim is to study trainee solicitors looking at their training and skills development, the process of socialisation into a distinctive occupational culture and the acquisition of a professional identity. This means looking at the trainee solicitor in three ways; as one seeking entry into a profession and aspiring to professionalism, as the acquirer of an identity appropriate to a solicitor, socialising into a specific occupational culture or firm culture and as acquirer of skills, developing an appropriate skilled repertoire possibly including a core of skills that define all solicitors. Enabling me to develop a conceptualisation of the process of entry into a changing profession, what it means to individual trainee solicitors? What their expectations are and what those of their firms are? How these might be changing? as well as gaining an overview of training and organisation within the legal profession generally and an idea of the impact differing firm structures have on the individuals involved in the whole recruitment and training process.

#### Research Methodology:

The pilot study; observing the types of work undertaken by articled clerks and talking to them informally. Developing an appreciation of their work environment whilst re-examining my theoretical assumptions and tightening my interview schedule.

The main study like the pilot study, will start with a short period of observation followed by semi-structured interviews with trainee solicitors, their supervisors and training partners. I will then send out a national questionnaire to provide a quantitative/statistical supplement to the qualitative interview/observational data. I may also seek permission to examine timesheets or asking trainees to complete diaries.

## 6.8 Appendix: Interview Schedule

1. "What were your reasons for applying to this firm?"
2. "What were your expectations beginning articles?"
3. "Generally how well prepared would you were for the kinds of work expected of you?"
4. "What do you see as the role of the supervisor?"
5. "Do you feel you receive training in a sufficient range of work?"
6. "How do the sorts of things given to you now vary from those given to you as a new trainee?"
7. "Are there a set of core skills you would identify as essential for all trainees to have at various stages? What are they?"
8. "What would you say are the good points about the training you receive in this firm and what would you like to see improved?"
9. "How much autonomy do you feel you have over your daily work activity and to what extent do you feel central to the decision-making process?"
10. "What do you do if you're not sure about something? Do you seek advise/do you feel able/encouraged to? Who would you generally ask? How do you prevent/deal with any mistakes?"
11. "What do you see as the role of professional bodies like the law society in relation to trainees? What should it be?"
12. "What are your views on continuing education and the further integration or formal academic training with work experience?"
13. "Do you feel that this firm has a distinctive culture or identity? How would you describe it?"
14. "To what extent are economic criteria important in your work?"
15. "What do you feel about specialisation and how do you see the situation changing in the future?"
16. "What drives/lies at the core of the legal profession? Sense of justice?"
17. "What for you is a job well done?"
18. "What in your view characterises a successful solicitor?"
19. "Do you see yourself more as joining a profession or a business?"
20. "Do you think a case might be made for simpler legal language? Why is legal language mystifying?"
21. "What impact has the introduction of IT had?"
22. "From your experience would you say that discrimination is a problem within the solisitors profession? For trainees? For women? For ethnic minorities? Why? How might this be ameliorated?"
23. "What would you identify as having been the main changes in the profession? - What are the current strains on the profession? - What change do you predict for the future?"
24. "How have your own ideas about law changed?"

YOUR COMMENTS OR THINGS I SHOULD HAVE ASKED

## **6.9 Appendix: Introductory Letter to Training Partners (Main Study)**

{DATE}

Training Partner

{FIRM}

{ADDRESS1}

{ADDRESS2}

{ADDRESS3}

Dear Training Partner,

I am a postgraduate student in the Faculty of Law at the University of Sheffield undertaking research towards a PhD. My study is entitled "*Becoming a solicitor: The socialisation of trainee solicitors, the acquisition of professional identity and lawyering skills*". It draws on work previously carried out by or on behalf of the Law Society Research and Policy Planning Unit examining the structure of the legal profession and on legal skills. The focus will be on trainee solicitors; their entry into the profession and various aspects of their training; skills development, socialisation and identity formation. The research is funded by the Economic and Social Research Council and is being supervised by Dr Joanna Shapland.

This project aims to contribute towards the debate around training and the future shape of the solicitors profession, as the external constraints on it change. The results will form a substantial part of the final thesis which may also be published. Among several points of direct interest to you might be my concerns with evaluating the effects of different kinds of firm structure and training strategies on the experiences of trainees. What are the expectations of trainee solicitors and how are these changing? What can they realistically expect and what can their firms expect from them?

A small number of local firms very kindly agreed to participate in a pilot study, which enabled me to obtain a clearer idea of current practice and the kinds of work that trainee solicitors are doing. It involved some informal observation and general exploratory interviews with trainee solicitors and more senior staff with responsibility for training. Their answers have provided the basis for this questionnaire.

I am now in the position to begin the main part of my study. For this, I would very much welcome the possibility of distributing a short questionnaire to four of your trainees, selected by yourself as representative (an equal number, as far as possible, of first/second year and female/male trainees), which I hope in some cases will be followed by an informal discussion. It is important that I attempt to reach as broadly

representative a sample as is feasible. With this in mind 75 firms have been randomly selected within a structured national survey, in reference to the Law Society annual report, by firm specialism, size and geographical location. I should like to contact you by phone in order to agree which trainees might be sent questionnaires. I should also like to visit a number of firms to interview trainees and those responsible for training and should also like to discuss this possibility with you.

I foresee no need for access to confidential material and will not wish to examine client files. I would like to stress that the firm would not be identified in my thesis or any published document and that all information will be treated with the utmost confidence. Transcripts or records of any kind will be held securely. No individual will be identifiable whether by name or otherwise.

If you were to agree to my visit I would naturally consider myself a guest in the firm and act accordingly. I appreciate how busy you and your trainee solicitors undoubtedly are, yet feel that very little work has been done examining the whole process and experience of articles, particularly in view of the ongoing changes in the LSF/LPC and in the profession as a whole. The Law Society's Research and Policy Planning Unit has expressed considerable interest in the research and is very supportive of it, but I shall, of course, be working entirely independently.

I should be very grateful for the opportunity to discuss further the possibility that I might visit your firm and include your trainee solicitors in my study. I look forward to hearing from you.

Yours sincerely

Richard Wild

## **6.10 Appendix: Follow-up Fax to Training Partners (Main Study)**

**BY FAX:**

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**Training Partner**

«FIRM»

«ADDRESS»

«FAX»

Dear Sir or Madam,

I am contacting you with regard to my letter <date> to request assistance with a study of trainees solicitors' experience of articles. With your permission I should like to sent a questionnaire to four trainees solicitors in your firm.

I am aware that you are undoubtedly very busy but believe that this is an area worthy of study. I would be grateful if you could select four trainees and let me have their names and the addresses at which I can contact them.

Please could you select four trainees that are representative, as far as is possible, of all trainees in your firm particularly according to gender, two that are finishing the first year and two that are about to complete the training contract.

I also realise that for many firms this is the period at which new trainees arrive and old depart, however, I hope to send questionnaires out very shortly and would like catch trainees at the point where they are able to reflect back upon either the first year of their training contract or the whole thing. I thank you in advance for your time and consideration and eagerly await your reply.

Your sincerely,

**Richard Wild**

The University of Sheffield  
Institute for the Study of the Legal Profession  
Faculty of Law  
Crookesmoor Building  
P O Box 598  
Conduit Road  
Sheffield S10 1FL

① (0742) 768555 extn 6820

## 6.11 Appendix: Questionnaire to Trainees

THE PROCESS OF TRAINING: AN EXAMINATION OF TRAINEE SOLICITORS'  
EXPERIENCE OF ARTICLES

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Richard Wild

This study focuses on the experiences of trainee solicitors during their training contract. It examines aspects of their training, skills development and attempts to access the process of socialisation into a distinctive occupational culture. The central aim is to contribute to the debate around training and the future shape of the solicitors profession, as the external constraints on it change. The research is funded by the Economic and Social Research Council and is being supervised by Dr Joanna Shapland.

The questionnaire is divided into four sections asking about the structure of training, your experience of training, your attitudes and opinions on the profession and a few background details. Despite its formidable appearance I anticipate few difficulties in completing it. I estimate it should take about 35-40 mins to complete and you will not be asked to complete all parts of the questionnaire. I appreciate how busy you undoubtedly are, yet feel that very little work has been done examining the whole process and experience of articles, particularly in view of the ongoing changes in the LSF/LPC and in the profession as a whole. The Law Society's Research and Policy Planning Unit has expressed considerable interest in the research and is very supportive of it, but I shall, of course, be working entirely independently.

I would like to stress that no individual will be identifiable whether by name or otherwise in the final thesis or any published document and that all information will be treated with the utmost confidence. Transcripts or records of any kind will be held securely. In order that my sample be as broadly representative of your views as possible and that the results obtained hold validity it is essential that as great a proportion as possible return this completed questionnaire.

If you have any queries about the questionnaire or about the study please do not hesitate to contact me at the Department of Law, University of Sheffield, FREEPOST SF1111, Crookesmoor Building, Conduit Road, Sheffield S10 1BQ (Tel 0742-826733)

*Please mark or tick the appropriate boxes and provide additional information where requested. Annotate answers if you wish although space for comment is provided at the end.*

---

Articles: About your firm

1. What departments are on offer to trainees in your present firm? (Mark all that apply)

- |   |                          |                                       |                          |
|---|--------------------------|---------------------------------------|--------------------------|
| Company                                   | <input type="checkbox"/> | Family                                | <input type="checkbox"/> |
| Commercial                                | <input type="checkbox"/> | Criminal litigation                   | <input type="checkbox"/> |
| Tax and financial planning                | <input type="checkbox"/> | Civil litigation                      | <input type="checkbox"/> |
| European community law                    | <input type="checkbox"/> | Employment law                        | <input type="checkbox"/> |
| Planning                                  | <input type="checkbox"/> | Shipping and airways                  | <input type="checkbox"/> |
| Wills and probate                         | <input type="checkbox"/> | Insolvency                            | <input type="checkbox"/> |
| Trusts                                    | <input type="checkbox"/> | Intellectual property                 | <input type="checkbox"/> |
| Property incl. landlord and tenant        | <input type="checkbox"/> | Local Government law                  | <input type="checkbox"/> |
| Magisterial                               | <input type="checkbox"/> | Welfare law                           | <input type="checkbox"/> |
| Other non-contentious<br>(please specify) | <input type="checkbox"/> | Other contentious<br>(please specify) | <input type="checkbox"/> |
| .....                                     |                          | .....                                 |                          |
| Not applicable                            | <input type="checkbox"/> | (why?) .....                          |                          |

2. How are trainees allocated to departments? (Mark whichever is most characteristic)

- |                                    |                          |       |
|------------------------------------|--------------------------|-------|
| By trainee choice                  | <input type="checkbox"/> |       |
| According to the needs of the firm | <input type="checkbox"/> |       |
| Negotiated                         | <input type="checkbox"/> |       |
| Other (please specify)             | <input type="checkbox"/> | ..... |
| Not applicable (why?)              | <input type="checkbox"/> | ..... |

3. Does the firm have a policy on the range of experience and work that trainees should have during articles?

- |                   |                           |                          |    |                          |
|-------------------|---------------------------|--------------------------|----|--------------------------|
|                   | Yes                       | <input type="checkbox"/> | No | <input type="checkbox"/> |
| If yes, is it     | a formal written policy   | <input type="checkbox"/> |    |                          |
|                   | an informal understanding | <input type="checkbox"/> |    |                          |
| Is it adhered to? | Yes                       | <input type="checkbox"/> | No | <input type="checkbox"/> |

4. Do you have a formal appraisal system (eg Performance reports, end of seat appraisal meetings etc)?

- |     |                          |    |                          |            |                          |
|-----|--------------------------|----|--------------------------|------------|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|------------|--------------------------|

5. Do you benefit from it or would you benefit from one?

- |     |                          |    |                          |            |                          |
|-----|--------------------------|----|--------------------------|------------|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | Don't know | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|------------|--------------------------|

6. Do you have a chargeable hours target?

Yes  No

7. Do you feel there to be any conflict between the need to charge time and the need to go into sufficient depth about new areas of law or practice as part of your learning process?

Never  Sometimes  Much of the time  Always

8. How would you describe this firm's culture? (Please rate this firm 1-5 on each of the following characteristics)

*1 (uncharacteristic) or 5 (very characteristic)*

- Altruistic
- Democratic
- Masculine
- Radical
- Aggressive
- Profit-motivated
- Traditional
- Competitive
- Socially-oriented

Articles: About your preparation, expectations and experience

9. How would you rate the Law Society Finals course in terms of the preparation it provided for articles?

excellent  good  OK  poor  inadequate

10. At the present moment, how confident do you feel about:

	Very confident	Quite confident	Not at all confident
interviewing clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
dealing with other solicitors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
dealing with other professionals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. By the end of your training contract how confident do you expect to feel about:

	Very confident	Quite confident	Not at all confident
interviewing clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
dealing with other solicitors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
dealing with other professionals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Do you expect to require further training after articles, in addition to continuing education?

- A little further training
- Some further training
- A lot of further training
- No further training

13. Once you have completed your training contract do you think you will be competent in many areas of practice or only a few?

- Competent across all areas of practice
- Competent across a wide specialist field (*i.e. commercial law*)
- Competent in a particular specialism (*i.e. business leasing*)

14. Do you expect to specialise? Yes  No

In what area/s? .....

- | At what stage? | Before articles          | During articles          | First few years of practice | Later                    |
|----------------|--------------------------|--------------------------|-----------------------------|--------------------------|
|                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> |

15. At what stage do you feel that you should be able to concentrate on certain areas of work you will wish to specialise in?

- | During the Law Society Finals | During articles          | During the first few years of practice | Other?                   |
|-------------------------------|--------------------------|--|--------------------------|
| <input type="checkbox"/>      | <input type="checkbox"/> | <input type="checkbox"/>               | <input type="checkbox"/> |

Articles: About you as a Professional

16. To what extent do these statements describe what "being a professional" means to you (Please rank these in order of preference 1-6)

1 (Best) or 6 (Worst)

- Giving a service to the public
- Being part of a recognised group of experts
- Acting according to a set of ethical rules
- Having a professional code of conduct
- Being fully versed in the knowledge and skills required of you
- Something else

(Please specify) .....

17. Which of these best describe how you see yourself? (Mark only one)

- A solicitor
- A lawyer
- In business
- Helping people



4. How would you characterise the way that your work was checked early and later on in this department/by this supervisor? (Mark most characteristic)

	early on	later on
nothing checked	<input type="checkbox"/>	<input type="checkbox"/>
minimal checking/if I request it	<input type="checkbox"/>	<input type="checkbox"/>
check outgoing written material to clients <i>i.e. correspondence, drafted documents</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material going outside the firm <i>i.e. correspondence with solicitor for the other side, other professionals etc.</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material, including internal memos	<input type="checkbox"/>	<input type="checkbox"/>
everything checked/agreed <i>i.e. all written material and the content of telephone calls outside the firm</i>	<input type="checkbox"/>	<input type="checkbox"/>

5. How close a control does your supervisor maintain over the work that you do? (Mark most characteristic)

- oversees all tasks?
- generally oversees most of my work?
- waits for me to seek clarification?

6. Do you share an office?

- No
  - Yes with my supervisor
  - Yes with another trainee
  - Yes with an assistant solicitor
  - Yes with a combination of the above
  - Other situation
- (Please specify) .....

7. Are you required to: (Mark one only)

- Charge time
  - Keep a time sheet
  - Meet targets for charging time
  - Other
- (Please specify) .....

8. In this department do you work

- solely to your supervisor
- mostly to your supervisor
- to several solicitors
- in a team of qualified solicitors and trainees

9. Do you find this:

- too restrictive?
- just about right?
- not close enough?

10. How often would you ask advice of a solicitor other than your supervisor?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

11. Is there a regular time set aside for you to meet with your supervisor and discuss any problems?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

12. Do you feel your supervisor gives you adequate feedback on the work you are doing?

- Excellent  Adequate  Poor

13. Does feedback generally include: *(Mark whichever apply)*

- Instructions
- Feedback on the quality of your work
- Interest in your professional development

14. How would you characterise the feedback you receive? *(Rate according to the following)*

	Always	Mostly	Sometimes	Never
Consistent/reliable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Considered/well thoughtout	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Constructive/helpful	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Critical/judgemental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*(Please specify)* .....

15. What areas have you had instruction in and/or would you have liked more?

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
Interviewing skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Office procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
File management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typing/word-processing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Please specify) .....

16. Do/did you have sufficient time for reflection and taking in the new things you learn/t?

Plenty  sufficient  insufficient  virtually none

How important do you think this is? *On a scale of 1-5 increasing in importance*

17. Do you feel that your supervisor in this department plays/played a central role in your training?

Yes  No

18. Do you feel that they should be more  or less  central?

19. How important are they to your experience of training?

Very important  Important  Not so important  Not important

In what way/s?

20. Do you see your supervisor:

not often enough?   
 often enough?   
 too often?

21. Generally do you find this time useful/constructive?  
 Yes  No

Why/why not?

22. How would you rate your working relationship with your present supervisor?

	1	2	3	4	5	
Formal	<input type="checkbox"/>	Informal?				
Distant	<input type="checkbox"/>	Close?				
Productive	<input type="checkbox"/>	Unproductive?				

23. Which of these best describes the relationship you have with your supervisor? *(Mark the most appropriate)*

- Master/apprentice
- Teacher/student
- Mentor/novice
- Trainer/trainee
- Boss/employee

24. How would you characterise your supervisor's way of dealing with you?

	Often	Sometimes	Not at all
Discusses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consults	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dictates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(please specify) .....			

2nd Department Date started: .....  
 Period spent: ..... Weeks

Which department were you in or what type of work did you do in this seat?

1. How would you describe the general form and frequency of the work given to you in this seat/department:

	Very often	Often	Sometimes	Not at all
sitting in with your supervisor/other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
doing a task within a file/case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
seeing clients on your own	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
dealing with a whole file/case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. How often have you performed these tasks in this department?

	Very often	Often	Occasionally	Never	Not applicable
Making a telephone call	<input type="checkbox"/>				
Writing a letter	<input type="checkbox"/>				
Drafting a document	<input type="checkbox"/>				
Interviewing clients	<input type="checkbox"/>				
Advice at police stations	<input type="checkbox"/>				
PTR/directions appointments	<input type="checkbox"/>				
Clerking at court	<input type="checkbox"/>				
Site visits	<input type="checkbox"/>				
Tribunals	<input type="checkbox"/>				
In conference	<input type="checkbox"/>				
Other	<input type="checkbox"/>				

(Please specify) .....

3. How do you receive new work? (Mark all that apply)

- Direct from client
- Direct from your supervisor
- Through assistant solicitors in the department

Other (Please specify) .....

4. How would you characterise the way that your work was checked early and later on in this department/by this supervisor? *(Mark most characteristic)*

	early on	later on
nothing checked	<input type="checkbox"/>	<input type="checkbox"/>
minimal checking/if I request it	<input type="checkbox"/>	<input type="checkbox"/>
	early on	later on
check outgoing written material to clients <i>i.e. correspondence, drafted documents</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material going outside the firm <i>i.e. correspondence with solicitor for the other side, other professionals etc.</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material, including internal memos	<input type="checkbox"/>	<input type="checkbox"/>
everything checked/agreed <i>i.e. all written material and the content of telephone calls outside the firm</i>	<input type="checkbox"/>	<input type="checkbox"/>

5. How close a control does your supervisor maintain over the work that you do? *(Mark most characteristic)*

oversees all tasks?	<input type="checkbox"/>
generally oversees most of my work?	<input type="checkbox"/>
waits for me to seek clarification?	<input type="checkbox"/>

6. Do you share an office?

No	<input type="checkbox"/>
Yes with my supervisor	<input type="checkbox"/>
Yes with another trainee	<input type="checkbox"/>
Yes with an assistant solicitor	<input type="checkbox"/>
Yes with a combination of the above	<input type="checkbox"/>
Other situation	<input type="checkbox"/>
<i>(Please specify)</i> .....	

7. Are you required to: *(Mark one only)*

Charge time	<input type="checkbox"/>
Keep a time sheet	<input type="checkbox"/>
Meet targets for charging time	<input type="checkbox"/>
Other	<input type="checkbox"/>
<i>(Please specify)</i> .....	

8. In this department do you work

- solely to your supervisor
- mostly to your supervisor
- to several solicitors
- in a team of qualified solicitors and trainees

9. Do you find this:

- too restrictive?
- just about right?
- not close enough?

10. How often would you ask advice of a solicitor other than your supervisor?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

11. Is there a regular time set aside for you to meet with your supervisor and discuss any problems?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

12. Do you feel your supervisor gives you adequate feedback on the work you are doing?

- Excellent  Adequate  Poor

13. Does feedback generally include: *(Mark whichever apply)*

- Instructions
- Feedback on the quality of your work
- Interest in your professional development

14. How would you characterise the feedback you receive? *(Rate according to the following)*

	Always	Mostly	Sometimes	Never
Consistent/reliable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Considered/well thoughtout	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Constructive/helpful	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Critical/judgemental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*(Please specify)* .....

15. What areas have you had instruction in and/or would you have liked more?

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
Interviewing skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Office procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
File management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typing/word-processing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>(Please specify)</i> .....				

16. Do/did you have sufficient time for reflection and taking in the new things you learn/t?

Plenty  sufficient  insufficient  virtually none

How important do you think this is? *On a scale of 1-5 increasing in importance*

17. Do you feel that your supervisor in this department plays/played a central role in your training?

Yes  No

18. Do you feel that they should be more  or less  central?

19. How important are they to your experience of training?

Very important  Important  Not so important  Not important

In what way/s?

20. Do you see your supervisor:

- not often enough?
- often enough?
- too often?

21. Generally do you find this time useful/constructive?

- Yes  No

Why/why not?

22. How would you rate your working relationship with your present supervisor?

	1	2	3	4	5	
Formal	<input type="checkbox"/>	Informal?				
Distant	<input type="checkbox"/>	Close?				
Productive	<input type="checkbox"/>	Unproductive?				

23. Which of these best describes the relationship you have with your supervisor? (Mark the most appropriate)

- Master/apprentice
- Teacher/student
- Mentor/novice
- Trainer/trainee
- Boss/employee

24. How would you characterise your supervisor's way of dealing with you?

	Often	Sometimes	Not at all
Discusses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consults	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dictates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(please specify) .....



4. How would you characterise the way that your work was checked early and later on in this department/by this supervisor? (Mark most characteristic)

	early on	later on
nothing checked	<input type="checkbox"/>	<input type="checkbox"/>
minimal checking/if I request it	<input type="checkbox"/>	<input type="checkbox"/>
check outgoing written material to clients <i>i.e. correspondence, drafted documents</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material going outside the firm <i>i.e. correspondence with solicitor for the other side, other professionals etc.</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material, including internal memos	<input type="checkbox"/>	<input type="checkbox"/>
everything checked/agreed <i>i.e. all written material and the content of telephone calls outside the firm</i>	<input type="checkbox"/>	<input type="checkbox"/>

5. How close a control does your supervisor maintain over the work that you do? (Mark most characteristic)

- oversees all tasks?
- generally oversees most of my work?
- waits for me to seek clarification?

6. Do you share an office?

- No
- Yes with my supervisor
- Yes with another trainee
- Yes with an assistant solicitor
- Yes with a combination of the above
- Other situation
- (Please specify) .....

7. Are you required to: (Mark one only)

- Charge time
- Keep a time sheet
- Meet targets for charging time
- Other
- (Please specify) .....

8. In this department do you work

- solely to your supervisor
- mostly to your supervisor
- to several solicitors
- in a team of qualified solicitors and trainees

9. Do you find this:

- too restrictive?
- just about right?
- not close enough?

10. How often would you ask advice of a solicitor other than your supervisor?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

11. Is there a regular time set aside for you to meet with your supervisor and discuss any problems?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

12. Do you feel your supervisor gives you adequate feedback on the work you are doing?

Excellent  Adequate  Poor

13. Does feedback generally include: (*Mark whichever apply*)

- Instructions
- Feedback on the quality of your work
- Interest in your professional development

14. How would you characterise the feedback you receive? (*Rate according to the following*)

- |                               | Always                   | Mostly                   | Sometimes                | Never                    |
|-------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Consistent/reliable           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Considered/well thoughtout    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Constructive/helpful          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Critical/judgemental          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>(Please specify)</i> ..... |                          |                          |                          |                          |

15. What areas have you had instruction in and/or would you have liked more?

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
Interviewing skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Office procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
File management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typing/word-processing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>(Please specify)</i> .....				

16. Do/did you have sufficient time for reflection and taking in the new things you learn/t?

Plenty       sufficient       insufficient       virtually none

How important do you think this is? *On a scale of 1-5 increasing in importance*

17. Do you feel that your supervisor in this department plays/played a central role in your training?

Yes       No

18. Do you feel that they should be more  or less  central?

19. How important are they to your experience of training?

Very important       Important       Not so important       Not important

In what way/s?

20. Do you see your supervisor:

- not often enough?
- often enough?
- too often?

21. Generally do you find this time useful/constructive?

- Yes  No

Why/why not?

22. How would you rate your working relationship with your present supervisor?

- |            |                          |                          |                          |                          |                          |               |
|------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------|
|            | <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 |               |
| Formal     | <input type="checkbox"/> | Informal?     |
| Distant    | <input type="checkbox"/> | Close?        |
| Productive | <input type="checkbox"/> | Unproductive? |

23. Which of these best describes the relationship you have with your supervisor? *(Mark the most appropriate)*

- Master/apprentice
- Teacher/student
- Mentor/novice
- Trainer/trainee
- Boss/employee

24. How would you characterise your supervisor's way of dealing with you?

- |           |                          |                          |                          |
|-----------|--------------------------|--------------------------|--------------------------|
|           | <b>Often</b>             | <b>Sometimes</b>         | <b>Not at all</b>        |
| Discusses | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Consults  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Advises   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dictates  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| other?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

(please specify) .....



4. How would you characterise the way that your work was checked early and later on in this department/by this supervisor? (*Mark most characteristic*)

	early on	later on
nothing checked	<input type="checkbox"/>	<input type="checkbox"/>
minimal checking/if I request it	<input type="checkbox"/>	<input type="checkbox"/>
check outgoing written material to clients <i>i.e. correspondence, drafted documents</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material going outside the firm <i>i.e. correspondence with solicitor for the other side, other professionals etc.</i>	<input type="checkbox"/>	<input type="checkbox"/>
check all written material, including internal memos	<input type="checkbox"/>	<input type="checkbox"/>
everything checked/agreed <i>i.e. all written material and the content of telephone calls outside the firm</i>	<input type="checkbox"/>	<input type="checkbox"/>

5. How close a control does your supervisor maintain over the work that you do? (*Mark most characteristic*)

- oversees all tasks?
- generally oversees most of my work?
- waits for me to seek clarification?

6. Do you share an office?

- No
- Yes with my supervisor
- Yes with another trainee
- Yes with an assistant solicitor
- Yes with a combination of the above
- Other situation
- (*Please specify*) .....

7. Are you required to: (*Mark one only*)

- Charge time
- Keep a time sheet
- Meet targets for charging time
- Other
- (*Please specify*) .....

8. In this department do you work

- solely to your supervisor
- mostly to your supervisor
- to several solicitors
- in a team of qualified solicitors and trainees

9. Do you find this:

- too restrictive?
- just about right?
- not close enough?

10. How often would you ask advice of a solicitor other than your supervisor?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

11. Is there a regular time set aside for you to meet with your supervisor and discuss any problems?

- At least once a day
- 2/3 times a week?
- At least once a week?
- Twice a month or less?
- Never

12. Do you feel your supervisor gives you adequate feedback on the work you are doing?

Excellent  Adequate  Poor

13. Does feedback generally include: *(Mark whichever apply)*

- Instructions
- Feedback on the quality of your work
- Interest in your professional development

14. How would you characterise the feedback you receive? *(Rate according to the following)*

- |                            | Always                   | Mostly                   | Sometimes                | Never                    |
|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Consistent/reliable        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Considered/well thoughtout | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Constructive/helpful       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Critical/judgemental       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*(Please specify)* .....

15. What areas have you had instruction in and/or would you have liked more?

	Sufficient instruction	Insufficient instruction	Required instruction	No instruction required
Interviewing skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advocacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Office procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
File management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typing/word-processing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Please specify) .....

16. Do/did you have sufficient time for reflection and taking in the new things you learn/t?

Plenty       sufficient       insufficient       virtually none

How important do you think this is? *On a scale of 1-5 increasing in importance*

17. Do you feel that your supervisor in this department plays/played a central role in your training?

Yes       No

18. Do you feel that they should be more  or less  central?

19. How important are they to your experience of training?

Very important       Important       Not so important       Not important

In what way/s?

20. Do you see your supervisor:

- not often enough?
- often enough?
- too often?

21. Generally do you find this time useful/constructive?  
 Yes  No

Why/why not?

22. How would you rate your working relationship with your present supervisor?

- |            |                          |                          |                          |                          |                          |               |
|------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---------------|
|            | <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 |               |
| Formal     | <input type="checkbox"/> | Informal?     |
| Distant    | <input type="checkbox"/> | Close?        |
| Productive | <input type="checkbox"/> | Unproductive? |

23. Which of these best describes the relationship you have with your supervisor? *(Mark the most appropriate)*

- Master/apprentice
- Teacher/student
- Mentor/novice
- Trainer/trainee
- Boss/employee

24. How would you characterise your supervisor's way of dealing with you?

- |                                  |                          |                          |                          |
|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                  | <b>Often</b>             | <b>Sometimes</b>         | <b>Not at all</b>        |
| Discusses                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Consults                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Advises                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dictates                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| other?<br>(please specify) ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*Have you spent time in any other departments if so which?*

Continuing education

1. Are you undertaking Continuing Education?

No  Yes

2. How is this provided? (*mark as many as appropriate*)

All in-house

Some in-house

Outside courses

Other?

(*Please specify*) .....

3. What does this include? (*mark as many as appropriate*)

Updating on law

Skills training

Practice management

Other?

(*Please specify*) .....

4. In your view what form if any should continuing education take?

5. Do you feel that some form of integration of vocational training (i.e. LSF/LPC) with practical training (i.e. the first year of articles) would be a good thing?

Yes  No

6. What form might it take? (Mark all you would support)

An integration of the vocational stage of training with articles

A vocational course year with greater hands-on application

A first year of articles with wider ranging input

A more structured approach to articles with greater supervision

The possibility of day release with funding provided by the firm

Any greater role for work experience

Other?

(*Please specify*) .....

**Background: About you**

1. Are you in your:

first year of articles?   
 second year of articles?

2. Are you aged:

24 or under?   
 25 - 30?   
 31 or over?

3. Are you:

Female?   
 Male?

4. In terms of ethnic origin do you consider yourself:

White/European?   
 Afro-Caribbean?   
 Asian?   
 Chinese?   
 African?   
 Other?  (please specify) .....  
 No answer

5. Please complete the details of any previous academic qualifications (*subject and institution, full-time or part-time as appropriate*).

	full- time?	part- time?
<b>Undergraduate:</b>		
Degree subject .....	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		
<b>Postgraduate:</b>		
LLM .....	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		
MA .....	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		
PhD .....	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		
Other(Please specify) .....	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		

5. Cont.

Vocational:

	full- time?	part- time?
CPE	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		
LSF	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		
Other( <i>Please specify</i> ) .....	<input type="checkbox"/>	<input type="checkbox"/>
Institution .....		

6. Were you:

(*Mark any relevant boxes*)

A standard entrant (i.e. University/LSF)	<input type="checkbox"/>
A non-standard entrant (i.e. CPE/Mature)	<input type="checkbox"/>
A mature student	<input type="checkbox"/>
An overseas lawyer (transfer)	<input type="checkbox"/>
A barrister (transfer)	<input type="checkbox"/>
Other? ( <i>Please specify</i> ) .....	<input type="checkbox"/>

7. In terms of employment experience have you:

Yes No

been previously employed for more than three years?	<input type="checkbox"/>	<input type="checkbox"/>
If so in what capacity? .....		
And for how long? .....		

8. Have you have any previous experience of work in a solicitors firm?

Yes (*paid*)  Yes (*unpaid*)  No

Was it:	An informal visit <input type="checkbox"/>	For what period in total? ..... Weeks
	Placement/s <input type="checkbox"/>	
	As a legal executive <input type="checkbox"/>	
	Another job in law <input type="checkbox"/>	
	Other <input type="checkbox"/>	
	What? .....	What? .....
	( <i>Please specify</i> ) .....	

Were any of these with the firm with which you are now articled?

Yes  No

9. Have you had any connection with people working in law or encouraging *you* to work in law?  
(*Mark all that apply*)

A father or mother practising law	<input type="checkbox"/>
Another close relative in the law	<input type="checkbox"/>
A friend (of the family) in the law	<input type="checkbox"/>
A teacher, tutor or career advisor	<input type="checkbox"/>
Other .....	<input type="checkbox"/>

10. Do you have any further comments about your experience of training that you think might be of particular interest?

*Overleaf you will find an additional page of open-ended questions. It would be enormously helpful if you could attempt to answer these.*

Thank you very much for taking the time to complete and return this questionnaire.

Please return it *WITHOUT A STAMP* to: FREEPOST, Richard Wild, Department of Law, University of Sheffield, FREEPOST SF1111, Crookesmoor building, Conduit road, Sheffield S10 1BQ

## PROFESSIONALISM

What does professionalism mean to you?

How much relevance does this hold for solicitors today?

What does being a solicitor mean to you?

*Any other comments regarding the role of professions, professionalism etc:*

## THE DEBATE ON LEGAL SKILLS

What do you understand by the term legal skills?

Do you see a clear distinction between the things you did at law school and what you do now? (please explain)

*Any other comments regarding the form of training and legal skills teaching*

#### **LEGAL CULTURE, FIRM'S CULTURE, SOCIALISATION, AND IDENTITY**

How have you seen yourself change from when you were an undergraduate as a result of your legal training and/or how have others seen you change?

Do you feel there is a real need to *fit in* to a firm's culture or particular way of doing things? (please specify how, why, and what is it)

*Any other comments about socialisation etc:*

**THANK YOU**

## 6.12 Appendix: Accompanying Letter to Trainees

**DATE**

Dear Trainee,

I am a postgraduate student in the Faculty of Law at the University of Sheffield undertaking research towards a PhD. My study is entitled "*Becoming a solicitor: The socialisation of trainee solicitors, the acquisition of professional identity and lawyering skills*". It draws on work previously carried out by or on behalf of the Law Society Research and Policy Planning Unit examining the structure of the legal profession and on legal skills. The focus will be on trainee solicitors; their entry into the profession and various aspects of their training; skills development, socialisation and identity formation. The research is funded by the Economic and Social Research Council and is being supervised by Dr Joanna Shapland.

This project aims to contribute towards the debate around training and the future shape of the solicitors profession, as the external constraints on it change. The results will form a substantial part of my final thesis which may also be published. Among several points of direct interest to you might be my concerns with evaluating the effects of different kinds of firm structure and training strategies on the experiences of trainees. What are the expectations of trainee solicitors and how are these changing? What can they realistically expect and what can their firms expect from them?

I should like to stress that neither firm nor any individual will be identified whether by name or otherwise in my thesis or any published document and that all information will be treated with the utmost confidence. Transcripts or records of any kind will be held securely. I appreciate how busy you undoubtedly are, yet feel that with your help I may be able to present a clearer picture of the experience of articles. I should be very grateful if you could find the time to complete and return this questionnaire. Please feel free to make any further comments - Thank you.

Yours sincerely

Richard Wild

## 6.13 Appendix: Reminder Letter to Trainees

&lt;date&gt; 1993

<title><forename><surname>  
<firm>  
<address>

Dear <title><surname>,

**RE: Questionnaire Study of Solicitor Training**

Further to my letter <date> enclosing a questionnaire entitled *The process of training: An examination of trainee solicitors' experience of articles*.

I am very pleased with the response I have received to date. However, it is important if my study is to be representative that I receive replies from as many trainee solicitors as possible. I would therefore be extremely grateful if you could take the time to complete and return the questionnaire as soon as possible.

I would also like to reiterate that all the information I receive will be treated with the utmost confidence, it will be held securely and no individual or firm will be identifiable in any document public or otherwise.

Please do not hesitate to contact me if you have any queries.

Yours sincerely,

Richard Wild

## **6.14 Appendix: Department Headers**

**COMPANY**

company  
company/corporate/insolvency  
competition  
corporate  
corporate acquisitions  
corporate finance  
corporate services/private company  
corporate/corporate finance  
Paris/capital markets  
international capital markets  
international finance  
investment/commercial property  
banking  
asset finance/banking  
banking/commercial/company  
banking/finance  
banking/property/retail

**COMMERCIAL**

commercial  
commercial/company  
commercial/company/EEC  
commercial/company/employment  
commercial/company/insolvency

**TAX/FINANCIAL PLANNING**

tax  
finance  
financial planning/private clients/tax/trusts/wills  
financial planning/probate/tax/wills  
financial planning/tax  
financial services  
financial services/probate/tax

**EC LAW**

EC law  
EC/competition  
UK competition

**PLANNING**

environment/planning  
planning

**WILLS/PROBATE/TRUSTS**

probate  
probate/tax/trust/wills  
probate/tax/trusts  
probate/tax/wills  
probate/trusts  
probate/trusts/wills  
probate/wills  
trusts/wills  
pensions/tax  
pensions/trusts  
personal finance/probate

**PROPERTY/LANDLORD & TENANT**

housing/landlord & tenant  
 conveyancing  
 conveyancing/property  
 property  
 property (commercial)  
 property/commercial  
 project finance  
 property (agricultural)  
 corporate/environment  
 branch office - conveyancing/Non-contentious/other  
 construction

**OTHER NON-CONTENTIOUS**

Non-contentious  
 Non-contentious/insolvency  
 Non-contentious/probate/property/wills  
 branch office - conveyancing/matrimonial/non-contentious/probate/wills

**FAMILY/MATRIMONIAL**

family  
 family/matrimonial  
 family/matrimonial  
 family/probate/wills  
 matrimonial  
 matrimonial/children  
 matrimonial/private client/trusts  
 childcare/family/matrimonial  
 family/civil litigation  
 matrimonial/civil litigation

**CRIMINAL LITIGATION**

crime  
 criminal  
 criminal litigation  
 criminal litigation/matrimonial/personal injury  
 criminal/probate/wills

**CIVIL LITIGATION**

civil litigation/commercial civil litigation  
 building litigation/commercial & construction litigation/construction construction/building  
 litigation/corporate/construction litigation/property litigation  
 commercial litigation  
 defendant personal injury litigation  
 insurance litigation  
 intellectual property litigation  
 international trade litigation  
 personal litigation  
 shipping litigation  
 medical negligence  
 personal injury  
 immigration  
 debt department  
 professional indemnity  
 commercial litigation/company  
 commercial litigation/employment  
 landlord & tenant litigation

**OTHER CONTENTIOUS**

Contentious/litigation

**EMPLOYMENT LAW**

employment

employment/litigation

employment/civil litigation

**INSOLVENCY**

banking/insolvency

insolvency

banking/insolvency litigation

insolvency/property

**INTELLECTUAL PROPERTY**

intellectual property

intellectual property/environmental law

commercial litigation/intellectual property

**PRIVATE CLIENT WORK**

private client

branch office - general practice

branch office - civil litigation/conveyancing/family/matrimonial/personal injury

commercial drafting/conveyancing/trusts/wills

benefits/conveyancing/crime/matrimonial/probate/wills

conveyancing/family/matrimonial/probate/wills

conveyancing/family/probate/wills

conveyancing/litigation/probate

conveyancing/probate

conveyancing/probate/wills

personal tax/private clients/wills

**SECONDMENT**

Paris office

secondment to in-house legal department of client

legal department of ICI

legal department of Shell

**NOT APPLICABLE**

not allocated to any specific department

**BLANK/MISSING VALUE**

## **6.15 Appendix: The Categorisation of Departments**

**Contentious**

- 11 FAMILY/MATRIMONIAL
- 12 CRIMINAL LITIGATION
- 13 CIVIL LITIGATION
- 14 OTHER CONTENTIOUS

**Non-Contentious**

- 1 COMPANY
- 2 COMMERCIAL
- 3 TAX/FINANCIAL PLANNING
- 4 EC LAW
- 5 PLANNING
- 6 WILLS/PROBATE/TRUSTS
- 7 PROPERTY/LANDLORD & TENANT
- 8 OTHER NON-CONTENTIOUS

**Either**

- 15 EMPLOYMENT LAW
- 16 INSOLVENCY
- 17 INTELLECTUAL PROPERTY
- 18 PRIVATE CLIENT WORK
- 19 SECONDMENT

**Other**

- 20 NOT APPLICABLE
- 99 BLANK/MISSING VALUE

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