

Qualifying as a Solicitor and Equivalent Means

If you've been following the legal press in the UK recently you will have noticed considerable discussion concerning the new “super exam”. What's this all about? Primarily it concerns how to qualify as a Solicitor (England & Wales). It's big news if you're interested in law as a profession; essential reading if you intend to qualify as a Solicitor (England & Wales)...

Regarded as one of the most prestigious legal qualifications in the world, it is no wonder that the path to qualifying as a Solicitor is subject to such intense discussion. For many years, the available routes to qualification have been the same. The introduction of “Equivalent Means” some years ago (see below) encouraged some flexibility, and innovation, but importantly widened access to the profession. You see, the hardest part on the path to qualification is securing a Training Contract, the coveted and compulsory 2-year period of training which must be gained either with an eligible law firm or legal team prior to being admitted as a Solicitor. There are many more aspiring lawyers than there are training contract places. And the most prestigious firms take their pick... Think “bottleneck” and you'll be correct, if not grossly underestimating the severity of the problem.

The Solicitors Regulation Authority has pressed ahead with plans to reform the path to qualification beyond Equivalent Means. Despite resistance from parts of the legal education industry and the legal profession, the SRA has announced that the new qualification framework (with the Solicitors Qualification Examination at its heart) will go ahead. Approval from the Legal Services Board to proceed has further encouraged the SRA, which has now appointed Kaplan (who currently run the Qualifying Lawyers Transfer Scheme exams) as the exam provider for the new SQE. It is almost inevitable that this new framework for qualification will now go ahead and is most likely to come into force in late 2021.

Why all the fuss?

The law is a highly remunerative and respected profession. Think of some of the most famous leaders in history and chances are they started their careers as lawyers. Demand to study and qualify as a legal professional has always been high, with lawyers commanding some of the highest salary scales of any profession. Solicitors (England & Wales) are probably the most regulated, the most rigorously examined and face the biggest challenges on the way to qualification. On the upside, the Solicitor qualification is one of the most recognised, respected and highly paid of all the global legal qualifications.

If tinkering with the profession is not to be taken lightly, reimagining the entire path through to qualification could, therefore, be considered madness. Instead, credit is due to the SRA for taking this bold step in the name of modernising the profession, improving standards and providing greater access to a profession that has an elitist reputation.

The current path to qualification

There are 3 main paths to qualification. Yes, there are others. The most popular is the graduate route. Another is to follow the path set out via the Chartered Institute of Legal Executives (not requiring a degree or even A-levels). The Qualified Lawyers Transfer Scheme allows lawyers already qualified in one of many eligible jurisdictions to take a simple 2-stage exam and then proceed to qualify (subject to certain additional formalities).

Graduate route

Plenty of detail can be found on the websites of the Law Society and the SRA. To surmise, a non-law graduate has to follow the route set out below. If you have a “qualifying law degree” you save a year by avoiding the GDL.

QLTS

This is a great facility for lawyers already qualified from one of many other jurisdictions. A list of eligible jurisdictions can be found on the SRA website. No requirement for a training contract or period of recognised training (“PRT”). No compulsory course enrolment. And a simple 2-stage exam that could see eligible candidates gain the Solicitor (England & Wales) qualification in less than a year. All this without having to give up work or take a career break.

The QLTS has been used (some say abused) by those who have been unable to secure a training contract (now known as the PRT) having reached and completed the LPC stage or earlier. They have instead qualified in another jurisdiction (e.g. by taking the New York Bar) and then sat the QLTS as a “qualified lawyer”, thereby, avoiding the training contract or PRT entirely. It’s worth noting that the LPC exempts candidates from the first stage of the QLTS making it an even more attractive “hack”.

CILEx

Pursue this path as an “apprentice” and without the need to sit A-Levels or gain a degree. Attractive in theory, but slower than the other routes.
Equivalent Means

It’s worth mentioning what this is as the concept has enabled many people to qualify as a Solicitor quicker or where a more traditional path was not available.

In essence, the SRA will look at alternative qualifications and or experience gained outside of a training contract that are considered “equivalent”. Applications under equivalent means are considered on a case-by-case basis and are vetted in detail. This is by no means a soft touch alternative, rather a means of giving relief to those that have clearly achieved enough through alternative paths to meet the requirements for qualification. The SRA also opened up the world of Equivalent Means to legal education providers to encourage them to innovate in the design of programmes that meet the requirements of the GDL and LPC.

The Chancery Lane Institute for Professionals (www.clip-law.com) appears to be the only provider that successfully applied for approval under these provisions.

It's worth noting that along with the GDL, the LPC and the QLTS, Equivalent Means will also disappear under the new SQE framework. The future and the SQE. As mentioned above, the SRA has appointed Kaplan to set and administer the new Solicitors Qualification Exam. The key departure from the current qualification paths is that the SQE will be centrally administered, similar to the way the New York Bar exam or the exams for the Institute for Chartered Accountants (England & Wales) are set. The GDL and LPC have so far been set and administered by the institutes that provide these courses. So far, the SRA has maintained standards and quality by setting a very prescriptive syllabus for both the GDL and the LPC.

The departure (some would say a much needed modernisation) wrestles control away from the current providers who have, so far, operated as a quasi oligopoly. Importantly, under the SQE candidates will no longer be obliged to enrol on any course or with any provider. You could, in theory, register for the exams directly with Kaplan and teach yourself. SRA executive director Crispin Passmore has said that the training reforms are a brilliant opportunity for forward-thinking law schools to work with the SRA and law firms and produce lots of exciting new courses.

However, there is still some detail missing on the training requirements prior to qualification. The SRA says that to qualify, you will still have to complete two years of work experience. The question is what qualifies as relevant "work experience". What the SRA has said is that experience in up to four different organisations will count towards qualifying. They have also said that they will no longer require trainees to obtain experience in at least three different areas of law. Experience of both contentious and non-contentious work will also no longer be a requirement.

Kaplan has been granted the contract to develop and run the SQE for eight years which will be introduced "at the earliest, in September 2020" according to the SRA.

The longer that key details of the SQE remain to be published, the less likely it is that this will be a realistic launch date.

The SRA's Chief Executive Paul Philip has said that "we are now another step closer to delivering a rigorous assessment that helps build trust that all qualifying solicitors are meeting the same high standards, regardless of their route into the profession."

Early indications are that the SQE will closely follow the format of the current QLTS: a 2-stage process that first tests academic knowledge through multiple choice questions, followed by a practical "clinical" examination of key legal skills. This will clearly go beyond what is currently taught on a law degree but there is likely to be at least some overlap between a law degree and the first stage of the SQE. No exemptions to those with a qualifying law degree are expected. Instead, expect universities to extend their current qualifying law degree programmes to include preparation for stage 1 of the SQE.

Shuggufta Khokhar is the co-founder of the Chancery Lane Institute for professionals.



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CLIP was established in 2014 with a firm aim of enabling candidates in the Middle East to qualify as Solicitors (England & Wales). Originally, this meant bringing GDL, LPC and QLTS courses to the region. We still do this.

We have now expanded our portfolio to include delivery of professional legal training. We are a GDLAD CPLD-accredited institution and we are also regulated by the KHDA.