

SYLA SURVEY ON EARLY ADMISSION TO THE ROLE OF SOLICITOR IN SCOTLAND

In November 2019 the Law Society of Scotland's Admissions Regulations were updated. One of the biggest changes affecting trainees is expected to be the early admission rules which now allow trainees who have completed 3 months of their traineeship to apply for admission for a restricted practising certificate. In order to apply, the trainee must have completed 20 hours of "sitting in" and an advocacy course. More information on the change to the regulations can be found of the Law Society of Scotland website.

With the biggest change to admission in a generation the Scottish Young Lawyers' Association has conducted a survey of their members to see how this change might impact the junior end of the profession.

The survey received 83 responses between 20 December and 31 December 2019. The majority of respondents were qualified solicitors but responses were also received from first and second year trainees as well as law students.

In general, 53% of respondents supported the change to the admissions regulations.

Broken down further, 77% of students and 75% of first year trainees supported the change. However, only a third of second year trainees and fewer than half of qualified solicitors thought the early admission of trainees was a good idea.

60 % of those in single partner firms opposed the change. Those in medium sized firms with between 5 and 15 partners were equally split. Respondents in larger firms (15+ partners) were marginally in support of the change (51.28%). Those in firms with 2-5 partners were more likely to support the change (64% in favour). However, by far the most supportive of the change were in-house lawyers, of whom 100% said they supported new the early admissions rules.

Certain responses were fairly consistent across all PQE groups and different sized-organisations. 64% of respondents were not sure if their firm or organisation was making or intended to make use of the new regulations.

Of those who knew their organisation's position, the majority believed their firm to be making use of early admission (57%). Of note, 100% of those in 5-15 partner firms believed that their firm was to make use of these new regulations. In house lawyers believed it to be a 50/50 split, as did those in 2-5 partner firms.

69% of first year trainees stated they intended to apply for early admission. However, 31.25% of first year trainees said they had concerns about the impact of the change on them personally. This was compared to 17% of respondents as a whole.

46% of qualified solicitors and 58% of second year trainees would have applied for early admission had this been available to them.

Respondents were given the opportunity to comment on the new early admissions regulations.

The negative comments tended to focus on the following considerations:

- Prospective cost of the advocacy course for trainees to pay themselves
- Impact on the quality of service being received by those represented by these trainees.
- Trainees being given the responsibility before they are truly ready
- Lack of support within firms

Positive comments centred on the hope that this will increase the number of trainees being employed by smaller firms or organisations for whom it was previously economically not viable to employ a trainee.

The Law Society of Scotland has a trainee helpline for anyone who wishes to discuss their concerns about this or any other issue. Full details can be found on the Law Society of Scotland website.