

ELIGIBILITY FOR APPOINTMENT AS QC

**A response by
The Chartered Institute of Legal Executives**

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For further details

Should you require any
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Introduction

1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 20,000 members, which includes approximately 7,500 fully qualified Chartered Legal Executive lawyers.
2. We welcome the opportunity of responding to the above consultation.
3. In summary, there is an important public interest to be served by appointment as QC distinguishing fairly those individuals who objectively demonstrate excellence in the legal profession. However, QC appointment should serve as a mark of distinction indicating excellence and expertise in the legal profession as a whole. It should not be confined to members of the bar or solicitor advocates. The public interest demands a system of re-accreditation to ensure continuing confidence in the QC appointment process.

Diversity

4. Justice, fairness and equality are central values in the law. These values should be reflected in the composition of the judiciary, QCs and the profession as a whole. Diversity amongst QCs remains a work in progress. Although we applaud the efforts of QC Appointments to monitor diversity, monitoring is not enough. We suggest re-examination of the criteria for QC appointment. There is still too much emphasis on advocacy. In some areas of law advocacy is rare. It is the capacity to be an excellent lawyer and not only a good advocate that is essential for the role.
5. Diversity and quality go together. The broader the quality of the pool from which lawyers are selected the higher the quality of the profession and ultimately QC recognition. Although diversity tends to focus on BAME candidates it includes gender, disability, sexual orientation and socio-economic background. The

arguments in favour of a wider eligible pool are even stronger if diversity is approached in this wider sense.

Fees

6. The fee to apply for appointment as QC is £2,160 plus a further £3,600 if appointed. Widening the eligibility for appointment may have little impact if fees are prohibitive. It is essential that good lawyers are encouraged to apply. We note the selection panel would like to hear from prospective applicants who may have been put off by the fees. We would welcome a commitment to reviewing fees. If evidence indicates fees are a barrier then we suggest they are reviewed.

QC Re-accreditation

7. In 2011 and 2014 the Legal Services Consumer Panel, as part of its work on the efficacy of various accreditation schemes, gave the QC scheme a poor rating. Amongst other areas, it found the scheme scored poorly in re-accreditation, transparency for consumers and the disciplinary process, including withdrawal of accreditation. QC appointment is impossible to remove once granted.
8. The efficacy of an accreditation scheme is undermined if there is no provision of revalidation. Accreditation schemes are a kite mark for consumers of legal services to better choose lawyers. They should not operate solely as a tool to command higher fees. QCs should be required to show continuing competence throughout.
9. Conferring a title that has a marked impact on the level of fees a QC can charge offers no guarantee of competence being sustained over time in the absence of any system of re-accreditation. Neither does it encourage consumer transparency in the absence of information on the lawyer's specialism. We would urge a consultation on re-accreditation.