

Earn while you learn

As the market for legal service provision evolves, professions that have been seen as peripheral in the past are emerging as a force to be reckoned with. We talk to **Nick Hanning**, president of the Chartered Institute of Legal Executives, to find out more



YL: What was it about law that appealed to you and what made you good at it?

NH: I was struck by how the law impacted on every aspect of our lives and therefore how important it was. This translated into practice with the realisation of how even the most seemingly trivial of matters made a real difference to people's lives. I have always enjoyed trying to understand the nature of a problem and devising and implementing a solution. Although, put that way, perhaps I should have gone into engineering.

YL: Was there anything you really had to work at or didn't like about law?

NH: In terms of substance, some aspects of the law have remained impenetrable. Land law was a challenge with settled land being a particular mystery. In practice, I probably shouldn't admit to this but much of the bureaucracy around regulatory requirements is exceptionally time-consuming and distracting. Of course clients need to be given full and proper information but this rapidly becomes overwhelming so that the key messages can easily be lost in the welter of extraneous information about things which may or may not happen at some point in the future. Of course it is exceptionally difficult to know where to draw the line but trying to explain all the possible permutations of a piece of litigation at the outset and expecting the client to absorb it all strikes me as impractical.

YL: Aside from qualifying through CILEx yourself, how did your relationship with the organisation continue until you eventually became president?

NH: A friend of mine was on the CILEx Council and encouraged me to join, particularly as I had been involved in the set-up of a legal practice. This was fairly new for members and something of which existing Council members had little experience at the time, but it was seen as being of increasing importance to the membership. I stood for president because it felt a natural

progression from the work I'd been doing representing the membership and working on issues which are important to them such as the charter and practice rights.

YL: You've said your aim is not to have to tell everyone the good things about CILEx. What do you think still needs to be done to give the profession an equal footing with other types of lawyers?

NH: I believe the work of CILEx members already speaks for itself but is often unrecognised as being that of CILEx lawyers because it is delivered through other practices. Giving CILEx members the right to practice independently will enable the public to understand and appreciate their work on its own terms.

YL: To what extent is CILEx working with the regulators to address the issue of independent practice rights for chartered legal executives?

NH: We are working closely with the Legal Services Board to be sure we understand their requirements and expectations and they understand how we will meet them. We are also consulting with all the other regulators as well as other interested parties, like the judiciary, to understand any concerns they have and try to ensure we can address those.

YL: How does the pay of chartered legal executives compare with that of other lawyers?

NH: Anecdotal evidence suggests that there are some cases where CILEx lawyers doing the same work as a solicitor are being paid less but then there is evidence that contradicts that too. Ultimately it is an open market and employers will pay what they consider an employee to be worth. We hope that as CILEx lawyers become increasingly involved in the management of practices, artificial distinctions will disappear and pay will be based on merit and performance and not on title.

YL: Is there a glass ceiling in terms of progression as a chartered legal executive?

NH: Judicial appointments only became available in 2008 and partnership was impossible until March 2009 but with the dismantling of those concrete barriers, in theory, no. In practice, again, anecdotally, we hear there are some firms who will not contemplate promoting CILEx lawyers to partnership but we like to think that is their loss and that, over time, any such prejudice will disappear. Meanwhile, we work very closely with the Judicial Appointments Commission to help promote judicial opportunities and to prepare and support CILEx members who choose to apply for a judicial position.

YL: People might be surprised to hear that CILEX was founded in 1892 – what was the catalyst for its establishment all that time ago?

NH: Significantly, the purpose of both the Solicitors Managing Clerks Association, as it was 120 years ago, and its successor nearly 50 years ago, the now Chartered Institute of Legal Executives, was to set and maintain standards of education and conduct for its members. That remains our central tenet now. Qualification as a CILEx lawyer is both a mark of competence and also a badge of professionalism and commitment to the responsibilities of a lawyer. As is encapsulated in our pledge, which we ask all our new lawyers to take, we commit to uphold the rule of law and protect the interests of our clients with both skill and integrity.

YL: What has changed most at the Institute since you became a member?

NH: The rights which we have gained in the, er, several years I've been a member is staggering. When I joined we essentially had no rights at all but we have become commissioners for oaths and gained rights of audience, partnership and eligibility for judicial appointment. Our route now offers a genuinely complete legal career open to all.

YL: What do you think CILEx has to offer in the current, and future, legal market?

NH: The key distinction is that CILEx lawyers qualify as specialists in their field rather than as generalists. They know their areas exceptionally well and by inclination and training are not tempted to dabble in areas they do not know well. I believe they will offer consumers a more competitive specialist service.

YL: When can someone start training as a chartered legal executive? And what is the first step?

NH: In principle as early as after doing GCSEs. The first step is to enrol with CILEx and begin studying at Level 3, which is equivalent to A level standard. Securing employment is also hugely valuable as early as possible because the CILEx route is founded on learning while earning; the academic and practical studies are designed around the experience gained on the job. Getting that first job is often difficult but CILEx has its own recruitment site (www.cilexrecruitment.org.uk) and joining a local branch can also help make contacts.

YL: Is there any possibility of moving between the legal professions if you start as a chartered legal executive?

NH: In terms of the main alternatives, solicitors and the Bar, arrangements exist at the moment to transfer to become a solicitor, subject to completing additional law exams and the Legal Practice Course. This same process allows anyone with a law degree to join us, take our graduate fast-track programme and qualify as a solicitor without completing a training contract. This has proved a popular option for many over the years, especially when CILEx lawyers had very limited rights. Now the distinctions are blurring, more are choosing to stay with CILEx. Unfortunately the Bar still mandates holding a degree which (pun intended) bars entry to most of our membership.

YL: What is the most important thing for aspiring lawyers to be aware of as they embark on their careers?

NH: Exactly what it is they are aiming for. Becoming a lawyer is no longer a guaranteed route to riches nor is the mode of working what it once was. The legal profession has suffered like every other in the recession and with the increased mechanisation of bulk, routine work, the scope for old fashioned lawyering is diminishing. In many areas of work now, the law is no longer a craft but a process and those harbouring a romantic view may get a rude awakening.

YL: In your opinion what has to happen for chartered legal executives to gain the full recognition they deserve as legal practitioners?

NH: I have faith in the members, CILEx lawyers themselves, being able to earn that recognition so all that is really required is for them to have the opportunity. We don't deserve any special measures; simply the same rights as other lawyers and let the proof of the pudding be in the eating. It will take time for the concept of a differently qualified lawyer to permeate the public consciousness but we adhere to the same high standards of competence and professionalism and will, I am sure, earn the trust of consumers.

YL: How do you envisage the future of legal education and training in light of the current review?

NH: A strength of the Legal Education and Training Review has been recognition of the importance of work-based learning but what has also been striking is its constant focus on the concept of the law degree, as if this were the only way to become a lawyer. The idea of an alternative route appears to be seen as novel in spite of it being 50 years old. While there is significant academic input into the review, it seems to me that ultimately it will be employers who dictate the training they require for their staff and as the legal profession sees increasingly large employers emerge, they will gain greater influence. We've already started to see this with large, well established, law firms coming to us to provide their in-house training programmes and develop legal apprenticeships for them. Therefore, I see practical skills becoming increasingly important along with skills in ancillary areas such as project management, research and analysis besides the traditional legal knowledge. «

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