

## **Analysis of responses to the “Requirements for lawyers qualifying as solicitors in England and Wales” consultation**

Education and Training - Policy

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## Why we consulted

The Solicitors Regulation Authority (SRA) consulted on proposed changes to the system for qualified lawyers transferring to the roll through the Qualified Lawyers Transfer Regulations (QLTR).

We proposed interim measures to ensure that all who qualify have the knowledge and skills needed to practise competently and effectively as a solicitor in England and Wales.

## The current position

The QLTR<sup>1</sup> were introduced in 1990, and provide a “fast-track” way to qualify here for lawyers from a range of countries as well as barristers in England and Wales. Around 20 per cent of solicitors who qualify each year do so through transfer.

Transferees are required to:

- pass between one and four exams (as specified by the regulations) that make up the Qualified Lawyers Transfer Test (QLTT), unless granted a total exemption, and
- show that they have two years’ experience of legal practice.

The SRA had concerns about the way the current regulations are working:

- consistency of decisions about the exact qualification requirements for individual applicants, because of the scope for interpretation in the regulations and existing guidance
- evidence that disproportionately more transferees are the subject of professional disciplinary procedures and sanctions compared with domestic route solicitors
- allegations of unfair disparities between different providers in QLTT pass standards.

The SRA’s proposed guidance<sup>2</sup> covered the nature of non-EU qualified lawyers’ experience, and the circumstances in which QLTT examination exemptions should be given. We also proposed a temporary hold on new QLTT organisations and on the locations where the test can be taken.

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<sup>1</sup> See [www.qltt.sra.org.uk](http://www qltt.sra.org.uk)

<sup>2</sup> [www.sra.org.uk/consultations/472.article](http://www.sra.org.uk/consultations/472.article)

### **Note on methodology**

Recent consultations conducted by the Education and Training Unit have utilised the Cogix online questionnaire software. This has performed well both in terms of encouraging responses and helping to ensure more people answer each question within a consultation. A significant number of respondents also returned more traditional narrative responses.

## Summary

216 stakeholders responded to the consultation. The majority of responses were made by individuals. The Law Society was one of the representative groups that responded.

Responses were analysed in two stages. First, all responses were looked at to give an overall proportion of opinions to each question. Then lawyers who intended to transfer onto the roll were separated, as they could hold a clear interest in the implementation of the new guidance. These two groups were then compared.

### [Experience of English and Welsh law](#)

The majority of people who responded to the consultation who were themselves planning to make an application under the provisions of the QLTR thought that it was not necessary for solicitors to have experience of English and Welsh law before qualifying as an English and Welsh solicitor (71%). The majority of those who were responding in other capacities (i.e. those not planning to transfer) thought that such an experience requirement was necessary (55%).

Suggestions for the length of such an experience period were mainly in line with the proposed one year. Some were even more radical, suggesting that anywhere up to five years should be required.

### [Experience of different legal work](#)

The majority of respondents (66%) felt that all solicitors should have experience of different types of legal work, either in English and Welsh law or another common law system. This was true of both intending transferees (56%) and other respondents (70%).

### [Supervision of experience](#)

The majority (26%) felt that prior experience should have been supervised by a solicitor of England and Wales.

### [Is the draft guidance a reasonable assurance of fitness to practice?](#)

The majority view, of both intending transferees (71%) and other respondents (52%), was that the draft guidance was not a reasonable and proportionate way of ensuring fitness to practice.

Reasons for these views varied. For example, some thought that the proposals did not go far enough – others thought that the proposals would create an unfair barrier. Some suggested that we should concentrate on expanding the test, while others thought that it was not necessary to introduce new guidance for an interim period pending the introduction of a new transfer scheme.

### [Exemptions](#)

The majority believed that exemptions should be available (70%), particularly where the subjects of the QLTT corresponded to those studied as part of the applicant's original qualification. (There was some recognition that testing in professional

conduct, accounts and ethics should continue, however). A much greater proportion of intending transferees held this view (87%) in comparison to other stakeholders (65%).

#### [Moratorium on test providers](#)

The majority thought that it was reasonable to introduce a moratorium on the expansion of the provision of the QLTT pending the introduction of additional safeguards to ensure the consistent standards of the test (58%). Intending transferees were against (51%); other respondents were more in favour (64%).

#### [Equality impacts](#)

We invited views on the potential equality impact of the proposed changes. There were concerns expressed that proposed guidance could have a negative and disproportionate impact on lawyers from developing countries in particular and on those who did not wish to actually practise as solicitors once they had gained the qualification - 27% of respondents saw potential discrimination.

However, a significant proportion (21%) believed the objective of public protection justifiably outweighed any such effect. There were more intending transferees who viewed the proposals as discriminatory (32%); other respondents were almost exactly split.

#### [Respondents' routes to qualification](#)

Nearly 40% of individual respondents had qualified through QLTR. Almost half of the people who told us where they originally qualified did so in the USA or Australia.

Just over a quarter of all respondents intended to make an application for admission through QLTR, with the USA as the most frequent original jurisdiction for these respondents as well.

## Profile of respondents

Responses were received from a total of 216 stakeholders.

The majority of responses – 82% – were made by individuals. Nearly half of all responses came from solicitors; however the demographic form did not ask if they were practising solicitors in England and Wales, so some overseas solicitors may have selected the ‘solicitor’ or ‘employed solicitor’ options.

The Law Society was one of the representative bodies that responded.

*fig 1*

*Q1 respondent's capacity*

	no. in group	% of all responses	
organisation	firm	16	7.4%
	representative body/group	8	3.7%
	academic institution	4	1.9%
	training provider	4	1.9%
	regulator	2	0.9%
	local law society	2	0.9%
	LSC	1	0.5%
	OLSCC	1	0.5%
	professional and regulatory body	1	0.5%
	individual	solicitor	58
employed solicitor		41	19%
another legal professional		25	11.6%
trainee		16	7.4%
unknown		12	5.6%
overseas lawyer		8	3.7%
member of the public		8	3.7%
student		4	1.9%
academic		3	1.4%
other		1	0.5%
Law Society Council member		1	0.5%
<b>total</b>		<b>216</b>	

Seven respondents submitted comments in reaction to the initial publication of the guidance note as well as a response to the full consultation questionnaire. These seven have been omitted from the numerical analyses in this report to avoid double counting.

## Q1 Experience of English and Welsh law

***Should all solicitors admitted in England and Wales have had some prior experience of working within English and Welsh law, however they qualify?***

Figure 2 shows the overall results from all consultees. Figure 3 separates individuals who indicated that they intend to qualify through QLTR from other respondents.

fig 2

Q1 Should all solicitors have prior experience of working within English and Welsh law?

	no.	% of answers to this question	% of all responses
yes	101	52.3%	46.8%
no	92	47.7%	42.6%
no answer	23		11%
<b>total</b>	<b>216</b>		

fig 3

Q1 Should all solicitors have prior experience of working within English and Welsh law?

	intending QLTR transferees		all other respondents	
	no.	%	no.	%
yes	12	21.8%	89	55.3%
no	39	70.9%	53	32.9%
no answer	4	7.3%	19	11.8%
<b>total</b>	<b>55</b>		<b>161</b>	

Overall, opinion appears split on whether all solicitors should have experience within English and Welsh law. However, the clear majority of intending transferees thought that no experience was necessary, whilst a smaller majority of the remainder of respondents thought that it was.



### **All should have experience – comments**

The Sole Practitioners Group were of the view that the *“qualification of solicitor is very broad, implies competence to practise and still commands some respect. It is particularly important to the public and to small or sole practices that the standards are maintained.”*

Clifford Chance thought it *“logical”* that solicitors in this jurisdiction should have *“practical experience of his or her chosen area of specialisation”* and *“a sound foundation knowledge of English law & practice.”* They did qualify this by saying that *“while practical experience is necessary for specialist practice, we are not convinced that the ‘foundation knowledge’ can necessarily be gained by the individual undertaking an arbitrary period of (potentially) general experience.”*

The City of London Law Society held a similar view. *“While a well-structured course can give excellent guidance on specialist practice, that does need to be supplemented/complemented by some “hands on” experience... some time spent working under the supervision of an English solicitor is necessary for a lawyer planning actually to practice English law.”* Their qualification of this view throws some light on the intentions of many transferees, especially those who transfer but never hold a practising certificate - *“... we do not see that it is necessary for a lawyer who does NOT intend to practice English law and so we see no need to change the current approach of allowing would-be QLTR entrants based overseas to go through the qualification process without having any practical experience in English law.”*

### **Not all should have experience – comments**

Skadden, Arps, Slate, Meager & Flom were of the view that in most international fields of law experience of English and Welsh law *“is irrelevant”* – however, they did concede that this answer may be different in relation to *“restricted business”*.

Central Law Training suggested that an experience requirement should be made post-qualification, with the imposition of *“a condition ... that the lawyer must then practice within a firm undertaking English and Welsh law before he/she can practice in a non English/Welsh firm or as a solicitor sole practitioner.”*

The College of Law thought that requiring experience of working in E&W law did not help standard setting because *“there is no way of measuring the quality and standard of such experience”*

## **What should be the length of the prior experience required?**

fig 4

Q1 what should be the length of the experience ?

	no.	% of suggestions
less than 6 months	2	2.3%
at least 6 months	11	12.5%
at least 1 year	31	35.2%
at least 2 years	20	22.7%
more than 2 years	7	8%
varying	17	19.3%
total	88	

The majority of suggestions for an experience period were in line with the new guidance's suggested one year. Some were even more radical, suggesting that anywhere up to five years should be required.

### **Comments**

Norton Rose were not convinced that a period longer than six months would prove that those qualifying *"were of the necessary standard. More rigorous examinations would be a better way of ensuring quality."*

The LSC believed that the SRA's suggestion for supervised experience were *"practical"*.

Under the category 'varying', comments suggested setting experience requirements based on individual merit, i.e practice experience in their own country. The City of London Law Society's view was that *"any 'blanket' period will cause problems - for some it will be too long, for others it will be too short... the time it takes most lawyers to get through the QLTR process (6-9 months) is a reasonable minimum period of exposure to practise in this jurisdiction. For lawyers based overseas who (for whatever reason) want the qualification but do not intend to practice English law, a period of practical experience is unnecessary."*

## Q2 Experience of different legal work

***Should all solicitors admitted in England and Wales have experience of different types of legal work, gained either in the law of England and Wales or in another common law system?***

fig 5

Q2 Should all solicitors have experience of different types of legal work, either in E&W or another common law system?

	no.	% of answers to this question	% of all responses
yes	143	74.9%	66.2%
no	48	25.1%	22.2%
no answer	25		11.6%
<b>total</b>	<b>216</b>		

fig 6

Q2 Should all solicitors have experience of different types of legal work, either in E&W or another common law system?

	intending QLTR transferees		all other respondents	
	no.	%	no.	%
yes	31	56.4%	112	69.6%
no	21	38.2%	27	16.8%
no answer	3	5.5%	22	13.7%
<b>total</b>	<b>55</b>		<b>161</b>	

Overall, the majority of respondents felt that all solicitors should have experience of different types of legal work, either in English and Welsh law or another common law system. Separating out intending transferees shrinks the proportion with this view, but they still form the largest group.

### **Should have experience of different types of work - comments**

The Association of Women Solicitors were sensitive to the public interest argument for this requirement - *“a solicitor that qualifies to practise in England and Wales is given the right to practise in any area of the law and in contentious and non-contentious work... in order to provide safeguards for the consumer we believe that all solicitors should have experience of different types of legal work, including contentious work.”*

Some of those who thought that experience of different types of legal work was required had issues with the proposed time limit. The Oxford Institute of Legal Practice did not see that *“there needs to be a time limit on when this experience was gained.”* Skadden, Arps, Slate, Meager & Flom thought that this proposal *“widens the outlook. But ‘within 5 years’ is not acceptable.”*

### **Should not have experience of different types of work - comments**

Aditi Tulpule, responding as a legal professional, noted that in a lot of jurisdictions *“like India, there is no requirement of acquiring a training contract prior to gaining registration of practice. Due to this all newly qualified lawyers tend to take up jobs straight away after qualification in either firms or companies... In India particularly, these entities do not necessarily do both contentious and non-contentious work and thus it is very difficult to satisfy this requirement unless you are able to change jobs.”*

Other respondents focussed on the tendency to specialise post-qualification, and seemed to discount the general nature of the E&W solicitor qualification. *“If lawyers have already qualified in their home country they may well be specialists as this stage in their career and therefore the requirement to experience different types of legal work would be unduly burdensome.”* – AGCAS Legal Profession Task Group.

Herbert Smith were of the view that mixed experience is *“clearly to be preferred in the process of building the fully-rounded professional”*, and that the requirement would put all transferees in the same position as domestically-qualified solicitors. However, they had a caveat in relation to senior lawyers whose experience of different types of legal work may have been acquired more than five years previously; *“the requirement to show a mix of experience within the last five years may be a real impediment to their re-qualification, despite their depth of expertise. For firms hiring such individuals as specialists within their chosen field it will be a significant frustration to have to make specific provision for them to obtain additional experience of relevant disciplines.”*

## **What experience of different types of legal work should be required?**

fig 7

Q2 what experience of different types of legal work should be required?

	no.	% of suggestions
contentious and non-contentious	42	31.6%
depends	24	18%
same as solicitors in E&W	15	11.3%
specific areas	14	10.5%
skills	8	6%
non-specific	8	6%
practical experience	7	5.3%
at least three areas	5	3.8%
current system	5	3.8%
agree with the proposals	4	3%
supervision	1	0.8%
total	133	

133 people gave comments on the experience that should be required. The most frequent suggestion was for contentious and non-contentious experience, by some distance. The next largest proportion suggested that the experience requirement should be flexible, taking into account the area of work in which the individual intended to practice.

Within the 'contentious and non-contentious' category, Herbert Smith also recommended experience of at least three different practice areas – *"... However, we would propose that this be treated flexibly and with some regard to an individual's circumstances."*

Within 'depends', the LETG believed that those requalifying should have the equivalent of two years' experience *"with some variety but the prescription should be no tighter than that"*.

## Q3 Supervision of experience

### *How should required prior experience be supervised?*

fig 8

Q3 how should required prior experience be supervised?

	no.	% of suggestions
by an E&W solicitor	40	25.5%
general	28	17.8%
flexibly	26	16.6%
as for trainee solicitors	26	16.6%
by an experienced lawyer	22	14%
less than for trainees	11	7%
as currently required	4	2.5%
total	157	

157 respondents gave answers to this question. The majority - a quarter of the opinions put forward – felt that prior experience should be supervised by a solicitor of England and Wales. Also, significant proportions felt that the supervision should be more general in nature, that the requirement should be flexible and recognise different jurisdictions' supervision requirements, or that transferees should be supervised in the same way as trainees.

Duncan MacDonald, solicitor, thought that supervision should be with a *“particular partner or sole practitioner, in the much the same way as a pupil barrister spends his pupillage in close contact with one experienced barrister. General supervision and farming out is not enough.”*

The Office of the Immigration Services Commissioner recognised that transferees would bring valuable experience with them, but that they would *“need greater guidance on the English legal system itself”* – to be provided by E&W solicitor supervision.

The LETG were of the view that supervision could be carried out by an experienced lawyer, and that *“it is not reasonable to expect senior lawyers to be supervised in the same way that a trainee would be supervised... It is up to the SRA to determine whether particular jurisdictions have adequate supervision regimes in place to be confident about allowing people to take the Transfer Test.”*

## Q4 Is the draft guidance reasonable assurance of fitness to practice?

*Do you agree that the draft guidance is a reasonable and proportionate way of ensuring that all transferring solicitors are fit to practise?*

fig 9

Q4 is the draft guidance reasonable assurance of fitness to practice?

	no.	% of answers to this question	% of all responses
yes	67	35.3%	31%
no	123	64.7%	56.9%
no answer	26		12%
<b>total</b>	<b>216</b>		

fig 10

Q4 is the draft guidance reasonable assurance of fitness to practice?

	intending QLTR transferees		all other respondents	
	no.	%	no.	%
yes	11	20%	56	34.8%
no	39	70.9%	84	52.2%
no answer	5	9.1%	21	13%
<b>total</b>	<b>55</b>		<b>161</b>	

The majority view was that the draft guidance is not a reasonable and proportionate way of ensuring fitness to practice. This was still the case when separating intending transferees from the overall responses. However, the proportion of other respondents with this view was reduced.

### **The draft guidance is *not* reasonable assurance – comments**

Joshua Hunter, a solicitor, thought that for many practising common law lawyers *“it would be almost impossible to obtain this experience before coming to England.”*

The Association of Women Solicitors viewed the draft guidance as reasonable in principal but that in areas it *“could be construed as disproportionate, for instance competency in relation to language skills.”*

The College of Law thought that the guidance *“does not address the real issue of quality and standards. Creating a practical hurdle by merely picking out criteria relating to the domestic market and ignoring others is unreasonable, discriminatory and selective at best.”*

The Law Society were of the view that there should not be an interim review of the QLTR. *“The review must be carried out in a measured and proper manner which takes into account all the prevailing issues.”*

### **The draft guidance is reasonable assurance – comments**

The Sole Practitioners group saw the guidance as bringing experience of the legal system *“in line with that of a trainee solicitor’s training.”* The Office of the Immigration Services Commissioner went further, agreeing that *“it is unsafe to assume that non-EU lawyers, who have had no previous experience of working within English and Welsh law, would be able to practice competently in it.”*

The LSC also supported the draft guidance *“in particular the requirement for supervised practical experience.”*



## Q5 Exemptions

***Should exemptions be granted from a stipulated part or parts of the QLTT?***

fig 11

Q5 Should exemptions be granted from part or parts of the QLTT?

	no.	% of answers to this question	% of all responses
yes	152	78.8%	70.4%
no	41	21.2%	19%
no answer	23		10.6%
total	216		

fig 12

Q5 Should exemptions be granted from part or parts of the QLTT?

	intending QLTR transferees		all other respondents	
	no.	%	no.	%
yes	48	87.3%	104	64.6%
no	4	7.3%	37	23%
no answer	3	5.5%	20	12.4%
total	55		161	

The majority believed that exemptions should be available. Analysing the prospective QLTT candidates separately showed that a much greater proportion held this view in comparison to other stakeholders.

### ***In what circumstances should exemptions be granted?***

fig 13

Q3 in what circumstances should exemptions be granted?

	no.	% of suggestions
equivalent jurisdiction/qualification	44	32.1%
based on experience	35	25.5%
recent examination pass	30	21.9%
case by case	8	5.8%
demonstration of knowledge	7	5.1%
according to area of practice	5	3.6%
for E&W barristers	2	1.5%
other	6	4.4%
total	137	

142 people gave circumstances in which exemptions should be granted. The most frequent example of where exemptions should be granted was where the individual's qualification originates from a similar, common law, jurisdiction. Large proportions of respondents also felt that exemptions should be based on the individual's experience, or on the recent passing of a suitable examination.

There was still recognition that testing in professional conduct, accounts and ethics was appropriate and should continue, as the regulatory rules vary from jurisdiction to jurisdiction.

The Oxford Institute of Legal Practice thought that exemptions to the experience requirement should be granted upon demonstration of *"appropriate experience or qualifications in their home jurisdictions."*

There was a range of suggestions for experience-based exemptions, including an ability to read, write and speak the English language, as well as clear objectively evidenced experience/knowledge in the relevant practice area in a substantially similar jurisdiction. It was put forward by Andrew Mills, solicitor, that no exemption from accounts or ethics should be allowed as *"these are fundamental."*

The City of London Law Society were in favour of exemptions from any or all of the QLTT heads – *"the determining factor should be whether the entrant has covered the relevant syllabus... [proved] by having passed an exam at the end of a rigorous academic programme. However, it should be possible to be granted an exemption on the basis of practical experience in the subject. We recognise the entrant's knowledge must be fairly recent, and so can see the benefit of having a "cut-off"*

*period.*” They also indicated their support of an extension of the subjects covered by the test, and compulsory attendance on a course.

## Q6 Moratorium on test providers

*Is it reasonable to introduce a moratorium on the SRA's authorisation of new test providers and locations ahead of measures to enable greater assurances to be given about the standard of all QLTTs?*

fig 14

Q6 should there be a moratorium on authorisation of new test providers/locations?

	no.	% of answers to this question	% of all responses
yes	126	67.4%	58.3%
no	61	32.6%	28.2%
no answer	29		13.4%
<b>total</b>	<b>216</b>		

fig 15

Q6 should there be a moratorium on authorisation of new test providers/locations?

	intending QLTR transferees		all other respondents	
	no.	%	no.	%
yes	23	41.8%	103	64%
no	28	50.9%	33	20.5%
no answer	4	7.3%	25	15.5%
<b>total</b>	<b>55</b>		<b>161</b>	

The majority thought that a moratorium was reasonable. Again, taking the intending transferees as a separate group, they were more split, perhaps leaning towards disagreeing with a moratorium. The other respondents were more in favour.

### **For a moratorium – comments**

OISC thought it *“prudent not to authorise any further test providers or locations while the current system is under scrutiny.”* Berwin Leighton Paisner were of the same opinion but suggested that a moratorium *“should have a specified end date.”* Simmons & Simmons thought that it made sense to remain with current providers as *“it is unlikely that other providers will want to develop tests if the goal posts are changing.”*

### **Against a moratorium – comments**

Central Law Training were not in favour of a moratorium unless *“the SRA begin to take some steps towards quality assurance in the short term.”* Skadden, Arps, Slate, Meager & Flom thought that the problem identified *“does not warrant it”*. Altior, a test provider, were concerned at the allegations of inconsistent standards and called for *“greater dialogue with the SRA in order to ensure that there are consistent standards.”*

## Q7 Possible equality impacts

*What are your views on the possible equality impact of the guidance?*

fig 16

Q7 what are the possible equality impacts of the guidance?

	no.	% of answers to this question	% of all responses
discriminatory	58	41.4%	26.9%
justifiable/ proportionate	46	32.9%	21.3%
there are none	18	12.9%	8.3%
different approach needed	6	4.3%	2.8%
impacts should be monitored	5	3.6%	2.3%
undermine diversity in the profession	4	2.9%	1.9%
adversely affect senior lawyers	3	2.1%	1.4%
no answer	76		
<b>total</b>	<b>216</b>		

The views expressed here were largely polarised between the potential discrimination against overseas lawyers as individuals, and the objective of public protection justifiably outweighing any such effect. Some also felt that there would be no impact on equality within the profession.

Analysing intending QLTR transferees' responses separately shows that there was a slightly higher proportion with the view that the proposals would be discriminatory, whereas other respondents were almost exactly split.

fig 17

Q7 what are the possible equality impacts of the guidance?

	intending QLTR transferees		all other respondents	
	no.	%	no.	%
discriminatory	18	32.7%	40	24.8%
justifiable/ proportionate	9	16.4%	37	23%
there are none	1	1.8%	17	10.6%
different approach needed	3	5.5%	3	1.9%
impacts should be monitored	0	0%	5	3.1%
undermine diversity in the profession	2	3.6%	2	1.2%
adversely affect senior lawyers	1	1.8%	2	1.2%
no answer	21	38.2%	55	34.2%
<b>total</b>	<b>55</b>		<b>161</b>	

The Law Society Council member for Minority Ethnic Concerns, Nwabueze Nwokolo, called for a mandatory impact assessment.

### **Discriminatory – comments**

CLT 's comments were common to many responses suggesting discrimination, in that the proposed guidance *“will disproportionately affect those lawyers who will find it difficult to get the requisite experience in an English firm whilst living in a foreign jurisdiction.”*

The City of London Law Society, seeing the proposals as *“potentially discriminatory,”* again called for an expansion of the topics covered by the test to bring them in line with the Legal Practice Course.

Herbert Smith were concerned that transferees coming from jurisdictions such as India would be *“potentially disadvantaged as against those coming from jurisdictions such as Hong Kong, Australia and New Zealand, where there is a practising community of English lawyers (albeit small) and therefore the potential exists for a transferee to satisfy the new interim requirements by working with an English-qualified solicitor while still working in their domestic jurisdiction.”*

### **Justifiable/proportionate – comments**

Many individual respondents held this view (including a number of intending transferees):

- *“It would make it more difficult for solicitors to transfer but this would be outweighed by the value to the public.”*
- *“The qualification process should not be a simple way to add a badge of perceived quality”*
- *“there is no doubt that some individuals may feel that this is making their route to a legal career harder but there are ample ways to qualify in E & W and there has to be a focus on reaching and maintaining professional standards”*

Altior thought that *“the SRA has shown itself to be committed to the promotion of equality and diversity, and will no doubt give very careful consideration to this issue.”* They were concerned about the proposed experience requirement being more difficult for some candidates to satisfy than others, but accepted that *“the SRA must protect the public interest and must establish and maintain consistent standards.”*

Norton Rose considered the new QLTR guidance to be *“a fair, yet rigorous mechanism to ensure equal access to the profession for all.”*



## Q8 Respondents' route to qualification

*Have you qualified as a solicitor using the QLTR route to qualification?*

fig 17

Q8 have you qualified through QLTR?

	no.	% of individual respondents	% of all responses
yes	69	39.2%	31.9%
no	100	56.8%	46.3%
no answer	7	4%	3.2%
individual respondents	176		

69 respondents had qualified through QLTR – nearly 40% of people who responded on an individual basis. 66 people told us which jurisdictions they originally qualified in. Almost half of these people originally qualified in the USA or Australia.

fig 18

Q8 original qualification (qualified)

	no.	% of answers
USA	15	22.7%
Australia	14	21.2%
Barrister, England and Wales	6	9.1%
South Africa	5	7.6%
India	5	7.6%
New Zealand	5	7.6%
EU states	3	4.5%
Pakistan	3	4.5%
Scotland	3	4.5%
Nigeria	3	4.5%
Canada	2	3%
elsewhere	2	3%
<b>total</b>	<b>66</b>	

**Are you considering making an application using the QLTR route to qualification?**

fig 19

Q8 do you intend to qualify through QLTR?

	no.	% of individual respondents	% of all responses
yes	55	31.3%	25.5%
no	56	31.8%	25.9%
no answer	67	38%	31%
<b>individual respondents</b>	<b>176</b>		

Just over a quarter of all respondents intended to make an application for admission through QLTR. Two respondents indicated that they were intending to qualify

through QLTR, but were responding on behalf of an organisation. As with respondents who had already qualified through QLTR, the USA was the most frequent answer. Significantly, respondents gave Hong Kong as an answer, whereas no qualified solicitors gave this as their original jurisdiction. Also, four out of these seven said that they were not yet qualified (being under a training contract at the time of answering), suggesting that the decision to requalify in England and Wales is taken at a very early stage.

fig 20

Q8 original qualification (intending)

	no.	% of answers
USA	12	23.5%
India	9	17.6%
Hong Kong	7	13.7%
Barrister, England and Wales	5	9.8%
Australia	3	5.9%
Canada	2	3.9%
New Zealand	2	3.9%
Pakistan	2	3.9%
South Africa	2	3.9%
EU states	1	2%
Nigeria	1	2%
Scotland	1	2%
elsewhere	4	7.8%
<b>total</b>	<b>51</b>	

***Would you be willing to participate in future research that will inform the full review of the transfer scheme?***

119 respondents said that they would be willing to take part in future research.

## Other comments

The Law Society's view was that *"the proposed interim guidance is not a necessary or proportionate response to the issues outlined in the consultation paper."* They urged that the guidance be withdrawn pending a full review of the QLTR regime.

Comments were also made about reciprocity, and how our proposed guidance could have a wider effect on globalisation of E&W legal services. Herbert Smith, for instance, were *"concerned if this additional burden for Indian lawyers interfered with the present negotiations under way between English and Indian legal regulatory authorities to improve the practising rights of English lawyers in India."* They understood that the remit of the SRA is to focus on risk and regulation rather than the broader political agenda, but thought it would be *"a highly unfortunate consequence for the development of English law firm interests and influence in a critical emerging market."*

Catherine Gane, responding on her own behalf as a solicitor, asked why there is no attempt to *"ensure that other jurisdictions whose lawyers wish to take advantage of the QLTR 'sign up' to this system so that it becomes a mutual agreement between the professional regulatory authorities in both countries?"*

The Office of the Legal Services Complaints Commissioner considered that there was *"a broader debate to be had about qualification in specialist areas and whether it is time to recognise that given the multitude and complexity of certain areas of law, solicitors should be able to qualify for specific practice rather than general."*

# List of respondents

## Individuals

Muhammad Ahad  
Muhahmed Jamil Ahmed  
Senthil Vidyadharan Appavoo  
Radley Biddulph  
Christopher Bland  
Toby Blyth  
Mary Boland  
Talitha Burson  
Dry Bush  
Carrie Lynn Chaille  
Charles Cole  
Laura Cox  
Nikhil Darekar  
Jason de Mink  
Niall Doherty  
Robert Drolet  
Riaan Duvenage  
Van Everette Edwards  
Dorcas Ekpo  
Michael Ellenhorn  
Terence Floyd  
Catherine Gane  
Deepak Gupta  
Tim Harris  
Andrew Hehir  
Yichun Hua  
Amanda Huber  
James Hueston  
Joshua Hunter  
Mohahmed Hussain  
Srinath Iyengar  
Simon Jackson  
Shahid Pervez Jami  
Bin Beatrice Jiang  
Jonathan Krause  
Yuanxian Lu  
Duncan MacDonald  
Babajide Martins  
Susan Mechan  
Sanveer Mehlwal  
Andrew Mills  
Jacqueline Mowbray  
Adrian Moylan  
Sergey Naumkin  
Barbara Novosel  
Nwabueze Nwokolo  
Rebecca Paton  
Irena Paynter  
Hildegard Rauf

Stuart Roberts  
Mathew Ronald  
Shaun Ryan  
Sahasini Trimbakrao Sakhare  
Sanjeev Kuamr Sharma  
Matheu Smith  
Balajanaki Srinivasan  
Neil Tanner  
Shazia Tasleem  
Aditi Tulpule  
Ramesh Vijayasundaram  
Edgar Ramón Wagner  
Kai Wang  
Gregory Wilkinson  
Stephen Williams  
Anne Wolfe

### **Organisations**

Allen & Overy  
Association of Graduate Careers Advice Services (AGCAS) Legal Profession Task Group  
altior Consulting & Training Ltd  
ashurst  
Association of Women Solicitors (AWS)  
Atul Vala  
Berwin Leighton Paisner LLP  
British Indian Lawyers Association (BILA)  
Central Law Training (CLT)  
City of London Law Society  
City of Westminster and Holborn Law society  
Clifford Chance LLP  
College of Law  
Commonwealth Lawyers Association (CLA)  
GTLAW  
Herbert Smith LLP  
The Institute of Legal Executives (ILEX)  
The Law Society  
Legal Education and Training Group (LETG)  
Legal Services Commission (LSC)  
Mangala Murali  
Mohit Suri  
Newcastle upon Tyne Law Society  
Norton Rose LLP  
Nottingham Law School  
Office of the Immigration Services Commissioner (OISC)  
Office of the Legal Services Complaints Commissioner (OLSCC)  
Oxford Institute of Legal Practice  
QLTT International  
Simmons & Simmons  
Skadden, Arps, Slate, Meager & Flom  
Sole Practitioners Group (SPG)  
Zaki & Zaki (Advocates and Solicitors)

109 individual and 8 organisational respondents asked for their responses to remain confidential or their names to be withheld. Two responses were anonymous.

## Annex 1 – results in pie charts

**Q1 Should all solicitors admitted in England and Wales have had some prior experience of working within English and Welsh law, however they qualify?**

Fig 21 intending & qualified transferees

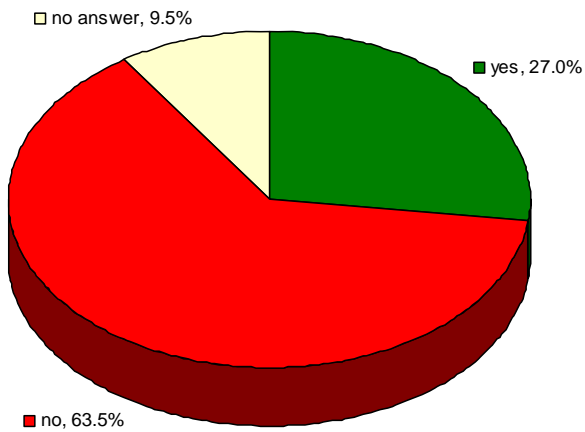
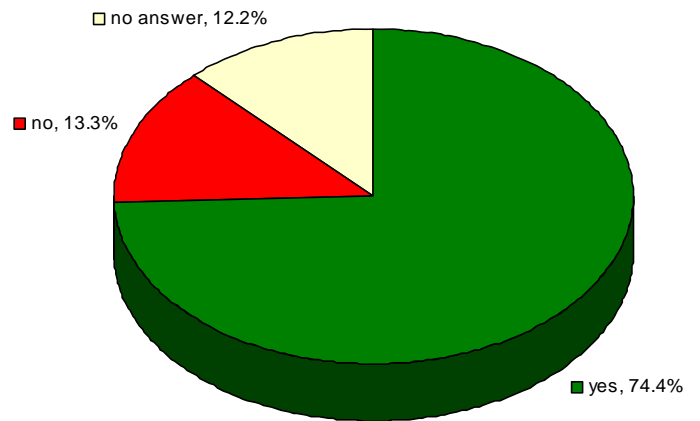


Fig 22 other respondents



**Q2 Should all solicitors admitted in England and Wales have experience of different types of legal work, gained either in the law of England and Wales or in another common law system?**

Fig 23 intending & qualified transferees

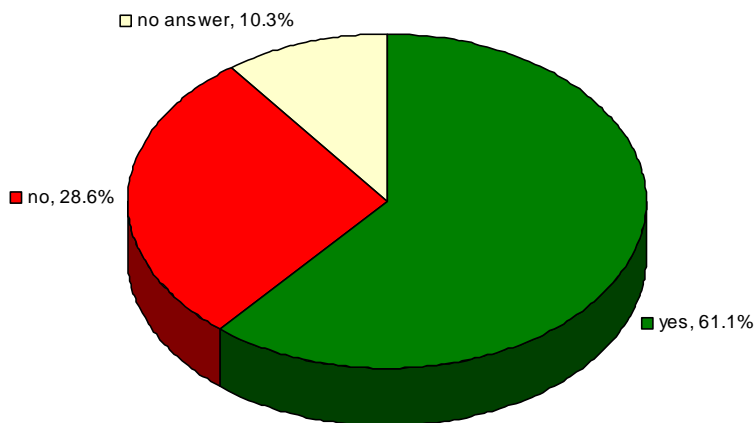
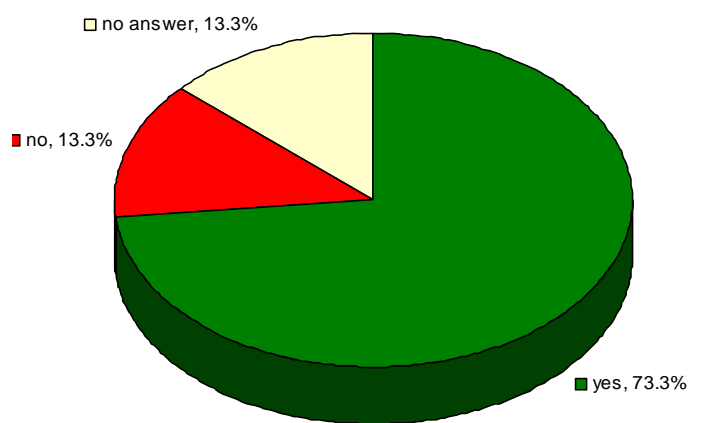


Fig 24 other respondents





**Q4 is the draft guidance reasonable**

Fig 25 intending & qualified transferees

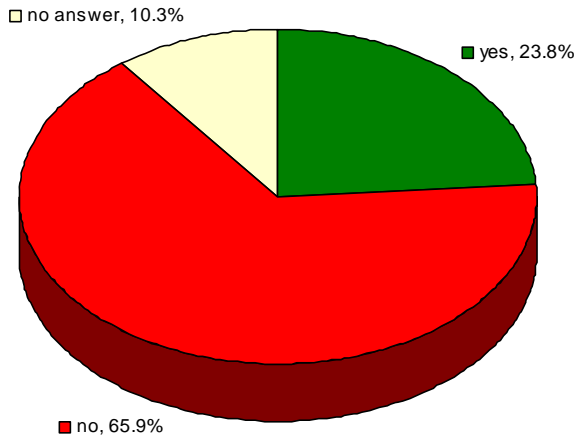
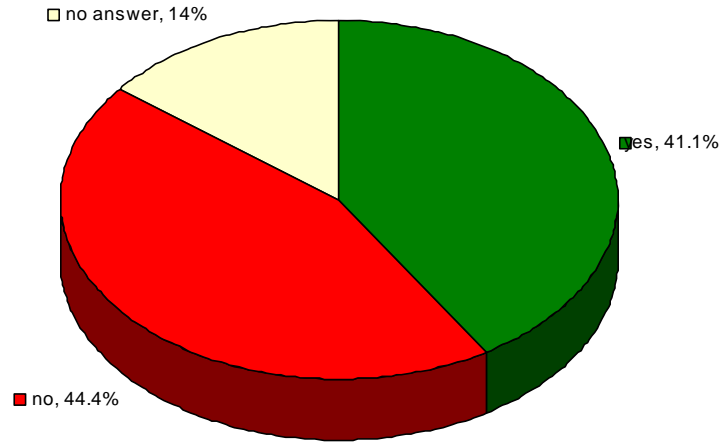


Fig 26 other respondents



**Q5 should exemptions from the QLTT be given**

Fig 27 intending & qualified transferees

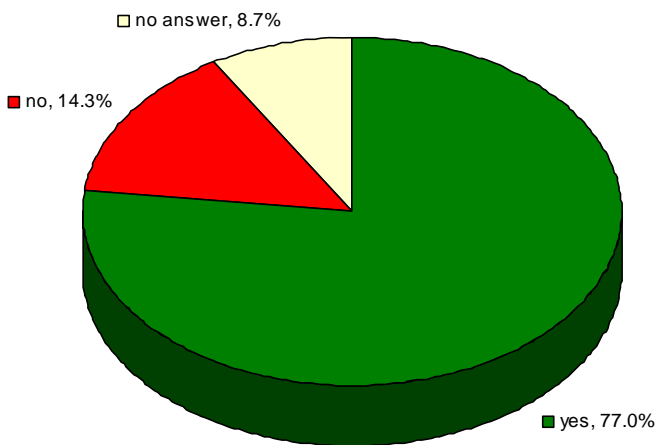
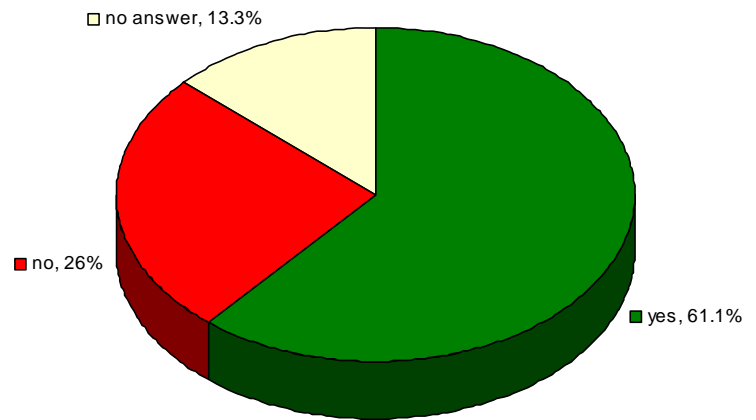


Fig 28 other respondents



**Q6 should there be a moratorium on new test providers**

Fig 29 intending & qualified transferees

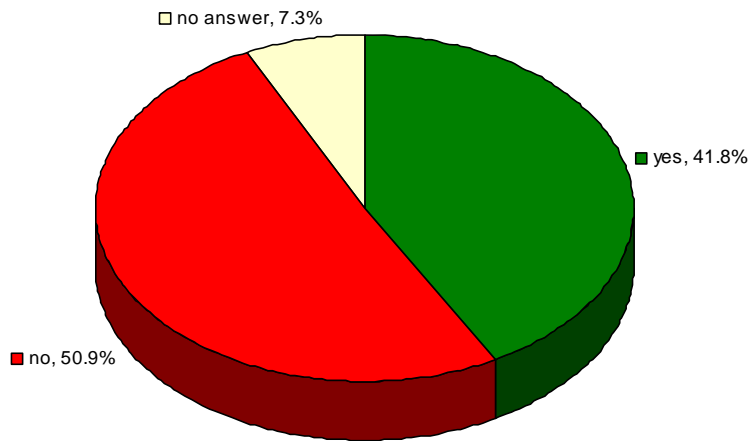


Fig 30 other respondents

