

CILEX REGULATION LTD

Seven Year Rule Consultation responses and analysis

CONSULTATION QUESTIONS

Q1. Do you agree that the current seven year rule, applied to some qualifications, but not others, creates an anomaly in the exemptions policy which is not easy to justify? If not, state why.

Yes 12

No 1

Provide comments here:

1. My own degree was well over 7 years ago but I have been working as a lawyer for over 20 years.
2. The 7 year rule is a backstop; the rule is both proportionate and necessary. The rate at which new legislation is introduced, either by Act of Parliament or SI and the amount of it, makes it imperative that practitioners regulated by CILEx Regulation are 'up to date'. The 7 year rule is a stick rather than a carrot but at least it ensures current learning.
- 3.
- 4.
- 5.
6. Having completed my law degree more than 15 years ago, I thought I would be a barrister. But having worked for a law firm on a voluntary basis while studying with CILEx Law School, I believe I have the knowledge coupled with the practical experience. I have learnt more while working than doing the academic qualifications. I work with trainee solicitors, LPC and paralegals and find we are all in the same boat. We also learn from each other and support one another.
7. Yes I agree the current 7 year rule creates an anomaly.
- 8.
9. The 7 year exemption rule is unnecessary. Legal Executive Lawyers and other CILEx members in their profession gain work experience on a day to day basis. If their skills based knowledge is below standard this would soon be evident to their employers.
10. I agree with that such rule only cause anomaly in CILEx. The law is developing all the time like in the 'Concept of Law' by Professor Hart, 'the rule of change', the law is developing all the time, such 7 year rule is outdated and not adopt to the new era, some legal concepts have been changed, like the Terrorism Act. The rules of an organisation like CILEx must keep on revising all the time to cope with change.
11. I do not see the continued justification of the rule as CILEx will still assess those

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with law degrees and it is only after assessments in 3 practice units that they can be graduate members. It is also the requirement that evidence of CPD hours be provided from Associate Membership upwards again underlining why it is not justifiable to continue the 7 year rule.

12.

13. I fully agree as I feel there needs to be a better system in place to ensure one has the relevant knowledge to become a member rather than blanket rule of 7 years. I obtained my qualification in 2007. However, I feel still able to advise current law students on case law etc. However long it takes for an individual to forget one's knowledge is a subjective test which will always differ from individual to individual and I fully disagree with the your current rule to suggest that a person who completed his/her degree more than 7 years ago know less of law than a person who might have completed his/her degree 3 years ago.

CILEX REGULATION RESPONSE

The majority of respondents support the proposal. In providing their support they have identified routes through which CILEx Regulation can meet its objective of ensuring knowledge is up to date.

Q2. Do you agree with our recommendation that the seven year rule should be removed?
If not, state why.

Yes 11

No 1

Provide comments here:

- 1.
2. I am not convinced that the alternatives ensure practitioners are abreast of current legislation.
3. Qualification is difficult enough without being tied to unnecessary timeframes and deadlines that may cause a candidate to rush a decision.
- 4.
- 5.
6. I am depending on the removal. I am unofficially doing the GFD and working. I have completed nearly two years qualifying employment. If the rule is not abolished my money and time would have been wasted.
7. Yes I agree the rule be removed.
- 8.
9. For the above reasons. One's knowledge improves with experience and the passage of time.
10. Yes I agree the 7 year rule should be removed.
11. It is for the best as other lawyer organisations have removed the requirement.

- 12.
- 13. As stated above

CILEX REGULATION RESPONSE

The majority of respondents support the proposal.

- Q3.** Do you agree that seven years is an arbitrary choice for any approach to staleness of knowledge?
If not, state why.

Yes 11
No 1

Provide comments here:

- 1. 7 years totally arbitrary. Some of us have kept up to the point of training others and kept up CPD. Others have worked in other professions for 6 ½ years but qualify.
- 2.
- 3. In my opinion 7 years is not justified. Your 'qualification' could be out of date in 6 months if there is a change to the law or practice in a particular area.
- 4.
- 5.
- 6. I understand some professional will have a benchmark. But speaking from personal experience I believe I can do the work just as well as a person who has graduated in the last seven years.
- 7. Yes I agree it is arbitrary and prohibitive to some applicants.
- 8.
- 9.
- 10. I agree the 7 year rule is an arbitrary choice. The reason is stated above.
- 11.
- 12.
- 13. As stated above

CILEX REGULATION RESPONSE

The majority of respondents support the proposal finding that the 7 year rule is an arbitrary rule.

- Q4.** Do you agree that the assessment requirements for applicants seeking Fellowship (three years of Work Based Learning and satisfying the 27 learning outcomes in the Day One Outcomes framework) and the compulsory CPD requirements for all members from the Associate grade onwards are sufficient to safeguard against someone with insufficient knowledge and skills becoming a Chartered Legal Executive?

If not, state why.

Yes 9

No 3

Provide comments here:

- 1.
2. CILEx Regulation have to be satisfied that the applicant has passed the relevant examinations in law to qualify. This is a basic requirement. The arrangements outlined above have merit, but do not replace the discipline required to pass relevant examinations in law in a meaningful time frame.
3. Yes, however, is 3 full years necessary for someone with an equivalent qualification? From my understanding a Fellow who cross-qualifies as a solicitor does not need to undertake a training contract and if they do, it is reduced.
4. I am not sure what will happen with outcomes focused CPD.
- 5.
6. Yes I believe it could fill the gap. But I haven't qualified yet and my work is supervised. I think so far I am updated with the changes in the area via CILEx updates. Sometimes I am more aware of changes than my fellow colleagues who are solicitors.
7. Yes this seems sufficient.
8. I am far better skilled now in my area of practice than I was within 7 years of sitting my Fellowship exams.
9. The three year rule and seven year rule is unnecessary. The Legal Executive is monitored by his employer. His skills and performance based learning is a life long activity. What you learn and retain in your professional career is important.
10. Partly I agree with. As an experienced civil servant in the common law jurisdiction I had a law degree from London but I cannot have any CPD counting in my daily activities.
- 11.
- 12.
13. Yes I am always in full agreement on actual assessment to establish knowledge rather than a blanket approach of 7 years to establish knowledge.

CILEX REGULATION RESPONSE

The majority of respondents support the alternative routes through which CILEx Regulation can achieve its objectives by the removal of the 7 year rule. Some respondents questioned the work based learning and CPD schemes but they do not form part of this consultation.