Ongoing Competence in Legal Services:
The deliberation sessions

community research

Bringing the voices of communities into the heart of organisations

Introduction

- Moderator **introduces** self and thanks participants for joining
- **Purpose** of this session is to give you a briefing on this research and allow everyone to meet each other and ask any questions .
  - Will be lots of information, but we'll give it to you in writing too
- Intro Tom/ Margie/ Rob from LSB;
- Other panellists – some have previously done research for the LSB, some new to it, but bring their own experiences of working for a regulated profession

- Reminder about what this session is about:
  - To use the jury analogy – you have heard what the issues are, you have heard from people with different opinions on what should happen, now it's time for you to work as a group to reach a consensus (or your 'verdict'!) on what should happen.
- How it will work:
  - We'll have a short discussion now and share some of the results of the survey you completed.
  - Then we will split you into to smaller groups and put you in 'meeting rooms' so you can discuss the following big questions about whether the current arrangements are sufficient, and what should happen if not.

Introductions

- Names
- Anyone done anything like this before, e.g. sat on a jury?
- Any questions to clarify the information you've had already – anything you don't understand that you need answered before you can reach a decision?

- Key clarifications from research

  - Solicitors Qualification Exam (SQE) – only for solicitors qualifying (from later this year), not those already qualified; only

solicitors, not other types of lawyers.

- CPD – lots of options, but no requirements. Only requirement currently is to reflect on own competence, do what is required to maintain competence and to declare that you have done that.
    - Regulators check you have made that declaration. The range of options (e.g. as described for barristers) are opportunities, not requirements
    - Are CPD opportunities and market forces enough?
- 400 solicitors per year dealt with by SRA – on account of misconduct, i.e. for doing bad things rather than not doing things well enough. The process are designed to pick up on misconduct and disciplinary issues, not incompetence.

Do the arrangements now in place within legal services give you sufficient confidence in the competence of lawyers throughout their careers?
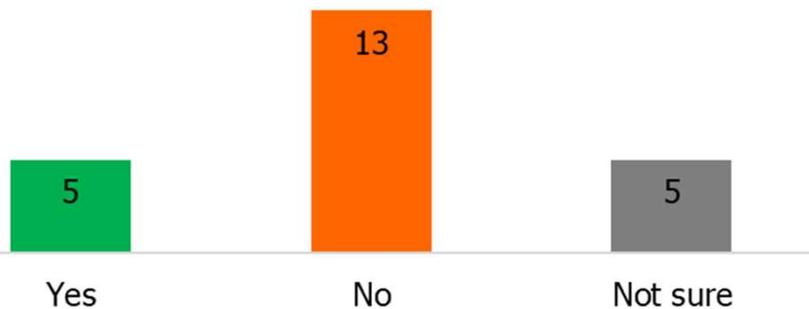
- [Share survey results]
  - Yes – reassured by what you heard from people working in the industry, that there weren't many problems currently, that the measures already in place or planned are enough;
  - No – lack of consistency; lack of rigour; lack of outside oversight; want regular checks; think there should be a common set of standards; think lawyers are doing a good job themselves but need outside checks vs not all will be proactive vs do not

think we are picking up all cases of incompetence because public views not taken into account;

- Not sure – similar views to 'No'! – not enough currently, but not enough evidence what should change
- Any surprises?

? Do the arrangements now in place within legal services give this panel **sufficient confidence in the competence of lawyers throughout their careers**?

   ? Why / why not?

   ? If not, what **changes** are needed to give this panel sufficient confidence?

   ? What **mix of measures** gives you most confidence? And how **frequently**?

   ? For **all lawyers, or some**? Which ones? Why?

- We will now put you into smaller 'meeting rooms', so there will be [6-7] of you to discuss what you think should happen in smaller groups. Your job is to find out the views of others in the group and reach a consensus on the following questions [we'll paste these in the chat function]:
  - Do the arrangements now in place within legal services give this panel **sufficient confidence in the competence of lawyers throughout their careers**? Why / why not?
  - If not, what **changes** are needed to give this panel sufficient confidence?
  - What **mix of measures** gives you most confidence? And how **frequently**? For **all lawyers, or some**? Which ones? Why?

As with a jury, we aim to leave you to it, but will pop in to see how you're getting on.
Some guidance

- Consider one of you being a **note-taker**
- Ensure everyone has a **chance to have their say** – no rights and wrongs – we welcome and expect diverse opinions!
- We're asking you to reach a **consensus** – consensus is not universal agreement (that's a 'unanimous decision'). Consensus is achieved when everyone feels that they have had their say and that they agree with

the majority decision of the group (even if some have a different point of view).

- Use the **'ask for help' button** if you need a facilitator/ have questions

- Please come back and **report** your decision on these questions, and let us know if you were all in agreement (just as with a jury).

- [Split participants into breakout rooms]
- Facilitator prompts (when visiting groups):
  - How to achieve a **proportionate response** – how to balance the burden measures could place on lawyers and their businesses with risk. Should all lawyers/ businesses be treated the same?

? Do the arrangements now in place within legal services give this panel **sufficient confidence in the competence of lawyers throughout their careers**?

  ? Why / why not?

  ? If not, what **changes** are needed to give this panel sufficient confidence?

  ? What **mix of measures** gives you most confidence? And how **frequently**?

  ? For **all lawyers, or some**? Which ones? Why?

- [Bring participants back into main 'room']
- Each group to deliver their answers to the key research questions.
  - Was it a **unanimous** decision? If not , what meant that different people had different opinions?
  - [Evening group] – feed in what the afternoon groups decided
- **Compare and contrast** responses from each group – what is the same? What is different?
- What was **easy** to decide, what was **hard** to decide?
- What difference did it make to have **3 weeks thinking** about these issues? Which bits of 'evidence' made the biggest **difference**?

- Is there any **other information/evidence that would have been useful?**

Final task (we promise!)

Task 12: Final thoughts + evaluation

0% ▮▮▮ 100%
45% Complete

To what extent do you agree or disagree that:

	Strongly agree	Agree	Disagree	Strongly disagree
You had enough evidence to reach an informed decision	○	○	○	○
You had enough time to consider the issues	○	○	○	○
You were able to express your opinion	○	○	○	○
You had enough opportunity to discuss and debate the issues with other panellists	○	○	○	○
You were happy with the decisions your group made about the issues	○	○	○	○

Submit answer

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- Brief on final task: a surveys on FlexMR online forum:
  - One to capture your individual view on the final question
  - Second to gain your views of your experiences of taking part, recontact options , request for update on report.

- Final massive thanks for all your commitment and getting so engaged in this subject.
- Thanks from LSB, and what happens next