

Written submission for the Justice Select Committee on behalf of the Law Society's Junior Lawyers Division

The Junior Lawyers Division ("JLD") represents Legal Practice Course students, Legal Practice Course graduates (including those working as paralegals), trainee solicitors, solicitor apprentices and solicitors with up to five years post qualification experience.

1. Broad impact on junior lawyers

Junior lawyers are concerned about the uncertainty that coronavirus may create for those solicitors who are newly qualified. There is a concern that those that finish their training contracts in coming months are less likely to secure a newly qualified role due to financial constraints of firms and with many firms already reporting recruitment freezes.

The JLD is also concerned about the impact of the lockdown on the mental health and wellbeing of the junior end of the profession. Whilst this is a challenging time for many people in the profession as they adapt to the new working arrangements, junior lawyers could be particularly susceptible to mental ill health during this crisis. Many junior lawyers may be living alone and are likely to be facing greater challenges in being supervised remotely and not having the team support that they would usually have when working in the office.

Many firms are already taking steps to ensure that their businesses are sustainable when social distancing measures are lifted. The JLD is urging firms to bear in mind that junior lawyers are likely to be in the lower salary brackets in firms and in some firms may often be earning wages close to minimum living standards and that this should be taken into account when administering across the board percentage cuts to wages. This is particularly pertinent for those working in legal aid where junior lawyers are already earning significantly reduced salaries compared to the market average. Junior lawyers are also more likely to be in the private rented sector so less likely to be eligible for reductions in the outgoings from initiatives such as mortgage holidays. As such, any reductions in salaries could place junior lawyers in significant financial hardship which can exacerbate mental ill health.

2. Impact on junior lawyers practising legal aid

Many of the issues facing junior lawyers working in legal aid are similar to those faced by all practitioners including firms seeing a significant decline in work due to the closure of the courts, the firms they work in struggling with cashflow, and work in firms where the wider sustainability issues of legal aid firms are acute.

For junior lawyers, and particularly those who are training or newly qualified, the issues faced by legal aid firms make the prospect of a long-term career in legal aid seem unlikely. Without measures by Government that allow legal aid firms to stay in business throughout the pandemic and have a longer term future, junior lawyers are likely to look to other parts of the profession in the coming months and years. This will exacerbate the already concerning statistics about the average age of duty solicitors and lead to only those who have other sources of income, or are supported financially, to continue in the profession. This is likely to have a significant impact on social mobility.

The JLD would therefore support the Law Society's asks for:

- The Legal Aid Agency (LAA) to amend rules on Standard Monthly Payments (SMP)
- Legal aid rates to be increase via the immediate reversal of the 2014 8.75% cut, as this was based on increased volume of cases.
- The Government to turn its attention back to the Criminal Legal Aid Review as soon as possible.

At the early stages of the pandemic junior lawyers practising in legal aid were concerned about social distancing in police stations. The Law Society's interview protocol with the Crown Prosecution Service (CPS) and the National Police Chiefs' Council (NPCC) has improved the situation but there are still local instances of solicitors being asked to go in to police stations against the protocol.

Even where work is remaining, junior lawyers are facing challenges supporting their clients. A particular example is that there have been significant challenges to having virtual conferences with clients in prison. In some instances it has been taking up to four weeks for this to be arranged and whilst guidance on family members' and visitors has been published, little has been made public on how they can still get legal support.

3. Impact on those training to be solicitors

Initially junior lawyers were concerned about an initial decision to postpone Legal Practice Course exams. Having raised this with the Solicitors Regulation Authority ("SRA"), the SRA has now changed that decision and provided guidance to education providers to ensure exams will take place – we understand that providers are getting approval from the SRA for alternative arrangement for these assessments.

The Job Retention Scheme and the ability for firms to furlough staff is also having an implication on those undertaking their Period of Recognised Training (two-year placement that is undertaken by trainee solicitors after they finish their year-long Legal Practice Course and often known as the "training contract"). Some trainee solicitors are being furloughed, however there is no definitive guidance from the SRA on the impact of this on the date on which trainee solicitors will qualify. The SRA guidance states that *"this will depend on the length of time you have been on furlough. If your period of recognised training needs to be extended, your firm will need to notify us of the extension period and that this has been agreed..."*

This creates significant uncertainty for trainee solicitors as firms appear to have no clear guidance on how long a training contract should be extended in the event that a trainee is furloughed and firms could extend it by an indeterminate period of their own choosing. The JLD is concerned that this could result in trainees being unable to qualify on their intended date of qualification.

We welcome further changes and robust guidance from the regulator to support those who are currently undertaking their training contracts. The Solicitors Regulation Authority has agreed to defer the Professional Skills Course, without impacting on individuals' ability to

qualify, which was welcomed. However the JLD would like to work with the regulator on any potential consequences and uncertainties created by this decision.

Junior Lawyers Division
May 2020

The views expressed in this document are those of the Junior Lawyers Division and do not necessarily reflect the view of the Law Society of England and Wales or any other organisation unless stated.