



## Education and Training Consultation

### *Initial feedback on responses – qualitative results*

#### INTRODUCTION

Thank you for your continued interest in this project. Attached is an initial print-out of the free-text data we have received, each section has a header table containing the following information

|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>The number of the question in the original questionnaire</b>   |
| <b>No of responses:</b> | <b>The total number of people who submitted a free-text response to this question</b>                                       |
| <b>Section Titles:</b>  | <b>The section of the questionnaire in which the question was asked. For example, 'Contact Information (Organisations)'</b> |
| <b>Question Text:</b>   | <b>The exact phrasing of the individual question asked. For example, 'Name of Organisation'</b>                             |

If you wish to look at the context of these questions within the overall consultation questionnaire then copies can be download in .pdf format from the consultation website.

#### SOME IMPORTANT POINTS TO NOTE

- This data is an initial release only. You should take great care in the way you examine, analyse and make conclusions from this initial data set
- These comments originate from a wide range of people including members of the public, those in training, those currently practising as a solicitor, and those working in other professions
- In a few limited circumstances data has been removed, this is where there is a concern the data would identify an individual or organisation (through the use of a name or through a set of facts which may lead people to an identity) and this was not thought to be appropriate. In all cases it is noted where text has been removed
- It should be noted that this data set only relates to data submitted using the online electronic forms. Submissions from organisations and individuals submitted in alternative formats will be made available in due course, and have already been provided to the decision making committees within the Society
- **The Society is NOT currently endorsing any views in these results**, this is currently the case even where there is a repeated theme to responses. All the evidence gathered during the consultation will be examined and discussed - policy announcements will be made through this website, the Journal, and the Ezine.



## B. LEGAL FOUNDATION PROGRAMME

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|-------------------------|--|
| <b>Question Number:</b> | <b>Q2</b>                                  |
| <b>No of responses:</b> | <b>2</b>                                   |
| <b>Section Titles:</b>  | <b>Contact Information (Organisations)</b> |
| <b>Question Text:</b>   | <b>Name of organisation</b>                |

|    |                      |
|----|----------------------|
| 1  | to 55 = no responses |
| 56 | Scottish Women's Aid |
| 57 | To 77 = no responses |
| 78 | Faculty of Advocates |
| 79 | No more responses    |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q22</b>  |
| <b>No of responses:</b> | <b>8</b>  |
| <b>Section Titles:</b>  | <b>A. Commercial Law</b>  |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

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|----|---|
| 1  | to 25 = no responses  |
| 26 | Add to the insurance section: statutory and self-regulation of insurance contracts including the role of the Financial Ombudsman Service  |
| 27 | to 29 = no responses  |
| 30 | What about EC law - this has a huge impact on UK commercial law but is not mentioned here at all. EC law is not only a constitutional issue - it is part of various legal areas, one of the prominent ones being commercial law. I also believe that intellectual property must be included.  |
| 31 | to 41 = no responses  |
| 42 | The law of the common internal market belongs here, not in Constitutional Law!  |
| 43 | to 46 = no responses  |
| 47 | Well, at the moment we have Carriage of Goods and people. I mean, who cares? And why isn't intellectual property included? We also at the moment have bills of exchange and cheques. These are increasingly little used. I can see the need for some banking law but negotiable instruments are far less important. What about a little e-commerce?   |
| 48 | No response   |
| 49 | Sale: the ever-increasing importance of e-commerce means that Sale should now be taught to include coverage of relevant legislation, such as the Distance Selling Regs and the ECommerce Regs. For all other sections, I support their inclusion, but I would not wish to comment in detail on the specified content. I also think that two further topics merit coverage in Commercial law: intellectual property (fundamental for the operation of most commercial organisations, whether through trade marks, copyright, design rights or patents), and data protection, not exclusively a matter for the employment sector, but of relevance to many areas of commerce. |
| 50 | to 52 = no responses  |
| 53 | At least an introduction to specific forms of contractual relationships such as asset and invoice finance arrangements should be included.  |
| 54 | to 76 = no responses  |
| 77 | In practice, diligence is not a remedy commercial/corporate lawyers focus on outside insolvency and legal opinion related advice. Graduates should have a basic understanding of the remedies and their respective priorities.  |
| 78 | Type response here  |
| 79 | No more responses   |



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| <b>Question Number:</b> | <b>Q23</b>  |
| <b>No of responses:</b> | <b>7</b>  |
| <b>Section Titles:</b>  | <b>A. Commercial Law</b>  |
| <b>Question Text:</b>   | <b>Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach?</b> |

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| 1  | to 24 = no responses  |
| 25 | <p>The approach suggested in the questionnaire should not be watered down. The subjects taught in a Scottish university course on commercial law are of much practical relevance. They are also theoretically difficult so thus inculcate that independence of thought that befits a university education. I would add a comparative remark. Many of the subjects taught in a commercial law course are not taught at all in other jurisdictions. The mention of the law of 'execution' to an English lawyer is met with a look of vacancy. Only the inquisitive or the experienced seem to know much about it. In Germany, where the rules on 'Zwangsvollstreckung' are sophisticated, the German lawyer, as ever, can recite the provisions of the Zivilprozessordnung, but has little grasp of how diligence works in practice. The French seem to have a better grasp of, in particular, their law of arrestment (saisie-attribution), but I have less experience of their practical knowledge. Yet a lawyer who cannot, at the outset, appreciate how to enforce his client's rights will not impress even if he knows the law inside out or is otherwise able to provide practical solutions to transactional problems. A similar point can be made about the teaching of the general law of insolvency, whether personal or corporate. Again, insolvency is not something taught to all students in other jurisdictions. Knowledge of the law of insolvency and the law of diligence is a Scottish trait. And it is one to be proud of; Scots lawyers, in my limited experience, are better at asking the fundamental question: what is my client's worst position? And, similarly, what is my client's position if this other party becomes insolvent?</p>  |
| 26 | <p>The weakness of the suggested approach is that it treats commercial law (as do most of the texts and current courses) as a collection of discrete topics. It would be possible to adopt a different approach which focused more on the common principles and techniques that run through commercial law. The building blocks of such an approach might comprise: A. Commercial relationships: the implications of contractual duties (express and implied); duties of care; fiduciary duties; and statutory regulations (e.g. regulated activities such as financial services) B. Commercial organisations: agency, partnership and companies as legal persons - formation, role, organisation, attribution of legal responsibility C. Commercial transactions: contractual foundations; sale; risk and risk transfer via insurance; secured transactions D. Enforcing commercial agreements: debt recovery and diligence; enforcing securities E. Financial distress: development and basic principles of bankruptcy law; application of the principles in personal and corporate insolvency While it might be argued that this structure just slices up the current topics in a different way, it can also be viewed as providing more coherence to commercial law as a subject and encourage students to believe that there are common threads to the problems that arise in commercial law. My experience is that many students find the current approach quite daunting because it is perceived to be such a vast collection of discrete topics and complex rules. Few probably remember much of the detail (that is certainly my experience as they progress to later courses in the LLB) and it may be better to focus on an approach that limits details and focuses more on principles. That of</p> |



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|    | course presents a challenge in delivering the course but I think that as commercial law expands and becomes ever more complex, it is one that we have to face up to. No matter how hard we try we cannot hope to provide students with a detailed knowledge of commercial law that will have a significant shelf-life: it would be better to recognise that fact and move to a more conceptual approach. |
| 27 | to 29 = no responses   |
| 30 | It seems rather narrow minded and should aim to broaden the current scope of commercial law, not narrow it.  |
| 31 | to 49 = no responses   |
| 50 | The material specified in the sections is very specific and would require amendment over time to reflect changes in the law. If matters are going to be specified in such detail there must be constant review. I think it is more helpful to specify key areas rather than prescribe in exhaustive detail the content within each area.   |
| 51 | to 60 = no responses   |
| 61 | Failure to distinguish between areas where an overview level of knowledge would be sufficient and ones where real in-depth knowledge is necessary. Generally far too detailed in terms of description. What are you trying to achieve by being so specific?  |
| 62 | to 65 = no responses   |
| 66 | See my earlier submissions to the general CP. I'm afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length.                         |
| 67 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q24</b>   |
| <b>No of responses:</b> | <b>3</b>   |
| <b>Section Titles:</b>  | <b>A. Commercial Law</b>                               |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

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| 1  | to 41 = no responses   |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change. It is wrong to define the topics with reference to specific pieces of legislation that may be repealed or amended (cf. the new Companies legislation). |
| 43 | to 56 = no responses   |
| 57 | although in practice I don't touch each of these aspects I don't see how you could work in a commercial environment without proper knowledge of these basics   |
| 58 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q38</b>  |
| <b>No of responses:</b> | <b>6</b>  |
| <b>Section Titles:</b>  | <b>B. Constitutional structure, institutions &amp; sources of Law</b>           |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

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| 1  | to 20 = no responses   |
| 21 | Constitutional law should be a fairly basic introduction to the running of the country and to sources of all other law (Acts, SIs etc) so when these concepts are used, which is in every other area of law, students and practitioners know their origin and are confident about the hierarchy of the workings of the UK and Scotland. People should have a sense of the 'machine' that they are a part of.   |
| 22 | to 24 = no responses   |
| 25 | Since it first entered the LLB curriculum, EU law has always been taught as a separate subject. That is understandable. I think a foundation EU course covering the topics mentioned above must stay - for ease of teaching. But it must be made a first year course in the same way as Constitutional/Public law is a first year course explaining the institutions and the system and the sources of EU law. this course, or another later course, can then provide an overview of the rules on freedom of movement. Competition law might also be included, although this, like the majority of EU law, can no longer be taught as a special 'European' subject. For these rules now permeate all areas of law and must be taught in the context of the principles of the appropriate domestic subject. |
| 26 | to 41 = no responses   |
| 42 | The law of the common internal market belongs in Commercial Law, not here!   |
| 43 | to 46 = no responses   |
| 46 | I wonder if reference should be made to ECHR in first entry - but perhaps that is seen as covered in later chapter on Human Rights.  |
| 47 | to 69 = no responses   |
| 70 | There is nothing said directly about the history of the law which is essential to an understanding of all the rest. This also presupposes a knowledge of the history of our country which should be taught in school.  |
| 71 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



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| <b>Question Number:</b> | <b>Q39</b>  |
| <b>No of responses:</b> | <b>5</b>  |
| <b>Section Titles:</b>  | <b>B. Constitutional structure, institutions &amp; sources of Law</b>                                 |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

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| 1  | to 24 = no responses  |
| 25 | Law schools cannot be expected to teach every student every area of law. That is impossible. Some areas mentioned, like local government law, the law of tribunals etc, I feel are too specialised too form part of the ordinary LLB. Perhaps I am prejudiced against these subjects. Others may want to excise subjects I would retain. But these subjects strike me as rather ad hoc and unprincipled, a knowledge of which the well schooled student can obtain through further study. |
| 26 | to 41 = no responses  |
| 42 | I find the structure and balance of this list very strange. In no way could it be used as the basis of a course or statement of foundation knowledge in view of grouping of topics and the risk that the division between topics might be seen as reflecting the desired balance between these (6/13 on EU topics?).  |
| 43 | to 65 = no responses  |
| 66 | See my earlier submissions to the general CP. I'm afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length.  |
| 67 | to 69 = no responses  |
| 70 | The strength is that it seeks to cover all the fundamentals of the legal system and how it operates. There could be a problem of finding time to cover all that would be desirable and some of the detail might be best left to later courses e.g. competition law in commercial law. It is an issue of delivery rather than cover because all the topics mentioned are important.  |
| 71 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q40</b>  |
| <b>No of responses:</b> | <b>6</b>  |
| <b>Section Titles:</b>  | <b>B. Constitutional structure, institutions &amp; sources of Law</b> |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b>                |

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| 1  | to 4 = no responses  |
| 5  | Local Government must be better defined. In discussing constitutional issues - it is surely VITAL to make mention in the heading of the UK's LACK of an official constitution.   |
| 6  | An understanding of the Scottish constitutional position is necessary and some understanding of the UK position. Some EU knowledge would be useful but not in the detail suggested in the questions.   |
| 7  | to 20 = no responses   |
| 21 | Basic constitutional law is important as a basis of all other areas of law - students and practitioners should know the basics of where Acts come from and how they are formed, and through a Public Law course the basics of the politics which underpin law can be learned.  |
| 22 | to 29 = no responses   |
| 30 | i do not believe EU law can form part of constitutional law, where the legal topics such as competition and free movement are involved. These areas are developing an ever increasing importance for Scotland and deserve a subject of their own. the constitutional aspects can be covered in a constitutional course, but i think it better to do this via an EU course itself - there is so much to cover in this topic for EU alone that it deserves the time and attention and to be treated as a separate subject. |
| 31 | to 41 = no responses   |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change.  |
| 43 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q45</b>  |
| <b>No of responses:</b> | <b>7</b>  |
| <b>Section Titles:</b>  | <b>C. Criminal Law</b>  |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

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| 1  | to 6 = no responses  |
| 7  | An awareness of criminal procedure is also essential.  |
| 8  | to 26 = no responses   |
| 27 | I am not convinced that a course should be required to include road traffic or misuse of drugs offences. I accept fully their practical importance. However, students will generally take a criminal law course at a very early stage in their degree (first or second year) and are unlikely to remember the details of these statutory frameworks by the time of commencing a traineeship. What is crucial, in the limited time available in a foundation course, is that students should obtain a sense of the basic workings of criminal law, and the skills to work with criminal law rules. That is, I think, most effectively done through covering "core" common law principles. Teachers of criminal law should be encouraged to include material on statutory offences where this is practical, but the time available may not permit this. A requirement that the statutory framework of misuse of drugs or road traffic offences be covered would inevitably lead to students being given a sketch of this in one or two lectures at most. Given the length of time between those lectures and the start of any traineeship, I think the practical value of this would be minimal to non-existent. |
| 28 | to 39 = no responses   |
| 40 | Too many specific crimes listed. Prefer less prescriptive approach.  |
| 41 | to 43 = no responses   |
| 44 | More Criminal Advocacy should be involved in the LLB rather than relying on the Diploma.   |
| 45 | to 55 = no responses   |
| 56 | Criminal law should also include information on domestic abuse- that there is no specific crime, general charges, defences, prosecution issues, evidential issues. The use and impact of the Vulnerable Witnesses legislation on criminal procedure and proceedings should also be discussed. Finally, the use of Non-Harassment Orders and the cross-over between civil and criminal law re breach of non-harassment orders, breach of interdict and contempt of court. A brief outline of criminal legal aid would be useful here too.   |
| 57 | to 67 = no responses   |
| 68 | Study of Criminal Law should be optional, not compulsory.  |
| 69 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q46</b>  |
| <b>No of responses:</b> | <b>2</b>  |
| <b>Section Titles:</b>  | <b>C. Criminal Law</b>  |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |  |
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| 1  | to 65 = no responses   |
| 66 | See my earlier submissions to the general CP. I'm afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length. |
| 67 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q47</b>   |
| <b>No of responses:</b> | <b>3</b>   |
| <b>Section Titles:</b>  | <b>C. Criminal Law</b>                                 |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

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| 1  | to 4 = no responses   |
| 5  | Strict Liability should be better explained perhaps in a separate section i.e. the concept of strict liability, efficiency, the fact it partly goes against the concept of mens rea (due to inference) etc.   |
| 6  | to 41 = no responses  |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change. |
| 43 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q53</b>  |
| <b>No of responses:</b> | <b>4</b>  |
| <b>Section Titles:</b>  | <b>D. Family Law</b>  |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

|    |   |
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| 1  | to 41 = no responses  |
| 42 | Why are Interdicts seen as a separate topic? Surely they are ancillary to the substantive issues listed in other headings?  |
| 43 | to 55 = no responses  |
| 56 | 1) Cohabitation needs to be expanded to specify what it will cover- Mat Homes and occupancy rights and exclusion from the home, Family Law (Scotland) Act 2006, 2)Interdicts - should be renamed Protective Orders- expanded to cover Mat Homes interdicts, Protection of Abuse(S)Act 2001 interdicts, Family Law (Scotland) Act 2006 interdicts, Civil Partnership Act interdicts, powers of arrest, breach proceedings, contempt of court and Non-Harassment Orders. 3) A section on the dynamics of domestic abuse and domestic abuse built into the other Family Law subject areas, giving a theoretical underpinning of the issues, including evidence, facing those who interact with the civil law in relation to domestic abuse, how domestic abuse features in all aspects of family law and the overlap between civil and criminal law. 4) A general look at civil legal aid and A&A in family proceedings, given that this is the area where civil legal aid is most sought. |
| 57 | to 67 = no responses  |
| 68 | Study of Family Law should be optional, not compulsory.   |
| 69 | to 77 = no responses  |
| 78 | It is the Faculty's view that the first two sections proposed should be replaced by (a) formation and creation of adult relationships, and (b) breakdown and determination of adult relationships.  |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q54</b>  |
| <b>No of responses:</b> | <b>2</b>  |
| <b>Section Titles:</b>  | <b>D. Family Law</b>  |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |  |
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| 1  | to 65 = no responses   |
| 66 | See my earlier submissions to the general CP. I'm afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length. |
| 67 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

|                         |  |
|-------------------------|--|
| <b>Question Number:</b> | <b>Q55</b>   |
| <b>No of responses:</b> | <b>4</b>   |
| <b>Section Titles:</b>  | <b>D. Family Law</b>                                   |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |   |
|----|---|
| 1  | to 4 = no responses   |
| 5  | Possibly examine how much authority the parent has over the child in terms of areas such as publication (Clayton V Clayton, 2006). Age of criminal responsibility and family input into the child hearing system.   |
| 6  | to 41 = no responses  |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change. |
| 43 | to 45 = no responses  |
| 46 | typo in second entry in second section: 'aliment' not 'ailment'   |
| 47 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q62</b>  |
| <b>No of responses:</b> | <b>7</b>  |
| <b>Section Titles:</b>  | <b>E. Human Rights &amp; Discrimination</b>                                     |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

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| 1  | to 20 = no responses   |
| 21 | Perhaps some jurisprudence of human rights should be included, touching on ethics and morality.  |
| 22 | to 24 = no responses   |
| 25 | The law of human rights, some might argue, should have a more central role in legal education. I would not. Human rights are everywhere. Everyone has rights to everything. But while every lawyer has to have knowledge of the sources, and the remedies for breach, of human rights, not every lawyer needs detailed knowledge of the up-to-date case law of each article. An overview would suffice. I might also add, and I know this will displease some, that much human rights jurisprudence is not of a very high order. That is not to belittle the subject. Some of the most basic rights raise, of their nature, basic questions. Sophistry is required only to negate them. But many human rights arguments can be raised and articulated by any educated adult who knows their way around the convention. In short, although the work of lawyers - particularly in litigation - is increasingly touched by human rights, the lawyer's expertise comes from being able to research up-to-date case law and being able to make legal - as opposed to utopian - arguments. |
| 26 | to 39 = no responses   |
| 40 | Some of the areas of civil liberty and discrimination law are not necessarily more important than others (e.g. police powers) not listed. Again, the approach is over-prescriptive.  |
| 41 | to 45 = no responses   |
| 46 | I think in practice the way in which the ECHR sets down a number of potentially competing rights, that need to be balanced against each other (in contrast to, say, the USA constitution) is key and might be worth specific mention. Maybe something like 'The specific rights accorded under the ECHR and the way in which these are balanced against each other.'   |
| 47 | to 55 = no responses   |
| 56 | Add the issue of violence against women as a human rights issue, specifically trafficking, domestic abuse, forced marriage   |
| 57 | to 67 = no responses   |
| 68 | It is necessary for students to be aware of the general nature and significance, but detailed study of this area of the law should be optional, not compulsory.  |
| 69 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



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| <b>Question Number:</b> | <b>Q63</b>  |
| <b>No of responses:</b> | <b>3</b>  |
| <b>Section Titles:</b>  | <b>E. Human Rights &amp; Discrimination</b>   |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |   |
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| 1  | to 24 = no responses  |
| 25 | Discrimination law, at the moment, is perhaps best taught in the law of employment, a subject of everyday and increasing importance yet which is curiously neglected in many ordinary LLB courses.  |
| 26 | to 65 = no responses  |
| 66 | See my earlier submissions to the general CP. Im afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length. |
| 67 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q64</b>   |
| <b>No of responses:</b> | <b>5</b>   |
| <b>Section Titles:</b>  | <b>E. Human Rights &amp; Discrimination</b>            |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |  |
|----|--|
| 1  | to 4 = no responses  |
| 5  | Cannot understand why areas such as freedom of expression, assembly etc. have their own separate area whereas subjects such as freedom of privacy and family life, Right to life, Prohibition of torture etc. are not? Were these areas drawn from a hat???  |
| 6  | to 20 = no responses   |
| 21 | Human Rights is an extremely important part of modern law, and everything a lawyer does is coloured by it. Therefore it is important that students and practitioners have at least a basic understanding of this area of law. It is not an independent subject but one which operates at a level higher than the more specific disciplines. It is always in the background and so should be taught regardless of specialisation. Teaching human rights might (should) also help to instil an important sense of ethics and morality into students and practitioners. |
| 22 | To 41 = no responses   |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change.  |
| 43 | to 74 = no responses   |
| 75 | This should be taught as part of EC Law, EC Law should be take out of Constitutional Law and taught as a separate subject  |
| 76 | No response  |
| 77 | No response  |
| 78 | Type response here   |
| 79 | No more responses  |



|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q80</b>  |
| <b>No of responses:</b> | <b>4</b>  |
| <b>Section Titles:</b>  | <b>F. Obligations</b>   |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

|    |   |
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| 1  | to 58 = no responses  |
| 59 | Breach of Statutory Duties must involve detailed discussion of the sixpack regulations. This is an area all Personal Injury Litigators need to know in depth. An example of how legal education ignores the needs of the profession. How many cases have there been on unjustified enrichment in the past few years? How much litigation on credit hire? Needs of the profession have to come first in the teaching of the LLB. |
| 60 | No response   |
| 61 | In remedies for breach, why do you single out rescission but not mention retention?   |
| 62 | to 67 = no responses  |
| 68 | Study of contractual and non-contractual obligations is of central importance for all law students.   |
| 69 | to 77 = no responses  |
| 78 | The Faculty considers that 'wrongful interference with wealth' is not a helpful descriptor. The traditional terminology of economic torts/delicts is well-understood and ought to be retained.  |
| 79 | No more responses   |



# The Law Society of Scotland

|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q81</b>  |
| <b>No of responses:</b> | <b>5</b>  |
| <b>Section Titles:</b>  | <b>F. Obligations</b>   |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |  |
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| 1  | to 24 = no responses   |
| 25 | The suggested approach is to be recommended. It is rigorous. I have always found it strange, however, that so much time is spent on complex issues of liability for breach of an obidental obligation (e.g. issues arising out of delictual liability for pure economic loss, or whether the <i>condictio indebiti</i> covers this or that) while little time is spent on REAL contract law. Although the general principles of contract are well taught in Scotland, they relate to a mysterious paradigm. For the most common types of contracts (what the French call 'special contracts') are rarely touched upon in classes on contract: employment contracts, missives for the sale of land, contracts for goods and services, insurance contracts, consumer contracts etc. instead they are taught as an addendum to other classes. |
| 26 | to 49 = no responses   |
| 50 | This approach is much less prescriptive than that for commercial law. It identifies core areas, rather than attempting to delimit everything within the areas.   |
| 51 | To60 = no responses  |
| 61 | Far too detailed. For all areas of obligations I think a simplified more generic description would be more appropriate and run less risk of lacking coherence or intelligibility.  |
| 62 | to 65 = no responses   |
| 66 | See my earlier submissions to the general CP. Im afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length.  |
| 67 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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|-------------------------|--|
| <b>Question Number:</b> | <b>Q82</b>   |
| <b>No of responses:</b> | <b>5</b>   |
| <b>Section Titles:</b>  | <b>F. Obligations</b>                                  |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |   |
|----|---|
| 1  | No response   |
| 2  | Solely that I do not know whether some of these are new areas (I studied 2000-2004) but there are a lot that were not adequately taught when I was at university. Students need a better written syllabus to tell them what they are supposed to know rather than "just try to learn everything you possibly can about everything" for the exam.  |
| 3  | to 41 = no responses  |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change. The division of topics here seem very odd, with some wide headings and other very specific ones.  |
| 43 | to 56 = no responses  |
| 57 | as before, I think these are such fundamental elements that without them the degree would be meaningless  |
| 58 | to 60 = no responses  |
| 61 | Generally the taxonomy adopted is rather strange and idiosyncratic - the way you carve up the subjects gives unwarranted attention to some issues over others, allows topics to be covered more than once, and uses technical terminology mixed unsystematically with more in vogue academic expressions. For example, your categories in enrichment all overlap, and the list makes little sense, and why pick on change of position instead of talking about defences more generally? This reflects the danger of trying to be too specific. Why not just say "The nature of obligations to redress unjustified enrichment, including the principal causes of action, defences and remedies"? Why a category in contract law on title to sue? |
| 62 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q86</b>  |
| <b>No of responses:</b> | <b>3</b>  |
| <b>Section Titles:</b>  | <b>G. Prescription and Limitation</b>   |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

|    |   |
|----|---|
| 1  | to 41 = no responses  |
| 42 | This is not a topic that should be covered in detail at the foundation stage. The basic idea of prescription and limitation should be introduced and inevitably a couple of the main rules will arise, but the detailed study of this topic is appropriate only at a stage closer to professional practice. |
| 43 | to 67 = no responses  |
| 68 | Principles of prescription and limitation would be more suitably studied in the context of particular areas of law, and not as a discrete course/branch of law.   |
| 69 | to 77 = no responses  |
| 78 | The Faculty considers that awareness of the specific statutory timebars (e.g. under the Consumer Protection Act) should also be a requirement.  |
| 79 | No more responses   |



# The Law Society of Scotland

|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q87</b>  |
| <b>No of responses:</b> | <b>3</b>  |
| <b>Section Titles:</b>  | <b>G. Prescription and Limitation</b>   |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |   |
|----|---|
| 1  | to 49 = no responses  |
| 50 | Again - the material here is more generally phrased and hence more appropriate for general guidance.  |
| 51 | to 65 = no responses  |
| 66 | See my earlier submissions to the general CP. Im afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length. |
| 67 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

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|-------------------------|--|
| <b>Question Number:</b> | <b>Q88</b>   |
| <b>No of responses:</b> | <b>2</b>   |
| <b>Section Titles:</b>  | <b>G. Prescription and Limitation</b>                  |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |  |
|----|--|
| 1  | to 60 = no responses   |
| 61 | Prescription really is an area which must be done but which does not need to have its own course or to be done in any great detail at undergraduate level. |
| 62 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q94</b>  |
| <b>No of responses:</b> | <b>7</b>  |
| <b>Section Titles:</b>  | <b>H. Property</b>  |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

|    |   |
|----|---|
| 1  | to 24 = no responses  |
| 25 | An appreciation of Real Burdens and the Title Conditions Act is essential. Greater focus should be placed on the transfer of incorporeals, not just debt. Intellectual Property is now of as much, if not greater, importance in Scotland that either land or corporeals. A property law course need not enter into the detailed substantive rules on how to obtain the multifarious IPRs. But it should explain how to transfer them, how to attach them (by diligence), how to create a security over them and how they are treated on insolvency of the holder. There is some overlap here with commercial law (although everything taught on the LLB could be 'commercial law' for the lawyer who represents a 'commercial' client). The property aspects of Intellectual property should, in my view, be taught in a course on property law. |
| 26 | to 38 = no responses  |
| 39 | There should be far more taught about leasing - both residential and commercial - than there is   |
| 40 | to 49 = no responses  |
| 50 | Title conditions generally (including real burdens) should be added. They are not there at the moment.  |
| 51 | to 54 = no responses  |
| 55 | In the 2nd question "real rights including," under "leases" I would suggest that "arbitration" is included.   |
| 56 | No response   |
| 57 | No response   |
| 58 | Generally, this is pretty good, but: (1) Puzzlingly, servitudes are included but not real burdens. (2) There is nothing on landownership - boundaries, trespass, encroachment, access rights under the Land Reform (Scotland) Act 2003. (3) There is nothing on law of the tenement. It is, of course, crucial that the coverage of property in the LLB should dovetail properly with the coverage of Conveyancing in the Diploma.  |
| 59 | to 69 = no responses  |
| 70 | What is meant by 'statutory housing law'? There is quite a lot of statutory law affecting leases of houses - indeed an increasing amount with such issues as discrimination and multiple occupancy and statutory provisions on repairs. Should lawyers not also be aware of public sector housing law? Certainly they should know about housing associations now.   |
| 71 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q95</b>  |
| <b>No of responses:</b> | <b>5</b>  |
| <b>Section Titles:</b>  | <b>H. Property</b>  |
| <b>Question Text:</b>   | <b>Do you wish to comment on any <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |  |
|----|--|
| 1  | to 24 = no responses   |
| 25 | I happen to think the division between corporeal and incorporeal to be flawed. But perhaps that view is eccentric.   |
| 26 | to 60 = no responses   |
| 61 | Same as for obligations - too much detail, should be possible to express this in more general way.   |
| 62 | to 65 = no responses   |
| 66 | See my earlier submissions to the general CP. I'm afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length. |
| 67 | to 69 = no responses   |
| 70 | There should not be a question mark against the Register of Sasines. Historically it is extremely important and it will be with us for a long time still. One should not be too obsessed with the current law.   |
| 71 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



# The Law Society of Scotland

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|-------------------------|--|
| <b>Question Number:</b> | <b>Q96</b>   |
| <b>No of responses:</b> | <b>2</b>   |
| <b>Section Titles:</b>  | <b>H. Property</b>                                     |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |   |
|----|---|
| 1  | to 41 = no responses  |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change. |
| 43 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



|                         |   |
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| <b>Question Number:</b> | <b>Q99</b>  |
| <b>No of responses:</b> | <b>6</b>  |
| <b>Section Titles:</b>  | <b>I. Trusts and Succession</b>   |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

|    |   |
|----|---|
| 1  | No response   |
| 2  | I do not think that any detailed knowledge of trusts should be required due to it being a highly specialised area in legal practice.  |
| 3  | to 24 = no responses  |
| 25 | This is an ambitious and, in an ideal world, essential list of what should be taught in such a course. As far as the ordinary LLB is concerned, however, I do not see how there is time to cover all of the subjects mentioned. Of course, the basics of much of this can and should be covered. Other, more specialised, rules should be left to the Diploma.              |
| 26 | to 53 = no responses  |
| 54 | Pension scheme trusts   |
| 55 | to 67 = no responses  |
| 68 | All students should be aware of the concept of a trust, but, like Family Law and Criminal Law, the detailed study of Succession principles should be optional, not compulsory. It is likely that most students intending to enter the profession would (and should) study this area, but given that it is not essential to all practice areas, it should not be compulsory. |
| 69 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No response   |
| 80 | Tax planning and Care for the Elderly planning and funding  |



|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q100</b>   |
| <b>No of responses:</b> | <b>3</b>  |
| <b>Section Titles:</b>  | <b>I. Trusts and Succession</b>   |
| <b>Question Text:</b>   | <b>Do you wish to comment on the <b>STRENGTHS</b> or <b>WEAKNESSES</b> of the suggested approach?</b> |

|    |  |
|----|--|
| 1  | to 53 = no responses   |
| 54 | not sufficient knowledge re approach   |
| 55 | to 65 = no responses   |
| 66 | See my earlier submissions to the general CP. I'm afraid that this set of questions pushes the Law Society in the direction of coverage. This really is undesirable. We need a relatively small core plus research skills which retains flexibility. I do not think that the Law Society should change its flexible approach to the required subjects, their content and length. |
| 67 | to 77 = no responses   |
| 78 | Type response here   |
| 79 | No more responses  |



|                         |  |
|-------------------------|--|
| <b>Question Number:</b> | <b>Q101</b>  |
| <b>No of responses:</b> | <b>4</b>   |
| <b>Section Titles:</b>  | <b>I. Trusts and Succession</b>                        |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |   |
|----|---|
| 1  | to 41 = no responses  |
| 42 | The different headings, and the sub-topics, will deserve different weight and not all of the sub-topics need to be covered. The emphasis should be on developing a sound grasp of the key concepts that endure rather than mastery of the detailed rules that are likely to change. |
| 43 | to 53 = no responses  |
| 54 | no  |
| 55 | to 60 = no responses  |
| 61 | These are areas which I think could also be downgraded and given a less detailed coverage in the curriculum. Your approach does not seem to allow for different levels of detail in this way.   |
| 62 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



|                         |   |
|-------------------------|---|
| <b>Question Number:</b> | <b>Q108</b>   |
| <b>No of responses:</b> | <b>7</b>  |
| <b>Section Titles:</b>  | <b>J. Skills Statement</b>  |
| <b>Question Text:</b>   | <b>Are there any areas that should be added, or any that should be removed?</b> |

|    |   |
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| 1  | to 18 = no responses  |
| 19 | A student should also be able to execute some of the requirements of each of the core subjects i.e. since legal work is practical, a student should have some practical ability to do what lawyers do. for example, he should know how to draft a will etc at this stage in his education.  |
| 20 | to 29 = no responses  |
| 30 | Skills which are normally offered at the DLP stage should instead be added to the LL.B, and the DLP should be either cut down or taken simultaneously with the traineeship. the skills learned during the diploma are core skills and would assist students in their understanding of the law and how it is used in practice if they were offered at an earlier stage.  |
| 31 | to 47 = no responses  |
| 48 | In my view, it would be worth exploring the possibility of providing both a traditional and general (or "pure") LLB, covering the core subjects and skills proposed above, but in addition, offering more specialised, commercially focused courses leading to "restricted" practising certificates in defined areas of legal practice. A more vocationally focused LLB need not be offered to the exclusion of the traditional 3 year LLB, but could take the form of an undergraduate course covering a diet of both core subjects which cut across all areas of the law (such as obligations and delict), together with elective subjects depending on the area of law in which the candidate intends to practise (e.g. Criminal & Civil Law LLB, Corporate & Commercial Law LLB, Family Law and Private Client LLB). Since the existing qualification framework was put in place, the legal profession has changed significantly in response to both the increased complexity of the law itself, and the increasingly specialised commercial market place in which clients operate. By necessity, many practitioners have become more highly specialised and there is now a clear divergence among commoditised legal service providers, private client focused practice and commercial firms acting for corporate clients. There is professional and commercial merit in a more focused system which caters for more specialised and vocational law degrees (see examples above), all of which are vast and distinct legal disciplines in their own right. Undergraduates would still cover a diet of core legal subjects (such as obligations and delict) which cut across all areas of the law to give them grounding in these disciplines. This could be interpreted as giving undergrads the opportunity to bring forward eventual Honours choices. Looking forward to a later date in a person's career, after completion of post-graduate legal study and a legal traineeship, if practitioners sought to change or supplement their original practice area, or simply to expand their legal knowledge, courses could easily be offered to extend practising certificates. Specialised LLB courses could be supplemented by similarly focused and vocational post-graduate diploma courses which would be fully integrated to build on the knowledge and skills gained at undergrad level. |
| 49 | To 54 = no responses  |



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| 55 | Under "Communication" you have referred to "the ability to use the English language accurately and proficiently". I would certainly agree with that but I wonder if more emphasis could be placed on the use of plain English, something which has frequently been commented on in the past.  |
| 56 | In relation to Communication of the content of materials or a particular course of action to their client, "The intelligent lay-person" is an unfortunate choice of words. The solicitor needs to be understood by their client, whether or not that client is an "intelligent lay-person" and should be able, at all times, to convey the information needed in a way that his client will understand.   |
| 57 | to 66 = no responses  |
| 67 | As I've said in my main questionnaire reply I think deciding area's of law which are core and non-core by subject becomes more and more a sticky wicket as the law develops, it would be more useful to stipulate generic knowledge to be instilled in the early stages of LLB and do a new programme throughout which teaches folk how to find things out for themselves through research and thought to acquire other subject knowledge as it becomes needed.                                 |
| 68 | to 77 = no responses  |
| 78 | In addition, the Faculty suggests that a further skills domain should be added called 'legal reasoning' or 'legal argument'. It is not immediately clear that the domains proposed included express and systematic study of the process of reasoning and argument by which the Court applies and develops the law, and by which lawyers analyse and argue their clients' positions. The Faculty believes that understanding of this process is a fundamental skill for all legal practitioners. |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q109</b>   |
| <b>No of responses:</b> | <b>7</b>  |
| <b>Section Titles:</b>  | <b>J. Skills Statement</b>  |
| <b>Question Text:</b>   | <b>Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach?</b> |

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| 1  | to 18 = no responses  |
| 19 | There should be a more practical element. The law is not just a theory or an academic subject, it is something which is practised and people who graduate with a law degree should be equipped to practise the law not just know about it.  |
| 20 | to 24 = no responses  |
| 25 | Values This sounds a bit woolly to me. What is meant? Professional ethics, Aristotelian ethics? Or is a more general appreciation of philosophy desired? A general introduction to philosophy was, of course, a traditional hallmark of a Scottish university education. Philosophy in the degree, professional ethics on the diploma. Communication At the moment, standards of literacy in society are such that the desiderata detailed under this heading seem almost unobtainable. But words are the lawyer's tools. Much of the problem stems from low contemporary standards in our once great education system. But I would add to the list. In the EU of the 21st century, a 'professional' - such as a lawyer or a doctor or an accountant - ought to be able to communicate in a language other than his mother tongue. In other European countries that is so obvious that almost all but the professional aged can converse in English and most also in French and German. The Dutch, Swiss, Belgians and the Scandinavians often do the lot. Such a proposal needs more than the Society alone can provide. But the Society must not underestimate how they can influence educational policy generally. I would insist on all LLB students studying an EU language for the duration of their studies. And, indeed, there is a professional necessity for this: EU legislation is drafted in numerous languages, all of which are equally effective throughout the EU. The lawyer who has not consulted other 'foreign' language versions of an EU directive has probably not properly advised his client. There is a reason for the perception that EU legislation is nonsense: in English, it often is. But it is not always nonsense in French or German or Dutch or Spanish. |
| 26 | to 39 = no responses  |
| 40 | General agreement. However, that is not to say that all these skills need be separately or identifiably assessed. There are various doubts and problems (e.g. lack of external examining, perceptions of bias) about assessing e.g. oral communication skills.  |
| 41 | to 65 = no responses  |
| 66 | This definition of Fundamental knowledge and understanding is dangerous. It might drive us straight into the coverage problem that the Law Society and the Law Schools have been trying to avoid for over a decade. We need to identify the required core with a degree of flexibility over their length and content as has been done for the past decade.  |
| 67 | Pull Legal Research and Method together into one core syllabus subject which operates throughout the course and informs their ability to fulfil the requirements of all the other courses and their careers after. It's nonsense having it all split up within discrete subjects - bring together sources of law, legislative process, relationship between courts and  |



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|    | jurisdictions re precedence, statutory interpretation and precedent, legal process, and make it all problem solving and link it directly through the other subjects so they have to use it and most definitely don't make it just one lecture with handout in wk 3.   |
| 68 | No response   |
| 69 | No response   |
| 70 | It seems to me that there is some tendency nowadays to emphasise skills against knowledge of the law. What makes a lawyer special is precisely his knowledge of the 'black-letter law' which is sometimes rather scorned in the process of legal education. Of course he or she needs other skills but it is ability to use the law which should be a lawyer's forte. |
| 71 | to 77 = no responses  |
| 78 | Type response here  |
| 79 | No more responses   |



# The Law Society of Scotland

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| <b>Question Number:</b> | <b>Q110</b>  |
| <b>No of responses:</b> | <b>12</b>  |
| <b>Section Titles:</b>  | <b>J. Skills Statement</b>                             |
| <b>Question Text:</b>   | <b>Do you have any other comments on this section?</b> |

|    |   |
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| 1  | to 4 = no responses   |
| 5  | With relation to research - anybody can carry out research of a subject they have not previously studied, but here there is no mention of what they are to do with that research and no qualification as to why it may be necessary?  |
| 6  | to 18 = no responses  |
| 19 | The method of teaching at some institutions also means that even the basic knowledge of the law cannot be guaranteed to have been imparted to students thus making the transition to practical work on the diploma harder as students are even lacking the basics.  |
| 20 | to 26 = no responses  |
| 27 | Under the "values" heading, I would suggest replacing "well-informed knowledge and understanding" with "appreciation". The proposed wording, while superficially attractive and very worthy, is unrealistic, particularly given the likely extent to which the Society will require coverage of basic legal rules in the curriculum.  |
| 28 | to 31 = no responses  |
| 32 | Applicants come from all sorts of backgrounds, such as - children of lawyers, people with poor financial backgrounds, people with some existing legal experience, people who will give up at an early stage, young people, older people, people with young children (who may need to work to support themselves during training), people determined to be solicitors, people determined to be advocates or academics or something else entirely. It is essential that the first steps of training allow for all these people, especially since they all have different intentions as well as different backgrounds. We need to encompass all these different backgrounds and aims.  |
| 33 | to 47 = no responses  |
| 48 | On the question of whether a law degree should be compulsory, in my experience as a corporate solicitor and training professional within a multi-national practice, a law degree need not be compulsory (although personally I think extremely worthwhile). In my view, there is no marked difference in the ability or competence of trainees who have come from a different undergraduate background south of the border, and similarly with Scots graduates who have undertaken the accelerated route via the two year degree (in fact they might even be brighter as the two year degree is incredibly intensive). Ideally, the undergraduate systems in both jurisdictions should be harmonised (in so far as this is possible). This would help minimise confusion for multi-national practices and their trainees and clients. |
| 49 | to 59 = no responses  |
| 60 | I do not think that the first stage of legal education should be a degree in law. I prefer the English approach as I believe that this offers access to a wider social group.   |
| 61 | No response   |
| 62 | Learning the skills of judgement and communication are very important. Students should absolutely be taught law from a practical perspective, they should be forced to solve  |



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|    | <p>problems and find ways of communicating the problem itself and the ultimate solution in a way that their client, the man off the street, would understand. Whether or not this actually involves members of the profession helping to design or deliver the Foundation Programme, it means learning law in a way that will help you solve real people's real problems. In the same way as a doctor has to find out firstly what your illness is and secondly how to help you, so too should a lawyer. I think this is true especially of legal problems. Students should not just learn "Obligations", "Criminal", "Family" etc in a vacuum. Perhaps there should be some way of examining students on a mixture of what they have learned. A client would never enter the office and tell the solicitor they have a "contract" problem - the client has a "problem" and it's the solicitor's job to firstly find out what that problem actually is, before going about solving it. I think this would be a good and relatively simple way of ensuring students' understanding of what law in practice entails and how elements of law overlap. Perhaps there is currently a tendency to study a subject in first year, be pleased to have passed the exam, and forget about it thereafter. If you are going to be a solicitor this is not an option as core elements of law will permeate everything that you do in your career. I agree with the suggested content of the Foundation Course because. Further to my response to the main questionnaire I believe that law students should study a whole range of subjects irrespective of how linked they are, or whether they are confident they intend to practise a specific discipline. This comes back to having an understanding and an appreciation of the profession in which you will eventually work, therefore an appreciation of criminal matters whilst you yourself are a commercial lawyer, is still important. I feel I am unable to comment on the specifics of what these suggested courses should comprise, save that I strongly agree with them. However, I have often wondered whether Employment Law/Labour law should be a pre-requisite course, one of the "Professional Subjects". It is such a topical area of law, and is very litigious. I believe there is probably a public perception that law students will have some understanding of employment law, and, if the Law Society of Scotland and the Universities wish to continue promoting the LLB as a course which prepares students for a plethora of careers, perhaps a subject like Employment or Labour law could be incorporated into the curriculum. For example, in careers in management or HR, or in graduate schemes, where law graduates commonly find themselves, an understanding of employment law would make them even more attractive to employers.</p> |
| 63 | to 66 = no responses  |
| 67 | Long theoretical and academic lists of things that you 'must read' and lists of what exactly to read on which lecture topic and putting it all cosily together in the short loan collection does no one any favours. Showing students how to find and evaluate material would.  |
| 68 | No response   |
| 69 | As I said in the General Questionnaire, I think that the Foundation Course requires to be rethought. The older categories of the law really need to be redesigned as part of a PBL type of curriculum. We set out the law in boxes for students on the LLB, then spend the next three years demolishing the boxes in PEAT. How efficient is that as a learning methodology... So many times I've seen students struggle to understand the most basic of transactional actions because they are stopped, not facilitated, by their knowledge of substantive law learned in a black-letter law tradition. For this reason, I would like to demolish our current approach and start afresh. For a good example of how to start afresh, see McGill's transsystemic approach to law, Northumbria's extensive clinical initiatives, and many other innovative and powerful approaches to learning the law.  |
| 70 | No response   |
| 71 | No response   |
| 72 | Reasons for suggesting rephrasing of proposed statement: Knowledge - suggest enough if applicant has studied most rather than all the principal features of the law described. Only B and E should be compulsory. Values - applicant should understand the social etc context in which the law studied evolved or was enacted, and be able to discuss whether those considerations still apply today Judgment - suggest the phrase "to complex situations" be deleted: enough at applicant stage if the rest of this criterion is satisfied Communication - suggest delete "and complex" for similar reasons  |



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| 73 | to 75 = no responses        |
| 76 | Emphasise 'professionalism' |
| 77 | No response                 |
| 78 | Type response here          |
| 79 | No more responses           |