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“Round my kitchen table podcast: Tesco Law – Stacking shelves by night, giving legal advice by day?” 14th October 2011

Chair:

[Alex Aldridge](#) (AA)

Guests:

Cat Pond, LPC Student at College of Law (CP)

Kevin Poulter, Employment Law guru at Bircham Dyson Bell (KP)

AA:

Hello and welcome to this week’s edition of ‘Round the Kitchen Table Podcast’ with me today is Cat Pond, who is a LPC student at College of Law, just down the road in Wargate. Also with me is my regular guest Kevin Poulter an employment lawyer at Bircham Dyson Bell.

So today we’re going to talk about a few different things but first of all we’re going to talk about the Legal Services Act which came into force last Thursday. There’s something with it which I don’t entirely understand, something to do with the SRA (Solicitors Regulation Authority) not having its regulation process in order so people

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aren't actually going to be able to make alternative business structures until January. But then I've heard some stories of some organisations which have actually already launched alternative business structures. Kevin, do you know any more about this than me?

KP:

Well I've had a busy week but from what I do know there seems like there hasn't been the opening of the floodgates that everyone has expected and the people that have declared there has are few and far between. What that says is at the moment it's possibly up for debate. The SRA have no doubt got an opinion on that, but let's see what happens.

AA:

So Cat, as a Law student are you thinking about the Legal Services Act, is it a concern?

CP:

Well it's interesting you ask that because when I found out that I would be talking about this with you, I talked to a few of the members of my class, I did a bit of canvassing to see how much of an impact that its really made on trainee lawyers and young students. A lot of them didn't really have much to say on the subject unfortunately. So it doesn't seem to have made much of an impact.

AA:

Fair enough, I mean as a journalist I find it quite boring myself.

CP:

Yeah it seems to have been given a lot of coverage but I don't think anything new has really been said lately. I'm not surprised that it hasn't been taken up so much.

AA:

The thing is with the Legal Services Act, once you get through all of the clauses and these terms like 'alternative business structures' and 'legal disciplinary partnerships', actually what it's doing could have quite a big impact in its deregulation of the sector.

CP:

Yeah it raises some really big concerns, I mean if it does get taken up then I think that especially for young people coming into the profession we're going to have to seriously re-think how we're going to approach in terms of getting in and getting our jobs, career prospects and training.

AA:

Kevin, you're shaking your head.

KP:

To a certain extent I'm not sure how big an impact it will have either, but the point is for years already there have been firms established in a similar make up, or what we expect to be in a similar design to ABS. I'll probably get criticised for referring to these people as 'telephone monkeys' but people are in personal injury firms and conveyancing and you have a very bottom heavy pyramid. So you might have fifty people working at quite a basic level and as soon as anything more serious, or an unfamiliar query comes in and they don't know how to deal with it because it's not in their binder of frequently asked questions, it get escalated to the next level. It's not unusual in many different industries but this has been happening for years, certainly in P.I firms and to a certain extent in conveyancing because it's sell them cheap, but sell lots of them.

AA:

What you're talking about is volume work and what some people don't realise is that some of the provisions of the Legal Services Act (LSA), or in fact most of the provisions of the LSA have already come in. For example allowing legal disciplinary partnerships and just loosening up the regulations, so we've got some firms like Cobbetts, a firm in Manchester and Weightmans in Birmingham and they've started up in the last couple of years as sort of separate volume businesses where they employ loads of paralegals, but this latest thing in the LSA which has come in now and could be the most significant for young lawyers is the fact that firms can float on the stock market and take external capital. What that means is that you'll get these investors with no emotional attachment to the business. Don't forget that partners, many of them are really attached emotionally to their law firms. So they'll have dinner together or lunch together, not all of them but some of these firms have got this bond with their firm. Even with the big firms like Freshfields there is this strong partnership ethos. When you have these external investors coming in with no emotional attachment to the business, they'll start to run it in a very different way. Irwin Mitchells for example is a big firm that has gone on record to say that it's likely to take external capital. The culture of the firm's 5 years down the line will totally change. So people like you Cat, thinking this is a great profession, not just a business.

CP:

Somewhere where you can make a difference and really make an impact on peoples' lives almost to an extent.

AA:

Yeah, also the job security element.

CP:

Yeah this was also something else I was thinking about and it seems almost slightly naive to say it out loud but just that idea of loss of almost independence and having a third party come in and having a say how your firm is run and which direction your going. Also when I did my introduction to professional practice module they had a lot of impact on the new SRA code of conduct that's come in and the idea that you shouldn't have a third party being placed into your firm in a position where they can affect how you practice.

AA:

You could have an external investor in a law firm, who perhaps may have a grudge against a party involved in litigation. We're talking about corporate litigation.

CP:

Absolutely. I mean what's to say that you won't have someone walk in and say they want to raise a suit against some huge corporation and that corporation has a stake in your firm, what do you do? How are you going to feel? I think this is something that has to be addressed.

AA:

You're still shaking your head Kevin.

KP:

I think it is a whole load of nonsense, I mean seriously guys, come on. The conflict laws still apply. Alex I think your still stuck a hundred years ago where the partners go together for luncheon, smoke cigars and drink brandy.

CP:

You're saying they don't do that?

KP:

It's just completely naive. For a long time already, law firms have been businesses. Whether it's internal investors or external investors I think it'll make very little difference. Many firms are now multinational businesses. It's impossible for partners to know one another and it's impossible for them all to get together and have a jolly time and to decide what they're going to do and if they're going to increase the training contract salary by 2 grand or not. These are business decisions made frequently by the H.R department and by a very niche management board or senior partnership or whatever it might be. We're going to see very little difference. But what we will see I think, are very small firms being pushed out of the market. The smaller firms will be affected the most and the trainees who would've applied or would've otherwise applied to smaller firms will have fewer places to go. I think that's what we'll see.

AA:

That is very sort of corporate, city firm argument and they all say that. But recently there was a private survey done and publicly all these corporate firms said that they were not interested in the LSA and they would never take external capital. Sweet and Maxwell did an anonymous private survey a few months ago and they found that a third of firms were interested in the idea of taking external capital.

KP:

Of course they are, of course they are.

AA:

What I'm saying is that it could have a big impact on the larger firms also.

KP:

Yeah it could but what difference will it make to your daily life.

CP:

It might not make that much of a difference but just coming into the legal profession I still feel like you choose your firm not just on the case load or the clients or what law they have but the ethos and how vibe that you get from them.

AA:

Let's ask Cat a question. What sort of firm do you want to join?

CP:

This is going to sound disingenuous but a big corporate one obviously.

AA:

But why? That's interesting.

CP:

Mostly for the financial reasons because I had to self finance my degree so you know. Financial reasons but also I'd like to go into litigation. In order for litigation to not be boring and procedural and not face the same clients over and over again you do need to be in a larger firm with larger clients.

AA:

I suppose though whatever happens it's a good place to start, in a top firm. Kevin, you've done the opposite, you started in a small firm in Doncaster and worked your way up.

KP:

Yeah and as I've said in the smaller firms the variety is a hell of a lot greater.

AA:

Yeah but you've admitted to me that you applied to the magic circle law firms and that you didn't get interviews for a training contract. I mean it doesn't matter now.

KP:

Yeah and to be honest with you I had very few interviews and it's basically because I was a small Yorkshire boy, swayed by the glossy brochures that Linglaters produced, for the sake of filling out an application form. These were the days before computer generated application forms; I had to fill it out in pen, with a quill.

AA:

The story that I love the most that you told on these podcasts is that time when you were in the law firm in Doncaster and you were the only guy in Doncaster with a suit. I loved that. Is that actually true?

KP:

Well it certainly felt that way. I felt like Richard Ashcroft walking down the street.

AA:

Well they must've thought you were a big shot walking down the street, you were like the king of Doncaster.

KP:

Well I had the shoulder pads, what can I say, I was looking good. Seriously it's true. I'd go into WH Smiths and I'd be asked where the travel section was.

AA:

They may have mistaken you for being a shop assistant, rather than being a lawyer?

CP:

Rather than the King of Doncaster.

KP:

They were the only people who wear suits?

AA:

What WH Smiths shop assistants in Doncaster?

CP:

They do, in every branch.

AA:

I didn't realise that. Okay so Cat, you've recently started the LPC, loads of people get training contracts whilst their doing the LPC and then the firm will reimburse the fee's, so it's a real incentive.

CP:

Yeah I mean it is like the Holy Grail. I mean obviously I haven't been to every law school, or met everyone from all the other law schools but in my campus at least, it is the holy grail and people will ask each other at the start of the year 'do you have a training contract', 'who is it with', 'who do you want to apply to' etc. It is very much the focus on campus.

AA:

So how's it going, the hunt?

CP:

The hunt has started; I've got my spreadsheets ready. I've been thinking about the typical application questions and I've met with the careers service, so I'm doing everything you can but occasionally the best thing to do is think positive. It's really easy to get into thinking 'Oh my god, I'm never going to get a training contract, this is going to be a total waste of money'.

AA:

Sorry this is a completely random question. Do you have like a time limit you've set yourself, to find a training contract?

CP:

Yes. Partly it's imposed by the bank, because I have to pay them back and partly it's due to not wanting to waste my life and spend 5 years trying to break into a profession that maybe doesn't want to be broken into, or doesn't feel like I'm the ideal candidate.

AA:

We had the training contract talk the other week and I was saying that you just got to keep going and he just got annoyed by me at the end of it and rightly so. I just think that if you really want to become a Lawyer, then you become a Layer.

CP:

Don't get me wrong I came into law to be a Lawyer, not to gain transferable skills and go off into marketing or something like that.

AA:

I'm sure you've done the process of becoming a Lawyer, you're on the way to becoming a Lawyer.

CP:

Yeah that is my ultimate aim, but at the same time I have to be realistic.

KP:

Can I ask what degree you did?

CP:

I did History and History of Art.

KP:

And if you wanted to be a Lawyer before you chose that? Did you plan to do the GDL?

CP:

Well I did think about doing Law at undergraduate level, but then I knew that I would be moving away from home and starting Uni for the first time. I was quite young when I started Uni; I was 17 when I went to University.

AA:

Are you Scottish then?

CP:

I went to school in Scotland, and then I went to York in England. I thought I'm really not going to be able to do Law and Justice if I go to an undergrad, I wanted to kind of...

AA:

It sounds like a job interview.

CP:

I know it's really bad.

KP:

No I'm genuinely curious. I've got possibly a misconception about people who do a non law degree and then think, 'I've got a history degree, I don't want to be a teacher, and I don't want to be Tony Robinson's friend, what do I do now?'

AA:

I should add here that earlier on in the week, me and Kevin went to a lecture in UCL on legal education. One of the big debate points was the merits of an LLB versus a law conversion course. Kevin did an LLB, I did a conversion course and didn't become a Lawyer and Cat you did the conversion course. Sorry Kevin.

KP:

No it's fine. I am genuinely interested in this. Perhaps this reflects badly on me, but I assume that people go into the law first of all not being passionate about it, not feeling like it's a vocation and I want to know why. Is it because of the cash, is it because of the status or is it because people think there is a job there. The chap from Clifford Chance, David Bickerton said quite openly and quite freely that 50 percent of their trainee intake is from a non LLB background. If you look at this statistically, the number of people who do the GDL is a lot smaller than the number of those who do an LLB.

CP:

That's true but I think that a lot of people who do the GDL at the end think 'this isn't for me', and then they go off. Quite a lot of people in my class actually did that.

KP:

So the people who do the GDL and then the LPC you must have better odds of becoming a trainee than someone who is doing an LLB and then the LPC, dramatically better odds.

CP:

I think so yes.

KP:

If you're taking 50 percent from a law degree background and 50 percent from a non law degree background.

AA:

Don't forget though that a lot of people who do LLB don't want to become Lawyers.

KP:

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But a lot more people to LPC's without having done the GDL first.

CP:

That's true.

KP:

If I was to go back and do my time again, I'd go back and do a History degree then a GDL.

AA:

Would you? Why?

KP:

Well again I'll probably get criticised for this, but it's easier, there's a lot less time commitment, there is less pressure, you're not necessarily learning something new. Whereas in History you're learning a lot of stuff that you've already learnt at GCSE or A Level, law is completely new for most people starting University. So yeah I would do a History degree then do the GDL. The reasons for not doing that were because I wanted to be a Lawyer, so I did a Law degree which seems stupid now. Secondly it puts people off because now it'll cost 9 grand a year at University then the cost of the GDL and then the LPC with no guarantee of a job at the end. It just seems foolish to me.

AA:

Cat what about you, are you Happy with the route that you've taken?

CP:

I am yeah. I think that doing a history degree because I didn't think that I could do law at undergraduate level. I was doing history because I was interested in it and it was maybe slightly self indulgent. I thought that I could do the history degree and if I wanted to I could do the conversion at the end of it and become a Lawyer. I knew in advance that I had that option and I thought I would fund it somehow. I obviously then had the bank loan to sort it. I do appreciate it actually; I think it's nice to kind of have as little post graduate, because I never really wanted to do an MA or any other post graduate qualification anyway. So to have just two years and then hopefully to walk fairly soon into a training contract and just get earning as soon as possible. I mean it's a good way of doing it and it's suitably intense.

AA:

Did you enjoy the GDL?

CP:

I think enjoy is maybe not the right word.

AA:

But did you find it stimulating?

CP:

Yes I did. I did the GDL and I thought that it did very well at teaching essentially a 3 year course in 1 year. So it is extremely stressful.

AA:

It's hurried though don't you think?

CP:

It is hurried yes, but then coming in and doing the LPC, we haven't been referred to as much of the law and it is a lot more practical.

KP:

I think the disadvantages when you get to the stage in the LPC, GDL thing or LLB thing is that when you get to a training contract you've not got the background knowledge that someone with a Law degree perhaps has. It's such a varied or such a wide range of topics

CP:

Then you get the memory gap though because I've got a lot of people who've forgotten land law etc. After doing the GDL course it's all still fresh in my mind and I've got the GDL manuals also. It's 6 of one half a dozen of the other I think.

AA:

Guys it's been great and I think we could go on all night, but I think the listeners will get a little bit bored. Cat thanks for coming and Kevin good to see you as always.

KP:

Just to clarify, we don't go out together every night of the week

AA:

Yeah just one or two. Okay, see you later. Bye.