

Entry to our profession is a controversial subject. In many ways it is surprising that this should be so.

The law, and the Bar in particular, remain extremely attractive as a career. Society becomes ever more complex as well as (on the whole) more prosperous. Hence the legal services sector, and lawyers in particular, tend to thrive (and they themselves make a significant contribution to our economic success both here and overseas). The number of those wishing to obtain a law degree continues to rise, as does the number of those seeking a place to undertake the Bar Vocational Course. As I write, pending the outcome of the Carter Review of legal aid procurement, there remains a significant question as to the future of publicly funded work, but, subject to that, the Bar is still perceived as offering a strong future for a prospective entrant.

#### Why then the controversy?

On analysis I think there are two main reasons for the concern in this area. Both reasons arise from the Bar's own success in attracting so many prospective recruits. The first reason concerns the method by which those admitted to practice are selected. The second reason concerns the fate of those who are not selected. Let me expand on each of these points.

I suspect few would want a system under which the number of those seeking to practise at the Bar was less than the number of places available. All would agree that competition for places is healthy. All would agree that ultimately there must be selection by existing practitioners. In other words it must be for chambers (in the case of the self employed Bar) and employers (in the case of the employed Bar) to decide who will be recruited.

But the profession as a whole can properly, and in the view of many must, take an interest in a number of areas. First there must be requirements as to the fairness and transparency of recruitment proce-

# RECIPE FOR SUCCESS

How can we ensure that recruitment to the Bar is on merit? [Stephen Hockman QC](#) suggests some answers

dures. Second we must ensure that those recruited are appropriately diverse, a subject upon which I touched in my previous Chairman's column. In this respect there is at least one area where many of us believe that more progress needs to be made, namely social background. The cost of coming to the Bar is high, and there must be a risk that recruitment on merit is thereby distorted. How to overcome this problem has been the subject of discussion for many years. The idea of a compulsory levy proved unpopular, but an initiative on this front is surely required and, together with colleagues, I am giving a great deal of thought to this at present. I would welcome readers' ideas.

Let me turn to the second reason. To an outsider it may seem surprising that the Bar should trouble itself with the fate of those who do not succeed in being admitted to practice, but anyone who is thereby surprised does not really know the Bar. The sense of anxiety on behalf of those who (even with knowledge of the risks) are on the Bar Vocational Course but will be unable to obtain a pupillage or (thereafter) a tenancy is typical of the Bar's concern for others, especially for those less fortunate. To address this issue proactively will do the profession great credit. It is this problem (among others) which arouses controversy in the context of discussion of Deferral of Call (a subject now before the Bar Standards Board for

consideration). It may be that we need to reconsider whether it is practicable to limit the number of those seeking to enter the profession, although if this is to be done, for instance, at the commencement of the Bar Vocational Course, it will on any view have to be by an appropriately fair and transparent process, depending upon merit.

I believe that as the leader of the profession, albeit for a relatively brief interval of time, I can attempt to make a contribution to the resolution of these problems. The

*First there must be requirements as to the fairness and transparency of recruitment procedure.*

stronger, the more successful and the more self-confident the profession becomes, the easier it will be to solve the controversies relating to entry. If our policy is to "downsize", so that the profession becomes the preserve of an ever-diminishing elite, then the problems will not be resolved. But if we can encourage the profession to continue to grow, not exponentially but (as in the past) steadily (and of course, particularly in the area of public funding, this lies in the hands of others as well as ourselves), then we will be able to offer the reassurance to prospective recruits which they surely deserve. ❖

[Chairman@BarCouncil.org.uk](mailto:Chairman@BarCouncil.org.uk)



Hockman: new initiatives required