

# Legal Research Training: Moving the Bar

**Abstract:** The Bar Vocational Course, which all potential barristers must complete, emphasises the importance of legal research skills. Mark Haines from BPP College outlines its current structure and heralds the arrival of the new Bar Professional Training Course

**Keywords:** legal research; academic law libraries; vocational education

## Introduction

BPP College is one of a number of institutions currently delivering the Bar Vocational Course (BVC). Around 350 students take up study on the course each year at BPP College in Holborn, London (and a further 70-80 in Leeds). This includes figures for part-time students, although the majority will study full-time.

A key element of the course has traditionally been the teaching of legal research skills. A legal research exercise forms part of the assessed coursework which contributes towards each student's final mark, although the intentions of the course are about preparing future barristers for practice as much as helping them to pass exams.

In September 2010 the BVC will become the BPTC (Bar Professional Training Course). With this change in title also come a number of alterations to the course structure, which has implications for the way legal research training may be delivered in the future.



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offers no guarantee of a career at the bar. Competition in the field is fierce and the ratio of pupillages available to those chasing them stacks the odds very unfavourably against the students. In 2008 it was estimated that around 450 pupillages were being fought over by some 3,200 graduates, some of whom were past unsuccessful graduates still on the hunt.<sup>2</sup> Consequently, many graduates of the BVC are disappointed that they do not go on to become barristers and instead end up pursuing other legal careers in private practice, local authorities or industry, or even other careers altogether such as teaching, finance or human resources.<sup>3</sup>

At BPP College the course is taught on a full-time (one year) or part-time (two year) basis. Part-time study takes place in the form of teaching weekends which are conducted every three or four weeks, designed to make the course as accessible as possible to those travelling long distances to attend, although all students are required to supplement their teaching sessions with a large amount of private study.

## About the BVC

The BVC is the training course which all potential barristers must undertake and pass as part of the requirement to qualify as a barrister. The course is undertaken after the completion of a law degree, or equivalent conversion course, and must be successfully passed before commencing pupillage. The Bar Standards Board (BSB) validates institutions across the country to deliver the BVC and to a large extent defines the courses' curricula, length and the learning facilities required for students at these institutions.<sup>1</sup>

For the BVC student (who will have paid up to £15,000 to study on the course), successful completion

## Legal research requirements of barristers

To succeed at the bar, a barrister will need to be a confident and accomplished independent legal researcher.<sup>4</sup> Whereas solicitors in commercial firms will often have trainees or paralegals to perform basic research tasks for them, the norm at the Bar is for most barristers to do this research themselves. Slight trends might be noticed between different chambers (in that the larger ones might delegate some research tasks to pupils or junior barristers), but on the whole the important case research is almost always directly performed by the barrister involved in the litigation.

Support for barristers is provided by the Inns of Court. The Inns are the four professional associations, one of which all barristers are required to be a member of (Gray's Inn, Lincoln's Inn, Middle Temple and Inner Temple). The Inns all contain well stocked libraries, online resources and skilled staff to offer assistance. Some of the larger chambers have their own librarians and collections/subscriptions of varying sizes, but many barristers will use the Inns libraries for some (if not all) of their legal research.

Reports from the Inns libraries suggest that usage is fairly evenly split between hard-copy and online sources for legal research, although new entrants coming through are more commonly heading for the online sources first, and becoming less knowledgeable over time about hard-copy sources.

### Legal research training on the BVC

The legal research training currently offered to BVC students at BPP College takes a range of different formats.

The first experience which BVC students receive of formally taught legal research comes in small group sessions (usually numbering around twelve students per group), in which classes of students are brought to the library for a hands-on research session involving hard-copy resources. Legal research materials such as *Halsbury's Laws of England*, *Halsbury's Statutes/Statutory Instruments* and the *Current Law Citators/Yearbooks* are shelved in a self-contained area within the library which can be segregated off for classes and students are given practical questions to research and answer, with supervision and assistance on hand, as part of the exercise.

Shortly after these hard-copy sessions, training in the use of online resources follows. Larger group sessions are timetabled in a lecture theatre, when a demonstrator will lecture and perform live searches of online legal research resources which are displayed on screens. Visiting trainers from LexisNexis and/or Sweet & Maxwell will usually host these sessions and on many occasions in the past the trainers have actually themselves been trained barristers. Both the hard-copy and online training sessions are timetabled classes; meaning that the students are expected to attend, a register may be taken and this will be counted towards the minimum attendance requirements which form one of the conditions of passing the BVC.

In contrast to the obvious advantages of having the resource publishers themselves provide the training, there are also some potential negatives to this; most obviously that the partisan demonstrators will only be promoting the virtues of their own products and occasionally students have commented that these sessions can resemble a marketing exercise as much as a

training session. A further problem is that there is very little interaction involved in the online demonstrations so, unlike the hard-copy classes, students do not come away with any direct experience of using the resources. To counter this, further legal research sessions are then offered for students who feel that they would benefit from additional training. These sessions are run directly by the library in dedicated IT rooms (one computer for each student), and conducted by the Library Manager or Senior Information Assistant.

Library legal research training sessions are scheduled at staggered times, to make it easier for those students studying on the part-time course to attend in the evening or at the weekend if other commitments get in the way. Attendance is voluntary, and take-up tends to be proportionally higher amongst part-time BVC students; some of whom may have less immediate access to assistance on a day-to-day basis, or may need to build up sufficient confidence with the online sources before going away and completing coursework exercises remotely using solely online sources.

Two formats of library session are offered, each lasting for an hour. The standard session splits into three sections and covers online searching for case law, legislation and legal commentary materials. As well as basic document retrieval from the database resources, sessions also cover search methodology and techniques. On request, a longer ninety minute version of this session is arranged for groups, which begins with an exercise using hard-copy sources in the library.

The second type of training session offered is focused on preparing students for undertaking the legal research exercise itself. This session focuses heavily on the use of practitioner texts and *Halsbury's Laws of England*; searching and browsing both genres in hard copy and online formats as the starting point to answering legal research questions. Other legal research materials, such as textbooks and journals online, are also covered and in this session minimal coverage is given to case law and legislation. By this stage it is assumed that most students should be confident with basic online searching.

The legal research exercise itself requires each student to answer a detailed legal scenario question which can often be multi-faceted and will involve the use of cases, legislation and legal commentary materials (usually practitioner texts). Students are expected to use a variety of sources to answer these questions and must present full details of their research trail when submitting their answer.

At the conclusion of the course, a final training session is offered entitled "Preparing for practice". Comments from the Inns of Court libraries have suggested that some pupils ask relatively basic legal research questions at the beginning of their pupillage, and put this down to it having been so long since their legal research training (which often takes place early in the BVC). These training sessions are intended to sharpen up

the legal research skills of BVC students before they enter pupillage, or other fields within the legal profession. They also aim to ensure that students are familiar with using a range of different resources, rather than relying on one single source, which they may discover, to their horror, that a future employer does not subscribe to.

### **Legal research on the BPTC: September 2010**

Revisions have been made to the BVC over time, to ensure that it has remained fit for purpose. Over the past twenty years a number of reports have been produced, most commonly addressing financial and social barriers to entry.<sup>5</sup> However, a more significant change now looms on the horizon. The Wood Report<sup>6</sup> (published in July 2008) was tasked by the Bar Standards Board with carrying out a “root and branch review” of the BVC, on the timescale that accreditation of the revised course would take place during 2009, and the changes would be implemented in time for a September 2010 start.

The most widely discussed conclusions of the Wood Report regarded the need to limit entry to the profession of the weakest candidates who would have no chance of ever obtaining pupillage and who hold back the learning experience of more competent students; controversially introducing a new universal aptitude test and formal language testing before applicants are permitted to begin the course.<sup>7</sup>

However, the Wood Report also introduces a number of reforms to the course content of the new BPTC course. Whilst most core areas remain, the assessments for legal research skills and negotiation skills have been removed. Although the negotiation skills will be integrated into a new resolution of disputes module, the legal research skills required are now assumed to be generally integrated into the skills subjects and soaked up within the completion of other modules. There will no longer be a formal assessment on legal research.

The removal of the legal research skills assessment has proved a contentious move for some. Concerns have been raised that research and case preparation is a vital skill which is in danger of appearing less important when removed from the assessed syllabus and it has been suggested that barristers may be entering the profession underprepared in future as a result.

### **Training on the BPTC**

When the new BPTC course launches in September 2010, in the first instance the actual legal research

training offered to BPP College students will not change. It will still be every bit as necessary for BPTC students to learn legal research skills as their BVC predecessors, so the teaching will go on. Course directors have already indicated that group sessions will still run and trainers from external databases will still be invited in to teach them. The only difference will be the method of assessment, with legal research tasks now blended into the coursework completed in other modules.

At present it is difficult to predict whether students will still attend these sessions in the same numbers and treat this as seriously once the legal research exercise is no longer an assessed piece of work. Although it is difficult to quantitatively prove that students’ research skills currently improve as a result of having to complete the legal research exercise, this does at least force them to take the subject of legal research seriously. It is difficult to foresee whether BPTC students will be keen to dedicate as much time and focus on this area when it is no longer assessed, even though it is considered a key skill on the course and in the profession.

Further to this, there could also be a worry that the profile of those coming to legal research training sessions might change on the BPTC. Will some part-time students no longer feel it is worth making the effort to come in to unmetabled voluntary classes, now that the subject area is no longer assessed? Without the legal research exercise, which students will acknowledge that they need this extra help and attend the voluntary training sessions – will it be the ones who actually need it the most?

Concerns have also been raised about the knock-on effect on the Inns libraries that removal of the legal research element of the BVC could potentially have and whether this has implications for the amount of training which they may need to offer to help pupils in the future.

### **Conclusion**

When the BVC becomes the BPTC in September 2010, the assessed legal research exercise will be removed from the syllabus. The Wood Committee was said to have consulted Inns, Bar Associations, practitioners, pupils and students before reaching its recommendations, yet I found it difficult whilst compiling this article to find anybody involved with the profession who has particularly positive feelings about this detail.

Consequently, the challenge now open to academic institutions that provide this course will be to ensure that BPTC students continue to realise how important legal research is, both in terms of its contribution to their study on the course, and also in future practice for those who go on to pupillage. The same legal research training will still be offered at BPP College regardless of this

change to the assessment, but there are worries in the profession that some students will interpret its removal from the syllabus as indicating that it is just not all that important.

For all of our best efforts, the amount of time which future students will devote to something which is fundamental and essential to their study, but no longer compulsory, may ultimately be out of our hands.

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### Biography

Mark Haines is the Library Manager at the Holborn branch of BPP College of Professional Studies. Prior to this Mark has spent time in roles at a commercial law firm and also a university library. Mark is currently the Vice Chair of the BIALL Professional Development Committee.