



Case Western Reserve Journal of International Law

Volume 25 | Issue 2

1993

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Recommended Citation

Michael Zander, *Private Lawyers in Contemporary Society: United Kingdom*, 25 Case W. Res. J. Int'l L. 207 (1993)
Available at: <https://scholarlycommons.law.case.edu/jil/vol25/iss2/10>

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Private Lawyers in Contemporary Society: United Kingdom*

Michael Zander**

I. MECHANISMS OF GROWTH

A. *The Institutional Framework for Admitting New Entrants*

Each branch of the English profession employs its own system for admitting new entrants. Historically each branch was different. Today they are in many ways very similar: an academic stage at a university,¹ a one year vocational training course run by the profession, and then a period as an apprentice, which is one year for barristers and two years for solicitors. Differences exist, but they are perhaps less striking than the similarities.

B. *Entry to the Bar*

Entry to the bar today carries six distinct features: joining one of the four Inns of Court; "keeping term" by dining over a period of years; academic requirements; institutional vocational training; joining a set of chambers as a pupil; finding a tenancy in a set of chambers.

1. *Joining an Inn of Court*

Generally, no restrictions exist as to joining an Inn of Court. One must show minimum educational attainments,² fit character, and pay a relatively modest entrance fee³, a life subscription.

* This paper was written for a conference held in 1991. Unless the contrary appears, figures are those from the original paper - but any factual statements that have changed since the conference have been altered. This paper deals exclusively with England and Wales. Scotland employs a different system and, although there are many similarities, the systems remain distinct.

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¹ Former polytechnics were all given university status as of 1992-93.

² Non-graduates normally must have three passes at grade "C" or better in at least two "A" level subjects. Anyone with the intellectual ability to become a lawyer would have no difficulty in achieving this standard. Admission standards for university law schools are considerably more demanding. See RICHARD ABEL, *THE LEGAL PROFESSION IN ENGLAND AND WALES* 272 (1988).

³ Currently £85.

2. Keeping term

"Keeping term" literally means eating a required number of dinners in the respective Inn, normally over a period of three years.⁴ The great majority of entrants keep term while still at the university. One year's dining can be accumulated after qualification during pupillage. Keeping term is therefore not a barrier to entry nor a method of controlling entry numbers.

3. The Academic Stage

Academic requirements for qualifications as a barrister now include a degree - though not necessarily a law degree. Traditionally barristers went to the university but commonly studied some subject other than law. In recent decades however, and especially since the Second World War, a law degree has increasingly become the normal mode of entry to the bar. Over eighty percent of those who enter the bar now possess a law degree.

Those who do not obtain a law degree must garner one of the limited number of places in one of the courses run by the universities that give instruction for the Common Professional Examination (CPE) - a one year basic law course after the degree course. Limits on student places for those courses is a restriction on entry not controlled by the profession.

In 1975, the bar made a degree a prerequisite for entry, except for a special (and tiny) category of mature entrants. This was the first effective entry barrier to the bar.⁵ Students must obtain a satisfactory pass in each 'core' subject as well as overall.⁶

The undergraduate fees of all home students are paid by the state. A high proportion of students also obtain state grants to provide the maintenance costs of degree courses. (Maintenance grants are means-based, whereas grants to cover tuition are not.)

4. The Vocational Training Course

The vocational course for the practicing bar is run exclusively by the Inns of Court School of Law in London. This course is a prerequi-

⁴ By special dispensation, one can "double-dine" in the year of the vocational course.

⁵ Undergraduate admissions have become the central mechanism for selecting who may become a lawyer. ABEL, *supra* note 1, at 272.

⁶ The compulsory "core subjects" include Law of Contract, Criminal Law, Constitutional and Administrative Law, Land Law, Torts, and Equity and Trusts.

site for practice at the English Bar not only in England, but also as an English barrister in any Member State of the European Community. (Those who intend to qualify as barristers, but not practice, may select a different course run by a number of former polytechnics.)

Until very recently the course and the examination were heavily based on "bookwork," but the new vocational course attempts to train young practitioners for actual experience in the early years of practice. Great efforts have been made to reduce rote learning and bookwork to a minimum and to increase skills training.

Some 1,000 places have been available in the course. The main restraint on increasing the numbers seems to be the physical limit on the buildings and staff as well as some notion as to the ideal number coming into practice. The number of places in the course is determined by the Inns of Court School of Law itself, the management consisting of a mixture of practitioners and judges.

In 1984, the bar announced that only those who obtained at least a Lower Second Class degree or better would normally be accepted for the vocational course leading to practice.⁷ This was an attempt to raise the educational/intellectual qualifications of entrants. This could be considered a relatively straightforward way of allocating the limited number of places in the vocational course. The method of allocation previously had been "first come, first served."⁸

However, this is now changed in a major way. The bar concluded recently that it should introduce a more selective system. The decision has already proven to be extremely controversial.

The report of a committee under Lord Justice Taylor (the "Taylor Committee"), adopted by the Bar Council on May 18, 1991, stated that the role of the Bar's Council for Legal Education (CLE) in regard to vocational training was to satisfy the demand for barristers practicing in private practice as well as barristers in employment. It was believed that the annual level of demand in the near future would be for roughly 440

⁷ English degrees are classified as First, Upper Second, Lower Second, and Third. Some degree programs also distinguish a Pass below the Third. Firsts are exceedingly rare (three to four percent). The overwhelming majority of students get a Second Class degree. In 1987-88, 86 percent of university law students and 75 percent of polytechnic law students obtained Second Class Honors. Ten percent of the former and 23 percent of the latter obtained Third Class Degrees. The profession has no role in the assessment of degree classification. This is a matter exclusively addressed by the institutions.

⁸ The application forms are not available until January of the year of the course and the closing date is March 31st. The deadline is strictly enforced.

barristers in private practice with an additional 160 in employment, a total of about 600. The Committee suggested some 750 students should enroll for the CLE's course. This new scheme is now scheduled to be introduced in 1994-95. The Taylor Committee anticipated approximately 1,200 applicants for these places. However, nearly 2000 applied in 1993-94.

Selecting 750 candidates from these applications is difficult. The best and worst 250 are identified on the basis of their applications. However, the process of selecting the remaining 500 places now includes a fifteen minute interview. The interviews are conducted by a three person team consisting of a barrister, an academic lawyer, and a lay magistrate. A right of appeal exists in the form of another interview for persons who were rejected.⁹ This is the first time that a personal interview as to "suitability for the career" has become part of the process of becoming a lawyer in this country.

Such a selection method poses a danger of producing discriminatory results.¹⁰ Because of this danger, the bar, at a meeting on July 6, 1991, amended the Taylor Committee's proposed scheme slightly by adding a form of aptitude test, including multiple choice questions.

In regard to funding, some students receive grants from public funds paid by local educational authorities, or scholarships financed by the four Inns of Court,¹¹ but most must pay their own costs, which are considerable.¹²

5. Pupillage

Finding a pupillage involves getting a member of the bar to agree to become one's pupil master. The decision was formerly made by the individual barrister, but increasingly it is decided by the chambers as a whole. A set of chambers decides how many pupils can be accommodated. It is also possible to perform the second six months of pupillage in some forms of employment other than private practice - for instance with the Crown Prosecution Service or the Government Legal Service.

Until recently, it was rare for a pupil to be remunerated, but today it is quite common. In 1990, the bar announced that a new scheme had been set up to pay 400 pupils a guaranteed £6,000 annually. (Some

⁹ For a brief account of the Taylor Report, see the Bar's journal, *COUNSEL*, June 1991.

¹⁰ See N. Vineall, *Closing the Open Door*, *COUNSEL*, June 1991, at 14.

¹¹ In 1989, about £1 million was paid by the Inns in awards of one kind or another.

¹² The fees are currently £3,400 and students require a considerable further sum for maintenance for the year.

£3.3m was promised by chambers for this new system.) However, a considerable number of chambers provide better payment than this.¹³ The bar has also set aside an additional £50,000 to assist pupils in chambers too poor to provide such support.

Obtaining a pupillage has been difficult for decades partly because of the acute shortage of accommodations in properties regarded as suitable for members of the practicing bar. This problem is gradually easing as more sets of chambers open outside properties owned by the Inns of Court.¹⁴ However, this is a very slow process. The bar has control over the opening of chambers by virtue of the rule that a new set of chambers in premises "otherwise than in premises owned or managed or otherwise made available by one of the four Inns of Court" requires Bar Council approval in London or that of the Circuit outside London.¹⁵

6. Finding a Tenancy

Pupils generally aspire to a tenancy in chambers where they have completed their pupillage, but it is rarely guaranteed. It is one of the many uncertainties of starting practice at the bar.

The Bar Council suggested in October 1990 that financial assistance should be continued into the first three years beyond pupillage.¹⁶ (This might require financial help of some £12,000 in year 1, £8,000 in year 2, and £3000 in year 3.¹⁷)

It is clear that the bar is making considerable efforts to rationalize the entry process and provide necessary financial support to new recruits. Moreover, entry is more open than in the past when it depended to a marked extent on private financial means, contacts, and an

¹³ See *THE LAWYER*, May 7, 1991, at IV-V.

¹⁴ Restriction to properties owned by the Inns was partly a matter of rule, but it was also dictated by the fact that rents charged by the Inns were well below commercial levels. Rents have risen to the level of surrounding commercial properties in the past few years, so this constraint no longer operates.

¹⁵ *CODE OF CONDUCT FOR THE BAR OF ENGLAND AND WALES*, paras. 7.2.1-2 (4th ed. 1989). This control may be exercised to restrict competition. See Roger Pearson, *Setting the Trend for Devolution*, *THE LAWYER*, May 7, 1991, at II. Regarding difficulty in getting permission of the Southeastern Circuit to open a second set of chambers in Canterbury: "[t]here was opposition to the move from, among others, London sets of chambers who had always regarded East Kent as part of their traditional preserve." These problems were eventually overcome.

¹⁶ *GENERAL COUNCIL OF THE BAR STRATEGIES FOR THE FUTURE*, para. 3.83 (October 1990).

¹⁷ *Id.*

"Oxbridge"¹⁸ background. On the other hand, the new, more selective process of entry after interview is fraught with the possibility of much future difficulty.

C. *Entry to the Solicitors' Branch*

Entry to the solicitors' branch also has distinct stages: becoming a student member of the Law Society, the academic stage, the vocational course, articles, and finding a firm.

1. *Joining the Law Society*

A Law Society sets out relatively easy requirements for entry: modest educational requirements and inquiries regarding moral character. A fee is also required.¹⁹

2. *The Academic Stage*

Solicitors, like barristers, gain exemption from the first academic stage by obtaining a qualifying law degree which includes passing the basic "core subjects." Alternatively, those who obtain a degree in a non-law subject must undergo the same Common Professional Examination (CPE) as would-be barristers.

Traditionally, it was rare for solicitors to hold degrees. In the 1870s only five percent of solicitors were graduates. At the beginning of the century it increased to around fifteen percent. Until the Second World War only a third of new solicitors had degrees. However, today over ninety percent of new solicitors are graduates.²⁰

Considerable numbers who wish to become solicitors are effectively prevented from doing so by an inability to find a place in a course leading to a law degree or a non-law degree, followed by the CPE.²¹

¹⁸ The phrase "Oxbridge" connotes study at either Oxford or Cambridge and is commonly also used to refer somewhat pejoratively to an upper middle class background. This gibe is no longer as accurate as in former times as both Oxford and Cambridge have made considerable efforts to draw students from state as well as private schools.

¹⁹ Unlike that for joining an Inn of Court, it is not a lifetime subscription fee. Solicitors must pay annually to retain their membership in the Law Society.

²⁰ ABEL, *supra* note 1, at 143. In 1989-90 most persons admitted as solicitors held law degrees with only fifteen percent holding degrees in other subjects. Sixteen percent of those admitted were former barristers or solicitors from Scotland, Northern Ireland, and overseas. Most of these will also be graduates. LAW SOCIETY, ANNUAL STATISTICAL REPORT 27-28 (1990).

²¹ The number of applications for places in university law degrees is rising. Applications from home (excluding overseas) students for places in university law degree courses in the past few years was 1985 — 34,557; 1986 — 36,074; 1987 — 34,617; 1988 — 37,991; 1989 —

3. The Vocational Stage

A would-be solicitor must at present take the vocational finals course run by the College of Law, given partly at its own five institutions and at sixteen different university institutions. In 1993, the nature of the course changed and became more skills-oriented and thereby better adapted to the circumstances of real practice. The new system allows a considerable measure of institutional freedom both in teaching and in examination/ assessment of students.

However, far more applications for the course are received than can be accommodated. For instance in 1991 there were 8,000 applicants for 4,500 places. In response, the College of Law first created 370 evening-class positions and then announced that it would provide an extra 460 slots.

Formerly, the method of selection for the course was "first come, first served." In 1990, the system was changed to merit assessment on written applications. The effects favor the largest firms which take the academic "cream" from the universities.

Another issue that has surfaced as a result of this new method is discrimination against ethnic minorities who tend on average to have relatively lower examination results and suffer disproportionately in the scramble for places in the course.

The recent growth in the profession is reflected in rapid development of greater numbers of places for the Solicitors' Finals course. (In the short period from 1988-89 to 1990-91, the number of places available on this course went from 3,380 to 4,170 to 5,048,²² a percentage increase of no less than forty-four percent.)

4. Finding a Firm as a Trainee Solicitor

While still studying for their law degrees, students seek firms that will take them as trainee solicitors (articled clerks). The trend over the past few years has been for more to gravitate toward the largest and most prestigious firms in London. In 1985-86 Inner London accounted for thirty percent of all articles registered with the Law Society. In

40,278. LAW SOCIETY, ANNUAL STATISTICAL REPORT 28 (1990). Most students make multiple applications, so it is not possible to determine how many individuals apply, but an upward trend is clear.

²² LAW SOCIETY, ANNUAL STATISTICAL REPORT tbl. 11.1 (1990).

1989-90 this had risen to forty-two percent.²³ Large firms offer the best salaries and what is perceived to be superior training. They also carry the most prestige.

No formal controls exist at this stage, other than that of the market place. When times are bad firms can no longer honor all commitments previously made to hire articulated clerks. However, it seems that even when times are somewhat difficult the profession continues to expand.²⁴

5. Conclusion

The profession's incoming numbers are a function of a variety of factors including in particular: law degree allotments in universities; numbers of places in courses for the CPE for non-law graduates; numbers of places for final examinations courses for branches of the profession; readiness of chambers and solicitors' firms to take on pupils and articulated clerks which to an extent reflects the current, and likely future, economic state of the country or, at least, what the members of the profession perceive it to be.

The growth of the profession is a product of complex forces that are only partially understood by the main actors. Mechanisms for controlling numbers in the profession are diverse and decentralized and until the 1991 Taylor report on future entry to the bar, there was little evidence that the growth of the profession has been influenced by a coherent strategy or forward planning by anyone.

II. DESCRIPTION OF GROWTH

The legal profession has changed greatly in the past two decades. The two most dramatic indicia representing this change are the great leap in the numbers of practitioners and the dramatic recent increase in women entering the profession.

A. Size

For most of this century both sides of the profession remained fairly stable in the numbers of practitioners - the bar with some 2,000 practitioners, the solicitors' branch with some 20,000 members.

²³ *Id.* at 34.

²⁴ The situation was sufficiently serious for the President of the Law Society to make the problem of unemployment among new recruits the subject of his address to his last Admission Ceremony in July 1991. In his speech, the President said that in spite of problems there were no less than 21 pages of job advertisements in the previous week's *Law Society's Gazette* - mostly outside London.

Since the 1960s, both branches have expanded heavily. Today 6,500 barristers practice and 46,600 solicitors carry practicing certificates in private practice. In a period of thirty years the bar has more than trebled in size and the solicitors' branch has more than doubled.

B. Gender

In the solicitors' branch the change in the gender profile of the profession can be seen from various statistics. The percentage of women holding practicing certificates by years in the profession is as follows:

0-9	years	39.8%
10-19	years	16.4%
20-29	years	5.3%
30-39	years	3.3%
40-49	years	1.8%
50+	years	1.5% ²⁵

In 1989-90, fifty-four percent of those enrolled with the Law Society as trainee solicitors were women.²⁶ In the universities, women law students currently represent about half the student body. The proportion of women at the bar has also increased strikingly:

1955	3.2%
1965	4.6%
1975	7.1%
1980	9.7%
1985	13.0%
1990	17.5% ²⁷

Of the 846 persons called to the bar in 1990, 339 (forty percent) were women.

It is noteworthy that women generally out-perform men in examinations. Thus in 1986-87, women represented forty-eight percent of all law

²⁵ LAW SOCIETY, ANNUAL STATISTICAL REPORT tbl. 2.3 (1990).

²⁶ *Id.* para. 10.4.

²⁷ ABEL, *supra* note 2 at 142-43.

graduates, but fifty-eight percent of honors degrees. In the following year they were again forty-eight percent of all law graduates but they took sixty-one percent of the honors degrees.

C. Age

Because of the enormous recent growth in the profession, the age distribution of both branches shows a heavy preponderance of young members. Solicitors with less than ten years experience totaled forty-one percent of those with practicing certificates in 1990. Those with ten to nineteen years experience constituted another thirty-four percent so that these young admittees accounted for seventy-five percent of the profession.²⁸ No actual equivalent figures for the bar are available, but the age profile is similarly skewed toward those in the early years of their career.²⁹

D. Ethnic Background

Only recently, the profession has focused specifically on racial mix and discrimination. The Law Society *Annual Statistical Report 1990*, states that ethnic minorities are thought to represent some 4.5% of the total population of Great Britain but under two percent of the number of solicitors.³⁰ However, no fewer than twelve percent of the students enrolling with the Law Society in 1989-90 were from ethnic minority backgrounds.

Black barristers have existed in some numbers for many years. The 1979 Report of the Royal Commission on Legal Services estimated that there were some 200 black barristers in 1978, under five percent of the total number.³¹ In 1983, 210 or 4.3% were said to be members of the bar.³² In 1989, it was estimated that six percent of the bar and twelve percent of pupils came from ethnic minority backgrounds.

Unfortunately, a high proportion of black barristers practice in "ghetto chambers," all or most of whose members are black. In 1990, the bar announced a new scheme under which some ordinary chambers were arranging to "twin" with "minority" chambers to provide support and guidance for their members. In 1988, 147 established sets of cham-

²⁸ LAW SOCIETY, ANNUAL STATISTICAL REPORT tbl. 2.3 (1990).

²⁹ *Id.* para. 10.4.

³⁰ *Id.* para. 2.11. The actual proportion is not known since there are no figures for some 30 percent of those holding practicing certificates. *Id.* table 2.11.

³¹ Cmnd. 7648, vol. 1, at 501.

³² Senate of the Inns of Court and the Bar, *Annual Statement*, 1983-84, at 32-36.

bers had between one and three non-white tenants.³³ In 1991, the bar took an even more radical approach to the problem in announcing a new guideline that chambers should aim to have at least five percent of their members drawn from ethnic minorities.³⁴ (Fewer than half of all sets of chambers currently have even a single ethnic minority member.³⁵)

E. Social and Educational Background

The bar traditionally drew its members from the upper middle (or "gentleman") class.³⁶ The class background of solicitors by contrast was always "considerably less exalted."³⁷

Today, however, the position is somewhat altered. The proportion of working class entrants to either branch is small. (Curiously, it may in fact be higher at the bar than in the solicitors' branch.³⁸) However, today the social class of entrants to both sides of the profession is much more similar. Increasingly, they tend to come from much the same social strata (largely middle class).³⁹ This trend will continue. Many reasons exist for this trend including the social class composition of the universities, from which most lawyers are drawn.

III. CAUSES OF GROWTH

It is commonly known that legal profession growth in most countries is a function of the growing complexity of modern life and growth in the perceived need for lawyers. However, in England some particular factors have contributed especially to this general phenomenon.

First, the single most important reason for the spectacular growth of the bar since the 1960s was an enormous increase in the volume of

³³ See COUNSEL, May 1990, at 4.

³⁴ Race Relations Committee Proposals, COUNSEL, June 1991, at 23.

³⁵ Statement of Anthony Scrivener, Chairman of the Bar, *Race relations*, COUNSEL, June 1991, at 3.

³⁶ See generally ABEL, *supra* note 2, at 74-76.

³⁷ *Id.* at 170.

³⁸ The broader social mixture from which the bar currently draws its entrants is reflected in the figures for education institutions attended by entrants to the Inns of Court School of Law in 1988-89: Oxford 10 percent, Cambridge 7 percent, London University 12 percent, other universities 37 percent and polytechnics 32 percent. See *supra* note 1. It is the high proportion drawn from polytechnics that is most surprising.

³⁹ See P. McDonald, *The Class of '81: A Glance at the Social Class Composition of Recruits to the Legal Profession*, 9 J. L. & SOC'Y 267-76 (1982).

legal aid and prosecution work. The bar derives a higher proportion of its aggregate income from public funds than the solicitors' branch. In 1989, it was estimated that the bar derived no less than thirty-eight percent of its income from public funds as compared with eleven percent for solicitors.⁴⁰

Next, since the late 1960s, the number of legal aid grants for criminal cases rose exponentially.⁴¹ The numbers of cases being prosecuted in the higher courts rose dramatically, as well as annual numbers of divorce cases. (However in 1993 the first ever down-turn in criminal legal aid was noticed as the apparent result of the police cautioning significantly more defendants.)

Moreover, since the 1960s expansion of the solicitors' branch was due in great part to the significant increase in the proportion of the population owning homes. The legal work involved in buying and selling a home ("conveyancing") was, and remains, the largest single component of solicitor's work, accounting for nearly half the profession's total income. Between 1960 and 1987, the proportion of the population owning their own homes rose from forty-four percent to sixty-four percent.

Both sides of the profession seem confident that in spite of the present recession, expansion will continue.⁴² However, the dimensions of such expansion are difficult to predict. It most likely will be less dramatic than in the 1970s and 1980s, but nevertheless should be considerable.

IV. CONSEQUENCES OF GROWTH

The consequences of growth in terms of supply and demand are difficult to monitor. Presumably when firms of solicitors take on more staff it is because they have work for them; conversely, (as is currently happening) they lay off staff when workload declines.

For most of the past twenty-five years those entering the profession have found it relatively easy to secure employment. Of late, the picture has changed somewhat negatively during the continuing recession but prospects remain good.

It is striking, however, that the great expansion in the profession

⁴⁰ BAR COUNCIL, STRATEGIES FOR THE FUTURE, para. 3.22 (October 1990).

⁴¹ In 1960, for instance, only 5,000 grants of legal aid for cases in the magistrates' courts were made. In 1989, the equivalent figure was 480,000. In 1960, there were some 12,000 grants of legal aid for trials in the higher criminal courts; in 1989, the figure was 149,000.

⁴² See BAR COUNCIL, STRATEGIES FOR THE FUTURE, (October 1990); LAW SOCIETY, SUCCEEDING IN THE NINETIES, (March 1991).

has not produced any significant changes in the manner or style of providing legal services, except that the large and medium sized firms continue to grow.⁴³ The lawyering style of the largest firms has become geared to the needs of the international business community, and as a result, has also become more competitive and "cut-throat."

The vast majority of firms remain small, with one to four partners.⁴⁴ Work is still conducted in much the same style as in the past. The two main differences might be the advent of advertising and the impact of modern technology. However, the type of work and the way that firms provide service remains relatively unchanged.⁴⁵

Increased numbers in the profession probably have stimulated competition, though the competition comes about more from relaxation of professional rules (for example in regard to advertising) than from greater numbers.

Note: In October 1993 the Lord Chancellor was due to announce his decision regarding an application for rights of audience in the higher courts by the Law Society on behalf of solicitors and by lawyers in the Government service, including the Crown Prosecution Service. The applications were made under the provisions of the courts and Legal Service Act 1990.⁴⁶ It was clear that the bar for the first time faced the threat of competition in advocacy in the higher courts. The implications of this development are unpredictable at this stage.

⁴³ The ten largest English firms with the number of fee earners as of April 1991 were: Clifford Chance 1113, Linklaters and Payne's 693, Lovell White Durrant 635, Slaughter and May 554, Freshfields 547, Allen & Overy 500, Herbert Smith 445, Simmons & Simmons 444, Norton Rose 438 and Nabarro Nathanson 412. *THE LAWYER*, April 23, 1991, at III. The rate of growth of these ten firms for the period from September 1988 to April 1991 averaged 31 percent. *Id.*

⁴⁴ In 1989, 6595 firms (80 percent) had one to four partners, 1,179 firms (14 percent) had five to ten partners, and 367 firms (4 percent) had over 11 partners. *LAW SOCIETY, ANNUAL STATISTICAL REPORT* tbl. 3.9 (1990). The overall ratio of fee-earners to support staff is roughly three to one with little variation by size of firm. However, the structuring of large firms is different from that of other firms in that they employ a distinctly higher proportion of assistant solicitors. Overall about one third of all solicitors in private practice are assistant solicitors, but in the large firms the proportion is about a half. *Id.* para. 4.4.

⁴⁵ *But see* Nick Gillis, *A Happy Band-of Advocates*, *NEW LAW JOURNAL*, Oct. 1, 1993, at 1373 (description of a new breed of solicitor advocates working like barristers on instructions from other solicitors. It was thought that when solicitors obtained extended rights of audience in the higher courts this might become a significant development.)

⁴⁶ For legislative background see Michael Zander, *The Thatcher Government's Onslaught on the Lawyers: Who Won?* 24 *INT'L LAW*. 753 (1990).

