

News release

SRA seeks views on advocacy proposals

21 August 2019

We have launched a consultation on proposals designed to make sure that high standards of advocacy are provided by solicitors.

Open for 12 weeks the consultation proposes changes to the assessment of solicitor advocates and qualifying requirements for undertaking advocacy in more serious youth court cases.

Specific proposals include:

- the introduction of revised standards for the Higher Rights of Audience qualification
- the creation of a single, centralised Higher Rights of Audience assessment
- the development of more online resources to help solicitors maintain and develop their advocacy skills.

We are also proposing that in future only solicitors with the Higher Rights of Audience qualification should be able to undertake advocacy in more serious cases being conducted in the youth courts.

We are seeking feedback on its proposals to create additional resources for solicitors undertaking advocacy, and on how it might make it easier for judges and other stakeholders to report concerns about the quality of advocacy to us.

Reports such as the Ministry of Justice's Jeffrey Review and SRA's own judicial perceptions research have suggested judges have concerns about the competence of some of the solicitor advocates appearing before them.

There is, however, no definitive evidence on this. We received 89 complaints from the judiciary about poor advocacy between January 2015 and February 2018.

Paul Philip, SRA Chief Executive said: "Nowhere is it more important that a client can rely upon their solicitor to provide a good service than when in court, where a person's freedom or livelihood can be at stake.

"While the majority of solicitors do a good job, we do hear comments that this is not always the case. We are keen to hear from as many people as possible about our proposals to make sure that the advocacy done by solicitors meets our high standards."

New SRA survey-based research [<https://www.sra.org.uk/sra/how-we-work/archive/reports/advocacy-in-the-solicitors-profession/>] published alongside the consultation suggests that one in three solicitor firms (32%) offer criminal advocacy, mostly focusing on guilty plea and sentencing hearings. Nearly 60% of firms provide advocacy services for civil cases, 47% in areas of family law and 32% at tribunals.

In total 6,764 solicitors across England and Wales hold the Higher Rights of Audience qualification. The survey found that nearly a quarter of those polled had never undertaken advocacy in a higher court.

Overall most firms and solicitors felt standards of solicitor advocacy had improved or stayed largely the same over the past 10 years, but they did express concern at the cost and availability of training in this area.

Read our consultation: Assuring advocacy standards

[<https://www.sra.org.uk/sra/consultations/consultation-listing/advocacy/>]