



The Signet Accreditation

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- **The Signet Accreditation is a flagship initiative of The WS Society (The Society of Writers to Her Majesty's Signet), one of the world's oldest professional bodies.**
- **The Signet Accreditation is a new national scheme for Scotland, open to all solicitors in Scotland, not just members of the WS Society.**
- **The scheme will accredit solicitors in specialist areas of legal practice. It will break new ground and set new standards, not just in Scotland but in accreditation worldwide.**

Key contacts

- **Robert Pirrie, Chief Executive, The WS Society**
Appointed 2005. Formerly head of corporate, commercial and private equity at Dundas & Wilson CS. E-mail: rpirrie@wssociety.co.uk Links: www.wssociety.co.uk
- **Eliza Letsch, Project Manager, The Signet Accreditation**
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- **Professor Clark Cunningham, Lee Burge Professor of Law and Ethics, Georgia State University**
Consultant to The Signet Accreditation. Widely cited expert in lawyer-client relations and specialist accreditation of lawyers.
Link: <http://law.gsu.edu/ccunningham/>

What stage has the project reached?

- **The WS Society commenced work on the project in 2004. The Society is committed to a well researched and quality programme.**
- **In 2005, the Society visited the law societies in Victoria and New South Wales, Australia, to study their mature accreditation schemes.**
- **The Signet project is coming to fruition with the appointment of a supervising Board and Practice Area Committees of leading lawyers in their fields.**
- **By the end of 2006, the generic assessment criteria for the scheme as a whole, and the specific assessment criteria for the first practice areas, will be finalised.**
- **The target is for the first examinations and assessments to take place in October 2007. The first accreditations would be effective from January 2008.**

What is the scheme about?

- **A new way of assessing and accrediting lawyers.**
- **Applies to both substantive knowledge and practical and client-focused skills.**
- **Innovative in Scotland and internationally.**
- **Provides structure for career development and training – something for which to aim.**
- **Represents both a career milestone and a professional credential.**
- **Significant for those employing lawyers (i.e., law firms and other organisations) and those using lawyers' services (i.e., clients).**

What are the key elements of the scheme?

- The scheme is based on a defined level of expertise – proficiency (i.e., level 4 of the Drefus model*).
- The level of expertise is analysed into component elements:
 - Technical knowledge and skill
 - Client focused skills (e.g., communication, client relationship)
 - Practice management (e.g., business efficiency, proportionality)
 - Knowledge of client’s sector
 - Ethical standards
- Expertise is then subjected to rigorous assessment:
 - Written examination
 - Real or simulated portfolio of work
 - Mock file assignment
 - Interview
 - Simulation

* Level 4 – Proficiency from the model proposed by Dreyfus H. L. and Dreyfus S. E. (1986) *Mind over Machine: The Power of Human Intuition and Expertise in the Era of the Computer*, Oxford, Basil Blackwell.

Key elements of the scheme (cont.)

- **The scheme provides lawyers with validation - objectivity and credibility - in how they describe their expertise and experience.**
- **This validation can only come from an external, third party body such as The Signet Accreditation.**
- **Benefits to lawyers include collegiality and peer learning in their ongoing professional development. The scheme may also offer particular support to accredited lawyers: e.g., access to common technical platforms for delivering advice or training to clients. Exclusive access to publications - hard copy or online - are also envisaged, as well as client and special interest group participation.**

What are the commercial benefits?

- **Clients have expectation of lawyers. Those expectations relate not just to outcomes, but to the process of getting there and how clients are treated along the way. This is crucial to client retention. Research suggests lawyers are not meeting clients' expectations. Indeed research suggests that lawyers and clients select very different measures of performance in the delivery of legal services.**
- **By incorporating into the scheme's assessment criteria, factors that are proven to be significant to clients, The Signet Accreditation sets a standard for lawyers to assess their ability to satisfy clients.**
- **The objective is to encourage lawyers to match their service, and the way its delivered to the needs of clients. That has to be good for a lawyer's business - and good for that lawyer's client.**

Why now?

- **The WS Society believes there is a growing awareness that a one off qualification in law is no longer going to be enough, that this has to be supplemented by the achievement of progressive career milestones.**
- **In Scotland, the limitations of the existing continuing professional development (CPD) requirements for solicitors are already attracting critical attention from the regulatory body, the Law Society of Scotland.**
- **Other professions such as medicine point the way to a post-qualification regime of career progression, one that can become a pre-condition to more senior appointments in the profession.**
- **The WS Society believes the time is right to give lawyers in Scotland the opportunity to test and stretch themselves, and to differentiate themselves from their peers.**

What practice areas will be accredited?

- **The Signet Accreditation will accredited solicitors in discrete areas of legal practice that are recognised by both clients and lawyers as requiring special competence.**
- **There has been a trend towards narrow, deep specialisation with in the legal profession. In the case of younger lawyers, this may inhibit the development of a broad understanding of clients' issues, and may also inhibit communication and other relationship skills.**
- **The Signet Accreditation, by selecting broader practice area classifications, appropriate to lawyers earlier in their development, seeks to redress the balance.**
- **Lawyers need to be encouraged to accept that an ability to understand context, and tailor advice and the way its delivered, is a necessary, not just a desirable, quality in a good lawyer.**

Practice areas (cont.)

- **The first practice areas to be accredited will be:**
 - **Commercial Property**
 - **Commercial Litigation**
 - **Business/Corporate – to be further sub-divided.**
- **It is proposed to build the scheme over a 5 year period to some 15 practice areas.**

The scheme is a means to what end?

- **The Signet Accreditation is about creating a new culture in the provision of legal services. The objective is to set new, aspirational standards in legal services.**
- **These standards will encourage lawyers to take seriously – as a matter of qualification – certain skills that are currently seen as desirable but not essential.**
- **Younger lawyers are very receptive to the ideas behind the scheme and to the opportunities it will give them to advance themselves personally and professionally.**
- **The Signet Accreditation is designed to benefit both larger, city firms, medium sized practices, niche firms and firms in provincial and rural communities. It also has much to offer in-house and public sectors. It is designed to be genuinely inclusive.**

The role of the WS Society

- **The WS Society (full name: The Society of Writers to Her Majesty's Signet) is over 400 years old.**
- **The Society's history and heritage is one of excellence. The Society's members are regarded as practising law to very high standards both technically and ethically.**
- **The Signet Accreditation is a modern expression of the Society's commitment to excellence. Excellence has to be achieved and vouched in line with contemporary thinking. We believe that means undertaking objective assessment, and doing so not just in substantive law but also in factors of proven relevance to clients.**
- **Objective assessment that is independent of individual law firms and special interest groups (e.g., practice area or geographical) is something the Society can offer.**

The role of the WS Society (cont.)

- **The WS Society is not a regulatory body – in Scotland, that is the Law Society of Scotland.**
- **The WS Society’s role is a different, and complementary one.**
- **The Signet Accreditation allows our members to develop standards for lawyers and contribute to the standing of Scottish law and lawyers.**
- **Scotland has always been an exporter of ideas and people. It is hoped that The Signet Accreditation will play a part in setting standards for the assessment and accreditation of lawyers throughout the world.**

What are the lessons from Australia?

- **The WS Society recognised the demands of younger lawyers in designing The Signet Accreditation.**
- **The Signet Accreditation builds on the Australian experience but adds its own distinctive and innovative features:**
 - Targeting younger lawyers.
 - Setting the level of expertise as proficient rather than expert.
 - Designing assessment from the start to provide learning outcomes for continuing professional development (CPD) training.
 - Giving equal weight to client-focused skills (e.g., communication), practice management and ethical integrity in the assessment criteria.
- **Innovation and progression are at the heart of The Signet Accreditation.**

How does the Signet scheme compare?

- Professor Clark Cunningham co-authored a paper that urged the use of accreditation as a means of increasing professionalism:

SPECIALITY CERTIFICATION AS AN INCENTIVE FOR INCREASED PROFESSIONALISM: LESSONS FROM OTHER DISCIPLINES AND COUNTRIES

Adrian Evans and Clark D. Cunningham

54 *South Carolina Law Review* 987 (Spring 2003)

Click here to download: [PDF version](#) of article.

- **The Signet Accreditation takes this approach to accreditation and Professor Cunningham has been collaborating with the WS Society after initial contact with the Society's Chief Executive, Robert Pirrie.**

Relevant research

- **Professor Clark Cunningham is the Director of an international collaborative project, based at Georgia State University, on lawyer-client communication: *Effective Lawyer Client Communication (ELCC): An International Project to Move from Research to Reform***
Link: <http://law.gsu.edu/Communication/>

The goal of this project is improving lawyer-client communication by combining what has been learned so far within legal education with empirical social science research. The project has the potential to change the way client communication is taught around the world.

- **The Signet Accreditation will break new ground in assessing effective lawyer-client communication and relations. The ELCC project has the empirical evidence to demonstrate that there is widespread client dissatisfaction with communication and relationship issues in legal services.**

Relevant research (cont.)

- **Research is instructive: e.g., *Legally Aided Clients and Their Solicitors: Qualitative Perspectives on Quality and Legal Aid*, Hillary Sommerlad and David Wall, Research Study No 34, The Law Society of England and Wales, London.**
- **Interviewed 44 clients of 21 different solicitors in the north of England.**
- **50% said that they had previously used a solicitor whom they did not like.**
- **The most common complaint was lack of respect, followed by a lack of interest in the client, and then poor communication.**

Client comments

- **“I sent my former solicitor packing because SHE WOULDN'T LISTEN.”**
- **“That is absolutely fundamental; this was my case, only I knew the full circumstances.”**
- **“I went to [my current solicitor] because of her reputation and expertise...but SHE JUST DOESN'T LISTEN.”**
- **“She listens for part of what I have to say, and then interrupts, saying something like ‘OK, I’ve got the picture, what we’ll do is ...’ and she hasn’t really got the picture, she’s only got half the facts.”**
- **I think it’s partly because she so busy and also because she’s simply not used to giving clients a voice.**

Client comments (cont.)

- **“She has actually made me frightened of expressing my views. I am about to change to another solicitor.”**
- **“I like my current solicitor because I can have a chat with her, I trust her The other solicitor – I was just a file for him, but for her I’m a real person and that comes across in court.”**
- **“ I wanted the law to be explained. ... The way the solicitor views the client is important. He has to be interested in our views.”**
- **“They must be able to give you time. If solicitors haven’t got enough time, they can’t get enough out of you. You have to have time to be able to tell your story.”**
- **“I never liked him. ... we couldn’t have had a solicitor like him for this; I think he was perfectly competent, but there was no sympathy.”**

Client comments (cont.)

- **For many clients, their engagement with the law was not simply about achieving a result.**
- **Their responses indicated that the process itself was important.**
- **Empathy and respect were not luxury items.**
- **But fundamental to the service.**

Research from Australia

- **Surveyed client satisfaction with services of accredited specialist lawyers. Found there to be widespread client satisfaction with the specialists' legal knowledge and skills.**
- **Consistent evidence of client dissatisfaction with the provision of services.**
- **Practitioners and clients were selecting divergent indicators of performance. Practitioners concentrated on knowledge and skills to deliver outcomes.**
- **Clients expected both competence and positive results but were disappointed by the process of getting there. There were problems with inaccessibility, lack of communication, lack of empathy and understanding, lack of respect.**

What is the international interest?

- **There is considerable interest in The Signet Accreditation scheme in the USA. One US state bar is already progressing a pilot based on the principles of the Signet scheme presented by the WS Society's Chief Executive, Robert Pirrie, and Professor Cunningham at the American Bar Association's annual conference of accreditation professionals. The Professional Development Consortium has also invited Robert Pirrie and Clark Cunningham to speak to their conference in February 2007.**

How is the Signet scheme unique?

- **Unlike most schemes, the Signet scheme is a professional development approach.**
- **The Signet scheme is aimed at lawyers earlier in their career.**
- **The scheme is based on rigorous assessment and not just peer recognition.**
- **Resembles more what medical profession do.**
- **The scheme will assess not just technical knowledge but communication and relationship skills, practice management, ethics. This applies across all practice areas and this is an important statement of principle in itself.**
- **Accreditation schemes are run by regulatory bodies or specialist interest group. The Signet Accreditation will not be. This gives a freedom to set aspirational standards applying across the whole profession.**

Can one assess objectively?

- **The Signet Accreditation will build on recent research by pilot study at the Glasgow Graduate School of Law – in which the WS Society has been involved.**
- **Adapt Effective Lawyer Client Communication project client survey forms for simulated interviews.**
- **Train “standardised clients” for these interviews. Purpose to achieve consistency and for the “clients” to participate in assessment. Study showed high correlation between “client” assessment and experienced lawyer assessment of performance.**
- **Inspired by medical education, now required of all MD candidates in US.**

Conclusion

- **The Signet Accreditation gives senior lawyers the opportunity to set new standards of competence in their practice area – an opportunity to shape their profession.**
- **The exercise is one of partly discerning and describing existing practice, but partly one of setting new and aspirational standards.**
- **Participating in the development of the assessment criteria and assessment methodology is breaking new ground.**

It is an exciting project.



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