



REVIEW OF LEGAL PRACTITIONER EDUCATION AND TRAINING

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LEGAL PRACTITIONER EDUCATION AND TRAINING

REPORT OF INDEPENDENT REVIEW TEAM

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Glossary of Terms

ACCA	Association of Chartered Certified Accountants
BL	Barrister-at-Law
BOI	Bar of Ireland
CAI	Consumers Association of Ireland
CCPC	Competition and Consumer Protection Commission
CIB	Citizens Information Board
CPD	Continuing Professional Development
CSAT	Customer Satisfaction Scores
CSO	Central Statistics Office
DBS	Dublin Business School
DCU	Dublin City University
DIT	Dublin Institute of Technology
DJE	Department of Justice and Equality
DPP	Director of Public Prosecutions
DSBA	Dublin Solicitors Bar Association
EEA	European Economic Area
EHEA	European Higher Education Area
ELPC	Essentials of Legal Practice Course
EU	European Union
FE-1	Final Examination – First Part
FLAC	Free Legal Advice Centres
GC	General Council
GDL	Graduate Diploma in Law
GDPR	General Data Protection Regulation
GMIT	Galway-Mayo Institute of Technology
HEA	Higher Education Authority



HEI	Higher Education Institution
HSKI	Honourable Society of Kings Inns
ICBA	Irish Criminal Bar Association
IILEX	Irish Institute of Legal Executives
LPC	Legal Practice Course
LPET	Legal Practitioner Education and Training
LSC	Law Society Council
LSI	Law Society of Ireland
LSPT	Law Society Professional Training
LSRA	Legal Services Regulation Authority
NFQ	National Framework of Qualifications
NI	Northern Ireland
NUI	National University of Ireland
NUIG	National University of Ireland - Galway
NUIM	National University of Ireland - Maynooth
PPC	Professional Practice Course
PPCM	Professional Practice, Conduct & Management
PQE	Post-qualification experience
QLTT	Qualified Lawyers Transfer Test
QQI	Quality and Qualifications Ireland
SBA	Solicitor Bar Association
SLA	Southern Law Association
SRA	Solicitors Regulation Authority (England & Wales)
SUSI	Student Universal Support Ireland
TCA	The Competition Authority
UCC	University College Cork
UCD	University College Dublin
UL	University of Limerick



EXECUTIVE SUMMARY



Executive Summary

1. Introduction

1. The Legal Services Regulation Authority (“The Authority”) is required by section 34 of the Legal Services Regulation Act 2015 (“the Act”), to undertake a review of the education and training of legal practitioners within two years of its establishment. The Act requires this review to cover the arrangements for education and training of legal practitioners, including on-going training and to make any recommendations for change that it considers appropriate.
2. In May 2018, the Authority appointed an independent Review Team to gather evidence, provide an expert analysis of the state of the Irish legal practitioner education and training system and to propose any changes which the Review Team considered necessary or desirable. These were then to be given further consideration by the Authority.
3. The Review Team took the following as the starting point for its investigations:
 - The requirements of the Act and the issues raised by Members of the Oireachtas during the passage of the Act
 - The findings of previous reviews of legal practitioner education and training, and
 - The relevance of the system of legal practitioner education and training to the wider role and functions of the Authority, including the regulatory objectives set out in the Act.
4. The 2015 Act requires the Authority to keep legal practitioner education and training under review and there are a number of reasons why it is central to the Authority’s ability to exercise its core functions. The education and training system impacts on all of the Authority’s regulatory objectives (as set out in section 13 of the Act) and it can support (or undermine) the Authority’s efforts to raise standards in the professions.
5. Beyond this, the education and training of legal practitioners has relevance across the wide range of potential developments in the legal sector envisaged in the Act, particularly in the content of the Authority’s objectives set out in section 13(4), namely:



- Protecting and promoting the public interest
- Supporting the proper and effective administration of justice
- Protecting and promoting the interests of consumers relating to the provision of legal services
- Promoting competition in the provision of legal services in the State
- Encouraging an independent, strong and effective legal profession, and
- Promoting and maintaining adherence to the professional principles.

The professional principles are dependent upon a foundation of education and training which ensures that legal practitioners can, and do act with independence and integrity, act in the best interests of their clients and maintain proper standards of work. .

2. What does a “fit for purpose” Legal Practitioner Education and Training System look like?

6. The Review Team’s report sets out a theoretical framework for analysing the effectiveness and efficiency of education and training systems. It suggests that there are six core design principles which should characterise any system of legal practitioner education and training that is “fit for purpose”.
7. These design principles suggest that a good system of legal education and training should:
 - **Meet Society’s needs for legal practitioners**, which are likely to be derived from a combination of the State’s statutory framework, public interest considerations and the requirements of stakeholders. These needs should be met efficiently, with the costs of any training system being proportionate to the benefits it delivers.
 - **Define the competencies required of a legal practitioner and the standards to which these should be demonstrated**, paying particular attention to the knowledge and skills needed for the effective exercise of reserved activities and the expectations of society of an individual holding a reserved title, such as ‘solicitor’ or ‘barrister’.
 - **Be open and accessible to new entrants**, not only ensuring that there are no direct or indirect numerical restrictions on numbers entering the



profession, but also that the makeup of the profession reflects the full diversity of society.

- **Put in place training arrangements which enable legal practitioners to obtain the required competencies, at the appropriate level**, for a newly qualified practitioner. Legal practitioner training should be designed to support the exercise of a profession; so, the training involved should build the skills required for practice and simulate practical, real-world experiences.
- **Have systems for accrediting training programmes and systems of assessment which are appropriate, transparent, robust and fair**. These should provide assurance that the required competencies for practice are being delivered and have been achieved.
- Lastly, any legal education and training system ought to be **subject to appropriate governance and oversight**. This will ensure that it retains legitimacy and is able to adjust to changing societal and stakeholder needs.

8. The report later assesses Ireland's current legal practitioner education and training system against these design principles, but first sets out how the current system of training for both solicitors and barristers operates, and what Irish stakeholders think of this system.

3. Ireland's Current System of Legal Practitioner Education and Training

9. The report explains that Ireland has a framework for regulating legal services which is based on the reservation of certain rights and activities to individuals holding specific titles. In the case of solicitors, these rights and activities are set out in legislation, notably the Solicitors Acts of 1954, 1960 and 1994, and the Courts Acts. The practice rights of barristers, in contrast, emanate from Common Law.
10. Solicitors exclusive rights include conveyancing and probate. But they are also permitted to argue in court, hold funds on behalf of clients, give binding undertakings, and practise on their own from qualification. Section 24 of the Solicitors Act 1954 vests the sole authority to provide legal professional



education leading to qualification as a solicitor, in the Law Society of Ireland. The qualification process for solicitors is also outlined in detail within the various Acts.

11. Barristers have rights of audience in all courts of Ireland by virtue of the title of “barrister”. This title is conferred by the Chief Justice of Ireland who calls candidates to the Bar following graduation from the Barrister-at-Law course provided by the Honorable Society of Kings Inns.
12. The training leading to qualification as a legal practitioner is generally conceived of as a process which has three elements:
 - An academic stage, which should ensure that individuals seeking a professional legal qualification possess the appropriate knowledge of the law and how to apply it.
 - A vocational stage, which should equip those seeking qualification with the essential knowledge and skills to undertake the core processes and procedures expected of a legal practitioner.
 - A practical training stage, which should give aspiring legal practitioners experience of ‘real world’ legal practice, under supervision.
13. In many parts of the common law world, the academic stage of qualification is delivered by higher education institutions, the vocational stage by specialist professional education providers and the practical stage, through some form of trainee placement in a law firm or apprenticeship to a self-employed advocate. In Ireland, the academic stage of qualification for both solicitors and barristers, is not formally integrated into the process of professional education and training. Instead, admission to the professional stage of qualification is undertaken by an entry test which is set by the Law Society and the Honorable Society of Kings Inns respectively for solicitors and barristers.

Solicitors
14. Graduates wishing to become solicitors must sit the Final Examination - First Part (FE-1), which tests their legal knowledge in eight core areas. The FE-1 acts as the entry examination into a formal programme of solicitor training at Blackhall Place, the Law Society of Ireland’s professional training centre. Non-graduates need to take a preliminary examination, which tests core English language skills, understanding of Irish politics and government and general knowledge, before they can sit the FE-1.



15. After passing the FE-1, aspiring solicitors must secure a training contract with a solicitor to proceed to the vocational stage of qualification and enrol in the Professional Practice Course (PPC). The PPC is currently delivered in two separate blocks of six months (PPC I) and eleven weeks (PPC II), sandwiched around an initial 11-month period of in-office training. PPC I aims to cover the basic knowledge and skills that any solicitor in general practice would be expected to have, whilst PPC II offers trainees the opportunity to gain more in-depth understanding of areas in which they are interested in specialising. After successfully completing the PPC II, trainee solicitors must complete a further 10 months of in-office training before they can apply to the Law Society for full admission as a solicitor.

Barristers

16. To obtain the title of “barrister-at-law” and thus earn the right to practise in any court in Ireland, a candidate must successfully complete two separate stages of qualification: an academic or substantive law stage (“the academic stage”) and a professional vocational training phase (“the vocational stage”). The academic stage of qualification is satisfied by the entrance examinations for the Barrister-at-law (BL) degree course offered by the Honorable Society of Kings Inns. Law graduates and candidates who have obtained the two-year part-time Diploma in Legal Studies offered by the Honorable Society of Kings Inns, may gain exemptions in up to six of the eleven subjects in which all aspiring barristers are expected to be conversant.
17. After passing the entrance examination, trainee barristers must take the professional barrister-at-law vocational course offered by Kings Inns, either in one academic year on a full-time basis or over two years, on a part-time modular basis. After successful completion of the BL degree course, Kings Inns graduates may be called to the Bar and granted the title of barrister-at-law. However, historically many barristers have chosen at this stage to continue their practical training and become members of the Law Library. Membership of the Law Library helps those wishing to pursue a career at the Bar to develop a profile and build up the relationships which will support a practice over time. To join the Law Library as a full member, barristers must complete a one-year period of pupillage, through apprenticeship to a ‘Master’, who should be a junior counsel with at least seven years’ standing at the Bar. The Bar of Ireland registers pupillages sets guidelines for the relationship between barrister pupils and their Masters, and outlines expectations of the skills that should be developed during this practical training period.

Transfer arrangements

18. Both the Bar Library and the Law Society offer transfer arrangements to enable solicitors and barristers to move into the other branch of the legal profession. In both cases, transfer is by means of a short, non-examined course together with some additional procedural steps. Barristers wishing to become solicitors must also gain six months of work experience in a law firm. These transfer routes are only open to practitioners with three years' prior standing. The number of barrister-solicitor transferees has risen over ten-fold in the past six years (and in 2017 was equivalent to 38% of all new entrants to the Bar Library), whilst the number of solicitor-barrister transferees has remained in single figures.

Continuing Professional Development

19. Both solicitors and barristers are subject to continuing professional development obligations. Barristers must undertake 12 hours of CPD per year and solicitors are required to undertake 20 hours. In both cases a specific number of hours must be devoted to regulatory or ethical training and development. Both the Law Society and Bar Library monitor the compliance of their members with their CPD obligations and may take disciplinary action where these are not fulfilled.

4. Evidence Provided to the Review

20. In order to gather evidence to feed into the review of legal practitioner education and training, the Authority undertook a Statutory Consultation between 4 May and 15 June 2018. The consultation notice was published on the Authority's website and separately distributed to 187 different organisations. Thirty-eight written submissions were received in response to this notice. This input was supplemented by several short opinion surveys produced by the external Review Team, which were designed for law students, trainee solicitors and barristers, training principals, pupil masters and in-house solicitors. These surveys were further supplemented by a number of interviews carried out by the Review Team.
21. In total, 730 different organisations or individuals provided evidence to the review.

5. Attitudes to the Current System

Choosing Law as a Career

22. Nearly 300 students at Irish Higher Education Institutions who have an interest in joining the legal profession completed the Review Team's survey. Strikingly, 88% of respondents stated that they expected to face barriers to qualifying as a legal practitioner. The most common barriers cited were: The costs of qualification (including the unpaid time involved either in gaining entry to solicitor training whilst studying for the FE-1 or in undertaking pupillage), the time involved in qualifying and lack of contacts in the profession.
23. The evidence from the student survey also points towards potential increased pressure on the supply of solicitors into private practice in future, since nearly one-third of those responding indicated a preference for working in-house.

Access to training

24. The process of accessing the professional training process was one of the issues which generated most comment in the review. The costs involved in preparing for entry examinations to Blackhall Place and the Kings Inns, which often meant sitting outside of the job market for up to a year, as well as the duplication involved in being re-tested on prior university education were major concerns. These were raised not only by law graduates and trainees but also by law schools, employers and some of the public sector respondents to the statutory consultation. Many of the law schools responding to the review and the larger commercial law firms also expressed concerns that the system of entry into solicitor training was impacting negatively on Irish competitiveness, whilst others underlined the negative impact on diversity of a protracted and expensive process of access to legal training.

Professional courses

25. The review also received a high level of feedback from students and employers on the professional skills courses run by the Law Society and Kings Inns. There was a level of dissatisfaction with the Professional Practice Course offered by the Law Society voiced through the consultation. The evidence provided suggested that this was driven by a combination of reasons, including: The perception of a mismatch of the course with the needs of modern practice, an insufficient focus on skills development and inconsistency in standards of teaching. Many respondents to the review were also uncertain about the objectives of the PPC and no overall course design document appears to exist, reflecting the largely organic way in which it has evolved. In contrast, views of the Kings Inns BL



course were largely positive, with criticisms limited to the way in which alternative dispute resolution was taught.

Practical Training

26. The issues relating to the practical stage of legal practitioner training raised in the consultation were similar for both barristers and solicitors. Both branches of the profession face challenges in opening access to individuals from more diverse backgrounds, because of the mechanisms for obtaining practical training. Trainee solicitors need to find training contracts before they can commence their training at Blackhall Place, whilst trainee barristers need to be able to fund themselves during their pupillage and in the initial years of practice. Evidence presented to the review also highlighted the lack of integration between professional courses and practical training.

Post-qualification

27. Some respondents to the review were sceptical about the effectiveness and relevance of current CPD arrangements for both branches of the legal profession. Both the Bar and Law Society CPD schemes were described by respondents as being insufficiently linked to the needs of practice, creating the risk that they were purely durational requirements with little role in ensuring ongoing competence.
28. Whilst the Law Society CPD offer was highly regarded by many solicitors, there were concerns expressed in some quarters that the annual number of hours required was steadily increasing without any clear rationale.
29. Only limited evidence was presented to the review in relation to transfer arrangements, but comments received suggest that the purpose and content of transfer courses should be reviewed, especially for barristers transferring into the solicitors' profession.

Views of consumers

30. Finally, the review also sought the views of consumers to provide more background on perceptions of the quality of Irish legal services. The Authority undertook an Omnibus Consumer Survey, which revealed that 41% of Irish consumers have had a legal problem in the past five years but have avoided engaging a legal services provider despite identifying the need for one. The main reasons for this related to uncertainty over the costs of using such services.



31. Just under two-thirds (63%) of those who had used legal services in the last five years had been satisfied with their experience. These satisfaction ratings fall some way below international customer satisfaction benchmarks for legal services providers in comparable markets (78% in the UK and 76% in Australia).
32. The choice of legal service provider is heavily influenced by whether an individual holds a known title (solicitor/barrister), suggesting that these titles are perceived to be important quality signifiers. Other relevant factors, such as expertise or additional qualification, were also seen as important choice factors, reinforcing the view which emerged from many consultation responses that a basic professional qualification is no longer enough to meet more complex consumer needs.

6. What Changes would Stakeholders like to see?

33. Recommendations for changes in the legal practitioner education and training system that were made through the Authority's consultation exercise, fell into three broad categories:
 - Recommendations for changes to access arrangements: Many respondents argued for change in the system of entry into legal practitioner education, particularly for solicitors. The solutions proposed ranged from the accreditation of university and IT law courses which would grant exemptions to the Law Society's entry examinations for law students, through to the suggestion that the LSRA administer a centralised examination system and that all additional test requirements should be removed. The Law Society also advanced its own proposals for streamlining the operation of the FE-1 entry examination process. There were also recommendations made in relation to entry into professional training by non-graduates – with a few respondents suggesting that all entrants into the profession should study law over the course of at least one-year full time or two years part-time.
 - Recommendations for changes to professional training arrangements: There were some suggestions made for change to the professional course for solicitors. These included changes in structure, through a move away from the sandwich nature of the Law Society's professional practice course, which is evidently creating practical difficulties for law firm employers. Many respondents also suggested that new topics should be added to the PPC curriculum and that there should be a much greater emphasis in teaching on

practical, skills-based learning. For barristers, several suggestions were made for improving pupillage, both in terms of how individuals select a pupil-master through to monitoring of the skills training delivered during the training period. There were also respondents who suggested that the initial practical training and ongoing CPD requirements for barristers practising outside the Law Library should be subject to some regulation and oversight by the Authority.

- Recommendations for more fundamental change: There were some stakeholders who expressed the view in the consultation that more fundamental change was needed in the education and training system. Their suggestions included: the need for a clearer statement of what modern legal practitioner education was intended to achieve; greater consultation by current providers of stakeholders and more collaboration between the Law Society and Kings Inns and the Higher Education sector. There were also some respondents to the Authority's consultation who called for it to take on an explicit oversight role of legal education and training. This was underlined by the evidence from the QQI, which noted that international regulatory best practice involved a clear division between the regulation of professional education and training and the provision of training courses. There were a number who went further and argued for the opening of the legal education and training market to enable other providers to offer professional training to aspiring legal professionals.

7. How Does the Current System Measure up against best practice principles?

34. The review then took the evidence gathered through the consultation exercise and surveys and assessed it against the best practice principles previously elaborated. This resulted in the following assessment, summarised below.

a) Does the Legal Education and Training System meet Society's needs for legal practitioners?

35. The evidence submitted to the review suggests that stakeholder satisfaction with the current system of education and training for legal practitioners is very variable. Some law firms criticised the system of solicitor training, which they felt to be excessively expensive and ill-equipped to meet modern practice requirements. A range of public sector organisations also provided evidence to suggest that many legal practitioners do not currently meet acceptable standards of practice.

Moreover, evidence gleaned from an Omnibus consumer survey suggests that there are gaps in the market for different types of legal service provider.

b) Are the competencies required of a legal practitioner clear?

36. The review found that although both the Law Society and Kings Inns had set out syllabi for their courses, these were not derived from statements of what a competent legal practitioner might be, be able to do, and to what standard. The lack of such statements of competence and standards for solicitors and barristers makes it harder to accredit prior learning and thus to avoid unnecessary duplication in entrance examinations, or to create a system for the accreditation of potential new providers or a smoother mechanism for transfers between branches of the profession.

c) Is the system open to new entrants?

37. The review found that, whilst there were no direct numerical limits on entry into the legal profession, the prior requirement for trainee solicitors to obtain a training contract before embarking on their professional training did impose a ceiling on numbers qualifying. The gap between the growth of in-house practice and the limited number of in-house training contracts available, also suggests that capacity constraints could emerge in future.
38. Furthermore, the review found evidence of barriers which could have a negative impact on diversity in the profession. These factors included: The FE-1 examinations for aspiring solicitors and the difficulty for newly qualified barristers in earning a living.

d) Does the form and delivery of training arrangements support the achievement of competence?

39. The feedback from the consultation and surveys undertaken during the review, suggests that current training arrangements for qualification as either a solicitor or a barrister are insufficiently skills focused. There also appears to be room to build a stronger link between different stages of qualification and, in particular, between the vocational and practical stages. The objectives of practical training and how this training builds on the competencies obtained during the vocational stage appear to be undeveloped in both branches of the profession.

e) Do the systems of assessment and accreditation in place provide assurance that competence has been achieved?

40. The review found that some stakeholders were unhappy with the transparency of the systems of assessment used by the Law Society, both for the FE-1 and for the Professional Practice Course.
41. Accreditation systems are of limited current application to legal practitioner training since neither of the current providers of legal practitioner education is subject to a formal external accreditation framework. Continuous professional development training is also not accredited by either the Law Society or the Bar Library.

f) Is there appropriate governance and oversight over the system to legal practitioner education and training?

42. The Review Team's assessment was that governance and oversight were not currently appropriate because:
 - The existing statutory framework does not provide for neutral oversight from a body that is not a provider of legal education.
 - The governance system contributes to a lack of integration between the academic and vocational stages of qualification, leading to unnecessary costs and duplication.
 - There is insufficient independent accountability to stakeholders which makes the system less responsive to changing societal needs and which does not follow the norms of good regulatory practice.



8. What Proposals for Change Emerge from this Review?

43. The Review Team makes 14 proposals for change based on the evidence gathered and analysis undertaken during the review process.

Proposal 1: A clear definition of the competencies and standards required to practise as either a solicitor or barrister should be developed for both solicitors and barristers.

Following the findings of the review that there was considerable uncertainty both in the legal sector and in wider society, about what a solicitor or barrister should be able to do, and to what level of competence, the Review Team made a strong recommendation that competence statements should be developed for both professions. The advantages of these would be that they would provide clarity to:

- Consumers of legal services about the capabilities they could expect in their legal advisers
- Regulators of legal services, to help them make judgments about appropriate standards of behaviour and triggers for disciplinary action
- Prospective legal professionals, including those transferring between branches of the profession, or from abroad, about the skills and knowledge they will need to be able to demonstrate before they can be admitted
- Providers of legal education about the standards and competences their programmes must be able to deliver
- Accreditation bodies to assist them in assessing provision against demanded outcomes and benchmarking against national and international qualification frameworks.
- Awards and qualification bodies at home and abroad, to enable them to benchmark professional competencies against national and international qualifications frameworks.

The Review Team suggests that this competency-based approach could represent a turnkey solution for dealing with some of the issues facing the Irish Legal sector. A competence statement for solicitors and barristers could help the LSRA to develop the admissions and continuing competence framework for barristers practising outside the Law Library. It could help to eliminate unnecessary duplication in the training system by providing recognition for prior



learning and experience, and it lays the foundations for other providers to enter the market.

Proposal 2: Roles and Responsibilities of stakeholders in the legal education and training system reformed

It appears to the Review Team that for the Authority to be able to fulfil its responsibilities under the 2015 Act of maintaining and improving standards in the provision of legal services by legal practitioners, it should have a clear oversight role in the legal education and training system. This, coupled with the need for clear competence statements for legal practitioners leads to the proposal for a new architecture to be put in place to oversee the governance of the Irish legal practitioner education system.

The Review Team recommends that the Authority establishes a sub-committee, dedicated to overseeing the regulation of the education and training system for legal practitioners. This Legal Practitioner Education and Training committee (LPET) would not take over the day to day regulation of the system but it would be responsible for setting out the statement of competence and defining the standards which legal practitioners should achieve on qualification. The LPET committee would then be able to require existing providers of legal practitioner education to demonstrate how they met these standards and to enable new providers to explain how they would seek to meet them. The LPET committee need not develop a separate infrastructure to undertake provider accreditation, since it could leverage off the existing capabilities of the QQI.

The proposed architecture is set out in figure 1 below.

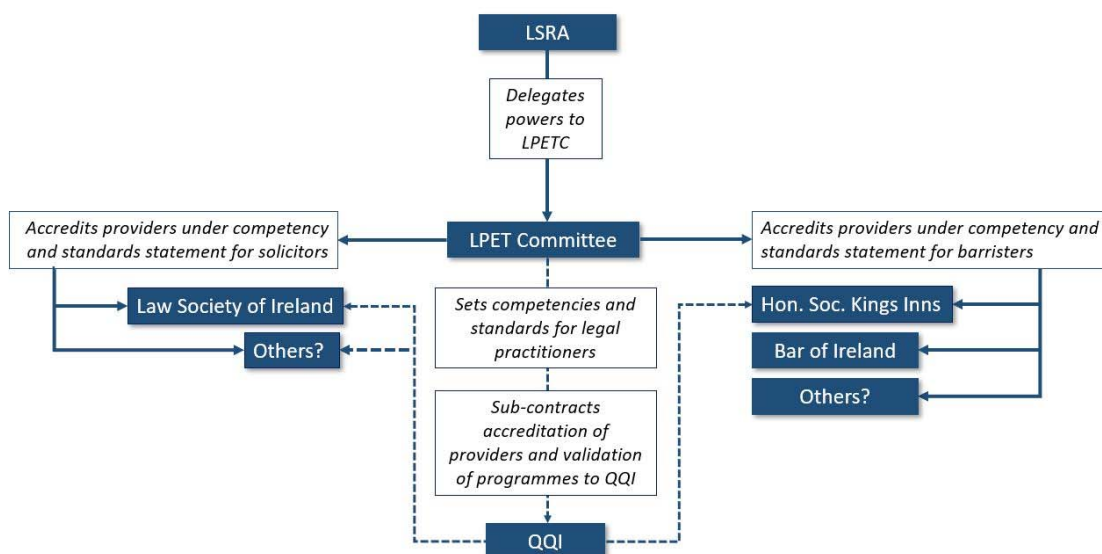
Proposal 3: An accreditation and validation framework should be developed for legal education and training

Although the Authority can leverage off the capabilities of bodies such as the QQI, the Review Team recommends that the proposed LPET committee is the body which is responsible for setting the policy framework for legal education and training, including for the accreditation¹ of legal education and training providers and for the validation² of programmes of legal education and training.

¹ Accreditation is an external quality assurance process designed to ensure that an educational institution can meet required standards. These include, for example, factors such as: Staff-student ratios, availability of teaching and learning resources, financial sustainability etc.

² Programme validation is a process designed to ensure that specific educational programmes meet the learning outcomes they are designed for.

Figure 1: Proposed New Architecture for Legal Practitioner Education and Training



Proposal 4: Programmes offered by existing and new providers to be accredited against the competency framework

The proposed competency framework, together with the accreditation and validation framework, will create the mechanism for ensuring that the programmes and teaching methodologies of the existing legal education providers, remain current and fit for purpose. It will also be the mechanism that permits new providers to apply to deliver programmes designed to meet the solicitor or barrister competence frameworks.

The Review Team recommends that the Authority should use the competency framework as a mechanism for authorising new providers and new routes to qualification. It is nonetheless important that any new programmes introduced as an alternative to the traditional routes, can deliver complete stages of the qualification process, so that students are not left with partial qualifications and no clear route to full admission.

Proposal 5: Assessment methodologies should ensure adherence to standards

A competence-based system permits flexibility in how standards are to be reached and thus enables practitioners to take different routes to qualification. In



order to reap the full benefits of this potential diversity it is important that stakeholders can be confident that providers are adhering to the same standards. The Review Team therefore recommends that some consistency is introduced into assessment methodologies used by different providers, to ensure consistency, reliability and fairness.

Proposal 6: Requirement for legal education and training providers to maintain ongoing quality assurance processes

The Review Team recommends that the LPET committee lays down a policy on quality assurance for all legal practitioner education and training providers. This should include annual reporting requirements, which specify in some detail the data that is required. This will then give the committee the basis for active monitoring of the standards of legal education and training.

Proposals 7 and 8: Admission to professional programmes should be based on recognised higher education level programmes benchmarked against the competence framework

The Review Team recommends that the duplication in legal education which currently exists because of the lack of recognition of higher education programmes, should be eliminated. It suggests that this could be done through the competence definition, which will provide a basis for benchmarking prior learning against the entry requirements for Kings Inns and the Law Society programmes. If new providers enter the market, they may determine for themselves whether any prior learning is required. The interest of the LPET committee should be in the standards achieved at the end of the education and training programme, rather than entry-level requirements.

Proposal 9: Non-law graduates to have alternative means to enter the profession, other than through FE-1 or the Kings Inns Diploma

The Review Team believes that new routes to qualification should be opened for non-law graduates through the adoption of a competence definition for legal practitioners. In the first instance, by defining the competences expected of a newly qualified solicitor or barrister, professional training course providers will be able, for example, to accept law conversion courses and map these against their requirements for entry and offer exemptions from examinations, where applicable. If other providers enter the market for legal practitioner qualification, they may choose to offer courses which have no prior legal knowledge



requirements, but which combine all the knowledge and vocational skills training required in a single course.

Proposal 10: Additional routes to qualification will encourage greater diversity in the profession

The Review Team recommends that attention is given to encouraging greater diversity in the profession through the creation of new routes to qualification. This needs to encompass diversity both in demographic characteristics (such as age, location and socio-economic grouping) and in practice area (i.e. to ensure that there is an adequate supply of criminal, consumer and in-house lawyers as well as those with a commercial focus).

Proposal 11: Admission responsibilities of professional bodies to be separated from delivery of education programmes

The Review Team recommends that in accordance with good regulatory practice, the existing professional training providers should separate their admissions processes from their training provision. This is an important step which will enable other providers to enter the market.

Proposals 12 and 13: Transfer arrangements between professions and for foreign transfers to be reviewed once a new competency framework is in place.

The Review Team recommends that transfer arrangements for transfers between the professions and for foreign transfers should be comprehensively reviewed once the new competency framework is in place.

Proposal 14: CPD programmes to be linked to competence frameworks and standards

The Review Team also recommends that both the Law Society and Bar of Ireland undertake a thorough review of their CPD programmes once the new competency framework is in place. The team also recommends that detail of requirements, in terms of hours and content, is set by the LPET committee, rather than by the professional bodies themselves.

The report contains a summary of how these different proposals relate back to the requirements of section 34 of the 2015 Act.



9. How to Implement the Review Team's Proposals

44. The final section of the report outlines the steps that could be taken to implement the Review Team's proposals. It suggests that these tasks should be allocated to various stakeholders in the education and training system.
45. In the first instance, many of the tasks of implementation would fall to the Authority itself. The priorities are for the Authority to:
 - Draw up detailed strategic reform plan to implement the
 - Identify legislative and regulatory amendments required
 - Undertake a scoping and feasibility assessment
 - Engage with stakeholders on planned implementation and key aspects of proposals
46. Once this high-level work has been done, the LSRA could then go on to:
 - Set a high-level strategic statement for the LSRA of its approach to standards and how these feed into the education and training system
 - Define the status, membership, remit and functions of LPET Committee
 - Engage with the QQI to ensure it can assist with validation and accreditation.
47. When the LPET committee has been established it will be tasked with:
 - Preparing detailed requirements for legal profession competence frameworks and approving these once submitted
 - Developing accreditation and validation framework and processes; and
 - Developing legal education and training Quality Assessment and periodic review framework and processes
48. Meanwhile, the existing professional training providers would need to:
 - Prepare their initial proposals for competence standards for solicitors and barristers respectively
 - Adjust their governance arrangements to separate out admission processes from training provision, where necessary
 - Undertake reviews of transfer arrangements and CPD systems once the new competence framework is in place
49. The Authority should also engage with the Law Society, the Bar and Kings Inns, to encourage them to consider what changes they could make to their own programmes



or processes which would move in the direction of travel outlined in this report, in advance of any enabling legislative change.

10. Conclusions

50. The review has found evidence of:

- a lack of clarity around the competencies required of a solicitor or barrister
- the existence of barriers to entry into the professions, in various indirect forms
- the existence of unnecessary duplication in learning and assessment
- a mismatch of the skills taught in current professional qualification courses with the needs of the users of legal services
- the existence of some quality gaps in current provision, and
- a lack of independent oversight of the system of legal practitioner education and training

51. The Review Team's proposals therefore aim to:

- provide a clear definition of professional legal competence for the professions, and ensure that the design of a new competence framework meets the requirements of all stakeholders
- remove barriers to access, including by reducing duplication in learning and in the costs and time required to qualify
- ensure that the provision and assessment of legal practitioner education is aligned with the goals of developing and assuring professional competence in the individuals undergoing training, and
- ensure ongoing independent oversight of legal education and training in the State

August 2018



**SECTIONS 1-2:
INTRODUCTION
AND FRAMEWORK
FOR ANALYSIS**



Section 1: Introduction

1.1. Origin and purpose of this report

- 1.1.1. The Legal Services Regulation Authority ('the LSRA' or 'the Authority') is required by the Legal Services Regulation Act 2015 ('the Act'), to undertake a review of the education and training of legal practitioners within two years of its establishment. The review must consist of an appropriate public consultation process followed by the submission of a report to the Minister of Justice and Equality ('the Minister') containing recommendations for any reforms required.
- 1.1.2. To carry out this review in a timely manner, the Authority commissioned a team of independent external experts³ ("the Review Team") to assist it. This expert team gathered evidence, elaborated an analytical framework and set out some suggested proposals to assist the Authority in preparing its own recommendations. This report is the result of this process and represents the views of the Review Team alone.

1.2. Requirements of the Act

- 1.2.1. Section 34(1)(a) of the Act states that the review must cover "the education and training (including on-going training) arrangements in the State for legal practitioners, including the manner in which such education and training is provided". Section 34(3)(b) invites the Authority to "make such recommendations as it considers appropriate" and section 34(3)(c) then sets out in much more detail the issues which the Authority is required to cover in its report. These include:
- 1.2.1.1. Recommendations on **the arrangements** that should be in place for the provision of the education and training. This covers:
- **Appropriate standards required** for the award of legal professional qualifications pursuant to courses of legal professional education and training;
 - arrangements necessary for **monitoring adherence** to these standards;

³ See annex A for details of the Review Team

- the **scope and content of the curriculum** for legal professional education and training, including the teaching methodology of legal education, legal ethics, negotiation, alternative dispute resolution and advocacy;
 - arrangements that would facilitate the **minimisation of duplication**, and consequent expense incurred, in the taking of examinations in legal subjects on the part of a person: (I) who wishes to undertake a course of legal professional education and who has obtained a third level law degree that includes one or more of the subjects that form part of that course, (II) who, being a solicitor, wishes to become a barrister, or who, being a barrister, wishes to be admitted as a solicitor.
- 1.2.1.2. Recommendations on the need for the **accreditation of bodies** to provide legal practitioner education and training, and, if so, recommendations for how bodies or institutions should be accredited:
- To procure provision of, or **to provide courses** of legal professional education and training;
 - To procure the holding of, or **to hold examinations**; and
 - **To award**, or procure the awarding of, diplomas, certificates or other awards.
- 1.2.1.3. Recommendations for any **reforms or amendments**, whether administrative or legislative, that are required to facilitate those arrangements.
- 1.2.1.4. And finally, recommendations on “**any other matters** that the Authority considers relevant and appropriate”.

1.3. Premise for this Review

- 1.3.1. In undertaking this review, the Review Team has taken as its starting point:
- The issues relating to legal practitioner education and training that were raised during the passage of the Act;
 - The significance of legal education and training to the functioning of the legal sector overall;

- The findings of previous legal education and training reviews; and
- The regulatory objectives laid down in the Act which must guide the exercise of the Authority's powers.

1.4. Issues raised during the passage of the Act

1.4.1. The following considerations relating to legal practitioner education and training arose during the debates in the Oireachtas leading to the passage of the 2015 Act:

(a) On regulation

1.4.1.1. Members of the Oireachtas clearly saw a role for the Authority in legal practitioner education and training; hence the oversight powers set out in section 34.

1.4.1.2. However, they also articulated the view that any intervention by the Authority on this issue should build upon, rather than cut across or duplicate, the regulatory regime governing third level and other education providers. This regime is set out in the *Universities Act 1997* and the *Qualifications and Quality Assurance (Education And Training) Act 2012*⁴.

(b) Relating to the demand for legal education and training

1.4.1.3. The Oireachtas debates recognised that there was a need to examine whether the current arrangements were impacting on access to the professions in both demographic and socio-economic terms. They also identified the need to investigate complaints by graduates about the duplication of courses, modules and requirements between the academic and professional frameworks and of the substantial costs which they incurred as a result.

(c) On the contents of current legal practitioner education and training

1.4.1.4. The debates also highlighted the need for the education and training system to reflect the changing business climate for professional services, which was likely to demand new technical and business skills of lawyers in future. Members also suggested that the

⁴ N.B. In August 2018 the Government published the Qualifications and Quality Assurance (Education and Training) Amendment Bill which will introduce some further relevant provisions for this review. These are considered further in section 3 of this report.



introduction of new legal business models as foreseen by the Act would also require different skillsets from practitioners.

(d) On Access to Justice

- 1.4.1.5. Finally, concerns were also expressed that the professional training regime might be impacting more generally on access to justice for citizens in terms of competitiveness and cost.

1.5. Relevance of Education and Training of Legal Practitioners to the wider legal services sector

- 1.5.1. The views expressed by members of the Oireachtas during the passage of the 2015 Act, underline the wider relevance of legal education and training to the functioning of the legal sector.
- 1.5.2. Most obviously, the education and training system creates a filter, which helps to determine the overall size of the legal professions, and which has an impact on their socio-economic, geographic and demographic make-up. The ease or difficulty of entering the legal market, and the rewards which follow from doing so, are inevitably correlated with the system of education and training.
- 1.5.3. This system also influences who does what within the legal sector. It sets out the starting point from which all skills in the sector are to be supplied. So, if clients or employers demand a different profile of qualified service provider from what is on offer generally in the market, the education and training system will determine how quickly and effectively the sector can respond. It will also determine the basic quality of service provider in the sector and what should reasonably be expected, in terms of competence, of an individual holding a reserved title in the legal sector.
- 1.5.4. Given how the education and training system can impact on the supply and demand for legal practitioners, the Review Team has taken a broad perspective in this report, which goes beyond a simple assessment of training arrangements such as curriculum or pedagogy.

1.6. Previous reviews of legal practitioner education in Ireland

- 1.6.1. There have been a few reviews of solicitor education and training undertaken in the past couple of decades, as well as reports into the functioning of the

legal sector which have touched on the legal practitioner education and training system in Ireland. These provide a useful starting point for the Authority's own review, even if the previous reviews were undertaken from different perspectives and with different objectives in mind.

(a) Previous reviews of solicitor education and training

1.6.2. In 2017, the Law Society of Ireland (LSI) commissioned its own review of the education and training arrangements for solicitors ("the Maharg report"), from a team of legal education academics led by Professor Paul Maharg of Osgoode Hall Law School, Ontario and Nottingham Trent University. This comprehensive body of work provided very useful background for the Review Team appointed by the Authority. The comparative analysis section of the Maharg report sets out a detailed history of the Irish legal education system from the perspective of the solicitor's profession⁵. A few points from this history are worth highlighting here:

- 1.6.2.1. Firstly, the last structural review of legal education for solicitors was undertaken in 1978. The essential parameters of the system that exists today were therefore determined over forty years ago. Ireland's economy and society have changed significantly during this period and so, even if changes have been made to the curriculum for solicitor training, the system is long overdue for a comprehensive review.
- 1.6.2.2. Secondly, any reviews of solicitor education which have been undertaken since this date, most notably in 1998 and 2007, have been carried out by members of the solicitor's profession⁶. This approach to any policy review runs the risk of confirmation bias, since those carrying out the review will have gone through the system they are being asked to assess. Not surprisingly therefore, all the reviews undertaken since 1978 have simply amended the existing system but otherwise left the current structure of solicitor education and training unaltered.
- 1.6.2.3. The Maharg review, responding to a brief set by the Law Society, follows in this vein – making suggestions for improvements within the current framework (see Annex E). These suggestions have

⁵ Pages 9-27 of Solicitor Education in Ireland – A Comparative Analysis, (Ching, Crewe, Maharg 2018)

⁶ The individual involved were not serving members of the Law Society Council or Education Committee which is why the Law Society describes these reviews as 'independent'.



subsequently been considered by an Education Review Group set up by the Law Society, which has set out its own 30 proposals (see Annex F). These have been adopted by the Law Society Council and will now be introduced. The detail of many of the Society's proposals for change is considered later in this report (see section 6).

(b) Previous reviews of Barrister Education and Training

- 1.6.3. In contrast, there is no statutory basis for the education and training of barristers which is, instead, based on Common Law. The power to call individuals to the Bar, and thus confer the title of 'barrister-at-law', resides with the Benchers of the Honorable Society of Kings Inns ('HSKI' or 'Kings Inns'). HSKI reported in its response to the Statutory Consultation that extensive external reviews of the professional course are carried out periodically and that "*any recommendations arising are implemented*". The structure of the professional course is, nonetheless, largely unchanged from the reforms implemented in 2004, following a review undertaken by former Attorney General Mr Dermot Gleeson SC⁷. The course was last reviewed in depth in 2014 by a panel of legal education experts chaired by The Hon. Mr Justice Brian Cregan.

(c) External Reviews of the Irish Legal Education and Training system

- 1.6.4. Whilst the LSI and HSKI/Bol have made some changes over the years to the arrangements for education and training in their respective branches of the profession, they have done so within a narrower context than that required of the LSRA and from the perspective of their individual branches of the profession. There are, however, wider systemic considerations which need to be considered. These have been addressed in a few important reports made by other bodies.
- 1.6.5. For example, in 2003, the Competition Authority ('TCA') commissioned a report⁸ from Indecon International Economic Consultants into the state of competition in various Irish professions, including solicitors and barristers. The Indecon report identified a few aspects of the legal education system for both branches of the legal profession which might restrict competition:

⁷ <https://www.lawlibrary.ie/rss/barreview/6-2004.pdf>

⁸ Report Prepared for The Competition Authority, Indecon (2003)

1.6.5.1. For solicitors, it suggested that:

“The Law Society’s monopoly on the provision of the professional practice courses for trainee solicitors is likely to restrict the number of entrants to the profession” and

“the requirement that barristers have three years post-qualification experience in order to transfer to practise as solicitors is likely to act as a barrier to entry to the solicitor’s profession”.

1.6.5.2. For barristers, it suggested that the following education and training arrangements could act as restrictions on competition:

“The King’s Inns monopoly on the provision of the Diploma in Legal Studies course” and “on the Barrister-at-Law (BL) degree course, which is the principal educational requirement to qualify as a barrister in Ireland; and

“The pupillage requirements for new barristers, particularly the absence of remuneration for pupils”.

1.6.6. In addition, although Indecon did not identify this as an education and training barrier to competition, it did note that the absence of the profession of licensed conveyancers could reduce competition in that segment of the market. This is relevant to the legal education debate because it touches upon the demand and supply of skills within the legal sector.

1.6.7. TCA followed up the Indecon review with its own report and reform recommendations in 2006. It recommended that:

“An independent body should set standards for solicitor training and approve institutions that wish to provide such training;

An independent body should set standards for barrister training and approve institutions that wish to provide such training;

The current system of reciprocity in recognition of legal training of non-EEA lawyers should be replaced by mirroring the existing provisions for EEA lawyers;

Unnecessary barriers to switching between the branches of solicitor and barrister should be removed; and that

Qualified persons other than solicitors should be able to provide conveyancing services.”



- 1.6.8. The TCA's recommendations helped to shape the draft Legal Services Regulation Bill and fed into the powers set out in section 34 of the 2015 Act.
- 1.6.9. In its response to the statutory consultation held under this review, the Competition and Consumer Protection Commission ('CCPC'), drew attention to the conclusions of its predecessor body. The CCPC acknowledged that whilst there had been some changes in the education and training system for both legal professions since 2006, the monopolies which characterise and drive these markets had nonetheless remained in place.
- 1.6.10. Whilst these various prior reports point to issues that might be addressed in the current review, the Authority must necessarily take its own unique perspective, and be guided by its statutory regulatory role and the objectives laid down for it in the Act.

1.7. The LSRA's Regulatory Objectives

- 1.7.1. The Review Team recommends that the LSRA bases its approach to this review on its role as a regulatory authority. Its core functions, as set out in section 13(1) of the Act are to "*regulate the provision of legal services by legal practitioners*" and to "*ensure the maintenance and improvement of standards in the provision of such services in the State*". This implies that the Authority should approach the issue of legal practitioner education and training through the perspective of the regulatory objectives laid down for it in the Act. These are reprised in Box 1, below.

Box 1.1: LSRA's Regulatory Objectives

Section 13(4)

- (a) protecting and promoting the public interest,
- (b) supporting the proper and effective administration of justice,
- (c) protecting and promoting the interests of consumers relating to the provision of legal services,
- (d) promoting competition in the provision of legal services in the State,
- (e) encouraging an independent, strong and effective legal profession, and
- (f) promoting and maintaining adherence to the professional principles.

Section 13(5)

The professional principles are —

(a) that legal practitioners shall —

- (i) act with independence and integrity,
- (ii) act in the best interests of their clients, and
- (iii) maintain proper standards of work,

(b) that legal practitioners who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court by virtue of being legal practitioners, shall comply with such duties as are rightfully owed to the court, and

(c) that, subject to any professional obligation of a legal practitioner, including any obligation as an officer of the court, the affairs of clients shall be kept confidential.

- 1.7.2. The Authority has a strong interest in the efficient and effective functioning of the education and training system for legal practitioners because of the role that this system plays in ensuring that the regulatory objectives are met. For example:
- 1.7.2.1. The legal education and training system can help to reinforce and promote **the public interest** by ensuring that Society's needs for a good quality, independent, ethical, diverse, accessible, affordable and competitive legal profession are being met. There is also a public interest in being assured that there is a robust, yet fair, education and training system, including assessment that ensures that those entitled to practise have the requisite knowledge, skills and professional attributes.
 - 1.7.2.2. It can impact on the **administration of justice** by ensuring, or failing to ensure, an adequate supply of well qualified legal practitioners to facilitate the smooth functioning of the justice system. In the past this demand was easier to meet, but the increasingly complex array of requirements around legal aid and costs, and a growing demand for alternative dispute resolution, suggest that legal practitioners will need a broader dispute resolution skillset and a more detailed procedural knowledge in future.
 - 1.7.2.3. It can contribute to the protection of **consumer interests**, by ensuring that the legal practitioners who serve consumers are available where they are needed (i.e. that the supply and distribution of practitioners is sufficient); that they are able to provide the right kinds of services (i.e. both in terms of the knowledge they have and the skills they display) and that they are affordable. This relates directly to the costs of the legal education system, since the costs of qualification are often passed on to the users of legal services⁹. It is also important to note, as emphasised by FLAC in its response to the statutory consultation, that legal education and training systems can also have a direct impact on access to justice.

⁹ See for example - <https://harvardlawreview.org/2013/12/the-price-of-legal-education/>

- 1.7.2.4. It can **promote competition** by ensuring that there is an attractive pool of talent which will encourage and enable new legal service providers to enter the market. If the supply of new entrants into the sector is limited purely by the demands of incumbent legal service providers, competition and innovation in the sector may be stifled as a result. It can also promote competition and innovation within the education and training system itself, which can have a positive impact in terms of cost of training, quality and innovation.
- 1.7.2.5. It can **promote an independent, strong and effective legal profession** by ensuring that all legal practitioners have the appropriate level of competence to be effective in carrying out the reserved activities permitted to them, and in meeting wider societal expectations of what their title implies. Legal education and training should also promote the independence of the profession through a firm grounding in ethics and professional conduct. The education and training system also plays a role in strengthening the profession: by ensuring that practitioners are equipped with up to date knowledge and skills to enable them to compete in the increasingly challenging professional services market, nationally and internationally; and by equipping them to be adaptable to the changing circumstances of the market and economy.
- 1.7.2.6. Finally, legal education and training plays a role in ensuring the essential **adherence to professional principles**. The fulfilment of this regulatory objective requires that legal practitioners should be well versed in their ethical duties and that these should be reinforced in both initial and ongoing training.
- 1.7.3. All these different considerations suggest that the Authority needs to take a broad approach to the requirements imposed on it under s.34 of the 2015 Act. The Review Team therefore recommends that the Authority should seek in this review primarily to address the fundamental question of whether Ireland's current legal education and training system is 'fit for purpose'. The next section of this report will explore in greater detail what this means in practice and against what criteria this assessment should be made.

1.8. Outline of the report

- 1.8.1. This report is divided into three distinct parts setting out the framework for the review, the evidence gathered and the analysis of the Review Team.

1.8.2. Following this introduction, section 2 sets out the framework which the Review Team has used for assessing the current arrangements for legal practitioner education and training. This draws on all the considerations raised in this introduction.

1.8.3. Sections 3-6 set out the evidence presented to the review:

- Section 3 describes the current arrangements for legal practitioner education and training;
- Section 4 outlines the consultation mechanisms, who was consulted and who responded;
- Section 5 then summarises the views given to the Authority through the consultation and various other mechanisms, including surveys and interviews;
- Section 6 summarises the suggestions for reform and change put forward by respondents to the consultation;

1.8.1. Sections 7-9 then contain the analysis and proposals of the Review Team:

- Section 7 maps the existing legal practitioner education system and evidence collected onto the assessment framework described in section 2.
- Section 8 sets out the Review Team's proposals stimulated by the evidence gathered; and

1.8.2. Finally, section 9 provides some suggestions on how these proposals might be implemented in practice and section 10 offers some brief concluding observations.

Section 2: What does a 'fit for purpose' Legal Practitioner Education and Training system look like?

2.1. A Theoretical Framework

- 2.1.1. If the Authority is aiming to determine whether Ireland's legal practitioner education and training system is fit for purpose, the question then arises - how can it make this assessment? The following section of this report outlines a framework that the Review Team has used both to consider the feedback obtained from stakeholders and to make proposals for change. This framework is commended to the Authority as a useful mechanism to enable it to draw its own conclusions.
- 2.1.2. There are two questions that will underpin any judgment on a system's fitness for purpose: Firstly, is it effective (i.e. does it meet the objectives set for it) and secondly, does it operate efficiently? (i.e. are the outcomes it produces proportionate to the resources it consumes in terms of time and money). How effectiveness and efficiency translate into practical characteristics that might be seen in an education and training system is explored in greater detail below. The result is a framework or set of principles against which Ireland's legal practitioner education and training system can be judged methodically and dispassionately.
- 2.1.3. It is important to note that the framework set out below consists of principles that should be reflected in the design of an education and training system. It certainly does not suggest that Ireland should seek to follow the model of any other jurisdiction. A system of legal education and training will only be fit for purpose if it reflects its own state's legal system as well as its particular economic, societal and public interest needs.

2.2. What are good design principles for a system of legal practitioner education and training?

- 2.2.1. A fully effective and efficient legal education and training system might be expected to have the following characteristics:

(a) It meets Society's needs for legal practitioners

- 2.2.2. It should aim to meet Society's qualitative and quantitative needs for legal practitioners and should also be sufficiently flexible to accommodate changes in these needs. These needs may be reflected in:
- **The statutory framework**, which sets out at a high-level what types of legal practitioners exist and what rights and responsibilities apply to them, supplemented by Common Law;
 - **Public interest considerations**, such as the good administration of justice, maintenance of the rule of law through an independent, principled and ethical legal profession, access to justice and the provision of appropriate services to vulnerable or disadvantaged groups in society.
 - **The requirements of various economic actors** (businesses, individual consumers, the public sector etc) as well as the economic interests of the state, which will include its international competitiveness.
- 2.2.3. The system should also be built to be efficient. In other words, the costs to society should be proportionate to the benefit it derives from well-trained legal practitioners. Lawyers who are inadequately trained can increase costs to society by causing delays in the administration of justice, making mistakes which are time-consuming and costly to rectify or recompense, and otherwise failing to play their critical role in facilitating the conduct of business and management of risk. On the other hand, lawyers who are over-trained will have incurred significant costs in training which are frequently passed on in higher costs to clients. 'Over-trained' could mean, subject to unnecessarily high standards in terms of the content or duration of training, given the activities to be undertaken or training which duplicates prior learning. Training which is unduly onerous, lengthy, or repetitious will also have a deterrent effect on new entrants.

(b) It defines the competencies required of a legal practitioner

- 2.2.4. Given that legal professions are usually defined by a reserved title and/or right to practise, it is important to understand how this title, and any rights that go with it, have been granted. This can be done through a definition of the competencies that legal practitioners require to be able



to deliver the services that society needs at the standard required. The competencies required may differ depending on type of legal practitioner concerned and the practice rights which go with that title.

2.2.5. A competency is the ability “*to perform the tasks and roles required to the expected standard*”¹⁰. A statement of the competencies needed to obtain a professional title, such ‘legal practitioner’, must therefore have two characteristics: Firstly, it must define the activities, attributes and skills which a ‘legal practitioner’ would be expected to be able to perform or to possess; and secondly, it should define the standard to which those individuals would be expected to perform, thus giving some indication of quality. Statements of competency can be defined at different levels, thus distinguishing for example, the competence that might be expected of a Senior Counsel compared to a newly admitted barrister.

2.2.6. Definitions or Statements of Competencies are a fundamental building block in any professional legal education and training system, since they perform the following functions:

- They provide a mechanism for ensuring that Society’s needs for legal professionals are adequately reflected in the training and education system. They also make it easier to ensure that the education and training system can keep up to date with changing societal needs.
- They communicate to prospective lawyers (and to other stakeholders) the competencies and standards the former can expect to develop and be assessed against, and their place in the overall route to professional qualification.
- They enable qualifications and awards made as part of the professional qualification process to be accurately mapped against national and international standards. This allows individuals to move from earlier stages of education into professional education without duplicating learning, it facilitates movement between different branches of the profession which might have different initial entry requirements, and it enables international transfer of qualifications.
- Finally, they provide a benchmark to quality assure education, training and assessment against which to quality assure.

¹⁰ See McKee, A., & Eraut, M. (eds.) (2013) *Learning Trajectories, Innovation and Identity for Professional Development*. Springer.

(c) It is open and accessible to new entrants

- 2.2.7. A statement of competence can also support the competitiveness and accessibility of a legal education and training system. In general, the education and training system will benefit from being open to anyone who can achieve the required competences. Direct restrictions on numbers of new entrants into regulated professions have long been considered inimical to competition and actively discouraged at both a European and national level¹¹¹². But even where there is no direct limit on the number of new entrants who can enter the legal profession, indirect restrictions should also be avoided. These can arise in the form of unintended barriers to entry faced by individuals from disadvantaged socio-economic backgrounds or underrepresented demographic groups. Openness can also be supported by good governance practices, see for example the European Court case of *Mauri v Italian Ministry of Justice*¹³.
- 2.2.8. As a matter of good practice, entry requirements should encourage, or at least not restrict, the diversity of those seeking to become legal practitioners. They should, to the greatest extent possible, aim to reflect the make-up of society in general. Legal professions which reflect the full diversity of society have the potential to serve the public interest by:
- Promoting greater societal confidence in professions that are better representative of the population it serves through diverse professionals serving their local and national communities;
 - Increasing access to legal services for consumers; and
 - Providing business benefits to legal service providers by ensuring access to the widest pool of talent and enabling them to meet client needs.

¹¹ See, for example, *Article 15 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and Article 21(2)(a) of S.I. No. 533/2010 - European Union (Provision of Services) Regulations 2010.*

¹² See, also the *Gilmer* case [1989] ILRM 59

¹³ In CJEU case, *C-250/03 Giorgio Emanuele Mauri v Ministero della Giustizia and Commissione per gli esami di avvocato presso la Corte d'appello di Milano (17/02/2005)*, the issue of a potential infringement of EU law on competition grounds was raised by an applicant to the Italian Bar. This individual claimed that because entry to the Italian legal profession was controlled by existing members of the Bar, with whom he would be a potential competitor, then they had a vested interest in refusing new entrants. The Court found against the applicant but only on the grounds that the Italian system was not solely controlled by practising lawyers but included e.g. members of the judiciary and government appointees amongst those conducting interviews for new entrants to the profession.

- 2.2.9. Overall, therefore, the costs and time involved in professional training leading to qualification should be proportionate to the need to develop the defined competences for practice. The need for proportionality further reflects the trend in regulatory requirements at a European level¹⁴.
- 2.2.10. Openness and accessibility are not just attributes of the system that are needed for new entrants to the profession. The possibility for new providers to enter the system should also be recognised, since this will make it more likely that there are no capacity limits in the system and that diversity is also reflected in training offered. The potential benefits of this are elaborated on further below.

(d) Training arrangements support the achievement of competences

- 2.2.11. An effective system of training and education should also provide flexibility in how the required competences for practice can be achieved, by allowing variety in the structures and formats of training. The existence of a variety of training pathways available to achieve the required competences will make it more likely that society's needs are met. For example, as both criminal and commercial legal practitioners need to become more specialised to fulfil the increasingly diverse needs of their different types of client, different training programme structures and routes to qualification would be more likely that these needs were met on qualification. Provided that core competences have been met, this approach allows for the development of appropriately diverse skillsets within the framework of a single profession.
- 2.2.12. The existence of varied routes to qualification, in the form, for example, of a complete set of full-time, part-time and distance learning opportunities, will also further support the development of a diverse legal profession.
- 2.2.13. The pedagogies employed in the training which leads to legal practitioner qualifications should also be designed to build the competencies required by stakeholders. In other words, if qualified practitioners are required to demonstrate strong practical advocacy skills in the work setting which they are entering, then the way in which training is delivered should be explicitly designed to build those skills and simulate practical, real-world experiences.

¹⁴ See *Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions*



(e) Systems of assessment and accreditation provide assurance that competencies have been achieved

- 2.2.14. An effective system of legal education and training will need to ensure that there is an appropriate mechanism for assessment and accreditation, to ensure that required competences are achieved and that legal education providers are appropriately equipped to deliver training to the required standards.
- 2.2.15. Assessment systems should enable competencies to be assessed at the required standard. This implies that the format for assessment should be both valid (i.e. capable of assessing required competencies at the required level) and reliable (i.e. capable of producing consistent results). This is clearly more difficult where a system contains a variety of training providers, however it is not impossible to achieve validity and reliability in such a system. Across common law jurisdictions, there are varying levels of standardisation, with the US and Singapore having standardised, centralised assessments, as compared to New Zealand and Scotland, where assessment is provided by different bodies.
- 2.2.16. Assessment processes should be transparent, and their form and rationale clearly communicated to prospective candidates. It is in the interests of accessibility to the profession and good educational practice that assessment processes, their form, cost and how they assess competence is clear to prospective candidates. Similar transparency and quality of information should be required for practical training where this is offered as a distinct separate stage in qualification.
- 2.2.17. Assessment processes should be robust and fair, with fulfilment of these criteria being demonstrated through the publication of detailed data. By making assessment data available, it becomes possible to undertake a more rigorous assessment of the reliability of the assessment process, the extent to which it contributes to diversity objectives and, potentially, the effectiveness of varying training approaches.
- 2.2.18. The cost of assessment to prospective professionals should be proportionate to the need for the required competencies to be assessed with sufficient rigour. The financial investment in qualification may be a barrier to entry to a profession for some; but provided assessment of defined competencies remains valid and reliable in assuring quality standards of professionals, there should not be systemic financial disincentives to undertaking those assessments.

- 2.2.19. Assessment mechanisms to test competencies should be appropriately rigorous without requiring undue amounts of time or incurring disproportionate costs to candidates, assessment bodies or other stakeholders. The expenditure of costs and time to maintain standards should be balanced against the need to increase access and diversity
- 2.2.20. Providers of legal education and training should be subject to accreditation to ensure that they are able to deliver and assess training to the appropriate standard. A standard for training providers should be elaborated based on the competencies required of newly qualified legal practitioners. Such a standard might include, for example: Details of the specific proposed training programme(s) (such as their size, scope, form, method of delivery and capacity) and their ability to provide appropriate training in the competencies required; as well as broader institutional information, such as financial sustainability and adequacy of resourcing; governance arrangements and stakeholder representation, risk profile and appropriate review processes. An appropriate accreditation framework can also help in aligning professional qualification programmes with broader national or international higher education frameworks.
- 2.2.21. Following initial evaluation, training providers should be subject to regular quality assessment through mechanisms used in higher education, such as critical self-analysis, as well as periodic re-evaluation against the established standards. The costs of accreditation should reflect the need for rigour but avoid duplication.

(f) There is appropriate governance and oversight

- 2.2.22. An effective system of legal education and training must be subject to appropriate governance and oversight. Good governance underpins the legitimacy of all organisations that function in society. It sets the parameters under which management and administrative systems operate, providing for proper accountability and transparency.
- 2.2.23. Governance arrangements can also provide mechanisms to ensure that all stakeholder views are considered and that arrangements are regularly reviewed against needs to ensure that they remain fit for purpose.
- 2.2.24. Although external scrutiny of both academic institutions and legal professions must accommodate their essential independence from government. Governance arrangements for higher education and legal professional qualifications have progressively developed around the



world¹⁵ and through competency models have found an appropriate balance between independence and accountability.

- 2.2.25. Governance arrangements should be proportionate and ensure that regulation does not impose an unduly heavy burden which would either discourage new entrants to the profession, or the provision of legal education, or result in unnecessary costs that will most likely be passed onto clients.

2.3. How does Ireland's Legal Education and Training System measure up?

- 2.3.1. The following sections set out some background on the current system of education and training for both solicitors and barristers and consider the views and recommendations advanced by stakeholders during the review. This then provides a basis for assessing how well Ireland's current legal practitioner education and training system is measuring up against the principles outlined above.

¹⁵ See for example the European Higher Education Area (EHEA) (www.ehea.info) on the Bologna Process and the Sorbonne Declaration 1998



SECTIONS 3-6: EVIDENCE



Section 3: Ireland's Current system of Legal Practitioner Education and Training

3.1. The framework for regulating legal services in Ireland

3.1.1. Ireland has a framework for regulating legal services which is based on the reservation of certain rights and activities to individuals holding specific titles. In the case of solicitors, these rights and activities are set out in legislation, notably the Solicitors Acts of 1954, 1960 and 1994, and the Courts Acts. The practice rights of barristers in contrast, emanate from Common Law.

(a) Solicitors

3.1.2. Solicitors have exclusive rights to provide certain reserved services, notably conveyancing and probate. They are also permitted to argue in court, hold funds on behalf of clients, give binding undertakings, and practice on their own from qualification. Section 24 of the Solicitors Act 1954 vests the sole authority to provide a course of legal professional education leading to qualification as a solicitor, in the Law Society of Ireland. The qualification process for solicitors is also outlined in detail within various Acts, most recently, the Solicitors (Amendment) Act 1994.

(b) Barristers

3.1.3. Barristers have rights of audience in all courts of Ireland by virtue of the title of "barrister". This title is conferred by the Chief Justice of Ireland who calls candidates to the Bar following graduation from the Barrister-at-Law course provided by the Honorable Society of Kings Inns.

3.1.4. Although the LSRA was created by the 2015 Act and given the tasks of regulating "*the provision of legal services by legal practitioners*" and ensuring "*the maintenance and improvement of standards in the provision of such services in the State*"¹⁶. It was not given any explicit role of legal practitioner education and training beyond the requirement that it keep under review and make recommendations on admissions requirements and policies, and on the arrangements for education and training both for admission and ongoing practice.¹⁷

3.1.5. The Authority was, however, given the responsibility under Part 9 of the 2015 Act for the registration and regulation of barristers practising outside the Law Library. The implementation of this registration scheme will inevitably bring with it the need for the Authority to make decisions on the standards to admission and ongoing competence to be required of these practitioners.

¹⁶ Legal Services Regulation Act. Section 13.1.

¹⁷ Act 13.2.a

3.2. Legal Education and Training Leading to Admission

3.2.1. Traditionally, legal education and training is conceived of as a three-stage process, involving:

- An academic stage
- A vocational stage
- A practical training stage

How these three stages are treated by the two branches of the Irish legal profession are set out in detail below.

3.3. The Academic Stage

3.3.1. The academic requirements for qualification as either a solicitor or a barrister in Ireland are not formally integrated into the process of professional education and training, as they are in some other jurisdictions¹⁸. Instead, admission to the professional stage of qualification requires a prior level of academic legal knowledge, which is tested on entry by the professional bodies (see below).

3.3.2. According to the Higher Education Authority, there are approximately 19 undergraduate law degrees offered by 13 third-level institutions¹⁹. In 2016, there were 1,172 newly enrolled law undergraduates in Ireland, with 897 studying at universities and 275 at Institutes of Technology. The content of these degree level courses varies and historically, Higher Education Institutions (HEIs) retained a high level of independence in the content of the courses they provided and the awards they made as a result.

3.3.3. In recent years, however, the level of centralised regulation of higher education in Ireland has increased. In 2012, the QQI – Quality and Qualifications Ireland (QQI) was created as an independent State agency, with responsibility for promoting quality and accountability in education and training services in Ireland. The QQI replaced the Further Education and Training Awards Council, the Higher Education and Training Awards Council and the National Qualifications Authority of Ireland and incorporated the functions of the Irish Universities Quality Board.

3.3.4. The QQI's responsibilities include: the external quality assurance of further and higher education and training, and the validation of programmes and awards. The QQI is also responsible for the

¹⁸ See for example, the Qualifying Law Degree system in England and Wales

¹⁹ <http://hea.ie/statistics-archive/>

maintenance, development and review of the National Framework of Qualifications (NFQ)²⁰, which describes what learners should know, understand and be able to do based on a given qualification. The Irish NFQ, was established in 2003.

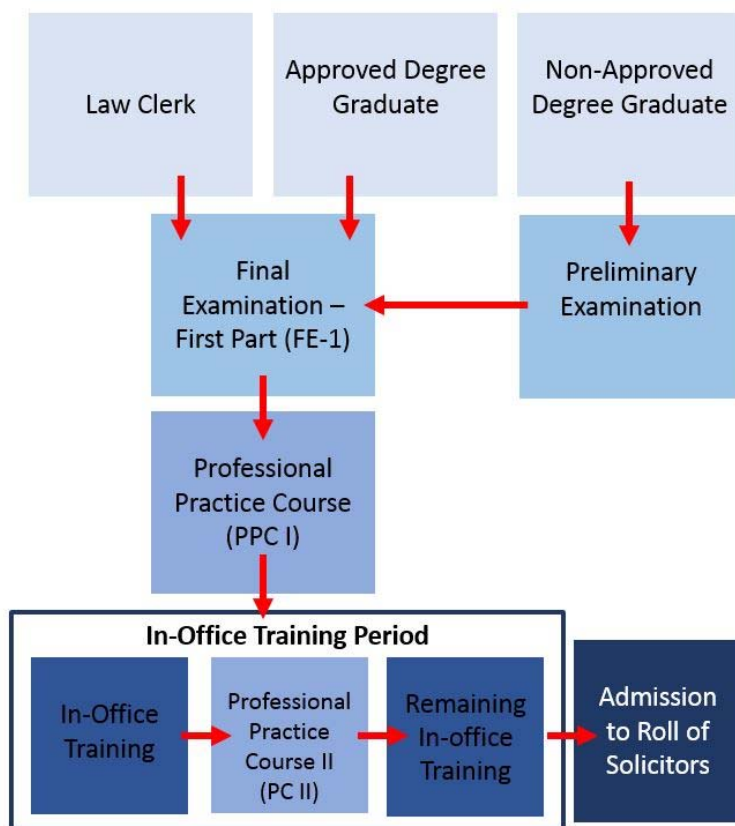
- 3.3.5. In terms of the legal sector, the QQI is now responsible for validating degree programmes offered by Irish HEIs that are then recognised and benchmarked against the NFQ. HEIs are also now subject to statutory external review of their quality assurance procedures by QQI. Although QQI does also offer validation of programmes leading to professional qualifications in other sectors, it does not do this for the legal sector, for reasons largely associated with the timing of the 2012 legislation establishing the QQI, which took place during the consideration of the Bill which eventually led to the Legal Services Regulation Act 2015
- 3.3.6. In August 2018, the Government published the Qualifications and Quality Assurance (Education and Training) Amendment Bill. If enacted, clause 22 contains provisions which would authorise QQI to broaden the scope of the 'awarding bodies' it covers, and to include their qualifications in the NFQ. The definition of 'awarding bodies' includes those leading to professional qualifications.
- 3.3.7. The Bill further establishes that providers associated with the listed awarding bodies *"shall establish and implement quality assurance procedures and other provisions"*, as other providers offering programmes leading to NFQ awards must do. Once this Bill has been enacted the Law Society and Kings Inns could therefore voluntarily agree to engage in this process of external validation, benchmarking against the NFQ and quality assurance.

3.4. The Professional Stage - Qualifying as a Solicitor

- 3.4.1. The Solicitors Acts give the LSI exclusive jurisdiction in relation to "the provision of courses and the holding of examinations for the education or training (or both) of ...persons seeking to be admitted as solicitors." The outline process of qualification as a solicitor is set out in figure 3.1 below.

²⁰ [http://www.qqi.ie/Pages/National-Framework-of-Qualifications-\(NFQ\).aspx](http://www.qqi.ie/Pages/National-Framework-of-Qualifications-(NFQ).aspx)

Figure 3.1: Route to Qualification as a Solicitor



Source: *The Law Society of Ireland*

Entry into solicitor training

- 3.4.2. Individuals wishing to enter the solicitors' profession, may currently take one of two routes: The preliminary examination route for non-graduates or non-approved graduates, or the Final Examination - First Part (FE-1) for approved degree graduates and law clerks.

The Preliminary Examination

- 3.4.3. This examination for non-graduates is held once a year, usually in March. The closing date for applications is normally six weeks before the examination and candidates must be at least 21 years old. The examination consists of the following papers:

- English
- Irish Government and Politics
- General Knowledge



3.4.4. The pass mark in each paper is 50% and all three papers must be passed at one sitting to pass the examination. Candidates are allowed a maximum of 3 attempts. Law graduates from recognised awarding institutions in Ireland or the UK are exempt from this examination. They are not required to apply for exemption, but instead must provide a copy of their degree certificate when applying to sit the Final Examination - First Part (FE-1). Foreign graduates, law clerks, holders of other qualifications and others may apply to the Education Committee for an exemption to the examination.

The Final Examination - First Part (FE-1)

3.4.5. The FE-1 is the gateway into the process of solicitor qualification. Only those who have passed or gained an exemption from the Preliminary Examination can sit this examination. The FE-1 is held twice a year, normally in Spring and Autumn, and consists of the following eight papers:

- Company Law
- Constitutional Law
- Law of Contract
- Criminal Law
- European Union Law
- Equity
- Real Property, and
- Law of Tort

3.4.6. Candidates can take up to five years to pass all the FE-1 papers but must attempt and pass at least three subjects in their first sitting. Most aspiring solicitors take at least two sittings to complete the examination.

3.4.7. The number of candidates sitting the FE-1 has fluctuated significantly over the last decade, as shown in table 3.1. Figures followed by an asterisk are for only one of the two annual sittings.

3.4.8. The number seeking admission to the solicitors' profession therefore appears to follow, with a lag, the economic fortunes of the economy. The pass mark for FE-1 is set at 50% and pass rates can vary between papers, as shown in table 3.2.

Table 3.1: FE Sittings

Year	Number of FE-1 sittings
2007	3,328
2008	2,662*
2009	1,997*
2010	1997*
2011	3,062
2012	1,331*
2013	1,726
2014	2,003
2015	2,151
2016	2,058
2017	2,222

Source: Law Society of Ireland

Table 3.2: FE-1 Pass Rates: 2015-2017

Subject	Mar-15	Oct-15	Mar-16	Oct-16	Mar-17	Oct-17
<i>Tort</i>	65%	65%	65%	72%	62%	69%
<i>Contract</i>	61%	57%	62%	54%	68%	60%
<i>Property</i>	75%	79%	74%	76%	80%	74%
<i>Equity</i>	52%	60%	57%	58%	68%	48%
<i>Criminal</i>	68%	63%	76%	69%	73%	68%
<i>EU</i>	70%	81%	71%	77%	75%	77%
<i>Company</i>	68%	66%	74%	66%	81%	60%
<i>Constitutional</i>	66%	65%	82%	76%	72%	71%

Source: Ching, Crewe and Maharg, 2018

- 3.4.9. The low pass rate for the FE-1 examination, has led to the emergence of test preparation courses, provided independently of the Law Society. While some firms may choose to reimburse their trainees for these fees, they are under no obligation to do so. It has been estimated that a student who takes a face-to-face preparation course, and pursues all the requisite assessments, could potentially spend up to €4,000 on fees alone to get through the FE-1 stage of qualification.²¹

²¹ Maharg Report, p.99.



Enrolment as a Trainee with the Law Society

- 3.4.10. Following the completion of the academic stage of the qualification process, applicants must secure a training contract with a training solicitor to proceed to the vocational stage of qualification and enrol in the first part of the Professional Practice Course (PPC I) course. The training solicitor will provide training and experience over the two-year in-office period, which generally begins after completion of the PPC I, although credit may be obtained for up to 4 months spent in a solicitor's firm prior to commencing the Professional Course.
- 3.4.11. Candidates who have passed all the FE-1 examinations can apply to join the Trainee Recruitment Register, which is a list of candidates looking for training contracts. Applicants join the register by uploading their CV directly to the LSI website. Any firm or solicitor wishing to recruit a trainee can access the register through the LSI website.
- 3.4.12. Once a training contract has been secured, an aspiring solicitor must apply to the Law Society for consent to enter into a training contract, pay the course fee and return their Deed of Indentures before they can commence the PPC I.

The Professional Practice Courses

- 3.4.13. The Law Society runs two full-time courses in Dublin for trainees - the Professional Practice Course I (PPC I) and the Professional Practice Course II (PPC II). The PPC I is a full-time six-month course with 363 contact hours (187 lecture hours and 176 tutorial hours). The PPC II runs for eleven weeks and has 63 contact hours (34 lecture hours, 19.5 tutorial hours, 7.5 workshop hours and 2 plenary session hours in the compulsory subjects).
- 3.4.14. The PPC I takes place annually, starting in early September and running until March-April (inclusive of examinations). Applications for the course must be made by June. The core subjects covered during this first stage of vocational training are:
- The foundation course
 - Applied land law
 - Business law
 - Probate and Tax
 - Core legal skills (Civil and Criminal Advocacy, Interviewing and Advising, Legal Research, Legal Presentation Skills, Legal Writing and Drafting, Negotiation and Professional Development) and Legal Irish

- 3.4.15. The PPC I is assessed by the Final Examination – Second Part (FE-2) which aims to assess by examination (pass mark 50%), whether students have reached the level of proficiency required for the early years of practice as a solicitor.
- 3.4.16. PPC II begins every year in March/April for a period of 3 months, following the first 11-month block of in-office training. The subjects covered on the PPC II are:
- Professional Practice, Conduct & Management (PPCM)
 - English and Welsh Property Law and Practice
 - Family & Child Law
 - Employment Law
 - Elective choice (options available from LSI)
- 3.4.17. Table 3.3, below, sets out the intake into the PPC I over the past decade. This shows that numbers are beginning to recover back to pre-crisis figures but have some way to go to reach previous peaks.

Table 3.3: PPC I Intake at Blackhall Place, 2007-2017

Year of entry onto PPC I	Number of enrolments
2007	671
2008	595
2009	455
2010	414
2011	412
2012	392
2013	353
2014	388
2015	384
2016	404
2017	414

Source: Law Society of Ireland Annual Reports

In-Office Training

- 3.4.18. As shown in box 3.1, the practical in-office training period for solicitors is 24 months in duration and is normally conducted in two periods around the PPC II course, as outlined below. However, a trainee may apply for credit of up to four months for work done in a solicitor's office pre-PPC I.

- 3.4.19. Training contracts can be undertaken in private practice law firms, in the legal office of a company or institution, or in state and semi-state bodies. Training solicitors are required to provide the trainee solicitor with reasonable and appropriate instruction and experience in various areas of legal practice. With the prior consent of the LSI and the training solicitor, a trainee may spend up to eight months of the in-office training period working on secondment elsewhere.

Box 3.1: Breakdown of Training Contract:

In-office training post-PPC I	11 months
Attendance on PPC II	3 months
In-office training post-PPC II	10 months
TOTAL	24 months

OR

In-office training pre-PPC I	4 months (maximum)
In-office training post-PPC I	11 months
Attendance on PPC II	3 months
In-office training post-PPC II	6 months
TOTAL	24 months

Source: The Law Society of Ireland

- 3.4.20. At present, all trainees are required to have general practice experience in multiple areas. This programme of practice areas is broken into five blocks. Trainees are required to gain reasonable and appropriate instruction and experience in the areas of Block 1 and 2, and in areas covered by two of the remaining three blocks:

- Block 1: Conveyancing and Landlord & Tenant Law
- Block 2: Litigation
- Block 3: Wills, Probate and Administration of Estates
- Block 4: Commercial Law; or Company Law; or Insolvency Law
- Block 5: Criminal Law and Procedure; or Employment Law; or EU Law; or Family Law; or Intellectual Property Law; or Pensions Law; or Planning and Environmental Law; or Revenue Law and Taxation; or another specialised area of Law.

3.4.21. The Law Society carries out in-office visits to training firms to check that appropriate in-office training programmes are being undertaken. The Society also stipulates that in addition to the obligations of the Apprenticeship Deed of Indentures, law firm employers must pay their trainees, at least the minimum wage, whilst they are working in the office of the training solicitor and during the PPC II. There is, however, no obligation on employers to pay a trainee during the first period of the professional course (PPC I).

Admission - Completing training contract and taking parchment

3.4.22. Trainees who have passed all the PPC examinations and successfully completed their period of in-office training may then apply to the Law Society to have their names entered on the Roll of Solicitors. Training principals must certify that their trainees are fit and proper persons to enter the profession but are not expected to offer any further qualitative judgments on a trainee's performance during their training contract period.

3.4.23. The overall number of newly admitted solicitors coming through different routes is shown in table 3.4 below, which also illustrates new entrants into the solicitors' profession coming through different routes, which are explored later in this section of the report.

Table 3.4: Numbers Entering the Solicitors Profession

Route to Qualification

<i>Year</i>	<i>Qualifying trainees</i>	<i>Barristers</i>	<i>Foreign lawyers</i>	TOTAL
2007	539	3	100	642
2008	667	11	99	777
2009	615	9	79	705
2010	657	6	63	729
2011	625	9	84	718
2012	453	3	69	525
2013	468	10	75	553
2014	475	15	67	557
2015	233	15	111	359
2016	525	34	847	1406
2017	423	33	594	1050

Source: Law Society of Ireland

The costs of qualifying as a solicitor

- 3.4.24. The overall costs of qualifying as a solicitor in Ireland are hard to determine, since much will depend on whether individuals choose to take preparatory courses prior to sitting the FE-1 examinations and whether they are able to participate in full time employment during this period. The headline costs which may be incurred, are shown below:

Table 3.5: Costs of Qualifying as a Solicitor

<i>Stage of Qualification</i>	<i>Cost</i>
<i>Preliminary Examination</i>	€410
<i>FE-1</i>	€105 per exam (€840 in total)
<i>PPC I</i>	€8,300.00 – This is an approved course for postgraduate grant purposes via Student Universal Support Ireland (SUSI)
<i>PPC II</i>	€4,500.00
<i>Register of Apprentices</i>	€840.00
<i>Entry to Roll of Solicitors</i>	€300.00

Source: Law Society of Ireland

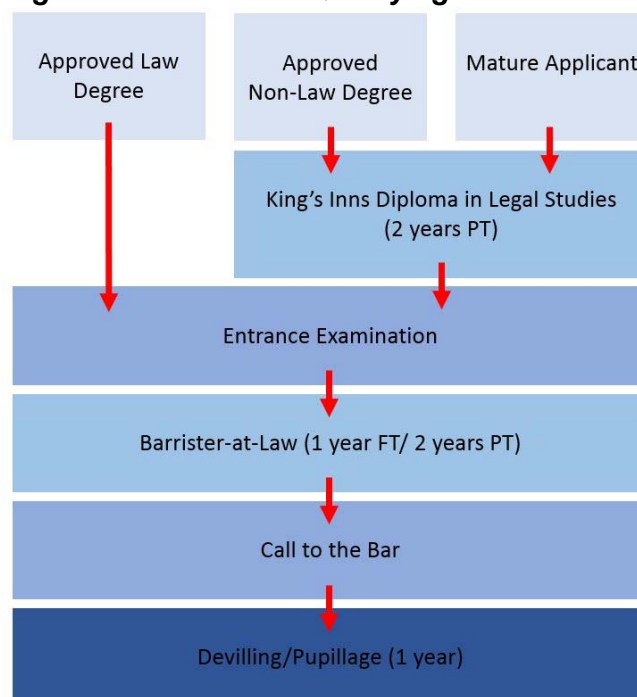
Time to qualification

- 3.4.25. The time involved in qualifying as a solicitor in Ireland will depend heavily on an individual candidate's path to qualification and success in examinations.
- 3.4.26. The length of a candidate's vocational stage of qualification is primarily dependent upon the ability to pass FE-1 examination and secure a training solicitor. The FE-1 consists of eight papers, which are generally completed over two sittings, although a candidate could sit all eight papers in one sitting if they so choose. The FE-1 is open for two sittings a year, in March/April and October, and could take eight months for two back-to-back sittings, or longer, if re-sits are necessary.
- 3.4.27. Following the FE-1, candidates must secure a training solicitor and enrol in PPC I, which runs for a fixed term of six months from September each year. However, enrolment is only available to those who can secure a training solicitor, and this may delay the candidate's ability to start the six-month course. In-office training and the integrated three-month PPC II course run over 24 months. This term is fixed.
- 3.4.28. Overall, therefore, the process to qualify as a solicitor can take 3-5 years to complete post-graduation.

3.5. The Professional Stage - Qualifying as a Barrister

- 3.5.1. Common Law vests the power to admit a person to the degree of Barrister-at-Law (BL) in the Benchers of King’s Inns. An individual who has been granted the degree is then entitled to be called to the Bar by the Chief Justice, to be awarded the title of barrister and to practise as a barrister before all courts in Ireland. The Benchers include all judges of the Superior Courts and a number of elected practising barristers. They have the responsibility for ensuring that a candidate being admitted to the degree of Barrister-at-Law is fit to practise.²²
- 3.5.2. To obtain the title of “barrister-at-law”, a candidate must successfully complete of two separate stages of qualification: an academic or substantive law stage (“the academic stage”) and a professional vocational training phase (“the vocational stage”). These are illustrated in figure 3.2 below.

Figure 3.2: Routes to Qualifying as a Barrister



Source: Bar of Ireland

²² Honorable Society of King’s Inns (2018). “Submission to the Legal Services Regulatory Authority on Education and Training Arrangements in Ireland for Legal Practitioners” (King’s Inns Submission), p. 6.



- 3.5.3. The academic stage of qualification may be satisfied by the completion of an approved law degree or by the Diploma in Legal Studies offered by the Honorable Society of Kings Inns.

Kings Inns Entrance Examinations

- 3.5.4. Before candidates can commence the vocational stage of qualification, they must first sit the entrance examination to King's Inns. Individuals who hold an approved qualification²³ may obtain exemptions in up to six of the subjects in which aspiring barristers are expected to be able to know and apply the law. These possible exemptions may include:
- Land Law (include the Law of Succession);
 - Equity and the Law of Trusts;
 - Jurisprudence;
 - Company Law
 - Law of the European Union, and
 - Administrative Law
- 3.5.5. Kings Inns grants exemptions for the above subjects to holders of 74 degrees awarded in Ireland and Northern Ireland, although the latter must take the examination in Land Law. These exemptions are based on HSKI's own process of accreditation of the programmes of the awarding universities.
- 3.5.6. All candidates, regardless of their prior academic background, must nonetheless take the entrance examinations in five core topics:
- Law of Torts
 - Contract Law
 - Law of Evidence
 - Constitutional Law, and
 - Criminal Law
- 3.5.7. The Entrance Examinations take place each year in August over the course of one week, and each paper consists of a written 3-hour assessment in which candidates are expected to identify legal issues arising in the questions, explain the relevant law clearly and concisely under time pressured conditions and apply the law to the facts of the problem. The pass mark in the assessments is 50%.²³ Candidates who pass the examination may commence the professional course in October of the same year or defer their place on the course for a year for reasons of work or study.

²³ Honorable Society of King's Inns Submission, p. 13.



The Professional Course

- 3.5.8. Any prospective student who holds an approved qualification and who successfully completes the King's Inns Entrance Examination can enter the professional course offered by HSKI. The professional course is aimed at enabling students to acquire the skills, knowledge and professional and ethical values required to practise at the Bar, bridging the gap between the academic study of law and practise of law.
- 3.5.9. The course covers
- Civil and Criminal Practice and Procedure
 - Legal Skills (advocacy, consultation, opinion writing, drafting and legal research)
 - Alternative Dispute Resolution
 - Land Law and Introduction to Conveyancing
 - Statutory Irish language legal terminology
 - Ethics & Professional Responsibility
 - Practice management
 - Mock trials and demonstration trials
 - Court attendance
 - Advance study of one specialised practice area.
- 3.5.10. The professional course may either be taken over one year as a fulltime course, between October and late May, or over two years as a modular part-time course. There are 18 units (11 civil units, and 7 criminal units) with each "unit" involving eight classroom sessions of 105 minutes each. The final pass mark for the Barrister-at-Law course is 50%. In the 2016/17 cohort, there was a pass rate of 96% for full time students and 86% for part-time students.²⁴

Call to the Bar

- 3.5.11. After passing and completing the Barrister-at-Law course from King's Inns, candidates may submit application to be "called to the bar" and admitted to practice by the Chief Justice of Ireland. Newly qualified barristers are then eligible, but not obliged, to apply to become a member of the Law Library.

²⁴ Statistics provided by the Honourable Society of King's Inns (2018).

Table 3.6: Number of BL Graduates and Barristers Joining the Law Library, 2008-18

Year	Numbers graduating from HSKI professional course	Total Numbers admitted to BL degree²⁵	Number of New Entrants to Law Library
2008	227	243	194
2009	111	125	146
2010	193	205	149
2011	166	189	141
2012	181	198	153
2013	154	163	135
2014	136	145	105
2015	129	139	96
2016	116	128	92
2017	109	134	89

Source: Bar of Ireland, HSKI

Enrolment as a Pupil Barrister in the Law Library

- 3.5.12. Graduates of the Kings Inn BL programme are qualified barristers with full rights of audience, as soon as they are called to the Bar. However, historically, many barristers have chosen to apply at this stage to seek to develop their practice through, and become members of, the Law Library. Applications to join the Law Library may be made during a short window each year between April and June, otherwise a late fee applies.
- 3.5.13. Membership of the Law Library requires barristers to undergo a period of pupillage for at least one year. Pupillage represents the practical stage of qualification which would normally be expected of all legal practitioners holding a regulated title, but it is only a formal requirement for those seeking to practice through the Law Library. A growing number of those holding the title of barrister in Ireland are now practising in-house in the corporate or public sector or in employment with law firms. Since the passage of the 2015 Act, these individuals are now registered and regulated by the LSRA.
- 3.5.14. To register for pupillage, a barrister must secure a “Master” who will be responsible for their practical training. A Master must be a barrister who has practised for at least seven years, is not a Senior Counsel, is registered with the Bar Council and may be found on its Register of Masters. Masters are expected to supervise their pupils as they exercise certain practical skills required of barristers and to teach their pupils the etiquette and customs of the Bar. Nonetheless, pupils remain practising

²⁵ These numbers include those admitted by transfer arrangements as well as those admitted by the Kings Inns course.

barristers and as such are entitled to accept work on their own behalf, subject to the other provisions of the Code.²⁶

- 3.5.15. The Master/Pupil relationship is overseen by the Education & Training Committee, a permanent committee of the Council of the Bar of Ireland. This committee has issued guidelines for Masters and Pupils which sets out the nature of the relationship and the skills which pupils are expected to develop during their training. As of June 2018, there were 249 barristers listed on the Register of Masters with the Bar of Ireland.
- 3.5.16. In addition to the day-to-day supervision through pupillage, pupil barristers must also attend the New Practitioners' Programme, which is a series of CPD events provided by the Bar Library, aimed at those new to practice as a barrister.

The costs of qualifying as a barrister

- 3.5.17. As in the case of qualification as a solicitor, it is hard to pin down the precise costs of qualification from the stage of enrolment in the professional course, since these will depend on individual circumstances. Table 3.7 nonetheless sets out some headline figures.

Table 3.7 Costs of Qualifying as a Barrister

<i>Stage of Qualification</i>	<i>Cost</i>
<i>HSKI Entrance Examination fees</i>	€600 application fee (€1000 late fee)
<i>BL Course fees</i>	€12,560
<i>Call to Bar</i>	€150 to lodge application (€800 late fee)
<i>Law Library Entry Fee and First Year Subscription</i>	€1,500 + €1,825 = €4125

Source: HSKI and Bol

- 3.5.18. Of course, the most significant costs for individuals seeking to qualify in the Law Library, is the fact that they are generally unremunerated during their year of pupillage and it can take some time to build up a viable practice at the Bar. As in the case of prospective solicitors, some candidates choose to undertake refresher/preparatory courses at independent colleges prior to sitting the Kings Inns entry examinations, even though HSKI actively discourages this practice.

²⁶ See Section 8.7 of the Code of Conduct for the Bar of Ireland (2014)



Time to qualification as a Barrister

- 3.5.19. The entrance examinations for Kings Inns are held in early September each year and applications for these examinations, including degree transcripts which will provide for exemptions, must be lodged by 1 July at the latest. The BL course may then be taken on either a one year (October-May) full-time or two-year part-time basis. Admission ceremonies for barristers then take place in July and October.
- 3.5.20. A law graduate who wished to enter the legal profession, could therefore graduate from their University or IT in June and obtain the right to practise as a barrister in all Courts in Ireland by the following July. This contrasts with process of admission to the solicitor's branch of the profession, as aspiring solicitors are unlikely to gain access to the Law Society's Professional Course until the following September after graduation.
- 3.5.21. The difference in timing in these two routes is made more relevant by the existence of transfer arrangements, which allow for legal practitioners to switch between the different branches of the profession.

3.6. Transfer arrangements

(i) Transfer into the barrister's profession

- 3.6.1. Irish solicitors may be admitted to the Bar if they have continuously held a practising certificate from the Law Society of Ireland for three years or more. Prior to being admitted, the solicitor must attend the Solicitor Transfer Course at King's Inns which takes place over four weeks in June each year. This course focuses on areas of specific relevance to the Bar in which solicitors will not have had as much experience in their prior practice.
- 3.6.2. Prior to enrolling on the Transfer Course, a transferring solicitor must submit the following documentation to Kings Inns:
- A letter from the Law Society of Ireland certifying his removal from the Roll of Solicitors
 - a statutory declaration that he has ceased to have any financial interest in any solicitor's business or practice
 - a certificate from the President of the Law Society of Ireland stating that he is a fit and proper person to be called to the Bar
 - a completed declaration for admission to HSKI and to the degree of Barrister-at-Law (the certificate which is included in the declaration must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal therein must be signed by a bencher of the Society), and



- an undertaking in writing to keep two terms of commons in accordance (3 dinners each term) after call during the first two years of practice at the Bar of Ireland

(ii) Transfers into the solicitor's profession

- 3.6.3. Barristers are permitted by Section 51 of the Solicitors (Amendment) Act, 1994, to transfer into the solicitor's profession without needing to undergo the full training programme prescribed for trainee solicitors. A barrister may apply to become a solicitor where they have been called to the Bar of Ireland and for a minimum of three years have practised as a barrister in the state, been a member of the Judiciary, been employed in the provision of services of a legal nature, and/or been employed by the State in the provision of services of a legal nature.
- 3.6.4. Barristers wishing to transfer, must provide the following documentation to apply for admission to the Roll of Solicitors:
- A certificate of good standing from two benchers of King's Inns
 - A certificate from the King's Inns Registrar confirming the applicant passed the Barrister-at-Law degree, certifying the results and the date they were called to the Bar
 - An up-to-date CV setting out history of their work at the Bar or as a member of the Judiciary, and/or the history of their employment
 - In the case of a term of employment, a reference from the applicant's employer confirming the period that the applicant has been engaged under a contract of employment fulltime in the provision of legal services and nature of the work done, along with a character reference from outside the firm to verify the applicant's work
 - Confirmation of voluntary disbarment from King's Inns
 - Details of the office of a practising solicitor where the applicant intends to complete any in-office period
 - If applying for in-office experience exemption, confirmation from the applicant of the basis of the application, and
 - Application fee of €70
- 3.6.5. Following the receipt of this documentation, the applicant may be called for interview by the LSI. The application is then referred to the Education Committee of the LSI for a decision on eligibility to be admitted to the Roll of Solicitors and what conditions, if any, may apply.
- 3.6.6. All barristers seeking to transfer are also required to attend the Law Society's Essentials of Legal Practice course (ELPC), which runs annually in August/September each year. This covers Professional Conduct, Solicitors' Accounts, Probate and Taxation and Conveyancing. Attendance at all modules is compulsory, and there is no examination. Fees for the 2018 ELPC are €2,830 - €3,100.

- 3.6.7. Transferees are also obliged to spend a maximum of six months in the office of a practising solicitor. At the end of this in-office period, applicants must submit a letter from the practice confirming the period worked, nature of work and confirm the experience was equivalent to that of a solicitor.
- 3.6.8. On the completion of the ELPC, the in-office period and on satisfaction of any other conditions outlined by the LSI Education Committee, the transferee may apply to be admitted to the Roll of Solicitors. The fee for enrolment is €300.
- 3.6.9. Transfers between the solicitor and barrister professions in Ireland have been steadily increasing in recent years, as shown in table 3.8.

Table 3.8: Transfers between branches of the legal profession, 2012-17

Year	Number of Barristers Transferring to the Solicitors' Profession	Number of Solicitors Transferring to the Barristers' Profession
2012	3	7
2013	10	2
2014	15	0
2015	15	1
2016	34	1
2017	34	2
TOTAL	111	13

Source: Bar of Ireland

3.7. Transfer Arrangements for Foreign Lawyers

- 3.7.1. There are three types of routes for lawyers from other jurisdictions who may seek to qualify as Irish legal practitioners:
- Practitioners from Northern Ireland
 - EU lawyers (and part qualified lawyers)
 - Lawyers from other jurisdictions

(i) Foreign transfers into the solicitor's profession

- 3.7.2. Applicants from other jurisdictions must apply for a Certificate of Eligibility to the Law Society (application fee: €430). How these

applications are treated will then depend on the qualification of the applicant.

- 3.7.3. Lawyers qualified in England and Wales and Northern Ireland may obtain admission as an Irish solicitor through a simple application procedure involving submission of their certificates of admission in England and Wales.
- 3.7.4. Foreign lawyers who have first qualified in a limited number of Common Law jurisdictions²⁷, foreign lawyers whose have requalified but have less than three years PQE in England and Wales or Northern Ireland and EU/EEA lawyers who are not established in Ireland, must sit the Qualified Lawyers Transfer Test (QLTT) to qualify as Irish solicitors.
- 3.7.5. The test consists of an oral examination in Professional Conduct²⁸ and written examinations in:
- Constitutional Law and Criminal Law, or Company Law (at the option of the candidate)
 - Contract and Tort
 - Land Law and Conveyancing
 - Probate and Taxation
 - Solicitors' Accounts, and
 - EU Law
- 3.7.6. Candidate numbers for the QLTT rose to 82 in 2017. This increase appears to be largely due to the potential implications of Brexit, since the largest increase has come from Scottish solicitors sitting the examination.

(ii) Foreign Transfers into the barristers' profession

- 3.7.7. Members of the Bar of Northern Ireland who have been in practice for at least three years immediately preceding their application may be admitted to the degree of Barrister-at-Law and called to the Bar without taking any aptitude test or examination. Applicants are required to provide certificates of good character from the Lord Chief Justice of Northern Ireland and copies of their practising certificates. Unlike the automatic transfer procedure for English solicitors into the Irish Bar, English barristers must sit the King's Inns aptitude test.
- 3.7.8. Lawyers qualified in other EU Member States, who are not established in Ireland and covered by the Lawyers Establishment Directive (98/5/EC), may transfer into the Irish barrister profession by applying for the King's Inns Barrister-at-Law degree and being called to the Bar of Ireland, in accordance with EU law on the mutual recognition of professional

²⁷ See list of eligible jurisdictions on LSI website <https://www.lawsociety.ie/Public/Foreign-Lawyers/Cert-of-Eligibility/>

²⁸ But NB. See the LSI Proposal 18 in Annex F

qualifications.²⁹ EU lawyers must submit evidence of their training and qualifications in their home Member State. An assessment is then made of the extent to which the qualifications are sufficiently like those of an Irish barrister. Applicants are generally required to sit an aptitude test in one or more subjects before being admitted to the degree and called to the Bar. Checks will also be made regarding the applicant's character, potential bankruptcy and good standing with their home Bar.

3.8. CPD – Maintaining Competence

- 3.8.1. In common with most other legal professions in developed jurisdictions, both solicitors, and barristers practising through the Law Library, are subject to continuing professional development obligations. There are, however, no formal requirements currently imposed on barristers practising outside the Law Library.
- 3.8.2. The requirements for solicitors are set out in Statutory Instrument³⁰, which stipulate the hours of attendance at CPD which practising solicitors must complete each year, to retain the right to practise. Current requirements are for 20 hours of CPD, with at least three hours of management and professional development courses and two hours of regulatory CPD. Additional requirements are applied for those involved in money laundering compliance. Reduced hour requirements may be applied to older solicitors, those on maternity leave, newly-qualified solicitors and others. The evolution of CPD requirements on solicitors in recent years is illustrated in table 3.9 below.
- 3.8.3. The Law Society has an active Professional Training section which provides a wide range of conferences, symposia, workshops, eLearning courses and master classes, but there is no obligation on solicitors to obtain their CPD from the Law Society.
- 3.8.4. The Bar requires members of the Law Library to undertake 12 hours of CPD activities between October 1 and September 30 of each legal year. A minimum of one hour of this must be obtained through attendance at an ethics seminar but the balance may be acquired through a variety of means, including attendance at courses, lecturing, voluntary work etc. Members of the Law Library are required to certify annually that they have complied with the minimum CPD requirement. Compliance with this requirement is then overseen by the Regulation Department of The Bar of Ireland who maintain an auditable database of each individual members' CPD.

²⁹ Directive 2005/36/EC (as amended by Directive 2013/55). SI No. 139 of 2008 Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 states that the Council of King's Inns is the designated competent authority for the profession of barrister in Ireland, for the purpose of applying the directive.

³⁰ Currently the Solicitors (Continuing Professional Development) Regulations 2017 (S.I No. 529 of 2017



- 3.8.5. Members may be excluded either permanently or temporarily from membership of the Law Library, where they have failed to comply with CPD requirements. Where exclusion is for CPD non-compliance, reinstatement can be achieved within one month if the member can show that they are compliant. If a member fails to rectify their non-compliance over a longer period, they would then need to re-apply to the Education Committee for reinstatement.
- 3.8.6. The next section of the report looks in more depth at the evidence presented to the Review Team of how the system described above is working in practice and what practitioners and users think of it.



Table 3.9 CPD Requirements for Solicitors

Year	Statutory Instrument	To whom these regulations apply	Provision of CPD	Modification of CPD Requirement	Certifying CPD
2018	S.I No. 529 of 2017 – came into effect 1 January 2018. [Revokes S.I. No. 480 of 2015]	a. a solicitor in the full-time service of the State; and b. a solicitor who holds a practising certificate in respect of all or any part of a practice year.	20 hours minimum of CPD of which min. three hours of management and professional development skills and min. two hours of regulatory matters and may be completed by means of e-learning and/or group study and/or written relevant material A solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake, as part of his or her obligations to undertake CPD during each practice year, at least three hours of regulatory matters of which at least two hours shall be accounting and anti-money laundering compliance.	a. Newly admitted solicitor b. Senior Practitioner c. Maternity, parental, carer, adoptive leave d. Illness, retirement, unemployment, substantive reasons cases e. Part-year practice in any cycle period f. Part-time practice	a.) Solicitor must certify to the Society and verify such certification, if so requested by the Society b.) Solicitor in full-time service of the State shall within 2 months following end of practice year, certify completion of CPD requirements
2016-2017	S.I. No. 480 of 2015 – came into effect 1 January 2016. [Revokes N.I No. 501 of 2012 and S.I. No 329 of 2014]	a.) solicitor in the full-time services of the State; and b.) solicitor who holds a practice certificate in respect of all or any part of the first or second cycle	First cycle [1 January – 31 December 2016]: min. 18 hours ; min. three hours of management and professional development skills and min. two hours of regulatory matters (e-learning, group study, and or/ written relevant material). Second cycle [1 January – 31 December 2017]: min. 20 hours ; min. three hours of management and professional development skills and min. two hours of regulatory matters (e-learning, group study, and or/ written relevant material). In both the first and second cycle , a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake, as part of his or her obligations to undertake CPD during	a. Senior Practitioner b. Maternity, parental, carer, adoptive leave c. Illness, retirement, unemployment, substantive reasons cases d. Part-year practice in any cycle period e. Part-time practice	a.) Solicitor must certify to the Society and verify such certification, if so requested by the Society b.) Solicitor in full-time service of the State shall within 2 months following end of practice year, certify completion of CPD requirements



Year	Statutory Instrument	To whom these regulations apply	Provision of CPD	Modification of CPD Requirement	Certifying CPD
2013-2015	S.I. No. 501 of 2012 – came into effect 1 January 2013. [Revoked S.I. No. 452 of 2009]	a.) solicitor in the full-time services of the State; and b.) solicitor who holds a practice certificate in respect of all or any part of the first, second or third cycle.	each practice year, at least three hours of regulatory matters of which at least two hours shall be accounting and anti-money laundering compliance. First cycle [1 January – 31 December 2013]: min. 14 hours of which min. three hours of management and professional development skills and min. one hour of regulatory matters (e-learning, group study, and or/ written relevant material). Second cycle [1 January – 31 December 2014]: min. 15 hours of which of which min. three hours of management and professional development skills and min. one hour of regulatory matters (e-learning, group study, and or/ written relevant material). Third cycle [1 January – 31 December 2015]: min. 16 hours of which of which min. three hours of management and professional development skills and min. one hour of regulatory matters (e-learning, group study, and or/ written relevant material).	a. Newly admitted solicitor b. Senior Practitioner c. Maternity, parental, carer, adoptive leave d. Illness, retirement, unemployment, substantive reasons cases e. Part-year practice in any cycle period f. Part-time practice	a.) Solicitor must certify to the Society and verify such certification, if so requested by the Society b.) Solicitor in full-time service of the State shall within 2 months following end of practice year, certify completion of CPD requirements
2010-2012	S.I. No. 452 of 2009 – came into effect 1 January 2010 [Revoked S.I. No 807 of 2007]	a.) solicitor in the full-time services of the State; and b.) solicitor who holds a practice certificate in respect of all or any part of the first, second or third cycle.	First cycle [1 January – 31 December 2010]: min. 11 hours of which min. three hours of management and professional development skills and min. one hour of regulatory matters (e-learning, group study, and or/ written relevant material). Second cycle [1 January – 31 December 2011]: min. 12 hours of which of which	a. Newly admitted solicitor b. Senior Practitioner c. Maternity, parental, carer, adoptive leave d. Illness, retirement, unemployment, substantive reasons cases e. Part-year practice in any cycle period	a.) Solicitor must certify to the Society and verify such certification, if so requested by the Society b.) Solicitor in full-time service of the State shall within 2



Year	Statutory Instrument	To whom these regulations apply	Provision of CPD	Modification of CPD Requirement	Certifying CPD
			<p>min. three hours of management and professional development skills and min. one hour of regulatory matters (e-learning, group study, and or/ written relevant material.</p> <p>Third cycle [1 January – 31 December 2012]: min. 13 hours of which of which min. three hours of management and professional development skills and min. one hour of regulatory matters (e-learning, group study, and or/ written relevant material.</p>		<p>months following end of practice year, certify completion of CPD requirements</p>
2008-2010	<p>S.I. No. 807 of 2007 – came into effect 1 January 2008 [Revoked S.I. No. 37 of 2003]</p>	<p>a.) solicitor in the full-time services of the State; and</p> <p>b.) solicitor who holds a practice certificate in respect of all or any part of the first, second or third cycle.</p>	<p>First cycle [1 January – 31 December 2008]: min. 10 hours of CPD of which a min. of three hours of management and professional skills, max. two hours of e-learning, and the remaining number through group study.</p> <p>Second cycle [1 January – 31 December 2009]: min. 10 hours of CPD of which a min. of three hours of management and professional skills, max. two hours of e-learning, and the remaining number through group study.</p> <p>Third cycle [1 January – 31 December 2010]: min. 15 hours of CPD of which a min. of four hours of management and professional skills, max. three hours of e-learning, and the remaining number through group study.</p>	<p>The Society may, in exceptional circumstances and subject to such conditions as the Society deem appropriate, modify any requirement or provision of these Regulations.</p>	<p>a.) Solicitor must certify to the Society and verify such certification, if so requested by the Society</p> <p>b.) Solicitor in full-time service of the State shall within 6 months following end of practice year, certify completion of CPD requirements</p>



Section 4: What do Stakeholders think of the Current System for the Education and Training of Legal Practitioners?

4.1. Methodology for gathering input to the review³¹

- 4.1.1. The 2015 Act requires the Authority to conduct “*an appropriate public consultation process*” as part of the statutory Section 34 review under the Act. Given that this is the first time for a few decades that the system of legal practitioner education and training in Ireland has been reviewed, the LSRA requested the Review Team to seek views from as wide a range of stakeholders as possible.
- 4.1.2. Several different techniques were therefore used to elicit opinion from different stakeholder groups and input was sought between early May and mid-July 2018, supplementing the formal consultation exercise outlined below.
- 4.1.3. The starting point for opinion gathering was naturally the statutory consultation procedure, which was launched on 4 May through the publication of a short discussion paper (see **Annex B**). This paper, which contained several questions stimulated by the requirements of the Act, was published on the Authority’s website and circulated directly to a distribution list of 187 organisations and individuals who had either expressed a prior interest in the issue to the Authority or whose views were likely to be pertinent. A link to the consultation was also published on a dedicated website created for the review (www.lpet-review.org). The consultation closed on 15 June. In total, the Authority received 38 responses, from 37 organisations and 1 individual. A list of those who agreed to make their responses public is available at **Annex C**.
- 4.1.4. To reach key stakeholder groups who would be less likely to respond to a formal consultation, the research team designed several short, dedicated opinion surveys for key target groups:
 - A survey for students interested in careers in law was circulated via the law departments of Universities and Institutes of Technology
 - A survey for solicitor trainees was circulated via the Law Society, several law firms and local Bar Associations
 - A survey of trainee barristers was circulated via the Honorable Society of Kings Inns and the Bar Library

³¹ Terminology: Opinion/Input is used as catch all terms – former refers to positive statements and latter normative, evidence is what was formally submitted in writing to the SC and views are fed in through interview



- A survey of training principals in law firms was circulated to a representative group of firms contacted via the Law Society Directory. The largest 20 law firms were all contacted, along with the managing partners of 20 smaller firms, in Dublin and the regions. A few local Bar Associations also circulated the questionnaire to their members
- A survey of in-house lawyers was undertaken with the assistance of lawyers on the General Counsel (GC) Powerlist³². Out of the 97 individuals on this list, 63 were contactable and were asked if they wanted to provide input through a telephone interview. They were also asked to forward a questionnaire to their teams about the extent to which the education and training process met the needs of commerce and industry. In addition, lawyers at 20 government departments or public agencies were also invited to give their view about legal practitioner training through an online survey
- A sample of pupil masters (20 - with a range of different characteristics) were invited to give their views on the training given at Kings Inns and the system of pupillage

4.1.5. The various surveys undertaken were not intended to produce statistically representative data. However, they were expected to provide further background against which to test some of the statements and assumptions made by respondents to the statutory consultation. All the online surveys were anonymous, to encourage honest and open feedback, but various controls were also put in place to ensure this anonymity was not abused. Surveys could only be completed once from any IP address and question filters were put in place to ensure that respondents could only answer questions that were relevant to their experience. Copies of the surveys are attached at **Annex G**.

4.1.6. The online surveys were further supplemented by 16 face-to-face meetings or telephone interviews conducted by the Review Team. A full list of the organisations or individuals representing various bodies of opinion who were interviewed is available in **Annex D**. Interviewees were chosen either on the basis that they had come forward with an explicit request to provide their views orally or to develop the research team's understanding of the wider picture. Further detail of the interview methodology used is set out in Annex D.

4.1.7. Although individual consumers are unlikely to have developed views about the education and training of legal practitioners, the Authority commissioned a consumer opinion poll to gather the views of a statistically representative sample of the adult Irish population. This

³² <https://www.legal500.com/assets/pages/cc100/2017/ireland-17.html>



opinion poll, conducted by the market research specialists Amárach Research³³, was designed to provide a wider context to the review of legal practitioner education and training and to provide evidence of the level of satisfaction Irish consumers currently have with the standard, availability and accessibility of legal services.

- 4.1.8. Finally, in accordance with the Authority's key value³⁴ of "Transparency and Accountability", the Review Team produced a dedicated legal practitioner education and training website, which was designed to encourage any interested party to feed in views. Several individual practitioners provided views to the research team via this route.

4.2. Who provided input?

- 4.2.1. The above mechanisms for generating opinion were designed to ensure that the Authority would receive input from all the following broad categories of stakeholder:

- Individuals directly engaged in the legal education and training system, including both aspiring legal practitioners, current trainees and recent qualifiers
- Current and potential new providers of various stages of legal education and training, including both academic and vocational;
- Employers of solicitors and pupil masters
- Users of legal services, ranging from consumers and businesses through to public sector provider;
- Other key stakeholders in the system

- 4.2.2. In total, over the two-month period in which opinions were sought, 730 different organisations or individuals provided evidence (excluding the consumer survey). More detail about the demographic make-up of responses obtained is set out below.

(a) Aspiring legal professionals

- 4.2.3. Given the importance attached by the Oireachtas to issues around access to the profession in the debates leading up to the passage of the 2015 Act, the Authority was particularly keen for the Review Team to seek the views of aspiring and recently qualified legal practitioners.

- 4.2.4. The survey for **aspiring practitioners**, was designed to evaluate the extent to which individuals who want to become legal practitioners face

³³ <https://amarach.com/>

³⁴ http://lsra.ie/en/LSRA/LSRA_Strategic_Plan_2018-2020-FINAL.pdf



barriers to entering the professions, whether real or based on preconceptions. In total, 292 complete responses to the online survey for aspiring practitioners were received from students attending 15 different Irish higher education institutions³⁵. Responses were evenly distributed across years of study³⁶ and included several recent and more mature graduates. There was also a good geographical coverage by origin of respondents (as shown in table 1), even though the survey was not designed to be statistically representative. Overall, the responses represented just under 10% of the estimated law and joint honours law students enrolled across the 13 institutions which offer law courses to undergraduates.

- 4.2.5. Most respondents (51%) were studying for (or had recently graduated with) single honours law degrees, 36% were taking joint honours courses in law and another subject, 9% were taking post-graduate law courses and 4% were taking non-law courses. Figures obtained from the Law Society indicate that in the period 2008-2017, 75% of trainee solicitors entering the Law School at Blackhall Place had law degrees and 19% had non-law degrees, with the balance holding joint honours. This suggests that the views of students who decide to enter the legal profession without prior university study of law may be under represented in the views gathered.

Table 4.1: Geographical Distribution of Aspiring Legal Professionals Responding to Survey

<i>Region</i>	Distribution of Responses by sub-region ³⁷	Distribution of population of Ireland	Distribution of students in HE by region of origin
<i>Border</i>	8.7%	11.0%	12.3%
<i>Dublin</i>	39.0%	28.30%	22.8%
<i>Mid-East</i>	18.3%	11.8%	12%
<i>Midlands</i>	8.3%	4.3%	4.3%
<i>Mid-West</i>	7.1%	6.6%	7.3%
<i>South East</i>	8.3%	14.1%	15.3%
<i>South West</i>	1.7%	14.5%	15.4%
<i>West</i>	8.7%	9.5%	10.6%
Total	100%	100%	100%

Sources: Law Student Survey, HEA, CSO

³⁵ DBS, DCU, DIT, GMIT, NUIG, NUIM, TCD, UCC, UCD, UL, Waterford IT

³⁶ 1st year =27%; 2nd year =21%;3rd year = 24%; 4th year and 2018 graduates = 28%

³⁷ EU NUTS 3 sub-regional definitions



4.2.6. On the other hand, the survey garnered views from a diverse demographic. The age range of the 266 students and recent graduates who completed the diversity monitoring information section of the survey was 18-55 years. The median and mean age of respondents was 21 and 23 years respectively and 12% of individuals completing the survey were over the age of 30. In terms of gender, 58% of aspiring legal practitioners responding to the survey were female and 42% male. The respondents also included good representation from socioeconomic groups that are normally underrepresented in the legal profession: 85% were state educated, 40% were the first member of their family to attend a higher education institution and 85% had no family connections in the law.

(b) Trainees and newly qualified practitioners

4.2.7. The online survey of **trainee solicitors and newly qualified solicitors** was intended to provide a 'consumer' view of the education and training system, based on the views of those going through the system, and to obtain first-hand accounts of their experiences of accessing the legal education and training system. There were 204 responses to this survey and of the 111 people who answered the diversity monitoring questions: 29% were male, 71% female; the average age of respondents was 28; 31% of people had attended a fee-paying school; 57% had at least one parent who had attended university and 23% had an immediate family member who had worked within the legal industry.

4.2.8. In terms of the stage of training that respondents had reached: 43% were in the first stage of their training contract, 36% were recently qualified solicitors, 15% were doing PPC II and the remainder (6%) were doing PPC I or had yet to start PPC I but were doing a 4-month pre-seat. Most respondents had studied for a law degree (87%).

4.2.9. The survey of **Kings Inns students and newly qualified barristers** had similar objectives to the survey of solicitor trainees and was designed to elicit feedback from those with current and recent experience of barrister training. The survey was completed by 140 individuals. Responses were evenly divided between those who had just completed the Diploma in Legal Studies (38%), those who had completed the Barrister-at-law qualification (29%) and those who were undertaking pupillage (32%).

4.2.10. The demographic make-up of those completing the diversity monitoring section of the trainee barrister survey indicated that 57% of respondents were male and 43% female. Nearly 40% of respondents giving information about their geographical origins were from Dublin. The declared age range of respondents was extremely broad, ranging from 24-75 years of age. The mean and median ages of respondents was 32 and 38 years respectively and 17% of those who had entered Kings Inns



were mature students. In terms of socio-economic make-up, 25% of respondents had attended fee paying schools, 41% had one or more parent who had attended university and 20% had an immediate family member who had worked within the legal industry.

(c) In-house lawyers

- 4.2.11. Given the growth of the in-house legal profession in Ireland, which now accounts for 20%³⁸ of all practising certificates held by solicitors, the Review Team explicitly sought views from this segment of the market. The objective here was to understand how well in-house legal practitioners felt that the training they had received on entering the profession, had equipped them for their current roles and how easy or difficult the transition had been between private practice and an in-house role. This cohort also provided useful input on continuous professional development. In total, 35 in-house legal practitioners responded to a targeted questionnaire. Eighty per cent of these were solicitors holding practising certificates and 20% were non-practising barristers. These individuals were employed in government departments and public agencies (57%), in large companies (31%) and in smaller companies or third sector (11%). Just over 40% of in-house practitioners responding had over 10 years of post-qualification experience (PQE), a similar proportion had between 6-10 years PQE and 14% had between 3-6 years PQE.

(d) Employers and the Practising Profession

- 4.2.12. The consultation exercise, supplemented by contributions to surveys and interviews with the Review Team, provided significant feedback from law firms with responsibility for training solicitors as well as from law firms and other organisations employing new, or recently qualified solicitors or non-practising barristers.
- 4.2.13. In total, 22 law firms provided individual views of the current solicitor training system. This included Ireland's 6 largest law firms³⁹, who account for between 190-215 solicitor training contracts every year⁴⁰. In 2017, employment by the largest six firms alone accounted for 47% of all qualifying trainees, although this proportion varies from year to year, this small group of firms generally accounts for at least a third of all qualifiers. In addition, 16 smaller or medium sized law firms from Dublin, Limerick, Cork and Galway also fed in views via interview or questionnaire. This latter group accounted for approximately 30 further

³⁸ Law Society response to the LSRA Consultation, p.39

³⁹ By numbers of practising certificates

⁴⁰ Figures given were for 2016-18 and immediate future plans



training places per year. Overall, therefore, the views collected from law firms accounted for employers of over half of the annual cohort qualifying from Blackhall Place.

- 4.2.14. Views on the training system were also provided by the Dublin Solicitors Bar Association (DSBA) and the Southern Law Association (SLA) on behalf of their members. These associations each have the right to nominate two members of the Law Society Council. Currently both the President and Vice-President of the Southern Law Association serve on the Council, and the latter is also a member of the Law Society's education committee.
- 4.2.15. Less feedback was submitted on barristers undertaking pupillage. Only two pupil masters responded to a request for views and two additional opinions were provided by current or former practising barristers via telephone interview. However, the views of several other respondents to the statutory consultation touched on aspects of pupillage and provided useful additional context for any assessment of whether current training arrangements for practising barristers are fit for purpose.

(e) Providers of Legal Education

- 4.2.16. Both professional stage education providers: The Law Society and the Honorable Society of Kings Inns provided detailed qualitative and statistical input to the review, hosted roundtable discussions with the Review Team and assisted in circulating questionnaires to their students. The Bar Library, which oversees the practical training of practising barristers, also provided both a written submission, assisted with the distribution of surveys and hosted a face-to-face discussion with the Review Team.
- 4.2.17. There was also a high level of engagement in the review from the University sector. The Review Team received collective and individual responses to the statutory consultation from 9 Irish Universities and Institutes of Technology: Trinity College, Dublin City University, University of Limerick, NUI-Galway, Maynooth University, Limerick IT, Letterkenny IT, University College Dublin and University College Cork as well as Ulster University from Northern Ireland and one Dublin based provider of professional training, Griffith College. These providers represent over 80% of all law undergraduates studying in Ireland⁴¹. Their input was supplemented by a site visit by the review team to UCD's campus and a face to face discussion with senior staff members who provided further background to UCD's own written evidence.

⁴¹ Figures from the Higher Education Authority, 2016 given in appendix 5 of LSI submission



(f) Users of Legal Services:

- 4.2.18. The Review Team felt that it was important for the Authority to obtain views from the users of legal services, as well as from stakeholders who had direct experience of the education and training system. There were three broad categories of opinion which were sought during the review to fulfil this remit: Irish business, public sector agencies, consumers/the public as well as particularly vulnerable groups). The Review Team was interested in learning from these sources whether they had views on the standards of service they were currently receiving from practitioners, including the availability of the expertise they required at an appropriate cost. Reflections on these issues would help to indicate whether the education and training system was meeting client needs, both for the entry standard of practitioners and in terms of their continuing development.
- 4.2.19. The review also gathered input from the corporate sector. Telephone interviews were conducted with 5 General Counsel recruited from a list of Ireland's biggest 20 companies. Collectively the individuals interviewed employed more than 200 legal practitioners, equivalent to around 13% of all solicitors estimated to be employed in the commercial sector⁴².
- 4.2.20. Public Sector users of legal services fed in views through the statutory consultation. Views came from: The Office of the DPP, An Bord Pleanála, An Garda Síochána, the Courts Service, Enterprise Ireland, the Legal Aid Board and the Department of Justice and Equality.
- 4.2.21. Views from the public were obtained through an omnibus consumer survey of 1000 adults, representative of the Irish population by gender, age, social class and region. Consumer views were also represented through the response from the Consumer Association of Ireland to the statutory consultation. The interests of vulnerable groups in society were represented through the responses from five of Ireland's ten Rape Crisis Centres, the Free Legal Advice Centres (FLAC) and in the evidence submitted by An Garda Síochána and the Irish Criminal Bar Association.

(g) Other Stakeholders

- 4.2.22. Finally, there were a variety of other stakeholders who provided evidence via the statutory consultation process, including: The Faculty of Notaries, the Irish Institute of Legal Executives, the Association of Judges, ACCA, the Solicitors Regulation Authority (England and Wales)



and the Bar of Northern Ireland. The Competition and Consumer Protection Commission (CCPC) and Quality Qualifications Ireland (QQI) also submitted written evidence to the consultation which was supplemented by interview. There was also informal written input provided by the Victorian Legal Services Commission on their system of continuing competence, as well as additional sectoral context provided by accountancy firm Smith & Williamson.

- 4.2.23. The next section provides detail on the views provided to the Authority through its formal statutory consultation and via the other mechanisms employed by the Review Team.



Section 5: Stakeholder Views of the Legal Practitioner Education and Training System

5.1. Introduction

- 5.1.1. As set out in the previous section, the Authority received unprecedented levels of input into its statutory consultation, supplemented by the surveys carried out by the Review Team. To digest this wealth of material, the analysis of opinions gathered has been divided into two parts. This section of the report deals with what respondents told us they thought of different stages or aspects of the legal education and training system and the next section sets out their recommendations for change.

5.2. Choosing Law as a Career

- 5.2.1. The Review Team began its investigations into the education and training system by seeking to understand the barriers, whether real or perceived, that individuals face when they are considering a legal career. Developing this understanding will help the Authority to assess whether the ability of new entrants to enter the legal profession is unnecessarily constrained and if so, what might be done to change this situation.
- 5.2.2. The main basis for gathering views was a survey directed at aspiring legal practitioners. This was completed by 292 individuals undertaking single or joint honours law courses at 11 different Irish Universities or Institutes of Technology.
- 5.2.3. In response to the question “Do you think you will face barriers to pursuing a career in law?”, 88% responded that they did expect to face barriers. Overall, 273 respondents ranked the barriers they felt they faced, and these are illustrated in figure 5.1. The overall cost of qualification was far and away the most significant barrier identified, especially amongst those who had expressed an interest in becoming barristers. The costs represented by the timing of the FE-1 could be taken and the time commitment needed to study for the examinations, which makes it virtually impossible to move straight from undergraduate studies to Blackhall Place, also emerged as a major concern.
- 5.2.4. Perhaps not surprisingly, given that aspiring solicitors must obtain a training contract before they can get a place on the Law Society’s professional training course, this was identified as another key barrier to entry. More surprising was the fact that geography did not emerge as significant issue, even though the spread of respondents to the survey was reasonably geographically representative (see table 4.1).



Commentary given to supplement some of the survey responses suggests that there is a general expectation that most opportunities in the legal sector will be based in Dublin and therefore that is where legal professionals will inevitably end up. As a result, the concerns from those coming from outside Dublin are mainly reflected in the responses relating to the costs of qualification.

- 5.2.5. Lastly, it was also striking that lack of contacts in the profession was identified as a barrier of equal weight to the time it takes to qualify. This result, coupled with accompanying commentary to the survey, suggests that there is a perception, amongst law students at least, that entry into the legal profession in Ireland requires insider knowledge or contacts. Any steps which require relationships with existing members of the profession, such as obtaining a training contract or pupil master, are interpreted as important barriers to those without prior connections in the sector.
- 5.2.6. The comments accompanying survey responses are useful as they provide a greater understanding of what lies behind the purely quantitative survey responses. A selection of representative comments is set out in box 5.1.

Figure 5.1: Perceived Barriers to Entering the Legal Profession

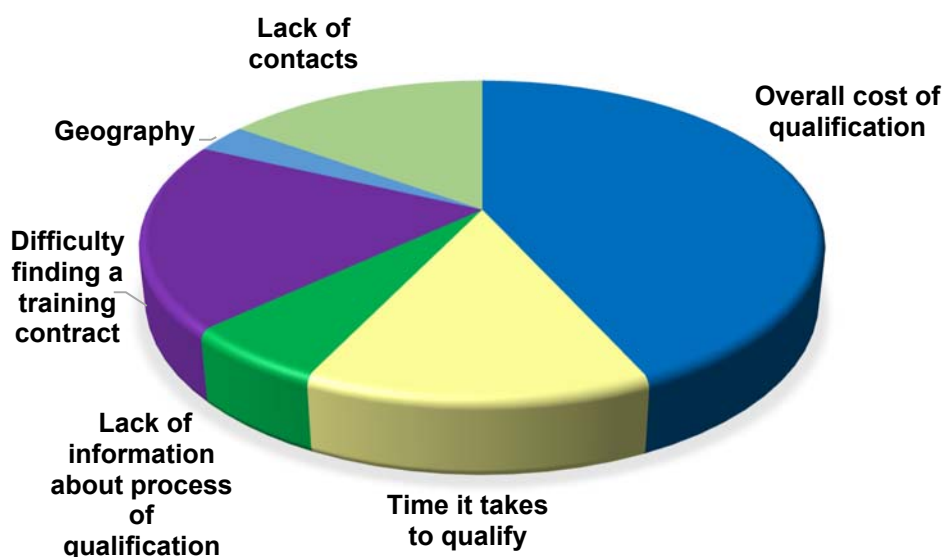


Table 5.1: Perceived Barriers to Entry into the Legal Profession

Perceived Barrier to Entry	Students ranking this as the biggest obstacle to entering the profession, %	Overall perception of obstacle (1=most significant. 5=least significant)
<i>Overall cost of qualification (including cost of courses, accommodation etc)</i>	43%	2.1
<i>Overall time taken for qualification</i>	14%	3.1
<i>Difficulty of finding a training contract</i>	19%	2.5
<i>Lack of information about the process of qualification</i>	6%	4.1
<i>Geographical barriers (e.g. Need to relocate for courses etc)</i>	3%	4.7
<i>Lack of contacts in the profession</i>	15%	3.1

Source: Legal Practitioner Education and Training Review Survey(Monkey survey of law and joint law honours students, May 2018)



Box 5.1: Views from Aspiring Legal Practitioners on Barriers to Qualification

“Cost is a factor and also I have ruled myself out of working as a barrister due to the challenges to establish myself with a profitable practice”.

“Money - putting myself through the FE-1s if I decide to do them. I have to work full time so study alongside that is difficult. Then the thoughts of unpaid internships etc. - this isn't really open to me as I have bills and rent to pay, currently pursuing a mortgage”.

“Financial barriers - pursuing a career at the Bar is almost impossible for graduates coming from modest backgrounds. It is simply not financially feasible for such graduates to pay for King's Inns extremely high fees, and then to go on and devill unpaid for two years and then to face years of low income whilst starting out at the Bar. The Denham scholarship/other bursaries, whilst very worthy initiatives in themselves, do not do enough for students who fall just outside the eligibility criteria for these awards”.

“The FE-1s are also a huge obstacle - graduates wishing to take the exams are often forced to work in part time roles in order to have enough time in the week to engage an intense study schedule or to remain out of employment altogether in order to undertake the exams.Overall, graduates are left in a frustrating limbo whilst undertaking FE-1s and are prevented from beginning their legal careers in earnest for a considerably long time”.

“...becoming a barrister is difficult given the economic hardships involved. It's exclusive to the point that you must come from a wealthy family who can support you while you are doing the bar exam and devilling. Or the other option is that you work as a solicitor first and save up a lot of money while you do the bar exam and devilling. I feel this could all be resolved if the profession was not split into the branches of solicitor and barrister, but rather merged....Another solution, albeit less preferable, is to have better economic supports for barristers undergoing the exams and devilling”.

“Money. It's very expensive, and the tradition of working for free for a year? I can't afford to not get paid for the work I do”.

“I don't have any family members in the legal profession. Albeit this isn't strictly speaking a barrier per se, it does mean any 'opening-of-doors' I have will be solely through the work and impression I leave. I'm from the West of the country... and the majority of the work and traineeships are on the East coast. That will involve relocating to the other side of the country which will create another expense with regard to accommodation”.

“The length of time it takes to do the FE-1s + how difficult they are to pass. I am not from Dublin and the cost of living is very high for a further period of studying after college. This is one of the greatest factors for me when I weigh up a legal career at all or a legal career in Dublin vs London (where qualification is shorter and sponsored)”.



- 5.2.7. One of the other useful pieces of evidence gleaned from the survey of aspiring legal practitioners relates to the preferences they expressed for career paths in law. These are shown in table 5.2.

Table 5.2: Preferred Career Path in Law

Chosen Career Path in the Legal Sector	Percentage of survey respondents expressing a preference
<i>Not yet decided</i>	31%
<i>Practising barrister</i>	19%
<i>Solicitor in private practice</i>	31%
<i>In-house (government or commerce)</i>	19%

Total number of responses = 257

Source: Legal Practitioner Education and Training Review SurveyMonkey survey of law and joint law honours students, May 2018

- 5.2.8. These results highlight a growing trend amongst graduates to prefer in-house practice. This 'millennial' preference was mentioned by several law firm and in-house interviewees who identified this as a work-life balance issue. Regardless of the motivation for seeking an in-house career, the fact that a growing number of graduates prefer this route, suggests that there will be pressure on the supply of solicitors in traditional law firm practice, unless the number qualifying each year expands commensurately.

5.3. Getting into the Training Process

- 5.3.1. After looking at views of potential entrants to the legal professions, the Review Team then turned its attention to the formal process of gaining entry to the education and training system. This prompted a great deal of comment from a very wide spread of consultees and survey respondents. Their views are summarised below.

(a) Views of Solicitor Education and Training Entry System

- 5.3.2. The system of FE-1s described in section 3 of this report generated particularly strong views from trainees, law firms, universities and some other respondents to the statutory consultation.
- 5.3.3. It was widely held that the FE-1 resulted in duplication and significant costs. Over half of all respondents to the solicitor trainee survey (54%),



for example, thought that the FE-1 covered the same material as their law degree or postgraduate law course and at the same level. Many comments made to supplement survey responses were very negative:

“For those that have done a law degree, they are a wholly unnecessary duplication of the work and exams already done at undergraduate level.”

*“It is *disgraceful* that (a) those who do a recognised third level law degree have to duplicate the same material studied as undergraduates and (b) we do not receive *any* exemptions for the FE-1 subjects studied at undergraduate level!”*

- 5.3.4. The issue of cost and duplication was also raised by the major law firm employers of trainees and the Heads of Law Schools in their responses to the consultation. There was a consensus among these respondents that the FE-1 examinations did not test any new legal knowledge or skill, particularly since the exams were set and marked by lecturers of the same third-level institutions that have produced the law graduates sitting the FE-1. The larger law firm employers expressed frustration at the cost of paying for examinations which in their view were unnecessary. The examination costs amounted to €840 per candidate (excluding resits and remarking of papers). The largest 6 firms were therefore collectively paying between €159,000 - €197,000 per year to the Law Society in examination fees alone.
- 5.3.5. One law firm also raised concerns in its consultation response, about the consistency and transparency of the marking of the FE-1 exams. It cited frequent instances in which failing grades had been turned into passes following a recheck by the Law Society (at a cost of €115) without any clear explanation of how this had happened. This lack of transparency has created scepticism in some quarters about the validity and robustness of the FE-1s.
- 5.3.6. Further evidence pointing towards the duplication involved in the FE-1s can be found in the responses of trainees to questions about the FE-1 preparatory courses run by institutions such as Griffith College, City Colleges and Independent Colleges. A majority (59%) of trainee solicitors responding to the online survey, had enrolled in these courses and felt that the principal benefit they had derived from doing so, was an insight into the FE-1 exam structure and how to answer FE-1 questions (64% of those enrolling in preparatory courses). Only 8% of trainee solicitors who had previously studied law and who had done a preparatory course thought that they had gained any new legal knowledge.
- 5.3.7. The perception amongst candidates that preparatory courses are necessary, also adds to the cost of entering the profession. The costs that trainee solicitors had paid per module for FE-1 preparatory courses



varied between €120- €1000. Moreover, two-thirds of those enrolling on a preparatory course had done so for all 8 modules, representing an overall cost per candidate of €2,800 – €3,600 simply in preparation for the Law Society entrance examination.

- 5.3.8. Aside from the issue of the fairness of duplicating assessments and the cost of both the examinations and preparation, the diversity impact of FE-1s on solicitor trainees is something that several respondents were keen to draw to the Authority's attention (see Box 5.2 for example). This illustrates the potential diversity risks that are posed by the current FE-1 arrangements.

Box 5.2: The Diversity Impact of the FE-1s

“Graduates wishing to take the FE-1 exams are often forced to work in part time roles in order to have enough time in the week to engage an intense study schedule... or to remain out of employment altogether in order to undertake the exams. Those who simply cannot afford to opt out of full-time work find it very difficult to get adequate annual leave in order to take the exams...

The October/March timings of the sittings makes little sense when Blackhall courses begin in September - if a graduate sits exams at the first available sitting following graduation (i.e. October of the year of graduation) and then aims to finish the exams the following March, they can be left in the extremely frustrating situation of having to wait 17 months to begin in Blackhall if they do not pass the remainder of the exams in March ...

Overall, graduates are left in a frustrating limbo whilst undertaking FE-1s and are prevented from beginning their legal careers in earnest for a considerably long time.”

Survey comments made by trainee solicitor

- 5.3.9. Although the Law Society in its response to the consultation argued that the FE-1 was, inter alia⁴³, intended to select those most suitable to be solicitors (Law Society Response para 6.7.19), a contrary view was put forward by the large law firm respondents who account for a significant proportion of the trainees enrolling in Blackhall Place. These firms argued that their recruitment policies were based on an application and

⁴³ See also paragraph 5.3.14 for other justifications for maintaining the FE-1



internship process which took place at the undergraduate stage. Success in the FE-1s were therefore not held by them to be predictive of whether a potential trainee would make a good solicitor.

- 5.3.10. In fact, the large firms all pointed to the burden that the FE-1s imposed on them in terms of resource planning. The difficulty of predicting whether a firm's potential trainee would pass all FE-1s within a specified period, made it impossible for firms to know who they would be recruiting each year.
- 5.3.11. Another significant issue raised by both the large firms and University heads of law schools pointed to the impact they perceived the FE-1s to have on their international competitiveness. As one law firm respondent commented:

"We believe that we are losing potential trainees to English law firms by virtue of the Law Society FE-1 requirement, both due to the inherent delay imposed on a trainee commencing their training contract, and the upfront cost and overall burden of the examinations. The requirement to sit the FE-1 exams unnecessarily delays the start of the training contract, in some circumstances by up to eighteen months".

This impression would appear to be borne out by numbers obtained from UK providers of professional legal education, as shown below in table 5.3. Although the financial crisis may have been an important factor, which may diminish in future, there are also reasons to believe that the demand for Irish law students may increase further among UK and US law firms in future (e.g. due to Brexit), and the impending changes to the English solicitor qualification⁴⁴ will make that route even more flexible.

Table 5.3: Enrolment of Irish Nationals in English Legal Education, 2016-17

	2016	2017
Graduate Diploma in Law (conversion course for non-law graduates) (GDL)	72	55
Legal Practice Course (LPC)	84	79
Total	156	134

Source: Unpublished numbers obtained from all E&W LPC and GDL Providers

⁴⁴ <https://www.sra.org.uk/sra/policy/sqe.page>



- 5.3.12. The views expressed by students and law firms about the FE-1s were also echoed in a joint response from 9 Heads of University Law Departments, which several the latter then reinforced in their individual responses. In addition to the issue of cost and duplication involved in the FE-1s, respondents from the university sector also drew attention *“to the effect of the FE-1 system had in creating a “decoupling of academic and professional stages”* of the qualification process. The potential significance of this separation between academic and vocational stages of training was also highlighted by UCD in its response, which noted: *“Ironically, although a UCD law degree is not currently recognised as satisfying the first stage of training for the legal profession in Ireland, it is so recognised by, for example, the Bar Council of India, the New York Bar and the SRA in the UK. The failure to fully recognise the quality of the UCD law degree and other law degrees is damaging for Irish law schools as they increasingly look to recruit internationally, in line with government policy”*.
- 5.3.13. Finally, objections to the FE-1 were also raised on access to justice grounds by the Legal Aid Board and FLAC and on competition grounds by the CCPC.
- 5.3.14. However, not all respondents objected to the FE-1s. There was support for an entry process into training which ensured that candidates all possessed the required knowledge to become solicitors. The Law Society argued that this meant that the professional training process could then focus on skills development, rather than on teaching “black-letter law”. This view was reinforced by the Southern Law Association in its response: *“(The) system of FE-1s works well - the entry level requirements for admission to become a trainee solicitor is standardised. This ensures that every person seeking to be admitted as a trainee solicitor has an established standard of knowledge in core areas of law: The FE1 requirement for entry to become a trainee solicitor should be maintained”*. The Association of Judges of Ireland also voiced its concerns that some sort of system should be maintained to account for the fact that not all third level law degrees were of the same standard and necessarily offered a standard of teaching which was sufficient for entry into professional training courses.
- 5.3.15. Evidence from the trainee survey does illustrate that not all Irish law degrees necessarily cover all the key areas of law for solicitor practice. Although only 9% of respondents to the trainee solicitor survey felt that the FE-1s had required them to learn new areas of law, 37% acknowledged that the context or depth of topics covered in the FE-1s was different to their previous studies:
- ““They (the FE-1s) covered some of the same material as my college course (Law & Business TCD) but not all of it. I took Equity for the first time with the FE-1s.” (Solicitor trainee survey respondent)*



- 5.3.16. Views as to the significance of the differences in what students had covered in their previous studies varied. One law firm pointed out for example that it had hired Irish students who had trained in the UK and followed the varied pathways to qualification on offer there and had not found any problems arising as a result.

(b) Admission to Kings Inns

- 5.3.17. Although the examinations for entry to the Kings Inns professional training programmes were also mentioned in several responses, these came in for less criticism than the Law Society's FE-1 examinations. The reasons for this are:

- Timing: Unlike the FE-1s which can only be taken in October, law graduates can sit the entrance examinations for Kings Inns and enter in the same calendar year as they have graduated. This eliminates much of the cost and time delay involved in entering the professional qualification process.
- Exemptions: Kings Inns expects a prospective student to have knowledge of eleven areas of law. Accredited qualifications can be given credit for six of these topics, reducing the number of subjects on which all candidates are tested to five core topics chosen for their importance to barrister practice.
- Format: The format of the HSK1 examinations appears to be much more linked to the skill of applying the law, not just knowing it, than the system of FE-1s operated by the Law Society⁴⁵.

- 5.3.18. A significant minority (46%) of Kings Inns students who had previously studied law reported that, in their view, the entry examinations had tested them on areas of law they had not studied at undergraduate level or had done so in a different, more practical context. 38% of trainee barrister respondents, compared to 51% of solicitor trainees, felt that the entry examinations had not been obviously different to their undergraduate law exams. This suggests that although there is an element of duplication in the Kings Inns entry examinations, the process of accreditation of undergraduate programmes, does reduce this by giving some credit for prior learning.

- 5.3.19. Nonetheless, the system of Kings Inns entry examinations was still criticised, particularly by the Universities. The University of Cork observed for example in its response to the statutory consultation:

"It is, in our view, entirely appropriate for the King's Inns to require evidence of satisfactory knowledge of ... 11 core subjects but there is

⁴⁵ This impression is based on the Review Team's own review of recent FE-1 and Kings Inns Entry examination papers as well as feedback from survey respondents



no rationale behind the acceptance of a prior qualification in six subjects while requiring re-examination in the other five. All eleven of these subjects are taught to the highest standard both at UCC and other law schools and it is entirely arbitrary to attempt to distinguish them by means of re-examination of some of the subjects. The School of Law believes that there should be full rather than partial recognition of the holders of recognised law degrees for the purposes of admission to the degree course at the King's Inns. This could take the form of admission to the degree for those law degree holders who have passed the required subjects or exemption from the entrance examination for law degree holders who have already passed the entrance examination subjects as part of their law degree". (UCC Response to Statutory Consultation).

(c) Preparatory Courses

- 5.3.20. A final consideration in relation to entry into training relates to the role played by preparatory courses for the entrance examinations to both Blackhall Place and Kings Inns. Although these are not formally part of the entry process and are not endorsed by either of the professional legal education providers (indeed, Kings Inns states that it actively discourages students from taking such courses), many aspiring practitioners clearly feel the need to take these courses, even though the majority of respondents admitted that their value added was almost entirely related to the technique required to pass the respective entrance examinations.
- 5.3.21. Amongst the 344 solicitor and barrister trainees and the newly qualified legal practitioners who were surveyed for this review, 44% had enrolled in preparatory courses (28% of Kings Inns trainees and 55% of solicitor trainees) and the total spend across this group on preparatory courses had been €196,650 (or an average of €1,300 per candidate taking a preparatory course). This is a significant additional expense for graduates and an additional consideration to be borne in mind when addressing the role of examinations to enter professional education and training.
- 5.3.22. Once admitted to the professional stage of legal practitioner training, contributors to the review had a range of comments which focused on the structure of the vocational training, its content and delivery and on the practical stage.



5.4. The Structure of Professional Training

(i) Solicitors

- 5.4.1. Many of the law firm contributors to the review expressed unhappiness at the structure of the Law Society's professional course, and in particular the split between periods of time spent at Blackhall Place. There was a broad consensus expressed by all the firms responding to the consultation and the Dublin Solicitors Bar Association that the sandwich structure of the PPC course was unhelpful for firms, since the timing of the courses led to very uneven availability of trainee resources and made workforce planning extremely difficult.
- 5.4.2. This view was also shared by many trainees. Only 30% of those responding to the solicitor trainee survey who had completed both stages of the PPC course, agreed that the break between PPC I and II had been helpful. And in some cases, the break from in-office training was seen as actively unhelpful. As one trainee commented: *"The practical skills that I had learned while in (my first period of) in-office training deteriorated while I was in Blackhall for PPC II"*. Others objected to the split for practical reasons. As one respondent observed:

"I think it is a difficult structure for those outside of Dublin... 3-month tenancy agreements are difficult to find. Structure only good for those already based in Dublin".

(ii) Barristers

- 5.4.3. There were few issues were raised in relation to the structure of barrister training delivered at Kings Inns. The only comment made related to the part-time course. A few part-time students responding to the survey complained about the intensity of the course, which was felt to be unrealistic for those in employment, and the logic of the order in which modules were delivered.

5.5. Views on Content and Teaching on Professional Training Courses

- 5.5.1. Section 34 of the Act requires the Authority to examine the curriculum and teaching methodologies used by the providers of professional legal training. In undertaking this examination on behalf of the Authority, the Review Team, has taken into consideration whether these courses are delivering what stakeholders want, as well as the implicit needs of society which were represented in the views advanced by various public bodies and third sector contributors to the statutory consultation. The



Review Team chose to evaluate evidence from a strategic perspective, examining the extent to which current curricula and methodologies are effective in meeting stakeholder requirements and society's needs, based on the input gathered through the consultation exercise. It was a deliberate decision to avoid undertaking a detailed subject-by-subject review of curriculum, materials and methodologies for each professional training course, which would be more appropriate in the context of a Higher Education programme validation or quality assessment process.

(a) Views of the Law Society's Professional Practice Courses

5.5.2. The Law Society stated in its response: "the LSI can confidently say that there has been no suggestions from any quarter at any time that the training provided by the Law School is deficient or of an unacceptable standard". In support of this statement, it drew attention to the use of 156 external examiners and several public interest representatives who are involved in the assessment of students' work. It also cited the fact that that the syllabus, teaching materials and teaching of the professional practice course at Blackhall Place was kept under constant review by the Curriculum Development Unit which had given the courses and teaching consistently high ratings. It also referenced the recent independent review (Maharg, Ching and Crewe, 2018) which found that "On the PPC, the structures of teaching are well organised and designed, and current teaching is aligned to assessment practices".

5.5.3. However, this was not a view shared by a significant number of respondents to the statutory consultation. Reasons for dissatisfaction included:

- A mismatch of the course to the needs of modern practice
- Insufficient attention paid to skills development and
- Teaching of variable quality

(i) Content and Objectives of the PPC

5.5.4. In its consultation response, UCD commented that "there is a need to reflect on what the Professional Practice Courses currently add and what they could add to the training of solicitors in Ireland". In its view, "under the current framework, there appears to be a substantial amount of duplication of the learning which typically takes place whilst students are studying for a law degree....we would suggest that the role of a Professional Practice Course would be to develop advanced legal (and relevant non-legal) skills as well as offering a teaching and learning framework for more advanced substantive subjects relevant to legal practice".



- 5.5.5. Of the 22 law firms providing input to the consultation exercise, 16 expressed views about the PPC courses and the extent to which they provided adequate preparation for trainees embarking on the practical stage of their training. Less than 20% thought the PPC was effective in preparing trainees for the practical stage of their training, whilst over 60% thought that it was not and just under 20% thought it was partially effective. This dissatisfaction appears to stem from a combination of the curriculum covered on the PPC and the teaching methods employed. One large law firm wrote in its statutory consultation response:
- “The traditional training model has not kept pace with the changing role of lawyers or the different roles they will undertake depending on whether they intend to become a general practitioner, in-house counsel in a corporation, a lawyer working for the State, or a specialist in a large corporate law firm. In particular, the Law Society's "one size fits all" approach to training does not meet the needs of the larger law firms (who employ the majority of trainees in the State) or those of practitioners seeking to pursue a career in-house as a General Counsel or in the employment of the State. Indeed, a more focussed training course would arguably also be of greater assistance for lawyers aiming to pursue a career as a general practitioner.”
- 5.5.6. This was backed up by the DSBA, which also pointed to an absence of clarity in what the PPC was intended to achieve:
- “The provision of the PPC I course is not subject to any published standards or monitoring of standards as to the adequacy or otherwise of the teaching or content of the subjects outlined above. The DSBA would advocate the introduction of monitoring as being essential towards ensuring the delivery to law firms of trainees who have the requisite practice and knowledge based skills to make them immediately useful on commencement of their in-law firm training contract....., the DSBA would question whether the present PPC I course delivers for both law firms and students in the manner or to the standard required, at least from a “clinical education” perspective. Learning by rote is no substitute for actual learning.”*
- 5.5.7. The views of law firm employers were supported by many trainees currently studying at Blackhall Place, or who had recently completed their training there. Over 45% of respondents to the Law Society student survey said they felt that the course content of the PPC I/II was fairly or mostly irrelevant to the areas of law in which they expect to practise. One major firm stated that over half of the PPC I was irrelevant to their practice either in content or form. This was a view shared by other commercial firms who commented: *“PPC I training is focused on the work of a general practitioner and not a practitioner serving the needs of a corporate client base”* and *“the practical consequences of these inadequacies in the PPCs is that this firm (and other commercial firms)*



must provide their own training geared towards a commercial law practice.”

(ii) Effectiveness of skills training

- 5.5.8. The success of the current professional courses leading to the solicitor qualification in delivering the skills required for practice, was questioned by a range of respondents. Various public bodies conveyed implicit or explicit criticism of solicitor skills sets in their consultation responses: An Bord Pleanála suggested that solicitors were contributing to higher costs in planning appeals because of inadequate ethics and appropriate advocacy skills. The Courts Service cited its research into applications for grants of probate by solicitors which showed a rejection rate of 72% on first time presentation, revealing underdevelopment of key skillsets in this area.
- 5.5.9. Fewer than half of the trainee respondents said that upon completing the PPC courses, they felt competent in applying in practice the skills they had been taught. Just over a quarter disagreed with the statement the PPC had equipped them to apply the law in practical scenarios, 31% did not agree that the PPC had taught them techniques to identify clients’ problems and objectives; and 33% did not believe that the PPC had enabled them to understand different communication techniques and when, how and with whom, they might be used. Some of the comments made by trainees responding to the survey are set out in Box 5.3.

(iii) Uneven Quality

- 5.5.10. One further issue raised by both law firms and trainees was the issue of consistency of quality, as reflected in the materials, teaching and assessment on the PPC courses.
- 5.5.11. Only 18% of respondents agreed that the quality of teaching on the PPC courses had been consistent. Whilst many respondents were of the view that it was valuable to have practitioners involved in the delivery of professional training, one law firm pointed out that with more than 1200 practitioners involved in the provision of PPC content, the implementation of standards, quality control and the ability to train trainers, was limited.
- 5.5.12. There was also a large degree of unhappiness about the transparency of assessment on the course. Only 15% of Law Society trainees responding to the review survey agreed that teaching staff gave prompt feedback on work in progress or on completed exams and assignments. There was also criticism of the transparency around marking of assignments/exam scripts.



Box 5.3 Views of Law Society Trainees on the Professional Practice Courses

“Had the course been more focused on practicalities, it would have been more beneficial. The fact that there were exams created a focus on ‘what we need to know to pass the exam’ rather than on how to apply our knowledge in practice.”

“Blackhall failed to cover developing areas of law. For instance...GDPR was deliberately omitted from this year’s course on the basis that it was “too new”.”

“No deep learning required. Very superficial level. Very repetitive. Primarily was not practice based - theory again”.

“Too much material at a high level without proper, detailed teaching. No continuity of lecturers/tutors and the varying standard of both contributed to this issue.”

“The professional skills I use everyday were gained across my master’s degree, work experience and in-office traineeship. I do not feel that the PPC courses added to this whatsoever; rather it disrupts professional momentum.”

“Although I feel competent in many of the (skills) areas listed above, I do not really feel that PPC I contributed significantly to my competence in these areas. I feel that I have built up my competence more through ‘on the job’ experience and learning.”

“The skills modules were not helpful at all.”

“A lot of the material is aimed at general practice in my opinion.”

5.5.13. Uneven quality in the teaching materials was also raised by several firms and students. One law firm respondent:

“noted with concern:

- examples of course materials which have not been updated year on year
- inaccurate references to current law
- failure to cover new law or legal developments”



This apparent lack of innovation on the professional practice courses was picked up in several responses which suggested that the courses were slow in addressing issues of emerging concern, such as data privacy and financial regulation. All the large firms and the DSBA were disappointed at the level of engagement they received from the Law Society despite the significant expenditure of the commercial sector on the PPC courses.

- 5.5.14. In summary, there was a surprising degree of negativity from both trainee respondents to Blackhall Place (See box 5.4 for further details) and law firm respondents. It should be acknowledged that those who are dissatisfied are more likely to respond to surveys of this nature, however the number of respondents was not insignificant, and the views provided by trainees reflect views shared by law firms and others.

Box 5.4 Some Further Comments from Law Society Trainees

“Unfortunately, on the whole, I have nothing positive to say about the Law Society. The course co-ordinators were rude and unapproachable. For a professional practice course, it was apparent how out of practice they were.”

“For the exorbitant and overpriced fees charged, I fail to comprehend how we have to work from outdated manuals”.

“On the whole, I was deeply dissatisfied with Blackhall - I have no desire to return to the substandard lectures, tutorials, teachers and materials. I would much prefer to spend my training contract in my office - It would be much more valuable. The Law School utterly failed to provide a supportive learning environment, throughout the year, we all spoke of how demoralising the institution was, how pointless the majority of lectures, tutorials and subjects were - how they did not reflect practice”.

(iv) Views of Barristers’ Professional Course

- 5.5.15. The professional course for barristers is provided by Kings Inns. Although the review team benefited from a detailed discussion with staff at Kings Inns on the institution’s approach to curriculum and teaching, there was much less independent input or comment made by others on this course compared to the Law Society’s Professional Practice Course. The few pupil masters who responded to the invitation to comment on the quality of training given at Kings Inns, commented that the course provided appropriate preparation for practise at the Bar.



- 5.5.16. The feedback from Kings Inns students, based on 82 responses to the survey from those who had completed the professional course was generally very positive. Although around a third of respondents found that the substantive law covered on the course had repeated their previous studies, 95% thought that the coverage of procedure on the course had been new and 100% felt that the skills teaching had introduced them to substantially new material.
- 5.5.17. The general perception was that skills were well taught, with only 1-2% disagreeing with the statement that they felt competent after the course to apply the following skills in practice: Advocacy, consultation, opinion writing, drafting and legal research. The exception to this was alternative dispute resolution, in which 19% of BL graduates did not feel competent after the course. Only 14% of students felt that the goals of the course had not been explained well, 18% were dissatisfied with feedback received, 18% felt that the teaching was not of consistent quality and only 1% felt the course was not oriented to practical outcomes.
- 5.5.18. There were few other comments from the statutory responses that touched on the vocational stage of barrister training, although one individual respondent commented as follows:
- “I have no major issues with the training I received from the King's Inns. I generally found it to be of good quality and helpful in providing useful professional training. I simply believe that other institutions should be able to offer training that is as good, if they were allowed to do so. Having a monopoly over the training of barristers in Ireland means that there is no competition, and therefore there is no incentive to reduce pricing or improve the offering”. (barrister undertaking pupillage)*

5.6. Practical Stage of Training

(a) Solicitors

- 5.6.1. The need for trainees to obtain a training contract before they can secure a place at Blackhall Place is something that was raised by several aspiring solicitors as a potential barrier to entering the profession. It was also raised by the DSBA, which pointed out how the requirements around training contracts might discourage firms from taking on trainees:
- “as a pre-condition to taking up a place. (in Blackhall Place, a trainee) must have secured a training contract with a practicing solicitor of five years or more standing. This requirement can prove to be very difficult for students to meet so early in their career and can also be very difficult for law firms to be able (apart from exam results) to make an*



informed determination of the skills and abilities of the person concerned. The requirement to obtain a training contract is a pre-condition, but is only required to be commenced within 14 days after completion of the PPC I course. One might wonder therefore why such a pre-condition exists at least as a mandatory requirement rather than an optional one. It is also the case that once a training contract has been signed up to that the training solicitor becomes liable under employment law to pay the salary of the trainee notwithstanding their non-availability for six months from date of commencement of the PPC I course”.

- 5.6.2. The DSBA also expressed concerns that the form of the traineeship indentures could also discourage law firms from offering training contracts, since *“in effect the trainee who holds a training contract can be immune from any form of sanction or removal by the training solicitor for non-performance by the trainee solicitor, notwithstanding what would otherwise be the case under employment law”*. There were also a number of additional comments made by law firms which were critical of what they perceived as unnecessary bureaucracy around the administration of training contracts and thus, of an antiquated system which had not kept pace with changing requirements in the real world.
- 5.6.3. Although the issue of the supply of training contracts had evidently been an issue during the downturn, all the firms surveyed or interviewed indicated that they would be looking to recruit more trainees in future.
- 5.6.4. Overall, attitudes of both firms and trainees towards the experience of the practical stage of training for solicitors were very positive. Amongst trainees responding to the consultation survey, 89% agreed that they had obtained plenty of opportunities during their training contract to practise the core skills required of a solicitor; and had received the right amount of supervision from their firm/institution's trainee supervisor. There were also few issues raised by law firms, either in their responses to the statutory consultation or to the specific questionnaires directed at them on this topic.
- 5.6.5. None of the law firms employing trainees who responded to the consultation questionnaire reported any difficulty in providing their trainees with requisite experience in the different areas of practice. However, one General Counsel expressed the view in interview that the requirement for trainee solicitors to gain experience in specific practice areas was a disincentive for offering training contracts, as they had to put in place arrangements to sub-contract trainees to other organisations. It was easier and more flexible for them to train barristers who had been called to the Bar but decided not to pursue pupillage. The Law Society's declared intention (LSI proposal 11, Annex F) to remove the prescribed blocks of practice in the training contract will therefore help to promote the creation of training contracts in-house (LSI proposal 13, Annex F).



5.6.6. There were some doubts expressed about the extent to which learning goals of the training contract were clearly set out and monitored. The Law Society's indentures, which set out the requirements for traineeships, simply require a training principal to:

“by the best ways and means he/she can, instruct the trainee solicitor (or cause the trainee solicitor to be instructed) and provide the trainee solicitor with the opportunity to obtain experience in the practice of law and the practice and profession of a solicitor”⁴⁶

5.6.7. Although the Law Society does have an active monitoring system for training contracts, few of the firms responding to the survey of training principals were aware of this. The need for on-the-job training to be linked to specific objectives so that it was more than purely a durational requirement, was a point also made by Enterprise Ireland in its response to the consultation.

(b) Barristers

5.6.8. There were a range of issues raised through the consultation about the practical stage of barrister training (pupillage or devilling):

(a) Objectives of Pupillage

5.6.9. The consultation response from the Bar of Ireland emphasised the role of practical training at the Bar:

“Pupillage is ... a recognised system of ensuring the protection of the public, that has a heightened importance when viewed in the context of criminal practice. A condition of the provision of legal services by a barrister under the Criminal Legal Aid Panel operated by the Department of Justice & Equality is that a newly qualified barrister must have completed six months of pupillage. The purpose of this condition is two-fold: (1) to protect the interests of the client in question, whereby ensuring that they have a fully trained and competent barrister representing them in court, protecting their constitutional rights to liberty and fair procedures, which is of paramount importance, and (2) to ensure that the public's money i.e. criminal legal aid, is spent appropriately and effectively in protecting these constitutional rights”.

5.6.10. The Bar also recounted the specific aims of pupillage, which are:

- to prepare pupils (who have been called to the Bar) for practice at The Bar of Ireland

⁴⁶ See Form 3, Indentures of Apprenticeship, Law Society of Ireland



- to develop further the knowledge, skills and experience gained at the vocational stage of training
- to develop further proficiency as an advocate
- to develop the pupil's professional and ethical approach to practice as a barrister, in accordance with the Code of Conduct
- to establish the skills of professional practice as an independent barrister
- to give experience in matters in which pupils are likely to be briefed during the early years of practice, and to build skills and experience that will enable them to handle more complex matters in the future and,
- to prepare pupils to take responsibility for their own professional development and practice

5.6.11. Its response also emphasised that the duties of Pupil Masters were set out in the Bar's Code of Conduct, which included the duty of teaching pupils the rules and customs of the Bar and ensuring that they have read and understood the Code and what constitutes proper professional practice by barristers.

5.6.12. Of the 49 barristers currently devilling, or qualified since 2016, who completed our survey, only 1 felt that they had not been adequately instructed on the code of conduct and bar etiquette during their pupillage. Similarly, only 1 respondent felt that their work during pupillage had been insufficiently monitored and that they had received insufficient feedback. All current or recent pupils were satisfied that they were gaining enough experience in the required skills of pupillage. Although one interviewee noted that *"(your) Master gets you to do the crappy jobs he doesn't want to do... It would be good if the pupillage were mixed with directed learning"*

5.6.13. Despite the reasonable degree of clarity about the objectives of pupillage and the satisfaction of most pupils with their training experience, some concerns about this stage of the qualification process for barristers were raised in the consultation:

(a) Selection of Pupil Masters

5.6.14. Although the Bar Library emphasised the wide availability of Pupil Masters, as evidenced by the list made available on their website, not all aspiring barristers found this to be helpful. One respondent wrote:

"I should also note that I have found the selection of Masters for a pupillage to be incredibly opaque. The Law Library provides a list of names, which has improved recently in terms of the information provided (e.g. whether fees or a stipend is provided), but it still gives very little indication of who might be an appropriate Master. The choice of a Master can have a significant influence on one's future career, and it is



very opaque at the moment... At the moment, one needs to rely entirely on word of mouth. This seems to introduce a significant possibility of market failures - it in no way guarantees that appropriate pupils are placed with appropriate Masters. It should be reformed and formalised in some way." (pupil barrister respondent)

- 5.6.15. Amongst survey respondents, 30% of those undertaking pupillages had done so by finding a Master through the Bar's list, whilst 39% had done so through personal connections. One barrister interviewee described the process of finding a Master: *"I rang 15-20 on the Bar Library list but they had already taken pupils. People arrange pupillages 2-3 years in advance with the top commercial guys"*, the same individual also noted: *"criminal is not a great area to devil in because you don't get any work handed off from your Master"*. The latter point is a concern worth further investigation, since if this is a view held by others it may lead to a structural decline in the availability of criminal barristers over time.

(b) Lack of payment

- 5.6.16. The lack of payment for pupillage was something which concerned several respondents. Most obviously it was a concern for those aspiring to practice and for current pupils. One pupil wrote to the consultation declaring:
- "...the vocational training through a pupillage is the most exclusionary of all of the barriers, and arguably is the least justifiable. Effectively, in order to qualify new barristers are asked to join the Law Library (and pay the relevant fee, which is not insignificant), and then to work on an unpaid basis for a year. I am aware that some Masters do provide a stipend, or pay the Law Library fee, but this is done on a voluntary basis. In training in any other profession, the trainee is paid something during the training. This payment can of course be calibrated to reflect the fact that the trainee is not yet fully qualified and requires supervision to a greater or lesser extent. The current situation, which expects a trainee barrister to pay a fee to the Law Library for the opportunity to work unpaid for a year, is untenable"* (pupil barrister respondent).
- 5.6.17. ACCA shared this view in its response to the consultation, writing: *"ACCA believes that unpaid internships or similar arrangements are a barrier to social mobility and should be strongly discouraged in both our professions and in the economy as a whole."*
- 5.6.18. The financial difficulties created by the time taken to develop a practice at the Bar were thrown into sharp relief by the comments made to the consultation of one barrister transferee into the solicitor profession: *"It is very difficult without a private income. I burnt through 5 years of savings during my five years at the Bar, whilst also doing 3 part-time jobs... the*



delays in getting paid also don't help. I was still getting paid for work 2-3 years after leaving the Bar."

5.6.19. But on the same topic, one Pupil Master wrote:

"There are limits to what can be done to address the difficulties faced by newly qualified barristers in making a living. The Bar is – and should be – a competitive environment. It is already the case that fees for membership of the Law Library operate on a sliding scale, so that the most junior members pay the lowest fees and are, in effect, subsidised by more senior members of the profession. There are many roles open to young barristers which can both supplement their income and complement their practice, such as law reporting, lecturing and the provision of research or discovery services to law firms. It is also open to barristers to undertake any other part-time work which does not conflict with their role at the Bar".

(c) Practical Training for Barristers outside the Law Library

5.6.20. Finally, The Bar of Ireland registered its concern through the consultation exercise that barristers outside of the membership of the Law Library were not required to undertake on the job training to be able to practise under the title of 'barrister'. Its firmly stated view was *that "Pupillage is fundamental to ensuring the regulatory objectives that are set out in Section 13 of the Act can be upheld"*. The importance of practical training for barristers, especially those engaged in criminal practice or with vulnerable clients, was a view also endorsed by the responses from the Department of Justice, the Legal Aid Board, An Garda Síochána, the Association of Judges of Ireland, and the Irish Criminal Bar Association.

5.6.21. This view was echoed by one individual barrister who commented in an interview that *"the quality of Kings Inns is very good but granting of the title of barrister at the end of the course is an anomaly – these barristers (who don't go onto to become members of the Law Library) ...ought to be trained and answerable to someone"*.

5.7. Views on Post Qualification Requirements

5.7.1. Two areas of post-qualification education and training were raised by the review: Arrangements relating to continuing professional development and transfer arrangements between branches of the legal profession.



(a) Continuing Professional Development (CPD)

- 5.7.2. Several respondents, notably the Legal Aid Board, expressed scepticism about the effectiveness and relevance of current CPD arrangements for both branches of the legal profession. The lack of any relationship between requirements for continuing professional development and a practitioner's area of actual practice was identified by a range of organisations as a weakness of the system for both professions (notably when dealing with sensitive issues such as legal aid, youth justice or vulnerable clients).
- 5.7.3. In addition, the lack of any formal requirement on practitioners to keep up to date with legislative changes was highlighted by the Department of Justice and Equality, and Enterprise Ireland. In its response to the consultation, the DJE also drew attention to the fact that a few recent EU Directives⁴⁷ had included requirements in relation to the training of lawyers. The Department saw merit in creating a mechanism to enable it to work with training providers to facilitate the transmission of information about such new requirements and assist in their introduction in practice.
- 5.7.4. FLAC drew attention in its response to the fact that barristers were entitled to claim CPD for pro-bono work, whilst solicitors were explicitly prohibited from doing so. It contrasted this with the prevailing situation in England and Wales and Scotland as well as with the moves in some other common law jurisdictions to introduce mandatory pro bono requirements.⁴⁸
- 5.7.5. ACCA, in its response drew the Authority's attention to the self-reflection model of CPD now being adopted by other professions and in other jurisdictions. It advocated an approach in which continuous training was planned and mapped to a recognised standard of competencies required for exercise of a profession. It also suggested that regular refresher modules on ethics and understanding solicitors accounts should be required at periodic points throughout a solicitor's career.
- 5.7.6. Beyond this, few issues were raised specifically in relation to **CPD for solicitors**. Most respondents to the consultation surveys accepted that the arrangements mandated by the Law Society (i.e. A minimum number of CPD hours and a requirement for some of these hours to cover ethics) to be reasonable. There was little support for any move in the direction taken by some other jurisdictions, of a move towards a more modern

⁴⁷ See e.g. Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime

⁴⁸ E.g. New York, Singapore and South Africa (see FLAC: Submission to the Legal Services Regulatory Authority).



framework which encouraged self-reflection by professionals on their own training needs.

- 5.7.7. Many firms and individuals who had been critical of the Law Society's PPC programme in their consultation responses, had a very different attitude to the Law Society's CPD offer, which was widely seen as highly effective and innovative." *The LSI provides very good CPD... the certificates are excellent*" (In-house lawyer interviewee).
- 5.7.8. One dissenting view on the workings of current CPD regime for solicitors was advanced by the DSBA. It argued that the annual CPD requirement was determined solely by the Law Society, without any consultation with solicitors or law firms in general. These requirements had been increased each year in recent years (see table 5.4, below), in its view, without any empirical justification. The DSBA also criticised the absence of standards, or monitoring of standards, around the delivery of CPD by either the Law Society or third-party providers.

Table 5.4: CPD Requirements for Solicitors, 2008-18

Year	Minimum Hours Requirement
2008	10
2009	10
2010	11
2011	12
2012	13
2013	14
2014	15
2015	16
2016	18
2017	20
2018	20

Source: Statutory Instruments

- 5.7.9. **Continuing Professional Development for barristers** was a more contentious topic. Two issues arose during the review:
- Firstly, questions about the rigour of the CPD regime for barristers were raised by some interviewees who were sceptical about the ease with which CPD points could be earned and the fact that these did not need to have any meaningful relationship with a barrister's practice. The potential to link accreditations to CPD in future was suggested by the Irish Criminal Bar Association. The ICBA, raised the issue of registration with the Criminal Legal Aid Panel, administered by the Department of Justice & Equality, which is open



to any barrister with more than six months' standing. They identified the fact that there was no requirement that a barrister be proficient in criminal law or up-to-date on criminal jurisprudence as an area of concern.

- Secondly, the Bar Library, Enterprise Ireland and An Garda Síochána all raised with the Authority the fact that in-house barristers were not required to undertake CPD. This was seen both as an issue of fairness, since members of the Bar Library were required to undertake 12 hours of CPD per year, but also as an issue of regulatory concern. It was suggested that the absence of a CPD scheme for barristers outside the Law Library raised risks, in particular, for vulnerable clients.

(b) Transfer arrangements

- 5.7.10. Few respondents commented in detail on transfer arrangements between the different branches of the legal profession, beyond noting that such arrangements should be no more onerous than required. Both the Bar Library and the Law Society stated that in their view the system for transfers between the professions worked well.
- 5.7.11. However, one barrister-solicitor transferee who provided evidence via interview, suggested that the requirements that had been put in place, at least for the barrister to solicitor switch, prioritised form over substance. This individual questioned the role of the Law Society's compulsory course for transferring barristers, the Essentials of Legal Practice Course: *"It cost €3,500⁴⁹ for a 3-week course, which covered stuff you don't do as a barrister e.g. conveyancing, probate, accounts and tax. It was all focused on high-street practice.... It was also all based on attendance. There were no exams... No way would I feel qualified to do conveyancing or probate as a result, which fortunately I didn't intend to do" ...* This suggests that the objectives of these transfer requirements should be reviewed.

5.8. Consumer Views

- 5.8.1. To gain further context for its review of legal education, the Authority undertook a survey of 1,000 Irish consumers in June 2018, to find out more about their experiences of using of legal services over the past five years. This survey did not directly ask any questions about legal practitioner education and training, but several the insights it provides are relevant to this review.

⁴⁹ The cost of the ELPC in 2018 has gone down to €2,830



- 5.8.2. The design of the questions deliberately drew on similar surveys from other jurisdictions, to provide some basis for comparison. However, the Consumers Association of Ireland and the Citizens Information Board also provided useful input into the design of the questions.
- 5.8.3. The following results from the consumer omnibus are particularly relevant:
- 41% of all respondents have had a 'legal problem' in the past five years but avoided engaging a legal services provider, despite identifying a need for one. The main reason for avoiding using legal services, across all demographic groupings, was the fear of not being able to afford the services. This suggests that cost/price remains a big issue and any change in the legal education and training system that could address the costs of qualification might have knock-on benefits in terms of access to justice.
 - Nearly two-thirds of Irish consumers using legal services were satisfied overall with their experience of using a legal practitioner (63% of respondents). Average customer satisfaction scores (CSAT) vary across countries and industries and are best compared against national benchmarks. However, it is interesting to note that 78% of UK consumers and 76.2% of Australian consumers were satisfied with their legal service providers in recent studies⁵⁰. Whilst 'price' does play a part in this satisfaction equation, the Omnibus results suggest that other factors such as 'the clarity of advice provided', 'efficiency/speed' and a 'helpful/caring demeanour' are equally important. This reinforces the importance of oral and written legal communication skills training for legal practitioners.
 - Qualified legal practitioners were the most commonly used source of legal services, providing 72% of services (solicitors (61%), barristers (11%)) with 28% of legal services being provided by non-lawyers, including the Citizens Information Service, accountants and financial/tax advisers. This suggests that although the utilisation of legal practitioners is high in Ireland relative to other, similar jurisdictions, consumers are open to using other sources if they are available.
 - However, when asked about the factors considered in choosing a legal service provider, Irish consumers cited the title of solicitor/barrister (57%) as the second most important factor after personal recommendation (59%). This suggests that legal practitioners' titles are important quality signifiers. However, it doesn't necessarily mean that consumers expect all those holding these titles to have identical knowledge (44% of those that have used legal

⁵⁰ See www.zendesk/benchmarks



services in Ireland said they found it difficult to assess the qualifications and expertise of different legal service providers).

- Other relevant choice factors were some expertise or qualification beyond the basic qualification (40%), which reinforces the view that consumer needs might not necessarily be adequately met by general practitioners. Finally, location also came up (52%) as a relevant selection factor, illustrating the need for a good distribution of legal practitioners across Ireland.



Section 6: What changes would stakeholders like to see?

6.1. Introduction

6.1.1. Many of those submitting views to the Authority's consultation exercise also made recommendations for changes to the system. These fell into the following broad categories:

- (i) Recommended changes to the arrangements for accessing legal practitioner education and training
- (ii) Recommendations for changes in the content, structure and pedagogy of professional training
- (iii) Recommendations for more fundamental changes to the architecture of the system (i.e. who can provide training)

6.2. Recommended changes to the arrangements for accessing legal practitioner education and training

6.2.1. Many, if not a majority, of respondents argued for change in the system of entry into legal practitioner education and training, for both solicitors and barristers.

(a) Recommendations in relation to the FE-1

6.2.2. The solicitor system of the FE-1 was widely perceived as more problematic because of the lack of any exemptions for law graduates, unlike entry tests into Kings Inns and because of the timing of the FE-1 examinations which delayed graduate entry to Blackhall Place.

6.2.3. A range of different recommendations were made to the review, on how these issues could be addressed:

6.2.4. The submissions from the six largest law firms, the nine Heads of Irish Law Schools (individually and collectively) and the CCPC, all recommended that a system of recognition for undergraduate legal education should be introduced. This would have the effect of removing the requirement for law graduates to sit the FE-1 on the grounds of unnecessary duplication of learning. A number of these submissions suggested that this recognition should be undertaken based on an accreditation system which could reflect required standards and curriculum. Some respondents recommending this direction of travel also suggested that any system of exemptions could still retain quality controls over individual candidates by having specified pass rates in place for key topics.



- 6.2.5. The DSBA suggested that the delay the FE-1s created for law graduates in commencing their professional training could be overcome by allowing law students to sit the FE-1 examinations during their degree courses. This suggestion appears to have been taken up by the Law Society in the proposals for change that it made in its consultation response (LSI proposal 8, Annex F).
- 6.2.6. However, there were also objections expressed against making any significant change in the FE-1 system, on the grounds that the universities were not currently providing the same foundational knowledge in their undergraduate degrees. The Southern Law Association and the Law Society also pointed out that law degrees varied in the material they covered and that there was therefore no guarantee that all entrants would start with the same level of knowledge if a blanket accreditation was given for law degrees. Exemptions would therefore need to be based on a system of accrediting courses, which the Law Society felt would be prohibitively expensive to run and which appeared not to have worked in England and Wales⁵¹. Some of the universities were also resistant to accreditation, fearing that this could curtail academic freedom and limit the law degree curriculum to what would be needed for students to fulfil the entry requirements for professional courses.
- 6.2.7. There were fewer objections raised to the requirement for non-law graduates to continue to have to sit the FE-1. Both the DSBA and Griffith College argued that an additional requirement for a one-year conversion course, like the GDL in England and Wales, should be introduced.
- 6.2.8. Other suggestions around changes relating to admission included a suggestion from the DSBA that the adoption of a clinical legal education approach in universities would help to streamline university studies with professional practice and an exhortation from Maynooth University that further work should be done to open access to the legal professions for disadvantaged socio-economic groups.
- 6.2.9. Some respondents, however, had more radical suggestions to make in relation to the FE-1:
- 6.2.10. Griffith College, for example, advocated for a centralised system of examinations for entry into legal practitioner training to be administered by the LSRA.

⁵¹ This judgment by the Law Society is made on the basis that the Solicitors Regulation Authority (SRA) of England and Wales has proposed some radical changes to the way in which solicitors are qualified in England and Wales, based on inconsistency amongst vocational course providers. This was an issue considered in the Legal Education and Training Review report commissioned prior to the recent reforms introduced by the SRA and there were differences of opinion on how significant an issue it is. See e.g. <http://www.lettr.org.uk/the-report/chapter-7/consistency-and-quality-assurance/index.html>.



- 6.2.11. On the other hand, the QQI, queried in its response, whether entry tests were needed at all

“Given the pattern of traditional legal education in Ireland, a question arises as to whether the legal profession needs accreditation of undergraduate law degrees, or other pre-professional educational programmes, as well as accreditation of professional legal training. If the expected knowledge, skills and competence required to enter training programmes are well-defined, then existing academic quality assurance procedures within higher education institutions should be adequate to secure standards. Institutions’ procedures have been established on a statutory basis and their effectiveness is subject to periodic, independent review by QQI. This is also the case for HEIs’ contribution to continuing professional education, for example by way of advanced degrees.”

(b) Recommendations in relation to admission to Kings Inns

- 6.2.12. The universities also recommended the granting of full exemptions to law degree holders for entry to Kings Inns, also on the grounds of cost and duplication. Although some exemptions were granted, it was argued, by UCC for example, that Kings Inns should extend its system of accrediting courses to include the five topics which currently had to be tested, where evidence could be shown that these had been taught to the required standard at undergraduate level.
- 6.2.13. One individual barrister responding to the statutory consultation also recommended that providers, other than Kings Inns, should be permitted to enter the market to offer graduate law conversion courses leading to entry onto the professional course.
- 6.2.14. FLAC recommended moves to increase access to both solicitor and barrister training needed to be tackled earlier, with integrated programmes from second level education onwards designed to open the profession to disadvantaged and under-represented students. It also recommended that a SUSI maintenance grant should be made available for those entering the Kings Inns BL degree or Blackhall Place.

6.3. Recommendations for changes in the content, structure and pedagogy of professional training

(a) Solicitors

- 6.3.1. Several detailed recommendations were made for changes to the system of qualification as a solicitor claiming the current system didn’t reflect current business needs, and that arrangements led to inefficiencies or sub-optimal outcomes. Most of these recommendations were advanced by the larger law firms, public sector users of solicitors,



or the local Solicitor Bar Associations who also responded to the consultation.

(i) Structure

- 6.3.2. Many law firm respondents expressed the desire for changes to the structure of the process for solicitor qualification and for removal of the two stage PPC course. This view was advanced both by all the large law firm respondents and the DSBA. The Law Society has already indicated its intention to change this structure (see LSI proposal 22 in the Law Society's Submission to the LSRA, Annex F) and overhaul the contents of the Professional Practice Courses more generally.
- 6.3.3. The Law Society's additional announcement (LSI proposal 23, Annex F) that it intends to offer the PPC on a part-time basis should also be a helpful development since it will promote diversity of access to the profession. It is also a recognition that all solicitors do not necessarily need to be trained in the same way and through identical courses to meet the same qualification standards.

(ii) Curriculum, pedagogy and skills

- 6.3.4. A common thread amongst many of the recommendations made to the Authority was the demand for an overhaul of the PPC courses. These suggestions broke down into a few different themes:
- 6.3.5. The DSBA, and others, suggested that the Law Society's professional course needed to be subject to published and monitored standards.
- 6.3.6. Many respondents suggested new topics to be added to the PPC curriculum. These included: Artificial Intelligence/technology, basic immigration law, an understanding of recent legislation relating to victims of crime, modules on legal aid, social welfare law, debt and credit and housing, equality and human rights, competition law, public/administrative law, EU law, corporate governance and criminal litigation. This illustrates a point made by several consultees, who drew attention to the increasing diversity of practice in Ireland and the growing complexity of many practice areas. Some respondents focused on the importance of detailed and up to date knowledge for new criminal practitioners, where more training was needed on the handling of vulnerable clients, victims of sexual violence and victims of crime more generally.
- 6.3.7. There was also strong support for greater use of modern and practical pedagogical methods in solicitor training in future, as opposed to the traditional lecture style approach, which was felt to still pervade much of the teaching on the PPC. A few respondents, including the DSBA and Letterkenny Institute of Technology drew attention to the growth of the



Clinical Legal Education movement and suggested that this could play a bigger role in Ireland's legal education and training system in future. FLAC also recommended that the Law Society should introduce electives to equip trainees to engage in pro bono legal projects.

- 6.3.8. The DSBA argued that the curriculum for PPC I and PPC II needed to be more practice orientated and taught in a manner which provides trainee solicitors with the essential skills and knowledge required for their practice as solicitors. Others, ACCA, for example, suggested there was a need for additional practical skills to be obtained prior to entry into the profession, for example in relation to the Solicitors Accounts Rules.
- 6.3.9. The involvement of practitioners in delivering training was generally felt by respondents to be positive, subject to the imposition of appropriate standards and monitoring.
- 6.3.10. The need for solicitor training to place much greater emphasis on the acquisition of required skills was also noted in a few consultation responses. Skills on which respondents recommended greater emphasis, included ethics, which was suggested by ACCA and An Bord Pleanála amongst others. The Legal Aid Board implicitly argued that greater emphasis on advocacy skills and ADR would result in reductions in the cost of litigation to the Public Purse. Others, such as the University of Limerick and the DSBA argued that the PPC curriculum needed to include more skills training in technology to reflect the likely future development of the sector. Whilst the Courts Service advocated for more generic skills training in basic areas such as drafting, which were clearly not yet up to scratch.
- 6.3.11. The myriad of recommendations from respondents illustrates the difficulty of arbitrating between different demands for new topics, in the absence of any statement of what the PPC is aiming to achieve. It also illustrates the increasing difficulty that a single title ("solicitor") can meet all the different demands being required of it.

(iii) Practical Training

- 6.3.12. Some recommendations were made for change to the training contract system. There was continued support from firms for the retention of a period of around 24 months of practical training for solicitors, but some of the suggestions were made for improving the learning experience of trainees during this period. Enterprise Ireland, for example, recommended that greater rigour needed to be introduced into the monitoring of training contracts. In its consultation response, the Law Society (proposal 14) indicated that it intended to introduce an online record system for trainees during their training contract. This will enable them to record and reflect on their learning during this period. This



proposal recognises that if the training contract is to be more than a purely durational requirement it should contribute to the development of core skills and competences.

- 6.3.13. Although the need for a period of practical training to develop professional competences was not queried, a change to the requirement for trainees to have secured a training contract before starting at Blackhall Place was suggested by the DSBA. The DSBA argued that this requirement placed an unduly onerous burden on both firms and individuals; a view was supported by evidence from the consultation surveys of aspiring practitioners and trainee solicitors. FLAC also called for greater transparency in the provision of training contracts.
- 6.3.14. The Law Society stated in its response to the consultation that it intends to introduce several practical changes which will introduce some flexibility into the supply of training contracts (proposals 11-13), such as removing prescribed blocks of training during the two-year training period, making it easier for firms to share trainees and encouraging in-house training contracts. It also declared its intention to improve information about training contracts to assist applicants to Blackhall Place. However, the greater separation of periods spent at Blackhall Place and in-office training following the decision by the Law Society to offer the PPC in a single block, will make it much easier to remove the requirement for a prior training contract.
- 6.3.15. The DSBA further recommended that the Law Society review the two components of the training contract (i.e. The indentures and the employment contract) as these discouraged firms from taking on trainees. This recommendation, and other evidence from law firm consultation respondents, illustrates that a level of bureaucracy has grown up around the training contract over the years and that there is a strong case for a more fundamental review of these practical experience requirements and what they are intended to achieve.

(iv) Post Qualification Requirements

- 6.3.16. In terms of post qualification requirements, solicitor training principals and managing partners were broadly content with CPD requirements. One firm expressed the view that the specific requirements around compliance hours could be difficult to find. There was no enthusiasm for moving in the direction of self-certification as most felt that an hour's requirement was needed to focus minds. The only dissenting voice came from the DSBA, which expressed unhappiness at, as it saw it, the arbitrary choice of hours and the tendency for these to keep increasing year on year. The DSBA recommended that CPD courses should be subject to appropriate standards/accreditation by the Authority.



- 6.3.17. ACCA recommended its own system as an example of a transparent and meaningful CPD system. This sets out requirements based on internationally developed competences for practitioners. It allows flexibility in how and where training is obtained provided it is planned and mapped to the competences.
- 6.3.18. Various public agencies responding to the consultation suggested (explicitly or implicitly) that the right to undertake certain activities by qualified practitioners should be more closely connected to the fulfilment of certain ongoing training requirements. This is increasingly the direction of travel around criminal law and illustrates the logic of relating CPD requirements more closely to competency to practise in specialist areas. The QQI also noted in its response that “...where such continuing education confers access to additional regulated functions then external programme accreditation by the regulator may be warranted”. This suggests that there may be a need for the Authority to play some role in the CPD system.
- 6.3.19. There were no specific suggestions for changes in the transfer arrangements for barristers and solicitors, other than a general exhortation that any requirements should be proportionate (see for example, the responses from the CCPC and Consumers Association of Ireland). In its consultation response, the Law Society proposes to retain existing arrangements as they are (i.e. a one month course and six month training period in a solicitors office for transferring barristers (proposal 19)) and the Bar of Ireland noted that “*The arrangements in place for barristers to transfer to the profession of a solicitor and vice versa are well established and do not appear to present any obstacles to either profession.*”

(b) Recommendations on Barrister Training

(i) The Professional Course for Barristers

- 6.3.20. There were few concrete suggestions made by respondents for changes to the professional course offered at Kings Inns, which reflects both the greater definition around desired outcomes for this course, the fact it was relatively recently revised (compared to the PPC) and the fact that barristers doing this course are being trained for a more homogenous practice. There were, however, several suggestions for additional topics to be included in barrister training (e.g. by Enterprise Ireland on public/administrative law, EU and competition law).
- 6.3.21. In terms of the development of skills training, there were some other suggestions. Enterprise Ireland suggested that increased direct access would demand new skills sets of barristers; whilst ACCA argued for an enhanced emphasis on ethics. Additional training to recognise new



criminal legislation should also be introduced, both to cover the cross examination of vulnerable witnesses (recommended by the Garda) and the cross examination of victims of sexual violence (recommended by the Rape Crisis Centres).

(ii) Practical Training

- 6.3.22. In contrast, there were various substantive changes suggested to the system of practical training for barristers.
- 6.3.23. One trainee barrister suggested that changes should be made in the selection of Pupil Masters and that this process should be managed centrally by the Bar Library to ensure greater transparency/fairness. This respondent also recommended that some minimum stipend should be paid to trainee barristers, a position endorsed by ACCA on the grounds of the need to improve the diversity of those accessing the legal profession. It was also suggested that legal partnerships, once introduced, should be able to offer pupillages and if they did they would be most likely to pay their pupils, which would put pressure on the entire system to change. One interviewee, who had transferred to the solicitors' profession, suggested that Ireland should think about adopting the Scottish system, in which all legal practitioners first qualify as solicitors, which enhances understanding between the branches of the profession.
- 6.3.24. FLAC recommended that the Authority should conduct additional research to establish how barristers in the early years of their careers at the bar could be better supported to make becoming a barrister a viable career option for those from disadvantaged and less privileged backgrounds.
- 6.3.25. There were several respondents, including the Bar of Ireland, who suggested that arrangements should be introduced to require barristers practising outside the Bar Library to undertake some form of accredited and monitored practical training, covering a core curriculum. In their view, this should be overseen by the LSRA.

(iii) Post qualification

- 6.3.26. ICBA, the Bar Library and the Office of the DPP recommended that barristers who are not members of the Law Library should be required to undertake a minimum level of CPD every year. This should also be subject to compliance monitoring by the LSRA. This suggestion was also endorsed by interviews with the General Counsel of some major companies and public agency employers who would welcome parity between the requirements imposed on their solicitor and barrister employees. The recommendations made by ACCA in relation to CPD system design, noted above, apply also to the CPD scheme run by the Bar.



6.4. Recommendations for more fundamental changes to the architecture of the system

6.4.1. Recommendations made to the Authority through the review were by no means focused purely on how the current system could be modified. A majority of those responding to the Statutory Consultation, who chose to put forward recommendations, advocated for fundamental or wider systemic change to the system of legal practitioner education and training.

(a) Need to clarify objectives/purpose of the system and who does what

6.4.2. As a starting point for more significant change, several consultees identified the need for a much clearer statement of what the education and training system was intending to achieve. The CCPC, for example, *stated that the Law Society and The Honorable Society of Kings Inns*

“...should agree to set detailed criteria for courses and examinations which can provide the basis for education and training standards”. One large law firm added “setting publicly available criteria that a provider needs to meet, regulating governance, experience, content and assessment methods will ensure that providers reach a minimum standard”.

6.4.3. FLAC also pointed out that “clear and transparent standards are necessary for access to the legal profession”.

6.4.4. Many consultees also saw the need to create a framework for more structured cooperation between the solicitors’ profession and law degree providers, to ensure that professional training is kept relevant to stakeholder needs and to reflect the latest pedagogy. This point was made particularly forcibly by the DSBA, the Heads of Law Schools, as well as several law firms. The views from the universities on how closely they wished to get involved in the professional training debate varied. Maynooth University was, for example, at pains to point on the very different nature of its mission:

“The Department and the University believe that our primary role is to focus on providing a rigorous intellectual and ethical formation in the law (broadly conceived), and our sole, or even, perhaps, primary, emphasis should not be on technical knowledge and competence in the law, an emphasis which is more appropriate for the professional bodies”.

Others, such as Letterkenny Institute of Technology, argued that professional bodies inevitably had an impact on the curriculum taught at universities and they therefore wanted to see representation for these providers with the LSRA.



6.4.5. Enterprise Ireland also pointed out that the trend towards blurring of the roles of solicitors and barristers had not been matched by training developments. It suggested, for example, that solicitors should attend Kings Inns courses in areas like advocacy and court procedure, whilst barristers undertaking direct access would benefit from training designed for solicitors. This illustrates the potential need for the creation of a more holistic system in which there was a foundational level of shared competence between the professions.

(b) Need for external oversight and validation?

6.4.6. However, some respondents, notably the larger law firms, suggested that there was a need to go further than creating a framework for dialogue and argued that the LSRA should take on a stronger oversight role.

6.4.7. The QQI noted that it was international regulatory best practice to split the regulation of education and training (which includes defining the profile of competences, standards, procedures for evaluation and assessment) from the provision of courses or representational activity.

(c) Open the market for legal education

6.4.8. Finally, a significant number of respondents argued that change should be far reaching and open the market for legal education more widely.

6.4.9. The Consumers Association of Ireland stated, for example:

“We consider that the LSRA should review the existing framework and standards for training for both Solicitors and Barristers and determine criteria for an application process through which any and all professional bodies, (including the current bodies) must seek accreditation to offer training services. This will introduce change in terms of access, choice and competitive costing. In addition, it shall influence the course content in the context of market demand in terms of technology, business and other areas of demand for specialisation. The accreditation would be reviewable and open to audit in a period to be considered and defined”.

6.4.10. The CCPC, Department of Justice, the Legal Aid Board, the Irish Institute of Legal Executives, UCD and Griffith College all made similar recommendations. Three of the major law firms also expressed their views unequivocally and called for the removal of the Law Society’s monopoly on practitioner education and training. One law firm respondent stated its belief that the removal of the monopoly means that *“the entry of new providers in the market offering choice will allow trainees to follow a course that is aligned to the needs of the individual and a range of different firms and companies”.*



- 6.4.11. The rationale given for demanding such change varied. In some cases, such as the responses from the CCPC, DJE and Consumers Association of Ireland, the argument was based on a principled argument around the likely impact of a situation in which certain bodies have a monopoly in the markets for training solicitors and barristers respectively.
- 6.4.12. The CAI, IILEX and the Legal Aid Board suggested that the professional bodies' training monopolies would stifle innovation and limit opportunities for training, which would in turn end up reducing access and deterring new entrants from entering the profession.
- 6.4.13. In its response, UCD made suggestions on how the opening of the market could be operationalised.

“Opening up competition in this area requires an accreditation mechanism for professional legal education to ensure, in the public interest, that desired competencies are attained. In the interests of competition (particularly market entry) and building confidence in the regulatory framework, the accreditor should be independent of those providing such courses. To avoid unnecessary duplication of work and cost, such a framework might incorporate, where appropriate, external quality control mechanisms (for example, if university-level institutions offer such courses in the future, the accreditor might (partly) use the advanced quality control mechanisms which already operate in those educational institutions (including the Bologna process on EU equivalence of degrees) to ensure standards in any professional legal education courses offered by those institutions).

Similarly, on the grounds of cost to students and duplication of work, we would not favour an approach whereby competencies are assessed by a standard post-course examination administered by a body independent of the course providers (such as, at a slightly different stage, the prospective SQE in England and Wales)”.

- 6.4.14. Nonetheless, responses to the consultation on this point were by no means all in agreement. The DSBA was more circumspect, stating that it *“for now, holds to the view that the Law Society should remain the sole provider, This is on the assumption that the Law Society becomes subject to appropriate monitored professional legal educational standards which are verified as fit for purpose; and where the structure and content of the courses is consulted upon with the solicitors profession at large on a periodic basis”.*
- 6.4.15. The view of the Southern Law Association was more definitive: *“Having all professional training of trainee solicitors conducted by one institution provides core grounding for students across a myriad of subjects and is to be preferred”.* However, the SLA also noted in its response to the consultation that if there was no longer to be a monopoly provider then



some mechanism should be put in place to provide consistency in what a solicitor 'is'.

- 6.4.16. The Association of Judges expressed its opposition to a change in the current monopoly provider arrangements but also stated:

"If additional colleges of professional education are to open, it would be essential, in the view of the members of the AJI, that very stringent requirements should be put in place to ensure that any courses undertaken by such colleges involve experienced practitioners who are aware not just of the theory underlying ethical obligations but also how these obligations are honoured in practice".

This response went on to note that:

"if the LSRA considers it appropriate to recommend the licencing of colleges other than the King's Inns or the Law Society, high standards for initial and ongoing accreditation of such institutions will need to be set. Additionally, in considering this issue, it is submitted that LSRA will need, in a small country like Ireland to pay careful attention to economies of scale. If there are too many service providers, this could undermine the ability of the existing service providers to maintain their standards".

6.5. Balancing Out Recommendations

- 6.5.1. Overall, the Authority received many recommendations through the consultation exercise. These ranged from the specific and detailed, through to calls for major systemic change. Some, such as those on the question of monopoly provision, pulled in diametrically opposite directions. The framework set out in section 2 of this Report provides a basis against which the Authority can assess the gathered evidence and stakeholder recommendations, identify priorities and make its own recommendations.



**SECTIONS 7-9:
ANALYSIS
AND
PROPOSALS**



Section 7: How does Ireland's Legal Education and Training System measure up against the framework of best practice principles?

7.1. Introduction

- 7.1.1. This section maps Ireland's legal education and training system against the best practice framework set out in section 2 of this report, using the evidence gathered during the review.

7.2. The Framework of Good Design Principles for Legal Education and Training

- 7.2.1. Five principles were elucidated in section 2 of this report. These identified that a legal education and training system that was fit for purpose would have the following features:
- It meets Society's needs for legal practitioners
 - It clearly defines the competences required of a legal practitioner
 - It is open to new entrants
 - Training arrangements support the achievement of competences
 - Systems of assessment and accreditation provide assurance that competences have been achieved
 - There is appropriate governance and oversight

An assessment is made below of how far Ireland's current education and training system for legal practitioners fulfils these criteria, based on the evidence gathered in sections 3-6 of this report.

7.3. Does the Legal Education and Training System meet Society's needs for Legal Practitioners?

- 7.3.1. On balance no. The level of satisfaction of stakeholders in the system is very variable. Evidence from the Omnibus Consumer Survey and various public sector respondents to the consultation (e.g. the Legal Aid Board and An Bord Pleanála) suggests practitioners are not meeting the needs of users at the standard they expect. The CAI, supported by evidence from the Omnibus Survey and from the Irish Institute of Legal Executives, also suggests that there may be gaps in the type of legal services provider on offer in the market.



- 7.3.2. The system of solicitor education and training is not meeting the needs of firms – as evidenced by majority of responses from firms and training principals. It may have done so in the past, but it appears that it is increasingly difficult for a single system to meet a growing diversity of practice requirements.
- 7.3.3. In terms of barrister education and training, there is greater homogeneity in what is required so there is less tension between what Kings Inns is providing and the needs/views of stakeholders. However, the number of barristers practising in the Law Library is declining significantly - largely, it would appear, because of the economic difficulties of pupillage and the early years of practice. This raises concerns, given the likelihood that this will entrench a lack of socioeconomic diversity at the Bar and reinforces the importance of the alternative routes to practise as a barrister which the Act provides, through direct regulation by the Authority and the introduction of Legal Partnerships.
- 7.3.4. Several respondents reflected on the likelihood that Ireland's society and economy was changing and that new demands would need to be reflected in the legal practitioner education and training system e.g. to accommodate Brexit, the greater internationalisation of the Irish economy and the increasing use of technology in legal practice.
- 7.3.5. Finally, the consultation supports the view that the current system is not efficient. There appear to be large costs imposed by the system which limit both the talent pool and its diversity, thus not providing society with the legal practitioners it needs. There are also deadweight costs imposed on the law firms who are responsible for training nearly a half of the annual intake of solicitors into the profession, in the form of unnecessary recruitment costs and training which does not meet their needs.

7.4. Are the competencies required of a legal practitioner clear?

- 7.4.1. No. There is no overarching statement of the required competencies of either a solicitor or a barrister.
- 7.4.2. Both the Law Society and Kings Inns have set out defined syllabi for their professional courses, but these are simply descriptions of subjects to be covered, not of the specific knowledge and skills and professional and ethical attitudes that a solicitor or barrister would be expected to have at the end of their training prior to admission, and to what standard. For example, the various regulations made under the Solicitors Act 1954 for qualification as a solicitor are drafted in the form of a high-level syllabus of practice areas and skills, as opposed to a set of competencies or outcomes, as is the case in similar common law jurisdictions such as Australia, Canada, New Zealand, Scotland,



Singapore, and England and Wales. The lack of such a statement, or definition, of competence, makes it harder for professional training to be kept up to date, as evidenced by the many suggestions made in the consultation exercise for new areas of law or skills to be added to the professional courses at both Blackhall Place and Kings Inns.

- 7.4.3. The current legal education providers are not helped in their task by the absence of a modern statutory framework which defines the activities that should be regulated in the public interest, and how these are, if at all, related to practitioner titles and to each other. This makes it more difficult for the LSRA to address possible gaps in the system (e.g. as in the CAI suggestion for the introduction of the qualification of licensed conveyancer).
- 7.4.4. Without a defined competency framework, it is also difficult to eliminate duplication in the system, since there is more likelihood of a disconnect between, for example, the academic and vocational stages of legal education and training, and there is no transparent basis for accrediting prior learning. Transfers between different branches of the legal profession and international transfers (including outbound) are also made more difficult. For example, it is difficult to understand on what basis the Law Society can determine its judgments on whether a non-EU profession should be recognised under Section 44 of the Solicitors Act 1952 (as amended), without a comprehensive definition of solicitor competence against which an evaluation can be made.
- 7.4.5. There is also particular significance around this issue for the Bar, since graduates of the Kings Inns professional course may be called to the Bar by the Chief Justice, and thus be granted the title of barrister, without undertaking any formal practical training. This creates a two-tier system of competence amongst barristers.
- 7.4.6. This absence of a competency framework in the Irish legal profession, also leads to a 'tick-box' approach to CPD, since the value of CPD is simply measured in terms of hours of input, not in terms of how it helps to build or maintain competence in different areas of practice.
- 7.4.7. Against this background, it is no surprise that several consultation respondents called for greater definition of standards around legal professional education and training, and more active monitoring to these standards.

7.5. Is the system open to new entrants?

- 7.5.1. To some degree. Whilst there are no numerical limits on new entrants to the legal professions, there is evidence of a number of indirect barriers



to entry which are likely to hit socio-economically disadvantaged groups in particular.

- 7.5.2. For the solicitors' profession, the FE-1s are a concern because of the cost and delay they create for law graduates. The requirement for a training contract to be obtained prior to enrolment at Blackhall Place is also likely to reduce the attractiveness to new players of entry into the market. This system inevitably links the supply of newly qualified solicitors to the economic conditions facing firms up to three years earlier, when they would have been making the decision to take on trainees. The asymmetrical nature of this link between new solicitor supply and law firm demand creates a drag on growth and has ended up making Dublin a disproportionately expensive market (although the property market also has a role to play in this).
- 7.5.3. For the barrister's profession, the difficulty of earning a living in the first few years of practice acts as a major disincentive for those who need to obtain an income to support themselves during this period. This is evidenced by the high attrition rates at the Bar and the drift of barristers to in-house practice. Efforts by LSI and HSKI to introduce schemes to encourage more diverse entry through (e.g. bursary schemes) are widely seen as laudable but inadequate to address the underlying systemic problem.
- 7.5.4. Lastly, the numbers qualifying are inevitably capped by the capacity of Law Society and Kings Inns to train students. Although both providers deny that numbers of new entrants into their training programmes are capped, they inevitably face capacity constraints given their dependence on physical premises (see for example, p.137, Maharg, Ching and Crewe, 2018). The LSI is, however, proposing to expand its physical provision by 10-15 workshop rooms (see LSI consultation response, proposal 26, Annex F).

7.6. Does the form and delivery of training arrangements support the achievement of competence?

- 7.6.1. Since competence is not defined for either profession, it is impossible to give a definitive answer to this question.
- 7.6.2. In terms of form, both the barrister and solicitor professions have only one major route to qualification which involves a vocational and a practical stage. Although trainees are expected to have required academic knowledge, this is treated not as part of a holistic education and training regime, but rather as a stand-alone entry requirement. In turn, this has led to the creation of an additional period of privately funded, unregulated education.



- 7.6.3. Both the Law Society and Kings Inns provide a combination of knowledge and skills training on their professional courses. The success, or otherwise, of these is reflected in the feedback set out in section 5 of this report. This evidence suggests that, particularly in the more diverse world of solicitor practice, a current set of training arrangements will find it increasingly difficult to deliver the legal practitioner competencies that Society requires. The need for change and improvement is further recognised by the professions in the LSI's own submission to the Authority and in the myriad suggestions for review and improvement in the Maharg Report.
- 7.6.4. In terms of the practical stage of training, although the Bar defines the skills it expects trainee barristers to acquire during pupillage, the guidelines around these could be better developed into a more useful competence statement. This would then provide a more transparent basis for determining the practical training requirements that might reasonably be imposed on individual barristers who do not go on to join the Law Library and obtain pupillage training. As far as the Law Society training contract is concerned, this has few defined requirements, beyond those relating to practice areas and does not require any explicit skills development or monitoring of the ways in which these might be achieved. The Law Society's proposed reforms will go some way to address this.

7.7. Do the systems of assessment and accreditation in place provide assurance that competences have been achieved?

- 7.7.1. Partially for Kings Inns. No for the Law Society or Bar of Ireland (for CPD).
- 7.7.2. On assessment for both the FE-1 and the professional course, doubts were raised about the transparency of assessment at Blackhall Place. There was also identified a lack of assessment of competency in key legal skills such as writing, drafting and research. The task of assessment is not aided, however, by a lack of formal competence requirements.
- 7.7.3. Accreditation systems are of limited current application to legal practitioner training. Neither provider is subject to a formal external accreditation framework, although the Kings Inns BL degree is recognised and benchmarked on the National Framework of Qualifications (NFQ) at level 8. It is also worth noting that Kings Inns has its own accreditation system which allows it, at least partially, to recognise the prior qualifications of applicants on the professional course – on the basis of the description given by staff at Kings Inns to the education review team, this system would appear to be well planned and



executed, although universities query the limit of accreditation to particular topics, requiring others to be tested by the entrance examinations.

- 7.7.4. The Law Society has opted out of the NFQ and is not subject to any external accreditation. As it states on its website:

“Section 49 of the Solicitors (Amendment) Act, 1994 (the “1994 Act”), which amends Section 40 of the Solicitors Act 1954, sets out the legislative basis under which the Society is empowered to award diplomas and certificates, stating, “the Society may award diplomas, certificates and other awards of merit”. Given that the Society is empowered to make awards under separate legislative provisions, the Society has opted to remain outside the National Framework for Qualifications.”

- 7.7.5. In terms of CPD, whilst both solicitors and barristers were content with the quality of CPD on offer from the Law Society and Bar respectively, the absence of any assurance around the quality and purpose of courses provided by others (or of the relation of the number of hours required to any meaningful yardstick of competence) caused concern. The absence of meaningful systems of CPD in both the solicitors and barristers’ profession contrasts with the submission made by ACCA on the treatment of CPD in the accountancy profession.

7.8. Is there appropriate governance and oversight over the system of legal practitioner education and training?

- 7.8.1. No. There is, as observed above, no coherent statutory framework for the oversight of legal practitioner education and training.
- 7.8.2. The consequences of this are that there is no integration between different stages of legal education (notably between undergraduate and professional stages), which results in unnecessary costs and duplication.
- 7.8.3. More importantly there is no external accountability which would enable the Law Society and Kings Inns/the Bar of Ireland to defend their training regimes as having met public interest and better regulation tests as well as helping them to ensure that they continue to meet stakeholder needs.
- 7.8.4. The accountability mechanisms which do currently exist do not provide adequate independent oversight. The Law Society Council is the authority to whom all powers relating to education and training are delegated by the Solicitors Acts. The Council further delegates powers to the education committee, which has only two non-solicitors on it, one of whom is a solicitor judge and the other a representative of the Irish Notaries. There is no independent representation from academia, the



wider learning and education sector or from other stakeholder groups. This lack of accountability is reflected in the unhappiness from many law firm respondents to the consultation about the level of dialogue and stakeholder engagement offered by the Law Society in education and training. There is slightly more accountability at Kings Inns, through its links with the judiciary, but again, this does not include any views from outside of the confines of the legal profession itself.

7.8.5. The QQI noted in its response to the Statutory Consultation, Irish legal training has not traditionally been subject to independent external review, unlike many other Irish professions. This sits in contrast to Irish HEIs, which are subject to statutory external review of their quality assurance procedures by QQI and their programmes and qualifications are benchmarked against the Irish National Framework of Qualifications (NFQ).

7.8.6. As the QQI noted in its response to the Statutory Consultation:

“International good regulatory practice is that these elements⁵² be organised by a body separate from those providing education and training or representing or advocating on behalf of the profession. This is to ensure that the interests of the general public and of learners aspiring to join the profession are protected from those of the providers education and training or those of the incumbent professionals”.

7.9. Overall Assessment

7.9.1. This assessment is summarised below in tabular form in table 7.1, below. This illustrates that the current system has major shortcomings, which extend beyond solutions that could be fixed by superficial adjustments, even if those would assist with some of the symptoms.

⁵² Itemised by the QQI in its response as: *Defining a profile of occupational competence for professionals; Defining standards for education and training provision intended to deliver to that profile; Establishing procedures for the initial evaluation and periodic re-evaluation of programmes of education and training against those standards; The regulator may also provide for direct assessment of individual occupational competence, independent of any particular accredited programme*



Table 7.1: Is Ireland's Legal Education and Training System Fit for Purpose?

Design Principle	Does Ireland's system meet these requirements?
<i>It meets Society's needs for legal practitioners</i>	On balance, no
<i>It clearly defines the competences required of a legal practitioner</i>	No
<i>It is open to new entrants</i>	Partially
<i>Training arrangements support the achievement of competences</i>	Not fully
<i>Systems of assessment and accreditation provide assurance that competences have been achieved</i>	Partially (HSKI) No (LSI & Bol)
<i>There is appropriate governance and oversight</i>	No

7.9.2. The next section looks at the proposals which emerge from this assessment.



Section 8: What proposals for change emerge from this analysis?

8.1. Introduction

- 8.1.1. The preceding analysis leads the Review Team to make a number of proposals for change to the Authority. These are designed to consider the scope of the recommendations which the Act requires the Authority to make to the Minister.
- 8.1.2. At the heart of these proposals are two core propositions for the Authority to consider. These will provide both a foundation and catalyst for further reforms of the education and training system for legal practitioners.

8.2. Core Proposals

Proposal 1: A clear definition of the competence and standards required to practise law should be developed for legal practitioners

- 8.2.1. Section 34(3) of the Act requires the Authority to report and make recommendations on “appropriate standards of education and training for legal professional qualifications”, and the “*scope and content of the(ir) curriculum*” as well as in on “*the manner in which such education and training is provided*” (S.34(1)).
- 8.2.2. The way any major programme of education is designed, delivered and assessed, to maximise its effectiveness, requires clear definition not only of its curriculum but also, more importantly, what its learners should achieve. This is particularly the case for national systems of education and high stakes programmes such as those leading to professional qualifications. Hence, the Irish Primary School curriculum⁵³ provides highly detailed statements of what the curriculum “should enable the child to” do and how it should develop children’s attitudes to a subject. The Leaving Certificate curriculum provides not only what students “learn about” but, in greater detail, what “students should be able to” do.⁵⁴ This approach is variously referred to as an outcomes - or competence- based system of education. It is the system adopted as

⁵³ https://www.curriculumonline.ie/getmedia/9df5f3c5-257b-471e-8d0f-f2cf059af941/PSEC02_Mathematics_Curriculum.pdf

⁵⁴ https://www.curriculumonline.ie/getmedia/f6f2e822-2b0c-461e-bcd4-dfcde6decc0c/SCSEC25_Maths_syllabus_examination-2015_English.pdf



the basis of systems of legal education and training in several comparable common law jurisdictions.

8.2.3. Where curricula are expressed simply in terms of topics – as opposed to outcomes or competencies - as the review evidence suggests is currently the case for the Irish legal professions - the way education is provided and assessed necessarily relies on custom and practice and is more open to interpretation. This increases systemic risks to quality, consistency and fairness, and leads to drift over time between Society's needs and what qualifications deliver. It is also less transparent to those undertaking that system of education and those who engage with graduates of that system of education.

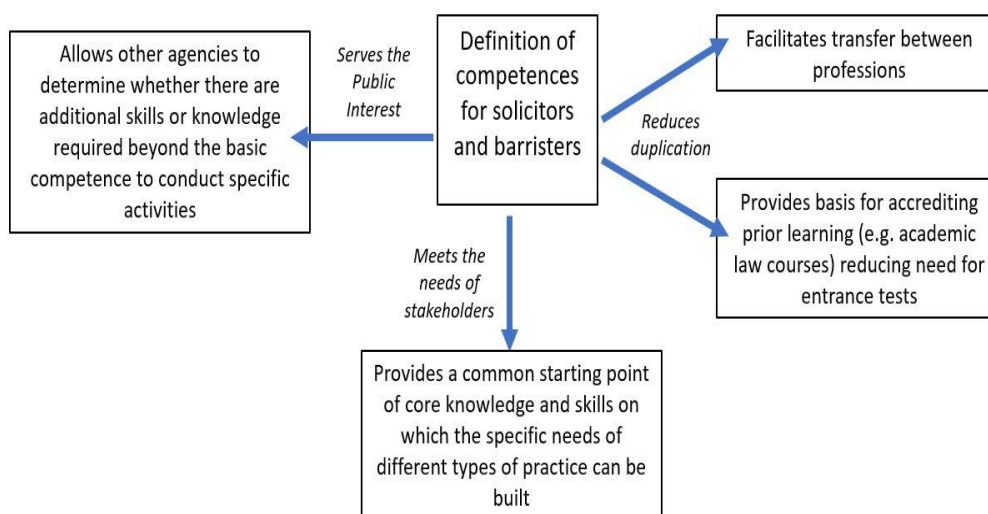
8.2.4. The competence and standards-based approach, by contrast, offers an opportunity better to define not only the core knowledge, skills and attitudes required by legal professionals, but also the specific tasks they should be capable of performing, and the standard at which such tasks should be performed. This, in turn, provides greater clarity and transparency to:

- consumers of legal services as to the capabilities of their advisors that they can expect
- regulators of legal services in terms of benchmarking standards of capabilities and behaviours against which complaints and disciplinary matters can be assessed
- prospective legal professionals as to what they must be capable of demonstrating - and at what standard - to be assessed as competent to practise
- providers of legal education to develop appropriate programmes, pedagogies and assessment strategies to develop and assess student competency
- bodies responsible for quality and accountability in education to be better able to assess provision against achievement of outcomes
- awards and qualifications bodies – both home and overseas – to benchmark competencies against national and international qualifications frameworks

It also provides the opportunity better to define the competencies of different professions involved in the provision of legal services and thus identify any core competencies required by all legal professionals and any additional competencies required for those seeking to transfer between professions.

- 8.2.5. At a systemic level, a combination of competencies and standards enables clearer definition of the purpose and level of specific stages within a system of education and training and can reduce the risk of repetition or duplication of learning and assessment. It also has the potential better to maintain consistent standards within the changing architecture of modern legal practice, with both general and specialised practitioners. That is, common professional skills and attitudinal competencies and standards can define, albeit they may be developed, assessed and ultimately practised in different areas of law.
- 8.2.6. Finally, a competence and standards-based approach also allows regulators and professional bodies to specify competencies and standards for differing levels of practice or roles within a practice, e.g., Senior Counsel, owner or manager of a law firm. The benefits of a competency approach are illustrated in figure 8.1, below.

Figure 8.1 The Benefits of a Competency Based Approach



- 8.2.7. Given the above, and based on the evidence of the review, this proposal is the suggested cornerstone of a reformed system of Irish legal education and training, designed to meet the needs of all stakeholders and the requirements of modern legal practice.



How would this translate into practice?

- 8.2.8. Given the current legislative framework for legal services in Ireland, separate definitions of competence would be needed for solicitors and barristers. However, there are distinct advantages in ensuring these are based on a common template, to allow them to be directly related to each other. Any new types of practitioner qualification which might be designed in future (e.g. in the form of a licensed conveyancer) can then be mapped against existing forms of legal professional using the same template.
- 8.2.9. There are other issues in the Irish legal education and training system which clear competence statements could assist in resolving. A statement of competence for barristers, for example, would enable the Authority to determine whether, and if so what, further practical training should be required of Kings Inns graduates choosing to practise outside the Law Library. It would also address the question of whether solicitors should be permitted to set up in practice immediately on qualification, as current Statute permits them to do.
- 8.2.10. The competence statements for solicitors and barristers would initially only cover what was needed from a regulatory point of view for admission. However, they would provide a basis for further elaboration in future and could be built on by other agencies, such as the Legal Aid Board, who may wish to specify what additional competencies or attributes they would require of practitioners on top of the defined entry level competence. The existence of competence statements for the legal professions would therefore also provide a basis for the stakeholder engagement and ongoing dialogue which appears to be missing from the current system.
- 8.2.11. This approach also opens the potential for varied pathways to qualification to exist, since it acknowledges that the same ends may be achieved by different means. It therefore addresses the fears of some stakeholders (e.g. the Southern Law Association) who expressed concerns about how consistency could be maintained in a system in which different routes to qualification, or different providers, might exist.
- 8.2.12. The key question is, of course, who would determine the competence statements, and thus this is the basis for our second core proposal.



Proposal 2: The roles and responsibilities of stakeholders in the legal education and training system should be reformed to reflect modern principles of good governance and better regulation.

- 8.2.13. Section 34(3)(c) of the Act requires the Authority to make recommendations, if necessary, on the “arrangements necessary to monitor adherence to the standards” and on “the manner of and requirements relating to the accreditation of bodies or institutions”.
- 8.2.14. These issues touch on the governance of the system of legal education and training because they relate to the accountability of those who are responsible for determining access to the legal professions and transparency around what they do. They also relate to the regulation of the system which would flow from such governance arrangements.
- 8.2.15. Good governance underpins the legitimacy of all organisations that function in society. UNESCO⁵⁵ describes the concept of governance as the “*structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation*”.
- 8.2.16. Governance should be distinguished from management which is the process by which individuals and groups of people are given the authority to achieve specific objectives and results in the allocation of physical, human and financial resources. Governance sets the parameters under which management and administrative systems operate. It is the price that organisations pay for the privileges of institutional autonomy, self-regulation or monopoly provision and it has become a major leverage for improving quality, particularly in the fields of education and professional activity.
- 8.2.17. Higher education in Ireland represents a good example of how Government has created a progressive legislative framework which balances institutional autonomy with the need to assure the public that there is enough oversight to deliver to the wider public interest. (See also the recently published Qualifications and Quality Assurance (Education and Training) Bill 2018). Governance in the higher education context has been described by the Higher Education Authority (HEA)⁵⁶ as:

“the systems and procedures of oversight implemented by the HEA with regards to individual Higher Education Institutions (HEIs), and to the collective system of higher education. The objective of such oversight is to ensure that the HEIs and the system collectively meets the outcomes expected ... This is consistent with the definition set out within the respective Codes of Governance for Irish institutions”. It

⁵⁵ See <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/quality-framework/technical-notes/concept-of-governance/>

⁵⁶ See <http://hea.ie/funding-governance-performance/governance/>

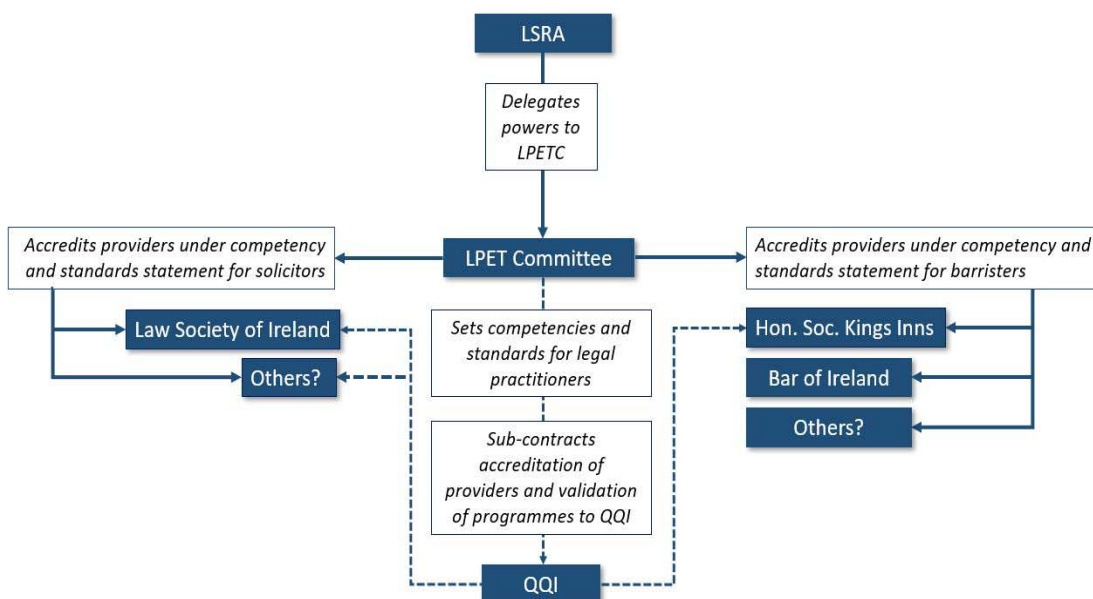
then goes on to distinguish governance from regulation, which it describes as “the system of statutory and administrative rules and requirements placed on HEIs, with the HEA (including QQI) responsible for monitoring and reviewing compliance”.

8.2.18. At present there is no external oversight in the governance of the legal practitioner education and training system and the consequences of this were evident in the feedback received by the Authority during its consultation. It is also the case that for the Authority to meet its regulatory objectives contained within the 2015 Act, it needs to have a role in setting the standards for entry into the legal professions.

What is needed?

8.2.19. It appears to the review team that, for the Authority to be able to fulfil its responsibilities under the 2015 Act, of maintaining and improving standards in the provision of legal services by legal practitioners, it should have a clear oversight role in the legal education and training system. This, coupled with the need for there to be consistency in the approach taken to defining legal practitioner competence, as outlined in proposal 1, leads us to advise the Authority to recommend a new architecture for the governance of legal education and training.

Figure 8.2: A new architecture for the governance of legal education and training in Ireland





- 8.2.20. The LSRA should establish a Legal Practitioner Education and Training (LPET) committee⁵⁷ to be tasked with responsibility for setting and assuring standards of legal practitioner education and training. It would be constituted as an independent body reflecting (but not representing) the interests of all stakeholders in legal services education and training. This committee should also include expertise in the design, delivery and quality assurance of legal education and training. Once it had set standards, it would then be responsible for accrediting providers to deliver relevant elements of the education and training to meet the competencies required. It would also be responsible for periodic reviews of the competencies and standards it had set, and for reviewing accreditations.
- 8.2.21. The LSRA, through the LPET committee, would replace the statutory role played by the Law Society Council (delegated to the Law Society's Education Committee).

How would this system work in practice?

- 8.2.22. The LPET committee would first be called upon to prescribe a required format and criteria for competencies and standards and to provide guidance on the sort of factors that should be taken into consideration in their design. This standard format for defined competencies and standards would be aimed at improving transparency both for, and between, each profession in terms of admission requirements. It could subsequently be developed into competence statements that could be used to support continuous professional development and the development of more specialist expertise.
- 8.2.23. The LPET committee might choose, as a starting point, to invite the relevant professional bodies to submit their statements of required competencies and standards for review. Following such review and public consultation on those competences and standards, the committee could then recommend to the LSRA that they be approved or suggest amendments.

8.3. Further Proposals

- 8.3.1. The proposed new system of governance and regulation of the framework for legal practitioner education and training outlined above, leads to several further proposals to the Authority.

⁵⁷ Legal Services Regulation Act 2015, section 13(9)



Proposal 3: An accreditation and validation framework should be developed for legal education and training providers by the LPET Committee

- 8.3.2. Section 34(1)(c)(v) and (vi) of the Legal Services Regulation Act 2015, require the Authority to include its recommendations, consideration of *“standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training”* as well as *“the need for, and, if such need is identified, the manner of and requirements relating to the accreditation of bodies or institutions”*.
- 8.3.3. The evidence gathered by this review suggests that there is a need, as would be expected in any education provision, to review and revise curriculum and pedagogies to ensure fitness for purpose and a match to stakeholder needs. This recommendation is therefore aimed at ensuring that both providers and programmes of legal education and training are required to meet defined quality standards. Such a framework then offers the basis for other providers to enter the market for legal education and training, should there be a demand for their services.
- 8.3.4. The review team therefore recommends that the proposed LPET committee should, using the competence statements that it will be instrumental in developing, create a framework for the accreditation of legal education and training providers, and the validation of programmes of legal education and training.
- 8.3.5. These provider standards, like those that exist for HEIs, should be designed to ensure that any accredited provider of legal education and training has capability, finance and governance arrangements – including independent stakeholder representation – to support, on a sustainable basis:
- programmes that will enable development of relevant competencies at the appropriate standard
 - reliable, fair and robust assessment⁵⁸ of competencies
 - systems of quality assurance and quality improvement
 - equality of opportunity and diversity
 - consistency with the HEF and global standards
-



- 8.3.6. A programme validation framework should require a programme to demonstrate that it:
- meets a clear, identifiable, evidenced market need
 - has a clear, identifiable, purpose within the qualification process, mapped against the competency and standards framework referred to in Proposal 1
 - will communicate to prospective students, full information about its purpose in the qualification process, competencies that will be developed, standards required, pedagogies and assessment formats
 - adopts pedagogies appropriate to development of relevant competencies at the appropriate standard, and uses appropriate learning materials
 - has assessments that are appropriate to assess individual competencies, and are reliable, fair and robust
 - will be appropriately managed and monitored
 - has transparent and fair admissions arrangements
 - has robust internal and external quality assurance arrangements and capability to comply with reporting requirements
 - will provide students with appropriate learning, personal and professional support
 - clearly communicates its intended outcomes, pedagogy and assessment processes to prospective candidates, to ensure informed choices
 - is financially viable and sustainable

8.3.7. In addition to initial validations, the LPET committee would also be responsible for periodic reviews/re-accreditations of providers and programmes. These activities could be outsourced to the QQI, for example, but the committee should have oversight of and approve the required accreditation and validation frameworks and processes. This would create consistency across the HE sector without prejudice to the primary regulatory objectives.

Proposal 4: The introduction of new providers or alternative routes to qualification should be managed to maximise the potential benefits and to avoid confusion

8.3.8. The introduction of a competency framework for legal practitioner qualifications, and a framework of standards for providers and programmes, will make it possible for new providers to enter the market for legal education and training. To reap the full benefits of this development and the potential innovations it could unlock, it is possible that providers may choose to structure their programmes in different ways (e.g. embracing a sandwich structure which combines vocational



and practical training in a different way to that done by the PPC historically).

- 8.3.9. It is important therefore that any alternative programmes that are developed offer only complete stages of the qualification process. This reduces the risk for students that they enrol in programmes which leave them stranded on the route to qualification. It might, for example, be possible for a Higher Education Institution to deliver both the academic and vocational stages of qualification, or to deliver the vocational and practical stages, in conjunction with an employer (the latter being particularly relevant for barristers outside the Law Library).
- 8.3.10. The LPET committee should manage this process through the competency framework and ensure that, if there are universities or institutes of technology who wish to offer courses which are aimed at meeting some or all the competency framework, these programmes are subject to the same external scrutiny as proposed for the current programmes offered by the professional bodies.

Proposal 5: Assessment methodologies should ensure adherence to standards

- 8.3.11. Section 34(3)(c)(i) requires the Authority to make recommendations for the “*appropriate standards of education and training for legal professional qualifications*”. If new providers or routes to qualification are introduced, it will be important to ensure that their assessments are benchmarked to ensure that equivalent standards are reached. The competence framework approach detailed in Proposal 1 facilitates this process: greater clarity and transparency in required competencies and standards makes it easier to quality assure both the design and marking of assessments; ensure alignment with programme outcomes; and ensure that assessments are consistently valid, reliable and fair, both at individual providers and on a comparative basis.

Proposal 6: The LPET Committee should monitor the quality of legal education and training,

- 8.3.12. Section 34(3)(c)(ii) of the 2015 Act, requires the Authority to make recommendations in relation to the “*arrangements necessary to monitor adherence to ..standards*”. The availability of appropriate data is a core element of quality assurance, enabling analysis of:
- success in assessment and thus access to profession in the context of a range of diverse characteristics of candidates
 - reliability of assessment processes
 - effectiveness of programmes of education and training



- 8.3.13. Under Proposal 3, the review team recommends that the Authority should require providers of legal education and training to demonstrate, through accreditation and validation by the LPET Committee, that they have robust internal and external quality assurance processes, and the capability to comply with reporting requirements. We would further recommend that this should be in the form of an annual report which would be the primary source of evidence through which the LPET Committee would monitor the quality of legal education and training.
- 8.3.14. The LPET Committee would define the detail of reporting requirements. This should be both qualitative and data-based, and should include, inter alia:
- a return of stipulated information on the programme; students; resources; and its management and operation;
 - a qualitative review of learning and teaching;
 - student feedback and the provider's response to that feedback;
 - external examiners' reports and the provider's response to those reports;
 - plans for innovation and development; and
 - details of faculty training and development activities.
- 8.3.15. In addition, the LPET Committee should define data to be provided on student characteristics; admissions; diversity; and success in assessments.
- 8.3.16. The Committee's functions would include reviewing and responding to providers' annual reports, providing feedback and, potentially, recommendations for quality improvement. It would also review the defined student data. Again, if HEIs wished to enter the professional education and training market, they would need to be subject to these same scrutiny processes.
- 8.3.17. One final area the Authority needs to address in its recommendations is the question of how any changes to the system of legal practitioner qualification might avoid the risks of duplication. Section 34(3)(c)(iv)(1) of the Act, requires it to make recommendations for "*arrangements that would facilitate the minimisation of duplication, and consequent expense incurred, in the taking of examinations in legal subjects on the part of a person who wishes to undertake a course of legal professional education and who has obtained a third level law degree that includes one or more of the subjects that form part of that course*".
- 8.3.18. Proposals 7 and 8 from the Review Team, are linked and are both designed to reduce duplication in entry requirements. Again, they flow from the development of statements of competence.



Proposal 7: Admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standards

Proposal 8: The LPET Committee should develop a common set of competencies and standards for admission to the current PPC and barrister-at-law degree programmes

- 8.3.19. Proposal 7 is a general proposition based on the assumption that a foundation of academic knowledge is required for professional legal education ('the academic stage' of qualification). The LPET Committee will have set out this standard in its definitions of competence. It should then also provide a validation mechanism through which providers could demonstrate the ability of their programmes to develop and assess students to the standards required for entry into professional training as either a solicitor or barrister. This would then obviate the need for a separate set of examinations for entry into professional training.
- 8.3.20. The general principle underlying proposal 7 is then applied more specifically in proposal 8 to the entry requirements currently imposed by the existing legal professional training providers. Review evidence demonstrated that the current requirements to pass, respectively, FE-1 and the Kings Inns' Entrance Examination, to be admitted to the PPC and Barrister Degree programmes respectively, impose a significant cost on the sector.
- 8.3.21. The LSI⁵⁹ and King's Inns⁶⁰ have both stated that the rationale of these examinations is to ensure all prospective students are assessed as having a minimum threshold level of knowledge in substantive law. They also refer to the multiplicity of assessment methods of third level institutions and currency of legal knowledge as reasons for entrance examinations. However, in neither case is there a defined standard of assessment (e.g. as against the QQI framework), notwithstanding the intent that the examination is intended to provide an assurance of prior knowledge of academic law, and that the syllabi are compiled by academics from third level institutions. The examinations are also defined as being based on topics rather than competencies. The King's Inns state that the examinations are problem-based in terms of emphasis⁶¹, seeking to assess the ability to apply law to a problem, which can be defined as a required competency. In discussions with the

⁵⁹ Submission to the Legal Services Regulatory Authority as Part of a Public Consultation Prior to a Report to the Minister for Justice and Quality on the Education and Training Arrangements in the State for Legal Practitioners, 8 June 2018, ss. 6.7.6 – 6.7.7

⁶⁰ Submission to the LSRA on Education and Training Arrangements in Ireland for Legal Practitioners – The Honorable Society of King's Inns – June 2018 – p11

⁶¹ Submission to the LSRA on Education and Training Arrangements in Ireland for Legal Practitioners – The Honorable Society of King's Inns – June 2018 – p13



review team, they also stated that it was their intent that their Entrance Examination could be successfully undertaken with little or no further study following a third level law degree.

- 8.3.22. The Review Team therefore proposes that, following the development of the legal practitioner competencies, HEIs could seek to have their programmes accredited by the Authority as meeting the standards required for admission to the Law Society and Kings Inns professional programmes. The review team further suggests that, given the current level of these assessments and the commonalities of purpose, a common set of standards for admission could be developed. Successful completion of an accredited degree would thus demonstrate the required competencies for admission to professional training.

Proposal 9: On non-law Graduates

- 8.3.23. Non-law graduates wishing to become solicitors must currently sit the FE-1 examinations, in the same way as those with full law degrees, usually because of having undertaken a preparatory course. Those wishing to become barristers must take the Kings Inns Diploma in Legal Studies followed by the entry examination to the BL course.
- 8.3.24. Under a competency approach, the Law Society and Kings Inns would be expected to define their entry standards against the framework outlined above. The entrance examinations onto the existing professional programmes for non-law graduates could remain, although if an alternative route was able, for example, to satisfy some or all the Law Society's requirements (e.g. through completion of the Kings Inns Diploma in Legal Studies) then this should be an acceptable alternative to sitting some or all the FE-1.
- 8.3.25. Beyond this, the competency approach would open up the possibility for a University, Institute of Technology or other provider, to offer routes for non-law graduates to combine the academic and vocational stages of qualification.

Proposal 10: On Diversity

- 8.3.26. Improving the diversity and representativeness of the legal profession through the legal education and training system is of fundamental importance. At present, there are various obstacles to entering the profession in the way of those from disadvantaged socio-economic groups. The Authority should therefore ensure that a modern system of education and training for legal practitioners in Ireland is designed with equality and diversity considerations at its heart. The Review Team believe that a competency-based system, such as it has recommended, will provide a strong starting point for taking these concerns into account.



- 8.3.27. Such an approach will potentially open new routes to qualification which can be accessed outside of Dublin or on a part-time basis. It would also facilitate the greater use of clinical legal education methods in pre-admission training; thus, enhancing skills development and supporting wider access to justice objectives.
- 8.3.28. The question of diversity at the bar, prompted a great deal of comment to the review but few concrete suggestions on how this could be resolved. The Review Team is of the view that a partial solution may lie in the adoption of legal partnerships, which could provide a route to practise at the bar through employment. We would, however, suggest that the Bar of Ireland undertakes a fundamental review of its pupillage system. There are two strong justifications for doing so: First, the clear need advanced through the consultation for more transparency and formality to be introduced into the pupil master selection process; and secondly, the risks to diversity at the Bar, given the difficulties for newly qualified barristers to support themselves in the early years of practice.

Proposal 11: On admission

- 8.3.29. The Review Team is conscious that the introduction of a competency approach would pose challenges for the existing admission systems, which are based on a single point of entry. The Review Team suggests that, the professional bodies, for the time being, retain their responsibilities for admissions but will need to accept that new legal practitioners may have been created by alternative means to their own.
- 8.3.30. This creates a bigger challenge for the Law Society than the Bar, since the LSRA will, as foreseen in the Act, maintain the Roll of barristers who are not practising in the Bar Library. The Bar will therefore only need to deal with the possibility that aspiring barristers might be able to fulfil their vocational training requirements through an alternative to the Kings Inns BL course, if such an acceptable alternative course is designed. The Law Society, on the other hand, may find itself, under a competency approach, having to recognise courses accredited by the LSRA which are provided by other bodies in competition to its own professional course.
- 8.3.31. To satisfy the norms of good governance, the Review Team therefore proposes that the Law Society Admissions to the Roll procedure should be separated from the Law School. The Law Society Admissions Department should instead sit with the Society's other regulatory functions. Provided a candidate is competent and meets all the requirements which would be stipulated in any alternative route, they should be able to apply for admission to the Roll of Solicitors, in the same way as a trainee solicitor who has followed the traditional Blackhall Place route.



Proposal 12: On transfer arrangements between branches of the profession

- 8.3.32. At present the transfer arrangements between branches of the legal profession do not appear to be unduly onerous, although the review did raise some questions about whether the requirements were imposed more for form rather than to address satisfactorily differences in skills or knowledge (see for example paragraph 5.7.10).
- 8.3.33. The Review Team therefore proposes, once appropriate competence frameworks and standards have been established for solicitors and barristers, that the Authority should require the Law Society and Bar to review their mutual transfer arrangements. If necessary, the Authority should then direct the professional bodies to redesign their processes to align with the differences in the competencies required to practise in the other branch of the profession.
- 8.3.34. Transfer arrangements also raise the question of whether admission as 'a solicitor' or 'a barrister' is enough in an increasingly complex modern world. As paragraph 8.1.11 suggests, there may be areas of practice which increasingly demand further qualification/certification of skills and or knowledge, such as criminal advocacy, conveyancing or managing a legal practice. In future, therefore, once the competency approach has further developed, moving between branches should be even more straightforward than at present but if a transferring practitioner wishes to enter an area of the profession which requires particularly specialist knowledge of procedural requirements or law and skills, then additional requirements may be imposed.

Proposal 13: On foreign transfers

- 8.3.35. The issue of foreign (non-EU and EEA) transfers was only touched on peripherally in this review. Several respondents raised the question of whether existing reciprocal and mutual recognition arrangements remained valid and the Review Team would suggest that this issue is addressed in more detail once the competence framework has been established.
- 8.3.36. In advance of this, it may be necessary for any review of legislative change required to implement these proposals to address in more detail the question of whether the existing reciprocal mechanism for recognition of foreign qualifications is appropriate.



Proposal 14: On CPD

- 8.3.37. At present, the CPD schemes for both the Law Society and the Bar are input based. They simply require a number of hours of professional development to be undertaken each year, although the Law Society has added specific stipulations for those in management positions. This form of system sits at odds with more modern concepts of CPD, which emphasise the linkage of professional training to ongoing competence to practise. The shortcomings of the input system were evident in the main concerns emerging from the consultation in relation to CPD. Views expressed on this topic suggested that there was unhappiness in some quarters at the steady increase in the hours' requirement, as well as in the quality and meaningfulness of some of the CPD courses on offer. The Review Team was impressed by the approach to CPD outlined by ACCA in its consultation response, and the description of the competency-based approach to CPD used in the accountancy profession.
- 8.3.38. The Review Team therefore proposes that the Authority recommends a root and branch review of the professional bodies' CPD schemes once the new Legal Practitioner Competency Framework is in place. We further propose that the LSRA, through the LPET Committee, replaces the Law Society as the body with the legislative authority to set CPD requirements for solicitors. This would enable the Authority to ensure broad compatibility in requirements across both professions, including among barristers practising outside of the Law Library. The Law Society and the Bar should nonetheless remain responsible for ensuring that their respective practitioners have completed their annual CPD requirements. We are also not recommending that the Authority should seek to accredit CPD providers. We believe that the meaningfulness of CPD can be increased even within the current 'input system' by requiring CPD providers to explicitly link their courses to the competency framework.

Conclusions

- 8.3.39. A summary of these 14 proposals is set out on the next page, with a reminder of how these relate back to issues raised during the consultation and the obligations on the Authority to make recommendations to the Minister.



Table 8.1 Summary of Proposals

Recommendations required by the 2015 Act	Concerns Raised during Consultation	How Addressed by Review Team's Proposals
<p>Appropriate standards of education and training for legal professional qualifications (s.34(3)(c)(i)), including ongoing training (s.34(1)(a))</p>	<ul style="list-style-type: none"> - Consumer and user needs not being met by legal practitioners (<i>see Consumer Omnibus, public sector responses to consultation</i>) - Variable quality of teaching on PPC, and to a lesser extent at HSKI (<i>see law firm responses to consultation, trainee solicitor and trainee barrister surveys</i>) - No clear definition of a barrister's competences covering those inside and outside the Law Library - Current PPC course design does not meet needs (e.g. of larger firms in particular). - Lack of clarity around objectives or expected outcomes of professional courses - Outcomes for practical training element of entry standards for both solicitors and barristers neither sufficiently developed nor linked to learning on professional courses. <p><u>Ongoing Training</u></p> <ul style="list-style-type: none"> - CPD hours requirements arbitrarily set - CPD programmes not linked to competence 	<p><u>Proposal 1</u>: Development of a definition of competence and standards required to practise as either a solicitor or barrister</p> <p><u>Proposal 14</u>: CPD programmes to be linked to competence frameworks and standards</p>



**Recommendations
required by the
2015 Act**

Concerns Raised during Consultation

**How Addressed by Review
Team's Proposals**

<p>Arrangements necessary to monitor adherence to standards (s.34(3)(c)(ii)) (i.e. assessment of competence)</p>	<ul style="list-style-type: none"> - Assessment on professional courses (especially LSI PPC) too linked to knowledge tests, not to testing of professional practice requirements - Quality assurance for existing providers only patchy - No active monitoring of standards in practical training or established basis for assessing whether practical training is effective. - 	<p><u>Proposal 5</u>: Assessment methodologies based on the competence framework should ensure adherence to standards (see also section 6.6.1 of the Maharg Report)</p> <p><u>Proposal 6</u>: Requirement for legal education and training providers to maintain ongoing quality assurance processes</p>
<p>The scope and content of the curriculum forming part of courses of legal professional education and training, including teaching methodology (s.34(3)(c)(iii))</p>	<ul style="list-style-type: none"> - Gaps in curriculum - Inadequate focus on skills - Inadequate focus on learning outcomes for practical stage of training 	<p><u>Proposal 1</u>: Definition of a competence framework for legal practitioners will address this</p>



**Recommendations
required by the
2015 Act**

Concerns Raised during Consultation

**How Addressed by Review
Team's Proposals**

<p>Arrangements that would facilitate the minimisation of duplication for law graduates and transferees between professional branches (s.34(3)(c)(iv))</p>	<ul style="list-style-type: none">- Concerns over cost and time taken by FE-1- Concerns over potential competitiveness impact of FE-1- Concerns over costs of preparatory courses- Doubts over effectiveness of transfer arrangements to fill gaps between professional experience adequately	<p><u>Proposals 7 and 8</u>: Admission to professional programmes should be based on recognised University programmes benchmarked against the competence framework</p> <p><u>Proposal 12</u>: Transfer arrangements between professions to be reviewed once a new competency framework is in place.</p> <p><u>Proposal 13</u>: Process for foreign (non-EU) transfers and agreements to be assessed against new competency framework, once in place</p>
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Recommendations required by the 2015 Act	Concerns Raised during Consultation	How Addressed by Review Team's Proposals
Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training (i.e. Programme validation) (s.34(3)(c)(v))	<ul style="list-style-type: none">- Concern that introduction of new providers of professional education would lower standards- Concern that non-law graduates do not have enough academic knowledge of law	<p><u>Proposal 4:</u> Programmes offered by existing and new providers to be accredited against the competency framework</p> <p><u>Proposal 9:</u> Non-law graduates to have alternative means to enter the profession, other than through FE-1.</p>
The manner of and requirements relating to the accreditation of bodies or institutions (i.e. Accreditation) (s.34(3)(c)(vi))	<ul style="list-style-type: none">- No formal linkage of professional qualifications to the NFQ (hinders international transfers, entry of non-law and mature graduates)- Current oversight processes entirely internal	<p><u>Proposal 3:</u> An accreditation and validation framework should be developed for legal education and training</p>



**Recommendations
required by the
2015 Act**

Concerns Raised during Consultation

**How Addressed by Review
Team's Proposals**

Any other matters that the Authority considers relevant and appropriate. (s.34(3)(c)(vii))	<ul style="list-style-type: none">- Inadequacy of current governance arrangements- Consequences of monopoly provision- Diversity of the profession and the need to encourage different socio-economic and demographic groups to enter the profession	<p><u>Proposal 2</u>: Roles and Responsibilities of stakeholders in the legal education and training system reformed</p> <p><u>Proposal 11</u>: Admission responsibilities of professional bodies to be separated from delivery of education programmes</p> <p><u>Proposal 10</u>: Additional routes to qualification will encourage diversity and increase access</p>
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Section 9: How could the Review Proposals be implemented?

9.1. Implementation

- 9.1.1. In accordance with section 34 (3)(b) of the Act, the LSRA is expected to indicate how any proposals for change it is making might be implemented; and to recommend the “*reforms or amendments, whether administrative or legislative, that are required to facilitate...(its wider recommendations for reform of legal practitioner education and training)*”.
- 9.1.2. If the Authority decides to adopt the proposals outlined in this report, there are clearly some significant legislative changes that would be required, as well as further discussion needed with stakeholders. Table 9.1, below, sets out a series of practical steps which the Authority could take to implement the reforms proposed.

Table 9.1: A Suggested Implementation Plan

Stage	Task	Who For - Comments
	The following stages assume all proposals are to be implemented	
1	<i>Draw up detailed strategic reform plan</i>	LSRA
2	<i>Identify legislative and regulatory amendments required</i>	LSRA and DJE - To implement necessary changes to the Solicitors Acts and to provide power to enable LSRA to set standards for admission and independently to approve definitions of competence and standards for legal professions and to exercise consequential powers.
3	<i>Undertake scoping and feasibility assessment</i>	LSRA - This would involve a fuller cost and risk appraisals of the proposed recommendations
4	<i>Engage with stakeholders on planned implementation and key aspects of recommendations</i>	Led by LSRA - To enable strategic planning by legal education and training providers, employers and other stakeholders. To encourage professional bodies to move in direction of proposed reforms in the interim.

Stage	Task	Who For - Comments
5	<i>Determination of high-level strategic statement for the LSRA of its approach to standards and how these feed into the education and training system</i>	LSRA – the Authority needs to define both the purpose of and requirements for a profession’s competence framework for further development by the proposed LPET Committee (see 6 below)
6	<i>Define status, membership, remit and functions of LPET Committee</i>	<p>LSRA - Membership must include stakeholders in Irish legal education and training</p> <p>Remit to include:</p> <ul style="list-style-type: none"> • Approval of competence and standards frameworks for legal professional status • Development of accreditation and validation framework for legal education providers and programmes • Development of QA/QI framework and processes for legal education • Ensuring transparency of competence and standards • Periodic review of legal education and training in Ireland
7	<i>Preparation of detailed requirements for a profession’s competence framework</i>	LPET Committee - This should include a requirement to clearly identify admission requirements for professional training programmes. These will enable future LPET accreditation and validation of providers and programmes that enable students to demonstrate those admission requirements. They will also allow potential providers of such programmes to evaluate whether they wish to seek accreditation and validation.
8	<i>Preparation of definitions of competence and standards for solicitors and barristers</i>	Law Society and Honorable Society of Kings Inns/Bar of Ireland should prepare initial proposals for consideration by the LPET committee. (NB. The LSRA will also need to input its own proposals on competence

Stage	Task	Who For - Comments
		<p>requirements for barristers working outside the Law Library).</p> <p>These definitions should also enable programmes leading to specific competence at defined levels to be benchmarked against national awards frameworks (Ireland and overseas).</p> <p>LPET Committee adopts definitions following any further development required.</p>
9	<p><i>Develop accreditation and validation framework and processes</i></p>	<p>LPET Committee – this framework should cover both “admission programmes” (see 6 above) and ongoing professional training programmes where necessary (e.g. where linked to access to a reserved activity).</p> <p>Consideration to be given to current professional training programmes and timing of “transition” to these programmes requiring LPET committee approval.</p> <p>.</p>
10	<p><i>Undertake validation of programmes leading towards admission</i></p>	<p>LPET Committee (delegating the operational accreditation function (but not accreditation decision) to QQI) - The key element of the validation process will be the need for any provider to demonstrate market for and sustainability of any proposed programme. This is to maximise positive aspects of competition and minimise risk to students of programmes failing, being suspended, etc</p>
11	<p><i>Develop legal education and training Quality Assessment and periodic review framework and processes</i></p>	<p>LPET Committee - These should include the review of data from programme providers. At an early stage, data requirements should be defined such that existing providers of professional programmes can gather data to provide base data.</p>



- 9.1.3. The table above will naturally prompt the concern that the reforms proposed in this report may be delayed through the inevitable challenges of the legislative timetable and law-making process. However, the significant changes proposed are warranted, as the current system of education and training for both legal professions is some decades old and, based on the evidence gathered, showing signs that it is no longer fit for purpose.
- 9.1.4. Legislative change does not need to mean, however, that all reforms must wait. As the Law Society's own response to the Authority's statutory consultation has illustrated, there are useful steps which could be taken now independently of legislative change. The Authority should therefore engage with the Law Society, the Bar and Kings Inns, to consider what changes they could make to their own programmes or processes which would move in the direction of travel outlined in this report.



Section 10: Conclusions

10.1. Summing up

- 10.1.1. The Review Team's findings have produced clear evidence of:
- a lack of definition of the required competence of a solicitor or barrister that legal education and training is intended to develop and assess;
 - the existence of various barriers to entry into the professions;
 - the existence of duplication of learning and assessment, with concomitant time and cost impacts on students and funding employers;
 - gaps in competencies of those qualifying, which competencies are required to meet the needs of the range of legal practices, and hence consumers of legal services;
 - the need for improvement in certain areas of the arrangements for professional legal education, and its assessment;
 - a lack of independent oversight and review of professional legal education
- 10.1.2. The proposals that we are making to the Authority are therefore aimed at:
- providing a clear definition of professional legal competence for the professions, and ensuring that required competencies meet the requirements of all stakeholders;
 - removing barriers to access, including reducing duplication of learning, costs and time required to qualify;
 - ensuring the provision and assessment of legal education is best aligned to developing and assuring professional competence; and
 - ensuring ongoing independent oversight, review and monitoring of the quality of legal education and training, and its providers.
- 10.1.3. We commend our findings to the Authority and remain at its disposal for any further explanation or elaboration that may be required.



August 2018

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Annexes

Annex A: Expert Review Team

Annex B: Consultation Notice

Annex C: List of Respondents to the Statutory Consultation

Annex D: List of Interviewees and Interview Methodology

Annex E: Maharg Report Recommendations

Annex F: Law Society Proposals

Annex G: Survey Questionnaires



Annex A – Review Team

A review team was brought together for the purposes of undertaking this report for the Authority, under the auspices of London based regulatory consultancy firm, Hook Tangaza. The team was designed to offer skills and experience in the following areas:

- Legal education (to advise on curriculum, practical training methodologies and pedagogy)
- Assessment, including governance and accreditation of assessment bodies
- Continuous professional development system and requirements
- International benchmarking
- Market research and consultation
- Project management, reporting and coordination

The team consisted of four members:

Alison Hook, Director and Co-founder, Hook International Ltd (T/A Hook Tangaza)

Project Role: Overall project management, Strategic analysis, general economic and regulatory best practice input, international benchmarking and report drafting.

Relevant Experience: More than 15 years of experience of legal policy work for regulatory and professional bodies. Extensive engagement in training and education projects for a range of different stakeholders and perspectives, including in England and Wales, USA, Australia, Abu Dhabi, Oman and Northern Ireland.

Professor Scott Slorach, University of York

Project Role: Legal Education expert on course design, assessment, validation and accreditation

Relevant Experience: Legal Education academic with extensive experience of teaching and learning pedagogy, assessment and quality assurance. Has undertaken legal education review work in Singapore, Australia, New Zealand, Scotland and England and Wales

Professor Nigel Savage, Savage Hutchinson Consulting and former Chief Executive of the College of Law England and Wales

Project Role: Lead on governance and relation to higher education, legal education and training system design

Relevant Experience: Leading specialist on educational systems and practical training for lawyers. Created lawyer training programmes at Nottingham Trent University and College (later University) of Law which transformed legal education in England and Wales. Has undertaken work on training systems in a range of different jurisdictions, including Australia and Rwanda.



Katherine Bird, Hook Tangaza

Project Role: Market Research lead

Relevant Experience: More than 10 years of experience in legal sector market research, including in a professional services context, for the Law Society of England and Wales, the Law Society of Hong Kong and Invest Northern Ireland.

Annex B: LSRA Invitation to Submit Views



Invitation by the Legal Services Regulatory Authority for Submissions

The Legal Services Regulatory Authority (LSRA) invites submissions as part of a public consultation prior to a report to the Minister for Justice and Equality on the education and training arrangements in the State for legal practitioners.

The Legal Services Regulatory Authority was established on 1 October 2016 and is responsible for the regulation of the legal profession and ensuring that standards in legal services are maintained and improved.

Under section 34(1)(a) of the Legal Services Regulation Act, 2015, the LSRA is conducting a public consultation as part of its preparation of a report to the Minister in relation to the initial and continuous education and training of legal practitioners (solicitors and barristers).

The consultation is seeking views from a wide range of organisations and individuals. The LSRA is interested to hear not only from those who are directly involved in legal practitioner education and training, as providers or recipients; but also, from employers and clients who are 'users' of those emerging from the system.

Whilst the former category of respondents will have greater insight into the content and other arrangements governing legal education and training, the latter will have useful views to share on the perceived quality of legal practitioner training, both in terms of the skills and knowledge of new entrants into the profession and in terms of the ability of the continuing education regime to maintain quality.

The LSRA is also interested in views on whether there are any potential developments which are external to the legal sector (e.g. economic, social or technological) and which might suggest a changing need for the type, initial standard of qualification or content of training. Responses which provide insight into the experience of other professions and jurisdictions would also be useful.

In considering any evidence presented, the LSRA will be guided by the regulatory objectives set down in section 13 of the Act, which are:

- (a) protecting and promoting the public interest,

- (b) supporting the proper and effective administration of justice,
- (c) protecting and promoting the interests of consumers relating to the provision of legal services,
- (d) promoting competition in the provision of legal services in the State,
- (e) encouraging an independent, strong and effective legal profession, and
- (f) promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client's best interests, compliance with duties owed to the court and confidentiality.

Following the consultation and other evidence gathering activities, the LSRA will draw up a report to the Minister of Justice and Equality.

The text of Section 34(3)(c) of the 2015 Act states that the LSRA shall include in its report recommendations in relation to the following:

- Appropriate standards of education and training for legal professional qualifications;
- Arrangements necessary to monitor adherence with the appropriate standards;
- The scope and content of the curriculum forming part of courses of legal professional education and training, including the teaching methodology of the following:
 - Legal education,
 - Legal ethics,
 - Negotiation,
 - Alternative dispute resolution, and
 - Advocacy.
- Arrangements that would facilitate the minimisation of duplication, and consequent expense incurred in the taking of examinations in legal subjects on the part of a person who
 - I. Wishes to undertake a course of legal professional training and who has obtained a third level law degree that includes one or more of the subjects that form part of that course,
 - II. Who wishes to transfer between the professions, i.e. a solicitor who wishes to become a barrister or a barrister who wishes to be admitted as a solicitor.
- Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training;
- The need for, and, if such a need is identified, the manner of and requirements relating to the accreditation of bodies or institutions to:
 - I. Provide, or procure the provision of, courses of legal professional education and training,
 - II. Hold or procure the holding of examinations, and
 - III. Award, or procure the awarding of, diplomas, certificates or other awards of merit.
- Any other matters that the Authority considers relevant and appropriate.

The final report will be submitted to the Minister by 30 September 2018.

Scope of the Consultation

The Authority now invites written submissions from members of the public and any other interested party in relation to the education and training arrangements in the State for legal practitioners.

It would be helpful for respondents to consider the scope of the recommendations the LSRA is required to cover in its report and to comment on any of these which they consider relevant. It would be helpful for any views expressed, to be substantiated and if necessary, supported with any available evidence.

Respondents are asked to indicate on whose behalf they are responding, for example as a member of the public, a public representative, an individual or a firm within the solicitor or barrister profession, a client or a body representing collective interests etc.,

Members of the public or other interested parties wishing to contribute should send a written submission as soon as possible but, in any event, to be received no later than 15 June 2018.

The Authority may contact respondents to explore any issues raised in responses in more depth and it will also be gathering evidence to use in its report from a variety of other sources.

Submissions may be sent:

- By e-mail to S34Consultation@lsra.ie or
- By post to
Section 34 Consultation
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 2

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act, 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Authority will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to the Authority, will be treated with the highest standards of security and confidentiality and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR) when commenced.

Publication of Submissions

The Authority intends where appropriate to publish any submissions received by it on its website and otherwise. Please note that a decision on any such publication may occur without prior consultation with respondents to this consultation notice. It is in the interest of respondents to highlight, in their submissions, any commercially sensitive or confidential information, which they would not wish to be disclosed.

Legal Services Regulatory Authority
04 May 2018



Annex C: List of Respondents to Statutory Consultation

A&L Goodbody
ACCA
An Bord Pleanála
An Garda Síochána
Arthur Cox
Association of Judges of Ireland
Bar of Northern Ireland
Christopher Mills
Competition and Consumer Protection Commission
Courts Service
Dublin City University
Dublin Solicitors Bar Association
Enterprise Ireland
Faculty of Notaries
Free Legal Advice Centres (FLAC)
Griffith College
Heads of Irish Law Schools
Irish Criminal Barristers Association
Law Society of Ireland
Legal Aid Board
Letterkenny Institute of Technology
Limerick Institute of Technology
Matheson
Maynooth University
McCann Fitzgerald
Office of the Director of Public Prosecutions
QQI
Various Rape Crisis Centres
Solicitors Regulatory Authority
Southern Law Association
The Bar of Ireland
The Consumers Association of Ireland
The Department of Justice and Equality
The Hon. Society of Kings Inns
The Irish Institute of Legal Executives
University College Cork
University College Dublin
University of Limerick

Annex D: List of Interviewees and Methodology

Interviews

Interviews were conducted between 4 June and 20 July 2018. The following were interviewed:

- General Counsel, Financial Services Sector
- General Counsel, Financial Services Sector
- General Counsel, Telecommunications Sector
- Managing Partner, Dublin based SME
- Managing Partner, Large Dublin based law firm
- Training Partner and head of education and training, Large Dublin based law firm
- Training principal and HR representative, Large Dublin based law firm
- Training Partner, Large Dublin based law firm
- Barrister/solicitor transferee
- Staff of Law Society of Ireland, including Law School teaching staff
- Staff of Honorable Society of Kings Inns
- Staff of Bar Library including representatives of the Education Committee
- Representatives of Dublin Solicitors Bar Association
- Senior staff of UCD/UCD law department
- Senior staff of QQI
- Senior staff of CCPC

Methodology

The Review Team's approach to gathering additional information through interviews was guided by the Economic and Social Research Council's Ethical Research Principles. These are:

- research should aim to maximise benefit for individuals and society and minimise risk and harm
- the rights and dignity of individuals and groups should be respected
- wherever possible, participation should be voluntary and appropriately informed
- research should be conducted with integrity and transparency
- lines of responsibility and accountability should be clearly defined
- independence of research should be maintained and where conflicts of interest cannot be avoided they should be made explicit.

Interviewees were in general either contacted via the LSRA or came forward to volunteer their views through the project website. In certain cases, groups of individuals and organisations meeting certain criteria (e.g. geographical location, managing partners of certain sizes of firms etc) were approached directly from publicly available lists (e.g. the Law Society register of solicitors or the Bar Library's published list of Pupil Masters) and requested for their input. All individuals participating in interviews did so voluntarily. Interviews were either conducted face-to-face or by telephone



Interviewees were informed that their views would be used to supplement and deepen the researchers' understanding of the results and impressions gathered through the Statutory Consultation and surveys. Interviews were not recorded but detailed notes kept. Where quotes were written down and used in the report, their accuracy has been checked with the individual concerned, even though no recognisable attribution has been given in the report.



Annex E: Solicitor Education in Ireland - Review Report 2018: Recommendations

These are the headline recommendations set out in the Review Report prepared for the Law Society of Ireland by Professor Paul Maharg, Professor Jane Ching and Jenny Crewe

	Recommendation	Detail
1	Review communications with stakeholders, to facilitate greater transparency, increase recognition of the LSI's activities, and to communicate the content, standard and outcomes of solicitor education.	<ul style="list-style-type: none">• Many practitioners involved in professional legal education appeared to have only a patchy understanding of its process, its cultures, role and outcomes. LSI should review its communication processes, focusing on both content and ways of communicating effectively with the profession, other professional legal educators and other stakeholders.• Many interviewees were unclear about the aims of the PPC. They were unsure what its general outcomes were to be, educationally, and, partly consequently, there was lack of consensus on what it was designed to do.• Similarly, communication processes to firms about the training contract requirements, and to potential trainees about recruitment opportunities, should be reviewed.• Publish relevant statistics on a regular basis in LSI annual reports. This would include proportions of solicitors and trainees in private and in-house practice, in Dublin and elsewhere, genders and age groups, pass rates for FE-1 papers and the PPC; diploma and LLM graduates.
2	Keep a watching brief on the effects of legal practice on solicitor education	<ul style="list-style-type: none">• Consider setting up a Horizon-Scanning Team to monitor developments in legal practice, in Ireland and internationally, and in other professions. Track developments in digital technologies in the legal professions and the administration of justice.• Explore how paralegals and legal executives are currently employed, and the impact this may have on professional



		practice in terms of strategic workforce planning and therefore solicitor education.
3	Increase the educational resource-base of the LSI	<ul style="list-style-type: none">• The expansion of LSI educational resources is essential for a vision of a global professional legal education in Ireland.• Expand the LSI's physical resources.• Expand the LSI complement of staff:<ul style="list-style-type: none">- Increase teaching staff numbers. This is essential for more small-group teaching and for future educational design work across the whole educational portfolio of the LSI.- Create an expanded Learning Development Unit, with responsibility for educational and digital design, coding, the training of all teaching staff, and the development of research, and to which teaching staff could be seconded for short periods of intense resource development.- Increase the ratio of administrative support as required.• Explore the use of technological applications/software currently in use in legal practice in Ireland, with a view to adapting them where appropriate to professional legal education.• Use digital technology in curricular design.• Where possible, LSI should work with colleagues internationally, with other regulators and in legal education in Irish HE and publishers to develop digital applications and new environments for student learning.
4	Create new models for the PPC	<ul style="list-style-type: none">• Given that s.34(b) of the LSRA requires the LSR Authority to report to the Minister on the unification of the solicitors' and barristers' professions, the LSI may wish to reopen discussions with the Bar on the concept of joint training programmes, and model possible joint approaches.



		<ul style="list-style-type: none">• Make urgent arrangements for designing and implementing a part-time, block-attendance, or blended learning PPC programme such as currently exists in England and Wales, and in Scotland and which is offered by the King's Inns. This should improve access for mature and regional students; and the effects on the diversity of the intake and the profession should be monitored.• Create flexibility in both PPC I and II by allowing modules to be of different length and structure. Expansion of elective choice in PPC II may assist in freeing up space and time in the core curriculum of PPC I.
5	Review PPC outcomes and standards	<ul style="list-style-type: none">• Develop learning outcomes and standards that apply to the varieties of segmentations of the legal profession in Ireland, and that give choice and options to students on the PPC. Outcomes and standards should reflect a variety of different forms of practice, including public law, regional and rural practice, in-house practice, financial services regulation, IP and the like.• Standards should map learning outcomes to PPC assessments.• Consider developing swift trust as a component of professionalism within the outcomes of the PPC curriculum.
6	Review the internal structure of the PPC	<ul style="list-style-type: none">• Retain the structure of PPC I, traineeship, PPC II, which is a useful structure with much potential for close liaison with the legal and other professions.• Design the PPC I and II curricula around a core of professionalism, values, attitudes, skills and knowledge for the entire profession which will thread through both curricula and, where possible, the traineeship.• The LSI should consider re-developing PPC I and II as a spiral curriculum. PPC I standards should represent the



		<p>benchmark level of a legal professional curriculum with both specialisms for different areas of practice and higher standards of skill and knowledge developed in PPC II.</p> <ul style="list-style-type: none">• PPC I should be viewed as being a core set of skills for the whole profession, with more specialist skills provision the subject of PPC II.
7	Re-design forms of learning and teaching on the PPC	<ul style="list-style-type: none">• Reduce substantially the delivery of information by lectures. Expect students to prepare and have understood this information for workshops and transactional learning tasks.• Transform many lectures into digital assets that complement and enhance other learning and teaching resources such as books, handouts, feedback from other students, staff teaching both online and f2f.• Create more skills workshops, design collaborative work, work carried out at a distance, problem-based and transactional learning.
8	Further clarify the development of Ethics within the PPC	<ul style="list-style-type: none">• The PPC course team should create a map detailing where, in the spiral curriculum, and to which levels, ethics and professionalism are taught, both individually and in clusters. Standards should be made explicit.• Ethics, in the shape of a re-constituted professionalism, should be a core element of the early weeks in the PPC I and pervade the course from then on. Consolidate the place of professionalism and professional ethics - as a code, as an experiential mode of professional practice, and as a core value and foundational capability - from the outset of and throughout the PPC curriculum.
9	Further develop professional legal skills throughout the PPC	<ul style="list-style-type: none">• Liaison should take place with representatives of the profession to establish the required skill-set for the next 5-10 years using Delphi and other processes. Such liaison



		<p>could be a regular process, taking place at least every decade, so that the process is more cumulative, building on earlier events, and thus easier to embed in the process of curricular change.</p> <ul style="list-style-type: none">• The LSI Curriculum Development Unit should consider creating a skills map for PPC I and II detailing where, in the spiral curriculum (see above), and to which level, skills are taught, both individually and in clusters. If skills are introduced in discrete introductory skills modules, the skills should be embedded, in a planned approach, into other modules so that the spiral curriculum approach can be achieved.
10	Review assessment practices in the PPC	<ul style="list-style-type: none">• In alignment with the re-design of approaches to learning on the PPC, the LSI should re-design assessment practices to include peer evaluation, performance evaluations by trained practitioners, simulated client evaluations, self-perception and reflection. Such re-design should bring assessment closer to the forms used in professional practice.• Introduce methodologies that enable the validity and reliability of the assessment of skills and knowledge to be evaluated on an ongoing basis. This will enhance the qualification.
11	Re-design the purpose of the FE-1 and communications surrounding the assessment	<ul style="list-style-type: none">• Align FE-1 content and standards closely with the PPC. The assessment should be based explicitly on the PPC core knowledge components, i.e. those items of knowledge that students need to know to understand and learn skills, values and transactions on the PPC.• Carry out periodic validation of the assessment. Regularly review the purpose and content of the FE-1, for example on a three-year cycle, to ensure it meets the needs of



		<p>modern professional practice, thus ensuring validity of assessment.</p> <ul style="list-style-type: none">• The LSI needs to review the nature and purpose of the information it disseminates about the FE-1 assessment to provide evidence to students, the profession and to all other external stakeholders of the rigour, fairness and validity of the FE-1 assessment.• In anticipation of requests from the LSR Authority, the LSI may wish to conduct a thorough and regular data review covering: pass rates, pass marks, drop-out rates (by subject, by university, by law/non-law graduates, overall, by duration of attempts); marking trends (by subject, by individual marker); and should also seek to assess the reliability of the assessments.
12	Set benchmark standards for tutor training	<ul style="list-style-type: none">• We recommend training for all PPC teaching staff to benchmark standards around the time of their first induction as tutors. Such training is more important now, and in the future, given the increased presence of digital technologies, their use in solicitor education at all levels of the LSI educational portfolio and the rapid turnover of digital applications and their uses in the curriculum.
13	Review aspects of the training contract	<ul style="list-style-type: none">• Review the configuration of the requirement for blocks of training to align it with modern practice, including public law, regional, commercial and in-house practice.• Establish a single portal by which students can identify those firms that are offering traineeships• Reduce bureaucracy for training firms wherever possible
14	Review the provision of CPD and Diplomas	<ul style="list-style-type: none">• Engage with the profession on the concept of life-long learning; and develop a plan to implement that with the profession, building on the achievement of the LSI's professional Diplomas.



		<ul style="list-style-type: none">• Facilitate the monitoring by individuals, CPD providers and firms of reflection and of the learning that emerges from CPD activity.• Retain and extend the range of activities that attract CPD credit for practitioners
15	Review the Qualified Lawyers Transfer Test	<ul style="list-style-type: none">• The QLTT should be revised and made an assessment that is much more robust, not merely on the assessment of knowledge but on the assessment of skills, ethics and values. We recommend the embedding of skills to relevant practice areas and the use of exemptions to avoid infringement of the relevant EU Directive.• A Working Party should be set up to map out the process of setting up a new QLTT, to determine the knowledge components, skills outcomes and standards that will form the QLTT assessment purpose and assessment criteria.

Source: Ching, J., Crewe, J. and Maharg, P., “Solicitor Education in Ireland - Review Report” (2018)



ANNEX F: Law Society of Ireland Proposals, Submission to LSRA Public Consultation on Education and Training for Legal Practitioners (June 2018)

Proposal 1	Professional legal education should be subject to ongoing review with particular regard to the skills, knowledge and expertise trainee solicitors should master to succeed in the legal environment in 2020 and beyond. New subject courses and approaches to learning will be introduced where appropriate to reflect changes in skills, knowledge and expertise required.
Proposal 2	In keeping with an emphasis on inclusion, diversity and student-centred delivery, there will be a positive engagement with those interested in pursuing the solicitor qualification by way of a proactive outreach programme. Those involved in outreach will also act as a liaison to law firms, law schools and all those involved in broader legal education.
Proposal 3	The Preliminary Examination will remain as an initial assessment point for those seeking to qualify. Its abolition and replacement with a graduate requirement would restrict further those seeking to qualify as solicitors. The abolition of this examination would require primary legislation whereas widening the exemption categories could be achieved by decision of the Education Committee.
Proposal 4	The Education Committee will broaden the exemptions granted to those required to sit the Preliminary Examination by expanding the categories of qualifications the Society pre-recognises. Detailed lists of exempted qualifications will be published.
Proposal 5	A bona fide legal executive with five or more years' experience will be exempted from having to sit the Preliminary Examination. In this respect, the Society will have regard to the nature of the legal work undertaken by the applicant during the course of his/her employment as a legal executive.
Proposal 6	The Education Committee will broaden the exemptions granted to those required to sit the Preliminary Examination by expanding the categories of qualifications the Society pre-recognises. Detailed lists of exempted qualifications will be published.
Proposal 7	The Final Examination First Part will continue to be a requirement for admittance to the Law School in that it ensures a common standard of competence in the core areas of law. The Society will monitor this requirement on an ongoing basis.
Proposal 8	Accelerated access to taking the Final Examination First Part will be accorded to any candidate in the second year of a law or mixed law



	degree course in an Irish university or HEA approved third level institution rendering such a candidate eligible to sit this examination.
Proposal 9	Dialogue should be commenced with the King's Inns to explore possibilities such as sharing of examination resources or possible common papers in both entrance examinations.
Proposal 10	The Training Contract will continue to be 24 months in duration.
Proposal 11	The prescription of discrete blocks of practice will be removed. Trainees should be required to gain reasonable and appropriate experience in three out of seven broad areas of legal practice.
Proposal 12	Different models of training contracts will be developed to improve the diversity of the training contracts provided. In this regard, the Society will examine models of training contracts to improve the availability of traineeships, such as a number of firms sharing a trainee where such firms would have difficulty funding a trainee themselves. These new models will be promoted by the Society.
Proposal 13	The Society will actively encourage and promote in-house training contracts.
Proposal 14	Trainees will be required to have an online record of the work completed during the training contract. The Society will provide examples of such an online record, but it will be up to individual trainees to put this in place. These online records will be accessible by LSI staff.
Proposal 15	A centralised online resource for those seeking a training contract will be provided by the Society.
Proposal 16	The current system requiring barristers wishing to become solicitors, who have three or more years post qualification experience, to attend a one-month course and serve a training period of up to six months in a solicitors' office will be retained.
Proposal 17	The Society will consider granting a level of recognition to barristers qualified less than three years. This proposal should be considered following discussion with the Honourable Society of King's Inns on reciprocity for such a measure.
Proposal 18	The Qualified Lawyers Transfer Test (QLTT) will be retained in its current format subject to making Professional Conduct a written examination. The QLTT Professional Conduct examination should reflect the core elements of the Professional Practice Course module for this subject area.
Proposal 19	The current rules for considering the equivalence of partially qualified European lawyers (Morgenbesser applicants) will be retained.



Proposal 20	The current reciprocal system for recognising non-EU lawyers set out in section 52 of the Solicitors (Amendment) Act 1952 will be retained. This section will be the basis for new reciprocal arrangements that may be required for UK lawyers after the UK leaves the EU. Contact should be made with other jurisdictions of interest to Irish solicitors with a view to putting reciprocal arrangements in place.
Proposal 21	The current 'sandwich' model of the Professional Practice Course will end.
Proposal 22	All current compulsory content from PPC I and II will be covered in the first part of the revised PPC. In addition to current course subjects, this course should also consist of skills for 2020 and beyond such as leadership, project management and ADR. It is envisaged that current subjects will not be taught in as much detail as present. Criminal litigation and employment law will not form part of this course. This course will make greater use of skills workshops as well as problem-based and transactional learning. Trainees will then be required to complete four substantial modules as part of the PPC. These modules can be attended at the LSI or with other providers. The LSI will offer a number of these courses. Some of these courses will be offered in collaboration with other professional bodies and educators and will cover a variety of disciplines as well as law. Trainees will also be free to attend one or more of the Society's certificate or diploma courses and may receive credit for participation in external skills competitions.
Proposal 23	A part-time PPC should be offered. This will commence at a different time of year and will be offered on a block release, evening, weekend and possibly vacation basis. Those in full-time employment will be eligible to attend.
Proposal 24	<p>The LSI will create within the Law School a dedicated Centre for Innovation, Education and Learning. The Centre will bring together learning and development, technology, psychological services and innovation. A learning development unit comprised of an educational technologist and a professional educator will be accommodated within the Centre. This unit will plan the new PPC and keep it under constant observation and review. It will be involved in the delivery of core and modular PPC courses. Their expertise will be used to develop new diploma, certificate and CPD courses. It will also be involved in training of all our part-time contributors and the evaluation and innovative enhancement of our courses.</p> <p>The proposed Centre for Innovation, Education and Learning would engage with LSI staff, training firms, trainees and all those involved in professional legal education in Ireland in pursuit of the following goals:</p> <ul style="list-style-type: none">• Lead/contribute to the global conversation about the future of the legal profession/legal training, ensuring that the Law Society of Ireland retains its primacy of position;



	<ul style="list-style-type: none"> • Engage in ongoing research to support and inform innovative development of the legal profession and professional legal education in Ireland; • Collaborate and consult with other professional bodies/services nationally and internationally; • Oversee the quality, design, delivery and assessment of a new generation of learning, teaching and legal practice; • Integrate entrepreneurship, leadership skills development, leading-edge technology, emotional competencies, innovative pedagogies and optimal psychological/emotional development opportunities alongside traditional legal subject and legal skills development; • Develop a coherent and inclusive values-led and business informed strategy of engagement with stakeholders, members and others to maintain relevance and excellence; • Ensure the ethical imperative for a professional body and its members to attend to the whole person of the solicitor is understood and endorsed by stakeholders; • Contribute to our members' readiness to survive and to thrive in the next stage of legal services.
Proposal 25	Pathways will be put in place to enable those newly qualified solicitors, who wish to do so, to build on their PPC studies towards the award of an LLM degree. These may include a reflective exercise of their chosen field of practice after a period of practice or a minor thesis on a relevant area of law.
Proposal 26	The LSI will expand the physical resources available for the provision of professional legal education by, at a minimum, the creation of 10 to 15 additional tutorial rooms.
Proposal 27	Consideration should be given to the appointment of Professors under section 40 of the Solicitors Act 1954 (as amended by section 49 of the Solicitors (Amendment) Act 1994).
Proposal 28	Retain the existing scheme and provision of mandatory Continuing Professional Development (CPD). The CPD Cluster events will be retained and enhanced.
Proposal 29	Developments in other professions and jurisdictions should be monitored and the CPD scheme should be reviewed by the Education Committee on a biyearly basis. This could be actioned by the proposed Centre for Innovation.
Proposal 30	Retain and enhance the existing provision of diplomas.

Source: *Submission to the Legal Services Regulatory Authority as Part of a Public Consultation Prior to a Report to the Minister for Justice and Equality on the Education and Training Arrangements in the State for Legal Practitioners, Law Society of Ireland, June 2018*



Annex G: SurveyMonkey Surveys

The following sub-annexes contain the texts of the surveys which were used to gather opinion for the review. These surveys were available made available online, distributed via the Law Society, Kings Inns and the Bar, or through University and Institute of Technology Law Departments. Surveys were completed anonymously.

- “So, you want to be a Barrister or Solicitor?” – Survey for Aspiring legal practitioners
- Survey of Law Society Trainees and Newly Qualified Solicitors
- Survey of Kings Inns Students and Recently Admitted Barristers
- Survey of In-House Solicitors
- Survey of Training Principals

About this survey

This is a survey aimed at students in higher education, or recent graduates who are interested in, or intending to, qualify in Ireland as either solicitors or barristers. We are aiming to use it to find out more about the people who are interested in a legal career in Ireland, what motivates them to seek to qualify as legal practitioners and what real or perceived barriers might prevent them from doing so.

The questions have been designed by a team of consultants who are reviewing the education and training system on behalf of the Legal Services Regulatory Authority. You can find out more here ([Legal Practitioner Education and Training Review](#)). Your answers will help to build a picture of how the current arrangements for qualifying solicitors and barristers are working.

Your answers will be treated in the strictest confidence, and all data disclosed will comply with the latest data protection requirements.

- * 1. Which university or institution are you currently studying at? If you have finished your course, where did you complete your degree?

- * 2. What year of your degree course are you currently in? If you have completed your degree, which year did you graduate?

- * 3. Is/was your degree course:

- An LLB?
 An LLM?
 A Joint Honours Course in Law and non-law subject?
 A non-law discipline

If you are not studying law, please tell us what degree course you are undertaking

- * 4. Are/were you studying:

- Part-time?
 Full-time?

- * 5. Why are you interested in pursuing a career in the legal profession

* 6. Do you know what sort of legal career you want?

- I want to work as a solicitor in private practice
- I want to work as a barrister in private practice
- I want to work in-house as a lawyer in a government department or a private business
- I do not know/have not decided
- Why are you interested in the particular branch of legal practice you have chosen? Or why are you unsure which to choose?

* 7. If you have decided on a career path...

	Yes	No
Do you feel well informed about how long it will probably take you to qualify in your chosen legal career?	<input type="radio"/>	<input type="radio"/>
Do you feel well informed about how much it might cost for your to qualify?	<input type="radio"/>	<input type="radio"/>
Not applicable	<input type="radio"/>	<input type="radio"/>

Comment

* 8. Do you think you will face any barriers to pursuing a career in law?

Yes	No
<input type="radio"/>	<input type="radio"/>

Comment: If you answered no, why not?

* 9. If you answered yes to the previous question, what do you think those barriers might be? (Please rank in order of significance e.g. 1 is the most significant, 6 is the least)

<input type="checkbox"/>	<input type="text"/>	Cost of qualification (courses, living expenses etc)	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="text"/>	Time it takes to qualify	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="text"/>	Lack of knowledge of the routes to qualification	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="text"/>	Difficulty of securing a training contract/pupil master	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="text"/>	Geographical location of courses or practical training required for qualification	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="text"/>	Lack of contacts in the legal profession who can offer advice/insight	<input type="checkbox"/> N/A

* 10. Have you ever undertaken any work/internships (whether paid or unpaid) with a legal focus?

Yes

No

Comment: If you answered yes, please tell us more. What type of organisation did you work for? In what capacity? Over what period of time? Were you engaged as an employee? Or as an intern or some other capacity (if so were you paid a salary and/or expenses?)

11. If you wish to become a solicitor you will need to obtain a training contract before you can enrol at Blackhall Place. Which of the following statements best describes your situation:

I have secured a training contract

I have not yet secured a training contract but I am confident I will be able to do so

I have not yet secured a training contract and am looking for help and advice on how to do so

I have not thought about it yet

This is not relevant to me as I do not want to qualify as a solicitor

If you have already secured a training contract please tell us more about it:

(How did you secure it? E.g. through a relative or personal connection/previous work experience/employment, open recruitment etc.

What type of firm - large, medium or small? Where in Ireland will you be located?)

12. Equality, diversity and inclusion monitoring questions

One of the aims of this project is to gather more information about the diversity of those who are interested in joining the legal profession. Whilst this is entirely voluntary, if you give us this information it will help us to better understand the composition of the student population engaged in legal study and examine the impact this has on the legal profession, and society, more generally.

What is your gender?

What is your nationality?

If you are Irish - what county are you from?

What is your ethnic group?

What is your age?

Do you consider yourself to have a disability?

How would you describe your sexual orientation?

Did you attend a fee-paying school before joining university?

Did either of your parents attend university?

Did any of your immediate family study law or do they work within the legal industry?

ABOUT THIS SURVEY

This is a survey aimed at trainee solicitors currently enrolled in, or who have recently completed, one of the Law Society's Professional Practice Courses (PPC I or PPC II), as well as trainee solicitors and newly qualified solicitors. The objective of the survey is to understand what these different groups think of the content, structure and system of their training to become solicitors.

The results of the survey will feed into a review of the education and training system for solicitors and barristers which is being undertaken by the Legal Services Regulatory Authority. You can find out more about the review [here](#)

The survey is anonymous and the views collected will ultimately be presented in aggregate form, so it will not be possible to attribute comments to individuals making them.

Thank you in advance for participating in this survey. Your feedback is important.

ABOUT YOU

* 1. What stage are you at in your solicitor training?

- I have completed PPC I and am currently in the first stage of my training contract
- I have qualified as a solicitor
- I am currently doing PPC II
- I have yet to enter PPC I (4-month pre-seat)
- I am in the office having completed PPC II
- I am currently doing PPC I

* 2. When did you start PPC I?

- I started the year after completing my degree (or passing the preliminary examination)
- I started 2-3 years after completing my degree (or passing the preliminary examination)
- I started 4-5 years after completing my degree (or passing the preliminary examination)
- Other (please specify)

* 3. What did you do between completing your degree (or preliminary examination) and starting PPC I?

- Full-time employment
- Full-time employment & FE-1 study
- Part-time employment
- Part-time employment & FE-1 study
- Studying full-time for FE-1
- Other (please specify)

* 4. What was your route to becoming a trainee solicitor?

- A law degree from an Irish University, Institute of Technology or other third level institution
- A degree in another discipline from a University outside Ireland
- A degree in another discipline from an Irish University
- The Law Society's preliminary examination
- A law degree from a University outside Ireland
- Prior work experience (e.g. as a Law Clerk) or other non-degree qualification giving exemption from the preliminary examination
- A postgraduate course in Law from a university, institute, etc.
- Other (please specify)

YOUR EXPERIENCE OF FE-1

* 5. Which of the following statements best reflects your views of FE-1 examinations?

- They covered the same material as my law degree or postgraduate law course, etc.
- They covered areas of law that I had not covered in my law degree or course
- They covered the same areas of law as my law degree or course but at a deeper level or in a different context
- Other (please give more details below)

You may wish to give further details on your answer here

* 6. How did you take FE-1 examinations?

- In a single sitting
- In two sittings
- In more than two sittings

* 7. Did you need to resit any FE-1 papers?

- Yes
- No

8. How many exams did you resit in order to pass all of the FE-1 examinations?

* 9. Did you enrol in a test preparation course for any FE1 modules?

Yes

No

YOUR EXPERIENCE OF PREPARING FOR FE-1

10. Which FE-1 Preparation Course or provider did you attend/use?

11. About your FE-1 preparation

How many FE-1 modules/papers did you take a preparation course for?

Which modules did you choose to take a preparation course for?

How much did you pay per module?

12. Which of the following, if any do you feel were the principal benefits you gained from your FE-1 preparation course?

- New legal knowledge
- Revision of existing legal knowledge
- Understanding of FE-1 question formats
- Understanding of how to answer FE-1 questions
- Other (please specify)

13. If you did not attend an FE-1 preparation course, how did you prepare for the examinations?

- Revised material from law degree
- Purchased past papers
- Purchased FE-1 manuals
- Other (please specify)

THE PROFESSIONAL PRACTICE COURSES - YOUR EXPERIENCE AT BLACKHALL PLACE

* 14. How are you meeting/did you meet the costs of training (fees and maintenance) at Blackhall?
Please tick all that apply.

- | | |
|---|--|
| <input type="checkbox"/> Training contract provider | <input type="checkbox"/> SUSI grant funding |
| <input type="checkbox"/> Law Society access funding | <input type="checkbox"/> Own funds |
| <input type="checkbox"/> Law Society bursary | <input type="checkbox"/> Parent/guardian support |
| <input type="checkbox"/> Other (please specify) | |

* 15. Turning to the course itself, which of the following statements best reflects your experience at Blackhall?

The material covered in the compulsory modules of PPC I (and PPC II if you have completed that course)

- Repeated a lot of material from my previous studies
- Covered the same material but from a different perspective or in much more depth or detail
- Was substantially or entirely new

Comment

* 16. Which of the following statements best reflects your experience?

The material covered in the compulsory modules of PPC I (and PPC II, if you have completed that course)...

- Was highly relevant to the areas of law in which I expect to practice
- Was mostly irrelevant to the areas of law in which I expect to practice
- Was fairly relevant to the areas of law in which I expect to practice
- Don't know
- Was fairly irrelevant to the areas of law in which I expect to practice
- Other (please specify)

* 17. Which of the following statements best reflects your experience ?

Following PPC I, I feel competent to apply these skills in practice under supervision

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree strongly
Civil and criminal advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interviewing and advising	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal presentation skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal writing and drafting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negotiation and professional development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 18. Which of the following statements best reflects your experience?

The choice of elective courses on offer in PPC II

- Cover/ed all the areas I am/was interested in studying in more depth
- Cover/ed most of the areas I am/was interested in studying in more depth
- Is/was more limited than I would like
- Is /was very much more limited than I would like

Please identify any subjects not on offer, that you would like to study

* 19. Which of the following statements best reflects your experience in relation to the electives you undertook?

The choice of electives I will do/have done...

- Is entirely dictated by my own preferences
- Is mostly dictated by my own preferences
- Is mostly dictated by the firm in which I have a training contract/my training principal
- Is entirely dictated by the firm in which I have a training contract/my training principal
- Other (please specify)

* 20. If you have completed PPC II, which of the following statements best reflects your experience?

The material covered in the electives I have studied

- Was highly relevant to the areas in which I expect to practise
- Was fairly relevant to the areas in which I expect to practise
- Was fairly irrelevant to the area of law in which I expect to practise
- Was mostly irrelevant to the areas in which I expect to practise

Comment

* 21. How far would you agree or disagree with the following statements about the PPC courses you have completed to date?

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree strongly
They have equipped me to apply the law in practical scenarios?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
They have equipped me to evaluate different points of view, or lines of reasoning, in depth?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
They have taught me techniques to identify clients' problems and objectives?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
They have enabled me to understand different communication techniques and when, how and with whom they might be used?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* 22. During PPC I (and PPC II if you have completed it), to what extent did lecturers / teaching staff, tutors, course managers, etc...

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree strongly	Other
Clearly explain course goals and requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use examples or illustrations to explain difficult concepts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide feedback on a draft or work in progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide prompt and detailed feedback on tests or completed assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you responded "other" to any question, please explain your answer

* 23. To what extent would you agree with the following statements about the quality of teaching and learning support on the PPC courses that you have attended?:

	Agree strongly	Somewhat agree	Neither agree/disagree	Somewhat disagree	Disagree strongly	Other
The teaching on PPC I (and PPC II if you have done both) has been/was engaging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The teaching on PPC I (and PPC II if you have done both) has been/was practical	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The teaching on PPC I (and PPC II if you have done both) has been/was consistent in quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Law School has provided a supportive learning environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

THE TRAINING CONTRACT

* 24. How did you find your training contract?

- Previous work experience/employment
- Open recruitment/application process
- Personal connection (e.g. family or friend)
- Other
- Other (please specify)

* 25. What county will you be based in for your training contract/are you currently working?
(Please select location from dropdown menu)

Other (please specify)

* 26. In what type of organisation will you do your training contract? (or in what type of organisation are you now practising?)

- Small law firm (1 - 5 solicitors)
- Medium sized law firm (6 - 77 solicitors)
- Large law firm (78 + solicitors)
- Other (please specify)
- Company (in-house legal department)
- Government Department or agency

* 27. If you have completed some or all of your training contract, please indicate to what extent you agree or disagree with the following statements:

	Agree strongly	Somewhat agree	Neither agree/disagree	Somewhat disagree	Disagree strongly	Other
I had plenty of opportunity during my training contract to practice the core skills required of a solicitor (drafting, letter writing, interviewing and advising, legal research, negotiation, advocacy and oral presentation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I received the right amount of supervision from my firm/institution's trainee supervisor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I was given regular, useful feedback from my training solicitor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My training solicitor will be able/was able to provide me with training in all of the required areas needed for qualification	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 28. If you have qualified, or if you are currently completing your post PPC II period of in-office training, to what extent would you agree or disagree with the following statements?

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree strongly
I found that attendance on PPC II between two periods of in-office training improved my training experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I found that PPC II came at the right time in my traineeship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My in-office training was different to straightforward work experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
N/A	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

IN SUMMARY

* 29. Overall, in my experience so far, I think ..

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree
The length of time it takes to qualify as a solicitor is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input style="width: 100%;" type="text"/>				
The content of the training is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input style="width: 100%;" type="text"/>				
The cost is reasonable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input style="width: 100%;" type="text"/>				
The structure is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input style="width: 100%;" type="text"/>				
The level of preparation it will give me/has given me for practice is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input style="width: 100%;" type="text"/>				

DIVERSITY MONITORING

30. Equality, diversity and inclusion monitoring questions.

One of the aims of this project is to gather more information about the diversity of those who are interested in joining the legal profession. It is entirely voluntary to disclose this information, and you may wish to answer only some of the questions. However, all the information we can collect through the responses we get will enable us to understand better the makeup of the population entering the solicitors' profession.

What is your gender?

What is your nationality?

If you are Irish what county are you from?

What is your ethnic group?

What is your age?

Do you consider yourself to have a disability?

How would you describe your sexual orientation?

Did you attend a fee-paying school before joining university?

Did either of your parents attend university?

Did any of your immediate family study law or do they work within the legal industry?

ABOUT THIS SURVEY

This is a survey aimed at individuals who are currently undertaking some, or all, of the steps required to qualify as a practising barrister, or who have qualified in the past two years. The objective of the survey is to find out what individuals at different stages of the qualification process think about the content, structure and system of their training and if they face any barriers to the completion of their qualification.

The results of the survey will feed into a review of the education and training system for solicitors and barristers which is being undertaken by the Legal Services Regulatory Authority. You can find out more about the review [here](#)

The survey is anonymous and the views collected will ultimately be presented in aggregate form, so it will not be possible to attribute comments to individuals making them.

Thank you in advance for participating in this survey. Your feedback is important.

ABOUT YOU

* 1. What stage have you currently reached in your barrister training?

- I am doing, or have recently finished, the Diploma in Legal Studies
- I am doing, or have recently finished, the Barrister-at-Law degree course
- I have been called to the Bar but have not yet undertaken pupillage/devilling
- I am undertaking my pupillage/devilling
- I am a practising member of the Bar
- I have been called to the Bar but am not practising as a barrister
- Other

If you are practising, please give year you commenced practice. If you specified "other", please give details.

Enrolling at King's Inn

* 2. On which course did you first enrol at King's Inns?

- The Diploma in Legal Studies
- The Barrister-at-Law Degree Course
- Other (please specify, e.g. Advanced Diploma)

Enrolling at King's Inn

3. If the course for which you first enrolled at King's Inns was the Diploma in Legal Studies, did you:

- Hold a non-law degree
- Enter as a mature student
- Other (please specify)

THE DIPLOMA IN LEGAL STUDIES

4. If you took the Diploma in Legal Studies, what do you intend to do next?

- I took the Diploma in Legal Studies but have chosen not to proceed with the Barrister-at-Law degree course and qualification as a barrister
 - I will take the entrance examinations for the Barrister-at-Law degree course this year as a first attempt
 - I will retake the entrance examinations for the Barrister-at-Law degree course this year as a second or subsequent attempt
 - I will be enrolled on the next Barrister-at-Law degree course (Full-Time or Modular) commencing in October 2018
 - Other (please specify)
- I am currently enrolled on the Full-Time Barrister-at-Law degree course
 - I am currently enrolled on the first year of the Modular Barrister-at-Law degree course
 - I am currently enrolled on the second year of the Modular Barrister-at-Law degree course
 - I have completed the Barrister-at-Law degree course

WHY DID YOU NOT CONTINUE TO THE BARRISTER-AT-LAW DEGREE COURSE?

5. If you chose not to continue with qualification as a barrister after the Diploma in Legal Studies, please explain why?

- I only ever intended to do the Diploma in Legal Studies as professional development, I did not intend to qualify as a barrister
- I decided that I did not wish to pursue a career in law
- I decided to switch to qualification as a solicitor
- I could not afford to continue on to qualification
- Other (please specify)

6. Have you taken any entrance examinations for the Barrister-at-Law degree course yet?

Yes

No

YOUR EXPERIENCE OF THE KING'S INNS ENTRANCE EXAMINATIONS

* 7. Which of the following statements best reflects your views of the King's Inns Entrance Examinations?

- They covered the same ground as my LLB or approved law degree courses and at the same level
- They covered the same areas of law but at a deeper level or in a different context
- They covered new areas of law
- Other (please give more details below)

You may wish to give further details on your answer here

* 8. Did you pass the Entrance Examination the first time?

- Yes
- No

9. How many times did you resit the Entrance Examination?

* 10. Did you/will you enrol in a test preparation course for the Entrance Examination?

Yes

No

YOUR EXPERIENCE OF PREPARING FOR THE KING'S INNS ENTRANCE EXAMINATIONS

11. Which test preparation provider did you/will you use?

12. How much did/will your preparation course cost?

13. Which of the following, if any, do you feel were/will be the principal benefits you gained from your preparation course for the Entrance Examination?

- New legal knowledge
- Revision of existing legal knowledge
- Understanding of question formats
- Understanding of likely topics and how to answer questions
- Other (please specify)

14. If you did not attend a preparation course for the King's Inns entrance examination, how did you/will you prepare?

- Self study/Revised material from law degree or the Diploma in Legal Studies
- Past papers
- Detailed syllabus from King's Inns website
- Not applicable
- Other (please specify)

THE BARRISTER-AT-LAW DEGREE

* 15. When did/will you start the Barrister-at-Law course?

- I started the Barrister-at-Law degree course in the month of October immediately following my graduation from my law degree or completion of the King's Inns Diploma in Legal Studies
- I started the Barrister-at-Law degree course more than one year but less than three years following my graduation from my law degree or completion of the King's Inns Diploma in Legal Studies
- I started the Barrister-at-Law degree course more than three years following my graduation from my law degree or completion of the King's Inns Diploma in Legal Studies
- I intend to start the Barrister-at-Law degree course (whether Full-Time or Modular) in October of this year
- Other (please specify)

THE EXPERIENCE OF THE BARRISTER-AT-LAW DEGREE COURSE

* 16. Which of the following statements best reflects your experience?

The material covered in the Barrister-at-Law degree course syllabus:

	Was substantially or entirely new	Covered the same material but from a different perspective or in much more depth or detail	Repeated a lot of material from my previous studies	Not Applicable
Substantive Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Procedural Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 17. Which of the following statements best reflects your experience ?

On completing the Barrister-at-Law degree course, I feel/felt competent to apply these skills in practice while completing my pupillage/devilling:

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree strongly
Advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ADR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consultation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opinion Writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drafting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 18. Which of the following statements best reflects your experience?

The choice of specialist option modules to study at an advanced level as part of the Barrister-at-Law degree course:

- Cover/ed all the areas I am/was interested in studying in more depth
- Cover/ed most of the areas I am/was interested in studying in more depth
- Is/was more limited than I would like
- Is /was very much more limited than I would like
- Please identify any subjects not on offer, that you would like to study

* 19. Which of the following statements best reflects your experience?

The material covered in the specialised subjects I have studied:

- Was highly relevant to the areas in which I expect to practise
- Was mostly irrelevant to the areas in which I expect to practise
- Was fairly relevant to the areas in which I expect to practise
- Not applicable/Don't know
- Was fairly irrelevant to the area of law in which I expect to practise
- Comment

* 20. During your course, to what extent have lecturers / teaching staff...

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree strongly	Other
Clearly explained course goals and requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Used examples or illustrations to explain difficult concepts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provided feedback on a draft or work in progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provided prompt and detailed feedback on tests or completed assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you responded "other" to any question, please explain your answer

* 21. To what extent would you agree with the following statements about the quality of teaching and learning support on your course:

	Agree strongly	Somewhat agree	Neither agree/disagree	Somewhat disagree	Disagree strongly	Other
The teaching on my course has been engaging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The teaching on my course has been practical	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The teaching on my course has been consistent in quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
King's Inns has provided a supportive learning environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

22. Beyond the Barrister-at-Law degree course, which of the following statements best describes your experience?

- I have not yet completed the Barrister-at-Law degree course but have organised/am confident I will find a Master
- I have not yet completed the Barrister-at-Law degree course and am not confident in finding a Master
- I have been/will be called to the Bar and have a Master course but do not intend to practise at the Bar
- I have been/will be called to the Bar but can't find a Master
- Other (please specify)

PUPILLAGE/DEVILLING

* 23. Have you found your Master? Or if you have not organised a Master yet, how do you intend to find one?

- Previous formal or informal work experience
- By using the list of potential masters provided by the Bar Council
- Personal connection (e.g. family or friend)
- Not applicable
- Other (please specify)

* 24. If you have completed some or all of your pupillage/devilling, please indicate to what extent you agree or disagree with the following statements:

(If you have not completed your pupillage/devilling, please select 'Not Applicable')

	Agree strongly	Somewhat agree	Neither agree/disagree	Somewhat disagree	Disagree strongly	Not applicable/Other
My Master allowed me to undertake motions/other court applications for him/her on his/her behalf	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My Master allowed me to read his or her papers, draft pleadings and other documents, including opinions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My Master gave me plenty of practical experience in the preparation of pleadings and opinions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My Master helped me to gain practical experience in legal research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I accompanied my Master to all, or most, meetings and consultations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I accompanied my Master to court and obtained plenty of exposure to court advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My Master monitored my work and gave me feedback	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My Master instructed me in the application of the code of conduct and the etiquette of the Bar	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you answered "other" to any of these statements, please explain your answer.

25. While you were undertaking your pupillage/devilling, how did you support yourself financially?

- I received a grant or bursary
- I supported myself from savings or employment
- I was supported by a partner/family
- My Master paid some or all of my entrance fee and/or Law Library subscription fees
- My Master provided other direct financial support
- My Master allowed me to send fee notes to solicitors for work undertaken by me on his/her behalf
- My Master provided indirect financial support (e.g. paying travel expenses, buying lunch, etc.)
- Other (Please specify in space provided below)
- Not applicable
- Comment

IN SUMMARY

* 26. Overall, in my experience so far, I think ..

	Agree strongly	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree
The length of time it takes to qualify as a barrister is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input type="text"/>				
The content of the training is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input type="text"/>				
The structure is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input type="text"/>				
The level of preparation it will give me/has given me for practice is about right	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comment	<input type="text"/>				

27. Thank you for taking this survey. Please feel free to provide any further comments you think would be useful.

DIVERSITY MONITORING

28. Equality, diversity and inclusion monitoring questions.

One of the aims of this project is to gather more information about the diversity of those who are interested in joining the legal profession. Whilst it is voluntary to disclose this information, doing so will enable us to better understand the makeup of the population entering the barristers' profession and examine the impact this has on the legal profession, and society, more generally.

What is your gender?

What is your nationality?

If you are Irish what county are you from?

What is your ethnic group?

What is your age?

Do you consider yourself to have a disability?

How would you describe your sexual orientation?

Did you attend a fee-paying school before joining university?

Did either of your parents attend university?

Did any of your immediate family study law or do they work within the legal industry?

This survey is designed for solicitors and barristers working as employed legal practitioners in the public sector, in companies or in third sector organisation.

As in-house legal practitioners represent a significant and growing segment of the legal profession in Ireland, we are interested in your views of the extent to which the demands of in-house legal practice are reflected, both in the initial qualification system for solicitors and barristers, and in any requirements for continuous professional development.

The results of this survey will feed into a review of the education and training system for solicitors and barristers which is being undertaken by the Legal Services Regulatory Authority. You can find out more about the review [here](#).

The survey is anonymous and the views collected will ultimately be presented in aggregate form, so it will not be possible to attribute comments to individuals making them.

Thank you in advance for participating in this survey. Your feedback is important.

* 1. Are you a...

- Solicitor holding a practising certificate
- Solicitor (non-practising)
- Barrister (called but never practised at the Bar)
- Former practising barrister
- Other (please specify)

* 2. Where did you qualify initially?

- Republic of Ireland
- England and Wales
- Northern Ireland
- Other (please specify)

* 3. In what type of organisation do you work?

- Government department or agency
- Large company (more than 250 employees)
- Medium or smaller sized company (fewer than 250 employees)
- Third sector (e.g. Charity, Trade Union, Not-for-profit institutions or associations)
- Other (please specify)

* 4. How many years of post-qualification experience do you have?

- Fewer than 3
- 3 - 6
- 6 - 10
- 10 +

* 5. At what point in your career did you decide to work as an in-house lawyer?

- As a trainee
- On qualification
- After gaining experience in private practice after qualification
- If you answered "after qualification", please indicate the number of years PQE you had when starting in-house

* 6. What was your main motivation for taking a role in-house rather than working in private practice?

Initial Training for In-House Practice

* 7. To what extent would you agree or disagree, with the following statements?

	Strongly Agree	Agree somewhat	Neither agree nor disagree	Disagree somewhat	Strongly disagree
Practising as a solicitor or barrister 'in-house' requires a different skill set to private practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is relatively easy to move between 'in-house' practice and private practice and vice versa	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undertaking the same initial training as solicitors or barristers in private practice is essential for 'in-house' legal practitioners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The initial practical training I undertook as a solicitor or barrister was a good foundation for in-house practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The initial vocational training I undertook at Blackhall Place or Kings Inns has been useful for me as an 'in-house' practitioner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 8. Are there essential knowledge or skills requirements for in-house practice which were not covered in your initial training but which you think should be reflected in any changes in the training regime in future?

- Yes - please specify in the box below
- No
- Don't know

(Please specify)

CONTINUOUS PROFESSIONAL DEVELOPMENT

* 9. Which of the following best reflects your attitudes to professional development

- I undertake training and development to meet professional compliance obligations
- I undertake training and development for my own personal career development
- I undertake training and development to meet the demands/expectations of my employer
- I do not undertake training and development on a systematic basis
- Other (please specify)

* 10. Which of the options most closely reflects your views of the following statements

	Strongly agree	Agree somewhat	Neither agree nor disagree	Disagree somewhat	Strongly disagree	Not applicable
I think about my training needs on an annual basis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I find it easy to meet the durational requirement of my CPD obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy to find opportunities to undertake worthwhile CPD	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I do not find it difficult to keep the appropriate paperwork to document the CPD I have undertaken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 11. Have you ever been audited by your professional body for CPD purposes?

- Yes
- No
- Not applicable (I do not hold a practising certificate)

* 12. If you have been audited, which option best reflects your views of the following statements?

	Strongly agree	Agree somewhat	Neither agree nor disagree	Disagree somewhat	Strongly disagree
The audit appeared to be a tick-box exercise to check that I had fulfilled the durational requirement and undertaken the right type of CPD	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The audit involved a qualitative assessment of the type of CPD I had undertaken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I received feedback from my professional body on my approach to CPD following the audit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My professional body took disciplinary action against me as a result of the audit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have changed the way in which I approach CPD as a result of the audit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comment

* 13. Please choose the option which best reflects your views of the following statements?

	Strongly agree	Agree somewhat	Neither agree nor disagree	Disagree somewhat	Strongly disagree
I think it is important that in house legal practitioners share the same common basic training as private practitioners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I think it is important that in house legal practitioners are subject to the same CPD requirements as their counterparts in private practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* 14. From your perspective as a lawyer working 'in house', are there any suggestions you would make for changes to the Irish legal education and training system?

About this survey

This is a survey aimed at training principals and law firms employing recently qualified Irish solicitors (up to one year of post-qualification experience). The objective of the survey is to find out what you think of the content, structure and system of solicitor training and whether this reflects the needs of your firm.

The results of the survey will feed into a review of the education and training system for solicitors and barristers which is being undertaken by the Legal Services Regulatory Authority. You can find out more about the review here: www.lpet-review.org

The survey is anonymous and the views collected will ultimately be presented in aggregate form, so it will not be possible to attribute comments to individuals making them. But if you would like to place an attributable comment on the record, then please get in touch with us at contact@lpet-review.org

Thank you in advance for participating in this survey. Your feedback is important.

Part 1: About you

*** 1. Please tell us about your role**

- I am a recruitment/training and development/HR professional in a law firm
- I am a practising lawyer responsible for/involved in the recruitment of newly qualified solicitors
- I am a training principal who oversees some/all of the in-office training of trainee solicitors in my firm
- Other (please specify)

*** 2. Please indicate the size of your firm:**

- Small law firm (1 - 5 solicitors)
- Medium law firm (6 - 60 solicitors)
- Large law firm (61 + solicitors)
- Other (please specify)

*** 3. Where is your law firm based (if more than one branch please specify the location where you are personally based)?**

Part 2: Recruitment

* 4. Does your firm take trainees?

Yes

No

Please explain why/why not

* 5. How many trainees do you typically take and how often?

* 6. Please outline your trainee selection/recruitment process (e.g. - CV/application form, assessment centre, number and types of interviews etc.)

* 7. How do you ensure trainees obtain the right skills and how do you monitor their progress through the training contract?

* 8. Does the Law Society/anyone else from outside your firm monitor or quality assure the training contract?

* 9. Are you able to provide your trainees with experience in all of the required key areas of legal practice within your own firm? If not, how do you deal with this issue?

* 10. Do you think that the PPC provides your trainees with the right preparation for their in-office training?

* 11. Are there areas of law or other subjects that are not covered on the PPC which you think should be included? If so please identify these subjects in the box below:

* 12. Do you provide your trainees with support to cover the cost of fees at Blackhall Place or living expenses?

* 13. How do you set salaries for trainees? (e.g. minimum wage, in accordance with local market conditions, benchmarked against associates etc)

* 14. What do you think of the structure of legal education and training for solicitors (i.e., the vocational stage at Blackhall place and the two periods of in-office training – would you prefer a different structure? Would a different structure make it more likely that you would take trainees if you currently do not, or take more trainees if you already offer some contracts?)

* 15. Are you broadly content with the cost and time it takes for your firm to train a new solicitor? If not, why not and what you change?

* 16. What do you anticipate your future recruitment needs to be? Over the next five years, I anticipate that we will need...

	More	The same number	Fewer	Don't know	Not applicable
Trainees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Newly-qualified lawyers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law clerks/legal executives	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Solicitors with 2-6 year's post-qualification experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Solicitors with 6+ year's post-qualification experience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Solicitors with a specialist area of practice or ability (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-practising barristers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Specialist areas of practice/abilities:

Continuing Professional Development

* 17. Which of the following statements best reflects the approach you take to continuous training and development?

- My firm approaches training and development as a mechanism for maintaining the competence of our lawyers
- My firm approaches training primarily as a compliance issue
- My firm sees training and development as a means of developing competitive advantage
- Other

Comment

* 18. Do you run CPD training programmes within your firm/organisation?

- Yes
- No

If 'yes' - what types of CPD courses do you run?

* 19. Do you think there are enough CPD training programmes or opportunities available?

- Yes
- No
- Don't know

If 'no' - what courses/programmes would you like to see be made available?

* 20. Who do you think should provide CPD training for solicitors?

The Solicitors' CPD regulations require 20 hours of CPD in each annual cycle and demand that some of those hours are made up of management, regulatory or business/accounting training and development, depending on the role of particular individuals in practice. Please share your views of this scheme by answering the three questions which follow.

* 21. Is the amount of CPD required:

- Too much
- Too little
- About right
- Other (please specify)

* 22. Is the need to spend a certain number of hours on regulatory matters/business/AML training:

- Helpful
- Unhelpful
- Neither helpful or unhelpful
- Other (please specify)

* 23. Are the means by which you can fulfil your CPD requirement (ie. by group learning, e-study etc):

- Too flexible
- Not flexible enough
- About right
- Other (please specify)

24. If you have any other observations in relation to the CPD regime please share them in the box below:

* 25. Some other jurisdictions (e.g. England and Wales) have removed the requirement for lawyers in their jurisdictions to fulfil a certain number of hours of CPD and now instead require individuals to reflect and determine their own needs, bearing in mind their obligation to remain competent to practise – do you think this system would work in Ireland? If so, why? If not, why not?

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