



**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**

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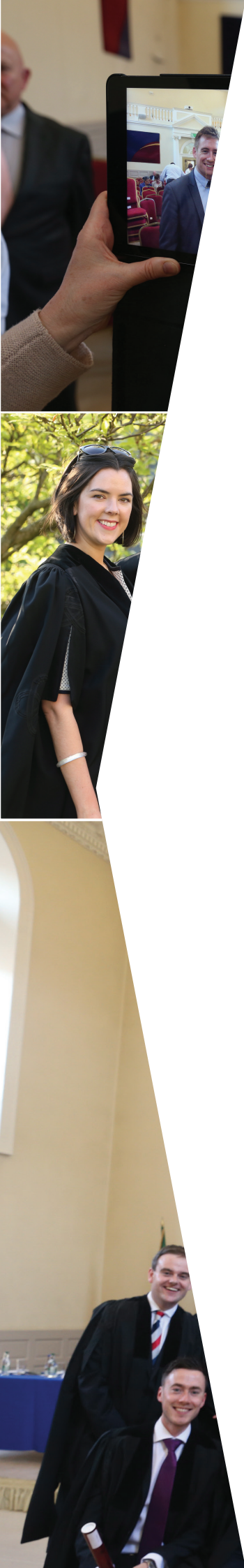
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# 1 \_ EXECUTIVE SUMMARY

- 1.1.** The Law Society of Ireland (“LSI”) is at the forefront of legal professional education and we will strive to continue this excellence. In this regard, the review of Solicitor Education in Ireland undertaken by Professor Jane Ching, Jenny Crewe and Professor Paul Maharg in 2017 and submitted in January 2018 (“the Report”) recognised the high standards of professional legal education within the LSI.<sup>1</sup>
- 1.2.** On the Professional Practice Course (PPC), the Review Group found “the structures of teaching are well organised and designed, and current teaching is aligned to assessment practices. Some aspects of initial professional education provision for solicitors are ahead of the field in legal services education.”<sup>2</sup>
- 1.3.** Innovation is important to us at the LSI. In its Report, the Review Group was of the opinion that the use of some digital technologies in initial professional education provision for solicitors are ahead of the field in legal services education and that continuing professional development (“CPD”) in the form of Diplomas and MOOCs leads the field.
- 1.4.** Building on this the LSI is committed to expanding its focus on innovation – beyond technology and into all aspects of legal education and practice. This emphasis on innovation is in line with government policy<sup>3</sup> and with global developments in law and across all areas of global business.
- 1.5.** The principal objective of professional legal education is to equip trainee solicitors to know and understand the principles of law underlying the core areas of practice and to be able to apply their knowledge in a practical way and to adapt to ongoing legal changes and developments in business and technology.
- 1.6.** The LSI reviews the education of trainees on an ongoing basis and in its most recent review of the core areas of practice to be covered in its Professional Practice Course (“PPC”) has proposed changes (see further Proposals below with regard to proposed amendments to the PPC).
- 1.7.** The LSI is leading the way regarding technological advances in legal training and education delivery and methods. These are also kept under constant review to keep abreast of all innovative developments.
- 1.8.** The LSI has also considered the importance of skills, abilities and learning dispositions for success, the so-called “skills for 2020 and beyond” in the provision of education and training for solicitors.
- 1.9.** The FE-1 will remain in place as the entrance assessment for those wishing to train as solicitors. This is to ensure a common knowledge of core academic legal subjects among applicants drawn from the nineteen law degree providers in Ireland, from non-law graduates and others. The alternative to the FE-1 is a system of standard setting and assessment of undergraduate law provision which would be expensive and controversial.
- 1.10.** A variety 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

1 “Solicitor Education in Ireland: Review Report”, January 2018 at page 14.

2 Ibid.

3 See for example Embracing Innovation in Government Global Trends 2018 <http://www.oecd.org/gov/innovative-government/embracing-innovation-in-government-2018.pdf>.



have difficulty funding a trainee themselves. These new models will be promoted by the Society.

- 1.11.** The current 'sandwich' model of the PPC will end. All current compulsory content from PPC I and II will be covered in the initial compulsory element of the PPC. In addition to current course subjects, this course will comprise "skills for 2020 and beyond" such as leadership, project management and ADR. Current subjects will not be taught in as much detail as at present. Criminal litigation and employment law will not form part of this course. The PPC will make greater use of skills workshops as well as problem-based and transactional learning.
- 1.12.** The PPC will also consist of four specialist legal or practice-related modules. Trainees will be free to complete these courses with other educators or professional bodies.
- 1.13.** A part-time PPC will also 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.
- 1.14.** The LSI will create within the Law School a dedicated Centre for Teaching, Development and Innovation ("Centre"). 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 Core PPC and keep it under constant observation and review. It will be involved in the delivery of core and modular PPC

courses. The expertise of the unit 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.

The proposed Centre for Teaching, Development and Innovation will engage with LSI staff, training firms, trainees and all those involved in professional legal education in Ireland in pursuit of the following goals:

- Lead/contribute to the global conversation about the future of the legal profession/legal training, ensuring that the LSI retains its primacy of position;
- 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.



## 2 \_ INTRODUCTION

- 2.1.** This submission is made pursuant to the Invitation by the Legal Services Regulatory Authority (“LSRA”) for Submissions dated 4 May 2018 (“Invitation”).
- 2.2.** In this context, it is noted that the LSRA is conducting a public consultation as part of its preparation of a report to the Minister for Justice and Equality (“the Minister”) in relation to the initial and continuous education and training of legal practitioners (solicitors and barristers). This Submission aims to provide information both with regard to existing education and training within the LSI and proposals for the future.
- 2.3.** This Submission considers any potential developments which are external to the legal sector (e.g. economic, social or technological) which might impact on the future provision of training and education. As requested in the Invitation, this Submission also aims to provide insight into the experience of other professions and jurisdictions, where possible.
- 2.4.** The LSI notes the regulatory objectives pursuant to which the LSRA acts, as set out in section 13 of the Legal Services Regulation Act, 2015 (“the Act”).
- 2.5.** The LSI has also provided proposals for change for future education and training, with due regard to the requirements of section 34(3)(c) of the Act.
- 2.6.** In particular, the LSI notes the nature of recommendations set out in the Invitation and in section 34(3)(c) of the Act, which shall be included in the report of the LSRA to the Minister, as follows.

### **Appropriate standards of education and training for legal professional qualifications**

Please see section 6 and our recommendations as set out at numbers 1, 2, 6, 10, 11, 12, 13, 21, 22, 23, 24, 25, 28, 29 and 30 below.

### **Arrangements necessary to monitor adherence with the appropriate standards**

Please see section 6 and our recommendations as set out at numbers 3, 4, 7, 14 and 30 below.

### **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.

Please see section 6 and our recommendations as set out at numbers 14, 22, 23, 24, 25, 28 and 30 below.

### **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. 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.

Please see section 6 and our proposals as set out at numbers 3, 4, 7, 8, 9, 16, 17, 18, 19 and 20 below.



**Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training.**

Please see section 6 and our proposals as set out at number 5, 15, 22, 23, 24, 25 and 26 below.

**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.**

Please see Section 6 below.

- 2.7.** The following Submission sets out both an overview of the current education and training provided by the LSI, together with our proposals for the future. We also address in section 2 the question of competition and the position of the LSI in the education and training of solicitors and future solicitors.



## 3 \_ THE CONTEXT OF SOLICITOR EDUCATION

### 3.1. The Statutory Framework for Solicitors and its implications for professional formation

The Solicitors Acts reserved conveyancing and probate exclusively for solicitors. The Courts Acts give solicitors the right to argue in any court. Solicitors are also allowed hold funds on behalf of clients and give binding undertakings. Solicitors in Ireland are allowed practice on their own from qualification – unlike the neighbouring common law jurisdictions in the UK where there is a three year restriction. The consequence of this framework is that all solicitors on qualification must be competent in conveyancing, probate and litigation. Furthermore, they should be competent to run a solicitors practice and have a good knowledge of ethical, practice and financial rules applicable to solicitors.

3.2. The LSI welcomes the LSRA's review of the education and training of legal practitioners. It is undoubtedly in the public interest that the provision of such services be reviewed from time to time to ensure that any inherent restrictions on competition result in consumer benefits and are proportionate to such benefits.

### 3.3. Entry to the Profession

3.3.1. 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". There are essentially two issues arising in this context:

(a) are the requirements for entry to the solicitors' profession a means of restricting competition in the market for legal services by limiting the number of solicitors qualified to practise?

(b) does the exclusive right of the LSI to set standards for education and training for would-be solicitors further restrict competition in that market, and/or restrict competition in the separate market for education and training courses?

3.3.2 The LSI firmly believes that the present system is in the best interests not only of the solicitors' profession but also of the wider public, for the reasons set out below.

### 3.4. Entry requirements

3.4.1. It is universally accepted that entry into the legal profession has to be regulated in order to ensure that those providing legal services have the necessary knowledge and competence when consumers will often be unable to assess, in advance of the transaction, the precise services they need, or the quality of the service that is offered. The entry requirements that the solicitor must fulfil before he or she is free to practice, and the professional standards to which he/she is expected to adhere in his/her dealings with clients, provide the basic level of quality assurance that the consumer needs. As stated in the Indecon report prepared for the Competition Authority,<sup>4</sup> "...high quality education and training is fundamental in the formation of a solicitor and is of the utmost importance in ensuring protection of consumer interests".

3.4.2. The aim of the courses provided by the LSI is to equip trainee solicitors (in the context of the statutory framework relating to solicitors) to:

(a) know and understand the principles of law underlying the more common areas of practice and to be able to apply

- their knowledge in a practical way and to adapt to ongoing legal changes and developments in those areas;
- (b) understand the needs of clients in the more common areas of practice and to communicate clearly with clients while at the same time effectively meeting their legal needs;
  - (c) appreciate the ethical standards which govern the practice of law and the sense of justice which must always guide lawyers in their practice; and
  - (d) develop practitioner skills and competencies in non-legal areas that directly affect their capacity to act as legal practitioners into the future e.g. emotional competencies and business development.
- 3.4.3 The courses are primarily for those intending to work as practising solicitors (whether in general or commercial practice or in-house) and have a strong practical content. The requirement that each trainee solicitor completes a training contract facilitates a newly qualified solicitor in having sufficient practical training to commence practice on their own from the day they qualify as a solicitor. The traineeship requirement is not onerous and there is a more than sufficient number of solicitors willing to engage trainees.
- 3.4.4 The reservation of the right to practice as a solicitor to those who have satisfied the entry requirements cannot have any adverse effect on competition in the market for legal services. There are 10,375 solicitors with a practising certificate in Ireland (and the number is steadily increasing). These solicitors offer their services from various locations around the country. Clients, for the most part, choose their solicitor from those that practise in their

localities. Competition is determined by the interplay of solicitors and clients in that locality. It is very easy for another practising solicitor to set up in a different locality, and it is also easy for a client to find a solicitor who is based in another locality. The fact that only qualified persons can practice in any locality therefore makes no difference to how competition works on the ground.

### 3.5. No numerical restrictions on entry

- 3.5.1. The LSI accepts that it might be a different matter if there were any numerical restrictions on entry that might be designed to benefit, or have the effect of benefiting, incumbent members of the profession. The LSI imposes no restrictions whatever, whether by arbitrarily increasing the entry requirements or reducing the pass rate, fixing numerical quotas on the numbers wishing to enter the profession or seeking places at the Law School, or in any other way. The High Court in the *Gilmer*<sup>5</sup> case held that it would be outside the scope of the LSI's powers to educate trainees for it to restrict entry on a numerical basis – not that the LSI has any wish to do so. The number of persons entering the profession is determined by the attractiveness of the law as a career compared with alternative occupations, and the ability and determination of those who present themselves as candidate solicitors. In fact, the number of trainees entering the Law School is growing: 384 in 2015, 405 in 2016 and 412 in 2017.
- 3.5.2. The Indecon report unreservedly accepted that the current entry requirements did not restrict competition. It concluded: "... we believe the current educational and training requirements are not disproportionate to achieving their intended goals



of ensuring minimum standards of competence and professionalism among newly qualified solicitors. Nor do we have any evidence that the educational and training requirements are used to restrict or damage competition in the market”<sup>6</sup>. Given the tendency of academic economists to identify regulation of entry into a profession as a source of market failure, this conclusion by a leading firm of economic consultants is particularly important.

- 3.5.3. The Competition Authority has given no indication that it takes a contrary view to that of the Indecon report. Indeed, it indicated at a meeting on 5 May 2004 that it was willing to accept that the LSI exerted no control over numbers entering the profession and did not address this issue in their reports on the legal professions.

### **3.6. The LSI as the sole provider of solicitor training**

- 3.6.1. Although the Indecon report accepted that the requirements for entry into the solicitors’ profession have no adverse effect on competition, it concludes that “it would be welfare improving if the LSI’s present monopoly status was relaxed to allow competition in the market for professional education of trainee solicitors”. The Indecon report would like to see “the possibility for other institutions, as well as the LSI, to provide the teaching of the two professional practices courses”.<sup>7</sup>
- 3.6.2. There are a number of points that the LSI would make in response to these views. First, the LSI can confidently say that there has been no suggestion from any quarter at any time that the training provided by the Law School is deficient

or of an unacceptable standard. There is no question of the Law School failing to provide the quality of training that trainees, and the public, have the right to expect when the School has the exclusive jurisdiction to provide the courses. No fewer than 156 external examiners and assessors and several public interest representative are involved in the assessment of students’ work. The syllabus, teaching materials used, and course teaching of the Law School are kept under constant review by the Curriculum Development Unit which includes non-Society representation and the Unit has given the courses and teaching consistently high ratings. It has also been subject to periodic reviews such as the Maharg review, discussed below.<sup>8</sup>

- 3.6.3. The second point the LSI would make is that the present system is cost-effective. It cannot imagine that, should another institution enter the market for providing courses for trainees, it could do so as efficiently as can the Law School. It also cannot imagine that the competition such an institution might provide for the training of solicitors would have the effect of lowering the costs to the trainee solicitor of his or her training, or in any other way be “welfare improving”.

- 3.6.4. Education and training are services which can benefit from economies of scale, as acknowledged in the Indecon report. The advantages of the scale of the LSI’s education and training operation are illustrated by the physical facilities at the Education Centre at Blackhall Place (which cost €6.5 million when it came on stream in October 2000), the directly employed staff of some 60 people, and over 1,200 prac-

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6 Para 4.95.

7 Para. 4.142.

8 “Solicitor Education in Ireland: Review Report”, January 2018 at page 14.

titioners who are an additional teaching resource available to the LSI in Dublin and who contribute invaluable practical experience. The LSI opened a second centre in Cork for a number of years but it proved very difficult to run this centre without sustaining very large losses. Obviously, while a smaller scale operation might be perfectly feasible, the LSI doubts that it could match the efficiency of the current system.

- 3.6.5. If education and training were provided by a range of different institutions, there would also be a difficulty in ensuring the necessary consistency in the standards to be expected and achieved. This would be a problem even with a central system of examinations because of the large vocational and experiential element in the training programme. There are significant logistical and cost issues associated with centralised assessments and/or an ongoing inspection regime.
- 3.6.6. It is no answer to these points to say that the provision of professional education and training in England and Wales is currently decentralised, for the market there for such courses is substantially larger than in Ireland and may well be able to accommodate a more varied mixture of providers than could operate profitably in this country. We note the recent moves in England and Wales away from decentralised training towards a centralised examinations system. The primary reason advanced by the SRA for this is a marked inconsistency in standards. In many other EU Member States professional education is provided by the Bar through one or more national centres.
- 3.6.7. On the issue of cost-effectiveness, it is worth adding that the LSI's education and training provision is entirely self-financ-

ing. Any surpluses generated from education (both pre and post qualification) are ring-fenced and subsequently re-invested in new facilities or capital projects. No public expenditure is involved. Moreover, it seems inevitable that any new provider would wish to make a profit from its operation, unlike the LSI, rendering it even more likely that the fees the new provider would charge to trainees would be considerably higher than those of the Society. Alternatively courses would be provided by universities which are directly funded by the state (resulting in direct or indirect state subsidisation of legal professional training). It is difficult to see any economic rationale for a new provider.

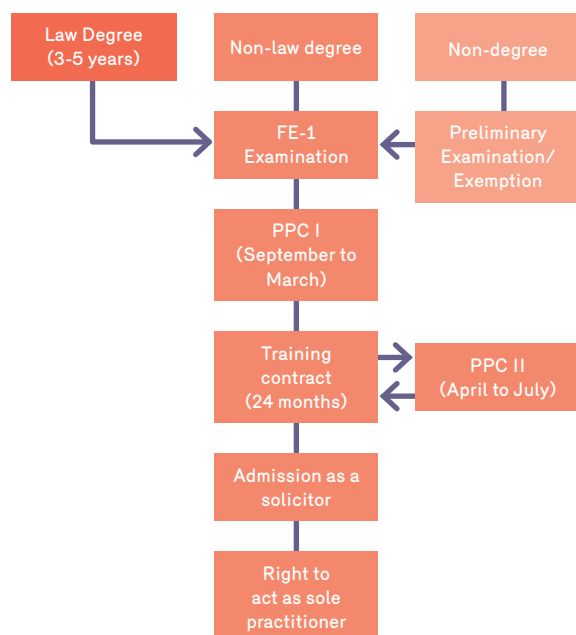
- 3.7. The LSI understands the importance of regulation and an assessment of the competition law aspects pertaining to the education and training of solicitors. However, it firmly believes that the present system is in the best interests not only of the solicitors' profession but also of the wider public interest.
- 3.8. The LSI recognises the value of using specialists to teach specialist modules. It has a long history of collaboration with other professional bodies and education institutions. Joint tax accreditation has been offered with the Institute of Tax for courses and we are currently collaborating with UCD on a Diploma and a LLM in International Financial Services. The LSI will create a framework for specialism in solicitor training where bodies with appropriate specialist expertise will be able to offer accredited courses either with the LSI or independently.



## 4 \_ CURRENT EDUCATION AND TRAINING IN THE LSI

- 4.1.** The recent review of Solicitor Education in Ireland undertaken by Professor Jane Ching, Jenny Crewe and Professor Paul Maharg in 2017 and submitted in January 2018 (“the Report”) recognised the high standards of professional legal education within the LSI.<sup>9</sup> A copy of this report and an accompanying comparative education-al report has already been given to the LSRA.
- 4.2.** On the Professional Practice Course (PPC), it found “the structures of teaching are well organised and designed, and current teaching is aligned to assessment practices. Some aspects of initial profes-sional education provision for solicitors are ahead of the field in legal services ed-ucation, including the use of some digital technologies.”<sup>10</sup>
- 4.3.** The route to qualification as a solicitor is pictorially represented below.

Routes to qualification as a solicitor in the Republic of Ireland



- 4.4.** The Law School runs two full-time courses for trainee solicitors, the Professional Practice Course I (PPC I) and Professional Practice Course II (PPC II). The PPC I is a six month full-time course with 363 contact hours (187 lecture hours and 176 tutorial hours). PPC II has 63 contact hours (34 lecture hours, 19.5 tutorial hours, 7.5 workshop hours and 2 plenary session hours) in the compulsory subjects. The PPC core subjects are:
- Foundation Course
  - Applied Land Law
  - Business Law
  - Probate & Tax
  - Core Legal Skills
- 4.5.** The LSI has invested considerable expertise and time in developing the PPC Parts I and II, to ensure that they meet the demands of the ever-changing practice of law and are also conscious of economic, social and technological developments. Thus, the current PPC I course includes a core module on Business Law, to equip trainees with the knowledge and skills necessary to advise a commercial client at the highest level of commercial engagement. Trainees are given the opportunity to develop their commercial awareness and skills by dealing with problem-based exercises that reflect/ mimic tasks that practitioners undertake on behalf of commercial clients.
- 4.6.** The course is designed to ensure that trainees can advise commercial clients on the legal and practical requirements of establishing and running a business whether that business is run by a sole proprietor, a partnership or a company. The course also introduces trainees to the key steps and documentation involved in buying and selling a business.

9 “Solicitor Education in Ireland: Review Report”, January 2018 at page 14.

10 Ibid.

The course aims to ensure that trainees have a broad-based knowledge of business law and can identify issues as and when they arise in practice. Trainees also have the opportunity to develop their drafting skills throughout the course.

#### **4.7. Examples of Innovation**

The LSI has also developed the PPCII course on an ongoing basis. The following are some examples of recent innovations.

##### **4.7.1. Employment Law**

Employment Law is a compulsory subject for all trainees and provides an example of a module that is technologically innovative and student-centred. From 2013, we have introduced blended learning into the course. Trainees learn new content online by watching e-lectures in their own time, delivered via a virtual learning environment and then carry out assignments or tasks in a classroom setting with facilitators who offer guidance in the application of legal principles.

The e-lectures are shorter than the traditional lectures facilitating trainee viewing and learning. There are four large group compulsory socratic plenary sessions during which a facilitator works through legal scenarios with the group to achieve a legal solution to real life problems or situations. These interactive sessions encourage trainees to participate in the discussions to work out solutions and allow them to gauge the progress of their independent learning.

Before the five workshops trainees are required to carry out the same tasks they would be undertaking in the office when advising a client, for example write a letter to a competitor suspected of being

in possession of confidential company materials. This work forms the basis for class discussions.

The Employment Law manual is now a multi-touch interactive e-Book which gives trainees easy access to legislation, case law and examples of employment law documents such as terms of contracts. The e-book format ensures that the legal content is current.

Since the introduction of the new blended learning course trainees have consistently performed very well in the traditional written examinations with examiners reporting that trainees have a better understanding of the practice of employment law. Trainees have also reported that the format of the course prepares them well for practice in the office.

As e-lectures are delivered through Moodle this allows for the tracking of trainee participation. We are now able to demonstrate that those trainees who engage well with the course e-lectures are more likely to succeed in the examination.

##### **4.7.2. Professional Practice, Conduct and Management**

Professional Practice, Conduct and Management (PPCM) is a key module on Part II of the Professional Practice Course (PPCII).

The course aims to assist trainees understand the core values of the legal profession and the fundamental moral values in which solicitors direct their own behaviour. These values guide solicitors' conduct in their professional relationships.

During this module, ethics is taught in the context of the law, practice, proce-



dure and real-life experiences. Through practical examples, trainees are encouraged to go beyond the mere application of rules and to examine the underlying issues and values and their contribution in this regard.

This course also introduces trainees to the basic skills of business management to make them aware of the aspects to be considered and the steps involved in the opening of a law firm. It is designed in a practical and interactive way. The teaching of ethics is based on problem-based teaching and learning methodologies using real life practical problem-solving scenarios. Tutorials offer trainees the possibility of group discussion and analysis of the concepts learnt at lectures. Financial Management tutorials involve calculations and drafting of financial forms and charts. Trainees receive eBooks on each of the main sections, which contain the theory and incorporate links to legislation, resources, etc. They are user friendly books with pictures, statistic charts and tutorial exercises.

In recognition of the importance of good governance and of creating a standard of excellence in practice, the module is compulsory and applied, and is innovatively assessed through a work-based business plan. Trainees are allocated to small groups ("Firms") within which they are required to work and produce a business plan at the end of the course.

Groups enjoy a great deal of flexibility regarding the structure and presentation of the business plan and are encouraged to be innovative. Evaluation of this group assessment takes into consideration the quality of the research, the proper analysis of the ethical issues arising from the files and the presentation.

#### 4.7.3. **Non-Adversarial Dispute Resolution**

A third distinctive example of innovation/ market responsiveness is our Non-Adversarial Dispute Resolution elective. In 2016, this pilot blended learning elective on alternative methods of dispute resolution was introduced which runs alongside existing courses and does not use the standard timetabling time allocation for electives.

This elective introduces and equips trainees to act as the solicitor in the process of three commonly used methods of commercial dispute resolution – arbitration, mediation and construction adjudication. The traditional, group-based lecturer-focused learning space has been moved to e-lectures - and the formal group class setting are transformed into collaborative and practical learning spaces, the workshops.

Trainees have the opportunity to assess pre-workshop tasks submitted by their peers. This allows trainees to assess their own work against that of their colleagues and to receive peer feedback in a controlled and monitored environment. Many trainees reported that this was very beneficial to their learning experience.

All information is conveyed to trainees in e-lectures which allows students to engage with the e-lecture materials at their own pace and in their own time. There is a workshop for each topic during which trainees work through pre-workshop tasks they have prepared and submitted prior to the workshop. Trainees are required to prepare a document, such as a letter advising a client to engage in the mediation process, before the workshop which they are required to submit online. These pre-workshop tasks form the basis of discussions in the workshops during

which trainees and the facilitator – an expert in the particular method of dispute resolution – work out the process.

There is no traditional examination. Instead, trainees are continuously assessed. Viewing of the e-lectures, completion of pre-workshop tasks, participation in workshops and written and oral assessments all count towards the final grade.

#### **4.8. Law School Counselling Service**

Resilience, innovation and emotional intelligence are fundamental attributes of solicitors that are dynamic, mobile and adaptable, that can take advantage of growth and also adjust to recessionary or globalisation challenges. A further example of an innovative way the LSI addresses the development of the whole of the solicitor is through its own on-site counselling service. This is in keeping with a recognition that professional legal education should have as its core ethos the development of resilience and innovation in all solicitors. This is developed through exposure to the core areas of practice not just in terms of knowledge but also through skills training and attitudinal development. These aspects are further developed through the Shrink Me (psychology) module and follow up time-intensive therapy offered by the Law School Counselling Service.

There has been a 100% increase in numbers of trainees attending the Service since its establishment in 2014, and a 500% increase compared with when traditional counselling was being offered through a consultancy arrangement with external therapists and not accompanied by the integrated PPC Shrink Me module. The Service is now managed by a PPC

course manager/psychotherapist and a team of 6 fully qualified and experienced psychotherapists. It has its own welcoming and private rooms in a discrete location.

In addition to attending to trainees' emotional development the Law School Counselling Service plays a pivotal role in the provision of professional education in innovative areas to qualified members of the profession. Programmes designed to positively influence the culture of law firms and the quality of life for practitioners include: Professional Wellbeing for Success (2 annual conferences per year), 6 month (annual) Executive Leadership Programme and a forthcoming Manager as Coach Programme.

Evaluation surveys completed (anonymously) by students indicate clearly that trainees value and appreciate the LSI's investment in their professional wellbeing. Students report feeling that time-intensive therapy in a professional educational context enables them to complete their professional duties more confidently and competently and to be able to seek assistance and support with greater ease, which is key to avoiding serious ethical or technical difficulties in the future. Sessions are free, and students may avail of up to 7 sessions during PPC I and 5 sessions during PPC II.

#### **4.9. Technology**

We believe that the LSI is leading the way regarding technological advances in training and education delivery and methods. This is also kept under constant review to keep abreast of all developments. The following paragraphs set out current developments in the use of technology by the LSI in the provision of its education and training.



#### 4.9.1. iPad

From 2013 onwards, the LSI introduced the use of an iPad as the trainees' personal learning device, where much educational content is stored. This includes interactive multi-touch e-books, workbooks, links to legislation and case law, and personal study notes. The use of iPad in the classroom has led to more interactive small-group sessions, where trainees can draft legal documents on their device, look up current legislation and case law, and share information with one another. The iPad is used in conjunction with hard copy materials.

4.9.2. All 32 compulsory and optional modules on the PPC have incorporated iPad into their design or delivery. Over 60 interactive, multi-touch e-books have been created by Law Society staff as educational aids for trainees. These e-books contain video, audio, diagrams and other multimedia to assist trainees with different learning styles. Staff have received comprehensive training to maximise the potential of iPad and Apple technology in the classroom. Apple TVs have been installed in 21 teaching spaces in the Law Society.

4.9.3. We are recognised as an Apple Distinguished Program on our Professional Practice Course (PPC) for our implementation of this 1:1 iPad programme for trainee solicitors. The Apple Distinguished Program designation is reserved for educational programmes that meet criteria for innovation, leadership, and educational excellence, and demonstrate Apple's vision of exemplary learning environments.

The introduction of this technology at the Law Society has fundamentally changed how our trainee solicitors learn and how

our associate faculty teaches. Aside from providing trainees with a one-stop shop for all their course materials, iPads give trainees the opportunity to continue their learning outside of the formal class session, through e-lectures, for example. Similarly, the associate faculty has access to more in-depth resources when preparing for teaching sessions and our lecturers have been freed from the confines of the podium, allowing them to walk around the lecture hall, engaging trainees in discussion, all with an iPad in their hands.

#### 4.9.4. IT Rooms

There are three IT Rooms in the LSI. The primary one in the Education Centre is a multi-functional learning space that is occupied daily by PPC students. The room hosts a Citrix system that is managed centrally by Education IT Department Staff. The staff and student helpdesk is located in this room, offering one-to-one, email and phone support daily.

#### 4.9.5. Moodle – Student Learning Environment – Law School Hub

Alongside iTunesU (the Apple Learning Environment that is used to disseminate course materials to the PPC students on their iPads) we use a virtual learning environment (Moodle). This allows course teams to include activities in their courses such as the ability to enter discussion fora with their peers, submit assessments online, complete competency quizzes, complete course evaluations and view video lectures. Moodle is also used for releasing student examination results online in a secure and private platform.

#### 4.9.6. Presentation Rooms

A number of presentation rooms are fully equipped with our webcast recording

system and Apple TVs. These systems help enhance our blended learning methods offered to our students. Most of the presentation rooms are multifunctional to adjust to the required learning space setup. Apple TVs allow both tutors and students to connect their devices wirelessly to the large TV screens, thus enabling collaboration in a tutorial setting for example.

#### 4.9.7. **Skills - Student Recording System (SRS)**

Skills courses use a Student Recording System. This consists of a portable cabinet with a built-in computer, audio mixer, microphones, recording device and monitor all attached. Recordings are saved direct to a USB stick with no need for user interaction with regards to encoding. The videos can be played back immediately from the computer and a copy is also saved to the student recording system server for playback at a later stage.

- 4.9.8. Technological innovation is important to us at the LSI. In its Report, the Review Group was of the opinion that the use of some digital technologies in initial professional education provision for solicitors are ahead of the field in legal services education and that the development of CPD in the form of Diplomas and MOOCs leads the field. Building on this the LSI is committed to expanding its focus on innovation – beyond technology and into all aspects of legal education and practice. This emphasis on innovation is in line with government policy<sup>11</sup> and with global developments in law and across all areas of global business development. Several international law firms (e.g. Freshfields) and some law

schools now have a dedicated innovation executive on staff, whose role it is to develop innovation among the entire staff and within the practice. The American Bar Association established a Centre for Innovation in 2016 to drive change in legal practice through innovation, education and collaboration. We believe it is important we keep in line with this international trend as it is unlikely trainees or junior solicitors will learn the skills of the future in their firms given that such skills and developments are so new. In reality this generation of lawyers are more likely to be reverse mentoring their seniors in areas such as technology, e-discovery, project management and innovative aspects of legal operations. To that end the LSI will establish its own Centre for Teaching, Development and Innovation to further develop and co-ordinate its strategy in terms of teaching, learning and business development.

#### 4.10. **Streetlaw Programme**

As part of our commitment to access to justice, we introduced Streetlaw in 2013. Now in its fifth year, our Streetlaw Programme is run in collaboration with Georgetown University Law Centre, Washington DC and the Trinity College Access Programme (TAP). Streetlaw aims to bring the law to life in the classroom by teaching pupils about how the law applies to them through interactive learner- centered lessons. The Streetlaw Programme invites PPC 1 trainee solicitors to volunteer every year at the beginning of their training in autumn. PPC volunteers take part in an induction weekend at the LSI, where training is provided in the teaching methodologies which underpin the Streetlaw approach. PPC volunteers are then placed in a

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See for example Embracing Innovation in Government Global Trends 2018 <http://www.oecd.org/gov/innovative-government/embracing-innovation-in-government-2018.pdf>.

number of secondary schools in Dublin where they teach a 6-week Street Law Transition Year Programme. It concludes with schools participating in a 'Mock Trial' and these are hosted in the CCJ and in our MOOT Court Room in Blackhall Place.

In addition, the Streetlaw Programme facilitates a Prison Law Programme with Wheatfield Prison in partnership with the charity Solas and their Compass Programme for prisoners.

#### 4.10.1 **Strengthening the diversity of the profession**

The solicitors' profession in Ireland is proud of the diversity of its members. Since 2015 women have outnumbered men in the Irish solicitors' profession. The profession has been attractive to mature entrants. Over the last ten years, between 10% and 15% of each new PPC has consisted of those over the age of 30. Qualifying as a solicitor is seen as an attractive "second chance" career and on each PPC are qualified nurses, accountants, teachers, engineers, army officers and others.

The LSI has been engaged in a number of initiatives to open up professional training to applications from a background of socio-economic disadvantage. It introduced an access scheme in 2000. This programme waives fees, provides maintenance payments and ongoing assistance to suitably qualified candidates. The programme is open to those who were access students at third level, but most applicants were unaware of access schemes before applying to the LSI. For many of those qualifying through the scheme, it is the first form of assistance they have received since leaving school. The LSI also operates other financial as-

sistance schemes such as a bursary fund for assistance with fees and a hardship fund available to students attending its courses.

As part of a broader initiative to encourage those from a diverse range of backgrounds to consider qualification as a solicitor the LSI has undertaken a number of other programmes.

Trainee solicitors teach Transition Year (TY) students in a number of Dublin 'Delivering Equality of Opportunity in Schools' (DEIS) schools about law and the legal system in a practical way, while developing the skills of trainee solicitors. The schools programme runs weekly teaching sessions that take place over a period of two months.

We work with the Trinity Access Pathways to Law initiative, hosting workshops for fifth and sixth year groups in the LSI.

Solicitors of the Future is a week-long programme in spring, with TY students from selected schools around the country. Students learn about how the law affects them and the role of a solicitor. Places are set aside on this programme for students from DEIS schools.

The effects of these programmes have been very beneficial and there are a number of solicitors on the Roll who would not have been able to qualify without them. However, there is much more that can be done and several further proposals are detailed on this.



#### **4.11. LSI Continuing Professional Development**

##### **4.11.1. LSI Professional Training (LSPT)**

The LSI Professional Training (LSPT) section is the continuing legal education unit of the LSI. It has a full-time team of experienced course designers and co-ordinators. Since 2008 the number of solicitors participating in our events has grown from 2,000 to an estimated 6,000 this year. Our suite of training programmes has also increased to over 100 separate training events which includes, conferences, symposia, workshops, eLearning courses and master classes.

##### **4.11.2. Training Activity Overview**

This section delivers over one hundred training events. These range in topic from a suite of Annual Conferences and Master Class programmes addressing specialised areas of law, to a General Data Protection Regulation (GDPR) programme comprising an online course and an onsite blended learning symposium addressing GDPR – law and directive implementation.

For the last few years, one of the best regarded training activities has been the organization of “cluster” events. This involves the LSI collaborating with a group of local bar associations to plan a day of relevant training in a convenient local location. The price of this training is subsidized by the LSI to keep it at an affordable level. Opportunities for networking and updates on LSI initiatives are built into the programme.

The section has also experienced a new demand for specially designed public-sector training, private firm in-house training and a demand to collaborate with international bodies in new EU

grant funded applications. The section is currently partnering with the European Lawyers Foundation and EU Law Societies and Bars in the delivery of training funded under the EU training action grant for lawyers involved in immigration and asylum law (TRALIM), the training action grant for preventing violence against women (TRAVAW) and the training action grant for lawyers working with children (TRACHILD).

#### **4.12. Diplomas**

4.12.1. The Diploma Centre provides longer certified courses to solicitors. The Diploma Centre’s development has been marked by an ability to innovate and respond quickly to the educational needs of the profession as the number of courses offered continues to increase year-on-year. The trends identified include an increased demand for courses, a growth in participant numbers and a greater use of technology which in-turn has facilitated geographical diversity among participants.

4.12.2. In 2016, 2017, and 2018 the Diploma Centre was awarded Service Provider to the Legal Profession at the Irish Law Awards.

The Diploma Centre’s student-centred learning approach means that any technological innovations, new courses or structural changes are introduced only as a result of direct feedback from students and the profession.

4.12.3. Accessibility is one of the key factors in providing post-qualification and professional continuing development courses for busy practitioners. This prompted the development of the ‘mobile professional learning’ project. The aim of the project

was to enable the effective use of technology to increase accessibility for students allowing them to learn both onsite and online.

4.12.4. The project has led to the development of a webcasting system specifically designed with the busy solicitor in mind. The system streams lectures 'live' online and also archives the lecture video for playback. Other developments included a Diploma Centre app, Massive Open Online Courses (MOOCs) and interactive online workshops, all of which enable a student-centred learning approach that caters to the needs of time-poor professionals and those living outside of Dublin.

4.12.5. A number of courses have been developed to be delivered wholly or substantially online.

4.12.6. **Massive Open Online Course (MOOC)**  
A MOOC is a free online course that is open to all and specifically designed for large numbers to participate. The annual LSI MOOC embraces the LSI's access to legal education and the legal profession approach. To-date, the MOOCs have attracted over 9,000 participants from over 60 countries since they first launched in 2014. These are valuable strategic marketing tools.

Our fourth Massive Open Online Course (MOOC) attracted 3,231 participants from 29 countries around the world in 2017. The course entitled 'Employment Law in the Digital Era' was delivered online over five weeks and comprised presentations from experts in employment law, live online discussions and assessments. Specific content such as Brexit, borders and offices without walls – challenges and impacts in uncertain times are particularly topical and of interest to a wide range of

people. Our continued commitment to MOOCs is enabling us to widen access to legal education and to the legal profession.

#### 4.12.7. **Collaborations and partnerships**

We are continuing to develop new courses in growth areas of the law, for example technology and data protection law, company secretarial law and charity law trusteeship and governance, where we work to develop new partnerships and collaborations:

- With 'The Wheel' in relation to the Certificate in Charity Law, Trusteeship and Governance;
- With the Institute of Chartered Secretaries and Administrators (ICSA) to deliver and jointly award a Certificate in Company Secretarial Law and Practice;
- With the Mediators' Institute of Ireland (MII) so our Mediation and ADR (Alternative Dispute Resolution) students can become accredited members of the institute;
- With the Society of Trust and Estate Practitioners (STEP) to deliver the Diploma in Trust and Estate Planning.

#### 4.12.8. **LLM Advanced Legal Practice**

The LLM Advanced Legal Practice is primarily a dissertation-based programme, a key feature of which is that it provides members with an opportunity to use their solicitor qualification as part-credit towards a Masters level qualification. The LLM is offered in association with the Northumbria Law School, with supervision provided by a cohort of approved Irish based supervisors. The course has consistently attracted a significant amount of interest from the profession, with applications far exceeding the available places. The LLM has been of interest to mature, long qualified, and well-established professionals.

Our new LLM Employment Law in Practice is specifically designed for those who have completed our Diploma in Employment Law. Uniquely the LLM provides participants with the opportunity of using the Diploma in Employment Law as a building block to achieve a further recognised academic qualification.

#### 4.12.9. Judicial Training

The initiative to develop the *Certificate in Mediation* arose from discussions with Irish members of the *European Association of Judges for Mediation* (GEMME), who sought to avail of a bespoke mediation training event for members of the judiciary. The course aims were to provide participants with:

- An understanding of the mediation process in Ireland.
- An awareness of the skills necessary to act as a mediator.
- Knowledge of the mediation process and the legislative provision which under-pins it.
- An understanding of the role of the mediator as compared to the more traditional role of the lawyer.
- Knowledge of the different forms of dispute resolution and their application.

The course was attended by 30 sitting judges, with representatives from all branches of the judiciary involved. It was agreed that the training event would be as accessible as possible for members of the judiciary. As such, the training adopted a 'blended-learning' approach, combining onsite and online learning. In all, 25 judges completed the assessment process, with certificates awarded at a conferral ceremony in the LSI in July 2017. We are currently collaborating with

the judiciary on further training.

#### 4.13 CPD SCHEME

CPD attendance is mandatory for all practising solicitors<sup>12</sup>. Solicitors are required to complete 20 hours of CPD attendance each year. They must complete at least three hours of management and professional development courses and two hours of regulatory CPD. There are further requirements for those involved in money laundering compliance. Reduced hours are mandated for older solicitors, those on maternity leave, newly qualified solicitors and others. This is set out in detail in the CPD scheme which is annexed to the report.

The LSI does not approve courses and it is up to the individual solicitor to attend such courses as he/she sees fit. However, the scheme is actively monitored and the profession is randomly audited on an annual basis. If audited, a solicitor should produce a record of courses attended with proof of attendance. In general, the level of compliance is high.

#### 4.14 TRANSFER PROVISIONS

##### Morgenbesser Applicants

Following the decision of the European Court of Justice in *Christine Morgenbesser v Consiglio Dell'Ordine Degli Avvocati di Genova*,<sup>13</sup> the Solicitors Acts, 1954 to 2001 (Apprenticeship and Education)(Recognition of Qualifications) Regulations 2004 were introduced to provide a mechanism whereby persons from EU member states who have appropriate qualifications and training can apply for exemption from the application to them of parts of The Solicitors Acts, 1954 to 1994

<sup>12</sup> Solicitors (Continuing Professional Development) Regulations 2017 (S.I. No. 529 of 2017)

<sup>13</sup> [2004] 1 C.M.L.R. 24.



(Apprenticeship and Education) Regulations, 2001. The LSI's application of this decision is outlined in Appendix 6 below.

### **The 1991 Regulations**

These Regulations make provision for the admission of EU/EEA lawyers. Such lawyers seeking admission under these Regulations are required to sit and the pass the QLTT.

Regulation 4(4) addresses the recognition of English and Irish solicitors as follows:

Unless the [Law] Society otherwise determines, either generally or in an individual case, an applicant who has been admitted to the Roll of Solicitors in

- (a) Northern Ireland, or
- (b) England and Wales

shall not be required to pass any part of the Test.

"Applicant" is defined in Regulation 2 as "a person seeking admission as a solicitor in Ireland under these Regulations". While the 1991 Regulations do not require either that the English or Northern Irish solicitor be a citizen of an EU Member State or that a solicitor must qualify in either jurisdiction under the domestic training regime, Regulation 4(4) allows the Society to determine otherwise "either generally or in an individual case". The LSI's Education Committee has invoked the powers under Regulation 4(4) in respect of applicants who have requalified in England and Wales. Such applicants do not have automatic access and are required to work in the other jurisdiction before being recognised in the Republic.

### **Section 52**

Section 44 of the Solicitors Act 1952 (amended by section 52 of the Solicitors (Amendment) Act 1994) provides for the

admission as Irish solicitors of certain persons qualified to practice in non-EU Member States. The section applies to a "corresponding profession". This is defined as a profession which, in the opinion of the LSI, corresponds substantially to the profession of a solicitor.

Outside of the Directive, section 52 of the Solicitors Act 1994 allows the Society to enter into agreements for the reciprocal recognition of legal qualifications with what are corresponding professions. The Solicitors Acts 1954 (Section 44) Regulations 2009 (S.I. No. 35 of 2010) set out the requirements to be fulfilled by a person qualified to practise in a corresponding profession, the subject of an Order of the Minister for Justice and Equality made under section 52 of the Solicitors (Amendment) Act 1994, in order to be admitted as an Irish solicitor.

The Society has entered reciprocal arrangements with the New York State Bar, the Pennsylvania State Bar and the New Zealand Law Society. An arrangement was also entered into with the Law Society of New South Wales. Given the reciprocal recognition arrangements now in place in Australia this arrangement is now available to all Australian solicitors. Applications received from the Punjab Bar and that of Tonga seeking reciprocal recognition were refused. The LSI had endeavoured to introduce further arrangements with other state bars in the USA but this has proved very difficult. The requirements for lawyers from the aforementioned jurisdictions generally mirror the requirements imposed by these jurisdictions on Irish solicitors.

### **Establishment Directive for EU Lawyers**

In the case of an applicant who is a national of a Member State of the European

Union and is qualified to practise as a lawyer in his or her home Member State, he or she may be able to register as a foreign qualified solicitor under the Establishment Directive (98/5/EC).

Article 3 of the Directive makes it obligatory for the immigrant lawyer to register with the competent authority in the state in which they are practising.

### **All other lawyers**

All other lawyers (not qualified in the European Union or subject to a reciprocal agreement) are required to undergo the standard solicitor training process.

### **Section 51**

This is the provision that sets out transfer arrangements for barristers. Its application is limited to those barristers who have been in practice for three years or more or engaged in alternative legal employment. The section indicates that they should not be re-examined in any subject area they have covered during their training but can be required to attend course and take examinations in any subject area they have not covered. A period of up to six months in office training in a solicitors office can also be required.

On foot of this section, the LSI and the Honorable Society of Kings Inns have concluded a reciprocal agreement for mutual recognition. Barristers with the requisite experience will be required to attend a one month course provided by the LSI covering those areas of solicitor qualification that they would not have been trained in. On a case by case basis their work experience is examined and decisions are made on the length of work experience that should be required in a solicitors office (up to a maximum of six months). There is an equivalent course in place for solicitors with three years or more work experience wishing to transfer to the Bar. There are also formal requirements that the transferring barrister be removed from the Roll of Solicitors or disbarred.

This system has proved very popular. Prior to its introduction in 2012 there were three transferring barristers. In 2017, 34 barristers requalified as solicitors.

## 5 \_ ADMISSION TO THE ROLL OF SOLICITORS

**5.1.** The following tables set out the numbers of those admitted to the Roll of Solicitors from 2007 to 2017 inclusive. This includes trainees, English and Northern Irish

solicitors, barristers and those gaining admission through the Qualified Lawyers Transfer Test (QLTT)/Establishment Directive,<sup>14</sup> further details of which are set out below.

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Qualifying Trainees and Barristers</b>	542	678	624	663	634	456	478	490	248	559	456
<b>Foreign Lawyers</b>	100	99	79	63	84	69	75	67	111	847	594
<b>TOTAL</b>	<b>642</b>	<b>777</b>	<b>705</b>	<b>729</b>	<b>718</b>	<b>525</b>	<b>553</b>	<b>557</b>	<b>359</b>	<b>1,406</b>	<b>1,050</b>

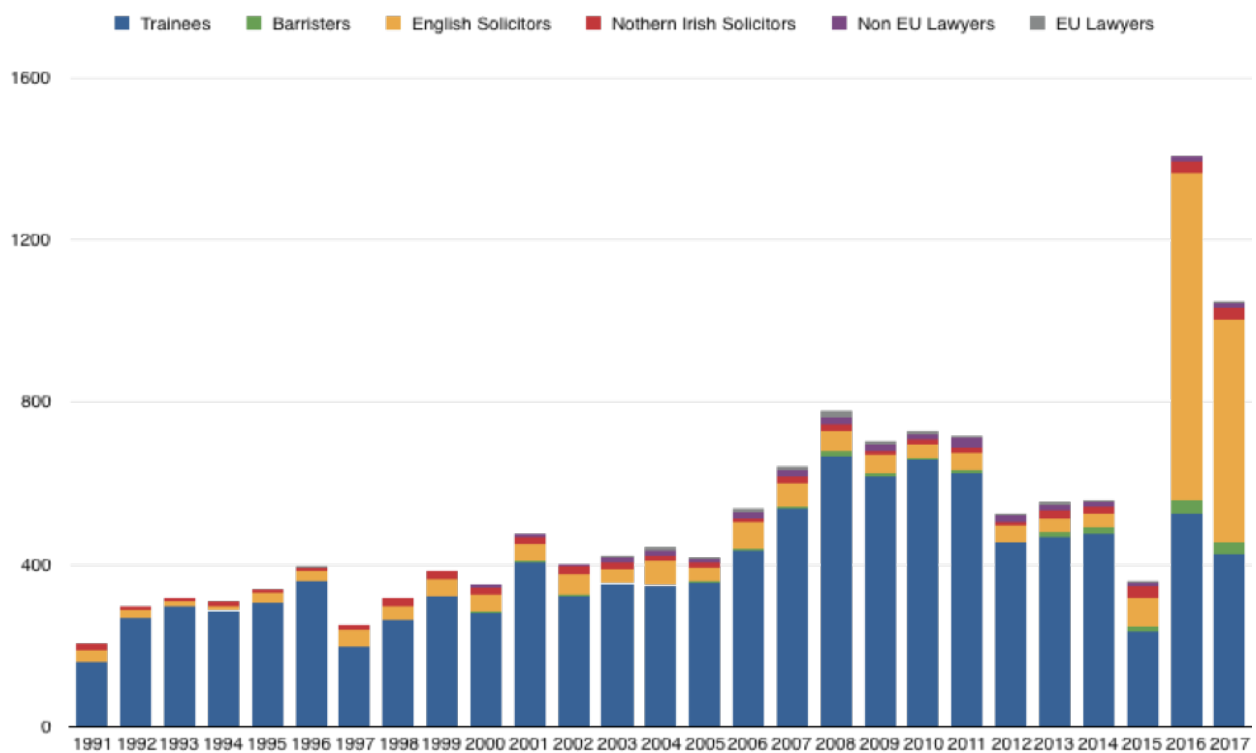
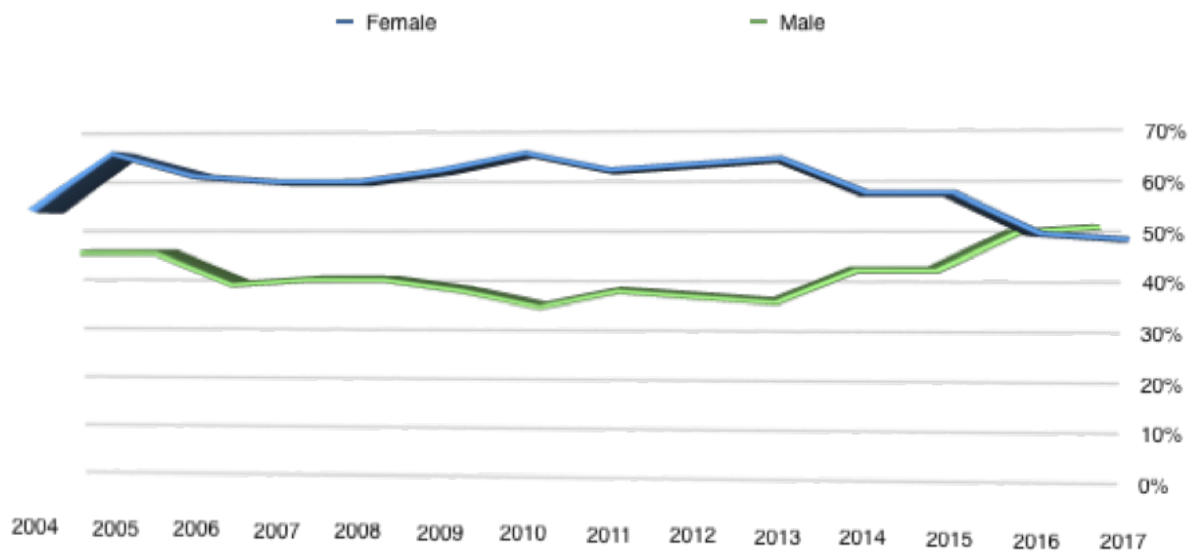
### GENDER

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Female</b>	376 (59%)	461 (59%)	427 (61%)	427 (61%)	439 (61%)	325 (62%)	346 (63%)	319 (57%)	205 (57%)	707 (50%)	514 (49%)
<b>Male</b>	256 (41%)	316 (41%)	278 (39%)	260 (36%)	279 (39%)	200 (38%)	207 (37%)	238 (43%)	154 (43%)	699 (50%)	536 (51%)

### DETAILED BREAKDOWN

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Qualifying Trainees</b>	539	667	615	657	625	453	468	475	233	525	423
<b>English Solicitors</b>	56	51	45	32	42	41	33	36	70	806	547
<b>Northern Irish Solicitors</b>	18	14	10	14	9	7	24	15	30	27	29
<b>Section 52</b> (California, New York, Pennsylvania, New South Wales & New Zealand)	16	20	17	11	25	16	12	11	7	13	12
<b>Barristers</b>	3	11	9	6	9	3	10	15	15	34	33
<b>EU Lawyers</b>	10	14	7	9	6	5	6	5	4	1	5





## 6 \_ PROPOSALS FOR ENHANCEMENT OF SOLICITOR EDUCATION

### 6.1

#### 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.

- 6.1.1 Both academic and practical education and training constitute the key components of professional legal education. We believe that the LSI is at the forefront of legal professional education and we will strive to continue this excellence.
- 6.1.2. The LSI has undertaken a review of the core areas of practice to be covered in its PPC (see further Proposal below with regard to proposed amendments to the PPC) and will continue to review the education of trainees on an ongoing basis.
- 6.1.3. The application of knowledge in a practical and applied way is advanced by the LSI through on-site skills training, practical tutorials, workshops and CPD/ Diploma course content. As the law is ever-changing, our education and training must keep pace with all legal developments and, where possible, anticipate possible changes and act accordingly.
- 6.1.4. The LSI has also considered the importance of so-called “skills for 2020 and beyond” in the provision of education and training for solicitors. The following is a representation of a framework for learning for 2020 and beyond.

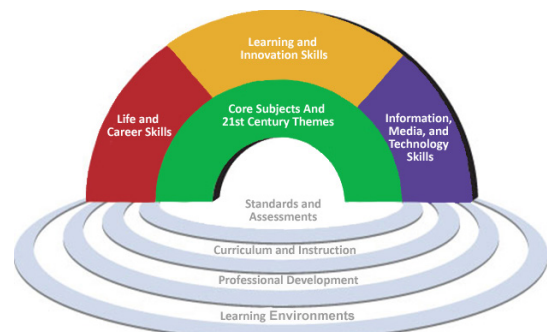


Figure by creator: Charles Fadel - own work, cc by 3.0, <https://commons.wikimedia.org/w/index.php?Curid=13303519>

- 6.1.5. The skills for 2020 and beyond are defined in the literature as attributes, skills and learning dispositions that are required for success in 21st century society, workplaces and educational environments.

The P21 organisation conducted research that categorised the skills into deeper competencies, known as the Four Cs of learning for 2020 and beyond. These four competencies are

- Collaboration
- Communication
- Critical Thinking
- Creativity (<http://www.p21.org/our-work/p21-framework>).

- 6.1.6 This research was based on feedback from teachers, educational experts, business leaders and others to define the skills, knowledge and attributes students required to succeed in work, life and

society. These skills have been adopted by various government agencies in the US, Europe and other countries. In a European context, the OECD has authored a number of publications that define these skills.<sup>15</sup> Generally, in the literature they are defined as those skills necessary for living and working in the modern world and include “creativity, innovation, critical thinking, decision making, collaboration, communication, productivity and leadership” skills.<sup>16</sup> An image produced by the OECD<sup>17</sup> explains this further.

Learning and Innovation “The 4 C’s”	Digital Literacy	Career and Life
Critical thinking & problem solving	Information literacy	Flexibility & adaptability
Creativity and innovation	Media Literacy	Initiative & self-direction
Communication	ICT Literacy	Social & cross-cultural interaction
Collaboration		Productivity & Accountability
		Leadership & responsibility

Table 1 - P21 Skills

P21 definition of skills required for learners in 2020 and Beyond.

6.1.7. Chris Dede<sup>18</sup> from Harvard University, named those digital literacies required by ‘NeoMillennial’ learners. A ‘NeoMillennial’ learner required fluency in digital media; active learning experiences, non-linear learning content and constructivist co-design of learning content. Web 2.0 learning tools foster these types of skills, where content is co-created by ‘teacher’ and learner leading them to ‘co-construct’ new knowledge. As such, modern professional learning needs to accommodate these requirements, and ensure a constructivist approach to all learning that happens, either mediated online or in a face to face environment.<sup>19</sup>

6.1.8. In an Irish context, these types of skills

now form part of all pre-service teacher education courses, where a focus on communication skills (mediated offline or online) are an integral part of the course content.<sup>20</sup> Indeed, the recent *Action Plan for Education and Digital Strategy for Schools* are based on the OECD definition of these skills.<sup>21</sup> They are of practical relevance to lawyers who are increasingly required to be multi-dimensional and possess additional non-legal skills e.g. knowledge management, leadership, adaptability and project management.<sup>22</sup> Provision will be made for these skills on the core PPC as soon as possible.



Digital Strategy for Schools, 2015 – Irish use of Skills for 2020 and Beyond

6.1.9. To assist with the levels of digital literacy among trainees, a new Office Technology Module will be provided on the Core PPC. It will consider how to secure all office data and systems. Good practice in document construction and revision will also be covered. Future Trends will be explored, including:

- e-Filing and interaction with public bodies;
- e-Conveyancing;
- artificial intelligence; and
- relationships with clients – leadership, authority and delegation.

<sup>15</sup> Ananiadou & Claro, 2009; Drabowicz, 2017; Levy, 2011; OECD, 2011, 2015.

<sup>16</sup> Ananiadou & Claro, 2009.

<sup>17</sup> 2009.

<sup>18</sup> 2000; 2005.

<sup>19</sup> Fu & Hwang, 2018; Tangney, FitzGibbon, Savage, Mehan, & Holmes, 2001.

<sup>20</sup> Akçayır, 2017; Badia, Garcia, & Meneses, 2017; Butler, Leahy, Shiel, & Cosgrove, 2015; Department of Education and Skills, 2013; Friel et al., 2009; Shapiro et al., 2017; Šorgo, Bartol, Dolničar, & Boh Podgornik, 2017.

<sup>21</sup> Butler et al., 2015; DES, 2015, 2016, 2017.

<sup>22</sup> For further reading on their relevance for lawyers read:

[https://www.americanbar.org/publications/law\\_practice\\_magazine/2014/july-august/the-21st-century-t-shaped-lawyer.html](https://www.americanbar.org/publications/law_practice_magazine/2014/july-august/the-21st-century-t-shaped-lawyer.html)

<https://www.totallylegal.com/article/what-it-means-to-be-a-21st-century-lawyer/>.



## 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.

- 6.2.1. This programme will be adequately resourced and staffed and will not be funded from student fees. A plan and budget will be put in place in late 2018 for this programme to commence in 2019. This programme will be funded from the admissions budget as it is in the interest of the profession generally to encourage new applicants from a diverse range of backgrounds.
- 6.2.2. The Review Group recommended that the LSI take steps to proactively promote the professional qualification of solicitor in Ireland. It also suggested that the LSI review its 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.
- 6.2.3. A communications strategy should be developed on education-related matters.
- 6.2.4. There is a lack of visibility of the excellent work done in the Law School, particularly in relation to the Professional Practice Courses. The Law Society's website, Gazette and annual report should include more material on the educational provision. Other communication avenues should also be considered such as an open day for training solicitors. This will ensure that training solicitors develop an increased awareness of the reciprocity between the PPC and the in-office training. Overall, a tailored communications strategy should be developed for education which will raise consciousness about the quality and depth of the training provided on the PPC. This will facilitate greater transparency, increase recognition of the Law School's activities and allow for the communication of the content, standard and outcomes of solicitor education. This will facilitate the Society in actively promoting the professional qualification of solicitor in Ireland and internationally.

## 6.3

### 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.

- 6.3.1. The Preliminary Examination is something of an anachronism. However, its operation and the existence of exemptions from it make it clear that all suitable applicants can undertake training as solicitors. Insofar as a small number qualify as solicitors through undertaking this examination, it appears to have a continued role to play.

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## 6.4

### 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.

- 6.4.1. A list of exempted qualifications should appear on the LSI website by the end of the year (2018). This should be drawn from qualifications that the Committee has recognised in the past (on the basis of individual applications). This would facilitate a greater range of applicants seeking to qualify as solicitors and eliminate an element of cost and paperwork from this process.

**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.

6.5.1 Legal executives are currently employed in solicitors' offices to assist with day-to-day work and document management. They often fulfil a vital role in legal work and, in many cases, their skilled input has benefits of efficiency and cost-effectiveness for clients. Given the experience

accumulated by *bona fide* legal executives in their work, the LSI seeks to recognise this by easing their route to qualification.

**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.

6.6.1. Further funding will be provided for this purpose and will be drawn from non-student related funding. A budget proposal will be drawn up by the end of 2018 with a view to 2019 implementation.

6.6.2. This will further assist in diversifying the profession and, together with the provision of the part-time PPC course (see further Proposal 23 below), will facilitate entry for those from all socio-economic backgrounds.

**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.

- 6.7.1. It is the view of the LSI that this entry level standard of competence is important, given the wide variety of applicants to the Law School in terms of practice experience and academic qualifications.
- 6.7.2. The Final Examination - First Part ("FE-1") is the entrance examination to the Law School. Only those who have passed or gained exemption from the Preliminary Examination can sit this examination. It is held twice a year usually in Spring and Autumn.
- 6.7.3. It consists of the following eight papers:
- Company Law
  - Constitutional Law
  - Law of Contract
  - Criminal Law
  - European Union Law
  - Equity
  - Real Property
  - Law of Tort
- 6.7.4. The number of candidates sitting the FE-1 has continued to increase. 2,222 candidates registered to sit the examination in 2017, an increase of 7.5% on 2016.
- 6.7.5. The current FE1 is examined by leading academics from across the third level institutions and is overseen by an independent Board of Examiners which has two public interest representatives. The FE1 syllabi are compiled by leading academics from the third level institutions. Each syllabus comprehensively addresses the subject area. While the examination is demanding, it ensures the core legal subject areas are tested in an equitable manner.
- 6.7.6. The FE1 provides an assurance of prior knowledge of academic law. An entrance examination for the vocational stages of education is common practice across other jurisdictions, and can be contrasted with "bar examinations" which govern entry to the profession. In fact, the recently introduced entrance examination for entry to the French EDA Conseil National Des Barreaux justifies this approach as providing equality in entrants.
- 6.7.7. The FE1 ensures that trainees meet minimum requirements in the core areas of academic law. It acts as a "leveller" or benchmark for the subsequent period of study. The potential for varying standards in the third level institutions justify the FE1 as a common standard or "leveller" that unites all entrants. This is important in that there are at least 19 undergraduate law degrees offered by 16 third level institutions (in addition to two further universities in Northern Ireland) as set out below.
- Dublin City University (DCU),**  
DCU has an undergraduate BCL in Law and Society and a BA in Economics, Politics and Law.



**National University of Ireland Galway (NUI Galway),**

NUI Galway offers a four-year B Corp Law and Law in Arts and Law in Commerce programmes whose students can transfer into the LLB so as to complete the required diet of subjects for professional qualification. It also offers a full or part-time LLB for non-law graduates designed to align with the FE-1.

**National University of Ireland Maynooth (NUI Maynooth),**

NUI Maynooth offers a four-year LLB and a number of three-year BCL joint honours courses.

**Trinity College Dublin (TCD),**

Trinity College offers five four-year LLB programmes, one in pure law and the others in law with other subjects.

**University College Cork (UCC),**

UCC offers a number of four year BCL programmes in law and law with other subjects. It also offers, a full and part-time LLB for non-law graduates and a one year Graduate LLB for law graduates.

**University College Dublin (UCD)**

UCD offers an undergraduate law degree. The Sutherland School of Law currently offers a four year BCL and a range of “Law with” programmes, including an Irish/French double maîtrise.

**University of Limerick (UL),**

UL offers a number of four year BAs in law-related topics and LLBs, including a part-time version by evening attendance. It also has an LLB for non-law graduates.

**Athlone Institute of Technology (Athlone IT)**

Athlone IT offers a four year honours degree in accounting and law which con-

tains all the FE-1 subjects and a four year honours degree in Business and Law.

**Dublin Institute of Technology (DIT)**

The DIT offers a full-time three year level LLB sited within its College of Business. It also offers a part-time LLB and a BSC in Legal Studies.

**Institute of Technology Carlow (IT Carlow)**

IT Carlow offers a four year Bachelor of Business in Business with Law. It also has a three year LLB.

**Letterkenny Institute of Technology (Letterkenny IT)**

Letterkenny IT offers a number of three and four year BAs in Law and law-related topics.

**Limerick Institute of Technology (Limerick IT)**

Limerick IT offers a combined Bachelor in Business Studies in Law and Taxation which covers all the FE-1 subjects.

**Waterford Institute of Technology (Waterford IT)**

Waterford IT offers a three year LLB.

**Dublin Business School (“DBS”)**

DBS offers full and part-time LLB.

**Griffith College**

Griffith College offers a full-time, part-time and blended LLB.

**Holy Trinity College, Cork**

This is a private college that offers courses enabling students to obtain the University of London, external LLB degree.

## 6.7

- 6.7.8. The alternative to the FE-1 would be a monitoring of the Law Degrees by the LSI and the Bar or an alternative body. This was the model followed in England and Wales with the concept of “a qualifying law degree”. In Scotland the Law Society of Scotland is the body that formally approves the award of an LLB by a university law school. As there is no formal appraisal (such as HEFCE in the UK) in Ireland this exercise would be resource intensive and could prove contentious.
- 6.7.9. An appraisal system would also have the potential to encroach on academic freedom in the provision of primary law degrees. Before the current system was introduced the LSI wrote to the then university law schools asking if they would certify that their courses covered the syllabus of the FE-1 in the context of discussions around exemptions. The heads of the law schools refused to do so indicating that this would infringe on their academic freedom.
- 6.7.10. There is a compelling public interest in maintaining the FE1 in that it ensures that all trainee solicitors possess a minimum level of knowledge in terms of the academic law. It also allows the design of the professional course to proceed without any concern as to variances in the knowledge of the academic law. This is in contrast with Northern Ireland where refresher courses in Company Law have to be provided by the Institute at the beginning of its course as this is not a required entrance subject there.
- 6.7. 11. **Predictive value of the FE-1s at the PPC level**  
A pilot study by a member of staff was conducted to analyse the performance of PPC students to ascertain the predictive value of their FE-1 results. The design was to select 200 students from a particular offering of the PPC I examinations (2013 was chosen to permit a longitudinal study of the students’ performance) and to compare their performance at FE-1s with their subsequent PPC 1 results.
- 6.7. 12. Certain data was readily available on the LSI’s exam recording system in a report format and was easily transferred to Excel and Minitab for analysis. This included a summary report detailing each student’s performance at the PPC I exams, providing information on their overall grade (fail/pass), their overall average and their specific marks on each of the core subjects undertaken. Other data relating to the students’ performance at the FE-1 level had to be manually collected and collated with PPC data.
- 6.7. 13. The pilot study attempted to analyse the predictive value of FE-1 results for subsequent performance at the PPC level. The first issue related to what to compare. For the students’ PPC I performance, it was relatively straightforward in that the students’ average result for when first appearing for the “core” PPC subjects could be used as a benchmark. It was somewhat more complicated to decide what “benchmark” to use for the FE-1 performance as the 200 PPC students under review would have taken the FE-1 exams at different sittings and taken varying number of attempts to pass all eight subjects. The average of each student’s first attempt at each of the eight FE-1 papers (regardless of when appearing for the examination) was used as a benchmark of their FE-1 performance. A second benchmark was the number of attempts they required to pass all eight FE-1 papers.
- 6.7. 14. To ascertain the strength of the relationship between the students’ FE-1 and

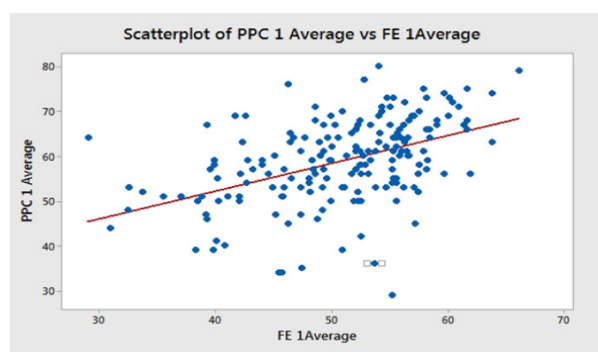
PPC I performance, Pearson's correlation coefficient (denoted by " $r$ ") was used. Pearson's (product moment) correlation coefficient is defined as "a measure of the correlation between two variables in a data set"<sup>23</sup>. The measure of correlation will be a value between  $-1$  and  $+1$ , where  $+1$  represents a perfect positive correlation and  $-1$  represents a perfect negative correlation. A value of  $0$  indicates that there is no association between the variables. The following table is a guideline to interpreting Pearson's correlation coefficient.

Table X: Guideline to interpreting Pearson's correlation coefficient

Strength of association	Coefficient $r$	
	Positive	Negative
Small	0.1 to 0.3	$-0.1$ to $-0.3$
Medium	0.3 to 0.5	$-0.3$ to $-0.5$
Large	0.5 to 1.0	$-0.5$ to $-1.0$

6.7.15. Using Minitab to compare Students' FE-1 average result with their PPC I result revealed a Pearson's correlation coefficient (i.e.,  $r$ ) of  $0.512$ , indicating a relatively strong positive strength of association between the students' FE-1 results and their PPC I performance. This may be represented in the following scatter plot diagram:

Table X: Scatterplot representing correlation between FE-1 & PPC results



6.7. 16. In summary, therefore, based on the pilot study, a student's FE-1 results would appear to have a relatively strong predictive value of their subsequent PPC I performance.

6.7. 17. To use Pearson's Correlation Coefficient, the variables have to measure on either a ratio or an interval scale. However, both variables do not need to be measured on the same scale (e.g., one variable can be a ratio and one can be an interval). Therefore, using the available data, another way of checking for association using Pearson's Correlation Coefficient was to compare the number of attempts taken by students to attain all eight FE-1 credits against their subsequent PPC I performance. Again, using Minitab, this resulted in a Pearson's Correlation Coefficient ( $r$ ) of  $-0.48$ , indicating a moderate negative relationship (that is, the more attempts that student takes to achieve the FE-1s would appear to have a medium predictive value of their subsequent PPC I performance).

6.7. 18. It is not implied that the FE-1 performance is the cause of the subsequent PPC I performance, merely that there is a relationship between both variables and hence of predictive value.

6.7. 19. By way of conclusion, it is the view of the LSI that the PPC acts as preparation for practice, completion of which permits entry into the profession. On the premise therefore that the PPC is assessing the aptitudes necessary to be a solicitor, if the FE-1s are intended to select those most suitable to be solicitors, then one would expect a reasonably strong correlation between students' FE 1 and PPC performance. By way of comparison, from the United States, there is good evidence that

## 6.7

the LSAT score is highly effective as a predictor of first-year law school grades.<sup>24</sup> It is therefore welcome that our results show a reasonably strong correlation between students' FE-1 and PPC results, indicating that the FE-1 is acting as an appropriate objective filter.

6.7.20. The FE-1 ensures a common standard of competence in the core areas of law. It is necessary in that there are 19 separate third level institutions offering law qualifications and to accommodate those students who have not studied law at third level.

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24 Marjorie Shultz and Sheldon Zedeck, "Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions" (2011) 36(3) Law & Social Inquiry 620.



**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.

6.8.1. This will accelerate access into the profession and facilitate students in taking the FE1 in a more timely and effective manner. Third level students will be able to overlap their degree exams with the FE1 exam and take subjects in the FE1 immediately after studying that subject in University or third level institution.

6.8.2. This will require an amendment to the Education Regulations. Draft regulations should be prepared in 2018 to effect this change and the others set out below.

**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.

6.9.1. It is in the public interest that the Education Committees of both institutions should meet periodically to discuss matters of common interest.

6.9.2. It is hoped that there would be reciprocity of recognition in this regard.

## 6.10

### PROPOSAL 10

The Training Contract will continue to be 24 months in duration.

6.10.1. The current balance between in-office training and study at the Law School is believed to be appropriate. There is no compelling justification for either short-

ening or lengthening the period of the current training contract. Any shortening of the period would compromise the quality of the solicitor qualification.

## 6.11

### 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.

6.11.1. This will facilitate greater diversity in training contracts and widen the range of organisations that will be able to provide such contracts. Hence there will be a broadening of the type of training contracts available and more opportunities for trainees. This is reflective of the

changing nature of legal practice and the increasingly broad diversity of roles for solicitors.

6.11.2. This will require amendments to the Regulations.

**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.

6.12.1. A paper on various models of training contracts will be presented to the Education Committee. This, together with Proposal 13 below, will then be promoted by the new outreach staff member proposed in the context of Proposal 2 above.

6.12. 2. This measure will improve access to the profession by making it more affordable for firms to provide training contracts. This is particularly important in rural Ireland, which has seen a considerable decrease in training contracts in recent years. Fa-

cilitating additional training contracts outside large urban areas will, in time, provide opportunities in practice for those trainees and assist principals and partners in such general practices with succession planning. Such a measure will also assist in making such practices viable in the long term as they are a vital resource for many people in accessing justice in their immediate locality. Such public interest imperatives are at the core of the Law Society's ethos.

**PROPOSAL 13**

The Society will actively encourage and promote in-house training contracts.

6.13.1 .This measure is reflective of the large number of practitioners, 2,281 now working in-house i.e. 20% of the profession. This is an increasing area of employment and the education of trainees should reflect this.

## 6.14

### 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.

- 6.14.1. Guidance will issue from the Training Section on this initiative for all trainees in 2019.
- 6.14.2. This proposal is in line with the “spiral curriculum” concept suggested by the Report. The authors recommended the LSI develop with training firms the concept of ‘entrustment’ as a core element of training and professionalism.
- 6.14.3. Such a record will align the in-office training period with the provision of the Professional Practice Courses and ongoing

ing further education, with trainees taking responsibility for their own path on this life-long learning journey. It can also operate as a form of e-portfolio or online CV to demonstrate work achieved and assist job seeking after qualification. This record will allow trainees to record and reflect on their learning and also to identify gaps in their training. It can also assist the Law School in monitoring the in-office training being provided across the profession and allow for more effective assimilation between the training being delivered by the Law School and that undertaken in practice.

## 6.15

### PROPOSAL 15

A centralised online resource for those seeking a training contract will be provided by the Society.

- 6.15.1. The Training Executive will prepare a proposal for this in conjunction with Support Services and the Web development team.

- 6.15. 2. Such a centralised portal will assist trainees in finding a training contract and hence assist mobility into the profession. This benefit is also recognised above and was also a recommendation of the Review Group.<sup>25</sup>



**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.

6.16.1. At present, Irish barristers who have practised for at least three years and can provide evidence of their qualifications, a CV, references from two benchers and an academic reference may, on condition of first being voluntarily disbarred, become solicitors by undertaking the non-examined one month Essentials of Legal Practice course. They may also have to undertake a 6-month period of supervised practice in a solicitor's office although this requirement can be waived in some circumstances.

6.16.2. In the same way, Irish solicitors who have

practised for at least three years and can provide evidence of their voluntary removal from the Roll, a statutory declaration that he or she retains no financial interest in a solicitors' practice, certificates of good standing and an undertaking to keep two terms of commons in the first two years of practice, may be admitted to the Bar provided they also complete the non-examined four-week solicitors transfer course.

6.16.3. The LSI proposes to retain the current situation which appears to work well in practice.

**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 Honorable Society of King's Inns on reciprocity for such a measure.

6.17.1. This will require amendments to the Education Regulations and can be discussed in the meetings proposed by Proposal 9 above in the context of enhanced dialogue with the King's Inns and/or the Bar Council.

6.17.2. Given that section 34(b) of the Act requires the LSRA to report to the Minister on the operation of the solicitors' and barristers' professions, the Report recommended that the LSI consider reopening discussions with the King's Inns on various subjects and the above proposed change is to be considered in that context.

## 6.18

### 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.

- 16.18.1. The QLTT Regulations of the LSI will be amended to make this change.
- 16.18.2. The QLTT is a “conversion” test which enables lawyers qualified in certain countries outside the Republic of Ireland, to qualify as solicitors in this jurisdiction. There are two sittings of the examination each year usually in Summer and Winter.
- 16.18.3. The test consists of papers 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. There is also an oral examination in Professional Conduct.
- 16.18.4. A written examination will also be held in Professional Conduct, which should reflect the core elements of the Professional Practice Course module for this subject area.
- 16.18.5. Candidate numbers for the QLTT increased in 2017 to 82 candidates mainly due to the implications of Brexit, which has resulted in an increased number of solicitors qualified in Scotland sitting the examination. Lawyers qualified in England and Wales are exempt from the QLTT and may obtain admission through a certificate of admission procedure. The number of English and Welsh applicants has greatly increased post-Brexit. This is a matter to which the LSI has regard in monitoring and managing future legal developments. This examination has attracted a very limited number of candidates and appears to function well.

**PROPOSAL 19**

The current rules for considering the equivalence of partially qualified European lawyers (Morgenbesser applicants) will be retained.

6.19.1. The LSI does not propose to introduce any change regarding the equivalence of partially qualified European lawyers pursuant to the *Morgenbesser* decision.<sup>26</sup>

6.19.2. The basis for such applications in Ireland is found in the Solicitors Acts, 1954 - 2002 (Apprenticeship and Education) (Recognition of Qualifications) Regulations, 2004.

**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.

6.20.1. The implications of Brexit will undoubtedly be felt in Irish legal practice and procedure, hence the above proposal.

6.20.2. New transfer provisions will require agreement with the various UK educational regulators. The proposed new 'outreach' staff member, outlined in the context of Proposal 2 above, can also work with LSI Support Services to identify the potential jurisdictions of greatest interest to Irish

solicitors and commence the process of putting reciprocal agreements in place. In this way, the LSI will work to best serve the interests of its members and prospective members.

6.20.3. The uncertainties of Brexit mean that the relationships established between individual institutions in the UK and Ireland has never been more important.

## 6.21

### PROPOSAL 21

The current 'sandwich' model of the Professional Practice Course will end.

6.21.1. While there is educational value in trainees engaging with educational courses after a period of time in-office, the current model has proved quite restrictive for training firms. For those with large numbers of trainees, their movement in and out of the firm is a formidable logistical challenge. For smaller firms this change will also be attractive as a trainee will work with them for an unbroken period of time. This difficulty outweighs the educational merit of the "sandwich" system. Proposal 22 will introduce greater flexibility.



**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.

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|---|--|
| <p>6.22.1. This proposal recognises that there are core areas of knowledge that all solicitors must know. This is shaped partly by the statutory framework within which solicitors work and partly also by new developments and new areas of practice that will open up for solicitors. As discussed later, these core subject areas will be kept under review and it is likely that the content of the PPC will change on a biennial basis.</p>                                  | <p>to collaborate with a university or other body for this purpose. Authorisation will depend on the standards of these courses and those teaching on them. Modules will be prescribed as being of a minimum number of hours and with a rigorous form of assessment. A trainee will be required to have taken and passed the four substantial modules before being eligible to apply to join the Roll of Solicitors.</p> |
| <p>6.22.2. The initial part of PPC will consist of Applied Land Law, Probate, Business Law and Dispute Resolution (including Civil Litigation and Alternative Dispute Resolution), Family Law and Professional Practice Conduct and Management and all lawyering skills modules. The PPC will also include the new more general skills and technology subjects detailed in proposal 1, more legal ethics training, Legal Practice Irish and English &amp; Welsh Property Law.</p> | <p>6.22.4. The design of these new modules with the collaboration and authorisation of external providers will be undertaken by the proposed new staff to be recruited, as referred to in Proposal 23 below.</p>   |
| <p>6.22.3. The LSI will authorise modules from other educational bodies, law firms or others. Some firms may wish to have some specialised corporate courses offered to their trainees and may wish</p>   | <p>6.22.5. This proposal reflects a recognition of the need for a significant element of specialist education. The LSI intends that these specialist courses should be provided in the most flexible and open manner possible.</p>   |
|   | <p>6.22.6. The restructuring of the PPC will take place from 2020 onwards. However, to facilitate it the staffing referred to below will need to be in place promptly and additional teaching spaces will be required.</p>   |

**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.

- 6.23.1. In its Report, the Review Group recommended that the LSI 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.
- 6.23.2. The Competition Authority report in 2006, discussed in chapter 2 - which has informed the Legal Services Regulation Act 2015 - strongly criticised the absence of part-time options for study for intending solicitors.
- 6.23.3. The LSI has given careful consideration to the above proposal as set out in the following paragraphs, and as also set out in section 3 above. In summary, such a course facilitates access by mature and regional students and will increase diversity. It enhances access to the profession by assisting trainees with families and other commitments on their time. It will allow trainees to work and study and to spread their learning and the cost over a longer period.

**6.23.4. Why develop a part-time PPC?**

The 2013 Legal Education Training Review in England and Wales (the LETR)<sup>27</sup> includes the need to encourage diversity as one of the key aims of that report. For example, it was stated at the outset of LETR that "this report is intended to assist the regulators in developing legal services education and training policy and practice by... including suggestions and alternative models to assure that the system will support the delivery of... flexible education and training options, responsive to the need for different career pathways, and capable of promoting diversity"<sup>28</sup>. Within LETR, there was an acknowledgement that such flexibility would lead to other secondary gains in that it would "forward other ends for the LETR, notably enhanced competence or quality for consumers, greater diversity, and where possible reduced cost and other burdens on employers and trainees."

- 6.23.5. While LETR pertained to England and Wales, the categories of students who might benefit from more flexible routes of entry to the profession are similar in both jurisdictions, for example mature students, parents and carers. In Irish context, added to that mix are those who are based outside the Dublin area and for whom attendance at the full-time onsite PPC may be more problematic.

<sup>27</sup> Webb, J., Ching, J., Maharg, P., & Sherr, A. (2016). Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales (London, Legal Education and Training Review) (LETR Report).

<sup>28</sup> Ibid., p. 2.

- 6.23.6. The case for increasing the diversity of the profession is also based on the fact that it makes good business sense, with research from other professions showing that increasing diversity improves effectiveness, productivity and improves competitive advantage.<sup>29</sup> It is worth noting at the outset that part-time students tend to be drawn from those from lower socio-economic backgrounds.<sup>30</sup> This therefore provides both an opportunity, in that the part-time offering may promote diversity in the profession, and a challenge, in that it will require some thought in anticipating the specific needs of such students.
- 6.23.7. The feasibility and institutional capability of successfully providing alternative options for the PPC is highlighted by the parallel PPC offerings that have been previously provided by the Law School. For example, a full-time PPC was successfully offered in Cork between 2007 to 2011. Similarly, in 2005 a parallel full-time PPC was offered in Dublin (known as the Winter PPC). For the Winter PPC, lectures and workshops ran from 2pm to 10pm with 210 students attending. Both 'alternative' routes mirrored what was provided in the standard PPC offering, with the same quality assurance procedures applied to subject matter content and examination procedures, with student support services also being replicated.
- 6.23.8. In implementing a part-time PPC, the LSI would mirror the King's Inns initiatives in this area, whereby there is a part-time option for the Barrister-at-Law Degree

designed to facilitate access for those with existing employment commitments.

- 6.23.9. **Potential models of the part-time PPC**  
From the perspective of England and Wales, we see that there are a number of models for the delivery of the part-time Legal Practice Course (LPC) (the LPC occupying a comparable place in the professional legal education in England and Wales as the PPC in this jurisdiction) that might be instructive when designing the part-time PPC. One model of the part-time LPC requires students to attend some of the same classes as their full-time equivalents, but taking a reduced number of modules and completing the LPC over approximately a two year cycle, as opposed to over approximately a one year cycle.<sup>31</sup> While this model has its advantages, it does not address the core issues with regards to access to the PPC for those prospective students who are based outside the Dublin region and for whom consistent onsite attendance is problematic. A more attractive model is that presented by Nottingham Trent University which provides its part-time LPC on a weekend and block placement basis over a two-year period, with year one comprising eight study weekends (Fri-Sun) and two separate five-day blocks (Mon-Fri). Year 2 of Nottingham Trent University's part-time LPC then comprises of six/seven study weekends (Fri-Sun)<sup>32</sup>. A similar type structure for the part-time PPC would permit those attending to stay in full-time employment and also go some way to facilitate those from outside Dublin to attend, with a much reduced requirement to be physically onsite.

29 Rock, D., & Grant, H. (2016). *Why Diverse Teams Are Smarter*. Harvard Business Review. Retrieved May 16, 2016, from <https://hbr.org/2016/11/why-diverse-teams-are-smarter>.

30 Delaney, L. (2015). Who Graduates from Irish Distance University Education? *European Journal of Open, Distance and E-Learning*, 18(1), 100-113.

31 See for example The University of Law's part-time LPC <https://www.law.ac.uk/postgraduate/lpc/> or Northumbria University's part-time offering <https://www.northumbria.ac.uk/study-at-northumbria/courses/legal-practice-postgraduate-diploma-ft-dtflpg6/>.

32 See <https://www.ntu.ac.uk/study-and-courses/courses/find-your-course/law/pf/2018-19/legal-practice-course-part-time>.

## 6.23

### 6.23.10. Proposed structure of the part-time PPC

The following proposed structure for the part-time PPC draws on the examples of the part-time LPC offering in the England & Wales and the experience of the Diploma Centre in delivering blended learning courses and leveraging the use of online technologies.

It is proposed that the part-time PPC should run over approximately a 14-month period, with a proposed start date of January each year.<sup>33</sup> That January start date would be close enough to the traditional full-time offering (September) to permit the reuse of recorded lecture materials from the full-time offering (i.e. ensuring that the content is not out of date) but sufficiently different to delineate it from the full-time offering. The part-time PPC will commence with an onsite induction day to give a broad introduction to the teaching and learning methods and student support to be provided; to describe the assessment process; to demonstrate online facilities; and to facilitate student introduction and to ensure that the participants feel part of a 'community of learning'.

For the part-time Core PPC offering, modules would be delivered in two distinct blocks each of seven months duration, with for example half of the modules taken in Block 1, running from January to July which would include the lawyering skills module, and the remaining modules in Block 2, running from August to February of the following year. Assessment would take place at the end of each block, but progression onto the Block 2 of the PPC modules would not be dependent on successful completion of the first block of modules. Lecture

materials would be released on a 'Netflix' block release basis, with all lecture content released online at the start of each module.

During the course of the 14-month first element of PPC, there would be approximately ten weekend sessions (either Fri-Sat or Sat-Sun) and three-full week sessions (Monday to Friday) where workshop and small-group interactions would be facilitated. At those onsite sessions, it is envisaged that in addition to the standard workshop session, there would also be revision lectures or recap previously released online lectures.

Although the proposed part-time PPC will be delivered on a blended-learning basis, the types of risks associated with online learning remain relevant, these include isolation, unfamiliarity with technology and disengagement due to ineffective e-resources and instruction. Again, the experience of the LSI in this regard can be leveraged for the part-time PPC, for example:

- Tailored online learning: the creation of original interactive learning materials to integrate good design and multimedia learning principles into the course content itself, with a shift from traditional learning materials such as slideshows and PDF documents.
- Multiple approaches to content release and video resources: the Netflix style block release will facilitate a self-paced learning approach compared with standard weekly releases.
- Mobile optimisation: to ensure effective delivery for students who are 'on the go'.
- Peer interaction: online engagement, with participants encouraged to interact on the discussion forums with

fellow students to foster peer to peer learning.

#### 6.23.11. **Discrete Modules**

As with the full-time equivalent, those undertaking the part-time PPC will then be required to complete a further four modules during the training contract (see Proposal 22 above). If such courses are being offered by either the LSI or indeed by way of collaborations with other professional bodies, full consideration will be given to blended learning formats and webcasting of content to ensure that such modules are as accessible as possible to those situated outside the Dublin area.

#### 6.23.12. **Quality control**

It will be particularly important that the standards and quality of the part-time PPC are seen by stakeholders in the profession to be equivalent to its more established full-time equivalent. This is particularly so when the part-time PPC will be designed to meet the needs of those that have already been identified as being underrepresented in the PPC, such as mature students and those with parental responsibilities. When considering alternative routes of entry to the profession in England and Wales, the Law Society of England and Wales were alert to the potential benefits to the profession and also the risks involved. Much of what the Law Society of England and Wales said in its response to LETR's Discussion Paper 02/2012 are equally relevant to any part-time provision of the PPC, including the following:

Entrants could decide on whichever route suits them best in terms of time,

costs and preferred method of study. This would benefit the legal profession, as it would widen opportunities for access and is likely to improve the diversity of the social background of lawyers. As these routes are developed, the Society would wish to see regular comparability studies carried out to ensure the standards of the different routes are maintained. The results of these studies should be published so that employers will gain greater confidence in these alternate routes.<sup>34</sup>

As such, to ensure quality it is envisaged that the numbers attending the part-time PPC offering should in the first instance be capped at a number that will permit a better understanding of the specific needs of this new cohort while also permitting the underpinning of the technologies that will be used to assist the online delivery of materials. We have seen from experience that the performance of students who attend courses remotely need not be compromised, with those accessing lectures primarily online performing equally as well as equivalent onsite attendees.<sup>35</sup> It will clearly be imperative in implementing a blended learning approach for the part-time provision of the PPC that such students choosing to attend via the part-time route are provided with the necessary resources to perform equally as well as their full-time counterparts.

34 Law Society of England & Wales as quoted Webb, J., Ching, J., Maharg, P., & Sherr, A. (2016). *Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales* (London, Legal Education and Training Review) (LETR Report) p. 185.

35 Grealy, F., Kennedy, C., & O'Boyle, R. (2013). Webcasting of Continuing Professional Development Courses: an effective learning and revisionary tool? *European Journal of Current Legal Issues*, 19(4).



**PROPOSAL 24**

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.

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:

- 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;
- 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.

6.24.1. The Review Group in its Report recommended increasing the educational resource-base of the LSI. The LSI endorses this proposal and in particular that a Centre for Innovation, Education and Learning should be created. It is envisaged that this will comprise an educational programming designer and

a learning technologist/digital applications staff with responsibilities between them for educational and digital design, coding, training of all teaching staff and the development of research. This Centre should also set and assess compliance with benchmarking standards for the PPC, particularly in light of the proposed

introduction of a common compulsory element PPC, to replace the current existing 'sandwich' structure.

6.24.2. It is proposed that this Centre will also take responsibility for the training of all members of the associate faculty and the development of a dedicated resource bank for new and existing members. It will lead the development of research in the field, mapping of the curriculum and modelling of routes offered by the Law School. It has the potential to create distinctive approaches to the pedagogy, theory of legal practice and legal education and to promulgate the Law School's unique role in professional education.

6.24.3. The LSI proposes to consider the following five approaches to the use of digital technology in LSI curricula:

- Use social media apps for learning where appropriate;
- Support the development of digital professional literacies;
- Consider micro-credentialing: for example, the use of digital badges in programme design;
- Incorporate simulation throughout the PPC;
- Based on current good practices and future developments, create distinctive and innovative LSI approaches to the theory of legal practice and legal education.

6.24.4. The LSI also aims to adopt a global outlook and work with international colleagues in legal education and technology.

6.24.5. The delivery of training by practitioner members of the associate faculty is one of the cornerstones of the PPC. This model gives trainees exposure to experts in the field, a wide variety of practice experiences and makes the PPC respon-

sive to practice developments. Many members of the faculty teach in order to give something back to the profession. This is highly commendable however, given the numbers, there is concern that there may be a discrepancy or lack of consistency of standards, as noted by the Review Group. The LSI, therefore, proposes that training be introduced for all members of the associate faculty. At the moment this is provided on an ad hoc basis but this training merits a strategic approach to design and implementation.

6.24.6. Such training will introduce additional rigour and consistency of standards. The highest quality assurance and best practice standards in both curriculum design and delivery is required. Benchmarking standards should be set for this training.

6.24.7. These new staff should be recruited as soon as possible. After their recruitment, some staff involved in course delivery who are due to retire will not be replaced.

## 6.25

### 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.

- 6.25.1. This will be a further development of the LLM programme already offered to a qualified solicitor which recognises solicitor education as part of the credits required to undertake the programme.
- 6.25.2. As set out above, the LSI provides an innovative new LLM Advanced Legal Practice, which is offered in association with the Northumbria Law School and, at present, is specifically designed for those who are qualified solicitors. Uniquely, the LLM provides the opportunity of using the solicitor qualification as a building block to achieve recognised academic qualifications. In addition, a new joint LLM Employment Law in Practice was launched in partnership between both institutions this January 2017. That programme provides prior credit for the LSI's Diploma in Employment Law for the purpose of the Masters qualification, which again is a mark of the level of trust and cooperation between both organisations.
- 6.25.3. The Review Group noted that the current Masters offering is proving to be very attractive among the profession as it provides credit for their professional training and leads to the award of an academic qualification. It recommends that further accredited masters' programmes be implemented. These offerings provide options to members of the profession for lifelong learning in line with the spiral curriculum model articulated by the Report. It also provides a measure of equivalence between solicitor training and other educational frameworks.
- 6.25.4. These offerings, in conjunction and alignment with the PPC (units of learning), Diplomas and CPD, can be unbundled into strands or routes of progression thus allowing all entrants to the profession to achieve the highest standards in academic and practice-based education.

**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.

6.26.1. The Report recommended increasing the physical resources available for education. The Review Group were aware of the current restrictions on space available for educational activities. It was recognised that this is hindering the Law School in innovating and expanding its educational offerings and also in delivering more small group, break out and active learning activities.

6.26.2. At a minimum, it is estimated that 10-15 new tutorial rooms are required in the short-term. An assessment of future needs will identify what additional space is necessary to future-proof facilities. This assessment should examine what is desirable and achievable educationally within the short to medium term and also

in the medium to long term. The output of that assessment is a strategy for the development of the physical infrastructure of the Law School at a time when the profession is growing, and additional demands are being placed on educational provision across the PPC, Diploma and LSPT sections. Such additional resources should be integrated into the campus type model of existing educational accommodation.

6.26.3. Architects will be instructed to draw up plans for construction and submit these with outline costings to the Education Committee as soon as possible. This will be financed from the Law School's capital reserve.

## 6.27

### 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).

6.27.1 The Irish Music Rights Organisation has agreed to sponsor the first of such professorships – a new chair in Intellectual Property. Further chairs may be established through such external funding. The

appointment of such professorship can also be used as a mean of recognising exceptional long term contributions to the LSI's education by members of the associate faculty and others.

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## 6.28

### PROPOSAL 28

Retain the existing scheme and provision of mandatory Continuing Professional Development (CPD). The CPD Cluster events will be retained and enhanced.

6.28.1. The LSI believes that the existing CPD Cluster events enhance and invigorate local bar associations and are a vital resource for enhanced practice and collegiality.



**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.

6.29.1. It is essential that the LSI monitor developments in legal practice in Ireland and internationally. As proposed by the Review Group, the new Centre for Innovation, Learning and Education will act as a “Horizon-Scanning Team” to monitor developments in legal practice, in Ireland and internationally, and in other professions.

The LSI is mindful of the need to track developments in digital technologies in the legal professions and the administration of justice – for example the increasing automation in some areas of practice, the increasing use of Artificial Intelligence (AI) in others, and the use of AI and digital communications in courts.

**PROPOSAL 30**

Retain and enhance the existing provision of diplomas.

6.30.1. In order to do this further teaching spaces are now needed. So many courses are now being provided that all available rooms are being used. The introduction of a part-time PPC will place even greater demands on the available rooms.

## 7 \_ FUTURE-PROOFING PROFESSIONAL LEGAL EDUCATION AND PRACTICE

### 7.1. CONTEXT

The nature of professional services globally is changing. Whilst the pace of change in the Irish legal profession may not (yet) be rapid, it is nonetheless steady, incremental, and irreversible.

### 7.2. CHANGE AGENTS

The LSI is reflecting on its role and purpose in the context of global change. The LSRA offers an opportunity to reflect deeply and strategically on the legal profession in Ireland and to take active steps to future-proof professional legal education and legal practice.

The three primary global disruptors of the past decade - a global financial crisis, technological advances, and globalisation - have changed much about how people live and work and do business.<sup>36</sup> We are now globally in the throes of what the World Economic Forum has classified as a fourth industrial revolution, one in which technology is blurring the lines between the physical, digital, and biological spheres.<sup>37</sup> The primary effects of this revolution on business are seen in terms of a heightening of customer expectations, an unprecedented acceleration of product enhancement, global growth in collaborative innovation, and an increasing emphasis on taking a systems perspective on sectors/organisations.

The arrival of a fifth generation into the professional workplace/professional learning space is another key driver of change. This cohort comes with legitimate expectations of supportive, values-driven and meaningful career paths; with a desire for leadership opportunities

at all levels of authority. More emotionally literate and self-aware than any preceding body, they are no longer satisfied with acquiring a set of legal skills, a body of expert legal knowledge and a job for life.

Qualified solicitors and trainees alike now require more of their firms, of their professional training and of their professional body. Our most important stakeholders – the future of professional training, and indeed the future of the legal profession now lie with them and with our ability to serve them in ways that are useful, relevant and innovative.

### 7.3. KEY PRESSURE POINTS FOR IRISH LEGAL PROFESSION

#### 7.3.1. Talent – attraction and retention

Given its traditional reputation, the legal profession will require on-going active promotion to compete with attractive, emerging sectors. In addition to promotion at second and third level education the Society may also wish to follow the lead of Irish universities and pro-actively target career-changers/part-time/mature students and (potentially income boosting) international students.

Once on board, an even greater challenge is posed by the retention of talent. This discerning cohort of potential/future solicitors will need a training environment, a professional membership body - and a profession - that is responsive to their priorities and needs. Factors of particular relevance include: flexible/remote study and working arrangements; increasing emphasis on inclusion and diversity; gender pay/promotional gaps

36 <https://www.forbes.com/sites/oracle/2018/05/15/3-ways-to-simplify-gdpr-compliance/#4d2fb8b96358>.

37 For details of the WEF analysis of the Fourth Ind. Revolution read: <https://www.weforum.org/agenda/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond/>

in legal practice; mental health/wellbeing/work-life balance needs at all stages of professional life.

Talent retention is a serious business issue, particularly when firms have invested heavily in training junior solicitors. Stress levels within the legal profession are, however, posing a considerable challenge to retention. A 2018 UK Law Society study<sup>38</sup> describes stress in the work place as a leading cause of a talent drain out of the legal profession in the UK. The study found that 38% of respondents had experienced mental health difficulties in the month prior to the survey - with over 64% of them stating this had led to problems in their family and personal lives.

The current system places high personal demands on practitioners, who can struggle to achieve a balance between personal and professional life. An increasing desire among solicitors for a career that is compatible with a fulfilling personal life will require an approach to professional training in the future that engages more pro-actively with legal firm culture at all stages of the life-cycle of a solicitor and one that offers innovative responses to the needs of a more diverse membership.

### 7.3.2. **Effective Wellbeing Interventions**

The Society is already leading globally with its commitment to professional wellbeing. In addition to a Statement of Wellbeing and the services of LawCare, we have, as described at para.4.8, a dedicated on-site Counselling Service, which distinguishes us from other professional training bodies. Time-intensive therapy is available (free) to trainees

while attending the Professional Practice Course - with over 50% now participating. Instead of relating counselling to crisis, distress or dis-function our Service reframes counselling as a highly effective way of enhancing professionalism. Student evaluations indicate participants gain resilience to stress and adversity, develop deeper reflective capacity and feel better equipped to engage positively with professional and personal life. This contributes to professional safety and by extension to public confidence in the profession. An emotionally mature, resilient and self-reflective solicitor is one the public will return to - attributes automation cannot emulate or replace.

While qualified solicitors do not currently have a dedicated mental health support service (aside from the LawCare helpline) this is under review. Independent research has been commissioned by the LSI to examine how best to support the mental health and wellbeing of all members; particularly those in crisis.

### 7.3.3. **Collaboration with firms to influence culture**

No amount of therapy or wellbeing programming can replace supportive and stimulating work environments. The LSI has the potential to play a pivotal role influencing wellbeing, and by extension, quality of engagement of all lawyers in practice.

Out-dated work practises, losing popularity in all other areas of business, need to be examined. The impact of long hours, coupled with slow ascension into traditional hierarchical partnerships and a lingering bias in favour of male promotion (in spite of a female dominance in terms

of membership) has the potential, if not robustly addressed, to lead to a crisis in terms of talent attraction and/or retention. All of this will and does also impact competitiveness and profitability.

The Society is optimally placed to lead a systems-wide cultural change by establishing greater collaborative connections with firms - from the point of trainees entering into training contracts, right throughout the life cycle of our legal professionals.

#### 7.3.4. **Best practice guidelines**

An effective way of raising awareness and buy-in among firms of the wider needs of their employees is by developing best practice psychological wellbeing guidelines for trainees. A good example is The Tristan Jepson Memorial Foundation's (TJMF) guidelines<sup>39</sup> in Australia - endorsed by several leading law firms (incl. Allens, Ashurst, Henry Davis York, Herbert Smith Freehills). Such guidelines could act as a starting point in the conversation about healthy sustainable working conditions.

#### 7.3.5. **Reflective Practice Groups**

If we draw on the experience of other professions, the medical profession offers effective reflective practice groups (known as Balint Groups) to its psychiatrists, GPs and other clinical staff. Less resource-intensive than individual therapy, Balint groups are an effective means of reducing burn-out, providing psycho-education, offering personal and professional support, developing individual and team

resilience and promoting good professional practice.<sup>40</sup> Groups run in 6 week cycles and are co-facilitated by a psycho-therapist and an industry professional i.e. in this case a solicitor. Participants bring work related experiences to the group and receive support in a psychologically and professionally safe context. The group discusses both the work issue and the impact of the work on participants.

Structures are already in place to facilitate a pilot programme for mixed level lawyer reflective practice groups. This pilot, if evaluated to have been impactful, could be extended to a range of firms/settings.

#### 7.3.6. **Learning and development**

The public's growing general level of education, coupled with easier access to specialist knowledge afforded by technology, has meant clients no longer rely solely on specialists to access and interpret knowledge. The solicitor who traditionally held an expertise in a particular area of practice (I shaped - with a vertical knowledge of a niche area) will become less valuable. The LSI will need to ensure it trains and supports the learning and development of T shaped lawyers,<sup>41</sup> who, in addition to the vertical scope of their legal knowledge, possess another horizontal range of skills for 2020 and beyond and competencies<sup>42</sup> (i.e. creativity and innovation, critical thinking and problem solving, communication and collaboration). Additional capacities such as leadership, technology and entrepreneurship as well as a breadth of knowledge of other industries/disci-

39 <http://www.tjmf.org.au/wp/wp-content/uploads/TJMF-Legal-Workplace-Guidelines.pdf>.

40 <http://journals.sagepub.com/doi/abs/10.1177/216507999604400108>;  
<http://www.annfammed.org/content/6/2/138.short>;  
[https://www.pec-journal.com/article/S0738-3991\(03\)00297-0/abstract](https://www.pec-journal.com/article/S0738-3991(03)00297-0/abstract);  
[https://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1070&context=nursing\\_dnp\\_capstone](https://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1070&context=nursing_dnp_capstone).

41 [https://www.americanbar.org/publications/law\\_practice\\_magazine/2014/july-august/the-21st-century-t-shaped-lawyer.html](https://www.americanbar.org/publications/law_practice_magazine/2014/july-august/the-21st-century-t-shaped-lawyer.html).

42 <http://www.p21.org/our-work/p21-framework>.

plines outside of /legal profession/law are what will equip solicitors to compete successfully with other professions.

In anticipation of potential competition for delivery of professional legal education it is vital that our learning and teaching is forward reaching, learner-oriented and quality assured. In recent years the Society has been proactively engaging with the quality of professional learning and teaching. A Certificate in Teaching and Learning is offered annually and has been attended by key members of our Associate Faculty as well as the learning and development lawyers in top and mid-sized firms. This has offered a rich opportunity for cross fertilisation of ideas and networking. An annual learning and teaching event is attended by about 150 of our Associate Faculty each September and it launches the PPC while facilitating sharing of best practice and innovation among a broad Associate Faculty.

In addition to the traditional twin pillars of legal skills and legal modules all our trainees now participate in a third pillar; psychology of professionalism. *Shrink Me; Psychology of a lawyer* is a range of

lectures and workshops offered by mental health professionals during the PPC.

There is also a suite of innovative and diverse workshops and 2 annual conferences available to qualified solicitors, in partnership with LSPT. While the LSI has begun to offer an annual Executive Leadership Programme it is reaching small numbers of practitioners (14 per annum). Leadership and related entrepreneurial Programmes and initiatives may need to be broadened and offered from PPC onwards in order to support practitioners with the changing demands of legal practice. It would be useful to consider what additional pillars are required to future-proof the PPC and retain its relevance to future trainees.



## 8 \_ CONCLUSION

The LSI prides itself on the standard of education provided to both students and practitioners and is pleased to make this Submission to the LSRA in that context. The LSI's education system, facilities and teaching methodology have been widely acknowledged as being to the highest international standards.

It is hoped that this Submission will be of assistance to the LSRA in its review of the initial and continuous education and training of legal practitioners and meeting its objectives under the Act.

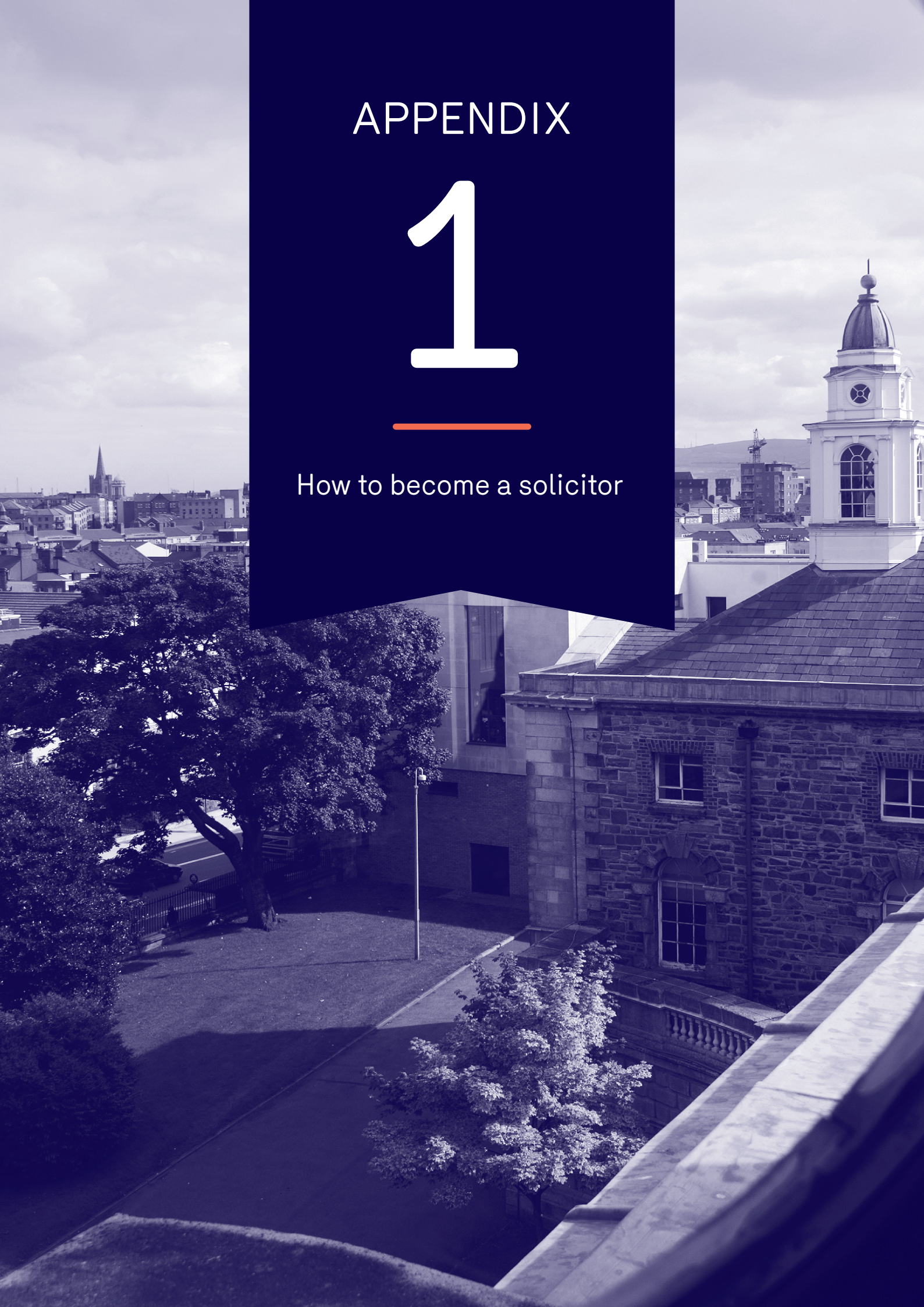
In this Submission, the LSI has addressed potential developments external to the legal sector which might suggest a changing need for the type and content of training, in addition to providing insight into the experience of other professions and jurisdictions, where relevant.

The LSI stands ready to provide any further clarification or information which the LSRA may require and to further supplement this Submission if requested to do so.

# APPENDIX

# 1

How to become a solicitor







# HOW TO BECOME A SOLICITOR

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The Law Society of Ireland is the educational, representative and regulatory body of the solicitors' profession in Ireland. It exercises statutory functions under the Solicitors Acts 1954 to 2008 in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession. It is governed by an elected Council, which is supported by a full-time executive led by the Director General.

*This publication should at all times be read in conjunction with the Acts and Regulations referred to above.*

The Law School is located at the Law Society's headquarters at Blackhall Place, Dublin 7.



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# OVERVIEW

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The Law Society is the educational, representative and regulatory body of the solicitors' profession in Ireland. It exercises statutory functions under the Solicitors Acts 1954-2008 in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession.

The Society works to improve access to the law generally and also provides representation, services and support for solicitors themselves.

Solicitors are professionally trained to provide clients with skilled legal advice and representation on all legal matters. Most solicitors work in private practice, but, commercial and industrial organisations also employ solicitors, as does the public sector.

The work of solicitors varies as widely as the community they serve. However, the work of a solicitor may fall broadly into one or more of the following categories:

**ADVISING PRIVATE CLIENTS** – covering a wide range of personal and business life and including such matters as marital problems, consumer complaints, disputes with neighbours, planning inquiries etc.

**BUSINESS** - the business world of trade and commerce, companies, contracts, and banking. Solicitors advise business clients on the numerous and detailed provisions of company, partnership, arbitration, insolvency, drafting, environmental, commercial, consumer, intellectual property and information technology law.

**LITIGATION** – initiating or defending civil proceedings in the courts or by reference to arbitration or settling such claims or disputes 'out of court'. Prosecuting or defending criminal cases – including regulatory (or white collar) crime.

**CONVEYANCING** – the buying and selling of property and the arranging of loans, the preparation of title deeds, leases, and countless other legal documents. Some solicitors are expert in the buying and leasing of commercial properties such as factories, shops and hotels.

**WILLS, PROBATE & ADMINISTRATION OF ESTATES** – advising on and preparing wills [planning for tax where appropriate], the administration and distribution of funds passing on death [whether by will or otherwise], or contained in a trust, and the settlement of tax liabilities.

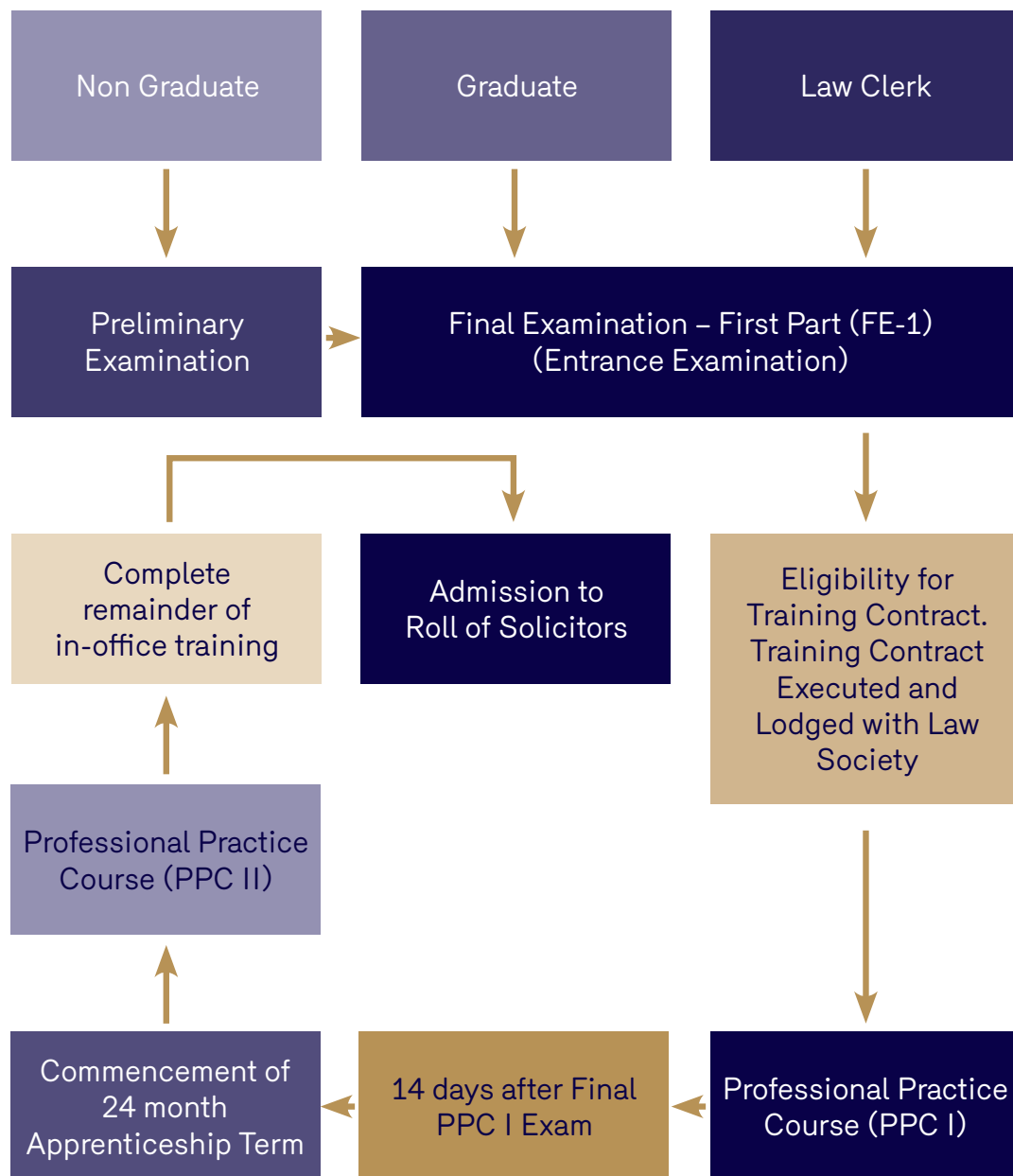
This booklet is an outline of the current procedures for qualification as a solicitor in the Republic of Ireland. Further details on all of the information contained herein may be obtained from the Law Society of Ireland.

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# STEPS TO QUALIFICATION

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# THE PRELIMINARY EXAMINATION

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This is an examination for non-graduates. This examination is held once a year, usually in March. To sit the Preliminary Examination a candidate **must** be at least **21 years old**. The examination consists of the following three papers:

- English
- Irish Government and Politics
- General Knowledge

The pass mark in each paper is 50% and all three papers must be passed at one sitting in order to pass the examination. Candidates are allowed a maximum of three attempts. The closing date for applications is normally six weeks before the examination.

## WHO IS EXEMPT FROM THE PRELIMINARY EXAMINATION?

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### (A) GRADUATES

Degrees awarded by any of the degree awarding institutions in Ireland or the United Kingdom are exempt from this examination. Holders of such degrees are not required to apply for exemption from the Preliminary Examination but they must provide a copy of their degree certificate when applying to sit the Final Examination - First Part.

### (B) FOREIGN GRADUATES

Holders of degrees from other universities may apply to the Education Committee for exemption from the Preliminary Examination. Such applications should be accompanied by a certified copy of the degree certificate together with the application fee. The certificate should be certified by a practising lawyer in the applicant's original jurisdiction, or a practising lawyer admitted in the Republic of Ireland. The certificate must state that the copy is a true copy of the original and that the original has been produced to the person so certifying.

### (C) LAW CLERKS

Law Clerks/Legal Executives with at least **five years** experience who hold a Diploma in Legal Studies (or equivalent qualification) or a Law Clerk with in excess of **ten years** experience, even if he/she does not hold a Diploma in Legal Studies, may apply to the Education Committee for an exemption from the Preliminary Examination. Such applications must include:

- a covering letter
- a certified copy of the Diploma in Legal Studies (where appropriate)

- evidence of having worked as a Law Clerk for a minimum of five years or a minimum of ten years (where appropriate)
- an up-to-date curriculum vitae
- references from two practising solicitors (outlining the work of the applicant)
- application fee

#### (D) HOLDERS OF OTHER QUALIFICATIONS

Holders of other qualifications may apply to the Education Committee for an exemption on the basis of such qualifications. Such applications should be accompanied by a certified copy of the qualification(s) and a detailed covering letter.

NOTE: Applications to the Education Committee should be sent to The Secretary, The Education Committee, The Law Society of Ireland, Blackhall Place, Dublin 7 and should include the correct application fee.

Check website [www.lawsociety.ie](http://www.lawsociety.ie) for current fees.

### THE FINAL EXAMINATION - FIRST PART

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The Final Examination – First Part (FE-1) is the entrance examination to the Law Society of Ireland. Only those who have passed or gained exemption from the Preliminary Examination can sit this examination. It is held twice a year, usually in Spring and Autumn. Full details on this exam including the rules governing the FE-1 are available from the Law School and on the Law Society’s website [www.lawsociety.ie](http://www.lawsociety.ie).

It consists of the following eight papers:

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

#### PRIZES FOR THE FINAL EXAMINATION - FIRST PART

The Overend Scholarship was established by William Overend, a former President of the Law Society of Ireland, and is presented on an annual basis to the candidate who achieves the highest marks in the Final Examination – First Part.

Prizes are also awarded to the best performers in each of the eight Final Examination – First Part subjects. Further details of these prizes can be obtained from the Law School and the Law Society’s website – [www.lawsociety.ie](http://www.lawsociety.ie)

## THE TRAINING PROGRAMME

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After completing the academic stage of the qualification process applicants can apply to the Law Society to commence the PPC I. However, before applying to the PPC I all applicants must have secured a training contract with a training solicitor to provide training and experience over a two-year period. This training, known as the in-office training period, commences after completion of the PPC I and it is the core of the solicitor training programme. During the course of the in-office training period trainees must have the opportunity to receive instruction and obtain experience in a variety of areas of law as well as in practice in skills such as interviewing and advising; legal research; legal presentation skills; legal writing and drafting; negotiation and professional development and advocacy. This experience and practice must be undertaken under the supervision and guidance of a training solicitor.

## TRAINING SOLICITORS

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Not all solicitors are eligible to become a training solicitor. In order to become a training solicitor the solicitor must be a practising solicitor who has been in continuous practice for at least four years. A practising solicitor is defined as a solicitor who is engaged full time in the provision of legal services as:

- a sole practitioner, or
- a partner in a firm of solicitors, or
- a solicitor in the whole time employment of a body corporate, or
- a solicitor in the full-time service of the State within the meaning of section 54 (as substituted by section 62 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954.

A training solicitor must be able to offer the full range of legal experience required by the regulations. Further information is provided in the PPC I application pack which can be obtained from the Law School.

Once an eligible training solicitor has been found, applicants must apply to the Law Society for consent to enter into a training contract.

## APPLYING FOR CONSENT TO ENTER INTO A TRAINING CONTRACT

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In order to apply for consent to enter into a training contract an applicant must obtain the PPC I application pack which is available from the Law School. This pack contains all the relevant application forms necessary to apply to enter into consent and contains information about applying to the Law Society to commence the PPC I. Consent must be issued to an applicant before a place on the PPC I is confirmed.

#### 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
<b>TOTAL</b>	<b>24 MONTHS</b>

#### 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
<b>TOTAL</b>	<b>24 MONTHS</b>

#### CREDIT

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A trainee may apply for credit (up to a maximum of four months) for work done pre-PPC I in the office of the training solicitor. In-office training pre-PPC I is optional. The time for which credit is sought must be completed in one block within the six months immediately preceding attendance on the PPC I. A trainee must have completed 18 months of his/her in-office training before applying for credit. (Credit Application forms are available from the Law School).

#### IN-OFFICE TRAINING POST-PPC I

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The in-office training period is the core of the training programme. Training solicitors are required to provide the trainee solicitor with reasonable and appropriate instruction and experience in the area of legal practice set out, respectively, in **Block 1** and **Block 2** (below) **AND**, in two of the remaining three Blocks (3, 4 and/or 5):

##### BLOCK 1

Conveyancing and Landlord and Tenant Law

##### BLOCK 2

Litigation

##### BLOCK 3

Wills, Probate and Administration of Estates

#### BLOCK 4

Commercial Law  
Corporate Law  
Insolvency Law

#### BLOCK 5

Criminal Law and Procedure  
Employment Law  
European Union Law  
Family Law  
Intellectual Property Law  
Pensions Law  
Planning and Environmental Law  
Revenue Law and Taxation  
Other specialised area(s) of legal practice

The period of in-office training is considered to be a vital and essential component of the overall training programme. In-office visits are carried out as a way of ensuring that flexible, interactive and responsive in-office training programmes are in progress.

#### TRAINEE SALARIES

While working in the office of the training solicitor and during the PPC II trainees should be paid in accordance with the National Minimum Wage Act, 2000. In certain circumstances, trainees may also be entitled to similar payments on the PPC I.

#### SECONDMENTS

A trainee, with the prior consent of the Law Society and the training solicitor, may spend up to a maximum of eight months of the in-office training period working in employment elsewhere other than in the training solicitor's office. Under the Education and Training Regulations, trainees are allowed engage in work (in Ireland or abroad) provided it "....would be advantageous to such a trainee in the furtherance of his/her education or training (or both) and his preparation for admission to the solicitor's profession".

#### THE PROFESSIONAL PRACTICE COURSES

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The Law Society's Law School runs two full-time courses for trainees – the PPC I and the PPC II. The Professional Practice Courses are full-time training courses. The courses are practice-oriented and their purpose is to instruct a trainee to do the work of a solicitor. Instruction is given almost entirely by practising solicitors and by members of the Law Society's staff. The courses are assessed through continuous assessment and end of course examinations.



## PRIZES FOR THE PROFESSIONAL PRACTICE COURSES

The Findlater Scholarship was founded in 1877 by the late Sir William Findlater, D.L., a past President of the Law Society of Ireland. This prestigious award is presented by the Law Society for the best performance in the PPC I & II examinations. There are also prizes available for each subject on the PPC I.

### PPC I

Applicants for the PPC I must have:

- Passed or gained exemption from the Preliminary Examination
- Passed the Final Examination - First Part
- Found an eligible (practising) solicitor to act as a training solicitor

The PPC I takes place annually and usually starts in September and runs until March-April (inclusive of examinations). The following are the subjects covered on the PPC I:

- Foundation Course
- Applied Land Law
- Probate & Tax
- Business Law
- Litigation (Civil & Criminal)
- Skills (Civil and Criminal Advocacy, Interviewing and Advising, Legal Research, Legal Presentation Skills, Legal Writing and Drafting, Negotiation and Professional Development)
- Legal Practice Irish (LPI)

### PPC II

After eleven months of the training period the trainee returns to the Law School to attend the PPC II. This course is eleven weeks in duration and is counted as part of the twenty-four months training period. Having completed the PPC II the trainee must return to the office of the training solicitor and complete the outstanding period of time - ten months if the trainee has not gained credit for work done prior to PPC I and six months if credit has been obtained.

The PPC II usually begins annually in April and runs for eleven weeks inclusive of examinations. The following are the compulsory subjects covered on the PPC II: Professional Practice, Conduct and Management (PPCM), Family & Child Law and Employment Law. There is also a range of elective choices.

A full list of electives is available from the Law School – [lawschool@lawsociety.ie](mailto:lawschool@lawsociety.ie).

## ADMISSION TO THE ROLL OF SOLICITORS

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Trainees who have passed all of the examinations set out above and successfully completed the training programme may apply to have their names entered on the Roll of Solicitors. Before having their names entered on the Roll, the training solicitor is required to swear that the trainee is a fit and proper person to become a solicitor. Application forms are sent out automatically by the Law School when students are eligible to have their name entered on the Roll.

# SECURING A TRAINING CONTRACT

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## INTRODUCTION

A training contract can be undertaken in a private firm, in the legal office of a company or institution, in State and semi-State bodies. Not all training contracts are advertised and often only secured because fortuitously an applicant applied at the same time a firm decided they wanted to recruit. The apparently random nature of the recruitment process makes the process harder and it is easy to get discouraged.

Guidance to those looking for a training contract is available. A seminar “Finding Your Training Contract” is held annually, for details go to the Law Society website [www.lawsociety.ie](http://www.lawsociety.ie). Also on the website successful trainee solicitors describe how they secured a training contract.

## TRAINEE RECRUITMENT REGISTER

Those who have passed all the FE-1 examinations can apply to join the Trainee Recruitment Register. The register is a list of candidates looking for training contracts. Any firm or solicitor wishing to recruit a trainee can access the register through the Law Society’s website.

It is a self-servicing system where applicants join the register by uploading their CV directly to the Law Society’s website. There is also a provision to amend or remove CV’s from the register. Anyone wishing to join the register can apply on-line. Once the application is completed the CV will be displayed on the register immediately.

To access the register login to the Law Society website [www.lawsociety.ie](http://www.lawsociety.ie), click “**Becoming a Solicitor**” click “**Irish Applicants**” then click “**Trainee CV Register**” and follow the on-screen instructions.

# FUNDING

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## FEES

The fees for the PPC I & PPC II are eligible for tax relief. Further details and application forms for tax relief on tuition fees (I.T. 31 Form) may be obtained from the Revenue Commissioners. Trainees may obtain information from their Local Tax Office or alternatively from the Revenue's website at [www.revenue.ie](http://www.revenue.ie).

A full list of fees is available from the Law School and on the Law Society's website [www.lawsociety.ie](http://www.lawsociety.ie) under fees and funding.

## HIGHER EDUCATION GRANT SCHEME

The PPC I and II are accepted as post-graduate study for grant purposes. For more information see <http://www.studentfinance.ie> and to apply see <https://susi.ie> and particularly <https://susi.ie/eligibility/postgraduate-student>. It is highly advisable to make an application for grant support as soon as possible and this can be done before applying the Law School. It is also a good idea to look carefully at the grant levels available and the criteria to assess the likely level of award.

## LAW SOCIETY BURSARY SCHEME

The Law Society operates a limited bursary scheme for each course. Application forms will be available on commencement of the course. Any student who considers that his or her own resources or available family resources are inadequate to fund their study may apply for a bursary.

## LAW SOCIETY ACCESS PROGRAMME

The Law Society Access Scholarship Programme aims to assist students from socio-economically disadvantaged backgrounds to gain access to professional legal education. Depending on applicants' individual circumstances, the Scholarship can assist with:

- Reduced/waived FE-1 exam fees - up to a maximum of four full sittings within two years of joining the Programme
- Access to core texts related to FE-1 exams, through the Law Society of Ireland's library
- Reduced/waived Professional Practice Course fees
- Maintenance funding

Application is by interview and by means of an application form. Applications are accepted at any time of the year. For further details please contact a member of the Student Development Service on tel: 01 672 4802 or email [studentadvisor@lawsociety.ie](mailto:studentadvisor@lawsociety.ie) or visit the Law Society's website [www.lawsociety.ie](http://www.lawsociety.ie) – fees and funding section.

#### FURTHER INFORMATION

The following is available either on-line from the Law Society website [www.lawsociety.ie](http://www.lawsociety.ie) or from the Law School Information desk:

- Syllabi for all exams
- Rules governing the FE-1
- Application forms for all exams
- Examiners' reports for the FE-1
- Past papers for all exams
- Credit application forms
- A Schedule of fees
- A list of preparatory courses for the Preliminary Exam and the FE-1
- Application packs for the PPC I are available from reception.

For further information on any aspect of qualifying as a solicitor in the Republic of Ireland, contact the Law School [lawschool@lawsociety.ie](mailto:lawschool@lawsociety.ie) or access the Law Society's website [www.lawsociety.ie](http://www.lawsociety.ie) and click on Becoming a Solicitor.

All of the information contained in this booklet is available on the Law Society's website [www.lawsociety.ie](http://www.lawsociety.ie). The Law Society is not responsible and shall not be bound by errors in, or omissions from, this booklet. The Law Society reserves the right to revise, amend, alter or delete courses of study and academic regulations at any time by giving such notice as may be determined by the Education Committee of the Law Society in relation to any such change.

As at January 2016.

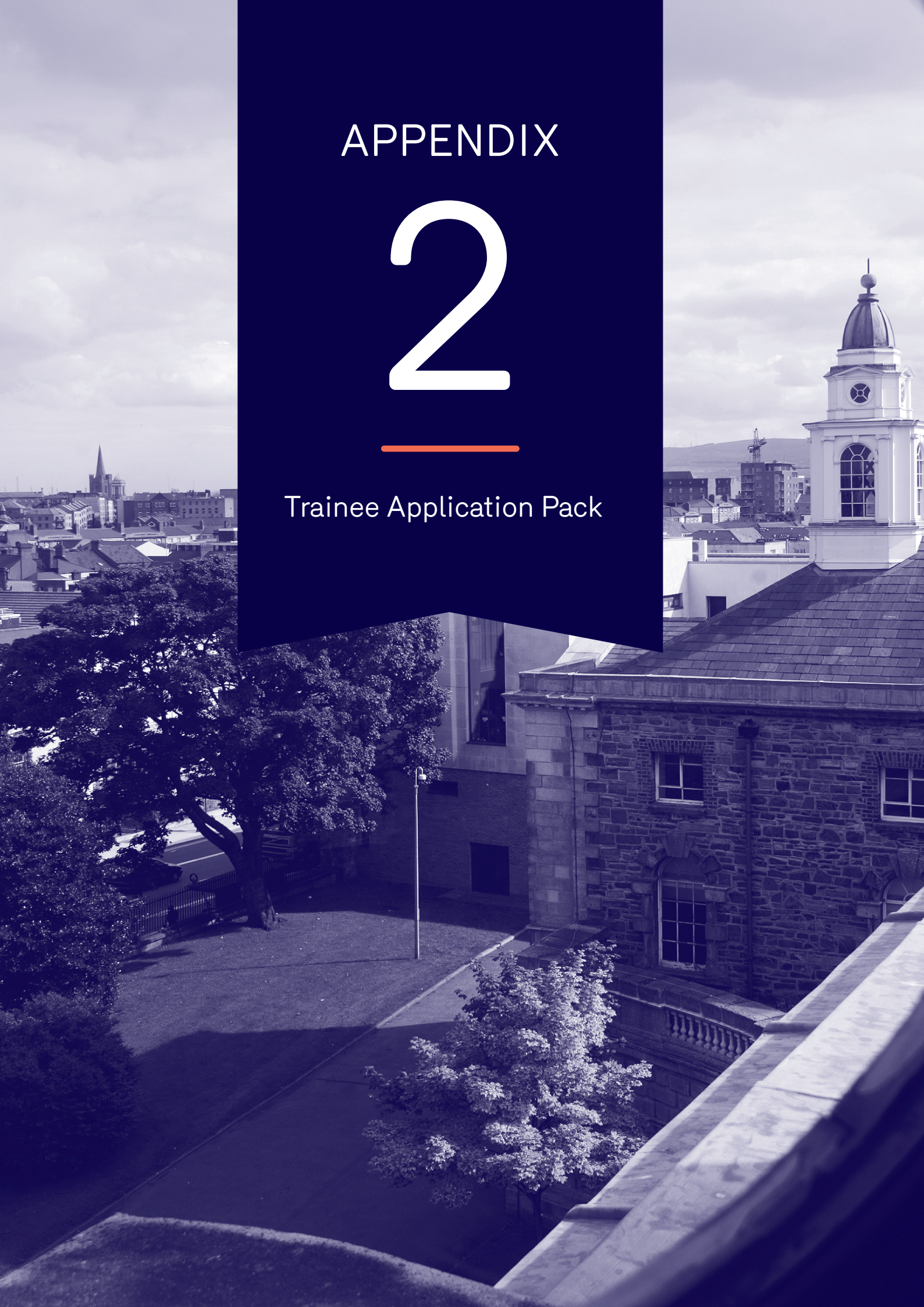


APPENDIX

# 2

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Trainee Application Pack







# **PPC I**

# **APPLICATION PACK 2018**

**CLOSING DATE 15 JUNE 2018**

**Law School  
Law Society of Ireland  
Blackhall Place  
Dublin 7  
DX 79  
01 672 4802  
traineesection@lawsociety.ie**

Dear Applicant

Professional Practice Course I

Thank you for your interest in the Professional Practice Course Part I (PPC I).

We hope you find this guide helpful. Enclosed with this guide you should find two forms; -

Form 1 – Application for Consent to Enter into Indentures of Apprenticeship (Blue form)

Form 2 – Certificate of Proposed Training Solicitor (Green form)

If either or both of these forms have not been included with this booklet please contact the Law School, contact details given below.

As the demand for places on the PPC I can at times be intense we would urge you to read this booklet carefully and ensure that you remember to include all necessary enclosures when you submit your application. Incomplete or incorrectly completed application forms cannot be processed and will be returned to you.

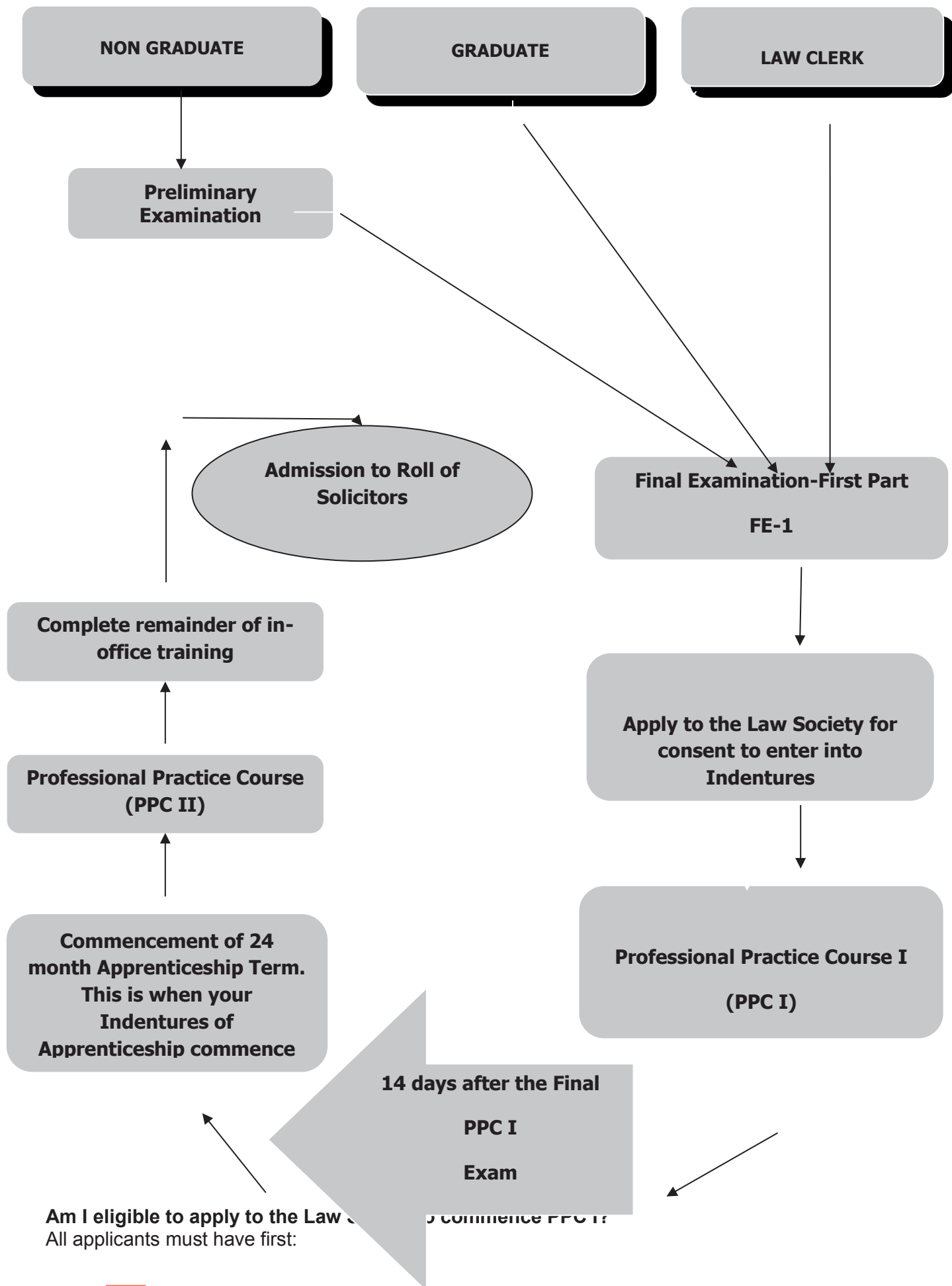
The closing date for applications for the PPC I course is Friday 15<sup>th</sup> June 2018. All applications must be received by 1pm on Friday 15<sup>th</sup> June 2018. We will continue to accept late applications as long as there are places available for the 2018 PPCI, however these late applications are subject to a late application fee of €50.00. Around the time of the closing date it is exceptionally busy so applications received around that time normally take longer to process. Applications received before the middle of June take around 2 to 3 weeks to process; applications received around the closing date take about 4 to 5 weeks to process. So if you can, it is best to apply early to ensure your application is dealt with quickly.

Best wishes,

Traineeship Section  
On behalf of the Law School

1. ELIGIBILITY

ROUTE TO QUALIFICATION AS A SOLICITOR



- passed or been exempt from the Preliminary Examination,
- passed the Final Examination – First Part
- found a suitable practising solicitor to act as a training solicitor.
- Applicants must be at least 17 years old.

*It is compulsory before applying to the PPC I that all applicants have secured a training contract with an eligible solicitor to provide training and experience over a two-year period.*

### **Who is eligible to be my training solicitor?**

Not all solicitors are eligible to become a training solicitor. In order to become a training solicitor the solicitor must be a practising solicitor who has been in continuous practice for at least four years.

A practising solicitor is defined as a solicitor who is engaged full time in the provision of legal services as:

- a sole practitioner, or
- a partner in a firm of solicitors, or
- a solicitor in the whole time employment of a body corporate, or
- a solicitor in the full-time service of the State within the meaning of section 54 (as substituted by section 62 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954.

Any solicitor not sure of their post qualification time should contact the Regulation Department of the Law Society or refer to previous practicing certificates. Alternatively if the proposed training solicitor does not satisfy the eligibility criteria but wishes to engage a trainee they should contact the Traineeship section for further guidance.

A training solicitor must be able to offer you the full range of legal experience required by the regulations. For further information please refer to Section 4 of this guide.

### **How many trainees can a solicitor employ?**

A training solicitor can train two trainees at any one time. For the purposes of this rule the Law Society is concerned with the actual number of trainees in the office. That is the number of trainees who will be training at the same time. The in-office training period starts 14 days after the last examination on the Professional Practice Course Part I or the last day of the course

Additional trainees can be employed if there are assistant solicitors working in your proposed firm. In this instance, one further trainee can be engaged for every two assistant solicitors employed by the firm.

## **2. APPLYING TO THE LAW SCHOOL**

In order to apply for consent to enter into Indentures of Apprenticeship you must complete your application forms correctly. This section will go into detail about how to do this and will also answer frequently asked questions about the process.

#### **A. What do I send in with my application?**

- **Checklist** - A checklist is provided at the end of this guide to ensure that you return all required documentation. Please complete, tear off and return this checklist with your completed application.
- **Form 1 (Blue form)** – This form is the application for Consent to enter into Indentures of Apprenticeship. Please remember to sign and date this form.
- **Form 2 (Green form)** – This form is to be filled in by your proposed training solicitor. If your training solicitor already has a trainee / trainees they must also complete the attached certificate to confirm the details of the other trainees. **A copy of the certificate can be found at the end of this booklet.**
- **Birth Certificate** – Original Birth Certificate or a certified copy of the original is required. In order to obtain a certified copy please take your original birth certificate, together with a copy of the certificate, to a Solicitor, who will sign the copy and certify that it is a true copy of the original. Please note that we will only return original Birth Certificates. We do not return certified copies.
- **Preliminary Examination** – This applies to non-university graduate applicants (or graduates from universities located outside the European Union). Evidence is required of having passed the Society's Preliminary Examination or having been declared exempt there from. Photocopies are acceptable.
- **Law Clerks** - If applicable, evidence of having been recognised as a bona fide Law Clerk by the Education Committee of the Law Society.
- **Final Examination – First Part (FE—1)** – Evidence of having passed this examination. Please submit written evidence from the Society to confirm that you have passed all eight subjects of the Final Examination – First Part.
- **Degree or Transcript** – A certified copy of your University degree or transcript is required. A letter from your University is also acceptable.
- **Education Record** – This form can be found at the back of the guide. Please complete, tear off and return with your completed application. *We require details of all schools and colleges attended since and including Primary School. We do not require your results from Primary School.*
- **Employment Record** – This form can be found at the back of the guide. Please complete, tear off and return with your completed application.
- **Character References** - Often people mistake a character reference for an employment reference. They are not the same thing. Your referee need not be an employer. Your referees must however be known to you, not be a relative, and be a person of some standing. There is no particular wording for the reference. However, the referee should confirm their occupation or position of responsibility, how you are known to them and for how long, and that you are of good character and suitable to become a trainee solicitor. Two recent original (not copies) character references are required and should be no more than 12 months old. Please note that you may not provide a character reference from your proposed training solicitor.
- **Photograph** – Please include one recent passport photograph signed on the back by you.
- **Code of Conduct form** - for Trainee Solicitors and Training Solicitors during the period of in – office training
- **Application fee** – There is an application fee of €840 to apply for the PPC I. This can be paid by cheque, bank draft or postal order made payable to the Law Society of Ireland. Unfortunately we do not have a facility to accept payments by credit card. The PPCI Application closing date is 15 June 2018. After this

date we cannot guarantee you will be offered a place on the course. In any event applications received after 15 June 2018 will incur a late application fee of €50.00

***Once your application has been processed we cannot refund the application fee. The application fee is not a deposit and the amount of the application fee should not be deducted from the amount of course fees.***

**First Irish Examination** - The Legal Practitioners (Irish Language) Bill came into effect on 1st August 2008, which means that you no longer need to have passed the First Irish Exam to be able to apply for the PPC I course.

**REMEMBER – THE CLOSING DATE FOR ALL PPC I APPLICATIONS IS  
1PM ON FRIDAY 15<sup>TH</sup> JUNE 2018.**

## **B. Applicants with a criminal conviction**

The application pack states that:

"Any applicant with a criminal conviction is prohibited from joining the Law School until the following requirements have been satisfied:

- (a ) Letter from applicant giving a brief description of the offence
- (b) Letter/Evidence from the Garda Station where the charge was given setting out details of the offence and any court case, penalties or fines resulting from the conviction
- (c) An application to the Education Committee of the Law Society

The Education Committee will then make a decision as to whether or not the applicant will be permitted to join the PPC I. We cannot advise on the outcome of the Committee as every case is considered individually.

Once the Education committee makes its decision we will advise the applicant in writing. If the decision is favourable we will then process the application for the PPCI."

The Education Department, specifically the Traineeship Section has been asked to advise potential applicants that the Society has the ability to grant a practising certificate, grant a practising certificate with conditions or refuse a practising certificate as provided for in Section 49 of the Solicitors Act 1954, as substituted by Section 61 of the Solicitors (Amendment) Act 1994, as amended by section 2 of Solicitors (Amendment) Act 2002. If a solicitor has been sentenced to a term of imprisonment or a criminal conviction, they must inform the Society with their practising certificate application and a determination will be made by the Regulation of Practice Committee whether to issue a practising certificate (PC) to that solicitor - a PC may be issued, a PC with conditions may be issued or the PC may be refused.

In other words trainee solicitors who have met all the requirements to be able to join the Roll of Solicitors are not guaranteed that they will be granted an unlimited practising certificate or a practising certificate at all.

## **C. What happens once I send in my application?**

Once the Law Society receives your application it is then checked to ensure all the necessary documentation is included. Your application will be assessed on the basis that you have disclosed all relevant and material information which might affect the Society's decision to grant you formal consent to enter into Indentures of Apprenticeship. **If you intentionally or negligently withhold any information, the Society may have the right to subsequently withdraw consent.** You may be called for interview by the Society to go through any aspect of your application.

- If your application is complete your original Birth Certificate will be returned to you with acknowledgement of receipt of your application and fee. Please note, certified copies of Birth Certificates will **not** be returned. Incomplete or incorrect applications will be returned to you at the address given by you on Form 1. **This process takes 2 – 3 weeks.**
- If your application is successful a letter giving Consent to enter into Indentures of Apprenticeship will then be sent to you and to your proposed training solicitor. Your Indentures of Apprenticeship deed will be included with the consent letter. This deed **must** be returned to the Law School within 6 months of the



consent letter date, duly executed by yourself and the proposed training solicitor. If Consent is issued less than 6 months before the commencement date of PPCI the deed must be returned and registered before the start of the course **It is at this stage you are provisionally assigned a place on the PPC I course.**  
This process takes 2 – 3 weeks.

#### Points to remember when completing your Indentures of Apprenticeship Deed:-

- **The date at the top of Form 3 should be the same as the date on Form 4 Part 2. These dates should be dated post consent letter date.**
- **On Form 4 Part 3 the second paragraph is not applicable to you and should not be completed. This part can be crossed out.**
- **Anyone, except your training solicitor or a family member, can witness your Indenture deed.**

- We will acknowledge in writing receipt of your correctly executed Indenture deed. Your deed of Indentures will then be forwarded to the registrar of solicitors to be registered. If any part of your Indenture deed is incorrect or incomplete we will return the deed to you for amendment.  
This process takes 6 – 8 weeks.
- Once we have received the registered deed back from the registrar we will return it to you. It is your responsibility to keep your deed in a safe place, as you may need to refer to it from time to time. **Once your deed has been registered and returned to you your place on the PPC I course is confirmed.**
- Once your place is confirmed, you can expect to receive information on how to register at least one month before the commencement of the PPC I.

### 3. FEES AND FINANCIAL HELP

#### How much are the fees?

Fees are subject to change on an annual basis. The PPC I course fee for the 2018 PPC I is €8300.00. The deadline for payment of the course fees is 09 August 2018. If your fees are paid late you will incur a late payment fee of €50.00

#### Can I receive help with my fees?

There are a variety of ways you may be able to get help with course fees. You may be eligible to receive a higher education grant or you could apply for a bursary from the Law Society. Course fees may also be subject to tax relief.

#### How do I apply for a grant?

The Professional Practice Course I (PPC I) is an approved course for grant purposes. Students wishing to attend the PPC I should apply online to the Student Universal Support Ireland (SUSI). The online application facility is available through [www.susi.ie](http://www.susi.ie)

You do not have to wait for confirmation of your place on the PPC I before applying for a grant. This is a new initiative on the part of the Department of Education and it will hopefully result in a greater number of grant applications being processed before the start of the PPC I. Potential candidates for the PPC I who wish to receive grant support are strongly advised to submit an application as early as possible. Early grant applications have a better chance of being processed before the deadline for the payment of the PPC I fees on 09 August 2018.

The grant provides you with a contribution towards your PPC course fees not living expenses.

#### Tax relief on fees

The PPC I & II are included on the list of post-graduate courses eligible for tax relief. The relief applies at the standard rate of tax and can be claimed (through your local tax office) regardless of whether or not the course

and college is actually included on the list, which issues from the Department to the Revenue Commissioners each year. The maximum amount of fees that can be claimed under the above is €5,000 per annum.

### **Getting special help otherwise known as a bursary**

The Law Society operates a limited bursary scheme for each course. Any student who considers that his/her own resources or available family resources are inadequate to fund their study can apply for a bursary. If you have a query regarding bursaries please contact Paula Sheedy on [p.sheedy@lawsociety.ie](mailto:p.sheedy@lawsociety.ie). The Traineeship Section does not deal with bursaries.

### **When will I receive my timetable?**

Every effort is made to ensure that the timetables are made available to you before the course commences although this cannot be guaranteed. As soon as the timetable is ready it will be posted on the Law Society website. As a guide to the 2018 timetable you might find it helpful to view the 2017 timetable which is available on the Law Society website <http://www.lawsociety.ie/Trainees/PPC-Courses/PPC1/>

### **Are training solicitors under an obligation to pay course fees?**

No. Your training solicitor is under no obligation to pay your course fees. However, the payment of fees can constitute a deductible expense for tax purposes and any training solicitor wishing to know more about this should contact their local tax office. The Law Society does not hold any information on this. The payment of course fees can lead to a reduction in the salary levels payable to the trainee under the NMWA 2000.

## **4. GENERAL INFORMATION FOR PPCI**

### **Courses: PPC1 Stream requests**

Unfortunately we are not in a position to take stream requests this year and there are various reasons for this. We anticipate that due to the lower number of students, we will only be running two streams. This means that the start times are very close together, with only a half an hour difference between the two most days. Also, we are auto-assigning students to tutorial and skills groups. These are generated through our central system and we cannot manually assign a person to a particular stream.

### **Can I have a second job whilst undertaking my in-office training?**

You are expected to attend on a continuous and full-time basis at the office of your training solicitor. The written consent of the Law Society is required for the holding of any other position.

### **What salary am I entitled to?**

A summary of the National Minimum Wage Act can be found at the back of this booklet. Please tear out and keep for your own records.

If you have any queries regarding the National Minimum Wage Act (NMWA) please contact the Workplace Commission's Information and Customer Service via Information and Customer Service, O' Brien Road, Carlow R93W7W2.

Tel No: (059) 9178990, Lo call 1890808090

Website: <https://www.workplacerelations.ie>

## 5. THE TRAINING PROGRAMME

The in-office training period commences 14 days after completion of the final exam on the PPCI and it is the core of the solicitor training programme. During the course of the in-office training period trainees must have the opportunity to receive instruction and obtain experience in a variety of areas of law as well as in practice in skills such as drafting; letter writing; interviewing; legal research; negotiations and oral presentations. This experience and practice must be undertaken under the supervision and guidance of a training solicitor.

### What areas of law will I cover during the in-office training period?

All trainees are required to have general practice experience which includes:

- Block 1 - Conveyancing and Landlord and 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  
European Union 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

Trainees are required to gain reasonable and appropriate instruction and experience in the areas of legal practice set out in Block 1 and Block 2. In addition, trainees should gain reasonable and appropriate instruction in two of the remaining three Blocks ie Block 3 and/or one of the areas of legal practice set out in Block 4 and/or Block 5.

The period of in-office training is considered to be a vital and essential component of the overall training programme. In-office visits are carried out as a way of ensuring that flexible, interactive and responsive in-office training programmes are in progress.

### How long is the training contract?

The training period is two years. Up to four months of relevant work experience obtained in the six months immediately preceding the start of the PPC I can count towards the two year training period. This is known as credit.

The in-office training period is organised around the Professional Practice Courses. The training period formally commences 14 days after the last exam or the last day of the PPC I. If you did work in an office before the PPC I your indentures still formally commence on this date – credit works to take off time at the end; it doesn't change the formal start date.

The breakdown of the training period (approximately)

In-office training post-PPC I	12 months
Attendance on PPC II	3 months
In-office training post-PPC II	9 months
<b>TOTAL</b>	<b>24 Months</b>

### How much credit can I apply for?

A trainee may apply for credit (up to a maximum of four months) for work done Pre-PPC I in the office of a training solicitor or other practising solicitor within the jurisdiction of the State. In-office training Pre-PPC I is optional. The time for which, credit is sought must be completed in one block within the six months immediately preceding attendance on the PPC I. The minimum amount of credit time you can claim is one week.

### When can I apply for credit?

You must have completed 18 months of your in-office training before you can apply for credit. (Credit Application forms are available from the Law Society website and a form will also be included when Consent is issued). If you attend the 2018 PPC I the earliest we can process your credit application is October 2020. Please do not submit your credit application form before this time.

<b>Breakdown of training contract with maximum credit time awarded:</b>	
In-office training Pre-PPC I	4 months (maximum)
In-office training post PPC I	12 months
Attendance on PPC II	3 months
In-office training post-PPC II	5 months
<b>TOTAL</b>	<b>24 Months</b>

### When will I qualify?

The expiry date of your training contract is not your qualification date. It simply means that the contract between you and your training solicitor is at an end. You qualify once:

- all statutory and regulatory requirements concerning your education and training have been met, and
- you have been accepted onto the Roll of Solicitors.

**What is a secondment?**

A secondment is an opportunity for you, during the course of your training, to work elsewhere other than at your training solicitor's office. With the prior consent of the Law Society and your training solicitor you may spend up to a maximum of eight months of the in-office training period working in employment elsewhere. Under the Education and Training Regulations, trainees are allowed to engage in work (in Ireland or abroad) provided it "....would be advantageous to such a trainee in the furtherance of his/her education or training (or both) and his / her preparation for admission to the solicitor's profession".

**Is a secondment compulsory?**

A secondment is compulsory if your training solicitor cannot offer you experience in the key areas listed on the previous page. Your training solicitor is required to declare this to the Law Society when seeking Consent to enter into Indentures. Please find on the next page the format of the letter that should be included with your application in relation to any in-office training that must be acquired outside of the office of your proposed training solicitor. Please amend with relevant details and include with your application if applicable.

### **Example Secondment Required Letter**

Traineeship Section  
Law Society of Ireland  
Blackhall Place  
Dublin 7  
DX 79

**Date**

Re: **(Applicant Name) - Secondment of Indentures of Apprenticeship**

Further to the above named applicants application to enter into Indentures of Apprenticeship we hereby confirm that **(Applicant Name)** will gain experience in the following areas of law during his/her 24 month in-office training programme with the **(Firm Name of Proposed Training Solicitor)**:

**(Applicant Name)** will be released from this office at a later date in his/her 24 month in-office training programme to be seconded for a period of **(number of months of proposed secondment)** (maximum secondment period is eight months) in private practice to gain instruction and experience in the following areas of law:

Yours sincerely

\_\_\_\_\_  
**(Proposed Training Solicitor Signature)**

\_\_\_\_\_  
**(Applicant Signature)**



Please complete this checklist by ticking in the appropriate boxes and include it with all other documentation when submitting your application. Please refer to Section 2 for further information.

Documents	Not Included	Applicable	Not Applicable	Evidence Of Exemption Included
1. Form 1- Application for Consent				
2. Form 2 – Certificate of Proposed Training Solicitor				
3. Original Copy of Birth Certificate or Certified copy. <u>(Only originals birth certificates will be returned to you)</u>				
4. Evidence of having passed the Preliminary Exam (or evidence of exemption)				
5. Evidence of being recognised as a bona fide Law Clerk				
6. Evidence of having passed the Final Examination – First Part (FE-1) (or evidence of exemption)				
7. Certified copy of University Degree or transcripts or letter from University				
8. Certificate of Education record				
9. Certificate of Employment record				
10. Two recent character references (originals not copies)				
11. Recent passport size photo – signed at the back				
12. Code of Conduct Form				
13. Application fee of €840 cheque or postal order made payable to the Law Society of Ireland. This fee is not applicable to Access Students				
Please tick box if you are an Access student The application fee is not applicable to Access Students				

Signed: \_\_\_\_\_ PPS No.: \_\_\_\_\_

Contact Tel. No.: \_\_\_\_\_

Next of Kin's Name & Contact Tel. No.: \_\_\_\_\_

### Educational Record

Applicant Name: \_\_\_\_\_

Applicant Email Address: \_\_\_\_\_

The Educational Record is required as you are applying to the Law Society for consent to enter into Indentures of Apprenticeship. Attendance on the Professional Practice Courses and your in-office training programme is conditional on educational qualifications. As part of your application for Consent to enter into Indentures of Apprenticeship you are required to provide a complete educational record of all educational qualifications that you have achieved to date starting with your primary school details.

College/Institution	Date From	Date To	Results Achieved	Name of Degree i.e. LLB, BCL

**PLEASE ANSWER ALL QUESTIONS BELOW**

**Have you been granted exemption from the First Irish Examination? YES / NO** If your answer to the question above was **YES** please provide evidence of having been declared exempt therefrom.

**Have you been granted exemption from any Final Examination subjects? YES / NO**

If your answer to the question above was **YES** please provide evidence of having been declared exempt therefrom Are you a university graduate? YES / NO

**Are you a non-university graduate? YES / NO** If your answer to the question above was **YES** please provide evidence of having passed the Preliminary Examination

**Are you a non-university graduate and exempt from sitting the Preliminary Examination? YES / NO** If your answer to the question above was **YES** please provide evidence of having been declared exempt therefrom.

**Are you a bona fide Law Clerk? YES / NO**

If your answer to the question above was **YES** please provide evidence of having been recognised as such by the Education Committee of the Law Society.

**Applicant's Signature** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

***Please include this completed form and any requested documentation attached with your application for Consent to enter into Indentures of Apprenticeship. Applications for Consent to enter into Indentures of Apprenticeship with incomplete Educational Records will be returned***

## EMPLOYMENT RECORD

**Applicant Name:** \_\_\_\_\_

**Applicant Email Address:** \_\_\_\_\_

The Employment Record is required as you are applying to the Law Society for Consent to enter into Indentures of Apprenticeship. The Professional Practice Courses and your in-office training programme are full time. As part of your application for Consent to enter into Indentures of Apprenticeship you must provide a complete employment record of all positions of employment that you have held to date starting with the most recent.

Organisation	Position Held	Date From	Date To

### PLEASE ANSWER ALL QUESTIONS BELOW

**Is the office of your proposed training solicitor a state body or body corporate?**

**YES / NO**

If your answer to the question above was **YES** please provide an undertaking signed by you and your proposed training solicitor that you will be seconded to another solicitors practice during your 24 month in-office training programme to gain practical experience in areas of law that are not provided for within the office of your proposed training solicitor. ***Please see section 4 regarding the requirements of your in-office training and proposed format of the secondment required letter.***

***Will your training solicitor offer the range of experience as set out in the Indenture Deed?***

**Applicant's Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Please include this completed form and any requested documentation attached with your application for Consent to enter into Indentures of Apprenticeship. Applications for Consent to enter into Indentures of Apprenticeship with incomplete Employment Records will be returned*



**Certificate to accompany *Form 2 - Certificate of proposed Training Solicitor*, if Training Solicitor has additional trainees.**

Name of additional trainees	Date of their Indentures of Apprenticeship	Commencement Date of in – office training

Name of Training Solicitor: \_\_\_\_\_

Signature of Training Solicitor: \_\_\_\_\_

Date: \_\_\_\_\_

**Code of Conduct for**  
**Trainee Solicitors and Training Solicitors during**  
**the Period of In- Office Training**

**1. General**

- (a) (i) A trainee solicitor is expected to undergo his or her education and training to be a practicing solicitor in a diligent and responsible manner.
- (ii) While in attendance at the Society's Law School, the trainee solicitor should apply himself or herself diligently and responsibly to attending the designated lectures and seminars and completing the designated independent work projects. While in the course of undergoing his or her in-office training, a trainee solicitor should act diligently and responsibly under the direction of his or her training solicitor or other designated solicitor(s) working within the training solicitor's office and conduct himself or herself in a manner consistent with the trust and confidence placed in him or her by the training solicitor. A trainee solicitor should never represent himself or herself as a qualified solicitor.
- (b) While the standards expected of a trainee solicitor are not as onerous as those expected of a qualified solicitor, the trainee solicitor should familiarise himself or herself with the contents of the current edition (2013) of *A Guide to Good Professional Conduct for Solicitors*, which are derived both from statutory and non-statutory sources. The Solicitors Acts 1954 to 2011 and the regulations made under these Acts are the legislative framework for the regulation of solicitors and trainee solicitors, with which the trainee solicitor should also be familiar; and the trainee solicitor should also be mindful of additional statutory duties, such as those necessitated and imposed by Data Protection legislation and Anti-Money Laundering legislation.

**2. Specific Obligations and Values**

- (a) (i) A trainee solicitor should at all times act in accordance with the terms of his or her indentures of apprenticeship.
- (ii) A trainee solicitor should at all times act so as to maintain the trust and confidence of his or her training solicitor.
- (iii) A trainee solicitor should at all times act in the best interests of his or her training solicitor's clients.
- (b) (i) A trainee solicitor should at all times act consistently with the core values of the solicitors' profession, which include-
- acting with honesty and integrity
  - upholding confidentiality
  - avoiding conflicts of interest
- (ii) A trainee solicitor should at all times act with honesty and integrity in his or her dealings with others.
- (iii) The duty of confidentiality required of a trainee solicitor in relation to the handling of client-related matters applies to all communications (written and oral) arising within the training solicitor's office relating to a particular client, including the fact of the existence of the solicitor/client relationship between the training solicitor's office and that client. Any matter relating to a client's business can only be disclosed with the consent of the training solicitor and the client or by order of a court or statutory body exercising its designated powers.

- (iv) Where the trainee solicitor perceives that a conflict of interest arises in a particular matter between the interests of the trainee solicitor and those of the training solicitor and/or those of a particular client of the training solicitor, the trainee solicitor should immediately inform the training solicitor of the nature of this perceived conflict and should abide by any appropriate and reasonable instruction of the training solicitor as to how to proceed.
- (v) Where a trainee solicitor has a concern or query in relation to any aspect of the foregoing provisions of this Code the trainee solicitor may communicate with the Society's Training Executive Officer.

### **3. Ensuring Proper Training**

- (a) A trainee solicitor is entitled to a reasonable standard of training and should work together with his or her training solicitor to ensure a positive outcome in this regard.
- (b) Both a trainee solicitor and his or her training solicitor should together ensure that an up – to – date training record of work undertaken by the trainee solicitor is kept and that good working practices are learned and applied by the trainee solicitor.
- (c) A trainee solicitor should address with the training solicitor, as appropriate and reasonable, any concerns that the trainee solicitor may have as to the volume of work, whether too much or too little, he or she is asked to undertake or the level of guidance being received by the trainee solicitor in relation to such work.
- (d) Where a trainee solicitor perceives that he or she has made a mistake he or she should immediately inform the training solicitor. A mistake can and does occur and, if made, the trainee solicitor should so report it with honesty and integrity, irrespective of the potential consequences of doing so.
- (e) A trainee solicitor is expected to self-motivate and to consider what is needed for his or her own professional development. The trainee solicitor should, as far as practicable, keep up to date with legal developments relevant to the work he or she is asked to undertake.
- (f) A trainee solicitor should seek to develop his or her own social and interpersonal skills and to propose solutions to client-related problems for consideration and discussion within the training solicitor's office.



#### 4. Obligations of the Training Solicitor

- (a) A training solicitor should be familiar with the rights and obligations of the trainee solicitor under the terms of the Indentures of Apprenticeship between them and of this Code of Conduct and should facilitate and ensure, as appropriate and reasonable, compliance with them.
- (b) A training solicitor should ensure that his or her trainee solicitor is duly instructed on ethical matters appropriate to the practice of law and the practice of the profession of a solicitor.

The undersigned Trainee Solicitor.....and the  
undersigned Training Solicitor .....

each agree to facilitate and ensure compliance with the provisions of this Code of  
Conduct during the period of in-office training of the trainee solicitor.

**Dated this..... day of..... 2018/19.**

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**Signature of Trainee Solicitor.....**

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**Signature of Training Solicitor.....**

## TRAINEE SALARIES

Training Solicitors are obliged to pay trainee solicitors a minimum wage under the terms of the National Minimum Wage Act 2000 ("the Act"). From 1 January 2018 the national minimum wage for an experienced adult employee is €9.55 per hour. An experienced adult employee for the purposes of the Act is an employee who has had employment of any kind in any 2 years over the age of 18.

### In the office Pre Professional Practice Course I (PPC I) €343.80 per week

Trainee solicitors who work in the office prior to starting the PPC I must receive a wage equivalent to at least €9.55 per hour. The Education Committee has recommended a 36 hour week for trainees. Therefore they must be paid a minimum of €343.80 per week. Four months can be credited against the duration of the two-year training period for those trainees who work in the office before the PPC I.

### During the PPC I

Trainees who work in the office of their training solicitor before commencing the PPC I, are, in accordance with the Act, entitled to be paid a wage whilst attending the course. The wage for such trainees while on the PPC I is €286.50 per week based on a course week of 30 hours.

However where a training solicitor agrees to pay the PPC I course fees on behalf of the trainee a reduced rate applies, see the table below.

Where the PPC I Course fee is paid by the training solicitor

75% of minimum wage (€7.16 per hour) for first third of the course (9 weeks)	€7.16 x 30 hours = €214.80 per week
80% of minimum wage (€7.64 per hour) for the second third of the course (10 weeks)	€7.64 x 30 hours = €229.20 per week
90% of minimum wage (€8.60 per hour) for the final portion of the course (10 weeks)	€8.60 x 30 hours = €258.00 per week

### During the two year in-office training period €343.80 per week

Trainee solicitors must be paid at least the minimum amount of €9.55 per hour, or €343.80 per week, while in the office. This weekly sum is based on the 36 hour per week recommendation of the Education Committee. This is equivalent to €1,489.80 per month or €17,877.60 per annum. Hours worked in excess of that must also be paid at the rate of €9.55 per hour.

### While attending the Professional Practice Course II (PPC II)

Trainee solicitors, while in attendance on the PPC II, should receive €248.30 per week based on a course week of 26 hours. However where a training solicitor agrees to pay the PPC II course fees on behalf of the trainee a reduced rate applies, see the table below.

Where the PPC II Course fee is paid by the training solicitor

75% of minimum wage (€7.16 per hour) for first third of the course ( 4 weeks )	€7.16 x 26 hours = €186.16 per week
80% of minimum wage (€7.64 per hour) for the second third of the course (4 weeks)	€7.64 x 26 hours = €198.64 per week
90% of minimum wage (€8.60 per hour) for the final portion of the course (4 weeks)	€8.60 x 26 hours = €223.60 per week

## Post Professional Practice Course II (PPC II)

After completion of the PPC II, there is no obligation under the Act to pay trainees a salary higher than the national minimum wage rate of €9.55 per hour.

## Enforcement

Trainee Solicitors who are not satisfied that they are being paid their statutory minimum entitlement under the Act, can refer the matter/make a complaint to the Workplace Relations Commission.

The Act provides for a number of criminal offences including the failure by an employer to pay an employee his/her statutory minimum hourly rate of pay entitlement under this Act.

## Further information on the NMWA 2000

For further information on the national minimum wage see the [detailed guide to the Minimum Wage Act 2000 \(pdf\)](#) or contact Workplace Relations Customer Services.

Workplace Relations Customer Services/Department of Jobs, Enterprise and Innovation  
O'Brien Road, Carlow R93 W7W2 Opening Hours: Mon. to Fri. 9.30am to 5pm  
Tel: (059) 917 8990 Lo call: 1890 80 80 90  
Homepage: <http://www.workplacerelations.ie>

This is only a general guide and independent legal advice should be sought in all cases and reference should be made to the detailed provisions of the NMWA 2000 (No 5 of 2000) as inserted by section 13 of the Financial Emergency Measures in the Public Interest Act 2010 (No. 38 of 2010) and all other relevant accompanying regulations.

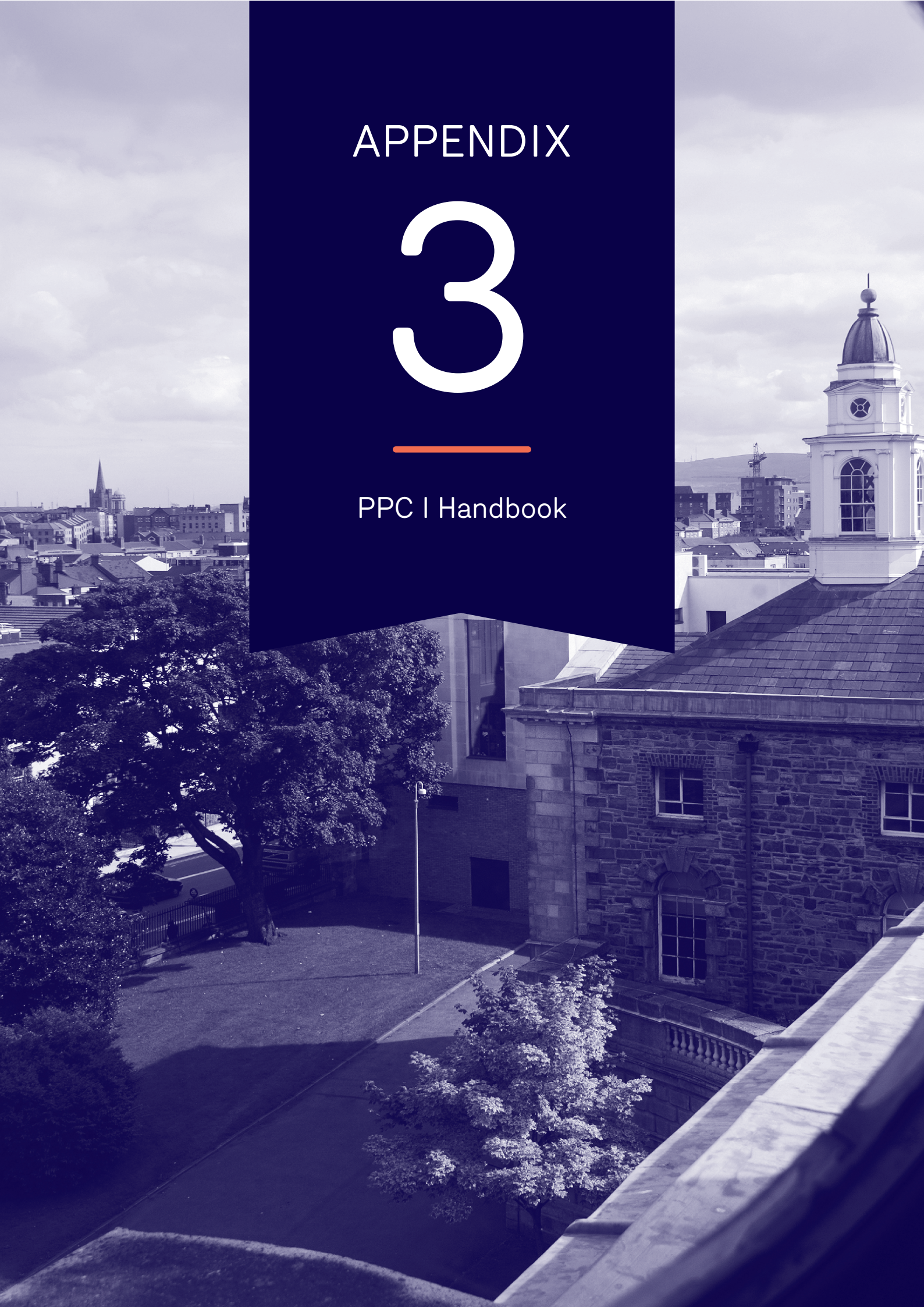


APPENDIX

# 3

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PPC I Handbook







PPC | 2017

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## THINGS YOU NEED TO KNOW



[www.lawsociety.ie](http://www.lawsociety.ie)



Congratulations on securing a place on the 2017 Professional Practice Course I. We are delighted to welcome you and we hope that your experience here will be an enjoyable one. You are about to embark on a professional and personal journey – marking the beginning of an invigorating stage of your life. We are aware of the challenges you will all have overcome to reach this point and we are confident that it will have been worth the effort.

The Law Society offers a well-rounded programme, which will allow you to develop legal knowledge and skills to the highest of international standards, whilst also preparing you for the reality of life as a solicitor. We are concerned with your personal development as well as your professional capacities and we have built in a range of supports in both areas - ranging from assigning a personal mentor to each of you, to providing you with a team of accessible Course Managers who are experts in their fields.

In this booklet, you will find useful practical information, which will help you during the first few weeks on the Course. We encourage you to make contact with members of staff should you require any further information or assistance.

Good luck with this next stage of your careers.



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## Course Design and Management Team – PPC I Responsibilities

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### **Gabriel Brennan**

Applied Land Law

### **Maura Butler**

Legal Practice Irish

Criminal Litigation

Criminal Advocacy

Student Legal Seminar Series

Prison Tours

### **Padraic Courtney**

Probate and Tax

### **Joanne Cox**

Business Law

### **Rachael Hession**

Legal Research

### **Eva Massa**

EU Law

Human Rights Law

Orientation Course

Interviewing and Advising

Negotiation

Professional Development (with Colette Reid)

### **Jane Moffatt**

Legal Writing and Drafting

### **Antoinette Moriarty**

Psychology of a Lawyer

### **Colette Reid**

Civil Litigation

Civil Advocacy

Legal Presentation Skills

Professional Development (with Eva Massa)

Skills: Policy, Development & Co-ordination.

Contact can be made with the above by email: [lawschool@lawsociety.ie](mailto:lawschool@lawsociety.ie)

## Important Points

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- In order to comply with the **Tobacco Smoking (Prohibition)** Regulation 2003, smoking is prohibited in all Law Society Buildings.
- For **Locker keys** please contact Law School reception.
- There will be several distributions of **materials** during the course. You will be notified of each distribution via iCal and on the plasma screen in the Atrium. There is a late collection fee (per booklet) of €5.
- You should be aware of **Fire Assembly points** and Fire Escape Routes. Joan Dunne and Donna O'Reilly at reception are the Fire Officers for the Law School.
- The **First Aid** point is located on the ground floor adjacent to the print distribution room, Green Hall ground floor entrance area. You are obliged to report all accidents to a trained member of staff. A list of trained Education Department First Aid Staff will be posted on notice boards.
- There is **NO STUDENT PARKING** available on The Law Society grounds. There are a number of commercial car parks within close proximity to Blackhall Place. Smithfield public parking, located on Queen Street, offers competitive student parking rates. Further information is available from Law School reception.
- No food or drink is permitted in either the lecture theatres or tutorial rooms.
- When using the garden area at the rear of the Law Society, all glasses and bottles must be returned to the bar and all rubbish removed.
- You must be security conscious. Please do not leave any valuables unattended on the premises. Insofar as is possible, keep your money on your person, and do not carry large sums. We take no responsibility for items lost or stolen on the premises. You are advised to take normal precautions regarding personal safety both on and off the premises. If you observe anyone acting suspiciously on the premises, you should notify a member of staff.
- Please keep your student identity card on your person while on the premises as you may be asked to produce it.
- Please let us know of any change in your contact details. **Change of address** forms are available from Law School reception.
- When exiting the Law Society after a social function attendees should be mindful that it is a residential area and noise should be kept to a minimum.

## Important Points

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The **Canteen (Vanilla)** is located in the Main Building and is open from 7.30am to 3.00pm Monday-Friday.

The **Atrium Café** is located in the reception area of the Education Centre and is open from 8.30am to 3.00pm Monday-Friday.

Bank of Ireland and Allied Irish Bank are located on Arran Quay.

The nearest **ATM** is located in Spar on corner of Blackhall Place and the Quays.

There are many shops/café/restaurants in the vicinity of the Law Society, some of which are listed below for convenience.

- **Bel Cibo** – near the Lighthouse Cinema in Smithfield
- **Christophe's** – Duck Lane, Smithfield
- **Cinnamon** – in Smithfield across from Smithfield Luas stop
- **Costa Coffee** – Smithfield
- **Fish Shop** – seafood restaurant in Benburb Street
- **Fresh** – food store and deli near the Maldron Hotel in Smithfield
- **Insomnia/Spar** – on the corner of Blackhall Place and the Quays
- **L Mulligan Grocer** – a gourmet pub in Stoneybatter
- **Londis** – Stoneybatter
- **My Meat Wagon** – near the Lighthouse Cinema in Smithfield
- **Oscars Café Bar** – near the Lighthouse Cinema in Smithfield
- **Proper Order Coffee Co** - Smithfield
- **Slice of Cake Café** – Manor Place
- **Soulful Bistro** – Manor Street
- **Third Space Cafe** – Smithfield
- **Wuff** – on the corner of Blackhall Place and Benburb Street.

## Law School IT Department

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The IT team is led by Caroline Kennedy (IT Co-Ordinator for Education) and supported by Paul Mooney (Senior IT Technical Support), Aaron Duggan (IT Technical Support) and Michalis Kirimlidis (IT Technical Support).

The team provides IT support to both the students and staff of the Education Department in the Law Society.

There are two dedicated IT Labs and a number of terminals also in the Library:

- the Education Centre IT Room
- the Study IT Room (over the Library)

**Student services** range from user ID and email creation, 'log on' IT induction sessions for iPads and Citrix environment, inductions to the virtual learning environments 'Moodle' and iTunes U where course related material is disseminated, support of the online 'Quest' system allowing students to manage their own passwords, support of the in-house student recording suite for Skills subjects, support of the printing system, support of the Wifi networks, dedicated helpdesk support at the IT Helpdesk over the phone and also through email.

Code C is the door code for all IT rooms

- Education Centre IT room
- Study IT Room (over the Library)

Information on our services is available from our IT page on Moodle.

Our contact email address is: [support@propc.ie](mailto:support@propc.ie)

You will be supplied with an iPad at the start of the PPC. At the end of the PPC the iPad is yours to keep.

Student materials will be distributed in electronic format via iTunes U and can be read, highlighted and annotated directly on your iPad. The iPad can also be used to create and share documents, present iPad screens on an Apple TV in class, receive and send emails and manage calendars amongst other things. Apps can be added to extend the functionality further.

There will be an induction session at the start of PPCI. You will be guided on activating and setting up your iPads. You will require an Apple ID for this - <https://appleid.apple.com/> . We will also be providing iPad clinics over the duration of the course which you may attend.

Whilst you are on the PPC, if you have any queries about your iPad please either go to the IT desk which is open 9am to 5pm or use the dedicated IT support email – [support@propc.ie](mailto:support@propc.ie)

When you collect your iPad you will be asked to sign an acknowledgement of the terms and conditions of use, which are as follows:

1. The iPad is provided for educational purposes.
2. You will be solely responsible for setting up, maintaining, charging, repairing, updating, insuring, securing, operating, replacing and backing up your iPad and any associated applications, software, iTunes accounts and expenses, including data use and download costs which may be incurred through use of the iPad.
3. The iPad being supplied to you will not be replaced by the Law Society of Ireland if lost or stolen. The Law Society is not liable for any loss or damage to your iPad, nor for technical failure of any kind, nor for its parts or software.
4. The Law Society of Ireland will provide students with instructions and assistance in relation to using iPads within the Law School network. Repairs or technical service of the iPad are performed by Apple.
5. You are not authorised to record lectures without the express permission of the course manager.
6. Materials on the iPad courses will be supplied in an electronic format only.
7. You must adhere to the Law School's IT Policies and the Exams iPad Policy.



### Library and Information Service

#### Library Opening Hours

Monday – Thursday 9.00am - 6.00pm

Friday 9.00am – 5.00pm

Tel: (01) 6724843/3; Fax: (01) 6724845

Email: [libraryenquire@lawsociety.ie](mailto:libraryenquire@lawsociety.ie)

#### Library Services

- **Book loans:** You may borrow up to three textbooks at a time for a period of up to five days. We do not lend law reports, journal volumes and loose parts, CPD lectures (less than two years old) and newspapers. You are responsible for the books you borrow. Please treat borrowed books with respect. Damage to or loss of library books is chargeable to the borrower. Book loans are renewed at the discretion of the library staff. There is a fine of 50c per day per late book return or €2 per day per high demand loan.
- **Online Catalogue:** You may access the online catalogue via Moodle. The catalogue contains records for all materials held in the library. Links are included to pdfs of unreported judgments and other material available online. You will find a Guide to using the catalogue on the home page.
- **Photocopying/printing:** There is one card operated photocopiers in the library located on the ground floor which facilitates printing/copying. Please contact the IT Dept if you have any issues in relation to use of this machine.

#### Library Environment

- **Noise:** Please be conscious of noise levels in the library. Switch mobile 'phones to silent and avoid taking calls while in the library.
- **Food and Drink:** Only bottled water may be consumed in the library, no other food or drinks are permitted.
- **Litter:** Paper bins/non paper bins are provided at various points in the library. Please remove litter from your desk when leaving.
- **Desks and workstations:** Study places may not be reserved in advance. Do not leave your belongings in the library if you intend to be absent for over 30 minutes.
- **WiFi** is available in the library.

We welcome feedback on Library Services, please email [m.gaynor@lawsociety.ie](mailto:m.gaynor@lawsociety.ie)

## Student Development Service: SDS

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The Student Development Service (SDS) aims to facilitate the educational, social, emotional and professional development of trainee solicitors. SDS is managed by Emma Cooper (Student Development Advisor). Emma provides a comprehensive support service for trainees and is committed to working with you to ensure your time here in the Law School is as successful as possible.

### Student Development Advisor

Emma offers **confidential one to one appointments** in which you can discuss any issues or concerns that may impact on you during your time here, such as:

- **Personal challenges** e.g. illness, disability, bereavement, stress, anxiety, financial pressures etc.
- **Course related challenges** - adapted exam or course arrangements, study skills etc.

Emma invites you to make contact if you would like any support or information while you are attending the Professional Practice Courses (PPC). Appointments can be made by e-mailing [studentadvisor@lawsociety.ie](mailto:studentadvisor@lawsociety.ie) or by contacting the Law School Information Centre.

### Support Services

The Student Development Service (SDS) manages the following **support services**:

- **Disability Support Service:** The Student Development Service (SDS) is committed in as far as is reasonably possible, to empowering students with disabilities to achieve their educational and professional goals in an inclusive learning environment. This is a free and confidential service to all students who register with SDS. Please see the disability policy & guidelines on our website ([www.lawsociety.ie](http://www.lawsociety.ie)) under the 'Become a Solicitor' section.
- **Mentor Programme** – A mentor is a member of staff who will provide general support and guidance, discuss learning / course related concerns and refer you to the relevant supports and services within the Law School and beyond.
- **Student Support Groups** e.g. mature students network, parent support network etc.
- **Chaplaincy Service** – see moodle or the student noticeboard for details.

### Developmental Programmes and Events

The Student Development Service (SDS) hosts a number of **programmes and events** designed to help trainees achieve their professional, personal development and educational goals:

- **Student Orientation** - Lectures, Tutorials and Welcome Events
- **Pathways to Success** - series of workshops which focus on managing change, goal setting, forming positive habits, building resilience / self-confidence etc.
- **Exam & Study Management Seminars** – to help students adjust to the Law School learning model and provide practical tips to support exam success.
- **Health & well-being programme** - includes courses in Nutrition, Yoga, Pilates, Tai Chi, Mindfulness, Fitness & Circuit Training etc.
- **Careers & Networking events/seminars** – e.g. effective CV & Cover Letters, how to use LinkedIn, Interviewing and Networking skills etc.
- **Volunteering programme** – volunteering opportunities in the local community and abroad.
- **Money Skills for Life Seminar** – advice on budgeting and how to manage your finances.

## Law School Counselling Service

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The Law School Counselling Service was established in January 2014 in response to a growing need for a professional service addressing psychological development - as an important aspect of overall professional development.

The Service has the following elements:

- Individual and group counselling for trainee solicitors
- PPC Shrink Me; Psychology of a Lawyer modules – themes addressed include leadership, creativity, professional relationships, emotional intelligence and professional wellbeing.
- Programmes for qualified solicitors, run jointly with Law Society Professional Training, e.g. Executive Leadership Programme, Cert. in Professional Education, Professional Wellbeing programmes
- Law Society of Ireland Access Scholarship Programme

### OUR TEAM:

Antoinette Moriarty leads the Service and is supported and assisted by a team of qualified, accredited and experienced psychotherapists, and an Associate Faculty of experienced Executive Coaches and organisational psychologists.

### Student Counsellors:

Antoinette Moriarty, MIAHIP, M.Sc., Manager and Psychotherapist

Sean O'Tarpaigh, MIAHIP, M. Sc.

Helena McElligott, MIAHIP, MIACP, M.Sc.

Liam Collins, UKCP, M.Sc.

Vincent Conlon, UKCP, MIAHIP, M.Sc.

Cathy Dowling, M.Sc. (Group Analytic Psychotherapy) MIAHIP, MIGAS

### Clinical Supervision:

Yvonne Murphy, M.Sc., Dip IGA (Lon), FCIPD

### Administration:

Counselling Administrator: Lynda Sheane

Shrink Me & Access Programme Administrator: Zoe Donnelly

### WHY COUNSELLING:

30 % of 2015 and 2016 PPC students availed of professional counselling during their time with us in Blackhall Place. This is six times the national average for this level of education. This is a testament to the Service and to the innovative model of counselling we employ – time-intensive relational counselling. It is also a great reflection on the calibre of students we work with – bright, curious and willing to take a risk. However, it is more than all of that. It is also because students learn through our Shrink Me module that counselling is not just helpful in a crisis. In fact a huge number of PPC trainees avail of counselling to gain greater insight and understanding of themselves, their peers and colleagues, their firms - and their families! It is highly effective at shedding light on less conscious aspects of our personal and professional development - enabling you to take greater control of what it is you want from this vital stage of your life.

### **What students say about their recent counselling experience with our Service:**

*'I'm very glad I availed of the service during PPC II and only regret that I didn't do so in PPC I. I thought it would be a sign of weakness initially and something I didn't need - then I learned that 30% of PPC I students had attended last year and I found this very encouraging'*

*'I believe the more grounded and secure I am personally the better I perform professionally'.*

*I found the service to be so worthwhile and it has been one of the most beneficial aspects of the PPC experience for me. I hope it continues and expands for students in the future.'*

*'Gave me more self-confidence and understanding that I am not alone in feeling overwhelmed or questioning my own ability'.*

### **How does it work:**

To make an appointment and to be assigned to a member of our team please email [counselling@lawsociety.ie](mailto:counselling@lawsociety.ie). Sessions are entirely free and you may avail of up to 7 sessions during PPC I and 5 sessions during PPC II.

### **Where to find us:**

We are based in a discrete and welcoming environment at the rear of the Green Hall.

**The Law School Counselling Service team looks forward to working with you and we welcome you to make contact with us at any point during the course.**

## Skills Attendance Policy – PPC I

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The Skills Course on the PPC I comprises of eight modules namely:

- Civil Advocacy
- Criminal Advocacy
- Interviewing and Advising
- Legal Research
- Legal Presentation skills
- Legal Writing and Drafting
- Negotiation
- Professional Development.

Attendance on the Skills Course is **compulsory**. It is essential that all students prepare for and fully attend all modules of the Skills Course as their effectiveness depends on the full participation of all students.

Failure by a student to attend any part of any module on the Skills Course, (whatever the reason for such non-attendance), may be treated as a failure to complete the Skills Course and therefore a failure to meet the skills attendance requirements on the PPC I. This policy applies regardless of the circumstances surrounding a student's absenteeism. Failure to meet the skills attendance requirements will have the following consequences:

- a) The student will **not** be declared to have passed the PPC I. Please note that this applies even where the student has passed the Skills Course in the examinations/practical.
- b) The student will be required to attend the following year's PPC I ('the next PPC I') in order to take the whole of each skills module which he/she has failed to complete. The student must discharge the fees for such attendance.
- c) The student will not be eligible for the PPC II until he/she has satisfactorily completed such attendance on the next PPC I, discharged all fees that are due and been declared as having passed the PPC I.
- d) In exceptional circumstances the student may be permitted to complete a series of exercises to reflect the work they have missed and to produce a portfolio of this work within a specified timeframe ('completion work'), in order to meet their skills attendance requirements. Failure to submit satisfactory completion work on time will have the effects outlined at (a), (b) and (c).

At the end of the PPC I, the Skills Leader, in consultation with the relevant course managers, will determine in the case of each student:

- (1) Whether the student has met the attendance requirements for satisfactory completion of the Skills Course.
- (2) Whether the student is required to take the Skills Course or any module thereof on the next PPC I or whether they should be permitted to submit 'completion work' and if so the extent and content of the portfolio to be submitted.

Students who have attended at least 90% of the Skills Course may, at the discretion of the Skills Leader, be deemed to have met their skills attendance requirements.

### Important Information Regarding Compulsory PPC I Legal Practice Irish Course

- This course is compulsory for all PPC I trainees, irrespective of previous Irish language knowledge or lack thereof
- It has been developed in response to Section 40 (2A) of the Solicitors Act 1954 as amended by the Legal Practitioners (Irish Language) Act 2008
- There is a strict Attendance Policy in operation (see below)
- Successful completion of the course requires:
  - Attendance at all class contact times
  - Submission of all weekly online tasks
- Trainees who do not meet these requirements will be required to repeat any missed elements during the next PPC I course and pay the applicable repeat fee of €105
- It is each trainee's responsibility to ensure all requirements of this course are met
- Please read the Attendance Policy below in full to brief yourself

### *Professional Practice Course I /Cúrsa Cleachtais Ghairmiúil I* *Legal Practice Irish - Cúrsa Cleachtadh Dlí as Gaeilge*

### **ATTENDANCE POLICY RE PPC LPI COURSE**

#### **COURSE COMPLIANCE CONDITIONS**

**Full attendance at ALL ELEMENTS of the PPC I LPI Course, is a requirement i.e.**

#### **A. A total of 4.5 hours trainee/tutor contact time:**

- 2 x one-hour Lecture Sessions (1 at course commencement & 1 at course end);
- 1 x 30-minute Workshop
- 2 x 60-minute Discussion Sessions

#### **AND also**

**B. Engagement with on-line tasks i.e.** Our standard Moodle<sup>1</sup> resource has been augmented to accommodate a bi-lingual language interface where core PPC topics have been adapted and will be released on-line each week.

- a. Students will be required to interact with a suite of materials** Scenario (Text & Podcast), Glossary, Quiz, Questionnaire and Background Information (which has direct links to area specific resources e.g. the Irish Statute Book website etc.)
- b. Complete coursework** (Podcast, Quiz and Questionnaire) **within a specified time** in each of these areas.

Trainees can engage remotely via the Law School website hosted at <https://lawschool.lawsociety.ie> with this aspect of the course, at a time which best suits the trainee's weekly schedule (log-on details will be supplied by the IT Section on arrival at the Law School).

**The Legal Practitioners (Irish Language) Act 2008 (The 2008 Act)** is a manifestation of our Government's policy on bilingualism, abolishing the First Irish/Second Irish examinations

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<sup>1</sup> Moodle is a [free software e-learning](#) platform (also known as a Course Management System (CMS), or Learning Management Systems (LMS), or Virtual Learning Environment (VLE)). Moodle is designed to help educators create online courses with opportunities for rich interaction. Its open source license and modular design means that people can develop additional functionality. Development is undertaken by a globally diffused network of commercial and non-commercial users, streamlined by the Moodle company based in [Perth, Western Australia](#).



(the old regime). This Elementary Legal Practice Irish (LPI) Course has therefore been created for those trainee solicitors taking the Professional Practice Course, *who have not passed both the First & Second Irish Exams under the old regime, prior to the commencement of the 2008 Act*<sup>2</sup>.

**Expected Learning Outcomes** - in compliance with the 2008 Act at PPC I level

On completion of the course participants should be in a position to comply with legislative requirements by being capable of:

- Meeting & greeting clients *as Gaeilge* (in Irish)
- Identifying Gaelic terminology for various legal procedures and
- Having a capacity to refer that client to a solicitor who executes his/her legal practice skills through the Irish language

The LPI course **attendance requirement is stipulated by Government.**

- The Law Society consequently must be in a position to prove compliance with that requirement.
- **Absenteeism is therefore not an option**, resulting in very strict monitoring of all elements of the course!
- You will be expected to turn up some 10 minutes prior to your scheduled class time to sign in as requested by the Course Assistant, Robert Lowney.

### **CONSEQUENCES OF NON-COMPLIANCE**

**Those who are non-compliant with all course elements (class assessment and tasks) will have that non-compliance recorded at the PPC I Exam Board Meeting and must repeat it during next year's PPPI course.**

**Law Society Regulation applies a repeat fee of €105 per session missed.**

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<sup>2</sup> Insertion by the 2008 Act at s.40 (2A) of the Solicitors Act 1954. Act signed by President July 2008.

## Student Competitions

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The Law School runs a number of legal skills competitions during the Professional Practice Courses. These competitions will be advertised throughout the Law School, on MOODLE and on the Law Society website [www.lawsociety.ie](http://www.lawsociety.ie). The following is a complete list of these competitions together with the contact details of those organising the competitions.

Client Consultation Competition	Jane Moffatt
International Environmental Law Moot	T P Kennedy
William C Vis Arbitration Moot	Rachael Hession
Negotiation Competition	Jane Moffatt
Telders International Moot	Eva Massa
Mediation Competition	Jane Moffatt
Trainee Moot Court Competition	Geoffrey Shannon

To contact any of the above organisers, email them at [lawschool@lawsociety.ie](mailto:lawschool@lawsociety.ie)

Established in 1999, the Hibernian Law Journal (HLJ) is an annual publication coordinated by trainee and newly qualified solicitors. The HLJ aims to promote an increased awareness of law and related disciplines among practising and academic lawyers, while also encouraging increased scholarship by members of the legal community in Ireland. Contributors to the HLJ range from trainee solicitors to university lecturers, thereby ensuring a diverse range of styles and opinions.

You can find further information about the HLJ on [www.hibernianlawjournal.com](http://www.hibernianlawjournal.com). The website includes details of previous and current issues of the HLJ, contributors, committee members and upcoming events.

### **Submit an Article**

The Editorial Committee is now accepting submissions for the next edition. The HLJ offers an excellent opportunity for solicitors and trainees to have their work published in an academic forum. Having an article published in the HLJ offers trainee solicitors the key advantage of an exemption from one examination subject in the Professional Practice Course II.

### **Join the Committee**

The Editorial Committee will also be looking for new members to join. You are invited to email the Committee to find out more.

**For more information. log on to [www.hibernianlawjournal.com](http://www.hibernianlawjournal.com) or email the editor at [editor@hibernianlawjournal.com](mailto:editor@hibernianlawjournal.com).**

## Interested in Becoming a Student Representative?

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Student representatives play a vital role in ensuring that students benefit fully from their time in the Law School. Your role, should you be elected, is to liaise between your peers and management ensuring that established student needs are met efficiently and appropriately.

There are two categories of Student Representatives:

**1. Education & Welfare Representative - Role Description:**

- Gather students' feedback/suggestions in relation to course content and delivery, exams and assessments, premises, facilities, IT and student welfare e.g. training contracts, finance, personal issues impacting on students' participation on the course etc.
- Represent students' interests at monthly meetings with the Director of Education, Deputy Director of Education and the Student Development Service.
- Assist in the organisation of law school events e.g. relevant educational seminars, debates and 'feel-good' or wellbeing events for students in conjunction with SDS and other reps.
- Assist in the development/delivery of responses to students' welfare concerns.
- Liaise directly with law school staff.

**2. Social Representative – Role Description:**

- Manage the social budget in consultation with management.
- Organise weekly social events that meet the needs of your peer group.
- Attend monthly meetings with the Director of Education, and Student Development Service.
- Screen applications for funding for clubs and societies.
- Organise key projects e.g. – Law School weekend away and PPCI Ball.

## How do I get involved?

Any student can stand as a student rep, and you'll serve for the **duration of both PPC I and PPC II**. Elections will be held in the second week of the PPC I. If you want to know more or if you are interested in applying, contact the Student Development Service by email at [studentadvisor@lawsociety.ie](mailto:studentadvisor@lawsociety.ie) or by phone at 01 6724802.

## **Examinations and Assessments**

The following marking criteria are used for the examinations and assessments (other than the skills practical):

Below 35	Very bad fail
35 - 45	Bad fail – major gaps in knowledge
45 – 49	Narrow fail
50	Pass mark
51 - 54	Pass mark comparable to a third grade
55 - 59	Reasonable Pass – comparable to a 2:2 grade
60 – 69	Good Pass – comparable to a 2:1 grade
70 – 79	First Class Answer – a student who has a thorough understanding of the materials and who is capable of applying them.
80 - 100	Commendation – a student who has gone beyond the materials and has carried out independent reading and research but who also has a thorough practical and theoretical understanding of the materials.

The Skills Practical is marked 'competent' or 'not competent'.

The training courses provided by the Law Society for trainee solicitors are designed to equip trainees to work competently, efficiently, and honestly in the principal areas of professional practice as a solicitor. The subject examinations comprising the Final Examination – Second Part (FE-2) and the Final Examination – Third Part (FE-3) respectively are the principal formal means by which this competence is determined.

In the case of the Final Examination – Second Part, each candidate will have attended PPC I lectures and partaken in tutorials and workshops. The expectation of the Law Society, shared by the examiners, is that candidates will have paid due attention to the lectures, participated in the tutorials, workshops and other written exercises and will also have studied the materials presented in conjunction with the courses. The essential standard for each examination subject is that of proficiency in the early years of practice in that particular subject area.

In the case of the Final Examination – Third Part, the above assumptions apply, but it must be borne in mind that each candidate will have completed at least eleven months in-office training in the office of a practising solicitor in which they will have involved themselves in the actual work of the core areas of professional practice as a solicitor. The same assumption in respect of attendance at lectures, tutorial and exercise participation, and the study of materials, as applies for the PPC I and the Final Examination – Second Part, also applies to students on the PPC II for the Final Examination – Third Part.

In addition, in the case of the Final Examination -Third Part, it must be borne in mind that the consequence of failure in any examination subject, elective, practical or assessment will be that the candidate will *not* be admitted to the Roll of Solicitors until a later time. Equally, the consequence of passing an examination subject, elective, practical or assessment is a confirmation by the examiners in that subject that the candidate is equipped to practice as a solicitor in the area under examination.

### Examinations and Results

#### FE-2 – Examinable Subjects

Litigation	3 hours
Applied Land Law	3 hours
Business Law	3 hours
Probate and Taxation	3 hours
Skills	1 practical

Examination results will issue via Moodle (the student intranet) with a letter posted to students within one week of the results issuing. A copy letter will be posted to training solicitors approximately 10 days after the results issue to students. Examination results take approximately 14 - 16 weeks to process. Information regarding the release date for examination results will be posted to Moodle, therefore, it is advised that you check Moodle on a regular basis to obtain updated information pertaining to the release of examination results. Save in exceptional circumstances, results will **not** be communicated by any other means.

Duplicate letters will **not** be issued until at least three working days have passed since the results were posted out.

Repeat examinations for the PPC I will take place in September/October of the year in which an examination is taken. Repeat examination information (including the timetable and application form) will be available on Moodle.

#### Skills Practical

The examination for the skills core subject comprises an oral practical in Civil Advocacy.

Further information in relation to the criteria, format and submission requirements for this practical will be furnished at the commencement of the Civil Advocacy module.

The skills practical is graded on the basis of 'competent' or 'not competent'. In order to pass the Core Skills subject students are required to be deemed competent in the Civil Advocacy practical.

A repeat practical will take place in September/October in the year in which an examination is taken.

#### Re-check procedures

Candidates may request a recheck of their examination paper/skills practical. The relevant completed form, together with payment in the amount of €120, should be forwarded to the Course Examinations Administrator. Students will be informed of the outcome of the re-check in writing approximately 4-6 weeks after the closing date for applications. Recheck information (including the timetable and application form) will be available on Moodle.

When candidates fail an examination they will be invited to attend a group examination technique session.



## Examinations and Assessments

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If a candidate fails an examination/skills practical on more than five occasions, he or she must apply to Education Committee for permission to resit the examination/skills practical and may be required to resit the course.

### Plagiarism

Plagiarism occurs when you fail to acknowledge the words or ideas of others. Specifically it occurs when:

- Other students' work is handed in or presented as your own.
- Papers are written in conjunction with other students where the requirement is for an individual piece of work.

Deliberate plagiarism is a serious offence and may result in disciplinary action.

### Adapted Examination Arrangements

Students who require Adapted Examination Arrangements due to illness, disability or personal circumstances are invited to contact the Student Development Service at least two months in advance of examinations to discuss their requirements. Please note that applications will not be accepted within 6 weeks of examinations - apart from emergency situations e.g. bereavement or accident. It is your responsibility to declare any condition or situation that may require accommodation and to complete the requisite paperwork, which may necessitate supporting medical documentation from a medical consultant. This enables the appropriate adapted arrangements to be put in place to support you.

### Additional Time for Examinations

In the case of applications for additional time please note that a medical consultant's letter is required and a GP or other medical letter will not suffice.

Please see the disability policy & guidelines on our website ([www.lawsociety.ie](http://www.lawsociety.ie)) under the 'Becoming a Solicitor' section and also on MOODLE under 'Course information for PPC I' section. Email SDS at [studentadvisor@lawsociety.ie](mailto:studentadvisor@lawsociety.ie).

## **Law School Prizes**

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There are a number of prizes available for the top performers in subjects on the Professional Practice Courses.

### **PPC I PRIZES**

#### **Law Society PPC I Prize**

The Law Society award €2,000 to the student who achieves the highest mark on the PPC I in a calendar year.

#### **Law Society Business Law Prize**

The Law Society award €1,000 to the student who achieves the highest mark in Business Law on the PPC I in a calendar year.

#### **John B. Jermyn Prize**

The John B Jermyn Prize of €1,000 is awarded to the student who achieves the highest mark in Probate and Taxation on the PPC I in a calendar year.

#### **Law Society Conveyancing Prize**

The Law Society award €1,000 and €600 respectively to the students who achieve the highest and second highest mark in Applied Land Law on the PPC I in a calendar year.

#### **Law Society Litigation Prize**

The Law Society award €1,000 to the student who achieves the highest mark in Litigation on the PPC I in a calendar year.

#### **Law Society Skills – Civil Advocacy Prize**

The Law Society award €1,000 to the student who is awarded 1<sup>st</sup> place in Skills - Civil Advocacy on the PPC I in a calendar year.

#### **James O'Sullivan Prize**

The James O'Sullivan Prize of €1,000 is awarded to the student who achieves the highest mark on the PPC I in a calendar year having previously worked as a Law Clerk.

### **PPC II PRIZES**

#### **Findlater Scholarship**

The Findlater Scholarship of €5,000 is awarded for the best overall performance on the PPC I and PPC II.

#### **Law Society PPCM Prize**

The Law Society award €1,500 to the student who achieves the highest mark in PPCM on the PPC II in a calendar year.

#### **Gallagher Shatter Prize**

The prize of €750 is awarded to the student who achieves the highest mark in Advanced Family & Child Law on the PPC II in a calendar year.

## **Law School Prizes**

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### **Nora White Prize**

The prize of €1,000 is awarded to the student who achieves the highest mark in Commercial & Complex Property Transactions on the PPC II.

### **Thompson Reuters Prize**

The prize of €320 in book vouchers is awarded to the student who achieves the highest mark in Advanced Civil Litigation on the PPC II in a calendar year.

### **Arthur Cox Foundation prize**

This prize of €2,000 is awarded for the best overall results in PPC I Business Law combined with the PPC II Banking Law or Corporate Transactions elective.

**For further details on PPC Prizes please contact the Course Examinations Administrator – [courseexaminations@lawsociety.ie](mailto:courseexaminations@lawsociety.ie) .**

## Law Society of Ireland Diplomas

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Welcome to the Law Society and to your Professional Practice Course.

The Diploma Centre provides continuing professional legal education through a diverse range of postgraduate diploma and certificate courses. We welcome trainees on all our courses with a **10% loyalty discount** available on diploma and certificate fees.

Our course content is created and delivered by leading experts and experienced practitioners, combining academic theory and practical application. We offer flexible online learning options with lectures available live or on playback through webcasting delivered for desktop, laptop, tablet and smartphone. The autumn 2017 programme has something for everyone with a wide variety of courses to choose from including our Diploma in Aviation Leasing and Finance, Diploma in Sports Law and Certificate in Data Protection Practice. For a full list of courses visit: [www.lawsociety.ie/diplomacentre](http://www.lawsociety.ie/diplomacentre)

### Credit for PPC II Electives

As an added value for trainees all our diploma courses will give participants credit for one PPC II elective.

The course of academic study must take place during the training period, which means after your indenture date and before your PPC II. Applications for such credit must be made with a certified copy of proof of successful completion of the relevant examination/assessment. (Examination results may take 12 weeks to issue after an examination has taken place but we try to expedite corrections for PPC II trainees). Trainees will note that although the pitch of diploma courses is at a more advanced level than PPC II courses, there may be an unavoidable overlap in some course content and this may limit your choice of elective subjects on the PPC II course.

For further information contact: Dr Freda Grealy, Head of the Diploma Centre, [f.grealy@lawsociety.ie](mailto:f.grealy@lawsociety.ie)

### Street Law

Now in its fifth year, the Street Law Programme is run in collaboration with Georgetown University Law Center, Washington DC and the Trinity College Access Programme (TAP). Street law aims to bring the law to life in the classroom by teaching pupils about how the law applies to them through interactive learner centred lessons. PPC volunteers take part in an induction weekend at the Law Society, where training is provided in the teaching methodologies which underpin the Street law approach.

PPC volunteers are then placed in a number of secondary schools in Dublin where they teach a 6 week Street Law Transition Year Programme. It concludes with schools participating in a 'Mock Trial' and these are hosted in the CCJ and in our MOOT Court Room in Blackhall Place. We also facilitate a Prison Law Programme with Wheatfield Prison and Mountjoy Prison.

PPC I students are invited to apply for a place on our Street Law Programme. For further information on Street Law contact: John Lunney, Solicitor, Diploma Centre, [j.lunney@lawsociety.ie](mailto:j.lunney@lawsociety.ie)

We hope you enjoy your time at Blackhall and look forward to meeting you.

Dr Freda Grealy, Head of Diploma Centre

To learn more about the Diploma Centre, watch our short information videos and view our current course list visit: [www.lawsociety.ie/diplomacentre](http://www.lawsociety.ie/diplomacentre) or contact the team: [diplomateam@lawsociety.ie](mailto:diplomateam@lawsociety.ie)

## Law Society Professional Training

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We warmly welcome you to the PPC I. This is a challenging and exciting time when you commence on the path to qualification as a solicitor.

Law Society Professional Training is education by lawyers for lawyers. It is the Law Society's post-qualification education unit, providing lifelong learning to practitioners.

Our seminars, conferences, masterclasses, workshops and courses aim to keep practitioners abreast of developments in all areas of law and practice including professional conduct, practice management and regulation compliance. Our objective is to ensure we meet the educational requirements of solicitors.

Trainees may also attend selected training events at a reduced rate, please contact us for details – [lspt@lawsocietyt.ie](mailto:lspt@lawsocietyt.ie). If you have ideas for training events or have a list of topics you would like to see covered, we would be delighted to hear from you.

Visit our webpage at [www.lawsociety.ie/CPD](http://www.lawsociety.ie/CPD) for our full training programme including our suite of online courses – which are available at a reduced rate for trainees.

- LinkedIn Essentials
- Advanced LinkedIn
- Facebook for Professionals
- Twitter for Lawyers
- iPad for Business & Leisure
- Search Engine Optimisation
- FinTech – An Introduction
- Instagram for Professionals

Why not connect with us on our **Professional Training Group** on **LinkedIn**; a number of past PPC students have connected with us and have found the updates beneficial.

We look forward to meeting you at future events and to encouraging and supporting you on your path to lifelong learning.

**Attracta O'Regan**  
**Head of Law Society Professional Training**  
[Lspt@lawsociety.ie](mailto:Lspt@lawsociety.ie)      01 8815727

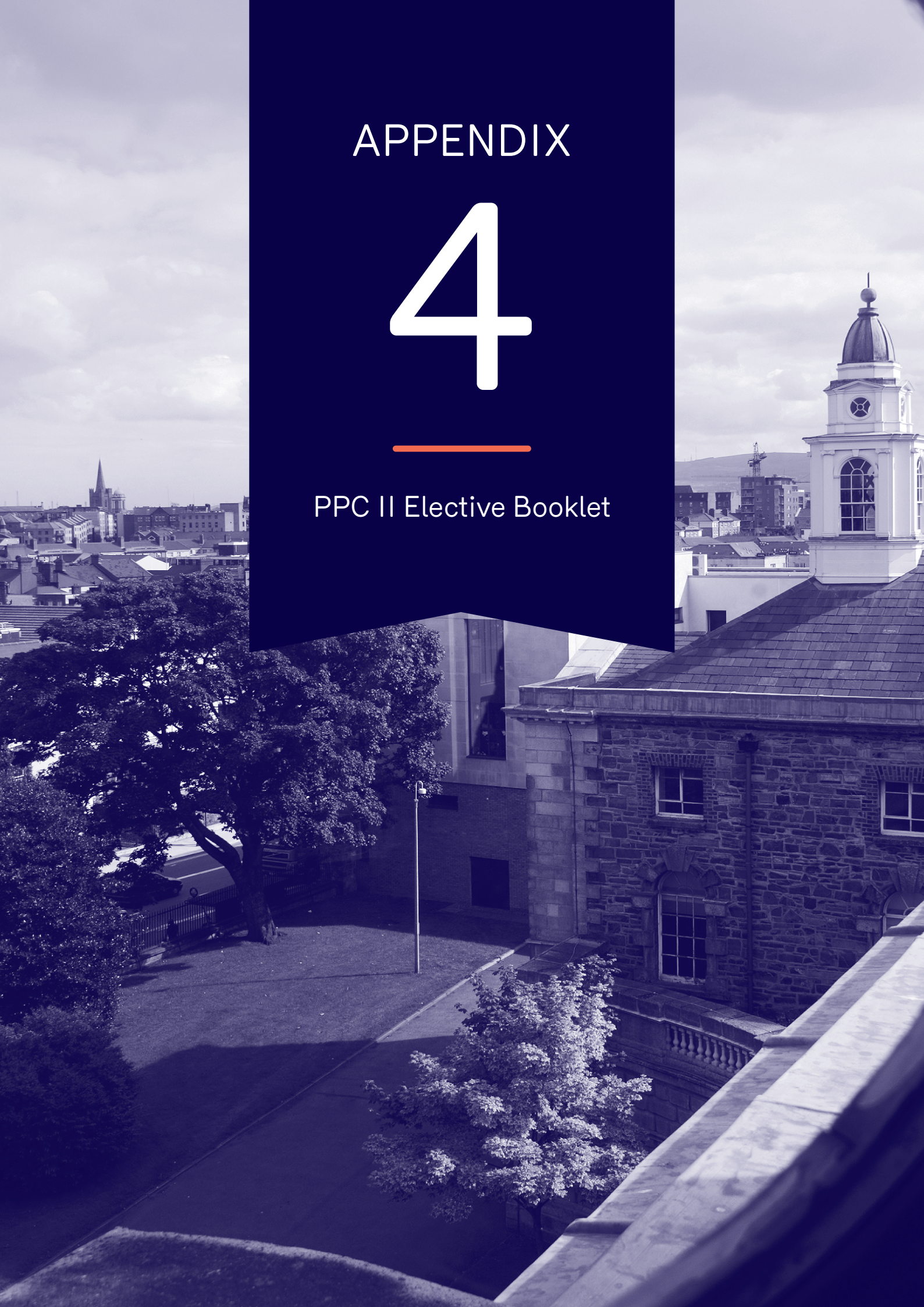


APPENDIX

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PPC II Elective Booklet





# PPC II

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# **COMPULSORY COURSES**

# EMPLOYMENT LAW

The aim of the Employment law course is to provide trainee solicitors with an informed overview of the employment law system in Ireland. In particular, the course gives an understanding of the common law, contract law and statutory rules and procedures they will encounter in practice so equipping them to advise and act for a client with confidence and competence.

**Attendance at Plenary Sessions and Workshops is compulsory for this course**

## Syllabus

The employment law course is divided into five sections:-

### *INTRODUCTION TO EMPLOYMENT LAW*

This section looks at sources of employment law

- Legislation
- Constitution
- Precedent
- Contract
- Common law

and explains the employment relationship with reference to the rights and obligations of the parties.

### *THE EMPLOYMENT RELATIONSHIP*

This section looks at firstly at

- Contracts and Consequences with reference to:
  - Identification of contracts of employment
  - The parties and the consequences of their status for:
    - Employees v independent contractors
    - Permanent v fixed-term workers
    - Employees v agency workers
- Industrial relations introducing industrial relations and the statutory protections available to the parties with reference to
  - Trade unions
  - Rights of association/disassociation
  - Industrial disputes
  - Trade union immunity from suit

### *TERMS AND CONDITIONS*

This section examines the terms and conditions of a contract of employment both implied and express by reference to:

- Equal treatment
- A safe working environment
- Standard terms
- Working time and protected leave entitlements
- Policies and procedures in the workplace

## *TERMINATION OF THE EMPLOYMENT RELATIONSHIP*

This section examines the most common ways in which the employment relationship comes to an end.

- Operation of Law and Dismissal  
This is an overview of how the employment relationship comes to an end the consequences for employers and employees with particular reference to
  - Operation of law
  - Fixed-term/specific purpose contracts
  - Wrongful dismissal and injunctions – common law remedies
  - Unfair dismissals – statutory remedies
    - Substantive reasons
    - Importance of fair procedures
- Changes to the Business Model –
  - Short-time
  - Redundancy
  - Transfer of Undertakings

## *PRACTICE AND PROCEDURE*

This section is a practical application dealing with clients in employment law matters.

### **Format**

This is a blended learning course with trainees being encouraged to assimilate the theory before having the opportunity to apply what they have learnt whilst working through everyday employment law problems.

There are no formal lectures. Instead lectures are available online, via Moodle, for viewing at a time most convenient for each student.

There are four Plenary Sessions, (in a Socratic format), during each of which experienced practitioners help trainees understand employment law whilst working through everyday scenarios.

There are five Workshops during which students will work within a simulated office environment to practically apply all knowledge they have acquired.

### **Materials**

Course materials will be provided in electronic form only via iPad. Lectures are available via Moodle for viewing at a time and place convenient to individual students.

**Responsible Staff Member:** Jane Moffatt.

# ENGLISH & WELSH PROPERTY LAW AND PRACTICE

This course will examine the conveyancing practice and procedure in England and Wales. On successful completion of the course online assessment and on qualifying as an Irish solicitor application can be made to be admitted on the role of solicitors in England and Wales. The course provides students with the ability to establish and transfer proprietary rights and interests in England and Wales as set out in the Solicitors Regulation Authority for England and Wales Legal Practice Course outcomes.

## Objectives

On completion of this course students will be able to identify and perform the critical steps in a conveyancing transaction in England and Wales, determine how legal estates and interests differ between the two jurisdictions, draft and complete the appropriate documentation for a conveyancing transaction in England and Wales and understand the law on easements and covenants for title in England and Wales. Moreover, participants will be in a position to assess how the practice of conveyancing in England and Wales differs from the practice of conveyancing in Ireland and adapt their knowledge and skills to meet the needs of clients in both jurisdictions.

## Syllabus

### *Steps in a conveyancing transaction*

- Introduction
- Sequence of steps
- Taking instruction and other initial matters
- Pre contract searches and enquiries
- Town and Country planning enquiries
- National Land Information Service (NLIS)
- Deduction and investigation of title
- Between exchange and completion
- Procedures; pre and post completion

### *Types of legal estates and interests*

- Different types of legal estates and interests
- Commonhold
- Commonhold and Leasehold Reform Act 2002
- New leases
- Existing leases

### *Contract*

- Preparation and drafting of the contract
- Standard conditions of sale
- Conveyancing protocol
- Formation



- Formula for exchange over the telephone
- Law of Property (Miscellaneous Provisions) Act 1989
- Methods of exchange
- Completion by post

#### *Covenants for Title*

- Implied covenants
- Full and limited title guarantee
- Creating new covenants
- Law of Property (Miscellaneous Provisions) Act 1994

#### *Easements*

- Grant and reservation of new easements
- Prescription period

#### *Registered land*

- Conveyancing of registered land
- Interests which may be registered
- Land Registration Act 2002
- Third party forms of protection
- Priority searches
- Overriding interests
- Rights of non-owning spouses and civil partners
- Land registry rules
- Prescribed forms

#### *The English and Irish conveyancing system – a contrast*

### **Materials**

Course materials will be provided in electronic form only via iPad.

### **Assessment**

An online and written examination.

**Responsible Staff Member:** Rachael Hession.

# **FAMILY AND CHILD LAW**

This course is a broad overview of a very complex and rapidly developing area of law in Ireland. We take a practical look at the break up of marriage and its effects on the parties, their assets and their children. The course also considers the Cohabitation legislation. Trainees, by the end of the course, should be able to advise clients on the issues to be taken into consideration when deciding on the action they wish to take.

The past decades have witnessed a gradual but decisive shift in the dominant concerns of family law. Where once the relationship between husband and wife prevailed as the focus of most attention, it is now clear that the centre of gravity globally has moved to the child. Covering every aspect of family law, this course also examines child law from the very different perspectives of those advising the Child and Family Agency and those advising the child or his or her parents.

## **Objectives**

This subject will examine family and child law generally and will have a particular focus on procedural matters.

## **Syllabus**

Lecture 1: Taking instructions in a Family Law Matter

Lecture 2: Separation and Judicial Separation

Lecture 3: Divorce

Lecture 4: Cohabitation

Lecture 5: Maintenance

Lecture 6: Ancillary Orders

Lecture 7: Discovery (and Financial Disclosure) and Court Rules

Lecture 8: Pensions and Taxation Issues

Lecture 9: Safeguarding the Welfare of Children in Need

Lecture 10: Children and Family Relationships Act 2015

Lecture 11: Client Care and Pending Developments

## **Materials**

The OUP *Family Law* manual will be supplemented with additional material.

## **Tutorials**

The six tutorials will consider the more complex aspects of the topics covered in the lectures.

**Responsible Staff Member:** Dr Geoffrey Shannon

# PROFESSIONAL PRACTICE CONDUCT AND MANAGEMENT

The overall objective of the course is to create a framework to provide trainees with the knowledge and skills required to start in practice. This includes the appropriate conduct for solicitors in their professional relationships and the management of a practice.

## Syllabus

The PPCM course is divided in four modules:-

### *Module 1 – PSYCHOLOGY OF THE LAWYER*

### *Module 2 -PROFESSIONAL CONDUCT & MANAGEMENT*

The aim of this module is to make trainees aware of the important of professional behaviour and ethical conduct for solicitors in their practice. This module includes the following lectures and tutorials:

- . Tutorial: The business plan.
- . Lecture: Solicitors dealing with Clients.
- . Tutorial: Client care.
- . Lecture: Solicitors dealing with Court & Counsel.
- . Lecture: Solicitors dealing with Colleagues & Third Parties.
- . Lecture: Complaints procedure.
- . Tutorial: Professional Conduct.

### *Module 3 –PROFESSIONAL MANAGEMENT*

This module focuses on the practical aspects of running a law firm. It also provides useful information to assist trainees with their final assignment (business plan).

- . Lecture: Changes to the profession & the Legal Services Market.
- . Lecture: Branding.
- . Lecture: Effective communication within the law firm.
- . Lecture: Cybersecurity.

## *Module 4-FINANCIAL MANAGEMENT*

This module deals with Solicitor's Accounts Regulations and the financial management and administration of a solicitor's practice. The aim is to introduce basic accounting practices and the Regulations governing the control of office and client bank accounts, the handling of client monies and accounting and reporting practices.

Lecture 1 : Financial Ethics : Accounting Practices - Going in to Practice

Tutorial 1 : Accounting Practices - Going into Practice

Lecture 2 : Financial Ethics : Accounting Practices - In Practice

Tutorial 2 : Accounting Practices - Introduction to double entry

Lecture 3 : Financial Ethics : Accounting Practices - Reviewing the First Year in Practice

Tutorial 3 : Accounting Practices - Reviewing the First Year in Practice

Lecture 4 : Bills of Costs

Tutorial 4 : Client Billing and Solicitors Accounts Regulations

**Responsible Staff Members:** Eva Massa, Jane Moffatt & Antoinette Moriarty

# **ELECTIVE CHOICES**



# ADVANCED CIVIL LITIGATION

## Why should I choose this elective?

Litigation work is an important component of every legal practice. This elective will prove vital to any solicitor intending to work in general practice or to specialise in civil litigation. It addresses recent legal developments and examines specific types of actions that have become more common.

## Objectives

This elective affords students the opportunity to build on their knowledge of Civil Litigation gained during their Professional Practice Course Part 1. This is achieved by considering recent developments in tort, contract, practice and procedure, damages and costs. Reflecting the broad sweep of Civil Litigation, the course will examine in greater depth specific types of actions, such as actions pertaining to professional negligence, defective product liability; litigation relating to land; probate litigation and issues relevant to commercial litigation. It will also address the resolution of disputes through mediation.

Note: This elective includes a number of joint lectures with the Medical Law & Litigation Elective (see Part A lectures).

## Syllabus

### Part A

#### *Recent developments in:*

- Tort & Contract.
- Practice and procedure (e.g. the New RSC on the Conduct of Trials).
- Damages.

#### *Third Party Practice & Procedure and other Defence strategies.*

- Third party law, practice and procedure.
- The linking and consolidation of proceedings.
- Security for costs
- Calderbank letters, lodgments/tenders

#### *Mediation*

- When it is appropriate.
- How it works.
- Organising a mediation.

#### *Costs*

- An overview
- Agreeing and taxing costs.  
Sheehan v Corr  
The Legal Services Regulation Act 2015

## Part B

### *Commercial disputes and Discovery*

- E-discovery.
- Recent decisions and practice developments.

### *Defamation Actions*

- Recent developments.
- Practice and procedure.
- The Internet - jurisdictional and liability issues.
- Awards.

### *Debt Recovery*

- *Practice and procedure.*
- *Enforcement procedures.*

### *Litigation and Land*

- Most common causes of action.
- Remedies - Specific performance – Rescission etc.
- Termination/ Ejectment.
- Applications under the Landlord & Tenant legislation.
- Precedent proceedings.

### *Probate Litigation*

- Practice & procedure in probate actions in the High and Circuit Courts.
- Actions challenging a Will.
- Section 117 applications.

### *Professional Negligence –Solicitors*

- Suing and being sued.
- Common causes of action.
- Complaints procedures.

### *Trans-frontier Litigation*

- Jurisdiction.
- Enforcement.
- The implications of Brexit.

## **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Colette Reid.

# **ADVANCED LEGAL PRACTICE IRISH/ARDCHÚRSA CLEACHTADH DLÍ AS GAELIGE**

**THIS COURSE WILL BE AN EVENING COURSE WITH ON-LINE  
ENGAGEMENT**

## **Introduction**

The Official Languages Act 2003 provides a statutory framework for the delivery of public services through the Irish language. The right of a person to be heard in and to use the Irish language in court proceedings is affirmed at section 8 of that Act. The European Union has 24 official languages, with Irish being one of them since 01 January 2007. Irish citizens applying for jobs with EU institutions, where two or more official EU languages are required, may therefore cite Irish as one of those languages.

Section 40(2A)(d) of the Solicitors Act 1954 (as inserted by The Legal Practitioners (Irish Language) Act 2008) mandates the Law Society to "...provide an advanced course for the practice of law through the Irish language as an optional subject for those pursuing the Professional Practice Course." This elective has been created to meet that statutory requirement and it is open to qualified solicitors also.

## **Why should I select this Elective?**

The practice of law 'as Gaeilge' is a growing boutique area of practice, which is not unrelated to the increase in the numbers of Gaelscoileanna recently established. A solicitor who has successfully completed the Advanced Legal Practice Irish (ALPI) course will be admitted to the Society's Irish Language Register, *Clár na Gaeilge (An Dlí-Chumann)* as a solicitor who practices through the Irish language (Section 40 subsection (2A) (i) of the Solicitors Act 1954). This Register/*Clár* is maintained by the Society's Regulation Department and is accessible at <https://www.lawsociety.ie/Find-a-Solicitor/Clar-na-Gaeilge/>.

## **Contextual Introduction**

The entry level for this course is a general level of competence and proficiency demonstrated at Leaving Certificate Higher Level standard. The framing and delivery of the course complies with the tenor of the Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR). This Framework describes in a comprehensive way what language learners have to learn to do in order to use a language for communication and what knowledge and skills they need to develop. It envisages the learner being in a position to act effectively within certain domains (e.g. occupational) in the context of facilitating the cultural diversity of minority languages within a State.

## Syllabus

Participants, to include PPCII Trainees and qualified lawyers, will be required to focus on standard legal vocabulary and grammar within a structure that traverses general practice. They will engage, *as Gaeilge*, in necessary lawyering skills, to include: Research, Legal Writing, Client Consultation, Negotiation and Advocacy that merge with typical language learning activities.

## Teaching Methods

The overall blended learning course design and delivery will engage with traditional direct contact teaching methods and on-line engagement sessions, to facilitate interaction and task completion. Participants will be scheduled for two evening hours per week for six consecutive weeks. There will be lectures during week one and two for PPCII trainees that will be available thereafter on-line for practitioners. Workshops will accommodate a low participant to tutor ratio, to maximise learning opportunities. There will be an exploration of a selection of typical language activities of:

- Reception (silent reading, following the media, consulting text books, works of reference, precedents),
- Production (oral presentations, written studies, reports),
- Interaction (at least two individuals participating in an overlapping oral and written exchange) and
- Mediation (translation or interpretation, a paraphrase, summary or record).

## Assessment

Assessment will incorporate continuous assessment of course tasks throughout the course and a final group assessment which will require participants to draft documents for a specific legal application and to deliver that application individually *viva voce*, in an *ex-parte* format as a solicitor-advocate.

**Responsible Staff Member:** Maura Butler

The Law Society's Legal Practice Irish courses won the 2012 European Language Label (ELL).  
[http://ec.europa.eu/languages/european-language-label/index\\_en.htm](http://ec.europa.eu/languages/european-language-label/index_en.htm)



# BANKING LAW

## Why should I choose this elective?

The Banking Law elective provides a practical guide to a field that has witnessed a rapid rate of change in recent years. Solicitors with knowledge and experience of banking law remain in high demand as banks, law firms and state agencies continue to contend with the effects of the recent recession and an increased level of regulation in the sector.

## Objectives

This elective provides the legal foundation necessary to advise and act for individuals, companies and financial institutions in this area of law. The course is designed to provide trainees with an understanding of the fundamental principles, structures and documents involved in banking and finance transactions.

## Syllabus

### *Relationship between Banks and Customers*

- Customer Accounts and Types of Account Holders
- Contractual relationship
- Bank mandates
- Bank's rights (Banker's lien and right to set-off)
- Bank's duties to customers
- Customer's duties

### *Payment Mechanisms*

- Consideration of various payment mechanisms including bills of exchange, cheques, drafts, credit and debit cards, interbank transfers and electronic money

### *Loan Agreements*

- Facility letters v Loan Agreements
- Loan types (Bilateral, Syndicated, Term and Revolving Loans)
- Short/medium/long term debt arrangements
- Term Sheet
- Interest provisions/fees
- Mechanical provisions
- Representations and Warranties
- Covenants
- Events of Default
- Boilerplate clauses
- Conditions precedent
- Novation, assignment and sub-participation
- Current trends in new lending
- Reviewing a loan offer when acting for the borrower
- Subordination/priorities/inter-creditor issues

### *Secured Lending*

- Common Forms of Security
- Choosing the appropriate form of security for particular assets
- Common Types of Quasi-Security
- Further issues to consider when taking security
- Registration
- Security Documentation
- Financial Assistance, Transactions involving Directors and Substantial Property Transactions

### *Opinions*

- Nature of legal opinions
- Categories of opinions
- Benefit of opinions
- The different roles of the lawyer
- Form on an opinion

### *Asset Finance*

- Leasing
- Hire purchase
- Conditional Sale Agreements
- Retention of title
- Aircraft financing
- Ship financing

### *Restructuring and Re-financing*

- Advising the bank
- Advising the borrower
- The impact of NAMA
- The perspective of the secondary purchaser
- Carrying out security reviews from the bank's and the borrower's perspective

### *Regulation of Banking in Ireland*

- Role of the Central Bank
- Purpose of regulation
- Capital Requirements
- Current economic market
- Consumer protection issues
- Impact of NAMA/NTMA
- Banking Codes of Conduct

### **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Joanne Cox



# COMMERCIAL & COMPLEX PROPERTY TRANSACTIONS

## Why should I choose this elective?

The property market has now stabilised with signs of growth, particularly in major urban areas. However, the period of recession has made all transactions more complex and difficult with, for example, new property taxes, insolvency, NAMA, negative equity and increased risk and liability.

This course builds on the basic knowledge of Applied Land Law gained at PPC I level. The concepts and processes covered at PPC I will be revisited in greater depth and more complex titles and dealings will be examined. The course will provide an overview of the tax obligations of a conveyancer and insolvency issues in property transactions. Commercial and investment property transactions, commercial leases and lending, different types of developments and complex registered and unregistered dealings will be addressed.

A good understanding of core land law principles is required and some conveyancing or landlord and tenant law office experience would be an advantage.

## Objectives

The aim of this course is to equip students with the knowledge and skills to act in commercial and complex property transactions. The course will be delivered against a backdrop of how to manage the increasingly complex nature of property transactions and also how a conveyancer can mitigate against the inherent liability and risk in such transactions.

## Syllabus

*Ethical and Regulatory Issues, Undertakings, Conflict of Interest, Case law on Liability and Risk*

- Undertakings
- Ethical obligations of solicitors
- Conflict of interest situations
- Case law on liability and risk
- Regulatory issues in property transactions

*Complex Unregistered Title, Title Research and Compulsory First Registration*

- Searching title to unregistered freehold/leasehold property
- Good/Bad Roots of Title
- Practical steps in investigating title
- Settlements and trusts
- Powers of Appointment
- Sale by Mortgagee
- Judgment Mortgages

- Purchase from a Sheriff
- Landed Estates Court Conveyance
- Title Research/Legal Genealogy
- Lost or destroyed deeds
- Application for First Registration of Freehold Title based on documentary title
- Form 3 cases

*Complex Land Registry Dealings, Adverse Possession, Conversion, Transmissions, Priority Searches, Cautions and Inhibitions*

- Applications for first registration based on possession
- Applications for first registration where freehold interest has been acquired under the Landlord and Tenant (Ground Rents) (No. 2) Act 1978
- Cautions against first registration
- Application for first registration of freehold title based on adverse possession
- Application for registration based on Section 49 Registration of Title Act 1964
- Conversion of Title
- Transmissions
- Cautions, Inhibitions and Priority Searches
- Cessor of Limited Ownership
- Property Adjustment Orders
- Crystallised Charges and charges with no ownership registered
- Shared Ownership Lease
- Concurrent Leases, surrender and merger
- Development Schemes and mapping

*Tax Issues in Conveyancing: the Conveyancers Obligations*

- Overview of Stamp Duty, Capital Gains Tax, and Residential Property Taxes (Household Charge, NPPR and LPT)
- Penalties and liabilities
- Conveyancers obligations
- Buying a business by acquiring assets or shares

*Apartments, Multi-Unit Developments, Mixed Developments and New Developments*

- Distinctions between conveyances of houses and apartments
- Acting for a builder/developer
- Liquidation of a builder
- Leases
- Common areas and the management company
- Booklets of Title and closing documents
- Title issues in second-hand or new apartments
- Structure of schemes of development
- Pre-contract enquiries
- Mixed residential and mixed commercial and residential developments
- Multi-unit developments

- Management Companies
- Service charge and insurance
- Structural defects and services/repairs

#### *Dealing with Companies and Commercial Lending*

- Lending to companies
- Qualifications on title
- Guarantees by companies and individuals
- Capacity
- Board resolutions
- Stamping and registration of security documents
- Consumer Credit Act, 1995
- Types of loan facility
- Companies Act, 2014

#### *FRI Leases: the Landlord's viewpoint versus the Tenants viewpoint; Negotiating and Handling Disputes*

- What is an FRI lease?
- Term of lease
- Repairs and alterations
- Insurance and service charge
- Alienation, renewal and renunciation
- Guarantees
- User and rent review

#### *Property Issues in Insolvency, Examinership and Liquidation; dealing with Nama*

- Process of insolvency, examinership and liquidation
- Documentation required for authority to sell
- Execution of documents
- Disclaimers and forfeiture
- Property related issues arising in insolvency, examinership and liquidation
- Dealing with NAMA

### **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Dr. Gabriel Brennan

# COMMERCIAL CONTRACTS

## Why should I choose this elective?

Commercial practitioners are required to advise on and draft contracts for a wide variety of business arrangements. This elective provides trainees with an opportunity to develop the skill of effective contract drafting. Trainees will also gain an insight into the key terms and considerations involved in typical commercial agreements.

## Objectives

The course is designed to provide students with an understanding of what is required to successfully negotiate and draft commercial contracts.

## Syllabus

### *Contract Law Refresher/Update*

- Formation of a contract
- Express and Implied terms
- Evidence of contractual terms
- Execution of contracts
- Breach of contract
- Remedies and Enforcement
- Variation
- Assignment of rights

### *Negotiating contracts*

- Understanding the underlying transaction
- Taking instructions and establishing the commercial objectives of the parties
- Due diligence
- Pre-contract documentation (letters of intent, memorandums of understanding, subject to contract, 'without prejudice')
- Confidentiality agreements
- Exclusivity (agreements to agree)
- Establishing settlement ranges
- The negotiation process in practice
- Reviewing and effectively commenting on the draft contract

### *Understanding the anatomy of a contract*

- Form and layout of a commercial contract
- Use of precedents
- Role of schedules
- Analysis of common clauses (with illustrations of how clauses can vary depending on the type of the contract and the commercial objectives of the parties)

### *Drafting a contract*

- Drafting tips and techniques
  - Use of clear/concise language
  - Ambiguity-how to avoid it
  - Problematic words and phrases
  - Standard terminology
  - Use of defined terms
  - Tone and format
  - Rules of interpretation
  - Getting the grammar right
  - Achieving legal and commercial certainty
- Planning and drafting a basic commercial contract

#### *Service Agreements*

- Key terms in a Service Agreement
- Service-Level agreements

#### *Agency Agreements*

- Choosing a marketing agreement (agency v distribution agreements)
- Analysis of the Commercial Agents regulations
- Key terms in an agency agreement

#### *Distribution Agreements*

- Consideration of key terms and commercial objectives of a Distribution Agreement
- Advising clients on the application of Competition Law and the EC Regulations / Competition Authority Declaration on Vertical Agreements

#### *Franchising Agreements*

- Understanding the concept of a franchising agreement – key examples
- Commercial reasons for franchising
- Analysing the key terms of a franchising agreement
- Advising clients on the application of competition law
- Licensing of IP rights

#### *Outsourcing Agreements*

- Types of Outsourcing and commercial reasons for outsourcing
- Consideration of key terms of an Outsourcing Agreement
- Employment law aspects of outsourcing
- Data protection issues surrounding outsourcing

### **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Joanne Cox

# CORPORATE TRANSACTIONS

## Why should I choose this elective?

Transactions involving the acquisition of private companies or businesses are commonplace in any firm undertaking commercial/corporate work. This elective will help trainees develop a practical and in-depth understanding of the key steps and documentation involved in buying and selling a company/business. This will include a consideration of Management Buy-Outs. Trainees will also gain an insight into the issues and documentation involved in financing a corporate transaction. The steps, documentation and substantive law involved in a transaction remain the same irrespective of the size of the deal. This elective is therefore relevant to trainees in all types of firms.

## Objectives

This elective will provide trainees with an opportunity to build on their knowledge of mergers and acquisitions, gained at PPC I level. The course is designed to equip trainees with the necessary legal skills to undertake and advise clients on corporate transactions. Trainees will follow a realistic case study that will take them, step-by-step, through the legal, commercial and practical aspects of a transaction. A strong emphasis will be placed on the role of a trainee/newly-qualified solicitor in the different stages of an acquisition.

## Syllabus

### *General*

- Public v Private Companies
- Reasons for acquisition activity
- Basic acquisition methods
- Valuing a company/business
- Forms of consideration
- Overview of the key steps and documentation involved in a transaction including exchange and completion

### *Share Purchases and the Share Purchase Agreement*

- Quantifying and dealing with the risk faced by the Purchaser
  - The due diligence process
  - Warranties and indemnities
  - Restrictive covenants
- Limiting the Vendor's Liability
  - Negotiating the warranties and indemnities
  - Vendor protection clauses
  - Qualifying the warranties – the disclosure letter
  - Entire agreement clauses



### *Asset Purchases and the Asset Purchase Agreement*

- Specific Issues relating to Asset Sales including:
  - Due diligence issues
  - Warranties and indemnities in the context of an asset purchase
  - The treatment of employees where a business is sold as a going concern
  - Consideration – apportionment and tax issues
  - Dealing with debtors and creditors
  - Transferring assets

### *Management Buy-Outs*

- Structuring the acquisition
- Financing a management buy-out
- Investment structure –the ratchet mechanism
- Provision of warranties

### *Irish Merger Control*

- Application of merger control in Ireland
  - Control
  - Identifying undertakings involved in the transaction
  - Turnover thresholds
- Mandatory and voluntary notifications

### *Financing an acquisition*

- Debt Finance- Bank Loans
  - Types of loan
  - The loan agreement/ facility letter
  - Ranking of debt finance and inter-creditor deeds
  - Provision of security and associated documentation
  - Financial assistance
- Debt Finance – Issue of Debt Securities
  - Restrictions on private companies
  - “Banking Business”
- Equity Finance
  - Issuing further shares to existing shareholders/third parties
  - Restrictions on private companies
  - Shareholder and Subscription Agreements

### *Takeovers*

- An introduction to the Irish Public Takeover regime covering the principal ways of conducting a takeover and identifying the key considerations and issues that arise.

### **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Joanne Cox.

# INSOLVENCY

## Why should I choose this elective?

This elective will delve into the many aspects of insolvency that solicitors face in practice. This will include issues such as: personal insolvency; company insolvency; compulsory liquidations; voluntary liquidations; receiverships; alternatives to winding up; and international insolvency. The teaching team are experts in their field and will impart the knowledge necessary to practice in this area.

## Objectives

This course provides the legal foundation necessary to advise and act for: liquidators; receivers; examiners; directors and shareholders of insolvent entities; companies and third parties (such as creditors); banks and employees of insolvent entities. The impact of the Companies Act, 2014 on Insolvency practice will be explored throughout the Syllabus.

The Irish Society of Insolvency Practitioners (ISIP) sponsor a prize for the highest mark obtained in this elective's exam.

Note: this elective comprises 8 lectures and 2 tutorials.

## Syllabus

### *Company Insolvency*

- Effect of winding up on creditors and third parties
- Realisation and distribution of assets
- Proof of debts
- Priorities

### *Liability of Directors and Shareholders*

- Directors' duties
- Reckless and fraudulent trading
- Restriction and disqualification
- Fraudulent preference
- Impact of NAMA Act 2009

### *Compulsory Liquidations*

- Demand Letters and Petitions
- Appointment, powers and duties of a liquidator
- Procedures and filing
- Impact of NAMA Act 2009

### *Voluntary Liquidations and Creditors' Meeting*

- Members voluntary winding up
- Creditors voluntary winding up
- Functions of a liquidator

- Advising the company/ a creditor attending a creditors' meeting

#### *Receiverships*

- Eligibility and appointment of a receiver
- Receiver's duties and powers
- Status of company in receivership
- Statutory Receivers pursuant to NAMA Act 2009

#### *Alternatives to Winding Up*

- Company voluntary arrangements
- Examinership

#### *Personal Insolvency*

- Bankruptcy proceedings
- Arrangements with creditors
- Schemes under the Personal Insolvency Act 2013
- 

#### *International Insolvency and Conclusion*

- Bankruptcies
- Liquidations
- International regulation of cross border insolvency
- EU insolvency regulation

### **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Rachael Hession.

# MEDICAL LAW & LITIGATION

## Why should I choose this elective?

The issues surrounding health care provision are taking on an increasingly important role in society, as the doctor/patient relationship, and the ethical practices of the medical profession are subjected to scrutiny. As a result, the legal regulation of health care is a fast-growing and significant area of law and medical law issues are increasingly encountered in practice, including medical negligence actions.

## Objectives

This elective is designed to equip students with the knowledge to allow them to provide advice to both health care providers and health care recipients in relation to a wide variety of medical law issues and related litigation which can arise in practice.

The lectures in Part A also form part of the Advanced Civil Litigation Elective.

## Syllabus

### Part A

#### *Recent developments in:*

- Tort & Contract.
- Practice and procedure (e.g. the New RSC on the Conduct of Trials).
- Damages.

#### *Third Party Practice & Procedure and other Defence strategies.*

- Third party law, practice and procedure.
- The linking and consolidation of proceedings.
- Security for costs
- Calderbank letters, lodgements/tenders

#### *Mediation*

- When it is appropriate.
- How it works.
- Organising a mediation.

#### *Costs*

- An overview
- Agreeing and taxing costs.
- Sheehan v Corr
- The Legal Services Regulation Act 2015

### Part B

#### *Introduction to Medical Law Course Overview.*

- Medicine, Medical Ethics, and the Law.
- Regulation of the Medical Professions in Ireland.

### *Consent to Medical Treatment*

- Informed Consent.
- Overriding refusal of treatment.
- Consent of the mentally incompetent patient.
- Consent of children.

### *Confidentiality*

- Duty of confidence.
- Exceptions to duty of confidence.
- Access to medical records.

### *Medical Negligence*

- Common causes of action and their legal basis.
- Difficulties in establishing liability.
- Defences.
- Identifying the appropriate parties.
- Where and how to start.
- Practice and procedure.
- Limitation of actions and want of prosecution.
- Expert evidence.
- Discovery and Freedom of Information.

### *Reproduction and the Law*

- Contraception.
- Termination of pregnancy.
- Sterilisation.
- Assisted Reproduction.

### *Mental Health and the Law*

- What is mental illness?
- Voluntary and involuntary treatment of mentally ill patients.
- Mental illness and legal responsibility.
- Mental Health Tribunals.

### *End of Life Decision Making*

- Diagnosis of death.
- Euthanasia.
- Assisted Suicide.
- Withdrawal of treatment.
- DNR.

## **Materials**

Course materials will be provided in electronic form only via iPad.

**Responsible Staff Member:** Colette Reid.

# NON-ADVERSARIAL DISPUTE RESOLUTION

## Why I should choose this elective?

Whilst litigation maybe an important component of every legal practice the trend in modern legal practice is to look at alternative non-adversarial methods of dispute resolution before resorting to litigation and court imposed solutions. This elective will prove vital to any solicitor intending to work in general practice or to specialise in civil litigation. This elective looks at three methods of dispute resolution currently in operation in this jurisdiction and most commonly encountered in everyday practice – being arbitration, mediation and adjudication.

## Objectives

This elective affords trainees the opportunity to expand their knowledge of methods of dispute resolution and more effectively advocate for clients and guide them through their chosen process. The course is very practical and builds on knowledge and skills acquired on PPCI. This elective places trainees in the unique position of being trained to participate as the solicitor in the arbitration, mediation and adjudication processes which will no doubt become, as in many other jurisdictions, more integrated into everyday legal practice.

## Syllabus

### *Arbitration*

- When arbitration is appropriate or compulsory
- How it works
- Your role as the solicitor in the process

### *Mediation*

- When mediation is appropriate or compulsory
- How it works
- Your role as the solicitor in the process

### *Adjudication*

- When adjudication is appropriate or compulsory
- How it works
- Your role as the solicitor in the process

## Teaching Methods and Course Format

This course is a blended learning course combining on-line learning methods and action based skills tasks. Trainees are encouraged to assimilate information before having the opportunity to apply what they have learnt whilst working through everyday problems in workshops and role-plays assessments.



There are no formal lectures. E-lectures are available on-line, via Moodle, for viewing at a time most convenient for each trainee.

During the three practical workshops trainees have the opportunity to not only apply the knowledge acquired in their own time but to interact with practitioners who are acknowledged experts in their particular field of dispute resolution to build on their knowledge.

There are 96 places available on this elective.

## **Materials**

All course materials and information will be provided in electronic form only via iPad.

## **Assessment Process**

As there is no formal examination, the course is continuously assessed which means that each and every task or activity forms an integral part of the continuous assessment process and overall grade. This includes attendance at face-to-face lectures, viewing of online e-lectures, attendance and participation in workshops, completion of assigned pre-workshop tasks, peer-to-peer and written and oral assessment. All deadlines are very strictly enforced with failure to comply resulting in no marks being allocated for the particular element of the course not completed. There are no exceptions to this rule. All Pre-Workshop Tasks will be graded by trainees' peers as well as by an internal marker. During the peer assessment process trainees, will grade anonymously assigned scripts following an identified prescribed rubric. For this step, each trainee will receive a personal grade based on an identified prescribed rubric. Each trainee's script will be anonymously graded by a number of trainee colleagues for which the trainee whose script is being assessed will receive a mean average grade. This means each trainee receives two grades during the peer-to-peer assessment process – one for marking the scripts of other trainees and one from a number of colleagues. Each module concludes with a written and/or oral assessment that will be graded by internal and external markers.

The tasks include watching e-lectures, attending Workshops, drafting documents, representing a client in hearings or meetings and successfully completing all tasks and assessments.

All tasks and assessments must be successfully completed during the delivery of the relevant PPCII course. There is no make-up work that can be completed in substitution for incomplete work or non-attendance. Any trainee failing to successfully complete any module of this elective will be required to complete the incomplete element on PPCII 2018.

*Attendance at Workshops, completion of all tasks and completion and attendance at all assessments is compulsory.*

**Responsible Staff Member:** Jane Moffatt.

# TECHNOLOGY AND INTELLECTUAL PROPERTY LAW

## Why should I choose this course?

Technology and intellectual property law is a thriving area of practice that brings with it a rich and interesting mix of work.

As employees, consumers and indeed as citizens of the state, technology and intellectual property law affects us all on a daily basis. Equally, few businesses (large or small) can afford to ignore the shift in the way the world now does business. As such technology and intellectual property law is of growing importance in every area of commercial life. This elective is therefore relevant to trainees in all types of firms, as solicitors increasingly encounter legal situations involving technology based disputes and/or intellectual property protection issues. As one of the fastest growing areas of practice, knowledge of technology and intellectual property law is also very marketable both in Ireland and abroad.

## Objectives

The course is designed to equip trainees with the necessary legal skills to advise a client on the law relating to IT and Intellectual Property.

## Syllabus

### *Trade Marks and Passing off*

- Overview of the current trademarks legislative regime and the common law concept of passing off
- Remedies available for infringement
- Dealing with registered trademarks (licence agreements)
- European Union trade marks

### *Copyright*

- Nature of copyright
- Works protected by copyright
- Rights of owner
- Relevance of WIPO agreements and EU developments

### *Designs and Protection of Computer Programs and Databases*

- Protection of databases under EU and Irish law
- Relationship between copyright and the database right
- Industrial design protection
- Distinction between a registered design and copyright

### *Patents and Confidential Information*

- Applying for a patent
- Overview of the rights conferred by ownership of a patent
- Infringement
- Analysis of the law relating to the unauthorised use of information and concepts which do not benefit from patent protection

### *IT Contracts*

- Overview of the legal principles which underpin software licensing
- Key components of a software licence agreement

### *Data Protection*

- The General Data Protection Regulation
- Managing the legal risks associated with data protection
- The EU-US Privacy Shield

### *Social Media*

- Issues in the work place
- Ownership of accounts
- Potential liability risks

### **Materials**

Course Materials will be provided in electronic form only via the iPad.

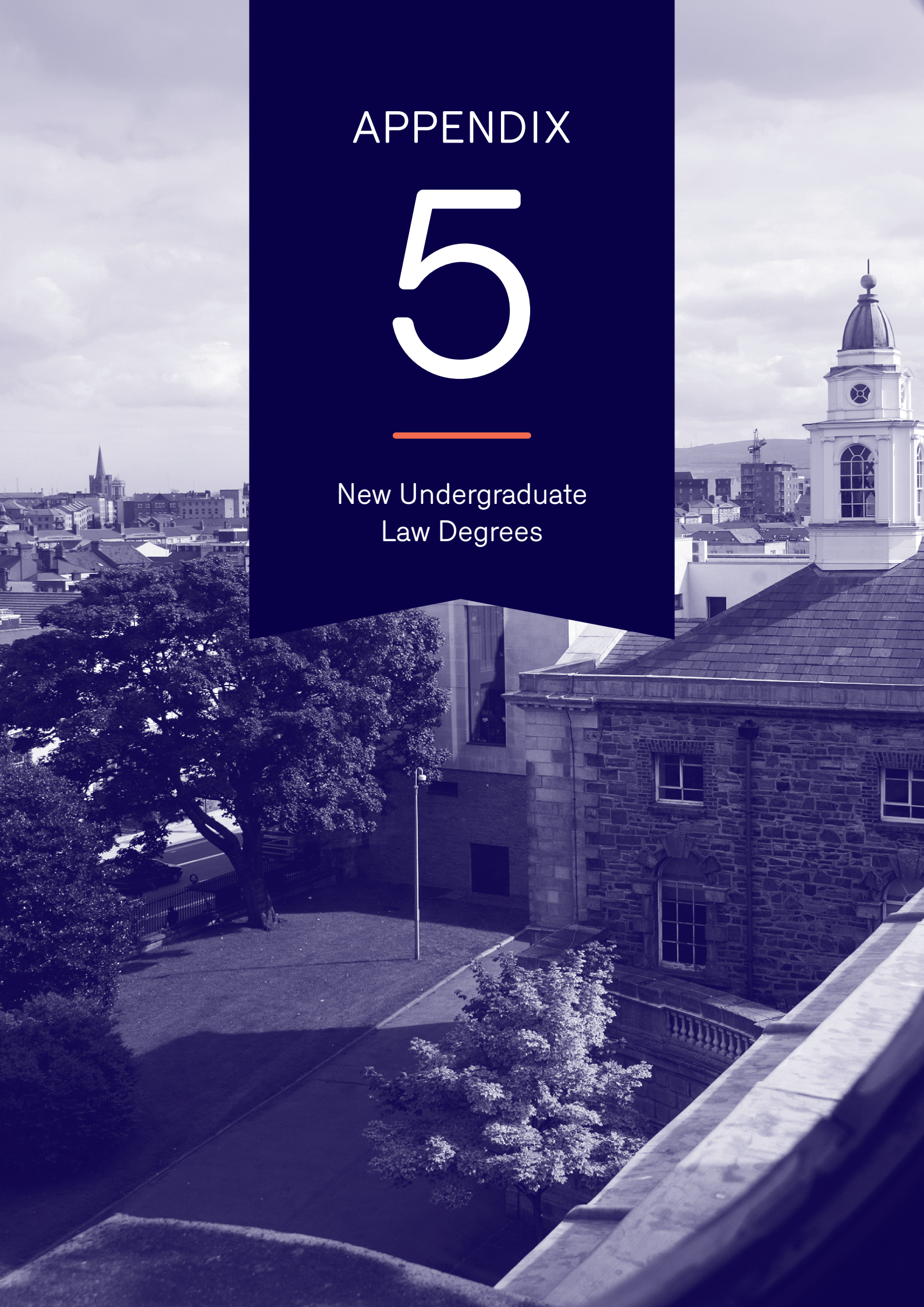
**Responsible Staff Member:** Joanne Cox



# APPENDIX

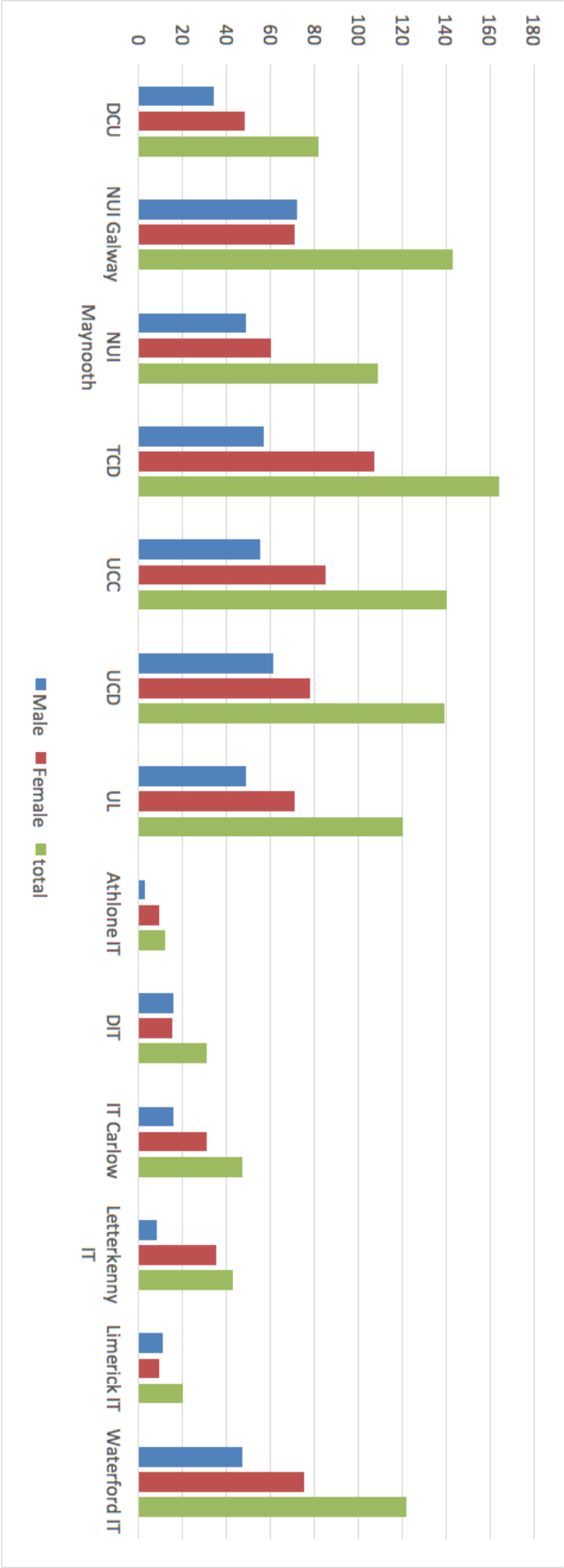
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## New Undergraduate Law Degrees



At 1 March 2016, the distribution of new law undergraduates between the universities and those Institutes of Technology with a law offering was (Higher Education Authority, 2016):

Figure 2 New law undergraduates in 2016



DCU		NUI Galway		NUI Maynooth		TCD		UCC		UCD		UL		Total
M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
34	48	82	72	71	143	49	60	109	57	107	164	55	85	140
Law														

Athlone IT		DIT			IT Carlow			Letterkenny IT			Limerick IT		Waterford IT			Total		
M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total				
3	9	12	16	15	31	16	31	47	8	35	43	11	9	20	47	75	122	275
Law																		





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