

Section 34 Consultation

Legal Services Regulatory Authority

PO Box 12906

Dublin 2

12th June, 2018

To whom it may concern

I am writing, on behalf of Maynooth University Department of Law, with regard to the consultation currently being undertaken under section 34(1)(a) of the Legal Services Regulation Act, 2015, in relation to the initial and continuous education and training of legal practitioners (solicitors and barristers).

I am also party to a submission made jointly by the Heads of Law Schools and Departments in universities in Ireland. In that submission, we made specific reference to the admission requirements, and the link with legal education, in Irish universities. In particular, our joint submission noted that:

[a]dmission to the Law Society of Ireland is not currently linked to a requirement to have a recognised law degree. Nor are there any exemptions given for having such a degree. This is problematic for a number of reasons. To begin with, it does not formally acknowledge the depth and breadth of education provided by an undergraduate law degree. Such a legal education includes a range of core and specialist elective modules. Through choosing from a wide range of elective modules (many taught at an advanced level), students learn to think critically about the law and how it develops. They realise that legal problems do not come pre-packaged within the discrete subjects tested on an entrance exam. Furthermore, undergraduate law students are exposed not only to the study of the substantive law, but, at the same time, undertake significant international exchanges and skills-based learning, including advocacy, legal writing, and the consideration of ethical dilemmas posed by legal regulation.

In all aspects of undergraduate legal education, students integrate perspectives from Irish law, European law and international law in arriving at comprehensive answers to legal problems, breaking down subject-matter boundaries. This prepares students to be better practitioners but, just as importantly, makes them attuned to law's social function. This is essential if the legal professions are to serve the needs of society more broadly.

The education itself is provided in a research focused environment by academics who are leading experts in their respective fields. It is also student-centred, ensuring that learners are pedagogically engaged in ways that are designed to maximise learning outcomes. In not acknowledging its benefits, admission to the professional community of legal practice is decoupled from the community of legal scholarship, something which does not occur in other professional disciplines such as medicine, dentistry, pharmacy, engineering, psychology, or accounting. It also results in an anomalous situation where Irish law degrees are recognised by other accrediting bodies such as the Law Society of Northern Ireland, Legal Practice course providers in England and Wales, the Bar Council of India, and the New York State Board of Law Examiners, but not specifically by the Law Society of Ireland.

Based on all of the above considerations, it is our view that in line with practice in many other jurisdictions, admission to the Law Society of Ireland should include a recognition of the undergraduate law degree.

More generally, we consider that there is a need for a framework that promotes dialogue with the professional bodies about admission to practice and related matters, and acknowledges the quality and relevance of the legal education currently provided by University law schools and departments at both undergraduate and graduate levels'.

Maynooth University Department of Law would particularly emphasise the need for ongoing dialogue between the LSRA, the professional bodies, and the Universities, concerning their respective roles in relation to professional training, and legal education. The Department and the University believe that our primary role is to focus on providing a rigorous intellectual and ethical formation in the law (broadly conceived), and our sole, or even, perhaps, primary, emphasis should not be on technical knowledge and competence in the law, an emphasis which is more appropriate for the professional bodies.

The Department and the University have a strong commitment to interdisciplinarity and critical thinking, and a strong commitment to a liberal model of education, which, *inter alia*, provides important space for the discussion of ethics and values in the legal curriculum. The autonomy for the Department and University to design, and implement, a broad-ranging curriculum along these lines is vital.

Additionally, it is important to stress that, like all University Law Schools and Departments, Maynooth University provides academic law programmes that cater to a wide diversity of law students, many of whom do not become, or ever aspire to become, qualified lawyers. Our overall mission, therefore, in terms of legal education, is necessarily distinct from that of the professional bodies. As educators, our role is to ensure that graduates of law programmes have an appreciation of global social, economic, and cultural contexts and challenges, and the skills to engage with these, not only as legal practitioners, but as active and involved citizens.

Maynooth University is a national leader in promoting access to third-level education for traditionally underrepresented groups. In this regard, the Department of Law and the University very much welcome initiatives such as the Law Society's Access programme, and the Law Library's Denham Fellowship, which seek to improve access to, and affordability of, professional qualifications. We would encourage the LSRA to continue to prioritise access to the profession from underrepresented groups.

Best wishes,

Professor Michael Doherty,
Head of Maynooth University Department of Law.