

SUBMISSION TO THE LEGAL SERVICES REGULATORY AUTHORITY (LRSA) IN RELATION TO SECTION 34(1) (a) OF THE LEGAL SERVICES REGULATION ACT, 2015

INTRODUCTION

It is noted that the Legal Services Regulatory Authority (LRSA) is seeking views and submissions in relation to the initial and continuous education and training of legal practitioners (solicitors and barristers).

The Southern Law Association, as a representative association for solicitors in Cork City and County, is responding to that invitation insofar as it relates to the Education and Training of Solicitor Practitioners.

Under the present system, any person wishing to qualify as a Solicitor in the Republic of Ireland must firstly sit exams in eight core law subjects, which exams are collectively referred to as the Final Examinations Part 1 (FE1's). Regardless of the person's legal education to that point, any person can apply to and sit those FE1 exams (though there are certain entry criteria for those who do not hold a primary degree which includes the administration of a preliminary examination or the obtaining of an exemption from that exam).

The FE1 examinations (generally referred to as the entrance exam) are administered by the Law Society of Ireland and represent the entry level requirement which each person must obtain in order to be entitled to be admitted as a trainee solicitor in Ireland.

OBSERVATIONS

It seems to us, that that system works well, in that while primary legal education in core subjects is offered by a number of institutions, the entry level requirements for admission to become a trainee solicitor is standardised. This ensures that every person seeking to be admitted as a trainee solicitor has an established standard of knowledge in core areas of law.

Once admitted as a trainee solicitor, while a trainee's office experience might be varied, depending on the nature of the office in which they train, every trainee is required to be exposed to a variety of areas of practice as part of that traineeship. Furthermore, each trainee attends two professional practice training courses, where key training in the skills required to practise as a solicitor (to include legal ethics, negotiations, alternative dispute resolution as well as conveyancing, probate and taxation) are taught. Following each of the two professional courses, a series of exams are administered, which exams have as their object the task of ensuring that required standards in training are maintained.



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We anticipate that it might be suggested that organisations other than the Law Society could provide this professional practice training to trainee solicitors. This is unquestionably true. We would be concerned however, as to how standards might be maintained if that were to happen. Furthermore, there must be a very large risk with such a scheme of a two tiered or multi-tiered system evolving, so that the large firms seek to train their own trainees in areas of interest to them, but without regard to the larger legal framework or the needs of society at large. It appears from the experience of other common law jurisdictions that allowing large corporate firms to provide their own in-house training represents a significant barrier to entry for those not in training in those firms and also leads to a two tier level of training of solicitors which does not benefit society at large.

Were there to be consideration given to the professional training of trainee solicitors by institutions other than the Law Society, we would consider that it would be imperative that a standardised exam would be introduced and administered by the Law Society, which would ensure that a standard in professional training was maintained across the profession. This is not only to ensure that trainee solicitors are properly trained, but that the public can be assured that any person who is entitled to call themselves a practising solicitor, has a base level of expertise and knowledge deriving from their training.

We would consider that any training model which would allow for a myriad of different professional training institutions to undertake the training of Trainee Solicitors could only be countenanced were one standard examination put in place and run by that accrediting body.

We would consider that such accrediting body should be the Law Society of Ireland.

Any system that allows multi-tiered training would be detrimental to the profession as a whole but more especially would be detrimental to the interests of the public, who are entitled to expect and require their solicitors meet not only professional practice standards, but also standards of ability and knowledge.

A comment is sought on the arrangements which would facilitate the minimisation of duplication and consequent expense incurred in the taking of examinations in legal subjects. While it might appear that requiring a person who has taken a primary law degree to also undertake the FE1's is a duplication in examinations, in fact, ensuring a standardisation across all trainee solicitors on entry is essential to the proper education of trainees and ensures that all trainees enter into their training contracts on a level playing field of knowledge.

To not have such entrance exams would seem to us to unduly advantage the universities which historically would have more distinguished reputations and provide a real barrier for access for those students who may have

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undergone their primary field of study in less well known or distinguished institutions.

SUMMARY

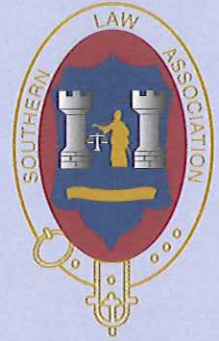
In summary, we consider:-

1. The FE1 requirement for entry to become a trainee solicitor should be maintained.
2. Having all professional training of trainee solicitors conducted by one institution provides core grounding for students across a myriad of subjects and is to be preferred. If however cognisance is to be given to moving from that model, we would consider it should be done only if further standardised tests are introduced which all Trainee Solicitors are required to sit and pass before they are entitled to be admitted on to the Roll of Solicitor.
3. We consider that in no circumstances should multi-tiered alternate training options be countenanced, without a standardised exam or alternative methodology of ensuring that all trainees meet the same basic standard so that the public at large know that any person who can refer to themselves as a solicitor has met fundamental academic and practical training standards.


Joan Byrne
PRESIDENT

On behalf of
THE COUNCIL OF THE SOUTHERN LAW ASSOCIATION

15.06.2018



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