



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

Pathways to the Professions

*The LSRA's
First Annual Report
on Admission to the
Legal Professions 2019*

Contents

Section 1: Introduction	3
Section 2: Context and Framework for Assessment.....	5
Section 3: Admission Policies of the Legal Professions.....	9
Section 4: Statistics on Admissions to the Legal Professions.....	19
Section 5: Demand for Legal Services in Irish Economy	33
Section 6: Costs of Legal Services in Ireland	46
Section 7: Summary of Research to Date on Admissions to the Legal Professions.....	51
Section 8: Summary of Consultation Responses Received by the Authority.....	55
Section 9: Authority's Conclusions and 2019 Assessment.....	68
References	71
Annexes.....	73

Section 1: Introduction

Origin and purpose of this report

- 1.1 The Legal Services Regulatory Authority (the Authority) is pleased to present to the Minister for Justice and Equality its first Annual Report on the Admission Policies of the Legal Professions. This report has been prepared on foot of the requirement in section 33(1) of the Legal Services Regulation Act 2015 (the Act). This mandates the Authority to prepare and submit to the Minister an annual report on the admission policies of the legal professions containing the following elements:
- a. the number of persons admitted to practise as solicitors during 2019;
 - b. the number of persons admitted to practise as barristers during 2019;
 - c. an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in 2019 is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

The report is required to be submitted no later than four months after the end of each financial year i.e. no later than 30 April 2020.

Statutory consultation

- 1.2 This report includes the views of stakeholders who were invited to respond to a consultation carried out by the Authority under section 33(2) of the Act with professional bodies and such persons as it considers appropriate. The professional bodies under the Act are the Law Society of Ireland (the Law Society), the Bar of Ireland and the Honorable Society of King's Inns (King's Inns).
- 1.3 On Thursday 19 December 2019, the executive of the Legal Services Regulatory Authority (LSRA) wrote to the three professional bodies inviting submissions by the date of Monday 3 February 2020. This provided for a consultation period of more than six weeks, which falls within the suggested timescales contained in the guidance on public consultations published by the Department of Public Expenditure and Reform in November 2016.¹
- 1.4 The LSRA requested the professional bodies to furnish statistical data required to assist the Authority to meet its statutory obligations under section 33(1)(a) and (b) of the Act on the numbers of solicitors and barristers admitted to practise in the year 2019.

¹ Department of Public Expenditure and Reform (January 2019) Consultation Principles and Guidance (Available [here](#))

- 1.5 On Monday 23 December 2019, the Authority published a general invitation on its website calling for the submission of views on the admission policies of the legal professions. This invitation was issued directly by email to 295 recipients on the LSRA's consultations list. Written responses were requested by Monday 3 February 2020. Several respondents requested extensions of the deadline, and all such requests were acceded to. A list of respondents and a copy of the consultation notice are available in Annexes A and B.
- 1.6 All recipients of the consultation notice were offered an opportunity to make general comments or observations and also to share any data or analysis that they considered relevant. The Authority is grateful to those organisations and individuals who took the time to respond, in particular the professional bodies for the detailed statistical data supplied in relation to admissions. All of the observations made were extremely useful for the Authority in preparing this report to the Minister and in developing the methodology for future annual reports on the admission policies of the legal professions.
- 1.7 This report sets out the statistical data required, the results of the consultation, and the Authority's 2019 assessment in relation to admission policies. The report is divided into the following sections:

Section 2 sets out the context and framework for this year's report, including the ongoing work of the Authority in relation to legal education and training under section 34 of the Act.

Section 3 documents the current admission policies of the legal professions, including recent changes introduced by the Law Society to training admissions for solicitors.

Section 4 provides statistical information in relation to the number of persons admitted to practice as solicitors and barristers during 2019.

Section 5 assesses the demand for the services of practising barristers and solicitors in the economy, based on available data.

Section 6 provides an overview of the current state of research and knowledge in relation to the costs of legal services.

Section 7 documents research carried out to date on admission policies of the legal professions, including the Authority's own substantial work in this area.

Section 8 summarises the views received through the consultation exercise and the main issues arising from these.

Section 9 is the Authority's conclusions and assessment to the Minister for 2019.

Section 2: Context and Framework for Assessment

- 2.1 This section sets out the background context and the Authority's framework for analysis for this inaugural Annual Report to the Minister for Justice and Equality on the Admission Policies of the Legal Professions. In carrying out its consultation and preparing this report, the Authority has been mindful not only of its obligations under section 33 of the Act, but also of its other statutory commitments.
- 2.2 The Authority considers it appropriate to take an expansive view of its reporting obligations under section 33. In particular, it views this annual report in the context of its duty under section 13(2)(a) of the Act to keep under review and make recommendations on admission requirements and policies, and on the arrangements for education and training both for admission and ongoing practice.
- 2.3 The data, themes and analysis emerging from this report are highly relevant for the Authority's ongoing work in considering issues related to legal education and training in fulfilment of its statutory obligations under section 34 of the Act, as set out below. The admission policies of the legal professions are part of the system of legal practitioner education and training. The formal act of admission may be a stand-alone event – for barristers it is the ceremony of being 'called to the Bar' and for solicitors it is the parchment ceremony that signals admittance to the Roll of Solicitors. However, for aspirant solicitors and barristers, admission to their respective professions is part of a journey which begins when they determine to seek to enter professional training.

The Authority's work under section 34

- 2.4 Under section 34 of the Act, the Authority was required to provide to the Minister by 30 September 2018 a report in relation to the education and training (including ongoing training arrangements) in the State for legal practitioners, including the manner in which such education and training is provided.
- 2.5 In addition to its own resources, the Authority engaged the expertise of a specialist external Review Team, Hook Tangaza, to undertake the research required, to manage an extensive public consultation exercise and to report to the Authority on its findings. The Hook Tangaza Review Team submitted its report to the Authority in August 2018.² The Review Team found evidence of:
 - a lack of clarity around the competencies required of a solicitor or barrister;
 - the existence of indirect barriers to entry into the professions;
 - the existence of unnecessary duplication in learning and assessment;

² Hook Tangaza (2018) Review of Legal Practitioner Education and Training (Available [here](#))

- a mismatch of the skills taught in current professional qualification courses with the needs of the users of legal services;
- the existence of some quality gaps; and
- a lack of independent oversight of the system of legal practitioner education and training.

The Review Team submitted 14 proposals to the Authority for its consideration. These proposals aimed to:

- provide a clear definition of professional legal competences for the professions and ensure that required competencies meet the requirements of all stakeholders;
- remove barriers to access, including by reducing duplication of learning and the costs and time required to qualify;
- ensure that the provision and assessment of legal practitioner education is best aligned with the goals of developing and assuring professional competence; and
- ensure ongoing independent oversight, review and monitoring of the quality of legal education and training and its providers.

The way forward

2.6 On 28 September 2018 the Authority submitted its first report to the Minister for Justice and Equality into legal education and training in the State under section 34(1)(a). That report was in two parts: the first part was a report from the Authority to the Minister³ and the second part was the research report from the external Review Team.

2.7 In its report, the Authority stated that:

- the research report set out a detailed case for reform of the education and training of legal of legal practitioners, and
- the proposals, if implemented, had the capacity to significantly affect the education and training of legal practitioners and the wider legal services sector, and
- legislative change would also be required.

2.8 The Authority expressed the view that such significant change should only be made following careful consideration and informed debate on both the proposals for change and their proposed implementation and impact. The Authority concluded that it would make its

³ Legal Services Regulatory Authority (2018) Report on the Education and Training of Legal Practitioners Report to the Minister for Justice and Equality, Mr. Charles Flanagan TD under section 34(1)(a) of the Legal Services Regulation Act, 2015. (Available [here](#))

final recommendations and set out a proposed implementation process when it has had the opportunity to undertake further consultation on the proposals laid out in the Hook Tangaza report, as well as engaging with both the providers and users of legal services, and exploring the possible impact of the proposals on legal education and on the wider legal services sector.

- 2.9 Further consultations took place during 2019, comprising of a series of meetings between the LSRA executive and the professional bodies, a further round of public consultation and a one-day symposium on legal education and training. These additional rounds of engagement allowed stakeholders in legal services, legal education and training and in the wider community to explore the way forward. The Authority now intends to submit a further report to the Minister for Justice and Equality in 2020, outlining the recommendations it considers appropriate in relation to the provision of legal education and training in the State.

Impact on the Authority's regulatory objectives

- 2.10 The Authority's role in reporting on the admission policies of the legal professions is vital in ensuring that its regulatory objectives are met. These regulatory objectives as set out under section 13(4) of the Act are:

(a) protecting and promoting the public interest,

(b) supporting the proper and effective administration of justice,

(c) protecting and promoting the interests of consumers relating to the provision of legal services,

(d) promoting competition in the provision of legal services in the State,

(e) encouraging an independent, strong and effective legal profession,

(f) promoting and maintaining adherence to the professional principles of legal practitioners specified in subsection 5.⁴

- 2.11 The admission policies of the legal professions are part of the education and training system for solicitors and barristers. This system plays a role in ensuring that the Authority's regulatory objectives are met.

- 2.12 The legal education and training system can help promote the public interest by ensuring that society's needs for a good quality, independent, ethical, diverse, accessible, affordable and competitive legal profession is being met. Admission policies may have an impact on the administration of justice by ensuring an adequate supply of suitably qualified legal practitioners to facilitate the smooth functioning of the justice system.

- 2.13 It is in the interests of consumers that the supply and distribution of legal practitioners is sufficient and that they are able to provide the right kinds of services to meet demand and at reasonable cost. Admission policies can also help to promote competition and

⁴ Section 13(5)

innovation in the legal services sector by ensuring that there is a suitable talent pool available to encourage and enable new legal service providers to enter the market.

- 2.14 The education and training system plays a part in promoting an independent, strong and effective legal profession by equipping newly qualified practitioners to be adaptable to the changing circumstances of the market and economy. Finally, the policies can promote the integrity of the profession through the provision of training and education which includes a firm grounding in ethics and which helps to ensure adherence to professional principles.
- 2.15 For these stated reasons, the opportunities, rules and strictures that are part of the education and training system leading to admission to the professions have a direct bearing on the wider functioning of the legal services sector. As the Hook Tangaza Review Team report observed:
- 2.16 *“Most obviously, the education and training system creates a filter, which helps to determine the overall size of the legal professions, and which has an impact on their socio-economic, geographic and demographic make-up. The ease or difficulty of entering the legal market, and the rewards which follow from doing so, are inevitably correlated with the system of education and training.”*
- 2.17 These considerations suggest that the Authority is justified in taking a broad approach to its reporting requirements under section 33 of the Act. This perspective is also reflected in the issues and concerns raised in the submissions the Authority received in respect of this statutory consultation, which are referenced through this report where relevant, and also summarised in Section 8.

Section 3: Admission Policies of the Legal Professions

- 3.1 This section provides an overview of the admission policies of the legal professions. It includes an outline of changes to admission policies for trainee solicitors introduced since the publication of the Hook Tangaza Review Team report to the Authority in September 2018.
- 3.2 There are common stages in the training leading to qualification as a solicitor or barrister in Ireland. For both professionals the process has three stages:
- An academic stage, which should ensure that individuals seeking a professional legal qualification possess the appropriate knowledge of the law and how to apply it.
 - A professional/ vocational stage, which should equip those seeking qualification with the essential knowledge and skills to undertake the core processes and procedures expected of a legal practitioner.
 - A practical training/apprenticeship stage, which should give aspiring legal practitioners experience of 'real world' legal practice, under supervision.
- 3.3 In many parts of the common law world, the academic stage of qualification is delivered by higher education institutions, the vocational stage by specialist professional education providers, and the practical stage through some form of trainee placement in a law firm or apprenticeship to a self-employed advocate. In Ireland, the academic stage of qualification for both solicitors and barristers is not formally integrated into the process of professional education and training. Instead, admission to the professional stage of qualification is dependent on successful completion of entry tests which are set by the Law Society of Ireland (the Law Society) and the Honorable Society of King's Inns (the King's Inns) respectively for solicitors and barristers.

Becoming a solicitor – admission journey

- 3.4 Under section 2 of the Legal Services Regulation Act 2015, “practising solicitor” means a person who has been admitted as a solicitor, whose name is on the roll of solicitors, who provides legal services and who –
- (a) is, by reason of section 56 of the Solicitors (Amendment) Act 1994, required to hold a practising certificate, or*
- (b) is, by reason of that section, exempted from the requirement to hold a practising certificate.*

FE-1 exams – gateway to solicitors’ professional training course

- 3.5 There is one professional training course available in the State for individuals wishing to qualify as solicitors in Ireland. The Professional Practice Course (PPC) is a formal

programme of solicitor training run from Blackhall Place, the Law Society's Law School and Professional Training Centre in Dublin.

- 3.6 Graduates, including law graduates, wishing to enter the PCC course must sit a series of eight entry examinations known collectively as Final Examination - First Part (FE-1). Non-graduates must take a preliminary examination, which tests English language skills, understanding of Irish politics and government and general knowledge, before they can proceed to sit the FE-1.
- 3.7 Until recently, candidates were permitted to take up to five years to pass all eight FE-1 papers, and were required to pass at least three subjects in their first sitting. The Hook Tangaza review noted that most aspiring solicitors take at least two sittings to complete the FE-1 entrance examination. FE-1 exams are held twice a year, normally in spring and autumn, and consist of eight papers on core legal subjects. Until recently these exams were held exclusively in Dublin. In March 2020 the Law Society began offering an additional exam venue in Cork.⁵
- 3.8 Having passed the FE-1 examinations, aspiring solicitors must have secured a two year training contract with a solicitor in order to enrol in the PPC. The PPC is delivered in two separate blocks of approximately six months (PPC I) and 3 months (PPC II). PPC I enrolls in September and ends the following March. After sitting the PPC I exams (called Final Examination – Second Part or FE-2), trainee solicitors then complete 11 months of their apprenticeship before returning to the Law School to commence the PPC II course (only if they have passed the FE-2 exams). After completing PPC II (and sitting the Final Examination – Third Part or FE-3), trainee solicitors must then return to the office of the training solicitors to complete a further 10 months of training before they can apply to the Law Society for admission as a solicitor.⁶

Accelerated access to taking FE-1

- 3.9 On 1 January 2020, the Law Society introduced three separate changes to accelerate access to taking the FE-1, based on regulations made in 2019.⁷ Firstly, third level students no longer have to wait until they receive their degree to begin to sit the FE-1 exams. They can instead overlap their degree with sitting the FE-1 after one year of study, taking individual exams while they are studying the same subject modules at university.⁸ Students can achieve provisional pass results which will be recognised once they have obtained their final degree.
- 3.10 Secondly, PPC candidates can now sit and pass one FE-1 exam at a time. Previously, candidates had to sit and pass a minimum of three subject examinations in the first sitting of their FE-1 exams before being able to proceed. Thirdly, the timeframe in which all eight FE-1 subject exams must be passed has been extended from five to seven years.

⁵ Law Society Gazette (February 2020) Barriers lowered to a future career as a solicitor (Available [here](#))

⁶ Post PPC II training may be reduced by up to 4 months for time spent in solicitor's office pre PPC I

⁷ The Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019 S.I. No. 503 of 2019. (Available [here](#))

⁸ Applies to courses leading to a qualification at level 7 or higher on the Irish National Framework of Qualifications or a degree awarded by a university in England, Northern Ireland, Scotland or Wales

- 3.11 The Law Society said the changes will accelerate access to the solicitors' profession, potentially shortening the time graduates spend between leaving university and embarking on the PPC I.⁹ In theory, students will be able to graduate in May and enter the PPC I the following September, with no gap in their legal education. The Law Society states that the new regulations are aimed at providing a more flexible approach to becoming a solicitor and would reduce barriers and provide greater access to the profession for trainees across diverse educational, professional and socio-economic backgrounds.¹⁰
- 3.12 In their submissions to this consultation, two large solicitors firms which between them train some 150 solicitors each year said they had concerns about the ability of these changes to achieve the goal of reducing the time it takes to train as a solicitor in Ireland and address diversity concerns.¹¹ In addition, Ibec and Dublin City University's School of Law and Government voiced ongoing concerns. These, as well as the views of all respondents on issues related to admission policies, are set out in Section 8 of this report.

Professional Practice Course Hybrid

- 3.13 As part of the same regulations, in December 2019 the Law Society launched a pilot Professional Practice Course Hybrid (PPC Hybrid), a more flexible version of the PPC.¹² The first PPC I Hybrid runs from December 2019 to October 2020. It offers 'blended learning,' combining online lectures with on-site tuition through weekend and immersive week-long sessions scheduled to coincide with general periods of leave, instead of the traditional requirement to attend Blackhall Place in Dublin full-time for a six-month period.¹³ The PPC II Hybrid will run from August 2021 to December 2021.
- 3.14 The Law Society said the hybrid course is structured so that trainees will be able to continue working during it.¹⁴ For PPC Hybrid course trainees, the same two-year in-office training requirement applies, but the trainee may be able to accrue credit for in-office work time completed prior to, and also during, the course. Further details on trainees enrolled on the pilot course are contained in Section 4.
- 3.15 In addition to these changes, the Law Society has announced plans to incorporate the PPC II into a revised and extended PPC I to be known as the Professional Practice Course. This would end the current practice whereby trainees interrupt their period of in-office training after eleven months to return to the Law School to attend the PPC II. The Law Society has acknowledged that this has presented a range of office management difficulties for training solicitors.¹⁵

⁹ Law Society (14 February 2020) Law Society provides a new flexible approach to becoming a solicitor (Available [here](#))

¹⁰ Ibid

¹¹ Arthur Cox and A&L Goodbody

¹² Trainees enrolled in December 2019 and the first on-site session was delivered on 10 January 2020

¹³ Law School News (Spring 2020) Issue 49 (Available [here](#))

¹⁴ Law Society (2019) Professional Practice Course Hybrid: Follow your new route into practice December 2019. (Available [here](#))

¹⁵ These changes are outlined in the Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019 S.I. No. 503 of 2019. (Available [here](#))

Admission to Roll of Solicitors

- 3.16 Trainee solicitors who pass all the relevant PPC exams and successfully complete their 24 month period of in-office training may then apply to the Law Society to have their names entered on the Roll of Solicitors which it maintains. For this step to be complete, the training solicitor must have sworn that the trainee is a fit and proper person to become a solicitor. Admitted solicitors receive a parchment and may choose to attend a Parchment Ceremony where these are awarded.
- 3.17 As discussed in further detail in Section 4, solicitors who are qualified in England, Wales and Northern Ireland can take out membership of the Irish Roll of Solicitors via an administrative process and the payment of a fee of €300. This entitlement for England and Wales qualified solicitors to take out a second jurisdictional qualification in Ireland is based on a mutual recognition regime between the jurisdictions introduced in 1991.¹⁶ Since 2016, the UK's planned departure from the European Union has had a dramatic impact on the Irish Roll, with the numbers of 'Brexit admission' entrants reaching unprecedented levels in 2019, largely on the basis of contingency planning by UK firms.
- 3.18 Admission to the Roll in itself does not legally entitle a solicitor to provide legal services in the State. To do so, a solicitor must hold a valid practising certificate. Only solicitors who are admitted to the Roll may apply to the Law Society for a practising certificate.

Solicitors' practising certificates

- 3.19 A practising certificate is a solicitor's licence to practise – it entitles the solicitor to provide legal services as defined by, and subject to the provisions of, the Solicitors Acts 1954-2015 and the rules and regulations made thereunder.¹⁷ Practising certificates are issued by the Law Society, are valid for one year and are renewable annually. A practising certificate must be applied for on or before 1 February in each year in order to be dated 1 January of that year and thereby operate as a qualification to practise from the start of the year. The fee for a practising certificate in 2019 was between €2,135 and €2,435.¹⁸
- 3.20 Two categories of solicitors are exempt from the requirement to hold a practising certificate in order to deliver legal services. These are solicitors in the full-time service of the State and those employed solely to provide conveyancing services for a non-solicitor employer.¹⁹ Apart from these exceptions, it is professional misconduct and a criminal offence for a solicitor to provide legal services of any kind without holding a current valid practising certificate.

¹⁶ European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017) ("the Professional Qualifications Regulations")

¹⁷ Section 56(1) of the Solicitors (Amendment) Act 1994 provides that no solicitor shall practise as a solicitor unless a practising certificate in respect of him or her is in force

¹⁸ Mandatory fee costs, excludes voluntary fee for membership of Law Society and charitable contributions. Source: Law Society

¹⁹ Under section 54(3) of the Solicitors Act 1954, (as substituted by s. 62 of the Solicitors (Amendment) Act 1994) a solicitor shall be regarded as a solicitor in the full-time service of the State if and while he is required to devote the whole of his time to the service of the State as solicitor and is remunerated in respect of such service wholly out of moneys provided by the Oireachtas

Time to qualification as a solicitor

- 3.21 The exact time it takes for an individual to be admitted to the solicitors' profession depends on the specific path taken, including success in examinations (including re-sits) and the ability to secure a training solicitor. The first step is the FE-1 entrance exams, which are the gateway to the Law Society's professional course. The FE-1 pass rate tends to be between 70-80% but varies between subjects.²⁰
- 3.22 The Hook Tangaza Review found that, overall, the process to qualify as a solicitor can take 3-5 years to complete post-graduation.²¹ This timeframe includes time taken to complete the FE-1 process in order to gain entry to the Professional Practice Course. The Law Society in its submission to this consultation stated that from the time a trainee solicitor begins the Professional Practice Course I, they are usually qualified and admitted to the Roll of Solicitors within about 2.5 years.
- 3.23 It is too early to assess whether the accelerated access changes to the FE-1 exam system introduced by the Law Society in 2020 will shorten this qualification timeline for solicitors. This is a trend that the Authority intends to monitor in subsequent annual reports on admission policies.

Costs of qualifying as a solicitor

- 3.24 The overall costs of qualifying as a solicitor in Ireland depend on a variety of factors. These include whether individuals take preparatory courses prior to sitting the FE-1 examinations and whether they are able to participate in full-time employment during this period.
- 3.25 The FE-1 is perceived to have a high failure rate, and the existence of the examinations, without a mandated or accredited prior course, has led to the emergence of test preparation courses which are provided independently of the Law Society. It has been estimated that a student who takes a face-to-face preparation course, and pursues all the requisite assessments, could potentially spend up to €4,000 on fees alone to get through the FE-1 stage of qualification.²²
- 3.26 The fixed costs involved are set out in Table 3.1 below. These include €410 for the Law Society's Preliminary Examination; €105 per FE-1 exam (€840 in total); €8,300 in course fees for the PPC I and €4,500 for the PPC II; €840 for the Register of Apprentices and €300 for entry to the Roll of Solicitors.²³ The PPC I course is approved for postgraduate grant purposes via Student Universal Support.
- 3.27 In its submission to this consultation, the Law Society said it had increased funding to its Access Scholarship Programme which 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 or waived fees

²⁰ Maharg, P, J Ching, and J Crewe (2018) Solicitor Education in Ireland: Review Report (Available [here](#))

²¹ Hook Tangaza (2018) Review of Legal Practitioner Education and Training (Available [here](#))

²² Maharg, P, J Ching, and J Crewe (2018) Solicitor Education in Ireland Review Report (Available [here](#))

²³ Law Society (2013) Schedule of Fees (Available [here](#)). Fees for pilot PPC Hybrid I and II same as standard PPC.

as well as funding and mentoring supports. According to the Law Society, since 2001 there have been over 200 access students, approximately ten per year.

Table 3.1: Costs of qualifying as a solicitor

Stage of qualification	Cost
Preliminary Examination	€410
Fee per FE-1 exam	€105 (€840 in total)
PPC I	€8,300
PPC II	€4,500
Register of Apprentices	€840
Roll of Solicitors	€300

Source: Law Society of Ireland

Becoming a barrister – admission journey

3.28 Under section 2 of the Legal Services Regulation Act 2015, “practising barrister” means a *person who–*

(a) is a qualified barrister, and

(b) provides, or holds himself or herself out as providing, legal services as a barrister–

(i) whether or not for a fee,

(iii) whether or not under a contract of service or a contract for services, and

(iii) whether or not, in so doing, he or she describes himself or herself as a, or otherwise uses the title of, “barrister”, “barrister-at-law” or “counsel”.

King’s Inns barrister training

3.29 In order to practise as a barrister, a candidate must successfully complete two separate stages of qualification, the first being academic and the second being professional/vocational. The first stage is satisfied by the completion of either the two year Diploma in Legal Studies offered exclusively by the centre for the education of barristers in Ireland, the King’s Inns, or the completion of an approved law degree from a third level institution. Many students embarking on the King’s Inns diploma programme as a route to qualifying as a barrister have a non-law degree or another third level qualification.

3.30 The Diploma in Legal Studies is taught on weekday evenings and weekends at the King’s Inns school in Dublin, thereby allowing students in employment to continue working while doing the course. According to the King’s Inns website, the diploma course lectures are recorded and made available online to facilitate students who are unable to attend lectures.

- 3.31 The second, professional/vocational stage, is the completion of the Barrister-at-Law (BL) degree course. King's Inns is the sole provider in Ireland of this degree programme.

Entrance exams to Barrister-at-Law degree

- 3.32 Admission by the King's Inns to its BL degree course is by entrance examinations. In order to be eligible to sit the entrance examinations, an applicant must hold an approved law degree/postgraduate diploma and have passed six core subjects as part of this approved qualification. The King's Inns currently approves 76 qualifications from a range of institutions in Ireland and Northern Ireland, including its own Diploma in Legal Studies.²⁴ The BL degree entrance examinations are held each year in August and are comprised of five separate papers.

Barrister-at-Law degree course

- 3.33 After passing the entrance examinations, trainee barristers can take the BL degree course either in one academic year on a full-time basis, or over two years on a part-time (weekend based) modular basis. Candidates may commence the course in October of the same year that they pass the entrance exams, or defer their place in the course for a year for reasons of work or study. The courses are taught from the King's Inns school in Dublin city. The full time course takes place four days a week from early October to late May or early June. The modular course takes place over two academic years, with classes taught on average every second weekend.
- 3.34 After successful completion of the degree course, King's Inns graduates are 'admitted' to the degree of Barrister-at-Law by the Benchers of King's Inns at admission ceremonies held twice a year. Barristers may then proceed straight away to be 'called to the Bar of Ireland' by the Chief Justice as a junior counsel in a separate ceremony in the Four Courts in Dublin. Once qualified barristers have been called to the bar, they are entitled to practise in any court in Ireland.

Pupillage at Law Library

- 3.35 Historically, most barristers chose after being called to the Bar to develop their practice through becoming members of the Law Library, which requires them to undertake a period of unpaid apprenticeship or 'pupillage' for at least one year and often two. Membership of the Law Library helps those wishing to pursue a career at the Bar to develop a profile and build up professional relationships which will support a practice over time.
- 3.36 Members of the Law Library comprise what is known as the independent referral bar. While there is no statutory requirement on newly qualified barristers to become members of the Law Library, the majority (80%) of practising barristers registered in Ireland at the end of 2019 were members.²⁵

²⁴ The Honorable Society of King's Inns (2019) Schedule of Approved Degrees (Available [here](#))

²⁵ Legal Services Regulatory Authority Roll of Practising Barristers (Available [here](#))

- 3.37 In order to join the Law Library as a full member, barristers must spend their first year of practice as a pupil to an approved Dublin-based ‘Master’ who should be a junior counsel with at least seven years’ standing at the Bar. Pupillage (also known as devilling) represents the practical stage of qualification which would normally be expected of all legal practitioners holding a regulated title, but is only a formal requirement for those seeking to practise through the law library. The Bar of Ireland registers pupillages, sets guidelines for the relationship between barrister pupils and their Masters, and outlines expectations of the skills that should be developed during this practical training period.
- 3.38 Traditionally, pupils do not receive formal financial compensation from their Masters, although informal measures are commonplace (including for example, a Master paying a pupil’s library membership fees).
- 3.39 In its submission to this consultation, the Bar of Ireland highlighted the fact that changes are in train in relation to the remuneration of pupils. This follows a motion passed by Law Library members at its Annual General Meeting in July 2019 which sought to introduce an obligation on Masters to ensure that pupils/devils under their supervision receive a sum of no less than the amount required to pay for the pupils’ Law Library entry fee, annual subscription fee and professional indemnity insurance. The Bar of Ireland stated: *“This motion, planned to commence in October 2021 pending implementation of the necessary procedural steps, should have the positive effect of improving access to the profession and support for a new practitioner in the commencement of their professional career.”*

Roll of Practising Barristers

- 3.40 A person who has been called to the Bar and who intends to provide legal services as a barrister is required to apply to have their name entered on the Roll of Practising Barristers. The Roll is a public facing register of all barristers entitled to provide legal services in the State. It includes barristers who are self-employed and in employment, including those in the full-time service of the State. The Roll is available on the LSRA’s website, www.lsr.ie. In order to be entered on the Roll, barristers must submit an application form to the LSRA.
- 3.41 Under section 136 of the Legal Services Regulation Act 2015, it is a criminal offence for an unqualified person to provide legal services as a practising barrister. An unqualified person is defined in the Act as including a qualified barrister whose name is not entered on the Roll of Practising Barristers.

Costs of qualifying as a barrister

- 3.42 As in the case of qualification as a solicitor, it is difficult to put a precise figure on the costs of qualification as a barrister from the stage of enrolment in the BL course, since much depends on individuals’ circumstances. The main costs are set out in Table 3.2. These include: King’s Inns Entrance Examination application fee €600 (€1,000 late fee); BL degree course fees €12,560; Law Library members €150 to lodge application (€800 late fee); Law Library once off entry fee €1,500; first year subscription fee (full membership no seat) €1,825. The annual subscription fee increases each year until full fees for a junior barrister

are €5,640 at year 12. As mentioned above, the BL degree course qualifies for postgraduate funding under Student Universal Support Ireland.

Table 3.2: Costs of qualifying as a barrister

Stage of qualification	Cost
King's Inns Entrance Examination	€600 (€1,000 late fee)
Barrister-at-Law Degree Course – Full-time/Modular	€12,560
Law Library Membership	€150 application (€800 late fee)
Law Library first year entrance fee (once off)	€1,500
Law Library first year subscription	€1,825

Source: Honorable Society of King's Inns and Bar of Ireland ²⁶

3.43 As is the case with prospective solicitors, some candidates choose to undertake refresher/preparatory courses at independent colleges prior to sitting the King's Inns entry examinations, even though King's Inns actively discourages this practice.²⁷ The King's Inns provides a limited number of bursaries and fellowships aimed at ensuring more open access to legal education and training for prospective barristers. The Gaffney Scholarship is open to students who face exceptional hardship and wish to attend the course leading to the King's Inns Diploma in Legal Studies. The McCarthy Bursary supports one student who might not otherwise be able to take the BL degree course. The Denham Fellowship, aimed at encouraging diversity within the profession, is offered in association with the Bar of Ireland. It provides for remission from BL degree course fees, as well as a waiver of the Law Library fees for the first four years of practice in addition to an annual stipend of €6,000. This annual fellowship assists two aspiring barristers who come from socio-economically disadvantaged backgrounds.

3.44 The most significant costs for newly qualified barristers who join the Law Library is the fact that they are generally unremunerated during their period of pupillage, and it can take several years for junior counsel to become sufficiently established to ensure a reasonable level of income.

Time to qualification as a barrister

3.45 The time taken to qualify as a barrister depends on success in the King's Inns entrance exams (including re-sits) and whether a candidate enrolls on the BL degree course on a full-time (one year) or part-time (two year) basis. The entrance examinations for the BL course are held in Dublin in August and a successful candidate can either enrol on the degree starting that October, or defer the place for a year. A law graduate who wished to enter the legal profession could graduate from their third level institute in June and obtain the right to practise as a barrister by the following July.

²⁶ Fees for 2018/2019 for Dublin-based barristers – reduced fees apply for country and Cork members

²⁷ Hook Tangaza (2018) Review of Legal Practitioner Education and Training (Available [here](#))

- 3.46 This contrasts with process of admission to the solicitors' profession, as aspiring solicitors are unlikely to gain access to the Law Society's professional course until the following September after graduation (although recent changes have been made to facilitate accelerated admissions as set out in more detail above). The difference in timing in these two routes is relevant for people seeking a career in law due to the existence of transfer arrangements which allow for legal practitioners to switch between the different branches of the profession – see below and Section 4 for statistics.²⁸

Transfers between the professions

- 3.47 Transfer arrangements enable solicitors and barristers to move into the other branch of the legal profession. In both cases, transfer is by means of a short, non-examined course together with some additional procedural steps. The transfer routes are only open to practitioners with three years' prior standing.
- 3.48 Solicitors can be admitted as barristers if they have continuously held a practising certificate from the Law Society for a minimum of three years, or are exempt from the requirement to hold a certificate. The solicitor must attend the Solicitor Transfer course at King's Inns, which takes place over four weeks in June each year. This course focuses on areas of specific relevance to the Bar in which solicitors will not have had as much experience in their prior practice.
- 3.49 Barristers can be admitted as solicitors where they have been called to the Bar and, for a minimum of three years, have practised as a barrister in the State, been a member of the judiciary, been employed in the provision of services of a legal nature, and/or been employed by the State in the provision of services of a legal nature. Barristers wishing to become solicitors must also undertake a short course and gain six months of work experience in a law firm.

Standards of legal education and training

- 3.50 For reasons already set out in Section 1, the Authority acknowledges that issues related to the standards and quality of legal education and training provided to both solicitors and barristers are a relevant aspect of the admission policies of the professions.
- 3.51 The Hook Tangaza Review Team report produced for the Authority in 2018 contained an in-depth analysis of legal education and training standards, including the views of relevant stakeholders and an assessment made against a best-practice framework. Its main findings are summarised in Section 7 of this report, while the Review Team's proposals for change are set out in Section 2.
- 3.52 As already noted, the Authority's work in this area is ongoing. It has already issued one report to the Minister for Justice and Equality, and plans to produce a second report for the Minister in 2020. For these reasons, the Authority does not intend to rehearse issues to do with the standard of legal education and training in detail in this section of the annual report.

²⁸ Ibid

Section 4: Statistics on Admissions to the Legal Professions

4.1 Section 33 (1) of the Act requires the Authority to report annually to the Minister “specifying the number of persons admitted to practise” as solicitors and barristers during that year. As part of its consultation in preparing this report, the Authority submitted a number of questions seeking statistical data from the professional bodies listed under the Act – the Bar of Ireland, the Law Society of Ireland (the Law Society) and the Honorable Society of King’s Inns (King’s Inns). This section sets out data as provided for the year 2019, as well as other relevant statistical trends.

Admissions to the Roll of Solicitors 2019

4.2 In 2019, there were a total of 2,381 new admissions to the Roll of Solicitors, almost double the total for the previous year, as set out in Table 4.1 Traditionally, newly qualified solicitors graduating from the Law Society’s Professional Practice Course have accounted for the majority of admissions to the Roll each year. However these qualifying trainees accounted for just 17% of last year’s total, with 419 admissions. Solicitors categorised by the Law Society as foreign lawyers accounted for 1,934 of the overall total, making up 81% of Roll admissions in 2019, as show in Table 4.2.

4.3 This unprecedented and dramatic growth of the Roll is largely attributable to solicitors from England and Wales seeking a “Brexit-backstop” amid concerns that the United Kingdom’s pending departure from the European Union will lead to loses in international business and legal protections.²⁹ As Table 4.2 shows, the uptake in UK admissions to the Irish Roll began in 2016, the year of the UK’s successful Brexit referendum. Last year saw a spike in Brexit-admissions to the Roll, with 1,836 England and Wales qualified solicitor entrants, compared to 690 in 2018.

4.4 The Roll of Solicitors reached a milestone in the middle of 2019 with 20,000 names entered on it – the first time this figure has been reached, according to the Law Society.³⁰ In December 2019, the Law Society reported that approximately 20% of all the names on the Irish Roll (3,837 solicitors in total) were practitioners who originally qualified in England and Wales and whose names have been on the Irish Roll since January 2016.³¹ The previous significant milestone was when the Roll reached 10,000 names in 2007.

4.5 Solicitors who are qualified in England, Wales and Northern Ireland can take out membership of the Irish Roll of Solicitors via an administrative process and the payment of a fee of €300. The entitlement for England and Wales qualified solicitors to take out a second jurisdictional qualification in Ireland is based on a mutual recognition regime

²⁹ Law Society Gazette (December 2019) Number of solicitors seeking a ‘Brexit backstop’ continues to grow (Available [here](#))

³⁰ Ibid

³¹ Ibid

between the jurisdictions introduced in 1991.³² A total of six solicitors applied to be removed from the Roll 2019, while five solicitors were struck off the Roll.³³

Table 4.1: Solicitors admitted to the Roll of Solicitors 2015-2019 - breakdown by category

Year	Qualifying Trainees	England & Wales Solicitors	Northern Irish Solicitors	Section 52*	Transferring Barristers	EU lawyers	Admissions Total
2015	233	70	30	7	15	4	359
2016	525	806	27	13	34	1	1,406
2017	423	547	29	12	34	5	1,050
2018	443	690	43	16	30	4	1,229
2019	419	1,836	61	18	28	7	2,381 ³⁴

*Section 52 refers to California, New York, Pennsylvania, New South Wales and New Zealand

Source: Law Society of Ireland

Table 4.2: Admissions to the Roll of Solicitors 2007-2019

Year	Total Admissions	Qualifying Trainees & Transferring Barristers	Foreign Lawyers
2007	642	542	100
2008	777	678	99
2009	705	624	79
2010	729	663	63
2011	718	634	84
2012	525	456	69
2013	553	478	75
2014	557	490	67
2015	359	248	111
2016	1,406	559	847
2017	1,050	456	594
2018	1,229	473	756
2019	2,381	447	1,934

Source: Law Society of Ireland

³² In its submission, the Law Society said the bulk of the 2019 applications and intake to Roll qualified under the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I No. 8 of 2017) (“the Professional Qualifications Regulations”)

³³ Source: Law Society submission

³⁴ Total includes 12 additional transferring EU lawyers admitted through the Establishment Directive rather than the Qualified Lawyers Test. Source: Law Society

UK 'Brexit Transfer' firms on Solicitors' Roll

- 4.6 Table 4.3 shows that up to mid November 2019 a total of 1,912 solicitors on the Irish Roll of Solicitors worked for what the Law Society ranked as the “Top 20 UK ‘Brexit Transfer’ Firms”, up from 968 in 2018. Only three of these had offices in this jurisdiction in 2019; Eversheds Sutherland LLP, DLA Piper LLP and Pinsent Mason LLP.³⁵ In 2019, Allen & Overy LLP had 297 solicitors on the Roll (up from 110 in 2018) while Linklaters LLP had 259 (up from 53 in 2018), and Eversheds Sutherland LLP had 165 (up from 132 in 2018). Fewer than a third (535) of the total of 1,912 UK law firm solicitors on the Irish Roll up to 19th November 2019 had taken out practising certificates for the year to allow them to provide legal services in the State. Of these, 118 worked for the three firms with offices in this jurisdiction.
- 4.7 In December 2019, the Law Society reported that the trend for admissions to the Roll by England and Wales qualified solicitors was abating somewhat. It stated that this may reflect the Brexit deadline extensions or the confirmation by the Solicitors Regulation Authority in England and Wales that reciprocal admission with Ireland will continue post-Brexit.³⁶

³⁵ Law Society Gazette (December 2019) Number of solicitors seeking a ‘Brexit backstop’ continues to grow (Available [here](#))

³⁶ Ibid

Table 4.3: “Top 20 Brexit-Transfer Firms” solicitors on the Irish Roll 2018 & 2019

2018		2019 ³⁷		PCs taken out in 2019
Firm name & ranking	Solicitors on Roll	Firm name & ranking	Solicitors on Roll	
1. Eversheds Sutherland LLP	132	1. Allen & Overy LLP	297	183
2. Freshfields Bruckhaus Deringer LLP	131	2. Linklaters LLP	259	17
3. Allen & Overy LLP	110	3. Eversheds Sutherland LLP	165	62
4. Slaughter & May	109	4. Freshfields Bruckhaus Deringer LLP	162	64
5. Latham & Watkins LLP	92	5. Latham & Watkins LLP	161	18
6. Linklaters LLP	53	6. Slaughter & May	148	20
7. Herbert Smith Freehills LLP	44	7. White & Case LLP	87	13
8. Hogan Lovells LLP	43	8. DLA Piper LLP	85	21
9. Bristows LLP	35	9. Dentons LLP	71	11
10. Google UK Ltd	34	10. Herbert Smith Freehills LLP	62	11
11. Clifford Chance LLP	28	11. Clifford Chance LLP	55	5
12. DLA Piper LLP	26	12. Hogan Lovells LLP	52	25
13. Baker MacKenzie LLP	22	13. Norton Rose Fulbright LLP	45	3
14. Pinsent Mason LLP	19	14. Baker MacKenzie LLP	44	12
15. Gibson Dunne & Crutcher LLP	17	15. Pinsent Mason LLP	42	35
16. Fieldfisher LLP	15	16. Google UK Ltd	38	2
16. Ashursts LLP	15	17. Bristows LLP	37	5
16. Travers Smith LLP	15	18. Bird & Bird LLP	36	27
16. White & Case LLP	15	19. Skadden Arps Meagher & Flom LLP	34	0
20. Bird & Bird LLP	13	20. BNP Paribas	32	1
20. Shearman & Sterling LLP	13			
20. CMS Cameron McKenna LLP	13			
20. Norton Rose Fulbright LLP	13			
Total	968		1,912	535

Source: Law Society of Ireland³⁸

³⁷ Up to 19 November 2019

³⁸ Table based on statistics in Law Society Gazette (December 2019) Number of solicitors seeking a ‘Brexit Backstop’ continues to grow (Available [here](#))

Barrister transfers to solicitors' profession

4.8 A total of 28 barristers transferred to become solicitors in 2019. While still modest in overall figures, the number of barrister-solicitor transferees has risen more ten-fold in the past seven years, up from 3 in 2012.³⁹ See Table 4.13.

Number of solicitors with practising certificates in 2019

4.9 As stated earlier, admission to the Roll of Solicitors does not legally entitle a solicitor to provide legal services, although it is a pre-requisite for applying for a practising certificate to do so. There were 11,959 solicitors with practising certificates in Ireland on 31 December 2019, up 987 (9%) from 2018.⁴⁰ As Table 4.4 shows, the number of solicitors holding practising certificates has been increasing modestly year on year since a decrease in 2009 following the financial crisis of 2008. The Law Society observes that the 9% year on year increase in 2019 exceeds any annual increase it has witnessed previously.⁴¹ (The equivalent year on year increase in 2018 was 5%)

Table 4.4: Solicitors holding practising certificates 2003 – 2019

Year	Practising Certificate Holders	No. increase on previous year	% increase on previous year
2003	6,436	N/A	
2004	6,746	310	5 %
2005	7,039	293	4%
2006	7,416	377	5%
2007	7,876	460	6%
2008	8,231	355	5%
2009	8,225	- 6	-
2010	8,335	110	1%
2011	8,571	240	3%
2012	8,768	193	2 %
2013	8,895	127	2 %
2014	9,224	329	4 %
2015	9,688	444	5%
2016	10,080	392	4 %
2017	10,470	390	4%
2018	10,972	502	5%
2019	11,959	987	9 %

Source: Law Society, Law Society Annual Reports 2013-2018, and Law Society Gazette

³⁹ Hook Tangaza (2018)

⁴⁰ Law Society Gazette (January/February 2020) Major Surge of 9% in PC Numbers (Available [here](#))

⁴¹ Ibid

Professional Indemnity Insurance

4.10 As Table 4.5 shows, the Law Society issued a total of 11,982 practising certificates in 2019. A total of 8,171 solicitors had valid Professional Indemnity Insurance during 2019, of which 8,056 held practising certificates as at 31 December 2019 (including 2,182 in-house solicitors).

Table 4.5: Practising Certificates and Professional Indemnity Insurance 2019

Practising certificates issued by the Law Society	11,982
Practising certificates 'surrendered' or suspended	83
Solicitors with Professional Indemnity Insurance	8,171
Solicitors with PII and practising certificate as at 31 December 2019	8,056

Source: Law Society of Ireland

In-house solicitors

4.11 A total of 2,496 practitioners (20%) worked in-house in 2019, as shown in Table 4.6.⁴² Women comprised 68% of in-house practitioners, compared to 48% of female practitioners in private practice.⁴³ In 2019, a total of 385 solicitors were working in the full-time service of the State, and thus exempt from the requirement to hold a practising certificate. Other in-house solicitors include those employed by businesses and other firms to handle legal work internally.

Table 4.6: Solicitors working in-house and in full-time service of the State in 2019

Solicitors working in house as at 31 December 2019	2,496
Solicitors working in-house holding Practising Certificates as at 31 December 2019	2,182

Source: Law Society of Ireland

Practising certificates – recent trends

4.12 The primary long-term driver for increases in the numbers of practising certificates issued each year is the number of solicitors qualifying through the Law Society's professional course. Yet, for reasons already outlined, the trend for 2019 shows a slight decrease in the number of such trainees qualifying as solicitors, alongside an increase in the number of practising certificates issued by the Law Society.

⁴² Excludes those working in the full-time service of the State who are not required to hold a practising certificate

⁴³ Law Society of Ireland Annual Report and Accounts 2017/2018 (Available [here](#))

- 4.13 As Table 4.7 shows, a total of 2,926 solicitors with practising certificates at the end of 2019 were employed by twenty large law firms. This accounts for almost one in four (24%) of the total of 11,959 solicitors with practising certificates on 31 December 2019. This is a slight increase from 2018, when large law firm practising solicitor numbers stood at 2,564 (23%) out of the 10,927 practising certificates held in December of that year. Table 4.7 shows the Law Society's ranking of these law firms' by practising solicitor numbers. The top five solicitors' firms for both 2018 and 2019 are Irish firms A&L Goodbody, Arthur Cox, Matheson, McCann FitzGerald and Mason Hayes & Curran.
- 4.14 As with the surge in Roll admissions, the Law Society states that a significant additional factor behind the swell in practising certificate numbers in 2019 is the increase in practising certificates taken out by solicitors in international law firms, including some which do not have offices in Ireland.⁴⁴
- 4.15 The Law Society described as a "spectacular new entrant" in 2019 the international law firm Allen & Overy LLP, which did not rank in the 20 largest firms in Ireland by practising certificate numbers for 2018, when its solicitors held 15 Irish practising certificates. As the table shows, one year later, on 31 December 2019, the firm had 206 solicitors with Irish practising certificates, a jump of 191. Allen & Overy LLP has its headquarters in London and has no office in this jurisdiction. According to the Law Society, a total of 859 UK 'Brexit' solicitors were issued practising certificates in 2019.⁴⁵

⁴⁴ Law Society Gazette (January/February 2020) Major Surge of 9% in PC Numbers (Available [here](#))

⁴⁵ Supplied by Law Society to LSRA

Table 4.7: Large Law firm practising solicitor numbers 2018-2019

Law Firm Practising Solicitor Numbers					
2019 Ranking	2018 ranking	Firm Name	31/12/2019	Diff +/- over 2018	31/12/2018
1	2	A&L Goodbody	313	21	292
2	1	Arthur Cox	299	5	294
3	3	Matheson	285	0	285
4	4	McCann FitzGerald	266	-12	278
5	5	Mason Hayes Curran	239	12	227
6	6	William Fry	207	-4	211
7	-	Allen & Overy LLP	206	191	15
8	7	ByrneWallace	132	-4	136
9	9	Eversheds Sutherland*	108	4	104
10	10	Ronan Daly Jermyn	107	6	101
11	8	Maples and Calder	105	-8	113
12	13	Freshfields Bruckhaus Deringer LLP	101	23	78
13	11	Beauchamps	92	7	85
14	12	Dillon Eustace	88	5	83
15	17	Walkers Ireland	65	12	53
16	14	Eugene F Collins	64	3	61
16	-	Pinsent Mason	64	32	32
18	14	LK Shields Solicitors	62	1	61
18	-	Eversheds Sutherland LLP**	62	-	-
20	16	Hayes Solicitors	61	6	55
TOTAL			2,926		2,564

*These figures represent the total number of solicitors with a practising certificate, advised to the Law Society, up to and including 31/12/2019. The total firm figure comprises a firm's primary and suboffices on the Law Society's database. * In this jurisdiction. ** Outside this jurisdiction.*

Source: Law Society of Ireland⁴⁶

Professional Practice Course intake

4.16 In 2019, a total of 501 new trainee solicitors enrolled on the Law Society's Professional Practice Course (PPC I), as shown in Table 4.8. Of these, 59% were female and 88% were aged under 30 years. This total includes 47 attendees for the PPC Hybrid course which saw its first intake in 2019 (two-thirds of these trainees are female and 55% are aged over 30).⁴⁷ The numbers enrolling on the course are slowly recovering since the 2008 financial crisis but have still not climbed back to the pre-financial crisis peak in 2007, when 671 trainees enrolled.

⁴⁶ Table reproduced from Law Society Gazette (Jan/Feb 2020) Major Surge of 9 % in PC Numbers (Available [here](#))

⁴⁷ Law Society of Ireland submission

- 4.17 It is too early to assess any impact that the introduction of the PPC Hybrid course may have on the overall numbers of trainee solicitors enrolling for the PPC I each year.⁴⁸ It is notable that the year on year increase of enrolled trainees from 2019 to 2018, at 53, almost matches the number of trainees entering the pilot PPC Hybrid course in December 2019 (46). This is a trend that the Authority will continue to monitor in its future annual reports on admission policies.
- 4.18 The PPC Hybrid trainees enrolled in the 2019 pilot course are from a slightly older age group than those on the full-time course. A total of 55% of Hybrid PCC I trainees are aged over 30, compared to 12% of the entire PPC I intake for 2019.⁴⁹ According to the Law Society, the 2019 PCC I intake involves 416 trainees (83%) with Dublin based firms, while 17% are outside Dublin, with the most significant other single location being Cork with 24 trainees at training firms there.

Table 4.8: Enrolment numbers and demographic trends for PPC 2015-2019

Year	Total Enrolment	Male	Female	Under 30 yrs	Over 30 yrs	Law degree	Other degree	Non-graduate
2015	384	160	224	86%	14%	80%	20%	
2016	405	169	236	87%	13%	78%	21%	1%
2017	412	169	243	90%	10%	84%	14%	2%
2018	448	180	268	89%	11%	78%	20%	2%
2019	501	206	295	88%	12%	78%	20%	2%

Source: Law Society of Ireland

Numbers sitting exams

- 4.19 The set of eight exams collectively known as the Final Examination 1 (FE-1) are the gateway to the process of solicitor qualification. The number of candidates sitting the FE-1 each year has stabilised at around 2,000 since 2015, having fluctuated significantly over the past decade. As observed in the Hook Tangaza Review report, the number seeking admission to the solicitors' profession via the FE-1 appears to follow, with a lag, the economic fortunes of the economy.⁵⁰

The Brexit factor

- 4.20 As the above statistics show, the situation in relation to admissions to the solicitor profession in Ireland in 2019 has been immensely impacted by Brexit. The Law Society in its submission described as a 'extraordinary development' the fact that almost 20% of all the names on the Roll of Solicitors at the end of 2019 were practitioners who qualified in England and Wales and whose names were added to the Roll since 1 January 2016.

⁴⁸ The first PCC Hybrid Course enrolled in December 2019 and teaching began on 10 January 2020

⁴⁹ Fifty-five per cent are over 30 and two-thirds are female. Source: Law Society Press Release (January 2020) Law Society provides a new flexible approach to becoming a solicitor (Available [here](#))

⁵⁰ Hook Tangaza (2018) Review of Legal Practitioner Education and Training 2018

- 4.21 The exact impact of the recent swell in Roll admissions on the Irish legal services market is difficult to discern. What is clear, however, is that the majority of the newly registered Brexit-admission solicitors on the Irish Roll are not based in Ireland. As already discussed, only three of the 20 UK firms whose solicitors accounted for a total of 1,912 names of the Roll of Solicitors as of mid-November 2019 actually have offices in this jurisdiction.
- 4.22 In addition, the practising certificate figures for 2019 most certainly include solicitors from UK based firms who have taken the additional step of taking out Irish practising certificates as part of their Brexit contingency measures, without the intention of actually practising in Ireland. While the precise figure is impossible to know, the Law Society's end of year figures include 859 of what it categorises as UK 'Brexit' practising certificates.⁵¹
- 4.23 The Law Society in its submission to this consultation said there is a sense that the Brexit Roll admissions trend will settle down in 2020. It has said it is also budgeting on the conservative basis that fewer solicitors based outside this jurisdiction will take out Irish practising certificates in 2020, on the basis that the level of Brexit-related uncertainty has somewhat reduced.⁵² In addition, the Law Society issued guidance in May 2019 which has clarified what an Irish practising certificate entitles the holder to do.⁵³
- 4.24 In its submission to this consultation, the Law Society stated that an Irish practising certificate only permits the holder to provide Irish and EU legal services while situated in Ireland, except as provided by the EU Services Directive. It stated that: *"As such, if UK solicitors wish to provide legal services in Ireland or the EU through an Irish office, they must be physically situated in Ireland. In addition, Irish offices must have a substantive presence, and virtual or 'brass plate' offices are not permitted."*
- 4.25 Despite the Law Society's May 2019 guidance, in September 2019 *The Financial Times* newspaper reported confusion among UK law firms who had been seeking to rely on Irish practising certificates as a contingency plan to enable them to secure EU-practising rights post-Brexit.⁵⁴

Numbers on Roll of Practising Barristers in 2019

- 4.26 At the end of 2019, there were 2,735 barristers on the Roll of Practising Barristers which is maintained by the Legal Services Regulatory Authority. The Roll is a public register of all barristers entitled to provide legal services in the State. It includes barristers who are self-employed and in employment, including those in the full-time service of the State. A total of 2,198 barristers on the Roll at the end of 2019 (80%) were members of the Law Library, while 537 were not, as shown in Table 4.9. (Further statistics on the numbers of barristers with Law Library membership in 2019 and previous years are contained in Section 5.)

⁵¹ Figures supplied by Law Society to LSRA (end of year figure for practising certificates (31 December 2019))

⁵² Law Society Gazette (Jan/Feb 2020) Major Surge of 9% in PC Numbers

⁵³ Law Society of Ireland (May 2019) Practising Certificates; Solicitors Outside the Irish Jurisdiction (Available [here](#))

⁵⁴ Financial Times (23 September 2019) Record numbers of UK lawyers register in Ireland (Available [here](#))

4.27 A total of 237 barristers on the Roll (9%) were in the full-time service of the State, comprising 205 non-Law Library members and 32 member, as shown in Table 4.10.

4.28 According to the Bar of Ireland the remaining non-Law Library member barristers on the Roll (of which there were 332 in 2019) include barristers employed in the private sector, those who may primarily practice in other jurisdictions, in-house barristers and retired barristers who are volunteering their services but are still required to be on the Roll.⁵⁵

Table 4.9: Numbers on Roll of Practising Barristers - end 2019

Total number on the Roll	2,735
Law Library Members	2,198
Non-Law Library Members	537

Source: Legal Services Regulatory Authority⁵⁶

Table 4.10: Barristers in full-time State service 2019

Year	Total barristers in full time service of State	Non Law Library member	Law Library member
2019	237	205	32

Source: Legal Services Regulatory Authority⁵⁷

Admissions to practise as barristers 2019

4.29 According to the King’s Inns, in 2019 a total of 190 persons were “called to the Bar” by the Chief Justice, allowing them to exercise a full right of audience before all courts in Ireland.

4.30 Traditionally, the main route to admission to the profession in Ireland was to complete the Barrister-at-Law (BL) degree course provided exclusively by the Honorable Society of King’s Inns (King’s Inns). As Table 4.11 shows, the number of barristers being called to the Bar via this route has remained relatively stable in the past four years, with BL graduates accounting for 109 of the 190 admissions last year. However, there has been a significant increase in the category of lawyers from other jurisdictions being called to the Bar since 2016, when this figure was 10, to 2019 when it was 76. Of these, 52 were from Northern Ireland and 24 were from England and Wales, as Table 4.12 shows. The barristers from England and Wales were admitted pursuant to the recognition of professional qualifications regulations.⁵⁸

⁵⁵ Bar of Ireland submission

⁵⁶ All figures as at 31 December 2019

⁵⁷ All figures as at 31 December 2019

⁵⁸ European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I No. 8), the King’s Inn being the competent authority in respect of the profession of barrister

4.31 In its submission to this consultation, the King’s Inns said that in the period 2004 to 2016, there was an annual average of three admissions of barristers qualified in England and Wales, and six for Northern Ireland qualified barristers. It asserted that the 2019 increases may reasonable be attributed to Brexit, and the extent to which these barristers will actively provide legal services in the State remains to be seen. Under a mutual recognition regime, members of the Bar of Northern Ireland who have been in practice for at least three years immediately preceding their application may be ‘admitted’ to the BL degree course and called to the Bar without taking any test or examination.⁵⁹ For qualified lawyers from other EU member states, they may be required to sit the King’s Inns’ aptitude test.⁶⁰

Table 4.11: Admissions to practise as a barrister by admission route 2016-2019

Year	Total admitted to practise ⁶¹	Upon completion of King’s Inns BL degree course	Lawyers from other jurisdictions ⁶²	Transferring solicitors	Morgenbesser eligibility* ⁶³
2016	129	116	10	1	2
2017	134	109	22	3	0
2018	156	91	59	6	0
2019	190	109	76	3	2

Source: Honorable Society of King’s Inns

Table 4.12: Breakdown of admissions – lawyers from Northern Ireland, England, Wales 2016-2019

Year	Northern Ireland lawyers	England and Wales lawyers	Total
2016	6	4	10
2017	8	14	22
2018	19	39	59*
2019	52	24	76

*Total includes 1 admission from another jurisdiction

Source: Honorable Society of King’s Inns

⁵⁹ Northern Irish qualified barristers can equally seek admission to practice in this jurisdiction under the 2017 Regulations

⁶⁰ Under Directive 2005/36 of the European Parliament and Council on the recognition of professional qualifications (OJ L 255 p. 22) and the regulations implementing same in Ireland

⁶¹ Number of persons ‘admitted’ to (awarded) King’s Inns Barrister-at-Law degree and called to the Bar

⁶² Pursuant to the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8) King’s Inns is the competent authority in respect of the profession of barrister for the purposes of Directive 2005/36/EC on the recognition of professional qualifications

⁶³ According to the King’s Inns, these are applicants who hold legal qualifications of an academic or professional nature (or both) from another EU Member State and who, as a result, are partly qualified in that Member State. The applicants’ qualifications are assessed and to the extent that there is any shortfall in knowledge or skills, the applicant will be required to complete a number of assessments. See C-313/01 *Christine Morgenbesser v Consiglio dell’Ordine degli avvocati di Genova*

Transfers between the professions

4.32 Table 4.13 sets out the numbers of professionals transferring between the professions since 2012. A total of 28 barristers transferred to become solicitors and were admitted to the Roll of Solicitors in 2019. A total of three solicitors became barristers in 2019.

Table 4.13: Transfers between the professions 2012-2019

Year	Barristers becoming solicitors	Solicitors becoming barristers
2012	3	7
2013	10	2
2014	15	0
2015	15	1
2016	39	1
2017	24	3
2018	21	6
2019	28	3

Source: Honorable Society of King’s Inns and Law Society of Ireland

Number sitting exams and admitted to Barrister-at-Law degree

4.33 As set out in Section 3, admission to the Barrister-at-Law degree (BL) course is via an entrance exams held each August. Candidates who pass the examinations may commence the BL degree in October of the same year, or defer their place on the course for a year for reasons of work or study.

4.34 Table 4.15 shows that in 2019, 150 applicants sat the King’s Inn entrance exam for the BL course, while 118 trainees commenced their BL degree in the same year. There was an almost even split between those electing to complete the degree course in one year on a full-time basis (57), and those undertaking the two-year modular course (61). The number of trainee barristers entering the BL degree has recovered since a dip in intake in 2015, and has remained relatively steady since then.

4.35 In its submission to this consultation, the King’s Inns stated that circumstances where there is no cap on admittance numbers for the BL degree course and where the cost for the degree has not increased since 2009, it was *“reasonable to conclude that the decrease in the number of students taking the course since then reflects a decrease in the demand to enter the profession, itself reflective of the public demand for barristers’ services.”*

Table 4.14: Admissions to Barrister-at-Law degree course 2013-2019

Year	Sitting BL degree entrance exam	Commencing BL degree course	Commencing full time course	Commencing modular course
2013	168	141	87	54
2014	157	140	80	60
2015	120	96	58	38
2016	133	119	79	40
2017	131	112	51	61
2018	143	120	58	62
2019	150	118	57	61

Source: Honorable Society of King's Inns

Section 5: Demand for Legal Services in Irish Economy

- 5.1 Demand for legal services and professional services in general are linked to wider economic cycles and the level of activity in the Irish economy and the global economy. In Ireland as elsewhere, there is a particular link between legal services and the construction and property development sector. The Working Futures 2010-2020 Sectoral Report noted that architectural and legal activities are closely tied to the fortunes of the property market.⁶⁴
- 5.2 Until the Covid-19 crisis of Spring 2020, Ireland had been experiencing near full employment with strong demand for skilled qualified professionals.⁶⁵ The year 2019 was one of strong economic growth, with a resilient SME sector and continued strong performance of the Irish labour market. The persistent growth of the Irish economy throughout 2019 was remarkable given the strong headwinds observed, including uncertainty about the Brexit process and the moderation observed in global conditions.⁶⁶ However, even before the onset of the Covid-19 pandemic in early 2020, the Economic and Social Research Institute said it expected to see the economy grow by a slower rate in 2020.⁶⁷
- 5.3 Domestic economic activity is concentrated in the cities, Dublin city and Dublin county in particular, which is where almost two-thirds of practising solicitors are based,⁶⁸ and also most barristers. With 262 lawyers per 100,000 inhabitants, Ireland's lawyer population is broadly consistent with that of other common law countries. The figure for England and Wales is 259 and for Scotland it is 209.⁶⁹

Demand for solicitors' legal services

- 5.4 The demand for solicitors' legal services grew in 2019, with law firms continuing to increase staff numbers. However, the available data indicates that the pace of growth slowed throughout the year. In its submission to this consultation, the Law Society said Dublin firms generally reported a slowing rate of increase during 2019, from 58% of firms in 2017 to 48% of firms in 2019, with continued growth in staff numbers among regional firms (44%). The Law Society said this may suggest some reluctance to grow overall staff numbers amid an uncertain economic environment, but also an increasing focus on

⁶⁴ UK Commission for Employment and Skills (August 2012), Working Futures 2010-2020 Sectoral Report August 2012 (Available [here](#))

⁶⁵ In February 2020, the Central Statistics Office stated that 2.36 million people had jobs in Ireland, the highest number on record. The employment rate was 4.8% close to what is considered to be full employment. However, on 26 March 2020, the Economic and Social Research Institute issued an on the spot scenario analysis which indicated that the Irish economy would shrink by 7.1 per cent in 2020. Consumption, investment and net trade would all fall sharply; households would cut spending, firms would cancel or postpone investment and external demand for Irish goods and services will fall.

⁶⁶ Economic and Social Research Institute Quarterly Economic Commentary, Winter 2019 (Available [here](#))

⁶⁷ Ibid

⁶⁸ Law Society of Ireland Annual Report and Accounts 2018/2019 (Available [here](#))

⁶⁹ Council of Europe European Commission for the efficiency of justice (CEPEJ) (2016) European judicial systems: Efficiency and quality of justice, An Overview CEPEJ STUDIES No. 23. (2014 data) Irish figures show membership of Bar of Ireland and Law Society of Ireland (Available [here](#))

employee and partner retention in a competitive market.

- 5.5 Smith & Williamson’s annual survey of the Irish legal services sector provides an overview of issues and trends in large firms. Its 8th Annual Survey of Irish Law Firms 2019/20 showed continued growth in revenue and profits in most firms surveyed, in particular the Top 20 firms.⁷⁰ A total of 60% of firms reported an increase in profits in 2018, with many also anticipating positive growth in 2019. After the economy and Brexit, recruitment and retention of staff was identified as the key challenge facing firms over the next three years. The problem is particularly pressing in Dublin, where international competition – particularly from well-known UK law firms entering the Irish market – was putting pressure on salaries and making staff retention and recruitment a harder challenge.
- 5.6 The survey noted a drop in business confidence among legal firms; after many years when they expected the outlook to improve, most firms surveyed expected a stable or deteriorating outlook. Fewer than one in five (19%) of all firms and none of the Top 20 largest firms said they believed the legal sector would see an improved outlook in 2020. This is down from over 40% in 2018. According to Smith & Williamson’s analysis, the key issue for the dip in business confidence is Brexit and a decline in the global economy, with 60% of Top 20 firms stating that Brexit will pose a threat to revenues and profitability.
- 5.7 The analysis stated: *“The UK’s exit from the European Union is making its presence felt in the Irish legal market in a number of ways. First is the direct impact to cross-border business, but it is also exaggerating competitive pressure for staff as UK law firms set up shop in Ireland. In addition, it is generating increased merger and acquisition activity and prospective discussions. This adds to the well-documented market pressures faced by law firms: rising salaries, a technology arms race and increasing operating costs.”*

Smaller firms and sole practitioners

- 5.8 Solicitors in private practice operate either as sole practitioners, with other solicitors in partnerships, or as associate solicitors i.e. non-partner members of a firm. According to the most recent Law Society Annual Report, the majority of solicitors firms in the country are small and local; of the 2,325 firms in the country, 1,638 (71%) have one or two solicitors.⁷¹ These firms exist in cities, towns and villages across the country, and typically compete with similar sized firms for business from private clients. Most business for these firms relates to conveyancing, probate, litigation, family law and criminal work.⁷² At the opposite end of the scale, there were 29 firms with 21-plus solicitors in 2018.⁷³ Large law firms are mostly located in Dublin. They provide a wide range of legal services to commercial clients, and do not often compete with smaller firms for individual private clients.
- 5.9 Almost two thirds (61%) of practising solicitors in the State are based in Dublin city or county, with 17% in Munster.⁷⁴ In its response to this consultation, the Law Society asserted that *“the level of demand for solicitors’ services outside of Dublin and, to a much*

⁷⁰ Smith & Williamson (November 2019) 8th Annual Survey of Irish Law Firms 2019/20 (Available [here](#))

⁷¹ Law Society of Ireland Annual Report and Accounts 2018/2019 (Available [here](#))

⁷² Competition Authority (2006) Competition in Professional Services: solicitors and barristers (Available [here](#))

⁷³ Law Society of Ireland Annual Report and Accounts 2018/2019 (Available [here](#))

⁷⁴ Law Society of Ireland Annual Report and Accounts 2018/2019 (Available [here](#))

less extent, some other urban areas, shows few if any signs of growth – or even less of sustained recovery since the economic crash.” It further stated that smaller firms of five solicitors or fewer, who predominate in particular outside the cities, were frequently still struggling economically in 2019.

- 5.10 As set out in some detail in Section 4, about one in five of all solicitors with practising certificates in 2019 were employed by twenty large law firms. This trend is to some extent influenced by Brexit and the entrance of large UK firms to the Irish market. There is little evidence of significant consolidation or moves to create scale size, apart from the top tier of firms by size.⁷⁵

Trend towards in-house solicitors’ practice

- 5.11 According to figures supplied by the Law Society, 2,496 solicitors worked in-house in 2019.⁷⁶ Significantly, women comprised 68% of in-house practitioners in 2017, compared to 48% of practitioners in private practice.⁷⁷ This trend was identified in Hook Tangaza’s 2018 review, with 19% of 257 law student respondents to an online survey saying this was their preferred career path. Interviewees identified this as a work-life balance issue. The review observed that, regardless of the motivation for seeking to work in-house in government or commerce, the fact that a growing number of graduates prefer this route suggests that there will be pressure on the supply of solicitors in traditional law firm practice unless the number qualifying each year expands commensurately.
- 5.12 Continued growth in in-house solicitors may enable businesses to tender more competitively for corporate work. In its submission to this consultation, the Bar of Ireland said that, anecdotally speaking, it is already common practice for solicitors, particularly those acting on behalf of large businesses, to approach up to eight barristers seeking fee estimates for a particular piece of work.

Challenges and opportunities facing solicitors’ firms

- 5.13 The Law Society commissioned a 2018 market study from Crowe consultants on the challenges and opportunities facing sole practitioners and smaller legal practices, which included a survey of solicitors.⁷⁸ The study found that smaller practices face similar challenges and opportunities that are common to business owners and SMEs in other sectors. Respondents indicated that they were optimistic about the future of their practices, with only 11% not optimistic or not at all optimistic. Other insights included:

- Smaller practices tend to be general practice.

⁷⁵ Smith & Williamson (November 2019) 8th Annual Survey of Irish Law Firms 2019/20 (Available [here](#))

⁷⁶ Excludes those working in the full-time service of the State who are not required to hold a practising certificate

⁷⁷ Law Society of Ireland Annual Report and Accounts 2017/2018 Available [here](#))

⁷⁸ Crowe (2018) Market Study of Sole Practitioners and Smaller Legal Practices in Ireland. A total of 1,725 solicitors were emailed and 404 responses were received. This resulted in a margin of error of 4% at a 95% confidence level (Available [here](#))

- The clients of smaller practices are generally private individuals and their requirements (and the firms' fee incomes) tend to come from traditional service lines, i.e. residential conveyancing, litigation including personal injury litigation, family and probate.
- There is a heavy reliance on new business from referrals and existing clients.
- Concerns exist in relation to practices experiencing an increased cost base without a corresponding fee increase.
- Innovation is predominantly focused on IT (information technology) and internal processes.

Changing consumer behaviour

5.14 Changing consumer behaviour will inevitably impact on how solicitors deliver services and the types of services sought. While there is little enough research in this area in Ireland, the Law Society asserts that the model of the family solicitor as a one stop shop is being increasingly challenged.⁷⁹ In terms of client trends, needs and expectations, insights provided by the Crowe report from those consulted included the trends of:

- More knowledgeable clients.
- Clients who expect more from their solicitors, including sometimes advice on areas outside the scope of work agreed.
- Clients who can do more themselves (e.g. conveyancing and probate).
- Less requirement for face to face interaction.
- Less loyal clients.

Admissions concerns

5.15 In relation to the admissions policies of the solicitors' profession, the Crowe report noted that some concerns were voiced by those surveyed about the number of practising solicitors in relation to market demand, with the suggestion that the Law Society should cap the number of trainees each year.

5.16 The report stated: *"Obviously this is not possible and would be deemed an anti-competitive practice, as confirmed in the Bloomer case.⁸⁰ This was reinforced in the report Assessing the economic significance of the professional legal services sector in the European Union by Professor George Yarrow and Dr Christopher Decker for the Regulatory Policy Institute, 2012, which stated that the concern 'manifests itself in the view that entry restrictions could be designed inappropriately and could be used as a method for limiting the number of suppliers (lawyers) producing a tendency toward unduly high prices of legal services supplied to end consumers. The greatest suspicion falls upon quota restrictions, since they would not be directly linked to the quality of service and could limit specific areas of legal practice'."*

⁷⁹ Law Society of Ireland (18 December 2019) Submission to the Oireachtas Joint Committee on Justice and Equality, Access to Justice (Available [here](#))

⁸⁰ Bloomer & Others v The Law Society of Ireland & Others [1995] 3 IR 14, See also Abrahamson & Others v The Law Society of Ireland & Others and the Attorney General [1996] unreported, High Court, 15 July 1996

Internationalisation of legal services market

- 5.17 Brexit poses both opportunities and threats for the Irish legal profession and the legal services market, which may impact on both demand for legal services as well as supply. A small number of UK and international firms have established in Dublin in recent years, and the UK's departure from the EU may further drive this trend towards internationalisation of the legal services sector in the capital. The fact that Ireland will be the only full common law system in the EU and the only English-speaking country in the economic and political bloc creates growth potential for Irish solicitors and barristers after Brexit. In addition, uncertainty around the enforceability of UK court judgments in the EU after Brexit could make the Irish courts attractive to international litigants seeking the resolution of disputes.
- 5.18 A government backed initiative to promote Ireland as a legal centre after Brexit got underway in March 2019. Representatives from the Law Society and Bar of Ireland, in addition to the Attorney General and the Chief Justice, visited Washington as part of the government's annual St Patrick's Day trip to engage with the legal profession in the United States. The Law Society told an Oireachtas committee that the aim of the visit was to begin a process of engagement with the legal profession in the United States from which so much foreign direct investment emanates, and to encourage big businesses internationally to put dispute resolution clauses for Ireland rather than England and Wales in the relevant sections of their international contracts and agreements.⁸¹
- 5.19 In its response to this consultation, the Law Society said it is unlikely that the UK solicitors who have been admitted to the Irish Roll of Solicitors in such large numbers since 2016 will actually take out practising certificates in Ireland in the short term, as the transition period for Brexit is in place until December 2020. However, in the medium term, it said it anticipates an increase in UK firms opening Irish offices to gain access to the EU market.
- 5.20 The Law Society also pointed out that an Irish practising certificate only permits the holder to provide Irish and EU legal services while situated in Ireland, except as provided by the EU Services Directive. It stated: *"As such, if UK solicitors wish to provide legal services in Ireland or the EU through an Irish office, they must be physically situated in Ireland. In addition, Irish offices must have a substantive presence, and virtual or 'brass plate' offices are not permitted."*
- 5.21 During the UK's Brexit transition period, the current EU rules on mutual recognition of qualifications will remain in place. The Law Society said it has submitted draft statutory instruments to the Department of Justice and Equality to continue a regime of mutual recognition with England and Wales and Northern Ireland and mutual recognition (subject to examination) with Scotland. When these enter into force, the current system of recognition will continue indefinitely. In turn, the Solicitors Regulatory Authority, the Law Society of Northern Ireland and the Law Society of Scotland have introduced or are introducing new regulations to continue to recognise Irish solicitors post-Brexit.⁸²

⁸¹ Joint Committee on European Union Affairs, 10 July 2019 (Available [here](#))

⁸² Law Society submission

Public sector demand for legal services

- 5.22 Taken together, State bodies are the largest single consumer of legal services. Some legal services supplied to government departments and agencies are provided by staff within legal offices. In addition almost all public bodies acquire some legal services externally.
- 5.23 Establishing the actual level of public expenditure on legal services (and therefore assessing public sector demand for the services of solicitors and barristers) is not straightforward. There are a wide range of activities that could potentially be described as ‘legal services’ – from day-to-day spending by departments and agencies on the services of solicitors, to non-routine spending arising from tribunals. As a general rule, this expenditure is not recorded separately, meaning there is a lack of comparable data across the system. The degree of variability associated with this type of expenditure (i.e. lack of a ‘steady-state’ position) adds to the difficulty, according to the government’s own analysis.⁸³
- 5.24 One area where detailed and regularly updated data is available is in relation to the three offices that provide legal services to the State and which have individual Budget allocations.⁸⁴ The first is the Attorney General, the legal adviser to the Government. The second is the Chief State Solicitor’s Office (CSSO), which is a constituent element of the Attorney General’s office. It provides litigation services to the Government, together with a wide range of other services such as advisory and conveyancing functions. In effect, the function of the CSSO is to act as a solicitor to Ireland, the Attorney General, Government Departments and Offices, and State Agencies. Thirdly, the Director of Public Prosecutions (DPP) provides direction and supervision of public prosecutions and related criminal matters.
- 5.25 The State’s primary interface with the legal system and its core consumption of legal services is through these three offices, which provide work directly to solicitors and barristers. As the services provided by the legal offices are largely demand-led there is limited scope for re-prioritisation or re-allocation of expenditure. Total net expenditure by the three offices in 2019 was €96.2 million.⁸⁵ The largest share of this expenditure was accounted for by the DPP (€42.2 million), while the CSSO accounted for €39.5 million and the AG €14.6 million. Total annual net expenditure for these three offices peaked at €103 million in 2008, but retracted in the years following the financial crisis when budget reductions were implemented.
- 5.26 In a 2013 analysis of public spending on legal services, the Department of Public Expenditure and Reform noted that reductions in fees paid to legal counsel were an important element of the observed consolidation in the spending on the three legal offices in 2012 from earlier peak levels. It stated that this was positive development which reflected a more systematic approach to cost management in the relevant offices, and

⁸³ Irish Government Economic and Evaluation Service (IGEES) (2013) Public Expenditure on Legal Services – Avoid, Minimise, Recover. Expenditure Report 2013 (Available [here](#))

⁸⁴ Irish Government Economic and Evaluation Service (July 2017) Spending Review 2017 The Central Votes: Spending Trends and Key Drivers (Available [here](#))

⁸⁵ Net expenditure analysis by vote. Source: Department of Public Expenditure & Reform - Databank

could also suggest a level of expenditure in the past which was excessive and not firmly grounded in a market-based mechanism.⁸⁶

Legal aid budget reductions

- 5.27 Ireland ranks among common law countries and northern European states which commit the largest budgets per capita to legal aid. In 2014, this was €18.40 for Ireland, compared to €33.30 in UK-Scotland, €26.90 in the Netherlands, €26.50 in Sweden and €11.90 in Finland. The average spent by European States on legal aid was around €9 per capita. The European Commission noted in a 2014 comparative study that budgets for legal aid in Ireland were in steady decline since 2010.⁸⁷

Criminal Legal Aid

- 5.28 The Department of Justice and Equality is responsible for administering the main criminal legal aid scheme. Under the Criminal Justice (Legal Aid) Act 1962, the Courts, through the judiciary, are responsible for granting legal aid for applicants with insufficient means to pay for their own legal representation. The Department pays lawyers' fees based on agreed set rates.⁸⁸ Publicly funded barristers acting for both the defence and the prosecution in criminal cases have parity of pay.
- 5.29 Legal representation under the Criminal Legal Aid Scheme is provided entirely by solicitors and barristers in the private sector who have notified County Registrars (in the case of solicitors) and the Bar Council (in the case of barristers) of their willingness to have their names placed on panels to undertake legal aid work.
- 5.30 The State's annual expenditure on Criminal Legal Aid reached €60 million in 2009, and during the austerity years it dipped to around €50 million per annum (between 2012 and 2015).⁸⁹ It has since started to rise again and in 2019 budgeted expenditure was €61.3million.⁹⁰ Overall, the unit cost per Criminal Legal Aid certificate appears to have remained relatively stable (around €950-1,000) over the last decade, according to a 2018 Spending Review by the Department of Justice and Equality's Irish Government Economic and Evaluation Service Unit (IGEES).⁹¹
- 5.31 A multi-agency Task Force chaired by the Department of Justice and Equality undertook the most recent review of the Criminal Legal Aid Scheme in 2011.⁹² A number of measures were rolled out in an effort to generate costs savings and efficiencies. These included a

⁸⁶ Irish Government Economic and Evaluation Service (IGEES) (2013) Public Expenditure on Legal Services – Avoid, Minimise, Recover. Expenditure Report 2013 (Available [here](#))

⁸⁷ Council of Europe, European Commission for the efficiency of justice (CEPEJ) (2016) European judicial systems: Efficiency and quality of justice, An Overview CEPEJ STUDIES No. 23. (2014 data) Irish figures show membership of Bar of Ireland and Law Society of Ireland (Available [here](#))

⁸⁸ Details of rates as at October 2017 available [here](#).

⁸⁹ Department of Justice and Equality IGEES Unit (2018) Spending Review 2018 Criminal Legal Aid: Overview of current system and potential lessons from an international comparison (Available [here](#))

⁹⁰ See: <http://www.justice.ie/en/JELR/Pages/PR18000317>

⁹¹ Department of Justice and Equality IGEES Unit (2018) Spending Review 2018 Criminal Legal Aid: Overview of current system and potential lessons from an international comparison (Available [here](#))

⁹² Department of Justice, Equality and Law Reform (2011) Report of the Task Force on Cost Reductions on Criminal Legal Aid (Available [here](#))

10% reduction in fees and rates payable to solicitors and barristers under criminal legal aid, as well as a reduction in the rate paid for travel and subsistence. These reductions were projected to make savings of around €5.6 million per year. In response to these measures, the DPP in the same year implemented a 10% cut in set rates for specific services supplied by legal practitioners.⁹³

- 5.32 The 2011 reductions followed two separate 8% cuts to legal fees for solicitors and barristers acting on behalf of the DPP introduced in 2009 and in 2010 under the government's Financial Emergency Measures in the Public Interest legislation.⁹⁴ In addition, in 2012 the State Claims Agency (SCA) reduced fees paid to barristers by 25% and established a legal costs unit to handle third party costs associated with the Mahon and Moriarty Tribunals.⁹⁵ The agency introduced a procurement structure requiring barristers to engage in a competitive tendering process under which their fees would be capped at up to 25% below existing levels. The SCA said the move followed the success of a similar initiative in 2011 which reduced the cost of fees it paid to solicitors by 25%.
- 5.33 Based on its 2018 analysis, the IGEES said Ireland had a robust Criminal Legal Aid system, which, in expenditure terms, is broadly similar (or slightly cheaper), compared to its Northern European peer jurisdictions. The IGEES report said future evaluations would benefit from improved data on Criminal Legal Aid cases that would allow for a more detailed longitudinal analysis of the Criminal Legal Aid system.
- 5.34 Table 5.1 provides a breakdown of State expenditure on Criminal Legal Aid by solicitor and barrister profession from 2007 to 2017. This shows that expenditure decreased during the 'austerity years' but has since increased alongside a strengthening of the economy. Solicitors' fees make up the majority of annual expenditure at approximately 60%.
- 5.35 Overall, the Department of Justice's figures show that the State paid €60.28 million to lawyers through the Criminal Legal Aid Scheme in 2019, a 1.3% increase from €59.5 million in 2018 (figures include VAT). Legal aid payments to some 800 solicitors totalled €36.6 million, while payments to barristers totalled €23.68 million, made up of €13.9 million to almost 500 junior counsel and €9.78 million to approximately 100 senior counsel.⁹⁶ These figures show the same proportional breakdown of fees between solicitors and barristers.

⁹³ Department of Public Expenditure and Reform (27 February 2013) Written answers from Minister on Departmental Legal Costs. (Available [here](#))

⁹⁴ Financial Emergency Measures in the Public Interest Acts 2008 and 2019

⁹⁵ State Claims Agency (12 August 2012) State Claims Agency to reduce barristers fees by 25% (Available [here](#))

⁹⁶ Figures supplied by Department of Justice and Equality to LSRA

Table 5.1: State expenditure (€million) on Criminal Legal Aid by profession 2007-2017

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Solicitors	25.7	30.8	34	30.4	30	25.7	26.5	25.6	26	26.5	30.2
Counsel	16.9	19.2	20.1	18.4	18.2	16.4	17.1	17.8	18.3	18.8	21.3
Share of solicitors expenditure	60.3%	61.6%	62.8%	62.3%	62.2%	61.0%	60.8%	59.0%	58.7%	58.5%	58.6%

Note: There are other costs aside from legal representation costs including costs of witnesses, translation costs amongst others. Source: Courts Policy Division, DOJE

Source: Department of Justice and Equality, IGEES Unit. ⁹⁷

Civil Legal Aid

5.36 Civil legal aid and advice to persons who cannot afford legal representation is provided by the Legal Aid Board which was established under the Civil Legal Aid Act 1995. In 2018, the Board provided legal services to approximately 18,400 new clients, with most involving legal representation in court. Approximately 71% of the Board's clients sought legal services in relation to a family matter, just over 10% in relation to international protection, just under 10% on foot of the Abhaile Scheme and 9% in relation to general civil matters.⁹⁸ The Board estimated that approximately 46% of the population were eligible for civil legal aid in 2015, based on financial eligibility criteria.

5.37 In 2019 the State spent €40.8million on Civil Legal Aid, up from €40.3million in 2018.⁹⁹ Most civil legal aid work is done by salaried solicitors who are employees of the Legal Aid Board working in its 30 law centres and two specialist offices.

5.38 The Board told an Oireachtas committee hearing in November 2019 that solicitor recruitment presented a particular challenge because it was limited to offering new recruits the first point on the pay scale, while other public sector bodies had more flexibility. The Board also engages private practitioners – both solicitors and barristers – on a fee-per case basis based on a published fee schedule. The level of usage of the private practitioner schemes is determined by the Board's resources, having regard to the level of demand for services.¹⁰⁰ In response to the impact of the economic downturn following the 2008 financial crisis, the Legal Aid Board reduced its professional fees for barristers¹⁰¹ and cut back on its use of private solicitors.¹⁰²

⁹⁷ Table reproduced from Department of Justice and Equality IGEES Unit (2018) Spending Review 2018 Criminal Legal Aid: Overview of current system and potential lessons from an international comparison (Available [here](#))

⁹⁸ Legal Aid Board (27 November 2019) Oireachtas Joint Committee on Justice and Equality (Available [here](#))

⁹⁹ Source: Annual Reports of Legal Aid Board

¹⁰⁰ Legal Aid Board (October 2011) Value for Money and Policy Review of the Legal Aid Board. (Available [here](#))

¹⁰¹ Barristers who are retained by Law Centres operated by the Board are now retained on the basis of the Board's Terms and Conditions which came into effect on 1 August 2012. These replaced a 1998 agreement headed between the Board and the General Council of the Bar of Ireland.

¹⁰² Legal Aid Board (April 2014) Annual Report 2013 Access to Justice (Available [here](#))

Demand for barristers' legal services

- 5.39 With 45 barristers per 100,000 people, Ireland has a high proportion of barristers, compared to other jurisdictions where there is a referral law bar.¹⁰³ As outlined above, the majority (80%) of barristers on the Roll of Practising Barristers at the end of 2019 were members of the Law Library.
- 5.40 In its submission to this consultation, the Bar of Ireland said an oversupply of barristers and insufficient demand for their services are among the key factors for what it terms high rates of attrition at the independent referral bar. Income generation was the primary challenge faced, following 'severe cuts' in barristers' professional fees for public sector work during the economic downturn. In addition, difficulties getting paid are a significant factor in a barristers being able to sustain and develop a career at the Bar.
- 5.41 The Bar of Ireland told an Oireachtas committee hearing in December 2019 that since 2008 cuts to professional fee levels for work undertaken on behalf of the Director of Public Prosecutions and also under the Criminal Legal Aid Scheme have ranged in the order of 28.5% to 69%. It also stated that a series of cuts by the Legal Aid Board to brief fees in Circuit Court cases amounted to an overall reduction of 32% since February 2009.¹⁰⁴
- 5.42 In its submission to this consultation, the Bar of Ireland stated: *"For many practitioners, these cuts have made it unviable to continue to participate in State-funded schemes such as the Civil and Criminal Legal Aid schemes, and many members of the Law Library are voting with their feet and choosing not to practice in legally aided areas such as crime and family law. These areas of law involve long hours of work which is either poorly paid or for which there is no payment whatsoever and new entrants to the profession are often not able to sustain a career working on complex cases where professional fee levels remain at such low levels."*
- 5.43 The Bar expressed particular concerns about retention rates at the criminal bar, with a drop in criminal law devils at both intake level and among newly qualified barristers. In particular, it highlighted a decline in the retention of barristers practising in criminal law after the third year of practice, owing to their inability to sustain a reasonable income following what is now a two-year period of devilling. The Bar's own analysis has found that out of a total of 197 new barristers who commenced practice in the area of criminal law between 2011/12 and 2018/19, fewer than half (88) remained in criminal practice by October 2019.¹⁰⁵
- 5.44 The Bar said the impact of reduced numbers maintaining a criminal practice was most noticeable among barristers who have been practising for 6-8 years, with 70% of those who commence a career at the criminal bar opting out by their sixth year of practice. With retention rates dropping to less than a third of those who set out to pursue a career in criminal law, this points to *"a real and developing concern within the criminal bar as the numbers of junior barristers with experience in crime are simply too low to replenish the*

¹⁰³ For example, there are 29 barristers per 100,000 population in New Zealand and 23 in the UK

¹⁰⁴ Bar of Ireland (November 2019) Submission to Oireachtas Joint Committee on Justice and Equality on Access to Justice and Legal Costs (Available [here](#))

¹⁰⁵ Bar of Ireland submission

loss of senior barristers who retire from the profession.” The Bar of Ireland cautioned that this emerging dearth of experienced junior barristers will have a knock-on effect of fewer Masters (junior counsel with seven years’ experience) to provide training to newly qualified barristers, with the consequent loss of talent and experience having a profound impact on the administration of criminal justice and the public good.

5.45 The Office of Government Procurement carries out procurement of legal services for public sector bodies and government departments through the electronic e-tenders platform. In its submission, the Bar said its research has found implicit and explicit barriers to barristers tendering for some legal advice and services requests for tenders issued by the OGP. Some tenders invite submissions only from solicitors, notwithstanding the fact that barristers are suitably qualified to provide such services. Other tenders include turnover and insurance requirements which are likely to exclude a very significant proportion of Law Library members.

5.46 In addition to remunerated work, many barristers undertake pro bono legal services, including through the Bar’s formal Voluntary Assistance Scheme and through community based organisations such as independent law centres. A 2013 survey conducted by the Bar of Ireland reported that 83% of barristers undertake pro bono legal services for clients where otherwise such clients would not be able to access justice.¹⁰⁶

Law Library member barristers

5.47 Barrister membership of the Law Library stood at 2,120 barristers as of September 2019. Of these, 1,772 were junior counsel and 348 senior counsel, as shown in Table 5.2. The 2018/2019 figure is a slight decrease on the total membership in 2017/2018 which stood at 2,125, down from a recent high of 2,354 in 2011.

Table 5.2: Membership of Law Library 2008 – 2018

Year	Total members	Junior Counsel	Senior Counsel
2008/09	2,065	1,776	289
2009/10	2,265	1,958	307
2010/11	2,281	1,976	305
2011/12	2,354	2,024	330
2012/13	2,351	2,028	323
2013/14	2,337	2,012	325
2014/15	2,297	1,973	324
2015/16	2,265	1,945	320
2016/17	2,127	1,793	334
2017/18	2,125	1,789	336
2018/19 ¹⁰⁷	2,120	1,772	348

Source: Bar of Ireland

¹⁰⁶ Source: Bar of Ireland submission

¹⁰⁷ Figure as of September 2019. Source Bar of Ireland submission

5.48 In 2019/2020 a total of 82 barristers joined the Law Library as new entrants commencing devilling.¹⁰⁸ This is a slight reduction on 2017/2018 and is part of an ongoing slow decline in new entrants since the economic downturn of 2008, a year when there were 194 new entrants. Table 5.3 charts this trend across the legal years over the past decade.

Table 5.3: New entrants to Law Library 2008-2019

Legal Year	New entrants	Legal Year	New entrants
2008/09	194	2014/15	105
2009/10	146	2015/16	96
2010/11	149	2016/17	92
2011/12	141	2017/18	89
2012/13	153	2018/19	82
2013/14	135	2019/20	82

Source: The Bar of Ireland

5.49 A total of 109 members left the Law Library in the legal year 2018/2019.¹⁰⁹ This is slightly fewer than the numbers who left each year in recent years, as Table 5.4 shows. A breakdown of reasons for departures (based on information supplied by the Bar of Ireland in its submission to this consultation) shows that 80 of the 109 members who left the Law Library in 2018/2019 retired or left for other work opportunities, health, family and /or personal circumstances. In its submission, the Bar of Ireland said it expected the departure rate to remain around 120 per year.

Table 5.4: Members leaving the Law Library 2008-2018

Legal Year	Excluded from membership	Retired/Left*	Appointed judge	Deceased	Total no. leaving
2008/09	14	28	0	5	47
2009/10	17	45	4	6	72
2010/11	46	57	1	3	107
2011/12	51	69	11	4	135
2012/13	47	99	4	2	152
2013/14	37	104	8	1	150
2014/15	38	90	9	4	141
2015/16	16	75	9	5	105
2016/17	35	132	7	5	179
2017/18	27	92	7	2	128
2018/19	21	80	4	4	109

* Includes retired or left for other work opportunities, health, family and or/personal circumstances etc. Source: Bar of Ireland

¹⁰⁸ An additional 11 barristers joined the Law Library from other jurisdictions and an additional 17 barristers re-entered membership of the Law Library following a period of absence. Source: Bar of Ireland submission.

¹⁰⁹ This figure is for the legal year 2018/19. In its submission, the Bar of Ireland said the number of barristers who ceased membership of the Law Library in the year 2019 was 141.

5.50 The Bar of Ireland in its submission provided further details on what it termed Law Library member attrition by year of practice which it said illustrated the clear challenges in sustaining a long-term career at the bar. This data is set out in Table 5.5. It shows a steady decline in membership of the Law Library after five years of practice, with 66% of new members who joined the Law Library in 2013 remaining as members by their sixth year in practice, and 27% of members who commenced devilling in 2008 remaining ten years later.

Table 5.5: Departures from Law Library by year of practice

Year joined Law Library	New entrants to Law Library	No. remaining as of September 2018	Year of practice	% Remain	% Left
2007/08	191	64	12 th	34%	66%
2008/09	194	53	11 th	27%	73%
2009/10	146	67	10 th	46%	54%
2010/11	149	73	9 th	49%	51%
2011/12	141	80	8 th	57%	43%
2012/13	153	94	7 th	61%	39%
2013/14	135	89	6 th	66%	34%
2014/15	105	89	5 th	85%	15%
2015/16	96	85	4 th	89%	11%
2016/17	92	84	3 rd	91%	9%
2017/18	89	90	2 nd	101%	-1%
2018/19	82	80	1 st	98%	2%

Source: Bar of Ireland

Barristers' problems getting paid

5.51 The Bar of Ireland in its submission asserted that getting paid is a significant factor in a barrister being unable to sustain and develop a career at the bar. It said its Council had entered into an arrangement with a third-party provider, LawServ, in 2014 to assist its members to collect fees from solicitors.

5.52 Data provided by LawServ showed that 42% of cases for non-payment of counsel fees arose from a lack of cooperation from the solicitor that may result in a complaint being made to the regulator. The Bar of Ireland said it was hopeful that the Legal Services Regulatory Authority will investigate the issue further and consider measures to bring to an end the high rate of failure by solicitors to discharge fees due to counsel for work undertaken. Since the commencement of its complaints function in October 2019, the Legal Services Regulatory Authority is now the body which receives and investigates complaints against solicitors and barristers. Failure to pay fees due to a barrister could be grounds for a complaint of misconduct under the Act.

Section 6: Costs of Legal Services in Ireland

Legal services costs for business

- 6.1. Legal services are an essential part of almost every enterprise in the country. Therefore, the costs of legal services have a direct impact on the competitiveness of the entire economy.
- 6.2. The National Competitiveness Council's Ireland's Competitiveness Challenge 2019 focused on legal costs as one of three areas where costs impact on business, and especially on SMEs.¹¹⁰ The report acknowledged the challenge of defining and measuring legal costs due to substantial data limitations. It noted that the two primary sources of quantitative data on the cost of legal services in Ireland are the Central Statistic Office's experimental data series, the Services Producer Price Index (SPPI), and the World Bank's annual Doing Business report, both of which are subject to certain limitations.

CSO Services Producer Price Index

- 6.3. The SPPI measures changes in the average prices charged by domestic service producers for a selected range of services supplied to other businesses and government.¹¹¹ For the SPPI report, the first limitation is that the data is presented as an index, so it only gives information about changes in prices rather than absolute prices. Secondly, the most granular SPPI sectoral data on legal services is in a group which also includes accounting, PR and business management consultancy costs. Therefore, changes in the data can be driven by price changes in any one of these areas.
- 6.4. Bearing in mind these limitations, the CSO data shows that prices for legal, accounting, PR and consultancy services have trended upward in Ireland in recent years, with sharp increases recorded since the beginning of 2019. Service prices in Quarter 2 2019 for this category were 3.1% higher when compared with the same period in 2018.¹¹²

The World Bank 'Doing Business 2020'

- 6.5. The World Bank's annual Doing Business report 2020 consists of a series of surveys with experts to estimate the time, and cost, of enforcing contracts.¹¹³ The World Bank data suggests that Ireland is a slow and expensive jurisdiction in which to enforce a commercial contract. As Figure 6.1 shows, the total cost involved in enforcing a commercial contract in Ireland in 2019 was equivalent to 27% of the value of the claim, while the OECD average

¹¹⁰ The National Competitiveness Council (December 2019) Ireland's Competitiveness Challenge 2019 (Available [here](#))

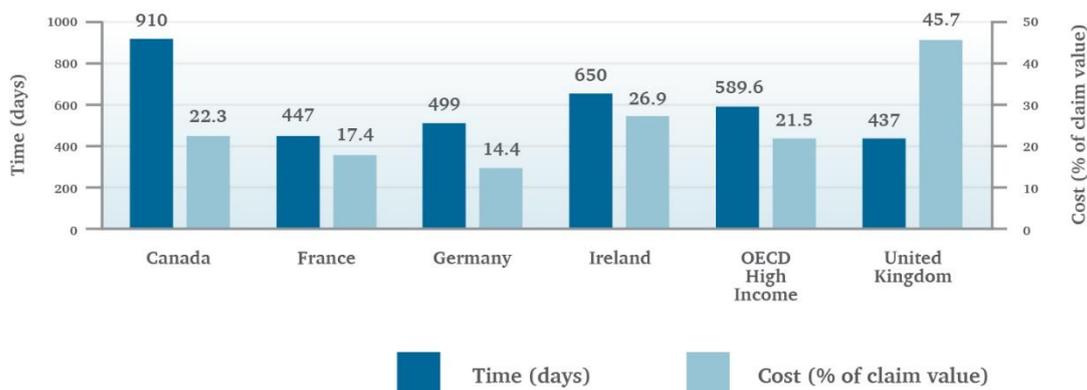
¹¹¹ The index covers transaction costs from business to business and excludes consumers who are covered in the Consumer Price Index (CPI)

¹¹² CSO (September 2019) Services Producer Price Index Experimental (Selected Services) Quarter 2 2019 (Available [here](#))

¹¹³ Time and cost to resolve a commercial dispute and the quality of judicial processes for men and women

was 21%.¹¹⁴ The World Bank data also shows that it takes 650 calendar days to resolve a commercial dispute in Ireland, compared to the OECD average of 590 days for high income countries.¹¹⁵

Figure 6.1: Enforcing a commercial contract, cost and time



Source: World Bank Doing Business 2020

6.6. The World Bank report includes a breakdown of total costs of enforcing a contract into three categories of attorney fees, court fees and enforcement fees. In Ireland, attorney fees accounted for 19% of the award, significantly higher than Denmark (5%), Germany (6.6%), France (10.7%), Spain (12.7%), Canada (15%) and the United States (14.4%) but lower than New Zealand (22%) and the UK (35%).¹¹⁶

6.7. The National Competitiveness Council, bearing in mind the caveats outlined, concluded in its 2019 report that the cost of legal services in Ireland is high and is continuing to rise. It stated: *“The Council is concerned that Ireland remains both an expensive and a slow jurisdiction in which to enforce a commercial contract. In addition, attorney fees, as a percentage of total enforcement cost remains high in Ireland compared to Germany, France, and Spain. It is vital that the reforms which aims to increase competition and improve transparency in the sector are expedited.”*

Data blind spots

6.8. The National Competitiveness Council said it believes that further evidence is needed in relation to data sources and data collection methods, as well as transparency to reduce the scope of misinterpretation and to truly identify the legal services’ costs faced by businesses in Ireland. To maximise the value of any statistics in this area a further breakdown of the

¹¹⁴ The cost in court fees, attorney fees (where the use of attorneys is mandatory or common) and enforcement fees expressed as a percentage of the claim value.

¹¹⁵ World Bank Group (2020) Doing Business 2020 Economy Profile Ireland. (Available [here](#)) The time to resolve a dispute, counted from the moment the plaintiff decides to file the lawsuit in court until payment. This includes both the days when actions take place and the waiting periods in between.

¹¹⁶ World Bank Group (October 2020) Doing Business 2020. Individual country reports available [here](#)

figures by area of litigation and type of legal services is needed. Data on the legal costs of adjudicators and courts could be augmented with wider data from several sources. To this end, the Council recommends in its 2019 report that the CSO publish the Services Producer Price Index with a more detailed sector breakdown and with legal services separated out as a sector of its own. This data would assist the Authority in meeting its regulatory objectives in relation to protecting and promoting the interests of consumers relating to the provision of legal services and promoting competition in the provision of legal services.

Legal services costs and quality – consumers’ views

- 6.9. Data on consumers’ views on the costs and quality of legal services in the State is very limited. As part of its work under section 34 of the Act, the Authority in 2018 commissioned an Omnibus Consumer Survey which revealed that 41% of Irish consumers had had a legal problem in the past five years but had avoided engaging a legal services provider despite identifying the need for one.¹¹⁷ The main reasons for this related to uncertainty over the costs of using such services. This suggests that any change in admissions policies, in addition to other reforms, that could have a knock-on effect in terms of costs of legal services qualification might also bring benefits in terms of access to justice.
- 6.10. In terms of quality of legal services received, some two-thirds of consumers who had used legal services in the past five years (63%) were satisfied overall with their experience. Whilst ‘price’ played a part in this satisfaction equation, the survey results suggest that other factors such as ‘the clarity of advice provided’, ‘efficiency/speed’ and a ‘helpful/caring demeanour’ are equally important.
- 6.11. Qualified legal practitioners were the most commonly used source of legal services, providing 72% of services (solicitors 61%, barristers 11%) with 28% of legal services being provided by non-lawyers, including the Citizens Information Service, accountants and financial/tax advisers. This suggests that although the utilisation of legal practitioners is high in Ireland relative to other, similar jurisdictions, consumers are open to using other sources if they are available.
- 6.12. The Authority will consider undertaking further consumer research to inform its future consideration of the admissions issue.

Legal services costs and quality – views of professional bodies

- 6.13. In its submission to this consultation, the Law Society stated that the levels of cost and quality of solicitors’ services in general are the product of intense competition for legal work between more than 2,200 individual firms of solicitors (see also Section 5 and Section 8). In its submission, the Bar of Ireland stated that the market for barristers’ services is more competitive than it has ever been and this has led to very considerable reduction in fees paid to most barristers, particularly by private clients where there is no set scale of

¹¹⁷ Views from the public were obtained through an omnibus consumer survey of 1,000 adults, representative of the Irish population by gender, age, social class and region. Further details of the survey are available in Hook Tangaza (2018) Review of Legal Practitioner Education and Training (Available [here](#))

fees. Barristers who undertake work on behalf of the State are, in the main, working to a set schedule of fees (see also Section 5 and Section 8).

Regulatory reform for legal services professionals

- 6.14. One of the major structural reforms included in the Troika's Economic Adjustment Programme of 2011¹¹⁸ was the establishment of an independent regulator for the legal services profession as well as the implementation of the recommendations of the Legal Costs Working Group¹¹⁹ and outstanding Competition Authority recommendations to reduce legal costs.¹²⁰ In October 2016, the Legal Services Regulatory Authority (LSRA) was established on foot of the Legal Services Regulation Act 2015. Several aspects of the Act are intended to increase competition and costs transparency in the sector.
- 6.15. In November 2019, the LSRA introduced a new framework to allow existing partnerships of solicitors to apply to it for authorisation to operate with limited liability. Authorisation of a partnership of solicitors to operate with limited liability under the Act does not create a new business entity. Instead, it authorises existing partnerships of solicitors to limit their personal liability.
- 6.16. The introduction of Limited Liability Partnerships (LLPs) is intended to put Ireland on a par with other jurisdictions that have operated LLPs for a number of years. It has the potential to increase competition and innovation in the legal services market as it supports a greater appetite for growth and expansion of solicitors' firms. It should also reduce professional indemnity insurance costs for LLPs and to consequently lower legal costs for consumers.¹²¹
- 6.17. In addition, the LSRA has also prepared the necessary framework for the introduction of Legal Partnerships and a legislative amendment is now required before they can be introduced. The Competition and Consumer Protection Commission has stated that the introduction of new business structures such as Legal Partnerships have the potential for direct cost savings to the consumer and could potentially act as a driver for procompetitive changes in the market.¹²²
- 6.18. On 7 October 2019, the LSRA began receiving and investigating complaints against solicitors and barristers as part of a new independent statutory regime under the Act. One of the three main grounds for complaints is excessive costs (overcharging). In addition, a complaint about excessive costs can become a complaint about misconduct where the amount of costs sought is grossly excessive.
- 6.19. Section 150 of the Act introduced new requirements on legal practitioners when communicating with clients about costs of legal services. These new transparency obligations will allow consumers of legal services to shop around make more informed decisions. If clients are able to compare prices for legal services, this will create incentives for lawyers to compete on price. The notices should greatly improve communication and

¹¹⁸ European Commission (2011) The Economic Adjustment Programme for Ireland, p 66 (Available [here](#))

¹¹⁹ Department of Justice (2005) Report of the Legal Costs Working Group (Available [here](#))

¹²⁰ Competition Authority (2006) Competition in Professional Services: solicitors and barristers (Available [here](#))

¹²¹ As of 26 March 2020, the LSRA had issued a total 118 authorisations for LLP status

¹²² Legal Services Regulatory Authority (2017) Legal Partnerships Report to the Tánaiste and Minister for Justice and Equality, Ms Frances Fitzgerald TD (Available [here](#))

transparency on cost between practitioner and client, which should in turn have a positive impact in respect of volumes of such complaints. The LSRA expects that it will be required in due course to consider complaints where it is alleged that section 150 costs notices were either not provided, were not clear or were inadequate.

- 6.20. Finally, further elements of the Act which commenced in October 2019 make extensive provision for a new legal costs regime with the setting up of the Office of the Legal Costs Adjudicator (OLCA) to replace the previous Taxing Masters' Office. The OLCA will maintain a register of determinations in relation to applications for the adjudication of legal costs, thereby adding a new layer of transparency to legal costs.
- 6.21. In its 2019 report, the National Competitiveness Council recommended that the Department of Justice ensure that the recently established OLCA is sufficiently resourced to improve transparency of, and competition in, the legal services sector. More generally, the Council stated that it supported the reform process undertaken by the LSRA. However, it said it was concerned about the pace of these reforms and believed that the introduction of the frameworks which will increase competition, drive down costs and benefit consumers needs to be expedited. The Council stated that it would like the Government to ensure that the LSRA has both the financial and legislative resources it requires to expedite its work programme.

Section 7: Summary of Research to Date on Admissions to the Legal Professions

- 7.1 This section provides a brief summary of important reports by a range of bodies which have assessed the admissions system for solicitors and barristers including the education and training system. This includes the comprehensive 2018 report prepared for the Authority by the external Review Team of Hook Tangaza.

2003 – Indecon Report¹²³

- 7.2 In 2003, a Competition Authority commissioned report from Indecon International Economic Consultants identified aspects of the legal education system for both branches of the legal profession which might restrict competition. It stated: *“The Law Society’s monopoly on the provision of the professional practice courses for trainee solicitors is likely to restrict the number of entrants to the profession”* and *“the requirement that barristers have three years’ post-qualification experience in order to transfer to practise as solicitors is likely to act as a barrier to entry to the solicitor’s profession”*.
- 7.3 For barristers, it suggested that the following education and training arrangements could act as restrictions on competition: *“The King’s Inns monopoly on the provision of the Diploma in Legal Studies course”* and *“on the Barrister-at-Law (BL) degree course, which is the principal educational requirement to qualify as a barrister in Ireland; and “the pupillage requirements for new barristers, particularly the absence of remuneration for pupils”*. In addition, the report noted that the absence of a profession of licensed conveyancers could reduce competition in that segment of the market.

2006 Competition Authority Report¹²⁴

- 7.4 A 2006 Competition Authority Report said there were a number of unnecessary restrictions on becoming a solicitor or barrister, including the fact that those wishing to enter either branch of the legal profession must do so by way of a training school monopoly. The Competition Authority stated that the fact that the number of solicitors and barristers who qualify in Ireland each year is determined by the capacity of the Law Society and King’s Inns schools had the potential to limit the supply of solicitors and barristers with respect to future demand.

¹²³ Indecon’s Assessment of Restrictions in the Supply of Professional Services. Prepared for the Competition Authority by Indecon International Economic Consultants-London Economics (March 2003). (Available [here](#))

¹²⁴ Competition Authority (December 2006), Competition in Professional Services – Solicitors and Barristers. (Available [here](#))

7.5 The Competition Authority recommended that:

- In the case of both solicitor and barrister training, independent bodies should set standards and approve institutions that wish to provide such training. Having independent regulation of legal professional training would encourage other education providers to enter the market for the training of solicitors, ensuring that the number of training places available is likely to meet demand, and would allow innovations such as part-time/weekend courses or courses in specific areas of law.
- The current system of reciprocity in recognition of legal training of non-EEA lawyers should be replaced by mirroring the existing provisions for EEA lawyers.
- Unnecessary barriers to switching between the branches of solicitor and barrister should be removed.
- Qualified persons other than solicitors should be able to provide conveyancing services.

7.6 The Competition Authority's recommendations helped to shape the Legal Services Regulation Bill, which became the 2015 Act.

2018 Hook Tangaza Review of Legal Practitioner Education and Training¹²⁵

7.7 The Hook Tangaza report posed the question – is the legal education and training system open to new entrants? Its assessment was that it was, to some degree. It stated the following:

7.8 *“Whilst there are no numerical limits on new entrants to the legal professions, there is evidence of a number of indirect barriers to entry which are likely to hit socio-economically disadvantaged groups in particular.*

7.9 *“For the solicitors’ profession, the FE-1s are a concern because of the cost and delay they create for law graduates. The requirement for a training contract to be obtained prior to enrolment at Blackhall Place is also likely to reduce the attractiveness to new players of entry into the market. This system inevitably links the supply of newly qualified solicitors to the economic conditions facing firms up to three years earlier, when they would have been making the decision to take on trainees. The asymmetrical nature of this link between new solicitor supply and law firm demand creates a drag on growth and has ended up making Dublin a disproportionately expensive market (although the property market also has a role to play in this).*

7.10 *“For the barrister’s profession, the difficulty of earning a living in the first few years of practice acts as a major disincentive for those who need to obtain an income to support themselves during this period. This is evidenced by the high attrition rates at the Bar and the drift of barristers to in-house practice. Efforts by the Law Society of Ireland and the Honorable Society of King’s Inns to introduce schemes to encourage more diverse entry*

¹²⁵ Hook Tangaza (2018) Review of Legal Practitioner Education and Training (Available [here](#))

through (e.g. bursary schemes) are widely seen as laudable but inadequate to address the underlying systemic problem.

- 7.11 *“Lastly, the numbers qualifying are inevitably capped by the capacity of Law Society and King’s Inns to train students. Although both providers deny that numbers of new entrants into their training programmes are capped, they inevitably face capacity constraints given their dependence on physical premises (see for example, p.137, Maharg, Ching and Crewe, 2018). The LSI is, however, proposing to expand its physical provision by 10-15 workshop rooms (see LSI consultation response, proposal 26, Annex F).”*

Barriers to entering legal profession – survey findings

- 7.12 A survey of aspiring legal practitioners, carried out as part of the Hook Tangaza review, found that 43% of students who said they expected to face barriers to pursuing a career in law identified the costs of qualification (including courses, accommodation etc) as the most significant barrier. Other perceived barriers were difficulty for solicitors in finding a training contract (19%) overall time taken for qualification (14%), lack of contacts in the profession (15%) and lack of information about the process of qualification (6%).¹²⁶
- 7.13 Commentary given to supplement some of the survey responses suggested that there was a general expectation that most opportunities in the legal sector would be based in Dublin, and therefore that is where legal professionals will inevitably end up.
- 7.14 The report stated that it was striking that lack of contacts in the profession was identified as a barrier of equal weight to the time it takes to qualify. This result, coupled with accompanying commentary to the survey, suggested that there was a perception amongst law students that entry to the legal profession in Ireland requires “insider knowledge or contacts”. In this regard, the need to solicitors to obtain a training contract and for barristers to secure a Master, were interpreted as important barriers to those without prior connections in the sector.
- 7.15 The Review Team recommended that attention is given to encouraging greater diversity in the profession through the creation of new routes to qualification. This needed to encompass diversity both in demographic characteristics (such as age, location and socio-economic grouping) and in practice area (i.e. to ensure that there is an adequate supply of criminal, consumer and in-house lawyers as well as those with a commercial focus).

Needs of society for legal services

- 7.16 The Hook Tangaza review also found that, on balance, the legal education and training system did not meet society’s needs for legal practitioners and was not efficient. It found evidence that practitioners are not meeting the needs of users at the standard they expect and that there may be gaps in the type of legal services provider on offer in the market. The review concluded that the system of solicitor education and training did not meet the needs of firms, and it was increasingly difficult for a single system to meet a growing diversity of practice requirements. It also concluded that the decline in the numbers of barristers practising in the Law Library due to the economic difficulties of pupillage and the

¹²⁶ Survey Monkey survey of 292 law and joint law honour students, May 2018

early years of practice reinforced the importance of alternative routes to practise as a barrister, as provided in the 2015 Act.

- 7.17 In terms of efficiencies in the system and societal needs, the review concluded that: *“There appear to be large costs imposed by the system which limit both the talent pool and its diversity, thus not providing society with the legal practitioners it needs. There are also deadweight costs imposed on the law firms who are responsible for training nearly a half of the annual intake of solicitors into the profession, in the form of unnecessary recruitment costs and training which does not meet their needs.”* The 14 proposals of the Hook Tangaza Review Team are outlined in Section 1 of this report and, as noted already, the Authority’s work in considering these proposals is ongoing.

2018 Maharg Review¹²⁷

- 7.18 The January 2018 Solicitor Education in Ireland: Review Report commissioned by the Law Society, rehearsed in substantial detail the arguments for and against the existing FE-1 structure for admission to the solicitors’ Professional Practice Course provided by the Law Society. The report’s authors stated that they were concerned about the purpose and structure of the FE-1, and made recommendations for reforms within the existing framework. While the review’s recommendations focused on re-designing the purpose and structure of the FE-1 and the communications surrounding the assessment, one of its five FE-1 recommendations related to longer term actions.
- 7.19 It stated: *“In the longer term (though bearing in mind the LSRA reporting timetable), the Law Society of Ireland may wish to model alternatives to the current FE-1 (e.g. the LSNI approach, the General Medical Council approach, the licensing of undergraduate degrees, the setting of FE-1 only for non-law graduates) and consult with stakeholders over its purpose and structure.”*
- 7.20 The review report was considered by an Education Review Group set up by the Law Society, which set out its own 30 proposals in its submission to the Authority’s public consultation on education and training under section 34 of the Act.¹²⁸ Under these proposals, the FE-1 will continue to be a requirement for admission to the Law School “in that it ensures a common standard of competence in the core areas of law.” The Law Society said it will monitor this requirement on an ongoing basis.
- 7.21 In addition, the Law Society proposed that accelerated access to the FE-1 will be accorded to any candidates in the second year of a law or mixed law degree course in an Irish university or Higher Education Authority approved third level institution rendering such a candidate eligible to sit this examination. These changes have been adopted by the Law Society Council and are currently being introduced. They are outlined in further detail in Section 3.

¹²⁷ Maharg, P, J Ching, and J Crewe (2018) Solicitor Education in Ireland: Review Report. Report commissioned by the Law Society of Ireland (Available [here](#))

¹²⁸ Law Society of Ireland (June 2018) 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 (Available [here](#))

Section 8: Summary of Consultation Responses Received by the Authority

Breakdown of responses

- 8.1 A total of 17 submissions were received to the Authority’s consultation notice for this report to the Minister.¹²⁹ A list of respondents is set out in Annex A. A breakdown of these by type of respondent is set out in Table 8.1.
- 8.2 The number of responses to the consultation was not unexpected, given the specific nature of the questions to be addressed. The submissions will be published in due course on the LSRA’s website.

Table 8.1: Responses to the Section 33 Consultation by Type of Respondent

Consultee Type	Number of responses
Professional Bodies under the Act	3
Large Law Firms	2
Independent Law Centre	1
Educational institutes/bodies	5
Business body	1
Professional Associations	3
Individuals	2
Total	17

Overall feedback from the consultation

- 8.3 The majority of the responses received focused on issues related to admissions to the solicitors’ profession. Many of the submissions which focused on solicitors’ admissions devoted attention to the Final Examination-1 (FE-1) the collective name for the series of eight entrance exams for the Law Society’s Professional Practice Course (PPC). Several respondents also referred to previous submissions made to the Authority as part of its earlier consultations on legal education and training under section 34 of the Act.¹³⁰
- 8.4 Three submissions – from the Bar of Ireland, the Honorable Society of King’s Inns (King’s Inns) and one individual – focused on issues related to admissions to the barristers’ profession. Three submissions, from the Association of Judges in Ireland, UCD’s Sutherland School of Law and Ballymun Community Law Centre, referenced both professions.

¹²⁹ One respondent – the Employment Bar Association – wrote to the Authority stating that they did not currently have a view on the admission policies of either profession and therefore did not wish to make a submission

¹³⁰ Arthur Cox, A&L Goodbody, UCD Sutherland School of Law, Dublin City University School of Law and Government, Mr Kieran Fitzpatrick.

- 8.5 In addition to being invited to comment in general on the issue of admissions to the legal professions and the specific areas for assessment under section 33 of the Act, the three professional bodies (the Bar of Ireland, the Law Society and King's Inns) were invited to supply detailed statistical data. This data, as well as data from other official sources, is summarised in other sections of this report. This section focuses on the qualitative input, analysis and views of respondents including the three professional bodies.
- 8.6 This section sets out the respondents' views under five headings:
- Views on numbers admitted to practise
 - Views on entrance exams for professional training programmes
 - Views on wider legal training and reforms
 - Views on demand for legal professions and competition
 - Views on costs and quality of legal services

Views on admission to the solicitors' and barristers' professions

Numbers admitted to practise - barristers

- 8.7 **The King's Inns** stated that there is no unmet demand in the market for professional training for prospective barristers. It is satisfied that the number of persons admitted to the profession as barristers in 2019 is consistent with the public interest in ensuring the availability of legal services at a reasonable cost. It is of the view that the admissions policies of the profession are appropriately rigorous without being unduly restrictive and are well-designed to meet the objectives contained in section 13(4) of the Act. The King's Inns also stated that as there is no cap or quota setting the number of places available each year at the BL degree course or otherwise limiting the number of barristers admitted to the profession, that number fluctuates from year to year.
- 8.8 It stated that: *"In the absence of any such cap or quota, and in circumstances where the cost of the degree course has not increased since 2009, it is reasonable to conclude that the number admitted to the profession each year fluctuates in response to the demand for the services of practising barristers. If that demand were to increase appreciably, or indeed if those services were not available at a reasonable cost, King's Inns would expect to see a commensurate increase in the number of applications to the Barrister-at-Law degree course.*
- 8.9 *"In such circumstances, it would also be reasonable to expect a commensurate increase in the number of persons seeking admission to the profession via other routes, including by way of transfer from the solicitors' profession. In fact, this is not the case, as the number of barristers transferring to become solicitors is far greater than the number of solicitors transferring to be barristers."*
- 8.10 **The King's Inns** said there is no restriction or limitation for barristers on obtaining pupillage (devilling). Unlike in other jurisdictions, everyone who wishes to obtain a master and undertake pupillage is able to do so.

- 8.11 **A recently qualified barrister** who made a submission asserted that entry to the barrister profession should not be exclusively controlled by current practitioners, especially when that process is not on a statutory footing. The process of devilling/pupillage needs to be put on a statutory footing, if deemed necessary. The example of the Medical Council Act 2007 was shared, under section 7(4) of which: “The Council shall....promote efficiencies in the delivery of specialist training and inter training through the development of standard practices....”
- 8.12 In relation to the Master-devil pupillage system, the barrister said more flexibility on the job training system is required. The respondent asserted that only pre-approved barristers can be Masters and that there is no obligation for Masters to take on pupils, which means that some potential pupils may be unfairly excluded from practice without any appeal system or an ability to recruit a Master from outside the Law Library who may otherwise be qualified. In addition, the fact that Masters are primarily based in Dublin makes it problematic for non-Dublin based pupils. The practice that Masters can only commence pupils on a yearly cycle was a barrier which should be removed to allow pupils to commence any time of the year.

Numbers admitted to practise - solicitors

- 8.13 **The Law Society** said the admission policy of the solicitors’ profession in this jurisdiction, both in terms of the numbers qualifying through professional training here and those transferring into the profession from other jurisdictions, consistent with the need to ensure an adequate standard of education and training, is a remarkably open policy. The Law Society submitted that the information provided in its submission to the Authority demonstrated this openness. This included statistics on the growing numbers of solicitors from England and Wales admitted to the Irish Roll of Practising Solicitors in recent years, which is directly related to Brexit. The Law Society pointed out that almost 20% of the names of solicitors on the Roll at the end of 2019 are England and Wales qualified solicitors whose names have been added to the role since 1 January 2016. This, the Society said, “would suggest an ‘extremely open’ admission policy by any standard.”
- 8.14 **A&L Goodbody** said it did not consider that sufficient numbers are being admitted as solicitors to meet the Authority’s public interest concerns to ensure the availability of high quality but cost effective legal services in Ireland. *“In our view, Ireland needs significantly greater numbers of solicitors, and the need for legal expertise will only increase in an era of increasing regulation and in the light of developments such as Brexit.”* The Irish system runs the risk of becoming even less competitive in comparison to England and Wales once the Solicitors Qualifying Exam is introduced in that jurisdiction. This exam will offer a faster and less expensive route to qualification in England and Wales, providing a further incentive for graduates to elect to qualify there. A faster route to qualification would put female solicitors in particular in a stronger position to balance family commitments and career ambitions – and might help reduce the level of ‘mid-level’ attrition within the solicitors’ profession after 3-4 years of practice which disproportionately affects young women.
- 8.15 **University College Dublin (UCD) Sutherland Law School** pointed out that the headline figures of numbers admitted to practise each year are only loosely linked to the availability

of legal services. The admission figures will tend to overstate the numbers available to provide legal services and should be read in conjunction with the numbers who actually enter practice and remain in practice after a number of years. Legal education and training develops many transferrable skills and just as many of its graduates go into areas other than the legal profession. Similarly, many individuals qualify with a view to using their professional qualification other than in practice. Historically, this has been the case for the Bar where the numbers called to the Bar each year is higher than those who become members of the Law Library. A number of individuals also take up practice outside the State.

- 8.16 **The Higher Education Authority** noted that current projections of the third level student population predict steady increases in the numbers of enrolled students, and there is every reason to believe that the number of law students in third level education will increase in pace with the overall rise in enrolments. This observation is recorded here as it may eventually play out in terms of increased demand for access to vocational training for barristers and solicitors.

Views on entrance exams for professional training programmes

FE-1 entrance exams for solicitors

- 8.17 The FE-1 system generated strong views from the law firms who made submissions, as well as the university law schools, the Higher Education Authority and Ibec. The criticism of the FE-1 system focused on several aspects, including duplication, delay and significant direct and indirect costs as well as opportunity costs for both individuals and the provision of legal services. In its consultation invitation, the LSRA did not invite the Law Society to comment directly on the FE-1 system which it operates. However, the Authority is aware of the Law Society's position in this regard, based on its extensive engagement in relation to its ongoing work under section 34 of the Act.
- 8.18 The main concerns raised fall into three broad areas of barriers to entry, costs, competition concerns and impact on the diversity of the solicitors' profession. To avoid duplication, the main views shared are set out in the bullet points below.
- The FE-1 exams are a “barrier to entry” which generally add one and sometimes two years of additional study for law graduates before they can enter the profession.
 - FE-1s increase the cost of training as a solicitor – including examination fees, private tutoring, preparatory courses and manuals – which add expenses to individuals, firms and society as a whole.
 - FE-1s are driving skilled and competent legal graduates to train in other jurisdictions where the pathway to qualification as a solicitor is more accessible.
 - Some candidates will choose to pursue different careers with less onerous entry requirements than the FE-1s, thereby preventing many individuals who would make admirable lawyers from qualifying as solicitors.
 - A less onerous admission procedure would help encourage gender diversity at more senior levels of the profession and benefit female solicitors who may ultimately wish to avail of maternity leave.

- The current FE-1 system whereby law graduates from recognised third level institutions are re-examined in subjects they have already passed at undergraduate level is not in the public interest, nor does it promote a strong and effective legal profession.
- The costs of preparatory courses are a matter of concern, particularly as these are increasingly necessary with the high failure rate of the FE-1s and the potential competitiveness impact of these exams.
- Easing access to solicitors' training would increase Ireland's competitiveness against other jurisdictions and improve diversity within legal services and consumer welfare.
- Because of the time and costs involved with the FE-1 exams, candidates from more privileged backgrounds who enjoy family support and financial backing are more likely to succeed, which reduces socio-economic diversity in the solicitor profession.
- An individual respondent said the fee for the preliminary examination for the Law Society's professional course should be lowered to €200.

Views on Law Society's 'accelerated access' FE-1 changes

- 8.19 As set out in Section 3, **the Law Society** in 2020 introduced changes to the FE-1 regime that it said were designed to facilitate accelerated access to its Professional Practice Course for solicitors. Third level students can now undertake some FE-1 exams during their undergraduate degree, after completing the first year. While respondents acknowledged that the FE-1 revisions were aimed at addressing the delay for law graduates in entering the profession, the following concerns were noted:
- 8.20 **Dublin City University (DCU) School of Law and Government** submitted that the changes may potentially negatively impact upon undergraduate students in both their academic performance and their overall university experience, with the additional pressure and competition to sit and pass FE-1s during this time. The new position may also impact upon the structure of the curriculum and delivery and focus of undergraduate law programmes amongst Irish universities to take account of the change regarding taking the FE-1s.
- 8.21 **Ibec** said its members have expressed concerns that the measures do not remove the barriers posed by the FE-1s as students will not have the financial means nor the time to undertake the FE-1 examinations during their degree course. Only those who are certain in pursuing a career as a solicitor and who have financial support as well as professional support will be able to pursue their examinations. It is unlikely that students will be eager to sit FE-1s during their third level education where there is a pre-existing focus on achieving a satisfactory academic grade. Ibec said that while the FE-1s cost €105 per subject, this does not include potential repeats and preparatory courses, the latter costing up to €3,000.
- 8.22 **Arthur Cox** said it had serious concerns that the accelerated access changes are not a realistic option for many students, and do not address the core issues with FE-1s – which are duplication of effort and unnecessary cost. A large proportion of students choose to undertake an Erasmus year in their third year of study, while students will be reluctant to take on additional exams in the lead up to their finals. For a large proportion of students, the only real opportunity to partake in accelerated access is in second year, a stage when

many will not have decided whether they wish to become a solicitor at all. It is unreasonable to expect a university student to balance university exams, continuous assessment, potential part-time jobs and other life commitments with rigorous FE-1 sitting. This again highlights the issue of social mobility where students from wealthier families who can afford not to work through college are more likely to be able to sit the FE-1s and qualify earlier as a result. In addition, it was observed that students who have completed a portion of the eight FE-1 exams will have to wait until October following their final year of study to take any remaining exams due to the restrictive timing of the FE-1s and the fact that they run only twice a year. They will miss the September deadline. Ideally all students would be able to leave university in May/June and commence PPC I in September, as is currently the case in the UK. The firm said it trains approximately 45 trainee solicitors each year.

8.23 **A&L Goodbody** said the change was an implicit acknowledgement that the FE-1s are a barrier to diversity without offering an adequate solution to that issue, and still requires students to undertake “redundant exams” replicating subjects they have studied as part of their third level degree. Offering students the chance to take extra examinations at crucial stages of their undergraduate course was unattractive for the following reasons: it requires students to undertake additional exams which will not count to their degree; the costs are substantial; the option is impractical for students outside of the Republic (and outside Dublin where the exams are undertaken); the Law Society’s timing of the exams is inflexible as they can only be taken in March, when students are preparing for college examinations or in October when they are starting or returning to college; the time and cost commitment during a degree course would be unjustifiable unless students were definitely committed to a career as a solicitor; students from less privileged backgrounds are likely to be working part-time and are less likely to be able to afford to sit the FE-1s or have the time to do so; the added burden for students during a degree course could have the opposite effect to accelerating their path to qualification and could instead impact their ability to perform well in their undergraduate studies. The firm said it employs approximately 115 trainees in any given year.

8.24 **University of Limerick School of Law** Professor Shane Kilcommins welcomed fact that Law Society has updated its criteria for admission and it is now possible for students completing a law degree to take the exams as they progress through their degree.

Proposals to abolish entrance exams for law graduates to professional training

8.25 Several respondents proposed the abolition of entrance exams for admission to professional training for law graduates (the FE-1 for solicitors and the King’s Inns Entrance Exam for barristers). The basis for these calls is summarised as follows:

8.26 **The Higher Education Authority** said it regards entrance examinations for entry to the Law Society and King’s Inn courses, for those candidates who have already completed a degree in law, as neither necessary nor desirable. It said that in undergraduate education, where supply cannot meet demand, exams are a method of allocating places to the best-performing applicants (as in the case of the CAO entry system). However, for postgraduate qualifications, the accepted method is to assess a candidate’s previous academic performance and any relevant experience. The Authority stated that: *“The current system*

of preliminary and entrance exams is considered by the HEA to be excessively onerous for applicants, with little benefit over the accepted assessment methods.” The HEA said only candidates whose ability to complete the professional training courses cannot be determined by an assessment of their prior learning should be required to sit exams for entry to the Law Society and King’s Inns courses.

- 8.27 **UCD’s Sutherland School of Law** proposed the abolition of the FE-1 exams for students with law degrees from Irish universities which, unlike the FE-1 exams, are already assessed against an independent statutory quality assurance process, the Qualifications and Quality Assurance (Education and Training) Act 2012 (as amended). This development would increase the pool of students in a position to enter legal training and reduce the costs incurred by them, with the downstream effect of increasing the numbers admitted to practice and lowering the initial investment they need to recoup.
- 8.28 **DCU’s School of Law and Government** said the absence of FE-1 exemptions for law graduates is particularly problematic, noting that exemptions from entrance examinations are granted across other (comparable) professions, such as accountancy, tax and actuarial studies. The FE-1 exams, or an equivalent, should exist only for those who do not have an undergraduate degree in law or who did not do as well as they might have wished on an undergraduate law degree and seek another chance at entry into the legal profession.
- 8.29 **Arthur Cox** said the current system whereby law graduates are re-examined in subjects they have already passed at undergraduate level is not in the public interest, nor does it promote a strong and effective legal profession. It asserted that there is no benefit in the FE-1 re-examination of legal subjects that have already been examined at recognised third level institutions. It said it disagreed with Law Society that FE-1s are used a means of promoting quality and consistency in apprentice solicitors, which therefore protects the public from poor quality legal advice and practice once they qualify as solicitors. The firm argued that there is no substantive evidence suggesting that there is an issue with the standard being applied in the third level sector being so poor as to warrant the Law Society re-examining subjects.
- 8.30 **Ibec** said it supported the removal of FE-1s as mandatory examinations for law graduates, but saw merit in retaining the exams for non-law graduates. It submitted that this would provide a more streamlined path for individuals to the solicitor profession and would improve diversity and consumer choice.

Views on wider legal training and reforms

Standards and quality of legal training

- 8.31 In relation to the content of the training that it provides for trainee solicitors in its Law School, **the Law Society** said its vision is to train 21st century solicitors who will meet and exceed the exacting requirements from their clients and firms. The Law Society asserted that its training programme is unique in that classes are almost all delivered by practising solicitors who are experts in their own areas of practice. The associate faculty includes solicitors from large commercial firms, solicitors working for the State, general practitioners and in-house. The Law Society said it had some 1,200 solicitors teaching for it, which means more than 10% of all practising solicitors are involved in education for the next generation of the profession. In addition, over 60% of all education is provided in small tutorial or skills groups of between 4 and 15 trainees working on legal or skills problems together. This interactive model of education requires students to prepare in advance and direct their own learning.
- 8.32 **The Association of Judges of Ireland (AJI)** stated that the courts expect and require high standards of professional competence. Its view is that that the foundation of the ability of legal practitioners to discharge their duties to the courts, as well as to serve their clients at the level which their clients are entitled to expect, is a thorough knowledge and understanding of the law. Despite early specialisation by barristers and solicitors nowadays, all practitioners should have a good general grounding in the law. The professional training of barristers and solicitors is built upon their competence on admission to the Law Society or the King's Inns. The AJI submitted that in pursuit of the Authority's regulatory objective under section 13(4) of the Act of protecting and promoting the interests of consumers, the need to ensure high professional standards should always be at the fore. The AJI also stated that it has particular concerns around declared aspiration in section 33 to ensure a merely "adequate" standard of education and training for those admitted to the legal profession.
- 8.33 **The Mediator's Institute of Ireland** said that while it might not be pertinent for this year's Authority report to the Minister under section 333 of the Act, it believes the LSRA should, pursuant to its powers under section 13(2), review the curriculum of the professional courses and identify whether mediation is adequately addressed and, if necessary, develop a common mediation module for professional courses.
- 8.34 **An Chomhairle um Oideachas Gaeltachta & Gaelscolaíochta** said the Legal Practitioners (Irish Language) Act 2008 legislated for a qualified course to be commenced and made available for those wishing to undertake it, enabling themselves to operate through the medium of Irish in the courts. An official policy was recommended to ensure there would always be a set number of judges qualified under the course and operating in the courts through Irish, or alternatively, possess a qualification in the Irish language of a relevant standard. This policy has not been enacted. In accordance with the 2008 Act, The King's Inns and the Law Society alike, must reasonably seek to ensure a sufficient number of legal practitioners competent in the Irish language. It recommended that the Irish language courses and the awarding of this qualification be maintained to ensure that barristers and

solicitors are available for those wishing to conduct their business through the medium of Irish.

Accessibility and Diversity

- 8.35 **The King's Inns** said it strives to ensure that access to professional education and training for prospective barristers is open to people from all sections of Irish society in a real and meaningful way. In relation to its Diploma in Legal studies which leads on to the Barrister-at-Law degree course which all barristers must complete, the King's Inns said the Diploma is open to those holding a third level qualification in a discipline other than law and also to applicants with no previous third level qualification.
- 8.36 Combined with the modular (two-year part-time) BL degree course, these allow a prospective barrister to pursue the entire course of study on a part-time basis, which facilitates access to legal education and training by a wider section of the community. It said that many modular students travel from outside Dublin or even from outside Ireland, to attend classes on their designated weekends. The purpose of the Diploma in Legal Studies from its inception has been to provide an alternative route to completing the academic phase of legal education, and thereafter proceeding to the professional phase. The King's Inns also outlined details of its scholarships, bursaries and fellowships, including the Denham Fellowship offered in association with the **Bar of Ireland**, as set out in Section 3.
- 8.37 **The Higher Education Authority** acknowledged changes in the past few years in relation to the recognition of prior learning by the King's Inns when considering which candidates need not complete the Diploma in Legal Studies. However, its view is that the assessment of what courses are acceptable is overly restrictive and ignores the role of the QQI (Quality and Qualifications Ireland). The HEA recommended that the King's Inns liaise closely with the QQI on the matter.
- 8.38 **The Law Society** said its education model is deeply rooted in the public interest and it was committed to increasing access to the profession for trainees across diverse educational, professional and socio-economic backgrounds. It said that it had launched many new innovations in 2019, including accelerated access to the FE-1, a PPC Hybrid course and an increase in funding to the Access Scholarship Programme, as set out in Section 3.
- 8.39 **The Ballymun Community Law Centre** said through its work it was evident that the legal professions are in practice inaccessible for those who are from an area of disadvantage such as Ballymun in Dublin. School progression statistics showed that in 2019 only 16 pupils from Trinity Comprehensive School in Ballymun were in a position to accept a CAO offer. Anecdotally, since it opened in 2002, the centre said it was aware of only two members of the local community joining the legal profession, one as a barrister and the other as a solicitor. The centre highlighted the fact that there is an absence of statistics to identify with accuracy the extent of the under-representation in the legal professions of those from disadvantaged socio-economic backgrounds. It recommended that the LSRA might use its offices to identify the means to sponsor and execute research in this area.
- 8.40 **The Ballymun Community Law Centre** also submitted that it was necessary to review existing access programmes in order to identify how these might be more effective. It said

that following on from a two year pilot project Legal Education for All (LEAP) that consideration be given to investing in the design and delivery of an intensive two year programme to support students, including financial supports, to compete equally with their peers to gain access to legal education and the legal professions.

- 8.41 **The Higher Education Authority** noted that legal profession education providers currently provide multiple modes of study (full-time and part-time) which was considered good practice and allows enhanced access opportunities for mature students and those from lower socio-economic backgrounds in particular. On the broader issue of diversity, the HEA submitted that it would like to see increased access to the legal professions from the six target groups in the National Plan for Equity of Access to Higher Education 2015-2019. The HEA pointed out that equity of access to higher education is a fundamental principle of Irish education policy. The National Access Plan identifies six main target groups: entrants from socio-economic groups that have low participation in higher education; first time mature students, students with disabilities; part-time/flexible learners; further education and training award holders; and Irish Travellers.
- 8.42 **The HEA** put forward two options for increasing access for potential candidates both in terms of geographical locations and social backgrounds:
- It encouraged legal professional educators to look at the concepts of blended learning and course delivery online. The HEA pointed out that some professions (Insurance and Financial Services) have developed online delivery platforms offering NFQ Level 8 degree courses that are incorporated into a workplace apprenticeship programme. This has involved collaborations between higher education institution, professional education bodies and industry.
 - It said offering recognised qualification courses in a range of higher education institutions would reduce the need for candidates to travel to Dublin to study and could also enhance the education provided in a way that is not possible in an institution dedicated solely to legal education. Cross consultation and multi-disciplinarity are increasingly seen as very desirable objectives in all higher education programmes and are usually implemented through modularisation and semesterisation. Such an approach offers the prospect to students of a deeper and more diverse learning experience, with the result that they could graduate with a wider range of skills, knowledge and competencies.

Quality Assurance

- 8.43 **The Higher Education Authority** encouraged legal professional educators to adopt Quality Assurance processes. It noted that providers of legal professional education are not currently subject to the same Quality Assurance regime as in universities, institutes of technology, technological universities and other institutions offering degree and post-graduate studies. The HEA said the collateral outcomes of the validation process include the identification of good practice and opportunities for improvement and will bring the legal professional educators in line with best practice of the higher education sector. Overall, the HEA welcomed the findings and proposals of the September 2018 review

report on education and training (by Hook Tangaza) which it said align with the National Access Plan, including a competency framework, new routes to qualification for non-law graduates and encouraging greater diversity in the legal profession through the creation of new entry routes to qualification.

Increase in providers of vocational training

- 8.44 **The Higher Education Authority** said it supported measures that would enable new providers in the higher education sector to offer programmes for the education and training of legal practitioners. This would have the potential of opening the legal professions to a wider cohort of students, including in different locations throughout the country. Encouraging and allowing students to study on a flexible or part-time basis is also an approach the authority said it would welcome. This would provide opportunities for learners who may not be in a position to pursue full-time programmes to access the legal professions.

Views on demand for legal professions and competition

- 8.45 **The Bar of Ireland** submission stated that the ‘rates of attrition’ for barristers were high. The factors explaining this included an over-supply of barristers and insufficient demand for their services; the consequences of severe cuts applied to professional fee levels in legally aided areas such as crime and family law giving rise to a real pressure on a barrister’s ability to sustain a reasonable income; and difficulties in getting paid (by solicitors), which is a significant factor in a barrister being able to sustain and develop a career at the independent referral bar. The Bar stated that the primary challenge that confronts a Law Library member’s ability to maintain their practice at the independent referral bar is generating income.
- 8.46 **The Bar of Ireland** also submitted that, based on its 2013 survey, a total of 82% of barristers undertake pro bono legal services for clients where otherwise such clients would not be able to access justice. This work is carried out through the Voluntary Assistance Scheme which provides legal assistance to non-governmental organisations and charities as well as work with community based organisations that operate outside the Bar, including the Free Legal Advice Centre and Community Law and Mediation.
- 8.47 **The King’s Inns** said a decrease in the numbers of trainee barristers completing its degree course since 2009 reflects a decrease in the demand to enter the profession, which itself is reflective of the public demand for barristers’ services.
- 8.48 **The Law Society** said the Authority’s request for its view on the demand for services of solicitors in 2019, including key indicators, requires additional analysis and response. It added it cannot be questioned that one of the key indicators of the demand for the services of solicitors, one which varies from time to time, is the level of activity in the Irish economy and indeed the economy internationally. That level of economic activity was high in 2019, as evidenced by the levels of economic growth recorded that year, albeit the growth declined in the second half of the year.
- 8.49 **The Law Society** pointed out that the economic activity is far from uniform across the country, with most of it widely recognised to be concentrated in the cities in general and in the Dublin area in particular. Nor, of course, does growth in demand affect all areas, or

sizes, of legal practice equally. The Law Society also highlighted the fact that in normal times the number of practising certificates taken out in an individual year would be a good measure of the level of demand in that year for the services of solicitors. However, it stated we are not in 'normal times,' and the situation is immensely distorted by the Brexit phenomenon.

Views on costs and quality of legal services

- 8.50 In terms of the cost and quality of solicitors' services, **the Law Society** said that these in general are the product of intense competition for legal work between more than 2,200 individual firms of solicitors. The level of demand for solicitors' services outside of Dublin, and to a much lesser extent, some other urban areas, shows few if any signs of growth – or even of any sustained recovery since the economic crash. The Law Society said smaller firms of five solicitors or less, who predominate in particular outside the cities, were frequently still struggling economically in 2019. The Law Society commissioned consultants to carry out a market study of sole practitioners and smaller legal practitioners which shows the efforts the society has felt compelled to make to assist solicitors' firms in this sector to adopt to a very challenging environment, to ensure their survival in the future. These findings of this market study are outlined in Section 4.
- 8.51 **A&L Goodbody** said the barriers to entry including the FE-1 exams and the time lags which are part of the system inevitably impact on the availability and cost of legal services in Ireland. It asserted that the unnecessarily expensive, onerous and time consuming admission and training requirements imposed on high quality third level graduates were excessive and unhelpful, and prevent sufficient numbers of solicitors entering the legal profession.
- 8.52 **The Association of Judges of Ireland** said it recognised the public interest in ensuring the availability of legal services at a reasonable cost but submitted that it is important that any measure designed to reduce cost should not impact negatively on the quality of legal services. It recognised that the cost of legal fees can be a barrier to the access to justice. It said the Authority should not risk diminishing requisite professional standards in the hope that an increase in the number of lawyers might reduce the cost of legal services.
- 8.53 **The Bar of Ireland** said the market for barristers' services is more competitive than it has ever been and this has led to very considerable reduction in fees paid to most barristers, particularly by private clients where there is no set scale of fees and the fee and manner of payment is usually negotiated by the solicitor on behalf of the client. On the other hand, barristers who undertake work on behalf of the State are, in the main, working to a set schedule or scale of fees. As such there is little or no negotiation and in many cases this involves barristers appearing for a client at less than the normal commercial rate and at no cost to the client.
- 8.54 **The Mediators' Institute of Ireland** said the assessment to be undertaken by the Authority is not merely a mathematical exercise, but also requires consideration of the adequacy of the skills and training of persons being admitted to practice as lawyers. It said since the commencement of the Mediation Act 2017 on 1 January 2018, an informed knowledge and understanding of mediation is a core competency that should be expected of all barristers

and solicitors, given that the Act imposes specific duties and obligations on legal practitioners. It concluded: “While the Institute has not commissioned any focused research on the issue, there is certainly a current of observations from its members that legal practitioners have not fully embraced mediation.”

Section 9: Authority's Conclusions and 2019 Assessment

- 9.1 This is the inaugural Annual Report from the Authority to the Minister for Justice and Equality pursuant to its obligations under section 33 of the Legal Services Regulation Act 2015.
- 9.2 In reporting to the Minister for the first time on the admission policies of the legal professions, the Authority has sought to provide relevant statistical and contextual information by which:
- The numbers of persons admitted to the solicitors' and barristers' professions may be documented and benchmarked for this year's reporting period and for the Authority's future annual assessments.
 - Trends in the demand, quality and costs of legal services provided by practising barristers and solicitors can be assessed and data 'blind spots' identified for remedy.
 - The views and analysis of key stakeholders including the professional bodies, employers, other statutory agencies and consumers can be sought and considered.
- 9.3 As required under section 33 of the Act, the Authority documents in this report the number of persons admitted to practise as both solicitors and barristers in 2019. While the picture emerging in relation to the numbers entering the two professions is somewhat mixed, the impact in our globalised economy of wider economic and geo-political factors is apparent.
- 9.4 In the case of solicitors, a Brexit-related rush saw solicitors who qualified in England and Wales join the Irish Roll of Solicitors and take out Irish practising certificates in unprecedented numbers in 2019. The Roll of Solicitors reached 20,000 for the first time as admissions for the year totalled 2,231, while the numbers of practising certificates issued grew by 9%, bringing the total number of solicitors holding practising certificates in the State at the end of 2019 to 11,959.
- 9.5 At the same time, the numbers of Irish-trained qualifying solicitors from the Law Society's professional course admitted to the Roll in the year, at 419, remained largely consistent with trends in recent years.
- 9.6 For barristers, most of whom are sole practitioners at the independent referral bar, 2019 was a year of more modest admission increases, including in the number of barristers transferring from other jurisdictions (which also appears to be a Brexit-related trend). A total of 190 individuals were 'called to the Bar' in 2019, allowing them a full right of audience before all courts in Ireland. This total includes 109 graduates from the King's Inns barrister-at-law degree, a number which is largely consistent with trends in recent years.

- 9.7 The total number of barristers on the Roll of Practising Barristers maintained by the Legal Services Regulatory Authority stood at 2,735 at the end of 2019. Of these, 2,198 (80%) were members of the Law Library.
- 9.8 It is difficult to determine exactly what proportion of newly admitted solicitors and barristers in 2019 will actually go on to provide legal services in the State, and for how long. The Authority will monitor this trend in subsequent Annual Reports to the extent that this is possible, mindful of the fact that in any given year the numbers admitted to practise are not rigidly linked to the numbers available to provide legal services. As patterns following the financial and economic crisis of 2008 show, admissions to the legal professions tend to follow, with a lag, the economic fortunes of the economy. The significant damage to the domestic and global economy caused by the Covid-19 pandemic in early 2020 will no doubt have a lasting impact on the legal services sector in the years ahead.
- 9.9 The year's analysis reveals certain patterns which may persist in years to come. For barristers who are Law Library members, this report documents ongoing difficulties in earning a living in the first few years of practice and the lingering impact of austerity cuts on State-funded schemes.
- 9.10 For solicitors, there is an observable trend towards in-house work, with approximately one in five of solicitors with practising certificates in 2019 working in-house. While overall demand for solicitors' legal services grew in 2019, the pace of growth was reported as slowing throughout the year and was more pronounced in cities and urban areas, where most solicitors are based.
- 9.11 This report is the authority's first exercise in drawing together the data by which it may assess consumer demands for legal services, the availability and quality of such services, and their costs to both consumers and, in the case of civil and criminal legal aid, the State. As the report documents, available data in all of these areas is somewhat limited. This poses constraints for the Authority when it comes to drawing firm conclusions in relation to the specific areas which require its assessment under section 33.
- 9.12 Through its own programme of research in the years ahead, the Authority will work to 'fill in the blanks' where it can. It hopes that other statutory bodies – such as the Central Statistics Office, Government Departments, the National Competitiveness Council, and Oireachtas Committees – will also continue to play an important role in gathering data and analysis which may assist with future reports.
- 9.13 The Authority remains ever mindful of the fact that the assessment required of it under section 33 of the Act is not purely a numerical exercise. In addition to its wider regulatory objectives, it must also have regard to the need to ensure an adequate standard of education and training for persons admitted to practise.
- 9.14 As was noted in the introduction to this report, the admissions policies of the legal professions are part of the wider system of legal practitioner education and training. It is indeed also the case that the opportunities, rules and strictures that are part of the education and training system leading to admissions to the professions have a direct

bearing on the wider functioning of the legal services sector.

- 9.15 Since the Authority delivered its first report on legal education and training to the Minister in September 2018, some reforms to admission policies for solicitors have taken place, and engagement with relevant stakeholders continues. At the time of writing, the Authority's work in this area is ongoing and it intends to present the Minister with an informed set of recommendations later in 2020.
- 9.16 The Authority considers that this inaugural Annual Report on Admission Policies of the Legal Professions provides an appropriate baseline from which it can build, over time, a more complete and nuanced picture of the various dynamics at play in this important area. The Authority hereby commends this report to the Minister.

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Annexes

Annex A: List of Respondents to Statutory Consultation

A&L Goodbody
An Comhaire um Oideachas aelachta & Gaelscolaíochta
Arthur Cox
Association of Judges of Ireland
Ballymun Community Law Centre
Council of the Bar of Ireland
Dublin City University School of Law and Government
Employment Bar Association [non-submission submission]
Higher Education Authority
Honorable Society of King's Inns
Ibec
Irish Institute of Legal Executives
Law Society of Ireland
Mediators' Institute of Ireland
Prof Shane Kilcommins, School of Law, University of Limerick
Two individuals

Annex B: Public Consultation Notice

Invitation by the Legal Services Regulatory Authority for Submissions on Admission Policies of the Legal Professions

The Legal Services Regulatory Authority (LSRA) invites submissions as part of a consultation prior to a report to the Minister for Justice and Equality on the admission policies of the legal professions.

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

Under section 33 (1) of the Legal Services Regulation Act, 2015, the LSRA is required to prepare and submit to the Minister an annual report on admission policies of the legal professions. For the purposes of preparing this report, the LSRA is required under section 33 (2) to conduct a consultation with professional bodies and such persons as it considers appropriate for the purpose of preparing the report.

The report will contain the following elements:

- (a) the number of persons admitted to practise as solicitors during 2019;
- (b) the number of persons admitted to practise as barristers during 2019;
- (c) an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in 2019 is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

The LSRA is interested to hear from those who are directly involved in the provision of legal services as well as from employers, state agencies, non-governmental bodies and other organisations and individuals who use the services of legal professionals.

The LSRA is interested in views on whether there are any potential developments which are external to the legal sector (e.g. economic, social or technological) which might impact on the availability of the services of solicitors and barristers at a reasonable cost.

Responses which provide insight into the experiences of other professions and jurisdictions would also be useful.

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

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

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

The final report will be submitted to the Minister by 30 April 2020.

Scope of the Consultation

The Authority now invites written submissions in relation to the admission policies of the legal professions. It would be helpful for any views expressed to be substantiated and, if necessary, supported with any available evidence.

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

Interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than **3 February 2020**.

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

Submissions may be sent:

- By e-mail to publicconsultations@lsra.ie or
- By post to
Section 33 Consultation
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 2

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act, 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and

specify the reason for its sensitivity. The Authority will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to the Authority, will be treated with the highest standards of security and confidentiality and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR) when commenced.

Publication of Submissions

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

Legal Services Regulatory Authority

19 December 2019