

Submission to the Legal Services Regulatory Authority

Response to Public Consultation on Admission Policies of the Legal Professions

1. Introduction

Ibec, as Ireland's largest business representative group, welcomes the invitation by the Legal Services Regulatory Authority to provide a submission on admission policies to the legal profession.

As an employer representative group, Ibec lobbies on behalf of businesses across the different sectors of the economy including the legal profession. As self-employed individuals, barristers are not represented by Ibec and therefore this submission will focus exclusively on the admission policies to the solicitor profession.

Ibec submits the following response in respect of the admission policy of the solicitor profession.

2. Removal of financial and onerous barriers

Before obtaining an apprenticeship, individuals seeking to enter the solicitor profession must pass eight FE1 examinations. This is a mandatory requirement for all graduates regardless of their academic background. An individual must obtain at least a pass grade (50%) in each exam in order to progress.

While the recent Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019 removed the requirement to pass three FE1s in your first sitting, Ibec is of the view that the examinations are likely to exist as a barrier to those wishing to enter the solicitor profession and especially to those who have legal degrees.

From a financial perspective, the FE1s cost €105 per subject. This does not include potential repeats and preparatory courses, the latter costing up to €3,000. While these additional courses are not mandatory, many individuals feel the need to avail of them due to the unique style of the FE1 examinations. In addition, the examinations are only held in Dublin and Cork which presents further costs for those living outside these regions.

In addition to the financial barriers, there is a significant time cost associated with the FE1s as only two exam sittings are held each year. With entry into apprenticeships dependent upon successful completion of the FE1s, individuals are delayed in commencing their careers.

Ibec notes the recent changes introduced by the Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019. These include the introduction of the new hybrid course, changes to the PPC and an opportunity for third level students to undertake some FE1s during their degree. Ibec members have expressed concerns that these measures do not remove the barriers posed by the FE1s as students will not have the financial means nor the time to undertake the FE1 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 the examinations.

Furthermore, it is unlikely that there will exist an eagerness amongst students to sit their FE1 examinations during their third level education where there is a pre-existing focus on achieving a satisfactory academic grade.

Ibec submits that there is merit in retaining FE1s for non-law graduates. However, Ibec supports the removal of FE1s as mandatory examinations for law graduates. Ibec submits that this would provide a more streamlined path for individuals to the solicitor profession and would improve diversity and consumer choice.

3. Aligning the Irish system with that of other jurisdictions

Members of Ibec have expressed concerns that highly skilled and competent legal graduates are pursuing their careers and training in jurisdictions other than Ireland where the pathway to qualification as a solicitor is much more accessible. One example is that of England and Wales where qualification as a solicitor takes one year less than the Irish system. Ibec is of the view that the removal of the FE1s for law graduates would encourage them to pursue their training here in Ireland. Easing access to training would also increase our competitiveness against other jurisdictions and improve diversity within legal services.

Ibec thanks the Authority for the opportunity to present this submission and would be willing to meet to discuss any of the issues raised above.

ENDS