



An tÚdarás Rialála
Seirbhíse Dlí
Legal Services
Regulatory Authority

Setting Standards

*Legal Practitioner
Education and
Training*

September 2020

*Further Report under Section 34
of the Legal Services Regulation
Act 2015 to the Minister for
Justice and Equality on the
Education and Training of Legal
Practitioners in the State*

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EXECUTIVE SUMMARY

1. This is the Authority's second report to the Minister for Justice and Equality on legal education and training in fulfilment of its statutory obligations under section 34 of the Legal Services Regulation Act 2015 (the 2015 Act).
2. The report is in four parts. The first part of the report, the Introduction, provides some background to the LSRA and its role and remit and then sets out the terms of section 34 in relation to legal education and training in their entirety and provides some context to the review of legal education and training required under the 2015 Act.
3. Part Two provides a summary of the LSRA's first report on legal education and training including a summary of the research methodology and the evidence gathered by Hook Tangaza consultants. Part Two also includes the 14 proposals made by Hook Tangaza and summarises the report of the Authority to the Minister for Justice and Equality which concluded that further consultation with the professional bodies, key stakeholders and with the wider public was required before recommendations could be made under section 34. A summary of the phased approach to further consultation approved by the Authority is also outlined.
4. Part Three of the report summarises both the phased consultation process undertaken by the LSRA and the evidence gathered through discussion and consultation, firstly with the professional bodies and, secondly through wider stakeholder engagement and public consultation. This engagement and consultation process culminated in a Legal Education and Training Symposium held by the LSRA at Croke Park in Dublin on 19 September 2019. The key evidence gathered during the symposium is also set out in this section.
5. Part Four of the report sets out the conclusions and recommendations that the Authority considers appropriate to make in relation to the arrangements that should be in place for the provision of legal education and training and also outlines the legislative and administrative reforms that are required to facilitate these arrangements.
6. In Part Four of the report the Authority recommend the introduction of an independent Legal Practitioners Education and Training Committee (the LPET Committee) which will be responsible for setting and maintaining the standards in the provision of legal education and training across all providers. It further recommends that a detailed competency framework be developed against which the standards of education and training of legal practitioners can be benchmarked.

PART 1 - INTRODUCTION

The Legal Services Regulatory Authority

1.1 The LSRA is responsible for the regulation of the provision of legal services by legal practitioners. The Legal Services Regulation Act 2015 sets out, at section 13(4), the six statutory objectives of the Authority - the operating principles. These are to:

- protect and promote the public interest,
- support the proper and effective administration of justice,
- protect and promote the interests of consumers relating to the provision of legal services,
- promote competition in the provision of legal services in the State,
- encourage an independent, strong and effective legal profession and
- promote and maintain adherence to the professional principles of legal practitioners as specified in the Act.

1.2 The Authority's eleven functions are set out under Section 13 of the Act. These are:

13. (1) Subject to this Act, the Authority shall regulate the provision of legal services by legal practitioners and shall ensure the maintenance and improvement of standards in the provision of such services in the State.

(2) Without prejudice to the generality of *subsection (1)*, the Authority may, and where required by this Act, shall—

(a) keep under review, and make recommendations to the Minister in respect of, the following:

(i) the admission requirements of the Law Society relating to the solicitors' profession and of the Bar Council and the Honorable Society of King's Inns relating to the barristers' profession;

(ii) the availability and quality of the education and training (including on-going training) for the solicitors' and barristers' professions, including—

(I) the curriculum arrangements for the provision of clinical legal education and the teaching of legal ethics, negotiation skills, alternative dispute resolution and advocacy, and

(II) the methods by which, and the persons by whom, such education and training is provided;

(iii) the policies of the Law Society in relation to the admission of persons as solicitors in the State, and of the Bar Council and the Honorable Society of King's Inns in relation to persons becoming entitled to practise as barristers in the State, including the arrangements for—

(I) accreditation of foreign legal practitioners, and

(II) movement by legal practitioners between the professions of solicitor and barrister;

(iv) professional codes;

(v) the organisation of the provision of legal services in the State,

(b) disseminate information in respect of the education and accreditation requirements and other matters referred to in *paragraph (a)* to such extent and in such manner as it thinks fit,

(c) specify the nature and minimum levels of professional indemnity insurance in accordance with *sections 46 and 47* ,

(d) establish and administer a system of inspection of legal practitioners for such purposes as are provided for in this Act,

(e) receive and investigate complaints under *Part 6* ,

(f) maintain the roll of practising barristers in accordance with *Part 9* ,

(g) promote public awareness and disseminate information to the public in respect of legal services, including the cost of such services,

(h) keep the Minister informed of developments in respect of the provision of legal services by legal practitioners and make recommendations to assist the Minister in co-ordinating and developing policy in that regard,

(i) undertake, commission or assist in research projects and other activities in respect of the provision of legal services, which in the opinion of the Authority may promote an improvement in standards for the provision of those services and public awareness of them, and make recommendations to the Minister arising from those projects or activities, and

(j) perform any other functions conferred on it by this Act or by regulations made under it.

Section 34(1)(a) of the 2015 Act

1.3 Section 34(1)(a) of the Legal Services Regulation Act 2015 required that the Authority, following an appropriate public consultation process, prepare and furnish to the Minister for Justice and Equality a report on the education and training of legal practitioners by 1 October 2018.¹

1.4 Section 34(3)(b) of the Act required that the report contain:

“a review of the existing arrangements relating to the education and training of legal practitioners and make such recommendations as it considers appropriate in relation to the arrangements that in the opinion of the Authority should be in place for the provision of the education and training referred to in that subsection, including the accreditation of bodies to provide such education and training, and the reforms or amendments, whether administrative or legislative, that are required to facilitate those arrangements.”

1.5 Under section 34(3)(c) the Authority was required without prejudice to the generality of paragraph (b) to include recommendations in relation to the following:

- (i) Appropriate standards of education and training for legal professional qualifications,
- (ii) Arrangements necessary to monitor adherence to those standards,
- (iii) The scope and content of the curriculum forming part of courses of legal professional education and training, including the teaching methodology of legal education, legal ethics, negotiation, alternative dispute resolution and advocacy,
- (iv) Arrangements that would facilitate the minimisation of duplication, and consequent expenses occurred, in the taking of examinations in legal subjects on the part of a person –
 - (i) Who wishes to undertake a course of legal professional education and who has obtained a third level law degree that includes one or more of the subjects that form part of that course,
 - (ii) Who, being a solicitor, wishes to become a barrister, or who being a barrister, wishes to be admitted as a solicitor,
- (v) Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training.

¹ Section 34(3) of the 2015 Act required that the report into legal education and training be provided to the Minister within 2 years of the establishment date of the Authority, which was 1 October 2016. The first report was submitted to the Minister on 28 September 2018.

- (vi) The need for, and if such a need is identified, the manner and requirements relating to the accreditation of bodies or institutions to
 - (i) Provide or procure the provision of courses of legal professional education and training,
 - (ii) Hold or procure the holding of examinations, and
 - (iii) Award, or procure, the awarding of diplomas, certificates or other awards of merit, and
- (vii) Any other matters that the Authority considers relevant and appropriate.

The Wider Context of Legal Education and Training and the LSRA

The Working Environment and Context

- 1.6 As with any professional arena, the embedded characteristics of our legal sector are influenced by the nature, quality and dynamics of the system of education and training which underpin it. The working environment and context under which legal practitioners carry out their work also to some extent shape the characteristics of the educational and training system.
- 1.7 This is apparent in terms of access, standards and availability of legal education and training, as well as the relevance of the curriculum to the needs of the sector and the comparative rewards (financial or otherwise) for qualified professionals. The education and training system can also be said to act as a filter which has the effect of determining the overall size of the legal professions which in turn impacts upon the socio-economic, geographic and demographic make-up of the professions. Ease of entry onto the legal market and the level of financial and other reward are also linked to the system of education and training.
- 1.8 The adaptability and flexibility of the legal profession in relation to changing needs and the changing landscape within which it operates, is dependent on the dynamism and responsiveness of the supporting education and training system. This is key, not only to meet the ongoing and developing needs of the legal market but also from an international perspective in bringing new business into the Irish legal market, for example in the European Union post Brexit.

- 1.9 The education and training system for the legal profession is at the core of the regulatory objectives of the Authority as set out in the 2015 Act, and permeates those objectives in different ways.

The Statutory Context

Objective 1 – Protecting and Promoting the Public Interest:

- 1.10 The quality and relevance of education and training impacts upon the quality and skill set of legal professionals who undergo it. It is in the public interest that legal services provided to consumers, including the State itself, are of consistently high quality in terms of skills, service and ethical standards. It is also in the public interest that professionals who emerge from the education and training system operate in a market place where services are affordable and competitive, diverse and flexible.
- 1.11 The legal education and training system can ensure that society's need for a high-quality, independent, ethical, diverse, accessible and affordable legal profession is being met.
- 1.12 There is also a public interest in ensuring that the systems in place for legal practitioner education and training, including admission and assessment, are fair and robust and that those that graduate with an entitlement to practise have the necessary knowledge, skills and professional attributes.

Objective 2 – Supporting the Proper and Effective Administration of Justice:

- 1.13 The proper and effective administration of justice is dependent on the quality, ability and availability of those servicing it. It is crucial that not only the demand for quality is met but also that there are sufficient numbers of legal professionals coming on stream to ensure the efficient and effective administration of justice in the State. Allied with this is the need for adaptability and flexibility in education and training to ensure that the changing needs of the justice system, those depending on it and the increasingly complex array of requirements around legal aid and costs and a growing demand for alternative dispute resolution, are met by a dynamic education and training system, and legal profession.

Objective 3 – Protecting and Promoting the Interests of Consumers Relating to the Provision of Legal Services:

- 1.14 The cost, availability, relevance and accessibility of legal services are key to meeting the needs of consumers. The education and training system can clearly impact upon these needs in terms of the supply of legal professionals, the skills which are imparted to them, the relevance of the curriculum, and the adaptability of the

system i.e. that there are sufficient legal practitioners, that they have the knowledge and skills to provide the necessary services and that they are affordable.

Objective 4 – Promoting Competition in the Provision of Legal Services in the State:

- 1.15 Competition in any sector requires that there is sufficient supply, choice and a high level of innovation and dynamism among those working in that sector. This is true of the legal sector and at its core is the system of education and training producing sufficient supply, to a high standard, with an awareness of the needs of the consumer and an ethos for adaptation and ongoing education and training to adapt to market needs.
- 1.16 Competition within the education and training system itself can also have a positive impact in terms of training cost, quality and innovation.

Objective 5 – Encouraging an Independent, Strong and Effective Legal Profession:

- 1.17 Independence, strength and effectiveness are key values for any educational institution to develop in the people it seeks to produce through its system. This is no different for the legal sector. These values are important to both legal professionals and those to whom they provide legal services. These values permeate the other Authority objectives too.
- 1.18 Legal education and training can encourage an independent, strong and effective legal profession by ensuring that legal practitioners are competent and effective in the performance of their reserved professional activities and by promoting independence through a firm grounding in ethics and professional conduct.
- 1.19 Legal education and training, through continuous professional development and lifelong learning, should also ensure that legal practitioners are equipped with current best practice and up-to-date knowledge and skills enabling them to compete in challenging national and international markets and to adapt to changing economic circumstances and market needs and forces.

Objective 6 – Promoting and maintaining adherence to the professional principles

- 1.20 This objective is strongly allied to objective 5. It is in the foundational underpinning of the system of education and training that ensures that legal professionals value and adhere to the principles of independence and integrity to act in the best interests of their clients and maintain proper standards of work. Legal practitioners should be well versed in their professional and ethical duties through both initial and ongoing education and training.

PART 2 - FIRST REPORT INTO LEGAL EDUCATION AND TRAINING

- 2.1 The first report of the Authority into legal education and training in the State under section 34(1)(a) was submitted to the Minister for Justice and Equality on 28 September 2018.
- 2.2 The report was in two parts. The first part was a report from the Authority to the Minister and the second part was a research report from Hook Tangaza, the external Review Team engaged by the Authority to undertake the research, manage the public consultation exercise and report to the Authority on their findings.

The Hook Tangaza Review

- 2.3 In May 2018, the Authority appointed Hook Tangaza research consultants as an independent Review Team to assist in the research required to fulfil its statutory obligations under section 34 of the 2015 Act.
- 2.4 The Review Team was tasked with gathering evidence, providing an expert analysis of the state of the Irish legal practitioner education and training system and proposing, for the consideration of the Authority, any changes which the Review Team considered necessary or desirable within the terms of section 34.
- 2.5 The Hook Tangaza Review Team consisted of four members: Ms Alison Hook, Director of Hook Tangaza; Professor Scott Slorach, University of York; Professor Nigel Savage of Savage Hutchinson Consulting; and Ms Katherine Bird of Hook Tangaza.

Public Consultation

- 2.6 As section 34 required that the Authority undertake “*an appropriate public consultation process*,” the LSRA undertook a statutory public consultation, with the assistance of Hook Tangaza, between 4 May 2018 and 15 June 2018, which gathered evidence for the review of legal education and training.
- 2.7 A public consultation notice was published on the LSRA website and in print media and was distributed by e-mail to 187 organisations.
- 2.8 The LSRA Executive engaged directly with the three professional bodies for legal practitioners as defined by the 2015 Act; the Bar of Ireland, the Honorable Society of King’s Inns and the Law Society of Ireland. Each of the professional bodies made

detailed submissions. In addition to the submissions from the professional bodies, thirty-five submissions were also received as part of this first phase public consultation under Section 34 of the 2015 Act. These included responses from An Garda Síochána, the Association of Judges in Ireland, the Office of the Director of Public Prosecutions, the Competition and Consumer Protection Commission, Universities and Institutes of Technology, Consumer Associations and Bar Associations. Submissions were also received from individuals and from some of the larger Dublin based solicitor firms.

Surveys and Interviews

- 2.9 The Hook Tangaza Review Team created a dedicated website for the review of legal education and training in Ireland. They also circulated opinion surveys to capture the views of law students, trainee solicitors and barristers, training principals in large firms, pupil masters and in-house solicitors. An omnibus survey of consumers of legal services was also conducted by an external polling company.
- 2.10 The surveys were supplemented by the Review Team through a series of round table discussions with the three professional bodies. A further series of face-to-face and telephone interviews were held with key individuals and stakeholder organisations.
- 2.11 In total, 730 different organisations or individuals provided evidence.

A “Fit for Purpose” Legal Practitioner Education and Training System

- 2.12 The Review Team set out a theoretical framework for analysing the effectiveness and efficiency of education and training systems. They suggested six core design principles which should characterise any system of legal education and training. These principles suggested that a good system of legal education and training should:
 - Meet society’s needs for legal practitioners, which are likely to be derived from a combination of the State’s statutory framework, public interest considerations and the requirements of stakeholders. These needs should be met efficiently, with the costs of any training system being proportionate to the benefits it delivers.
 - Define the competencies required of a legal practitioner and the standards to which these should be demonstrated, paying particular attention to the knowledge and skills needed for the effective exercise of reserved activities and the expectations of society of an individual holding a reserved title, such as ‘solicitor’ or ‘barrister’.

- Be open and accessible to new entrants, not only ensuring that there are no direct or indirect restrictions on numbers entering the profession, but also that the makeup of the profession reflects the diversity of society.
- Put in place training arrangements which enable legal practitioners to obtain the required competencies, at the appropriate level, for a newly qualified practitioner. Legal practitioner training should be designed to support the exercise of a profession; so, the training involved should build the skills required for practice and simulate practical, real-world experiences.
- Have systems for accrediting training programmes and systems of assessment which are appropriate, transparent, robust and fair. These should provide assurance that the required competencies for practice are being delivered and have been achieved.
- Lastly, any legal education and training system ought to be subject to appropriate governance and oversight. This will ensure that it retains legitimacy and is able to adjust to changing societal and stakeholder needs.

Ireland's Current System of Legal Practitioner Education and Training

2.13 The Hook Tangaza report included a summary of the existing arrangements for legal practitioner education and training. The main points were as follows:

- Ireland has a framework for regulating legal services which is based on the reservation of certain rights and activities to individuals holding specific titles. In the case of solicitors, these rights and activities are set out in legislation, notably the Solicitors Acts of 1954, 1960 and 1994, and the Courts Acts. The practice rights of barristers, in contrast, emanate from Common Law.
- Solicitors' exclusive rights include conveyancing and probate. But they are also permitted to argue in court, hold funds on behalf of clients, give binding undertakings, and practise on their own from qualification. Section 24 of the Solicitors Act 1954 vests the sole authority to provide legal professional education leading to qualification as a solicitor in the Law Society of Ireland. The qualification process for solicitors is also outlined in detail within the various Acts.
- Barristers have rights of audience in all courts of Ireland by virtue of the title of "barrister". This title is conferred by the Chief Justice of Ireland who calls candidates to the Bar following graduation from the Barrister-at-Law course provided by the Honorable Society of King's Inns. Under the 2015 Act, and

since the submission of the first section 34 report, the LSRA now maintains the Roll of Practising Barristers.

- 2.14 The training leading to qualification as a legal practitioner is generally conceived of as a process which has three elements:
1. 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.
 2. A 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.
 3. A practical training stage, which should give aspiring legal practitioners experience of 'real world' legal practice, under supervision.
- 2.15 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.
- 2.16 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 undertaken by an entry test which is set by the Law Society and the Honorable Society of King's Inns respectively for solicitors and barristers.

Solicitors

- 2.17 Graduates wishing to become solicitors must sit the Final Examination - First Part (FE-1), which tests their legal knowledge in eight core areas. The FE-1 acts as the entry examination into a formal programme of solicitor training at Blackhall Place, the Law Society of Ireland's professional training centre. Non-graduates need to take a preliminary examination, which tests core English language skills, understanding of Irish politics and government and general knowledge, before they can sit the FE-1.
- 2.18 After passing the FE-1, aspiring solicitors must secure a training contract with a solicitor to proceed to the vocational stage of qualification and enrol in the Professional Practice Course (PPC). The PPC is currently delivered in two separate blocks of six months (PPC I) and eleven weeks (PPC II), sandwiched around an initial 11-month period of in-office training. PPC I aims to cover the basic knowledge and

skills that any solicitor in general practice would be expected to have, whilst PPC II offers trainees the opportunity to gain more in-depth understanding of areas in which they are interested in specialising. After successfully completing the PPC II, trainee solicitors must complete a further 10 months of in-office training before they can apply to the Law Society for full admission as a solicitor.

Barristers

- 2.19 To obtain the title of “barrister-at-law” and thus earn the right to practise in any court in Ireland, a candidate must successfully complete two separate stages of qualification: an academic or substantive law stage (“the academic stage”) and a professional vocational training phase (“the vocational stage”). The academic stage of qualification is satisfied by the entrance examinations for the Barrister-at-law (BL) degree course offered by the Honorable Society of King’s Inns. Law graduates and candidates who have obtained the two-year part-time Diploma in Legal Studies offered by the Honorable Society of King’s Inns, may gain exemptions in up to six of the eleven subjects in which all aspiring barristers are expected to be conversant.
- 2.20 After passing the entrance examination, trainee barristers must take the professional barrister-at-law vocational course offered by King’s Inns, either in one academic year on a full-time basis or over two years, on a part-time modular basis. After successful completion of the BL degree course, King’s Inns graduates may be called to the Bar and granted the title of barrister-at-law. However, historically many barristers have chosen at this stage to continue their practical training and become members of the Law Library. Membership of the Law Library helps those wishing to pursue a career at the Bar to develop a profile and build up the relationships which will support a practice over time. To join the Law Library as a full member, barristers must complete a one-year period of pupillage, through apprenticeship to a ‘Master’, who should be a junior counsel with at least seven years’ standing at the Bar. The Bar of Ireland 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.

Transfer Arrangements

- 2.21 Both the Bar Library and the Law Society offer transfer arrangements to 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. Barristers wishing to become solicitors must also gain six months of work experience in a law firm. These transfer routes are only open to practitioners with three years’ prior standing. The number of barrister-

solicitor transferees has risen over ten-fold in the past six years (and in 2017 was equivalent to 38% of all new entrants to the Bar Library), whilst the number of solicitor-barrister transferees has remained in single figures.

Continuing Professional Development

- 2.22 Both solicitors and barristers are subject to continuing professional development (CPD) obligations. Barristers must undertake 12 hours of CPD per year and solicitors are required to undertake 20 hours. In both cases a specific number of hours must be devoted to regulatory or ethical training and development. Both the Law Society and Bar Library monitor the compliance of their members with their CPD obligations and may take disciplinary action where these are not fulfilled.

Hook Tangaza Review Team Findings

- 2.23 The Hook Tangaza review team submitted their report to the LSRA in August of 2018. 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,
 - 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.
- 2.24 The review team submitted 14 proposals to the Authority for its consideration. These proposals aimed to:
- provide a clear definition of professional legal competence, and
 - ensure that the design of a new competence framework meets the requirement of all stakeholders,
 - remove barriers to access,
 - reduce duplication and costs in learning,
 - ensure provision and assessment of education is aligned with goals of developing and assuring professional competence, and

- ensure ongoing independent oversight of legal education and training in the State.

The Hook Tangaza Proposals

2.25 The Hook Tangaza Review made 14 proposals for change. At the heart of these proposals are two core propositions, which the report stated: *“will provide both a foundation and catalyst for further reforms of the education and training system for legal practitioners.”*

2.26 The two core propositions are as follows:

1. A clear definition of the competence and standards required to practise as either a solicitor or a barrister should be developed.

2. Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal Practitioner Education and Training (LPET) Committee, which would be responsible for setting the statement of competence and defining standards, which legal practitioners would achieve on qualification. The LPET Committee would require existing providers of legal education to demonstrate how they met these standards and to enable new providers to explain how they would seek to meet them.

2.27 The further twelve proposals that flow from the two core proposals are as follows:

1. An accreditation and validation framework should be developed for legal education and training.
2. Programmes offered by existing and new providers to be accredited against the competency framework.
3. Assessment methodologies should ensure adherence to standards.
4. The LPET Committee should monitor the quality of legal education and training. Legal education and training providers should be required to maintain ongoing quality assurance processes.

5. Admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standards.
6. The LPET Committee should develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes.
7. Non-law graduates to have alternative means to enter the solicitors' profession other than through the FE-1 or the King's Inns Diploma.
8. Additional routes to qualification will encourage diversity and increase access.
9. Admission responsibilities of professional bodies to be separated from delivery of education programmes.
10. Transfer arrangements between the professions to be reviewed once a new competency framework is in place.
11. The process for foreign (Non-EU) transfers and agreements to be assessed against new competency framework, once in place.
12. CPD programmes to be linked to competence frameworks and standards.

The Report of the Authority to the Minister

- 2.28 The Authority considered the Review Report by Hook Tangaza. It decided that the public interest would best be served by submitting that report along with its own report to the Minister for Justice and Equality in compliance with the statutory deadline and outlining the further steps that it proposed to take without prejudice to its final proposals.
- 2.29 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.
- 2.30 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.
- 2.31 The Authority concluded that it would make its final recommendations and set out a proposed implementation process after it had the opportunity to undertake further consultation on the proposals 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.
- 2.32 The Authority stated that it intended to allow for a period of consideration and discussion by stakeholders and the wider community on the proposals in the Hook Tangaza report and then to convene a public symposium on legal education in 2019. The public symposium would provide a forum to discuss and examine the findings of the Hook Tangaza external review and such other proposals as may be made during the consideration and discussion period as well as on implementation issues.
- 2.33 Following this process, which would allow stakeholders in legal services, in legal education and training and in the wider community to explore the way forward, the Authority would submit a second report to the Minister for Justice and Equality, outlining the recommendations it considers appropriate in relation to the provision of legal education and training in the State.
- 2.34 Following the submission of its report to the Minister on 28 September 2018, the Authority agreed a phased approach to the further consultation and tasked the LSRA Executive with its implementation.

Phased Approach to Further Consultation

2.35 The phased approach is summarised in the table below:

STAGE ONE: Further period of Consideration and Discussion with Stakeholders and the Wider Community		
Phase One	Further Consultation with the Professional Bodies	Quarter 2 2019
Phase Two	Further Consultation with other Stakeholders and Wider Community	Quarter 2 2019
STAGE TWO: Public Symposium on Legal Education and Training		
		19 Sept 2019
STAGE THREE: Further Report under Section 34		
		Quarter 4 2020

PART 3 - FURTHER CONSULTATIONS & SYMPOSIUM ON LEGAL EDUCATION AND TRAINING

Section One: Further Consultation with the Professional Bodies

Section Two: Further Public Consultation

Section Three: The Symposium on Legal Education and Training

Further Consultation with the Professional Bodies

3.1 In line with the direction of the Authority, the LSRA Executive held a series of meetings with the professional bodies currently providing education and training to legal professionals in the State: the Law Society of Ireland, the Bar of Ireland and the Honorable Society of King's Inns. Below is a summary of these consultations.

Law Society of Ireland

- 3.2 The Executive of the LSRA met with representatives of the Law Society on 21 June 2019 and listened to their feedback on the Hook Tangaza report and the 14 proposals.
- 3.3 The Law Society stated that it was very disappointed with the report. They believed that the methodology used was flawed and that the conclusions that emerged were also therefore flawed. They felt that there was evidence of confirmation bias in the report and that there was selective use of evidence to confirm results that had been decided in advance.
- 3.4 They believed that the Hook Tangaza proposals appeared to propose a training scheme similar to one that had been abandoned by the English Solicitors Regulatory Authority.
- 3.5 The Law Society representatives stated that they believed that they should have had an opportunity to comment on the factual accuracy of the report before it was submitted to the Minister and they were surprised with the LSRA issuing the report without having done so. They stated that in their view, fair procedures and due process were not followed and that some of the comments in the report were personally critical of people who were capable of being identified.

- 3.6 They were also of the view that the Hook Tangaza report did not adequately consider the reviews into legal education and training commissioned by the Law Society itself, even though these were carried out by independent external experts.
- 3.7 In relation to the first core proposal of the Hook Tangaza report – that a clear definition of the competencies and standards required to practise as either a solicitor or barrister should be developed for both solicitors and barristers – the Law Society representatives stated that they had no issue with the proposal at a conceptual level. They had one caveat: that defining the competencies and standards required for the two professions must be recognised as a major exercise. If a proper definition of the competencies and standards required was to be produced, it might take two to three years to finalise. The Law Society stated that they had commenced an exercise comparable to this under the Skillsnet banner, funded by the Department of Trade and Enterprise.
- 3.8 The Law Society also stated that the Hook Tangaza team seemed to view competencies as a magic bullet that would solve all problems. The Law Society did not necessarily agree with this. The Law Society representatives stated that skills and competencies were being seen as “old news” and that the trend was going in the opposite direction, returning to exams and assessment tests. They stated that the Solicitors Regulatory Authority went through a similar exercise in 1978 and the competencies and standards became a box ticking exercise and they ultimately reverted back to an exam based approach following litigation. The Law Society expressed the view that claims for the competencies and standards based approach were exaggerated and overblown in the Hook Tangaza report with no empirical evidence advanced to support the proposal.
- 3.9 In relation to the second core proposal of the Hook Tangaza report, the Law Society stated that they fundamentally object to the establishment of the LPET Committee as unnecessary and costly. Staff resourcing of the LPET Committee would be an issue even if it was set up as a sub-unit of the LSRA.
- 3.10 They also stated that the LPET Committee was unnecessary due to the Qualifications and Quality Assurance (Education and Training) Act 2019 and the role of QQI. The Law Society stated that the issues proposed to be devolved to the LPET Committee could be done by QQI without the need to set up a new entity. The Law Society representatives expressed the view that the Hook Tangaza proposals had been taken over by events.
- 3.11 The Law Society in their submission to the LSRA had made 30 recommendations in relation to legal education and training for solicitors. These had led to the Law Society making regulations under the Solicitors Acts 1954 to 2011 (Apprenticeship and Education) Amendment Regulations 2019 S.I. No. 503 of 2019 which introduces accelerated access to taking the FE-1, ends the ‘sandwich’ model of training and

introduces the unitary PPC, with options for third party specialist modules. The Law Society had also introduced the PPC Hybrid, structured to facilitate working/domestic lives of students.

- 3.12 Other initiatives taken by the Law Society included broadening the exemptions for the Preliminary Examination, exploring shared examination resources with King's Inns, developing different models of training contracts, on-line recording of training contract activity and creation of a dedicated centre for Innovation, Education and Learning.
- 3.13 In relation to the third proposal of the Hook Tangaza report that an accreditation and validation framework should be developed for legal education and training, the Law Society stated that this was the second proposal with another name. They stated that the FE-1 entrance examination for solicitors was crude but efficient. They reflected that the higher education bodies stated that the FE-1 was not a good idea but that this was to be expected. The Law Society accepted that there was a need for more dialogue and that there was a dormant body which could be revisited to allow for this exchange of views. This would encourage more dialogue and problem solving and not a civil service approach.
- 3.14 In relation to the fourth Hook Tangaza proposal that programmes offered by existing and new providers should be accredited against the competency framework, the Law Society stated that a competency framework as a ready reckoner could be very useful but it was not the regulatory tool or turnkey solution as proposed by Hook Tangaza.
- 3.15 In relation to the fifth Hook Tangaza proposal which is that assessment methodologies should ensure adherence to standards, the Law Society agreed with the proposal but saw it as a role for QQI and not the LPET Committee. The Law Society also commented on the proliferation of law degrees across Ireland and stated that the quality of the degrees is not uniform. The FE-1 is a different exercise to the university exam structure. People pass degrees at university level and then fail the FE-1. The FE-1 is also marked blind by examiners who are expert in their field. The FE-1 provides a leveller that applies to all entrants and brings equity to the assessment.
- 3.16 In relation to the sixth proposal of the Hook Tangaza report which is that the LPET Committee should monitor the quality of legal education and training and that legal education and training providers should be required to maintain ongoing quality assurance processes, the Law Society were of the view that many of the functions proposed to be assigned to the LPET were already due to be assigned to QQI and the Law Society would again question the need for a second body to comment on the required standards.

- 3.17 In relation to the seventh proposal of the Hook Tangaza report that states that admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standard and the eighth proposal that the LPET Committee should develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes, the Law Society stated that competencies are not a regulatory tool as they are perceived to be in the report. The Law Society fundamentally disagreed with the conclusion reached by Hook Tangaza that entrance examinations are a bad idea. The Law Society was aware that larger solicitor firms have been critical of the FE-1s but stated that they only see it from their point of view. The Law Society stated that it has to consider the bigger picture and have the public interest at heart. The Law Society stated that they did not get the sense that the public interest was considered in the report.
- 3.18 The Law Society viewed the ninth proposal of the Hook Tangaza report that non-law graduates should have alternative means to enter the profession other than through the FE-1 as the most radical and flawed of the proposals. They queried how you could adjudicate that a diploma in one course was of an equivalent standard to a course elsewhere. Even with the benefit of really well defined competency standards this would be very difficult. The Law Society was of the view that this approach would create many judicial reviews which would lead to significant costs. The Morgenbesser rule is used for people who have a qualification here from another EEA country. In previous years when exemptions were in operation here there was much dissatisfaction, challenges threatened and cases taken.
- 3.19 In relation to proposal ten of the Hook Tangaza report that additional routes to qualification will encourage diversity and increase access, the Law Society were of the view that this statement is not backed up with evidence. They maintained that the biggest obstacle to qualify as a solicitor or barrister is money and not exams. The existence of the FE-1 was not an obstacle, in the view of the Law Society, and did not discourage a more diverse range of solicitors.
- 3.20 The Law Society stated that it funds solicitor education for refugees, travellers and other non-typical applicants. This is a real and significant step to stimulate diversity in the profession.
- 3.21 The Law Society was of the view that the FE-1 is not a block to the profession but a leveller. There are children of solicitors who have never qualified because of the FE-1. The FE-1 means that people are allocated places on the courses on merit and this could ease access for someone from a non-traditional background.
- 3.22 In relation to proposal eleven of the Hook Tangaza report which states that admission responsibilities of professional bodies to be separated from delivery of education programmes, the Law Society did not see the rationale for this and query

whether it would mean that the Law Society would still have the responsibility for admission to the profession of solicitor but from a regulatory as opposed to an education perspective.

- 3.23 In relation to Hook Tangaza proposals twelve and thirteen which are that transfer arrangements between the professions should be reviewed once a new competency framework is in place and the process for foreign (Non-EU) transfers and agreements to be assessed against the new competency framework, once in place, the Law Society was of the view that these areas are not well covered in the Hook Tangaza report. The Law Society stated that regarding EU lawyers, the EU dictates what has to be done regarding the recognition of other country's standards works at present even outside of the EU.
- 3.24 In relation to the fourteenth and final recommendation of the Hook Tangaza report which was that CPD programmes should be linked to competence frameworks and standards, the Law Society were of the view that the proposal showed incorrect use of evidence and a lack of thought. Hook Tangaza state that the evidence they use for proposing change is the ACCA approach but their system is 40 hours CPD and in the view of the Law Society is a punitive hybrid system. The Law Society CPD requirement is 20 hours of CPD and they were of the view that their system works, broadly speaking. They stated that there is some non-compliance but that they are monitoring this, with the first step being a CPD audit. They stated that solicitors like the certainty of the CPD system here and that they can have certainty that they are complying. CPD is not used solely as part of a disciplinary process. They accepted that more could be done to refine their current CPD program but linking it to a competency framework would not necessarily achieve this.

The Honorable Society of King's Inns

- 3.25 The Executive of the LSRA met with representatives of King's Inns on 5 June 2019 and listened to their feedback on the Hook Tangaza review report.
- 3.26 In general terms, the King's Inns thought that the review under section 34 had been a good exercise. They stated that they have their own course reviewed externally periodically and felt that this was a similar exercise but it was still useful to hear the feedback from Hook Tangaza.
- 3.27 They were glad to see positive findings about King's Inns in the report. There were details in the report that the King's Inns did not necessarily agree with but felt that overall there were good things said about the King's Inns and they fared well in the comments in the surveys with students having good things to say about King's Inns.

- 3.28 The King's Inns were particularly pleased with the report's positive comments about schemes to encourage diversity in the socio-economic make up of their students as this is something that they aim to achieve to be less elitist and more representative of society. They also thought the second phase of consultation was a positive step and welcomed a face to face meeting.
- 3.29 In relation to the first core proposal of the Hook Tangaza report that a clear definition of the competencies and standards required to practise as either a solicitor or barrister should be developed for solicitors and barristers, the King's Inns felt that this was a really good idea as a clear statement of the competencies for a barrister will mean that they can demonstrate how their training and assessment methodology aligns with requirements.
- 3.30 The King's Inns proposed to start to formulate their own competencies for barristers with the intention that a clear skills guide would be set out in their course material. They stated that they theoretically have this already but may find a better way of doing it.
- 3.31 They stated that they plan a four phase approach as follows:
- Phase 1 - to hold a consultation with stakeholders and focus groups who can tell them what the competencies of a barrister are.
 - Phase 2 - to write up the initial draft.
 - Phase 3 - to publish the draft to the stakeholders for feedback.
 - Phase 4 - to submit the final draft to the Council of King's Inns for approval.
- 3.32 The expected timespan for the project was one legal year. They stated that they would start by engaging with focus groups.
- 3.33 The focus groups they had identified included members of the judiciary, all levels of courts particularly the district court for newly qualified barristers, senior bar member's possibly senior benchers, junior counsel with 3 to 7 years' experience and also junior counsel who are pupil masters, senior solicitors, practising barristers who are not law library members and employed barristers in private companies.
- 3.34 They stated that they would update the LSRA as the process progresses.
- 3.35 In relation to the second core proposal of the Hook Tangaza review which was to establish a Legal Practitioner Training Committee which would be responsible for setting the statement of competence and defining standards, the King's Inns stated that they had no objection in principle to a process of scrutiny of the validation of legal education and were confident that they would stand up well to any independent external scrutiny.

- 3.36 The King's Inns stated that it was unclear from the Hook Tangaza report what the cost of the LPET Committee would be, who would pay for it and who the members of the committee would be. If the educational institutions have to fund it, there was a concern that this could end up being passed on to students which would be a barrier for entry. The King's Inns made the point that their professional training course is not run for profit and on a costs basis compared favourably to other post-graduate professional training courses. The King's Inns were also concerned that if the cost of the LPET committee was split between the professions, there are more solicitors than barristers and this could result in a disproportionate cost to barristers.
- 3.37 The King's Inns also expressed a concern about the level of control of legal education that would be given in the proposed arrangements to a subcommittee of the LSRA as this could be viewed as an assault on the independence of the legal profession and of the State having too much control. The question was raised as to whether the LSRA currently had the remit to accredit the legal professional training programme?
- 3.38 The King's Inns felt that the Hook Tangaza report appeared preoccupied with the QQI without having a full understanding of its functions. The King's Inns stated that QQI is not involved in accreditation of professional training. They stated that there is also no precedence to devolve accreditation of professional training in any other field. Comparisons were made to models in other jurisdictions in support of this view.
- 3.39 Although the King's Inns did not agree with the LPET Committee, they would encourage a broader examination of other ways of achieving the same aim and assuring public confidence.
- 3.40 Hook Tangaza appear to be coming at this from an England and Wales perspective on legal education. However, the King's Inns stated that in England the Inns of Court were going back into legal education having been previously divested of it and this was being done on a not-for-profit basis to improve the quality of the people being called to the Bar.
- 3.41 The King's Inns were also of the view that the Hook Tangaza report may have read differently if the solicitor and barrister training had been reviewed separately. The King's Inns stated that the persons expressing dissatisfaction were greater on the solicitors' side. They also stated that if an LPET Committee were to be formed it should be truly representative of the stakeholders and couldn't just be filled with the members of the largest solicitors firms. The Committee needed members who were experts in what it means to be a barrister or solicitor. There also needed to be impartial and objective reviews, possibly by the judiciary as they have a vested interest in education.

- 3.42 In support of their views on the LPET, the King's Inns provided a comparative review document which indicated that the proposed LPET Committee is at odds with the statutory framework in other professions and other jurisdictions.
- 3.43 The King's Inns views as expressed above were also relevant to their consideration of proposal three of the Hook Tangaza report which was that an accreditation and validation framework should be developed for legal education and training.
- 3.44 In relation to the fourth proposal of the Hook Tangaza report that programmes offered by existing and new providers should be accredited against the competency framework, the King's Inns felt that this was not as directly relevant to the Bar. They also felt that the Higher Education Institutions may not be able to deliver on this as the educational and professional phases are separate.
- 3.45 The King's Inns stated that they stood over the necessity of the entrance exam as an essential filter. They said that the entrance exam provides an objective evaluation of standard of knowledge, problem solving, reasoning and the ability to be able to apply what knowledge to scenarios.
- 3.46 The King's Inns Education Committee were in the process of reviewing the best and most effective type of entrance exam.
- 3.47 The King's Inns stated that whilst they do give some credit for prior learning they must strike some kind of balance as they cannot have a totally open door policy. They are mindful that a particular grade from one college is not the same indicator as the same grade from another college due to different standards amongst the institutions. Failure to weed-out weaker candidates would result in a higher failure rate and this would be unfair to some students as teaching would suffer.
- 3.48 The King's Inns wholeheartedly agreed with the fifth proposal of the Hook Tangaza report that assessment methodologies should ensure adherence to standards. The King's Inns stated that they already applied this principle in their own reviews.
- 3.49 The King's Inns were of the view that they had already covered their position on the sixth proposal of the Hook Tangaza review which was that the LPET Committee should monitor the quality of legal education and training. Legal education and training providers should be required to maintain ongoing quality assurance processes.
- 3.50 In relation to the seventh Hook Tangaza proposal that admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standards, the King's Inns felt that they were already doing this as it was necessary to have a recognised legal qualification and a pass mark of over 50% on the entrance examination for King's Inns.

- 3.51 The King's Inns had no further comment on proposal eight of the Hook Tangaza report which was that the LPET Committee should develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes as they felt that this had already been covered.
- 3.52 In relation to the ninth proposal of the Hook Tangaza report which was that non-law graduates should have an alternative means to enter the profession other than through the FE-1 or the King's Inns entrance exam, the King's Inns were of the view that in relation to barristers and the entrance examination for King's Inns the proposal pre-supposed an entirely different system. The King's Inns stated that non-law graduates were not barred from entering the profession and that through the Diploma in Legal Studies access had been allowed to some students who didn't have the Leaving Certificate but were still able to evidence that they were capable. They also mentioned the Denham Fellowship which was run in conjunction with the Bar of Ireland to provide access to the legal profession for those from socio-economically disadvantaged backgrounds.
- 3.53 In relation to the tenth proposal of the Hook Tangaza report that additional routes to qualification will encourage diversity and increase access, the King's Inns stated that the existing Diploma in Legal Studies already allowed for diversity of access. The Diploma can be completed on a part-time basis over two years and evening courses and eLearning makes it more accessible. The Diploma allows people who work fulltime to learn at the same time. They also state that all lectures are now recorded and a vast amount of the material is given out meaning that students do not have to be present to take notes. Online resources make it easier for people living outside Dublin.
- 3.54 The Gaffney Scholarship allows for a reduction in fees for people, either in whole or in part, based on economic need.
- 3.55 The barrister-at-law degree can be a modular option covered almost entirely at weekends. Nearly all these students are working full time this has led to great diversity in students.
- 3.56 The McCarthy Bursary is to support people with the potential to excel but have economic needs. They also get to go to Strasburg to the Court of Human Rights and a senior counsel ensures that they get a master.
- 3.57 The Denham Fellowship, aimed at certain socio-economic backgrounds without traditional access to the Bar opens up opportunities for those that need it the most. It allows for a remission of fees and for post qualification mentoring. The Committee ensures they get a master and coaching on how to get on professionally

and on how to understand the etiquette of the Bar etc. The runner-up candidate each year is also excused the entrance exam fees.

- 3.58 Full-time students of the King's Inns can also apply for SUSI grant.
- 3.59 The King's Inns were of the view that proposal eleven of the Hook Tangaza review that the admission responsibilities of the professional bodies should be separated from the delivery of education programmes related more to the Law Society than to the King's Inns as admission to the Honorable Society of King's Inns was based on being admitted to the degree and then called to the Bar.
- 3.60 In relation to the twelfth Hook Tangaza proposal that the transfer arrangements between the professions should be reviewed once a new competency framework is in place, the King's Inns were of the view that this is already a pretty straightforward process in both directions.
- 3.61 To transfer from a solicitor and become a barrister you must have three years practice as a solicitor and have a certificate of good standing. The transfer course ensures there are no shortfalls in carrying out the key skills of a barrister. The lawyers are also made aware of the Code of conduct.
- 3.62 In relation to the thirteenth proposal of the Hook Tangaza report in that the process for foreign (Non-EU) transfers and agreements should be assessed against new competency framework, once in place, the King's Inns were of the view that the current process was streamlined and worked well and in compliance with the relevant EU law. The King's Inns also referenced the Morgenbesser decision as ensuring that any shortfall in essential education is addressed.
- 3.63 In relation to the fourteenth Hook Tangaza proposal that CPD programmes should be linked to competence frameworks and standards, King's Inns stated that the Hook Tangaza criticism is of education not being competency based. The King's Inns advanced diploma course involves assessments and exercises sometimes multiple assessments, they are about problem solving and is outcome based. The King's Inns considers that the CPD that they provide to be very outcome based.

The Bar of Ireland

- 3.64 The Executive of the LSRA met with representatives of the Bar of Ireland on 5 June 2019 to discuss the Hook Tangaza report and the proposals made. The Bar of Ireland stated that the two core proposals of the Hook Tangaza report were the most relevant to them and that they would confine their comments to those proposals and to their relevance to post-qualification issues as those were the issues within

the remit of the Bar.

- 3.65 The Bar of Ireland stated that they thought the Hook Tangaza report was excellent and had echoed their own internal strategic plan which had identified the need to overhaul the CPD programme. They stated that the Hook Tangaza report had helped to focus on this issue.
- 3.66 In relation to the first core proposal of the Hook Tangaza report that a clear definition of the competencies and standards required to practise as either a solicitor or a barrister should be developed for both solicitors and barristers the Bar of Ireland agreed that a clear definition of the competencies and standards required to practise would be very helpful to everybody.
- 3.67 The representatives of the Bar stated that they had established a working group to conduct research on the legal profession in England, Ireland, and Wales and across the world and also to research other professional bodies. One of the working group's preliminary recommendations is to develop a statement of professional competencies that reflect the core skills required. The working group produced a discussion document that would be subject to internal consultation with the Bar of Ireland members and the Bar Council.
- 3.68 The implementation of the working group's report and any re-structure of the CPD programme was not yet agreed but the Bar stated that the Hook Tangaza report was welcome and was helpful as regards updating the CPD. A lot of discussion was still required in order to develop a new framework for the CPD programme.
- 3.69 The Hook Tangaza report was critical of the current CPD as a box ticking exercise. The Bar of Ireland feels that CPD should be self-directed and that the hourly requirement should remain; but that there was a suggestion that the CPD cycle could span three years instead of one and that levels of proficiency could be structured in a tiered way from newly qualified to expert/specialist.
- 3.70 The Bar of Ireland indicated that it planned to engage with King's Inns to discuss this discussion document but had not started this as of the date of the meeting. The King's Inns and the Bar Council could identify a similar list of competencies for commonality to ensure that the organisation and delivery of CPD is cost efficient and meets the requirements needed.
- 3.71 In summary, the representatives of the Bar of Ireland stated that they had embraced the Hook Tangaza report and hoped the LSRA would support the direction that they were heading.
- 3.72 In relation to the second core proposal and the establishment of the LPET Committee, discussion was had in relation to the possible format of the LPET

Committee and whether the Committee would be a wholly independent and free-standing Committee separate from the LSRA which would require new legislation or whether it would be a sub-committee of the LSRA.

- 3.73 The Bar of Ireland said that the LPET Committee may be a good idea in principle but a lot was dependent on the cost of the Committee, its remit and who it would have direct oversight over. The issue was also raised as to the level of activity that the Committee would have once the competency framework was in place and the professional bodies had implemented any changes arising.

Other Key Stakeholders

- 3.74 Following the publication of the first report (the Authority's Report and the Hook Tangaza Review) on legal education and training under section 34, the LSRA Executive met with other key stakeholders to provide a briefing on the research findings, the proposals, the further consultations process and the symposium. Amongst those the Executive met were Quality and Qualifications Ireland (QQI), the Competition and Consumer Protection Commission (CCPC), the Dublin Solicitors' Bar Association (DSBA) and representatives of some of the larger solicitor's firms. QQI, CCPC and the larger firms would later make submissions on the proposals as part of the public consultation, while the DSBA provided feedback at the meeting with the LSRA Executive.
- 3.75 The DSBA felt they were in a position where all the points made in their submission to the first public consultation had been validated by the surveys conducted and reflected in the Hook Tangaza Report. The surveys showed dis-satisfaction with the solicitor education courses particularly among younger lawyers. They also felt that the report reflected that universities required better recognition for clinical² education in particular UCD. They felt that it was self-evident that there should be a defined set of competencies for legal practitioners and that the Law Society or any other provider of legal education should ensure that trainees have the "intellectual heft" to progress in their career.
- 3.76 The DSBA stressed that trainee solicitors needed to be educated in basic office skills and understand how "work works". They also put particular emphasis on the importance of drafting as a core skill which applies regardless of specialisation. In relation to whether trainees should specialise at an early stage the DSBA noted that if trainees become too specialised too early in their career they become vulnerable if there is a big change in the market. In relation to whether solicitors should be

² The Public Interest Law Alliance have defined clinical legal education as, "an innovative approach to legal training, which seeks to complement the theoretical training law students receive in the classroom with practical, hands-on experience in real world placements and clinics in return for academic credit."

trained to a standard that would allow them to open their own practice upon qualification, the DSBA stated that most solicitors would need to have the “training wheels” on for a period following qualification and must have developed the core competencies required. They stated that experience cannot be taught and that learning theory by rote does not equate to understanding.

- 3.77 In relation to the LPET Committee, the DSBA queried whether under the Act the LSRA is vested with the power to set up a committee over the education and training of legal professions. They stated that the LPET Committee should ensure that there was a good grounding in the skills needed to practise as a solicitor and the setting of competencies and standards should take into consideration the broad and full range of work that a solicitor can be called upon to undertake, once the solid grounding is in place, market demand will drive specialisation. The DSBA suggested that the LPET Committee, if put in place, must retain the overview from the first step in education to qualification and ongoing CPD.
- 3.78 In relation to the remaining Hook Tangaza proposals, the DSBA was in general agreement with most of the remaining proposals but commented that benchmarking of the undergraduate level courses might be difficult and ensuring consistency in standards and their application at all levels and at all sources of legal education provision would be critical. In relation to proposal nine that non-law graduates should have alternative means to enter the solicitors’ profession other than through the FE-1, the DSBA stated that any exemptions to the FE-1 process should be subject to the approval of the LPET Committee and that it was important that no short-cut or back door entry points to the profession were created. They stressed that it was critically important that a standard was in place and that the measurement of the standard was applied to all access points to the profession.
- 3.79 The DSBA stated that it needed to reflect more on proposal eleven which was for the admission responsibilities of the professional bodies to be separated from the delivery of the education programmes. In relation to CPD, the DSBA agreed that CPD must be linked to competencies and should not be just a matter of completing a set number of hours. The DSBA stated that they would welcome an approach to CPD that ensured that CPD added value to professional development of legal practitioners.

Further Public Consultation

- 3.80 The LSRA conducted a public consultation on the Hook Tangaza proposals from 4 May until 15 June 2019. The Public Consultation Notice is included at Appendix 1. Thirty submissions were received by the LSRA over the course of the consultation.

- 3.81 The submissions are summarised here. Where appropriate direct quotations are included.

Michael J. Staines and Company Solicitors

- 3.82 Michael J. Staines and Company Solicitors expressed the view that a solicitor's professional legal education cannot be considered to be complete in the absence of a basic knowledge and understanding of criminal law, practice and procedure.
- 3.83 They stated that due to the *"ever-changing landscape of white collar, corporate crime and regulatory prosecutions"* their practice had moved beyond the traditional areas of criminal law and that they now represented corporate entities and individuals in the fields of *"health and safety offences, revenue offences, data protection offences, white collar crime, environmental offences, money laundering and many others."*
- 3.84 They also expressed the view that no practitioner should consider advising a client in the areas listed unless they had received a foundational legal training in the core area of criminal law. They went on to state:

"We as lawyers have been given the obligation and privilege of ensuring the protection and operation of the Rule of Law. We cannot overestimate the importance of this concept in protecting the rights and freedoms we enjoy in this jurisdiction. It is a fragile structure and continuously under attack. Solicitors in general and criminal lawyers in particular have been at the forefront of defending the Rule of Law. Knowledge of the complex and intricate aspects of criminal law and procedure is essential to allow us to do this."

- 3.85 Michael J. Staines and Company Solicitors went on to state that while knowledge of the criminal law was required as part of the Final Examination of the Law Society, the proper and effective administration of justice required that all practitioners have a core understanding in all aspects of the practical operation of civil and criminal law.
- 3.86 They concluded by commending and adopting the submission made by the Director of Public Prosecutions to the LSRA in the first public consultation on legal education and training.

Galway Mayo Institute of Technology (GMIT)

- 3.87 GMIT in their submission to the LSRA stated as follows:

“To become recognised as a legal practitioner (solicitor or barrister) the professional bodies (Law Society and King’s Inns) determine the entry requirements to their respective professional bodies. This approach leads to a conflict of interest in that there is no external input from any Higher Education Institute (HEI), the Higher Education Authority (HEA) or the Department of Education and Skills (DES), which calls into question the governance and independence of these bodies. Quality and Qualifications Ireland (QQI) is responsible for promoting quality and accountability in education and training services in Ireland. In 2015 QQI prescribed the standards for law education. GMIT would propose that QQI take an oversight role of legal education and training. International regulatory best practice involves a clear division between the regulation of professional education and training and the provision of training courses. It is GMIT’s position that QQI could fulfil this role.”

3.88 GMIT raised what it described as a governance issue in the composition of the “board” of the LSRA as it states that it does not contain representation from any HEI, the HEA or QQI to examine quality and accountability in regards to the education and training offered by the professional bodies.

3.89 GMIT advocated that the current entry routes to becoming a legal practitioner be adjusted. They argued that the entrance examinations for entry to the Law Society should remain as they stated: *“This route facilitates students from a non-law education background entering the profession.”* They stated that a second more advanced entry route should be offered *“where accreditation of an appropriate HEI law course would grant exemptions to the Law Society’s entry examinations for law graduates. This would provide a more cohesive view of law education and progression.”*

3.90 In relation to the entry into the King’s Inns degree course, GMIT submitted:

“To join the King’s Inns barrister-at-law degree requires a two-step process. Firstly, only individuals who hold an approved law degree, or holders of an approved postgraduate diploma or holders of the King’s Inns Diploma in Legal Studies can apply. These graduates are then required to successfully complete the King’s Inns Entrance Examination. This route to becoming a legal practitioner is seen as a barrier... the LSRA should advocate an advanced entry route where accreditation of an approved HEI law course would grant exemptions to the King’s Inns entry examination for law graduates. This would provide a more cohesive view of law education and progression. For applicants from a no-law education background entrance examinations should be in place, however, the requirement to hold an approved law degree should not be a barrier to potential applicants.”

- 3.91 GMIT commented that the Law Society and King's Inns both regulate who can become a solicitor and barrister respectively and that this represents a monopoly to professional accreditation within the legal profession.
- 3.92 GMIT stated that the fact that the Law Society and King's Inns are based in Dublin can be prohibitive for potential candidates to access. They stated that, following the models in other countries where there are multiple routes provided by HEIs offering courses that facilitate students graduating as either a solicitor or barrister, would expand the geographic spread of availability and remove the dependence on professional accreditation based in one location.
- 3.93 GMIT suggested that HEIs could *"augment the law degree programmes with those of the professional bodies to further align and strengthen the expected competencies of programme graduates for professional practice in the legal sector. Programme outcomes can embrace the spectrum of discipline-specific and generic or transferable skills and competencies. If the professional bodies specify the programme outcomes/criteria for accreditation a transparent process can be overseen by QQI."*
- 3.94 In closing, GMIT stated:
- "The professional bodies (Law Society and King's Inn) provide the Professional Practice Courses (PPC) in Ireland, again this is a monopoly. There is a lack of competition in this space, one that HEIs could fill. HEIs provide excellent experiential learning opportunities for students to simultaneously study the theory of law in the classroom, and also to experience it in action. It (PPC) plays a critical role in the process of transforming law students into ethical, analytical and engaged legal professionals. This is achieved by including work placements, moot courts and mock trials, and applied research."*
- 3.95 GMIT also suggested that both ethics and artificial intelligence could be added to the current curriculum of professional legal education.

P. O'Connor and Son Solicitors

- 3.96 In their submission to the LSRA's public consultation, P. O'Connor and Son solicitors stated that legal education should be of highest possible objective standard. They stated that: *"To ensure objectivity and uniformity in the application of that standard, POC&S is of the view that overall responsibility must rest with one body and not with individual universities or colleges."*
- 3.97 They submitted that the Law Society Preliminary Examination should be discontinued *"as it is a vestige of another era."*

- 3.98 They further submitted that any person who applies to sit the FE-1 should be permitted to do so including law and non-law undergraduates thereby creating a shorter duration of training time. They stated:

“Shorter duration in terms of training lawyers would help respond to market demands more efficiently. At present, if the market is in need of more solicitors at the commencement of a student’s legal training that position is very likely to have changed by the time the student completes the training. A shorter turnaround time would also allow educators to provide a more focussed approach to the issues of the day and allow graduates to hit the ground running and meet the demands of their employers e.g. the move from boom time conveyancing to a focus on distressed sales and receivership law.”

- 3.99 They went on to express that they are strongly of the view that entrants to the legal profession do not necessarily have to have a law degree and that there is an argument that lawyers would be better educated if they had a more general degree before entering the profession but did not propose this as a way forward in their submission.

- 3.100 P. O’Connor and Son stated that the present entry requirements of the Law Society and the King’s Inns should be retained but should be through a common standard-based entrance examination (a restructured FE-1). They also submitted that applicants to the Roll of Solicitors and the Bar should be jointly educated initially in core subjects and skills in a revised Legal Practice Course (LPC) and provided an outline framework as to how such a course could be organised.

- 3.101 They continued:

“If it is accepted that there should be a unitary LPC for applicants to be admitted to the Roll of Solicitors and the Bar a carefully crafted curriculum objectively assessed with input from all branches of the legal profession and others with an interest in the end product, practising lawyers, should be designed. The curriculum needs to reflect the market needs of the time and as such needs to be developed and changed regularly.”

- 3.102 They further submitted that there should be no control on the number of persons seeking entry to the legal professions other than an objectively based examination and training system. They also stated that the needs of the larger legal firms, whilst worthy of consideration, should not dictate the objective standard based education and training for lawyers in the country.

- 3.103 On the topic of specialism, the submission stated:

“Simply put all aspirants to practice law (whether solicitor or barrister) in Ireland should have a common education and training in the basic legal principles and skills to become a practising lawyer. This is in the best interests of the law students themselves as well as the profession generally. Specialisation is something that should come later... Criticism based upon the perceived failure of the current education system, particularly in the Law Society, to provide for specialist firms (whether they be the large practices or otherwise) is unfounded... The option to specialise is something which the student her/himself should be left to decide upon during the course of their career. Early specialisation during the education stage could leave a lawyer qualified in a niche area virtually unemployable as market needs change.”

The Department of Business, Enterprise and Innovation

- 3.104 In their submission to the LSRA, the Department of Business, Enterprise and Innovation cited the World Bank’s “Doing Business Report 2019” to suggest that the legal costs that Irish SMEs face are higher (as a proportion of the total award) than in a number of similar jurisdictions.
- 3.105 The Department went on to say that they are supportive of the proposals outlined in the Hook Tangaza report on the basis that these proposals should introduce greater competition into the market and should ultimately make it more efficient. The Department referred to the submission by the Competition and Consumer Protection Commission (CCPC) to the LSRA’s first public consultation on legal education and training and stated, *“The monopoly of legal training has the potential to significantly reduce the numbers qualifying as lawyers, increase the cost of legal training and diminish the possibility of innovation in training methods.”*
- 3.106 The Department saw the LPET Committee as a key proposal. However, they stated that if the LPET Committee is to be independent of the LSRA more needs to be done to justify the delegation of responsibility from the LSRA when the LSRA is itself independent and could potentially take the responsibility for regulating, authorising and validating legal practitioner education and training.
- 3.107 They went on to stress that if an independent LPET Committee was established it is crucial that any LPET Committee not be dominated by the interests of incumbent operators, while acknowledging the need for the committee to have sufficient expertise in the area of legal education and training.
- 3.108 The Department also submitted that Company Law should remain a core competency required to practice as a barrister or a solicitor.

National Competitiveness Council (NCC)

3.109 In their submission to the public consultation, the NCC stated that in recent years, they have been concerned with the cost of legal services and the direct impact of the cost competitiveness of legal services on national competitiveness.

3.110 The NCC also cited their “Cost of Doing Business in Ireland 2019” report which notes that Ireland is a relatively expensive location in which to resolve a commercial dispute through the court system. The NCC stated, *“In Ireland, the total cost of enforcing a contract was 27% of the total award, with lawyer’s fees accounting for the bulk (70%) of the cost. These results suggest that the legal costs faced by Irish businesses are higher than those in a number of similar jurisdictions, negatively impacting Irish competitiveness.”*

3.111 The NCC submission went on to state:

“The NCC supports measures that improve the functioning of the market for legal services, including the market for the provision of training and education for legal practitioners, as this will act to reduce legal costs. This will help to reduce Ireland’s overall cost base and make Ireland a more internationally competitive economy. In this vein, the Council supports the proposals outlined in the Review to reform the way legal education and training takes place in Ireland. These proposals should introduce greater competition into this market, which will make it more efficient, and more responsive to the needs of those using legal services. Ultimately, these proposals will have a positive impact on Ireland’s competitiveness position.”

3.112 The NCC described the proposal of the establishment of the LPET Committee as a “key proposal” from their perspective and stated as follows, *“Under the proposed structure, the LPET Committee would be constituted as an independent body reflecting (but not representing) the interests of all stakeholders in legal services education and training. While ensuring sufficient legal expertise on the LPET Committee, and to remove any potential for conflicts of interest on the LPET Committee, the NCC strongly recommends that individuals representing institutional legal practitioner education and training do not serve on the LPET Committee.”*

Enterprise Ireland

3.113 Enterprise Ireland summarised the points in their submission to the LSRA stating:

“Enterprise Ireland believes that it is important:

- I. *That standards of newly and recently qualified lawyers be maintained and, where possible increased;*
 - II. *That the evolving legal landscape does not compromise the standards of the services that are provided; and*
 - III. *That people with a variety of academic backgrounds be encouraged to undertake training as lawyers so that there exists a broad skill set within the wider legal profession."*
- 3.114 In relation to the Hook Tangaza proposal that a clear definition of the competence and standards required to practise law should be developed for legal practitioners, Enterprise Ireland stated that it recognised and agreed that benchmark standards are important for the legal profession.
- 3.115 They cited a number of different developments including the introduction of legal partnerships, developments in technology, the increase in the use of artificial intelligence and increasing use of alternative dispute that will change the legal services landscape and make it increasingly important that all lawyers have reached a high standard of competence on qualification.
- 3.116 Enterprise Ireland stated that the Hook Tangaza proposal that there should be a common set of competencies and standards for admission to the courses for solicitors and barristers was important. They suggested that there may be merit in the LSRA considering whether there should be a minimum level of training common to both solicitors and barristers as they will now have the facility to work together in a new type of law firm. They suggested consideration of a period of identical training for prospective solicitors and prospective barristers before a further period of specialist training for each branch of the profession.
- 3.117 In relation to the proposed introduction of the LPET Committee, Enterprise Ireland stated that they consider it critical that there be a rigorous system for screening prospective providers of legal education.
- 3.118 Enterprise Ireland went on to say that non-law graduates should continue to have opportunities to enter the legal profession to ensure that there is a broad skill set within the legal profession. They also stated that whilst they saw significant value in ensuring that all aspiring legal practitioners have reached the requisite minimum standard in their legal studies before progressing to professional training, they did not have a strong view on the form that any reviews, examinations or verification of that standard would take.
- 3.119 Enterprise Ireland agreed that additional routes to qualification will encourage diversity and increase access and also agreed that CPD programmes should be linked to competence frameworks and standards and should also have regard to the evolving needs of lawyers as their careers progress.

The Courts Service

- 3.120 The Superior Courts Directorate of the Courts Service re-iterated the need for further training for legal practitioners on core court practices and procedures.

County Wexford Solicitors Association

- 3.121 The County Wexford Solicitors Association made a submission to the public consultation stating that they wished to concur with the views of the Law Society with regard to section 34 of the Legal Services Regulation Act, 2015.

Mayo Solicitors Bar Association

- 3.122 The Mayo Solicitors Bar Association, submitted as follows:

“We understand that a report commissioned by the Law Society of Ireland has recommended the removal of criminal law as a subject for trainee Solicitors. We further understand that the logic for doing so is that a relatively small number of firms specialise exclusively in this area of law.

“It has been our experience that while this is true in Dublin (and some other urban centres), it is not true of the country as a whole. Most general practices in the country provide criminal law advice and, in our experience, to a very high standard. They often do so out of necessity as there is little advantage in having a solicitor in Dublin when you need urgent legal advice at two in the morning in Westport or Kilrush.

“It is unlikely that any solicitor in rural Ireland will make a living specialising in criminal defence law, as it is a service most often, if not exclusively, provided as part of a general practice.

“We would hope that the [Legal Services Regulatory Authority] recognise the important role of solicitors (and general practices in particular) in safeguarding rights, where the ordinary citizen meets the criminal justice system.”

Arthur Cox

- 3.123 In their submission to the LSRA, Arthur Cox described themselves as a “large corporate law firm which trains in or around 45 trainee solicitors each year.”

- 3.124 They referred to their submission to the LSRA's first public consultation on legal education and training in which they made two key recommendations:

"The abolition of the Law Society of Ireland's existing monopoly on professional legal education in Ireland; and

The removal of the current requirement for law graduates to sit and pass the Final Examination – Part 1 (known as the FE1s)."

- 3.125 Arthur Cox stated that they support the fourteen proposals put forward in the Hook Tangaza report and agreed that the proposals have the potential to *"provide both a foundation and catalyst for further reforms of the education and training system for legal practitioners"* which they stated was urgently required.

- 3.126 They went on to state, *"The proposals align with the reform we feel is needed and we believe would benefit the legal profession as a whole."*

- 3.127 In relation to the two key proposals of the Hook Tangaza report i.e. the development of a clear definition of the competence and standards required to practice law and the establishment of an LPET Committee which would be responsible for setting the statement of competence and defining standards, Arthur Cox stated that *"as the proposals are quite broad, it is difficult to provide detailed feedback at this point in relation to the practical implementation of the proposals. What we can say at this juncture, however, is that we broadly support the vision and direction of the proposals set out in the Report."*

- 3.128 In relation to the development of a statement of competence, Arthur Cox agreed that this could help eliminate unnecessary duplication in the training system by providing recognition for prior learning and experience stating:

"We fully agree. For the competency based framework proposed by the Report to flourish and succeed, it is critically important that competition is introduced through the abolition of the Society's monopoly and that duplication is minimised through an exemption based approach to the FE1s [...] The monopoly enjoyed by the Society prevents much needed competition, innovation and choice. We believe that the current system of solicitor education in Ireland would be significantly improved to the benefit of the profession as a whole by introducing competition, choice and affordable alternatives."

- 3.129 Arthur Cox went on to state that they strongly feel that the FE-1 system unnecessarily impedes and inhibits access to the profession and acts as a barrier to entry to the profession, due to the financial cost and the time commitment required to pass the FE-1s. They stated that there was no benefit in re-examining legal subjects that have already been examined at recognised third-level institutions and

that the impediments caused by the FE1s have a disproportionately negative impact on those from lower and middle socio-economic backgrounds. Arthur Cox also stated that they viewed the establishment of an LPET Committee as a positive step forward and that they would embrace the opportunity to engage with the LSRA in greater detail in due course.

3.130 In closing Arthur Cox stated:

“We would like to take this opportunity to thank the LSRA for commissioning such a comprehensive and thorough report. The Report is based on a broad body of evidence and sets out a clear case for reform. We are confident that if the proposals are adopted, they will lead to competition, which will drive standards, innovation, flexibility and choice. We are also confident that they would lead to a reduction in the costs associated with qualifying as a solicitor.”

Quality and Qualifications Ireland (QQI)

3.131 In their submission to the LSRA, QQI stated that under section 13 of the Qualifications and Quality Assurance (Education and Training) Act 2012 professional recognition bodies in the State are required to cooperate with QQI in the performance of its relevant statutory functions. QQI referred to a study it had recently published on the potential for greater complementarity and coherence between professional and academic accreditation of programmes offered in higher education institutions in Ireland.

3.132 QQI welcomed the publication of the 14 proposals for reform of the education and training of legal practitioners in Ireland in the Hook Tangaza report and stated that, given QQI’s statutory remit in relation to development and recognition of qualifications and the external quality assurance of providers offering qualifications in Ireland, their submission would focus on the two core reforms proposed by Hook Tangaza i.e. the development of a clear definition of the competence and standards required to practice law and the establishment of the LPET Committee.

3.133 In relation to the definition of competency, QQI submitted that it would be desirable that the LSRA utilise NFQ interpretations and descriptors of knowledge, skill or competence in setting the statement of competence and defining standards, which legal practitioners would achieve upon qualification. QQI explained the NFQ as follows:

“The National Framework of Qualifications (NFQ) is a 10-level system of knowledge, skill and competence used for the development, recognition and award of qualifications in the State. The NFQ was established in law under the 1999 Qualifications (Education and Training) Act, it was launched in 2003 and re-

authorised under the 2012 [Act]. QQI has responsibility to promote, maintain, further develop and implement the NFQ and associated policies. The NFQ articulates national policy on qualifications and consequently agencies of the state with a policy or regulatory function in relation to qualifications use the NFQ as a central coordinating mechanism for achieving policy outcomes.”

- 3.134 Under the heading “Supporting the proposed accreditation function of the LPET”, QQI stated in their submission that academic qualifications in law offered by higher education institutions in Ireland and regulated by QQI are included within the NFQ with such qualifications enjoying national and international academic recognition.

- 3.135 QQI went on to explain:

“The Qualifications and Quality Assurance (Education and Training) Act 2019 (the 2019 Act) makes provision for a wider range of qualifications to be similarly included within the NFQ, this includes qualifications owned and offered by professional and independent awarding bodies. Section 55 of the 2019 Act contains provisions to authorise QQI to establish a new category of awarding body to be known as ‘listed awarding bodies’ and to facilitate the inclusion of their awards within the NFQ. The design, development, assessment and certification of any such qualifications would come under the remit of the statutory quality assurance framework. Providers offering programmes leading to qualifications of listed awarding bodies will be required to establish and operate quality assurance procedures and comply with ancillary provisions and obligations comparable to existing providers offering programmes leading to NFQ awards.

“The benefits of becoming a listed awarding body and including legal qualifications offered by independent awarding bodies within the NFQ is primarily a matter for the awarding bodies themselves and their relevant regulatory authorities. QQI is not seeking to use its recently amended statutory powers to increase its regulatory reach or to mandate any awarding body to become a listed awarding body for the purpose of having their qualifications included within the NFQ. That said the LSRA may wish to consider the public value of requiring that qualifications designed to meet the national standards of knowledge, skill or competence expected of a graduate legal practitioner, are included within the NFQ.”

- 3.136 QQI went on to state that bringing professional and academic qualifications within the NFQ as a single qualifications structure has the potential to ensure public confidence in the threshold standards of qualifications recognised by the LSRA and would establish common statutory external quality assurance arrangements for all awarding bodies and providers offering LSRA recognised education and training of legal practitioners. QQI further stated that linking professional recognition of

qualifications to the NFQ could facilitate the LPET Committee in conducting its accreditation function in respect of providers, programmes and qualifications.

3.137 QQI went on to state that they have no statutory quality assurance or regulatory role in respect of the legal education and training provided by the Law Society of Ireland or the Honorable Society of King's Inns and the qualifications currently awarded by these bodies are not included within the NFQ. Under the 2019 Act, the Law Society and the King's Inns could seek to become listed awarding bodies and have certain of their qualifications included within the NFQ. If the Law Society and the King's Inns were to become 'relevant providers' under the 2019 Act, their internal quality assurance arrangements would be subject to approval, monitoring, review, public reporting and potentially sanctions by QQI.

3.138 QQI went on to state:

"Hook Tangaza envisages QQI organising programme level review of providers of legal education on behalf of LSRA, to support LSRA's accreditation function. It seems feasible to organise such reviews in a combined exercise with the QQI statutory functions even though there would be two separate lines of governance resulting- QQI confirming the inclusion of appropriate qualifications in the NFQ and LSRA confirming conformity with standards for recognition of graduates for professional legal practice."

3.139 QQI explained that they were formulating policy and procedures for listing of awarding bodies under the 2019 Act and that, as the relevant sections of the Act have not yet been commenced, the practical implications of linking qualification requirements for legal practitioners within the NFQ are not yet fully apparent.

3.140 They continued:

"The prospect of relying on QQI statutory functions in relation to the inclusion of qualifications within the NFQ and carrying out programmatic reviews as an element of the professional recognition function to be carried out by the LSRA, would require further consideration and engagement. Bringing independent awarding bodies, not currently participating in the NFQ, under the regulatory scheme for programmes and qualifications operated by QQI would need to be considered a necessary, effective and proportionate response to the qualifications and quality assurance issues cited in the proposed reform of education and training of legal practitioners in the state."

3.141 QQI stated that, subject to the direction of ongoing reforms, a Memorandum of Understanding between the LSRA and QQI would assist with the practical implementation of any agreed arrangements and also clarify any questions of governance and accountability between the two organisations.

3.142 QQI closed by stating,

“QQI would welcome the opportunity to engage further with the LSRA and other interested stakeholders to explore how best we might facilitate the qualifications and quality assurance objectives set out in the Hook Tangaza report.”

UCD Sutherland School of Law

3.143 UCD Sutherland School of law began their submission to the public consultation by providing some information about the school itself. This included the following:

- UCD Sutherland School of Law is the first school in Ireland to be ranked in the top 50 law schools in the world in the Times Higher Ranking.
- They are subject to regular, rigorous quality assessment under the statutory quality assurance scheme by a team that includes international assessors and leads to a publicly available report.
- The School has long standing and deep links with the legal profession through its adjunct faculty, its Development Council, the provision of CPD and the blend of professional backgrounds amongst its faculty, many of whom also act as examiners for the Law Society and King’s Inns.
- The School has embraced clinical legal education as part of their holistic, multi-dimensional approach to legal education through our internships, innovative legal practice module and mooting. This is underpinned by the School’s cutting edge UCD Arthur Cox Clinical Legal Education Centre.
- They aim for their students to be active, motivated, autonomous learners, who are conscious of the social, cultural and political dimension of the law, as well as having the academic basis for a successful career in law and more widely applicable knowledge and skills.

3.144 The UCD Sutherland School of Law submission stated:

“Today our undergraduate degrees are recognised around the world including in England, Northern Ireland and India without any requirement of taking the equivalent of the FE1 exams as required by the Law Society of Ireland. Our graduates are also required to take an entrance exam for the King’s Inns although exemptions are available for some subjects.”

3.145 In relation to the first core proposal of the Hook Tangaza report, that a clear definition of the competence and standards required to practise law should be developed for legal practitioners, UCD Sutherland School of Law stated: *“We welcome the emphasis on competences and standards. A clear articulation of these*

assist students in understanding what they will achieve, and assessment strategies can be more closely aligned to outcomes.”

- 3.146 The UCD Sutherland School of Law questioned whether a definition, rather than a description, of competences and standards could be articulated and also expressed a concern that it would not be so detailed as to be reduced to a box ticking exercise that undermined meaningful acquisition of competences.

- 3.147 They went on to state that:

“These competencies need to be (a) reflective of the needs of modern legal practice and (b) embrace wider skills and competencies such as research, communication, problem solving, team working, ethics and leadership.”

- 3.148 UCD Sutherland School of Law stated that they would like to see a university law degree as constituting the first stage of entry to both professions. They would oppose a system of ‘qualifying law degrees’ as it would duplicate quality assurance processes and there would be a risk of ‘straightjacketing’ undergraduate university law degrees which prepare students for a wide range of careers beyond the legal profession.

- 3.149 In relation to the second core proposal of the Hook Tangaza report, i.e. that LPET Committee should be established which would be responsible for setting the statement of competence and defining standards which legal practitioners would achieve on qualification, UCD Sutherland School stated as follows:

“The School welcomes the establishment of an LPET Committee provided membership includes a number of representatives from third level institutions and in particular from university law schools. At the moment the two professional bodies are regulators and as discussed in our previous submission, also hold monopolies on the provision of education within their professions, while also being competitors of the universities who provide graduate degrees in law for students wishing to ultimately qualify as legal practitioners.”

- 3.150 They continued:

“In relation to the requirement that existing and future providers of legal education demonstrate how to meet the relevant standards, we would want to see a clear articulation of the procedures for the provision of professional legal education which would be separate from undergraduate (or conversion graduate) university law degrees. University education provides a fundamental stepping stone into the professions and is subject to robust regulatory oversight through the quality assurance statutory framework under the Qualifications and Quality Assurance (Education and Training) Act 2012 ... with fierce competition

for the best students in Ireland and increasingly, from outside the EU. Universities typically also have a team of extern examiners with every module reviewed by an extern and law degree programmes and being subject to scrutiny through internal quality assurance mechanisms also."

- 3.151 UCD Sutherland School agreed with the third Hook Tangaza proposal that an accreditation and validation framework should be developed for legal education and training stating: *"It is essential that regulation and provision are not assigned to the same organisations. This would recognise a market for professional legal education on the one hand subject to appropriate arm's length regulation on the other."*
- 3.152 UCD Sutherland School of Law also agreed with the fourth Hook Tangaza proposal that programmes offered by existing and new providers would be accredited against the competency framework stating: *"As with professional education in other spheres, it will be important to ensure a reasonable fit between statutory quality assurance regimes of education providers on the one hand and professional requirements in relation to competencies on the other."*
- 3.153 In relation to the fifth proposal of the Hook Tangaza report, that assessment methodologies should ensure adherence to standards, they stated: *"Agreed, noting that assessment methodologies need to be tied to outcomes and competences and reflect best pedagogical practice allowing for a diverse range of assessments that are both formative and evaluative."*
- 3.154 The sixth proposal of the Hook Tangaza report is that the LPET Committee should monitor the quality of legal education and training and that legal education and training providers should be required to maintain ongoing quality assurance processes. On this proposal, the UCD Sutherland School of Law commented: *"As noted above, the quality of the legal education provided by higher education institutions is already monitored within the statutory QQI framework. And this statutory framework needs to be factored into the monitoring of the quality of legal education and training where it is provided within that sector."*
- 3.155 The next two proposals made by Hook Tangaza are proposal seven, that admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standards and proposal eight that the LPET Committee should develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes.
- 3.156 On proposals seven and eight, the UCD Sutherland School of Law commented:
- "This proposal assumes that the provision of professional legal education will remain within the current structures following this review. As noted in UCD*

Sutherland's response to the original consultation in June 2018, we are of the view that completion of a law degree in Ireland should be sufficient for admission to professional training, however it develops following this review. Where a candidate has a law degree from an Irish university, the FE1 exams are duplicitous, expensive and unnecessary and tend to discriminate against diverse candidates as they require a further year of study."

- 3.157 In relation to the ninth Hook Tangaza proposal that Non-law graduates should have alternative means to enter the profession other than through the FE-1, the UCD Sutherland School of Law commented, *"Our view is that FE-1 exams do not fulfil a useful function, either in increasing diversity of professional lawyers or in augmenting quality of those in possession of a law degree from an Irish university."*
- 3.158 The UCD Sutherland School of Law also agreed with proposals ten through to fourteen of the Hook Tangaza report commending that diversity and increased access to the legal profession should be encouraged and that there was a dearth of research on diversity in the legal profession beyond that done on gender. In relation to the process for foreign non-EU transfers they commented, *"It is fundamentally important that Ireland as the sole English-speaking, common law jurisdiction remaining in EU post Brexit would be open to transfers of lawyers from other jurisdictions."*
- 3.159 Finally, in relation to the proposal that CPD programmes should be linked to competence frameworks and standards, the UCD Sutherland School of Law agreed, stating, *"There is already a wide range of CPD programmes available to legal professionals and these should be consistently linked to competences frameworks and standards."*

Southern Law Association

- 3.160 In relation to the two core proposals of the Hook Tangaza report, the Southern Law Association stated that they believed that the standards expected of a practising solicitor were already clearly set out by the Law Society at present and that they did not believe that it would be of benefit for the LSRA to have an oversight role in the legal education and training system and that this should remain at all times a function of the Law Society albeit in consultation with the LSRA.
- 3.161 The Southern Law Association felt that the introduction of an accreditation and validation framework for legal education and training would duplicate the work and roles of the Law Society and the QQI. They went on to state that under the Qualifications and Quality Assurance (Education and Training) Amendment Act 2019 the Law Society and the King's Inns could voluntary agree to engage in the process of external validation, benchmarking against the NFQ and quality assurance. They also

stated that the Law School of the Law Society should have the opportunity to apply for designation as a university in the future.

- 3.162 In relation to the fourth Hook Tangaza proposal, that programmes offered by existing and new providers to be accredited against the competency framework, the Southern Law Association commented as follows:

“We would support the programmes undergoing an accreditation and validation framework to create the mechanism for ensuring that the programmes and teaching methodologies of the existing legal education providers, remain current and fit for purpose. It is very important that any new programmes introduced as an alternative to the traditional routes, can deliver complete stages of the qualification process, so that students are not left with partial qualifications and no clear route to full admission.”

- 3.163 In relation to the fifth Hook Tangaza proposal that assessment methodologies should ensure adherence to standards and the sixth proposal that legal education and training providers should maintain ongoing quality assurance processes, the Southern Law Association stated that this could be achieved through an accreditation and validation framework rather than through the LPET Committee laying down a policy on quality assurance for all legal education and training providers.

- 3.164 In relation to the seventh and eight Hook Tangaza proposals, that admission to professional programmes should be based on recognised higher education level programmes benchmarked against the competence framework, the Southern Law Association commented as follows:

“We note the suggestion that the ‘duplication in legal education which currently exists because of lack of recognition of higher education programmes should be eliminated’. This would appear to be a suggestion that the current FE1s (entrance exam) should be abolished for law students?

“The cost of qualification was by far and away the most significant barrier identified; however, to abolish the entrance exam would make the obtaining of a law degree a far more desirable option for undergraduates with all its attendance costs. As it stands at present, it is not necessary to have any undergraduate degree to sit the entrance exam and so a law degree is a choice for the benefit of one’s general education and not as a key to the profession. By maintaining the entrance exam, every person seeking entrance to the profession has exactly the same opportunity to do so, without the cost associated with obtaining a law degree. Removing the entrance exam for law graduates, will simply mean that there will be more pressure on students at leaving certificate level, to get a place in a law degree, to avoid the entrance exam later. Thus, the

barrier to entry is not abolished, simply moved. It is not clear how it can be considered equitable that those who can afford a law degree should have a better opportunity to progress in the profession than those who cannot."

3.165 In relation to FE-1s the Southern Law Association also commented as follows,

"We note that the issue of cost was raised by a major law firm, as employers of trainees, who the report notes 'expressed their frustration at the cost of paying for examinations which in their view were unnecessary'. In respect of that view, we would submit the following:

"1. Large firms are not obliged to pay the cost of the FE1 exam fee for students; they choose to do so, as part of the package of incentives they offer to interns and potential trainees to make their offices more attractive places to be recruited to. If they offer to pay for exams, to give themselves competitive advantage in the recruitment process, it seems unreasonable that they can then complain about that cost.

"2. If the cumulative cost of financing the entrance exam is seen as frustrating for large firms, is it not likely that if such an exam was abolished they will then give preference to law graduates in their recruitment policy, making it far more difficult for non-law graduates to get a placement in a large law firm? This would seem to be a considerably greater barrier to entry than the cost (which in the context of the cost to large firms of trainee contracts must be small.)

"We cannot comment on the robustness of the FE1s and naturally if there are concerns at how the exam is currently administered, that should be reviewed. However, simply because there are concerns that it is not robust enough, that is not a reason to abolish it, but rather to improve it."

3.166 In relation to the ninth proposal of the Hook Tangaza report that non-law graduates to have alternative means to enter the profession, other than through FE-1 or the King's Inns Diploma, the Southern Law Association queried what is being proposed and stated that it would be alarming to suggest that you could enter the legal profession without having a key understanding of the legal concepts which underpin the profession.

3.167 They continued:

"We see that the overall tenor appears to suggest that focus should be on the qualification to enter the profession, not to enter into training; however, this appears to ignore the fact that training is broken down into two elements; the academic basis which is required to enable a student to understand the legal concepts and then the vocational training aspect offered by the training in office

and on the PPC courses. It is difficult to see how a trainee would learn in an office, how to apply legal knowledge to the practical day to day work for which they are training, if they did not have the foundation of legal knowledge beforehand?”

3.168 The Southern Law Association agreed that additional routes to qualification will encourage greater diversity in the profession but stated that at all times educational and professional standards must be maintained.

3.169 The Southern Law Association disagreed with the eleventh Hook Tangaza recommendation that the admission responsibilities of the professional bodies should be separated from the delivery of education stating:

“We do not agree with this as the law school of the Law Society is educating and training to a standard to enable qualification as a solicitor and admittance to the roll of solicitors. The Law Society is best placed to set out the necessary standard. It is then for the LSRA to oversee that the Law Society is carrying out this function.”

3.170 In relation to proposal fourteen of the Hook Tangaza report which proposed that CPD programmes should be linked to competence frameworks and standards, the Southern Law Association commented that they, the Law Society and other Bar Associations are continually reviewing their CPD programme to ensure they are relevant, up to date and meeting the needs of the profession.

Lawschool.ie

3.171 Lawschool.ie started their submission to the LSRA by providing some information about their organisation stating that they provide training and educational programmes in law specialising in the delivery of preparatory courses for the Law Society of Ireland’s Final Examination Part 1 (FE-1), the Honorable Society of King’s Inns Entrance Examination and Continuing Professional Development programmes in law.

3.172 Lawschool.ie submitted that there is some merit in the Law Society of Ireland’s justification for retaining the FE-1 to ensure a common knowledge of core academic legal subjects among applicants drawn from the nineteen law degree providers in Ireland and from non-law graduates. However they were of the view that, while a standardised examination should be retained for entry into the profession, the current format was not fit for purpose.

3.173 They stated that many law students feel pressure to do preparatory courses in law so as to address perceived gaps in their legal knowledge prior to sitting the FE-1s.

They saw two reasons for the perceived gap. Firstly, the temporal delay between when a graduate sits a core legal subject at undergraduate level and when they become eligible to take the FE-1 examination which can be of some years. Secondly, there can be a difference in terms of breadth of coverage between an undergraduate syllabus in law and the knowledge expected at the FE-1 Examination level.

3.174 Lawschool.ie stated that the Law Society's proposed change which will allow students to sit FE-1 examinations after the first year of their degree might cater for the temporal delay conundrum but is also likely to further discriminate against non-law graduates who will not be able to avail of the early sitting opportunity.

3.175 In relation to the FE-1 Examination and non-Law graduates, Lawschool.ie stated as follows:

"Historically, an average 40% of all our students taking the FE-1 preparatory course are non-law graduates. These students use courses such as ours as a means of gaining the necessary legal knowledge, research and writing skills in the core law subjects within an educational environment specifically focused on the FE1 Entrance Examination... It is our view that the retention of an FE1 Entrance Examination levels the playing field for non-law graduates. It has been our experience that since the introduction of the FE1 Entrance Examination for all students (both law and non-law) firms are now more likely to hire non-law graduates who have passed the FE1 Entrance Examination. Firms can have greater confidence that a non-law graduate who has passed the entrance examination has the required level of legal knowledge than would be the case should such a standardised examination for all not exist."

3.176 Lawschool.ie argued that removal of the FE-1 examination may only succeed in reducing the diversity of entrants to the profession in that it would create a two-tiered system as non-law graduates would presumably be required to satisfy the basic knowledge requirements through an examination or through completion of a conversion course thus presenting a barrier to entry not in place for law graduates.

3.177 They continued:

"The retention of some form of common entry level examination guarantees a minimum threshold of basic legal knowledge from all entrants. It ensures consistency in standards which in turn should breed public confidence in the system. It is notable that one of the largest common law legal systems in the world retains a similar entrance examination system (see the United States in the form of the State Bar Exam) whilst another (see England & Wales and the Solicitors Qualifying Exam) is reintroducing a similar centralised examination system."

3.178 Lawschool.ie also stated that the retention of a standardised entrance examination would alleviate the legitimate concerns of the heads of law schools in universities and colleges regarding the imposition of professional standards on the delivery of undergraduate academic law programmes and the imposition on academic freedom in this regard which might stifle pedagogical innovation.

3.179 In their conclusions, Lawschool.ie stated as follows:

“It is our view that, while some form of standardised examination should be retained, the focus of any such examination should be redesigned so as to focus perhaps less on the theoretical aspects of the law but rather on practical problem solving and legal skills. Therefore, the examination should assess the higher level cognitive skills in law and should focus on testing how students would apply legal knowledge in ‘real world’ situations as practising lawyers rather than rote learning theoretical principles.”

3.180 Lawschool.ie stated that any redesign of the entrance examination should be aligned with the proposed statement of competence and standards required to practice law as recommended by Hook Tangaza. They also stated that there is a perceived lack of transparency in the current FE-1 system and that an explicit transparent link between a statement of competence and standards and the assessment process would alleviate such concerns.

3.181 Finally, Lawschool.ie stated that any redesign of the entrance examination must meet the needs of non-law graduates as without independent verification as to their legal knowledge law firms may not have equal confidence that a non-law graduate has the required level of knowledge which may have serious consequences for diversity within the legal profession.

A & L Goodbody

3.182 In their submission to the LSRA, A & L Goodbody described the review of legal education and training as timely and stated that they welcome the detailed, independent and evidence based analysis undertaken by Hook Tangaza. They also welcomed the 14 proposals for reform stating:

“Such changes are needed to ensure that training and education arrangements evolve to meet the changing needs of the modern Irish economy, equipping Irish lawyers to continue to support Irish consumers and Irish and international companies doing business in Ireland.

“We also agree that reforms such as those recommended by Hook Tangaza are needed to ensure greater independence, innovation, accountability transparency and competition in legal education. Such reforms would also be in the interests of consumer protection and the development of the Irish economy.”

3.183 A & L Goodbody summarised their views as follows:

“We support the proposals for reform as recommended by Hook Tangaza.

“We agree with their conclusion that the current monopolistic system is not fit for purpose and does not serve the best interests of consumers, law firms or graduates.

“We support:

- *the removal of FE1s as a barrier to entry to the profession;*
- *the abolition of the Law Society of Ireland (LSI) monopoly so as to ensure proper competition, better and more appropriate content, increased product quality and value for money;*
- *the creation of a new and independent body charged with the admission of graduates to and oversight of the quality and content of legal education in Ireland.*

“We are greatly concerned that the LSI, as current sole provider of legal education, is failing to represent our concerns or views (or the views of other concerned stakeholders) in their submission to the LSRA. Furthermore we are also concerned that the LSI is trying to hastily pre-empt the current statutory review by seeking to rush through changes to their current offering without appropriate consultation or governance.”

3.184 A & L Goodbody stated that their views as to the need for reform not only reflected their perspective as one of the largest employers of trainees but also the views of their many leading Irish and international corporate clients as to their expectations of the lawyers who represent them. They also believed that their view is shared by several other leading firms.

3.185 In relation to the current structures for solicitor training and the need for competition, A & L Goodbody submitted as follows:

“In our view, for the reasons summarised in the report, the current solicitor training and education arrangements are not fit for purpose. We agree that the monopolistic structure militates against innovation, diversity and the development of the new skill sets required to enable Irish lawyers and law firms to compete both in Ireland and internationally. Greater competition and

flexibility in the provision of legal education and independent regulation would be in the public interest because:

- *It would ensure that lawyers can obtain training which is more directly relevant to their chosen field of expertise (as opposed to traditional, more generalist, training), whether they intend to work, for example, in a corporate law firm, as an in-house counsel, in a government department or in a smaller law firm.*
- *It would make it easier, faster and cheaper to qualify as solicitors in Ireland, reducing the incentive for talented Irish lawyers to move to other jurisdictions on graduation which is depriving Ireland of significant numbers of talented graduates.*
- *It would make it cheaper and easier for law firms (including smaller law firms) to employ trainees and to bring them through to qualification.*
- *It would increase competition for legal services in Ireland by increasing the number of qualified solicitors.”*

3.186 A & L Goodbody went on to state that the de facto monopoly enjoyed by the Law Society of Ireland conflicts with its current regulatory role and powers and in order to encourage progress and innovation it would be desirable to end this monopolistic and conflicted role in respect of legal education. They also stated that the Law Society’s submission to the LSRA was not representative of their views, despite them having made their views and concerns clear prior to the submission being made.

3.187 They stated:

“The Hook Tangaza report demonstrates the depth of concern within the profession. In our view, the failure by the LSI to even acknowledge the concerns regarding the current offering, and its incorrect representation that there had been no criticism in that regard, itself demonstrated the issues which arise from the current Law Society’s conflicting roles in relation to legal education.

“It is notable that, at the same time as the Authority has taken steps to produce the statutory review mandated by the Act, the LSI has belatedly taken steps to change its current legal education offering. While we welcome the LSI’s recognition of the need for reform in respect of current arrangements, we do not consider that the proposed changes meet the wide ranging stakeholder concerns, comprehensively summarised in the Hook Tangaza report on behalf of the Authority. In our view, the LSI’s proposed changes do not go far enough.

“Furthermore, we do not consider that there was sufficient planning or consultation around the proposed changes and we disagree in principle with any attempt to belatedly change the current offering, in order to pre-empt the

current review by the Authority, without engaging fully with the underlying issues.

“In particular, the LSI has recently approved changes to the Apprenticeship and Education Regulations (the Regulations). While we strongly advocate the need for reform, such changes need to be implemented in a considered manner, with timely and meaningful consultation with all stakeholders. We do not believe that there was adequate engagement or consultation in this regard before the LSI sought to adopt the Regulations.

“The LSI's rushed adoption of such Regulations could be judged as an attempt to pre-empt the Authority's own review.”

3.188 In relation to the first core proposal of the Hook Tangaza report, A & L Goodbody welcomed the introduction of a competence based approach to education and training having long recognised the benefits of a competence based approach not only for trainees but at every stage in the development of their staff. They noted the clear need for more blended and personalised courses to fit individuals' and individual law firms' requirements.

3.189 In relation to the second core proposal and the establishment of the LPET Committee and also in relation to the separation of the admission responsibilities of the professional bodies from the delivery of education programmes, A & L Goodbody stated:

“We have already highlighted our concerns as to the fundamental conflict between the LSI's role as the monopoly provider of trainee education and its role as regulator. As our initial submission noted, the inherent tension between the LSI's traditional monopoly in the education of trainees and its role in determining the applicable education requirements means that it has struggled to respond to changes in the market or to encourage innovation in legal training. The tension created by this dual role goes a long way to explain the widespread stakeholder dissatisfaction recorded in the Hook Tangaza report, and also explains why the LSI's recent initiatives were only forthcoming on the eve of the Authority's investigation. The way those changes were progressed, without sufficient transparency as to ultimate course content, cost, logistics etc., demonstrates the inadequacy of the current governance standards in this area and we would welcome all reforms which would improve the current situation. Those responsible for the provision of legal education need to be subject to independent review, accountability and transparency.”

3.190 They went on to state that it is imperative that the membership of the LPET Committee reflects a body of individuals who understand the changes required and a broad range of stakeholder interests. They submitted that education providers will

need to be able to demonstrate their ability to develop and test legal competency based skills such as client interviews, advocacy, case and matter analysis, legal research and negotiation. They further submitted that providers should be required to demonstrate how they can incorporate the adoption of technology and project management to streamline delivery of legal education programmes.

- 3.191 A & L Goodbody welcomed the proposal that both providers and programmes of legal education and training would be required to meet defined quality standards. They stated:

“In the development of any such framework, cognisance must be taken of the fact that a very small number of firms (including A&L Goodbody) fund a very significant proportion of the trainee education in Ireland today and any consultation/engagement by the LPET should reflect the input and costs which are carried by such firms in Ireland, the firms primarily responsible for hiring trainees and for paying for their professional training. In addition, given that almost 20% of lawyers in Ireland now occupy an in-house position, it is essential that the future framework should address the needs of this significant (and growing) stakeholder group, an objective which the current model has insufficiently addressed.”

- 3.192 They went on state that they supported the proposal that the Admissions to the Roll of Solicitors procedure should be separated from the Law School on the basis that candidates will be admitted to the profession in the future based on an independent competency evaluation.
- 3.193 A & L Goodbody emphasised the value of clinical placement as a tool in developing essential technical and client skills early in a candidate’s professional career and noted that the LSRA will need to ensure that the various types of placement can also be subject to the competency and standards framework.
- 3.194 In relation to the FE-1 Examinations, A & L Goodbody noted that they had previously identified the current FE-1 system as one of their major criticisms in their early submission to the LSRA. They noted that the LSI proposed to retain the FE-1s but to allow students the ability to complete them during their undergraduate degree. On this point, they stated:

“The LSI's proposal would still require students to take all FE1s but with flexibility to take some of them at the same time as their undergraduate degree. This is an inadequate solution because: (i) students concentrating on their undergraduate degree will be reluctant to undertake additional examination commitments when they are concentrating on their primary academic studies; (ii) many students will not have decided whether they wish to become solicitors until they are closer to graduation and will be reluctant to undertake a major additional examination

commitment until they have done so; (iii) last, but certainly not least, unless students are supported by wealthy families or have already been offered employment, most students would be reluctant to incur the not insignificant cost of the FE1s at a stage at which they were working their way through their primary degree and could not be confident of recouping that investment through ultimate employment as a solicitor.

“Accordingly, the LSI's current proposals do nothing to encourage greater diversity in the profession and continue to force new entrants to the profession to undertake examinations which are often redundant and irrelevant, in the light of the third level studies already pursued by many of them.

“Accordingly, the option to complete FE1s during undergraduate studies, with the cost implications and restrictions imposed under the Regulations, will not be a realistic or practical option for most students and we regard the change as largely cosmetic, leaving the position largely unchanged in terms of accelerated access to the profession.”

3.195 They remained of the view that the requirement for law graduates to complete the FE-1s should be removed completely.

3.196 In conclusion, A & L Goodbody stated:

“As a small open economy in the wake of Brexit and other developments in the global and Irish economies, we need to establish a framework which will allow the Irish legal market to withstand competition from other jurisdictions and allow our lawyers be best placed to adapt to the needs of clients requirements to deliver alternative legal services and maintain/increase service quality and cost effectiveness.”

McCann Fitzgerald

3.197 McCann Fitzgerald, in their submission to the LSRA welcomed recent positive dialogue with the Law Society and the changes proposed by the Law Society in relation to the training of solicitors and the draft regulations that had been prepared including the proposed introduction of a unitary professional practice course. They stated that it was important that this engagement was maintained and deepened with the Law Society and, in due course, with the LPET Committee.

3.198 They stated:

“Broadly, we welcome and support the proposals made. Of necessity, at this juncture, the proposals are general in nature. The real impact of change flowing

from these proposals will be in the curriculum developed and the quality of the training provided, both in terms of presenters/tutors and in the teaching methods that are applied.”

- 3.199 In relation to the first core proposal of the Hook Tangaza report that a clear definition of the competence and standards required to practise should be developed for legal practitioners, McCann Fitzgerald stated:

“We agree with the proposed adoption of an appropriate competency and standards definition and acknowledge the stated benefits of such an approach as set out in the HT Review. It is, however, critical that any competence and standards definition that is developed is underpinned by a curriculum that suits the needs of the various branches of the legal profession. Given the profile of our clients (both domestic and international corporates) and the areas in which we practice, the curriculum for a firm such as McCann Fitzgerald needs to be business-focused. It is likely that other firms that advice business clients will have similar concerns.”

- 3.200 They continued:

“It is implicit in the Core Proposals that the effective monopoly of the Law Society in the education and training of solicitors should be removed. We welcome this proposal. We believe that the introduction of other providers, and so the introduction of some level of competition, will be a positive development for the legal profession. It should also facilitate the provision of training duly tailored to the needs of the various areas of practice in the profession.”

- 3.201 McCann Fitzgerald went on to say that they welcomed the clear acknowledgement in the Hook Tangaza report of the necessity for education and training to be developed to suit the needs of the different categories of solicitor-practitioner. They also stated that the issue of whether a solicitor should be permitted to set up in practice immediately upon qualification should be reviewed.

- 3.202 In relation to the second core proposal in the establishment of the LPET Committee, McCann Fitzgerald stated:

“We welcome the suggestion for the establishment of the LPET Committee and for it to be responsible for setting and assuring standards of legal practitioner education and training”. Earlier in the submission, they stated, “The LPET Committee would need to be sufficiently independent of any particular stakeholder so as to properly fulfil its proposed role.”

- 3.203 In relation to proposal three of the Hook Tangaza report that the LPET Committee should develop an accreditation and validation framework for legal education and

training providers, McCann Fitzgerald expressed their agreement stating that:

“Clearly the quality of training to be provided is an essential pre-requisite to a legal education and training regime that is fit for the purposes of all stakeholders, with the ability to develop, on an ongoing basis, the curriculum and teaching methods in order to keep pace with the changes in the market for the provision of legal services. As regards the development and on-going revision of curriculum and pedagogies, the proposed LPET Committee would clearly need to have sufficient and appropriate expertise in this respect.”

3.204 In relation to proposals four, five and six of the Hook Tangaza report, McCann Fitzgerald expressed their agreement suggesting that in order to ensure consistency in assessments, in the event that there were multiple providers of legal training, one possible solution would be to have a single assessor akin to the retention of Kaplan by the UK Solicitors Regulatory Authority in the context of the new Solicitors Qualifying Exams.

3.205 In relation to the FE-1s and proposals 7 and 8 of the Hook Tangaza report, McCann Fitzgerald stated:

“In our earlier submission to the LSRA, we expressed our view that the current requirement of the Law Society that law graduates be required to sit the Final Examination-First Part (FE-1) should be abolished ... therefore we agree with the suggestion in proposals 7 and 8 to the effect that a separate set of examinations for entry into professional legal training would be removed, on the basis that providers of legal education could and would demonstrate the ability of their programmes to develop and assess students to the standards required for entry into professional training as either a solicitor or barrister. It remains to be seen whether third level institutions offering law or combined law degrees/courses will accept this proposal.”

3.206 McCann Fitzgerald agreed with proposal 9 that the examinations for entry to the existing professional programmes for non-law graduates should remain. They also stated that the LSRA should ensure that a modern system of education and training for legal practitioners in Ireland is designed with considerations of equality and diversity at its heart. They also agreed with proposal eleven of the Hook Tangaza report in relation to admissions.

3.207 In relation to CPD, McCann Fitzgerald stated that they did not have any difficulty with the current system which requires a minimum number of hours of professional development and also did not have any difficulty with CPD providers linking their course to the proposed competency framework. They agreed that the LSRA should not seek to accredit CPD providers, as CPD can be provided in a variety of ways and a formal accreditation process would not be beneficial and could put unnecessary

constraints on what would otherwise be valuable training.

IBEC

3.208 Ibec believed that any amendments to the current system of education and training solicitors should focus on the following areas:

- Removal of barriers to entry to the profession;
- Retention of talent;
- Ensuring that the training curriculum reflects the need of modern business; and
- Ensuring there is appropriate governance and oversight of legal practitioner education and training.

3.209 Ibec submitted that the greatest barrier to entry to qualifying as a solicitor is the FE-1 examinations due to time and cost and supported the introduction of exemptions where students can demonstrate successful completion of the relevant subjects from an accredited third level institution.

3.210 Ibec was of the view that mandatory entrance examinations for non-law graduates is a reasonable method of ensuring that standards are not diminished.

3.211 Ibec was of the view that it is in the interests of the legal profession, business and the economy that talented graduates are not incentivised to leave Ireland and qualify in other jurisdictions where the route to qualification is perceived to be less cumbersome. Ibec stated that members have expressed concerns regarding the loss of talent to UK based firms due to the delays and costs associated with commencing an apprenticeship posed by the FE-1 Examinations.

3.212 Ibec members have also suggested that the current Professional Practice Course run by the Law Society is overly focused on the requirements of general practice firms and submitted that the curriculum requires modernisation to reflect the needs of corporate firms, in-house counsel and solicitors employed by the State, all of which represent a significant proportion of the profession.

3.213 On this point Ibec stated:

“Ibec believes that removing the mandatory study of certain courses and introducing greater choice in respect of the subjects which can be studied on the Professional Practice Courses would ensure that the knowledge gained by trainee solicitors is relevant to the areas of law in which they wish to specialise in practice. The introduction of more specialised subjects in areas of law such as corporate, asset management, commercial and technology, aviation and aircraft

leasing, commercial property and white-collar crime would better prepare trainee solicitors to meet the evolving needs of Irish business.”

- 3.214 Ibec noted that the Law Society under section 40 of the Solicitors Acts 1954 to 2015 can authorise another body or institution to provide courses for the training of persons seeking to be admitted as solicitors and suggests that authorising alternative educational institutions to provide certain courses on the PPC may present an opportunity to expand the choice of subjects available in a cost-efficient manner allow for greater flexibility and reduce costs for those individuals training outside of Dublin.
- 3.215 Ibec supported the Hook Tangaza proposal to develop a clearly defined competency framework to ensure consistency in standards across educational institutions.
- 3.216 Ibec was supportive of the skills-based modules in the PPC and would welcome the introduction of further legal professional skills training which reflects the evolving skills requirements of legal practitioners.
- 3.217 Ibec considered it of great importance that there are sufficient accountability mechanisms and that standards for training in the legal profession are in line with good regulatory practice.
- 3.218 Ibec was therefore supportive of any measures which seek to improve quality assurance procedures and oversight of the training and education of solicitors.

Trinity College Dublin Law School

- 3.219 Trinity College Dublin Law School focused their submission on the implications of introducing a system of recognition for undergraduate legal education which would have the effect of removing the requirement for law graduates to sit the FE-1 examinations and the King’s Inns entrance examinations on the grounds of unnecessary duplication of learning. They stated as follows:

“We are supportive of the proposal that Higher Education Institutions could seek to have their programmes accredited by the Authority as meeting the standards required for admission to the Law Society and King’s Inns professional programmes, whereby successful completion of an accredited degree would thus demonstrate the required competences for admission to professional training. We are also supportive of the proposal that the competency approach would open up the possibility for a University to offer routes for non-law graduates to combine the academic and vocational stages of qualification.”

3.220 They went on to state that four key principles must be taken into account in implementing these proposals:

1. Ensuring respect for the principle of academic freedom for University Law Schools;
2. Ensuring a focus on skills as well as content when considering the curriculum in a University law school;
3. Recognising the breadth and range of assessment methods that can be appropriately used as part of a University law degree;
4. Recognising the need and obligation of University law schools to innovate, vary and develop their criteria in accordance with pedagogical needs.

3.221 In relation to the principle of academic freedom, they stated:

“We wish to emphasise that the principle of academic freedom, central to the Universities Act, 1997, is a cornerstone of University legal education in Ireland. This principle ensures, amongst other things, that academic scholars must have considerable freedom to exercise their professional academic judgement as to what methods and materials of study best promote the pedagogical aims of degree students in the discipline of Law in their particular University... The practical implications of this mean that it would normally be inappropriate for the Authority to stipulate a prescriptive syllabus of specific material to be covered in the curriculum of any particular subject.”

3.222 In relation to ensuring a focus on skills as well as content when considering the curriculum in a University law school, they stated that it is essential that consideration be given to the skills acquired by the student and not just to the content of their modules. They also stated that the Authority should be open to a broad range of assessment methods having been completed by students on degree programmes that might be eligible for accreditation and state that universities have been at the forefront of innovation and diversification of assessment methods including requiring students to present response papers, sit ‘open-book’ examinations which test problem-based learning, submitting coursework, preparing and delivering oral presentations, providing reflective journals, authoring blogposts and demonstrating the ability to work in groups including in an advanced research project setting. Trinity College Dublin submitted that the LSRA should be open to as wide a range of assessments as possible in determining which degree programmes meet eligibility for recognition.

3.223 In relation to the need and obligations of University Law Schools to innovate, vary and develop their curricula, they stated: *“It is essential that sufficient flexibility and discretion is built into the model of implementation in order to avoid a situation where the existence of eligibility criteria for a qualifying law degree could hamper or impede development of necessary academic initiatives.”* Trinity suggested a forum

be established to enable representatives from the University Law School to liaise with the LSRA post accreditation so as to ensure ongoing understanding and communication.

- 3.224 Finally, Trinity College Dublin Law School supported the proposal that the competency based approach would open up the possibility for a University to offer routes for non-law graduates to combine the academic and vocational stages of qualification.

DCU School of Law and Government

- 3.225 In their submission to the LSRA, Dublin City University School of Law and Government focussed on the proposals in the Hook Tangaza report regarding changes to the arrangements for accessing legal practitioner education and training and specifically the recommendations relating to FE-1s and the pathway to qualifications as a solicitor.

- 3.226 In relation to FE-1s they stated as follows:

“At present graduates having taken a full three or four years of an undergraduate degree are spending an additional year or two studying for and undertaking the FE-1 Examinations for entry into [the course at] the Law Society of Ireland. We suggest that these examinations, or an equivalent should only exist for those who either do not have an undergraduate degree in law, or who did not do as well as they might have wished in an undergraduate law degree and now seek a second chance at entry.”

- 3.227 DCU School of Law and Government went on to state that the lack of exemptions for law graduates is problematic and not in keeping with exemptions granted across other comparable professions.

- 3.228 DCU School of Law and Government continued:

“The consensus from stakeholders is that the requirement of FE-1s results in unnecessary duplication of learning. The cost and delay for law graduates in entering the profession (because of the FE-1s) is noted. Similarly, there are also concerns over the costs of preparatory courses, which are increasingly necessary with the high failure rate of FE-1s and the potential competitiveness impact of these exams. Further there are doubts over effectiveness of transfer arrangements to fill gaps between professional experience adequately.”

- 3.229 DCU School of Law and Government welcomed proposals 7 and 8 of the Hook Tangaza report that admission to the professional programmes should be based on

recognised University programmes benchmarked against the competency framework but noted the potential costs of establishing and maintaining the competence framework across university programmes.

- 3.230 DCU School of Law and Government submitted that both the transfer arrangements between the professions and the process for non-EU transfers are in need of reform and note that the practical implementation of the Hook Tangaza proposals would be dependent on the establishment of a competency framework and a common set of standards.

Matheson

- 3.231 In their submission to the LSRA, Matheson stated that they are one of Ireland's largest and long standing firms and have an intake of approximately 45-50 solicitor trainees each year representing between 10-15 percent of the Law Society of Ireland's PPC course population. This, they stated, represents a significant financial investment in the training and education of the next generation of business lawyers. They described the Hook Tangaza report as setting out a comprehensive vision for the future of legal practitioner training and education in Ireland.
- 3.232 Matheson supported the two core proposals of the Hook Tangaza report in the development of a clear definition of the competence and standards required to practice law and the establishment of the LPET Committee.
- 3.233 In relation to the FE-1s they stated as follows:

“Despite the fact that the Law Society requires individuals to have a degree to sit the FE-1 exams, they do not recognise the relevance of degrees that specialise in law. A competence and standard based model could support the establishment of a framework for accrediting prior learning, including academic undergraduate and postgraduate courses, whereby a graduate would be exempt from entrance exams having satisfied the competences required. As noted in our submission to the LSRA ... to retain talent from Ireland's third level institutions through to the solicitor qualifications process, an exemption based approach to FE-1 entrance exams must be introduced to recognise subjects examined at undergraduate or postgraduate level.”

- 3.234 Matheson went on to state:

“The Law Society is the only body that provides training to prospective solicitors. We believe that the lack of competition inherently impacts upon the standard and competitiveness of the quality, content and structure of the professional practice courses. A competence and standard based model would also enable

other providers or institutions to offer solicitor training education resulting in a degree of competition and innovation which will serve to further enhance the standard and quality of the trainee education process. By introducing a competence and standard model, it would ensure that new providers to the market have an independent but consistent standard to adhere to in the design and delivery of legal education programmes.”

- 3.235 Matheson supported the establishment of the LPET Committee and stated that it would be important that the LPET in defining the relevant standards, ensures that they are inclusive and relevant to both general practice legal practitioners and corporate law firm legal practitioners.

The Construction Bar Association

- 3.236 The Construction Bar Association stated in their submission that they were happy to endorse the submissions made by the Bar of Ireland on the 14 proposals for reform made by Hook Tangaza in their report.

The Legal Aid Board

- 3.237 In their submission to the LSRA public consultation, the Legal Aid Board stated that it was extremely important that the legal profession is sufficiently diverse in personnel and in training and endorsed the principal expressed in proposal ten of the Hook Tangaza report of additional routes to qualification to encourage greater diversity in the legal profession.
- 3.238 The Legal Aid Board recommended that Family Law and Child Care Law should be core areas of a professional practice course and recommended that there should be a greater focus on core skills, such as advocacy, drafting, negotiating, taking instructions and in particular taking instructions from clients who are distressed or may have difficulty communicating.
- 3.239 The Legal Aid Board also recommended that the development of alternative dispute resolution mechanisms should be at the forefront of any professional training course.
- 3.240 The Legal Aid Board submitted that a requirement to have an examined standard of advocacy would ensure a much greater and more cost efficient model for all clients not just clients of the Legal Aid Board.
- 3.241 The Legal Aid Board identified emotional intelligence skills and people management skills as one of the gaps in the development of lawyers and would welcome the

development of modules developing emotional intelligence as core to a professional training course.

The Employment Bar Association (EBA)

- 3.242 In their submission, the EBA described themselves as an association of barristers engaged in the practice of employment law in adjudicative tribunals, including the Workplace Relations Commission (WRC) and the Labour Court. The association was concerned at all times to enhance the skills and expertise of its members so that parties, whether individual or corporate, may avail of advice and representation of the highest standard of excellence.
- 3.243 The EBA submitted that they saw considerable merit in the first proposal of the Hook Tangaza report that a clear definition of both the competencies and standards required to practise as either a solicitor or barrister should be developed for both solicitors and barristers, stating:

“We share the concerns expressed in the Report about ‘uncertainty’ both in the legal sector and in wider society, about what a good solicitor or barrister should be able to do, and to what level of competence. Greater clarity as to what is expected of a legal practitioner would be of value, especially to the users/consumers of legal services. Many of our members are aware of circumstances- notably in the WRC and the in the Labour Court- where persons purporting to provide legal services (as lawyers) in reality do not comply with basic standards of competency.”

- 3.244 The EBA did not comment in detail on the second core proposal of the establishment of the LPET Committee except to state that they recognised that changes would be required to the broader education and training system in order to underpin the matters set out in the first proposal.
- 3.245 The EBA also commented on proposal six of the Hook Tangaza report which is the requirement for legal education and training providers to provide ongoing quality assurance processes and proposal 14 which is that CPD programmes should be linked to competence frameworks and standards. The EBA stated that it recognised the value of linking CPD programmes to a more robust competence and standards framework for barristers generally but noted that care should be taken to ensure that the voluntary and sometimes more informal mentoring opportunities provided by organisations such as the EBA should not be lost in any programme of change that would be undertaken. The EBA provided evidence of a comprehensive CPD programme which it organises annually.

Criminal Law Committee of the Law Society of Ireland

- 3.246 The Criminal Law Committee of the Law Society of Ireland started their submission by stating that inherent in the LSRA's statutory functions is an alignment with the principles of due process, the protection of the Constitutional rights conferred by Articles 38 to 44 and the European Convention of Human Rights' Article 6 Fair Trial rights.
- 3.247 The Committee contended that for this to have effect, *"legal practitioners must be educated and trained to know in practice the basic concepts of due course of law and be equipped to vindicate the personal rights of the citizen"*. The Committee submitted that in order to be able to do this a legal trainee must have an understanding of the practice of criminal law, whether or not it is their intention to practise same.
- 3.248 In relation to the first core proposal of the Hook Tangaza report and the development of a clear definition of both the competencies and standards required to practise as either a solicitor or barrister they stated that any competency definition must include an ability to deliver on public interest considerations including criminal law practice capabilities.
- 3.249 In relation to proposal ten of the Hook Tangaza report which recommends encouraging greater diversity in the profession through the creation of new routes to qualification, the Committee stated that diversity in the profession also includes diversity in the context of practice area and the need to ensure that there is an adequate supply of criminal, consumer and in-house lawyers as well as those with a commercial focus.
- 3.250 The Committee stated:
- "Lawyers have been given the obligation and privilege of ensuring the protection and operation of the rule of law. The importance of this concept in protecting the rights and freedoms should not be underestimated. It is a fragile structure and continuously under attack. Solicitors in general and, in particular, those who practice criminal law, have been at the forefront of defending the rule of law. Knowledge of the complex and intricate aspects of criminal law and procedure is essential to enable this."*
- 3.251 The Committee warned against obliging a young trainee to choose at the very outset of their legal career the avenue they wish to take, stating that this will act as a deterrent at a later stage to pursuing other areas including criminal law.
- 3.252 The Committee were also of the view that whilst a large number of trainees are training in the larger corporate commercial firms, the solicitors' profession should

nevertheless provide a foundational legal training to all and not serve just to deliver to the prospective employers at the expense of a rounded education.

- 3.253 The Committee stated that it believe it is essential that criminal law training include advocacy and remain a core subject taught to trainees, as part of their practical education, prior to their admission onto the Roll of Solicitors.

Competition and Consumer Protection Commission (CCPC)

- 3.254 In their submission to the LSRA, the CCPC stated that they welcomed the proposals for reform of education and training for legal practitioners in the Hook Tangaza report and noted that a number of the proposals are aligned with recommendations made by the CCPC and their predecessor agencies.

- 3.255 In relation to the first core proposal of the Hook Tangaza report and the development of a clear definition of both the competencies and standards required to practise as either a solicitor or barrister, the CCPC stated that they welcomed the proposal as it has been the consistent position of the CCPC that the education of solicitors and barristers should be regulated independently of the professions with transparent standards set to be met by all providers of legal education.

- 3.256 The CCPC stated:

“A number of benefits are expected to arise from these proposals, including a longer term focus on quality in legal education and training – benefiting the consumers of those services – making training provision more adaptable to learners, and providing practitioners with the competences to practise across a range of roles and within a variety of business structures. To that end reforms of the content and delivery of education and training have the potential to have positive effects on other areas of ongoing or potential reform in legal services, such as provision for the establishment of Legal Partnerships.”

- 3.257 In relation to the mismatch cited in the Hook Tangaza report between the knowledge and skills that are sought by the market and those which are provided through the current training system, the CCPC stated:

“Currently solicitors are trained to be able to practise as generalists, however the legal services market has an increasing demand for specialist solicitors. While the sole practitioner or small practice remains the most common business structure for solicitors in Ireland, there is significant demand for specialist practitioners. The CCPC supports measures to encourage a more competitive market for legal services and to that end reforms intended to support the training of both

generalist and specialist practitioners are welcome.”

3.258 The CCPC welcomed the second core proposal of the Hook Tangaza report and the establishment of the LPET Committee. Noting that proposal six envisages a role for the LPET Committee to play an ongoing monitoring role in regard to the quality of legal education and training, the CCPC stated: *“Taken together these proposals have the potential to provide regulatory certainty to both practitioners and the providers of education and training. In turn such certainty would be expected to encourage entry into the market for legal education and training.”*

3.259 The CCPC supported the proposal that the LPET Committee leverage the existing capabilities of QQI to undertake the accreditation of providers and also endorses measures that would remove duplication in the current entrance examinations process. They stated:

“Related to the introduction of a competency framework is the proposal to introduce a system of recognition for undergraduate legal education. This would have the effect of removing the requirement for law graduates to sit the FE-1 examinations on the grounds of unnecessary duplication of learning. The CPCC welcomes this proposal and notes the views of a number of legal firms and Schools of Law that concur that such a reform is necessary. In addition, measures to ease entry into the professions will have pro-competitive effects, reducing barriers to entry and have the potential to encourage a diversity of entrants.”

Technical University (TU) Dublin Law Department

3.260 TU Dublin Law Department supported the proposal in the Hook Tangaza report that a clear definition of the competencies and standards required as either a solicitor or barrister should be developed but made a number of points in relation to the implementation of the proposal.

3.261 In relation to the LPET Committee, TU Dublin Law Department submitted that the higher education sector, which currently delivers the academic stage of legal practitioner education should be represented on the committee.

3.262 TU Dublin Law Department submitted that the Hook Tangaza report fails to distinguish between the academic, vocational and practical elements of legal practitioner education and training when discussing the establishment of a competency framework.

3.263 TU Dublin Law Department noted that academic law programmes are already subject to rigorous oversight by QQI and that the transition between the academic and vocational aspects of legal practitioner training ought to springboard from the

existing QQI framework rather than duplicate it.

3.264 TU Dublin Law Department stated:

“The avoidance of duplication should extend to the accreditation process. It should be possible to develop an entry system to professional education based on a specific number of ECTS credits (potentially at a minimum grade) within the discipline of law (perhaps with core subject matter requirements) as assessed in accordance with QQI frameworks, without imposing a further layer of oversight. At present, King’s Inns’ requirements in relation to modes of assessment and teaching significantly limit the capacity for innovation and diversity that the QQI system facilitates.”

3.265 TU Dublin Law Department supported proposal nine that non-law graduates should have alternate means to enter the profession other than the FE-1s and promoted programmes that encourage diversity and the need to open new routes to qualification. TU Dublin Law Department stated that it is important to ensure that implementation of the competency framework would take account of alternative routes to qualification in order to support the principle of diversity.

Irish Institute of Legal Executives

3.266 In their submission to the LSRA, the Irish Institute of Legal Executives stressed the vital role played by Legal Executives in the provision of legal services and expressed concern that the Hook Tangaza report concentrated its attention solely on the solicitor and barrister profession.

3.267 The Institute of Legal Executives stated:

“The Institute considers the process undertaken by the Authority as an excellent opportunity to improve the competencies required of all practitioners to provide a more efficient and cost effective service to its clients. The Institute hopes that the Authority will not lose the excellent opportunity to streamline the educational requirements for all stakeholders and not just the solicitor and barrister profession. It is the Institute’s view that it should be regulated and overseen by one body i.e. the Legal Services Regulatory Authority.”

Association of Judges of Ireland (AJI)

3.268 In their submission to the LSRA, the AJI stated that the effect of the implementation of the Hook Tangaza proposals goes far beyond legal education and training and

would effectively constitute the LSRA as the admitting authority for both branches of the profession.

- 3.269 The AJI noted that the Hook Tangaza report appears to contemplate that the Law Society and King's Inns should retain their role as admitting authorities but would be obliged to admit to the professions candidates who might have satisfied standards and competency requirements set by the LPET Committee. The AJI stated that this is wrong in principle saying:

“In the view of the AJI the role and responsibility for setting the requirements and determining whether candidates for admission to the profession have satisfied the necessary requirements and meet the required standards must be that of the admitting authorities, or authority. The effect of the proposals is that the Authority should have the entire responsibility for defining standards and competencies and, by a scheme of accreditation that commercial service providers could determine whether those standards and competencies have been met. The AJI has significant concerns about such a scheme.”

- 3.270 The AJI recognised the value of the first core proposal of the Hook Tangaza report and submitted that the development of the standards and competencies required to practise as a solicitor or barrister should be undertaken before consideration is given to how legal education and training might be reformed. They further submitted that this should be understood to be a proposal to develop a clear definition for each of the professions rather than for both.
- 3.271 In relation to the second core proposal in relation to the establishment of the LPET Committee, the AJI were of the view that oversight by the LSRA of the standard of education and training would be valuable and appropriate but submitted that there is a tension between the proposal that the LPET Committee should have responsibility for setting the statement of competencies and standards and the admitting responsibilities of the professional bodies which has not been fully explored.
- 3.272 The AJI was also concerned that there is an assumption that professional training for solicitors and barristers might be provided by bodies other than the Law Society and King's Inns. They stated:

“While it is acknowledged that on one view the proposal is simply to allow potential new providers the opportunity to demonstrate how they would seek to meet the defined standards, it is not evident that consideration has been given to [the] risk that a proliferation of service providers might undermine the ability of existing providers to maintain their standards. Nor is it evident that due consideration has been given to the proposal that the Law Society and King's inns might be compelled to enrol or call a candidate on the basis of an award of a

commercial legal provider.”

3.273 In relation to the eleventh proposal of the Hook Tangaza report which states that the admission responsibilities of the professional bodies should be separated from the delivery of education programmes, the AJI submitted that this fails to recognise that the King’s inns and Law Society schools are run on a not-for-profit basis and that the AJI are uneasy that the provision of professional legal training might be seen as an opportunity for profit.

3.274 They further stated:

“The submission of the AJI is that it would be fundamentally inconsistent with the admitting authority of the Law Society and King’s Inns that they might be required to admit candidates who may have met the requirements of a commercial service provider (albeit a provider accredited by the Authority) but whose competency and suitability have not been assessed by the admitting authority.”

3.275 The AJI submitted that careful consideration as to whether bodies other than the Law Society and King’s Inns should be licensed to provide professional legal training should be deferred until the competencies and standards are defined and set.

3.276 The AJI also submitted that the proposal that the LPET Committee might develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes has not been justified in the report and cautioned that it should not be assumed that all third level degrees are of the same standard.

3.277 The AJI stated:

“It is worth recalling that for a number of years before 1978 the admission policy of the Law Society was largely based on exemptions, which were allowed by reference to law degrees awarded by the National University of Ireland and the University of Dublin. At a time when the number of places on the professional courses were limited, candidates were ranked, and offered places on the professional training courses, according to the grade of their degrees. There was at that time considerable controversy as to the comparability of the grades of the degrees awarded by each of the universities and by the constituent colleges of the National University of Ireland which was solved by the Law Society introducing the final admission examination. The King’s Inns, while maintaining a limited regime of exemptions, dealt with the same controversy (and a separate controversy as to the comparability of its diploma with the university law degrees) by introducing the current common examination for admission to the barrister-at-law degree programme. The quotas that give rise to the common

examinations have long gone, but whatever about their genesis, the common examinations provide an objective transparent assessment of the competence of candidates for admission to the professional training programmes.”

3.278 The AJI submitted that the proposal that the LPET Committee might assess the myriad of awards now available to establish whether they meet specified core competencies at defined standards is enormously ambitious and undermines the authority and independence of the admitting authorities.

3.279 The AJI submitted that the proposal that admission to the professional programmes should be based on higher educational level programmes benchmarked against the competency framework is based on a perceived duplication in legal education and based on feedback from surveys rather than objective assessment. The AJI stated:

“The AJI accepts that preparation for the FE-1s and the King’s Inns entrance examination can be challenging and expensive but suggests that the need for the additional work and study goes to show that there is no duplication. If, by their university studies alone, candidates are equipped to demonstrate the competencies examined by the FE-1s and the King’s Inns entrance examinations, they can simply sit the exams.”

3.280 The AJI concluded by stating that they supported the proposal that a clear definition of competencies and standards required to practise as either a solicitor or a barrister should be developed for both solicitors and barristers and submitted that further consideration of the other Hook Tangaza proposals should be deferred until that has been done.

Submissions from Individuals

3.281 Two private individuals also made submissions to the LSRA. Due to privacy concerns their submissions are summarised and anonymised.

3.282 The first individual stated that they supported the fourteen proposals made in the Hook Tangaza report but was disappointed that there was no specific proposal made on funding during the pupillage year as a barrister. They also felt that the pupillage experience would benefit from clearly defined and concrete aims, with specific proactive monitoring to ensure that they were achieved. They cited that the experience of individual pupils are highly variable and that there does not appear to be a good approach to competency based professional training. They recommended that the LSRA should clearly define the desired outcome, in terms of skills development, of the pupillage year and should monitor or ensure that appropriate monitoring takes place to ensure that it is achieved.

3.283 In relation to the unpaid nature of the pupillage, the first individual submitted that mandatory and unpaid training was an unjustifiable barrier to entry into the profession and provided evidence of a low level of financial support offered by Masters to their pupils.

3.284 They proposed that in creating a new framework for the training and education of legal practitioners, the LSRA should consider:

“Formalising the intended learning outcomes from the pupillage year, and ensuring that there is proactive monitoring that those outcomes are achieved – to the extent that those outcomes are not being achieved via one-to-one pupillage training, greater emphasis should be placed on centralised skills development; and

“Establishing a working group comprised of the relevant stakeholders to consider and implement a minimum payment for pupils and to clarify any operational or practical issues.”

3.285 The second individual also raised concern about the systems in place for pupillage citing potential difficulties in obtaining a master and the need for pupillage to be put on a statutory footing. They also stated that the Law Library should not have exclusivity in providing pupillage as the 2015 Act envisaged qualified barristers operating outside of the Law Library. They suggested that state bodies could encourage or facilitate internships which could count towards the fulfilment of pupillage requirements. They further stated that the introduction of legal partnerships and direct access would be significant in increasing competition amongst barristers. They noted that the barriers to admission to the profession continue post qualification, stating that: *“becoming qualified is less the problem, becoming established post qualification, is the issue.”*

Symposium on Legal Education and Training

3.286 On 19 September 2019 the LSRA hosted a day-long Symposium on Legal Education and Training at Croke Park in Dublin to consider the fourteen proposals made in the Hook Tangaza independent review report. The symposium was attended by approximately 100 people including representatives of the professional bodies and other key stakeholders including law firms, NGOs and legal academics.

3.287 The format and structure of the symposium were informed by the themes emerging from both the feedback received from the professional bodies and the further public consultation exercise, and focused on consideration of the Hook Tangaza proposals

and exploring a way forward.

- 3.288 The morning of the symposium was designed to set the context for discussions on the topic of legal education and training and provide an overview of the current position as regards section 34 of the Act and the impact of legal education and training in Ireland. Attendees were provided with an overview of the feedback from the professional bodies in relation to the Hook Tangaza proposals and a high level summary of the submissions received in the further public consultation.
- 3.289 The afternoon session consisted of facilitated discussions amongst symposium delegates regarding the key topics arising from the LSRA's work on section 34. Four key questions arising from the Hook Tangaza report and the further public consultation were introduced to the attendees by independent facilitators. Each question was then discussed by each table and a note taker was present at each table to record the views expressed. A rapporteur from each table provided a brief summary of the discussions at the end of the allocated time.
- 3.290 Each of the four questions is presented here in turn with a summary of the evidence gathered by the note takers at the tables.

Question One:

Should admission to professional programmes be based on recognised higher education level programmes benchmarked against the competency framework?

- 3.291 The introduction of a clear definition of the competencies and standards required as either a solicitor or barrister was seen by most attendees with a degree of positivity. Some expressed caution as to the extent to which it might reform legal education and training.
- 3.292 Most of the discussion in relation to this question centred on whether the FE-1s should be retained for entry to the Law Society or the King's Inns' entrance exam for its professional courses.
- 3.293 Opposing views were expressed as to whether entrance examinations should be retained in general. There was greater discussion on most tables in relation to the FE-1s with some considering the examinations to be a costly duplication while others defended them as necessary.
- 3.294 The financial consequences for students sitting the FE-1s was the subject of much discussion with some noting that students were going to the UK to train as solicitors as it took less time and they could avoid sitting the FE-1 exams. The FE-1s were seen by some attendees as acting as a barrier to entry, requiring financial backing and

resources and hindering diversity.

- 3.295 The comment was made by several attendees that there were 19 law or law hybrid degrees in Ireland and that it was doubted that all 19 were of the same standard or quality. Concerns were also expressed about grade inflation at some universities although this was not accepted as a valid issue by others.
- 3.296 Countering this perspective, the view was expressed that if the issue was a varying degree of quality at undergraduate level, the FE-1s were not the mechanism by which this would be solved.
- 3.297 Several attendees queried the format of the FE-1 stating that it encouraged cramming to pass exams and learning by rote rather than testing a minimum level of competency. One attendee stated that the FE-1s tested legal knowledge as opposed to skills and that the correct approach was to define the skills required and then to work backwards from there.
- 3.298 This was contrasted with the King's Inns entrance examination which was seen as testing relevant skills as opposed to the FE-1 which was seen as a test of the ability to regurgitate knowledge. The King's Inns exam was said to be aimed at critical thinking and application of skills rather than entirely focused on academics. It was noted that students taking the entrance examinations already had sufficient academic knowledge and prior to training for professional practice examination should be more skills focused and centre on critical thinking, problem solving etc. It was also noted that the King's Inns entrance exam could be taken in the same year as the student completes their qualification.
- 3.299 The issue of duplication in the FE-1s was commented on by a number of attendees with several commenting that FE-1 students repeat around 70% of what they learned as an undergraduate. The number of FE-1s required to be taken was seen to be excessive.
- 3.300 Countering this, an alternative view was expressed that law graduates have often been unsuccessful in passing the FE-1s. The FE-1s were referred to as leveller for all students by a number of attendees. This was seen as essential due to the multiplicity of suppliers of legal education. This was also aligned to a public interest perspective in that entrance examinations ensure that it doesn't matter where you study your undergraduate degree as there is a common standard.
- 3.301 Extensive discussion was had amongst attendees in relation to non-law graduates and the issue of exemptions for law graduates. The opinion that it was necessary to have separate recognitions was expressed. The idea that law graduates should be exempt from some or all of the FE-1 examinations was also discussed. It was suggested that an exemption system could easily be implemented and that

exemptions had already been successfully implemented in tax, accounting and actuarial studies.

- 3.302 The idea of external validation of the Law Society by QQI was discussed, with Law Society representatives stating they thought it as was a good idea.

Key Note:

- 3.303 Overall, there was no consensus of opinion amongst the attendees on the issue of whether admission to professional programmes be based on recognised higher education level programmes benchmarked against the competency framework. There was support for the introduction of the competency framework which varied from tacit to positive.

Question Two:

Should a Legal Practitioner Education and Training Committee be introduced?

- 3.304 There were opposing views amongst attendees as to whether an independent Legal Practitioner Education and Training Committee should be introduced.
- 3.305 Discussion was also had as to what the remit of the LPET Committee could or should be and whether it should extend to the universities or whether it should restrict its remit to govern professional training bodies.
- 3.306 The arguments for an independent LPET Committee expressed by attendees included:
- Some corporate firms take issue with what has been provided by the Law Society and view the LPET Committee as a solution.
 - LPET Committee could provide standardisation and quality control and an independent body would be better placed to do this than the Law Society.
 - LPET Committee would allow new entrants to the legal education market which may better suit the market's needs. The LPET Committee was seen by some as essential to allow new entrants to the market.
 - LPET Committee, in encouraging new means of delivery of professional legal training, could help increase diversity amongst lawyers.
 - New training bodies could also result in better trained lawyers i.e. specific training for corporate lawyers versus specific training for rural practices.
 - QQI were cited as an example of how an independent regulatory system has benefitted universities and that the professional bodies could benefit from an equivalent system.

- Good corporate governance required independent scrutiny and oversight.

3.307 The arguments against an independent LPET Committee expressed by attendees included:

- The King's Inns and the Law Society have already expressed the intention to engage with QQI so further scrutiny from the LPET Committee would be unnecessary. The enhanced role of QQI was also said to make the proposed LPET Committee a duplication of effort.
- LPET Committee would not be cost effective and the cost would be passed on to consumers.
- Doubts were raised as to the ability of an external and independent committee to respond and adapt in a timely manner to the changing needs of the legal profession for example in the regulation of CPD.
- The question was raised as to who would oversee the LPET Committee and ensure that it was well governed.

3.308 The cost of the LPET Committee was not seen as a significant factor by many attendees. It was felt that external review was important enough to justify the additional costs. Others felt that cost was the main barrier to establishing the committee with some attendees expressed the view that the LSRA should establish the LPET Committee as opposed to establishing an entirely new body as this would reduce duplication and cost. A further argument was put forward that the LPET Committee might alleviate the need for entrance examinations and result in a net saving for some trainees. Some discussion was also had as to whether the State should fund the work of the LPET Committee.

3.309 Attendees discussed how the LPET Committee might be established. Discussion was held as to the need for the LPET Committee to be independent but reflective of key stakeholders in legal education.

Key Note:

3.310 The majority view at the symposium can be said to have been agreed in relation to the benefit of some level of external oversight and quality assurance of the delivery of legal education and training. It could also be said that there was a majority in favour of the introduction of the LPET Committee with some dissenting views. There was a strong argument in favour of the LSRA establishing and maintaining the LPET Committee as opposed to a new freestanding body. This approach would reduce duplication of effort and costs. Independence of the LPET Committee was seen as a core value as was the need for a clear remit and terms of reference for the Committee. The need to ensure that there was no overlap in function between QQI and the LPET Committee was also expressed.

Question Three:

Is a statutory change required to facilitate the training of “specialist role” solicitors?

- 3.311 The context to this question arises from both the Maharg Report commissioned by the Law Society and the Hook Tangaza report, and it could be described as the generalist versus specialist question.³
- 3.312 The Law Society of Ireland have outlined that they are obliged under the Solicitors Acts to ensure that every solicitor who graduates from Blackhall Place is capable of entering into private practice as a sole practitioner from that date. Several of the larger legal firms have expressed the need for more specialist training for solicitors prior to qualification.
- 3.313 The arguments for the retention of general training for solicitors included:
- It is necessary in terms of the requirements of society that solicitors be trained to fulfil the functions reserved exclusively for solicitors.
 - Using the medical profession as an analogy, even surgeons receive general training.
 - Proper education teaches general skills that can be applied to specialist practice.
 - All professions struggle with the balance between core skills and specialist skills.
 - Risk of shoehorning legal practitioners into specialist areas early in their career.
 - Important to ensure that there is sufficient number of generalist solicitors to provide regional practices.
 - Specialist practices are equipped to provide specialist training and the vast majority of specialisation happens post qualification.
 - There is a danger that the needs of the larger firms begin to dominate all training and education.
- 3.314 The arguments for allowing specialist training prior to qualification included:
- Given the cost of Law Society training (both in terms of money and time) it is relatively rare for anyone to immediately open their own general practice.
 - Even if you wanted to open your own general practice after training with a corporate or large firm you wouldn't be able to without some level of retraining.

³ Maharg, P., J. Ching, and J. Crewe (2018). Solicitor Education in Ireland – A Comparative Analysis. [“Maharg Report”]. Internal report commissioned by the Law Society of Ireland.

- In Ireland a newly qualified solicitor can open their own firm immediately, in England and Wales they must wait three years.
- A one size fits all approach is no longer useful and a blended approach was required. Core modules were less and less useful to some students.
- Larger firms represent 50% of the annual intake of the Law Society, but the courses weren't adapted to reflect the needs of these students in practice. If 50% are not using what they are taught, there is an issue.
- Trainees have to choose their specialism at an early stage already when applying for a training contract but with specialist training they would be better equipped. If they have a training contract with a general practice then general training is more appropriate.
- PPC electives don't respond to the needs of the market.
- Danger that some specialisms might die out e.g. criminal law.

Key Note:

- 3.315 Although there were opposing views as to the generalist vs specialist question, the majority were of the view that if legislative change was required to allow the Law Society to offer greater flexibility in its programmes then this should be recommended.
- 3.316 A number of the discussions focused on the need for a skills based approach to legal education ensuring that transferable skills were taught that could be applied to both general and specialist practice.

Question Four:

How can greater diversity in the legal profession be encouraged?

Key Note:

- 3.317 There was agreement amongst all attendees that increased diversity in the legal professions should be encouraged and several proposals were put forward including:
- More opportunities to train in-house including apprenticeships and internships.
 - On-line education.
 - State subsidies for professional courses.
 - Firms introducing diversity and inclusion scholarships.
 - Academic institutions increasing the diversity of their students will have a positive effect on diversity in the profession.
 - The Law Society Hybrid Course was seen as an opportunity to impact upon diversity in the solicitor's profession.
 - Promotion of fellowships and scholarships.

- Legal partnerships when introduced may provide an achievable work life balance for some legal practitioners.
- Professional support post-qualification to ensure longevity of career.
- Earlier intervention to promote the role of the legal practitioner to school children as a choice of profession.

3.318 The costs of the Law Society and King's Inns courses were seen by some as barriers to increased socio-economic diversity. The cost of the FE-1s was also seen as a significant barrier and their removal was again suggested as a way of increasing access to the legal profession and increasing diversity.

PART 4 – CONCLUSIONS AND RECOMMENDATIONS

The LPET Committee and the Competency Framework

- 4.1 The Authority has carefully considered the extensive and detailed evidence gathered during the review of legal education and training undertaken under section 34 of the 2015 Act. The Authority is grateful to everybody who participated in the consultation processes and acknowledges the time taken to prepare submissions and engage in the evidence gathering process. The Authority was also grateful for the opportunity to discuss legal education and training with a diverse group of stakeholders at the symposium in Croke Park in Dublin in September 2019.
- 4.2 In approaching the review of legal education and training the Authority was aware that reform in the sector had been recommended by various other bodies. In 1990 the Fair Trade Commission Study of Restrictive Practices in the Legal Profession recommended the implementation of a system of common vocational training for solicitors and barristers. In 2001 the Organisation for Economic Cooperation and Development (OECD) in its report Regulatory Reform in Ireland identified areas for reform, including *“that the control of education and entry of legal professionals should be removed from the self-governing bodies, but close ties as regards quality of entrants and content of education should be maintained.”*
- 4.3 In 2003, the Competition Authority-commissioned Indecon Report recommended that *“no single regulatory body should have a monopoly on the provision of the professional education and training necessary to gain admission to a given profession.”* In 2006, in a further report the Competition Authority recommended that the education of solicitors and barristers be regulated independently of the profession and proposed a new independent body to set standards for solicitor and barrister training and to approve institutions that wished to provide such training. Under the model then proposed by the Competition Authority, the Law Society and the King’s Inns would, in common with other training providers, be required to apply to the independent body for approval, and to meet the specified and transparent standards.
- 4.4 In these reports the provision of legal education and training was frequently viewed at least partially through the lens of competition and what has been described as the monopoly on the provision of legal education and training in the State.
- 4.5 The Authority has approached the review of legal education and training, as with the performance of all of its functions, with regard to its six statutory objectives to the fore:
- Protecting and promoting the public interest,
Supporting the proper and effective administration of justice,

- Protecting and promoting the interests of consumers relating to the provision of legal services,
- Promoting competition in the provision of legal services in the State,
- Encouraging an independent, strong and effective legal profession, and
- Promoting and maintaining adherence to the specified professional principles.

- 4.6 In examining the evidence the Authority was conscious that some views expressed were almost diametrically opposed. However, there was a consistent message of the need for quality legal education and training for legal practitioners. There were also differing views on the needs of the legal services market place as regards the training of legal practitioners and what could be seen as a disjoin between the needs of larger legal firms and the smaller enterprises. Concerns were expressed that the current system of training for solicitors was not sufficiently responsive or attuned to the needs of the legal services market. Concerns were also raised in relation to the quality of some aspects of legal training and the lack of any independent oversight of the quality of training being provided. Balanced against this was the concern expressed that any new providers of legal education and training may not deliver the quality training required.
- 4.7 The remit of the Authority to make recommendations under section 34 is quite broad but also requires a degree of specificity.
- 4.8 Under section 34(3)(b) the Authority is required to *“make such recommendations as it considers appropriate in relation to the arrangements that in the opinion of the Authority should be in place for the provision of education and training ... including the accreditation of bodies to provide such education and training, and the reforms or amendments, whether administrative or legislative, that are required to facilitate those arrangements.”*
- 4.9 Section 34(3)(c) also requires that the Authority shall include recommendations in relation to the following:
- (i) *appropriate standards of education and training for legal professional qualifications,*
 - (ii) *arrangements necessary to monitor adherence to the standards referred to in subparagraph (i),*
 - (iii) *the scope and content of the curriculum forming part of courses of legal professional education and training, including the teaching methodology of legal education, legal ethics, negotiation, alternative dispute resolution and advocacy,*
 - (iv) *arrangements that would facilitate the minimisation of duplication, and consequent expense incurred in the taking of examinations in legal subjects on the part of a person-*

- (i) who wishes to undertake a course of legal professional education and who has obtained a third level law degree that includes one or more of the subjects that form part of that course,*
 - (ii) who, being a solicitor, wishes to become a barrister, or who, being a barrister wishes to be admitted as a solicitor,*
 - (v) standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training,*
 - (vi) the need for, and, if such a need is identified, the manner of and requirements relating to the accreditation of bodies or institutions to-*
 - i. provide or procure the provision of, courses of legal professional education and training,*
 - ii. hold or procure the holding of examinations, and*
 - iii. award or procure the awarding of, diplomas, certificates or other awards or merit,*
 - and*
 - (vii) any other matters that the Authority considers relevant and appropriate.*
- 4.10 In September 2018, in the report that accompanied the Hook Tangaza review report, the Authority stated that the Hook Tangaza 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. Significant legislative change would also be required.
- 4.11 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.
- 4.12 The two core propositions that emerged from the research are as follows:
 - 1. *A clear definition of the competence and standards required to practise as either a solicitor or a barrister should be developed.*
 - 2. *Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal Practitioner Education and Training (LPET) Committee, which would be responsible for setting the statement of competence and defining standards, which legal practitioners would achieve on qualification. The LPET Committee would require existing providers of legal education to demonstrate how they met these standards and enable new providers to explain how they would seek to meet them.*
- 4.13 While acknowledging that these proposals did not attract universal agreement during the consultation exercises, the Authority is of the view that the careful consideration and informed debate has now been conducted and that the evidence

gathered strongly supports both propositions for reform. The Authority is further of the view that it is appropriate, based on the evidence, to recommend to the Minister for Justice and Equality under section 34(1)(b) that the necessary statutory framework be introduced to establish an independent Legal Practitioner Education and Training Committee which would be tasked with developing, implementing and maintaining a clear definition of the competence and standards required to practise as either a solicitor or barrister, accrediting providers to deliver elements of the training to meet the competencies required, managing the introduction of new providers and monitor the quality of legal education.

- 4.14 As required under section 34(3)(b) the administrative and legislative reforms or amendments required to facilitate these arrangements are discussed further below.

Establishment of the LPET Committee

- 4.15 The establishment of the LPET Committee would require either a significant amendment to the 2015 Act or a fresh statute that would empower the LSRA to establish the LPET Committee whilst also including provision for the LPET Committee's powers, remit and funding. Amendments will also be required to the Solicitors Acts.
- 4.16 The Authority recommends, in line with the weight of the evidence gathered, that the LPET Committee should be established by the Authority but would be independent of the LSRA in its decision making.
- 4.17 While under section 16 of the 2015 Act the Authority may establish committees to (a) assist and advise it in relation to the performance of all or any of its functions and (b) perform such functions as may stand delegated to it by the Authority, it is the view of the Authority that this provision could not be relied upon to establish an LPET Committee with the remit and powers recommended in this report.
- 4.18 The Authority instead suggests that a model similar to that used in part 12 of the 2015 Act for the establishment of the Advisory Committee on the grant of Patents of Precedence ("the Advisory Committee") be used to establish the LPET Committee.
- 4.19 Under that model, the Authority would be tasked with establishing the Committee. However the Committee would exist as a separate and independent entity with its own decision making powers and remit. These are explored further below.
- 4.20 As with the Advisory Committee, and in order to achieve economies of scale and other efficiencies, the LSRA Executive would provide all logistical and administrative support to the LPET Committee but would not be involved in any aspect of decision making.

The Role and Objectives of the LPET Committee

- 4.21 The Authority recommends that the LPET Committee should be statutorily required and empowered to exercise the following functions:
- To set the Competency Framework for legal practitioner education and training;
 - To develop a common set of competencies and standards for admission to professional legal training;
 - To ensure that existing providers of legal education and training adhere to the standards required by the Competency Framework on an ongoing basis;
 - To scrutinise and accredit new providers of legal education and training based on set criteria established by the LPET Committee;
 - To monitor the quality of legal education and training;
 - To encourage innovation in the provision of legal education and training;
 - To encourage diversity in legal education and training;
 - To engage with key stakeholders in legal education and training.
- 4.22 The Authority recommends that the LPET Committee in performing the above functions should have regard to a series of statutory objectives which could include:
- Promoting the highest standards of legal education and training;
 - Promoting diversity in legal education and training;
 - Encouraging the training of ethical standards in all aspects of legal education and training;
 - Encouraging access to legal education and training;
 - Protecting and promoting the interests of the consumers of legal education and training.
- 4.23 The Authority recommends that, as with the Authority's statutory requirement under section 13 of the 2015 Act, the LPET Committee should be statutorily required to be independent in the performance of its functions.
- 4.24 The Authority also recommends that the LPET Committee should be permitted to make regulations where required, for example regulating the making of applications for accreditation as a new provider of legal education and training.

The Composition of the LPET Committee

- 4.25 The Authority recommends that the LPET Committee be constituted as a part-time Committee with administrative and logistical support provided by the LSRA Executive. This would assist in reducing the administrative and establishment costs of running the Committee.

- 4.26 The Authority further recommends that the LPET Committee should be made up of no more than seven members. Similar to the arrangements which saw the establishment of the Advisory Committee on the Grant of Patents of Precedence in the 2015 Act, a lay member of the Authority would be nominated by the Minister for Justice and Equality to sit on the LPET Committee and the remaining six members would be appointed by the Minister following an independent recruitment process.
- 4.27 In line with the concerns expressed in the evidence gathered as to the need for the LPET Committee to be independent in the performance of its functions, all of the members of the Committee should be able to demonstrate independence from all of the providers of legal education and training
- 4.28 As part of the recruitment process, applicants should be required to demonstrate knowledge of, and expertise in relation to one or more of the following:
- i. higher education or the training of members of a profession;
 - ii. the design, delivery and quality assurance of education and training;
 - iii. the maintenance of standards in professions regulated by a statutory body;
 - iv. the carrying out of inspections;
 - v. the provision of legal services;
 - vi. the needs of consumers of legal services; or
 - vii. business and commercial matters.
- 4.29 The LPET Committee should also be empowered by statute to appoint consultants and advisers and to enter into contracts. This would lead to efficiencies as inspectors or subject matter experts could be procured when required and subject to procurement and spending guidelines. The LPET Committee should also be empowered to establish an evaluation panel for the purpose of conducting site visits when accrediting providers if necessary.
- 4.30 The LPET Committee should be established in such a way as to ensure that there are no fewer than three members who are women and no fewer than three members who are men.
- 4.31 The LPET Committee members should hold office for a period not exceeding four years from the date of appointment. They may be eligible for reappointment as a member of the Committee but shall not hold office for a period of more than eight years.

LPET Committee Work Programme

4.32 In line with section 34(3)(b) the Authority recommends that the work programme of the LPET Committee could be set in three initial phases:

PHASE	DESCRIPTION
Phase 1	<ul style="list-style-type: none"> • Establishment of the LPET Committee; • Development and introduction of the Competency Framework; • Development of Accreditation and Validation Framework; • Accreditation of existing providers; • Establishment and introduction of a Criteria of Assessment for New Providers.
Phase 2	<ul style="list-style-type: none"> • The accreditation of Higher Education Institute programmes as meeting the standard for entry to professional education and training.
Phase 3	<ul style="list-style-type: none"> • The introduction of an ongoing CPD framework including the accreditation of CPD providers.
Phase 4 and Beyond	<ul style="list-style-type: none"> • Ongoing responsibility for the review and re-accreditation of providers of legal education and training on a cyclical basis; • The authorisation of new providers.

Phase 1:

Establishment of the LPET Committee

- 4.33 In phase one, following the conclusion of an independent recruitment and appointment process, the Authority would establish the LPET Committee in accordance with the new statutory provisions.
- 4.34 The LSRA Executive would assign a member of staff of the LSRA to act as Secretary to the LPET Committee on a part-time basis. The LSRA Executive would also provide logistical and administrative support to the LPET Committee as required.
- 4.35 The LPET Committee would establish and publish a three-year strategic plan in line with the above work programme

Development and Introduction of the Competency Framework

- 4.36 The LPET Committee would engage and consult with the professional bodies, consumers and legal practitioners to develop the Competency Framework for Legal Practitioners.

- 4.37 The Competency Framework would define the core knowledge, skills and aptitudes required by competent legal practitioners, the specific tasks they should be capable of performing and the standard at which such tasks should be performed.
- 4.38 This work should build on the work already undertaken by the King's Inns and the Bar of Ireland and the LPET Committee should liaise with the current providers of legal education and training in the State.
- 4.39 As per the evidence gathered during the consultation process and in particular the submissions made by QQI, the Competency Framework established by the LPET Committee should utilise National Framework of Qualifications (NFQ) interpretations and descriptors of knowledge, skill or competence in setting the statement of competence and defining standards.

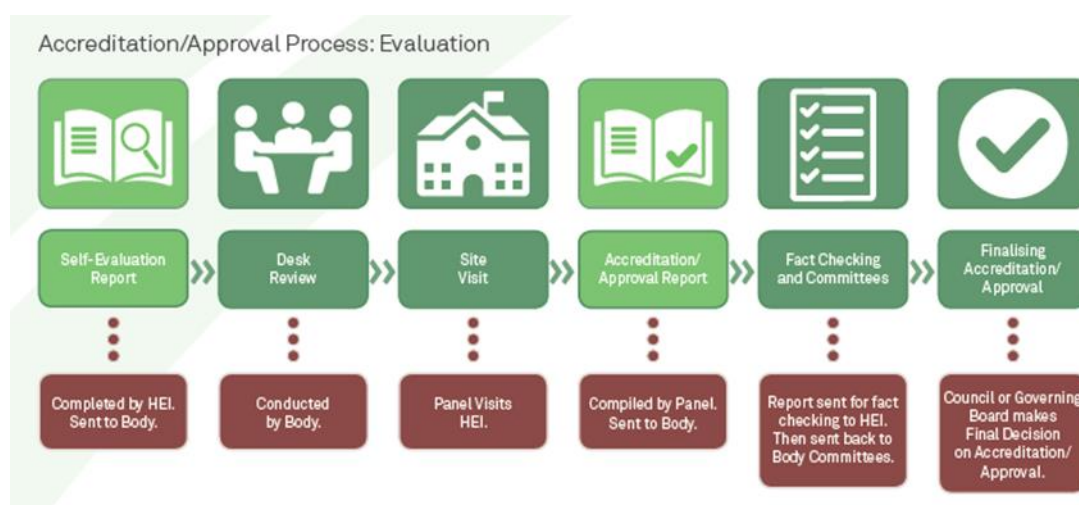
Development and Introduction of an Accreditation and Validation Framework

- 4.40 Once the Competency Framework for Legal Practitioners has been developed, the LPET Committee would then develop a framework for the accreditation of legal education and training providers and the validation of programmes of legal education and training. The LPET Committee would prioritise existing providers of professional training in Phase One.
- 4.41 The Accreditation Framework for providers would ensure that the applicant provider has appropriate financial and governance arrangements to support the long term delivery of:
- programmes of education and training that enable the development of the relevant competencies at the appropriate standard;
 - reliable, fair and robust assessment methodologies based on the achievement of competencies at the appropriate standard;
 - robust systems of quality assurance and quality improvement;
 - schemes promote equality of opportunity and diversity;
 - consistency with global standards.
- 4.42 The Programme Validation Framework would require the programme to demonstrate a range of criteria including that it:
- Meets a clear identifiable market need,
 - Has a clear identifiable purpose within the qualification process mapped against the Competency Framework,
 - Has transparent and fair admissions requirements,
 - Clearly communicates its intended outcomes, pedagogy and assessment processes to candidates to ensure informed choices can be made,

- Will be appropriately managed and monitored,
- Is financially viable and sustainable.

Accreditation of Existing Providers of Professional Legal Education and Training

- 4.43 Once the LPET Committee has established and published the Competency Framework and the Accreditation and Validation Framework, the LPET Committee would commence the process of accreditation of the existing providers of professional legal education, the Honorable Society of King's Inns and the Law Society of Ireland, based on the Accreditation and Validation Framework established by the LPET Committee.
- 4.44 The accreditation process would be decided upon by the LPET Committee but a number of professional and regulatory bodies active in Ireland follow the same general pattern⁴ for the accreditation/approval of Higher Education Institutes (HEIs).
- 4.45 The process begins with a self-evaluation report completed by the HEI which sets out clearly how they are meeting the standards required. This report is then subject to a desk review of the evidence provided in the report which is used as an opportunity to prepare for a site-visit panel to visit the HEI. The next step in the process is the site visit during which an evaluation panel review programme documentation and conduct interviews as appropriate with executive leadership, faculty, students and graduates. The panel then prepares a report, which is sent to the HEI for fact checking, before submission with recommendations to the professional or regulatory body who makes the final decision on accreditation and approval.



⁴ QQI's Accreditation/Approval of Higher Education Programmes by Professional Bodies identified a common pattern for accreditation and approval across eleven regulatory/professional bodies including CORU, the Medical Council, Engineers Ireland and the Pharmaceutical Society of Ireland (PSI).

Source: QQI Insights "Accreditation/Approval of Higher Education Programmes by Professional Bodies (2019)

- 4.46 To ensure the maintenance of standards in professional legal education and training the LPET Committee would accredit and re-accredit providers of professional legal education and training on a rolling three-year cycle.
- 4.47 The cost of the self-assessment and the authorisation process would be borne by the provider.

Establishment and Introduction of Criteria of Assessment for New Providers

- 4.48 As part of Phase 1, the LPET Committee would also establish a set of criteria which prospective new providers of legal education and training would have to evidence to the satisfaction of the Committee before they would be authorised to provide professional legal education and training. This would be in addition to satisfying the LPET Committee that they will be able to meet the requirements of the Accreditation and Validation Framework above.
- 4.49 These criteria could include:
- Evidence that the provider can meet the standards required of the competency framework;
 - Evidence that the provider is financially viable and sustainable in the long-term;
 - Evidence that it will adopt fair and transparent admissions arrangements;
 - Evidence as to how it will embrace, encourage and foster innovation in legal education and training;
 - Evidence as to how it will increase and promote diversity in the legal profession;
 - Evidence as to how it will use outreach and other methods to promote law as a profession, including amongst under-represented groups;
 - Evidence that all assessment methodologies, including any final assessment, will ensure that all successful graduates will have evidenced the competencies necessary for entry onto either the Roll of Solicitors or the Roll of Practising Barristers.
- 4.50 The Criteria for Assessment for New Providers would be published and the LPET Committee would establish an application process for the consideration of applications of new providers. This may include regulations to regulate the application process if necessary.

Phase 2:

The accreditation of Higher Education Institute programmes as meeting the standard for entry to professional education and training

- 4.51 Following the development by the LPET Committee of the Competency Framework for Legal Practitioners, HEIs could apply to the LPET Committee to have their programmes accredited by the LPET Committee as meeting the standards required for admission to a professional training programme.
- 4.52 Successful completion of a degree programme accredited by the LPET Committee would demonstrate that the required competencies for admission to professional training had been met.
- 4.53 For a defined transition period, it would be a matter for the provider of professional training as to whether they sought to set further entry requirements by way of examination, application form or interview prior to entry to training or whether they would rely on the completion of a degree programme accredited by the LPET Committee as sufficient.
- 4.54 As part of this accreditation process, the LPET Committee would give weight to any existing accreditation or validation process currently being undertaken by the HEI.

Phase 3:

The Introduction of an ongoing CPD framework including the accreditation of CPD providers

- 4.55 The LPET Committee as part of Phase 3 would conduct a review of the provision of all continuous professional development (CPD) to legal practitioners with the objective of ensuring that all CPD for legal practitioners is of a high standard, purposeful, relevant and aligned directly with the Legal Practitioner Competency Framework.
- 4.56 By requiring CPD providers to undergo accreditation and to align their CPD provision with the Legal Practitioner Competency Framework, the LPET Committee would be ensuring that legal practitioners undertake relevant training inputs to maintain their competency in the provision of legal services over their career.
- 4.57 The LPET Committee would introduce a framework by which providers of CPD would seek to be accredited by the LPET Committee. Through the accreditation of CPD providers, the LPET Committee would seek to ensure that the quality of CPD undertaken by legal practitioners is high so that consumers can have confidence that

legal practitioners have the necessary skills and knowledge to provide competent legal services and that they keep up-to-date with relevant legal practice.

Phase 4 and Beyond:

- 4.58 Following the completion of Phase 3, the LPET Committee would be engaged in the cyclical re-accreditation of providers of legal education and training and of CPD and in considering applications from prospective providers.

Funding of the LPET Committee

- 4.59 The funding of the LPET Committee was cited by some contributors as a potentially prohibitive factor in implementing the reform. Others were not as convinced that this would be a significant issue. Several parties cited the concern that the costs of the LPET Committee would be passed on the aspiring legal practitioner through increased tuition fees or the legal practitioner through the levy collected by the LSRA.
- 4.60 The Authority is of the view that the costs of the LPET Committee could be significantly reduced by following the model outlined above in which the LSRA Executive provide administrative and logistical support to the Committee. The cost to the LSRA Executive of providing such support would need to be included in the costings for the operation of the LPET Committee.
- 4.61 The Authority is also of the view that the LPET Committee could reasonably be funded by way of a blended funding model. In that model the Government would provide an annual grant to cover the operating costs of the LPET Committee whilst applicants for accreditation and reaccreditation as providers of legal education and training would meet much of the cost of the reaccreditation process themselves.
- 4.62 At existing DPER rates for Category 3 non-commercial state bodies the annual cost of the Committee in fee terms, based on a seven person committee would be as follows:

Chairperson x 1	€11,970
Members x 6	€7,695
Total:	€57,960

- 4.63 There would be other costs involved, including engaging subject matter experts and inspectors or evaluation panels when required. The One Person One Salary (OPOS) rule would apply in respect of existing public servants appointed to the Committee

- 4.64 In 2017, the Professional Associations Research Network report on Professional Body Accreditation in Higher Educational Institutions in Ireland which surveyed 54 HEIs found that the average actual or estimated costs to an HEI to initially secure professional accreditation was €6,132.25 and the actual or estimated cost to maintain professional accreditation was €3,439.27.
- 4.65 The Authority is of the view that the benefits from introducing the independent LPET Committee would more than outweigh the potential costs.
- 4.66 The Authority recommends that the LPET Committee should be funded by a blended funding model of State grant and fees for accreditation collected from providers.

The Role of Quality Qualifications Ireland (QQI)

- 4.67 In a few submissions received by the LSRA, contributors commented that QQI could either undertake the role proposed by the LPET Committee or, in some cases, it was cited that they already were undertaking it.
- 4.68 The Authority is of the view that the role of the LPET Committee is a strategic one in that it would seek to establish the long term needs of the legal services sector and ensure that the training and education of legal practitioners was aligned to meeting those needs, including the needs of the consumer. That is not the role of QQI.
- 4.70 The Authority is of the view that some confusion existed about the role of QQI and the potential role of QQI in legal education and training.
- 4.71 QQI are currently conducting a call for evidence on a “Principles for Programme Validation, Professional Education and Approval, and other Professional Engagements with Education Providers.” The call for evidence will conclude in December 2020.
- 4.72 The QQI have developed a statement (*Towards Principles for Programme Validation, Professional Accreditation and Approval, and other Professional Engagements with Education Providers*) that provides high level principles for the accreditation and approval for exemptions of provider programmes by professional/statutory, regulatory accreditation bodies i.e. bodies such as the proposed LPET Committee.
- 4.73 The purpose, as stated by QQI, is “to ensure a complimentary approach by both professional bodies (i.e. a body such as the proposed LPET Committee) and awarding bodies to:
- harmonise separate academic programme validation and professional accreditation bodies processes;
 - agree overarching principles for these processes;
 - avoid unnecessary duplication and overlap between related processes where possible; and

- reduce the burden on those academic providers subject to many professional, regulatory and state processes and requirements.
- 4.74 Under the statement, the proposed LPET Committee would meet the definition of what is referred to as a “professional accreditation body” which are described as:
- “autonomous independent bodies that review and/or evaluate and/or endorse provider programmes of study to ensure that the required standards are met for the relevant professions with the goal of acting as evaluators of provider programmes of study with the goal of:*
- *professional accreditation of those programmes, or*
 - *for the purpose of granting entry to those programmes that require postgraduate entry.”*
- 4.75 Professional accreditation of provider programmes is described as serving “several purposes including:
- *serving a public good through which stakeholders- the public, students, graduates, employers, higher education institutions, government, professional associations and professional accreditation bodies- can be assured that the graduates of a provider programme meet the criteria and standards for entry into the relevant level of professional practice in a specific professional discipline; or achieve approval for entry exemptions; other*
 - *providing an independent quality assurance process for registration under government legislation and/or membership of a professional association that a provider programme meets the criteria and standards for entry into the relevant level of professional practice in a specific professional discipline.”*
- 4.76 The statement goes on to outline basic principles and characteristics for professional accreditation standards, professional accreditation processes and stakeholder engagement. These are all informed by the general principles of proportionality, risk, transparency, collegiality, enhancement, necessity and shared responsibility.
- 4.77 The Authority is of the view that the proposed LPET Committee would be mandated to operate within the principles of the QQI statement and that this would ensure that there would be no unnecessary duplication of effort or process, but instead would allow for partnership working, minimising the cost of professional accreditation and clearly defining the scope and activity of the Committee and QQI.
- 4.78 The Authority recommends that the LPET Committee would adopt and adhere to the QQI “Statement of Principles for Programme Validation, Professional Accreditation and Approval, and other Professional Engagements with Education Providers” when finalised.

Recommendations

The following are the twelve recommendations made by the Authority under sections 34(1)(b) and (c) following the review of education and training arrangements in the State for legal practitioners under section 34(1) of the 2015 Act.

Recommendation One:

The Authority recommends that the necessary statutory framework be introduced to establish an independent Legal Practitioner Education and Training Committee (the LPET Committee).

Recommendation Two:

The Authority recommends that the LPET Committee be tasked with developing, implementing and maintaining a clear definition of the competence and standards required to practise as either a solicitor or barrister.

Recommendation Three:

The Authority recommends, in line with the weight of the evidence gathered, that the LPET Committee should be established by the Authority but would be independent of the LSRA in its decision making.

Recommendation Four:

The Authority recommends that the LPET Committee should be statutorily required and empowered to exercise the following functions:

- To set the Competency Framework for legal practitioner education and training;
- To develop a common set of competencies and standards for admission to professional legal training;
- To ensure that existing providers of legal education and training adhere to the standards required by the Competency Framework on an ongoing basis;
- To scrutinise and accredit new providers of legal education and training based on set criteria established by the LPET Committee;
- To monitor the quality of legal education and training;
- To encourage innovation in the provision of legal education and training;
- To encourage diversity in legal education and training;
- To engage with key stakeholders in legal education and training.

Recommendation Five:

The Authority recommends that the LPET Committee in performing the above functions should have regard to a series of statutory objectives which could include:

- Promoting the highest standards of legal education and training;
- Promoting diversity in legal education and training;
- Encouraging the training of ethical standards in all aspects of legal education and training;
- Encouraging access to legal education and training;
- Protecting and promoting the interests of the consumers of legal education and training.

Recommendation Six:

The Authority recommends that as with the Authority's statutory requirement under section 13 of the 2015 Act, the LPET Committee should be statutorily required to be independent in the performance of its functions.

Recommendation Seven:

The Authority recommends that the LPET Committee should be permitted to make regulations where required, for example regulating the making of applications for accreditation as a new provider of legal education and training.

Recommendation Eight:

The Authority recommends that the LPET Committee be constituted as a part-time Committee with administrative and logistical support provided by the LSRA Executive. This would assist in reducing the administrative and establishment costs of running the Committee.

Recommendation Nine:

The Authority recommends that the LPET Committee should be made up of no more than seven members.

Recommendation Ten:

The Authority recommends a phased work programme for the LPET Committee as detailed in this report.

Recommendation Eleven:

The Authority recommends that the LPET Committee should be funded by a blended funding model of State grant and fees for accreditation collected from providers.

Recommendation Twelve:

The Authority recommends that the LPET Committee should adopt and adhere to the QQI *“Statement of Principles for Programme Validation, Professional Accreditation and Approval, and other Professional Engagements with Education Providers”* when finalised.

Appendix 1: Public Consultation Notice



Further Public Consultation by the Legal Services Regulatory Authority on the Education and Training of Legal Practitioners

On 28 September 2018 the Legal Services Regulatory Authority (LSRA) submitted a report to the Minister for Justice and Equality on the education and training of legal practitioners as required under section 34(1)(a) of the Legal Services Regulation Act 2015.

The report by the Authority included a research report prepared by a specialist team from Hook Tangaza consultants. The full report, as well as the submissions made as part of the previous public consultation on legal education and training can be found here:

<http://www.lsr.ie/en/lra/pages/wp18000006>

The research report sets out 14 proposals for reform of the education and training of legal practitioners in Ireland.

The Authority are of the view that these proposals if implemented have the capacity to significantly affect the education and training of legal practitioners and the wider legal services sector. The Authority, therefore, have decided to undertake a further period of consultation with both the providers and users of legal services to explore the possible impact of the proposals on legal education and the provision of legal services.

Following the further consultation, and the hosting of a symposium on legal education and training in September 2019, the LSRA will submit a further report to the Minister under section 34.

Key Proposals

The Hook Tangaza research report made fourteen proposals.

At the heart of these proposals are two core proposals which the report states, *“will provide both a foundation and catalyst for further reforms of the education and training system for legal practitioners.”*

The two core proposals are as follows:

Proposal 1: A clear definition of the competence and standards required to practise law should be developed for legal practitioners.

Proposal 2: Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal Practitioner Education and Training (LPET) Committee, which would be responsible for setting the statement of competence and defining standards, which legal practitioners would achieve on qualification.

The LPET Committee would require existing providers of legal education to demonstrate how they met these standards and to enable new providers to explain how they would seek to meet them.

The fourteen proposals are included below at Appendix One.

Scope of the Consultation

The Authority now invites written submissions from members of the public and any other interested party in relation to the proposals put forward in the Hook Tangaza report or on any relevant aspect of the education and training arrangements in the State for legal practitioners.

The LSRA is keen to hear views in relation to the practical implementation of the proposals including issues such as the potential costs of the reforms and their potential impact on legal education and the delivery of legal services.

It would be helpful for respondents to set out the reasons for the views expressed, and to provide any available evidence, which they consider to be relevant.

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 interest etc.,

Members of the public or other interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than **31 August 2019**.

Submissions may be sent:

- By e-mail to S34Consultation@lsra.ie or
- By post to
Section 34 Further 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

12 July 2019

Appendix One:

On 28 September 2018, following a public consultation, the LSRA submitted a report under s. 34 on the education and training of legal practitioners in the state. The report included 14 proposals set out by the Hook Tangaza Review team. The Review team proposed:

1. A clear definition of the competencies and standards required to practise as either a solicitor or a barrister should be developed for both solicitors and barristers.
2. Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal Practitioner Education and Training (LPET) Committee, which would be responsible for setting the statement of competence and defining standards, which legal practitioners would achieve on qualification. The LPET Committee would require existing provider of legal education to demonstrate how they met these standards and to enable new providers to explain how they would seek to meet them.
3. An accreditation and validation framework should be developed for legal education and training.
4. Programmes offered by existing and new providers to be accredited against the competency framework.
5. Assessment methodologies should ensure adherence to standards.
6. The LPET Committee should monitor the quality of legal education and training. Legal education and training providers should be required to maintain ongoing quality assurance processes.
7. Admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standards.
8. The LPET Committee should develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes.
9. Non-law graduates to have alternative means to enter the profession other than through the FE-1.
10. Additional routes to qualification will encourage diversity and increase access.
11. Admission responsibilities of professional bodies to be separated from delivery of education programmes.
12. Transfer arrangements between the professions to be reviewed once a new competency framework is in place.
13. The process for foreign (Non-EU) transfers and agreements to be assessed against new competency framework, once in place.
14. CPD programmes to be linked to competence frameworks and standards.

The full report is available at

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





An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority



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