



UCD Sutherland School of Law

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**From Professor Imelda Maher MRIA
Dean, UCD Sutherland School of Law**

Dr. Brian Doherty
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 2

By post and email to publicconsultations@lsra.ie

31 January 2020

Submission to Consultation under the Legal Services Regulation Act 2015, s.33

Dear Dr. Doherty

We are writing to contribute to the consultation under s.33 of the Legal Services Regulation Act 2015. The School of Law has provided legal education since before the foundation of the State, including training for legal professionals, and we look forward to continuing this tradition. This response is made by the School at the request of the Registrar on behalf of the University. It has been drafted by our committee on professional legal education, taking into account viewpoints throughout the School of Law and the wider University, and we hope that it will be of assistance.

Regarding the number of persons admitted to practice, the position of the School of Law is that there should be no barriers to entry to the legal professions except in one important respect i.e. to the extent necessary to ensure the public interest in an appropriate standard of education and training. In particular there should not be any cap – *de jure* or *de facto* – imposed on the number of persons admitted to practice. While there is limited research on the point in Ireland, it is clear from work in other jurisdictions that barriers to entry reduce diversity in the legal profession and discriminate against those from certain socio-economic backgrounds in addition to having a harmful effect on competition and consumer welfare.¹

The Law Society and the Honorable Society of King's Inn currently hold monopolies on the provision and accreditation of, respectively, the professional stage of training of solicitors (PPC I and II) and barristers in Ireland (the Barrister-at-Law degree). We have previously made submissions to the LSRA regarding these monopolies, and it remains our view that opening up competition in the provision of professional training would improve quality and

¹ See e.g. Avner Levin and Asher Alkoby, "Is Access to the Profession Access to Justice - Lessons from Canada," *International Journal of the Legal Profession* 19, no. 2-3 (2012): 283-300.

facilitate: increased innovation and investment; more responsiveness to the changing needs of legal consumers; enhanced skills and standards; and better value for money in professional legal education and ultimately in provision of legal services

In assessing the number of persons admitted to practice we must also take account of the way in which students are admitted to training. As you know, the School of Law has previously submitted that the current system of the Final Examination – First Part (FE-1) for qualification as a solicitor and the Entrance Examination in qualification as a barrister, results in unnecessary duplication, delay, and significant costs for those who have already obtained a law degree, including loss of earnings while they are preparing for the examinations. We would propose abolition of these entrance examinations for students with law degrees from Irish universities which, unlike these entrance examinations, are already assessed against an independent statutory quality assurance process². This would have the effect of increasing the pool of students in a position to enter legal training and reducing the costs incurred by them, with the downstream effect of increasing the numbers available to be admitted to practice and lowering the initial investment they need to recoup.

Finally, we note that the headline figures – the numbers admitted to practise each year – are only loosely linked to the availability of legal services. Legal education and training develop many transferable skills, and just as many of our graduates go into areas other than the legal profession, similarly many individuals qualify with a view to using their professional qualification other than in practice. Historically this has particularly been the case for the Bar where the numbers called each year are significantly higher than the numbers becoming members of the Law Library. A number of individuals will also take up practice outside the State. Consequently, the figures for admission to practice will tend to overstate the numbers available to provide legal services and should be read in conjunction with the numbers who actually enter practice and who remain in practice after a number of years.

Please do not hesitate to contact us if we can be of further assistance.

Very best wishes



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Dean of Law & Sutherland Full Professor of European Law
UCD Sutherland School of Law

² The Qualifications and Quality Assurance (Education and Training) Act 2012 (as amended).