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On behalf of:
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Legal Services Regulatory Authority: Consultation on the Unification of the Legal Professions under section 34(1)(b) of the Legal Services Regulation Act 2015

**Submission on behalf of
School of Law and Government
Dublin City University (DCU)**

To whom it may concern,

I am writing to you on behalf of the law staff within the School of Law and Government at Dublin City University (DCU) to share our views on the proposals for the unification of the solicitors' and barristers' professions. We welcome the opportunity to make this further submission to support the important work of the Authority. We refer to our previous letters of submission dated 28th June 2018, 30th August 2019 and 3rd February 2020.

We wish to identify the opportunities and some challenges that might arise from the unification of both branches of the professions, and make the following brief points.

The potential unification of the legal professions presents opportunities to widen access to the legal profession, namely the Bar (which is closed off to many students, for financial or other reasons). DCU law students, in particular, come from a diverse range of backgrounds with a higher than average proportion of students from disadvantaged socio-economic backgrounds. As it stands, aside from the high entry costs (€12,900 p/a for King's Inns) and ancillary costs, pupilages are for the most part unpaid and instead rely on self-funding and benefits in kind. Typically, a pupil is also required to pay €3,600 in their first year for liability insurance and access to the Law Library, and related costs. This sum increases year-on-year for the first seven years of practice and for most students of modest means is unaffordable, therefore creating barriers to entry. If the professions were to be restructured in a way that allows for merged

practices in which lawyers can specialise within a single firm or entity where our students could, for example, specialise as litigators, this would have a real and tangible benefit for those students who wish to practice before the superior courts but whose economic situation prohibits them from doing so at this time. It is our experience that many students who would otherwise wish to practice at the Bar find the high barriers to entry and ongoing costs associated with the first number of years at the bar prohibitive and this reinforces existing social inequalities.

From a European perspective, we highlight the point that the unification of the two professions offers an opportunity to simplify the recognition of European titles in Ireland and vice versa under Directive 98/5/EC¹ (the so-called Lawyers' Establishment Directive). Further, following Brexit, Ireland has become the only English speaking country in Europe (with Malta). By unifying the two professions, the Irish legal system could be simplified, and more effectively mirror the system of many of the continental systems. In this way, Ireland could become a more attractive forum at European level, and Irish lawyers would be more competitive in the European market. Linked to this is the growing globalisation of law firms, prompting a further reason to consider unification. In response to the globalisation of business and commerce (and indeed other areas), many large law firms are now merging across borders, creating larger practices in several jurisdictions.

Similarly, the unification of the professions creates opportunities to improve overall access to and cost of legal services, which is generally desirable from a public policy perspective. The current model in which clients must first consult a solicitor before a solicitor then instructs a barrister is arguably inordinately costly for many and creates barriers in accessing legal services. There would be real efficiency gains if clients could obtain the entirety of their legal advice from a single firm. The current model arguably artificially partitions the market for legal services and is ultimately undesirable from a competition perspective.

As educators of future solicitors and barristers, we have considered the overall impact that any unification might have on the structure of the curriculum and focus of undergraduate law programmes at our university. The content of our core modules, as well as the focus on law and society and clinical legal education prepares students with the knowledge and skills which are transferable across both professions. We do not envisage that there would be any substantive change to the content or delivery of core law modules arising from any unification of the professions.

Notwithstanding the potential opportunities attached to the unification of the professions, we acknowledge the merits of maintaining the status quo, which for the most part, operates effectively. As it stands, both professions are distinct in terms of objectives, structure and work practices. Any such amalgamation would require significant work, investment and resources in creating a unified model, both in terms of the operation of the professional body, the professional training of legal professionals and the creation of a new form of legal practice and industry.

Finally, we at DCU welcome the on-going work of the LSRA in the reform of the legal profession and look forward to further contributing to this reform process.

¹ Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained

Kind regards,

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