

Enterprise Ireland submission to the Legal Services Regulatory Authority in relation to the Hook Tangaza review report.

Date: 27th of August 2019.

Response to the request from the Legal Services Regulatory Authority to the Chairman, the Chief Executive Officer and the in-house Solicitor of Enterprise Ireland for comment on the 14 proposals set out by the Hook Tangaza review team report on the Education and Training of Legal Practitioners.

Enterprise Ireland notes that the request of the Legal Services Regulatory Authority dated the 12th of July 2019 for submissions stated that Proposals 1 and 2 of the Hook Tangaza report are the two core proposals. Accordingly, our submission is focused on those proposals and on proposals 9, 10 and 14.

Summary:

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.

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

Enterprise Ireland recognises and agrees that benchmark standards are important for the legal profession as for all the professions.

THE CHANGING LANDSCAPE FOR LEGAL SERVICES

The prospective development of partnerships involving solicitors and barristers, following the coming into effect of the relevant provisions of the Legal Services Regulation Act 2015, will change the legal services landscape.

Furthermore, developments in technology, increasing in the use of artificial intelligence, and increasing use of alternative dispute resolution, will each have a significant impact on the nature of legal services that can be provided and the expectations of clients in relation to those services.

For these reasons, it will be increasingly important that all lawyers have reached a high standard of competence on qualification.

COMMON TRAINING MODULES

In our view, the principle set out in proposal 8, that there should be a common set of competencies and standards for admission to the courses for solicitors and barristers is important.

Indeed, there may be merit in the Legal Services Regulatory Authority considering whether there should be a minimum level of training common to both solicitors and barristers, as solicitors and barristers will have the facility to work together in a new type of law firm.

That is, it may be worth considering whether, once the students have achieved the requisite standards for admission to professional training, there should be a period of identical training for prospective barristers and prospective solicitors before a further period of specialist training for each branch of the profession.

Proposal 2: Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal 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.

We note the planned reform of the roles and responsibilities of the stakeholders in the legal education and training system by the establishment of a Legal Education and Training (LPET) Committee. We also note the planned responsibilities of that committee.

We consider it critical that there be a rigorous system for screening prospective providers of legal education.

Proposal 3: An accreditation and validation framework should be developed for legal education and training.

Proposal 4. Programmes offered by existing and new providers to be accredited against a competency framework.

Proposal 5: Assessment methodologies should ensure adherence to standards.

Proposal 6. 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.

Proposal 7. Admission to programmes of legal practitioner education should be based on achievement of specified competencies and defined standards.

Proposal 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.

Proposal 9: Non-law graduates to have alternative means to enter the professions other than through FE-1s.

We believe that non-law graduates should continue to have opportunities to enter the legal profession so that there is a broad skill set within the legal profession.

While we see significant value in ensuring that all aspiring solicitors (and barristers) have reached the requisite minimum academic standard in their legal studies before progressing to professional training, we don't have a strong view on the form that any reviews, examinations or verification of that standard should take.

Proposal 10: Additional routes to qualification will encourage diversity and increase access.

Enterprise Ireland agrees with this view.

Proposal 11: Admission responsibilities of professional bodies to be separated from delivery of education programmes.

Proposal 12: Transfer arrangements between the professions to be reviewed once a new competency framework is in place.

Proposal 13: The process for foreign (Non-EU) transfers and agreements to be assessed against a new competency framework once in place.

Proposal 14: CPD programmes to be linked to competence frameworks and standards.

Enterprise Ireland understands the importance of such programmes and agrees that such a linkage could be beneficial.

We also believe that gaps in competence standards can be evident at various points in a lawyer's career, and can be particularly acute at an early stage in his/her career. Accordingly, CPD programmes should necessarily also have regard to the evolving needs of lawyers as their careers progress.

End of Enterprise Ireland submission to the LSRA