

Legal Services Regulatory Authority (LSRA) report on the education and training of legal practitioners as required under section 34(1) (a) of the Legal Services Regulation Act 2015

Context: The Legal Services Regulatory Authority invites written submissions from members of the public and any other interested party in relation to the proposals put forward in the Section 34 Hook Tangaza report or on any relevant aspect of the education and training arrangements in the State for legal practitioners.

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

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 Review team proposed the following 14 proposals:

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.

GMIT reply:

Dear Sir/Madam,

Galway Mayo Institute of Technology (GMIT) welcomes the opportunity to respond to the Legal Service Regulatory Authority's (LRSA) consultation on the education and training arrangements in the State for legal practitioners.

The following are the issues that GMIT would like to highlight:

Regulation/Oversight

To become recognised as a legal practitioner (solicitor or barrister) the professional bodies (Law Society and King's Inn) 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 2015¹ 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.

A governance issue arises when the composition of the board of the Legal Services Regulatory Authority (LSRA) is examined. Currently the membership of the board includes nominations from the Bar Council, the Honorable Society of King's Inns, the Legal Aid Board and the Law Society, either practitioners or professional bodies. There is no 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 (Law Society and King's Inn).

Admission requirements to professional Law bodies

GMIT would advocate that the current entry routes to becoming a legal practitioner need to be adjusted. In the first instance the current arrangements of taking entrance exams to enter the Law Society should remain. This route facilitates students from a non-law education background entering the profession. However, a second more advanced entry route should also 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.

¹ Quality and Qualifications Ireland (2015). Awards Standards for Honours Bachelor of Laws and Master of Laws.

To join the Kings Inns Barrister-at-Law Degree requires a twostep process. Firstly, only individuals who hold an approved law degree, or holders of an approved postgraduate diploma or holders of the Kings Inns Diploma in Legal Studies can apply. These graduates are then required to successfully complete the Kings Inns Entrance Examinations. This route to becoming a legal practitioner is seen as a barrier.

Similar to our earlier proposal for advanced entry becoming a solicitor, the LRSA should advocate an advanced entry route where accreditation of an appropriate HEI law course would grant exemptions to the King's Inn entry examinations 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.

Expansion of professional accreditation

Professional accreditation to become a legal practitioner is carried out by the professional bodies (Law Society and King's Inn). In short, the Law Society regulates who can become a solicitor, and the King's regulates who can become a barrister. This represents a monopoly to professional accreditation within the legal profession.

Both the Law Society and King's Inn are based in Dublin, which can be prohibitive for potential candidates to access. In other countries, Australia and England for example, there are multiple routes to becoming a solicitor and/or barrister. These alternative routes are provided by HEIs offering courses that facilitate students graduating as either a solicitor and/or barrister. By offering more entry routes to the legal profession through HEIs it would expand the geographic spread of availability, and remove the dependence on professional accreditation based in one location.

To assist in developing and accrediting multiple entry routes to become a legal practitioner, the HEIs could augment the law degree programme outcomes 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.

Curriculum update

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 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.

Some areas that could be added to the current curriculum include:

- Ethics – Ethics has become more prominent and needs to be incorporated in the curriculum.
- Artificial Intelligence (AI) – AI is impacting on legal applications and requires attention.

Galway Mayo Institute of Technology

31st July 2019