

Submission to the Legal Services Regulatory Authority

Response to Public Consultation under the Legal Services Regulation Act 2015

1. Introduction

Ibec, as Ireland's largest business representative group, welcomes the invitation by the Legal Services Regulatory Authority to provide a submission on the future education and training of legal practitioners.

Ibec represents businesses across all sectors of the economy, including the legal profession and educational institutions. Barristers, as self-employed individuals, are not represented by Ibec and therefore this submission focuses solely on the education and training of solicitors.

Ibec believes that any amendments to the current system of educating 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 needs of modern business; and
- ensuring there is appropriate governance and oversight of legal practitioner education and training.

Each of these points will be considered in greater detail below.

2. Removal of barriers to entry to the profession

Ibec submits that the greatest barrier to entry to qualifying as a solicitor in Ireland is the requirement to successfully complete the FE1 examinations. Eligibility to enter into indentures of apprenticeship is contingent upon successful completion of eight FE1s. An individual must obtain a pass grade in at least three FE1s in their first sitting in order to be eligible to sit the remainder of the exams.

All graduates, regardless of whether they have completed a law degree or law modules at third level, are required to successfully complete the FE1s before they will be eligible to commence an apprenticeship. Ibec is of the view that requiring law students to sit further exams in subjects that are likely to have been assessed at third level presents a barrier to entry to the profession for the following reasons:

- (a) *Time*: It typically takes graduates at least one additional year post-graduation to complete the FE1s. As an apprenticeship cannot commence until an individual has successfully completed the FE1s, this delays qualification accordingly.
- (b) *Cost*: The fee to sit all eight FE1s is approximately €840. This does not include the cost of repeat exams or the FE1 preparatory courses - which many students often feel the need to take as they focus specifically on the FE1 style of examination - and which can cost up to €3000. FE1 exams are only held twice per year in one location in Dublin, which presents further travel and accommodation costs to those students living outside of Dublin.

(c) *Opportunity cost*: The additional eligibility requirements to commencing an apprenticeship delay earning capacity and present a significant opportunity cost.

Ibec is of the view that mandatory entrance examinations for non-law graduates is a reasonable method of ensuring that standards are not diminished. However, for the reasons outlined above, we believe that requiring students who have been awarded a law degree or studied law modules in a non-law degree to sit additional entrance exams serves as a barrier to entry to the profession. For this reason, Ibec supports the introduction of exemptions from FE1s where students can demonstrate successful completion of the relevant subjects from an accredited third level institution.

3. Retention of Talent

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 as being less cumbersome. Ibec 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 FE1 exams. Graduates who elect to qualify in the UK typically qualify a year earlier, giving them an advantage over their peers who pursue the Irish qualification route. Ibec believes that any measures, including the removal of the FE1s for law graduates, which serve to incentivise graduates to qualify in this jurisdiction can only be viewed positively.

4. Ensuring the training curriculum reflects the needs of modern business

Ibec submits that it is important that legal practitioners are equipped with the necessary knowledge and skills to serve and adapt to the changing needs of business.

Ibec members have suggested that the current curriculum of the Professional Practice Courses run by the Law Society is overly focused on the requirements of general practice firms. It is 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.

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.

Ibec suggests that any new modules on the Professional Practice Courses should be developed between the educational providers and practitioners, to ensure the content is relevant to evolving business needs. Currently, the Professional Practice Courses are run solely by the Law Society of Ireland. Ibec notes that the Law Society has the power under the

Solicitors Acts¹ to authorise any other body or institution to provide courses for the training of persons seeking to be admitted as solicitors. Ibec suggests that authorising alternative educational institutions or bodies to provide certain courses on the Professional Practice Courses may present an opportunity to expand the choice of subjects available to trainee solicitors in a cost-efficient manner. The use of alternative educational institutions, with the necessary experience, knowledge and resources to expand the current subject offering on the existing Professional Practice Courses presents an opportunity to enhance solicitor training. It could also allow greater flexibility and reduce costs for those individuals training outside of Dublin if courses were to be offered by institutions located in other parts of the country. For the avoidance of doubt, Ibec is not commenting on the quality of training currently provided on the Professional Practice Courses. Rather, we submit that the use of alternative educational providers would serve to complement and expand the existing offering to meet the needs of practitioners. In this regard, Ibec supports the proposal in the Hook Tangaza Report to develop a clearly defined competency framework to ensure consistency in standards across educational institutions.

Ibec is supportive of the inclusion of skills-based modules in the current Professional Practice Courses and would welcome the introduction of further legal professional skills training which reflects the evolving skills requirements of legal practitioners. Future skills courses should consider the needs of in-house counsel and corporate firms as well as the current offering, which is more tailored towards general practice.

5. Ensuring there is appropriate governance and oversight of legal practitioner education and training

The Hook Tangaza Report stated that the accountability mechanisms which currently exist do not provide an adequate independent oversight of legal practitioner education and training. It is 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. Ibec is therefore supportive of any measures which seek to improve quality assurance procedures and oversight of the training and education of solicitors.

Ibec thanks the Authority for the opportunity to present this submission and would be willing to meet to discuss any of the issues raised above.

ENDS

¹ Section 40 of the Solicitors Acts 1954 to 2015