

## **SUBMISSION TO THE LEGAL SERVICES REGULATORY AUTHORITY AND THE FINDINGS IN THE SECTION 34 REPORT**

### **1. Introduction**

LawSchool.ie provides training and educational programmes in law. It is dedicated to the delivery of a practical, results-focused learning experience supported by a team of knowledgeable educational professionals. Each course is underpinned by the highest quality learning materials and online technical support.

LawSchool.ie specialises in the delivery of preparatory courses for the Law Society of Ireland's Final Examination Part I (FE1); the Honorable Society of King's Inns' Entrance Examination and Continuing Professional Development programmes in law. As lecturers on these programmes, the authors of this submission, Dr Val Corbett and Dr Maura Kelly, have over 20 years' experience in preparing both law and non-law graduates for these examinations. In addition, Dr Maura Kelly offers the perspective of having been involved in graduate recruitment and the delivery of trainee training programmes with a top-tier Irish law firm.

### **2. Submissions on the Final Examination: Part I (FE1)**

The Law Society of Ireland's justification for retaining the FE1 examination is 'to ensure a common knowledge of core academic legal subjects among applicants drawn from the nineteen law degree providers in Ireland, from non-law graduates and others.' (Peart Report). It has been our experience that there is some merit to this argument in support of retaining the entrance examination. However, it is our submission that while a standardised examination should be retained for entry into the profession the current format is not fit for purpose.

#### **2.1 FE1 Examination and Law Graduates**

In our experience, many law students feel pressure to do preparatory courses in law so as to address perceived gaps in their legal knowledge. This gap appears to arise for two principal reasons. First, there is a temporal delay between when a graduate sits a core legal subject at undergraduate level and when they become eligible to take the FE1 examination. This delay will be of some years and as a result many students feel that their knowledge in the subject may be out of date. Second, there

can be differences in terms of breadth of coverage between an undergraduate syllabus in law and the knowledge expected at the FE1 Examination level. Consequently, many law graduates feel that they require further instruction to bridge the knowledge gap.

The temporal delay conundrum may be catered for under the proposed change by the Law Society of Ireland (Peart Report) which will allow students to sit the FE1 examination after first year of their degree, presumably at the end of the summer break from college. Without further detail on this proposal it is difficult to gauge its merits. However, this proposal is likely to further discriminate against non-law graduates, for example, who will not be able to avail of this early sitting opportunity.

## **2.2 FE1 Examination and Non-law Graduates**

Historically, an average 40% of all of our students taking the FE1 preparatory course are non-law graduates. These students use courses such as ours as a means of gaining the necessary legal knowledge, research and writing skills in the core law subjects within an educational environment specifically focused on the FE1 Entrance Examination.

It is our view that the retention of an FE1 Entrance Examination levels the playing field for non-law graduates. It has been our experience that since the introduction of the FE1 Entrance Examination for all students (both law and non-law) firms are now more likely to hire non-law graduates who have passed the FE1 Entrance Examination. Firms can have greater confidence that a non-law graduate who has passed the entrance examination has the required level of legal knowledge than would be the case should such a standardised examination for all not exist.

The removal of a standardised examination for law graduates may only succeed in reducing the diversity of entrants to the profession. The removal of an entrance examination for law graduates will create a two-tiered system. In such circumstances, non-law graduates would presumably be required to satisfy their basic knowledge through an entrance examination or through the completion of a course of study such as a conversion course. The retention of the entrance examination for non-law graduates would represent a barrier to entry not in place for law graduates. Furthermore, the requirement to complete a conversion course would impose financial and temporal barriers on non-law graduates not faced by law graduates.

Under the current system, non-law graduates benefit from the fact that they are not required to undertake conversion programmes in law and can undertake preparatory courses such as those delivered by LawSchool.ie. Our preparatory courses offer significant advantages over traditional

educational programmes in law that make them uniquely suitable for those preparing for the entrance examinations having not studied law before. For example, our courses are entirely flexible in that they are delivered live online and via recordings thereby providing access to students all over the country; our courses tend to cost 50% less than typical one year graduate courses in law; students can select their own programme of study by signing up for the number of subjects that suit their individual time and financial circumstances; and all learning materials are provided as part of the course fee saving on additional costs of textbooks which are often out of date.

### **3. Retention of a Common Entry level Examination**

The retention of some form of a common entry level examination guarantees a minimum threshold of basic legal knowledge from all entrants. It ensures consistency in standards which in turn should breed public confidence in the system. It is notable that one of the largest common law legal systems in the world retains a similar entrance examination system (see the United States in the form of the State Bar Exam) while another (see England & Wales and the Solicitors Qualifying Exam) is reintroducing a similar centralised examination system.

The retention of a standardised entrance examination would also alleviate the legitimate concerns of the heads of law schools in universities and colleges regarding the imposition of professional standards on the delivery of undergraduate academic law programmes. The purpose of an undergraduate law degree should not be solely to prepare students for entry to the profession and it is not appropriate to impose restrictions on academic freedom in this regard. The introduction of a competency-based accreditation system in place of a standardised examination might require – as the s.34 Report points out – standardised forms of assessment across all third level institutions delivering degree programmes in law. In addition to unduly fettering academic freedom there is a danger that such an approach stifles pedagogical innovation. The retention of some form of standardised assessment post-degree would avoid such outcomes.

### **4. Conclusion**

While we broadly favour the retention of some form of standardised assessment for entrants to the profession, the current structure and design of the FE1 Entrance Examination is not appropriate. As it stands, there is merit in the conclusions of the Hook Tangaza Report that the FE1 Examination does involve a degree of duplication of assessment for law degree holders.

It is our view that, while some form of standardised examination should be retained, the focus of any such examination should be redesigned so as to focus perhaps less on the theoretical aspects

of the law but rather on practical problem solving and legal skills. Therefore, the examination should assess higher level cognitive skills in law and should focus on testing how students would apply legal knowledge in 'real world' situations as practising lawyers rather than rote learning theoretical legal principles.

Any redesign of the entrance examination should be aligned with the proposed statement of competence and standards required to practise law which the Hook Tangaza Report recommended should be developed. Transparency around those standards and the assessment of them is essential. For example, under the current system it has been our experience that some students are at a loss to explain why they may have failed a particular FE1 subject examination only to pass the same examination on the next attempt "not having done anything different" in their view. An explicit transparent link between a statement of competence and standards and the assessment process would alleviate such concerns.

In any redesign of the entrance examination, it is important that the needs of non-law graduates are met. Unlike law graduates, they have not studied law, at all or to the required level, in their prior studies. Without independent verification as to their legal knowledge, in addition to any general competency requirements for applicants to the solicitor profession, law firms may not have equal confidence that a non-law graduate has the required level of legal knowledge. Such a development will serious consequences for diversity of people and thinking within the solicitor profession.

**Dr Val Corbett and Dr Maura Kelly**  
**LawSchool.ie**