

To: S34Consultation@lsra.ie

Draft Submission by TU Dublin to Section 34 Further Consultation.

Response to recommendations.

The LSRA is tasked with consideration of “Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training.” As noted in the Hook Tangaza (HK) report, legal practitioner education has traditionally consisted of an academic phase and a vocational or professional training phase. HK have recommended that the LSRA establish a Legal Practitioner Education and Training committee (LPET) which will be tasked with setting out a statement of competence and defining the standards that legal practitioners should achieve on qualification. This will include setting pre-requisites for admission to the professional training phase. The LPET committee is proposed to include ‘stakeholders in Irish legal education and training.’

TU Dublin supports the proposal that a clear definition of the competencies and standards required to practise as either a solicitor or barrister should be developed. However, we have a number of observations and comments in relation to the implementation of this proposal as set out in related proposals 2-9.

It is proposed to establish a Legal Practitioner Education and Training committee responsible for setting and assuring standards of legal practitioner training. It is envisaged that this be an independent body reflecting the interests of all stakeholders in legal services education and training. The HK report does not state which stakeholders should be represented on this committee and it is submitted that the Higher Education Sector, which currently delivers the academic stage of legal practitioner education ought to be represented on this committee.

TU Dublin notes throughout the report a blurring of terminology in relation to Legal Practitioner Education. Whilst the report notes that training leading to qualification as a legal practitioner is generally conceived as a process involving three elements: academic, vocational and practical, it fails to distinguish between these elements when discussing the establishment of a competency framework. For example, the report notes that there is no external oversight in governance of legal practitioner education and the development of a competency framework is intended to address this. However, the academic element of practitioner education as delivered by the HE sector is subject to rigorous oversight via the QQI system. TU Dublin is concerned to avoid the imposition of an additional layer of quality assurance for academic Law programmes beyond that which already exists. The QQI system is competency based and the transition between the academic and vocational aspects of legal practitioner training ought to springboard from the existing QQI framework rather than duplicate it. The HK report is firmly in favour of the abolition of a duplication of assessment for individual students. TU Dublin supports this position but is also of the view that

the avoidance of duplication should extend to the accreditation process. It should be possible to develop an entry system to professional education based on a specific number of ECTS credits (potentially at a minimum grade) within the discipline of law (perhaps with core subject matter requirements) as assessed in accordance with QQI frameworks, without imposing a further layer of oversight. At present, King's Inns requirements in relation to modes of assessment and teaching significantly limit the capacity for innovation and diversity that the QQI system facilitates.

Proposal 9 states that non-law graduates ought to have alternative means to enter the profession other than the FE-1s. The report specifically refers to the King's Inns Diploma in Legal studies as an example of an alternative route to professional training. TU Dublin supports this proposal and points out that we have delivered a Post-Graduate Diploma in Law for more than 20 years. This programme is offered at level 9 on the QQI framework and most students taking the programme are non-law graduates wishing to sit the FE-1s and for whom the duplication in assessment represented by the FE-1s applies. Since 2018, TU Dublin has also offered a two year post-graduate Law degree which allows graduates of other disciplines to obtain a King's Inns Accredited law Degree. UCD offers a similar programme but this alternative route to entry to the professions is not mentioned in the Report.

Proposal 10 relates to diversity and the need to open new routes to qualification. TU Dublin has offered a Degree in law at level 7 on the QQI framework since 2004. This ordinary degree is offered part-time in the evening over three years and many of its graduates go on to qualify as solicitors. They are generally students from non-traditional backgrounds with little or no previous third level education who study while working. This level 7 degree currently qualifies graduates to take the FE-1s. The Report does not record that an exemption from the Law Society Preliminary examination is available to level 7 graduates. TU Dublin would be concerned to ensure that this important route to qualification as a solicitor is not closed off in the re-ordering of the system and that the principle of non-duplication of assessment is extended to level 7 as well as level 8 graduates.

Graduates of the TU Dublin BA ORD can upgrade their degree to an LLB by completing an additional 60 credits at level 8. This LLB Degree is accredited by King's Inns, and exemptions are provided for six subjects on their entrance examinations regardless of whether those subjects were studied at level 7 or level 8. TU Dublin believes that it is important to ensure that implementation of a competency framework would take account of these alternative routes to qualification in order to support the principle of diversity.

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