

Response to the LSRA S.34 Further Public Consultation from UCD Sutherland School of Law

The School welcomes this review of professional legal education and the opportunity to respond to the Hook Tangaza Report and recommendations.

UCD Sutherland School of Law is the first law school in Ireland to be ranked in the top 50 law schools in the world in the [Times Higher Rankings](#). Under the [statutory quality assurance scheme](#), we are subject to regular, rigorous [quality assessment](#) by a team that includes international assessors leading to a publicly available report. The School has long standing and deep links with both of the legal professions through its [adjunct faculty](#), its [Development Council](#), provision of [continuing professional education](#) and the blend of professional backgrounds among faculty, (many of whom also act as examiners for both the professional bodies). The School has embraced clinical legal education as part of our holistic, multi-dimensional approach to legal education through our internships, innovative legal practice module and mooting. The School's distinctive and cutting-edge UCD Arthur Cox Clinical Legal Education Centre underpins this commitment. We are proud of the many alumni who have gone on to take leading positions in the legal professions and on the judicial bench. We aim for our students to be active, motivated, autonomous learners, who are conscious of the social, cultural and political dimensions of the law, as well as having the academic basis for a successful career in law and more widely applicable knowledge and skills.

Today our undergraduate degrees are recognised around the world including in England, Northern Ireland and India without any requirement of taking the equivalent of the FE1 exams as required by the Law Society of Ireland. Our graduates are also required to take an entrance exam for the Kings Inns although exemptions are available for some subjects.

We offer continuing professional development both through single day events and professional diplomas ([one](#) of which we run with the Law Society of Ireland).

The School supports alternative routes into the professions and notes the success of higher education institutions in providing access to higher education within the government's policy framework. For example, the UCD Sutherland School now has seven access routes into undergraduate law degrees including the well-established HEAR and DARE programmes and the newer FET/QQI pathways as well as the university access course.

Below are our responses to the proposals.

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

We welcome the emphasis on competences and standards. A clear articulation of these assist students in understanding what they will achieve, and assessment strategies can be more closely aligned to outcomes.

We would question whether a definition, rather than a description, of competence and standards can be articulated. Irrespective of whether there is a definition or description, we would be concerned to ensure that it is not so detailed as to be reduced to a box ticking exercise that undermines meaningful acquisition of competences. These competences need to be (a) reflective of the needs of modern

legal practice and (b) embrace wider skills and competencies such as research, communication, problem-solving, team-working, ethics and leadership.

As discussed in our own previous submission and that of the Committee of the Heads of Irish University Law Schools, we would like to see a university law degree as constituting the first stage of training for entry to both professions. We would oppose a system of 'qualifying law degrees' such as, until recently, operated in the UK as it duplicates quality assurance processes and there is a risk of straitjacketing undergraduate university law degrees which prepare students for a wide range of careers beyond the legal professions in Ireland.

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 School welcomes the establishment of an LPET Committee provided membership includes a number of representatives from third level institutions and in particular from university law schools. At the moment the two professional bodies are regulators and as discussed in our previous submission, also hold monopolies on the provision of education within their professions while also being competitors of the universities who provide graduate degrees in law for students wishing to ultimately qualify as legal practitioners.

In relation to the requirement that existing and future providers of legal education demonstrate how to meet the relevant standards, we would want to see a clear articulation of the procedures for the provision of professional legal education which would be separate from undergraduate (or conversion graduate) university law degrees. University education provides a fundamental steppingstone into the professions and is subject to robust regulatory oversight through the quality assurance statutory framework under the Qualifications and Quality Assurance (Education and Training) Act 2012 mentioned above with fierce competition for the best students in Ireland and, increasingly, from outside the EU. Universities typically also have a team of extern examiners with every module reviewed by an extern and law degree programmes and being subject to scrutiny through internal quality assurance mechanisms also.

In relation to the other 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.

Please see comments on proposal 1 above.

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.

Please see comments on proposal 2 above.

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

Agreed. It is essential that regulation and provision are not assigned to the same organisations. This would recognise a market for professional legal education on the one hand subject to appropriate arm's length regulation on the other.

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

Agreed. As with professional education in other spheres, it will be important to ensure a reasonable fit between statutory quality assurance regimes of education providers on the one hand and professional requirements in relation to competences on the other.

5. Assessment methodologies should ensure adherence to standards.

Agreed, noting that assessment methodologies need to be tied to outcomes and competences and reflect best pedagogical practice allowing for a diverse range to assessments that are both formative and evaluative.

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.

As noted above, the quality of the legal education provided by higher education institutions is already monitored within the statutory QQI framework. And this statutory framework needs to be factored into the monitoring of the quality of legal education and training where it is provided within that sector.

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

Please see our answer to 8 below.

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.

This proposal assumes that the provision of professional legal education will remain within the current structures following this review.

As noted in UCD Sutherland's response to the original consultation in June 2018, we are of the view that completion of a law degree in Ireland should be sufficient for admission to professional training, however it develops following this review. Where a candidate has a law degree from an Irish university, the FE1 exams are duplicitous, expensive and unnecessary and tend to discriminate against diverse candidates as they require a further year of study.

9. Non-law graduates to have alternative means to enter the profession other than through the FE-1.

Our view is that the FE-1 exams do not fulfil a useful function, either in increasing diversity of professional lawyers or in augmenting quality of those in possession of a law degree from an Irish university.

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

Agreed. Diversity and increased access to the legal profession is to be encouraged. There is currently a dearth of research on diversity in the legal professions in Ireland beyond gender.

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

Agreed.

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

Agreed.

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

Agreed. It is fundamentally important that Ireland as the sole English-speaking, common law jurisdiction remaining in EU post Brexit would be open to transfers of lawyers from other jurisdictions.

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

Agreed. There is already a wide range of CPD programmes available to legal professionals and these should be consistently linked to competences frameworks and standards.