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Legal Services Regulatory Authority,
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A chara,

I am writing to you on behalf of the law staff within the School of Law and Government at Dublin City University, in response to your call for submissions on admission policies of the legal professions, in the context of the 2020 annual report. We welcome the opportunity to make this submission to support the important work of the Authority. We have previously submitted our views to the LSRA on this and related matters in letters dated 28th June 2018, 30th August 2019, 3rd February 2020, and 9th June 2020.

On this occasion we wish to comment briefly on the standard of undergraduate legal education provided to students attending Dublin City University, who go on to join the professions. We also wish to highlight concerns around the numbers of graduates practising in the area of criminal law, and the issue of unequal progression of male and female practitioners across all areas of practice.

In terms of undergraduate legal education, we can comment only on our own delivery of degrees at DCU, which include our BCL (Law and Society), our BA in Economics, Politics and Law, and our BA (Joint Honours) pursuant to which students can take Law and one other major, in Politics, Media Studies, History or an international language. The BCL is a “qualifying law degree” for the purposes of entry to the Honorable Society of Kings Inns, while the other degrees, given their mix of topics, are not so recognised. Students across each of these degree programmes benefit from law teaching which is grounded in our staff’s internationally-recognised research. We

emphasise the societal impact of the law and seek to have our graduates understand that while law can shape society, society can also shape the law. We provide excellent skills training also, and have developed a very strong reputation for mooting, in particular. Our emphasis on skills, including those related to public speaking, negotiation, team-work, and communication, ensure that our students are very well prepared for future legal careers, both in terms of substantive knowledge of the law, and the broader skillset which success in any modern workplace requires.

We provide this brief overview of our undergraduate law programmes as evidence of the excellent tertiary legal education on offer to students in Ireland, many (though not all) of whom go on to practice as solicitors or barristers. We have previously expressed concerns around the barriers to entry to the professions which exist for these graduates, and the duplication of effort required for them in undertaking entrance examinations to either the Law Society of Ireland or the Honorable Society of King's Inns. We would refer you to our past correspondence on this, and we have noted with interest the Report of the LSRA on Legal Practitioner Education and Training "Setting Standards," dated September 2020.

The second topic which we now seek to address is the specific issue of criminal practice. Members of our staff, Dr Yvonne Daly and Dr Vicky Conway, have specific research interests in Criminal Law and Procedure, and they have both published extensively on this issue. They have also been involved in a number of EU-funded projects, focused on the criminal process, one of which involved the design and delivery of training for criminal defence solicitors on their role in attending garda interviews with detained clients (the "SUPRALAT" programme).

Drs Daly and Conway conducted research interviews with 44 criminal defence solicitors all around Ireland in 2018-2019 in relation to their experience of advising and representing clients detained in garda custody. One issue which was mentioned during these interviews was the exodus of practitioners from criminal defence. There was a sense that the nature of the work, the fees payable, and the need to be "on call" in order to attend at Garda Stations during unsociable hours was having an impact on this. Solicitors observed that experienced colleagues had moved from defence to state

work, and it was also suggested that a majority of those departing from criminal defence practice were female.

The importance of a vibrant, dedicated, and experienced criminal defence sector is difficult to overstate. Criminal defence solicitors deal daily with some of the most vulnerable members of our society, meet people when they are at their lowest ebb, support and advise them when they have been arrested and detained for questioning, and play an important broader societal role in ensuring the protection of all citizens' rights through the provision of robust defence within individual cases progressing through the criminal process. It is important that criminal defence work remains attractive to new entrants to the professions.

In England and Wales, where certain additional factors have had an impact, the decline in criminal defence practitioner numbers is reaching crisis point: see this article from the England and Wales Law Society Gazette – "[Criminal defence solicitors facing extinction](https://www.lawgazette.co.uk/practice/criminal-defence-solicitors-facing-extinction/5065695.article)" (<https://www.lawgazette.co.uk/practice/criminal-defence-solicitors-facing-extinction/5065695.article>) – wherein it is observed that few young solicitors are choosing to specialise in criminal work, and in certain areas of England and Wales a majority of criminal law specialists are over the age of 50. We ought not to allow such an issue to occur in this jurisdiction.

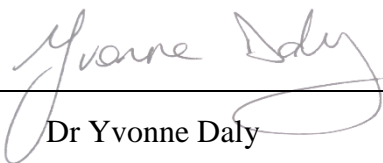
Criminal defence firms, or small general firms who also cover criminal work, do not have the financial wherewithal to compete with salary packages offered to trainees by large commercial law firms, which often include the payment of fees for the Professional Practice Courses (I & II) delivered by the Law Society of Ireland as well as attractive trainee salaries. Given that the costs involved are substantial, graduates, particularly those from socio-economically disadvantaged backgrounds, may simply be unable to enter practice as part of a firm of this nature. Similarly, there are significant barriers to entry for those who might consider criminal practice at the Bar. As we noted in our submission to the LSRA dated 9 June 2020, aside from the high entry costs (€12,900 p/a for King's Inns) and ancillary costs, pupilages are for the most part unpaid and instead rely on self-funding and benefits in kind. For most students of modest this is unaffordable, and a significant push factor away from practice at the Bar, in any field of work.

We would urge the LSRA to look carefully at these issues, to explore whether criminal solicitor and barrister numbers are in decline; to explore whether female practitioners, in particular, are leaving criminal defence work; to examine the reasons why that might be the case; and, to consider any changes that could be made or supports that could be offered.

The balance between male and female practitioners at the higher levels of the professions across other practice areas is in need of consideration also (e.g. at partner level in solicitor firms or Senior Counsel at the Bar). The systemic reasons for unequal progression, including the impact of long working hours, ought to be researched and addressed. While a number of initiatives have been introduced by the Law Society and by the Bar Council, including mentoring schemes (some developed specifically to assist women in practice), leadership programmes, and wellness supports, perhaps this is also an issue which could be considered and addressed by the LSRA.

We are happy to be consulted further on the matters raised in this submission, should that be thought useful.

Le gach deá-ghuí,



Dr Yvonne Daly