



School of Law and Government,
Dublin City University,
Glasnevin,
Dublin 9

Legal Services Regulatory Authority,
PO Box 12906,
Dublin 7

February 11th 2022

A chara,

We are 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 2021 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, 9th June 2020, 2nd February 2021 and 30th June 2021.

In our February 2021 submission we commented on the standard of undergraduate legal education provided to students attending Dublin City University, who go on to join the professions; we highlighted concerns around the numbers of graduates practising in the area of criminal law; and we addressed the unequal progression of male and female practitioners across all areas of practice. In our June 2021 submission, we commented particularly on the challenges and barriers that arise for early career solicitors and barristers. We follow up on a number of these matters hereunder.

DCU students, in particular, come from a diverse range of backgrounds with a higher than average proportion of students from disadvantaged socio- economic backgrounds. Socio- economic barriers are particularly evident for early career barristers. In addition to high entry costs, fees and ancillary costs (including insurance), pupilages are generally unpaid and challenging to secure. Students who would otherwise wish to practice at the Bar, often find that the high barriers to entry

and on-going associated costs are prohibitive and confirm the existing social and economic inequities.

There are also evident socio- economic and other barriers for early career solicitors seeking admission to the profession. In addition to the costs associated with the FE1 entrance exams (which we have commented on in several previous submissions), the cost of completing the Professional Practice Course I and II is high, and in some cases, prohibitive. Although many traineeship packages include the payment of these fees (particularly at large corporate firms), many smaller firms and criminal law practices, offer less competitive salary packages. This is financially prohibitive for those who may not be able to afford a lower salary or payment of the required fees, particularly for those living in larger cities, such as Dublin, where rent and the cost of living is consistently rising. Linked to these concerns, we also note a recent and on-going increase in the number of undergraduate law students, which creates further competition amongst those entering the professions.

As submitted in previous letters, we recommend the need for further support of experiential education initiatives and opportunities by stakeholders and those involved in providing legal education. Further internship and other access and networking opportunities for law students and graduates entering the solicitor and barrister professions is desirable, to ‘level the playing field’ and enhance the practical skills and experience of those entering the professions. These initiatives are particularly needed for early career barristers, where barriers to entry and progression are more problematic and prohibitive, and where pre- existing networks and opportunities are often limited. Such opportunities would address some of the socio- economic concerns noted above. It is also recommended that further financial and other supports are desirable in all areas of practice for both early career barristers and solicitors.

In relation to matters specific to criminal practice, in our February 2021 submission we noted concerns expressed by criminal defence solicitors about the exodus of practitioners from criminal defence. As noted then, in research interviews conducted with 44 criminal defence solicitors right around the country by Prof Yvonne Daly and Dr Vicky Conway, 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 (referred to at para 4.22 of your 2020 Report). There is a

further related issue which we would like to bring to the attention of the LSRA, particularly in the context of its functions under section 13 of the Legal Services Regulation Act 2015, which include keeping under review and making recommendations in relation to “the organisation of the provision of legal services in the State.” Those same interviews with criminal defence solicitors shone a light on the process by which solicitors are selected to advise detained suspects at garda stations, particularly where a suspect does not have an existing relationship with a solicitor. The system is haphazard to say the least, and operates in an opaque manner, leading solicitors to question its legitimacy. Prof Daly and Dr Conway have recently published an article based on their empirical findings: “Selecting a lawyer: the practical arrangement of police station legal assistance” (2021) 48(4) *Journal of Law and Society* 618-644 (available open access at <https://onlinelibrary.wiley.com/doi/full/10.1111/jols.12317>). It explores concerns around the influence of gardaí on the selection decision, the favouring of certain (types of) solicitors, and the impact on the quality of legal assistance, particularly for persons with additional vulnerabilities. We think this is a matter which might merit further attention by the LSRA. Prof Daly and Dr Conway have made some recommendations for reform in that article, but would be happy to discuss further should that be thought useful.

Finally, we at DCU welcome and support the on-going work of the LSRA in the reform of the legal profession and look forward to further contributing to this reform process. As ever, we are at your disposal, if necessary, for further consultation on all matters raised in this submission.

Le gach deá-ghuí,



Dr Aisling de Paor



Prof Yvonne Daly