

Section 33 Consultation

Legal Services Regulatory Authority

P.O Box 12906

Dublin 7

via email: publicconsultations@lsra.ie

11.02.2022

Dear Sirs

Re: Section 33 Submission to LSRA invitation on admission policies to the legal profession

I refer to your website 10.12.2021 invitation to provide a written submission to your authority on admission policies to the legal profession.

I make this submission on my own behalf notwithstanding that I am for a long number of years a Board Director (a voluntary position) and member of the Irish Institute of Legal Executives CLG (otherwise known as "IILEX").

IILEX is the owner of a few Intellectual Property Office of Ireland (IPOI) registered Trade Marks including two registrations for the mark "Executive-at-Law" (registration numbers 233207 & 246094).

I provide a short summary to my business and legal career to illustrate a sometimes unusual circumstance for some people who consider a career working in the legal profession.

I began my legal career / employment when I was 35 years of age after employment stints in entrepreneurial cold call selling roles for three innovative micro / start-up companies, then working for several years as an accounting assistant for a small family-owned accountancy & registered auditor practise and thereafter working as a project supervisor for an IMS Group company – formerly known as Lansdowne Market Research.

[REDACTED]

I obtained my various academic and professional qualifications by way of part-time evening courses given the need to earn a living during the day.

I hold two third level degrees (a Business Studies degree and the other degree a LL.B (Hons) in Irish Law) together with diplomas in business, accounting & finance (ACCA) and in intellectual property & information technology law (Law Society of Ireland).

I am a European Union registered trade mark & design attorney having successfully passed an exam ("Examination in Law & Practice of Trade Marks") organised and held by the Controller of the Patents Office at the time, pursuant to Part V ("Trade Mark Agents") of the Trade Marks Act, 1996.

I work as a litigation legal executive (commercial litigation and both Plaintiff PI and Defence PI litigation) and have done so for a period of nearly twenty years (two months away from twenty years).

I know a lot of excellent Solicitors and many gifted Barristers.

The bulk of my twenty years litigation employment was working for a very busy former mid-tier sized multi jurisdiction Solicitor practice.

I attempted during the early to mid-2000s when beginning my legal career, without having a prior legal education nor qualifications at the time, the Law Society of Ireland "FE-1" entrance exams using my annual holiday leave period (just 20 days) to study for and sit the exams. I gave up.

I decided instead to study for a LL.B (Hons) in Irish Law.

I recall my late father, (who practised as a Barrister-at-Law for 6 to 7 years and thereafter he worked for a firm of Patent & Trade Mark Agents, and he later became a Partner of the practice), during the mid-1980s telling me that he made a submission to and attended at the Fair Trades Commission.

My father was unusual as an Irish lawyer at the time in that a large volume of his Firm's practice relating to trade mark law instructions derived from outside the jurisdiction, and in particular, the United States of America where there is no division as between Solicitors nor Barristers.

I suspect some of the matters discussed during the 1980s at the Fair Trades Commission concerning the legal profession are identical to the issues to which your Authority is now dealing with and for which you seek submissions.

I acknowledge the massive input the prestigious and long-established Honorable Society of King's Inns / Bar Council of Ireland and the Law Society of Ireland has had, and still have, in educating a professional class of lawyers.

The Law Society of Ireland when it comes to the education of Solicitors, and the Honorable Society of King's Inns when it comes to the education of Barristers, are classic monopolists in their education of professional lawyers concerning their respective professional law skills (Solicitor / Barrister).

I note the Law Society of Ireland boasts over 11,000 Solicitor members and it enjoys an annual turnover of over €30 million. A nice business!!

I further note from the Honorable Society of King's Inns webpage it offers a two-year course to obtain a Diploma in Legal Studies.

This Diploma course costs a whopping €10,000.00 to complete and thereafter a student who wishes to proceed further and obtain their degree "Barrister-at-Law" qualification must still sit an Entrance exam!!

With the Law Society of Ireland – their application fee for the Professional Practice Course 1 costs €8,300.00 and their application fee for the Professional Practice Course II costs €4,500.00.

When it comes to the Law Society of Ireland, I recall hearing successful "FE-1" entrance exam candidates giving out that they had to wait another year or two years from completion of their "FE-1" entrance exams to commence their Professional Practice Course 1 due to limited capacity issues with the Law Society of Ireland.

I have nephews and nieces who are now aged from 8 years to 16 years.

While it is too late for me given my age - I often wonder when my nephews and nieces reach their early 20s, and if one or two of them decide to pursue a career as a professional lawyer (Solicitor or Barrister), will the professional legal education landscape in Ireland be changed for the better from what it is today and from what it was in the past?

Will the Honorable Society of King's Inns and the Law Society of Ireland still enjoy their respective monopoly positions when it comes to the teaching of professional lawyers whether Solicitor or Barrister?

If it is to be the position, then the same access issues with "entrance exams" which are more designed to keep numbers out rather than to teach / learn etc, massively expense tuition / course fees, and restricted supply relevant to demand for professional legal education courses, will remain.

If, Minister Helen McEntee TD or whoever the Minister for Justice & Equality is in the future, and your Authority really do wish to improve access:

- in terms of course delivery
- flexibility in course completion times while still maintaining educational standards
- have reasonably priced professional law tuition / course fees
- and eliminate capacity supply issues given demand
- accommodate students who must earn their living (a salary / wage) during the day.

then the respective monopoly status enjoyed by the Honorable Society of King's Inns / Bar Council of Ireland and the Law Society of Ireland must end.

I call for both these fine professional law schools / membership organisations to compete with other new professional law schools to get students to enrol in their courses.

A group of Solicitors and Barristers should be allowed to set up and form their own new professional law school/s to deliver accessible courses, and at the same time pitch their course tuition fees at an affordable price, and subject to accreditation from your Authority, be permitted to allow their successful students use the titles "Solicitor" or "Barrister-at-Law" when qualified.

If the monopoly status enjoyed by the Honorable Society of King's Inns / Bar Council of Ireland and the Law Society of Ireland does not come to an end, professional law students in ten to fifteen years' time will have to endure even more expensive tuition course fees etc.

If, Minister Helen McEntee TD or whoever the Minister for Justice & Equality is in the future, and your Authority really do wish to improve the professional legal education landscape in Ireland, a professional sector to examine are Accountants.

With Accountancy – a student who wishes to pursue a professional course can pick courses from the Chartered Accountants of Ireland, Chartered Association of Certified Accountants (ACCA), Institute of Certified Public Accountants and the Association of Accounting Technicians.

Will a real change to the monopoly status enjoyed by the Honorable Society of King's Inns / Bar Council of Ireland and the Law Society of Ireland come about?

Alternatively, will the position be like the Fair Trades Commission during the 1980s?

No doubt the Fair Trades Commission published a well-produced report with fine recommendations, but there was no or very limited change.

Will the long running fantastic success of the Honorable Society of King's Inns motto "*Nolumus Mutari*" remain the position?

Yours faithfully

MARTIN TIERNEY
Martin J Tierney