



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

Pathways to the Professions 2021



Annual Report on
Admission Policies of
the Legal Professions

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Executive Summary and Assessment

1. This is the 2021 annual report from the Legal Services Regulatory Authority (the Authority) to the Minister for Justice under section 33 of the Legal Services Regulation Act 2015 (the Act). It is the third annual report that the Authority has submitted under section 33 of the Act, which was commenced on 7 October 2019.
2. As required under section 33(1)(a) and (b) of the Act, the Authority documents in this report the number of persons admitted to practise as solicitors and barristers during 2021.
3. This report provides an update on developments during 2021 in legal practitioner education and training and an overview of data on both the demand for the services of practising barristers and solicitors and the costs of legal services. It also includes a summary of relevant submissions made to the Authority as part of its statutory consultation under section 33(2) of the Act.
4. The limitations of the statistical data in the areas of demand and costs continue to pose constraints for the Authority when it comes to the areas which require its assessment under section 33(1)(c) of the Act. The Authority will continue to closely monitor and report on available data on legal services demand and costs in its future annual reports to the Minister.

Overview of 2021

5. For the second consecutive year, this annual report looks back on a twelve month period where every aspect of life was dominated by the Covid-19 pandemic. This meant ongoing professional challenges for the solicitors and barristers who work in the legal services sector, the professional bodies involved in training and admissions, and the consumers and businesses who rely on legal services.
6. Throughout 2021, public health restrictions and guidelines introduced to curb the spread of the virus were removed and re-introduced when necessary. An increase in infections at the start of the year led to the imposition of the highest level of restrictions in January, most of which were relaxed by early spring under the government's reopening plan.¹
7. The impact of the pandemic was not experienced uniformly across all sectors of the domestic economy nor within the legal services sector. Its effect was felt to differing degrees by solicitors and barristers depending on a range of factors including area of practice and, for solicitors, firm size.

¹ Government of Ireland (2021) COVID-19 Resilience and Recovery 2021: The Path Ahead (Available [here](#))

8. Solicitors and barristers continued to be deemed “essential workers” by government through each phase of the pandemic given their role in the provision of legal services.² A range of State financial supports introduced in 2020 at the onset of the pandemic for both firms and individual legal practitioners continued to be availed of during 2021.
9. By the second quarter of 2021 there were signs of general recovery in employment rates and earnings across a range of economic sectors, including all professions.³ The year also saw the return of some optimism and confidence among law firms, with the re-emergence of reported staff recruitment and retention challenges among large Dublin law firms.⁴
10. With Covid-19 as a catalyst, hybrid and remote working became routine during the year as court and legal administrative systems, as well as individual businesses and employers, responded to necessary public health restrictions and guidelines. These transitions brought both challenges and opportunities; many legal practitioners embraced flexible working arrangements, with remote court hearings facilitated by the introduction of courtroom technology which had not been in place prior to the onset of the pandemic.
11. The Authority notes in this report the concerns expressed by the Bar of Ireland about the particular impact of Covid-19 restrictions on newly qualified barristers whose ability to gain in-person court experience has been curtailed due to the switch to remote hearings.
12. Brexit was also a feature of the year under review. With the expiration of the UK’s EU withdrawal transition period on 31 December 2020, the rules governing the new relationship between the EU and UK took effect on 1 January 2021.
13. Brexit poses both opportunities and threats for the Irish legal professions and the legal services sector, which may impact on both demand for legal services as well as supply. There is an anticipation that the UK’s withdrawal from the EU may mean fresh opportunities for growth in commercial legal services provision in Ireland in the years ahead. The implementation group for the government’s International Legal Services Strategy continued in 2021 to promote Ireland as the only English-speaking common law jurisdiction in the EU. Representatives from the Law Society and Bar of Ireland, in addition to the Attorney General and the Chief Justice, are part of the strategy implementation group called Ireland for Law.⁵

² Department of the Taoiseach (October 2020, updated on 14 April 2021) View the list of essential services at Level 5 (Available [here](#))

³ Central Statistics Office (December 2021) Economic Life and COVID-19 in Ireland, 2020-2021. (See NACE Code Classification for Economic Activities M - Professional, scientific and technical activities.) (Available [here](#))

⁴ Smith & Williamson (2021) Annual Survey of Law Firms in Ireland: Optimism returns as we head to a new normal 2021/2022 (Available [here](#))

⁵ See: <https://www.irelandforlaw.com/about-us>

Roll of Solicitors - number of persons admitted to practise as solicitors during 2021

14. For the second consecutive year, the direct impact of Brexit on increased admissions to the Irish legal professions continued to wane. This was most noticeable in the solicitors' profession. England and Wales qualified solicitors had sought admission to the Roll of Solicitors in significant numbers since the UK's Brexit referendum in 2016 in the apparent hope that it would assist them in maintaining practising rights in the EU post-Brexit.⁶
15. A total of 876 solicitors were admitted to the Roll of Solicitors in 2021, a marginal decrease on the previous year's total of 906. The Roll is maintained by the Law Society of Ireland. Admission to the Roll does not legally entitle a solicitor to provide legal services, although it is a pre-requisite for applying to the Law Society for an annual practising certificate to do so.
16. Traditionally, qualifying trainees from the Law Society's professional practice course have accounted for the majority of admissions to the Roll each year. However, in 2019 England and Wales qualified solicitors accounted for 77% of Roll admissions with Law Society qualifying trainees making up just 18%.⁷ In a sign that this trend is abating, 58% of solicitors admitted to the Roll in 2021 were Law Society qualifying trainees, while England and Wales qualified solicitors accounted for 32% of the total admissions.
17. It is now to be expected that solicitor admissions numbers will continue to stabilise, with solicitors qualifying through the Law Society's course being once more the primary driver for new admissions to the Roll.
18. In April 2021, the Law Society announced that it had reached a post-Brexit reciprocal qualifying agreement with the Solicitors Regulation Authority in England and Wales. Under the reinstated arrangements solicitors admitted in England and Wales can apply to go on the Irish Roll of Solicitors without having to sit additional examinations. Likewise, Irish qualified solicitors can add their names to the Roll of Solicitors in England and Wales without having to sit an exam.⁸

⁶ Roll numbers peaked in 2019 when there were a total of 2,381 new admissions, almost double the total for 2018 and including 1,837 England and Wales qualified solicitors. Source: LSRA (2021) Pathways to the Professions 2020 Annual Report on Admission Policies of Legal Professions. (Available [here](#))

⁷ Law Society of Ireland (2021) Annual Report and Accounts 2020/2021 (Available [here](#))

⁸ Law Society of Ireland (2021) Law Society offers open access to Irish Roll of Solicitors despite Brexit, 1 April 2021 (Available [here](#))

Practising certificates and new certificates of attestation – trends for 2021

19. In order to practise in Ireland, solicitors must hold valid practising certificates. These are issued/renewed by the Law Society at the start of each calendar year. Since 2021, the Law Society only issues practising certificates to solicitors who are practising or intending to practise in Ireland from an establishment based in the jurisdiction. Practising certificates are no longer issued to solicitors who are practising other than from an establishment in Ireland. This follows a review undertaken by the Law Society in 2020, as documented in last year's annual report.⁹
20. For Irish qualified solicitors based outside of Ireland, the Law Society began in 2021 to issue an alternative form of certification known as certificates of attestation. These are now available to Irish qualified solicitors practising solely outside the jurisdiction seeking to be admitted as a lawyer to a foreign bar, and also to those who wish to practise as a Registered European Lawyer in another EU member state. In 2021, a total of 290 certificates of attestation were issued by the Law Society. The new certification attests to their registration/enrolment as a solicitor.
21. There were a total of 11,413 solicitors with practising certificates on 31 December 2021, a decrease of 441 (-4%) from 2020. This represents the second annual drop in the number of practising certificates since 2009. As reported by the Law Society in February 2021: *"The phenomenon of large international law firms, with no establishment in this jurisdiction, taking out Irish practising certificates for their solicitors who have recently come on the Roll here was a by-product of Brexit and has now come to an end."*¹⁰
22. A trend identified in this report, which was also apparent in the Authority's two previous annual reports, is that approximately one in five solicitors works in the corporate or public "in-house" sector.¹¹ This reflects the fact that both commercial and public sector organisations have internal legal functions to support their business needs. The total number of solicitors recorded by the Law Society as working in-house at the end of 2021 was 2,942, with 2,413 also holding practising certificates.
23. In a continuing sign of the significant role of Dublin and corporate law firms in the provision of legal services, this report also shows that more than one in four (29%) of practising solicitors in 2021 worked with a total of twenty-five employers, comprising the main large law firms and public sector bodies. Solicitors working with these employers held a total of 3,323 practising certificates in 2021.
24. From July 2020 to June 2021, a total of 96 new firms of solicitors opened, and 76 firms closed.

⁹ Law Society of Ireland (2020) Practising certificates and solicitors outside the jurisdiction, 11 November 2020 (Available [here](#))

¹⁰ Law Society Gazette (5 February 2021) Matheson surges from third to top (Available [here](#))

¹¹ The Law Society defines in-house solicitors as "solicitors practising as a solicitor by providing legal services as an employee of a non-solicitor". See Law Society (2021) In-house solicitors – requirement to hold a practising certificate (webpage date 6/12/21) (Available [here](#))

Call to the Bar - number of persons admitted to practise as barristers during 2021

25. A total of 180 persons were called to the Bar of Ireland by the Chief Justice in 2021, allowing them to exercise a full right of audience before all courts. This is up 13 from 167 in 2020.
26. To be called to the Bar of Ireland and practise as a barrister in Ireland, lawyers must be admitted to the degree of Barrister-at-Law (BL) provided exclusively by the Honorable Society of King's Inns. The benchers of the King's Inns admit persons to the BL degree.¹² Qualifying lawyers from other jurisdictions, and solicitors on the Roll of Solicitors in Ireland, can also apply to be admitted to the BL degree by the King's Inns under its Education Rules.¹³
27. Traditionally, graduates of the King's Inns BL programme have accounted for the majority of those called to the Bar each year. In a similar pattern to that observed with solicitors, the number of barristers from Northern Ireland and England and Wales called to the Bar of Ireland increased in recent years due to Brexit. In 2019 there were 76 such admissions and in 2020 there were 47. In 2021, the number further dropped to 34. According to the King's Inns, this reflects "an easing in applications" related to Brexit in the last couple of years.
28. Under the King's Inns Education Rules, post-Brexit a member of the Bar of England and Wales who is fully qualified to practise in that jurisdiction may, at the discretion of the benchers of the King's Inns, be admitted to the BL degree.¹⁴ Applicants may have to pass a written aptitude test on the Irish legal system and constitutional law. The rules also provide that a member of the Bar of Northern Ireland who has been in practice for at least three years immediately preceding the application may be admitted to the BL degree and called to the Bar, without taking an examination.¹⁵

Roll of Practising Barristers and new members joining the Law Library – trends for 2021

29. The total number of barristers on the Roll of Practising Barristers maintained by the Legal Services Regulatory Authority stood at 2,933 at the end of 2021, an increase of 110 at the end of 2020. Of these, 2,180 barristers (74%) were self-employed private practitioners and members of the Law Library, and 753 (26%) were not members of the Law Library. Barristers practising outside of the Law Library included 253 barristers recorded on the Roll as working in the full-time service of the State.
30. A total of 109 new members joined the Law Library in October 2021, up from 75 in 2020. Of these 102 new members were barristers who began their 12-month period of unpaid pupillage or devilling – an increase from 69 new "devils" who entered the Law Library in 2020. The 109 total also included seven members who came from another jurisdiction and were not required to undertake pupillage in order to join the Law Library.

¹² The benchers include all judges of the Superior Courts and a number of elected practising barristers.

¹³ The Honorable Society of King's Inns (2021) Education Rules, Edition of June 2021 (Available [here](#))

¹⁴ Ibid, Rule 25

¹⁵ Ibid, Rule 20

31. According to the Bar of Ireland it is highly likely that the October 2021 increase in new Law Library members arose from the impact of the Covid-19 pandemic where barristers may have deferred joining the Law Library to begin pupillage in October 2020 due to restrictions imposed on the courts which it said severely curtailed the activity levels of many practitioners.
32. The Bar of Ireland's submission also reported on challenges among barristers in 2021 in obtaining barrister "masters" responsible for their 12-month period of practical training or devilling. This situation, described as unusual by the Bar, is due to a range of factors, including the impact of the Covid-19 pandemic. The Bar stated that its ruling Council is closely monitoring the availability of masters in 2022 to ensure the challenges experienced in 2021 do not recur.

Demand for and costs of services of solicitors and barristers

33. Court business continued to be curtailed during the year, based on the necessary public health restrictions. This had an inevitable knock-on impact on the demand for services of solicitors and barristers, particularly those whose work is largely court based.
34. Legal services like many other sectors in Ireland, continued throughout the year to operate using a hybrid model of online and face-to-face engagement. Office based law firms continued to adjust their working practices to introduce more flexibility and remote working arrangements.
35. Determining the level of demand for the services of practising solicitors and barristers in any given year poses challenges, as there is no one source which explicitly captures this data. Available data sources include annual surveys of the performances of law firms and labour market data.
36. According to the Smith & Williamson Annual Survey of Law Firms in Ireland 2021/2022, the year saw the return of some optimism and confidence in the sector and the start of the transition to a new normal. According to the survey, more than two thirds of law firms (68%) saw an increased or a steady revenue in the previous twelve months. This compares to 2020 when 63% of firms recorded a decline in revenue and just 37% recorded an increased or steady revenue.¹⁶
37. In addition, a Law Society business recovery survey of solicitors in 2021 found that the top three concerns for solicitors were: the impact on turnover/income (25%); concerns for the future of the business (18%); and the prospect of a recession (16%).¹⁷

¹⁶ Smith & Williamson (2021) Annual Survey Law Firms in Ireland: Optimism returns as we head to a new normal 2021/2022 (Available [here](#))

¹⁷ Law Society of Ireland (2022) Annual Report on Admission Policies of Legal Professions 2021 (Law Society submission to LSRA)

38. Government Covid-19-related financial supports continued to be provided throughout the year. These included the Employment Wage Subsidy Scheme, which entitled employers to a flat-rate subsidy per week based on the number of qualifying employees on the payroll, the Pandemic Unemployment Payment for individuals, the Tax Debt Warehousing Scheme to extend the period for tax liabilities to be paid, and the Business Resumption Support Scheme.
39. While the exact number of solicitors and barristers availing of the various pandemic related schemes is not available, data collected in Smith & Williamson’s survey indicates that the schemes played an important role in allowing solicitor businesses to remain operational throughout the pandemic.
40. For barristers at the independent referral bar, the Authority notes the Bar of Ireland’s assessment that demand for barristers services “ebbed and flowed” during 2021 in accordance with restrictions and court prioritisation of certain matters and the availability and suitability of remote hearing facilities for certain cases. It said a significant backlog has been building across all High Court divisions throughout the course of the pandemic, predicting that this will likely cause an increase in the demand for barrister services.¹⁸
41. The impact of reduced levels of court business on barristers at the independent referral bar prompted the Bar of Ireland to take further measures in 2021 to reduce annual membership subscriptions for the Law Library.
42. For both professions, national skills data from state agency SOLAS continued to show that there were no supply shortages for the occupational group of barristers, judges, solicitors and related professionals.¹⁹ In fact, SOLAS reported that employment growth for this occupational group was slightly above the five-year national average from 2015-2020. According to SOLAS’s analysis: *“It is difficult to attribute this growth to any one sub-sector of the economy, although legal advisory activities as a result of increased regulatory and compliance requirements in financial services etc. may be a contributing factor.”*
43. As noted in previous annual reports under section 33 of the Act, there are also ongoing challenges in measuring the costs of legal services in Ireland due to substantial data limitations. The Authority notes in this report the ongoing work by the Department of Justice on foot of the recommendations in the 2020 Report on the Administration of Civil Justice on reducing litigation costs. The Authority will continue to monitor and report on available data on legal costs in its annual reports to the Minister under section 33 of the Act.

¹⁸ Bar of Ireland (2022) Submission to the LSRA on the admission policies of the legal professions as required by section 33 of the Legal Services Regulation Act 2015.

¹⁹ SOLAS (2022) National Skills Bulletin: A Report by the Skills and Labour Market Research Unit (SLMRU) in SOLAS on behalf of the National Skills Council, October 2021 (Available [here](#))

Developments in legal practitioner education and training

44. The Authority remains ever mindful that the assessment required of it under section 33 of the Act is not purely a numerical exercise. In addition to its wider regulatory objectives, it must also have regard to the need to ensure an adequate standard of education and training for persons admitted to practise.
45. Legal practitioner education in Ireland in the short to medium term is due to undergo significant changes on foot of recommendations made by the Authority to the Minister for Justice in September 2020 in a report issued under section 34 of the Act. The report, *Setting Standards: Legal Practitioner Education and Training* made a total of twelve recommendations for reform of legal education and training for solicitors and barristers.
46. The two core recommendations were:
1. A clear definition of the competence and standards required to practise as a solicitor or barrister should be developed; and
 2. The establishment of a new and independent Legal Practitioner Education and Training Committee (the LPET Committee).
47. The Authority notes that the Department of Justice’s Justice Plan 2021 and 2022 contained commitments to *“progress work to open up and reform professional legal education, introduce independent oversight for the first time, and remove barriers to becoming a solicitor or barrister.”*²⁰
48. The Authority engaged with the Department of Justice around implementation of its recommendations in 2021, and looks forward to further future engagement.
49. As this report documents, the year under review saw the further development by the Law Society of its competency framework for solicitors while the Bar of Ireland introduced a new competency based Continuous Professional Development Scheme. The King’s Inns published its Statement of the Required Competencies of a Barrister in 2020.
50. The Law Society’s two-part professional practice course, the PPC I and PPC II, will be consolidated into a single course held over one academic year, starting in September 2022. The Society said syllabus consultation and focus groups have taken place to solicit a wide range of views across the profession and beyond on the content of the new course.
51. In relation to barrister training, this report notes the Bar of Ireland’s concerns about the impact of Covid-19 restrictions on newly qualified barristers whose ability to gain in-person court experience has been curtailed due to Covid-19 restrictions including the switch to remote hearings.

²⁰ Department of Justice, Justice Plan 2021 Action (Available [here](#)) and Department of Justice, Justice Plan 2022 Action 57. (Available [here](#))

Diversity trends 2021

52. The year 2021 was the third year of enrolment for the Law Society's part-time professional practice course for solicitors, the PPC Hybrid. A total of 109 trainees attended the 2021 course, an almost 50% increase on the previous year's intake of 55 which shows a strong demand for this flexible training option.
53. The LSRA requested additional demographic data from the professional bodies for this year's annual report in relation to new trainee solicitors and student barristers in 2021.
54. This shows that the profile of new PPC Hybrid trainees in 2021 was more diverse than their full-time course counterparts, with a higher proportion of Hybrid trainees aged over 30 and doing their training contract outside of Dublin law firms including in "in-house" settings in private or public bodies. In addition, almost half the full-time PPC solicitor trainees in 2021 were graduates of the two Dublin universities, Trinity College Dublin and University College Dublin, compared to just over one in ten of PPC Hybrid trainees.
55. The King's Inns BL degree course is provided on a full-time one year basis or a part-time two year basis. In 2021, a total of 134 student started the BL degree course in 2021, with 66 full-time and 68 part-time or modular.
56. In terms of the age profile of new students in 2021, more than half (56%) of full-time course starters were aged between 21 and 28 years, compared to 35% of modular students. A total of 40% of modular course students starting in 2021 were aged 37 and over, compared to 25% of full-time course students. This data indicates that the provision of the BL degree as a part-time course facilitates older students, who may be working full-time, to train as barristers.
57. Separately, the Law Society in its submission highlighted difficulties faced by third level graduates from non-EEA (European Economic Area) countries who have qualified from Irish universities and colleges in securing visas in order to progress and train in Ireland as solicitors.

Conclusion and looking ahead

58. With the after effects of Brexit and the ongoing impact of Covid-19 pandemic, 2021 can in no way be considered a normal year in terms of numbers and patterns of admissions to the professions and the overall dynamics at play in the legal services sector.
59. Looking ahead, the Authority anticipates developments in 2022 with the planned introduction new legal partnerships, which will enable barristers and solicitors to jointly provide legal services for the first time. In time, their introduction may impact on the numbers admitted to the professions and the demand for and costs of the services of practising solicitors and barristers.
60. In addition, the Authority will report to the Minister for Justice on the creation of a new profession of conveyancer, as requested under section 34 of the Legal Services Regulation Act 2015.

61. The Authority will also report to the Minister on economic and other barriers facing early career solicitors and barristers with recommendations for how these may be overcome, as also requested. The LSRA has undertaken survey research and a statutory consultation as part of its preparation of this report to the Minister, which it anticipates will build on recommendations made in its 2020 Setting Standards report on legal practitioner education and training.
62. The Authority is conscious that future developments will take place at a time of global uncertainty with the Russian invasion of Ukraine, which began in February 2022, leading to a humanitarian crisis which will also damage global economic growth and have an impact on all aspects of the Irish economy.²¹
63. The Authority will continue to both drive and monitor developments in the legal services sector in accordance with its statutory functions. These efforts will continue to shape and inform its annual assessments under section 33 of the Act. The Authority hereby commends this report to the Minister for Justice.

²¹ International Monetary Fund (2022) World Economic Outlook, April 2022: War Sets Back The Global Recovery, April 19, 2022 (Available [here](#))

Section 1: Introduction

1.1 Origin and purpose of this report

1.1 The Legal Services Regulatory Authority (the Authority) is pleased to present to the Minister for Justice its third annual report on the admission policies of the legal professions. This report has been prepared under section 33 of the Legal Services Regulation Act 2015 (the Act). The Authority was established on 1 October 2016 and section 33 of the Act was commenced on 7 October 2019. Section 33(1) mandates the Authority to prepare and submit to the Minister an annual report on the admission policies of the legal professions containing the following elements:

- (a) the number of persons admitted to practise as solicitors during that year;*
- (b) the number of persons admitted to practise as barristers during that year;*
- (c) an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in that year is consistent with the public interest in ensuring the availability of such services at a reasonable cost.*

The report is required to be submitted to the Minister not later than four months after the end of each financial year i.e. no later than 30 April 2022.

1.2 In preparing this report, the Authority has been mindful not only of its obligations under section 33 of the Act, but also of its other statutory commitments.

1.3 The Authority's role in reporting on the admission policies of the legal professions is vital in ensuring that its regulatory objectives are met. These regulatory objectives as set out under section 13(4) of the Act are:

- (a) protecting and promoting the public interest,*
- (b) supporting the proper and effective administration of justice,*
- (c) protecting and promoting the interests of consumers relating to the provision of legal services,*
- (d) promoting competition in the provision of legal services in the State,*
- (e) encouraging an independent, strong and effective legal profession,*
- (f) promoting and maintaining adherence to the professional principles of legal practitioners specified in subsection 5.²²*

²² Section 13(5) of the Act.

- 1.4 The Authority also views its annual reporting obligation under section 33 of the Act in the context of its function under section 13(2)(a) of the Act to keep under review and make recommendations on admission requirements and policies.

1.2 Statutory consultation

- 1.5 This report includes the views of stakeholders who were invited to respond to a consultation carried out by the Authority under section 33(2) of the Act. Under this section, the Authority shall consult with the Law Society of Ireland (the Law Society), the Bar Council (Bar of Ireland), the Honorable Society of King's Inns (the King's Inns) and such persons as the Authority considers appropriate for the purposes of preparing this annual report under section 33(1).
- 1.6 On 9 December 2021, the executive of the Legal Services Regulatory Authority (LSRA) wrote to the three professional bodies requesting them under section 33(3) to furnish information including statistical data to assist the Authority in preparing this report.
- 1.7 In addition, on 13 December 2021, the LSRA executive issued an invitation by email to 317 recipients on its consultations list, calling for written submissions. Written responses were requested by 11 February 2022. The LSRA also published a consultation notice on its website. The call for written submissions provided for a consultation period of eight weeks, which falls within the suggested timescales contained in the guidance on public consultations published by the Department of Public Expenditure and Reform.²³
- 1.8 Recipients of the consultation notice were asked a set of questions. The consultation notice is included in Annex A. Consultees were also offered an opportunity to share any data or analysis that they considered relevant. The Authority is grateful to those organisations and individuals who took the time to respond, in particular the professional bodies for the detailed statistical data supplied on admissions in 2021. All of the observations made were extremely useful for the Authority in preparing this report to the Minister.

²³ Department of Public Expenditure and Reform (November 2016) Public Consultation Principles and Guidance (Available [here](#)).

Breakdown of responses

- 1.9 A total of nine written submissions were received to the Authority’s statutory consultation this report to the Minister. A list of respondents is set out in Annex B. A breakdown of these for by type of respondent is set out in Table 1.1. The submissions will be published in due course on the LSRA’s website.

Table 1.1: Responses to section 33 consultation by type of respondent

| Respondent Type | Number of submissions |
|--------------------------------------|------------------------------|
| Professional bodies under the Act | 3 |
| Universities | 2 |
| Statutory bodies | 1 |
| Professional & representative bodies | 1 |
| Individuals | 2 |
| Total | 9 |

- 1.10 This report sets out the statistical data required under section 33(1), the results of the consultation, and the Authority’s 2021 assessment. The report is divided into the following sections:

Executive Summary and Assessment

Section 1: Introduction

Section 2: Statistics on Admissions

Section 3: Key Developments in 2021 & Views on S33 (1)(c) Assessment

Section 2: Statistics on Admissions

- 2.0 Section 33(1) of the Act requires the Authority to report annually on the number of persons admitted to practise as solicitors and barristers during the year. In preparing this report, the Authority submitted a number of questions seeking statistical data on admissions for 2021 from the Bar of Ireland, the Law Society of Ireland and the Honorable Society of King's Inns.
- 2.1 This section sets out this data, as well as other relevant statistical information. The data on solicitor admissions was provided by the Law Society which is the educational, representative and regulatory body of the solicitors' profession in Ireland.
- 2.2 The data on barrister admissions was supplied by the Bar of Ireland and the King's Inns. The Bar of Ireland is the representative body of the independent referral Bar in Ireland, which consists of members of the Law Library. The King's Inns is the Irish 'Inn of Court', training and admitting legal professionals who wish to be awarded the degree of Barrister-at-Law necessary to be called to the Bar of Ireland by the Chief Justice of Ireland. This section also includes the LSRA's statistical data from the Roll of Practising Barristers which it maintains under the Act.

2.1 Solicitor admissions 2021

Qualifying Law Society trainees were 59% of Roll admissions in 2021

- 2.3 In 2021, a total of 876 solicitors were admitted to the Roll of Solicitors, as shown in Table 2.1. This is a decrease of 30 from the 2020 total of 906.
- 2.4 The Law Society maintains the Roll, admission to which does not legally entitle a solicitor to provide legal services in Ireland, although it is a pre-requisite for applying to the Law Society for an annual practising certificate to do so.
- 2.5 Since the UK voted to leave the EU in 2016 growing numbers of England and Wales-qualified solicitors sought admission to the Irish Roll, many in the apparent hope that it would assist them in maintaining practising rights in the EU post Brexit.²⁴ Solicitors who qualified in England and Wales could be admitted to the Irish Roll upon completion of an application and the payment of a €300 administrative fee.²⁵ This then allowed them to apply for Irish practising certificates.
- 2.6 The UK left the EU on 31 January 2020. This began a transition period which ended on 31 December 2020, with the rules governing the new relationship between the EU and UK taking effect on 1 January 2021.

²⁴ The Global Legal Post (2020) 'Huge disappointment' as Irish law society blocks bid by English lawyers to preserve EU access, 13 November 2020 (Available [here](#))

²⁵ England and Wales solicitors were admitted under the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I No. 8 of 2017) ("the Professional Qualifications Regulations") which consolidate and transpose into Irish law Directive 2005/36/EC as amended by Directive 2013/55/EU.

- 2.7 Annual Roll admissions dropped beneath 1,000 in 2021 and 2020. Significantly, most of the new admissions in the past two years are qualifying solicitors who completed the Law Society’s Professional Practice Course (PPC). In 2021, 513 Law Society qualifying trainees were admitted to the Roll, accounting for 59% of total Roll admissions for the year.
- 2.8 In 2015, before Brexit-related Roll admissions began, Law Society qualifying trainees accounted for 65% of the total Roll admissions. In 2019, they accounted for just 18% of total Roll admissions while 77% of the unprecedented number of Roll admissions in that year were England and Wales qualified solicitors admitted as part of what the Law Society has called a “Brexit wave”.²⁶
- 2.9 The total number of solicitors on the Roll of Solicitors at the end of 2021 was 22,945. A total of six solicitors applied to be voluntarily removed from the Roll in 2021, while one solicitor was struck off the Roll by order of the High Court following a finding of misconduct.²⁷

New Roll entry arrangements with England and Wales

- 2.10 In April 2021 the Law Society announced that it had agreed a new reciprocal qualifying agreement with the Solicitors Regulation Authority in England and Wales for entry to their respective Rolls.²⁸ This became necessary following the end of the Brexit transition period on 31 December 2020. According to the Law Society, the agreement provides for mutual recognition on the same basis as had been in place before 31 December 2020.²⁹
- 2.11 The reinstated arrangement allows solicitors qualified in England and Wales to apply, for a €300 fee, for a certificate of admission to the Irish Roll without having to sit additional examinations. It also allows Irish qualified solicitors to add their names to the Roll of Solicitors in England and Wales without having to sit the Qualified Lawyers Transfer Scheme or the Solicitors Qualifying Examination. Solicitors admitted in Northern Ireland may also apply for a certificate of admission to the Irish Roll.³⁰

²⁶ Law Society of Ireland (2021) Annual Report and Accounts 2020/2021 (Available [here](#))

²⁷ Source: Law Society of Ireland (2021) Annual Report on Admission Policies of Legal Professions 2021. (Law Society submission to S33 consultation)

²⁸ Law Society of Ireland (2021) Law Society offers open access to Irish Roll of Solicitors despite Brexit, 1 April 2021 (Available [here](#))

²⁹ Solicitors Act 1954 (Section 44) (England and Wales) Order 2020 (S.I. No. 741/2020) 8 January 2021. (Available [here](#))

³⁰ Law Society of Ireland, Certificate of Admission (Web page available [here](#))

Table 2.1: Admissions to the Roll of Solicitors 2015-2021

| Year | Qualifying Trainees | England & Wales Solicitors | Northern Irish Solicitors | Section 52* | Transferring Barristers | EU lawyers | Admissions Total |
|------|---------------------|----------------------------|---------------------------|-------------|-------------------------|------------|---------------------|
| 2015 | 233 | 70 | 30 | 7 | 15 | 4 | 359 |
| 2016 | 525 | 806 | 27 | 13 | 34 | 1 | 1,406 |
| 2017 | 423 | 547 | 29 | 12 | 34 | 5 | 1,050 |
| 2018 | 443 | 690 | 43 | 16 | 30 | 4 | 1,229 |
| 2019 | 419 | 1,837 | 61 | 18 | 28 | 7 | 2,381 ³¹ |
| 2020 | 390 | 443 | 33 | 15 | 20 | 5 | 906 |
| 2021 | 513 | 278 | 35 | 28 | 16 | 6 | 876 |

Source: Law Society of Ireland

*Section 52 refers to California, New York, Pennsylvania, New South Wales and New Zealand

Annual certification – slight decline in number of practising certificates issued

- 2.12 There were 11,413 solicitors with practising certificates in Ireland on 31 December 2021, as set out in Table 2.2. This is a decrease of 441 (-4%) from 2020 and only the third annual drop in the number of practising certificates held per year since 2009. This reduction appears to be a further continuation of the decline since 2019 in number of what the Law Society has termed “Brexit PCs” taken out in recent years.³²
- 2.13 As reported by the Law Society in 2021, *“the phenomenon of large international law firms, with no establishment in this jurisdiction, taking out Irish practising certificates for their solicitors who have recently come on the Roll here was a by-product of Brexit and has now come to an end.”*³³
- 2.14 As this correction continues, it is now to be expected that the primary driver for the numbers of practising certificates issued will revert to being solicitors qualifying through the Law Society’s professional practice course.

³¹ Total includes 12 additional transferring EU lawyers admitted through the Establishment Directive rather than the Qualified Lawyers Test. Source: Law Society

³² Law Society Gazette, Matheson surges from third to top, 5 February 2021 (Available [here](#))

³³ Ibid

Table 2.2: Solicitors holding practising certificates 2015 – 2021³⁴

| Year | Practising Certificate Holders | No. increase/decrease on previous year | % increase/decrease on previous year |
|------|--------------------------------|--|--------------------------------------|
| 2015 | 9,688 | 444 | 5% |
| 2016 | 10,080 | 392 | 4 % |
| 2017 | 10,470 | 390 | 4% |
| 2018 | 10,972 | 502 | 5% |
| 2019 | 11,959 | 987 | 9 % |
| 2020 | 11,854 | -105 | - 1% |
| 2021 | 11,413 | -441 | - 4% |

Source: Law Society of Ireland

More than one in four solicitors worked with twenty-five employers

- 2.15 As Table 2.3 shows, a total of 3,323 solicitors with practising certificates at the end of 2021 were employed by a total of 25 employers, including large law firms and public sector bodies. These practising solicitors accounted for more than one in four (29%) of the total of 11,413 solicitors with practising certificates on 31 December 2021.
- 2.16 The top five law firms for 2021 in terms of numbers of solicitors holding practising certificates remained the same as in 2020. These are: Matheson; Arthur Cox LLP; A&L Goodbody LLP; Mason Hayes & Curran LLP; and McCann FitzGerald LLP. Outside commercial law firms, the practising certificates were also issued for solicitors working in the Chief State Solicitor's Office, the Legal Aid Board and the Office of the Director of Public Prosecutions as well as the Central Bank of Ireland and Allied Irish Banks plc.
- 2.17 It is notable that for the second consecutive year that all the law firms with large numbers of practising certificates issued to solicitors employed by them have offices in this jurisdiction. In 2019, some international law firms with hundreds of practising certificates had no offices in this jurisdiction, as was documented in last year's annual report under section 33 of the Act.

³⁴ Total practising certificates held as at 31 December of each year.

Table 2.3: Top 25 employers by practising solicitor numbers 2021³⁵

| Ranking | Firm/Employer | Practising Certificates |
|--------------|---|-------------------------|
| 1 | Matheson | 308 |
| 2 | Arthur Cox LLP | 304 |
| 3 | A&L Goodbody LLP | 299 |
| 4 | Mason Hayes & Curran LLP | 278 |
| 5 | McCann FitzGerald LLP | 273 |
| 6 | William Fry LLP | 188 |
| 7 | Chief State Solicitor's Office | 165 |
| 8 | Byrne Wallace LLP | 150 |
| 9 | Maples and Calder (Ireland) LLP | 112 |
| 10 | Eversheds Sutherland | 111 |
| 11 | Legal Aid Board | 106 |
| 12 | Ronan Daly Jermyn | 104 |
| 13 | Allied Irish Banks plc | 103 |
| 14 | Office of the Director of Public Prosecutions | 90 |
| 15 | Dillon Eustace LLP | 89 |
| 16 | Beauchamps LLP | 86 |
| 17 | Central Bank of Ireland | 80 |
| 18 | Phillip Lee | 72 |
| 19 | Hayes Solicitors LLP | 66 |
| 20 | LK Shields Solicitors LLP | 63 |
| 21 | Fieldfisher LLP | 63 |
| 22 | Eugene F Collins LLP | 60 |
| 23 | Walkers Ireland LLP | 58 |
| 24 | DAC Beachcroft Dublin | 49 |
| 25 | DLA Piper Ireland LLP | 46 |
| Total | | 3,323 |

Source: Law Society of Ireland

³⁵ Total practising certificates held as at 31 December 2021.

In-house solicitors one in five of practising certificate holders

- 2.18 A total of 2,942 solicitors were recorded by the Law Society as working in the corporate or public “in-house” sector as at 31 December 2021.³⁶ Of these, 2,431 also held practising certificates, accounting for one in five (21%) of all practising certificates.³⁷ Both commercial and public sector organisations employ solicitors as part of their internal legal functions to support their business needs.
- 2.19 In-house solicitors (that is, solicitors practising as a solicitor by providing legal services as an employee of a non-solicitor) are required to hold a practising certificate regardless of the areas of law in which they practise.³⁸

Practising certificates surrendered

- 2.20 The Law Society issued a total of 11,483 practising certificates in 2021, 458 fewer than in 2020. A total of 70 practising certificates were surrendered during the year.

New solicitor certificates of attestation

- 2.21 Since 2021, the Law Society only issues practising certificates to solicitors who are practising or intending to practise in Ireland from an establishment based in Ireland and who have appropriate professional indemnity insurance.³⁹ The Law Society no longer issues practising certificates to Irish qualified solicitors based outside of Ireland.
- 2.22 As noted in last year’s annual report to the Minister, this followed a review conducted by the Law Society in 2020 which it said “*confirmed the Society’s position that, under the Solicitors Acts 1954 to 2015 and the regulations implementing those statutes, a practising certificate only entitles a solicitor to practise in Ireland from an establishment in Ireland. The review also confirmed that a practising certificate can only be issued to a solicitor on that basis.*”⁴⁰
- 2.23 The Law Society has issued a series of updated guidance documents for Irish qualified solicitors based in other jurisdictions.

³⁶ The Law Society defines in-house solicitors as “solicitors practising as a solicitor by providing legal services as an employee of a non-solicitor”. See Law Society (2021) In-house solicitors – requirement to hold a practising certificate (webpage date 6/12/21) (Available [here](#))

³⁷ It is professional misconduct and a criminal offence for a solicitor, other than a solicitor in the full-time service of the State or a solicitor solely engaging in conveyancing services for a non-solicitor employer, to practise without a practising certificate. Source: Law Society (2017) Regulatory Guide for In-house Solicitors Employed in the Corporate and Public Sectors, September 2017 (Available [here](#))

³⁸ Law Society (2021) In-house solicitors – requirement to hold a practising certificate (webpage date 6/12/21) (Available [here](#))

³⁹ Solicitors Practising Certificate Regulations 2020, (SI No 655 of 2020) (Available [here](#)) The regulations apply with effect from 1 January 2020.

⁴⁰ Law Society of Ireland (2020) Practising certificates and solicitors outside the jurisdiction, 11 November 2020 (Available [here](#))

- 2.24 The guidance for Irish qualified solicitors based in England and Wales states that *“Irish qualified solicitors who are based in England and Wales and are seeking a practising certificate from the Society will not be entitled to a practising certificate. This will be the case whether they attempt to maintain certain practice rights in the EU post-Brexit or otherwise. Such solicitors will not be issued with a practising certificate by the Society unless they can demonstrate in the course of their applications that they practise (or intend to practise) in Ireland from a physical establishment in Ireland....Such solicitors do not need an Irish practising certificate to practise in their jurisdiction of establishment (England and Wales).”*⁴¹
- 2.25 The position in respect of solicitors qualified and practising in both Northern Ireland and Ireland is unchanged. Solicitors based in Northern Ireland who are also admitted and enrolled in this jurisdiction will continue to be entitled to make an application to the Law Society for a practising certificate provided they meet the professional indemnity insurance requirements.⁴²
- 2.26 For other categories of Irish qualified solicitors based outside of Ireland, the Law Society introduced certificates of attestation as a new form of certification in 2021. Certificates of attestation may be issued to Irish qualified solicitors who either wish to practise as a Registered European Lawyer (REL) in another EU member state or who seek to register as a lawyer with a foreign bar association outside of the European Union.⁴³
- 2.27 The Law Society issued a total of 290 certificates of attestation in 2021. The new certification attests to their registration/enrolment as a solicitor. According to the Law Society, the new certification system should not have any impact on the ability of Irish qualified solicitors who either wish to register or to maintain their registration as an REL with a relevant bar in an EU member state or who wish to register or to maintain their registration as a foreign lawyer with a relevant bar.⁴⁴

2.2 Solicitor trainee admissions 2021

Highest solicitor trainee intake in ten years

- 2.28 In 2021, a total of 538 trainee solicitors enrolled on the Law Society’s Professional Practice Course, PPC I. This is 65 more than in 2020, amounting to a 14% increase, as shown in Table 2.4. It is the highest intake of PPC trainees in the past ten years providing evidence of a healthy training market, according to the Law Society.

⁴¹ Law Society of Ireland (2020) Irish qualified solicitors based in England and Wales seeking a practising certificate, November 2020 (Available [here](#))

⁴² Law Society of Ireland (2020) Irish qualified solicitors based in Northern Ireland seeking a practising certificate November 2020 (Available [here](#))

⁴³ Updated guidance: Law Society of Ireland (2020) Irish qualified solicitors based in a foreign country seeking a practising Certificate, November 2020 (Available [here](#)) and Irish qualified solicitors based in the European Union seeking a practising Certificate, November 2020 (Available [here](#))

⁴⁴ Ibid

- 2.29 The total PPC intake for 2021 is comprised of 429 trainees undertaking the full-time PPC I, which begins in September each year, and 109 trainees on the PPC Hybrid course, which enrolls in December.

Table 2.4: Admissions PPC I 2015-2021

| Year | Total Enrolment | Male | Female | 30 yrs or under | Over 30 yrs | Law degree | Other degree | Non-graduate |
|------|-----------------|------|--------|-----------------|-------------|------------|--------------|--------------|
| 2015 | 384 | 160 | 224 | 86% | 14% | 80% | 22% | - |
| 2016 | 405 | 169 | 236 | 87% | 13% | 78% | 21% | 1% |
| 2017 | 412 | 169 | 243 | 90% | 10% | 84% | 14% | 2% |
| 2018 | 448 | 180 | 268 | 89% | 11% | 79% | 19% | 2% |
| 2019 | 501 | 205 | 297 | 88% | 12% | 79% | 20% | 1% |
| 2020 | 473 | 166 | 307 | 90% | 10% | 82% | 17% | 1% |
| 2021 | 538 | 209 | 329 | 88% | 12% | 83% | 16% | 1% |

Source: Law Society of Ireland

Increased diversity of trainees on PPC Hybrid

- 2.30 The PPC Hybrid was introduced as a pilot course in 2019 for trainees who could potentially continue working through the delivery of the course. It had an initial intake of 47 students who enrolled in December 2019. This increased to 55 in 2020 and grew again by almost 50% to 109 in 2021, indicating a strong demand for this flexible training option.
- 2.31 The PPC Hybrid is promoted as offering ‘blended learning,’ combining online lectures with on-site tuition through weekend sessions, instead of the traditional requirement to attend Blackhall Place in Dublin full-time for a six-month period. (Due to the Covid-19 public health restrictions, both the full time and Hybrid PPC programmes were taught on a hybrid basis during 2021). For PPC Hybrid course trainees, the same two-year in-office training requirement applies, but the trainee may be able to accrue credit for in-office work time completed prior to, and also during, the course.
- 2.32 Data supplied by the Law Society shows that the Hybrid course has contributed to the diversity of solicitor trainees who began their training in 2021, as shown in Table 2.5. One in four (24%) of 2021 PPC Hybrid trainees were over 30 years old, compared to 4% of trainees who started the full-time course in 2021. (The overall proportion of new PPC trainees aged over 30 in 2021 was 12%, up from 10% in 2020 as shown in Table 2.4).
- 2.33 In addition, 45% of full-time PPC trainees (total 194) who began their training programme in 2021 had attained their undergraduate degree in Trinity College Dublin or University College Dublin, compared to 13% of PPC Hybrid trainees (total 15).⁴⁵

⁴⁵ Additional educational data supplied by Law Society in its submission.

- 2.34 A higher proportion of the PPC Hybrid 2021 trainees were undertaking their training contract with firms located outside Dublin (50%) compared to 11% for the full-time PPC trainees, as shown in Table 2.5.
- 2.35 According to the Law Society, approximately 20% of PPC I Hybrid 2021 trainees have their traineeships in “in-house” settings or public bodies. These include An Garda Síochána, the Central Bank of Ireland; the Office of the Director of Public Prosecutions, Etsy Ireland, Screen Ireland, Jazz Pharmaceuticals and New Ireland Assurance Company. Based on these figures, the Law Society stated in its submission that *“it would seem that the PPC Hybrid has provided a structure whereby the legal departments of a diverse range of commercial enterprises are now offering traineeships.”*
- 2.36 For the full-time PPC I trainees, the main training contract sponsors in 2021 remained the large law firms, with many taking on only full-time PPC I trainees. Matheson took on 45 new trainees in 2021, with 44 for A&L Goodbody, 42 for Arthur Cox, 30 with William Fry and 28 McCann Fitzgerald, according to Law Society figures.

Table 2.5: Demographics breakdown for PPC I & PPC Hybrid 2021

| PPC I Hybrid 2021 | | | | | | | | | |
|----------------------|------------|-----------------|-------------|------------|--------------|-----------|--------------------------|----------------------------------|-------|
| Male | Female | 30 yrs or under | Over 30 yrs | Law degree | Other degree | No degree | Dublin training contract | Outside Dublin training contract | Total |
| 46 42% | 63 58% | 83 76% | 26 24% | 87 79% | 20 18% | 2 2% | 54 50% | 55 50% | 109 |
| PPC I Full Time 2021 | | | | | | | | | |
| 169 39% | 260 61% | 410 96% | 19 4% | 359 83% | 68 16% | 2 0.5% | 380 89% | 49 11% | 429 |

Source: Law Society of Ireland

PPC entrance exams (FE-1s)

- 2.37 A set of eight exams collectively known as the Final Examination First Part (FE-1) are the gateway to the PPC. All eight exams are held twice a year with sittings in March and October. A candidate can sit one or more exams in each sitting. A total of 3,204 candidates sat FE-1 exams in 2021. The pass rate per subject examination ranged from 50% to 82% across the eight subject exams in the two sittings in 2021, according to the Law Society. A total of seven candidates sat the Law Society’s Preliminary Examination for non-graduates in 2021 and five passed (pass rate of 71%). Candidates who pass the Preliminary Examination are eligible to sit the FE-1.
- 2.38 The Law Society in 2020 introduced changes to the FE-1 regime that it said were designed to facilitate accelerated access to its PPC. Third level undergraduate students can now undertake some FE-1 exams after completing their first year of study.

- 2.39 A total of 473 undergraduate students sat at least one FE-1 paper in 2021. This is up from 227 in 2020, the first year this option was available. Of the 473 total, 100 were students at UCD, 46 were from UCC, 70 were from NUI Galway, 79 were from Maynooth University, 57 were from DCU, 17 were from NUIG and 39 were from TCD.

2.3 Barrister admissions 2021

- 2.40 In 2021, a total of 180 persons were called to the Bar of Ireland by the Chief Justice, allowing them to exercise a full right of audience before all courts. This is up 13 from the total of 167 in 2020.
- 2.41 To be called to the Bar of Ireland and practise as a barrister in Ireland, lawyers must be admitted to the degree of Barrister-at-Law (BL) provided exclusively by the Honorable Society of King's Inns. The benchers of the King's Inns admit persons to the BL degree.⁴⁶ Qualifying lawyers from other jurisdictions, and solicitors on the Roll of Solicitors in Ireland, can also apply to be admitted to the BL degree by the King's Inns under its Education Rules.⁴⁷
- 2.42 Traditionally, the main route to admission to the profession in Ireland is to complete the Barrister-at-Law (BL) degree course at the King's Inns. As Table 2.6 shows, the number of barristers being called to the Bar via this route has remained relatively stable in recent years. BL graduates accounted for 142 of the barrister admissions last year, an increase of 26 on 2020. According to the King's Inns, this figure is mainly barristers who completed the barrister at law degree course in 2021, but also includes a small number who were admitted to the degree in an earlier year.
- 2.43 In a similar pattern to that observed with solicitors, the number of persons called to the Bar having obtained their professional qualifications in England and Wales or Northern Ireland increased in recent years due to Brexit. In 2019 there were 76 such admissions and in 2020 there were 47. In 2021, the number further dropped to 34. This comprised 23 barristers qualified in England and Wales and 11 qualified in Northern Ireland, as shown in Table 2.7.
- 2.44 In its submission to this consultation, the King's Inns said these admission trends reflected "*an influx of applications by these barristers to the result of the 2016 Brexit referendum, followed by an easing in applications in the last couple of years. Most of those admitted through these routes have not commenced practice in Ireland.*" The King's Inns further submitted that the number of barristers from Northern Ireland admitted in 2021 reflected applications to be admitted to the Bar of Ireland in order to represent clients at the Stardust inquest.⁴⁸

⁴⁶ The benchers of the Honorable Society of King's Inns include all judges of the Superior Courts and a number of elected practising barristers.

⁴⁷ The Honorable Society of King's Inns (2021) Education Rules, Edition of June 2021 (Available [here](#))

⁴⁸ See: <https://www.stardustfireinquests.ie/>

2.45 Under the King's Inns Education Rules, post-Brexit, a member of the Bar of England and Wales who is fully qualified to practise in that jurisdiction may, at the discretion of the benchers of the King's Inns, be admitted to the BL degree.⁴⁹ Applicants may have to pass a written aptitude test on the Irish legal system and constitutional law. A member of the Bar of Northern Ireland who has been in practice for at least three years immediately preceding the application may be admitted to the BL degree and called to the Bar without taking an examination.⁵⁰ Qualified lawyers from other EU member states may be required to sit all or part of the King's Inns aptitude test.⁵¹

Table 2.6: Barrister admissions 2016-2021⁵²

| Year | Total | +/- on previous year | Completion of KI's BL degree ⁵³ | Lawyers from other jurisdictions ⁵⁴ | Transferring solicitors | Morgenbesser eligibility* ⁵⁵ |
|------|-------|----------------------|--|--|-------------------------|---|
| 2016 | 129 | - | 116 | 10 | 1 | 2 |
| 2017 | 134 | +4% | 109 | 22 | 3 | 0 |
| 2018 | 156 | +16% | 91 | 59 | 6 | 0 |
| 2019 | 190 | +22% | 109 | 76 | 3 | 2 |
| 2020 | 167 | -12% | 116 | 47 | 3 | 1 |
| 2021 | 180 | + 8% | 142 | 34 | 2 | 2 |

Source: Honorable Society of King's Inns

Table 2.7: Lawyers from other jurisdictions – NI and England and Wales 2016-2021

| Year | Northern Ireland qualified lawyers | England and Wales qualified lawyers | Total |
|------|------------------------------------|-------------------------------------|-------|
| 2016 | 6 | 4 | 10 |
| 2017 | 8 | 14 | 22 |
| 2018 | 19 | 39 | 59* |
| 2019 | 52 | 24 | 76 |
| 2020 | 12 | 35 | 47 |
| 2021 | 11 | 23 | 34 |

Source: Honorable Society of King's Inns

*Total includes 1 admission from another jurisdiction

⁴⁹ The Honorable Society of King's Inns (2021) Education Rules, Edition of June 2021 Rule 25 (Available [here](#))

⁵⁰ Ibid, Rule 20

⁵¹ Ibid, Rule 24

⁵² Total number of persons admitted to the Barrister-at-law degree and called to the Bar.

⁵³ The figure includes BL graduates from the same year and also those from earlier years who have deferred their Call to the Bar.

⁵⁴ Includes Northern Ireland barristers and England and Wales barristers.

⁵⁵ According to the King's Inns, these are applicants who hold legal qualifications of an academic or professional nature (or both) from another EU Member State and who, as a result, are partly qualified in that Member State. The applicants' qualifications are assessed and to the extent that there is any shortfall in knowledge or skills, the applicant will be required to complete a number of assessments. See C-313/01 *Christine Morgenbesser v Consiglio dell'Ordine degli avvocati di Genova*.

Increase in new barristers joining the Law Library due to Covid deferrals

- 2.46 A total of 109 new members joined the Law Library in October 2021. In addition, a total of 12 barristers re-entered membership of the Law Library during the legal year 2020-2021.
- 2.47 Of the 109 new members, 102 commenced their 12 month period of “devilling” and seven were applicants from another jurisdiction and were not required to undertake a period of “devilling”. This compares to 69 new devils in October 2020, as shown in Table 2.8.
- 2.48 Of the 102 new members of the Law Library who began the period of devilling in October 2021, 84 (82%) were called to the Bar in 2021. In terms of gender breakdown, the new devils in October 2021 were 56 male and 46 female. The majority (59%) of new devils in 2021 were aged between 20 and 30 while 20% were aged 31-40 and 20% were aged 41 and older, according to data supplied by the Bar of Ireland.

Table 2.8: Barristers commencing devilling 2019-2021

| Year | New ‘devils’ ⁵⁶ |
|------|----------------------------|
| 2019 | 82 |
| 2020 | 69 |
| 2021 | 102 |

Source: Bar of Ireland

- 2.49 The Bar of Ireland in its submission said it was highly likely that increase in the numbers of new members of the Law Library in October 2021 *“arose from the impact of the Covid-19 pandemic where decisions may have been taken in October 2020 to defer devilling as the restrictions imposed on the Courts severely curtailed the activity levels of many practitioners.”*
- 2.50 The Bar also said that in the lead up to the October 2021 new member intake, reports were received from applicants of challenges in obtaining barrister “masters” responsible for their practical training year. The Bar stated that there were *“a number of circumstances converging that gave rise to this unusual situation”* including:
- A high volume in the number of new applicants in October 2021.
 - Some Masters retained their 2020/21 devil for an additional year given the curtailed court work due to Covid-19 restrictions.
 - A change in membership rules of the Law Library in October 2021 whereby all masters are now required to pay the membership subscription and entry fees of their devil.
- 2.51 The Bar stated that its Council *“is closely monitoring the availability of Masters throughout the course of this year [2022] to ensure that the challenges experienced in 2021 do not reoccur.”*

⁵⁶ Barristers beginning their period of “devilling” also known as pupillage, at the start of the new legal term in October.

- 2.52 In addition to barristers beginning their period of pupillage each October, members may join or re-enter membership of the Law Library during the year. According to figures supplied by the Bar of Ireland, there has been a general downward trend in the number of new members and re-entries to the Law Library year on year over the past decade. The number of new entrants in the legal years 2021/2022 was 109, up from 75 in 2020/2021.
- 2.53 During the legal year 2020/2021, 81 members ceased membership of the Law Library. Of these, 23 (28%) provided to the Bar of Ireland as their reason for leaving that they were going to work elsewhere, while 13 (16%) cited personal reasons and a further 13 retired.
- 2.54 The number of members leaving the Law Library over the past decade has decreased in recent years, as show in Table 2.9. The Bar of Ireland in its submission stated that it is likely that the significant drop in the numbers leaving in 2020/2021 in comparison to previous years relates to the impact of the Covid-19 pandemic.

Table 2.9: Barristers leaving the Law Library 2015-2021

| 2011/ 2012 | 2012/ 2013 | 2013/ 2014 | 2014/ 2015 | 2015/ 2016 | 2016/ 2017 | 2017/ 2018 | 2018/ 2019 | 2019/ 2020 | 2020/ 2021 |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 135 | 152 | 150 | 141 | 105 | 166 | 128 | 109 | 122 | 81 |

Source: Bar of Ireland

Increase in numbers on Roll of Practising Barristers

- 2.55 The LSRA maintains the Roll of Practising Barristers, a searchable online register of all barristers entitled to provide legal services in the State. The Roll is comprised of self-employed barristers (both members of the Law Library and barristers who are not Law Library members), and barristers in employment in the public and private sectors.
- 2.56 The Roll numbers grew by 110 (4%) from 2,823 on at the end of 2020 to 2,933 in 2021.⁵⁷ Of the total, 2,180 (74%) were members of the Law Library and 753 (26%) were not members of the Law Library. Of those who were not members of the Law Library, 253 were recorded on the Roll as working in the full-time service of the State. The Roll also includes barristers who may primarily practise in other jurisdictions, and retired barristers who are volunteering their services but are still required to be on the Roll.

⁵⁷ End of year figures from LSRA recorded on 31 December each year.

Table 2.10: Roll of Practising Barristers 2019-2021

| Year | Total Roll | +/- on previous year % & No | Law Library Members | Non-Law Library Members |
|------|------------|-----------------------------|---------------------|-------------------------|
| 2019 | 2,735 | - | 2,198 (80%) | 537 (20%) |
| 2020 | 2,823 | +3% (88) | 2,155 (76%) | 668 (24%) |
| 2021 | 2,933 | +4% (110) | 2,180 (74%) | 753 (26%) |

Source: Legal Services Regulatory Authority

Transfers between the professions

- 2.57 A total of 16 barristers transferred to become solicitors and were admitted to the Roll of Solicitors in 2021 as set out in Table 2.11. A total of two solicitors transferred to be barristers in the same year. While still modest in overall figures, the number of barrister-solicitor transferees has risen in the past seven years, up from 3 in 2012.

Table 2.11: Transfers between the professions 2015-2021

| Year | Barristers becoming solicitors | Solicitors becoming barristers |
|------|--------------------------------|--------------------------------|
| 2015 | 15 | 1 |
| 2016 | 39 | 1 |
| 2017 | 24 | 3 |
| 2018 | 21 | 6 |
| 2019 | 28 | 3 |
| 2020 | 20 | 3 |
| 2021 | 16 | 2 |

Source: Honorable Society of King's Inns and Law Society of Ireland

2.4 Barrister student admissions 2021

Decrease in admissions to Barrister-at-Law degree course

- 2.58 A total of 134 students commenced the BL degree course in 2021, down from 183 in 2020 (which was an increase of 65 on the 2019 course intake) as shown in Table 2.12.
- 2.59 The BL degree is offered on both a one year full-time and a two year part-time or modular basis. The academic year for the full time course runs from October to the following June. The King's Inns states that full-time work is not compatible with the full-time course load, and part-time work would need to be chosen carefully around the timetable and other course commitments.

- 2.60 The modular course lasts for two academic years, also from October to June. It is taught on average every second weekend during the academic year. According to the King's Inns, students who undertake the part-time course usually maintain full-time work positions.
- 2.61 In 2021 there was an almost even split between new students electing to complete the degree course in one year on a full-time basis (68), and those undertaking the two-year modular course (68).
- 2.62 Of the 134 students who started the BL degree course in 2021, 52 (39%) were graduates of the King's Inns Diploma in Legal Studies while 82 (61%) had another King's Inns approved legal qualification.⁵⁸
- 2.63 In terms of the age profile of new barrister students in 2021, more than half of the 66 full-time course students (56%, 37 students) were aged between 21 and 28 years old. This compares to 35% of modular students (24 students), as shown in Table 2.13. A total of 40% of modular course students starting in 2021 were aged 37 and over, compared to 25% of full-time course students. These figures, as set out in Table 2.13 indicate that the provision of the BL degree as a part-time course facilitates older students, who may be working full-time, to train as barristers.
- 2.64 A total of 161 applicants sat the entrance exam for the BL degree course in 2021, down from 195 in 2020. A total of 137 candidates passed the exam and 24 failed it in 2021. Students who pass the entrance exam and are offered a place on the BL degree course may apply to defer their place to a subsequent year.

Table 2.12: Admissions to Barrister-at-Law degree course 2013-2021

| Year | Sitting BL Entrance Exam | Commencing BL degree Full time 1-year/ Modular 2-year ⁵⁹ | Admission: Approved Qualification | Admission: King's Inns Diploma |
|------|--------------------------|---|-----------------------------------|--------------------------------|
| 2013 | 168 | 141 (87/54) | 96 (68%) | 45 (32%) |
| 2014 | 157 | 140 (80/60) | 91 (65%) | 49 (35%) |
| 2015 | 120 | 96 (58/38) | 65 (68%) | 31 (32%) |
| 2016 | 133 | 119 (79/40) | 74 (62%) | 45 (38%) |
| 2017 | 131 | 112 (51/61) | 67 (60%) | 45 (40%) |
| 2018 | 143 | 120 (58/62) | 85 (71%) | 35 (29%) |
| 2019 | 150 | 118 (57/61) | 84 (71%) | 34 (29%) |
| 2020 | 195 | 183 (97/86) | 126 (69%) | 57 (31%) |
| 2021 | 161 | 134 (66/68) | 82 (61%) | 52 (39%) |

Source: Honorable Society of King's Inns

⁵⁸ The King's Inns Accreditation Board approves 83 legal qualifications from 19 institutions for eligibility to sit the Entrance Exam, including its own Diploma in Legal Studies. (Available [here](#))

⁵⁹ Figures of students commencing the BL degree course in any given year may include those who sat and passed the entrance exam in a prior year. In 2021, a total of 16 people who commenced the degree had passed the entrance exam in a year prior to 2021.

Table 2.13: Age of students commencing Barrister-at-Law degree course 2021

| Age | 21-24 years | 25-28 years | 29-32 years | 33-36 years | 37-40 years | 40 + years | Total |
|------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|-----------------------|--------------|
| BL Full-Time 2021 | 29 44% | 8 12% | 6 9% | 5 8% | 3 4% | 14 21% | 66 |
| BL Part-Time 2021 | 13 19% | 11 16% | 9 13% | 8 12% | 2 3% | 25 37% | 68 |

Source: Honorable Society of King's Inns

Section 3: Key Developments in 2021 & Views on S33(1)(c) Assessment

- 3.1 Section 33 (1)(c) of the Act requires the Authority to provide an annual assessment as to *“whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in that year is consistent with the public interest in ensuring the availability of such services at a reasonable cost.”*
- 3.2 In its previous two annual report under section 33 to the Minister, the Authority provided an overview of available statistical data on the demand for and costs of legal services to consumers, including the State, in order to establish a useful benchmark for subsequent annual assessments.
- 3.3 Previous reports also highlighted limitations in the availability of statistical data on both demand and costs. This continues to pose constraints for the Authority when it comes to drawing conclusions in relation to the areas which require its assessment under section 33(1)(c) of the Act. The Authority will continue to closely monitor and report on available data on legal services demand and costs in its annual reports to the Minister.
- 3.4 For its statutory consultation under section 33(2) of the Act, the Authority invited respondents to provide their views under the following five areas as set out in the scope of the consultation notice:
1. The level of demand for the services of practising barristers and solicitors in 2021.
 2. The costs of legal services in 2021 and whether these were available at a reasonable cost to consumers.
 3. The standard of education and training for persons admitted to practise.
 4. The extent to which the admissions policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise.
 5. The impact of the Covid-19 pandemic and Brexit on the above matters.
- 3.5 This section provides an update on key developments in these areas in 2021. It also summarises respondents’ analysis and views under the five headings as set out above.

3.1 Demand for the services of practising barristers and solicitors

Summary and key developments in 2021

- 3.6 For a second consecutive year, the dominant issue that impacted on the demand for the services of solicitors and barristers in 2021 was the Covid-19 pandemic. Legal services provided by practising solicitors and barristers were designated as “essential” by government even during the highest level of public health restrictions as part of the pandemic lockdown.⁶⁰
- 3.7 The year started with Level 5 restrictions in place, followed by fewer restrictions during the rest of the year.⁶¹ Court business continued to be curtailed during the year, based on the necessary public health restrictions. Some court hearings were suspended for periods and court sittings were generally reduced or court business conducted remotely. As in 2020, priority was given during the year to maintaining as much as possible urgent matters in the areas of family law, crime and domestic violence.⁶² This had an inevitable knock on impact on the demand for services of solicitors and barristers, particularly those whose work is largely court based.
- 3.8 Legal services, like many other sectors in Ireland, continued throughout the year to operate using a hybrid model of online and face-to-face engagement. Office based law firms continued to adjust their working practices to introduce more flexibility and remote working arrangements.
- 3.9 Government Covid-19 pandemic related financial supports continued to be provided throughout the year. These included the Employment Wage Subsidy Scheme, which entitled employers to a flat-rate subsidy per week based on the number of qualifying employees on the payroll, the Pandemic Unemployment Payment for individuals, the Tax Debt Warehousing Scheme to extend the period for tax liabilities to be paid, and the Business Resumption Support Scheme.
- 3.10 Determining the level of demand for the services of practising solicitors and barristers in any given year poses challenges, as there is no one source which explicitly captures this data. Available data sources include annual survey performance of law firms and annual labour market data, which are summarised below.

⁶⁰ Department of the Taoiseach (October 2020, updated on 14 April 2021) View the list of essential services at Level 5 (Available [here](#))

⁶¹ Government of Ireland (2021) COVID-19 Resilience & Recovery 2021: The Path Ahead (Available [here](#))

⁶² See: <https://www.courts.ie/>

Law firm survey shows return of optimism

- 3.11 According to the 2021 Smith & Williamson Annual Survey of Law Firms in Ireland the year saw the return of some optimism and confidence in the sector and the start of the transition to a new normal. The report stated that: *“After a very difficult 2020, this year has seen a moderate recovery by many firms in the sector. However, it is clear that the sector has not fully recovered to the levels reported in 2019.”*⁶³
- 3.12 More than two thirds of firms (68%) reported an increased or steady revenue in the previous twelve months. This compares to 2020 when 63% of firms recorded a decline in revenue and just 37% recorded an increased or steady revenue. Most firms reported that they had reinstated wage reductions imposed in 2020.
- 3.13 However, most law firms continued to report that Covid-19 had impacted negatively on their turnover. More than two thirds of firms (67%) reported turnover levels below pre-Covid-19 levels and 58% reported profits below pre-Covid-19 levels.
- 3.14 Notwithstanding the lingering negative impact of the pandemic on firms’ revenue and profitability, the survey found that almost half of all respondent firms reported an improved outlook for their firms in the preceding twelve months (47%) or that things remained the same (43%). In addition, most firms (63%) said they anticipated an improvement in the outlook for the legal sector in 2022. This compares with 9% in 2020.
- 3.15 The survey also found that a reduced but still significant number of law firms continued to use Covid-19 related government supports during 2021. More than half of firms (58%) reported that they had availed of government supports during 2021. That support was relied on to a greater extent in 2021 by regional firms (67%) and less so by top 20 firms (47%).
- 3.16 Almost half (48%) of firms continued to use the government’s Wage Subsidy Scheme, down from 70% in 2020. Among regional firms, which tend to be smaller, the use of the scheme was 54%. More than one in three regional firms (36%) stated that staff continued to use the Pandemic Unemployment Payment in the preceding twelve months, down from 50% in 2020.
- 3.17 Among the top three survey challenges reported by all firms in the legal sector over the next three years were maintaining profitability (47%, down from 60% in 2020) and pressure on fees (43%, up from 42% in 2020). In addition, recruitment and retention of staff re-emerged as the main challenge for the top 20 firms (100%) and most firms based in Dublin (70%). This compares to less than a third (31%) of firms outside Dublin.
- 3.18 The Smith & Williamson survey took place in autumn 2021 and canvassed 118 large, mid-tier and small firms across the country, including 15 of the Top 20 firms.

⁶³ Smith & Williamson (2021) Annual Survey of Law Firms in Ireland: Optimism returns as we head to a new normal 2021/2022 (Available [here](#))

Employment growth for legal professionals

- 3.19 Employment growth was evident for the occupational group barristers, judges, solicitors and related professionals, according to the SOLAS National Skills Bulletin for 2021. As set out in Table 3.1, a total of 16,700 persons were employed in this occupational group in 2020, an increase of 2,000 on the previous year. Between 2015 and 2020, the annual employment growth rate for this occupation group was 4.8%. This compares to an annual average employment growth rate of 2.2% nationally over the same period.⁶⁴
- 3.20 According to SOLAS: *“Employment growth for this occupation was slightly above the five-year national average. It is difficult to attribute this growth to any one sub-sector of the economy, although legal advisory activities as a result of increased regulatory and compliance requirements in financial services etc. may be a contributing factor.”*⁶⁵
- 3.21 The annual SOLAS National Skills Bulletins include assessments of shortages in skills and occupations. These have not indicated any supply shortages of legal practitioners and related professionals in recent years, although in 2017 SOLAS noted an increased demand for corporate, taxation, compliance and merger lawyers.⁶⁶

Table 3.1: Legal professions numbers employed – annual averages 2014-2020

| Year | Legal Professionals* | Five-Year Growth Trend** |
|------|----------------------|--------------------------|
| 2014 | 10,100 | -0.1% decrease |
| 2015 | 10,700 | -2.4% decrease |
| 2016 | 11,900 | +1.2% increase |
| 2017 | 13,500 | +0.1% increase |
| 2018 | 13,500 | +1.6% increase |
| 2019 | 14,700 | +3.8% increase |
| 2020 | 16,700 | +4.8% increase |

Source: SOLAS National Skills Bulletins

* Includes barristers, judges, solicitors and other legal professionals.

**Average overall employment growth rate over preceding five years.

Views of respondents on demand for solicitors' services

- 3.22 **The Law Society** in its submission cited a business recovery survey and report which it commissioned in 2021 and which captured views within the legal sector of the impact of the Covid-19 pandemic. According to the Law Society, the survey found that the top three concerns were the impact on turnover/income (25%); concerns for the future of the business (18%); and the prospect of a recession (16%).

⁶⁴ SOLAS (2021) National Skills Bulletin: A Report by the Skills and Labour Market Research Unit (SLMRU) in SOLAS on behalf of the National Skills Council, October 2021 (Available [here](#))

⁶⁵ Ibid, page 125

⁶⁶ SOLAS (2017) National Skills Bulletin: A Report by the Skills and Labour Market Research Unit (SLMRU) in SOLAS on behalf of the National Skills Council, December 2017. (Available [here](#))

- 3.23 **The Law Society** stated that: *“An earlier than expected return to relatively normal operations for businesses may go some way to addressing these worries, however, it is very likely that concerns around turnover and future viability are ones that will take some time to dissipate. For smaller businesses in particular, with fewer than ten employees, or sole practitioners, addressing issues of turnover and/or business viability may prove particularly challenging once Government supports are no longer available.”*
- 3.24 **The Law Society** further noted that the uncertainty created by both Brexit and Covid-19 has led to a hardening of the market in respect to insurance premiums. *“Until such time as these, and other global issues, outside of Ireland’s control, dissipate, it is likely that the upward trend in premiums recorded in 2020 and 2021 will continue,”* it added.
- 3.25 In relation to Brexit, **the Law Society** stated that with strict restrictions on international travel for much of the year, it is difficult to ascertain the impact that Brexit had on the legal sector in 2021. It noted that, following a surge in the number of solicitors with practising certificates in 2019, likely as a direct result of Brexit, numbers stabilised in 2021. It also noted a significant drop in the number of England and Wales qualified solicitors admitted to the Roll of Solicitors in 2021, as documented in Section 2 of this report.
- 3.26 **The Law Society** also highlighted some positive aspects of work practices that have emerged since the onset of the Covid-19 pandemic. It said close to two-thirds of solicitors regarded changes to work practices i.e., remote working, increased flexibility, and use of technology, over the past 12-24 months as a positive step change for the sector. *“In particular, these changes will benefit smaller businesses based outside the main urban areas as it will improve their ability to attract talent and overall competitiveness in the market.”*

Views of respondents on demand for barristers’ services

- 3.27 **The Bar of Ireland** in its submission observed that the demand for barrister services “ebbed and flowed” during 2021 in accordance with:
1. The various levels of restrictions imposed by the Judiciary and the Courts Service throughout the pandemic;
 2. The prioritisation of certain types of cases during the restrictions, i.e. priority was given to maintaining as much as possible criminal and urgent family law matters;
 3. The availability and suitability of remote hearing facilities for certain cases.
- 3.28 It stated that throughout the legal year October 2020 to September 2021 restrictions and lockdowns caused by the Covid-19 pandemic led to reduced levels of court business. In January 2021, the Council of the Bar took further measures to reduce annual membership subscriptions *“in recognition of the negative impact of the curtailment of the courts on members’ financial wellbeing.”* A credit equating to a 16.5% subscriptions reduction was applied to the benefit of 2,077 members. This followed a 25% credit on subscriptions in the legal year 2019 to 2020.

- 3.29 **The Bar of Ireland** also noted that a significant backlog has been building across all High Court divisions throughout the course of the pandemic, and that this will *“likely cause an increase in the demand for barrister services, such as crime, debt, and Revenue cases, asylum and extradition, personal injuries, commercial planning/strategic infrastructure and wardship.”*
- 3.30 It also pointed out that the President of the High Court during 2021 highlighted a shortage of judges to address delays.⁶⁷
- 3.31 **The Bar of Ireland** submission further noted that the State Claims Agency had invited barristers to submit tenders in May 2021 to repopulate 17 panels for barristers for the provision of legal services across all court circuit nationwide.
- 3.32 In terms of the impact of Brexit, the **Bar of Ireland** said there is no data available on how Brexit may have impacted on the demand for barristers services. It noted that while there have been a relatively small number of barristers from the UK called to the Irish Bar since 2016, these numbers have remained relatively low.
- 3.33 **The King’s Inns** in its submission pointed out that many barristers now operate outside of the traditional route of the independent referral Bar within the Law Library, in full-time employment in both the public and private sectors. Others pursue careers outside of the law but enhanced by their legal expertise. It said it was its experience that most students on its Barrister-at-Law degree course intend to enter the Law Library, and this is supported by the consistency in the average numbers entering the Law Library each year, when compared to the overall number called to the Bar each year.
- 3.34 It added: *“While this is not directly a matter for King’s Inns, and we therefore do not maintain figures in this respect, it is well understood that many barristers find it difficult to establish a viable practice at the independent referral Bar and many leave the independent referral Bar and cease their membership of the Law Library within their first seven years of practice. This is not indicative of an unmet demand in the market for the services of barristers. It is, in fact, indicative of the opposite being the case and of there being a highly competitive market for the services of barristers. There is no indication that there is a shortage of suitably qualified barristers in any area of expertise or practice.”*

⁶⁷ Irish Times (20 September 2021) Avalanche of litigation looms as High Court battles through delays (Available [here](#))

3.2 Costs of legal services provided by barristers and solicitors

Summary and key developments in 2021

- 3.35 As noted in previous annual reports under section 33 of the Act, there are ongoing challenges in measuring the costs of legal services provided by barristers and solicitors in Ireland due to substantial data limitations.⁶⁸ The two primary sources of quantitative data on the costs of legal services in Ireland are the Central Statistic Office’s experimental data series, the Services Producer Price Index (SPPI), and the World Bank’s Doing Business report, both of which are subject to certain limitations.
- 3.36 The World Bank’s *Doing Business 2020* report suggested that Ireland was a slow and expensive jurisdiction in which to enforce a commercial contract, with Irish businesses facing higher legal costs than their counterparts in many other countries.⁶⁹ The World Bank Group announced in September 2021 that it had discontinued its Doing Business report series due to country specific data irregularities in the 2018 and 2020 reports.⁷⁰
- 3.37 The SPPI measures changes in the average prices charged by domestic service producers to other business customers for a selected range of services. For the SPPI report, the first limitation is that the data is presented as an index, so it only gives information about changes in prices rather than absolute prices. Secondly, the most granular SPPI sectoral data on legal services is in a group which also includes accounting, PR and business consultancy services costs. Therefore, changes in the data can be driven by price changes in any one or more of these areas.
- 3.38 Bearing in mind these limitations, the CSO data shows that service prices for legal, accounting, PR and consultancy services in Quarter 4 2021 were on average 1.4% higher in the year when compared to the same period in the previous year. This is below the average increase for all service producer prices of 2.6% in the same period.⁷¹
- 3.39 The National Competitiveness and Productivity Council (NCPC) has in recent years expressed concerns about the costs of legal services and their impact on national competitiveness.⁷² Each year the NCPC publishes an annual report for Government on the key competitiveness and productivity challenges facing the Irish economy and suggests specific policy actions to

⁶⁸ Section 138 of the Legal Services Regulation Act 2015 provides the following definitions: “Legal costs” means fees, charges, disbursements and other costs incurred or charged in relation to contentious or non-contentious business....; “Contentious business” means legal services provided by a legal practitioner for the purposes of, or in contemplation of, proceedings before a court, tribunal or other body, the Personal Injuries Assessment Board or an arbitrator appointed under the Arbitration Act 2010 or in connection with an arbitration, mediation or conciliation; “Non-contentious business” means legal services that do not relate to contentious business. (As a category, non-contentious business encompasses costs incurred in relation to uncontested matters such as sales, purchases, leases, mortgages, settlements, and other matters of conveyancing.)

⁶⁹ World Bank Group (2020) *Doing Business 2020*. (Individual country reports available [here](#))

⁷⁰ The World Bank engaged WilmerHale LLP to review data irregularities in its 2018 and 2020 reports in relation to data for China, Saudi Arabia, the United Arab Emirates and Azerbaijan. See WilmerHale (2021) *Investigation of Data Irregularities in Doing Business 2018 and Doing Business 2020*. (Available [here](#))

⁷¹ CSO (2022) *Services Producer Price Index Experimental (Selected Services) Quarter 4 2021, 15 March 2022* (Available [here](#))

⁷² National Competitiveness Council (2019) *Submission to LSRA Further Public Consultation on the Education and Training of Legal Practitioners August 2019*. (Available [here](#))

address these challenges. In its 2021 annual report, the NCPC referred to the analysis presented in the 2020 Report on the Administration of Civil Justice by a Review Group chaired by the then President of the High Court, Mr Justice Peter Kelly.⁷³ Based on the report's analysis, the NCPC said the introduction of new scales of legal costs was the most effective way to address high legal costs and that this should be accelerated.⁷⁴

- 3.40 The remit of the Review Group which produced the Report on the Administration of Civil Justice was set by government. It was required to examine the administration of civil justice in the State and make recommendations with a view, inter alia, to reducing the cost of litigation including costs to the State.
- 3.41 The report stated that: *“International comparisons and opinion expressed by persons or bodies involved in or concerned with civil litigation on a regular basis in this jurisdiction indicate that Ireland is a very high cost litigation jurisdiction, especially by European standards. The high cost of litigation in this jurisdiction represents a barrier to access to justice, translates into increased costs in the economy, hampers national competitiveness and imposes a burden on the taxpayer where the litigation involves, or is ultimately financed by the State. The high cost of litigation is a matter of far greater concern to litigants in Ireland than in most other European countries with which we have been compared on this criterion.”*⁷⁵
- 3.42 The Review Group made a series of recommendations for procedural reform measures. It did not reach a consensus on specific measures to reduce litigation costs. Instead, the report put forward two options reflective of the majority and minority positions of the Review Group in relation to reducing litigation costs. The majority view proposed non-binding guidelines as to legal costs levels. The minority view suggested a statutory table of maximum levels of litigation costs, with suitable safeguards to deal with exceptional circumstances.
- 3.43 In response to the Review Group's report, the Department of Justice in 2021 issued a request for tender for a cost-benefit modelling and analysis of both options put forward by the Review Group, along with identifying any other potential options that may serve to reduce legal costs.⁷⁶ The Department's Justice Plan 2022 included a commitment to *“Publish, subject to legal assessment, economic research on models to reduce legal costs.”*⁷⁷

⁷³ Review Group (2020), Review of the Administration of Civil Justice Report, 30 October 2020 (Available [here](#))

⁷⁴ National Competitiveness and Productivity Council (2021) Ireland's Competitiveness Challenge 2021, September 2021 (Available [here](#))

⁷⁵ Review Group (2020), op cit, page 317. Separately, the Law Society in its submission to the LSRA noted that the conclusions in this report were, in part, informed by the World Bank Doing Business Report that has since been discontinued due to data irregularities.

⁷⁶ Government of Ireland (2021) Response to Ireland's Competitiveness Challenge 2021 Publication of the Government's response to the National Competitiveness and Productivity Council report 30th November 2021. (Available [here](#))

⁷⁷ Department of Justice (2022) Justice Plan 2022, Action 91 (Available [here](#))

Excessive costs – 5% of complaints to LSRA in 2021

- 3.44 The LSRA began receiving and investigating complaints about solicitors and barristers under Part 6 of the Act on 7 October 2019. The Authority is required under section 73 of the Act to report on the performance of its complaints function every six months. In 2021, two such reports were published, in April and October. One of the three types of complaints that the LSRA can receive and investigate is that the amount of costs sought by a legal practitioner in respect of legal services provided to the client was or is excessive.
- 3.45 In 2021, the LSRA received a total of 78 complaints of excessive costs, accounting for 5% of the total of 1,599 complaints received during the year (multiple complaints can be made against one individual). This is a decrease on the previous year when there were 107 complaints of excessive costs comprising 7% of the total number of complaints received.⁷⁸
- 3.46 Of the total of 78 complaints which alleged that excessive costs had been sought by a legal practitioner, 28 (36%) related to litigation, with 19 (24%) relating to family law, 12 to conveyancing and 11 to the administration of estates (probate).
- 3.47 The Authority will continue to monitor and report on available data on legal costs in its annual reports to the Minister under section 33 of the Act.

Views of respondents on costs of services of practising barristers and solicitors

- 3.48 **The Law Society** in its submission stated that by its very nature as a professional service, there is limited publicly available data at national level to categorically determine whether legal services are available to consumers at a reasonable cost.
- 3.49 The Law Society noted the Department of Justice’s work on foot of the recommendations of the Review of the Administration of Civil Justice as set out above (the Law Society itself was a member of the Review Group and part of the majority proposals).⁷⁹ It said that while it is *“unequivocal in its support of efforts to improve access to justice, any mechanisms to control costs should be introduced on a sound evidential basis.”*

⁷⁸ Legal Services Regulatory Authority (2022) LSRA Annual Report 2021 (Forthcoming)

⁷⁹ A majority of the Review Group (comprising the representatives of the Supreme Court, Court of Appeal, High Court, Circuit Court, District Court, Bar Council and Law Society) recommended the drawing up of guidelines as to costs levels for the assistance of parties and their representatives, by reference to individual items that could be outlined in a table, with minimal legislative intervention, the function being assigned either to the Legal Costs Adjudicators or the Legal Services Regulatory Authority, with input from the former. See Review Group (2020) op cit, page 6.

- 3.50 **The Law Society** said consideration should be given to how ‘scales of costs’ impede access to justice. In the District Court, for example, it said that the scale of costs is primarily determined on the amount of damages that are awarded or agreed, regardless of the amount of work that may be required by a solicitor to achieve the desired outcome for their client. The Law Society said: *“Any disparity between cost awarded and cost incurred must then be covered by the client. This raises issues of inequality for less well-resourced litigants and may constitute an impediment to access justice.”*
- 3.51 **The Law Society** also said consideration should be given to the legal costs adjudication system in place since 2019 which was impacted by the disruption of the Covid-19 pandemic. It said a table of non-binding guidelines would not require the establishment of a new body as it would fall under the remit of the Legal Costs Adjudicators, or the Legal Services Regulatory Authority. The implementation of maximum ceilings on costs would, on the other hand, be considered to be much more costly and cumbersome.
- 3.52 **The Law Society** stated that: *“While a table of binding maximum costs may provide some advantages (e.g., transparency and certainty) the Law Society is concerned that such a scheme would suppress competition by encouraging an upward push in prices, to the ceiling set by the tables. Without regular revisions of maximum costs, there is also a risk that values will be understated in the prevailing economic environment.”*
- 3.53 **The Law Society** submission also outlined the proposals it has submitted, along with the Bar of Ireland, to an economic evaluation of options to control litigation costs being carried out at the request of the Department of Justice following the publication of the Kelly Report.⁸⁰
- 3.54 It stated that the four measures to positively impact litigation costs in the short-to-medium term in Ireland are:
- Increased investment in the justice system, in particular the number of judges and support staff, better case management, and adoption of technology.
 - Investment in effective civil legal aid to ensure access to justice for all, regardless of means.
 - The introduction of non-binding guidelines in respect of legal costs
 - A reduction in State-imposed revenue on a Bill of Costs.

⁸⁰ Bar of Ireland and Law Society of Ireland (2022) Submission to Indecon Economic Consultants Economic Evaluation of Options to Control Litigation Costs, 21 February 2022 (Available [here](#))

- 3.55 **The Bar of Ireland** in its submission noted that the legal costs debate has been ongoing since 2004 in Ireland and has been examined by a number of different bodies culminating in reforms that were channelled most recently through the legal Services Regulation Act 2015 and the establishment of the Office of the Legal Costs Adjudicator in 2019.
- 3.56 It said: *“A review of the various reports published by those bodies since 2005 indicates that the evidential basis for Irish legal costs being described as “high-cost” has been mixed and anecdotal in the majority of cases.”* (The Bar of Ireland was also a member of the Review Group which produced the majority recommendations in the Kelly Report.)
- 3.57 It said: *“Anecdotally, Ireland is considered to be a ‘high-cost jurisdiction’ for legal services in comparison with many of our EU counterparts. However, this narrative fails to give appropriate recognition of the differences between a common law jurisdiction (in the case of Ireland) and a civil law jurisdiction (other EU Countries). While other EU countries appear to offer consumers lower exposure to legal costs, it is important to note that in those jurisdictions, a greater number of judges and non-judge court staff are required to manage the passage of litigation, paid for through general taxation. Care must be taken when attempting to rank countries by the direct cost of litigation without considering the indirect costs to the exchequer of funding the legal system in place.”*
- 3.58 **The Irish Institute of Legal Executives** said the high and perceived high cost of legal services is preventing people on lower incomes from equal access to justice. The Legal Services Regulation Act 2015 addresses many issues in respect of costs. However, it said it *“offers no dramatic change to the way legal services are delivered. The regulation of Legal Executives would offer a fresh and modern approach to legal services.”*
- 3.59 **The King’s Inns** in its submission stated that it is not directly involved in the provision of legal services to consumers and therefore has no comment to make on the costs of legal services in 2021 and whether these were available at a reasonable costs to consumers.
- 3.60 **UCD Sutherland School of Law** highlighted a connection between the availability of legal services at a reasonable cost and the cost for qualifying as a solicitor or barrister including supervised work experience. It said that while solicitor training contracts are paid, barrister pupillages do not have to be paid. It can be difficult for students to get a training contract or a pupillage and in order to build their CVs they will undertake additional internships which may or may not be paid. These barriers *“affect the availability of legal services at a reasonable cost because they shape the socio-economic profile of those who can afford to get through all the different stages to qualify as legal professionals.”*
- 3.61 An individual respondent who made a submission stated that there needs to be better access to the professions, particularly the barrister profession. The individual also stated that, ultimately, *“the division of the professions is pointless other than to inflate costs and facilitate greater political control of the system.”*

3.3 The standard of education & training for persons admitted to practise

Summary and key developments in 2021

- 3.62 In September 2020, the Authority’s recommendations for reforms in the area of legal practitioner education and training were submitted to the Minister for Justice in a report called Setting Standards: Legal Practitioner Education and Training under section 34(1)(a) of the Act.⁸¹
- 3.63 The two core recommendations in the Setting Standards report were 1: A clear definition of the competence and standards required to practise as a solicitor or barrister should be developed and 2. The establishment of a new and independent Legal Practitioner Education and Training Committee (the LPET Committee).
- 3.64 In November 2020, the Minister welcomed the findings of the Setting Standards report and requested that the Authority consider the economic and other barriers that continue to be faced by young barristers and solicitors following their professional qualification from the King’s Inns and the Law Society respectively
- 3.65 The Minister asked that the LSRA give specific consideration to the following:
- The remuneration of trainee barristers and solicitors;
 - The other costs associated with joining each profession;
 - The information available to prospective trainee barristers and solicitors on available masters and solicitors firms, the information available on terms and conditions, and how they are selected;
 - Any other barriers faced by young barristers and solicitors including the ability to take maternity leave.
- 3.66 In considering these issues, the Minister requested that the LSRA pay particular attention to equity of access and entry into the legal professions, and the objective of achieving greater diversity within the professions. The Minister also asked the Authority to make recommendations in relation to changes which could be introduced by way of effective reform of the existing system.
- 3.67 During 2021, the LSRA undertook extensive research to meet the Minister’s request, including its first comprehensive survey of law undergraduates, trainee solicitors, student barristers and early career legal practitioners as well those who had recently qualified but were not currently practising as a solicitor or barrister. The Authority will report to the Minister with its findings and recommendations in 2022.

⁸¹ Legal Services Regulatory Authority (2020) Setting Standards: Legal Practitioner Education and Training, September 2020 (Available [here](#))

- 3.68 The Department of Justice's Justice Plan 2021 and 2022 contained commitments to *"progress work to open up and reform professional legal education, introduce independent oversight for the first time, and remove barriers to becoming a solicitor or barrister."*⁸²
- 3.69 In Justice Plan 2022, the actions set out were to: *"Finalise approach to mainstream proposed reforms of professional legal education; Develop and begin implementation of action plan to expand provision of professional legal education, enhance access to the profession and introduce independent oversight and quality assurance."*⁸³
- 3.70 The Authority engaged with the Department of Justice around implementation of its legal practitioner education and training recommendations in 2021, and looks forward to further future engagement.

Views of respondents on standard of education and training

- 3.71 In relation to current education and training provision, **the Law Society** in its submission said there was much work ongoing to reshape its educational model. The Law Society's two-part professional practice course, the PPC I and PPC II will be consolidated into one course in September 2022. (This unitary course brings together into one academic year, from September to April/May, the taught elements of solicitor training which are currently divided into two courses). The Society said syllabus consultation and focus groups have taken place to solicit a wide range of views across the profession and beyond on the content of the new course.
- 3.72 **The Law Society** also provided an update for the second year on its ongoing project with an external expert consultancy team to put in place a competency framework for solicitors as part of its work to reshape its educational model. It said it that a literature review has now been completed and a new draft competency framework is underway with the methodology for stakeholder engagement being considered.
- 3.73 **The Law Society** submission highlighted current difficulties being faced by third level graduates from non-EEA (European Economic Area) countries who have qualified from Irish universities and colleges in securing visas in order to progress and train in Ireland as solicitors. It said it understood that the Department of Justice was examining this issue *"but the current visa system and the lack of a published visa scheme for such graduates are detrimental to the Society's goal of facilitating diversity in the legal profession."*
- 3.74 The primary focus of the **Bar of Ireland** in the education and training of barristers is in its educational offerings available through the Continuing Professional Development (CPD) programme.

⁸² Department of Justice, Justice Plan 2021 Action (Available [here](#)) and Department of Justice, Justice Plan 2022 Action 57. (Available [here](#))

⁸³ Ibid, Action 57.

- 3.75 **The Bar of Ireland** in its submission said that it had introduced a new competency based CPD Scheme from 1 October 2021. It said the framework *“adopts a holistic view of the knowledge, skills and abilities (i.e. competencies) relevant to effective practice as a barrister. Members are required to consider the competencies within each of the four competency framework domains and undertake an activity relevant to a competency for each domain on an annual basis.”*
- 3.76 **The Bar of Ireland** further submitted that for those barristers who are on the LSRA Roll of Practising Barristers who are not members of the Law Library, the same level of assurance in relation to their competence cannot be provided. *“This represents a regulatory risk and one that should be prioritised by the LSRA in the interest of protecting and promoting the interests of consumers relating to the provision of legal services as provided under section 13(4)(c) of the Legal Services Regulation Act 2015.”*
- 3.77 **The Bar of Ireland** also highlighted concerns about the impact of Covid-19 restrictions on newly qualified barristers whose ability to gain in-person court experience has been curtailed due to Covid restrictions including the switch to remote hearings.
- 3.78 It said: *“The traditional, and probably most important means, whereby recently qualified barristers are trained is by appearing in progressively more difficult submissions to the Court; for instance by appearing in interlocutory motions such as discovery applications, and as they gain experience, and are seen by attending solicitors to successfully handle such applications, appearing in successively more difficult matters up to witness actions and full cases.*
- 3.79 *“While the remote running of the common law motion list was an excellent innovation to answer the difficulties posed by Covid, their continued running on a remote platform gravely compromises the opportunity for young barristers to appreciate and fully participate in a Court application in a way that constitutes proper training for their professional development.”*
- 3.80 **The Bar of Ireland** said it is actively engaging with the President of the High Court and the Courts Service to consider how both substantive hearings and interlocutory applications can best be managed in the interests of justice, absent Covid considerations. In this regard, it said, an important consideration is the imperative need of the judicial system for properly trained and experienced barristers.
- 3.81 **The Competition and Consumer Protection Commission (CCPC)** said it welcomed the recommendations in the LSRA’s 2020 Setting Standards report, in particular the establishment of an independent Legal Practitioner Education and Training Committee (LPET). It further welcomed the recommendation that the LPET Committee be tasked with developing and maintaining a clear definition of the competence and standards required to practise as either a solicitor or barrister, and a common set of competences and standards for admission to professional legal training. The CCPC recommends that these standards be used to accredit new providers of education and training.

- 3.82 It said: *“A key objective of the LPET Committee should be to facilitate entry of additional legal education and training providers into the market to foster competition. This will in turn support increased access and encourage diversity in the legal profession. Greater competition will aid the development of innovative ways of providing education and training which are more cost-effective and which might attract more diverse entry to the legal professions.”*
- 3.83 **The CCPC** also said it supported the establishment of a new profession of conveyancer and is of the view that restricting the provision of conveyancing services to solicitors limits competition and keeps conveyancing fees high.
- 3.84 **The CCPC** also welcomed the LSRA’s recommendation to the Minister for Justice that a statutory objective of the LPET Committee would be to encourage greater access to legal education and training opportunities. It said: *“This recommendation in turn supports the LSRA’s goal of ensuring that the admission policies of the legal professions are consistent with maintaining high standards and protecting the public interest. The CCPC suggested that the LPET Committee review any existing arrangement which would add up to unnecessary costs and inconvenience which would dissuade new potential entrants to the professions. Reducing economic barriers will improve the ability of entrants from a greater diversity of backgrounds to enter the professions.”*
- 3.85 **The CCPC** said the LPET Committee could also consider facilitating the creation of new routes to legal qualification, including for non-law graduates, which could increase competition by fostering diversity both in demographic characteristics and in practice area. The CCPC also recommended that the LSRA or LPET Committee should also carry out research on factors that may limit access to traineeships and internships, or affect entry to the professions. This evidence can in turn be used to identify relevant solutions and to stimulate diversity and inclusion in the sector.
- 3.86 **The King’s Inns** said it believes that the appropriate standard of education and training for a person admitted to practise as a barrister is “fit to practise”. It pointed out that this standard of legal education for prospective barristers is now underpinned by the Statement of the Required Competencies of a Barrister which it published in November 2020.⁸⁴
- 3.87 **The King’s Inns** said: *“While it is to be recognised that a barrister in practice for a longer period of time will exhibit the competencies contained in the Statement at a more advanced or expert level, King’s Inns believes that the Statement represents a comprehensive expression of the knowledge, professional skills and personal attributes required to be a competent practising barrister.”*

⁸⁴ Council of the Honorable Society of King’s Inns, *Statement of the Required Competencies of a Barrister*, 11 November 2020 (Available [here](#))

- 3.88 **DCU’s School of Law and Government** highlighted the socio-economic barriers facing those seeking admission to the professions of solicitor and barristers. These include the costs of professional courses, which for some are prohibitive, and the fact that pupillages for barristers are generally unpaid and challenging to secure. DCU pointed out that although many traineeship packages include the payment of the solicitor FE-1 fees and also course fees (particularly at large corporate firms), many smaller firms and criminal law practices offer less competitive salary packages.
- 3.89 It said: *“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 ongoing increase in the number of undergraduate law students, which creates further competition amongst those entering the professions.”*
- 3.90 **DCU School of Law and Government** recommended further support of “experiential education initiatives” and opportunities by stakeholders and those involved in providing legal education such as further internship and other access and networking opportunities to ‘level the playing field’ and enhance the practical skills and experience of those entering the professions.
- 3.91 It added: *“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.”*
- 3.92 One **individual respondent** stated that that the devilling system needs urgent reform. Another **individual respondent** said the “respective monopoly status” of the King’s Inns and Law Society in providing legal practitioner training must end. This respondent submitted that this would improve access to the professions in terms of course delivery, flexibility, costs, capacity supply and accommodation for students working while studying.

3.4 The assessment under section 33(1)(c) of Act

Views of respondents on assessment

- 3.93 The LSRA's consultation notice invited respondents to provide their views on: *"The extent to which the admissions policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise."*
- 3.94 **The Law Society of Ireland** said it was *"acutely aware that the provision of highly trained solicitors must be balanced with demand."* It noted that *"the appetite for firms to take on trainees appears to have rebounded from 2020 levels. This is mainly driven by the Top 20 firms in the country, with over half reporting an increase in the trainee staff in 2021."*
- 3.95 **The Law Society** stated that: *"Taking account of the growing demand for talent, aligned with the upward trend in new trainee solicitors added to the Roll of Solicitors on an annual basis, it is the Law Society's view that the market is currently adequately served and thus admission policies of the legal professions are consistent with the public interest."*
- 3.96 **The Law Society** also said the LSRA's research examining the barriers to entering the legal profession and increasing diversity was very welcome and *"should prove an important component in informing the economic and other barriers faced by young barristers and solicitors in today's market. However, any future changes in admission policies in Ireland for solicitors should be made in the context of the necessarily high standards required to meet and exceed the exacting requirements of consumers."*
- 3.97 **The Bar of Ireland** also pointed to the LSRA's barriers research stating that in its consultation response it had put forward eleven recommendations *"that would address the challenges in building and maintaining a career at the Bar and support the goal of achieving greater diversity within the profession."*
- 3.98 **The King's Inns** said that in examining this question, it was necessary to examine and contextualise the cost of providing professional legal training to an appropriate standard. It said the fees for its BL degree course, currently at €12,560, had not changed since 2009 and that it believed it compared very favourably with other types of education and training leading to a professional qualification.
- 3.99 In relation to admission policies, **the King's Inns** said that entry was fair and open, with every person who meets the entry requirements and passes the entrance exam may embark on professional training and there no "unmet" demand in the market.

- 3.100 **The King's Inns** said that this can be contrasted other jurisdictions, for example, in Northern Ireland, where there is a cap on the numbers admitted to professional training leading to qualification as a barrister. In England and Wales, many students, having gone to both the effort and financial expense of obtaining professional qualification as a barrister, find themselves unable to obtain the pupillage that is required to enable them to complete the process to fully enter practice.
- 3.101 In this jurisdiction, **the King's Inns** submitted, any person who wishes to enter private practice as a member of the Law Library has the opportunity of doing so and can arrange a master with whom to undertake pupillage / devilling. *"There is no ultra-competitive chambers system, in contrast to the system in England and Wales, where non-traditional entrants and minorities are under-represented in obtaining pupillages and tenancies,"* it added.
- 3.102 **The King's Inns** also stated that in the absence of any cap or quota, and in circumstances where the cost of the degree course has not increased since 2009, it is reasonable to conclude that the number admitted to the profession each year fluctuates in response to the demand for the services of practising barristers.
- 3.103 **The King's Inns** submitted that it believes the number of persons admitted to practise as barristers in 2021 *"is consistent with the public interest in ensuring the availability of legal services at a reasonable cost."* It also stated that the admissions policies to the BL degree course through the single route of the entrance exam and to the Barrister-at-Law profession are rigorous and not restrictive, and that the policies achieve the objectives contained in section 13(4) of the 2015 Act.
- 3.104 However, respondents from universities highlighted the entrance exams for the Law Society's PPC and the King's Inns BL degree as barriers to entry to the professions. Both **UCD Sutherland School of Law** and **DCU School of Law and Government** repeated their views, as previously shared with the Authority, that the exams result in duplication, delay, and significant costs for those who have already obtained a law degree.
- 3.105 **UCD Sutherland School of Law** submitted that for admission to the Irish Bar or to become an Irish solicitor, students are required to undertake supervised work experience. While solicitor training contracts are paid, barrister pupillages do not have to be paid. It can be difficult for students to get a training contract or a pupillage and in order to build their CVs they will undertake additional internships which may or may not be paid. *"These unpaid stages act as barriers to the profession for many students. For trainee barristers in particular, the cost of living in Dublin without decent pay can be prohibitive,"* it said.
- 3.106 **UCD Sutherland School of Law** further highlighted issues related to the international recognition of law degrees which must be taken into account when ensuring that standards in legal services are maintained and improved. The school said the foundational subject requirements of both the Law Society and the King's Inns for entry to their professional courses *"continues to shape the offerings of law degrees at Irish Universities. It limits our ability to develop the law degree to reflect an increasingly global society. It also limits our ability to offer years abroad and internship opportunities as students must be warned that their subject choice is very important if they want to graduate prepared to go straight into the one of the two classic legal professions, particularly the Kings Inns."*

Conclusion

- 3.107 With the ongoing aftershocks of Brexit and the lingering effects of Covid-19, 2021 can in no way be considered a normal year in terms of numbers and patterns of admissions to the professions and the overall dynamics at play in the legal services sector.
- 3.108 Uncertainties remain about how long we will be living with Covid-19 and its long-term impact on society including the impacts of remote working practices. Brexit also poses economic and legal uncertainties for the entire Irish economy including legal services.
- 3.109 Looking ahead, the Authority anticipates developments in 2022 with the planned introduction new legal partnerships, which will enable barristers and solicitors to jointly provide legal services for the first time. In time, their introduction may impact on the numbers admitted to the professions and the demand for and costs of the services of practising solicitors and barristers.
- 3.110 In addition, the Authority will report to the Minister for Justice on the creation of a new profession of conveyancer, as requested under section 34 of the Legal Services Regulation Act 2015.
- 3.111 The Authority will also report to the Minister on economic and other barriers facing early career solicitors and barristers with recommendations for how these may be overcome, as also requested. The LSRA has undertaken survey research and a statutory consultation as part of its preparation of this report to the Minister, which it anticipates will build on recommendations made in its 2020 Setting Standards report on legal practitioner education and training.
- 3.112 The Authority is conscious that future developments will take place at a time of global uncertainty with the Russian invasion of Ukraine, which began in February 2022, leading to a humanitarian crisis which will also damage global economic growth and have an impact on all aspects of the Irish economy.⁸⁵
- 3.113 The Authority will continue to both drive and monitor developments in the legal services sector in accordance with its statutory functions. These efforts will continue to shape and inform its annual assessments under section 33 of the Act.

⁸⁵ International Monetary Fund (2022) World Economic Outlook, April 2022: War Sets Back The Global Recovery, April 19, 2022 (Available [here](#))

Annexes

Annex A: List of Respondents to Statutory Consultation

Bar of Ireland
Competition and Consumer Protection Commission
Honorable Society of King's Inns
Irish Institute of Legal Executives
Law Society of Ireland
School of Law and Government, Dublin City University (DCU)
University College Dublin (UCD) Sutherland School of Law
Two individuals

Annex B: Public Consultation Notice

10 December 2021

Invitation for Written Submissions on Admission Policies of the Legal Professions *2021 Annual Report*

The Legal Services Regulatory Authority (LSRA) invites written submissions as part of a consultation prior to its third annual report to the Minister for Justice on the admission policies of the legal professions.

The Legal Services Regulatory Authority was established on 1 October 2016 and is responsible for the regulation of the legal profession and ensuring that standards in legal services are maintained and improved.

Under section 33(1) of the Legal Services Regulation Act 2015 (the Act), the LSRA is required to prepare and submit to the Minister for Justice an annual report on the admission policies of the legal professions. For the purposes of preparing this report, the LSRA is required under section 33(2) of the Act to conduct a consultation with professional bodies and such persons as it considers appropriate.

The LSRA's report will contain the following elements:

- (a) the number of persons admitted to practise as solicitors during 2021;
- (b) the number of persons admitted to practise as barristers during 2021;
- (c) an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in 2021 is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

The LSRA is interested to hear from those who are directly involved in the provision of legal services as well as from employers, state agencies, non-governmental bodies and other organisations and individuals who deliver and use legal services.

The LSRA is interested in views on whether there are any potential developments which are external to the legal sector (e.g. economic, social or technological) which might impact on admissions to the legal professions and the availability of the services of solicitors and barristers at a reasonable cost.

Following the consultation and other evidence gathering activities, the LSRA will draw up a report to the Minister of Justice. The final report will be submitted to the Minister by 30 April 2022.

Scope of Section 33 Consultation

The Authority invites written submissions in respect of the admission policies of the legal professions to include the following issues:

1. The **level of demand** for the services of practising barristers and solicitors in 2021.
2. The **costs of legal services** in 2021 and whether these were **available at a reasonable cost** to consumers.
3. The **standard of education and training** for persons admitted to practise.
4. The extent to which the admission policies of the legal professions are **consistent with the public interest** in ensuring the **availability of legal services at a reasonable cost**, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise.
5. The ongoing **impact of Brexit and the Covid-19 pandemic** on the above matters.

The above list of issues is not closed. Respondents may wish to comment on any other issues which have a bearing on the admissions policies of the legal professions and the assessment to be

conducted under section 33(1)(c). Respondents may also wish to comment on any other issues in relation to the operation of the Act including the objectives of the Authority under section 13(4) of the Act, which are:

- a) protecting and promoting the public interest,
- b) supporting the proper and effective administration of justice,
- c) protecting and promoting the interests of consumers relating to the provision of legal services,
- d) promoting competition in the provision of legal services in the State,
- e) encouraging an independent, strong and effective legal profession, and
- f) promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client's best interests, compliance with duties owed to the court and confidentiality.

It would be helpful for respondents to set out reasons for views expressed, and to provide any available evidence which may be deemed relevant.

Closing date and address for submissions

Interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than **Friday 11 February 2022**.

The Authority may contact respondents to explore any issues raised in responses in more depth and it will also be gathering evidence to use in its report from a variety of other sources.

Submissions may be sent to **Section 33 Consultation**:

- By e-mail to: publicconsultations@lsra.ie *or*
- By post to:
Section 33 Consultation

Legal Services Regulatory Authority

P.O. Box 12906

Dublin 7

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act, 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Authority will consult with interested parties making

submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to the Authority, will be treated with the highest standards of security and confidentiality and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR) when commenced.

Publication of Submissions

The Authority intends where appropriate to publish any submissions received by it on its website and otherwise. Please note that a decision on any such publication may occur without prior consultation with respondents to this consultation notice. It is in the interest of respondents to highlight, in their submissions, any commercially sensitive or confidential information, which they would not wish to be disclosed.

Legal Services Regulatory Authority

10 December 2021



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