



### **UCD Sutherland School of Law Response to LSRA Consultation on Admission Policies of the Legal Professions**

This response is submitted on behalf of UCD Sutherland School of Law. It focuses on questions 3 and 4 of the consultation. UCD Sutherland would like to highlight the two issues of a) international recognition of law degrees and b) barriers to accessing the professions which must be taken into account when ensuring that standards in legal services are maintained and improved.

#### **3. The standard of education and training for persons admitted to practise.**

For admission to practise in Ireland, individuals must generally complete a University Degree (not necessarily in law), undergo further professional training that is provided by 1 approved supplier (Kings Inns or the Law Society of Ireland) and complete a period of work experience under the supervision of a solicitor or barrister.

#### **The International significance of studying ‘the foundations of legal knowledge’ subjects at Degree Level.**

For UCD law graduates to become Irish solicitors, they must take and pass the FE-1 entrance exam. UCD law graduates are eligible for direct entry into the Degree of Barrister-at-Law at the Kings Inns if they have passed required core subjects and have also sat and passed an entrance exam.

While the Law Society does not require applicants for the FE-1s to take particular subjects during their undergraduate degree, it does require students to pass FE-1 exams in Constitutional Law, Law of Contract, Law of Torts, Company Law, Criminal Law, Law of the European Union, Equity and Law of Property. The Kings Inns requires students to show knowledge of the same subjects, and in addition Administrative Law, Jurisprudence and Law of Evidence.

The requirement for knowledge expertise in these areas 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. There has been some flexibility from the Kings Inns who, for example, accept Jurisprudence studied at a French University as part of our Law and French Law degree.

It is questionable whether these subjects, which focus on classic doctrinal knowledge, are actually useful to trainee solicitors and barristers. England and Wales, for example, have

moved towards a new skills-based pathway to becoming a solicitor which accepts any degree accredited at level 6 or above of the European Qualifications Framework. Applicants must pass the Solicitors Qualifying Examination before completing 2 years of qualifying work experience. However, the foundations of legal knowledge continue to be required by other legal jurisdictions for entry into practice and open up international opportunities for law graduates. This in turn means that those who enter the legal professions have broader international experience.

While the new SQE route for qualification as a solicitor in England and Wales ostensibly doesn't require studying the foundations of legal knowledge, bespoke training courses run by big London Solicitor firms will continue to require such knowledge. For example, the new [City Consortium Solicitor Training Programme](#) run by Slaughter & May, Freshfields and other city law firms in London requires applicants to have completed a law degree in England and Wales or have studied the foundations of legal knowledge. Irish students are permitted to pick up missing subjects from Graduate Diploma in Law courses run by UK based providers. UCD students qualify to sit the New York Bar if they have completed at least 166 ECTS in common law subjects (which align to the foundations of legal knowledge). The foundations of legal knowledge are still required in order to become a solicitor in Northern Ireland. Where UCD law graduates want to practice as a barrister in England and Wales, study of these subjects allows them to apply for a 'non England and Wales exemption' which means that they will not have to take a full Graduate Diploma in Law before taking the Bar Training Course but they may have to take some individual subjects.

#### **Delay and cost of sitting professional exams which duplicate degree knowledge**

UCD students who are intending to become Irish solicitors will try to get a training contract while still doing their Law degree and then spend the summer after graduation, revising for the FE-1s. Some will take the FE-1s at their own expense in the hope of landing a training contract at a later date. Students who wish to go to the Irish bar will also spend the summer studying for their exams. This is a costly pursuit for students who often find it difficult to juggle revision with work. The requirement to pay to sit an exam in a subject that has already been passed at degree level and to take time out from work to do so is a barrier to accessing the professions for many students.

#### **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.**


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.

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. When assessing whether education and training standards are adequate, their inclusivity must also be considered. It is in the public interest to ensure that the

number of persons admitted to practice as barrister and solicitors is draw from a wide cross section of Irish society and not just privileged socio-economic groups.

This response is submitted by Dr Maebh Harding on behalf of the UCD Sutherland School of Law. If you have any queries, please contact me on the email address below.

Yours faithfully,

A handwritten signature in black ink that reads "Maebh Harding". The signature is written in a cursive, flowing style.

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