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FAO: Legal Services Regulatory Authority

Dear Authority Members,

As the member with responsibility for career guidance and support in the Outreach and Engagement Committee in Maynooth Law Department, I have undertaken the Department's response to the Authority's consultation on barriers to early career legal professions in Ireland.

The Department of Law in Maynooth is a relatively young law school, but we have grown substantially in the past decade in both academic staffing and student numbers to become one of the largest on the island of Ireland. At undergraduate level, the Department offers a number of different degree programmes including a four-year LLB law degree, and a number of other 3-year BCL qualifying law degrees. The Department also offers core law modules to BA Arts degree students, and allows a significant degree of flexibility for meritorious students to transfer between different degree programmes.

The student profile in Maynooth is, among Irish universities, notably diverse. The natural geographic catchment area for the university includes urban, suburban and rural areas from inner-city and west Dublin, north Leinster, Connacht and border counties. The student population in Maynooth is particularly diverse in the socio-economic profile of its students, and has the largest proportion (22%) among Irish universities of access students. A large proportion of our students are the first in their families to attend university. A significant proportion are from first generation immigrant families.

In approaching the development of the Department's response to the Authority's consultation, I was particularly conscious of the distinct obstacles for our students in accessing careers at the Irish

Bar. While I acknowledge there are distinct challenges for professional qualification and career success as solicitors—particularly for those wishing to go into general practice in towns and rural areas—I approached this process with an understanding that, given the particular financial commitments involved, the socio-economic barriers are far more significant within the Irish Bar. As a result, most of this response is focused on obstacles to access in the Irish Bar.

This consultation response is derived from a student attitudes survey taken between July 9th and 11th 2021. While I understand the Authority plans to conduct its own survey of students, at the very least I believe the following sample data might inform how the Authority goes about conducting its own research. However, I believe this survey provides a valuable insight into law students current perceptions about the structural and cultural dynamics operative in the the Irish Bar.

This survey was conducted online using a Google forms tool. The survey was shared by email with all students registered with the Law Department in Maynooth, which includes all our law degree pathways (LLB and BCL) and students on the BA Arts pathway. We received 152 responses to our survey, from both undergraduate and graduate students, evenly spread across the different year groups. The Department estimates this to be approximately a 5% response rate.¹ While I believe responses were likely to be higher among students on qualifying law degrees (LLB and BCL), I wanted to include all students with an interest in law (and potentially therefore an interest in a legal career) in our survey. I also suspect that this sample may slightly over-estimate student interest in careers at the Bar. However, given the design limitations on the survey itself,² I cannot verify these two interpretations of the data.

The survey asked 20 questions, 4 of which were focused on students' demographic details, with the remaining 16 examining students' legal professional career ambitions and attitudes. Some questions were mandatory for completion of the survey, however a number of questions were not mandatory. I have noted where the response rate for a question was less than 100% for non-mandatory questions.

¹ Getting an exact figure on the total number of students with some relationship with the Department proved a little difficult as there are a number of duplications because of the overlapping nature of certain degree programmes. 5% represents a conservative response rate estimate.

² I take full responsibility for the gaps that emerged in the following response data. I hope to refine and develop this survey with the intention of running another one in the next 12–18 months.

Demographics of Response Sample

The gender breakdown of responses was as follows:

- 67% of respondents identified as female, and
- 32% as male

The race, ethnic or cultural background of respondents broke down as follows:

- 79% of respondents identified as 'White Irish'
- 9% as 'Black Irish'
- 5% identified as 'Other White'
- 2% as 'Asian Irish'
- 1% as 'Traveller'
- 1% as 'Mixed Race Irish'

The socio-economic class of respondents broke down as follows:

- 42% of respondents identified as 'Working Class'
- 29% as 'Middle Class'
- 14.5% as 'Lower Middle Class'
- 12% as 'Upper Middle Class'

Career Ambitions in Law

Respondents were asked if they planned to qualify as either a solicitor or a barrister in Ireland.

- 34% responded that they had **not yet decided**
- 24% responded that they **planned to qualify as a solicitor in Ireland**
- 19% as a **barrister in Ireland**
- 12% as a **solicitor or barrister in another jurisdiction**
- 10% **did not plan to qualify** as either a solicitor or barrister

Respondents were asked for reasons why they might not plan to qualify in Ireland.³

- 68% of respondents said **they did not have the family contacts they believed were necessary for a career in law**
- 63% said **the cost of qualification in Ireland was too high**
- 30% **feared their academic performance was not good enough**
- 20% **feared professional discrimination because of their socio-economic class, race, or ethnicity**

³ This question received a response rate of 49% of total responses.

- 19% **feared professional discrimination because of their gender**
- 12% responded that they **did not want to be a professional lawyer**

Career Ambitions at the Irish Bar

The remaining survey questions focused on student respondent perceptions of careers at the Irish Bar.

Respondents were asked specifically if they wished to qualify as a barrister in Ireland.

- 44% said **no**
- 28% said they **did not know**
- 27% said **yes**

Respondents were asked for reasons why they might not plan to qualify as a barrister in Ireland.⁴

- 70% of respondents said they **did not have the necessary family or social contacts they believed were necessary for a successful career at the Irish Bar**
- 66% said they **could not afford to work unpaid for the pupillage apprenticeship period**
- 56% said they **could not afford the Barrister-at-Law degree fees**
- 52% said they **could not sustain the financial insecurity of a career at the Irish bar**
- 21% **feared professional discrimination because of their socio-economic class, gender, race, or ethnicity**
- 20% answered that they **wanted to qualify as a solicitor**
- 10% that they **do not want to be a legal professional**
- 6% answered they **do not like public speaking**

Respondents were asked if they were considering a career at the Irish Bar, how they might pay for the Barrister-at-Law degree fees.⁵

- 53% said a **bank loan**
- 34% **future savings**
- 24% said **family loan or gift**
- 24% said **current savings**
- 24% said they **did not know**

Respondents were asked whether the 1–2 years of unpaid pupillage work necessary for qualification in the Irish Bar made it more or less likely that they would pursue a career at the Bar.⁶

⁴ This question received a response rate of 64% of total responses.

⁵ This question received a response rate of 68% of total responses.

⁶ This question received a response rate of 95% of total responses.

- 75% of respondents said this would make them **less likely to pursue a career at the Irish Bar**
- 19% said this **did not change their ambitions**
- 1% said they were more likely
- 6% said they **did not know**

Respondents were asked how they might fund the necessary 1–2 years of unpaid pupillage work to qualify.⁷

- 69% said they would **work part time on evenings and weekends**
- 41% said they would **live with their family rent free**
- 32% said they **would not be able to afford all their living expenses**
- 27% said **bank loans**
- 8% said **family gifts or loans**
- 7% said they **did not know how they would fund their pupillage years**

Respondents were also asked whether the required payment of Law Library fees during their pupillage years would make it more or less likely that they would pursue a career at the Bar.⁸

- 79% answered that this would make them **less likely** to pursue a career as a barrister in Ireland
- 17% said this **did not change their view**
- 2% said they would be **more likely**
- 3% said they **did not know**

Respondents were asked if the payment of a salary during the pupillage years would make them more or less likely to pursue a career at the Bar.⁹

- 94% answered they would be **more likely** to pursue a career at the Irish Bar if they received a salary during their pupillage years
- 5% said this **did not change their view**
- 1% said they **did not know**

⁷ This question received a response rate of 80% of total responses.

⁸ This question received a response rate of 95% of total responses.

⁹ This question received a response rate of 97% of total responses.

Respondents were provided with rough figures for both solicitor training contract salaries with major Dublin law firms ('up to €40,000 per year'), and pupillage award ranges in England and Wales (£16,000–£70,000 per year).

Respondents were then asked what they felt would be an appropriate salary for a pupil barrister in Ireland.

- 43% said **greater than €30,000 per year**
- 31% said between **€25,000–€30,000 per year**
- 12% said **€20,000–€25,000 per year**
- 9% said **€15,000–€20,000 per year**
- 4% said they **did not know**
- 2% said **€10,000–€15,000 per year**
- **No respondents believed less than €10,000 per year was an appropriate salary**

Respondents were also asked if they were familiar with how they might identify a Master/s for their pupillage year/s.

- 92% of respondents said **they were not familiar**
- 8% said they **were familiar** with how to identify a Master

Student Perceptions of Structural and Cultural Features of the Irish Bar

Finally, students were invited to respond to a number of statements about the structure, and professional culture of the Irish Bar.

For the statement: *The Irish Bar is a diverse and representative profession*

- 42% **disagreed** with the statement
- 28% **strongly disagreed**
- 21% **did not know**
- 8% **agreed**
- Less than 1% **strongly agreed** with the statement

For the statement: *I think qualifying as a barrister in Ireland is an achievable goal for me*

- 31% **disagreed** with the statement
- 23% **agreed** with the statement

- 23% **did not know**
- 17% **strongly disagreed**
- 7% **strongly agreed**

For the statement: *I think building a career as a barrister in Ireland is an achievable goal for me.*

- 32% **disagreed** with the statement
- 27% **did not know**
- 22% **agreed**
- 14% **strongly disagreed**
- 5% **strongly agreed**

For the statement: *Qualifying and succeeding as a barrister in Ireland should be based exclusively on merit.*

- 32% **agreed** with the statement
- 29% **strongly agreed** with the statement
- 25% **did not know**
- 12% **disagreed**
- 3% **strongly disagreed**

For the statement: *The Irish Bar is a modern, inclusive, progressive, and representative profession.*

- 50% **disagreed** with the statement
- 23% **strongly disagreed**
- 18% **did not know**
- 8% **agreed**
- 1% **strongly agreed**

Comment on Response Data

Here I will briefly offer a number of observations on the survey data outlined above. Health warnings about the representativeness of this sample aside, student perceptions about the structural and cultural dynamics of access and success at the Irish Bar should make for grim reading. Despite there being a substantial appetite among student respondents to explore career options at the Bar, there are extremely high levels of pessimism about the practical challenges of achieving qualification and success. This pessimism is magnified when student respondents are faced with the specific financial burdens that accompany qualification as a barrister, including

Barrister-at-Law degree fees, Law Library fees, and the effective requirement to work full-time as an apprentice for 2 years. The financial precarity of a career at the Bar was also identified by 52% of respondents as a key driver of this pessimism. Though fear of oral advocacy is often anecdotally identified as a dominant divider between those seeking solicitor qualification and those seeking to become barristers, only 6% of respondents identified fear of public speaking as a disincentive towards a Bar career.

At a more fundamental level, an overwhelming majority of respondents perceive both branches of Irish legal professional practice to be governed by informal familial and social networks beyond their own social status. A worryingly high proportion of respondents also perceive they will suffer discrimination because of their race, ethnicity, gender, or socio-economic class. 73% of respondents in this Maynooth survey do not believe the Irish Bar is a representative modern, inclusive or representative profession. A strong majority (61%) believed career access and progression at the Bar should be based exclusively on merit: concerns identified elsewhere in the survey regarding the importance of informal elite social networks suggest student respondents do not believe the current system rewards or prioritises merit. Only a tiny fraction of student respondents (8%) had any idea about how they might go about identifying a suitable Master for their apprenticeship. This suggests the Law Library of Ireland continues to provide poor outreach and engagement services to ensure well-qualified candidates without the institutional knowledge one might acquire through familial or social familiarity are well-aware of the processes and procedures for Bar qualification.

Similarly striking is the unanimous rejection of the current unpaid nature of barrister pupillages in Ireland. Indeed not a single student respondent believed that anything less than a salary of €10,000 per year was appropriate, with the vast majority (86%) believing salaries should be over €20,000

per year. Student respondents also overwhelming characterised the absence of pupillage salaries was a major disincentive towards pursuing a career at the Bar. Similarly, the requirement that pupils pay Law Library fees during their apprenticeship was also characterised as a major disincentive. It is important to note that estimated minimum living costs involved in pupillage year in Dublin were not provided to students. If it had been possible to provide those figures, the responses may indeed have been more pessimistic.

In terms of strategies for financing Bar qualification, student respondents identified bank loans as a likely source of financing for qualification for both the Barrister-at-Law degree, and the 1–2 year pupillage. This betrays perhaps a degree of naivety among students about the willingness of Irish financial institutions to fund Bar qualification: particularly where a borrower's family is not in a position to guarantee that debt.

Student respondents also believe part-time work could help pay the costs of Bar qualification. However, it should be observed that it is not clear that there are many such part-time positions available that would provide the required flexibility and salary to support what is now a two-year, unpaid, full-time apprenticeship. Again, students were not provided with any figures on the minimum living costs for a year in Dublin. Indeed, even if it was possible to find flexible and well-paid part-time employment, it might be appropriate to ask whether requiring students to work substantial additional hours might hamper the intellectual skills required to learn and refine the necessary skills for Bar practice.

On a personal level, as someone who for the past decade has carefully observed the career progression of peers in both the Irish and London Bars, I would add that there appears to be a remarkable degree of complacency in the Irish Bar about the enormous, immediate, and obvious

barriers to access posed by the unpaid ‘devilling’ years. If the Irish Bar was a truly elite and highly selective set of highly experienced legal practitioners (i.e. solicitors)—such as, for example, how some of the Australian State Bars are organised—an unpaid, brief apprenticeship may be understandable. The Irish Bar is, however, in no way as selective in terms of academic or professional achievement. Instead, it appears to be organised primarily—though not exclusively—around the principle that only those who are best-resourced to survive are most likely to establish a sustainable career. While the cost of the Barrister-at-Law degree—and the comparatively pitiful levels of financial support provided by the Kings Inns to those from under-privileged backgrounds—is undoubtedly a significant access barrier, the long and slow death of low- or no-paid precarious junior barrister work is a much more concerning feature of the Irish Bar. I would also encourage the Authority in its future work on this area to carefully and critically interrogate the unofficial—yet apparently necessary (for ‘devils’)—increase of the unpaid pupillage period from one year to two years (or longer). It is difficult to avoid the conclusion that the persistent normalisation long-term unpaid work in order to qualify and succeed at the Irish Bar reflects deep, but unacknowledged, social and economic elitism within the Irish Bar.

I hope this response is of assistance to the Authority as it considers the vitally important issue of barriers to access to legal professional qualification and progression.

If you would like access to the “raw” anonymised survey data, I would be happy to share on request.

Kind Regards,

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