

Dear Sir / Madam,

1. Regulatory Oversight and Legal Basis

This submission is made to the Legal Services Regulatory Authority (LSRA) in its capacity as the statutory overseer of the legal profession. Under Section 13 and Section 33 of the Legal Services Regulation Act 2015, the Authority is mandated to review admission policies and ensure they align with the public interest. As an emanation of a Member State, the Law Society's regulations must comply with the fundamental freedoms of the European Union, specifically Article 45 TFEU.

2. The Primary Restriction: The "Employer Veto" (The Letter of Release)

The Law Society of Ireland's In-office Training framework requires a trainee solicitor wishing to transfer their contract to another firm to provide a "Letter of Release" from their current training solicitor.

The Obstacle: By requiring the outgoing employer's written consent, the Law Society grants the training firm an effective veto over a worker's career progression.

Breach of Case Law (Krah C-703/17): In Krah, the CJEU held that Article 45 TFEU precludes any national rule which, even if applied without discrimination on grounds of nationality, is liable to prohibit, impede, or render less attractive the exercise of freedom of movement. A rule that effectively "locks" a trainee to a specific employer by requiring that employer's permission to leave is a classic dissuasive measure. It creates a "geographic and firm-specific lock-in" that prevents trainees from responding to better economic opportunities in other firms or Member States.

3. The Secondary Restriction: Territoriality of Professional Experience

The Law Society's regulations generally require that the 24-month training period be served under a solicitor practising within the Republic of Ireland. This "jurisdictional anchor" fails to recognise equivalent professional experience gained in other Member States.

The Obstacle: This rule prevents trainees from moving between cross-border offices (e.g., between Dublin and Belfast or Paris) to gain the requisite experience, as time spent outside the State is typically not credited toward the "in-office" requirement.

Breach of Case Law (Katharina Plavec v Rechtsanwaltskammer Wien, C-807/23): In its ruling of 3 April 2025, the CJEU held that Article 45 TFEU precludes national legislation which requires a specific part of practical training to be completed with a lawyer established in that specific Member State. The Court ruled that such a requirement is a restriction on the freedom of movement for workers because it discourages trainees from seeking experience with firms in other Member States, even when that experience is qualitatively equivalent.

Breach of Case Law (Castilla y León v Delia, C-86/21): The Court further established in Delia that professional experience acquired in another Member State must be taken into account under the same conditions as experience acquired in the host State. The Law Society's refusal to automatically recognise training periods served in other EU jurisdictions (including Northern Ireland) as part of the core 24-month requirement is a direct violation of this principle.

4. Failure of the Proportionality Test

Under the Wouters and Meca-Medina standards, any restriction must be strictly necessary to achieve a legitimate objective (e.g., "quality of training").

Suitability: The "Letter of Release" does not ensure training quality; it merely protects the training firm's economic interest in retaining junior staff.

Necessity: Training quality can be secured through competency-based logs and independent assessment of work. There is no qualitative reason why an employer must "release" a trainee if the trainee's record of work is already transparent and verifiable.

Proportionality: As held in Plavec (2025), Member States must adopt the "least restrictive means" to monitor training. A blanket territoriality requirement or an employer veto is vastly disproportionate to the goal of maintaining professional standards.

5. Action Requested

I request that the LSRA, as part of its next annual report to the Minister for Justice:

Formally Review the Law Society's "Letter of Release" policy for compliance with the Krah standard.

Recommend the Abolition of territorial restrictions on training experience to align Irish law with the C-807/23 Plavec ruling.

Mandate a Transfer System based on objective professional sign-offs rather than employer permission.

[REDACTED]