



**An tÚdarás Rialála
Seirbhísí Dlí**
Legal Services
Regulatory Authority

Report on the Education and Training of Legal Practitioners

Report to the Minister for Justice and Equality, Mr. Charles Flanagan TD under section 34(1)(a) of the Legal Services Regulation Act, 2015

Independence

Innovation

Consumer Protection

Accountability and Transparency

September 2018

Report to the Minister for Justice and Equality under section 34(1)(a) of the Legal Services Regulation Act, 2015 on the Review of the Education and Training of Legal Practitioners

PART 1- Report of the Legal Services Regulatory Authority

Introduction

1. The Legal Services Regulatory Authority are pleased to report to the Minister for Justice and Equality on the education and training of legal practitioners in the State as required under section 34(1)(a) of the Legal Services Regulation Act, 2015.
2. The Authority engaged Hook Tangaza Consultants to undertake the research required, manage the public consultation exercise and to report to the Authority on their findings. The consultants worked closely with the Chief Executive and staff of the LSRA in carrying out this exercise.
3. The Authority received the report from the external review team on Friday 31 August 2018. The Authority has given initial consideration to the report from the consultants. A considerable amount of further work and consideration is required. As the statutory deadline for submission of a report is 1 October 2018, the Authority has decided that in meeting this timeline, the public interest would be best served by outlining the future steps it proposes to take, without prejudice as to its final proposals and position in this matter, as well as forwarding the consultants' report to the Minister.

The Hook Tangaza External Review Team Report

4. The report by the Hook Tangaza external review team begins by outlining the requirements of the Act, the premise of the review of legal education and the significance of the education and training of legal practitioners to the wider legal services sector.
5. The second section looks at the appropriate standards required for a 'fit for purpose' system of legal practitioner training. The third section then reviews the existing arrangements for the education and training of legal practitioners in the State.
6. Sections 4, 5 and 6 look at the views of stakeholders in relation to the current system of education and training of legal practitioners and the changes they would like to see as regards access to legal practitioner training and as to the content, structure and pedagogy of professional training.

7. Section 7 outlines the external review team’s findings of the analysis of the current training and education framework against identified best practice principles. Section 8 identifies the proposals for change that emerge from the analysis and section 9 outlines how these proposals could be implemented.
8. Finally section 10 sets out the conclusions reached by the external review team.

Proposals of the Hook Tangaza External Review Team

9. The Hook Tangaza External Review Team have made a number of proposals for the consideration of the Authority. Proposals one and two are described as the “*core propositions*” which will “*provide both a foundation and catalyst for further reforms of the education and training system for legal practitioners*”.
10. In their first proposal the external review team state that, “*A clear definition of the competence and standards required to practise law should be developed for legal practitioners.*”
11. The external review team’s second proposal is that “*The roles and responsibilities of stakeholders in the legal education and training system should be reformed to reflect modern principles of good governance and better education.*”
12. This proposal would require the LSRA to establish a Legal Practitioner Education and Training (LPET) Committee, which would be tasked with responsibility for setting and assuring standards of legal education and training.
13. The LPET Committee would be constituted as an independent body reflecting, but not representing, the interests of all stakeholders in legal services education. It would be responsible for setting standards and competencies and accrediting providers to deliver elements of the training to meet the competencies required. It would also be responsible for periodic reviews of the competencies and standards and for reviewing accreditations.
14. Under the proposals, the LPET Committee would develop an accreditation and validation framework for legal education and training providers, manage the introduction of new providers or alternative routes to qualification and monitor the quality of education and training.
15. The external review team have also made further general proposals as to how the core competency and governance approach could positively impact upon non-law graduates, mature applicants, admission policies, transfer arrangements, foreign transfers and Continuous Professional Development.

LSRA Proposals

16. Section 34(3)(a) of the Legal Services Regulation Act 2015 requires that a report on the education and training of legal practitioners is submitted to the Minister by 1 October 2018. Under section 34(3)(b) of the Act the Authority may also make such recommendations *as it considers appropriate* in relation to the arrangements that in the opinion of the Authority should be in place for the provision of the education and training of legal practitioners.
17. The report prepared by Hook Tangaza is based on a considerable body of evidence gathered through the public consultation exercise as well as both qualitative and quantitative research. It sets out a detailed case for reform of the education and training of legal practitioners. These proposals if implemented have the capacity to significantly affect the education and training of legal practitioners and the wider legal services sector. Legislative changes would also be required.
18. The Authority is of the view that such significant change should only be made, following careful consideration and informed debate on both proposals for change and their proposed implementation and impact.
19. Consequently, the Authority has concluded that it will make its final recommendations and set out a proposed implementation process when it has had the opportunity to undertake further consultation on the proposals laid out in the Hook Tangaza external review report, as well as engaging with both the providers and users of legal services and exploring the possible impact of the proposals on legal education and on the wider legal services sector.
20. In line with this approach the Authority intends to allow for a period of consideration and discussion by stakeholders and the wider community following publication of the Hook Tangaza report and then to convene a public symposium on legal education and training to discuss and examine the findings of the Hook Tangaza external review and such other proposals as may be subsequently made during the consideration and discussion period as well as on implementation issues.
21. This approach would ensure that the proposals of the external review team have been fully and openly explored allowing stakeholders in legal services, in legal education and training and in the wider community an opportunity to explore the way forward.

22. Following the process, the Authority will submit a further report to the Minister outlining the recommendations it considers appropriate in relation to the provision of legal education and training in the State and will map out a proposed implementation process and schedule.

**Legal Services Regulatory Authority
September 2018**