
CHIEF EXECUTIVE

David Mulholland

Section 6 Consultation
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 2

14 June 2018

Dear Sir/Madam,

Education and training arrangements for legal practitioners in Northern Ireland

Many thanks for your correspondence dated 08 May inviting the Bar of Northern Ireland to comment on the public consultation in relation to section 34(1)(a) of the Legal Services Regulation Act 2015 under which the LSRA is conducting a public consultation on the initial and continuous education and training of legal practitioners. Whilst the Bar of Northern Ireland is not directly impacted by the Legal Services Regulation Act 2015, we believe that this provides a useful opportunity to draw comparisons and highlight common themes between the arrangements governing the legal education and training across the Republic of Ireland and Northern Ireland. Consequently, our response below focuses on the six broad categories outlined in the text of section 34(3)(c) of the 2015 Act.

In terms of appropriate **standards of education and training** for legal professional qualifications, it is worth noting that the Report of the Committee on Legal Education in Northern Ireland in 1973 recommended that vocational courses for both branches of the legal profession should be provided through a new institution known as the Institute of Professional Legal Studies. The report stressed that the Institute should have input from both practitioners and academics and recommended the establishment of a governing body comprising representatives from the university, judiciary and the legal profession. The Institute was opened with an initial cohort of 50 solicitor and bar students in 1977 and the Council of Legal Education was established at the same time.

The Diploma in Professional Legal Studies is the professional stage of training for the Bar of Northern Ireland. To obtain entry to the Bar Course an applicant must possess a qualifying degree and sit and pass a competitive written admissions test. Twenty Bar students are admitted annually based on their performance in the Admissions Test. The Admissions Test is designed to test the ability of applicants to elicit relevant facts from a mass of information, problem solving skills, organisational abilities and communication skills.

CHIEF EXECUTIVE

David Mulholland

Prior to commencing the course all applicants must be admitted as Students of the Inn of Court of Northern Ireland by the Benchers. The Bar Class complete the Diploma course over the course of an academic year and students complete seven core modules interspersed with periods of in-service training at the Bar. The Bar of Northern Ireland guarantees pupillages to all those who attain a place on the Diploma Course.

Our Bar students graduate at the end of June and are called to the Bar of Northern Ireland the following September. Similar to the Bar of Ireland, they are then required to complete a 12 month pupillage with a barrister of at least seven years post call experience. During the first six months of pupillage the pupil is not permitted to accept instructions in their own right. Pupil barristers are also required to complete mandatory training programmes in ethics and advocacy during pupillage.

Meanwhile there are a number of arrangements in place to **monitor adherence with the appropriate standards** in this jurisdiction. Applicants for the Bar Course are required to attain a minimum of a 2:1 in their qualifying degree. The Diploma in Professional Legal Studies is a taught post-graduate course which sits within a Framework for Higher Education Qualifications. The Council of Legal Education monitors adherence with the appropriate standards by the design and delivery of the Admission Test and benchmarking the course against the quality assurance standards of both the professional body and the university.

In addition, all students of the Inn of Court of Northern Ireland are subject to both the Bar's Code of Conduct and the University's Academic Regulations. Students must also satisfy the Benchers of their fitness to be admitted as a student of the Inn of Court and subsequently of their eligibility to be called to the Bar. Masters must also certify to the Benchers that a pupil has completed the period of pupillage to the required standard.

In considering the **scope and content of the curriculum** forming part of course of legal professional education and training in Northern Ireland, it is worth highlighting that Bar students must satisfy their legal education requirements at the Institute of Professional Legal Studies by undertaking modules in bar skills, civil litigation, criminal litigation, commercial litigation, bar property, public law and family litigation. Legal ethics are taught through a dedicated Bar Placement module delivered by the Bar of Northern Ireland which teaches and assesses knowledge of the Code of Conduct for the Bar. Legal ethics issues are also embedded in the substantive legal education modules.

Furthermore, negotiation and alternative dispute resolution form part of the Bar Skills module. Advocacy, as the core skill for barristers forms the substantive element of the

CHIEF EXECUTIVE

David Mulholland

Bar Skills module. Pupil barristers are required to undertake mandatory training in ethics and advocacy during their pupillage. Advocacy is taught through a dedicated advocacy skills training programme delivered twice a month during the first six months of pupillage.

One of the key functions of the Bar is the delivery of ongoing professional training and education for members in the form of continuing professional development. CPD is a vital tool in ensuring the application of consistently high standards of practice and allowing for the regular review of developments in the law and evolution in response to the requirements of the profession, clients and others. Similar to the Bar of Ireland, a CPD practice year is a period of 12 months but ends on 30 November each year.

However, from December 2017 onwards all members of the Bar of Northern Ireland are required, as a condition of their practising certificate to complete 12 points of continuing professional development credit annually. All CPD activity is accredited by the CPD Committee of the Bar of Northern Ireland. Barristers are free to select continuing professional education courses which meet their practice needs to satisfy 9 of the annual 12 point requirement. All barristers must undertake mandatory CPD in each of three categories which are Advocacy, Ethics and Practice Management. Barristers can also attain accreditation as Mediator and Arbitrator members of the Bar Mediation and Arbitration Service by completing recognised foundation training and engaging in an annual programme of dedicated CPD in addition to their standard requirements as a barrister.

The Bar would also point to arrangements in Northern Ireland that already facilitate the **minimisation of duplication** in the taking of examinations in legal subjects for individuals who wish to transfer between the professions. Solicitors who wish to become barristers can make an application to the Education Committee of the Benchers. Applicants who are approved are normally required to complete the Bar Advocacy, Bar Skills and Bar Practice Placement modules at the Institute of Professional Legal Studies prior to Call. Barristers who wish to become solicitors can make an application to the Law Society who will prescribe the courses of study that applicants must undertake at IPLS prior to their admission to the Roll of Solicitors.

The consultation also considers the **standards required** for the award of legal professional qualifications pursuant to courses of legal professional education and training. The pass mark for the Diploma in Professional Legal Studies is 50 per cent and Bar students can gain a pass, credit or distinction. Bar students must pass written examinations in the core modules and reach an appropriate standard in skills assessments in advocacy and ethics. The Benchers require Bar students to have attained the Diploma in Professional Legal

CHIEF EXECUTIVE

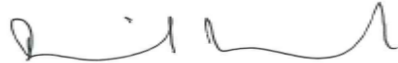
David Mulholland

Studies as a pre-condition of their Call to the Bar. Prior to Call to the Bar the Benchers confer the Degree of Barrister at Law on those Bar students who have attained the Diploma in Professional Legal Studies.

Finally, we have considered the requirements relating to the accreditation of bodies or institutions the provision of courses of legal professional education and training in Northern Ireland. The Bar of Northern Ireland has delegated responsibility for the provision of legal professional education for students of the Inn of Court to the Institute of Professional Legal Studies under the governance of the Council of Legal Education. The Benchers of the Inn of Court of Northern Ireland retain responsibility for awarding the degree of barrister at law and recommending candidates for admission to the Bar of Northern Ireland.

The Bar hopes that this provides a useful overview of the system for education and training of legal professionals in Northern Ireland. If I can be of any further assistance in this matter, please do not hesitate to contact me.

Yours sincerely,



David Mulholland
Chief Executive