

Section 34 Consultation

Legal Services Regulatory Authority

PO Box 12906

Dublin 2

14<sup>th</sup> June, 2018

To whom it may concern

We are writing to you jointly as Heads of Law Schools and Departments in universities in Ireland. We wish to make a joint submission as part of the public consultation on the education and training arrangements for legal practitioners in the State. We may also be making individual institutional submissions.

In regulating the provision of legal services by legal practitioners and ensuring the maintenance and improvement of standards in the provision of such services in the State, we note that the LSRA undertakes to keep under review the admission requirements of the Law Society, Bar Council, and Honorable Society of King's Inns. Our joint submission relates specifically to admission requirements and the link with legal education in Irish universities.

At present, the admission requirement for King's Inns is that a student must have taken the following 6 required subjects during the course of a law degree (Land Law, Equity and Trusts, Jurisprudence, Company

Law, Law of the European Union, and Administrative Law. The student must then have completed the relevant entrance exams in the subjects of Contract Law, Criminal Law, Irish Constitutional law, Law of Torts, and Law of Evidence.

To qualify as a solicitor in Ireland graduates must first pass an entrance examination, also known as the Final Examination/ First Part (FE-1). This exam is held twice a year. It consists of 8 papers: Company Law; Constitutional Law; Law of Contract; Criminal Law; European Union Law; Equity; Real Property; and the Law of Tort. Non-graduates can take a preliminary examination before being eligible to sit the FE1s. University graduates from Ireland and the United Kingdom or holders of degrees (regardless of the discipline) awarded by the Higher Education and Training Awards Council (HETAC) are exempt from this examination.

Admission to the Law Society of Ireland is not therefore linked to a requirement to have a recognised law degree. Nor are there any exemptions given for having such a degree. This is problematic for a number of reasons. To begin with, it does not formally acknowledge the depth and breadth of education provided by an undergraduate law degree. Such a legal education includes a range of core and specialist elective modules. Through choosing from a wide range of elective modules (many taught at an advanced level), students learn to think critically about the law and how it develops. They realise that legal problems do not come pre-packaged within the discrete subjects tested on an entrance exam. Furthermore, undergraduate law students are exposed not only to the study of the substantive law, but, at the same time, may undertake significant international exchanges and engage in skills-based learning, including advocacy, legal writing, and the consideration of ethical dilemmas posed by legal regulation. In all aspects of undergraduate legal education, students integrate perspectives from Irish law, European law and international law in arriving at comprehensive answers to legal problems, breaking down

subject-matter boundaries. This prepares students to be better practitioners but as importantly makes them attuned to law's social function. This is essential if the legal professions are to serve the needs of society more broadly.

The education itself is provided in a research focused environment by academics who are leading experts in their respective fields. It is also student-centred, ensuring that learners are pedagogically engaged in ways that are designed to maximise learning outcomes. In not acknowledging its benefits, admission to the professional community of legal practice is decoupled from the community of legal scholarship, something which does not occur in other professional disciplines such as medicine, dentistry, pharmacy, engineering, psychology or accounting. It also results in an anomalous situation where Irish law degrees are recognised by other accrediting bodies such as the Law Society of Northern Ireland, Legal Practice course providers in England and Wales, the Bar Council of India, and the New York State Board of Law Examiners, but not specifically by the Law Society of Ireland.

Based on all of the above considerations, we believe that admission to the legal professions should include a recognition of undergraduate legal education in Ireland. More generally, we consider that there is a need for a framework that promotes dialogue with the professional bodies about admission to practice and related matters and acknowledges the quality and relevance of the legal education currently provided by University law schools and departments at both undergraduate and graduate levels. This is essential if, as educators, we are to ensure that the future generation of lawyers in Ireland are best equipped to handle the societal and practical problems they will face in the challenging years ahead

Yours sincerely

Professor Mark Bell (TCD)

Professor Michael Doherty (NUIM)

Professor Oran Doyle (TCD)

Professor Shane Kilcommins (UL)

Professor Ursula Kilkelly (UCC)

Professor Imelda Maher (UCD)

Professor Eugene McNamee (UU)

Professor Gary Murphy (DCU)

Dr Charles O'Mahony (NUIG)