

**Submission to the Legal Services Regulatory Authority**  
**by**  
**The School of Law, University College Cork**

First established as a Faculty in 1849, the School of Law at University College Cork is a modern comprehensive Law School, offering a range of academic programmes at undergraduate and postgraduate level. We currently have over 700 students on a wide range of programmes – including six BCL (undergraduate) programmes, two graduate LLB and seven (taught) LLM programmes – with a mix of specialist and general degrees, some of which are unique in Ireland. The student body is diverse with increasing numbers of students from mature years, part-time, non-traditional entry and international cohorts. Programmes combine traditional law curricula with a focus on clinical legal education and legal skills. Students enjoy a range of placement and study abroad opportunities as part of their undergraduate degrees and are encouraged to take electives from language and business departments.

The School of Law is large with 38 full-time staff – nine Professors, five Senior Lecturers, eleven Lecturers, one postdoctoral researcher and a number of research assistants. There are also more than 30 part-time staff who lecture and tutor on Law programmes. Law has one Emeritus Professor and several distinguished adjunct professors, including the Chief Justice of Ireland, the Vice Admiral of the Irish Defence Forces and distinguished members of the legal professions and international academia.

Consistently ranked in the top 150 law schools globally (Source: QS Rankings by Subject 2017) the School of Law has continually graduated well-rounded law students who have served with distinction as members of the legal professions in Ireland. Our graduates currently sit as Judges in all courts in the Irish legal system, from the Supreme Court to the District Court.

As a primary stakeholder in the field of legal education in Ireland, the School of Law welcomes the opportunity to make this submission in relation to the education and training of legal practitioners within the state. In particular we wish to make a number of observations concerning the recognition of law degrees for admission to the legal profession in Ireland. The School has also made a collective submission to the Authority with its fellow Heads and Deans of Irish Law Schools. This highlights the decoupling that has taken place between the professional bodies and University law degrees and the devaluation of University legal education that has occurred as a result. It will not repeat those observations here, other than to say that it considers that this has had a detrimental effect on the practice of law in Ireland and to recommend that consultation be undertaken between University law schools and the professional bodies to review the needs of the legal profession in Ireland from this perspective.

### **Admission as a Solicitor**

At present, all applicants seeking admission to the Law Society of Ireland must pass an entrance examination – the Final Examination – Part 1 (FE-1). The general entitlement to sit this examination is based on the applicant being a University graduate from Ireland and the United Kingdom or the holder of a degree (regardless of the discipline) awarded by the Higher Education and Training Awards Council (HETAC).

This obligation is imposed on all degree holders irrespective of whether they hold a degree in law or in some other non-law discipline. No recognition is currently given to university law degree holders and the years of education and examination that they have undertaken as part of their studies.

The obligation requires all degree holders to pass an examination in 8 core legal subjects despite the fact that law degree holders from UCC (and other universities) will already have been required to pass examinations in these subjects (seven of which are compulsory) as part of the requirements of the various law degrees at UCC.

This duplication of assessment is unnecessary and imposes both a time and financial burden on law degree holders who have already demonstrated their competence by passing modules in the designated subjects at degree level.

There is no rationale behind this duplication of assessment and can be contrasted with the situation pertaining to admission to the Kings Inns where recognition is afforded to holders of recognised law degrees.

The School of Law is strongly of the view that the requirement to be examined in core modules already undertaken as part of a Level 8 law degree should be removed and that there is no barrier in national or EU law to this being done. It recommends that an exemption from sitting FE1 examinations in subjects already passed at Level 8 should be provided to all such candidates.

### **Admission as a Barrister**

In contrast to the situation pertaining to qualifying as a Solicitor, there is specific recognition of law degree holders seeking admission to the BL degree at the King's Inns. Law Degree holders on a Schedule of Approved Law Degrees (which includes all Level 8 law degrees offered at UCC) are entitled to sit the entrance examination for the King's Inns degree course provided that they have passed six core subjects as part of their undergraduate degree.

The School of Law welcomes the fact that recognition is provided to holders of law degrees but nonetheless believes that the requirement to sit an entrance examination is discriminatory against law degree holders who have already passed those subjects as part of their law degree.

There is no logic to requiring law degree holders to pass an entrance examination in five core legal subjects (Contract Law, Criminal Law, Irish Constitutional law, Law of Torts and Law of Evidence) when they have already passed these subjects at degree level, while at the same time recognising their law degree for the purposes of admission provided they have passed six other core subjects yet not requiring re-examination in those subjects (Land Law, Equity & Trusts, Jurisprudence, Company Law, Law of the European Union, Administrative Law).

It is, in our view, entirely appropriate for the King's Inns to require evidence of satisfactory knowledge of each of these 11 core subjects but there is no rationale behind the acceptance of a prior qualification in six subjects while requiring re-examination in the other five. All eleven of these subjects are taught to the highest standard both at UCC and other law schools and it is entirely arbitrary to attempt to distinguish them by means of re-examination of some of the subjects.

The School of Law believes that there should be full rather than partial recognition of the holders of recognised law degrees for the purposes of admission to the degree course at the King's Inns. This could take the form of admission to the degree for those law degree holders who have passed the required subjects or exemption from the entrance examination for law degree holders who have already passed the entrance examination subjects as part of their law degree.

## **Conclusion**

At present, there is an unnecessary level of duplication in the examination of students who wish to become members of the legal profession. To varying degrees, both the Law Society of Ireland and the King's Inns seek to re-examine law degree holders in subjects that they have already passed as part of their law degree. This undermines the value of University legal

education and places a further burden on students who have already demonstrated their proficiency in the relevant subjects. It also places a financial burden and barrier as both bodies levy not inconsiderable fees to sit the relevant examinations.

There is a long tradition of legal education of the highest level being provided at University College Cork and other institutions within the state. Furthermore both the Law Society of Ireland and the King's Inns have an excellent record of providing professional training courses for future solicitors and barristers. Nonetheless, the current examination and admission requirements for both professions needs to be overhauled to recognise the prior and existing qualifications of law degree holders and remove the unwarranted duplication of assessment.

A handwritten signature in cursive script, reading "Ursula Kilkelly", written in black ink. The signature is positioned above a solid horizontal line.

Professor Ursula Kilkelly  
Dean, School of Law

15<sup>th</sup> June 2018

