

Invitation by the Legal Services Regulatory Authority for Submissions

The Legal Services Regulatory Authority (LSRA) invites submissions as part of a public consultation prior to a report to the Minister for Justice and Equality on the education and training arrangements in the State for legal practitioners.

The Legal Services Regulatory Authority was established on 1 October 2016 and is responsible for the regulation of the legal profession and ensuring that standards in legal services are maintained and improved.

Under section 34(1)(a) of the Legal Services Regulation Act, 2015, the LSRA is conducting a public consultation as part of its preparation of a report to the Minister in relation to the initial and continuous education and training of legal practitioners (solicitors and barristers).

The consultation is seeking views from a wide range of organisations and individuals. The LSRA is interested to hear not only from those who are directly involved in legal practitioner education and training, as providers or recipients; but also from employers and clients who are 'users' of those emerging from the system.

Whilst the former category of respondents will have greater insight into the content and other arrangements governing legal education and training, the latter will have useful views to share on the perceived quality of legal practitioner training, both in terms of the skills and knowledge of new entrants into the profession and in terms of the ability of the continuing education regime to maintain quality.

The LSRA is also interested in views on whether there are any potential developments which are external to the legal sector (e.g. economic, social or technological) and which might suggest a changing need for the type, initial standard of qualification or content of training. Responses which provide insight into the experience of other professions and jurisdictions would also be useful.

In considering any evidence presented, the LSRA will be guided by the regulatory objectives set down in section 13 of the Act, which are:

- (a) protecting and promoting the public interest,
- (b) supporting the proper and effective administration of justice,
- (c) protecting and promoting the interests of consumers relating to the provision of legal services,

- (d) promoting competition in the provision of legal services in the State,
- (e) encouraging an independent, strong and effective legal profession, and
- (f) promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client's best interests, compliance with duties owed to the court and confidentiality.

Following the consultation and other evidence gathering activities, the LSRA will draw up a report to the Minister of Justice and Equality.

The text of Section 34(3)(c) of the 2015 Act states that the LSRA shall include in its report recommendations in relation to the following:

- Appropriate standards of education and training for legal professional qualifications;
- Arrangements necessary to monitor adherence with the appropriate standards;
- The scope and content of the curriculum forming part of courses of legal professional education and training, including the teaching methodology of the following:
 - Legal education,
 - Legal ethics,
 - Negotiation,
 - Alternative dispute resolution, and
 - Advocacy.
- Arrangements that would facilitate the minimisation of duplication, and consequent expense incurred in the taking of examinations in legal subjects on the part of a person who
 - I. Wishes to undertake a course of legal professional training and who has obtained a third level law degree that includes one or more of the subjects that form part of that course,
 - II. Who wishes to transfer between the professions, i.e. a solicitor who wishes to become a barrister or a barrister who wishes to be admitted as a solicitor.
- Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training;
- The need for, and, if such a need is identified, the manner of and requirements relating to the accreditation of bodies or institutions to:
 - I. Provide, or procure the provision of, courses of legal professional education and training,
 - II. Hold or procure the holding of examinations, and
 - III. Award, or procure the awarding of, diplomas, certificates or other awards of merit.
- Any other matters that the Authority considers relevant and appropriate.

The final report will be submitted to the Minister by 30 September 2018.

Scope of the Consultation

The Authority now invites written submissions from members of the public and any other interested party in relation to the education and training arrangements in the State for legal practitioners.

It would be helpful for respondents to consider the scope of the recommendations the LSRA is required to cover in its report and to comment on any of these which they consider relevant. It would be helpful for any views expressed, to be substantiated and if necessary, supported with any available evidence.

Respondents are asked to indicate on whose behalf they are responding, for example as a member of the public, a public representative, an individual or a firm within the solicitor or barrister profession, a client or a body representing collective interests etc.,

Members of the public or other interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than 15 June 2018.

The Authority may contact respondents to explore any issues raised in responses in more depth and it will also be gathering evidence to use in its report from a variety of other sources.

Submissions may be sent:

- By e-mail to S34Consultation@lsra.ie or
- By post to
Section 34 Consultation
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 2

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act, 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Authority will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to the Authority, will be treated with the highest standards of security and confidentiality and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR) when commenced.

Publication of Submissions

The Authority intends where appropriate to publish any submissions received by it on its website and otherwise. Please note that a decision on any such publication may occur without prior consultation with respondents to this consultation notice. It is in the interest of

respondents to highlight, in their submissions, any commercially sensitive or confidential information, which they would not wish to be disclosed.

Legal Services Regulatory Authority
04 May 2018