



Ollscoil Chathair  
Bhaile Átha Cliath  
Dublin City University

School of Law and Government,  
Dublin City University,  
Glasnevin,  
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Legal Services Regulatory Authority,  
PO Box 12906,  
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February 8th 2024


A chara,

We are writing to you on behalf of the School of Law and Government at Dublin City University, in response to your call for submissions on admission policies of the legal professions. We welcome the opportunity to make this submission to support the important work of the Authority. We have previously submitted our views on this and related matters in letters dated:

- 28<sup>th</sup> June 2018
- 30<sup>th</sup> August 2019
- 3<sup>rd</sup> February 2020
- 9<sup>th</sup> June 2020
- 2<sup>nd</sup> February 2021
- 30<sup>th</sup> June 2021
- 11<sup>th</sup> February 2022, and
- 24<sup>th</sup> February 2023.

There are two main issues which we focus on in this submission: barriers to entry for those from socio-economically disadvantaged backgrounds; and concerns around the future of criminal practice.

Across a number of our previous submissions we have outlined concerns relating to the barriers to entry to the legal professions experienced by those from socio-economically disadvantaged backgrounds, in particular. On this occasion we have asked one of our graduates who is currently making their way towards qualification as a solicitor in Ireland to give some insights on their experience, so as to provide a contemporary, first-hand account of some of the challenges experienced within the system. We hope that this level of insight will be useful to the Authority. We have agreed to provide this account (in blue, below) on an anonymous basis.



“I am writing as a BCL graduate from DCU and future trainee solicitor at one of the top five corporate law firms in Dublin. In my personal experience on my journey to qualifying as a solicitor so far, there have been many difficulties that myself and others like me have faced. The most prevalent one being the lack of connections or network within the industry, noting that the Irish legal community is a tight knit one. As a person coming from a disadvantaged socioeconomic background, there are many adversities that are at play stemming from this alone, including lack of financial support when undergoing exams such as the FE1s. The courses that are offered in preparation for the exams are costly, and to undergo the exams without using these courses can be difficult regarding gaining available resources. A suggestion would be to have a codified portal that allows access to a bank of resources such as past examination papers, examiners reports and even legislation that is needed for the exam that one may be able to print off for personal use. Certain legislation, such as the Companies Act for the Company Law FE1 is costly. The Law Society does provide copies of this Act for students in receipt of the Access scholarship, however the number available to loan is not enough to supply all the students in receipt of the scholarship. With that, I see a need for the Law Society to acquire a surplus number of copies to have available for students to loan in the future.

As an FE1 candidate from a disadvantaged socioeconomic background, I am eligible for the Law Society Access programme, which allows me to sit my exams free of charge for two years since acceptance onto the programme. This has been very beneficial to me however what I have noted is that many people are simply not aware of this programme, when they are eligible to receive the funding. Students would benefit greatly from the Law Society providing more insight and advertising this programme prominently on their website alongside the portal link to apply for the exams rather than this support being difficult to locate or only being heard of through word of mouth.

I found that being a law student with no connections to the legal industry, it was imperative that I cultivate my own professional network. Through participation of what I found to be the ‘hidden curriculum’ comprising of a multitude of extra-curricular activities such as mootings and negotiation competitions, participation in law related clubs and societies at university and attendance of firm-sponsored networking and information events. While all these extracurriculars are advertised as voluntary, they play a critical role when applying for summer internships and traineeships. However, it is not explained to a law student who has a goal to qualify the importance of such activities. Many students are in a position where they must work a part-time job alongside their degree to sustain themselves, which may not leave enough time for lecture attendance let alone participation in these events. Through events such as these and cultivating a professional network, it becomes easier to gain a step onto the corporate ladder which can provide much ease throughout the rest of the journey however gaining that first step is what proves to be difficult for students who have a goal of qualifying within the legal industry but have no direction as to where to begin.”

The idea of a “hidden curriculum” in the journey to becoming a lawyer in Ireland is a very interesting one, which we think is worthy of further discussion and consideration. What intangible expectations are held by employers, colleagues, or vocational institutions of those seeking entry to the legal professions? What extra-curricular, network-oriented, or other engagements are likely to assist them in being offered a training contract, for example? Could/should these be codified in some way so that they are made clear to all and are not “hidden”? Are they fair, appropriate and necessary, or do they act as a form of unacknowledged exclusion because they may be more accessible to some than others, due to competing demands, caring responsibilities etc?

Moving away from the “hidden curriculum”, the formal curriculum is relevant to the second focus of our current submission; the future of the professions in the area of criminal law. Students studying the Professional Practice Course at the Law Society of Ireland are no longer required to study criminal litigation, and it is provided, instead, as an Advanced Elective module. We are concerned that this will have a detrimental impact on the practice of criminal law in Ireland. This is linked further to concerns around falling numbers of criminal law specialists across the country, which we have previously mentioned in submissions. Since those submissions a book written by our colleague Prof Yvonne Daly and our late, and much-missed colleague Dr Vicky Conway, has been published by Bloomsbury entitled *Criminal Defence Representation at Garda Stations* (2023). In the book, which draws on qualitative interviews with 44 criminal defence solicitors across Ireland, they highlighted concerns around significant numbers of practitioners (particularly women) leaving criminal work and a lack of new entrants (see paras [2.73]-[2.76]). While noting that further research is needed on this issue specifically, the authors stated that

“access to expert legal assistance in the garda station (and indeed further on in the criminal process) is not simply a matter of service to individuals, but is a matter of public good – advocating for and protecting the rights of one individual asserts the importance of those rights for all. More needs to be done to ensure that criminal practice is attractive to new entrants and that burn-out, alienation or lack of work-life balance does not drive existing practitioners away.” (para [13.08])

Legislation in the area of criminal law and procedure has been growing in quantity and complexity over the past two decades and the need for specialist expertise in criminal law and procedure is high, not just in relation to what might be called “street crime” but in corporate fields also. Criminal firms can struggle in terms of costings to hire trainees, pay for their training fees, etc. This was discussed on two recent episodes of the legal podcast *The Fifth Court* (Episodes 58 and 59, recorded at the Future of Legal Practice Summit at the Law Society of Ireland – <https://www.thefifthcourt.com/podcast>), and the issue seems particularly acute in firms outside of Dublin. If rural firms find it even harder to support new entrants in criminal law differentials will emerge, whereby the

service available to those suspected of crime in Dublin or other large cities is much better, and more specialised, than that provided in less urbanised parts of the country. This will have a knock-on effect across the criminal justice system as a whole. The issues relating to recruitment of lawyers into both criminal law, and rural practice, and a combination of the two, are in need of urgent attention.

We are happy to be consulted further on the matters raised in this submission, should that be thought useful.

Le gach deá-ghuí,

  
Prof Yvonne Daly

  
Dr Aisling de Paor