



An tÚdarás Rialála  
Seirbhísí Dlí  
Legal Services  
Regulatory Authority

# Breaking Down Barriers

*Addressing the challenges facing  
early career legal professionals*



January 2024

# INTRODUCTION

This report sets out the recommendations made by the Authority to the Minister for Justice under section 34 of the Legal Services Regulation Act 2015 (as amended). The recommendations are intended to address findings of the research undertaken, which established that aspiring and early career solicitors and barristers face a range of economic and other barriers on their career pathways and that these barriers are magnified for certain groups and have a negative impact on diversity in the legal profession.

The Authority has already noted that there is an intersectional dimension to the findings of its research, with multiple barriers including individual, structural and institutional dimensions, some of which are systemic.

Given the multi-faceted nature of the barriers identified, the Authority's recommendations call for range of actions to be taken by various stakeholders including itself.

Many of the recommendations set out in this report build upon the Authority's earlier proposals for reform of legal practitioner education and training.<sup>1</sup> A central component of these reforms is the establishment of an independent Legal Practitioners Education and Training Committee (the LPET Committee).

The functions of the LPET Committee, as recommended by the Authority, include encouraging diversity in legal education and training. Accordingly, several of the recommendations in this report are addressed to the LPET Committee, once established.

By recognising and dismantling entry barriers and early career challenges, the Irish legal profession can become more vibrant and inclusive, reflecting the full diversity of the population it serves.

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<sup>1</sup> Legal Services Regulatory Authority (2020) *Setting Standards: Legal Practitioner Education and Training*.

# 1. BARRIERS TO ENTRY

## Qualification

The most significant barriers to entry to the legal professions are the costs of qualification and the length of time it takes post-graduation before a prospective solicitor or barrister can expect to qualify and begin to earn a reasonable salary.

Both branches of the profession face challenges in opening access to individuals from more diverse backgrounds because of the significant costs of professional training and the mechanisms for obtaining and undertaking practical training. For candidates with different needs and responsibilities, particularly those from underprivileged backgrounds, the direct and indirect costs involved may act as a deterrent to entry to the professions, sending them instead into other career pathways.

# RECOMMENDATIONS

## Professional training pathways

Opening up pathways to qualification will reduce barriers and provide greater access to the legal profession for people from different backgrounds. The challenges to increasing diversity through the current training pathways for solicitors and barristers are significant but potentially could be addressed by increasing flexible routes to qualification which may be attractive in particular to mature and regional students. This starts with collecting diversity data on student and trainee intakes to establish a baseline upon which to build.

1. The Law Society of Ireland and the Honorable Society of King's Inns should continue to increase flexible routes for legal practitioner training, reporting annually to the LSRA and the LPET Committee once established on their initiatives and their impact.

### ACTION BY:

*The Law Society, King's Inns, any future training provider, LSRA and LPET Committee.*

2. Legal practitioner training providers should report annually using agreed templates to the LSRA, and the LPET Committee once established, on the diversity of intake in all legal practitioner training courses. The data gathered would be used to enhance and expand flexible training routes, including hybrid, blended, remote and asynchronous learning.

### ACTION BY:

*The Law Society, King's Inns, any future training provider, LSRA and LPET Committee.*

3. The LSRA and the professional bodies should explore the use of the annual levy on the professions and other funding mechanisms to develop increased financial support for prospective solicitors and barristers to increase diversity of intake.

### ACTION BY:

*The LSRA, King's Inns, Bar of Ireland and Law Society.*

## Barrister pupillage



The unpaid nature of pupillage and the concentration of pupillages in Dublin is challenging, particularly for those from disadvantaged socio-economic groups. This impacts upon diversity, which is also affected by the difficulties for newly qualified barristers to support themselves in the early years of self-employed practice. Among solutions advanced through the consultation and surveys was the introduction of appropriate financial supports for barrister pupils. Another partial solution may lie in the forthcoming introduction of legal partnerships, which could provide another route to practising as a barrister through employment. The King's Inn Code of Conduct requires that a barrister shall not, unless exempted by the Honorable Society of King's Inns or a relevant professional body, represent clients before courts without undertaking a continuous period of not less than nine months' pupillage with a barrister of at least seven years' standing whose practice involves regular appearances before the courts representing clients. The only pupillages available are through the Bar of Ireland. The King's Inn Code could therefore be seen to prevent barristers entering sole private practice or joining legal partnerships (or multi-disciplinary practices once established) unless they have first completed 9 months of their 12 month pupillage.

4. The Honorable Society of King's Inns should review the mandatory requirement in its Code of Conduct that barristers undertake nine months' pupillage before they can represent clients before courts. This should be done once the King's Inns demonstrates to the LPET Committee, once established, that its Barrister-at-Law degree meets the competency framework standard for entering practice as a barrister.

**ACTION BY:** *The King's Inns, LPET Committee.*

5. The LSRA and the Bar of Ireland should explore innovative solutions to develop appropriate financial supports for barrister pupils, including undertaking an analysis of a minimum payment for barristers within their year of pupillage.

**ACTION BY:** *The LSRA, Bar of Ireland.*

6. The Bar of Ireland should allow pupils to undertake their pupillages with barristers whose practices are not predominantly Dublin based.

**ACTION BY:** *Bar of Ireland.*

7. The Bar of Ireland should introduce greater standardisation of the training provided to all barrister pupils and institute a system of quality assurance and more formalised oversight of pupillages including mandatory training of prospective masters.

**ACTION BY:** *The Bar of Ireland.*

## Solicitor traineeships



Facilitating additional solicitor training contracts outside large law firms in urban areas will broaden the type of training contracts available and provide more opportunities for trainees from different backgrounds. Solutions to issues of cost and access could also explore the introduction of a new apprenticeship route for solicitors aimed at school leavers or career changers seeking an alternative to university. These could allow apprentices to “earn as they learn” to become solicitors over a period of six to seven years. Enhanced measures to help ensure all trainee solicitors receive a minimum pay threshold would assist trainees from lower socio-economic backgrounds who may face financial challenges.

8. The LSRA and the LPET Committee once established should engage with key stakeholders to explore the introduction of solicitor apprenticeships, including provision for grants for employers of apprentices.

**ACTION BY:** *The LSRA, LPET Committee, law firms, Law Society, SOLAS, Higher Education Authority, National Apprenticeship Office, QQI, Department of Further and Higher Education, Research, Innovation and Science.*

9. The Law Society should actively engage with firms and organisations which train solicitors to ensure that all solicitor trainees receive a minimum pay threshold during training. Legislative amendments should be introduced to allow the Law Society to monitor and enforce breaches of the minimum pay threshold for trainees.

**ACTION BY:** *The Law Society, training firms and organisations.*

10. The Law Society should work with key stakeholders to actively encourage and support direct intake of trainee solicitors in the public and private sectors, with particular focus on the civil and public service. Public sector agencies that routinely recruit solicitors are encouraged to establish direct trainee intake schemes.

**ACTION BY:** *The Law Society, relevant State agencies and public sector bodies, local authorities, private corporations.*

11. The Law Society should increase its financial supports for small firms to provide training contracts and also extend this funding to include independent law centres. It should also increase flexible options for training firms to take on trainees such as allowing several small firms to share one trainee solicitor.

**ACTION BY:** *The Law Society.*

## Access programmes and initiatives

An evaluation of the impact of existing access initiatives and funded programmes will enable understanding of how effective they have been at increasing access to legal practitioner training among applicants from a diverse range of backgrounds. Impact evaluation will identify what is working well and will also allow improvements to be made, including where to allocate further investment aimed at increasing diversity of intake in the legal profession.

12. The LPET Committee once established should, as a priority, evaluate the effectiveness and impact of existing access initiatives and identify additional measures to increase access to the legal profession, including flexible training options and additional access route for non-graduates. The LPET Committee to engage with employers, professional bodies, education and training providers, interest groups and academics working in the field to achieve a shared vision of how to improve diversity within the profession and to put in place and monitor initiatives to achieve this vision.

**ACTION BY:** *The LPET Committee.*

13. The Law Society, the Honorable Society of King's Inns and the Bar of Ireland should evaluate the effectiveness and impact of their existing access initiatives at second and third level (DEIS school initiatives, transition year programmes, mentoring programmes, and other experiential education initiatives). Based on their findings, and the findings of the LSRA research, they should consider new initiatives (like targeted internships or mini-pupillages for DEIS/minority students to help them gain connections). These initiatives should be kept under review for efficacy.

**ACTION BY:** *The Law Society, King's Inns, Bar of Ireland and any future provider of legal education.*

14. The Law Society, the Honorable Society of King's Inns and the Bar of Ireland should evaluate the effectiveness and impact of their existing funded access programmes and consider their expansion (e.g. bursaries, awards, sponsorships etc., targeted internships for under-represented groups, philanthropic funding for bursaries).

**ACTION BY:** *The Law Society, King's Inns, Bar of Ireland.*



**2.****BARRIERS TO ENTRY****Information**

There is a lack of easily available, full and clear information for prospective solicitors and barristers about training and pupillage opportunities and selection processes, as well as the various career pathways that may be available.

The current system for qualifying barristers to identify and secure a master for their mandatory pupillage year at the Law Library is opaque and ad hoc, with scant information available online. For solicitors, there is considerably more information available on securing training contracts, although this is not all in one place and the pathway to traineeships with large law firms are most visible due to their significant recruitment drives targeting certain undergraduates. The professional bodies all have information on their websites as well as outreach programmes and initiatives with schools and universities.

# RECOMMENDATIONS

## Information on career pathways and opportunities



Greater levels of quality information provision around careers pathways and opportunities in the legal profession can play a role in addressing systemic inequalities in access to reliable careers information. Improved information provision and more transparent systems can also help counter perceptions of the legal profession as being heavily reliant on connections and informal networks, which in turn may discourage people from under-represented groups from considering careers as solicitors or barristers. For barristers, a clear need was advanced through the consultation and surveys for more transparency and formality in the master selection process, while solicitors sought better information and guidance on training contracts and opportunities.

15. The Law Society should work with relevant stakeholders to improve the information, outreach and supports available on how to secure training contracts by addressing the barriers identified in the LSRA research, particularly around information gaps and information asymmetry. A merit-based system for the recruitment of trainee solicitors should be open and transparent, with greater clarity for all on the pathways, terms and conditions and selection processes and improved supports for trainees and training firms during the training period. The Law Society should consider the introduction of a centralised portal or online resource for prospective trainee solicitors.

**ACTION BY:** *The Law Society, law firms.*

16. The Bar of Ireland should work with the Honorable Society of King's Inns and relevant stakeholders to improve the information, outreach and supports available for prospective barristers to identify masters with whom to undertake their mandatory pupillage year at the Bar. A reformed system for the selection of masters should be more formalised, fair and transparent, with enhanced mechanisms for support and supervision of pupillages during the pupillage period.

**ACTION BY:** *The Bar of Ireland, King's Inns.*

17. The LPET Committee, once established, should engage with the Honorable Society of King's Inns, the Law Society and public and private sector employers to highlight different career pathways for barristers and solicitors. Further, the introduction of legal partnerships is an opportunity for the LSRA and the LPET Committee once established, in collaboration with the King's Inns and the Law Society, to roll out an information campaign and enhanced outreach as well as other supports for barristers and solicitors interested in this new business model.

**ACTION BY:**

*The LSRA, LPET Committee, Law Society and King's Inns.*

## 3.

## EARLY CAREER CHALLENGES

### Solicitors

The main challenges facing early career solicitors are long working hours and lack of workplace flexibility and the impact of these on work-life balance. Despite these challenges, junior solicitors show moderate levels of career satisfaction.

The key challenges in the early career years (years 1 to 7) for solicitors relate to the time-consuming nature of their work, with a prevailing culture of long working hours which results in poor work-life balance. These challenges may impact on diversity as those with significant commitments outside work, including caring responsibilities, may find it difficult to devote the necessary hours to their employers.

# RECOMMENDATIONS

## Solicitors workplace culture



Improvements to workplace culture in law firms will benefit the health and wellbeing of early career solicitors, while also enabling them to better support clients, thereby improving public confidence in the profession.

- 18.** The LSRA should collaborate with law firms and the professional bodies on the introduction of measures to ensure positive workplace culture and employee wellbeing. The LSRA to engage with the Law Society in consultation with other key stakeholders to create a self-assessment template to be completed and reported on an annual basis to the Law Society and the LSRA by all law firms over a stated size. This self-assessment will measure activity undertaken by the firm to ensure a positive workplace culture, dignity in the workplace, a reasonable work-life balance for staff, and employee wellbeing. These reports will be published on the websites of the LSRA and Law Society and by the firms themselves.

### ACTION BY:

*The LSRA, Law Society, law firms.*

## 4.

# EARLY CAREER CHALLENGES

## Barristers

Early career self-employed barristers face considerable challenges in earning a living, with job security and better remuneration the key motivations for barristers taking up employed positions. Despite these challenges, junior barristers show moderate levels of career satisfaction.

The early career years (years 1 to 7) for barristers at the self-employed bar involve personal expense, generally low and erratic earnings and persistent career uncertainty and risk. This inhibits diversity at the bar, as it excludes those who do not have an independent source of income or support to self-sustain a career for an extended period.

# RECOMMENDATIONS

## Sustainability of self-employed barristers' early careers



While it is evident that the demands of a career as a self-employed barrister may not be suitable for everyone, particular risks to diversity arise from the difficulties for newly qualified self-employed barristers to support themselves in the early years of practice. Measures to increase direct access to barristers may present new opportunities for some, while in the longer term the introduction of new business models offer the potential for a greater variety of career pathways for barristers to practice in employed settings.

Given the particular career progression challenges faced by self-employed women barristers, career sustainability initiatives could usefully include a focus on barriers identified in the LSRA's research, including the ability to take maternity leave.

19. The LSRA should engage with the barrister profession to consider initiatives to make a career as a self-employed practising barrister more sustainable in the early years, in particular for women and under-represented groups. Reforms could include, for example, targeted initiatives, practical information on the self-employed profession, practical supports in relation to building and managing a practice, alternative career pathways and new business models including legal partnerships, professional wellbeing, mentoring and personal development.

### ACTION BY:

*The LSRA, Bar of Ireland and self-employed barristers who are not members of the Law Library.*

20. The LSRA should engage with the Department of Justice on introducing direct professional access to barristers in non-contentious matters. This would be achieved with the commencement of section 101 of the Legal Services Regulation Act 2015. Section 101 states that no professional code shall operate to prevent a barrister from providing legal services as a practising barrister in relation to a matter, other than a contentious matter, where his or her instructions on that matter were received directly from a person who is not a solicitor. The LSRA to engage with the profession and develop and provide guidance where necessary on the receipt of direct instructions in non-contentious matters.

**ACTION BY:** *The LSRA, Department of Justice.*

21. The LSRA should progress work on a scheme for expanded direct access to barristers. The LSRA previously recommended that direct access to barristers be permitted to organisational clients in contentious matters in certain circumstances.

**ACTION BY:** *The LSRA.*

22. The LSRA should revisit the introduction of multi-disciplinary practices (MDPs). The LSRA has previously considered the introduction of MDPs under the 2015 Act and for reasons of sequencing and resources prioritised the prior introduction of legal partnerships and limited liability partnerships. Following the introduction of legal partnerships, the LSRA should monitor their uptake and impact and revisit the introduction of MDPs.

**ACTION BY:** *The LSRA.*

23. The LSRA should develop guidance for barristers and employers on section 212 of the Legal Services Regulation Act 2015 which allows an employed practising barrister to appear on behalf of their employer in a court, tribunal or forum of arbitration.

**ACTION BY:** *The LSRA.*



## Barristers' fees and fee recovery



Improvements in the area of fees, fee structure and briefing policies will help address some of the early career sustainability challenges for self-employed barristers which inhibit socio-economic diversity in the legal profession.

- 24.** Relevant stakeholders should collaborate on measures to ensure that barristers are paid fees in a timely manner.

**ACTION BY:**

*The Bar of Ireland, Law Society, Department of Justice, LSRA and relevant State agencies.*

- 25.** The LSRA should consult with key stakeholders on options for changing the law to allow barristers to sue for their fees, and report on the matter with recommendations to the Department of Justice.

**ACTION BY:**

*The LSRA, Bar of Ireland, Law Society, non-Law Library practising barristers*

- 26.** Engagement between relevant stakeholders should be intensified so that the concerns identified in the LSRA research around the levels and structure of professional fees for State funded legal aid work undertaken by junior barristers are explored and addressed.

**ACTION BY:**

*The Departments of Justice and Public Expenditure NDP Delivery and Reform, Bar of Ireland, relevant State agencies.*

- 27.** The Department of Justice should consider current mechanisms across all government departments and State agencies to ensure transparency in the procurement and distribution of State funded work for early career barristers and solicitors including the potential for the introduction of equitable briefing policies and standards.

**ACTION BY:**

*The Department of Justice, government departments, State agencies, buyers of legal services on behalf of the State.*

**5.****BARRIERS TO ENTRY****Diversity and Connections**

There is a perception that the legal profession lacks diversity and is heavily reliant on prior connections and networks, which may discourage candidates from underprivileged and underrepresented backgrounds from considering the profession as a career.

There is a growing focus on diversity within the Irish legal profession, with specific attention to protected characteristics under equality legislation, such as gender and ethnicity and, to a lesser extent, socio-economic background. The LSRA survey found that only 14% of solicitors, 23% of barristers and 28% of law undergraduates agree that the professions are diverse (representative of the population).

# RECOMMENDATIONS

## Diversity and inclusion



- 28.** The Honorable Society of King's Inns, the Law Society, the Bar of Ireland and the Courts Service should create an action plan to address issues facing members of the legal profession with disabilities. Employers should consider introducing a form of reasonable accommodation or disability passport for the legal profession.

**ACTION BY:** *The Courts Service, Bar of Ireland, King's Inns, Law Society, employers.*

- 29.** The LSRA, the professional bodies and other legal profession stakeholders should commit to taking targeted actions towards building solicitor and barrister professions that reflect the diversity of modern Irish society.

**ACTION BY:** *The LSRA, Law Society, Bar of Ireland, King's Inns, law firms, employers, Department of Justice.*

- 30.** Demographic data on the legal profession should be routinely collected and published to establish a diversity profile and to inform and monitor actions to encourage greater diversity. The data should include the range of protected characteristics under equality legislation, as well as socio-economic status. The LSRA and the LPET Committee once established, to engage with the professional bodies on defining, lawful gathering and monitoring of the required data.

**ACTION BY:** *The LSRA, LPET Committee, King's Inns, Law Society, Bar of Ireland.*

## Overseas students



31. The LSRA, the LPET Committee once established, the Law Society and the Honorable Society of King's Inns should review training arrangements for non-EEA students in order to remove barriers to entry.

**ACTION BY:** *The LSRA, LPET Committee, Law Society, King's Inns, Department of Justice.*

## Transfer arrangements



32. The professional bodies should consider reducing entry requirements on a reciprocal basis for transfers between both branches of the legal profession, including a mutual recognition framework for solicitors and barristers with less than three years post-qualification experience. Transfer arrangements for foreign-qualified lawyers should also be reviewed. This should be done once appropriate Competence Frameworks and standards have been established for solicitors and barristers. The LPET Committee, once established, should regularly review transfer arrangements.

**ACTION BY:** *The Law Society, King's Inns, LPET Committee.*



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