SHAPING THE FUTURE OF LEGAL EDUCATION 2

Findings of the Education Review Working Group (ERWG)

FOR CONSULTATION
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Please note:
These are the views and deliberations of the Education Review Working Group. These views have not yet been considered by the Council of the Law Society of Northern Ireland as such they are the views of the Education Review Working Group and not the Law Society. They are findings for the purposes of consultation.
In November 2007 the Council of the Law Society of Northern Ireland launched a wide-ranging review of the present arrangements for those wishing to qualify as a solicitor in Northern Ireland. The Council recognised the importance of ensuring that the current system in relation to the education and training of prospective solicitors continues to be appropriate and fit for purpose. There has not been a general review of the current system for training solicitors since 1985.

The Council tasked the Education Review Working Group (“the ERWG”) to take forward the review. The major focus of the review is the structure and process for postgraduate vocational training as a solicitor, and for the admission of new solicitors in Northern Ireland. The review also considered the permitted exceptions to the Regulations, namely Regulations 8(3) and 8(5) and whether those exceptions should continue or be amended and, if amended, what should be the amended arrangements. In addition the review considered the present arrangements for those who wish to qualify as a solicitor in Northern Ireland but who have qualified or partly qualified in another jurisdiction.

The members of the ERWG (Appendix 6) devised an initial Consultation Document, “Shaping the Future of Legal Education” set out in Appendix 1 to this report. The Law Society issued this Consultation Document to over 4,000 individuals. The closing date for responses to the Consultation Document was 4th April 2008.

A list of key issues emerging from the initial consultation process was identified and has been discussed by the ERWG leading to the findings contained in this report.

This report contains the findings of the ERWG. The report also identifies various options. The review will be circulated to all the profession and to the key stakeholders in legal vocational training. Comments, suggestions and responses will be invited during a 12-week period of consultation. Upon completion of this consultation period recommendations will be prepared for debate by the Council of the Law Society which will then issue its recommendations for final consultation prior to decision and preparation of any consequential changes to Regulations.

It should be emphasised that this report is the work of the ERWG and has not yet been considered by the Council of the Law Society of Northern Ireland. The report findings are to allow discussion and consultation. All with an interest in solicitors’ vocational training are encouraged to respond.
Glossary of Terms

“Apprentice” a student of the Society undertaking a solicitor’s apprenticeship by attending at the Institute or Graduate School and at his training firm.

“Armitage Committee” the committee under the chairmanship of Professor Armitage appointed in 1972 to consider and make recommendations upon education and training for professional qualification in the two branches of the legal profession in Northern Ireland and upon what additional resources would be needed to implement those recommendations.


“Bromley Committee” the committee under the Chairmanship of Professor Bromley appointed on 29th September 1983 to review vocational legal training.


“the CLE” the Council of Legal Education.

“Education Committee” the Education Committee of the Law Society.

“ERWG” the Education Review Working Group established by the Law Society.

“Graduate School” the Graduate School of Professional Legal Education at the University of Ulster, Magee Campus.

“Institute” the Institute of Professional Legal Studies at Queen’s University, Belfast.

“Law Society” the Law Society of Northern Ireland.
Summary of Findings

1.0 The present core subjects of a law degree should continue to be required. (Paragraphs 2.1 to 4.1.3).

2.0 An Apprentice cannot be registered with the Law Society unless he has both a place at a vocational training provider and a training firm in which to be apprenticed. (Paragraphs 6.21 to 6.34 and 6.37.9).

3.0 A working party should be established to consider whether there could be a viable alternative to the present Admissions Test. (Paragraphs 5.0 to 6.19 and 6.37 to 6.37.5).

4.0 The curriculum of the solicitors’ vocational training course should be re-organised into compulsory and elective subjects to provide an opportunity for more detailed consideration of subjects and to provide increased flexibility. (Paragraphs 7.1 to 7.3, 7.5 to 7.13, 7.17 to 7.17.2).

5.0 The Law Society should continue to directly teach Professional Conduct and Solicitors’ Accounts Regulations (Paragraphs 7.4 and 7.17.4).

6.0 Consideration should be given to providing the opportunity to undertake solicitors’ vocational training on a part-time basis. A sub committee should be established to consider how this could be provided. (Paragraphs 8 to 8.04).

7.0 The integrated system of in-office and in class training should continue and there should be no change to the present requirement to spend 4 months in-office prior to commencing at a vocational training provider, a calendar year attending at a vocational training provider and a final 8 months in-office, subject to the other findings for change. (Paragraphs 6.22 to 6.36, 6.37.6-9, 10.1 to 10.6 and 11.8.3).

8.0 As appears from paragraphs 6.22 to 6.37.9, paragraphs10.1 to 10.6 and 11.8.3 the Education Review Working Group, having considered the arguments for systems of training alternative to the existing integrated system, was not persuaded by the arguments and is strongly of the view that an integrated system of education provides the best model of vocational training.
9.0 Consideration should be given to running a series of Refresher Basic courses in various topics for apprentices during the first four months of in-office training to ensure that they all have a equal grounding in certain key areas of law. *(Paragraphs 7.14, 7.15 and 7.17.3)*.

10.0 An apprentice should be apprenticed to a training firm rather than to an individual Master. *(Paragraph 12.6 and 12.13.3)*.

11.0 Each training firm should appoint a Training Officer who would have responsibility for ensuring that the training requirements of the apprentice and the requirements of the firm were being delivered. *(Paragraph 12.13.5)*.

12.0 Each Training Officer should attend a training programme for those taking an apprentice such as the “Train the Trainers” course. *(Paragraph 12.13.1 and 12.13.7)*.

13.0 Each Training Officer should have a minimum of 5 years’ post qualification experience. *(Paragraph 12.13.4)*.

14.0 Mondays in-office should be discontinued. *(Paragraphs 10.6, 11.0 to 11.8.1 and 11.8.4)*.

15.0 Apprentices should continue to spend Easter and summer vacations in their office. *(Paragraph 11.8.3)*.

16.0 Consideration should be given to devising an online system to facilitate the filing online by each Apprentice and each Training Officer of progress reports on the Apprenticeship. *(Paragraph 12.13.8 and 12.13.9)*.

17.0 The Law Society should make suitable provision to recognise the contribution of Training Firms to the development of the legal profession. *(Paragraph 12.13.13)*.

18.0 An alternative route for qualification as a solicitor should be retained, however, the existing alternative route to a place at a vocational training
provider provided under Regulations 8(3) and 8(5) should be discontinued as soon as practicable. Existing regulations should be replaced as soon as possible with an alternative arrangement which would enable those with a significant period of appropriate experience of working in a solicitor’s office, to be afforded the opportunity to complete formal training. Any necessary changes to Regulations should be prepared and approved as soon as possible and without awaiting formal approval of recommendations by the Council in relation to other issues raised in the present Review. *(Paragraph 13.1 to 13.16.5).*

**19.0**
Steps should be taken to establish a new Plenary Council of Legal Education supported by both branches of the legal profession and the Judiciary to supervise and ensure the continuing delivery of quality legal vocational training from all the accredited vocational training providers (currently the Institute and the Graduate School). *(Paragraph 9.0 to 9.05.03).*

**20.0**
The Education Committee should engage in necessary dialogue with the Bar regarding such of these findings as affect the Bar.

**21.0**
Solicitors from Scotland, England & Wales and the Republic of Ireland should be required to attend, as part of their CPD obligations during the first year of admission in Northern Ireland, an orientation course designed to acquaint those attending with the practice, procedure and law peculiar to Northern Ireland. *(Paragraphs 14.4 to 14.6.5 and Paragraphs 15.0 to 15.5.1).*

**22.0**
The Law Society should prepare and seek approval for new Education Regulations.
The Society invites you to respond. The closing date for responses to the Society is Friday 19 February 2010.

There is a separate Contact Information and Demographic Information Sheet enclosed with this review document. Please complete and return this form with your response (the sheet may be photocopied).

Please forward your response together with the completed Information Sheet to:

Ms Anne Devlin  
Assistant Secretary (Education)  
Law Society of Northern Ireland  
96 Victoria Street  
BELFAST BT1 3GN  
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A dedicated email address has been set up if you prefer to reply by email. Please type or scan and forward the Contact Information and Demographic Information along with your email.

Email address: educationreview@lawsoc-ni.org
1.0 Introduction

1.1 There are currently 148 places for solicitor students available at the two vocational training providers currently operating in Northern Ireland: the Institute and the Graduate School (120 places at the Institute and 28 places at the Graduate School). In December 2008 there were 477 applicants for the training places.

1.2 The present arrangements for registration require that an applicant must:

1.2.1 have a Contract of Apprenticeship between the applicant and a solicitor acceptable to the Education Committee (Regulation 7(iii)) and

1.2.2 possess a degree in Law acceptable to the Education Committee and satisfy the Society that he has obtained a level of knowledge acceptable to the Society in the Law of Evidence and EU law; or a degree in another discipline acceptable to the Committee and in addition have attained a level of knowledge acceptable to the Committee in stated subjects (Regulation 8(1) and (2)) and

1.2.3 have been offered a place at the Institute or Graduate School (Regulation 8(1)(b)).

1.3 There are, therefore, three components to compete for admission:-
- the availability of an apprenticeship,
- possession of acceptable law degree, or other degree together with a qualification in stated subjects (the Core Subjects); and in addition
- the offer of a place at a vocational training provider.

1.4 Applicants who do not have a degree are eligible to apply under Regulations 8(3) and 8(5). (See Section 7, paragraphs 13.1 – 13.15).

1.5 In circumstances where the number of applicants exceeds the number of available places at the vocational training providers, the Admissions Test is used, in combination with the degree result obtained by an applicant, to create a ranking order, to offer places at a vocational training provider in accordance with the ranking order but also taking into account the preference of an applicant to attend either the Institute or the Graduate
1.6
The Admissions Test is intended to meet the requirements of the Bromley Committee as set out in paragraph 5.21 of the Bromley Report which reads as follows: -

“We recommend that the questions should be such as to test a student’s ability to apply his knowledge of law in a practical way. This should reveal:
(a) his capacity to elicit relevant facts from a mass of information;
(b) his ability to handle available material;
(c) his ability to express himself clearly;
(d) his common sense;
(e) his numeracy.”

1.7
The ERWG have considered the various component elements of the present system for admission namely:-

1.7.1 the requirement to have a law degree or other degree and have a level of knowledge in certain stated subjects (the Core Subjects),
1.7.2 the requirement to have a Contract of Apprenticeship,
1.7.3 the requirement to have the offer of a place at an approved vocational training establishment and
1.7.4 the present Admissions Test and operation of the ranking system.

2.0 Law Degree

2.1
The Regulations which currently govern admission to the solicitors’ profession require an applicant to be possessed of “a degree in law acceptable to the Committee” or another degree acceptable to the Committee combined with an acceptable level of knowledge of the Core Subjects.

2.2
At present the Core Subjects are as follows:-

2.2.1 Constitutional Law
2.2.2 Law of Tort
2.2.3 Law of Contract
2.2.4 Criminal Law
2.2.5 Equity
2.2.6 Land Law
2.2.7 Law of Evidence
2.2.8 EU law
3.0 Law Degree Discussion

3.1 The solicitors’ profession is, arguably, enhanced by containing within its number, in addition to those who have taken law as their primary degree, those who have taken as their primary degree a subject other than law.

3.2 It is possible to satisfy the Regulations by taking postgraduate courses aimed at delivering the Core Subjects (e.g. the Masters in Legal Science at Queen’s University).

3.3 The Core Subjects provide the framework and background to legal practice. Whether or not one intends to specialise in practice, the legal principles which will be studied relating to each Core Subject have been considered essential to a comprehensive awareness of legal principles and reasoning and legal systems, which inform all areas of legal practice.

4.0 ERWG Findings

4.1 The ERWG found: -

4.1.1 that all applicants for admission should continue to be possessed of either a degree in law acceptable to the Education Committee or another degree acceptable to the Education Committee and to have satisfied the Education Committee that they have obtained an acceptable level of knowledge in the Core Subjects;

4.1.2 that, to be acceptable, the degree in law must contain the Core Subjects; and

4.1.3 that the existing Core Subjects should remain and should not be altered.
Section 2
The Admissions Test

Background

5.1
The Bromley Report stated (paragraph 5.21):-
“the written tests should be long enough to be discriminatory but not so long as to create an unreasonable workload for examinees or examiners. We therefore recommend that ……each candidate should sit two three hour papers (with most questions compulsory)”.

5.2
The test required applicants to provide written answers to the questions set.

5.3
These answers required both a considerable time to mark and a very specific marking plan so that an accurate mark could be provided to each applicant.

5.4
There was inevitably a degree of subjectivity involved in the marking assessment, as that process required a marker to read the script and respond to the answer according to the marking plan.

5.5
This was time consuming and the time involved combined with the element of subjectivity resulted in the Institute, through the Admissions Test Committee, seeking permission from the Law Society and the Bar Council in 2006 that the Admissions Test be reconfigured so that the element of subjectivity was removed and the marking process was made easier.

5.6
It was proposed that providing multiple sample answers to questions and requiring applicants to select the most appropriate answer in their opinion allowed for the testing of the elements required by the Bromley Report while at the same time permitting ease of marking by electronic marking technology and removing the necessity for individual handwritten scripts to be considered by markers.

5.7
Consequently the Admissions Test now involves the applicant considering complex factual situations and selecting what the applicant considers to be the most appropriate answer from a number of sample answers provided.
6.0 Admissions Test Discussion

6.1 The present form of the Admissions Test involves the skills of accurate reading and accurate identification of relevant issues from a complicated set of circumstances and these abilities are undoubtedly qualities desirable in a solicitor.

6.2 However, there are other qualities that are not tested by the Admissions Test such as fluency and accuracy of written English, clarity of expression, organised presentation, ability to research, critical analysis and reasoning.

6.3 Some of these more personal qualities, such as presentation and fluency in spoken and written English, together with important aspects such as personal character, can and are tested by the offices during the recruitment process when they engage an applicant as an apprentice. The ERWG accepts that the combination of any objective test and the requirement to obtain an office in which to undertake in-office training can together provide an assessment of those suitable to become solicitors.

6.4 However, at no point in the admission process, whether at interview or by the Admissions Test, are other qualities tested which could be considered essential to becoming a solicitor.

6.5 These qualities could include such elements as honesty, the ability to retain information in confidence, the recognition of conflict of interest and the obligation to act always in the interests of the client and not for personal interest.

6.6 The ERWG considered that research should be undertaken with other professional organisations which share the need to identify these personal qualities prior to admission of applicants. Such organisations include not only the legal profession but also applicants to the banking industry and to the police, where certain personality qualities are considered as essential to employment in those sectors.

6.7 Accordingly the ERWG considered admissions arrangements, which involved the testing of such personal qualities.
6.8
The ERWG is aware that there do exist psychological testing models aimed at identifying those who do and those who do not have the type of personal qualities described above and which may be regarded as qualities of which any solicitor applicant should be possessed and believes that further examination of those models should be undertaken.

6.9
The Bar Standards Board in England and Wales is reviewing vocational training for barristers. The recommendations of the review group “the Wood Report” were accepted in principle by the Bar Standards Board. The report recommended the introduction of an aptitude test for applicants for the Bar Vocational Course. The test should test two skills separately: analytical and critical reasoning and fluency in the English language. It suggested the test should be an online test, capable of being objectively marked; the cost should be met by the candidate and must therefore be inexpensive. It recommended that the Bar Standards Board commission such a test with the assistance of consultants.

6.10
The requirement to have an Admissions Test at all was considered by the ERWG.

6.11
In particular, following the initial consultation after publication of “Shaping the Future of Legal Education”, a number of respondents complained that in some circumstances, although they were content with the qualities of an applicant to their firm and were prepared to provide training and, of course, assume the risk of such an applicant being employed in their firm and dealing with that firm’s clients; a difficulty arose thereafter in that applicants selected by the firm had not been ranked sufficiently high in the Admissions Test to be offered a place at a vocational training provider.

6.12
It was argued by some respondents that the operation of the Admissions Test restricted the employer firm in their choice of applicant and that those who were “successful” in the Admissions Test - by obtaining a ranking mark sufficiently high to be offered one of the available places - were not necessarily applicants who had the qualities or personality sought by the particular employer firm.

6.13
All applicants taking the Admissions Test are possessed of the relevant degree and Core Subjects (see 2.2 above). The ERWG recognised that if a firm selects a particular applicant who has the relevant degree and Core
Subjects it can be frustrating that the firm’s chosen candidate is sometimes unavailable because that candidate has not obtained a place at the Institute or Graduate School.

6.14 On the other hand, the availability of an objective admission assessment provided a system that ensured equality of opportunity. Even if an applicant was known to a firm, that was no guarantee that they could take up a training place as all applicants were required to compete for a training place by means of the Admissions Test.

6.15 In addition, the ERWG considered that where the supply of available Masters was reduced, applicants who were able to locate a Master, whether by family or social connections or otherwise, would be able to take up a place if offered one. This could mean that some applicants who scored better in the Admissions Test but could not find a Master firm could not take up a place. By contrast those with a Master could take up a place even though their Admissions Test result was lower than that of other applicants.

6.16 It is, however, the combination of the availability of a firm and the offer of a place that comprises the twin elements of the current admissions process.

6.17 It could be argued that the process of obtaining a Master would involve the applicant having to present himself with the appropriate inter-personal skills, fluency of expression or character which appealed to the particular training firm. If a candidate who has obtained a Master is also able to demonstrate that they had attained a particular standard, objectively assessed, of some of the qualities identified above and in the Bromley Report, then such a candidate, it is argued, should be able to take up a vocational training place without competing for a place. However, this removes the objective element of the admission process for a place and creates uncertainty for the vocational education providers as to the numbers attending in any particular year which has staffing and resource implications.

6.18 The ERWG noted that in the Republic of Ireland, the admissions procedure for prospective apprentices requires applicants to sit eight substantive law examinations. All applicants who pass the exams and who are able to obtain a training firm are able to train as solicitors.
Admissions Test – the ranking process

6.19
Another element of the present admissions process is that the ranking mark provided to each candidate after taking the Admissions Test combines both the Admissions Test score with a weighted mark depending on the degree result obtained by the applicant. For example, an applicant with a First Class degree is awarded 300 marks for their degree result and therefore 300 is added to their Admissions Test result. By contrast, an applicant with a 2.2 degree is awarded only 150 marks.

6.20
The ERWG considered that this weighting of degree result was appropriate. It means that there is included in the admissions process a recognition of attainment over a period of time – the degree result – and not merely a one-off attainment, namely the mark obtained in the Admissions Test.

6.21
The ERWG is aware of concerns that degrees awarded by different universities may differ in quality in that a candidate achieving a First Class degree from one university may in another university only achieve a 2.1 classification. However, the ERWG is mindful of the systems in place for the monitoring of the quality of law degrees through the Quality Assurance Agency for Higher Education and is not in a position to make a qualitative assessment of degrees of one university compared to another.

Requirement for Apprenticeship

6.22
An important element of the present admissions arrangement is that not only must an applicant have a place at a vocational training provider but also they must have entered into Indentures of Apprenticeship with a Master. In other words no-one can take up a vocational training place unless they have a firm in which they are apprenticed. This is a distinctive and noteworthy element of qualification as a solicitor in Northern Ireland. The Bromley Report observed as follows (paragraph 2.7):

“The evidence we have received has convinced us that no institution could completely replace training on the job and that for intending solicitors study at the Institute should be linked more closely than in the past with office training”.

6.23
It can be seen that the Bromley Committee considered that the combination of training in a solicitor’s office and vocational training was the most appropriate system for qualification as a solicitor in Northern Ireland.
6.24
As a result, the vocational training delivered by the Institute and the Graduate School is predicated upon the fact that there will be a combination of in-class training and in-office training throughout the two-year training period.

6.25
Consequently, lectures and course exercises at the Institute or Graduate School can be applied in practice to situations taking place in the office with clients of the firm in which the applicant is apprenticed.

6.26
Similarly, in-office experiences involving real cases and real clients can be informed by the classroom teaching.

6.27
This combination of the practical application of law and procedure learned from both a vocational provider and an office has a number of advantages. An office cannot cover all the range of legal topics and client problems. For example, many offices do no criminal work at all. Some offices take on no family law cases. Some offices have no County Court practice or have no work involving employment tribunals. The vocational training providers, of course, cover these areas. This can ensure that at the end of the two year training period all persons admitted as solicitors will have covered the entirety of the vocational training curriculum and, in addition, will have seen in operation actual cases involving actual clients in the firm in which they are apprenticed.

6.28
This integrated system of in-office training and vocational training contrasts with the system of training offered, for example, in England and Wales where it is possible to undertake vocational training (the Legal Practice Course or LPC) without having an office in which to undertake a training contract. In England and Wales the vocational training and training contract can be separated and are sequential.

6.29
The issue of whether an applicant must have an office in which to train before they can take up a place at a vocational training provider generated considerable discussion in the EWRG and in the responses to the initial Consultation Document. On the one hand there is a view that securing an office is not required in order to be trained by a vocational training provider. On the other hand the ERWG are of the view that the integrated approach provides the best basis for delivery of good quality vocational training and see no reason to disagree with the recommendations of the Bromley Report in this regard. The teaching methodology adopted in class in a system...
integrated with in-office experience is different from in-class training which is separated from the in-office element. The EWRG considered that there is a difference between apprentices who are students of the Law Society and who are potential colleagues of the staff and tutors of the vocational training providers, and students who enrol on a vocational training course with no connection to the profession or practitioners. Apprentices who are students of the Law Society are, from the outset of their training, part of the profession and are exposed to the needs and expectations of their firms and clients. From an educational perspective integration changes the culture and working and learning environment of the course. Training in an integrated system gives a greater understanding of the practical working environment. Training in a sequential model, where trainees attend vocational training first and then seek a training contract, can lead the vocational training course to be viewed as another stage in academic training, removed from the office.

6.30
The merits of the integrated approach have been recognised by a legal vocational trainer from outside the jurisdiction who responded to the initial consultation.

6.31
The ERWG found it noteworthy that in England and Wales, the sequential approach has resulted in more undertaking vocational training than were able to secure training contracts. In 2007 of 9,373 students (7,646 full-time and 1,727 part-time) who undertook vocational training only 4,986 were able to secure training places. For several years numbers have followed a similar pattern. In 2006 there were 9,172 students (7,445 full-time and 1,727 part-time) students who undertook vocational training with only 5,777 training contracts.

6.32
Looking at 2007 figures this resulted in 4,387 persons being part qualified in that they have undertaken vocational training but have no office in which to complete their training requirements.

6.33
The admissions system in Northern Ireland has the advantage that an applicant who has both a training place and an office will, on satisfactory completion of their two-year training period, be eligible to be admitted as a qualified solicitor.

6.34
It can be argued that if in Northern Ireland the vocational training and in-office training were separated, it would enable those who successfully completed their vocational training to be selected by a firm and in effect the
most able may be selected. On the other hand, such a system might also result in those with contacts, connections or otherwise able more easily to find a firm in which to train having an advantage, thereby impacting on the diversity within the solicitors profession or reducing opportunity for those who have no present connection to the Law and would find it more difficult to locate a firm in which to complete their training.

6.35
The ERWG are aware that continuing to require an apprentice to have secured an office before taking up a vocational training place at either the Institute or Graduate School will generate much discussion. In other jurisdictions such as England and Wales upon completion of the vocational training the student would seek employment in a firm to complete the qualification process. While this is not the preferred option of the ERWG, views on this aspect of the ERWG findings would be particularly welcome.

6.36
The time presently spent in an office during the two-year apprenticeship period is 4 months from September to the end of December; Easter and summer vacations; and 8 months from January to the end of August. Consideration was given to increasing or decreasing the period of 4 months at the start of the apprenticeship period. The ERWG were aware this could cause difficulties for the vocational training providers – for example university enrolment takes place in September – and for offices – a September start coincides with the start of a new Court Term - and were not convinced that benefits of change outweighed administrative difficulties.

ERWG Findings

6.37
The ERWG found that:

6.37.1 the Admissions Test should be comprehensively reviewed to explore if it is practically possible to provide questions on substantive law on at least 3 of the Core Subjects of the applicant’s choosing, which would require written responses from applicants which the applicant would be required to pass. The substantive law answers would help to smooth out any differences in degree classifications and would satisfy the Law Society that applicants successfully passing the substantive law component had the necessary knowledge and awareness of legal topics prior to admission as a solicitor;

6.37.2 the admissions procedure should incorporate a form of psychometric assessment in order to seek to determine that all applicants were possessed of certain agreed personal qualities relevant and
important to becoming a solicitor such as, for example, honesty, and ability to retain information in confidence. This psychometric element could be a relatively short multiple choice type question in a format recommended by appropriate persons who would require to be consulted by the Society to devise such a psychometric assessment;

6.37.3 the current multiple answer questions should remain as part of the new revised Admissions Test;

6.37.4 a numeracy question should continue to be included;

6.37.5 a working group should be formed comprising solicitors, barristers and academics to consider the Admissions Test and how best to incorporate the 4 elements described above;

6.37.6 the present combination of in-office and vocational training should continue. Urgent consideration should be given to improving the in-office portion of the training requirements and this is discussed below;

6.37.7 combining in-office and vocational training as a pre-requisite for qualification as a solicitor remains attractive for this jurisdiction;

6.37.8 the time periods of 4 months in-office, 1 year at an approved vocational provider and 8 months back in-office are appropriate and should not be altered (any potential advantages being outweighed by the organisational disadvantages which would be experienced by the vocational training providers);

6.37.9 the requirement that an applicant must have an apprenticeship registered with the Law Society before being able to take up a place at a vocational training provider should remain.
Section 3
Course Content

7.0 Background & Present Position

7.1
The Bromley Report (para 6.5) noted that the original aim of the Institute of Professional Legal Studies as envisaged by Bromley’s predecessor, Professor Armitage, was that the vocational course should ‘bridge the gap between academic study and the application of the law ... and that the courses [should be] strongly orientated towards the problems of practice.’

7.2
The Bromley Committee set out in paragraph 6.6 some aims and objectives of the vocational course which were designed to ensure that on successful completion of the course the student:-

‘(i) possesses a sound knowledge of the following:-
(a) those areas of law most commonly encountered in the early years of practice;
(b) the rules of procedure in courts of law and principal tribunals;
(c) the rules of evidence in civil and criminal proceedings;
(d) the rules and canons of professional conduct;
(e) the law and practice relating to costs and Legal Aid;
(f) in the case of solicitors, office organisation, and

(ii) has demonstrated a satisfactory level of skill in:-
(a) oral expression
(b) negotiating
(c) drafting legal documents and letters
(d) interviewing
(e) accounting
(f) marshalling facts
(g) advocacy
(h) organising the flow of work.’

7.3
The courses which are presently covered during the attendance at the Institute or Graduate School include:-

• Civil Procedure incorporating High Court and County Court,
• Criminal Procedure incorporating Summary Procedure and Procedure on Indictment,
• Conveyancing,
• Accounts,
• Revenue,
• Wills,
• Administration of Estates,
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- Company and Partnerships,
- Insolvency,
- Tribunals,
- Family Law,
- Criminal Damage,
- Licensing,
- Enforcement of Judgements,
- PACE,
- Chancery,
- Drafting,
- Client Care,
- Advocacy,
- Legal Research,
- Practice Management,
- Negotiation,
- Legal Aid,
- Professional Conduct and
- Solicitors’ Accounts Regulations.

EU law is taught pervasively throughout the course.

7.4
Professional Conduct and Solicitors’ Accounts Regulations are delivered by the Law Society.

Discussion of Course Content

7.5
The ERWG recognised that in the early years of practice, many solicitors have not yet specialised in any particular area of law. It was also recognised that some solicitors who commence their practice in a firm which had some specialist areas of practice, might not always remain with that firm and may, indeed, wish to set up and establish their own firm which could involve taking on work involving a wider range of areas of legal work.

7.6
Accordingly the ERWG recognised that a generally based vocational training encompassing a significantly wide range of subject areas was desirable.

7.7
The ERWG, however, also recognised that with increasing complexity in many subjects and increasing difficulties in firms providing a service across all legal topics, many firms in fact were specialising and developing deeper and more expert knowledge relating to a narrower and more discrete subject range. For example, not all firms would practice criminal law or family law or
employment law and several firms have developed niche expert practices concentrating solely on such subjects.

7.8
The ERWG acknowledge that one of the uniquely valuable aspects of the qualification of solicitor is that such a person has studied a range of legal topics and has experienced, as part of their vocational training, guidance and instruction in areas of law and practice which inform, influence and assist the solicitor in providing quality legal advice on other topics. For example, the matrimonial lawyer is assisted and informed by knowledge relating to Inheritance, Wills and Probate, Property Law and business structures.

7.9
For that reason the ERWG considered that a wide range of topics should be undertaken at the vocational training stage.

7.10
However, the ERWG also believed that many firms and apprentices would benefit from the inclusion of topics not presently delivered. In addition they would benefit from some flexibility in the choice of topics to be undertaken and from some modules to be delivered to an advanced level.

7.11
Among the subjects not presently covered, other than by inclusion in a more general subject heading, are topics such as Planning Law, Judicial Review, Children’s Law, Law of the Elderly, Adoption, Intellectual Property, Banking and Securities.

7.12
The ERWG considered that a rearrangement of the current curriculum should be explored to facilitate a choice by apprentices of certain subjects from a category of electives, while retaining as compulsory other subjects.

7.13
The ERWG is mindful that such rearrangement of subjects delivered and the provision of the opportunity to study some in greater depth, or to study some particularly specialist subjects, will require consultation with the Institute and the Graduate School so that the implications for teaching resources and timetabling can be accommodated.

7.14
It is fundamental that legal practice is based upon sound knowledge of substantive law. The ERWG was concerned that time was spent at the vocational training stage teaching, or refreshing knowledge of, substantive
law. It was considered desirable to deliver refresher courses in key substantive law subjects to ensure that all apprentices understood basic principles and law in the period immediately prior to their attendance at a vocational training provider.

7.15
The cost of delivering “refresher basics” would have to be considered and a course provider identified. Consultation with the Institute and the Graduate School would be required to identify those substantive law subjects from which apprentices would derive most benefit.

7.16
The ERWG endorsed the retention by the Law Society of teaching responsibility for Professional Conduct and Solicitors’ Accounts Regulations. These subjects were appropriate for the Society to teach directly and it was considered desirable that the Society retained a teaching role to its student members.

ERWG Findings

7.17
Having considered these various aspects the ERWG found as follows:-

7.17.1 The following subjects should be regarded as compulsory:-

- Civil Procedure incorporating High Court and County Court,
- Criminal Procedure incorporating Summary Procedure and Procedure on Indictment,
- Conveyancing,
- Wills and Administration of Estates,
- Company Law and Partnership,
- Tribunals, Employment
- Family Law,
- Enforcement of Judgements,
- Drafting,
- Advocacy,
- Legal Research,
- Negotiation,
- Legal Aid,
- Accounts,
- Revenue,
- Client Care,
- Practice Management.
7.17.2 The following subjects should be regarded as optional but apprentices must select 6 from the following list:-

- Insolvency,
- Criminal Damage,
- Licensing,
- Commercial Property,
- Advanced Business Structures,
- Advanced Conveyancing,
- Planning and Environmental,
- Judicial Review,
- Advanced Advocacy,
- Law Relating to Children,
- Law of the Elderly,
- Banking and Security.

7.17.3 In addition apprentices should be required to attend “refresher basics” courses as identified in consultation with the Institute and the Graduate School. At present it is suggested that these may be in Land Law, Contract, Crime and Tort. The “refresher basics” course should be taught during the initial 4-month period in-office and firms should be required to release their apprentices for attendance at such refresher basic courses. The cost of preparing and delivering these “refresher basics” should be included in the course fees for the Institute and the Graduate School.

7.17.4 The Law Society should continue to teach directly Professional Conduct and Solicitors’ Accounts Regulations.
Section 4
Part-Time Provision

8.0 Part-Time Provision

8.1 The ERWG noted that at present the vocational training is only offered as a full-time course to applicants who apply through the principal route, namely by sitting the Admissions Test.

8.2 The ERWG noted that recommended students under Regulation 8(3) and 8(5) could complete the vocational course at the Institute of Professional Legal Studies on a part-time basis. The EWRG considered that the problem with undertaking qualification on a part-time basis was how the in-office portion of training could be completed on a part-time basis.

8.3 In order to facilitate access to the legal profession and to meet the needs of intending apprentices the EWRG agreed that early consideration should be given to how to facilitate training on a part-time basis.

ERWG Findings

8.4 The ERWG found that:-

8.4.1 Consideration should be given to providing vocational training for solicitors on a part-time basis.

8.4.2 A sub-committee of the Education Committee should be established to consider how part-time training could be facilitated with particular reference to the in-office part of the training.
9.0 Governance

9.1 The governing body of the Institute of Professional Legal Studies is the Council of Legal Education. The Armitage Report stated that the proposed Institute of Professional Legal Studies would need a governing body which reflected the interests of all parties concerned. It proposed the establishment of the Council of Legal Education ("the CLE") and made recommendations concerning its membership and powers and functions.

9.2 At the time of the establishment of the Institute and the Council of Legal Education, the only law school in Northern Ireland was at Queen’s University, Belfast. As the Institute is constitutionally part of Queen’s University, the Council was required to be established by University Statute.

9.3 The Bromley Report made further recommendations on the membership and functions of the CLE. Members of the Council of Legal Education include the Lord Chief Justice of Northern Ireland or his nominee being a person holding high judicial office (Chairman), three representatives from the Law Society, three representatives from the Inn of Court, the Dean of the School of Law, four members of Queen’s University, the Director of the Institute and such other persons (not exceeding two) as may be co-opted.

9.4 Following accreditation by the Society of the University of Ulster’s Graduate School of Professional Legal Education, new arrangements for governance need to be made. Interim governance arrangements are in place. The Council of Legal Education has, on an ad hoc basis, supervised the elements which are common to both the Institute and the Graduate School, for example the arrangements for preparation of the Admissions Test and administration of the admissions process. Separately the Council of Legal Education continues to supervise the internal business of the Institute, for example student discipline, student welfare and budgets. The Society has appointed a Supervisory Panel to provide a similar supervisory role for internal work of the Graduate School.
9.5 ERWG Findings

The ERWG found that:-

9.5.1 steps should be taken to establish a new Plenary Council of Legal Education supported by both branches of the legal profession and the Judiciary to supervise and ensure the continuing delivery of quality legal vocational training from all the accredited vocational training providers (currently the Institute and the Graduate School);

9.5.2 the Plenary Council would continue to have representation from universities but that the Plenary Council would not be a constituent part of the universities;

9.5.3 the Education Committee should engage in the necessary discussions with the Lord Chief Justice, the Chair of the CLE, the Bar, the vocational trainers and the universities.
Section 6
In-Office Training - Part 1

10.0 In-Office Training – Part 1

Background

10.1 The present system of vocational training involves an integrated arrangement of in-office training combined with training with one of the vocational training providers. The Bromley Report recommended (paragraph 2.7):

‘that ... intending solicitors should be required to complete satisfactorily a 2 year apprenticeship during which they would spend one year at the Institute; that they should not begin their course of professional training until they have gained at least 3 months’ practical experience in an office; and that throughout the period of the Institute course they should maintain a close link with their office and should be required to spend part of each vacation working in it.’

10.2 The recommendation of Bromley has resulted in apprentice solicitors attending at their office from 1 September until 31 December; starting at the Institute or the Graduate School at the beginning of January and, apart from vacations at Easter and the summer, spending all of that calendar year at the vocational training establishment. They would return to their office the following January and remain there until August.

10.3 This system has the advantage that prior to commencing any vocational training all apprentices have spent some time in the office.

10.4 In addition, following a recommendation by the Law Society, since 1999 apprentice solicitors have been required to spend each Monday in the office during the calendar year when they are predominantly at the Institute or the Graduate School.

10.5 This reflects the emphasis placed by the Bromley Report on integrating both learning at a vocational training provider and learning in-office.

10.6 During the consultation process a number of observations were made regarding Mondays in-office, and regarding the in-office period of training.
11.0 Consideration of Mondays In-Office

11.1 The ERWG recognised that, in theory, requiring each apprentice to return to the office every Monday allowed some form of continuing contact with their office and their Master. While this arrangement allows continuing monitoring of files upon which they had worked during the previous week, it also has a number of disadvantages; much can happen on a file between Mondays, only relatively short tasks can be given to be commenced and completed within the Monday and many respondents to the initial Consultation Document expressed a strong view that they would rather work with apprentices on an agreed block of time rather than the periodic Monday provision.

11.2 On the other hand apprentices receive pay for the Monday spent in-office and, were Mondays in-office to be removed, this could well have a further detrimental impact on the finances of apprentices, many of whom are carrying forward to their vocational training significant student loan debt. The ERWG considered that it would assist apprentices if they received the recommended pay rate from their firm regularly throughout the year rather than only during the periods when they attended at their firm.

11.3 Some consideration was given to spending no days in the office during Institute or Graduate School term time; to spending 2 days each week in the office with 3 spent at the vocational training provider and to continuing with the present Monday in-office regime. There was no support in the ERWG for an apprentice to spend 2 days in-office and 3 days at a vocational training provider.

11.4 If no days were spent in the office during term time this would open up an additional opportunity for teaching at the vocational training providers and might allow for the provision of additional vocational courses, additional court visits or Judge shadowing. However any removal of the Mondays in-office, to be replaced by full-time teaching at the Institute or Graduate School, would have a timetable implication for both vocational providers. In particular it may have an undesirable impact on the course undertaken by Bar students at the Institute on Mondays – so called “Bar Mondays”.

11.5 The ERWG recognised that for some apprentices there was inconvenience in travelling from their accommodation used when they attended at the Institute or Graduate School to their office, which may be based at a distance from their accommodation.
11.6
The ERWG also considered that, on occasions, periodic coursework exams were held on Tuesday and, for some apprentices, preparation for the Tuesday exam eroded the value of their Monday in-office, as it was difficult to accommodate both exam preparation and assisting on client related tasks in the office.

11.7
The ERWG considered the position of continuing contact with the office to be important but recognised that the requirement to spend Monday in-office did have a number of significant drawbacks.

**ERWG Findings**

11.8
The ERWG found that:-

11.8.1 the requirement for apprentices to spend each Monday in-office should be discontinued;

11.8.2 that each office should be required to spread the minimum salary payments required to be paid to apprentices over a twelve month period, regardless of whether an apprentice was in-office or not;

11.8.3 that each apprentice should continue to be required to spend Easter and summer vacations in the office subject to the appropriate entitlement of an apprentice to holiday time;

11.8.4 that consultation with the Bar should take place regarding the implications of these findings for teaching Bar students before any findings are recommended to be implemented.
Section 6
In-Office Training - Part 2

12.0 In-Office Training – Part 2

12.1 The Bromley Report (paragraph 2.6) considered that:
‘there is no adequate substitute for actual experience, direct contact with the public and positive involvement with real caseloads.’

12.2 As noted above, during the 2-year apprenticeship, the apprentice currently spends from September to December inclusive of the first year of training in an office, each Monday during the next calendar year in the office, and during that year also spends vacation time in the office. At the start of the next calendar year the apprentice spends the remaining 8 months of the 2-year apprenticeship in their office.

12.3 This emphasis on learning in the office brings with it the expectation that the in-office training experience will be informative, educational and relevant to the apprentice and also helpful and supportive to the office.

12.4 The ERWG considered that insufficient attention had been paid to the provision of training for Masters, the development of guidelines for apprentices, the measurement of quality of in-office training, the assessment of skills and knowledge progression of the apprentice and the development of contact between the Law Society, the apprentice and their host firm.

12.5 Many respondents to the initial questionnaire observed that the in-office portion of an apprentice’s training required to be more structured, with more guidance and more contact between the Society and the firm in which the apprentice was receiving training.

12.6 The ERWG was also attracted by some responses indicating that rather than the present arrangement where the apprentice is apprenticed to an individual Master, the apprentice could be apprenticed to the firm.

12.7 At present a solicitor must have 7 years’ experience in the private sector or 10 years’ experience as a solicitor in the public sector before becoming eligible to be a Master. A solicitor in private practice must also have practised as a partner or sole practitioner for at least 3 years (Regulation 3 of the Solicitors’ Admission & Training Regulations (Qualification of Masters) 1988 as amended.
12.8 In addition, a solicitor must satisfy the Committee that his practice or the public sector department in which he practises provides satisfactory opportunities for the adequate training of a registered student. The Solicitors’ Admission & Training Regulations (Qualification of Masters) 1988 also set out a number of factors to be taken into account in determining whether or not a solicitor is suitable to be a Master. These include disciplinary record, nature of the practice and any other circumstances which might affect the suitability of such a solicitor to act as the Master of a registered student. (Regulation 4 of the Solicitors’ Admission & Training Regulations (Qualification of Masters) 1988.

12.9 A Master is prohibited from taking on more than one apprentice in year one and one apprentice in year two.

12.10 The ERWG recognised that many firms operate departments or have specific solicitors carrying out, within the firm, legal work in different areas of law, for example, Conveyancing, Probate, Matrimonial, Company, Commercial, Litigation, Employment Tribunals and Criminal, and that it is to the advantage of the apprentice that they receive experience in as broad a range of practical areas of law as possible.

12.11 The ERWG also recognised that not all firms can provide experience in all areas of law and this is why attendance at the Institute or Graduate School is important to complement the in-office experience by having the apprentice experience areas of law at the vocational training provider which may not otherwise be encountered during the course of their in-office training.

12.12 The ERWG considers that it is of fundamental importance that the in-office portion of training be improved and that training and guidance for firms should be provided.

12.13 Findings
The ERWG found that:-

12.13.1 the Law Society should provide a training programme for firms taking on an apprentice. This programme could be delivered in a cost effective manner by utilising the “Train the Trainers” programme delivered by the Law Society of Scotland, as suitably adapted for Northern Ireland legal practice;
12.13.2 In addition, the Law Society should produce an agreed Training Framework for firms and apprentices, clearly establishing the expectations which firms had for apprentices and which apprentices could legitimately have of firms;

12.13.3 The practice of apprenticing an apprentice to a particular Master should cease and instead an apprentice should be apprenticed to a firm. Such a firm would be known as a “Training Firm”;

12.13.4 Each Training Firm taking on an apprentice would require to be approved by the Law Society and among the criteria for approving a firm would be a requirement that a Training Firm must have at least one solicitor with sufficient experience so as to ensure that the guidance, advice and support provided by the firm to the apprentice can be based upon a sufficient period of experience. The ERWG found that this period should be not less than 5 years. No difference should be made between public and private sector;

12.13.5 Each Training Firm would be required to designate a “Training Officer” who would have responsibility for ensuring that the training requirements of the apprentice and the requirements of the firm were being delivered. The Training Officer should have a minimum of 5 years’ post qualification experience. The Training Officer would be required to attend the Train the Trainers’ Course;

12.13.6 In order to ensure that during the in-office experience, apprentices receive as broad a range of work types as possible, the Training Firm should commit to each apprentice that during their time in the office, the apprentice was exposed to all areas of work undertaken by the firm with a minimum of 4 of the following areas of work being provided by the training firm, namely: Conveyancing, Wills & Probate, Corporate, Employment, Commercial Property, Litigation (County Court, High Court or Magistrates Court), Criminal and Family Law;

12.13.7 The ERWG found that each Training Firm should be required to have at least one solicitor within the firm attend an apprentice trainers’ course for which 3 hours’ Practice Management CPD points would be available and which should be provided by the Law Society.
12.13.8 The ERWG found that the Law Society should research, devise and implement an online assessment programme. With such a programme in place each apprentice would be required to file each month online reports detailing the work they had undertaken and enabling the Society to ensure by monitoring of such online reports that students were indeed receiving the variety of work committed to be provided by the training firm;

12.13.9 the Training Officer would be required to file a quarterly online report confirming the work undertaken by the apprentice and that such work was undertaken satisfactorily;

12.13.10 in order to supplement, support and encourage the Training Firm and apprentices, the Law Society should consider providing resources for an Apprentice Liaison Officer who would ensure that over an agreed period each training firm is visited and interviews in the Training Firm with the Training Officer and others involved with the apprentice were carried out;

12.13.11 apprentices should complete (in due course online) a monthly self-assessment record summarising tasks undertaken, describing cases in which they had been involved and that such report should be countersigned by the firm’s Training Officer;

12.13.12 the Law Society should provide a list of target tasks of which each apprentice should be required to complete a specified portion. These tasks would include attending client interviews, taking phone calls, making appointments, attending with Counsel, filing court papers at various court offices, attending at the Companies Registry and Land Registry, observing cases at Petty Sessions, County Court and High Court, drafting documentation for approval by the relevant supervising solicitor (e.g. Wills, Conveyances, Land Registry Transfers, Writs, corporate or commercial documents) and

12.13.13 the Law Society should take steps to enhance the standing of those firms which are Training Firms, for example by inviting Training Officers to attend Law Society events to discuss current developments in vocational training, by arranging for Training Officers to attend at the vocational training providers so that they can be better acquainted with the training provided there and by considering whether financial incentives could be provided to firms taking on the training burden. This incentive
could perhaps be provided by an appropriate discount to the Practising Certificate fees from those who are Training Firms or Training Officers and by creating an “education levy” on all Practising Certificate fees from which to fund such a refund arrangement.

The ERWG considered that the provision of quality training in-office to apprentices benefited the solicitors’ profession in Northern Ireland as a whole and that all firms benefited from apprentices receiving adequate training in-office and that this provides justification for a financial incentive to Training Firms.
Section 7
Permitted Exceptions – Regulation 8(3) and 8(5)

13.1
The Bromley Report recommended that alternative routes into the profession should be discontinued. Permitted exceptions were Regulation 8(3) and 8(5).

13.2
Regulation 8(3) and 8(5) of the Solicitors’ Admission and Training Regulations 1988, as amended, provides alternative routes to register as a student. Regulation 8(3) covers “experienced law clerks”. Regulation 8(5) requires special qualifications or experience.

13.3
A student who is accepted under Regulation 8(3) or 8(5) obtains a place at the Institute or Graduate School. An 8(3) or 8(5) applicant does not have to take the Admissions Test. These places are in addition to the 148 places available for those who apply via the Admissions Test.

13.4
A student under 8(3) or 8(5) has the option of attending the vocational course on a part-time basis thereby taking two years to complete the course. The period of apprenticeship is therefore three years rather than two. The three-year period can be reduced to two years on application to the Education Committee, if a student successfully completes the Institute/Graduate School course in one year.

13.5
Regulation 8 provides that an applicant who has complied with Regulation 7 shall be registered (subject to Regulation 9 which refers to bankruptcy/fitness to practise as a solicitor) as a student of the Society but such registration shall be conditional upon the registered student producing to the satisfaction of the Society that he

8 (3) has served in an executive capacity
   (a) as a bona fide law clerk or employee of a solicitor for a continuous period of seven years; and
   (b) attained the age of 29 years; and
   (c) satisfied the Committee as to his standard of general education, and knowledge and experience of the work of a solicitor.

8(5) has satisfied the Committee that being a person of not less than 30 years of age, he has acquired such special qualification and/or experience as to render him suitable to be accepted as a registered student.
13.6
Following the implementation of The Employment Equality (Age) Regulations (NI) 2006, the “age discrimination” legislation has altered the approach when considering applications under Regulation 8(3) and 8(5). The requirements that an applicant must have completed seven years’ service and attained the age of 29 years are not applied at present. An applicant under 8(5) is not presently required to have attained the age of 30 years.

13.7
The approach taken when considering applications under 8(3) and 8(5) has also been influenced by a number of judgements.

13.8
In the case of Burns, (unreported and undated) involving an application by an applicant for admission under Regulation 8(5), Carswell LCJ stated: “I consider that it should require a truly exceptional case to be established before it should allow registration under Regulation 8(5).”

Discussion

13.9
Responses to the consultation expressed a range of views and in particular that there should only be one route to qualification otherwise it is unfair on other candidates who have had to sit the Admissions Test. However, the majority view of the responses was in favour of retaining an alternative route to qualification as a solicitor. A view was expressed that provision should always be allowed for exceptions and that the route should remain (albeit modified). It was suggested that the seven-year period for 8(3) applicants should be reinstated.

13.10
The public sector supported the retention of an alternative route to qualification on the grounds of equality of opportunity.
“For a limited number of individuals in the public sector this offers a real opportunity for career development. A range of different routes should be regarded, not as a relic of the past, but a welcome contribution to diversity within the profession.”

13.11
A view had been expressed in responses that in particular, 8(3) offered a route to qualification to those who had not attained third level education. While that may historically have been the position, most of the applicants under Regulation 8(3) now present with law degrees and often postgraduate qualifications. In 2008 out of 16 applicants there were two applicants under
Regulation 8(3) who did not have a third level qualification. In 2007 all 21 applicants had third level qualifications.

13.12 The ERWG noted that the Law Society of Scotland and the Solicitors’ Regulation Authority are currently developing and piloting alternative routes to qualify as a solicitor. The ERWG also noted the paper prepared by the Law Society of England and Wales “Response to the Call for Evidence on Fair Access to the Professions” and the Final Report of the Entry to the Bar Working Party chaired by Lord Neuberger.

13.13 The ERWG recognised that there were merits in providing for alternative pathways to qualification. It considered that the present wording of 8(3) and 8(5) does not reflect the present reality, which is that nearly every applicant has obtained a law degree. As the existing Regulations 8(3) and 8(5) were not designed for the present day position, where access to a law degree was readily available, a new approach should be identified and approved by Council as soon as practicable and then the ERWG considered that existing arrangements should be discontinued with sufficient time elapsing to allow for current applications to be processed.

13.14 The ERWG considered that alternative routes to qualification should be investigated urgently and separately from the implementation of any other recommendations adopted by Council.

13.15 Any new arrangement for alternative access to vocational training should involve consideration of experience, objectively demonstrated, combined with attainment of an agreed academic standard.

13.16 Findings

The ERWG found that:-

13.16.1 an alternative route for qualification as a solicitor should be retained and that existing regulations should be replaced with an alternative arrangement which would enable those with a significant period of appropriate experience of working in a solicitor’s office, to be afforded the opportunity to complete formal training;

13.16.2 the assessment of the experience of an applicant under the proposed new alternative route should be devised by the Education Committee and should be based upon the demonstration by an
applicant that they had achieved defined experience and could display defined skills;

13.16.3 clarification should be sought as to whether the 7-year period can be reinstated in applications under the proposed new alternative route;

13.16.4 the Education Committee should prepare assessment criteria for applications under the new Regulations when approved; and

13.16.5 the existing Regulations 8(3) and 8(5) should be discontinued as soon as practicable when the necessary changes to Regulations had been prepared and approved. Those changes to Regulations should be prepared as soon as possible and without awaiting formal approval of recommendations by the Council in relation to other issues raised in the present Review.
Section 8
Admissions from Outside the Jurisdiction

14.1 As part of the review process the ERWG were asked to consider admissions from outside the jurisdiction.

14.2 These admissions can be divided into a number of categories as follows:

- Admissions from other jurisdictions within the United Kingdom
- Admissions from the Republic of Ireland
- Admissions from EU member states
- Admissions from the rest of the world

14.3 In addition the ERWG considered the question of lawyers partly qualified in a jurisdiction outside Northern Ireland who were seeking admission to qualify in Northern Ireland and who wished some weight to be given to the part qualification already obtained. These 'part-qualified' applicants can again be divided into the following categories:

- Part-qualified within the United Kingdom
- Part-qualified within the EU
- Part-qualified from elsewhere in the world

Qualified Lawyers

14.4 Qualified from Elsewhere in the United Kingdom

14.4.1 For the purposes of the Review the other jurisdictions within the United Kingdom are Scotland and England & Wales.

14.5 Transfers from within the UK – Scotland

14.5.1 Scotland has a distinct legal system and the practice has been to require a lawyer qualified in Scotland and not elsewhere to undertake, at an approved vocational training provider, and pass courses in Wills and Conveyancing.

14.5.2 It was accepted that a qualified lawyer from Scotland will be aware of the need only to practice in areas where they are competent so to do and have the requisite knowledge. However some concerns were expressed that there was no provision for any orientation as to the legal environment in Northern Ireland into which a Scottish lawyer was seeking admission to practice.
14.5.3 While the requirement to undertake the courses listed above at a vocational training provider assisted in providing such orientation and the basic procedure for practice in those designated areas, the ERWG felt more could be done on a more formal basis to properly orientate any Scottish lawyer to the practice procedures, court system and constitutional framework of Northern Ireland.

14.6 Transfers from within the UK – England & Wales

14.6.1 It is generally accepted that the law and procedure in England and Wales more closely approximates law and procedure in Northern Ireland. There are however significant differences, for example in Land Law and Conveyancing practice, in Civil Litigation, in some areas of Criminal practice, in Fair Employment and Tribunals, in some aspects of Wills, Probate and Administration of Estates and in some areas of Planning and Constitutional Law.

14.6.2 There has over many years evolved a convention whereby solicitors qualified in England and Wales are reciprocally recognised and eligible for admission to practice in Northern Ireland, subject to a restriction on their Practising Certificate that they not practise on their own account or as a Principal until they have at least 3 years’ qualification.

14.6.3 The ERWG considered however that, as with Scotland, there may be advantages to having solicitors from England and Wales undertake an orientation course which would prepare them for the differences in law and procedure between England and Wales and Northern Ireland.

14.6.4 In addition requiring a qualified solicitor transferring from England and Wales to undergo attendance at an orientation course would be consistent with the principle that solicitors practising in Northern Ireland should be, and are expected to be, conversant with the law and practice of the jurisdiction in which they seek to operate.

14.6.5 In view of the close working relationships between the solicitor communities of England, Wales and Scotland, the ERWG considered that while attendance at an orientation course might be obligatory, an obligation to sit an exam should not be required.
ERWG Findings

14.7 The ERWG found that:-

14.7.1 That qualified solicitors from Scotland should continue to be required, to undertake attendance at an approved vocational training provider of the courses in Conveyancing and Wills;

14.7.2 Solicitors from Scotland, England and Wales should be required, as part of their CPD obligations, to attend during their first 12 months of admission in Northern Ireland an orientation course designed to acquaint those attending with the practice, procedure and law peculiar to Northern Ireland;

14.7.3 The Law Society should request from, inter alia, the University of Ulster and Queen’s University Belfast, expressions of interest in providing such an orientation course;

14.7.4 The Law Society should set up a UK Qualified Lawyers’ Orientation Course Sub-Committee with a view to agreeing the content of such course, the duration of such a course, the time when the course would be delivered and the cost of such a course. It would be expected that practitioners from Northern Ireland would be involved in the delivery of such course.

15.0 Lawyers from Republic of Ireland

15.1 The ERWG acknowledges that close links exist between Northern Ireland and the Republic of Ireland, however there are differences in law and practice and procedure.

15.2 A longstanding convention has been operating whereby lawyers qualified in the Republic of Ireland are admitted in Northern Ireland. There is no requirement that they undertake additional courses.

15.3 Consistent with the observations made earlier in this report relating to Scotland, England and Wales, the ERWG concluded that where there are differences in practice, procedure and law, any solicitor seeking admission from the Republic of Ireland should be expected to undertake an orientation course providing information regarding those differences so that they might be equipped to practice in Northern Ireland.
15.4
The ERWG did not consider that it was necessary for lawyers qualified in the Republic of Ireland to undertake any formal exam but should demonstrate that they had completed attendance at the proposed orientation course as part of their CPD requirements during the first year following admission.

15.5  ERWG Findings

15.5.1 The ERWG found that lawyers from the Republic of Ireland should be required during the first 12 months of admission in Northern Ireland to undertake, as part of their CPD requirements, the same orientation course as it found should be made available to solicitors from England and Wales and Scotland.

16.0  Lawyers from the EU

16.1
The Lawyers’ Services Directive (77/249 EEC) provides that an individual may provide services temporarily under his “home title” in another Member State without registration with the host bar. The Directive has been implemented in the UK by the European Communities (Services of Lawyers) Order 1978 as amended.

16.2
The Mutual Recognition of Diplomas Directive (2005/36 previously 89/48 EEC) provides for re-qualification in a particular Member State by taking an aptitude test in main areas of difference in order to be able to practise using the professional title of that Member State. The European Communities (Recognition of Professional Qualifications) Regulations 2007 implement this Directive in part.

16.3
The Lawyers’ Establishment Directive 98/5EC provides for the right to establish permanently under home title subject to registration with, and regulation, by the host bar. Once established the individual has the right to practise, home, EU, international and host state law. An individual solicitor once registered acquires host title, more or less automatically, after three years’ practice of host law. The Directive has been implemented in the UK by the European Communities (Lawyer’s Practice) Regulations 2000 which led to the Law Society of Northern Ireland European Communities (Lawyer’s Practice) Regulations 2000. A European lawyer applies by completing the prescribed form and the Society accepts or rejects the application depending on compliance with both sets of regulations, and a successful applicant is thereafter subject to the same regulation by the Society as local solicitors.
17.0 Lawyers from Elsewhere in the World

17.1 From time to time there are applications to be admitted in Northern Ireland from lawyers qualified in, for example, Commonwealth countries, or from the United States of America or Canada.

17.2 The practice has been to consider each application individually and on its merits.

17.3 The ERWG noted that the Colonial Solicitors’ Act 1900 has been repealed.

17.4 Over time various conventions have arisen requiring lawyers whose qualification is, for example, from the United States of America to undertake the entirety of the one year vocational course at an approved vocational training provider and to complete a period of apprenticeship in an office in Northern Ireland.

17.5 The ERWG recognised, however, that in some cases extremely experienced lawyers from these other jurisdictions seek to be admitted in Northern Ireland and it is inconsistent with their experience, often over many years and at the highest level, that they should be required to undertake, in effect, a training course aimed at preparation for the early years of practice.

17.6 The ERWG considered that discretion should be provided to the Education Committee to consider each such application individually and on its merits and to devise an individual requirement for a lawyer from these other jurisdictions before they became admitted. For some this requirement may be attendance at the complete vocational training providers’ course. For others it may mean only undertaking the orientation course referred to as being required of lawyers from Scotland, England & Wales or the Republic of Ireland.
ERWG Finding

17.7
The ERWG found that:-

17.7.1 regulations should be amended to provide that in considering applications for admission from qualified lawyers from other jurisdictions the Education Committee should be given authority to decide what in each individual case such an applicant should be required to undertake, based upon the period of time the applicant has been qualified, the experience and areas of a solicitor’s practice undertaken in the applicant’s experience to date and taking into account the public interest that all solicitors in Northern Ireland should be knowledgeable of the law, practice and procedure and ethos and professional standards applicable to all solicitors in Northern Ireland.

Partly-Qualified Applicants – UK

18.0 Partly-Qualified Applicants

18.1 The position of partly-qualified applicants within the UK has been that such applicants in effect received no credit for the work which they had partially completed towards qualification as a solicitor in either Scotland, England or Wales.

18.2 The ERWG recognised that the model of vocational training in Northern Ireland was markedly different from the vocational training experienced in either Scotland or England and Wales.

18.3 While the Scottish model was based upon the particular elements of Scottish law and procedure, which rendered it even more distinct than the England and Wales model, the England and Wales model did have significant differences to the vocational training offered in Northern Ireland. The Northern Ireland model has until now and, if the ERWG findings are adopted, will continue to have an integrated approach between in-class and in-office training. These elements are not present in the same way in the system operating in Scotland or in England.

18.4 As stated earlier at paragraph 6.28 the ERWG consider that there are a number of strengths inherent in the integrated system. It is not simply a difference in timetabling: integrated model versus sequential model. From an educational
perspective, integration changes the culture and working environment of the course. Training in an integrated system gives a greater understanding of the practical working environment. Apprentices who are students of the Law Society are, from the outset of their training, part of the profession and are exposed to the needs and expectations of their firms and clients. Training in the sequential model can lead the course to be viewed as another stage in academic training, removed from the office, thereby losing the benefits of the integrated model which is essential to successful vocational training.

18.5
In the recent case of Hollywood –v- the Law Society of Northern Ireland (under appeal) which proceeded by way of Judicial Review of the Society’s present regulations, Mr Justice Weatherup noted the Society’s position with regard to the integrated approach to vocational training and did not find in favour of the Applicant’s challenge to the Society’s regulations which gave rise to the present regime.

18.6
It can be argued that there are overlapping subjects and skills taught in the in-class vocational training offered in either Scotland or England & Wales. The ERWG recognises that to require applicants who may already have paid fees to a vocational provider in England & Wales or Scotland to attend one of the vocational training providers in Northern Ireland may to some extent duplicate work already undertaken.

18.7
However the ERWG also considered that it may be possible in conjunction with the Institute and the Graduate School to excuse a partly qualified applicant from Scotland or England & Wales from attending some of the courses at the vocational training providers in Northern Ireland. This may have an implication for the fees chargeable by the Institute or Graduate School and may also require some flexibility in the numbers presently approved as appropriate to attend the Institute or Graduate School.

18.8
The ERWG is concerned to achieve the correct balance between ensuring equivalence of training for all who seek to qualify initially as a Northern Ireland solicitor and giving appropriate recognition to part-qualification achieved by attending a vocational training provider elsewhere within the UK.

18.9
The ERWG also reflected on whether or not a partly qualified applicant in England & Wales or Scotland should be entitled to take up a place at the
Institute or Graduate School without having to compete for such a place (which may be for a reduced curriculum) by taking the Admissions Test along with all the other applicants.

18.10
It was not considered that mere attendance for part or all of a vocational training course in England & Wales or Scotland, for which no competition was required and many spare places were available, should exempt such an applicant from competing for a place at one of the two vocational training providers in Northern Ireland. Indeed, it was recognised that this may lead to unfairness and imbalance for those applicants seeking to qualify in Northern Ireland.

18.11
Consideration was also given to whether or not a partly-qualified applicant should be required to have an apprenticeship in place before attending. The ERWG considered that this was essential given the integrated nature of training as without an office in which to be apprenticed an applicant could not and would not receive equivalent in-class training which was based upon the assumption that all present in that class were also receiving training in-office.

18.12 ERWG Findings

The ERWG found that:-

18.12.1 a Sub-Committee of the Education Committee should meet with the Institute and Graduate School to discuss the implications both financial, administrative and for the teaching timetable and curriculum, of exempting applicants who have completed part of their training in England or Scotland and Wales from certain elements of the curriculum taught at the Institute or Graduate School;

18.12.2 all partly-qualified applicants from elsewhere in the United Kingdom should be required to compete for a place by taking the annual Admissions Test;

18.12.3 all such applicants should be required to have in place a contract of apprenticeship on similar terms to applicants commencing their training in Northern Ireland.
19.0 Party-Qualified Applicants from EU Member States

19.1 The ERWG is familiar with the case of Morgenbesser. (Morgenbesser v Consiglio dell’Ordine degli avvocati di Genova (Case C0313/01, 13 November 2003))

19.2 This case, in effect, requires that all Member States should consider the part-qualification obtained by an applicant in another Member State and should then seek to ensure that any gaps in their training required by the jurisdiction to which such an applicant has applied should be completed.

19.3 It was the view of ERWG that this would require an individual and case by case response to the at present small number of applications received from partly-qualified lawyers from EU Member States.

19.4 While in the recent judgement of Mr Justice Weatherup in the Hollywood case (Hollywood –v- Law Society of Northern Ireland - under appeal) a challenge to the validity of the Society’s regulations was not upheld, the ERWG considered that in the context of this overall review of vocational training an opportunity should be taken to update the regulations with specific provisions relating to applicants from outside the jurisdiction.

19.5 In the meantime, the ERWG notes that the Education Committee has already formed a Morgenbesser Sub-Committee with a view to that Sub-Committee examining in detail the nature of the part-qualification obtained by any EU Member State applicant and identifying areas of equivalence of training which need not be repeated and areas of difference or incomplete training where training would be required to be undertaken by an applicant at the Institute or Graduate School.

19.6 Discussions would have to take place with the Institute and Graduate School regarding fees and the implications for administration, teaching and the curriculum timetable so that such an applicant can be accommodated.

19.7 As with applicants from elsewhere in the UK, the ERWG considered that a partly-qualified applicant from an EU Member State who was required to attend part or all of the vocational training course should be required to compete for one of the available places. The ERWG considered that merely
because an applicant had attended a course in Italy, France or the Republic of Ireland that should not permit such an applicant to take up a place at a vocational training provider when local applicants were required to undertake the Admissions Test competition for a place.

19.8
The circumstances of each individual applicant being different, the ERWG was concerned to ensure that a flexible response would be provided to each partly-qualified applicant from an EU Member State which could take an individual assessment of such applicant’s training and then devise an individual requirement for such applicant.

19.9 The ERWG Findings

The EWRG found that:-

19.9.1 Law Society regulations should be reviewed to provide for a specific Sub-Committee of the Education Committee to deal with what ERWG describe as Morgenbesser applications. Such Sub-Committee would take advice and be assisted by the Institute or Graduate School, or the School of Law at Queen’s University or the University of Ulster in determining the nature of an applicant’s qualifications obtained to date and identifying areas where substantive law may have to be studied and where vocational training courses would have to be undertaken;

19.9.2 An appropriate fee would be required to ensure that the Law Society’s costs in processing such applications were covered;

19.9.3 Upon identifying which, if any, of the courses provided at the Institute or Graduate School were required to be undertaken an applicant would be required to compete for a place to take up those courses consistent with the requirement of indigenous applicants;

19.9.4 A partly-qualified lawyer from an EU Member State would have to undertake an apprenticeship in the same way as other indigenous applicants and have an apprenticeship in place before taking up a place at a vocational training provider.
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1.0 CONTEXT OF THE REVIEW

1.1 By virtue of the Solicitors (Northern Ireland) Order 1976 as amended by the Solicitors (Amendment) (Northern Ireland) Order 1989 the Law Society of Northern Ireland (“the Society”) has the statutory responsibility with the approval of the Lord Chief Justice to determine the process by which a person may qualify as a solicitor in Northern Ireland. Under the 1976 Order the Society is empowered to make regulations governing the admission and training of solicitors. The current Northern Ireland system is governed primarily by the Solicitors Admission and Training Regulations 1988 as amended (“the Regulations”).

1.2 The Regulations governing the current system for training solicitors were made following the recommendations of the Report of the Committee on Legal Education in Northern Ireland in 1973, “the Armitage Report”, and the Report of the Committee on Professional Legal Education in Northern Ireland in 1985, “the Bromley Report”, more details of which are set out below. Minor amendments for particular purposes have been made from time to time but there has not been a more general review of the policy underpinning the Regulations since 1988. (Copies of the Armitage Report and the Bromley Report may be obtained from the Law Society Library).

1.3 In regulating admissions and training the objective of the Society is not to restrict the numbers entering the profession. Rather it is to ensure that suitable training has been received and appropriate standards achieved by candidates for admission to the profession. Thus, for example, the Society has made it clear that it is willing to consider providers other than those specified in the Regulations.

1.4 The Council of the Society has recognised the importance of ensuring that the present training system is fit for purpose. The Council has therefore decided to carry out a review, the purpose of which is to re-examine current arrangements for post graduate training and the qualification of solicitors, in order to decide whether and, if so, how these arrangements should be modified or altered.

1.5 In addition to reviewing arrangements for training solicitors in Northern Ireland the Society may wish to consider and review present arrangements for those wishing to qualify as a solicitor in Northern Ireland but who have qualified – or who have partly qualified - in another jurisdiction. The Society has in place arrangements for admission of solicitors who have qualified in England and Wales, in Scotland and in the Republic of Ireland and other countries. Under a ruling of the European Court of Justice in Morgenbesser v Consiglio dell’Ordine degli Avvocati di Genova [2003] E.C.R. I-13467, which has become known as “Morgenbesser”, the Society must now consider what weight to give to qualifications from applicants for admission coming from nationals from EU Member States who have not completed their legal training. (Details of the case can be accessed via the following link http://curia.europa.eu/en/transitpage.htm. Go to “Case Law”, then “Search Form” and type in Case Number “C-313/01”). In a wider context the Society is increasingly receiving applications for admission from lawyers who studied or trained, for example, in the USA, Canada, Australia and from some African nations.

1.6 The Society is also aware of the increase in the number of applicants under Regulations 8(3) and 8(5). In 2006 there were six applications and in 2007 to date there have been nineteen. The Bromley Committee was of the view that apart from the
permitted exceptions alternative routes into the profession should be discontinued. Regulations 8(3) and 8(5) are permitted exceptions and the Society may wish to consider whether those exceptions should continue or be amended and if amended what should be the amended arrangements. In circumstances where applications have increased it is important to examine the implications of such increase in the context of a wider education review.  

1.7 To take forward the review of those matters described above the Council has established the Education Review Working Group (“the ERWG”). This Consultation Paper is being issued by the ERWG in order to canvass views from stakeholders before bringing forward recommendations. It does not deal with transfers from the Bar which may be a matter for a separate review.  

1.8 It would be important to note that the major focus of this review is the structure and process for vocational training of solicitors.  

2.0 HOW THE PRESENT SYSTEM DEVELOPED  

2.1 Prior to 1973, in order to be admitted to the solicitors’ profession (“the profession”) a candidate, having a degree approved by the Society or having served seven years as a law clerk, had to enter into an Indenture of Apprenticeship for a term of three years and pass such examinations as the Society determined. In 1973 the Report of the Committee on Legal Education in Northern Ireland (“the Armitage Report”) recommended that, instead of this system, vocational courses for both branches of the legal profession should be provided. The Committee decided that the establishment of an independent institution to provide such courses would not be economically viable. Furthermore, it recognised the value to such an institution of having a relationship with an academic school of law and access to its library facilities.  

2.2 The Queen’s University of Belfast (“Queens”) at that time was the only educational establishment in Northern Ireland with a School of Law. The Committee therefore recommended that vocational training courses should be provided through a new institution to be known as the Institute of Professional Legal Studies (“the Institute”). The report highlighted the importance to the Institute of having input from both practitioners and academics and it recommended the establishment of a governing body with representatives from academia and practice to be called the Council of Legal Education. The Committee emphasised the importance of close co-operation between the profession, Queens’ Law Faculty and the Institute. The Institute was constitutionally authorised by a statute of Queens and it opened in 1977 with an intake of 50 students. The Council of Legal Education (“the CLE”) was also established at that time by a Queens’ statute.  

2.3 The Armitage Report recommended that the Society should revocably delegate responsibility to the Institute for providing academic courses, examinations and assessments satisfactory performance in which would lead to admission to the profession, with the Society retaining ultimate control over entry to the profession.  

2.4 The Armitage Committee was clear that completion of a vocational training course was not a substitute for training “under the conditions of actual practice” and recommended that the course should be followed by appropriate in-service training.  

2.5 This training was to be by way of a limitation on practice following admission which required a newly admitted solicitor to complete three years as an assistant solicitor before being permitted to practise as a sole practitioner or in partnership. This operated between 1977 and 1980. From 1980 the system was modified so as to require that, after completing the Institute course and before gaining admission as a solicitor, a student had to serve a period of twelve months as the pupil of a practising solicitor.
2.6 Up to the time of implementation of the Bromley Committee recommendations (see below) the Society continued to permit some students to procure admission to the profession provided that they completed an apprenticeship of two to four years, attended lectures and passed prescribed examinations.

2.7 In 1979 the Royal Commission on Legal Services had commented favourably on the provision of professional legal education in Northern Ireland and suggested a review of the new arrangements once they had been in operation for several years. Accordingly, in 1983 a committee (“the Bromley Committee”) under the chairmanship of Professor P.M. Bromley was appointed by the then Secretary of State to carry out such a review and produced its report (“the Bromley Report”) in 1985.

2.8 The Bromley Committee concluded that, in principle, an institute provided the best form of training for the legal profession and recommended that it be the sole and principal way of entering the profession (apart from the permitted exceptions). However, it differed from the Armitage Report in that it considered it to be “of the utmost importance that training at an institute and training in practice should be more closely integrated.” Accordingly, it recommended that each student seeking admission to the Institute should first register with the Society as an apprentice and that all intending solicitors should, subject to specific exceptions, be apprenticed for two years. Their time should be divided as to the first three months in their offices, the next year full time at the Institute and the remaining nine months back in their offices. The Committee also recommended that, throughout the period of the Institute course, students should maintain a close link with their offices and work there during university vacations. Essentially this produced an amalgamation of the existing Institute and apprenticeship systems. The Committee specifically stated that it was so convinced of the value of attending a full time course at the Institute it recommended that all alternative routes into the profession, save those limited exceptions specifically identified, should be discontinued. These recommendations have been implemented by the Society in the Regulations. The Regulations by Regulation 8(3) and 8(5) recognise the specific exceptions suggested by the Bromley Committee.

2.9 The Committee also considered the question of the number of places to be made available to trainee solicitors. It took the view that a maximum number should be set and reviewed every three years. It was concerned to try to ensure that numbers trained reflected the numbers the profession could absorb. At that time, the Department of Education as a significant funder of the Institute had made it clear that, in the public interest, it would limit the awards it was prepared to make out of public funds to ensure that no more solicitors would be trained than required to meet the needs of the community. The Committee was also concerned that overcrowding in a profession could lead to unemployment and erosion of standards which was not considered to be in the public interest. Furthermore, it considered that at a practical level, the Institute required certainty of numbers from a planning point of view for both financial and educational reasons.

2.10 Selection for entry to the Institute under the Armitage scheme was based solely on academic merit. The Bromley Committee was of the view that selection on this basis was too narrow and recommended inclusion in the selection procedure of a written test to assess a candidate’s ability to apply his or her knowledge of the law.

3.0 THE PRESENT SYSTEM

3.1 As mentioned at the outset, the admission of solicitors is governed by the Solicitors (Northern Ireland) Order 1976 as amended. Article 5(1) of the 1976 Order prescribes who may be admitted as a solicitor and Article 6 empowers the Society to make regulations governing the education and training of persons seeking admission as solicitors. These articles are set out in Appendix 1. Following consideration of the Bromley Report, the Society exercised its powers under Article 6 of the 1976 Order and made the
Regulations which reflect the main recommendations of the Bromley Committee as regards the education and training of solicitors. The regulations which are germane to the present discussion are Regulations 5 – 14 (as amended) which are set out in Appendix 2.

3.2 The first step which any person intending to seek admission to the profession must take is to apply to register with the Society as a student (Regulation 5). In order to be registered on a conditional basis, applicants must lodge specified documents with the Secretary of the Society including Indentures of Apprenticeship between themselves and a solicitor acceptable to the Education Committee. [Details of what constitutes an acceptable solicitor in this context are set out in the Solicitors Admission and Training (Qualification of Masters) Regulations 1988, contained in Appendix 3]. This means that they must have a training contract with a solicitor in place before they can be registered in the Register of Students. What they must subsequently do depends on which of five categories set out in Regulation 8 they fall into.

3.3 The first two categories specified in Regulation 8(1) and 8(2) comprise the largest number of applicants and relate to those who have a law degree or who have a degree in another discipline and have, by examination or otherwise, satisfied the Education Committee that they have attained an acceptable level of knowledge of a number of law subjects. Registration for such applicants is therefore conditional on having the appropriate academic qualifications and procuring a place at the Institute. In view of the number of applicants it is necessary to compete for a place by taking an admissions test set by the CLE (“the Admissions Test”). The Regulations provide for the apprenticeship to last for two years to include the time spent by the students at the Institute.

3.4 The three other groups of applicants referred to in Regulations 8(3), 8(4) and 8(5) have to procure Indentures of Apprenticeship but do not have to compete for a place at the Institute. Regulation 8(3) permits what was known as a seven – year law clerk to apply for admission to the Institute. It is also possible for an applicant to be made under Regulation 8(4). Regulation 8(5) permits those with exceptional knowledge or experience also to apply and in each case the Education Committee must be satisfied that an applicant comes within the Regulation.

3.5 In order to be admitted as a solicitor students have to procure a Certificate of Compliance from the Society which renders them eligible to apply for admission. In order to obtain this the students registered under Regulations (1) and (2) have inter alia to produce evidence that they have completed the Institute course and passed the examinations and have also complied with the terms of their Indentures of Apprenticeship.

4.0 CHANGES SINCE 1988

4.1 Both the Armitage Committee and the Bromley Committee considered it to be in the public interest that students, qualified to do so, should have the opportunity to enter the profession irrespective of their financial position. For the first few years all places at the Institute were funded by bursaries from the Department of Education. As demand grew and the number of places at the Institute increased bursaries were not made available to all students so some had to be self funding. Under the current funding arrangements the Department no longer provides any bursaries so students have to make their own arrangements for payment of fees whether by way of discretionary grant from their local Education and Library Board or otherwise. It is clear that, with the changes in the funding of third level education, many students complete their degrees and leave university with considerable debt.

4.2 Until 1999 whether a trainee solicitor was paid by his training practice was a matter of individual negotiation but thereafter following discussion within the Society, Council decided that all trainee solicitors would be entitled to receive a minimum wage from their training practices for the periods during which they were working in their offices. From September 2007 the current minimum wage is
£240 per week for the first four months in office and £270 per week for the final eight months in office.

4.3 The number of applicants taking the admission test has greatly increased. In December 2006 in excess of 550 applicants competed for the 120 available places at the Institute: 95 for the solicitors’ course and 25 for the bar course.

4.4 At the time the Regulations were made in 1988 Queens was the only university in Northern Ireland offering a law degree. In 1991 the University of Ulster (“the UU”) started teaching law subjects. The UU law degree was recognised by the Society as an accredited law degree in 1993 and in 2001 a School of Law was established at the Magee Campus of the UU.

4.5 In September 2006 a draft course document relating to the proposed provision of a vocational training course at Magee was submitted by the UU for consideration by the Society. The original proposal has been subject to revision and refinement to date but, in essence, the UU proposes to provide a vocational training course for solicitors only, based on the Bromley model explained above.

4.6 In June 2007 the Council of the Law Society approved in principle that a vocational training provider for solicitors (the UU) additional to the Institute could offer a vocational training course subject to the course satisfying the Law Society. Work is continuing at present to assess and consider the UU proposed course.

4.7 The number of applications under Regulation 8(3) and 8(5) has significantly increased in the past two years. In addition the implementation of The Employment Equality (Age) Regulations (NI) 2006, the “age discrimination” legislation has altered the approach when considering an application under Regulation 8(3). The requirements that an applicant must have completed seven years service and attained the age of 29 years are no longer applied.

4.8 In the case of Morgenbesser [2003] E.C.R. I-13467, the European Court of Justice found that in deciding about the admission of an applicant who had completed part qualifications in another member state consideration should be given to the weight to attach to such part qualifications and to what additional training was required to qualify in the jurisdiction to which application had been made.

4.9 As a result of the discussions with the UU and other interested parties, in light of developments in vocational training in adjacent jurisdictions, in view of the increase in 8(3) and 8(5) applications and as a result of the Morgenbesser decision the Council of the Law Society has been confirmed in its view that the time is appropriate for a review of the vocational training of and admission of solicitors in Northern Ireland.

5.0 OTHER MODELS

5.1 As with adjacent jurisdictions, Northern Ireland has had a distinctive development of its professional and vocational training system. This is illustrated by comparison with the examples set out below.

5.2 Within the three adjacent jurisdictions vocational training systems have developed differently. In England and Wales, having attained the required academic qualifications, prospective solicitors have had to complete the Legal Practice Course (LPC) run by various providers which may be on a one year full time or equivalent part time basis depending on the course chosen. Each provider has had its own admissions criteria. Following this, trainees must complete a two year full time or four year part time training contract with a firm of solicitors or other Law Society approved organisation. It is clear that in England there is no correlation between the number of trainee solicitors completing the LPC and those acquiring training contracts and it is understood that the former significantly exceed the latter. [Information from England and Wales (subject to minor amendments),shows that in 2007, 7646 students were enrolled on full time LPC courses; there were a total of 10,325 training places available and there were 4,986 training contracts.]
In Scotland all intending solicitors are required to acquire the Diploma in Legal Practice from a university which delivers the twenty-six week course. Admission is generally on the basis of performance in the first sitting of the ‘core’ or ‘professional’ subjects studied at the LL.B. which is usually taken in the first two years of undergraduate study. After successful completion of the Diploma applicants are required to serve a two-year training contract with a practising solicitor in Scotland.

The professional training programme in the Republic of Ireland requires candidates to complete the two parts of a Professional Practice Course (PPC) run by the Irish Law Society integrated with an in office training period which the Irish Law Society views as “the core of the training programme”. In order to obtain a place on the PPC applicants must achieve a specified standard in an entrance examination set by the Law Society and, in order to take up a place on the PPC, a trainee must have secured a training contract with a solicitor. The training contract must be for twenty-four months in duration which includes the time spent on the PPC.

In each of the three adjacent jurisdictions consideration is currently being given to the appropriate form of vocational training for that jurisdiction and the ERWG is cogniscent of and will give consideration to the developments in these other jurisdictions.

It is intended that the review of solicitors’ vocational training and of the admission of solicitors in Northern Ireland should be wide ranging. For that reason the questions to which responses are invited are framed in a general way.

Without wishing to restrict the comments which are invited respondents may wish to consider the following issues:

Is it necessary that successful completion of “core law” subjects is required before a training place at an approved vocational training provider can be taken up? (The core law subjects are described in the appended Regulations).

Regarding in office arrangements

What steps could be taken to improve the in office part of the current training arrangements?

Should there be – and if so what - incentives for qualified solicitors to take on an apprentice?

At present, subject to discretion of the Education Committee, a Master in private practice has to be qualified for seven years with three as a partner before he or she can take on an apprentice; in the public sector a Master has to have practised for at least ten years. Is this period of post qualification experience appropriate and if not what period of post qualification experience is appropriate?

Solicitor students attending a course of approved vocational training at present return to their Master’s office each Monday. Should this practice be continued?

Shaping the Future of Legal Education 2: The Law Society of Northern Ireland

SHAPING THE FUTURE OF LEGAL EDUCATION

5.3 In Scotland all intending solicitors are required to acquire the Diploma in Legal Practice from a university which delivers the twenty-six week course. Admission is generally on the basis of performance in the first sitting of the ‘core’ or ‘professional’ subjects studied at the LL.B. which is usually taken in the first two years of undergraduate study. After successful completion of the Diploma applicants are required to serve a two-year training contract with a practising solicitor in Scotland.

5.4 The professional training programme in the Republic of Ireland requires candidates to complete the two parts of a Professional Practice Course (PPC) run by the Irish Law Society integrated with an in office training period which the Irish Law Society views as “the core of the training programme”. In order to obtain a place on the PPC applicants must achieve a specified standard in an entrance examination set by the Law Society and, in order to take up a place on the PPC, a trainee must have secured a training contract with a solicitor. The training contract must be for twenty-four months in duration which includes the time spent on the PPC.

5.5 In each of the three adjacent jurisdictions consideration is currently being given to the appropriate form of vocational training for that jurisdiction and the ERWG is cogniscent of and will give consideration to the developments in these other jurisdictions.

6.0 SOME ISSUES FOR CONSIDERATION

Without wishing to restrict the comments which are invited respondents may wish to consider the following issues:

Is it necessary that successful completion of “core law” subjects is required before a training place at an approved vocational training provider can be taken up? (The core law subjects are described in the appended Regulations).

6.1.2 Regarding in office arrangements

6.1.2.1 What steps could be taken to improve the in office part of the current training arrangements?

6.1.2.2 Should there be – and if so what - incentives for qualified solicitors to take on an apprentice?

6.1.2.3 At present, subject to discretion of the Education Committee, a Master in private practice has to be qualified for seven years with three as a partner before he or she can take on an apprentice; in the public sector a Master has to have practised for at least ten years. Is this period of post qualification experience appropriate and if not what period of post qualification experience is appropriate?

6.1.2.4 Solicitor students attending a course of approved vocational training at present return to their Master’s office each Monday. Should this practice be continued?

6.1.3 At present no one can take up a place at an approved vocational training provider unless they have an apprenticeship in place. Should this arrangement continue?

6.1.4 What view should be taken of the current admission arrangements for obtaining a place at an approved vocational training provider?

6.1.5 Should there be provision for part-time vocational training?
6.1.6 Should an alternative method of accessing a vocational training course namely permitted exceptions under Regulations 8(3) and 8(5) continue?

6.1.7 What subjects, if any, should a solicitor qualified in England and Wales or Scotland or the Republic of Ireland be asked to undertake at an approved vocational training provider before being admitted in Northern Ireland? Is your view different if an applicant has worked in practice and if so what period of practice or what measure of experience should apply to exempt an applicant from undertaking subjects at a training provider in this jurisdiction?

6.1.8 Do you have a view of the criteria to be applied in considering an applicant who can claim part qualification to comply with the Morgenbesser decision?

7.0 CONCLUSION

NOTE: The accreditation of the proposed course offered by UU is under separate examination by the Society and does not form part of this consultation.

7.1 A principal focus of this Consultation exercise is whether the present policy, current training model and Regulations including the requirement for integration of in-practice experience with a vocational training course, should be changed or modified.

7.2 It is useful at this time to consider the admission of solicitors qualified or part qualified in other jurisdictions.

7.3 In addition the continued requirement of regulations 8(3) and 8(5) may have to be reviewed.

7.4 It will be noted that this Consultation concentrates primarily on the structure and process of training and admission as a solicitor and not the delivery and content of the current course.

7.5 In order to inform the review process views are invited generally on all matters relevant to the present vocational training and admission arrangements and on whether, and if so how, they should be amended. Without inhibiting this general invitation consultees may wish in their responses to deal with the following questions.

8.0 QUESTIONS

8.1 What do you consider to be the main advantages and disadvantages of the present system of vocational training in Northern Ireland?

8.2 What changes (whether fundamental or particular) do you suggest should be made to the structure and arrangements of the present system?

8.3 What factors do you consider should be taken into account by the ERWG in considering potential changes to, in particular, the structure of the present system?

8.4 Do you consider that in future vocational training arrangements Regulations 8.3 and 8.5 (or any suggested amendment of these Regulations) should continue to apply?

8.5 What subjects should applicants from England and Wales, or Scotland or Republic of Ireland be required to take before being admitted as solicitors in Northern Ireland and what experience if any should exempt an applicant from taking subjects here?

This is not intended to be an exhaustive list but rather to stimulate your response across a wide range of issues addressed by this Consultation.
9.0 YOUR RESPONSE

9.1 The Society invites you to respond. The closing date for responses to the Society is 29 February 2008.

9.2 There is a separate Contact Information and Demographic Information Sheet enclosed with this review document. Please complete and return this form with your response (the sheet may be photocopied).

9.3 Please forward your response together with the completed Information Sheet to:

Ms Anne Devlin  
Assistant Secretary (Education)  
Law Society of Northern Ireland  
40 Linenhall Street  
BELFAST BT 2 8BA  
DX 422 NR BELFAST 1

9.4 A dedicated email address has been set up if you prefer to reply by email. Please type or scan and forward the Contact Information and Demographic Information along with your email.

Email Address: educationreview@lawsoc-ni.org
APPENDICES

APPENDIX 1

Articles 5(1) & 6 of the Solicitors’ (NI) Order 1976 (as amended).

APPENDIX 2

Regulations 5-14 Solicitors Admission and Training Regulations 1988
Solicitors Admission and Training (Amendment) Regulations 1994

APPENDIX 3

Solicitors Admission and Training (Qualification of Masters) Regulations 1988
Solicitors Admission and Training (Qualification of Masters) (Amendment) Regulations 1992
APPENDIX 1

SOLICITORS' (NI) ORDER 1976 (AS AMENDED)

ARTICLES 5(1) AND 6

Admission of solicitors

5. (1) Subject to paragraph (5), a person shall not, after the commencement of this Article, be admitted as a solicitor unless he has obtained a certificate from the Society that they are satisfied-
   (a) that he has complied with the requirements applicable to him by virtue of Regulations made under Article 6, and
   (b) as to his character and his fitness to be a solicitor.

   (2) A person who has been refused a certificate under paragraph (1) may, within one month from the date on which notice of such refusal is served on him, appeal, upon notice to the Society, to the Lord Chief Justice against such refusal; and for the purposes of this paragraph a person who has not received a certificate within three weeks after applying for it shall be deemed to have received notice at the expiration of that period that the certificate has been refused.

   (3) On such appeal-
      (a) the Society may appear and be heard; and
      (b) the Lord Chief Justice may make such order as he thinks proper, including an order directing the Society to issue the certificate and an order for the payment of costs.

   (4) On production of a certificate required by paragraph (1), the Lord Chief Justice shall, unless cause to the contrary is shown to his satisfaction, by writing under his hand and in such form as he thinks fit, admit the person to whom the certificate relates to be a solicitor, and may do so at any time whether or not during a term or sittings of the High Court.

   (5) Repealed and Replaced by The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (N.I.7)ja.19: Any admission or thing done under or for the purposes of Article 5 of the Solicitors (Northern Ireland) Order 1976

Regulations as to the education, training, etc., of persons seeking admission or having been admitted as solicitors

6. (1) The Society may make Regulations with respect to the education and training of persons seeking admission or who have been admitted as solicitors and (without prejudice to the generality of the foregoing) such Regulations may prescribe-
   (a) the education and training, whether by service under apprenticeship or otherwise, to be undergone by persons seeking admission as solicitors;
   (b) the examinations or other tests to be undergone by persons seeking admission as solicitors;
   (c) the qualifications, experience, conduct, duties and responsibilities of persons seeking admission as solicitors or solicitors providing apprenticeships (including the remuneration payable under such apprenticeships) under the Regulations;
   (d) the circumstances in which apprenticeships may be transferred or discharged or education or training of persons seeking admission as solicitors may be abridged, extended or terminated;
   (e) the control and discipline of persons seeking admission as solicitors, including requirements to be imposed in consequence of contraventions of the Regulations;
   (f) the circumstances in which a person seeking admission as a solicitor may apply to the Society to waive the application of any provision of the Regulations in his case or to review any decision taken by the Society in respect of him for the purposes of the Regulations and the procedure for such applications;
   (g) the education, training and examinations or other tests to be undergone by persons who have been admitted as solicitors;
   (h) the charging and application by the Society of fees to be paid by persons undergoing education and training for the purposes of the Regulations;
(i) such transitional and incidental matters as the Society think necessary.

(2) Regulations under paragraph (1) may make the opinion, consent or approval of the Lord Chief Justice, or of any examining or other body or authority named in the Regulations, or of the Society or the Council or any committee of the Council material for the purposes of any provision of the Regulations.

(3) Subject to Regulations made under paragraph (1)(f), on an application by a person seeking to be admitted as a solicitor, the Society may-

(a) waive the application of any provision of Regulations under paragraph (1) to that person; or

(b) review any decision taken by the Society with respect to that person under those Regulations.

(4) An applicant aggrieved by a decision of the Society under paragraph (3) may, after giving notice to the Society, appeal to the Lord Chief Justice; and on such appeal-

(a) the Society may appear and be heard; and

(b) the Lord Chief Justice may make such order (including an order for the payment of costs) as he thinks proper.
1.0
In November 2007 “Shaping the Future of Legal Education: a Consultation Document Committee” was issued by the Law Society of Northern Ireland. It was distributed to over 4,000 solicitors and to students at the Institute of Professional Legal Studies. The initial closing date for return of responses was 14 February 2008. This was extended to 4 April 2009. Sixty-two responses were received. This was a numerically disappointing response. The replies, however, were generally detailed, considered responses.

1.1
Thank you to those persons who took time to respond. The Education Review Working Group (ERWG) would like to acknowledge their response and essential contribution to the research.

2.0
Along with the Consultation Document a Demographic Information and Contact Information Sheet was circulated. These questions sought to establish the following:-

- **the sector in which the respondent worked:-**
  Private Practice, Public Sector, In- house Lawyer, Academic, Member of the Bar, Member of the Judiciary, Other.

- **Job Title:-**
  Paralegal, Apprentice, Assistant Solicitor, Associate, Salaried Partner, Equity Partner, Sole Practitioner, Consultant, Legal Assistant, Legal Adviser.

- **the number of solicitors working in the respondent’s organisation.**
  The range of options extended from “Not Applicable”, 1, 2-5, 6-10, through in sections to 41+, finishing with “Don’t Know”.

- **the number of years’ post qualification experience of the respondent**
  The range of options extended from “Not Applicable”, 1-3, 4-6, 7-9 through to 31+.

- **whether the respondent was involved in any of the following areas of legal vocational education:-**
  teaching on an LLB programme, teaching on the Certificate of Professional Legal Studies Course, Master (Current), Master (previously but not currently), Member of Education Committee, Member of Council, Careers Advice.

- **where the respondent had completed his legal education, both academic and vocational stages.**
Finally the respondent was asked if he had ever applied to the Education Committee to be admitted as a student under Regulation 8(3) (formerly seven year law clerks) or 8(5) (person having special qualification). An optional question asked respondent to indicate whether or not the application had been successful.

3.0
The series of questions enabled responses to be sorted into categories for analysis and to ascertain if particular views were common to particular groups.

3.1
For the purposes of this survey the categories used were:

- Ex Jurisdiction – respondents who work outside the jurisdiction
- Paralegals
- Apprentices
- 1-3 years’ Post Qualification Experience (PQE)
- 4-6 years’ PQE
- 7-9 years’ PQE
- 10-15 years’ PQE
- 16-20 years’ PQE
- 21-25 years’ PQE
- 26-30 years’ PQE
- 31+ PQE
- Public Sector
- Previous Masters
- Current Masters
- Organisations -this was further broken down into:
  - Firms
  - Solicitors’ Associations and Groups
  - Educational Establishments

4.0 Nature of Respondents

4.1
The breakdown of the demographic details of the Respondents is shown on the graph below (Figure 1). Of the individual respondents the greatest number of responses was submitted by:

- Current Masters 8
- Apprentices 6
- PQE 1-3 Years 5
- PQE 26-30 Years 5
4.2
There were twelve forms submitted by organisations. (Figure 2) These can be subdivided as follows:-

- Solicitors’ Associations and Groups 5
- Firms 4
- Educational Institutions 3

A number of individual solicitors submitted responses which differed from the views expressed by their local Association.

**Figure 1: Analysis of Respondents**

**Figure 2: Types of Organisation responding**
5.0 Responses to Key Issues
A number of key issues had been identified in the Consultation Document. The responses to the Survey were considered to check if the Responses raised any additional issues.

A list of key issues was drawn up.

5.1 Core Subjects for Studying Law
Of those who addressed the question of Core subjects, in the order of 12, all were of the view that study of the Core Subjects should be mandatory. The only query was whether Company and EU law should both be included.

5.2 Integrated System
Of those who expressed a clear preference, in the order of thirty, the majority expressed a preference in favour of retaining the integrated system. Sixty percent favoured retention, forty percent favoured alternative structures.

For:
Respondents outside the jurisdiction expressed strong admiration for the integrated system:

• “...Experience of legal practice is a valuable asset in teaching an individual a vocational skills course. This allows them to be familiar with the context of legal practice, be familiar with how legal services are delivered, have observed the demonstration of legal skills in practice, see the relevance of the content of specific subjects, such as conveyancing and court procedures and make the shift from trainee to practitioner. In addition they are aware of the importance of the Law Society and its role in their career.”

Other Respondents

• “The combination of in-office training and taught courses is an advantage.”
• “Mixing of training between the Institute and office is a good balance. The current scheme allows apprentices to become acquainted with the elements of professional life.”

Against:

• “Question whether a year in study plus two years in-office would be preferable.”
• “Integrated system is flawed as it prevents continuity with the pupil. Firms are unprepared to make provision for a trainee who will only be there a limited amount of time.”
The period in-office, post Institute is not long enough for the firm to assess whether the apprentice should be taken on post qualification. The vocational training should be completed before the trainees arrive at the firm so they are more use to the firm.”

**Alternative:**
A number of alternatives were suggested.

- Attendance at a course for four-week blocks followed by two weeks in the office.
- Follow model of legal education in England & Wales
- Adopt a four-year qualification process:
  - one year pre training as a paralegal
  - one year training LPC style
  - two years in-office with an ongoing CPD/professional skills element

### 5.3 Mondays in the Office

Of the thirty-two who expressed a preference, the majority did not support Mondays in the office.

- 24 were not in favour of retaining Mondays in the office
- 7 supported
- 1 expressed both positive and negative comments

**For:**

- Those who supported felt “it allows apprentice to keep contact with the firm and give some practical experience.”
- A number suggested the time in the office should be increased to two or three days a week.

**Against:**

- The views against included “waste of time”, “little or no value, unable to complete work given” “questionable value, no continuity of file handling”.
- Eleven out of twelve organisations expressed a view. None of them supported the retention of Mondays in the office.

**Alternative**

- One respondent suggested that apprentices could spent five weeks at the Institute (or Graduate School) and two weeks in the office.
5.4 Content and Electives

Training for General Practice

There were differing views on whether training should follow the general practice model or not. Overall, the findings supported the general practice model:

- “the general practice model was good as it prevents trainees from being pigeonholed.”
- “[Current system] did change the emphasis from academic to practical”

Other comments:-
Some respondents wanted to see a greater number of specialist courses including commercial course. Others suggested additional optional modules. Others suggested a greater emphasis on teaching practical skills:

- “A training regime more focussed on practical skills”
- “Greater emphasis on practical professional skills enhancement”
- “Legal training is becoming more specialised… additional optional modules [could] be studied in place of or additional to the current “Core” subjects taught at the Institute.”
- “All trainees should be computer literate – at a minimum trainees should complete the ECDL [European Computer Driving Licence]. Trainees should attend a business management training course.”
- “Due to the significance of this area of law consideration should be given to the extent of training in Real Property Law.”
Appendix 3
Explanation of the Current Admissions Process
(Extract from IPLS / Graduate School Booklet)

7. Selection Policies and Procedures

Numbers
The Institute of Professional Legal Studies currently admits one hundred and twenty solicitor trainees and thirty Bar trainees each year. The Graduate School of Professional Legal Education currently admits twenty-eight solicitor trainees each year.

Criteria
Pressure for the places is intense and entry is therefore highly competitive. The academic calibre of applicants is generally extremely high, making the task of selection very onerous. The criteria employed are rigorous, objective, and apply to all applicants.

Repeat applicants
Unsuccessful applicants may re-apply for admission in any subsequent year. Last year there were 191 repeat applicants. The provisional results of their applications (as of July 2009) are set out below as a guide to those who have applied before.

<table>
<thead>
<tr>
<th>Repeat applicants 2009</th>
<th>Number of applicants</th>
<th>Successful</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 times</td>
<td>113</td>
<td>45</td>
</tr>
<tr>
<td>3 times</td>
<td>48</td>
<td>16</td>
</tr>
<tr>
<td>4 times</td>
<td>21</td>
<td>5</td>
</tr>
<tr>
<td>5 times</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>6 times</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>7 times</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Deferrals
The offer of a place at either institution is valid for the year for which it is made. Successful applicants cannot normally opt to take up a place the following year. The Council of Legal Education will only allow deferral in the most exceptional cases. Applicants offered a place for 2010 who do not wish to take it up until 2011 must generally withdraw and re-apply next year, sitting the Admissions Test again and competing on the same basis as other applicants for that year. Success in one year will not guarantee success in another year.

Weighting of marks between Admissions Test and law degree
The mark awarded in the Admissions Test is added to a second mark, representing a weighting for the applicant’s law degree – the better the class of degree the higher the weighting. An order of merit is then drawn up based on the aggregated marks. Places are awarded in order of merit.
The committee which oversees and checks the drawing up of the order of merit does so in total ignorance of the names of applicants. Applicants are referred to by examination number only.

<table>
<thead>
<tr>
<th>Class of degree</th>
<th>TM</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>First class honours</td>
<td>TM + 300 = FM</td>
<td></td>
</tr>
<tr>
<td>Upper second class honours</td>
<td>TM + 225 = FM</td>
<td></td>
</tr>
<tr>
<td>Lower second class honours</td>
<td>TM + 150 = FM</td>
<td></td>
</tr>
<tr>
<td>Third class honours</td>
<td>TM + 75 = FM</td>
<td></td>
</tr>
<tr>
<td>Pass or general degree</td>
<td>TM + 0 = FM</td>
<td></td>
</tr>
</tbody>
</table>

**Admissions Test Weighting**

The Test is marked out of 1000 (TM). The final mark (FM) for each applicant is calculated according to the following formula—TM + Weighting.

**Drawing up of orders of merit**

For applicants whose degree results are not available:

Bar applicants without degree results are given 3 FMs (one for a first, one for a 2.1 and one for a 2.2);

Solicitor applicants without degree results are given 4 FMs (as for Bar but with one extra for a third). At this stage a 5th FM (in case of a pass or general degree) is not entered on the order of merit as it is unlikely that applicants relying on the TM alone will appear high enough on the order of merit to be in the running for a place. If, however, when the degree results are published, any solicitor applicants receive pass or general degrees they will be placed in the appropriate position on the order of merit.

Applicants whose degree results are available are given one place on the orders of merit.

The FMs are placed in descending order and three orders of merit are established:

- one for the Bar course at the Institute of Professional Legal Studies
- one for the Solicitors’ course at the Institute of Professional Legal Studies
- one for the Solicitors’ course at the Graduate School of Professional Legal Education
Selection Committees
The Selection Committees of the Council of Legal Education, on which are representatives of both branches of the profession, have discretion to call any candidate for interview before making a final decision on their application.

Bar course at the Institute of Professional Legal Studies
1. Places are offered to the top 25 applicants in the Bar order of merit.
2. Five places are reserved until all the degree results are known. This is because first-round offers of places are based on degree forecasts given by academic referees. Some applicants may achieve higher degrees than forecast.
3. Applicants in the next positions (to a figure deemed reasonable by the Selection Committee) are waitlisted.
4. The remaining applicants are not waitlisted and are notified that their application has not been placed on the active waitlist.
   In the event of the waitlist being exhausted, some of these inactive applications may be reactivated. If so, the waitlist will be extended in strict line with the order of merit and the applicants concerned notified.

Solicitors’ course at the Institute of Professional Legal Studies
1. Places are offered to the top 115 applicants in the Institute Solicitors order of merit.
2. Five places are reserved until all the degree results are known. This is because first-round offers of places are based on degree forecasts given by academic referees. Some applicants may achieve higher degrees than forecast.
3. Applicants in the next positions (to a figure deemed reasonable by the Selection Committee) are waitlisted.
4. The remaining applicants are not waitlisted and are notified that their application has not been placed on the active waitlist.
5. In the event of the waitlist being exhausted, some of these inactive applications may be reactivated. If so, the waitlist will be extended in strict line with the order of merit and the applicants concerned notified.

Solicitors’ course at the Graduate School of Professional Legal Education
1. Places are offered to the top 23 applicants in the Graduate School Solicitors order of merit.
2. Five places are reserved until all the degree results are known. This is because first-round offers of places are based on degree forecasts given by academic referees. Some applicants may achieve higher degrees than forecast.
3. Applicants in the next positions (to a figure deemed reasonable by the Selection Committee) are waitlisted.

4. The remaining applicants are not waitlisted and are notified that their application has not been placed on the active waitlist.

5. In the event of the waitlist being exhausted, some of these inactive applications may be reactivated. If so, the waitlist will be extended in strict line with the order of merit and the applicants concerned notified.

**Options and change of options**

You may apply for all three options, for two options or for one option – see separate leaflet “How to complete the application form”. If applying for more than one option you must indicate your order of preference on your application form. You may alter your application, (a) by changing the order of your options, or (b) by changing the number of options applied for. **Any change must be notified to the Institute admissions team in writing or by email.** Every attempt will be made to facilitate such changes but **there is no guarantee that applicants will be able to change after the offers of places have been made.** Any change of options received by the Institute after the orders of merit have been established (15 February 2010) will not be taken into consideration until the beginning of July when degree results start to be published. If you wish to change your options you should inform the Institute in writing or by email as soon as possible.

1. If you are high enough on the orders of merit to be offered a place on more than one course you will be offered a place on your first option and will automatically be dropped from the other list or lists.

2. If you are to be offered a place on your first option but not on a lower option you will be offered a place on your first option and will automatically be dropped from the other list or lists.

3. If you are to be offered a place on your second (or third) option but are waitlisted for at least one higher option, you will be offered a place on your second (or third) option and will be kept on the waitlist for your higher option(s) until (a) you withdraw from a list; (b) you are offered a place on a higher option course; or (c) a cut-off date is reached.

4. If you are on more than one waitlist you will be kept on those waitlists until (a) you are offered a place on the highest available option course, or (b) you withdraw from a list.

5. If you are on the waitlist for one option but below the waitlist for the other(s) you will be kept on that waitlist irrespective of whether it was your first, second or third option.
Putting a course as your second (or third) option will not prejudice your chance of entry to that course or institution if there is no place available for you on your first (or second) option course.

There is no provision for transfer between Bar and solicitors courses after commencement of a course or during the apprenticeship/pupillage. Transfer between the two branches of the profession is not possible until after qualification.
Appendix 4

Education Regulations

Solicitors’ Admission and Training Regulations 1988

The Council of the Law Society of Northern Ireland, in exercise of the power conferred on it by Articles 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 and all other powers enabling it in that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby makes the following Regulations:

1. These Regulations may be cited as the Solicitors’ Admission and Training Regulations 1988 and shall come into force forthwith.

2. (1) The Interpretation Act (Northern Ireland) 1954 shall apply to the interpretation of these Regulations as it applies to a statutory instrument.

(2) (a) In these Regulations the following expressions have the following meanings respectively:

“Certificate of Compliance” means a certificate issued to a person by the Society under Article 5(1) of the Order.

“the Committee means the Education Committee constituted in accordance with Regulation 3.

“the Council” means the Council of the Law Society of Northern Ireland.

“the Institute” means the Institute of Professional Legal Studies of the Queen’s University of Belfast.

“the Order” means the Solicitors (Northern Ireland) Order 1976.

“registered student” means a person who has been accepted as a registered student by the Society.

“the Society” means The Law Society of Northern Ireland.

(b) Other expressions in these Regulations have the meaning assigned to them by the Order.
PART I
EDUCATION COMMITTEE

3. (1) There shall be a Committee of the Council to be known as “the Education Committee” consisting of:-

(a) the President and Vice-Presidents of the Society who shall be ex officio members, and

(b) not less than five other members of the Society appointed by the Council at its first meeting after each Annual General Meeting of the Society.

(2) The members of the Committee shall hold office until the appointment of their successors, and members of the Committee shall be eligible for re-appointment. Three members of the Committee shall form a quorum.

(3) A vacancy in the Committee may be filled by the Council at any time.

(4) The Council shall appoint one member of the Committee to be Chairman of the Committee. At any meeting of the Committee where the Chairman is not present after the elapse of ten minutes from the time for which the meeting has been convened the members present may appoint one of their number to act as Chairman at that meeting.

4. The Committee shall have such powers and duties, in addition to those conferred or imposed on it by these Regulations, as may be lawfully delegated to it by the Council.

PART II
REGISTRATION AND SELECTION

5. Subject to any statutory provision having a contrary effect, a person who intends to seek admission as a solicitor shall apply to the Society for registration as a student on the form obtainable from the Secretary of the Society.

6. The Secretary shall maintain a Register of Students and shall enter therein the names, and such further particulars as the Committee or the Council shall direct, of all registered students.
7. An applicant for registration shall before the 1st July in the relevant year, time in this respect to be of the essence, lodge with the Secretary

(i) a Petition in such form as the Committee may by resolution lay down,

(ii) a certified copy of his entry of birth or other evidence satisfactory to the Committee of his age,

(iii) Indentures of Apprenticeship between himself and a solicitor acceptable to the Committee (in form directed by the Committee) providing for such service (if any) and for such duration as shall have been directed by the Committee under these Regulations as being applicable to the applicant as an individual or to all applicants of the same class.

(iv) an affidavit verifying the facts set out in his Petition, and

(v) pay such fees as may be required by the Council from time to time.

8. An applicant who has complied with Regulation 7 shall be registered (subject to Regulation 9), but such registration shall be conditional upon the registered student producing proof to the satisfaction of the Society that he

(1) (a) possesses a degree in law acceptable to the Committee and satisfies the Society by way of examination or otherwise that he has attained a level of knowledge acceptable to the Society, of the following subjects namely:

    Law of Evidence;
    Company Law; and

    (b) has been offered a place in the Institute; or

(2) (a) possesses a degree acceptable to the Committee in another discipline; and

    (b) satisfies the Society by way of examination or otherwise that he has attained a level of knowledge acceptable to the Society, of the following subjects namely:

    Constitutional Law;
    Law of Tort;
Law of Contract;
Criminal Law;
Equity;
Land Law;
Law of Evidence;
Company Law; and

(c) has been offered a place in the Institute; or

(3) has served in an executive capacity

(a) as a bona fide law clerk or employee of a solicitor for a continuous period of seven years and

(b) attained the age of 29 years and

(c) satisfied the Committee as to his standard of general education, and knowledge and experience of the work of a solicitor; or

(4) has been admitted as a solicitor or called to the Bar in any jurisdiction within the Commonwealth or in the Republic of Ireland and, in the case of a barrister, has procured himself to be disbarred; or

(5) has satisfied the Committee that, being a person of not less than 30 years of age, he has acquired such special qualifications and/or experience as to render him suitable to be accepted as a registered student.

9. An applicant shall not be registered:

(1) if (a) the applicant is an undischarged bankrupt; or

(b) the applicant has been convicted of a criminal offence of such a nature as in the opinion of the Committee makes his registration undesirable; or

(c) for any reason, the applicant fails to satisfy the Committee as to his fitness to be a solicitor.

(2) unless the applicant shall have satisfied the Committee as to his suitability to be accepted as a registered student and for that purpose produce to the Committee such evidence, by affidavit or otherwise, as to his education, character and fitness as the
Committee may require and, if so required by the Committee attend at the Society’s premises to be interviewed by the Committee or an officer of the Society nominated by the Committee for that purpose.

PART III
CONTROL OF TRAINING OF STUDENTS

10. (1) All registered students to whom Regulation 8(1) or (2) applies shall serve to the satisfaction of the Committee under Indentures of Apprenticeship for a period of two years beginning on the 1st September of the year in which he is registered, such period to include the time spent at the Institute.

(2) All other registered students shall comply with such conditions as from time to time may be laid down by the Committee and in particular -

(a) shall serve to the satisfaction of the Committee under Indentures of Apprenticeship for such period, (if any), not exceeding four years, as the Committee may in any individual case or in relation to any class of applicant under Regulation 8(3) (4) or (5) decide, upon such conditions as the Society may from time to time determine; and

(b) shall attend such courses of study and in such subjects as the Committee may, in any individual case or in relation to any class of applicant under Regulation 8(3) (4) or (5) may require;

(c) shall present themselves for and achieve passes in such examinations and in such subjects as the Committee may in any individual case or in relation to any class of applicant under Regulation 8(3) (4) or (5) may direct.

11. No registered student shall while so registered engage in any employment other than as a solicitor’s apprentice without the approval and sanction of the Committee.

12. All Indentures of Apprenticeship (including those entered into by those students who have been awarded a place at the Institute) shall

(1) be in the form laid down by the Committee;

(2) provide for payment by the master to the apprentice of a wage not less than that fixed by the Committee from time to time as being appropriate;
(3) be lodged with and enrolled by the Committee;

(4) not be assigned without written permission of the Committee.

13. No solicitor shall have more than one apprentice at any one time, and no solicitor who is employed as an assistant by or is a consultant to another solicitor shall have an apprentice.

14. During the currency of any apprenticeship both master and apprentice shall

(1) hold themselves available from time to time for interview with a representative of the Society appointed for the purpose to enable an assessment to be made of the quality of training provided and the progress of the apprentice in his training;

(2) shall comply with any requirement of the Committee that a master release an apprentice from Indentures or to assign or vary the same on such terms as the Committee may determine to enable the apprentice to complete his training; and

(3) supply such information as may be required by the Committee or its duly appointed representative.

PART IV
ADMISSION

15. A Certificate of Compliance shall be issued by the Society to any registered student who has

(1) complied with these Regulations; and

(2) in the case of students who have completed a course of study at the Institute upon production of a Certificate of Professional Studies from the Institute and in the case of all other students such Certificates as may be required by the Society; and

(3) has lodged an affidavit by his master averring that the student has complied with all the conditions of his Indentures; and

(4) has satisfied the Committee as to the adequacy of the training received during his apprenticeship; and

(5) has satisfied the Committee as to his character and fitness to be a solicitor; and
has paid the required fees to the Society.

16. A person who has obtained a Certificate of Compliance shall be eligible to apply for admission to the Roll of Solicitors in Northern Ireland.

**PART V**

**CONDUCT**

17. The Society may take such action as it may consider proper in relation to the conduct of students and may refuse the issue of a Certificate of Compliance or revoke any such Certificate held by a registered student at any time prior to the registered student being admitted to the Roll of Solicitors in Northern Ireland.

**PART VI**

**MISCELLANEOUS AND GENERAL**

18. Without prejudice to any of the powers contained in these Regulations, the Council may, in any case (including a case of non-compliance with the Regulations) in which it considers that the circumstances justify such a course, relax or dispense with any particular requirement of these Regulations on such terms as they may deem appropriate.

19. All students shall be bound by such variations as may from time to time be duly made in these Regulations.

20. In exercising its functions under these Regulations the Council shall pay due regard to the opinions, views and recommendations of the Committee but shall not be obliged to follow them.

21. The Solicitors’ Admission and Training Regulations 1986 are hereby revoked.
Solicitors’ Admission and Training  
(Qualification of Masters)  
Regulations 1988

The Council of the Law Society of Northern Ireland, in exercise of the power conferred on it by Articles 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 and all other powers enabling it in that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby makes the following Regulations:

1. These Regulations may be cited as the Solicitors’ Admission and Training  (Qualification of Masters) Regulations 1988 and shall come into force on the 1st day of September 1988.

2. These Regulations are supplemental to the Solicitors’ Admission and Training Regulations 1988 (the Principal Regulations) and shall be interpreted and construed accordingly.

3. No solicitor shall be regarded as acceptable for the purposes of Regulation 7(iii) of the Principal Regulations unless he shall have

   (a) (i) practised as a solicitor for at least seven years prior to the date of the petition in relation to which the Committee’s decision is to be made; and

   (ii) practised in private general practice as a partner or sole practitioner for at least three years prior to such date; or

   (b) practised as a solicitor in the public service for at least ten years prior to such date; and

   (c) in either case satisfied the Committee that his practice or the public service department in which he practises provides satisfactory opportunities for the adequate training of a registered student.

4. In considering whether or not a solicitor is acceptable for the purposes of Regulation 7(iii) of the Principal Regulations the Committee shall have regard to the following factors inter alia;

   (a) any complaints which may have been made to the Society at any time in relation to such solicitor;

   (b) any admonishment, reprimand or other sanction at any time imposed by the Society upon such solicitor;
(c) any order or finding made against such solicitor at any time by the Disciplinary Committee;

(d) the standard of proficiency of such solicitor in the operation of his own practice including the management of his office and the performance of his professional work;

(e) the aptitude of such solicitor to provide satisfactory and adequate training to a registered student;

(f) the manner in which such solicitor may have conducted himself as a Master under any previous Articles of Apprenticeship;

(g) the nature and manner of operation of the practice of such solicitor including such matters as the range of work undertaken, the number and standard of staff employed in such practice and the nature and standard of the premises in which such practice is carried on;

(h) any other circumstance of whatever nature which might, in the opinion of the Committee, affect the suitability of such solicitor to act as the Master of a registered student.

5. In Regulation 13 of the Principal Regulations the following proviso shall be inserted namely: “provided however that it shall be permissible for an individual solicitor to have two apprentices at any one time so long as

(a) both apprentices are registered students of the Society under Regulation 8(1)(a) or (b); and

(b) one of the said students is in the first year of his apprenticeship and the other is in the second year of his apprenticeship”.
Solicitors’ Admission and Training (Mutual Recognition) Regulations 1990

The Council of the Law Society of Northern Ireland, in exercise of the power conferred on it by Articles 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 (as amended) and all other powers enabling it in that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby makes the following Regulations:

1. These Regulations are supplemental to the Solicitors’ Admission and Training Regulations 1988 (the Principal Regulations) and shall be construed and interpreted accordingly.

2. These Regulations shall come into force on 4th January 1991.

3. The Interpretation Act (Northern Ireland) 1954 shall apply to the interpretation of these Regulations as it applies to a statutory instrument.

4. Any person seeking admission as a solicitor in Northern Ireland who is a person whom the Society considers to fulfil the requirements of the Council of the European Communities Directive No. 89/48/EEC shall apply to the Society for registration as a student under Regulation 8(4) or 8(5) of the Principal Regulations. Such an applicant shall be required to demonstrate a knowledge of and aptitude for the law and practice of Northern Ireland by way of examination in such form and in such subjects or with such content as the Education Committee shall in each case prescribe and shall pay such fees in respect of the application and examination as the Committee may from time to time decide.

5. For the avoidance of doubt it is hereby declared that applicants to whom these Regulations apply shall, prior to admission, be required to satisfy the conditions laid down in Regulation 9 of the Principal Regulations in addition to the requirements laid down in these Regulations.
Solicitors’ Admission and Training (Requirements for NI Barristers) Regulations 1990

The Council of the Law Society of Northern Ireland, in exercise of the power conferred on it by Article 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 (as amended) and all other powers enabling it in that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby makes the following Regulations:

1. These Regulations may be cited as the Solicitors’ Admission and Training (Amendment) Regulations 1990 and shall come into force on the 1st day of September 1990.

2. These Regulations are supplemental to the Solicitors’ Admission and Training Regulations 1988 (the Principal Regulations) and shall be interpreted and construed accordingly.

3. Any applicant who seeks to be registered as a student of the Society under Regulation 8(4) of the Principal Regulations by virtue of the fact that he has been called to the Northern Ireland Bar shall before being admitted as a solicitor

   (a) produce to the Society a Certificate from the Director of the Institute for the time being that he has completed the courses of study and passed the examinations relating to all subjects required to be taken by solicitor students at the Institute which the applicant had not studied during the course of study leading to his admission as a barrister whether such course of study was undertaken at the Institute or otherwise;

   (b) produce to the Society such other evidence as the Society may require to show that he has attended such other lectures or courses of study or passed such other examinations in such additional subjects as the Society may have determined; and

   (c) if he shall have less than three years experience of active practice at the Bar complete a period of pre-admission employment in a solicitor’s office of one calendar year’s duration after completing the courses of study and examinations hereinbefore mentioned.

4. In computing the period of active practice referred to in the immediately preceding paragraph any period of pupillage shall be disregarded.
The Council of the Law Society of Northern Ireland in exercise of the power conferred on it by Article 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 as amended by the Solicitors’ (Amendment) (Northern Ireland) Order 1989 and all other powers enabling it in that behalf and with the concurrence of the Lord Chief Justice of Northern Ireland hereby makes the following Regulations:

1. These Regulations may be cited as the Solicitors’ Admission and Training (Qualification of Masters) (Amendment) Regulations (Northern Ireland) 1992 and shall come into force on the 1st day of January 1993.

2. For Regulation 3 of the Solicitors’ Admission and Training (Qualification of Masters) Regulations 1988 there shall be substituted the following Regulation.

3. No solicitor shall be regarded as acceptable for the purpose of Regulation 7(iii) of the Principal Regulations unless he shall have

   (a) (i) practised as a solicitor for at least 7 years immediately preceding the date of the Petition in relation to which the Committee’s decision is to be made; and

   (ii) practised in private general practice as a partner or sole practitioner for at least 3 years immediately preceding such date; or

   (b) practised as a solicitor in public service for at least 10 years immediately preceding such date; and

   (c) in either case satisfy the Committee that his practice or the public service department in which he practices provides satisfactory opportunities for the adequate training of a registered student.
Solicitors’ Admission and Training (Amendment) Regulations 1994

The Council of the Law Society of Northern Ireland in exercise of the power conferred on it by Articles 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 (as amended) and all other powers enabling it in that behalf and with the concurrence of the Lord Chief Justice of Northern Ireland hereby makes the following Regulations:

1. These Regulations may be cited as the Solicitors’ Admission and Training (Amendment) Regulations 1994 and shall come into force on the 1st day of February 1995.

2. These Regulations are supplemental to the Solicitors’ Admission and Training Regulations 1988 (the Principal Regulations) and shall be interpreted and construed accordingly.

3. Paragraph (1) of Regulation 10 of the Principal Regulations shall be deleted and there shall be substituted therefor the following; namely:

   (1) All registered students to whom Regulation 8(1) or (2) applies

      (a) shall serve to the satisfaction of the Committee under Indentures of Apprenticeship for a period of two years beginning on 1 September of the year in which they are registered, such period to include the time spent at the Institute; and

      (b) shall attend such lectures or courses of study and present themselves for and achieve passes in such examinations in such additional subjects as the Society may from time to time determine.

   (2) All registered students to whom 8(1) or (2) applies shall

      (a) in the event of a registered student being unsuccessful in the main and supplementary examinations of the Institute; and

      (b) the said registered student being required or permitted by the Institute’s Students’ Progress Committee, or on appeal by the Central Students’ Progress Committee of Queen’s University, to re-attend the course or any part thereof and/or to retake the final examinations or any part thereof;
serve to the satisfaction of the Committee under Indentures of Apprenticeship for such further period as the Committee may determine.

4. Regulation 11 of the Principal Regulations is hereby revoked.

5. Paragraph (2) of Regulation 15 of the Principal Regulations shall be deleted and there shall be substituted therefor the following; namely:

   (2) (a) In the case of students to whom Regulation 8(1) or (2) applies on production of a Certificate of Professional Legal Studies from the Institute together with evidence satisfactory to the Society that such other courses of study, lectures or examinations as may have been determined under the provisions of Regulation 10(1) (b) have been attended and passed.

   (b) In the case of all other students such Certificates as may be required by the Society.

6. The Solicitors’ Admission and Training (Amendment) Regulations 1990 are hereby revoked.
Solicitors’ Admission and Training (Amendment) Regulations 2008

The Council of the Law Society of Northern Ireland in exercise of the power conferred on it by Articles 6 and 74(1) of the Solicitors’ (Northern Ireland) Order 1976 (as amended) and all other powers enabling it in that behalf and with the concurrence of the Lord Chief Justice of Northern Ireland hereby makes the following Regulations:

1. These Regulations may be cited as the Solicitors’ Admission and Training (Amendment) Regulations 2008 and shall come into force on the 1st day of September 2008.

2. These Regulations are supplemental to the Solicitors’ Admission and Training Regulations 1988* (the Principal Regulations) and shall be interpreted and construed accordingly.

3. The Principal Regulations are amended as follows:

   a. in Regulation 2 paragraph (2)(a) after the definition of “the Institute” insert:

   "“the Graduate School” means the Graduate School of Professional Legal Education of the University of Ulster;"

   b. in Regulation 8 paragraph (1)(b) after “the Institute” insert “or the Graduate School”;

   c. in Regulation 8 paragraph (2)(c) after “the Institute” insert “or the Graduate School”;

   d. for Regulation 10 there shall be substituted the following:

   “10 (1) All registered students to whom Regulation 8(1) or (2) applies:

   (a) shall serve to the satisfaction of the Committee under Indentures of Apprenticeship for a period of two years beginning on 1 September of the year in which they are registered, such period to include the time spent at the Institute or the Graduate School; and

   (b) shall attend such lectures or courses of study and present themselves for and achieve passes in such examinations in
such additional subjects as the Society may from time to time determine.

(2) All registered students to whom 8(1) or (2) applies shall

(a) being unsuccessful in the main and supplementary examinations of the Institute or the Graduate School; and

(b) being required or permitted by the review or appeal processes applicable from time to time to the Institute or the Graduate School, to re-attend the relevant course or any part thereof and, or in the alternative, to retake the final examinations of any part thereof;

such registered student shall serve to the satisfaction of the Committee under Indentures of Apprenticeship for such further period as the Committee may determine.

(3) All other registered students shall comply with such conditions as from time to time may be laid down by the Committee and in particular:

(a) shall serve to the satisfaction of the Committee under Indentures of Apprenticeship for such period, (if any), not exceeding four years, as the Committee may in any individual case or in relation to any class of applicant under Regulation 8(3), (4) or (5) decide, upon such conditions as the Society may from time to time determine;

(b) shall attend such courses of study and in such subjects as the Committee may in any individual case or in relations to any class of applicant under Regulation 8(3), (4) or (5) may require; and

(c) shall present themselves for and achieve passes in such examinations and in such subjects as the Committee may in any individual case or in relation to any class of applicant under Regulation 8(3), (4) or (5) may direct."

e. in Regulation 12 after “the Institute” insert “or the Graduate School”; and

f. in Regulation 15 paragraph (2)(a) after “from the Institute” insert “or a Post Graduate Diploma in Legal Practice from the Graduate School”.

## VOCATIONAL LEGAL TRAINING in the UK and REPUBLIC OF IRELAND - COMPARATIVE TABLE

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>LENGTH OF VOCATIONAL TRAINING (Post law degree)</th>
<th>STRUCTURE OF TRAINING</th>
<th>IN-OFFICE TRAINING - Duration</th>
<th>IN-OFFICE TRAINING - Content &amp; Monitoring</th>
<th>CRITERIA FOR TRAINING SOLICITORS (MASTERS)</th>
<th>ALTERNATIVE ROUTES</th>
</tr>
</thead>
</table>
| N.IRELAND | 2 year integrated system (full-time)  
3 or 4 years for 8(3) and 8(5) recommended students (part-time study) | 1. Sept to Dec – spent in-office  
2. Jan to Dec – spent at the Institute or Graduate School (Mondays and holidays spent in the office)  
3. Jan to Aug – spent in-office | 1 year full-time plus Mondays and holidays during the year at the Institute/Graduate School. | Completion of logbooks and submission of quarterly reviews | In Private Practice: 7 years’ post qualification experience: 3 years as a principal  
In Public Sector: 10 years’ experience  
General suitability to be a Master. A Master may only take one apprentice at a time or 2 if one apprentice is in year 1 and one is in year 2. | Regulation 8(3) and 8(5) |
| SCOTLAND | 2 years 6 months (full-time) | 26 week Diploma in Legal Practice (or 2 years part-time)  
2 year Training Contract  
54 hours Professional Competence Course to be completed during two year period. (36 hours core requirements: 18 hours electives) | 2 years but trainee can apply for a restricted practicing certificate after one year to gain Rights of Audience. | Completion of logbooks and submission of quarterly reviews | Any solicitor can be Training Solicitor. A firm is restricted in the number of trainees it can take on. The number of trainees depends on the number of partners. Sole practitioner 1 trainee. More than 1 partner double number of trainees eg 2 partners = 4 trainees. | For non law degree students: 3 year pre-diploma training contract with a Scottish solicitor and sit the Society’s professional exams. Those who take this alternative route are still required to obtain a Diploma in Legal Practice and to undertake a two-year post-Diploma traineeship. |
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<tr>
<th>COUNTRY</th>
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<tbody>
<tr>
<td>ENGLAND AND WALES</td>
<td>3 years (full-time)</td>
<td>1 year Legal Practice Course (full-time) or 2 years (part-time)</td>
<td>3 types *</td>
<td>Required to gain good experience of at least 3 different areas of English law. Develop skills in contentious and non-contentious business. There are 9 specified standards of skills which the trainee must be given the opportunity to develop. (Essentially how to conduct a case or transaction from taking instructions to completion including client care).</td>
<td>There must be a “Training Principal” who has a Current PC plus 4 previous consecutive PCs. Max of 2 trainees for each partner or senior solicitor With a current PC plus 4 previous consecutive certificates.</td>
<td>Work based learning pilot scheme.</td>
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<td></td>
<td>2 year Training Contract</td>
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<tr>
<td>REPUBLIC of IRELAND</td>
<td>2 years 6 months</td>
<td>6 months Professional Practice Course I (PPCI)</td>
<td>21 months</td>
<td>5 “blocks” of areas are required to be covered: 1. Conveyancing and Landlord and Tenant 2. Litigation Both blocks above are mandatory. 2 of the remaining blocks are also required: 3. Wills Probate and Administration of Estates 4. Commercial Law &amp; Insolvency 5. Two subjects from a list of nine inc. family, criminal, employment, planning &amp; environmental, EU, revenue law &amp; taxation Completion of diary required. Online version available.</td>
<td>For non law degree students: 3 year pre-diploma training contract with a Scottish solicitor and sit the Society’s professional exams. Those who take this alternative route are still required to obtain a Diploma in Legal Practice and to undertake a two year post-Diploma traineeship.</td>
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<td>NB: An applicant must secure a Training Contract before he can apply for a place on PPC I</td>
<td>24 month Training Contract inc.</td>
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<td></td>
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<td>- 11 months in-office post PPC I</td>
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<td></td>
<td></td>
<td>- 3 month course Professional Practice Course II</td>
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<td>- 10 months in-office post PPC II</td>
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<td>There is provision for in-office work completed prior to PPC I to be counted as part of training contract up to a maximum of 4 months. This will reduce the period post PPC II to 6 months</td>
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Appendix 6

Members of the Education Review Working Group

- Brian Speers (Chair)
- Kevin Brown
- Comgall McNally
- Richard Palmer
- Rowan White
- Nuala Watkins

ASSISTED BY:

- Colin Caughey
- Anne Devlin
- Janice Dowling