GOVERNMENT OF NORTHERN IRELAND

Report of the Committee on Legal Education in Northern Ireland

Presented to Parliament by Command of the Secretary of State September 1973

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COMMITTEE ON LEGAL EDUCATION IN NORTHERN IRELAND

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Vice-Chancellor of the University of Manchester; lately President of Queens' College, Cambridge and a member of the Committee on Legal Education in England and Wales (The Ormrod Committee).

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Nominated by The Queen's University of Belfast.

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Professor Brian W. Harvey[2]

Professor William L. Twining[3]

Assessors

Mr. Patrick Shea, C.B., O.B.E.

Mr. Kenneth R. Shimeld

Secretary

Miss Margaret L. Johnston

Assistant Secretary

Mr. Ashley B. Ray[4]

1. Professor Newark resigned from the Committee in May 1972 and was succeeded by Professor Harvey.
2. Now of Birmingham University.
3. Now of Warwick University.
4. Until 19 February 1973.

Northern Ireland Office Stormont Castle Belfast BT4 3ST

11 July 1973

Dear Professor Armitage

Thank you for your Committee's Report on Legal Education in Northern Ireland which will prove of the greatest value in the consideration of this very important matter.

It is clear from the Report that you and your Committee have carried out a most extensive and detailed study of Legal Education in Northern Ireland and elsewhere and I should like to take this opportunity of expressing to you as Chairman, and to the members of your Committee, my sincere thanks for the time and energy you have spent so generously on this task.

In view of the far-reaching nature of your Committee's recommendations you will appreciate that full consideration must be given to them and I assure you that this will be done.

Yours sincerely

BELSTEAD

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REPORT OF THE COMMITTEE ON LEGAL EDUCATION IN NORTHERN IRELAND

To Mr. William van Straubenzee, M.B.E., M.P., Minister of State, Northern Ireland Office.

INTRODUCTION

1. We were appointed by the then Minister of Education for Northern Ireland, Captain the Right Honourable W. J. Long, J.P., M.P., on 28 February 1972 with the following terms of reference:
to consider and make recommendations upon—

a. education and training for professional qualifications in the two branches of the legal profession in Northern Ireland; and
b. what additional resources would be needed to implement those recommendations.

2. Professor Newark resigned from the Committee in May 1972 because of other commitments; The Queen's University of Belfast nominated Professor Harvey to serve in his place.

3. We have held 9 meetings and have received evidence from the organisations and individuals listed in Appendix A. We would record our thanks to those who have assisted our enquiry in this way.

4. We are particularly grateful to the Vice-Chancellor and Senate of The Queen's University of Belfast, the Bursar, Mr. G. D. Burland and the administrative staff of the University and the University Librarian, Mr. H. J. Heaney for providing information, arranging accommodation for our meetings and for easing our path in so many ways; the Faculty of Law of the University responded readily to our numerous requests in connection with our work. We would express our appreciation of the assistance and courtesy extended to us by the Right Honourable The Lord Chief Justice of Northern Ireland, Sir Robert Lowry P.C., the Honorable Society of the Inn of Court of Northern Ireland and the Incorporated Law Society of Northern Ireland. We must also acknowledge the very great assistance of Professor Brian Harvey who joined our Committee in May 1972 and who visited the School of Law at the Australian National University, Canberra on our behalf to examine at first hand this very interesting experiment. His report appears as Appendix C. We are grateful to the Director of the School of Law for the co-operation extended to Professor Harvey during his visit. Professor Harvey's experience in the establishment of the Nigerian Law School has also proved valuable.

5. We wish to pay a very particular and special tribute to our Secretary Miss Margaret Johnston for support and service beyond compare in the work of this Committee and in the preparation and drafting of this Report. We thank her most sincerely for public service in the best tradition of the Northern Ireland Civil Service, and far beyond the requirements of duty. We also wish to thank Mr. Ashley Ray for able assistance to the Secretary given through the major part of our work.

6. In many parts of the world legal education and training has been the subject of critical examination and important changes in recent years. We have been able to learn much from the deliberations and experience of a number of jurisdictions in the common law world. In particular, our work has been assisted by the examination of legal education in England and Wales carried out by the Committee on Legal Education under the Chairmanship of The Hon. Mr. Justice Ormrod whose Report* we have studied in detail. We found that we were in general agreement with the underlying philosophy of the Report and we have adopted many of its recommendations; in particular we recommend that the three-stage structure of legal education and training envisaged by the Ormrod Committee should be adopted in Northern Ireland. However, the circumstances and the needs of Northern Ireland regarding legal education and training differ from those in England in a number of important respects and in particular in the relationship between the Professional Bodies and The Queen's University of Belfast which very largely provides the academic courses required for entry to both branches of the Profession. Because of these differences we have concluded that Northern Ireland should continue to have its own system of professional legal education and training, specifically geared to local circumstances and needs.

7. Our Report is divided into six Chapters and eight Appendices and is preceded by a Summary of our Recommendations.

SUMMARY OF RECOMMENDATIONS

1. The Pattern of Legal Education

Education and training for professional qualifications in the two branches of the Legal Profession in Northern Ireland should be planned in three stages—the academic stage; the professional stage (comprising institutional training and in-training) and continuing education or training. Academic and vocational legal training should, as far as possible, be integrated into a coherent whole; the scheme of legal education should reflect the Profession's continuing need to recruit men and women of widely differing character, temperament and attainments; and it should concentrate on providing the student with the best possible general introduction to his Profession so as to enable him, with the help of experience and continuing education after qualification, to become a fully equipped member of the Profession (*paragraph 63*).

3. Entry to the Profession

The educational requirement for entry to the Profession should normally be an approved Law Degree or a Mixed Degree recognised by the Professions for this purpose obtained after a minimum of three years full-time study at a university or other degree awarding institution. This should be explicitly recognised by both Professions in Northern Ireland (*paragraphs 67(a) and 68*).

A Law Degree should be recognised for entry to the course of vocational training provided it contains the 'core' subjects specified in paragraph 69(a) (*paragraph 69(a)*).

* London H.M.S.O. CMND. 4595.

The degrees of candidates who are graduates of universities other than Queen's University should be recognised provided such candidates reach a satisfactory standard in Northern Ireland Law (*paragraph 69(b)*).

The Professions should delegate to the Governing Body of an Institute of Professional Legal Studies (see 4 below) their powers and duties in relation to the recognition of approved Law Degrees (*paragraph 69(c)*.

Alternative forms of qualification at the academic stage should be provided for

(a) graduates whose degrees do not qualify for recognition as Law Degrees;
(b) foreign graduates at the discretion of the Professional Bodies;
(c) Seven Year Entrants to the Solicitor's Profession under Section 16 of the Solicitors (Ireland) Act 1898 or its successor; and
(d) mature students.

The Professions should retain their discretionary power to admit candidates in special cases who may not have the above qualifications (*paragraph 70*).

The alternative forms of qualification for candidates at (a), (c) and (d) above should be by a course of studies normally of two years duration at The Queen's University covering the 'core' subjects and other subjects as agreed by the two Professional Bodies and the University (*paragraph 71*).

The Professional Bodies should retain their present powers to decide whether or not a particular student is a fit and proper person to be admitted into the Profession and students should first be admitted as students of the Inn of Court or the Law Society before being offered a place for the vocational course at the Institute of Professional Legal Studies (*paragraph 73*).

3. Role of The Queen's University of Belfast

The Queen's University should continue to be the home of the only Law School in Northern Ireland and should provide also the professional courses recommended in the report. Whether or not the Law Degree of The Queen's University should be a three or four year degree is a matter for the University (*paragraph 66*).

The University should continue to permit limited practice—for example equivalent to one day per week—for its professionally qualified academic staff, provided obligations to the University are not prejudiced (*paragraph 97*).

4. Institute of Professional Legal Studies

Vocational courses for both Professions should be provided by The Queen's University through an Institute of Professional Legal Studies situated near to the Law Faculty and the University Library. In-training should be provided under arrangements to be made by the Professions themselves (*paragraphs 62, 67(b) and 73*).

The Institute should have responsibility revocably delegated to it by the Professional Bodies for providing the academic courses, examinations and assessments which are required to be satisfied before Call or Admission (*paragraph 73*).

The Governing Body of the Institute—the Council of Legal Education (Northern Ireland)—should reflect the interests of all parties concerned—the two Branches of the Profession in Northern Ireland, as regards the education and training of its future members and the University in the proper application of the University

resources committed to the Institute. Members of the Council other than ex-officio members should hold office for four years and be eligible for re-appointment (*paragraphs 74, 75 and 78*).

The Council should have the powers and functions outlined in paragraph 79 (*paragraph 79*).

To enable the planning and preparation of the new vocational course, the Institute should be set up and most of its staff appointed at least six months before it commences operations (*paragraph 89(c)(viii)*).

The success of our recommendations depends upon the closest co-operation between the Faculty of Law of The Queen's University and the Institute and the existence of good liaison and working arrangements between the Faculty and the Professions. It also depends upon the continued development of the University Law Library as the fullest collection of legal books and materials in Northern Ireland (*paragraph 95*).

To facilitate the close relationship of Faculty and Professions, the University should consider granting academic staff partial or full leave of absence to take appropriate professional courses at the Institute (*paragraph 97*).

There should be co-operation and sharing of resources between the Faculty of Law of The Queen's University and the Institute (*paragraph 82*).

5. Director of the Institute

A Director of the Institute of Professional Legal Studies should be appointed. His primary responsibility should be for the planning, staffing and administration of the vocational and continuing education courses of the Institute. He should take a substantial part in the teaching and preparation of material for the Institute and in the publication of legal texts and should call at least three meetings of the Council each year and draw up an Annual Report for approval by the Council (*paragraphs 67(c), 76 and 80*).

The salary of the Director should be the maximum of the Professorial range at The Queen's University, and should be augmented through limited private practice and/or a contribution from the Professions (*paragraph 101*).

6. Adviser to the Council

For the first three years of the Institute a part-time Adviser to the Council should be appointed. The appointment of an Adviser after that time should be at the discretion of the Council. The Adviser should assist the Council and the Director in policy decisions relating to the detailed provision of courses in the light of the long and short term requirements of professional practice in Northern Ireland and in the United Kingdom generally and in the light of the experience of other United Kingdom or Commonwealth Law Schools providing similar courses. He should also assist in the setting and maintenance of proper academic standards (*paragraphs 77 and 81*).

7. The Vocational Course

The content should be largely common to both branches of the Profession (*paragraph 72*).

There should be three main elements in the course—practical exercises; some additional Law Subjects and some non-Law Subjects of special concern to legal

practitioners. Further recommendations as to the course and its object appear in paragraph 86 (*paragraph 86*).

The working out of the new course should be left to a Working Party to be established as soon as the Director is appointed; matters to be considered by the Working Party and a possible pattern of a course are identified in paragraph 89 (*paragraphs 88 and 89*).

The Vocational Course should be sufficiently distinct in content and atmosphere from the undergraduate law course for it to be felt to be something other than a fifth year of The Queen's University LL.B (*paragraph 96*).

There should be major involvement of practising lawyers in the course under the supervision of the Director and his permanent staff (*paragraph 96*).

8. Experience and In-Training

The Vocational Course should be followed by in-training appropriate to each branch of the Profession (*paragraph 72*).

More formal arrangements for pupillage should be made by the Benchers (*paragraph 90*).

Limited practice will meet the need for professional in-training of solicitors (*paragraph 92*).

9. Continuing Education

Courses of continuing education should be provided for the Professions at the Institute and should be self-financing. There should be full consultation with the Professions concerning the courses required both in regard to content and frequency (*paragraphs 93 and 67(c)*).

10. Role of the Professions

Each Branch of the Profession should retain ultimate control over entry. A Regulation should be made by each branch of the Profession 'revocably' delegating to the Institute of Professional Legal Studies responsibility for providing the courses, examinations and assessments required to be satisfied before Call or Admission (*paragraph 73*).

Admission of students as students of the Inn of Court or the Incorporated Law Society should be a prerequisite for obtaining a place on the Vocational Course at the Institute (*paragraph 83*).

The close relationship of Faculty and Professions would be greatly helped if the Professions were willing to make arrangements for Call or Admission of members of the Faculty of Law of The Queen's University through their satisfying appropriate courses at the Institute on a part-time basis (*paragraph 97*).

11. Finance

Initial capital expenditure and recurrent expenditure in connection with the Institute of Professional Legal Studies should be met by the Northern Ireland Government by way of an earmarked grant to the University (*paragraph 86*).

Any scheme of education must meet the need for legal reference works and text books on Northern Ireland Law and Procedure. The publication of such works will require financial assistance from central funds (*paragraph 65(b)*).

An adequate system of grants to students should ensure that the Professions are open to all. The continuance of support by way of awards for the mandatory professional year is essential (*paragraph 94*).

CHAPTER I

HISTORICAL INTRODUCTION

1. The Government of Ireland Act 1920 established the Parliaments of Northern and Southern Ireland and their separate jurisdictions. The Supreme Court of Judicature in Ireland ceased to exist and separate Supreme Courts were established for Northern and Southern Ireland. Existing members of the Irish Bar and existing solicitors of the Supreme Court of Judicature in Ireland became, after the Act of 1920 came into force, Barristers or Solicitors of both Supreme Courts, but any person qualifying for Call or for Admission as a Solicitor thereafter was required to seek Call or Admission in one or other of the Supreme Courts.

Call to the Bar of Northern Ireland

2. Before the Act of 1920 legal education for candidates seeking Call to the Bar had been the responsibility of the Benchers of the King's Inns Dublin and this responsibility continued to be exercised for Northern Ireland in the period 1920–1925 by a Northern Committee consisting of those members of the Bench and Bar of Northern Ireland who were Benchers of King's Inns.

3. With the establishment of the Inn of Court of Northern Ireland in January 1926 that body assumed control of the education of candidates for Call to the Bar of Northern Ireland. Arrangements were made with The Queen's University of Belfast (in this Report hereafter referred to as Queen's University) for the formal education of students of the new Inn, and students attended a course of legal education extending over 3 years under a syllabus prescribed by the Benchers of the Inn of Court of Northern Ireland. The contribution of Queen's University to the academic training of candidates for the Bar and, as will be seen later, for Admission as a Solicitor has thus been a fundamental factor in the provision of legal education in Northern Ireland.

4. In 1928 in addition to the requirement to pass the examinations of the Inn of Court of Northern Ireland the Benchers made arrangements with the four Inns of Court in London under which students of the Inn of Court of Northern Ireland became members for one year of one of the English Inns and kept three terms' Commons by dining three days in each term. They were permitted to attend lectures provided by the Council of Legal Education, London, for one year as an alternative to attending one year of the three year course of legal education at Queen's University and were required to pass the Part II (Bar Final) of the Bar Examination conducted by the Council of Legal Education. These arrangements have now come to an end with the introduction in England and Wales of the new syllabus based upon the recommendations of the Committee on Legal Education in England and Wales—the Ormrod Committee—and interim arrangements have been made by the Benchers for students seeking Call to the Bar in Northern Ireland with effect from 1 July 1972.

5. Every candidate for Call to the Bar of Northern Ireland must be a graduate of a recognised university.† The type of degree is not stipulated, but the "Credit Rule" under which a student may be given credit for subjects in the Bar course already taken as part of his legal studies in a degree course means that most students applying for admission to the Inn have obtained, or will obtain, a degree in Law. In such cases the remaining subjects in the Bar syllabus can be taken in one post-graduate year at Queen's University.

6. The Benchers' syllabus (originally devised by the Education Committee of the Benchers to follow closely the syllabus of the LL.B degree at Queen's University) includes basic subjects such as Constitutional Law, Historical Introduction to the Legal System, Criminal Law, Tort, Contract, and other subjects particularly applicable to practice at the Bar such as Pleading and Practice and Evidence.

7. The majority of candidates for the Northern Ireland Bar receive a mandatory university award from their County or County Borough Education Committee for the undergraduate course. For their vocational studies, in which the remaining subjects of the syllabus are completed, discretionary awards are normally available. Professional fees (which include those for Admission to the Inn of Court, the Call Fee and Stamp Duties) are not admitted for award purposes and the student must meet these himself.

8. A Solicitor in practice in Northern Ireland of not less than 5 years' standing may be called to the Bar on taking the lectures prescribed for the third year of the Bar syllabus and passing the Bar Final Examination.

9. There is no compulsory pupillage at the Northern Ireland Bar but in practice a newly-called barrister attaches himself to an experienced Junior for six months or a year during which he has the run of his Master's papers and attends Court with him.

10. The Education Committee of the Benchers has attempted to provide a part of the professional training through lectures and visits to courts and court offices both before and immediately after Call; the other part is provided by Queen's University. A Joint Committee appointed by the Education Committee of the Benchers and the General Council of the Bar of Northern Ireland was set up to consider the question of professional training for the Bar as distinct from academic legal education and has recommended the interim arrangements which have been adopted and to which we refer in paragraph 4 above.

11. There is no Chambers system in Northern Ireland. Instead every barrister intending to practise becomes a subscriber to the Bar Library. He is assigned a seat in the Library which is in the precincts of the Supreme Court. There he works at his papers and is available for consultation.

Admission as a Solicitor of The Supreme Court of Judicature of Northern Ireland

12. The Incorporated Law Society of Northern Ireland has a statutory obligation to regulate the education, training and admission of solicitors. To be admitted

† The Benchers also have a discretion to exempt students in appropriate cases from the qualifications otherwise required and special arrangements exist for practising Solicitors or members of other Courts of Judicature who may not necessarily be graduates.

a solicitor of the Supreme Court of Judicature of Northern Ireland a candidate must enter into an Indenture of Apprenticeship for a term of three years and pass the appropriate examinations of the Incorporated Law Society of Northern Ireland.

13. In order to be permitted to enter into an Indenture of Apprenticeship a candidate must either have obtained a degree from any Faculty of a recognised university or have served as a *bona fide* law clerk for a period of 7 years in the manner set out in section 16 of the Solicitors (Ireland) Act 1898. Candidates are required to take examinations in each of the three years of Apprenticeship. Exemption may however be obtained by graduates with an Honours degree or an equivalent qualification from subjects taken in their degree which also form part of the First or Second examination. All candidates are required to take the subjects in the Final Examination.

14. The Education Committee appointed by the Council of the Incorporated Law Society of Northern Ireland is responsible for the education of intending solicitors and the appointment of lecturers and examiners for the prescribed syllabus. Queen's University provides lectures on Evidence, Criminal Law, Tort and Contract for students taking the first year examinations. All other lectures are given at the Incorporated Law Society's School of Law, and practical training is provided during the period of apprenticeship in the office of the Master to whom a candidate is apprenticed. As in the case of the Bar it will be seen that the contribution of Queen's University has been a fundamental factor in the provision of legal education and training for solicitors in Northern Ireland.

CHAPTER II

THE PRESENT SYSTEM: THE NATURE OF THE PROBLEM

15. To assist us in our consideration of the present system of legal education in Northern Ireland and in determining the nature of the problem posed by our terms of reference, we invited evidence from any interested organisations or individuals. A list of those organisations and individuals who provided evidence appears in Appendix A. In addition to their written evidence we also heard oral evidence from the Right Honourable the Lord Chief Justice of Northern Ireland; the Vice-Chancellor of Queen's University, Belfast; representatives of the Law Faculty of Queen's University, Belfast; the Northern Ireland Inn of Court; the Incorporated Law Society of Northern Ireland; the Society of Bar Students and the Society of Solicitors' Apprentices.

16. From the evidence submitted to us it was clear that the present system contained a number of defects of which the professional bodies and those interested in legal education were aware and to which the professional bodies had already devoted considerable thought. Some problems are common to both branches of the Profession; others are specific to students studying for the Bar or training to become solicitors.

17. Under the present system of education for Call to the Bar of Northern Ireland or Admission as a Solicitor of the Supreme Court of Judicature of Northern Ireland a candidate must normally hold a university degree—the type of degree is not specified but students tend to take Law Degrees which, provided they are of the required standard, confer upon them exemption from those subjects in the syllabuses of either branch of the Profession which have been covered in a recognised degree course.

18. The degree course must be followed in the case of Bar students by a one year course taken at Queen's University, to fulfil the educational requirements of the Inn of Court and until 1972, by the successful completion of the English Bar Final Examination. Study for the latter examination was largely independent, supplemented by a small number of lectures given by members of the Profession. As indicated above, exemption from subjects required by the Inn of Court was granted where such subjects had been taken as part of a recognised degree. Recently students have also been required to attend lectures provided by the Benchers and also to visit courts for one day in each week to obtain practical knowledge of their future profession.

19. In the case of graduate students of the Incorporated Law Society of Northern Ireland the degree must be followed by a 3 year period of apprenticeship to a practising solicitor. Examinations are held at the end of each of the 3 years but as with Bar students, the graduate may obtain exemption from subjects covered in the degree but is required to complete the 3 year period of apprenticeship and to pass the Final Examination of the Incorporated Law Society before Admission. The university provides the teaching in Contract, Tort and Criminal Law and Evidence for apprentices taking the First Examination. The Incorporated Law Society provides teaching for the Second and Final Examinations but in recent years has been encountering increasing difficulty in obtaining

suitable lecturers from the Profession, mainly because of the pressure of work in solicitors' offices.

20. An exception to the degree requirement is made in the case of a person who has served for a period of 7 years as a Managing Clerk in a solicitor's office. Such person may enter into an indenture of apprenticeship and is required to follow the course leading to the First, Second and Final Examinations of the Incorporated Law Society. The number of persons entering in this manner has declined sharply and is at present no more than 5% of the total annual entry. It may be expected to fall still lower with the increasing move towards university education and a graduate profession. We consider however that any future scheme of education should continue to provide this opportunity for entry to the Profession.

21. In 1971 there were in total 46 entrants from all sources (including graduates of universities outside Northern Ireland and Managing Clerks) to the two branches of the Profession, 15 were called to the Bar and the remaining 31 were admitted as Solicitors (Appendix F). It seems clear that with the planned expansion of the Law Faculty at Queen's University (Appendix G) and with the entry from law schools other than Queen's, the numbers of law students required by the Bar and the Incorporated Law Society are provided for and that there is the necessary element for growth and expansion.

22. Mandatory awards are normally made by education committees to students following first degree courses at universities. Assistance to students following full-time postgraduate courses at recognised institutions of education including courses of vocational training may also be given, as in other parts of the United Kingdom, at the discretion of such committees. Assistance is related to academic and other approved fees and maintenance. Any professional fees are payable by the student.

The Nature of the Problem

(*a*) *Problems Common to both branches of the Profession*

23. The basic problem, which we explain more fully in our comments on each branch of the Profession is the almost complete lack of any satisfactory form of direct professional training. The main deterrents to the provision of education and professional training by the Professions have been the small number of students—which makes the cost of running comprehensive courses prohibitive, the lack of accommodation, the lack of suitable library facilities and text books on Northern Ireland Law and Practice (to which we refer more fully below) and the lack of suitable professionally qualified teachers.

24. The almost complete absence of shared courses, apart from degree courses, and the separate nature of such professional training as does exist has meant that the two branches of the Profession are in large part unaware of each other's problems and this has led to difficulties which would not arise were each branch aware of the pressures under which the other is required to work.

25. Although the biggest single source of candidates for the Profession is law graduates of Queen's University, arrangements also have to be made to provide courses for law graduates of other universities who have not had an

opportunity to study Northern Ireland Law (Appendix E) and for graduates with degrees other than law degrees. Any proposals for the future education and training for the Profession must include provision for these categories.

26. In addition to the problems general to both branches of the Profession, there are others peculiar to each.

(b) Problems peculiar to training as a Barrister

27. The breakdown of the pupillage system is the major dissatisfaction expressed in evidence relating to the training of barristers. There is no Chambers System in Northern Ireland. Each newly called barrister is allocated a seat in the Bar Library and may accept briefs and mark fees immediately after Call. No rule of pupillage exists but the newly called barrister normally attaches himself to an experienced Junior for a period of 6 months, has sight of his Master's papers and accompanies him to court. The traditional fee payable to the Master was £50 but this is in fact no longer paid. This system worked reasonably well when the newly called barrister had very little, if any, work of his own, but the greatly increased amount of work available to the very junior barrister, particularly since the introduction of legal aid, has led to the pupil being unable to spend sufficient time with his Master or working on his Master's papers. The evidence submitted by the General Council of the Bar of Northern Ireland indicated that the pupil can be engaged in cases of his own in the lower courts immediately after Call, and may do them with the help of such ad hoc advice from colleagues as may be available to him but without having had any form of practical professional training. Moreover because of the amount of work available the very junior barrister does not at present get a full and proper opportunity of learning Court Procedures. It is the opinion of the Bar Council that '. . . if the present highly unsatisfactory state of affairs is allowed to continue . . . there will inevitably grow up a group of practitioners who have never properly learned the basic skills and techniques of their profession'.

28. The faults do not lie entirely with the pupil—the amount of work at the Bar is such that the Master frequently has not sufficient time to devote to the instruction of his pupil. The fact that pupillage is not compulsory, that both parties are frequently over-worked and that Masters accept pupils as a professional duty and not for any benefit to themselves does not contribute to the successful working of the system.

29. Another serious drawback facing the newly called barrister is the lack of tools of his trade. There is, for example, no annotated edition of the Northern Ireland Statutes and no up-to-date practice book corresponding to the English 'White Book' (the Annual Practice). The latest available edition of the corresponding work came out in 1906 and relates therefore to the pre-partition courts in Ireland. There is no book of Northern Ireland Court precedents and only an ancient and rather sketchy book of non-litigious forms. The English precedent books such as Atkin's 'Court Forms' have to be used, but warily, because of the many differences in practice and substantive law between the two jurisdictions. There are very few general text books on Northern Ireland law and therefore some special professional skills and techniques must be learned by the newcomer to the Bar in addition to those required by barristers in other parts of the United Kingdom.

30. Although the arrangements existing for Northern Ireland candidates to take the English Bar Final examination are at an end because of the re-organisation of the course following the Ormrod Report we should, in passing, note that these arrangements were not altogether satisfactory. The student had to study largely on his own for the English Bar Final at the same time as he was fulfilling the other requirements of the Inn of Court for Call to the Northern Ireland Bar which involved a separate and simultaneous study of Rules and Statutes peculiar to Northern Ireland. Furthermore in addition to the professional fees required by the Northern Ireland Inn of Court he was also required to pay professional fees to an English Inn of Court and to travel to England to keep terms. Such expenditure, not being educational expenditure and therefore not payable by the local education committee where a discretionary award had been made, bore heavily on the student's financial resources and it may well have been that some persons who might otherwise have entered the Profession were deterred from doing so because they were unable to meet the expense of entry.

(c) Problems peculiar to training as a solicitor

31. The main problem facing the prospective apprentice is to find a suitable Master with a practice sufficiently wide and varied to provide him with the necessary experience, who also has time to devote to his apprentice's instruction. In practice this means that an apprentice desiring to obtain this experience must apprentice himself to a large group practice which usually means a practice in Belfast. The small single practitioner offices in many country towns cannot readily attract apprentices even should they desire to do so. Again the difficulty of pressure of work is emphasised in the evidence we considered. The new graduate apprentice may take time to settle down. He receives a small salary and National Insurance Contributions are payable by the Master from the date of commencement of apprenticeship but his value to his Master may not be significant until he has found his feet. Many conscientious solicitors because of their own work load feel that they cannot carry out their obligations as Masters and therefore do not take apprentices. Accommodation is also at a premium in many offices. It has been represented to us that the organisational side of a solicitor's training has been largely overlooked and that the apprentice not having received instruction in office management may well find difficulty in adjusting to the practical demands of his profession.

32. The evidence of the Incorporated Law Society pointed out that apprenticeship is the central feature of the present system of training. It establishes a personal relationship between Master and apprentice which is expected to provide for the apprentice—

a. personal instruction and help in the acquisition of knowledge of the law over and above that obtained by attendance at lectures and through personal study;
b. knowledge of, and familiarity with, practical application of the law both in regard to contentious and non-contentious matters;
c. knowledge of office administration and the procedures necessary to carry out the work and duties of a solicitor;
d. experience in the application of his knowledge of the law to human problems and relationships;

e. experience in dealing with clients, taking their instructions, and advising them thereon;
f. experience in the work with, and relationships between, Solicitors, Counsel, the Courts and Court and other officials; and
g. an indication of the ethics and standards of conduct expected and demanded of solicitors.

Apprenticeship as a method of training to become a solicitor can only work properly if the apprentice is willing and able to learn, if the Master's practice is general and varied and if the Master has the time and ability to instruct the apprentice. In modern conditions many or some of these ideal conditions are absent. Increasingly solicitors are specializing and so the variety of the apprentice's experience is curtailed. Many solicitors do no criminal work; some do no divorce work, others do little or no litigious work of any sort. Even where a solicitor's practice is wide and varied it is a temptation to keep an apprentice employed in a particular field in which he has become proficient rather than to move him to another field where he will again be a beginner.

33. The Report of the Committee appointed by the Solicitors Apprentices Society for Northern Ireland to consider Current Conditions of Apprenticeship published in the December 1969 issue of the *Northern Ireland Legal Quarterly* (vol. 20 No 4, p. 400) states ". . . in Northern Ireland it appeared that where apprentices had significant practical experience during apprenticeship in conveyancing, experience on the common law side was invariably limited and vice versa. Very few apprentices were able to state that they had any experience in Planning Law, Taxation and Tax Planning, Company Law, Costs and Bookkeeping or Office Administration." We have no reason to believe that the situation has improved since the publication of that Report.

34. Turning to the preparation for examinations we are advised that there are no tutorials, no personal supervision, and no tests or practice papers for the Incorporated Law Society's Examinations. A series of lectures is delivered with varying degrees of effectiveness by part-time teachers to part-time students. This system is compared with that in England where there is a scientifically scheduled full-time residential course organised and executed by professional law teachers with a great deal of cumulative experience of this sort of work. The Law Society evidence concludes that instruction whether in academic knowledge or vocational training can best be imparted by those who not only have knowledge and experience of the subject but also have a real interest in and experience of teaching. The best person to impart such instruction is the professional or semi-professional teacher of law. At the same time it is desirable and in most subjects essential that such a teacher has himself had practical experience as a member of one or other branch of the legal profession.

35. The present system of examination of prospective solicitors has been further criticised on the grounds that:

a. for the Law graduate, there is frequently duplication of work already done by him at the university—for instance the Final Year Examinations in Real Property and Equity are compulsory;
b. the examinations are to a large extent a test of memory and (particularly in the final year) of endurance and are generally an inefficient way of

testing whether or not a candidate has the basic skills, know-how and knowledge which should be expected of a solicitor;

c. the examination papers themselves often show a lack of imagination and variety; and

d. there is no examination in important "modern" subjects such as Revenue Law (except cursorily in the First Year) and Planning Law.

36. We have already referred to the financial obligations imposed on a Solicitor who takes an apprentice; the converse is that apprentices have a relatively low remuneration and the long period of apprenticeship on top of the university degree course making a total period of 6 or 7 years' study and training for the graduate or 10 years for the Section 16 entrant deters some from entering the Profession.

37. The evidence of the Incorporated Law Society stressed the lack of text books and other legal publications which add to the difficulties experienced by prospective entrants to both branches of the Profession.

38. The Incorporated Law Society criticism that the present system cannot be relied upon to produce a common or general standard of competence was one from which we saw no reason to dissent.

Conclusion

39. It was clear to us from the evidence submitted that the successful completion of existing courses of professional training provides no guarantee as to the competence or the quality—beyond the academic quality—of a candidate for either branch of the Profession. We are satisfied that the case for change is overwhelming.

CHAPTER III

THE ROLE OF THE QUEEN'S UNIVERSITY OF BELFAST IN THE PROVISION OF LEGAL EDUCATION IN NORTHERN IRELAND

40. Since 1926, Queen's University has played a major part in the education of candidates for both branches of the Profession, not only through the four-year degree in Law which offers all subjects required for entry to the Profession (and also all the 'core' subjects specified in the Ormrod Report) but also through instruction in Northern Ireland law for graduates of other universities who have not studied the subject and through certain courses required of prospective entrants by the Inn of Court or the Incorporated Law Society.

41. Queen's University is at present the only institution of higher education in Northern Ireland which offers a degree in Law. Public lectures on subjects including those of particular interest to practitioners have been a regular feature of the Law Faculty's programme for many years. Many of these have been given by distinguished judges or jurists with international reputations. Recently, too, conferences for practising solicitors have been arranged by the Incorporated Law Society and the Law Faculty. Two have been held to date—one in 1969 on Taxation and the other in 1973 on Value Added Tax. A more general conference was promoted by the Law Faculty in 1971 on Multi-National Corporations. The Incorporated Law Society in conjunction with the Law Faculty has mounted an experimental series of lectures for solicitors on recent developments in important areas of law. In addition, the Faculty edits and largely writes the *Northern Ireland Legal Quarterly*, the only journal containing a systematic commentary on Northern Ireland law and to which the majority of practitioners in Northern Ireland subscribe. Informal liaison committees exist in the Faculty to meet representatives of the Inn of Court and the Incorporated Law Society. A number of practising barristers and solicitors have been, and are at present, employed by the University as teachers on a part-time basis. The Faculty also maintains close contact with the office of the First Parliamentary Draftsman through a joint appointment at lecturer level, the incumbent dividing his time equally between the University and Stormont.

42. University assistance with professional training has included courses for students who may have taken Law degrees at Universities other than Queen's University and who may not have covered all the required subjects in their undergraduate course.

43. With the help of practitioners, tuition in such practical subjects as Pleading and Practice and Conveyancing has been provided. The Faculty offers the only teaching in Contract, Tort and Criminal Law and Evidence for solicitors' apprentices who are not exempted from taking these subjects in their First Examination. For many years it also offered the only formal teaching in Northern Ireland law for students of the Inn of Court who were required to pass the Faculty's Class Examinations in the prescribed subjects from which they had not received exemption. With the termination of the arrangement under which students of the Northern Ireland Inn of Court also took the English Bar Final

Examination (see paragraph 4) a new scheme has had to be improvised under which the entire Bar Final course and examining takes place in Northern Ireland. The present arrangement (1972/73) involves an examination in seven papers which are designed to be of approximately equal difficulty and scope to the 'old style' English Bar Finals. Since the subjects examined are based on Northern Ireland law (in so far as it varies from English law) the necessity of taking the Queen's University Class Examinations has disappeared except for those students enrolled for courses in Northern Ireland Legal System and Land Law (who join the LL.B. courses in these subjects). The seven papers comprising the Northern Ireland Bar Final are—

(1) Common Law, Sale of Goods (including Hire Purchase) and Negligence;
(2) Equity and Administration of Estates;
(3) Criminal Procedure;
(4) Civil Procedure;
(5) Evidence and Company Law;
(6) Practical Conveyancing;
(7) Divorce Law and Practice.

Teaching is not provided for part of Paper (1) or any of Paper (2). Bar students are permitted to avail themselves of the Faculty's Family Law Lectures, though the LL.B. syllabus is in some respects different from that prescribed by the Inn of Court for the paper on Divorce Law and Practice.† Full taught courses are provided by the Faculty in Civil Procedure (Paper (4)), Evidence and Company Law (Paper (5)) and Practical Conveyancing (Paper (6)). The Inn of Court provides, without the Faculty's assistance, a course in Criminal Procedure. Examining is undertaken by a team of senior members of staff of the Law Faculty and practising barristers using the Faculty's External Examiners with a senior member of the Northern Ireland Bar as Assessor.

44. Although these arrangements may appear more satisfactory than the previous ones whereunder a good deal of irrelevant English law had to be studied in order to take the English Bar Final, they are in fact far from being adequate as a systematic course of professional training. Apart from the many criticisms which have been made of the old style Bar Final, the Faculty's staffing and financial resources are no greater than under the previous system which merely involved tuition for Bar students up to the Class Examination normally held in March; resources do not exist to enable teaching to be provided in Common Law, Equity and Administration of Estates or some aspects of Divorce (though much of the subject-matter of these topics should be familiar to most law graduates); and the obligation to provide a more substantial and lengthy course than formerly in the subjects which are taught imposes greater strains on the Faculty's existing and already overstrained resources. The cost of providing these courses if we discount the running costs to the University is some £14,000 (Appendix D). Nevertheless the Faculty has willingly undertaken the obligation in order to avoid a breakdown in the scheme for the training of Northern Ireland barristers and on the assumption that it will be an interim measure.

† These lectures are supplemented by a course provided by the Inn of Court.

45. It will be noted that the above interim arrangements do not provide any practical training and are far removed from the vocational education and training we later recommend. With existing staffing it would not be possible for the University to provide such courses.

46. The present annual intake in the Faculty of Law is some 80 students and this number is expected to rise to about 105 by the academic session 1977/78 (Appendix G). The University Law courses provide not only for students who intend to enter one or other branch of the Profession but also for those who will enter a wide variety of other Professions. Recent figures supplied by the Faculty show that about 50% of Law graduates enter professions or careers other than law. The University therefore must, and does, provide a wide spectrum of academic law subjects.

47. Appendix F shows the rate of intake to the Professions, 1960–1972. Although the major portion of this intake comes from Queen's University a significant number comes from other Universities and this trend has been more marked in recent years (Appendix E). On the basis of the projected intake figures and an estimated 50% entry of Queen's University Law graduates to the Profession we are satisfied that the Queen's University Law course is adequately providing for foreseeable professional needs for law graduates. Recent statistics show an increase in the number of students preparing for the Bar Final Examination and there is some evidence to support the argument that this increase has been encouraged by the fact that the minimum period required for Call to the Bar is four or five years as opposed to six or seven years for Admission as a Solicitor. This increase has been further encouraged by the disproportionate expansion of the Bar in recent years which we regard as a passing phenomenon. We are satisfied that the present needs of both branches of the Profession will be met by a vocational course with an entry of 50 students, the great majority of whom will become solicitors.

48. The University Main Library includes the most comprehensive law library in Northern Ireland with a collection of some 35,000 volumes and a budget of about £2,500 per annum for books alone (excluding periodicals and law reports). A feature is the valuable collection of books on Irish Law many of which are out of print.

CHAPTER IV

THE FUTURE PATTERN OF LEGAL EDUCATION—CONSIDERATIONS

49. The following considerations govern the recommendations which we set out in detail in Chapter V.

(a) *General Considerations*

i. The Professions should retain ultimate control over entry;

ii. the system proposed should be practicable and should provide better-trained practitioners for both Professions than has been the case hitherto;

iii. the system proposed should not impose an unduly heavy financial or administrative burden;

iv. the system proposed should be sufficiently flexible to meet the varied and changing nature of legal education;

v. the system proposed should take into account the special legal problems confronting practitioners in Northern Ireland—for example in the fields of Constitutional Law and Public Order.

vi. the system proposed should enable students of both branches of the Profession to attend common courses where appropriate;

(b) *Academic Considerations*

i. Academic autonomy over degree courses should be respected;

ii. the LL.B degree must be recognised to have non-vocational as well as vocational functions;

iii. core subjects should be kept to a minimum in order not to discourage innovation and variety in legal education;

iv. professional law teachers should play a major part in the provision of professional legal education which, it has been shown by experience in many jurisdictions, cannot be satisfactorily provided if exclusively assigned to full-time practitioners.

(c) *Student Considerations*

i. The period of training should not be unnecessarily long nor should it contain unnecessary subject repetition;

ii. the training should be well suited to its purpose;

iii. financial provision should be such that there will be genuine equality of opportunity without hardship.

50. The evidence submitted to us and outlined in Chapter II indicates clearly that the present system of legal education is inadequate and in certain cases is a deterrent to students who might otherwise have entered the Professions. This is particularly true in relation to the length of the period at present required to

qualify for admission as a Solicitor and to the lack of adequate professional training in both branches of the Profession.

51. In the Introduction to this Report we acknowledge our indebtedness to the work and the conclusions of the Ormrod Committee and we wish at this point to stress what appear to us to be some key elements in the philosophy behind that Committee's Report. We accept, inter alia—

(a) the arguments for the reduction in emphasis on formal examinations and coverage of text-book subjects in professional examinations;

(b) the partial substitution of formal training in skills for apprenticeship;

(c) the varied and changing nature of legal practice and the desirability of a substantial common element of training for both branches of the Profession;

(d) the relevance of other disciplines to the study of law;

(e) the desirability of variety in undergraduate legal education and in the types of person to be recruited into the Professions.

52. We would underline the importance to Northern Ireland, with its separate legal jurisdiction, of a properly trained Legal Profession. The complexity of the legal system makes it imperative in our view that the inadequacies of the present system of learning by experience—and indeed sometimes learning by mistake—should be replaced by an adequate system of professional training which will ensure in so far as this is possible the efficiency of new entrants to the Professions from the earliest stages of their careers.

53. In our consideration of the future pattern of legal education in Northern Ireland the following courses appeared open to us—

(a) an arrangement whereby students for the Professions could receive training in England;

(b) the establishment of an Institute of Professional Legal Studies to provide courses of training within Northern Ireland separate from Queen's University;

(c) the establishment of an Institute of Professional Legal Studies to provide courses of training within Northern Ireland based upon the facilities and expertise of Queen's University.

a. Training in England

54. Under the arrangements for courses of legal education introduced in England and Wales in 1972, students for the Bar are required to follow full-time courses at the Inns of Court School of Law, at the Law Society College of Law or at an Institution approved by the professional bodies for training purposes. The arrangement whereby a student could sit the Bar Final Examination without attending a formal course of study ceased with the introduction of this requirement.

55. Any course of training followed in England must, of necessity, be deficient in Northern Ireland Law and Practice; it would therefore be necessary for some provision to be made within Northern Ireland to remedy this defect. The extent

of the provision would have to vary to meet the demands of students with differing legal training at undergraduate level.

56. The cost of meeting the economic tuition fee which we are advised was, in January 1973, £221 at the Inns of Court School of Law, £220 for the course leading to the Bar Final at the College of Law and £120 for the voluntary 6-months course at the College of Law leading to the Part II Examination of the Law Society, together with the cost of maintenance and travel would be high, and such costs may be expected to rise. Expenses in connection with a "topping up" course in Northern Ireland Law would have to be met and older students, married students and students with awards carrying a high parental contribution would be penalized by a system requiring substantial financial outlay as a pre-requisite of qualification.

57. Awards for courses of professional legal training are made at the discretion of Education Committees which have limited funds available to cover all types of discretionary awards. Expensive courses could mean that some committees would have to decide whether, or not, with other demands upon their resources, they could meet the expenses which would be involved.

58. A 'brain drain' would almost certainly result from training in England and from the additional period of study which would be required to fulfil the requirements in relation to Northern Ireland Law and Practice. Furthermore, to devise a secondary course in Northern Ireland Law and Practice to meet the deficiencies in the training of students from different universities with different qualifications would, we consider, be both complicated and expensive. Particular difficulties would also require to be overcome in the case of intending Solicitors. Hitherto the number of students taking courses in England has been small and has been restricted largely to students for the Bar. Any recommendation that students for both branches of the Profession should seek a part of their training in England assumes that recognised centres of professional training there could accommodate Northern Ireland students not intending to practise in England and Wales. We do not believe that this assumption can be made.

59. Finally the Professions would have to consider the question of recognition of training in England—over which they would have no control—for entry to the Professions in Northern Ireland.

60. We concluded that we could not recommend that students should receive their professional training for entry to the Professions in Northern Ireland largely in England, and that the case for establishing an Institute of Professional Legal Studies within Northern Ireland was unassailable. We therefore examined the remaining two alternatives.

b. An Institute of Professional Legal Studies separate from Queen's University

61. We considered the question of recommending the establishment of an Institute of Legal Education separate from Queen's University but we came to the conclusion that the expense of setting up such an Institute with the necessary heavy outlay in library and other resources duplicating those already provided by Queen's University, and the loss of the link with the University Faculty of Law and other facilities of the University made such a recommendation impracticable.

c. An Institute of Professional Legal Studies based on Queen's University

62. It appeared to us that the third alternative—that of an Institute of Legal Studies based on the existing facilities of Queen's University, having close links with the Faculty of Law and access to the University Law Library, concerned directly with training for both branches of the Profession in Northern Ireland and with providing courses approved by the Professions for their purposes and governed by a Council representing both the Professions and the University—should be the main recommendation of our Committee. This recommendation in effect is no departure from the present position whereby the University at present provides the main source of professional training; indeed it will be seen as an extension of the existing provision and the building on to it of a system of professional legal education which whilst retaining the best of the present system yet provides for the close co-operation of University and the Professions in the establishment of a new system of professional training. We would furthermore recommend that the Institute should be the only centre for professional legal studies in Northern Ireland and in addition to initial professional training should provide opportunities for continuing education.

CHAPTER V

RECOMMENDATIONS

63. We make our recommendations for the education and training for professional qualifications in the two branches of the Legal Profession in Northern Ireland on the basis that legal education should be planned in three stages:

(a) the university stage;
(b) the professional stage; comprising:
  i. institutional training;
  ii. in-training; and
(c) continuing education or training.

These are the stages recommended by the Ormrod Report. We also adopt the general principles of that Report in relation to legal education for the Professions and our Report should be read in conjunction with the Ormrod recommendations. In particular we emphasise their recommendations that:

(a) For the purpose of training for the Legal Profession, academic and vocational legal education should as far as possible be integrated into a coherent whole.
(b) The scheme of legal education should reflect the Profession's continuing need to recruit men and women of widely differing character, temperament and attainments.
(c) Legal education should not attempt to equip the lawyer at qualification with a comprehensive knowledge of every subject he may encounter in practice; instead, it should concentrate on providing him with the best possible general introduction so as to enable him, with the help of experience and continuing education after qualification, to become a fully equipped member of the Profession.

64. Whilst however we accept the principles it will be seen in the recommendations which follow that we have adapted these principles to the particular situation of Northern Ireland and its governmental, administrative, educational, and professional institutions and their inter-relationship.

65. We consider the following features to be of particular and fundamental importance requiring methods, solutions and financial support different from those required in England and Wales:

(a) Northern Ireland has a distinct and separate legal system. Whilst there are large areas of statute law modelled on the statutes of the United Kingdom, these Acts have been adapted by the Northern Ireland Parliament to the needs of Northern Ireland. A separate body of relevant case law exists as a result of the decisions of the Northern Ireland Courts. Some grounding is also required in Northern Ireland Constitutional Law and the Northern Ireland Legal System whilst Land Law, Conveyancing and Family Law are materially different from the position in England. Differences in Civil and Criminal procedure are also highly important in practice. The lack of current text books or other explanatory material

emphasises the need for formal tuition and we have already mentioned this point (see paragraphs 29 and 37).

(b) The establishment of the two branches of the Profession as the Legal Professional Bodies for Northern Ireland came as a result of the constitutional settlement in 1920. It involved the setting up of two Professional Bodies with no adequate financial resources from their parent bodies and required continued Government assistance in the way of buildings and institutional backing for professional courses. There are special needs in Northern Ireland in respect to legal reference works, and text books on Northern Ireland Law and Procedure which themselves require special Government financial support, as is already the case with the Northern Ireland Law Reports which are published with a grant from central funds.

(c) Queen's University Belfast both historically and at the present day stands in a unique position in relation to legal education and professional legal education in Northern Ireland. It is quite different to and distinct from the position of any English University in relation to legal education and professional legal education in England. There are the following particular features:

i. It is the only University or University equivalent law school in Northern Ireland. There are no full law degrees either at The New University of Ulster, Coleraine or The Ulster College. Moreover the statistics seem to show it will be able to continue to provide for the needs of full three or four year law degree graduates for the foreseeable future.

ii. Since 1926, it has provided courses for the Professions in addition to its law degree courses, for example the final professional year for the Bar and lectures on Evidence, Criminal Law, Tort and Contract for students taking the first year solicitor's examinations.

iii. Entry to both the Professions is in fact normally by way of a University degree in law and is most commonly by way of that of Queen's University.

iv. The main Law Library in Northern Ireland is at Queen's University with library resources far beyond the professional libraries of the Bar and the Incorporated Law Society.

v. The relationship of Queen's University to the Professions and professional education can be looked at as part of the provisions for the administration of justice resulting from the original constitutional settlement.

66. It is for the above reasons that in our Report we recommend that Queen's University should continue to be the home of the only law school in Northern Ireland and should provide the base for the professional courses recommended in the Report. We recognise, however, that the demand upon the University for undergraduate law teaching is such that it would be too great a burden upon the Faculty of Law to require it to undertake professional courses. In addition, it is not equipped to meet the demand for these types of course either in terms of financial resources or of staff. It is clear that the Law Degree of Queen's University will be, for most entrants, the basic qualification for entry upon a course of professional study. So far as the length of the degree course is concerned—as to whether it should be a 3 or 4 year degree—we consider this

to be entirely a matter for the University. We conclude for these reasons that the provision of a vocational course can not and should not be undertaken by the Faculty. Our proposals are designed to foster the existing close links between the Faculty and the Professions whilst making separate, but related provision for professional training within the University.

67. Our proposals which we elaborate later in the Report can be summarised as follows:

(a) The University Stage

Entry to the Professions in Northern Ireland should normally be by graduates who have an approved Law Degree, obtained after a minimum of three years full time study at a University or other degree awarding institution. Alternative methods of entry should however continue to be provided for candidates referred to in paragraphs 70 and 71.

(b) The Professional Stage

Vocational courses of one year's duration and suitable for both Professions should be provided by Queen's University through an Institute of Professional Legal Studies situated near to the Law Faculty, and the Library. In-training should be provided under arrangements to be made by the Professions themselves.

(c) Continuing Education

Courses of continuing education should be provided for the Professions. To date, although there has been a number of lectures or conferences organised particularly either by the Incorporated Law Society or the Faculty of Law or both in conjunction (see paragraph 41), the provision has been unsystematic, resting on the chance initiative of one or the other. We accordingly recommend that the main, but not sole, responsibility for the initiation, co-ordination and organisation of continuing education should lie with the Director of the Institute who should act in consultation with the Professional Bodies both in regard to content and frequency of courses and on the basis that the full cost falls on the Professions or its members. As part of this continuing education function we also recommend that he seek ways and means of providing a much better range of texts on Northern Ireland Law than is presently available. The serious lack of up-to-date commentary on Northern Ireland Law is well known and as has been pointed out in evidence and in Paragraphs 29 and 37 above clearly inhibits both the effective academic study of Northern Ireland Law and its day-to-day application in practice. A start could perhaps be made by co-ordinating with HM Stationery Office a commentary helpful to practitioners on all Legislation peculiar to Northern Ireland.

(a) THE UNIVERSITY STAGE

68 Qualification by Law Degree

We have already mentioned that entry to the Professions is normally by way of a law degree. We now recommend that this should be explicitly recognised by the two branches of the Profession in Northern Ireland. We adopt the

statements relating to the advantages of law degree entry, the relation of the law degree to professional examinations and the necessity of a link between the law faculties and the Professions in paragraphs 101–109 of the Ormrod Report. With regard to the definition of a "law degree" for these purposes we commend to the Professional Bodies the definitions at paragraphs 110–111 of the Ormrod Report which we repeat here for easy reference:

Definition of law degree

110. We make our recommendations only on the basis of the continuance of the three-year degree courses. Three years' study at the university is the minimum necessary for a professional qualification, not only because a reduced period of study would affect the quality and standard of the education received, but also because we consider that maturity is a relevant factor in determining the conditions to be imposed for professional qualifications generally. Accordingly, we think we should make it clear that by the phrase "a law degree" we mean one of the following:

(1) a degree in law obtained after a three-year course of full-time study at:
- (a) a university in England and Wales or Northern Ireland; or
- (b) a polytechnic or college of higher education at which the law course is approved for degree purposes by the Council for National Academic Awards (a "CNAA degree course"); or
- (c) an approved institution preparing students for the external London LL.B. degree (an "approved external degree course");

(2) a degree in law, obtained as above, after a four-year course, including a course of the "sandwich" type;

(3) a degree in law, obtained as above, after a two-year course in the case of students who have already graduated in another subject;

(4) a degree in law obtained at a university in Scotland or the Republic of Ireland which has been approved for the purpose; or

(5) a "mixed degree" which fulfils the requirements set out in the next paragraph.

Except where otherwise stated, "approved" in this context means approved by the Professional Body concerned after consultation with the Advisory Committee.

Mixed degrees

111. The question of the "mixed degree" requires further discussion. We are anxious that intending practitioners should not be discouraged from taking degrees of this type which we think can be a valuable form of preparation for practice. On the other hand, the professional bodies may be justifiably concerned lest the law content of degrees of this type should be unduly attenuated by other material. While it will ultimately be a matter for them to decide, we suggest that it would be reasonable for the profession to accept a mixed degree as a law degree for qualifying purposes if it conforms to the following requirements:

(1) it requires the study of at least eight law subjects of which five shall be the "core" subjects referred to above in paragraph 108;

(2) it is awarded after a three-year course of full-time study during which legal subjects are studied in at least two of the years, one of which shall be the third or final year;

(3) it is awarded by a university in England and Wales or by a polytechnic or college of higher education approved by the CNAA for degree purposes; and

(4) it has been approved for qualifying purposes by the professional bodies after consultation with the Advisory Committee.

69. With regard to these recommendations there are however three problems which must be considered by the Professions in Northern Ireland:

(a) Paragraphs 110 and 111 are still under consideration by the Professions in England and Wales and by the Advisory Committee on Legal Education set up by the Professions and academic bodies. It may be that they will

be modified by specifying the core subjects as a condition of recognition of a law degree and by their amplification to include Equity or Trusts. There are obvious advantages in the definition of the appropriate degrees being in parallel in England and Wales, and in Northern Ireland. We therefore commend to the Professions in Northern Ireland the consideration of the English definitions when they appear, and in the meantime recommend that the law degree within the Ormrod recommendations be recognised provided that it contains the following core subjects:

(1) Constitutional Law
(2) Law of Contract
(3) Law of Tort
(4) Land Law
(5) Equity or Trusts
(6) Criminal Law.

(b) A particular problem arises in relation to Northern Ireland for candidates who have taken their approved law degree in a university other than Queen's University. In these cases we recommend that their law degree be recognised on condition that they reach a satisfactory standard in a specially mounted short course on Northern Ireland Law. We have in mind, in particular, Constitutional Law of Northern Ireland and Legal System of Northern Ireland; Land Law and Family Law are also significantly different but the differences may be dealt with in a Conveyancing or Divorce course. It is unlikely that the full-scale courses run by the Law Faculty at Queen's University would be suitable for this purpose, and we anticipate that the courses we have in mind should be mounted in the Institute, no doubt with the help of Law Faculty staff if necessary. Law graduates of Queen's University, who have covered these topics in their course (which all at present do) would, of course, be exempt.

(c) If a Council of Legal Education for Northern Ireland is constituted as recommended in this Report we see great advantages in the Professions in Northern Ireland delegating to that Body their powers and duties in relation to the recognition or conditional recognition of approved law degrees.

Alternative Method of Qualification

70. We have recommended above that the normal entry to the Professions should be by way of a law degree.† Nevertheless we believe that there should be an alternative form of qualification at the academic stage for:

(a) graduates whose degrees do not qualify for recognition as law degrees;
(b) foreign graduates at the discretion of the Professional Bodies;
(c) seven year men under Section 16 of the 1898 Act or its successor; and
(d) mature students.

71. The alternative form of qualification for the above classes of candidates

† The Professions should of course retain their discretionary power to admit candidates in special cases who may not have the above qualifications.

should be by an agreed course at Queen's University covering the core subjects and other subjects as agreed by the two Professional Bodies and the University. The course would make use of the appropriate subjects in existing Queen's University courses; would involve the passing of suitable examinations and would normally require two years, with the proviso that the Professions would have the discretion to allow approved courses of less duration in particular cases.

(b) THE PROFESSIONAL STAGE

General Considerations

72. We adopt the recommendations of the Ormrod Report and in particular the following:

> **"Nature of the professional stage**
>
> 123. The professional stage of training, by which we mean the period between the end of the academic stage and the time when the practitioner is permitted to engage in independent practice on his own account, is the beginning of a continuum which lasts throughout the practitioner's professional career, during which he acquires the skills and the techniques, the knowledge and the experience of his profession. Call to the Bar, or Admission to the Roll, marks not the end of the process of training, but the stage of formal admission to membership of the Profession. The Law, like Medicine and other professions is moving away from the 19th century concept of qualification as the stage at which the practitioner is to be regarded as professionally competent to undertake every form of practice. Education and training need, therefore, no longer be primarily concerned with satisfying qualifying examinations. While it is recognised that some form of examination will probably be unavoidable, . . . the aims should be to free the training arrangements from the shackles of a test set with a view to ensuring that the candidates have covered the whole field, or as much of it as possible, and to adapt the requirements for qualification themselves, as far as possible, so that they encourage new entrants to make the best use of the opportunities which are available for their education and training".

The Professional stage ought to be planned in relation to the method of entry which will normally be by way of a law degree.

> **"Objectives of professional training**
>
> 125. This stage of training has two main objectives. These are, first, to enable the student to adapt the knowledge of the law and the intellectual skills, which he should have acquired in the academic stage, to the problems which arise in legal practice, and secondly to lay the foundations for the continuing development of professional skills and techniques throughout his career. If unnecessary duplication and waste of time are to be avoided, the arrangements for this stage must be based upon the assumption that the academic stage has achieved its objective in the training scheme, namely, that the student has acquired a sound grasp of legal principles, a sufficient knowledge of the basic law subjects and the ability to handle law sources so that he can discover for himself with reasonable accuracy, and without unreasonable expenditure of time and effort, the law which is relevant to any problem with which he is likely to be called upon to deal in his early years in practice. From this, it follows that the amount of substantive law to be studied (and examined) in this stage of training should be kept to the minimum and the temptation to require candidates to "cover" additional law subjects resisted, as far as possible."

Vocational training and in-training

In paragraph 126 of the Ormrod Report there is a clear statement as to why it is premature, in that Committee's view, to regard vocational courses as a

substitute for training under the conditions of actual practice. The main reasons given are:

(a) Although existing experiments in vocational courses in legal education are "encouraging", "the material is lacking upon which to make confident assessments of their efficacy as a method of training, or firm decisions about the best ways of conducting or organising them".

(b) Experience of vocational courses in other fields, such as schools of business studies or staff colleges, must be applied with caution. This is because these are of the "post-experience" type whereas in law the vocational courses will be for lawyers without any experience of actual practice. "It is generally agreed that experience of actual practice is essential before any person can be considered fit to undertake the full responsibilities of a professional occupation".

(c) The legal profession has no equivalent to the teaching hospital. The only way to acquire experience is necessarily by in-training in actual practice.

We adopt the same reasoning which we believe to be reinforced by the following two factors:

(a) Since any vocational course mounted would have to be one in which the content is largely common to both branches of the Profession, it is the more important that it should be followed by the in-training appropriate to each branch of the Profession.

(b) Since the Ormrod Report was published, Australia has conducted far-reaching experiments in vocational courses to meet similar difficulties as occur in Northern Ireland (Appendix C). Despite the encouraging success of their experiments these courses do not claim to do more than "supplement and strengthen" in-training and must be followed there by a period of limited practice.

INSTITUTE OF PROFESSIONAL LEGAL STUDIES

73. We recommend that a postgraduate professional law course of one year's duration should be provided at Queen's University by an Institute which could be called the "Institute of Professional Legal Studies". The University has in the past provided and at present continues to provide a large proportion of professional training; it has close links with the Profession and an Institute at Queen's University would not represent a radical departure from existing arrangements but would build upon and improve them. Furthermore, although we have carefully considered suggestions that the Institute should be established elsewhere, we are convinced that such a course would be impracticable and uneconomic for the reasons mentioned in paragraph 61. Essentially this Institute would have responsibility revocably delegated to it by the Professional Bodies for providing the courses, examinations and assessments which are required to be satisfied before admission. The Institute would have to be established by University Statute pursuant to Section 4 of the Irish Universities Act 1908 and Section X of the Charter of Queen's University. The Inn of Court, and the Incorporated Law Society would, of course, retain their present powers to decide whether or not a particular student was a fit and proper person to be admitted into the Profession, and we recommend that students would first

have to be admitted as students of the Inn of Court or the Law Society before they could obtain a place for the vocational course at the Institute.

74. The Institute proposed above would need a governing body which reflects the interests of all parties concerned—that is the interest of the two branches of the Legal Profession in Northern Ireland as regards the education and training of its future members, and the interest of the University in the proper application of the university resources committed to the Institute.

THE COUNCIL OF LEGAL EDUCATION (NORTHERN IRELAND)

Membership

75. We therefore propose that the governing body be styled the "Council of Legal Education (Northern Ireland)" hereinafter called "the Council" and that its membership be as follows:

(a) The Lord Chief Justice of Northern Ireland, or his nominee being a person holding high judicial office (Chairman);

(b) Three members of the Inn of Court, nominated by the Benchers thereof;

(c) Three members of the Incorporated Law Society, nominated by the Council thereof;

(d) The Dean of the Faculty of Law of Queen's University;

(e) Three members of the Faculty of Law of Queen's University, nominated by the Academic Council after considering recommendations of the Faculty of Law;

(f) One member of the Senate, nominated thereby and not being a teaching member of the Faculty of Law;

(g) The Director of the Institute;

(h) The Adviser to the Council of Legal Education (Northern Ireland) for the period of time during which this appointment is filled;

(i) Such other persons, not exceeding two in number as the Council may co-opt.

Appointment of the Director of the Institute

76. We recommend that appointment of a Director of the Institute should be made by the Senate after receiving and considering a Report by a Joint Committee set up for this purpose by the Council and the Board of Curators of Queen's University and with their concurrence. He should be appointed full-time at such remuneration and upon such terms and conditions as the Senate shall deem fit. We also recommend that the Director should be eligible for membership of the Academic Council of the University. We outline what we consider should be his duties in paragraph 80.

Appointment of the Adviser to the Council of Legal Education

77. We propose that, after receiving and considering a report so recommending, from a Joint Committee set up for this purpose by the Council and the Board of Curators of Queen's University, the Senate shall appoint a part-time Adviser

to the Council to hold office for a term not exceeding three years. Any further appointment of an Adviser should be at the discretion of the Council. His duties, remuneration and terms shall be such as the Senate deems fit.

Period of Office of Members

78. We propose that members of the Council, other than ex-officio members, should hold office for four years and be eligible for re-appointment. Members should be able to resign on giving notice of such resignation to the Council. A new member filling any such casual vacancy arising should hold office for the unexpired term of office of the member he replaces.

Powers and Functions of the Council

79. The Council should, we propose, have the following powers and functions:

(a) to provide for and promote education leading to membership of both branches of the Legal Profession in Northern Ireland through the medium of the Institute;

(b) to establish the courses leading to the award of the certificate mentioned in (c) and to regulate admission thereto;

(c) to provide examinations and other methods of assessment leading to the award of a Certificate of Compliance with the requirements of the courses provided by the Institute;

(d) to provide or promote continuing education through the medium of the Institute for existing members of the Legal Profession in Northern Ireland, and to promote the publication of legal material which would assist the students of the Institute or legal practitioners in Northern Ireland or which would be of assistance to the government and public in general;

(e) to set up a Joint Committee with the Board of Curators for the purpose of making recommendations to the Senate with regard to the appointment of a Director of the Institute and an Adviser to the Council as and when appropriate and also the appointment of other members of the academic staff and the Institute's examiners with such remuneration and upon such terms as the Senate shall deem appropriate;

(f) to exercise functions agreed with the Inn of Court and the Incorporated Law Society in Northern Ireland on questions arising regarding the recognition and standing of Law degrees;

(g) to appoint such sub-committees as may be necessary to whom any of the Council's powers and functions may be revocably delegated;

(h) to make an Annual Report to the Senate, a copy of which shall be sent to the Inn of Court and the Incorporated Law Society, giving an account of the exercise of its powers, functions and activities during the preceding year;

(i) such other powers and functions as the Senate may from time to time on the recommendation of the Council determine.

Functions of the Director

80. The primary function of the Director will be to be responsible for the planning, staffing and administration of the vocational and continuing education courses of the Institute. He would normally, too, take a substantial part in the

teaching and preparation of material for the Institute, in the publication of legal texts pertaining to Northern Ireland Law and in the collection of statistics relating to Legal Education in the Province. He would also be responsible for calling at least three meetings of the Council per annum and for drawing up the Council's Annual Report for approval by the Council. (It is possible that he would need the assistance of an Administrative Officer if the number of students taking courses were of any size, or his duties were otherwise found to be too onerous, but we have not made initial provision for this.)

Functions of the Adviser

81. The functions of the Adviser would be to assist the Council and the Director in policy decisions relating to the detailed provision of courses in the light of the long and short term requirements of professional practice in Northern Ireland and the UK generally and also in the light of the experience of other UK or Commonwealth Law Schools providing similar courses. He would also assist in the setting and maintenance of proper academic standards.

Relationship of the Institute with the University

82. It will be seen that the Institute will be essentially responsible directly to the Senate, and it will have a special relationship analogous to that of the Institute of Education. Its relationship with the Faculty of Law will be indirect since the Institute will be concerned in no way with degree courses or post-graduate degree work. These functions remain exclusively exercisable by the Faculty of Law which will continue to be responsible only to, and controlled by, the University. Nevertheless it is clearly in the public interest that there should be as much co-operation and sharing of resources between the Faculty of Law and the Institute as is possible, and the Faculty of Law is accordingly well represented on the governing body of the Institute. In this way views of either institution will no doubt be taken into account before one makes changes or acts in any way which might affect the other, and reciprocal facilities in respect of teaching and library accommodation will be worked out.

83. We accept, as has been accepted in England, that the Professional Bodies, as the organisations entrusted with the duty of prescribing and supervising the requirements for qualification for the legal profession, must have a "powerful influence" (see Ormrod Report, paragraph 139) over the conduct and content of the proposed vocational courses. This is recognized in the proposed constitution of the Council and by the requirements (a) that a Regulation of the Professional Bodies is a necessary precondition of recognition of the Institute's certificate (see paragraph 73) and (b) that students must be admitted as students of the Inn of Court or the Incorporated Law Society before they can be admitted to the vocational course provided by the Institute.

Costing

84. We append below an approximate estimate of the capital and regular recurrent expenditure involved in setting up the proposed Institute, ignoring indirect overheads such as the cost of making general university facilities (including general library accommodation, catering and recreational facilities)

available to staff and students. Student numbers averaging 50 per annum are assumed. The figures represent estimates at 1972 salary and price levels and must be increased by the appropriate factor to take account of rises in such levels subsequently.

85. We recommend that initial capital expenditure and recurrent expenditure be provided by the Northern Ireland Government by way of an earmarked grant to the University.

Capital Expenditure

	£
Cost of building	up to 50,000
Furniture and equipment for class rooms and staff offices including desks, chairs, bookcases, filing cabinets, typewriters, duplicator photo-copier, teaching aids	4,000
Establishment of specialist Library	7,500
	61,500

Regular Recurrent Expenditure (Annual)

	£
Salaries of Director, Adviser and three Senior Lecturers† including Research and Travel grant entitlements and FSSU. (One Senior Lectureship may be left unfilled and the money used for part-time teaching assistance from practitioners etc.)	30,200
Salaries of Administrative Staff (one at Grade B two at Grade C)	3,742
Equipment Grant	200
Library Grant	2,300
Heating, lighting, insurance, cleaning and maintenance of building	2,000
Department Grant to cover stationery, telephone, postage and other clerical expenses	1,000
	39,442
Less amount to be provided by fees for 50 students at £80 per student	4,000
	35,442

Continuing education by way of conferences and courses for practitioners would be provided on a self-financing basis.

† Assessed at the maximum point of the scale to attract persons with suitable qualifications and experience.

Vocational Courses

86. With regard to the Vocational Courses to be provided by the Institute, the nature and function of these was analysed in paragraph 133 of the Ormrod Report. In particular the Report emphasised the following general points with which we agree:

(a) The main function of a vocational course is to bridge the gap between academic study and the practical application of the law;

(b) There should be three main elements in these courses, namely:
   i. practical exercises;
   ii. some additional law subjects; and
   iii. some non-law subjects of special concern to legal practitioners;

(c) The course should not be regarded primarily as a means of preparing for a qualifying examination. Though some form of examination is likely to be necessary to ensure attendance and maximum effort by students, this should be combined with some form of "continuous assessment";

(d) The course should be broadly enough based to allow such features as the holding of legal aid and advice clinics, visits to courts, registries, business offices, stock exchanges, prisons etc. and co-operation with other disciplines (business studies, psychology etc.) to be integrated into the course;

(e) Conventional lectures should be kept to a minimum and the courses should be strongly orientated towards the problems of practice.

Paragraphs 135, 137 and 165 of the Ormrod Report amplify the Committee's recommendations as to the place of Law and non-Law subjects in the Vocational Course and the Nature of Assessment and again we adopt these general conclusions. Paragraph 134 contains some valuable comments and suggestions as to the objectives and scope of practical exercises. It is emphasised that both contentious and non-contentious topics are suitable to be taught in this way, that emphasis should be placed on tax and estate duty considerations and that "care should be taken to introduce problems of professional ethics and etiquette". The Ormrod Committee also emphasised the need for the closest liaison with Practitioners, "both as advisers and suppliers of materials and precedents and as judges to preside at the practice court trials". Since the Ormrod Report was published, both the College of Law and the Inns of Court School of Law have produced detailed course programmes. We reproduce that of the College of Law as Appendix B. Information relating to the current course at the Legal Workshop at Canberra which was visited in November 1972 by a member of the Committee, Professor Brian Harvey, is contained in Appendix C. These now form perhaps the most valuable current evidence as to what is feasible to be included in a Vocational Course in a jurisdiction such as Northern Ireland, particularly in the initial stages. Owing to the formidable technical and administrative difficulties in conducting practical exercises of the sort which are continuous for a week, we have notionally allocated a comparatively small number of weeks to these exercises (see paragraph 89 below). The process of building up these exercises with the major part of the course will be evolutionary, and if the experiment is successful, we would expect substantially longer to be devoted to them as experience accumulates.

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87. We stress that the setting up of vocational courses is a major organisational task requiring an approach to practical professional training different from both existing academic courses in the University and existing courses in the professional law schools. It requires staff of considerable professional experience, and with a continuing link with the Professions. It also requires a great degree of support for the practical exercises to be provided by the Professions. We believe that the Director is the key to the establishment of the courses, that his qualifications must be of the highest order and that the post must carry a salary sufficient to attract a man of the calibre and experience needed, and that he must also be allowed to maintain direct links with the Professions at least by consultancy. It may be necessary to second a person holding high office to the post.

88. So far as the working out of these new courses is concerned, we believe that this should be left to a Working Party to be established as soon as the Director has been appointed. The working party should consist of the Director, two experienced members of the professions (one each from the respective Education Committees of the Professions), an experienced academic and the Adviser.

89. We commend to the working party the following considerations which we have identified in our deliberations:

(a) There should be one course for barristers and solicitors with a core of subjects and practical exercises common to both. There may, however, be variations to cover some subjects required by one Profession rather than the other, and there would be considerable variations in the practical exercises.

(b) The course would be a highly professional practical course of some 39 weeks involving the completion of a candidate's education in the subjects required for his Profession and the use of these subjects in practical exercises.

(c) The following is a pattern of a course, which although likely to be modified by experience, would fulfil the considerations we have had in mind:

i. A nine months' course from say mid-September to mid-June, with four weeks of the period as vacation;

ii. 35 course weeks of which five would be required for examinations, assessment and revision, leaving 30 weeks;

iii. Of the 30 weeks, 5 weeks to be taken up by instruction and training in office organisation, accounts, the basis of professional charges, professional etiquette and relations with clients, staff and other members of the Professions. This would be appropriately modified to the requirements of each of the Professions; and

iv. Approximately sixteen of the remaining twenty-five weeks to be allocated for education in certain areas of the law which might not have been covered in a degree course or which might require emphasis in relation to the practical everyday needs of the Profession. We believe it will be essential for candidates to have an adequate knowledge of certain branches of the law in order to complete successfully the vocational course and, in particular, to cope with the practical exercises which assume a knowledge of theory, but that knowledge need not necessarily be at honours degree level. In the case of some topics,

teaching could be at a practical level adequate for undertaking the exercises. The branches of law we have in mind (taking solicitors and barristers together) are:

Evidence
Company Law
The Administration of Estates
Civil Procedure
Criminal Procedure
Conveyancing and Land Law
Family Law
Administrative Law
Revenue Law
Social Security Law

It is clear that (i) a candidate who had taken a degree course in these subjects would have the necessary knowledge apart from practical topping up (ii) Evidence, Civil and Criminal Procedure and Conveyancing would be taught during the course (iii) it would probably be too much to expect a candidate who had not done the subjects on his degree course to be able to do as new subjects on his vocational course more than two of the subjects Company Law, the Administration of Estates, Conveyancing, Land Law, Family Law, Administrative Law, Revenue and Social Security Law. Candidates would therefore have to satisfy the Council of Legal Education that they are suitably prepared in sufficient subjects before being admitted to the course. (Experience would show whether candidates who had taken mixed degrees or degrees not including all or most of the above topics might not have to have an intermitting year at Queen's University to get the necessary grounding.) It may also be the case that all the above subjects may not be required for each branch of the Profession. The Working Party would need to give careful consideration to this particular problem in the light of what it is actually practicable for the Institute to teach.

v. The third part of the Vocational Course would consist of practical exercises and we have allocated a notional nine weeks to this. These should emphasise "Learning by Doing" and should as far as possible be based on the main contentious and non-contentious topics which form the "bread and butter" work of both branches of the Profession. The programmes in Appendices B and C indicate the areas chosen in England and Australia which we would expect to be guidelines to the Working Party in drawing up the Institute's first programme.

vi. Continuous or coursework assessment, satisfactory completion of the practical exercises, as well as examinations on a pass or fail basis, should be used to assess satisfactory completion of the course.

vii. Throughout the course, arrangements would be made for direct instruction by judges and practising members of the Professions; visits to the Bar Library and Solicitors' offices and to local government, and central government offices; attendance at the courts and other direct involvement in the work of the Professions, possibly on the

basis of a day or half-day a week throughout the course. This type of instruction would be provided under arrangments made directly by the Professional Bodies in consultation with the Director. We attach special importance to the direct involvement of the Professions in this way. The Institute would also explore the possiblity of running legal advice clinics, which should combine both a social service and, if broadly based, a valuable educational experience.

viii. It cannot be too highly stressed that the planning and preparation of this type of course, which is quite unlike anything which has taken place in Northern Ireland before, will be a major operation. It would be a recipe for disaster if the Institute was forced to open its doors before its course had been thoroughly prepared. We therefore recommend that the Institute should be set up and that the Director and/or the Adviser and key staff be appointed at least six months and preferably one year before it commences operations. During this period the Director could acquaint himself thoroughly with the courses at present operating in England and the Working Party which we mention in paragraph 88 could make its recommendations.

IN TRAINING

90. We recommend that this should continue under arrangements to be made directly with the respective Professions. In the case of the Bar more formal arrangements for pupillage should be made by the Benchers.

91. No doubt the Benchers will bear in mind the requirements of the Bar in England for a period of 12 months pupillage after Call during the first 6 months of which a barrister is not permitted to take work on his own account. The retention of this arrangement was endorsed by the Ormrod Committee, although it also pointed out the financial difficulties for the newly called barrister during the period of pupillage—a difficulty which this Committee has also considered.

92. In the case of the Solicitors we recommend that in-training should be by way of limited practice. Limited practice requires that a newly admitted solicitor may not practice alone or in partnership until he has completed 3 years as an assistant solicitor. The completion of the course of vocational training which we advocate for student solicitors should mean that the assistant solicitor although lacking in actual experience in a solicitor's office should be much better qualified professionally than hitherto and should in consequence be of greater assistance to his Master. The problem of ensuring that the assistant solicitor receives a sufficiently wide experience of different legal situations in his Master's office is no doubt one to which the Incorporated Law Society will address itself. We also stress the value of a period of in-training as a professional requirement, either by way of pupillage or of limited practice.

CONTINUING EDUCATION

93. We envisage this to be an important function of the Institute and that it should be provided under self-financing arrangements made with the Professions.

GRANTS

94. The success of any system of professional education requires an adequate system of grants to students to ensure that the Profession is open to all. The continuance of the support by way of awards for the mandatory professional year will ensure this.

RELATIONSHIP BETWEEN THE FACULTY OF LAW QUEEN'S UNIVERSITY BELFAST AND THE INSTITUTE

95. The success of the above recommendations depends upon the closest co-operation between the Faculty of Law and the Institute and the existence of good liaison and working arrangements between the Faculty and the Professions. The relatively low finance and costing of the Institute is only possible through full utilisation of the existing resources of Queen's University and through the continuance of a strong Law Faculty expanding with the needs of Northern Ireland. It is also dependent upon the continued development of the University Law Library as the main collection of legal books and materials in Northern Ireland.

96. At the same time the vocational course must be sufficiently distinct in content and *atmosphere* from the undergraduate law course for it to be felt to be something other than a fifth year of the Queen's University LL.B. Students must feel a sense of professional involvement and purpose, which is naturally less marked in an LL.B course. A radical change of scene also involves a change of teachers (though in appropriate cases suitably qualified members of staff of the Faculty might undertake subsidiary roles in the Institute.) Practising lawyers, though not necessarily experienced teachers, can often bring a welcome freshness of approach after a purely academic law course and as we have stated before we would hope to see a major involvement of them in this course under the careful supervision of the Director and his permanent staff. These remarks are made particularly in the light of the experience of the Legal Workshop in Canberra which though closely connected by its constitution to the Law Faculty of the Australian National University is, as a matter of policy, physically distinct and entirely independently staffed. Further evidence of the desirability of creating a distinct entity comes from experience with the Bar Course held on a temporary basis mainly within the Faculty in 1972–3. This seemed to many participants little more than an extension of the LL.B course supplied by the familiar teachers in the familiar classrooms, and as an exercise, far removed from being in any sense an introduction to the practical realities of life at the Bar.

97. The close relationship of Faculty and Professions would be greatly helped if the Professions were willing to make special arrangements for Call or Admission of members of the Faculty through their satisfying appropriate courses at the Institute on a part-time basis, and undertaking a suitable form of in-training. We would hope that on its side the university would enable members of the Law Faculty to have the necessary time to take these courses in the Institute (for example, by arrangements in relation to their teaching loads) and to undertake the in-training. For those already qualified to practise we hope that the Professions will facilitate transfer to the Northern Ireland Profession and that the University will continue to allow in appropriate cases

limited practice—for example equivalent to one day per week—for its academic staff provided obligations to the University are not prejudiced. Current practical experience adds a most desirable extra dimension to the teaching of the substantive law at any level. These measures should increase the mutual trust, confidence and close collaboration of Queen's University with the Professions which has long been the characteristic of legal education in Northern Ireland, and may appropriately be described as part of the administration of justice in Northern Ireland. The Committee regards this as a matter of public interest, and its purpose in making this recommendation is to further this important public interest.

CHAPTER VI

FINANCE

98. Our terms of reference require us to make recommendations upon the additional resources which would be needed to implement the recommendations set out in Chapter V.

99. Appendix D indicates the estimated recurrent cost to Queen's University of the courses which it provides at present. The proportional cost of courses for Bar Students and Solicitors' Apprentices is estimated at £14,040 exclusive of tuition fees. It should be noted in passing that the removal of the students at present receiving professional training in the Law Faculty would not lead to any saving in Law Faculty expenditure since the staff/student ratios would be only marginally affected. At paragraph 85 above we set out the estimated cost of the proposed Institute of Professional Legal Studies. The capital cost of acquiring and adapting a building is estimated at an amount not exceeding £50,000. Since we recommend that the building housing the Institute should be as near to the Law Faculty as may be possible, we envisage the purchase and adaptation of an existing house in the University precinct. Furnishings are estimated at £4,000 and the establishment of a small Specialist Library at £7,500, making a total capital outlay of up to £61,500. The Law Library of the University will remain the main general law library for students of the Institute, whilst the holdings of the Specialist Library will, we expect, be more directly related to the courses provided by the Institute. Recurrent expenditure is estimate at £35,442 per annum at 1972 price levels exclusive of a tuition fee of £80 per annum—the normal tuition fee of the Law Faculty. We believe that to recommend a tuition fee in excess of £80 would be a deterrent to students and to Education Committees in their consideration of applications for discretionary awards.

100. We are aware that in other parts of the United Kingdom, awards for courses of professional legal studies are made at the discretion of Education Committees. Since awards in Northern Ireland are made on a system of parity with other parts of the United Kingdom it is unlikely that mandatory awards will be approved by the Government for courses provided by the Institute. We understand however that Education Committees consider applications for awards sympathetically and we would commend to them the importance of awards for courses of professional legal training.

101. We expect the Director to be a person with wide experience in successful practice. Such person could expect to command a salary as a practitioner above the maximum Professorial Salary paid by Queen's University. We therefore recommend that the salary should be fixed at the maximum Professorial Salary of the University and we would expect this amount to be supplemented by limited private practice or other outside sources. The fees and travelling expenses of the Adviser we estimate at some £1,500 per annum. We envisage at least 2 full-time appointments at Senior Lecturer level and money equivalent to that of the salary of a third Senior Lecturer being set aside for part-time

teachers from the Professions. Courses of continuing education for members of the Profession should be self-financing.

102. In all, our recommendations will require additional moneys of up to £61,500 to meet the initial capital outlay necessary to establish the Institute. Savings in the University Law Faculty expenditure cannot be expected despite the removal from it of the courses of professional training at present provided, and we estimate that some £35,450 at 1972 price levels would be required to meet recurrent expenditure.

103. The Professions are at present contributing towards legal education through the provision of their own lectures—for which fees are payable by students. For the year ending 31 December 1971 these fees amounted to £208 for students attending lectures provided by the Inn of Court and £2,993 for students attending lectures provided by the Incorporated Law Society. These fees were disbursed by the Professional Bodies to their lecturers and examiners and a small proportion was devoted to 'overheads'. Since, under our recommendations such courses would be provided by the Institute, the Professional Bodies would cease to provide them.

104. We considered what contribution it would be reasonable to expect the Professions to make towards the costs of the Institute apart from those relating to courses of continuing education which should be met by the Professions. It had been represented to us that the Professional Bodies in Northern Ireland had not received any endowment when the separate Northern Ireland Courts of Judicature were established and that in consequence, their means were very restricted. The Inn of Court and the Law Society provided copies of recent Income and Expenditure Accounts and Balance Sheets and it was clear from these that no significant continuing contribution could be expected from the Professional Bodies unless an educational levy were to be imposed upon practising members.

105. We concluded that the only means of financing the Institute would be by an earmarked initial capital grant for its establishment and by an earmarked recurrent grant to meet annual expenditure; such grants to be payable by the Government to the University.

(*Signed*) A. L. ARMITAGE, *Chairman*
B. W. HARVEY
JOHN C. MACDERMOTT
A. MCGONIGAL
JOHN L. PINKERTON
W. B. RANKIN
W. L. TWINING
P. SHEA } *Assessors*
K. R. SHIMELD }

MARGARET L. JOHNSTON, *Secretary*
ASHLEY B. RAY, *Assistant Secretary*

3 *May* 1973.

BODIES AND INDIVIDUALS WHO SUBMITTED EVIDENCE

A. *Bodies who submitted evidence to the Committee. Those marked with an asterisk also gave oral evidence.*

Bar Students' Society, The Queen's University of Belfast.*
Benchers of the Inn of Court of Northern Ireland.
Civil Service Management Division.
Council of Legal Education.
Department of Education and Science.
Faculty of Law, The Queen's University of Belfast.*
Faculty of Advocates, Scotland.
General Council of the Bar of Northern Ireland.*
General Council of the Bar of England and Wales.
Honourable Society of Lincoln's Inn.
Honorable Society of the Inn of Court of Northern Ireland.
Honorable Society of the Middle Temple.
Incorporated Law Society of Northern Ireland.*
Law Society.
Ministry of Education for Northern Ireland.
Petty Sessions Branch, Northern Ireland Civil Service Association.
Solicitors' Apprentices Society for Northern Ireland.*
Students' Representative Council of the Students Union of The Queen's University of Belfast.
Union of Students in Ireland.
University of London.

B. *Individuals who gave oral evidence:*

Professor D. S. Greer, Professor of Law, The Queen's University of Belfast.
Professor A. D. Lawton, Professor of Civil Law, The Queen's University of Belfast.
The Right Honourable Sir Robert Lowry PC, Lord Chief Justice of Northern Ireland.
Sir Arthur Vick OBE, President and Vice-Chancellor, The Queen's University of Belfast.

C. *Individuals who submitted written evidence:*

Mr. G. H. Boehringer, formerly Lecturer, Department of Social Studies, The Queen's University of Belfast.
Mr. G. D. Burland, Bursar, The Queen's University of Belfast.
Mr. L. R. Carew.
Mr. D. R. Clifford, Appointments Officer, Appointments and Careers Advisory Office, The Queen's University of Belfast.
Professor D. Dinour, Dean of the School of Social Sciences, The New University of Ulster.
Mr. K. Dowling.
Mr. W. P. Doyle.
Miss P. L. Gallagher.
Mr. K. Jones.
Mr. D. P. Marrinan.
The Right Honourable The Lord MacDermott of Belmont, P.C., M.C., LL.D.
Mr. J. A. O'Reilly, Director of Studies, School of Professional and Business Studies, Ulster College, The Northern Ireland Polytechnic.
Professor C. Palley, Dean of the Faculty of Law, The Queen's University of Belfast.

PROVISIONAL OUTLINE PROPOSALS FOR A VOCATIONAL YEAR'S COURSE TO BE PROVIDED BY THE COLLEGE OF LAW, GUILDFORD, SURREY, ENGLAND FOR THE LAW SOCIETY

1. The Ormrod Report urges that vocational courses should consist in practical exercises, some additional law subjects and some non-law subjects of special concern to legal practitioners and that "these courses should be strongly orientated towards the problems of practice and should contain as much practical work as possible" (para 133). The vocational year should therefore be planned on the assumption that students attending it are law graduates who will have studied at least the basic subjects of the English Legal System, Constitutional Law, the Law of Contract, the Law of Torts, Land Law and the Criminal Law. It will be attended before going into an office and is designed to provide students with a thorough grounding in the general matters likely to be encountered in every day practice.

2. The course should start by giving the student instruction and training in the general routine work in a solicitor's office, office organisation and its equipment, the relationship of the solicitor with his client, his staff and other solicitors (including professional etiquette), the keeping of records and accounts and the basis of the solicitors charges and costing.

3. In addition to these matters, the course should cover, partly by lectures and partly by integration with other topics, most of the content of the syllabus for the present Part II papers on Accounts and Revenue Law, since these subjects are of immense importance. Various individual aspects of revenue law will arise in the course of dealing with other subjects, but the overall picture should first be presented to put the prospective Solicitor in a position to be able to advise his clients effectively on practical tax planning, as well as to be able to manage his own financial affairs. The vocational course must also provide each student with a clear working knowledge of bookkeeping and Solicitors Accounts.

4. In addition to covering the matters already mentioned, the course should deal adequately with the areas of law in which the Solicitor in general practice is likely to be most concerned. These may be defined broadly as:

(1) Conveyancing and land law.
(2) Wills and the administration of estates.
(3) Commercial law.
(4) Family law.
(5) Litigation.

5 *Conveyancing and land law*

Practical training should be given in the following matters:

(1) Ordinary house sale and purchase, including matters relevant to new developments.
(2) The granting and discharging of mortgages.
(3) The granting and assigning of leases, in particular of houses, flats and business premises.
(4) Planning applications and appeals.
(5) Fiscal matters and costs.

Wherever relevant both registered and unregistered titles should be dealt with and proper emphasis placed on drafting. Further the student should understand the function of the various institutions with which the conveyancer deals, eg. the Land Registry, building societies, etc.

It will be necessary to teach the relevant law albeit in a practical setting. The student will have studied land law at an earlier stage so that the occasional reminder in passing should suffice on that subject, but it will be necessary to deal with the theory relevant to the transactions mentioned above. An indication of the amount of theoretical instruction which the student will require can be obtained from the syllabus for the present Part II paper on conveyancing; the greater part of this is relevant to a vocational course and in addition it will be necessary to deal with revenue matters relating to conveyancing, eg. aspects of income tax, capital gains tax and stamp duties. Two considerations on method of instruction are:

(1) It is important that as far as possible the theoretical aspects should be taught in the practical context in which they arise.

(2) It is desirable to reproduce all relevant documents (and where practicable, to supply the student with his own copies) to ensure that the instruction given is entirely realistic.

6. *Wills and Administration of Estates*

In the broadest terms, the course should seek to give training and experience in the preparation of wills, the obtaining of Grants of Probate and Letters of Administration and the subsequent administration of estates.

The most important element of this training and experience is that it should be essentially practical in nature. The relevant law must be taught but, so far as possible, in such a way that the student absorbs it in the context of what he would encounter in practice. A certain amount of lecturing in the traditional manner will, however, be unavoidable because the majority of students may not have sufficient basic knowledge of the law involved in probate or succession; revenue law will be even less familiar to them.

The following are some of the points of substantive law which should be covered before students undertake any exercise involving them:

Testamentary capacity, execution of wills, alterations, revocation, executors and administrators, legacies, lapse, ademption, construction of wills, family provision and the intestacy rules.

The above topics, which are by no means exhaustive, relate only to one branch of the law and it will also be necessary to have some knowledge of estate duty and income tax law. For example, gifts inter vivos, settled property, joint property, options, partnership property, life policies, controlled companies, valuations and deductions, incidence and accountability are all matters of which a basic knowledge is a necessity.

The practical exercises should deal with the following matters:

i. The drafting of wills, first in short form where all the interests are immediate and then proceeding to cover more complex aspects, for example where there is a life interest, where problems of maintenance and advancement have to be considered and provision for infants generally and where a business is one of the assets of the estate.

ii. The obtaining of grants of probate and the various grants of letters of administration, including all matters reasonably incidental thereto, such as the completion of the Inland Revenue Affidavit, problems of valuation, income tax returns etc.

iii. The collection of assets and the administering of both simple and more complex estates, including the preparation of distribution and other accounts and bills of costs.

iv. Settlements inter vivos involving, inter alia, protective trusts and minority interests.

v. Estate and tax planning generally.

vi. The keeping of trust accounts.

7. *Commercial Law*

The commercial subjects mainly met in practice are:

(1) Sale of goods.
(2) Hire purchase and credit sales.
(3) Cheques.
(4) Insurance.
(5) The law of employment.
(6) Partnership.
(7) Company Law.

Some students embarking on the vocational year will already have covered some or all of these subjects during the "academic stage". For them the vocational year would involve seeing in a practical context, subjects previously studied academically. There will undoubtedly be other students who will have covered very little of these subjects during the academic stage; they will require instruction in them in outline form during the vocational stage.

In selecting the practical context in which the law is to be taught, regard must be had to the sort of commercial matters with which the average firm of solicitors is most likely to be involved. The course should therefore cover practical instruction in the following:

(a) The drafting of partnership agreements.
(b) Company formation, with particular reference to the problems involved in turning an existing business into a company.
(c) Company secretarial practice, eg. the filing of returns, the holding and conduct of meetings, etc.
(d) Increase and reduction of capital of companies.
(e) Charges created by companies.
(f) Winding-up of companies.
(g) The drafting of commercial agreements generally, including service agreements.

Satisfactory practical instruction in the above matters will require instruction in some legal topics which are not at present comprised in the syllabus for the Part II Commercial subjects, eg. Redundancy, Industrial Relations and Bankruptcy.

The vocational year should not be used as a period during which only the present Part II Commercial subjects are taught even though in a practical context. There should also be instruction in and practical examples of:

(a) revenue implications of commercial transactions in general, and of trading through a company in particular.
(b) the interpretation of accounts.
(c) the principles of drafting commercial documents.

Generally, the course should be designed to produce students who have a degree of financial and commercial know-how as well as a knowledge of the law.

8. *Family Law*

The syllabus for the family law paper in the present Part II examination gives an indication of the law with which a student would need to be familiar by the end of his vocational course. It is likely that many students will have covered much of this ground during the academic stage but it cannot be assumed that they will all have done so. The syllabus is wide and much ground has to be covered. Nevertheless there are gaps. In particular the syllabus is very largely devoted to the problems of marriage breakdown. In a vocational year it would be desirable to include (at least in outline) some other matters where the solicitor may be called in to advise a family where no breakdown has occurred. These include taxation, consumer problems and above all the

operation of the social security system which affects every family in the country but which has been neglected up to now in the field of legal education.
In so far as the course relates to litigation there should be exercises approximating as closely as possible to real-life situations in the following matters:

(a) Divorce and other Matrimonial Causes (including financial and property matters and disputes relating to children).
(b) Proceedings before magistrates.
(c) Proceedings for an adoption order.
(d) Affiliation proceedings.
(e) Proceedings under the Children and Young Persons Act.

The exercises should include the taking of instructions, the conduct of interviews, the writing of letters, negotiation, the drafting of pleadings and documents and advocacy in magistrates' and in county court matters.
Assistance of experienced practitioners would be most helpful. In addition it would be desirable to enlist the help of other persons such as welfare and probation officers and psychiatrists so that the student can obtain some idea how the stresses and strains of a difficult marriage affect children and the behaviour of the parties themselves. Finally, in the light of the Divorce Reform Act 1969, close links should be established with marriage guidance agencies so that the solicitor will be able to play his part in attempting to achieve a reconciliation while there is still time.

9. *Litigation*

A vocational course in litigation would need to include not only practical exercises, which would be the predominant feature, but also the teaching in some form of the substantive law which must be understood, in outline at least, to make the practical exercises meaningful. This is a particularly acute problem with litigation since neither civil procedure or evidence is among the basic "core" subjects which students might be expected to cover during the academic stage.
The following topics should be covered:

(a) Preparation of a case, including taking proofs of evidence, drafting pleadings.
(b) County Court proceedings—default and ordinary actions.
(c) High Court proceedings.
(d) Interlocutory applications in the County Court and High Court.
(e) Enforcement of judgments in the County Court and High Court.
(f) Evidence in civil and criminal cases.
(g) Legal Aid.
(h) Drafting and taxation of bills of costs.
(i) Summary trial of a criminal case.
(j) Committal proceedings and trial on indictment of a criminal case.
(k) Appeals in civil and criminal cases.
(l) Practice and procedure before tribunals.

10. *Examinations*

The examination of students on a vocational course is necessary for two separate though related reasons. The first is to ensure that candidates who have enrolled for the course attend diligently and pay proper attention to their studies. The second is to ensure that only those students who have acquired an adequate knowledge of, and practical ability in, the law are admitted to the Solicitors profession.
It must be the responsibility of any institution which offers courses of vocational training for solicitors to devise some internal system of regular examination and

assessment which will deter the idle student. It is a matter of some importance that indolent or irresponsible students should be identified in the early stages of the course and not allowed to waste the place they have obtained on the course.

The testing of the level of attainment of students who have completed a vocational course is a matter for The Law Society. Although students who have completed a course of vocational training will be required to satisfy The Law Society that they have reached a standard of proficiency which justifies their admission to the profession the examination set by the Society will be very different in kind to the existing Part II examination. It will be designed to test the ability of candidates to apply their legal knowledge to practical problems over a fairly wide field rather than re-test their legal knowledge as such. The examination, although conducted independently by The Law Society, will be a complement to the vocational course in that it will pre-suppose that a candidate has attended that course and will test him in what he has learnt on the course. In this way, an independent assessment of the standard attained after completing the course will be made.

APPENDIX C

PROFESSIONAL TRAINING IN LAW AT THE AUSTRALIAN NATIONAL UNIVERSITY

General Introduction

The problem of providing an efficient system of legal education and training in Australia is exacerbated by the Federal nature of its constitution. Each of the six states has jurisdiction over members of the legal profession practising locally, and the substantive law in most of the "bread and butter" areas of everyday life varies or is capable of varying from state to state. Furthermore, there is no general agreement on "fusion or fission". In New South Wales and Queensland the profession is divided into solicitors and barristers. In Victoria the profession is *de jure* fused but *de facto* divided. In the Australian Capital Territory, including Canberra, the profession is fused both in theory and (almost entirely) in practice.

Australia has until recently followed basically the English pattern of articles or pupillage as the system appropriate for professional training. Familiar debates have centred around the question whether a law degree should be a pre-condition of admission to the profession and whether a law degree taken at the same time as articles/pupillage constituted a satisfactory compromise (the answer to the latter question now clearly being "no"). As in England, evidence collected in Australia suggests overwhelmingly that apprenticeship is an unreliable method of training (see on this, and generally, 46 Australian Law Journal (49–51 and 157–169)). For historical reasons legal education during apprenticeship has generally been supplied by universities (using part-time practitioner-tutors), though more recently local professional organisations have provided courses to assist with the preparation for their own admission examinations.

In order to remedy the deficiencies of articles and improve what seemed to some to be inefficient and unethical practices by the legal profession generally, Australia is adopting a solution which, though conceived quite independently of proposals in England, bears a remarkable resemblance to the "professional stage" recommended by the Ormrod Report. In this connection "Legal Workshop" courses were introduced in January 1972 at the Australian National University and the Tasmanian College of Advanced Legal Education. A Solicitors' Training School (which will handle far greater numbers than either of the above institutions) is planned for the New South Wales Law Society in Sydney shortly. (Finance in New South Wales, is, incidentally, partly provided by interest on compulsory deposits of fractions of minimum balances on solicitors' clients' accounts made with the local Law Society). It is the Canberra course which is considered here, though the other courses are similar in principle.

The Legal Workshop is formally part of the Faculty of Law of the Australian National University, though it is housed in a separate building and it is entirely independently staffed. The undergraduate law degree course at that university normally lasts for four years. Undergraduates who intend to proceed to the Legal Workshop course "are strongly urged if possible to include in their LL.B. degree course the following areas of law-Taxation, Defamation and Estate Planning." Students who take the Legal Workshop Course are excused articles in the Australian Capital Territory, New South Wales and Victoria. The course is subsidised by the university which in turn is financed by the government. Fees to students are accordingly low (about £100 for the course). It should be noted, though, that numbers are kept down to about 30 students per course, this limitation on numbers being necessitated by the space available in the building. The course planned for Sydney is on a much larger scale.

The Director (a senior barrister, formerly a solicitor) has assembled an impressive array of some fifty judges, practising barristers, practising solicitors, registrars and

other persons holding legal offices, who are carefully scheduled to take charge jointly with himself of specific areas of the course in which they are specialists. Not suprisingly students are given great confidence by this experience and are attracted by what the Director terms "the freshness of the practicioner's approach. "Training is in common for both branches, and all the topics usually met in practice are covered in the method set out below. "Feedback" from the first batch of students entering practice has been favourable; students experience some initial dislocation, but are able to play a much more useful part in the office, and more quickly than their articled contemporaries. The following paragraphs are taken from the Legal Workshop's own brochure, and explain the scheme in more detail.

"The Legal Workshop Course"[1]

Introductory

Education for the practice of law calls for training at two levels, the academic and the professional. Entrants to the Legal Workshop have already completed their training at the academic level and so, in undertaking the course, they embark on their education at the professional level, that is, that part of their education which is principally concerned with preparing them for professional practice.

The professional education of prospective lawyers is provided in two stages, namely, by a period of "organised vocational training in an institutional setting", and then by a further period of "practical experience in a professional setting under supervision", or, as it is sometimes called, a period of in-training in practice.[2]

The role of the Legal Workshop is to provide the first of these two stages of professional education, that is, "organised vocational training in an institutional setting". As such, the course is designed, in the first place, to introduce the student to the practice of law, to give him an understanding of the nature and role of the legal profession and to develop in him a sense of professional responsibility. In the second place, the course is designed to draw out and develop in the student the academic resources and intellectual skills which he has already acquired and to teach him to adapt and apply them to the analysis and resolution of practical legal problems.

The Legal Workshop seeks to achieve these ends by three means:

firstly, by detailed instruction in the basic skills and techniques of practice. This is provided by verbal instructions supplemented by written notes, precedents and examples:

secondly, by seminars, group discussions and practical illustrations in which practitioners of all kinds—judges, barristers and solicitors—take part:

thirdly, by a series of practical exercises—based as far as possible on actual cases—carried out by the students under the supervision of practitioners which are designed to give the students some experience in dealing with concrete situations likely to be met in practice.

Upon satisfactory completion of the Legal Workshop course the student is entitled to be admitted to practice. There then follows the next stage of his professional education, that is, in-training in practice. In the case of a student proposing to practise as a barrister, this training takes the form of pupillage in chambers for a period which varies from place to place, but which is usually of about six months duration. For a student proposing to practise as a solicitor, it means practising under a Restricted Practising Certificate, ie. as an employee of another solicitor, for a period of time. In the Australia Capital Territory this period is 12 months; in New South Wales it may be longer. At the end of his period of in-training, the barrister or solicitor may then engage in independent practice on his own account.

1. Details of the syllabus are at present under review.
2. See Report of the Committee on Legal Education (Ormrod Report) Cmnd. 4595.

The Scope of the Course

The Legal Workshop provides a common course of training for both branches of the profession. Admission to practice in the Australian Capital Territory is in one category only, that is as a barrister and solicitor, and the Legal Practitioner's Ordinance of the Territory requires that an applicant for admission should, as well as having gained certain educational qualifications, have either served a period of 12 months articles, or have satisfactorily completed the Workshop course. In the light of this, the Committee of Management has thought it proper that the Workshop should provide such instruction and training as is suitable both for those who propose to practise as solicitors, and also for those who propose to practise either exclusively as barristers or as both barristers and solicitors.

In any event, the Committee has accepted the principle of common training for all practitioners not only because of the inherent benefit to be obtained from such training by prospective barristers no less than by prospective solicitors, but also because it must facilitate later transfer between the two branches of the profession.

As it will be clear from what has been said above, the course does not aim to produce a fully equipped practitioner. It sets out to provide the student with such basic training in the practice of the law as will equip him for a further period of professional training in actual practice as an admitted practitioner. It is therefore seen as a course which is complementary to in-training and intended to supplement and strengthen it. It is essentially a link, necessary and important, between the student's academic training and his final in-training in practice.

The Areas of Work covered in the Course

The general areas of work covered in the course are as follows:

- Advocacy (including such matters as Court Deportment, Methods of Legal Research, Opinion Writing, Advices on Evidence and practical exercises in the Law of Evidence).
- Bookkeeping and Accounts
- Civil Procedure in the Supreme Court, District & County Courts and the Court of Petty Sessions
- Commercial Law Practice
- Company Law Practice
- Conveyancing
- Criminal Procedure
- Estate Planning and Taxation
- Family Relations Practice
- Landlord and Tenant Practice
- Office Management and Procedures
- Probate Law Practice
- Professional conduct

The Method of Instruction

Each week of the course is given a distinctive theme. Thus:

Week 1—Orientation
Week 2—Office Management and Procedures
Week 3—Bookkeeping and Accounts
Week 4—The practice in Petty Sessions
Week 5—The practice in District and County Courts

and so on. These themes relate generally to the areas of work to be covered and are arranged approximately in the order in which they would most likely be encountered in practice. In this way the student is introduced gradually to the problems of legal practice, starting with comparatively simple areas of work and leading up to the more complex ones.

Basically the method of training in each particular area of work falls into two parts The first part takes the form of instruction, and a particular time for this is set aside in the timetable, usually in the morning. The instruction is based on prepared written material which is distributed to the students well in advance of the actual instruction time. This material appears in the timetable under the heading "Prescribed Reading" and the instruction proceeds on the basis that it has been carefully studied and digested in advance. Also set out in the timetable is a list of reference books and material relating to each particular area of work and it will likewise be assumed that prior to each instruction period students will have consulted these works and will be familiar with their general contents and layout. In this way the maximum benefit is to be derived from the instruction classes; they may then be devoted mainly to further elaboration and explanation of the material, where necessary to group discussions and class participation in practical examples of the work being dealt with.

The second part of the training takes the form of practical exercises to be done by the students themselves. These exercises are also handed out well in advance of the time set aside for instruction in the particular area concerned, and it is expected that prior to that time the students will have considered the problem, have done some research on it and made an attempt at dealing with it. And so the instruction period also provides an opportunity for discussion on these exercises and for dealing with any difficulties that may have been encountered.

A time is fixed for the completion of each exercise, and this time will be insisted upon. After an exercise has been handed in it will be checked and then a further period is set aside for a group discussion on it. This should provide ample opportunity to clarify any points or areas of difficulty, but, of course, if any student encounters difficulty in the course of doing the exercise he must consider himself free to consult either the Director or Assistant Director and, if necessary, further periods of instruction or group discussion will be arranged.

The nature of the exercises varies, but, wherever appropriate, they take the form of instructions to act for a particular client, eg. a plaintiff or defendant, a vendor or purchaser etc. For the purposes of the exercises the class is divided into three groups or firms, so that, in a particular exercise, one firm may, eg., act for a plaintiff, another for the defendant and perhaps the third for a co-defendant or third party. The division of the class into these small groups enables close discussion with students acting in the same interest and also gives ample opportunity for individual help where needed. Although the course is divided into firms each student is required to do every exercise. A necessary part of all exercises is that each student will be required to open a file and initiate and carry out all necessary office procedures relating to the instructions received. For these purposes each firm is required to set up and operate a properly equipped and organised solicitor's office and each exercise will be dealt with in exactly the same way as it would be dealt with in a solicitor's office, that is to say, proper accounting records will be kept and generally all the usual and proper procedures will be followed.

APPENDIX D

ESTIMATE OF COST OF COURSES PROVIDED BY QUEEN'S UNIVERSITY FOR BAR STUDENTS AND SOLICITORS' APPRENTICES (1972–1973)

The University calculates the present cost to it of courses provided for Bar Students and Solicitors' Apprentices to be £14,040 after deduction of tuition fees. Of this amount £11,429 is apportioned to costs in connection with courses provided for 25 Bar Students and £2,611 to costs in connection with courses provided for 32 Solicitors' Apprentices.

The cost figure ignores all overheads other than the Departmental grant and the facility of Bar Students to avail themselves of lectures in Family Law. These would be a factor in the cost of the proposed Institute of Professional Legal Studies in any case.

The costs assume university examinations but from 1972–73 onwards Bar Students will sit a separate examination the costs of which will be defrayed by the Inn of Court, and as Solicitors' Apprentices do not sit examinations at the University the cost figure is to that extent inflated.

APPENDIX E

NORTHERN IRELAND STUDENTS—AWARDS MADE TO NEW ENTRANTS TO UNIVERSITY LAW FACULTIES

The table below gives information about the number of students taking up Northern Ireland scholarships for the first time in order to pursue full-time primary degree courses in Law:

University Law Faculty in:	*No of New Awards (New Entrants)*			
	1968/69	*1969/70*	*1970/71*	*1971/72*
Northern Ireland	46	55	60	75
England	10	11	10	21
Scotland	—	1	—	3
Wales	—	—	—	—
Republic of Ireland	9	7	8	6
Elsewhere	—	—	—	—
TOTAL	65	74	78	105

Source: Local Education Authority scholarship returns.

APPENDIX F

RATE OF INTAKE OF BAR STUDENTS AND OF NEW BARRISTERS 1960–1972

Year	*1960*	*1961*	*1962*	*1963*	*1964*	*1965*	*1966*	*1967*	*1968*	*1969*	*1970*	*1971*	*1972*

APPENDIX D

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APPENDIX E

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w Entrants)	
70/71	1971/72
60	75
10	21
—	3
—	—
8	6
—	—
78	105

APPENDIX F

RATE OF INTAKE OF BAR STUDENTS AND OF NEW BARRISTERS 1960–1972

Year	*1960*	*1961*	*1962*	*1963*	*1964*	*1965*	*1966*	*1967*	*1968*	*1969*	*1970*	*1971*	*1972*
Intake of Bar Students	1	NIL	1	3(2)	NIL	2	8(1)	7(1)	5	21(3)	17	15	18(2)
Calls to the Bar	4	NIL	1	1(2)	1	2	1	2(2)	6	4(3)	19	15	9(2)

The figures in brackets are additional and show the number of members of the Bar of England admitted as students and called under existing reciprocity arrangements. Barristers called under such arrangements usually continue in practice in England and come to Northern Ireland for a specific case or cases. The great majority of newly-qualified barristers enter, and remain in, private practice.

RATE OF INTAKE OF APPRENTICE SOLICITORS AND OF NEW SOLICITORS 1960–1972

Year	*1960*	*1961*	*1962*	*1963*	*1964*	*1965*	*1966*	*1967*	*1968*	*1969*	*1970*	*1971*	*1972*
Intake of Apprentice Solicitors	8	16	19	15	18	28	20	35	33	35	35	53	44
Admission to the Roll	9	12	10	4	13	17	11	13	20	21	26	31	35

APPENDIX G

THE QUEEN'S UNIVERSITY OF BELFAST—FACULTY OF LAW

TABLE I

STUDENT NUMBERS 1972/73

The numbers of students enrolled in the Faculty for 1972–73 are as follows:

Undergraduates 1st year	89	(plus 4 for exams. only)
2nd year	76	(plus 3 for exams. only)
3rd year	57	
4th year	53	(plus 1 for exams. only)
	275	(plus 8 for exams. only)
Postgraduates	14	
Bar students	25	
Solicitors' Apprentices	32	
Arts students	11	
Economics students	4	
Commercial Law I	42	
Commercial Law II	21	
	149	

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LL.B. Year 1
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LL.B. Year II[a]
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LL.B. Final
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Occasional[b][c]
Economists study accounting[c]
Bar[d]
Solicitors apprent
Combined Bar/Sc Non-Queen's C
Total
Notional total[i]

NOTES

TABLE II

Actual and projected Student Numbers 1969–1977

October	*Actual* 1969	1970	*Projected* 1973	1974	1975	1976	1977
LL.B. Year 1	65	74	80	85	90	97	105
Examinations only	—	—	2	3	4	5	6
LL.B. Year II[a]	50	53	67	73	76	81	86
Examinations only	2	—	3	3	4	5	6
LL.B. Year III[a]	65	57	56	65	72	75	78
Examinations only	—	1	—	—	—	—	—
LL.B. Final	58	57	50	56	65	72	75
Postgraduate	28	15	20	25	30	35	40
Occasional[b][c]	6	3	3	3	3	3	3
Economists studying accounting[e]	36	56	60	60	60	60	60
Bar[d]	21	18	18	—	—	—	—
Solicitors apprentices[e][f]	20	20[g]	20	13	7	—	—
Combined Bar/Solicitors[h] Non-Queen's Graduates	—	—	—	10	12	14	16
Total	351	354	379	396	423	447	475
Notional total[i]	344	325	348	371	401	430	461

NOTES

(a) Allowing for wastage
(b) Including B.A. and B Sc.(Econ.)
(c) No increase in these numbers is projected
(d) From 1974 it is envisaged that the Bar course will cease
(e) Taking LL.B. subjects
(f) From 1974 it is envisaged that the solicitors' apprentices course will tail off and cease in 1976
(g) In 1970 nine of these had law degrees
(h) New course for non-Queen's graduates wishing to familiarise themselves with the law of N.I. starting in 1974.
(i) Arrived at by excluding those taking exams only; by counting postgraduates as 2 units each; by counting occasional students and economics students as $\frac{1}{3}$ unit each; by counting Bar students and solicitors apprentices as 1 unit if taking 3 or more subjects (approx. 75% thus assumed), as $\frac{1}{2}$ unit if taking less than 3 subjects; by counting LL.B. full time students and (h) as 1 unit.

TABLE III

Staff/Student Ratios

(a) (1970–71 student load based on enrolments at 20th November 1970)

1970–71	*Staff 1969–70*	*Student load 1969–70*	*Staff/ Student Ratio 1969–70*	*Staff 1970–71*	*Student load 1970–71*	*Staff/ Student Ratio 1970–71*
LAW	24	337.48	14.06	26	312.65	12.02

(b) *Breakdown of staff/student ratios*

Student load of 312.65 arrived at as follows:

LL.B. full time students	= 1 unit each
LL.B. part-time students	= ½ unit each
Occasional students (Arts, Science etc.)	= ⅓ unit each
Economics students	= ⅓ unit each
Bar students and solicitors' apprentices:	
Students taking 3 or more subjects	= 1 unit each
Students taking less than 3 subjects	= ½ unit each
Postgraduate students	= 2 units each

(c)	*Students*	*Units*
LL.B. full time	234	234
LL.B. part time		
Occasional students	3	1
Economics students	56	18.65
Bar students and Solicitors' apprentices (over 3 subjects)	31	31
(under 3 subjects)	12	6
Postgraduates	11	22
	347	312.65

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	Staff/ Student Ratio 1970–71
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3	1
56	18.65
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(1) SYLLABUS OF THE HONORABLE SOCIETY OF THE INN OF COURT OF NORTHERN IRELAND FOR THE NORTHERN IRELAND BAR FINAL EXAMINATION

1. Contract, Tort and Criminal Law together with special subjects of Sale of Goods (including Hire Purchase) and Negligence
2. Equity and Administration of Estates (including Wills and Construction of Wills)
3. Civil Procedure
4. Criminal Procedure
5. Evidence and Company Law
6. Practical Conveyancing
7. Divorce, including Matrimonial Proceedings in Magistrates' Courts.

(2) SYLLABUS OF THE INCORPORATED LAW SOCIETY OF NORTHERN IRELAND

First Examination

1. The Law of Contract
2. Personal Property
3. The Law of Tort
4. Company Law and the Law of Partnership
5. Criminal Law
6. The Law of Evidence
7. Book-Keeping for Solicitors and Income Tax.

Second Examination

1. The Law and Practice of Bankruptcy
2. County Court Practice
3. Chancery Division Practice and Practice in relation to Minors and Mental Patients
4. Matrimonial Law and the Law of Domestic Relations and the Practice relating thereto in the High Court and the Courts of Summary Jurisdiction
5. Local Registration of Title
6. Practice of Magistrates Courts
7. The Practice of the Court of Appeal and of the Queen's Bench Division of the High Court of Justice (Civil and Crown sides) excluding Probate, Matrimonial and Bankruptcy Practice.

Final Examination

1. Real Property
2. Equity
3. Conveyancing
4. Law of Landlord and Tenant and the Law relating to Rent and Mortgage Interest restrictions and Control of Tenancies
5. The Law of Wills and Intestate Succession, including practice and procedure in contentious and non-contentious matters in Queen's Bench Division (Probate)
6. Death Duties and Administration of Assets
7. The State's Responsibilities and Professional Conduct and Remuneration of Solicitors.

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