

DEPARTMENT OF EDUCATION FOR NORTHERN IRELAND

(*Bromley Report*)

Report of the  
Committee on Professional  
Legal Education in  
Northern Ireland

BELFAST  
HER MAJESTY'S STATIONERY OFFICE

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19th April, 1985

Dear Minister,

### Report on Legal Education in Northern Ireland

The Committee which you appointed in September 1983 to review the work of the Institute of Professional Legal Studies of the Queen's University of Belfast and its future in the light of public and professional requirements has now completed its work and I have pleasure in letting you have our Report.

We consider that the Institute has broadly fulfilled the objectives set down for it in the Armitage Report. The professional bodies are of the opinion that it has improved training and we have no hesitation in recommending that the Institute should continue to provide a part of the professional training of barristers and solicitors. We consider, however, that the work of the students in the Institute should be linked with professional practice to a greater extent than in the past and that both the Institute and the profession would benefit if they were to work more closely together, pooling their expertise to provide the training required for legal practice in future.

It is our hope that the comments and recommendations contained in this Report will be of help to you and your Department. At the same time we trust that the deliberations of the Committee and the conclusions reached will be found relevant by the profession, the Queen's University of Belfast and the Council of Legal Education (Northern Ireland) who will have the task of shaping the future arrangements for legal education in Northern Ireland with a view to ensuring the maintenance of professional standards and a proper legal service to the community.

Yours sincerely,  
Peter Bromley.



Department of Education,  
Rathgael House,  
Balloo Road,  
Bangor,  
Co. Down  
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Professor P. M. Bromley,  
The University of Manchester,  
Faculty of Law,  
Manchester,  
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26 April 1985

Dear Professor Bromley,

Thank you for your letter of 19 April 1985, and the Report of the Committee set up in September 1983 to review the arrangements for legal education in Northern Ireland.

I have read the Report with great interest and have no doubt that it will be of great help to all those charged with the responsibility of providing the education and training required for legal practice in the years to come.

It is clear that the Committee has made a thorough examination of the educational requirements of the legal profession and has given the fullest consideration to the questions raised in its terms of reference and I should like to take this opportunity to thank you as Chairman and all the members of the Committee most warmly for giving so much of your time and expertise to this task and for completing it so satisfactorily.

Yours sincerely,  
Nicholas Scott.

## CONTENTS

<i>Chapter</i>	<i>Pages</i>
Terms of Reference and Membership . . . . .	ix
Introduction . . . . .	1
Summary of Recommendations . . . . .	3
1. Background to Report and Nature of the Problem . . . . .	9
2. The Future Shape of Professional Legal Education and Training . . . . .	11
3. The Institute of Professional Legal Studies . . . . .	14
4. The Council of Legal Education (Northern Ireland) . . . . .	19
5. Student Numbers and Selection . . . . .	22
6. Courses at the Institute of Professional Legal Studies . . . . .	29
7. Student Support . . . . .	34
8. Post-qualification Training . . . . .	37

### *Appendices*

- A. Extract from the Royal Commission's Report on Legal Services.
- B. List of Bodies and Individuals who submitted Evidence to the Committee.
- C. Chapter XXI of the Statutes of The Queen's University of Belfast.
- D. Extract from Regulations adopted by the Senate of The Queen's University of Belfast relating to the Institute of Professional Legal Studies.
- E. Council of Legal Education: suggested Terms of Reference for the Audit Team.
- F. Table showing the Number of Applications for Admission to the Institute and the Number of Students admitted in each of the years 1977 to 1984.
- G. Course Content: Topics identified by the Inn of Court as being particularly useful to a practising Barrister.
- H. Suggested Re-arrangement of the Content of the Institute Course.

## COMMITTEE TO REVIEW THE ARRANGEMENTS FOR PROFESSIONAL LEGAL EDUCATION IN NORTHERN IRELAND

The Committee was set up in September 1983 with the following terms of reference:—

“to review the work of the Institute of Professional Legal Studies; to consider the future of the Institute in the light of public and professional requirements; to consider the most appropriate arrangements for the funding of the Institute and how the students admitted to it should be supported financially; to consider the matters referred to in paragraphs 42.93–42.104 of the Report of the Royal Commission on Legal Services, and to make all necessary recommendations”.

The membership of the Committee was as follows:—

### Chairman

Professor P. M. Bromley

Professor of Law in the University of  
Manchester

### Members

The Hon. Mr. Justice MacDermott

Nominated by The Inn of Court of Northern  
Ireland

The Hon. Mr. Justice Carswell (1)

Mr. A. R. Hart QC (2)

Mr. W. A. Logan

Nominated by The Law Society of Northern  
Ireland

Mr. C. C. G. McNally

Professor C. M. Campbell

Nominated by The Queen's University of  
Belfast

Professor D. S. Greer

Mr. S. C. Curran

Managing Director of Standard Telephone  
and Cables (N.I.) Ltd.

Mr. D. H. Templeton CBE

Formerly a member of the Royal Commission  
on Legal Services

### Adviser

Mr. J. W. Wilson

Northern Ireland Court Service

### Assessor

Mr. A. J. Green

Department of Education

### Secretary

Miss J. O. M. Frame

Department of Education

### Assistant Secretary

Mrs. E. A. Forster

Department of Education

(1) The Hon. Mr. Justice Carswell resigned from the Committee in January 1984 following his appointment to the High Court Bench.

(2) Mr. A. R. Hart was appointed a member of the Committee in February 1984.

## INTRODUCTION

The present system of professional legal education in Northern Ireland, which is centred in the Institute of Professional Legal Studies within The Queen's University of Belfast (hereinafter referred to as Queen's University), was established following a review of legal education and training in Northern Ireland by a committee under the chairmanship of the late Professor Armitage. The Report of that Committee was published in 1973 and the Institute opened its doors to its first postgraduate students in 1977.

In 1979 the Royal Commission on Legal Services commented favourably on the Northern Ireland arrangements and suggested that they should be reviewed after several years of operation. (Paragraphs 42.93 to 42.104 of the Report of the Royal Commission are set out in Appendix A.)

We were appointed on 29 September 1983 by Mr. Nicholas Scott MP, Parliamentary Under Secretary of State, with the terms of reference set out on page ix.

At our first meeting we decided to seek evidence from all interested bodies and a list of those who submitted evidence appears as Appendix B to this Report. We wish to record our thanks to those who assisted our enquiry in this way and to the Director of the Institute, The Inn of Court of Northern Ireland and The Law Society of Northern Ireland for responding readily to requests for information. We also wish to express our appreciation of the interest taken in our work by The Lord Chief Justice of Northern Ireland.

The Royal Commission on Legal Services, in its Report, took the opportunity to observe that there were at present three systems of legal education in the United Kingdom which had developed in different ways and we were also mindful of developments in the Republic of Ireland. We were helped greatly in our deliberations by Mr. Charles Morrison QC, Dean of the Faculty of Legal Education of the Inn of Court Law School, by Mr. Eric Taylor, former Chairman of the Education and Training Committee of the Law Society in London, by Professor Philip N. Love who had until recently been Chairman of the Joint Standing Committee on Legal Education in Scotland and by Mr. R. O'Donnell and Professor L. G. Sweeney of the Incorporated Law Society of Ireland, all of whom were good enough to come to Northern Ireland to meet us and give us the benefit of their experience.

One of our meetings was held in Law Society House and we wish to thank the Law Society for its hospitality on that occasion. We are particularly grateful to the Vice-Chancellor and Senate of Queen's University for making available accommodation for most of our meetings and to the staff of the University who helped us in various ways.

In submitting this Report we would express the hope that the recommendations contained herein will provide a framework which will enable all those concerned to work together to ensure that the service provided to the public by the legal profession in Northern Ireland attains the highest possible standard. In this context we would venture to repeat and emphasise a passage from the 1970 report of the Committee on the Supreme Court of Judicature of Northern Ireland:

“However trite, it is true and worth recalling that the administration of justice and the maintenance of the rule of law depend on the quality and strength of the legal profession more than on any other single factor. The best laws and the best procedures must fail to produce the best results if those who practise the law are less learned and competent or less willing and able to bear their professional responsibilities than they should be .....

We would wish to conclude these introductory observations by recording our sincere appreciation of all the work done by our Secretary, Miss J. O. M. Frame, and our Assistant Secretary, Mrs. E. A. Forster. Everything they did was of the highest quality. They were an endless source of useful information and their capacity to produce helpful and coherent minutes after lengthy meetings was deeply appreciated by us all. We are particularly indebted to Miss Frame for her invaluable assistance in drafting this Report and to both ladies for their patience and understanding and for their generous and unfailing help at all times.

## SUMMARY OF RECOMMENDATIONS

### General Considerations

Our first and principal recommendation is that the Institute of Professional Legal Studies should be retained. The experience of the last seven years has convinced us and most of our correspondents that the view of the Armitage Committee was correct and that an institute provides the best form of training for the legal profession. This is also borne out by the experience of other jurisdictions in the British Isles and in other parts of the Commonwealth. So convinced are we of the superiority of the type of training that an institute can offer that we recommend that this should be the sole way of entering both branches of the profession and that the existing alternative routes should be closed.

There is, however, one marked difference between our recommendations and those of the Armitage Committee. Experience has shown that training at an institute cannot replace training on the job. This is already acknowledged in the requirement of pupillage on both sides of the profession. We believe it to be of the utmost importance that training at an institute and training in practice should be more closely integrated. We therefore recommend that all intending solicitors should be apprenticed for a period of two years of which the first three months would be spent in the office, the next twelve at the Institute, and the final nine months back in the office. We also envisage that the student would work in his master's office during the Institute's vacations. Similarly we recommend that the Inn should consider whether there might be advantage in basing pupillage on a two-year period, the first year of which would coincide with the intending barrister's course at the Institute and the second year of which would take place after call to the Bar.

Following the recommendation of the Armitage Committee the Institute was made constitutionally a part of Queen's University. The alternative, which we considered at great length, would be an independent institute sponsored by the professional bodies. This would have the advantage that the selection of students, the syllabus, and the way in which it is taught would be under the direct control of the profession. Against this must be set the academic and intellectual loss which would result if the Institute were removed from the University. In our opinion the educational benefit lies in maintaining the links with the University. There is one further point which must tip the balance decisively. It was made clear to us that Government funding of the Institute would cease if it were to become independent; the profession left us in no doubt that it could not find the resources; consequently an independent institute would have to be funded entirely by students' fees. This would mean that recruitment to the profession would be limited to those who could afford the fees — something which we consider unacceptable for a variety of reasons.

We are fully aware of the difficulties that these decisions are likely to cause. We have had to take into account two competing claims: that of the professional bodies which have the responsibility of determining who is to be admitted to practise and that of Queen's University which has the responsibility of selecting those to be admitted as its students. We recommend the establishment of selection committees which would comprise a preponderance of practitioners but which would, at the same time, preserve the constitutional position of the University. We trust that this will prove to be an acceptable solution to what we acknowledge to be one of the most difficult problems we have had to face.



This is, in fact, one aspect of a much wider problem. We believe that from the point of view of the student the Institute should be both a bridge and a chasm — to bring home both the links and the differences between the academic study of the law and its practice. We have been left in no doubt that for a large section of the practising profession the Institute is regarded as a part of the University and therefore remote from practice. In our opinion not only is this view profoundly misconceived but it must be broken down by a much more active participation by judges and practitioners in all aspects of the Institute's work. We suggest a number of ways in which this might be done — particularly by the much greater involvement of practitioners as part-time teachers. This will be successful only if there is a real commitment on the part of those prepared to undertake this task and we trust that the professional bodies will accept this recommendation and do their utmost to encourage their members to implement it.

We are equally of the opinion that the Council of Legal Education has a critical role to play in the future development of professional training. It provides the forum where the views of the professional bodies can be advanced and assessed and it — and it alone — is in a position to ensure that what is best in these views is reflected in the teaching offered by the Institute. It is also in a unique position to build up the mutual confidence that the Institute and the profession must have in each other. As the governing body of the Institute, it must be representative of both the University and the profession and for this reason we recommend that its membership should revert to that proposed by the Armitage Committee and that both sides should have equal representation on it. Likewise both professional bodies have revocably delegated to the Institute their powers in connection with the training of future practitioners and consequently each side of the profession should, in our view, continue to nominate the same number of members irrespective of its size.

The success of the future of legal professional education in Northern Ireland depends upon the contribution to be made by four bodies: the Inn of Court, the Law Society, Queen's University, and the Department of Education. We do not underestimate the difficulties that lie ahead but the desire that all have shown to produce a workable solution convinces us that with goodwill these difficulties can be resolved. In an attempt to minimise the risk of the scheme foundering on points of detail, we also make a number of recommendations and suggestions indicating how our main proposals may be implemented. These are intended as no more than a starting point: we imagine that the parties involved will discover improved ways of working as practice develops over the years. We therefore set out below in bold type our main recommendations which indicate the framework within which we believe professional education should develop; the other recommendations are the detailed proposals which may be changed in the course of time. Each of these recommendations is to be read in the light of the fuller explanation given in the paragraphs cited.

## **The Future Shape of Professional Legal Education and Training (Chapter 2)**

**1. We consider that the Institute of Professional Legal Studies within Queen's University has broadly fulfilled the objectives set in the Armitage Report and we recommend that part of the professional training of barristers and solicitors should be a period at the Institute; that alternative routes into the profession should be discontinued; and that, except for those specified in paragraph 2.5, all**

those wishing to obtain a practising qualification should attend a full-time course at the Institute. (Paragraphs 2.1 to 2.5)

2. The Law Society regards office experience as such a vital aspect of professional training for solicitors that it should become an integral requirement of it. To ensure a stronger connection between office work and training we recommend, inter alia, that, except for those coming within paragraph 2.5(a) and (c), intending solicitors should be required to complete satisfactorily a two-year apprenticeship during which they would spend one year at the Institute; that they should not begin their course of professional training until they have gained at least three months' practical experience in an office; and that throughout the period of the Institute course they should maintain a close link with their office and should be required to spend part of each vacation working in it. Intending solicitors coming within paragraph 2.5(a) and (c) should be required to complete a period of part-time apprenticeship equivalent to two full years. (Paragraphs 2.6 and 2.7)

3. The Inn of Court of Northern Ireland should review the pupillage system for the training of barristers. In particular it should consider whether there might be advantage in basing pupillage on a two-year period, the first of which would coincide with the course at the Institute; the second of which would take place after call to the Bar with the first six months of the second year remaining in substance a non-practising period as at present. The Inn should also consider whether some additional form of supervision or assessment of a pupil's ability should take place during or at the end of the six-month period of practising pupillage. (Paragraph 2.8)

#### The Institute of Professional Legal Studies (Chapter 3)

4. The Institute should remain a constituent part of Queen's University; it should continue to receive financial support from public funds and the grant paid by the Department of Education to the University in respect of the running costs of the Institute should continue to be earmarked for that purpose. (Paragraphs 3.1 to 3.7)

5. In our opinion it is essential that both the Institute and the profession should find ways of working more closely together and that practitioners should be more deeply involved in the work of the Institute than in the past. We therefore recommend that judges and practitioners, both at the Bar and as solicitors, should be more involved than at present in part-time teaching and in the preparation of materials for the Institute's courses. (Paragraphs 3.8 and 3.9)

6. The Law Society and the Institute should together draw up basic guidelines for masters on what the apprentice should be familiar with before embarking on the Institute course. The two bodies together should also formulate guidelines for the work of the apprentice during the final period of apprenticeship. (Paragraph 3.10)

7. The Institute should consider ways of furthering the relationship between the Institute and individual masters and their pupils and apprentices and we give examples in the text of ways this might be achieved. (Paragraphs 3.11 and 3.13)

8. The Executive Council of the Inn of Court and the Law Society should consider inviting the Director of the Institute or a member of staff nominated by him to be present at meetings of their respective education committees for discussion of relevant items. (Paragraph 3.12)

9. To enable the Institute to recruit and retain staff of the right calibre the salaries paid to the Director and other members of the professional staff of the Institute should be comparable with what they could earn if they took posts in the public service outside private practice and the University should consider how this could best be implemented. (Paragraphs 3.14 and 3.15)

10. The full-time staff of the Institute should maintain as close a contact with private practice as is practicable. (Paragraph 3.16)

11. The Institute's requirements for full-time and part-time staff should be kept under constant review by the Council of Legal Education. (Paragraph 3.17)

12. To ensure that the Institute meets effectively and efficiently the ever changing training needs of the profession it will be necessary to keep its objectives and performance under constant review and we recommend the establishment of an audit team to conduct independent reviews and appraisals of all activities of the Institute. (Paragraph 3.18 and Appendix E)

13. To bring students into closer contact with practice and practitioners we recommend that a significant proportion of the Institute's teaching should be done in Law Society House or in the Courts. (Paragraphs 3.19 to 3.23)

#### The Council of Legal Education (Northern Ireland) (Chapter 4)

14. Being representative of both branches of the profession and of the University, the Council of Legal Education has, in our view, a vital role to play and should shoulder more responsibility than in the past. In the light of the functions which we recommend it should undertake, we reviewed its membership and recommend that the composition of the Council should be changed to give the profession and the University equal representation. Specific recommendations relating to additional functions and membership are set out in the text. (Paragraphs 4.3 to 4.11)

#### Student Numbers and Selection (Chapter 5)

15. Each student seeking admission to the Institute should first be required to register with the Inn of Court as a student or with the Law Society as an apprentice and the Institute should be prepared to admit an agreed number of those students. The maximum number for each branch of the profession should be agreed on a triennial basis after consultation with the Executive Council of the Inn of Court and the Council of the Law Society. (Paragraphs 5.8 and 5.9)

16. From evidence we received it seemed that there was a feeling on both sides of the profession that the numbers admitted each year should not expand beyond the present level. We recommend, therefore, that for the three academic years commencing with 1986/87 not more than 20 students should be admitted each year to the barristers' course and not more than 70 each year to the solicitors' course, those being approximately the numbers at present admitted to each side of the profession through the Institute and by alternative routes. (Paragraphs 5.10 and 5.11)

17. There should in our view be continuing provision for the admission of non-law graduates to the profession. As the existing two-year course of legal study is basically an academic course we recommend that consideration might be given to the admission of non-law graduates in future to a special course within the Faculty of Law — rather than to the Institute — and that the Faculty might include a representative of each branch of the profession on the Admissions Board set up by the Faculty for the selection of such students. We suggest, moreover, that the Faculty might consider the possibility of offering this course on a full-time basis over two years or on a part-time basis over a longer period as non-law graduates can find it difficult to support themselves financially during the two-year full-time course and in future they would not be guaranteed a place in the Institute on successful completion of the academic course. (Paragraphs 5.12 and 5.13)

18. We wish to ensure, as far as possible, that the students admitted to the Institute are those applicants most likely to become good barristers or solicitors and believe that academic performance should not be the sole criterion for admission. If the number of applicants for a course at the Institute exceeds the number of places for that course, we recommend that, in deciding who may enter the Institute, regard should be had to the achievement and performance of the candidate in his degree examination and his performance in a written test devised to test his ability to apply his knowledge of law in a practical way supplemented, if necessary, by an interview or viva voce examination. We recommend that the test should take place on one day, the date to be decided by the Council of Legal Education and that each candidate should sit two three-hour papers (with most questions compulsory) one of which would be common for all candidates and one geared to the branch of the profession to which he is seeking admission. (Paragraphs 5.18 to 5.21 and 5.23 to 5.25)

19. The Council of Legal Education should set up a working party, including members of the education committees of the Executive Council of the Inn of Court and of the Law Society, to devise written tests on the lines proposed. (Paragraph 5.22)

20. We recognise that the professional bodies are responsible for determining who should be admitted to the profession, that the University must have a right to decide who should be admitted to its courses, and that the public has an interest in ensuring that selection for admission to the Institute is carried out in the fairest possible way. We therefore recommend that the Council of Legal Education should set up two selection committees, one for each branch of the profession, consisting of three members of the side of the profession concerned (of whom at least one must be a member of the Council of Legal Education), the Director of the Institute of Professional Legal Studies and one other member of the Council of Legal Education. (Paragraph 5.26)

## Courses at the Institute of Professional Legal Studies (Chapter 6)

21. Bar students should, as in the past, begin their one-year course at the Institute at the beginning of the Michaelmas Term. (Paragraph 6.4)
22. On the solicitors' side, students should begin their one-year full-time course at the Institute at the beginning of the Hilary Term, having previously spent at least three months of their apprenticeship in a solicitor's office. (Paragraph 6.4)
23. In our view the courses at the Institute should be strongly orientated towards the problems of practice and the different requirements of the Bar and solicitor students should be recognised and we recommend that consideration should be given to the re-arrangement of the content of the course in line with the recommendations made by the Inn of Court and the Law Society. (Paragraphs 6.5 to 6.11, 6.13 and 6.14 and Appendix H)
24. As reflected in the text of our Report we consider that the profession should be more closely involved in the construction of various parts of the Institute course and in the continuous assessment of the students' performance. We recommend that the Inn of Court and the Law Society should declare, and use their best endeavour to ensure, that members of both branches of the profession regard it as a professional obligation to assist with the teaching at the Institute. (Paragraph 6.12)
25. The Institute should continue a final examination which should be designed to provide a thorough test of the candidate's ability to apply substantive law in practice and should provide reference materials for use by each candidate in the final examination. The Institute should introduce periodic tests and associate with those tests external assessors drawn from panels to be nominated by the professional bodies. (Paragraphs 6.15 to 6.21)

## Student Support (Chapter 7)

26. The Department of Education should continue to award an agreed number of postgraduate bursaries each year for students on the Institute courses. We recognise, however, that in the present financial climate it would be unrealistic to expect Government to increase the number of bursaries and recommend that if the number of students admitted to the Institute exceeds the number of bursaries available, the selection procedure proposed for use in connection with admission should also be used for the award of bursaries. (Paragraphs 7.1 to 7.9 and 5.28)

## Post-Qualification Training for Barristers and Solicitors (Chapter 8)

27. We recommend that Servicing the Legal System (SLS) should assume responsibility for organising a programme of post-qualification training to meet the needs of the profession and should appoint someone — possibly on a part-time basis — to identify those needs and organise courses and conferences. (Paragraphs 8.1 to 8.10)

## CHAPTER I

### BACKGROUND TO THE REPORT AND NATURE OF THE PROBLEM

#### Background

1.1 In February 1972 a committee was appointed under the Chairmanship of Professor Armitage 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.”

1.2 That Committee reported in 1973 (Cmd. 579). It made its recommendations on the basis that legal education should be planned in three stages, namely the academic stage; the professional stage; and continuing education and training. Those were the stages which had been recommended in 1971 in the Report of the Committee on Legal Education (The Ormrod Report: London HMSO Cmd. 4595).

1.3 One of the main recommendations of the Armitage Committee was that the professional stage should consist of vocational courses of one year's duration, suitable for both branches of the profession, which should be provided by Queen's University through an Institute of Professional Legal Studies. This recommendation was accepted by both professional bodies, by the University and by the Department of Education for Northern Ireland.

1.4 The Institute was established and admitted its first students in 1977. Its governing body is the Council of Legal Education (Northern Ireland) comprising representatives of both branches of the profession, members of the Faculty of Law at Queen's University and other representatives of the University, including members of staff of the Institute.

1.5 The current system of professional legal education in Northern Ireland, which is centred on the Institute of Professional Legal Studies, is described in Chapter 42 of the Report of the Royal Commission on Legal Services (1979: Cmd. 7648). The only change since that date is that after obtaining a Certificate in Professional Legal Studies a student must serve a period of twelve months as a pupil of a practising solicitor before admission as a solicitor. A number of members of that Commission visited the Institute and were impressed by the work it was doing. They considered, however, that it was too early to reach hard and fast conclusions about the success of the new arrangements in Northern Ireland, and therefore recommended that arrangements be set in hand for a comprehensive review of the new system in three years' time. They specified certain points which should be given particular attention, including the high level of demand for admission to the Institute and the very competitive entry system which resulted.

1.6 At present the Institute is funded in part by an earmarked grant paid by the Department of Education for Northern Ireland to Queen's University and in part by students' fees. The students admitted to the Institute are supported by postgraduate bursaries (at present limited to a maximum of 70) awarded by the Department of Education.

1.7 Because demand for admission to the Institute has been in excess of the number of students it could accommodate, and even more in excess of the number of postgraduate bursaries made available for it, the profession in the past argued that the capacity of the Institute should be greatly expanded and in the meantime continued to provide alternative routes into the profession. The Inn of Court has permitted certain qualified graduates to take a special Bar Final Examination without previous tuition. The Law Society permits some unsuccessful applicants to the Institute to qualify after serving an apprenticeship for two or four years (according to their qualifications), attending lectures, and taking the prescribed examinations. Persons who have served as law clerks for not less than seven years may also qualify by way of apprenticeship. During the period from 1979 to 1984 the numbers called to the Bar and admitted as solicitors by these alternative routes have varied between 8 and 4 and between 64 and 17 per annum respectively.

1.8 The Department of Education would have been prepared to agree to additional students being admitted to the Institute on a self-financing basis, provided the alternative routes into the profession were discontinued. The Department argued, however, that support from public funds for postgraduate vocational preparation must be linked in some way to assessed employment needs and made it clear that it was not prepared to fund either the students or the courses on an open-ended basis.

#### Nature of the Problem

1.9 We are firmly of the opinion that the public interest requires the maintenance of proper legal services to the community and that this in turn involves the maintenance of professional standards, the highest level of training and equality of opportunity for the most able to enter the profession. Our first concern throughout has been to determine the best form of professional legal training for Northern Ireland and the shape it should take in the future. This involved considering three basic questions. Did the experience of the last seven years suggest that the Institute should continue to be entrusted with the professional training of both branches of the profession and have a role in the post-qualification training and continuing education of members of the legal profession? If so, what changes, if any, were required in the present arrangements? If not, how should the system be restructured?

1.10 It seemed to us that, in considering the main problem, certain particular issues had to be faced. Should professional legal training continue to be centred on an institute? If so, how should it be linked with practical experience and should there, in addition, be other methods of qualifying for admission to the profession? What should be the constitutional and geographical position of such an institute and how and by whom should it be managed and funded? How many students should be admitted and how should they be selected? What should be the content, structure and length of the course and how should the work of the students be assessed? How should students be supported during their training? What post-qualification training is required and how should it be provided? We have considered each of these questions in order, and our comments and recommendations are set out in the subsequent chapters of this Report.

## CHAPTER 2

### THE FUTURE SHAPE OF PROFESSIONAL LEGAL EDUCATION AND TRAINING

#### The Maintenance of the Institute of Professional Legal Studies

2.1 The Armitage Committee commented in its Report on the almost complete lack at that time of any satisfactory form of direct professional training. The Committee concluded that the main deterrents to the provision of such education and training by the profession were the small number of students (which made the cost of running comprehensive courses prohibitive), the lack of suitable accommodation and facilities and the lack of suitable professionally qualified teachers. The Committee expressed the view that the absence of shared courses and the separate nature of professional training for barristers and solicitors meant that the two branches of the legal profession were in large part unaware of each other's problems and that this led to difficulties which would not have arisen had each branch been aware of the pressure under which the other was required to work.

2.2 We would stress that in our opinion the reasons given by the Armitage Committee for its recommendation to establish the Institute remain valid and that the Institute has broadly fulfilled its objectives. All our correspondents have recommended the continuation of the Institute and none has proposed a satisfactory alternative. In particular the professional bodies have told us that the Institute has provided a method of training which is superior to the pre-Armitage system. In broader terms the increased movement towards institute-type training in other common law jurisdictions indicates that it is now widely regarded as the best form of preparation for the legal profession.

2.3 We see further advantages in the maintenance of the Institute. We believe that the profession can benefit greatly from having a steady flow of recruits who have already received good practical training in an established Institute which ensures that all students receive the same quality of training. Moreover lectures and study do not always integrate easily with simultaneous office work and there is, therefore, advantage in a full-time course which can provide training in a wide range of matters likely to be encountered in practice which the individual may not always come across during pupillage or apprenticeship. The Institute of Professional Legal Studies provides a useful bridge between academic learning and the practice of law.

2.4 For the reasons stated above we recommend that part of the professional training of barristers and solicitors should be a period at the Institute of Professional Legal Studies.

#### Alternative Methods of Qualification

2.5 So convinced are we of the value of attending a full-time course at the Institute, that we recommend that alternative routes into the profession should be discontinued and that all those wishing to obtain a practising qualification should attend a full-time course at the Institute except for the following:—

- (a) law clerks with seven years' service, whose experience is judged by the Law Society to be sufficient to enable them to undertake the vocational professional training at the Institute on a part-time basis;



- (b) those seeking admission to the Bar who, through their employment, have already gained legal experience judged by the Inn of Court to be sufficient to enable them to undertake the vocational professional training at the Institute on a part-time basis;
- (c) those in full-time employment as lecturers in Law in a university who should be enabled to do their vocational professional training at the Institute on a part-time basis; and
- (d) lawyers who have qualified outside Northern Ireland who would have to satisfy the requirements of the professional bodies as at present.

### Solicitors' Apprenticeship

2.6 The Law Society of Northern Ireland stated in written evidence that it had concluded that the best postgraduate training would be achieved by an amalgamation of the Institute and apprenticeship systems. The Society regards office experience as so vital that it should become an integral requirement of professional training and therefore proposed that the Institute year should be adjusted to enable the students to have several months' office experience before commencing the Institute course. In its view there is no adequate substitute for actual experience, direct contact with the public, and positive involvement with real case loads. The Belfast Solicitors' Association also expressed the view that some method ought to be found of marrying the Institute course with practical in-office training. Asked about his experience of students who had spent a period working in an office before beginning the solicitors' course at the Institute, the Director of the Institute agreed that office experience was an advantage and helped them to adjust to the practical course, particularly if they had had experience in a good office and he emphasised that the Institute already encouraged students to spend a few weeks in an office before commencing the course.

2.7 The evidence we have received has convinced us that no institution could completely replace training on the job and that for intending solicitors study at the Institute should be linked more closely than in the past with office training. We therefore recommend that, except for those coming within paragraph 2.5(a) and (c), intending solicitors should be required to complete satisfactorily a two-year apprenticeship during which they would spend one year at the Institute; that they should not begin their course of professional training until they have gained at least three months' practical experience in an office; and that throughout the period of the Institute course they should maintain a close link with their office and should be required to spend part of each vacation working in it. Intending solicitors coming within paragraph 2.5(a) and (c) should be required to complete a period of part-time apprenticeship equivalent to two full years.

### Barristers' Pupillage

2.8 The Inn of Court requires a person intending to practise at the Bar of Northern Ireland to enter into pupillage with a practising barrister of not less than seven years' standing for a period of twelve months or such other period as the Benchers may prescribe. A person who has entered into pupillage may not accept instructions as a barrister in Northern Ireland or conduct any case or any part of a case in any Court or Tribunal until he has completed to the satisfaction of the Benchers six months' pupillage or such other period of pupillage as the Benchers may prescribe. Recently this provision has been varied to permit a pupil, after three months' non-practising pupillage, to appear before a Master of the Supreme Court in a case in which his

pupil-master, or other practising barrister, has already been briefed. It appears to us that in most cases only six months' effective pupillage takes place and that once a pupil has completed the six-month non-practising period, little or no effective supervision takes place. We therefore recommend that The Inn of Court of Northern Ireland should review the pupillage system for the training of barristers. In particular we recommend that the Inn should consider whether there might be advantage in basing pupillage on a two-year period. The first year would coincide with the intending barrister's course at the Institute. We feel that a student could gain much from a relationship with his prospective master during this period and the pupil could spend part of the vacations with his pupil master. The second year of pupillage would take place after call to the Bar and the first six months would remain in substance a non-practising period of pupillage as at present. Whilst we are not proposing any extension of the non-practising period of pupillage, nonetheless we recommend that the Inn should consider whether some additional form of supervision or assessment of a pupil's ability should take place during or at the end of the six-month period of practising pupillage.

## CHAPTER 3

### THE INSTITUTE OF PROFESSIONAL LEGAL STUDIES

#### Constitutional Position and Funding

3.1 Having decided that the Institute should be retained, we considered whether it should remain a constituent part of Queen's University or be divorced from the University and become an independent body sponsored by the legal profession.

3.2 The Armitage Committee had also considered the question of recommending the establishment of an Institute of Legal Education separate from Queen's University but had come 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's Faculty of Law and other facilities of the University, made such a recommendation impracticable. They therefore recommended that vocational courses for both professions should be provided by Queen's University through an Institute of Professional Legal Studies situated near the Law Faculty and the University Library. As a result of that recommendation the Institute was formally established as part of the University. It is a non-faculty unit, constitutionally authorised by a Statute of the University and receives its finance through the University. Its governing body is the Council of Legal Education (Northern Ireland).

3.3 The Inn of Court of Northern Ireland in its evidence to us stated that, in its view, it was desirable that the Institute should remain within the constitutional framework it now occupies as its incorporation within the University facilitated close liaison with academic lawyers which helped practitioners to keep abreast of developments in other jurisdictions and allowed the public interest in the maintenance of intellectual standards to be maintained by the Academic Council of the University.

3.4 In the Law Society's view the question of whether the Institute should remain part of Queen's University or become an independent institute sponsored by the profession had to be linked with the question of control of admission to the profession. Their argument was that, if the alternative route into the profession was not going to be retained, control of admission to the Institute would in real terms have to rest with the profession. They also felt that an independent institute could be more responsive to the needs of the profession and that students would be less inclined to look on their year at the institute as a fifth year at university.

3.5 These arguments are finely balanced. In our opinion the benefit which the Institute has derived from its links with Queen's University in the past indicates that it would be preferable to maintain them in the future. An independent institute would lack many of the advantages which exist within the intellectual, social and material environment of the University. Moreover it became apparent that there was little chance of Government funding for an independent institute. It therefore seemed to us that because of the costs involved an independent institute would not be a practical proposition unless the profession provided the funding or at least the major proportion thereof but each branch of the profession pointed out to us that, given its other commitments, it could not impose a levy on its members to defray the cost of the institute. The full cost of such an institute would therefore have to be met by students' fees. We estimate that at 1984/85 prices this would be between £3,500 and £4,000 a

year. The Department of Education has made it clear to us that it would not be prepared to pay fees at this level by way of postgraduate bursaries financed out of public funds. Consequently, if an economic fee were charged, students would be able to attend the institute only if their family circumstances were such that the requisite sum was available or they could underwrite a loan. We discuss this question more fully in paragraph 7.7 of this Report. Suffice it to say here that we believe that this method of funding would result in a narrowly based profession consisting only of those from financially secure backgrounds.

3.6 While recognising the difficulty for a small legal profession of financing adequate levels of pre-admission training, we wish to emphasise that there will, nevertheless, be a need for substantial participation by the profession in the work of the Institute as we indicate elsewhere in this Report.

3.7 We therefore recommend that the Institute should remain a constituent part of Queen's University and continue to receive financial support from public funds. In making this recommendation we are conscious of the view expressed by a number of members of the profession that the Institute has been too university oriented. We accept that there is a pressing need to bring the Institute more under the aegis of the profession and many of our recommendations have been designed to achieve this. The Institute and the profession, however, have derived — and will continue to derive — considerable financial and educational benefits through the link with Queen's University. As in any small jurisdiction with limited resources, it is essential that there should be close co-operation between the University and the professions and we consider that the changes we now propose in the organisation of the Institute and its courses provide an eminently satisfactory framework within which the interests of all concerned can be fairly and fully provided for and the maximum degree of co-operation achieved. In order to implement these arrangements, there will inevitably have to be some give and take; we hope sincerely that the need for such flexibility will be readily accepted as a necessary step in securing the best possible system of education and training for the profession. In this context we believe it is important to emphasise that the Institute is not dependent on an annual allocation by the University from its block grant but has relative autonomy. We therefore recommend that the grant paid by the Department of Education to the University in respect of the running costs of the Institute should continue to be earmarked for that purpose.

#### **Relationship with the Profession**

3.8 The course at the Institute is a bridge between academic study and practice and the aim is to teach intending barristers and solicitors the skills and techniques which they will require especially in the early years of practice. Unfortunately we have received evidence of a regrettable gap between the Institute and the profession for which both must share responsibility. Ignorance of what the Institute does has resulted in criticism of its work and lack of confidence in its achievements on the part of some practitioners. It is therefore essential, in our opinion, that both sides should find ways of working more closely together.

3.9 Experience elsewhere indicates that part-time assistance from practitioners is invaluable. Although it involves a great deal of organisation from the centre and is not free from difficulties, we believe it is desirable that the Institute should involve

practitioners as consultants and tutors on a more formal and longer term basis than has been the practice in the past. We therefore recommend that judges and practitioners, both at the Bar and as solicitors, should be more involved than at present in part-time teaching and in the preparation of materials for the Institute's courses.

3.10 In paragraph 2.7 we stated that, in our view, the Institute should be linked more closely than in the past with office training and we consider that the two-year apprenticeship, proposed for intending solicitors, ought to be seen as a combined responsibility of the Law Society and the Institute. We therefore recommend that the preliminary period spent in the office should be a prelude to the course at the Institute and that the Law Society and the Institute should together draw up basic guidelines for masters on what the apprentice should be familiar with before embarking on the Institute course. We also recommend that the two bodies together should formulate guidelines for the work of the apprentice during the final period of apprenticeship.

3.11 In furtherance of the principle that the Institute should foster and maintain a good and close relationship with both sides of the profession we recommend that the Institute should consider ways of furthering the relationship between the Institute and individual masters and their pupils and apprentices and suggest that this object might be achieved in a variety of ways eg:—

- (a) The Institute might write to the master of each apprentice before each vacation informing him of the subjects which would be studied during the following term so that the apprentice's work in the office could, where possible, relate to his study;
- (b) The Institute might each year organise at least one symposium for masters, pupils and apprentices;
- (c) There might be informal contact between masters and the staff of the Institute;
- (d) The Director of the Institute might have periodic meetings with the education committees of the two branches of the profession.

3.12 To make this relationship closer we further recommend that the Executive Council of the Inn of Court and the Law Society should consider inviting the Director of the Institute or a member of staff nominated by him to be present at meetings of their respective education committees for discussion of relevant items.

3.13 We also envisage that the profession should have a greater part to play in the selection of students for admission to the Institute and in the assessment of the students' work during the year at the Institute. These topics are discussed in subsequent chapters.

### **Full-time Staff**

3.14 The Director of the Institute has drawn our attention to the difficulty of attracting full-time staff of wide practical experience with the ability to communicate and pass on that experience to others. Whilst we recognise that teaching at the Institute is a very different career from practising as a solicitor or barrister, nevertheless we agree that pay is an inhibiting factor in attracting staff of the right calibre.

3.15 We believe that, unless this obstacle is removed, the Institute will not be able to recruit and retain staff of high quality. We have recommended (in paragraph 3.7) that the Institute should continue to be funded by way of an earmarked grant and we hope that this will enable the University to find ways of resolving the difficulty. We therefore recommend that the salaries paid to the Director and other members of the professional staff at the Institute should be comparable with what they could earn if they took posts in public service outside private practice and that the University should consider how this could best be implemented.

3.16 We would hope that those who teach at the Institute would continue to have experience in practice and recommend that the full-time staff of the Institute should maintain as close a contact with private practice as is practicable.

### Review of Staffing

3.17 In view of our proposals in the last nine paragraphs we recommend that the Institute's requirements for full-time and part-time staff should be kept under constant review by the Council of Legal Education.

### Objectives and Performance

3.18 To ensure that the Institute meets effectively and efficiently the ever changing training needs of the profession, it will be necessary to keep its objectives and performance under constant review. This will, of course, be the responsibility of the Council of Legal Education but in our view it will require advice on this matter and we recommend the establishment of an audit team to conduct independent reviews and appraisals of all activities of the Institute. We set out suggested terms of reference in Appendix E.

### Site of the Institute

3.19 The Armitage Committee recommended that the Institute of Professional Legal Studies should be situated near the Law Faculty and the University Library. This recommendation was implemented by locating the Institute in University premises in the main University precinct.

3.20 The Inn of Court of Northern Ireland, in a written submission to us, reaffirmed the desirability of the Institute remaining within the constitutional framework it now occupies but stated that a case could be made for removing the Institute from its present location in the University area and establishing it in the vicinity of the Law Courts. Such a move would, in their opinion, make it easier for both the students and the staff of the Institute to maintain a close and up-to-date acquaintanceship with the Court of Appeal and the High Court, Belfast Recorder's Court, Belfast Magistrates' Court, quasi-judicial institutions such as Industrial and Social Security Tribunals, the Bar Library and the Law Society. In their view the attendance of judges, magistrates and barristers, as well as court officials, and their participation in practical exercises at the Institute, could be facilitated by such a move.

3.21 In written evidence to us the Vice-Chancellor of Queen's University stated that, if the Institute remained constitutionally a part of the University, this did not mean that there had to be a total dependence on location at the University.

3.22 The site of the Institute was, therefore, a topic which we discussed with him, and also with the Executive Council of the Inn of Court, the Law Society and the Belfast Solicitors' Association.

3.23 We considered the case made by the Inn of Court, as outlined in paragraph 3.19, for moving the Institute from its present location to the vicinity of the Law Courts and we appreciate the need to bring students into closer contact with practice and practitioners. Despite the advantages that moving the Institute would bring we concluded that doing so would not be a practical proposition because either there would be prohibitive initial capital costs or the Institute would have to pay a high commercial rent. Such considerations do not, however, mean that students have to spend all their time in the Institute's premises; indeed, we consider it both feasible and desirable for Institute students to have a number of classes, both formal and informal, in the Law Courts and in the Law Society's premises. **We recommend therefore that a significant proportion of the Institute's teaching should be done in Law Society House or in the Courts and that steps should be taken to provide a facility for exhibiting information about the Institute in Law Society House and to make available a room in the Law Courts for the use of students at the Institute.**

## CHAPTER 4

### THE COUNCIL OF LEGAL EDUCATION (NORTHERN IRELAND)

#### Background

4.1 The Armitage Committee stated that the proposed Institute of Professional Legal Studies would need a governing body which reflected the interests of all parties concerned: it therefore proposed the establishment of the Council of Legal Education (Northern Ireland) and made recommendations concerning its membership, the period of office of members and its powers and functions (paragraphs 74, 75, 78 and 79 of the Armitage Report).

4.2 The constitutional position of the Institute requires that it should be a constituent part of Queen's University. Chapter XXI of the Statutes of Queen's University which was enacted by the University Senate after consultation with, and approval by, the professional bodies, makes provision for the Institute of Professional Legal Studies: It states that there shall be a Governing Body of the Institute to be known as the Council of Legal Education (Northern Ireland) with such membership, powers and functions as the Senate may from time to time determine and that subject to the provisions of the Statutes and to any Regulations made by the Senate of the University, the Council of Legal Education (Northern Ireland) shall have power to regulate its own procedure and determine the times and places of its meetings. Chapter XXI of the University's Statutes is reproduced as Appendix C to this Report.

#### Role

4.3 Given that the Institute is constitutionally a part of the University, the Council must be established by University Statute. Its existence and powers, however, are essentially a matter of agreement between the two professional bodies and the University; it is the support of the profession which gives authority to the Council and if this support is withdrawn the Council becomes quite ineffective. It appears to us that the constitutional position of the Council has sometimes operated to conceal the reality of this arrangement.

4.4 Having considered the views expressed both by the profession and by the University, we consider that, in the light of the experience gained since the setting up of the Institute, the time has come for the Council of Legal Education to reconsider its role.

4.5 Being representative of both branches of the profession and of the University, the Council can operate as a bridge between the University and the profession, and between the two professional bodies. As a formal body organised under University Statutes and with a membership nominated by the three interested parties it should have the status to give the University and the profession confidence in the organisation and standards of the Institute. Regular discussions of matters of common concern should bring the profession and the University to a better understanding of each other's needs and difficulties. In these and many other ways the Council can stimulate practical and continuing co-operation which is essential to the well-being of the Institute and of legal education and training in general in Northern Ireland.



4.6 We therefore recommend that, in addition to its other functions (see Appendix D), and subject to the Statutes of the University, the Council of Legal Education should be responsible for:—

- (a) control of the Institute courses and methods of assessment;
- (b) determination of the staffing requirements of the Institute;
- (c) selection of staff;
- (d) directing and developing the teaching skills and standards of members of the Institute staff;
- (e) determining — normally triennially — after consultation with the Executive Council of the Inn of Court and the Council of the Law Society, the quota of places to be reserved for intending barristers and solicitors (see paragraphs 5.9 to 5.11 below);
- (f) setting up two committees for the selection of students (see paragraph 5.26 below);
- (g) controlling the finances provided for the Institute;
- (h) securing continuing public interest in the maintenance of the highest possible standards in the operation of the Institute;
- (i) making a regular appraisal of the performance of the Institute by establishing an audit team (see paragraph 3.18 and Appendix E) and producing an annual report which would include recommendations for changes as necessary. (It would be our hope that the Council's report would be made available not only to the Senate of the University but also to the professional bodies.)

4.7 In addition while we accept that it is for the profession to determine what core subjects it requires a person to have studied before being admitted to the profession, we hope that in future there will be preliminary discussion with the Council of Legal Education on any proposed change.

### Membership

4.8 In the light of the comments we make in paragraph 4.3 above we believe that the profession and the University should be seen to have equal representation on the Council of Legal Education. We have discussed the position of members of the staff of the Institute (other than the Director) and do not consider it appropriate that they should be members of the Council of Legal Education and thus part of the Institute's governing body.

4.9 The Law Society expressed the view that it was very much under-represented having numerically a far greater number of practising lawyers than did the Bar. It claimed that it should have a far higher representation at least to the extent of having equality with the combined representation of the Bar and the Judiciary. We considered this claim but hold to the view that two independent professions delegated their respective powers and should therefore have equal representation.

4.10 We also consider that Queen's University might wish to have greater flexibility in appointing its own representatives to the Council of Legal Education and should not be tied to appointing three members of the Faculty of Law. With this exception we are agreed that the membership should revert to that recommended in paragraph 75 of the Armitage Report.

4.11 We therefore recommend that the membership of the Council of Legal Education should be as follows:—

- (a) the Lord Chief Justice of Northern Ireland, or his nominee being a person holding high judicial office, who shall be Chairman;
- (b) three members of The Inn of Court of Northern Ireland, nominated by the Executive Council thereof;
- (c) three members of The Law Society of Northern Ireland, nominated by the Council thereof;
- (d) the Dean of the Faculty of Law of the University;
- (e) four members of the University nominated by the Senate, not being members of staff of the Institute of Professional Legal Studies, of whom at least one shall be a member of the Senate;
- (f) the Director of the Institute;
- (g) such other persons, not exceeding two in number, as the Council may co-opt.

## STUDENT NUMBERS AND SELECTION

### Student Numbers

#### *Background*

5.1 In 1973 the Armitage Committee stated that it was satisfied that the present needs of both branches of the profession would be met by a vocational course with an entry of 50 students, the great majority of whom would become solicitors.

5.2 In 1975, following agreement between Queen's University and the professional bodies, the Department of Education accepted the establishment of the proposed Institute of Professional Legal Studies with an intake of 50 students and agreed to make available 50 postgraduate bursaries. At the end of 1976 the Department offered no objection to the University enrolling a greater number than 50 students for the vocational course on the clear understanding that the additional students would be self-financing.

5.3 The original intention was that the Institute would become virtually the sole means of entry to the legal profession and that the alternative methods of entry would be discontinued after those who had already embarked on their law degree courses had had the opportunity to qualify professionally.

5.4 In 1978, at the request of the University, an informal working group was established to consider the number of bursaries that should be made available for students at the Institute and the wider question of the future demand for law graduates outside the legal profession. The working group reached the view that although it could not be precise about the long term need, mainly because insufficient information was available about the age-distribution and wastage rates of solicitors, it would be reasonable to expect that at least in the years immediately ahead, the legal profession should be able to absorb about 70 new practitioners per annum. In the light of the views expressed by the working group, the Department of Education decided that the number of bursaries tenable at the Institute would be increased to 70 in 1979/80 and that the number of bursaries for future years would be reviewed in the light of experience. At that time the maximum number of students which could be accommodated in the Institute was 70.

5.5 In 1980 the Council of Legal Education (Northern Ireland) raised again with the Department of Education the question of student numbers at the Institute. The Law Society advanced the view that anyone who wished to become a solicitor and was qualified to follow a course of training should be enabled to do so. The Society wished to continue its apprenticeship scheme (see paragraph 1.7) or increase the size of the Institute so that places would be available for all suitable applicants whether supported by public funds or privately financed. Against this the Department argued that public support for vocational preparation must be linked in some way to assessed employment needs and was not prepared to fund either the students or the course on an open-ended basis. In response to a proposal from the Council of Legal Education, the Department confirmed that it would offer no objection to the admission to the Institute of Professional Legal Studies on a self-financing basis of students above 70 up to a maximum of 100 (which was the limit the University then put on its available physical

accommodation) subject to the professional bodies agreeing to discontinue the alternative routes into the profession and the clear understanding by the University that the University Grants Committee would be asked to continue to advise the Department on the level of resources required for an intake of 70 students. This proposal has not, however, been implemented as the profession has been reluctant to phase out the alternative method of entry.

#### *The Inn of Court*

5.6 Traditionally the Bar in Northern Ireland has adopted what is generally called the 'open door' policy: the general view of the profession has been that, given certain basic qualifications, entry to the Bar should be kept as widely open as possible, and that the worth of each individual should be determined first by proving his usefulness as a pupil and ultimately by the support offered by clients in an open competitive market. The Inn has, however, concluded that changed circumstances in Northern Ireland demand a reconsideration of the 'open door' policy. The enormous increase in numbers at the Bar meant that in 1984 there were 266 members of the Bar in practice compared with 67 in 1962 and 100 in 1974 and the Inn believes that a substantial minority of those in practice are not earning even a modest income. Although the Inn has not yet reached any firm decision about numbers, it considers that the introduction of higher standards for admission to the vocational courses at the Institute and for qualifying for admission to the Bar could reduce the intake significantly and they have stated that in the foreseeable future it is difficult to accept that there will be a need for more than 300 members of the Bar.

#### *The Law Society*

5.7 From written evidence submitted by the Law Society it seemed that they were in favour of a limitation on numbers, as there was some evidence of overcrowding in the profession, but that they found it difficult to assess the manpower requirements of the profession. Moreover, in the course of our discussions we were informed that the Law Society had already agreed that for the present there would need to be a limit placed on the number of apprentices and that in 1984/85 and 1985/86 the alternative apprenticeship route had been limited to 15 students each year.

#### *Control of Student Numbers*

5.8 In our view there are at least four reasons why it is essential to plan for firm student numbers.

- (a) Overcrowding in a profession can lead to problems of unemployment and in the case of the Bar to problems of accommodation. But most importantly there is the real danger of an erosion of standards if too many are pursuing a limited amount of work. Such a development would be totally adverse to the interests of the public whom the professions are expected to serve.
- (b) Planning of courses is difficult, if not impossible, if the Director of the Institute does not know the number for whom he will have to provide training in future years. The difficulty is increased if the numbers fluctuate significantly from year to year.
- (c) Planning becomes impossible if the Institute cannot predict with reasonable certainty what resources will be available to it from year to year. Insofar as the funding depends on students' fees, any decline in numbers will immediately be reflected by a decline in income.

- (d) If numbers are not controlled, there is a danger that the Institute will produce more intending practitioners than the profession can absorb and we agree with the Department of Education that Government could not justify using public money to provide professional training for a greater number of students than is required to meet the needs of the community.

5.9 In the light of our discussions with both branches of the profession and with the Department of Education, we recommend that the Institute should be prepared to admit an agreed maximum number of students, all of whom must previously have registered with the Inn of Court or the Law Society. The maximum number for each branch of the profession should be agreed by the Council of Legal Education, on a triennial basis, after consultation with the Executive Council of the Inn of Court and the Council of the Law Society, on the understanding that the Department of Education would have to be satisfied that the number was realistic having regard to the number of people which the profession could absorb.

5.10 We were not in a position to do a manpower planning exercise but from evidence we received it seemed that there was a clear feeling on both sides of the profession that numbers should not expand beyond the present level. We therefore recommend a maximum intake of 90 full-time students for the three academic years commencing with 1986/87, that being approximately the number admitted at present to both sides of the profession through the Institute and by the alternative routes. We further recommend that for these three years not more than 20 of those 90 full-time students should be admitted each year to the barristers' course and not more than 70 to the solicitors' course and that before the triennial review becomes due a report should be prepared by each branch of the profession as a basis for deciding the desirable intake to the Institute in each of the following three years. Those students following the course on a part-time basis need not be counted against this recommended quota.

90  
20 to  
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Law Soc

5.11 So long as they do not seek a practising qualification in Northern Ireland, we see no objection to students from outside the jurisdiction being admitted to the Institute as supernumerary students with a view to obtaining the Certificate in Professional Legal Studies only but such applications would have to be considered in the light of the University's general policy on overseas students.

#### **Qualifications for Consideration for Admission to the Institute**

5.12 Except for the special classes of student specified in paragraph 2.5 we endorse the Armitage principle that before beginning the vocational stage intending barristers and solicitors must either:—

- (a) hold a recognised law degree; or
- (b) hold a degree in a subject other than law and, in addition, have successfully completed a course of legal study approved by the Council of Legal Education for Northern Ireland.

5.13 At present non-law graduates wishing to enter the profession can do so in two ways. They can be accepted for a two-year full-time academic course at the Institute or become apprentices. Details of the number of applications for and admissions to the academic course are given in Appendix F. **It is recommended that, as this**

course is basically academic, consideration might be given to the admission of non-law graduates in future to a special course within the Faculty of Law — rather than to the Institute — and that the Faculty might include a representative of each branch of the profession on the Admissions Board set up by the Faculty for the selection of such students. For the present it is assumed that the number of students accepted for such a course would remain approximately fifteen, which was the number of graduates who did not have an approved law degree and who started their training this year. We suggest that the Faculty might consider the possibility of offering this course on a full-time basis over two years or on a part-time basis over a longer period as non-law graduates can find it difficult to support themselves financially during the two-year full-time course and in future, if our recommendation in paragraph 5.23 below is adopted, they will lose their present guarantee of a place at the Institute on successful completion of the academic course.

## Selection

### *Background*

5.14 The profession is responsible for the admission of those intending to practise at the Bar or as solicitors: indeed there is a statutory obligation laid upon the Law Society in this regard by Articles 5 and 6 of The Solicitors (Northern Ireland) Order 1976.

5.15 Understandably each branch of the profession wishes to retain this traditional responsibility as the well-being of a profession is in large measure influenced by those who enter it. The University is also bound by the provisions of its own Charter and Statutes relating to the admission of its students and at times it seemed to us that these differing responsibilities were irreconcilable although each was aimed at achieving the common purpose — namely, ensuring that suitable people were accepted for training and admission to the profession.

5.16 This is not a new problem and the Armitage Committee dealt with it by applying the principle of revocable delegation. They recommended in paragraph 4 of the summary of recommendations:

“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.”

5.17 Since the Institute came into being this principle has worked satisfactorily. Concern, however, has now been expressed to us partly because the alternative routes of admission ought in our view to cease. It is feared that control over admission will pass from the profession to the University or a body responsible to it. We consider that this fear is ill founded because delegation is and will remain revocable and both the Inn of Court and the Law Society are themselves constituent members of the Institute. Nonetheless we recognise the need to make proposals for a method of selection which will effectively preserve the interests and responsibilities of both branches of the profession as well as of the University.

### *Criteria for Selection*

5.18 The number of applicants for admission to the vocational course at the Institute each year greatly exceeds the number of places available. A table showing the number

of applications for admission to the Institute and the number of students admitted in each of the years from 1977 to 1984 is included in Appendix F to this Report. We therefore set ourselves the objective of devising criteria for the selection of students for admission to the one year full-time course at the Institute which would ensure, as far as possible, that the students admitted were those applicants most likely to become good barristers or solicitors and which, we hope, would be acceptable to both the profession and Queen's University.

5.19 We discussed the use of Aptitude and Character/Personality Tests in the light of views expressed in evidence. We noted that a Sub-Committee of the Standing Committee on Entry and Training of the Law Society of England and Wales, which met in 1979 under the Chairmanship of Professor Aubrey Diamond, had considered the use of such tests for prospective solicitors but had concluded that it was not possible to identify with sufficient accuracy qualities needed by a prospective solicitor so as to create an aptitude or personality test for admission to the profession. We have heard nothing to make us reach a different conclusion and therefore do not recommend the introduction of such a test.

5.20 Any form of selection process for admission to the profession has to be effective in that, so far as possible, it provides a reliable indication of the applicant's ability to apply in a practical way the academic knowledge he has acquired at university. Hitherto the Institute in its admission procedure and recommendations for the award of bursaries has relied upon the applicant's class of degree supplemented by an interview. Doubts have been expressed to us about the correlation between the academic performance of an applicant as measured by degree results and his ability to be an effective practitioner. We also recognise that it is difficult to assess the relative merits of two individuals who have obtained the same class of degree at different institutions. Therefore there is considerable merit in requiring all applicants to undergo a common written test of practical competence which must be capable of being objectively evaluated. We have devoted a very substantial proportion of our deliberations to consideration of the question of a written selection test. It rapidly became apparent that to construct such a selection test is not an easy task. In particular it has been pointed out to us that no similar jurisdiction employs such a test and that lack of experience elsewhere will make the task more difficult. Nonetheless we have concluded that when it is necessary to reject applicants who meet minimum standards which have hitherto been acceptable to the profession, a written test is the most acceptable and defensible method of selection. **We therefore recommend that if the number of applicants for a course at the Institute exceeds the number of places for that course, the applicants should take such written tests as the Council of Legal Education may prescribe.**

5.21 Consideration was, therefore, given to the nature, content and timing of the proposed written test. **We recommend that the questions set should be such as to test a student's ability to apply his knowledge of law in a practical way.** This should reveal:—

- (a) his capacity to elicit relevant facts from a mass of information;
- (b) his ability to handle available material;
- (c) his ability to express himself clearly;
- (d) his common sense;
- (e) his numeracy.

Our view is that these written tests should be long enough to be discriminatory but not so long as to create an unreasonable load for examinees or examiners. We therefore recommend that the test should take place on a date to be decided by the Council of Legal Education and that each candidate should sit two three-hour papers (with most questions compulsory), one of which would be common for all candidates and one geared to the branch of the profession to which he is seeking admission. Candidates could be examined conditionally if the results of their degree examinations were not available before the date of the written tests.

5.22 We further recommend that the Council of Legal Education should set up a working party, including members of the education committees of the Executive Council of the Inn of Court and of the Law Society to devise written tests on the lines proposed. We accept that the Council of Legal Education may need additional advice on the preparation of such tests so that they may achieve in a fair and objective manner the aims set out in paragraph 5.21.

5.23 At present non-law graduates successfully completing the two-year academic course are automatically admitted to the vocational course. Our view is that in future non-law graduates should be required to sit the proposed written test in the same circumstances as law graduates: to recommend otherwise would give them preferential treatment. The nature of the test means that they would have to take it during or at the end of the final year of the academic course.

5.24 After the written test has been taken and marked and degree results obtained the selection committees (see paragraph 5.26) should meet. Each selection committee in deciding who may enter the Institute and pursue the appropriate course should have regard to:—

- (a) the achievement and performance of each candidate in his degree examination; and
- (b) the performance of each candidate in the written test,

and should conduct such interviews and viva voce examinations as it thinks fit. As long as demand for places remains at its present level it is expected that successful entrants will normally have obtained at least a second class honours degree.

5.25 The arrangements set out in paragraphs 5.20 to 5.24 would not apply to those coming within paragraph 2.5(a), (b) and (c) who would do their vocational training on a part-time basis. If the number in those classes were to exceed the number coming forward in recent years, then the professional bodies would have to decide how many should be admitted in that way and devise a means of selecting those to be admitted.

#### *Selection Committees*

5.26 We gave very careful consideration to the composition of the selection committees recognising:—

- (a) the professional bodies are in the end responsible for determining who should be qualified;
- (b) the University must have a right constitutionally to decide whom it admits; and
- (c) the public has an interest in ensuring that the selection is carried out in the fairest way possible.



Bearing all these points in mind we recommend that the Council of Legal Education should set up two selection committees, one for each branch of the profession, consisting of:—

three members of the side of the profession concerned (of whom at least one must be a member of the Council of Legal Education);

the Director of the Institute of Professional Legal Studies;

one other member of the Council of Legal Education.

One possible way of implementing this recommendation would be for the Inn of Court and the Law Society each to submit a panel of five people from whom the Council of Legal Education could select two to serve on the committee. We understand that in the past it has normally been the practice for a present or former Assistant Dean of the Faculty of Law to be a member of the Admissions Committee. If one of the University members of the Council of Legal Education has appropriate administrative experience, it might be desirable that he should be a member of the selection committees.

#### **Applications for Admission and for Bursaries**

5.27 In view of the proposed changes in the structure of the courses, an applicant would in future have to apply for admission to either the solicitors' course or the Bar course and transfer between courses would virtually cease. The number of students selected for each course would have to be within pre-determined quotas.

5.28 We recommend that if the number of students admitted to the Institute exceeds the number of bursaries which the Department of Education is prepared to make available, the selection procedure proposed in this chapter for use in connection with admission should also be used for the award of bursaries (see paragraph 7.8).

## CHAPTER 6

### COURSES AT THE INSTITUTE OF PROFESSIONAL LEGAL STUDIES

#### Duration and Structure of Course

6.1 Before deciding to recommend that the full-time course at the Institute should continue to be the main route into the legal profession, we considered the possibility of the Institute providing the necessary education by means of a "sandwich" course or on a part-time basis.

6.2 As it was being suggested that study at the Institute for intending solicitors should be linked more closely than in the past with office training, the principle of a "sandwich" course seemed advantageous. For example the Belfast Solicitors' Association proposed that students might attend the Institute on a part-time basis over a two-year period by attending the Institute for half of each day. It seemed, however, that it would be difficult, if not impossible, to co-ordinate such a course as the work of offices was so diverse that they could not be expected to produce adequately structured training. A "sandwich" course is also likely to disrupt work in offices. We felt, too, that such an arrangement could create a problem of split loyalties and that students needed a solid period of work at the Institute. We rejected the Belfast Solicitors' Association's proposal as unworkable on the further ground that not all intending solicitors would be gaining their office experience in or near Belfast.

6.3 Having considered these possibilities we were in agreement that the vocational course should continue to be a one year full-time course.

#### Starting Dates

6.4 As stated in paragraph 2.6, the Law Society proposed that the Institute year should be adjusted to enable the student to have several months' office experience before commencing at the Institute. The Inn of Court, however, wishes students following the Bar course to be able to begin as soon as possible after graduation, so that they will not lose any time before commencing their pupillage. A later starting date would almost certainly create financial difficulties for intending barristers. We realise that different starting dates for intending barristers and solicitors will cause difficulties for the Institute in organising its courses, but we are satisfied from our discussions with the Director of the Institute that it can be done and we have had regard to these difficulties in considering the content of the course. Taking into account the views expressed by the Inn of Court and the Law Society, and having heard evidence from some of those involved in legal education elsewhere in the British Isles, we recommend that Bar students, as in the past, should begin their one year course at the Institute at the beginning of the Michaelmas Term but that on the solicitors' side students should begin their one year full-time course at the Institute at the beginning of the Hilary Term, having previously spent at least three months of their apprenticeship in an office (see also paragraphs 2.7 and 3.10).

#### Course Content and Teaching Methods

6.5 It was stated by the Armitage Committee that the main function of the vocational course was to bridge the gap between academic study and the application of the law and that conventional lectures should be kept to a minimum and the courses strongly orientated towards the problems of practice.

6.6 Having regard to the recommendations of both the Ormrod and Armitage Committees and to the views expressed by those who submitted evidence to us we consider that the vocational course should be designed to ensure that on successful completion of the course the student

- (i) possesses a sound knowledge of the following:—
  - (a) those areas of law most commonly encountered in the early years of practice;
  - (b) the rules of procedure in courts of law and principal tribunals;
  - (c) the rules of evidence in civil and criminal proceedings;
  - (d) the rules and canons of professional conduct;
  - (e) the law and practice relating to costs and Legal Aid;
  - (f) in the case of solicitors, office organisation; and
- (ii) has demonstrated a satisfactory level of skill in:—
  - (a) oral expression
  - (b) negotiating
  - (c) drafting legal documents and letters
  - (d) interviewing
  - (e) accounting
  - (f) marshalling facts
  - (g) advocacy
  - (h) organising the flow of work.

Many of these objectives are already being met by the existing Institute course but we consider that its content and organisation should now be reviewed with these objectives in mind.

6.7 All the evidence available to us tends to confirm that positive benefits are derived from the fact that, where practicable, students of both branches of the profession undergo their vocational training together. We are, however, impressed by the Inn of Court's argument that there are certain topics of particular usefulness to a practising barrister which might receive further consideration at the Institute. Topics which have been identified by the Inn as falling into this category are set out in Appendix G. We also agree that there are certain courses in the curriculum, eg conveyancing, wills and probate, in which intending barristers need not be involved to quite the extent they are at present.

6.8 From the evidence we received it would seem that the Law Society is basically satisfied with the curriculum the Institute has devised but one topic which they would like to see added to the course is the administration of trusts.

6.9 The Director of the Institute supplied us with a detailed timetable incorporating a suggested revision of the curriculum to take account of the suggestions made by the Inn of Court and the proposal from the Law Society that intending solicitors should spend three months in an office before commencing the course at the Institute. While it is not for us to indicate how the detailed timetable should be arranged, we would suggest that there would be advantage in organising the topics to be covered in blocks which should incorporate not only the relevant law, rules of procedure and rules of

evidence but should also involve practice of the relevant legal skills and raise questions of professional ethics and proper conduct. In other words, instead of covering the subjects and skills listed in paragraph 6.6 above in separate stages, we suggest that it would be preferable to cover a large number of these within each teaching block. Thus, for example, the section of the course dealing with Queen's Bench practice could include instruction in the law of negligence and the assessment of damages in personal injury cases, marshalling facts, negotiating, drafting legal documents and letters, interviewing, pleading, advocacy, general organisation, etc. In this way the teaching of skills would become integrated with legal and procedural rules and these in turn would be studied in the context of the law of evidence and the relevant substantive law. We consider that such an approach is likely to be more effective than dealing with "drafting" or "advocacy" and "High Court practice" separately and at different stages of the course.

6.10 With this in mind we recommend that consideration should be given to the rearrangement of the content of the Institute course along the lines set out in Appendix H. This represents our view of the topics which it would be appropriate to include in the courses at the present time. It is, of course, for the Council of Legal Education, in consultation with the profession, to keep the content of the course under constant review as changed circumstances may alter the profession's views as to the topics which are of most significance to intending practitioners.

6.11 In the course of our discussions we were conscious that much work on the development of professional training courses has been undertaken in other jurisdictions during the past decade. In reviewing the organisation of the Institute course, we hope that the Director and the Council will endeavour to inform themselves fully of these developments and give full consideration to the issue of what innovations and arrangements introduced elsewhere might properly be incorporated in the Institute course.

6.12 We recommend that the Inn of Court and the Law Society should declare, and use their best endeavour to ensure, that members of both branches of the profession regard it as a professional obligation to assist with the teaching at the Institute. We recognise that the introduction of a material degree of assistance from the profession in the teaching of the Institute requires a high degree of commitment from those members of the profession taking part and a recognition on the part of all concerned that, to be effective, such assistance must be carefully and thoroughly planned in advance. With this in mind we would expect that members of the profession would become more actively involved in discussions concerning the content of the Institute course, would be asked by the Director or his staff to assist with the preparation of teaching materials and would be more involved with the assessment of student performance than hitherto. Given a willingness on all sides to approach the provision of assistance on this basis, we feel that the difficulties involved in timetabling caused by the introduction of assistance from the profession could, and in our opinion should, be overcome:—

- (a) by introducing a degree of flexibility by providing some of the teaching in the evenings or at week-ends or at times outside the university term; and
- (b) by having a significant proportion of the Institute's teaching provided in Law Society House or the Royal Courts of Justice as we have already stated in paragraph 3.23.

These proposals would render it easier for practitioners and judges to give of their time and would assist in reducing a feeling, which we sense exists in both branches of the profession, that there is insufficient day-to-day contact between the Institute and the profession, and to which we have referred in paragraph 3.8 of this Report.

6.13 The Royal Commission on Legal Services specifically recommended in paragraph 42.97 of their Report that provision should be made to deal adequately with the topic of welfare law. Over the past decade or so welfare law has become a more popular course in law degree curricula. (It has, for example, been a compulsory course in the LLB at Queen's University since 1976.) We have already stated that in our view the course at the Institute should ensure that students possess a sound knowledge of legal aid and the curriculum we outline in Appendix H includes the practice of Social Security Tribunals. We believe that the implementation of these proposals and recent changes in law degree curricula would adequately meet the Royal Commission's point.

6.14 A number of those who submitted written evidence to us urged that the Institute should have attached to it a Legal Advice Centre, the main purpose of which would be to give students experience in advising clients with real problems. In paragraphs 2.7 and 2.8 we have recommended the closer integration of the course at the Institute with apprenticeship and pupillage. This should afford students the opportunity to gain experience of real cases and giving advice to clients in a Legal Advice Centre within the Institute could be incompatible with a student's obligations to his own master. This is the main reason for our unanimous decision that the Institute should not become involved in giving advice to the public. Other arguments against the establishment of such a centre are that it is hazardous for someone part way through his legal training to give advice to clients and that such an enterprise would need a great deal of supervision and could have heavy financial implications, for example the cost of insurance.

### Assessment

6.15 We point out in paragraph 6.6 that the fundamental objects of the course are to ensure that the student possesses a sound knowledge of certain areas of law and has developed certain practical skills. The purpose of assessment is to ensure that no student will be awarded a Certificate in Professional Legal Studies (which will ultimately entitle him to practise) unless he can demonstrate competence in these fields. The method of assessment must not only be acceptable to Queen's University (as the body granting the Certificate), it must also be such that the professional bodies and the general public alike will have confidence in the ability of a successful candidate. Students must also see it as providing a fair and objective test.

6.16 Insofar as some of the requisite skills (for example, interviewing and advocacy) cannot be measured by a written examination, we believe that ideally students should be tested by continuous assessment. In practice, however, we do not consider this to be feasible. It would be excessively time consuming and, without a radical reorganisation of teaching methods, would lack the quality of objectivity. Moreover, there is a danger that it would confuse the functions of teaching and examining to the detriment of the former: a student unable to grasp a point might be reluctant to admit this lest he be failed.

6.17 We are of the opinion that the objective of continuous assessment could be met in part by periodic tests and that it would be possible and desirable for the Institute to introduce them. These would serve a number of distinct purposes: they could test skills not susceptible to written examination; they would give students an incentive to work steadily throughout the course; and they would weed out the unsuitable student at an early stage. A student who performed unsatisfactorily could be warned and continued failure could lead to exclusion from the course.

6.18 We discussed methods of assessment in detail with both Professor Love and Professor Sweeney when they met us to give oral evidence and in the light of those discussions we are convinced that despite the additional costs involved external assessors would have to be associated with these tests because of the potential consequences of failure. We believe that each branch of the profession should be able to nominate, say, six members connected neither with the Institute nor with the Council of Legal Education who could be called upon to act in this capacity. We see further advantages in their appointment. The assessors would guarantee to the professional bodies the maintenance of proper standards and the arrangement would also afford members of the profession further involvement in the work of the Institute — a desideratum to which we have already referred in paragraph 3.6.

6.19 Whilst we should expect marks obtained in periodic tests to count towards a student's final assessment, we are nevertheless of the opinion that the Certificate in Professional Legal Studies will command professional and public respect only if the main assessment continues to be by written examination at the end of the course in which a student must attain a high standard to be successful. In line with the suggestions we make about the content of the course in paragraphs 6.6 and 6.9 above, we hope that the Institute will set papers which require a knowledge both of principles of substantive law and of practice. For example, a paper for Bar students could require them, on a given set of facts, to write an opinion covering such matters as liability, contributory negligence, and quantum of damages for personal injuries and in a fatal accident claim, to draft a statement of claim, and to give advice on evidence. External examiners would, of course, be associated with the examination as they are now.

6.20 This final examination should not only reflect the sort of work which the candidate would expect to be doing after qualifying but should, as far as possible, simulate the conditions under which he would be working. Ideally, therefore, he should have access to the books which he would consult in the Bar Library or in his office. In practice this is obviously impossible. We recommend that as a compromise the Institute should provide each candidate in the examination room with a set of reference materials for examination purposes.

6.21 In summary, we recommend that the Institute should:—

- (a) introduce periodic tests;
- (b) associate with these tests external assessors to be drawn from panels to be nominated by the professional bodies;
- (c) continue a final examination which should be designed to provide a thorough test of the candidate's ability to apply law in practice;
- (d) provide reference materials for use by each candidate in the final examination.

## CHAPTER 7

### STUDENT SUPPORT

#### Recommendation of the Armitage Committee

7.1 The Armitage Committee stated that the success of any system of professional education required an adequate system of grants to students to ensure that the profession was open to all and that the continuance of support by way of awards for the mandatory professional year would ensure this. The Committee also took the view that as at that time in other parts of the United Kingdom awards for courses of professional legal studies were made at the discretion of Education Committees and as awards in Northern Ireland were made on a system of parity with other parts of the United Kingdom, it was unlikely that mandatory awards would be approved by the Government for courses provided by the Institute.

#### Present Arrangements

7.2 Although the function of the Education and Library Boards in regard to discretionary awards would have been wide enough to allow them to encompass legal studies, the Department of Education decided to guarantee a fixed number of postgraduate bursaries — currently 70 per annum — for the course at the Institute of Professional Legal Studies.

7.3 The decision to make available a guaranteed number of postgraduate bursaries was made at the outset. The concept of the Institute was an exciting and pioneering one and there was a general desire to help it become established. The intention was that the Institute would become the sole entry route into the legal profession. Both the profession and the University had a strong interest in maintaining an adequate and fairly stable intake which would be consistent with the needs of the profession and with the University's need to have a sufficient enrolment to justify the overhead costs. Discretionary awards by Education and Library Boards could not have been guaranteed to meet those requirements, since they would not have been based on any overall assessment of need and would have reflected decisions taken separately in five different areas.

7.4 One of the tasks allotted to us was to consider how students admitted to the Institute should be supported financially and we were asked to consider alternative funding arrangements including the possibility of a switch to discretionary awards by Education and Library Boards.

7.5 The general principle in regard to those areas of postgraduate vocational training for which higher education institutions provide courses is that grants to students are made on a discretionary basis by Education and Library Boards. A limited number of postgraduate bursaries is provided by the Department of Education for other courses which fall outside the Boards' remit, and the Department also provides studentships for programmes of research and for certain approved courses of full-time study leading to higher degrees; but none of these is earmarked by the Department for particular courses and all are allocated on a strictly competitive basis. The arrangement whereby the Department of Education guarantees a fixed number of awards for the Institute course is in a sense anomalous in Northern Ireland in that it is quite out of line with what might have been expected if general practice were being

applied. However, it is closely comparable with that introduced in Scotland in 1980 under which the Scottish Education Department makes available an appropriate number of postgraduate awards for students admitted each year to courses run in Scottish universities leading to the Diploma in Legal Practice.

### Possible Means of Student Support

7.6 Student support must come from public funds, the profession, the student's own resources or a combination of these sources and could include arrangements for the provision of student loans. Although the Department of Education at present makes available 70 bursaries each year, it is impossible in the present financial climate to guarantee that this support will continue.

7.7 Nevertheless having considered the various possibilities we recommend that the Department of Education should continue to award an agreed number of postgraduate bursaries each year for students on the Institute's course. The arguments in favour of the continuation of the present arrangements are:—

- (a) There is a strong public interest in securing the most suitable training of members of the legal profession which should extend to providing financial support for those in training.
- (b) The University and the Institute can plan sensibly for this course only if they are assured of continuing financial resources. (If the number of students given discretionary awards were suddenly to drop, the Institute could lose a significant proportion of its estimated income.)
- (c) There would be uncertainty about the policy which different Education and Library Boards might adopt for the making of discretionary awards; some able students might not get an award as competition could vary from Board to Board.
- (d) If the present cost to the Department of Education of bursaries were to be divided amongst the Boards, flexibility would be lost and there would, in any case, be no guarantee that the sum transferred to a Board would be used for discretionary awards to students attending the Institute. The problems of a switch to discretionary awards might be more acute now than those envisaged in 1977 if Boards have less money available for discretionary awards. It is, therefore, preferable that student support from public funds should come from one source, ie the Department of Education, rather than from the five Education and Library Boards.
- (e) We believe it necessary to ensure that students, qualified to do so, should have the opportunity to enter the profession irrespective of their financial position and we consider that this would not be possible in all cases if students were dependent on loans or private finance. The tuition fee for the course at the Institute in the current academic year 1984/85 is £1,569 and the student would, in addition, have to maintain himself for the year. The maximum grant which can be paid to a student this year for maintenance under the terms of the Department of Education's Rules and Conditions for Postgraduate Bursaries is £1,725. Based on these figures, even if a loan were possible, a student would need to raise about £3,300 which would have to be repaid with interest. Our view is that that would be an unduly heavy commitment for young barristers and solicitors many of whom would probably not be in a position to make any substantial repayment of the loan for some years. It is very important that those embarking on a career as a solicitor or barrister should not



be subject to undue financial pressures. Furthermore, we agree with a number of our correspondents that there is a grave danger that some students would not be prepared to contemplate a loan of this size at all and therefore entry to the profession would be effectively closed to them.

- (f) The profession is not in a position to provide financial support for the students during their year at the Institute.
- (g) The present system is comparable with that in Scotland which, like Northern Ireland, is a small jurisdiction.

7.8 Ideally the Department of Education should be prepared to award bursaries to all eligible students admitted to the Institute. In paragraph 5.10 we recommend an increased intake but in the present financial climate it would be unrealistic to expect Government to increase the number of bursaries and **we therefore recommend that for the academic years up to and including 1988/89 the Department of Education should continue to make available 70 bursaries each year for the Institute course.** We consider that the allocation of the bursaries should be both in line with the ratio of intending solicitors and intending barristers being admitted to the Institute and also in line with the split in the total number of practising members of the profession but that the arrangements should be flexible enough to enable the Council of Legal Education to take account of differences in the quality and number of applicants from year to year. **On that basis we recommend that 48 of those bursaries should be allocated for intending solicitors, 12 for intending barristers and the remaining 10 for distribution by the Council of Legal Education after consultation with the two selection committees and that the number for succeeding years should be reviewed in the light of the needs of the profession and the community.** The question of selection for the award of bursaries has already been dealt with in paragraph 5.28.

7.9 We also suggest that the professional bodies should consider making special arrangements for giving financial support to those students at the Institute who are not in receipt of bursaries.

## CHAPTER 8

### POST-QUALIFICATION TRAINING FOR BARRISTERS AND SOLICITORS

8.1 The Armitage Committee envisaged continuing education to be an important function of the Institute of Professional Legal Studies which should be provided under self-financing arrangements made with the professions.

8.2 In 1979 the Royal Commission on Legal Services dealt with post-qualification education and training in paragraphs 42.103 and 42.104 of its Report stating that it was important that education and training of this character should be carefully planned and co-ordinated and that the provision of courses for practitioners was all the more important in Northern Ireland in view of the shortage of text books and authorities for reference purposes. They said programmes of courses were required which would be of direct assistance to day-to-day practice, avoid duplication and anticipate forthcoming developments in law and procedure and that these factors pointed to the desirability of placing responsibility for setting up a system of post-qualification education and training on a single body. They considered that the Council of Legal Education (Northern Ireland) should be responsible in conjunction with both branches of the profession for making the necessary provision.

8.3 An important development since then was the establishment in 1980 of the Servicing the Legal System (SLS) Programme in Northern Ireland to help meet the needs of lawyers and the public by providing a broad range of publications and by organising courses and conferences on the law and legal system of Northern Ireland. The SLS Programme has developed rapidly and a significant number of new publications has been produced and seminars organised to meet the needs both of lawyers and non-lawyers for information about the law and legal system of Northern Ireland. Inter alia, it produces the Bulletin of Northern Ireland Law — ten issues a year — which provides up-to-date information on recent developments and is geared not only to the needs of lawyers but also to the needs of accountants, insurance officials, employers, trade union officials, social workers and others who need accurate up-to-date information on the law in Northern Ireland. SLS organises seminars for members of the legal profession and related professions: for example, in 1982/83 it provided a range of courses for the Northern Ireland Housing Executive, a course on constitutional and administrative law for civil servants and a seminar in company law for a local financial institution.

8.4 SLS is based in the Faculty of Law of Queen's University and is supported by financial contributions from the Northern Ireland Court Service, the governing bodies of the legal profession, the Northern Ireland Bankers' Association, the Nuffield Foundation and Queen's University which also provides accommodation, equipment and many services. The Programme is under the overall guidance of an Advisory Committee and of the Board of Directors of SLS Legal Publications (NI) (a company limited by guarantee) which comprises representatives of the sponsoring bodies.

8.5 Our terms of reference included consideration of paragraphs 42.103 and 42.104 of the Report of the Royal Commission on Legal Services. We therefore asked ourselves whether some form of continuing education was desirable for barristers and solicitors; if so, what sort of post-qualification training would be most helpful;

whether it should be compulsory; who should be responsible for arranging and conducting courses; and how such training should be funded.

8.6 In the light of the evidence we received we are convinced that three types of continuing education are needed, namely:—

- (a) complementary vocational courses for members of the profession who have recently qualified;
- (b) refresher courses; and
- (c) advanced courses on specialist subjects.

8.7 We believe that continuing education is not merely desirable but necessary and that in principle it should, therefore, be compulsory but we recognise the difficulty in devising sanctions or incentives and have taken into account practical considerations such as the diversity of interests to be catered for; the capacity of the profession to institute compulsory refresher courses; organisational problems such as the pressures of day-to-day practice; the geographical spread of practitioners; and the cost involved. We are, moreover, aware that mere attendance at courses will not guarantee competence and that the results of compulsory post-qualification training would need careful evaluation. Continuing education is nevertheless very important and, if it is not practicable to make such training compulsory, we believe that the professional bodies should do all they can to encourage attendance.

8.8 Our view is that no one body has adequate facilities or expertise to undertake the whole range of necessary training. We do, however, agree with the Royal Commission on Legal Services that responsibility for setting up a system of post-qualification education and training should rest with a single body and we consider that the most appropriate body would be SLS working in conjunction with the Institute, the professional bodies and the Faculty of Law of Queen's University.

**8.9 We therefore recommend that the SLS should assume responsibility for organising a programme of post-qualification training to meet the needs of the profession and should appoint someone — possibly on a part-time basis — to identify those needs and organise courses and conferences.**

8.10 The extension of the role of SLS will, of course, involve it in additional expenditure. In our view the training programme provided should be largely self-financing but we recognise that some pump-priming from the profession may be required to fund the proposed appointment.

(Signed) P. M. Bromley, *Chairman*  
Colin M. Campbell  
S. C. Curran  
D. S. Greer  
A. R. Hart  
W. Alan Logan  
John MacDermott  
Comgall McNally  
Darwin H. Templeton  
A. J. Green, *Assessor*  
J. W. Wilson, *Adviser*

Joan O. M. Frame, *Secretary*  
E. Anne Forster, *Assistant Secretary*

April 1985

## EXTRACT FROM THE ROYAL COMMISSION'S REPORT ON LEGAL SERVICES

(COMMAND 7648 : PUBLISHED OCTOBER 1979)

## NORTHERN IRELAND: LEGAL PROFESSION

**Finance**

42.91 Table 42.5 shows that, at the academic stage, finance for university studies is provided by a mandatory grant (subject to a means test) from the local education authority. Similar financial support is available on a discretionary basis for those mentioned in paragraph 42.88 who take the two-year pre-vocational course at Queen's University or elsewhere. For the one-year vocational courses, state bursaries, covering tuition fees and living expenses, have been available for 50 students and, in the future, are to be available for 70. After qualification, a solicitor may take up employment in a firm and earn a salary. At present pupil barristers may earn fees from the time of qualification and many do so. From September 1979, this will not be possible in the first six months of pupillage and in that period a pupil barrister will have no financial support from the state, the profession or from professional earnings (see paragraph 42.101 below).

**Transitional arrangements**

42.92 At the time the Institute's new course was set up, a number of students in both branches were preparing for qualification under the former system and are to be permitted to complete it. Candidates unable to secure places in the Institute are also to be allowed to qualify under the former system until 1980, by which time it is hoped that the number of places available will suffice to meet the demand. We return to this point in paragraph 42.96 below.

**Review of the present arrangements**

42.93 Those who gave evidence to us about the present system for education and training showed enthusiasm for it. The profession has welcomed it, and looks forward to the time when its benefits can be measured. A number of us visited the Institute and were impressed by the work it is doing and particularly the close working relationship that has developed between the Institute, the University and the profession itself which, from our observations, is lacking in England and Wales. All concerned recognise that it is too early to reach hard and fast conclusions about the success of the scheme but the indications are that the new educational system will in the main achieve its objectives. Apart from the quality of this new educational approach, the training together of future barristers and solicitors during this vocational year prior to entry into the profession should be of value to both branches and augurs well for their future collaboration. We think it essential to set in hand now arrangements for a comprehensive review of the new system in three years' time, with particular regard to the points made in later paragraphs.

42.94 We take this opportunity to observe that there are at present three systems of legal education in the United Kingdom which have developed in different ways. There is reason to expect that the legal professions and others concerned in England and Wales, Northern Ireland and Scotland will take advantage of the opportunity that now exists to study the different approaches, so as to benefit by the experience and innovations of others: shortly before we signed our report, the education committees of the profession in the three jurisdictions held the first of what we understand is to be a continuing series of joint meetings.

**Barriers against entry to the profession**

42.95 The limited number of places available at the Institute in any year restricts entry to the profession under present conditions. Selection for places is based on academic merit. Many of those excluded would be able to provide the public with an adequate professional service.

42.96 This would not arise if the number of places available was sufficient to accommodate all candidates with sufficient educational qualifications. This is not now the case, but the present position is exceptional. The number of lawyers in practice has greatly increased during the emergency. In 1965 there were approximately 500 solicitors and 62 barristers in practice in Northern Ireland. By 1979 these numbers had increased to 801 and 160 respectively. The present demand for places at the Institute suggests that, for the time being, this growth is continuing. If it does not decline as more settled times return, the Institute should be provided with additional staff and resources to enable it to offer additional places. This is one of the questions that should be considered when the position is reviewed in three years' time, and, if necessary, periodically thereafter.

#### **The vocational course — proposed development**

42.97 We were told in oral evidence that the Institute in its vocational course did not deal with social welfare law. It appears, however, from the timetable (annex 42.1) that some of the elements of social welfare law are taught, because the course includes instruction in family law, adoption and consumer law. We understand that there are plans to introduce training in tribunal procedure and practice which will involve some instruction in employment, welfare and social security law. Social welfare law is developing in importance and instruction in it in the past was insufficient. It should be possible in a four-year academic course followed by a vocational year to deal adequately with this topic, and we recommended that this be done.

42.98 The length of the vocational course at the Institute is 27 weeks, that is, little more than half a year. In view of the amount of ground that has to be covered we consider that it could with advantage be made longer. If this were done, more time could be spent on aspects of social welfare law. Experience so far suggests that additional time might also be allocated to a greater measure of instruction for Bar students.

#### **Restricted practice**

42.99 The Incorporated Law Society of Northern Ireland told us in oral evidence that it felt that a person commencing practice as a solicitor would show a greater commitment than an articled clerk. Whether or not this is so, we are satisfied that, in the period following qualification by the Institute, there should be a period in which a person receives further instruction in the form of topping up courses, together with instruction on the job in specific classes of work, conducted under the supervision of the profession's governing body. The Incorporated Law Society said in evidence that it was willing to provide the necessary courses and expressed interest in the system of monitoring which the Law Society of England and Wales proposed to use in respect of articles. We recommend that the Incorporated Law Society set up a system of training on the job and that progress made to this end should be one of the subjects of the review recommended in paragraph 42.93.

#### **Pupillage**

42.100 We recommended in paragraphs 42.59—42.61 the establishment of a Senate for the barristers' branch of the profession in Northern Ireland. We think that one of the first tasks for such a body should be to lay down guidelines for the proper conduct of pupillage and to provide topping up courses and practical instruction to supplement that given at the Institute.

42.101 It will also be necessary for the governing body of the profession to find a way of dealing with the problem of finance for pupils during the first six months of pupillage, when they can earn no fees. We accept the difficulties that this presents to a relatively small profession with no resources beyond those which its members can provide out of their own pockets. This problem has not been acute in the immediate past, because so much work has been available that newly-qualified barristers have been able to earn fees immediately after being called to the Bar. It is unacceptable that entry to the Bar should be limited to those who have the financial resources to tide them over this period.

42.102 We drew this matter to the attention of the representatives of the Bar during oral evidence in January 1979 and they undertook to examine the problem and make proposals. Up to the date of drafting our report no proposals had been formulated. We consider that one of the possibilities to which the Bar should give consideration is the arrangement of loans from banks or other institutions for pupils, the interest thereon being paid by the profession.

#### **Post-qualification education and training — proposed arrangements**

42.103 We noted in paragraph 42.90 that while the Incorporated Law Society was willing to mount post-qualification courses itself, the Bar Council took the view that responsibility for continuing education should rest on the Institute of Professional Legal Studies. We think that the Bar should take a greater interest in this subject than its oral evidence led us to suppose it does at present. It is important that education and training of this character should be carefully planned and co-ordinated and that lawyers in everyday practice should be involved in the courses provided. The provision of courses for practitioners is all the more important in Northern Ireland in view of the shortage of text books and authorities for reference purposes.

42.104 Programmes of courses are required which are of direct assistance in day-to-day practice, avoid duplication and anticipate forthcoming developments in law and procedure. They must be economical in time as well as cost. These factors all point to the desirability of placing responsibility for setting up a system of post-qualification education and training on a single body. The Council of Legal Education for Northern Ireland told us that it intended to extend its work in the Institute to include post-qualification courses. We consider that it should be responsible, in conjunction with the Senate and the Incorporated Law Society, for preparing a comprehensive programme of further education and training for all practitioners in the province, both barristers and solicitors.

## BODIES AND INDIVIDUALS WHO SUBMITTED EVIDENCE

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

- \*Belfast Solicitors' Association
- 7th Commonwealth Law Conference
- Council of Legal Education of The Inn of Court School of Law
- His Honour Judge Curran QC, Recorder of Londonderry
- Faculty of Advocates
- Faculty of Law of The Queen's University of Belfast
- \*Dr. P. Froggatt, Vice-Chancellor of The Queen's University of Belfast
- \*Professor B. W. Harvey, the Faculty of Law of the University of Birmingham
- \*Honorable Society of The Inn of Court of Northern Ireland
- Honorable Society of King's Inns, Dublin
- Incorporated Law Society of Ireland
- Institute of Chartered Accountants in Ireland
- Institute of Professional Legal Studies of The Queen's University of Belfast
- Law Society
- \*Law Society of Northern Ireland
- Law Society of Scotland
- \*The Rt. Hon. The Lord Lowry, Lord Chief Justice of Northern Ireland
- Northern Ireland Association of Socialist Lawyers
- Northern Ireland Resident Magistrates' Association
- \*Mr. J. W. Russell, Director of the Institute of Professional Legal Studies of The Queen's University of Belfast
- Solicitors' Apprentices' Association for Northern Ireland
- Students' Law Society of The Queen's University of Belfast
- Professor D. M. Walker, Chairman of the Joint Standing Committee on Legal Education in Scotland

*B. Individuals who gave oral evidence only*

- Professor P. N. Love, Former Chairman of the Joint Standing Committee on Legal Education in Scotland
- Mr. C. A. Morrison QC, Dean of Faculty, Council of Legal Education of The Inns of Court School of Law
- The Rt. Hon. Lord Justice O'Donnell, Chairman of the Council of Legal Education (Northern Ireland)
- Mr. R. O'Donnell, The Incorporated Law Society of Ireland
- Professor L. G. Sweeney, The Incorporated Law Society of Ireland
- Mr. E. Taylor, Former Chairman of the Education and Training Committee of The Law Society



STATUTES OF THE QUEEN'S UNIVERSITY OF BELFAST

CHAPTER XXI

INSTITUTE OF PROFESSIONAL LEGAL STUDIES

1. There shall be a Queen's University of Belfast Institute of Professional Legal Studies.
2. The constituent members of the Institute shall be the University, the Inn of Court of Northern Ireland, and the Incorporated Law Society of Northern Ireland.
3. There shall be a Governing Body of the Institute to be known as the Council of Legal Education (Northern Ireland), with such membership, powers and functions as the Senate may from time to time determine.
4. There shall be a Director of the Institute appointed by the Senate with such duties, at such remuneration and upon such terms and conditions as the Senate may from time to time determine.
5. Subject to the provisions of these Statutes and to any Regulations made by the Senate, the Council of Legal Education (Northern Ireland) shall have power to regulate its own procedure and determine the times and places of its meetings.

## INSTITUTE OF PROFESSIONAL LEGAL STUDIES

EXTRACT FROM REGULATIONS ADOPTED BY THE SENATE  
OF QUEEN'S UNIVERSITY  
28th OCTOBER 1975

The Council of Legal Education (Northern Ireland) shall have the following powers and functions:

- (a) To promote professional legal education and training;
- (b) To draw up the regulations and syllabuses for the courses and examinations (and other methods of assessment) leading to the award of the Certificate in Professional Legal Studies and to submit these regulations and syllabuses to the Senate for approval, at the same time transmitting copies of them to the Academic Council, the Inn of Court and the Incorporated Law Society;
- (c) To regulate admission of students to the Institute in accordance with the terms of regulation 6 below, and to supervise their academic progress;
- (d) To recommend to the Academic Council the appointment of examiners for the Certificate in Professional Legal Studies;
- (e) To recommend the issue of Certificates in Professional Legal Studies to candidates who have successfully completed courses in the Institute;
- (f) 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 or public in general;
- (g) 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 members of staff to the other established full-time and part-time academic posts in the Institute with such remuneration and upon such terms as the Senate shall deem appropriate;
- (h) To determine which degrees and which universities and institutions shall be recognised as approved for the purposes of these Regulations;
- (i) To appoint such sub-committees as may be necessary;
- (j) To make an Annual Report giving an account of the exercise of its powers, functions and activities during the year to the Academic Council and to the Senate, and to transmit a copy thereof to the Inn of Court and to the Council of the Incorporated Law Society;
- (k) Such other powers and functions as the Senate may from time to time determine.

## COUNCIL OF LEGAL EDUCATION: SUGGESTED TERMS OF REFERENCE FOR THE AUDIT TEAM

### **Purpose**

The Audit Team is established by the Council of Legal Education to conduct independent reviews and appraisals of all activities of the Institute of Professional Legal Studies. The Team is established to assist the Council to achieve effective and efficient administration of its responsibilities by reporting on the performance of the Institute, identifying any problem areas and making recommendations for improvement.

### **Responsibility and Organisation**

The Audit Team is directly responsible to the Council of Legal Education. It has no direct responsibility for, nor authority over, the activities or persons whose work it reviews.

The Team should prepare an annual Audit Programme. The Council may request that specific audit activities be included in the programme. It is expected the professional bodies and the University will call on the services of the Audit Team through the Council.

The Audit Team will report to the Council on the performance of the Institute, recommend any changes or corrective measures thought desirable, and follow up recommendations until implemented.

### **Audit Report**

Upon completion of any audit activity the Team will prepare a report for the Council on its work. The report will include factual findings together with any comments or recommendations on areas requiring change or improvement. All findings and recommendations should be reviewed with the Director of the Institute before submission to the Council.

Within 30 days of the date of an audit report the Director should prepare a reply indicating his views on any recommendations. If he accepts the recommendation the Director will indicate the action planned to give it effect. If he does not accept the recommendation or wishes to propose a variation his proposed course of action would be explained to the Council of Legal Education who will decide on the action to be taken.

## INSTITUTE OF PROFESSIONAL LEGAL STUDIES

## Applications and Acceptances

## VOCATIONAL COURSE

	1977	1978	1979	1980	1981	1982	1983	1984
Applications made	106	108	132	109	101	134	127	131
Applicants failing to graduate	1	1	1	0	1	1	1	0
Withdrawn applications	10	8	7	8	7	7	3	8
Applications considered	95	99	124	101	93	126	123	123
Places with bursaries	47	47	61	65	63	63	61	63
Places without bursaries	28	27	—	—	—	—	—	—
Applicants refused	20	25	62	36	30	63	62	60
Applications transferred to academic course	0	0	1	0	0	0	0	0
	<u>95</u>	<u>99</u>	<u>124</u>	<u>101</u>	<u>93</u>	<u>126</u>	<u>123</u>	<u>123</u>
Students admitted on completion of academic course (all with bursaries)	—	—	9	5	7	7	9	7

## ACADEMIC COURSE

Applications made	23	51	48	57	40	59	42	62
Applications transferred from vocational course	0	0	1	0	0	0	0	0
Withdrawn applications	4	7	7	10	2	11	7	4
Applications considered	19	44	40	47	38	48	35	58
Places	11	12*	10	11	10	12**	10	11*
Refused places	8	32	30	36	28	36	25	47
	<u>19</u>	<u>44</u>	<u>40</u>	<u>47</u>	<u>38</u>	<u>48</u>	<u>35</u>	<u>58</u>

\* one for one year only

\*\* 3 for one year only

INSTITUTE OF PROFESSIONAL LEGAL STUDIES: COURSE CONTENT

TOPICS IDENTIFIED BY THE INN OF COURT AS BEING PARTICULARLY USEFUL  
TO A PRACTISING BARRISTER

- (a) **Tort**
  - (i) Quantum of damages
  - (ii) Fatal accident cases
  - (iii) Occupiers' liability
  - (iv) Employers' liability
  - (v) Breach of statutory duty
- (b) **Criminal Law**
  - (vi) The Northern Ireland (Emergency Provisions) Act 1978, including procedure and practice in the Diplock Courts
  - (vii) Statements of admission
  - (viii) Sentencing
- (c) **Equity and Trusts**
  - (ix) Specific performance and other equitable remedies
  - (x) Inheritance and Family Provision legislation and practice
- (d) **Contract**
  - (xi) Remedies for breach of contract

## SUGGESTED REARRANGEMENT OF THE CONTENT OF THE INSTITUTE COURSE

### A. Introduction

Familiarisation with Courts and Court Offices, Tribunals and their administration; revision course on how to find statute and case law.

### B. Queen's Bench Procedure

To include interviewing, pleading, legal drafting, negotiating, demonstrations with judges and counsel, advocacy exercises, specific areas of the law of negligence and assessment of damages in personal injury cases.

### C. Chancery Procedure

To include equitable remedies, probate and intestacy.

### D. Matrimonial Proceedings

To include proceedings in the Family Division, County Court and Magistrates' Courts in all aspects of matrimonial proceedings, including children, adoption and property.

### E. County Court Practice

To include licensing, and criminal injuries and criminal damage compensation claims.

### F. Criminal Law, Procedure and Evidence

In both summary and indictable proceedings and including procedure in relation to scheduled offences under the Northern Ireland (Emergency Provisions) Act 1978.

### G. Conveyancing and Landlord and Tenant Law

### H. Office Management

To include solicitors' costs, professional conduct, etc.

### I. Industrial and Social Security Tribunals Practice

### J. Commercial Law Practice

To include Bankruptcy and relevant Tax Law.

We do not intend to suggest that each of the above topics need be covered in the same detail by solicitor and Bar students. We further suggest that, in the staggered course which results from the Law Society's proposal, ie that intending solicitors commence the course in January, whereas Bar students will commence in September, the following allocation should be considered:

	<i>Michaelmas Term</i> (15 weeks)	<i>Hilary/Trinity Term</i> (15 weeks)	<i>Michaelmas Term</i> (15 weeks)
Bar Students	Topics A, B, C, D, G	Topics E, F, H, I, J	[Topics A, B, C, D, G]
Solicitor Students		Topics A, E, F, I, J	Topics B, C, D, G, H