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OF NORTHERN IRELAND



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SHAPING THE FUTURE OF LEGAL EDUCATION

Law Society of Northern Ireland Approved Recommendations

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Recommendations

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Introduction

In November 2007 the Council of the Law Society launched a wide-ranging review of the present arrangements for those wishing to qualify as a solicitor in Northern Ireland. The Council noted that there had not been a general review of the current system for training solicitors since 1985.

The Council formed the ERWG to take forward the review. The areas considered in the review were:

- 1 The structure and process for postgraduate vocational training as a solicitor and for the admission of new solicitors in Northern Ireland.
- 2 The permitted exceptions to the Regulations, namely Regulations 8 (3) and 8 (5) and whether those exceptions should continue or be amended.
- 3 The arrangements for those who wished to qualify as a solicitor in Northern Ireland but who have qualified or partly qualified in another jurisdiction.

The ERWG prepared an initial consultation document called ‘Shaping the Future of Legal Education.’

Following that initial consultation process, the ERWG produced a document containing its findings – ‘Shaping the Future of Legal Education 2 – Findings of the Education Review Working Group’ (“the Findings report”)

The initial consultation document ‘Shaping the Future of Legal Education,’ was set out in full in Appendix 1 to the Findings report. In addition, the Findings report also contained in full the relevant Regulations as defined in the Glossary of Terms in the Findings report. This document adopts and uses the definitions and terms as used and defined in the Findings report.

The Findings report was circulated to all members of the solicitors’ profession and to the key stakeholders in legal vocational training. Helpful written responses were received and, in addition, individual meetings were held with the following key stakeholders:

- 1 The Institute
- 2 The Graduate School

- 3 The Vice Chancellor and other representatives of Queen's University, Belfast
- 4 The Dean of the Faculty of Social Sciences and other representatives of the University of Ulster
- 5 The Northern Ireland Young Solicitors' Group
- 6 The Bar Council
- 7 The Chairman and Members of the Council of Legal Education

Written responses were also received from a number of individuals. After consideration of these submissions and after meetings with key stakeholders, the ERWG met and reviewed the Findings report and made its formal recommendations to the Council of the Law Society.

After consideration by the Council of the Law Society those recommendations were accepted.

This document summarises the recommendations approved by the Council of the Law Society.

The introduction of the recommendations will affect the practical arrangements for all involved in the delivery of legal vocational education. A lead in period will be required to ensure a smooth transition to the new system and to ensure that interested parties have received adequate notice of the change. The changes will be phased in.

Glossary of Terms

“Approved Vocational Provider”	those organisations who have been approved or who will be approved by the Law Society to provide vocational training for Trainee Solicitors. The following providers have been approved: the Institute of Professional Legal Studies at Queen’s University, Belfast and the Graduate School of Professional Legal Education at the University of Ulster, Magee Campus
“Admissions Test”	competitive written admissions test held usually in December each year. It is organised jointly by the Institute and Graduate School and overseen by the Council of Legal Education. It presently consists of two papers. Candidates are ranked in order of merit based on their Admissions Test mark and degree weighting
“Approved Training Entity”	such entity as may be approved by the Education Committee from time to time for taking in and providing training to a Trainee Solicitor
“Armitage Committee”	the Committee under the Chairmanship of Professor Armitage appointed on 28 February 1972 to consider and make recommendations upon education and training for professional qualification in the two branches of the legal profession in Northern Ireland and what additional resources would be needed to implement those recommendations
“Armitage Report”	the report of the Armitage Committee published in September 1973
“Bromley Committee”	the Committee under the Chairmanship of Professor Bromley appointed on 29 September 1983 to review vocational legal training
“Bromley Report”	the report of the Bromley Committee published in April 1985
“the CLE”	the Council of Legal Education

“Core Subjects”	the subjects listed in paragraph 2.3 of this document
“Core Values”	such core values of the solicitors’ profession in Northern Ireland as defined from time to time by the Law Society, including, but without limitation, independence of the profession, upholding the rule of law, client confidentiality and avoidance of conflict of interest, either with client or colleagues,
“Council”	the Council of the Law Society
“Education Committee”	the Education Committee of the Law Society
“ERWG”	the Education Review Working Group established by the Law Society
“Graduate School”	the Graduate School of Professional Legal Education at the University of Ulster, Magee Campus
“Institute”	the Institute of Professional Legal Studies at Queen’s University, Belfast
“Law Society”	the Law Society of Northern Ireland
“Office”	Training Firm or Approved Training Entity
“Regulations”	the Solicitors’ Admission and Training Regulations 1988; the Solicitors’ Admission and Training (Qualification of Masters) Regulations 1988; the Solicitors’ Admission and Training (Mutual Recognition) Regulations 1990; the Solicitors’ Admission and Training (Qualification of Masters) (Amendment) Regulations 1992; the Solicitors’ Admission and Training (Amendment) Regulations 1994; the Solicitors’ (Continuing Professional Development) Regulations 2004 and the Solicitors’ Admission and Training (Amendment) Regulations 2008

“Training Firm”

a solicitor (sole practitioner) or firm of solicitors with whom a Trainee Solicitor may complete the in-office portion of his training

“Training Officer”

a solicitor, having not less than 5 years’ post qualification experience, in a training firm or other approved training entity who has responsibility for ensuring delivery of agreed in-office training

“Trainee Solicitor”

a student of the Society undertaking training as a solicitor by attending at the Institute or Graduate School and at his Training Firm or Approved Training Entity

Approved Recommendations

1.0 Core Values

- 1.1 The training of a solicitor is incomplete if it focuses solely on learning the law, rules of procedure and skills. A key element of the training which trainees must start to absorb from their first day of training is an understanding of the Core Values. The Education Review provided a good opportunity to articulate the Core Values of the solicitors' profession and to emphasise their importance.
- 1.2 The Core Values must underpin all aspects of a solicitor's work: dealing with clients, colleagues, the Court and the public in general.
- 1.3 In addition to the Core Values all Trainee Solicitors must at all times act with care and courtesy, respect and integrity. Trainee Solicitors must learn how to act in the best interests of their client, be professionally competent and appreciate that as a qualified solicitor they will become an Officer of the Court.

2.0 Law Degree

- 2.1 All applicants for admission as a solicitor should possess either a degree in law acceptable to the Education Committee, or if not possessed of a degree in law, should possess another degree acceptable to the Education Committee and must satisfy the Education Committee that the applicant has obtained an acceptable level of knowledge in the Core Subjects at university degree level.
- 2.2 To be an acceptable degree in law, the degree must contain the Core Subjects.
- 2.3 The existing Core Subjects should be reviewed from time to time by the Education Committee but should remain at present as follows:
 1. Constitutional Law
 2. Law of Tort
 3. Law of Contract
 4. Criminal Law
 5. Equity

6. European Law

7. Land Law of Northern Ireland

8. Law of Evidence

2.4 The Education Committee should meet periodically with the Approved Vocational Providers and Queen's University and the University of Ulster to discuss the teaching of the Core Subjects.

2.5 If a prospective Trainee Solicitor has not studied and been examined in all the Core Subjects as part of his law degree, the prospective Trainee Solicitor must make arrangements with Queen's University or University of Ulster or other suitable provider (said provider being satisfactory to the Education Committee and CLE) to take an examination in any missing Core Subject(s) at degree level standard of education. The Education Committee should ensure that the CLE is satisfied with any arrangements that the prospective Trainee Solicitor has made. The prospective Trainee Solicitor should bear the cost of such examination

3.0 Registration with Approved Vocational Provider and Law Society

3.1 An applicant for admission as a solicitor who seeks registration as a student of the Society cannot be registered with the Law Society unless the applicant has both a place at an Approved Vocational Provider and a Training Firm or Approved Training Entity.

3.2 A Trainee Solicitor must have a training contract registered with the Law Society before being able to take up a place at an Approved Vocational Provider.

4.0 Integrated Nature of Training

4.1 Vocational training which is being completed on a full-time basis should be completed over a two year period involving time spent in-office and time spent in class at an Approved Vocational Provider.

4.2 The two year period should be allocated on the basis of an initial 4 months in-office from 1 September to 31 December, 12 months at an Approved Vocational Provider from 1 January to 31 December and 8 months in-office from 1 January to 31 August.

4.3 During vacation time (Christmas, Easter and Summer) at the Approved Vocational Provider, Trainee Solicitors should return to the Office to which they are contracted under their training contract.

4.4 The Society should keep under periodic review the duration of the periods of time spent in the Office and the period of time spent training with the Approved Vocational Provider, which are described in 4.2.

5.0 Admissions Test

5.1 The present Admissions Test arrangements should remain in their present form until such time as an Admissions Test Review Group recommends an acceptable alternative, if any.

5.2 An Admissions Test Review Group should be formed to review the Admissions Test, and in particular, to explore the practicality and efficacy of including in the Admissions Test:

- questions on substantive law on at least 3 of the 8 Core Subjects and
- a form of assessment to test an applicant's compatibility with the Core Values.

These two aspects would be in addition to the current multiple answer questions and numeracy questions.

5.3 There should continue to be a single Admissions Test for admission to both the Institute and the Graduate School.

5.4 The Test should continue to be administered jointly by the Institute and the Graduate School.

6.0 Course Content

6.1 The Approved Vocational Providers should ensure that the Core Values are reflected and pervasive in all their teaching.

6.2 The existing course content should remain, but should be expanded to include additional provision of teaching on costs, taxation of costs, negotiation and advocacy skills.

- 6.3 The teaching of advocacy skills for both Bar and Trainee Solicitors should, in so far as possible, be the same for both groups of students.
- 6.4 The Approved Vocational Providers should be encouraged through the Council of Legal Education or its successor to be responsive, in the curriculum delivered, to the changing needs of the solicitors' profession as identified from time to time by the Law Society.
- 6.5 The Law Society should continue to teach directly Professional Conduct and Solicitors' Accounts Regulations. In addition the Education Committee should periodically keep under review whether any other subjects should be taught directly by the Society, for example, Costs and Taxation and if so on what financial basis.

7.0 Part-Time Provision

- 7.1 Approved Vocational Providers should have the option to offer part time training. Such part time training would be delivered over a three year period rather than two years. The portion of the course at the Institute and the Graduate School which is currently spread over one year should be divided over two years. The remainder of the time should be spent in the office.
- 7.2 Steps should be taken immediately to establish a sub-committee comprising two members of the Education Committee and one representative from each of the Approved Vocational Providers. This sub-committee should explore how part time vocational training for solicitors could be best accommodated, in particular with reference to the in-office part of training and to make recommendations for consideration by the Education Committee. This sub- committee should consider the implications of part time provision, including financial, administrative and timetabling implications, and should take into account that part time provision is currently available for recommended students under the present Regulation 8(3).

8.0 Governance

- 8.1 A Working Group ("the CLE Working Group") should be set up with a view to establishing a new Plenary Council of Legal Education, supported by both branches of the legal profession, the Judiciary and the universities. The terms of reference for the Plenary Council of Legal Education should be to supervise all Approved Vocational

Providers and to ensure that such providers continue to deliver quality vocational training as required by both branches of the legal profession.

- 8.2 The CLE Working Group should at this stage comprise one representative from each of the following: Queen's University, The University of Ulster, The Graduate School, the Institute, two representatives from the Law Society and two representatives from the Bar. If there are additional Approved Vocational Providers in the future, the configuration of representatives can be reviewed and increased provided that the number of representatives from the universities and vocational providers shall not be greater than the number of representatives from the professional bodies. If necessary the number of representatives from the professional bodies may also be increased. The Working Group should, subject to his agreement and to approval of the Lord Chief Justice, be chaired by the present Chair of the existing CLE.
- 8.3 The proposed Plenary Council of Legal Education, while having representation from the universities, should not be a constituent part of any university.
- 8.4 With the consent and approval of the Lord Chief Justice, the Plenary Council of Legal Education would be chaired by a High Court Judge nominated by the Lord Chief Justice.
- 8.5 While the CLE Working Group should consider how best to ensure effective administrative support for the Plenary Council of Legal Education, meetings should subject to agreement with the Bar take place alternately at the offices of the Bar Library and the Law Society.
- 8.6 The cost of the necessary administrative support should be allocated to the Approved Vocational Providers in proportion to the number of trainees attending each Approved Vocational Provider.
- 8.7 The Education Committee should engage in necessary dialogue with the Bar and the Chair of the CLE in relation to the recommendations contained in this paragraph 8.

9.0 In-Office Training

- 9.1 The requirement for Trainee Solicitors to spend each Monday in office should be discontinued.
- 9.2 Consultation with the Bar should take place prior to implementation of the above recommendation, to take account of implications for the teaching timetable, and "Bar Mondays"
- 9.3 Consultation with Approved Vocational Providers should take place prior to implementation of the above recommendation, to take account of implications for the teaching timetable and the curriculum together with any financial or administrative implications.
- 9.4 The minimum salary required by the Society to be paid by each Training Firm to each Trainee Solicitor should be averaged out and paid over a twelve month period, regardless of whether a Trainee Solicitor was in-office or not.
- 9.5 Each Trainee Solicitor should spend Christmas, Easter and Summer vacations in the office, subject to the appropriate entitlement of a Trainee to holiday leave.
- 9.6 Persons undergoing training should be called Trainee Solicitors and not apprentices.
- 9.7 A Trainee Solicitor should have a training contract, and not 'Indentures of Apprenticeship.'
- 9.8 Each Trainee Solicitor should have a training contract with a Training Firm or such other organisation or entity as is from time to time approved by the Education Committee to take on a trainee. An "approved training entity" is such entity as may be approved by the Education Committee from time to time for taking in and providing training to a Trainee Solicitor
- 9.9 Such Training Firm or Approved Training Entity must be based in Northern Ireland and the Trainee Solicitor is to be trained in the practice and procedures of Northern Ireland law subject to periods of secondment to offices outside Northern Ireland as may be approved by the Education Committee.

- 9.10 Each Training Firm or Approved Training Entity should nominate a Training Officer who would bear responsibility for ensuring delivery of agreed in-office training.
- 9.11 Each Training Officer should be encouraged to undertake a Law Society approved CPD training course for Training Officers at minimal cost to the Training Officer.
- 9.12 Each Training Firm or Approved Training Entity must have at least one solicitor with not less than 5 years' post qualification experience in practice in Northern Ireland and the number of trainees in a Training Firm or Approved Training Entity must not exceed the number of solicitors in that Training Firm or training entity who have 5 years' post qualification experience.
- 9.13 Trainees should normally be able to experience within each Training Firm or Approved Training Entity, or make appropriate arrangements to obtain, experience in a minimum of 4 of the following areas of work:
- Conveyancing including e registration
 - Wills
 - Probate and Administration of Estates
 - Corporate
 - Employment
 - Commercial Property
 - Civil Litigation
 - Criminal
 - Family Law or
 - Tribunals

Trainees should also gain experience during their in office portion of training of Risk Management, Solicitors' Communications Regulations and other Society recommended procedures.

The Education Committee may review and revise this list from time to time.

- 9.14 The Law Society should research, devise and implement an online assessment programme whereby Trainee Solicitors and Training Officers can periodically file reports detailing the work Trainee

Solicitors have undertaken with a view to ensuring that they are receiving the required variety of work in-office.

- 9.15 Until such online assessment programme, as outlined in 9.14 is available, Trainee Solicitors and Training Officers should furnish to the Law Society periodic reports in a written format, such formats to be devised and supplied by the Education Committee.
- 9.16 The Law Society should provide resources for a Trainee Liaison Officer, to assist Training Firms in the delivery of the in-office portion of the training and to assist Trainee Solicitors. The Trainee Liaison Officer should visit each Training Firm and meet with each Training Officer and Trainee Solicitor during the period of the training contract.
- 9.17 The Education Committee should provide a list of target tasks which each Trainee should be expected to complete. This could include but is not necessarily limited to:
- client interviews
 - taking and making phone calls
 - arranging meetings
 - preparing attendance notes
 - taking statements from clients and witnesses
 - attending with counsel
 - research
 - filing court papers at various court offices
 - attending at the Land Registry
 - attending or observing cases at Court
 - drafting documentation for approval by a solicitor in the Training Firm (e.g. letters, wills, deeds, Land Registry transfers, commercial leases, corporate documents, minutes of meetings, briefs and court bundles)
 - use of online resources (e.g. SDLT, Companies House, Land Web, other government agencies).

The Education Committee may review and revise this list from time to time.

- 9.18 The standing of those firms which are Training Firms should be enhanced. Training Officers should be invited to attend at the Law Society to discuss current developments in vocational training.

9.19 Consideration should be given to providing financial incentives to those firms taking on the burden and privilege of providing training, which incentives, subject to Council's approval, could at the Council's discretion include advantageous rates for attending Law Society CPD events and such other incentives as may from time to time be authorised by the Council of the Law Society.

10.0 Alternative Routes

10.1 The alternative route under Regulation 8(3) will be discontinued. There are increased opportunities available to access university education and to study law degrees.

10.2 The existing alternative route under Regulation 8(5) will be retained with the removal of the requirement that the applicant has to be 30 years of age.

10.3 In considering applications to date under Regulation 8(5) the Education Committee has taken into consideration the views of Carswell LCJ in the case of *Burns* (1999):

"it should require a truly exceptional case to be established before [the Society] should allow registration under Regulation 8(5)."

This view was endorsed by Morgan LCJ in the case of *Davey* (2010).

10.4 The retention of a Regulation 8(5) route will allow an exceptional applicant to commence the solicitors' vocational training course without sitting the Admissions Test. It does not qualify the successful applicant as a solicitor. It is the view of the Society that an 8(5) route should remain an exceptional route. It would be unusual that someone would be admitted under this route.

11.0 Admissions from Outside the Jurisdiction

11.1 Existing provisions for solicitors transferring from other jurisdictions within the UK and also from the Republic of Ireland be kept under review.

11.2 Lawyers from the EU and other jurisdictions – the Education Committee in each individual case should decide what courses or training should be undertaken by a solicitor taking into account the

applicant's experience to date and the public interest that all solicitors in Northern Ireland should be knowledgeable of the law, practice and procedures, ethos and professional standards applicable to all solicitors in Northern Ireland.

12.0 Partly Qualified Applicants

- 12.1 A sub-committee of the Education Committee and comprising members of the Institute and Graduate School shall be formed to discuss the implications (financial, administrative and for the teaching timetable and curriculum) of exempting applicants who have completed part of their training.
- 12.2 The proposals of the ERWG regarding Partly Qualified Applicants shall be considered in further detail by the ERWG who shall issue their further recommendations as soon as practicable.

13.0 Regulations

- 13.1 The Law Society should prepare and seek approval for new Education Regulations which take into account these approved recommendations.

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