

## **Griffith College Submission re Study of Competition in Legal Services**

### **Chapter 4 – Preliminary Questions**

#### **Q4a – What, if any, aspects of the current structure of the professional education of solicitors could be modified?**

- (i) In our view, it would be welfare improving if there was an alternative provider of the Professional Course 1 and the Professional Course 2 (“the PPC 1 and the PPC 2”). We believe that this would allow access to a greater number of people who may wish to become solicitors and also, potentially reduce the cost of education. Griffith College’s experience and skills in legal education and the considerable on-campus facilities available to us, clearly illustrate that independent institutions can provide a credible alternative to the Law Society of Ireland. This alternative can and will be acceptable to the student market and the legal profession and will ultimately be to the benefit of the consumers of legal services.
- (ii) The PPC 1 and PPC 2 courses are currently delivered by the Law Society of Ireland as day courses. We believe that it is academically credible and economically viable to deliver these courses on a part-time and full-time basis and also, outside Dublin. If awarded a Licence, Griffith College would, subject to the conditions of the Licence, deliver the PPC 1 and the PPC 2, on a full-time and part-time basis in Dublin Cork, Galway and Limerick.

Finally, we would comment but without making any specific recommendation at present, that many students have expressed reservations about the current structures of professional education. However, we have not carried out an empirical assessment but it is our present intention is to so.

#### **Q4b – Could the current curriculum be broadened or narrowed in scope?**

From one perspective, the current curriculum is broad enough in so far as it meets the particular needs of the majority of potential solicitors who are required to have a good knowledge of core subjects encountered in general practice particularly, property, litigation, probate and trusts. However, we believe that the current curriculum could be criticised for not adequately addressing all the needs of students who may wish to specialise and also, the needs of firms who have a client profile outside of the mainline practice areas of property and litigation. Subject to our comment below on teaching methods, we would make three recommendations in respect of curriculum development:

- Griffith College would substantially increase the number of elective subjects giving students an opportunity to specialise but without closing out other opportunities they may wish to take up
- As an alternative provider, Griffith College would, if permitted, design specifically tailored courses to meet the particular needs of the firms, taking into account the differences between the “main street” firms and the larger practices
- The current Continuing Professional Development (CPD) Scheme of the Law Society of Ireland does not have a system of accreditation for those who provide CPD courses. We believe the Law Society must accredit other providers. In the absence of such accreditation, there is a complete lack of guidance for solicitors on the advantages and disadvantages of a particular provider. It could be suggested that the absence of accreditation by the Law Society has the unintended effect of solicitors attending those courses run by the Law Society as a “first choice”.

Although any curriculum can be broadened or narrowed, it is our belief that the most important success factors in any educational system are the teaching and assessment methods adopted and delivered by an experienced teaching staff.

**Q4c – Could the two-year period of training be shortened?**

We submit that the current two year training period (11 months in-office training post-PPC 1, 3 months attendance on PPC 11 and 10 months in-office training post-PPC 11 or the alternative combination available) could be shortened. In our view, a one year period is sufficient to provide the initial practical in-house training required by all newly qualified solicitors. It is fair to say that the practical in-house training experience of solicitors does, of course, continue but it will be gained one year earlier in practice and with reduced training costs to employers. Again, the ability to engage in practice at an earlier stage, gives a freedom to the new solicitor to choose their area of practice without final commitment, and whether in-house or with a law firm. Further, our experience with practitioners is that a one year period of in-house training is adequate for them as employers to observe trainees as suitable potential employees of the firm. In summary, we do not believe that a shorter period of training will affect consistency in standards.

**Q4d – Should trainees be allowed to commence Professional Practice Course 1 before having obtained a training contract?**

The current requirement that trainees must have a training contract before commencing the PPC 1 constitutes an unacceptable barrier to entry. Although there is a risk for the trainee that he or she will be unable to secure an apprenticeship having undergone the PPC I, it is one which he or she should be free to take. The state of the economy substantially dictates the availability of training contracts. Our experience has been that the overwhelming majority of students ultimately secure a contract, albeit not necessarily with the firm or in the location of their first preference.

**Q4e – If the system of regulation focused primarily on legal firms rather than individual lawyers, what impact might this have on the professional education curriculum and on training costs?**

Such a system would risk creating a form of “elitism” that might be driven by larger firms who would influence the design the courses based on their client base. All lawyers require training in core subjects such as property, litigation, probate and tax. There is a different “geography” between the large law firms in the city centres (and even in Dublin, between the “big 5” and the other “5 medium sized firms” within the top 10) and rural practices. Clients’ demands and needs are different. In paragraph 4b above, we have suggested how the educational system might be changed to recognise these differences and yet produce a well rounded and appropriately educated lawyer.

We note that the questions you have raised are directly in relation to solicitors and not barristers and, we have responded accordingly. However, the way of thinking underlying our responses applies equally to the education of barristers and in particular, that there should be multiple providers.

**Licence Criteria – Law Society of Ireland and Honorable Society of King’s Inns**

In your Preliminary Report, it was recommended that by 30<sup>th</sup> September 2005 the Law Society of Ireland and the Honorable Society of King’s Inns should issue detailed criteria pursuant to which licences will issue to provide courses. We welcome this recommendation. We believe that Griffith College is strategically well placed to satisfy both the kind of criteria current in other jurisdictions and the likely special requirements for Ireland which will be issued by the Law Society of Ireland and the Honorable Society of King’s Inns in respect of

the PPC 1 and PPC 11 for trainee solicitors and the Barrister-at- Law degree course for Barristers, respectively.