Submission by Council of The Bar of Ireland to the Legal Services Regulatory Authority Concerning the Education and Training Arrangements in the State for Legal Practitioners
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PART 1: EXECUTIVE SUMMARY

The Council of The Bar of Ireland is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,200 practising barristers.

The Bar of Ireland is long established and its members have acquired a reputation amongst solicitors, clients and members of the public at large as providing representation and advices of the highest professional standards. The principles that barristers are independent, owe an overriding duty to the proper administration of justice and that the interests of their clients are defended fearlessly in accordance with ethical duties are at the heart of the independent referral bar.

As it is the Honorable Society of the King’s Inns who has the responsibility for the education and training of students in order to be admitted to the degree of Barrister-at-Law, this submission will confine itself to matters relating to the ongoing professional education and training arrangements in place for newly qualified and practising barristers.

In approaching this submission, the Council wishes to ensure that there is a continued commitment to the maintenance of high standards in the ongoing professional education and training of all barristers. It should be ensured that all barristers, regardless of the practice structure through which they deliver their professional services, abide by the requirement to participate in appropriate ongoing training and education in the best interests of their clients in a manner consistent with the longstanding and recognised ethical values underpinning the administration of justice.

The nature of a barrister’s work is such that they are routinely updating their knowledge and skills in the normal daily course of their professional practice. This is further emphasised under the Code of Conduct for The Bar of Ireland where barristers are required to inform the court of any relevant decision on a point of law and, in particular, of any binding authority or of any applicable legislation of which they are aware and which the Barrister believes to be in point whether it be for or against their contention.

A key function of The Bar of Ireland is the delivery of ongoing professional training and education for members of the Law Library in the form of continuing professional development (CPD). CPD is a vital tool in ensuring consistently high standards of practice and regular reviewing of developments in the law as they arise.

This submission will outline the professional education and training arrangements in place for newly qualified barristers and the provision of continuous professional development for qualified barristers who practice within the Law Library structure. The submission will address some of the issues raised in the ‘Invitation for Submissions’¹ and provide a number

¹ Invitation by the Legal Services Regulatory Authority for Submissions, 4th May 2018.
of observations and recommendations for the consideration of the LSRA as part of this consultation.

Regard has been had to the regulatory objectives set down in Section 13 of the Act:

(a) protecting and promoting the public interest,
(b) supporting the proper and effective administration of justice,
(c) protecting and promoting the interests of consumers relating to the provision of legal services,
(d) promoting competition in the provision of legal services in the State,
(e) encouraging an independent, strong and effective legal profession, and
(f) promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client’s best interests, compliance with duties owed to the court and confidentiality.
PART 2: SCOPE OF THE CONSULTATION

The Authority’s invitation for submissions of the 4th May 2018 invited submissions as part of a public consultation prior to a report to the Minister for Justice & Equality on the education and training arrangements in the State for legal practitioners. This consultation arises from Section 34(1)(a) of the Legal Services Regulation Act, 2015 that provides as follows:

The education and training (including on-going training) arrangements in the State for legal practitioners, including the manner in which such education and training is provided;

The text of section 34(3)(c) of the 2015 Act states that the LSRA shall include in its report recommendations in relation to the following:

1. Appropriate standards of education and training for legal professional qualifications;
2. Arrangements necessary to monitor adherence with the appropriate standards;
3. The scope and content of the curriculum forming part of courses of legal professional education and training, including the teaching methodology of the following:
   - Legal education,
   - Legal ethics,
   - Negotiation,
   - Alternative dispute resolution, and
   - Advocacy.
4. Arrangements that would facilitate the minimisation of duplication, and consequent expense incurred in the taking of examinations in legal subjects on the part of a person who
   I. Wishes to undertake a course of legal professional training and who has obtained a third level law degree that includes one or more of the subjects that form part of that course,
   II. Wishes to transfer between the professions, i.e. a solicitor who wishes to become a barrister or a barrister who wishes to be admitted as a solicitor.
5. Standards required for the award of legal professional qualifications pursuant to courses of legal professional education and training;
6. The need for, and, if such a need is identified, the manner of and requirements relating to the accreditation of bodies or institutions to:
   I. Provide, or procure the provision of, courses of legal professional education and training,
   II. Hold or procure the holding of examinations, and
   III. Award, or procure the awarding of, diplomas, certificates or other awards of merit.
7. Any other matters that the Authority considers relevant and appropriate.
PART 3: PUPILLAGE AND THE NEW PRACTITIONERS PROGRAMME

BACKGROUND:

The system of pupillage, often referred to as devilling, has been in existence for as far back as records extend. It would appear to have emanated from a requirement to participate in learning exercises for an appropriate period, and argument at a moot, as a condition of a call to the Bar.

Pupillage can be described as a period of training undertaken by barristers, during which they work for a senior barrister (one who has been called for seven or more years but who is not a Senior Counsel), known as the ‘Master’. It can take place during the year after which the pupil has been awarded the barrister-at-law degree by the King’s Inns, although it may be done later. While qualified barristers have full rights of audience as soon as they are called to the Bar, members of the Law Library must undergo a period of pupillage for at least one year.

Pupillage is also a recognised system of ensuring the protection of the public, that has a heightened importance when viewed in the context of criminal practice. A condition of the provision of legal services by a barrister under the Criminal Legal Aid Panel operated by the Department of Justice & Equality is that a newly qualified barrister must have completed six months of pupilage. The purpose of this condition is two-fold:

(1) to protect the interests of the client in question, whereby ensuring that they have a fully trained and competent barrister representing them in court, protecting their constitutional rights to liberty and fair procedures, which is of paramount importance, and

(2) to ensure that the public’s money i.e. criminal legal aid, is spent appropriately and effectively in protecting these constitutional rights.

PURPOSE & AIMS OF PUPILLAGE:

Pupillage is the final stage of training to qualify as a practicing barrister, in which practical training is supervised by an experienced member of the Bar who is listed on the Register of Masters maintained by The Bar of Ireland.

The aims of pupillage are:

- to prepare pupils (who have been called to the Bar) for practice at The Bar of Ireland;
- to develop further the knowledge, skills and experience gained at the vocational stage of training;
- to develop further proficiency as an advocate;
- to develop the pupil’s professional and ethical approach to practice as a barrister, in accordance with the Code of Conduct;
• to establish the skills of professional practice as an independent barrister;
• to give experience in matters in which pupils are likely to be briefed during the early years of practice, and to build skills and experience that will enable them to handle more complex matters in the future; and,
• to prepare pupils to take responsibility for their own professional development and practice.

The Code of Conduct for The Bar of Ireland provides that the duties of Masters include the duty of teaching pupils the rules and customs of the Bar, and ensuring that they have read and understand the Code and what constitutes proper professional practice by barristers. The most important aspect of the Code is the duty of candour; with the court, with clients and with colleagues. Matters of custom include the practice of addressing the court in order of seniority of call. This is a practical and effective way of regulating court lists involving hundreds of cases, which also ensures that the most experience members address the court first and the lists are generally very efficiently managed as a result.

THE MASTER/PUPIL RELATIONSHIP:

The Master/Pupil relationship is overseen by the Education & Training Committee, a permanent committee of the Council of The Bar of Ireland.

In order to be registered as a Master with The Bar of Ireland, an application must be submitted to the Education & Training Committee prior to being included on the Register. Barristers who are Junior Counsel may be entered on the register of Masters if they have completed seven years practice.

There are currently 249 barristers listed on the Register of Masters with The Bar of Ireland. In contrast with other jurisdictions, in particular in England & Wales, all newly qualified barristers that enter the Law Library can be assured of sourcing a Master in order to complete their year of pupillage. In recent years, The Bar of Ireland has encouraged and facilitated greater access to information on the supports provided by individual Masters to prospective pupils. For example, Masters can now indicate on the register that is made available to prospective pupils what level and form of financial support they provide to their pupils.

Guidelines are provided to both the Master and the Pupil that set out the nature of the relationship and assist in guiding the expectations of both parties (See Appendix 1). In addition to a Master, each Pupil is also assigned a Mentor as an additional support available to him/her for guidance and advice. Every effort is made to assign each Pupil with a Mentor from a different area of practice. Should an issue arise during the course of pupillage, which occurs from time to time, the pupil’s Mentor and the Education & Training Committee are available, in addition to or as an alternative to the Master, to address such concerns or difficulties.
The Education & Training Committee also provides the following recommendations and advice to each Master upon confirmation of their inclusion in the Register of Masters:

- Where possible a Pupil should be invited to go to consultations with his/her Master, whether in the Four Courts or at a solicitor’s office, and the Master should so advise his instructing solicitor.

- A Pupil should be encouraged to prepare draft pleadings and his/her Master should review such drafts and amend and correct as appropriate. A bank of precedents should be collected by the Pupil and, where possible, a Master should furnish to the Pupil copies of any precedents pleadings in his possession.

- Where appropriate, and with the consent of an instructing solicitor, a Pupil should be invited to deal, initially with consent motions and thereafter with uncontested motions. A Pupil has no right to insist upon any motion being handled by him and any decision in this respect is exclusively within the discretion of the Master. However, Masters are encouraged to allow their Pupils to handle more complicated motions on a progressive basis but time should be taken by the Master to explain to the Pupil the nuances of any given motion and the way in which it is to be handled and he or she should be directed to the relevant legal authorities.

- Where a Master’s practice is primarily opinion based (such as in conveyancing or Taxation) or is one that does not involve many Court motions, it is permissible for a Pupil, with the approval of his Master, to handle motions for other Barristers/Masters and to temporarily Pupil with another Junior Counsel who is on the Register of Masters. Such an arrangement should only be put into place with the consent of the Master and the Education & Training Committee and it should subsist for no more than four weeks.

- When a Master considers it appropriate, during a consultation with clients and or solicitors he should invite the Pupil to express an opinion in relations to the matters being discussed. A Pupil should not contribute to a consultation or express any opinion to the Master’s solicitors before or after the consultation. His/her views should be expressed when they are specifically sought by his Master.

NEW PRACTITIONERS’ PROGRAMME

In addition to their pupillage with their Master, pupils are also required to complete the New Practitioners’ Programme, a series of talks and seminars aimed at first year entrants to membership of the Law Library, covering a wide range of topics imperative to first year in practice. The New Practitioners Programme is compulsory and if a pupil is unable to attend any of the seminars during their first year they must complete the equivalent seminar in their second year. The programme content is set out at the beginning of each
year and reviewed annually after consultation with pupils who have completed the programme.

The topics generally included are set out in the table below:

<table>
<thead>
<tr>
<th>NEW PRACTITIONERS’ PROGRAMME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orientation Day &amp; Library Training</td>
</tr>
<tr>
<td>Master, Mentor and Pupil Seminar</td>
</tr>
<tr>
<td>Ethics: Duties to Client, Court &amp; Colleagues</td>
</tr>
<tr>
<td>Practice and Procedure in the County</td>
</tr>
<tr>
<td>Registrar’s Court</td>
</tr>
<tr>
<td>Master’s Court Listing</td>
</tr>
<tr>
<td>Monday Motions in the High Court and High Court Lists</td>
</tr>
<tr>
<td>Solicitor/Barrister Relationship</td>
</tr>
</tbody>
</table>
PART 4: CONTINUING PROFESSIONAL DEVELOPMENT

BACKGROUND:

Continuing professional development (CPD) is the systematic maintenance, improvement and broadening of knowledge and skill, and the development of personal qualities necessary for the performance of professional duties throughout the barrister's working life.

In 2005, Council of The Bar of Ireland introduced a mandatory CPD Programme for all members of the Law Library. It was initiated as a means of ensuring the promotion of high standards of work within the profession, thereby protecting and promoting the public interest, and to enable barristers to develop their careers by both expanding on their current knowledge and acquiring new professional skills and areas of specialisation.

While individual members of the Law Library are responsible for their own planned continuous professional development, all members must complete a minimum of 12 CPD hours in each legal year, including one hour in legal ethics provided by The Bar of Ireland. The rules of the CPD Programme are subject to revision by Council of The Bar of Ireland periodically and are set out in Appendix 2.

CONTENT OF CPD PROGRAMME:

The annual CPD programme includes a wide range of topics delivered throughout each legal year. The CPD programme is developed and overseen by the Education & Training Committee which comprises members drawn from varying years and areas of practice. Members of the Committee and those who deliver the programme volunteer their time and expertise to maintain the high standard of education at the Bar.

Consistent with the aims of efficient administration of justice, integrity and independence, current CPD comprises education and training that is relevant to maintaining or developing a barrister’s legal knowledge, professional skills, ethics or practice management ability. The CPD programme delivered annually includes the following core curriculum:

1. **Legal Ethics (mandatory)** - based on the Code of Conduct for The Bar of Ireland and any recent themes/issues that have come to the attention of the Professional Practice Committee.

2. **Advanced Advocacy** - two intensive courses per year, one aimed at junior practitioners and one at senior practitioners. Each course is of minimum two days duration and is taught by senior members of the Irish Bar who have been trained by experienced international advocacy trainers, including both judges and barristers. In addition, there are occasional standalone seminars on subjects such as the sensitive and effective questioning of vulnerable witnesses and effective narrative advocacy.

3. **Practice Management** - addresses practice management related matters including tax and finance, regulation and compliance, managing complaints of negligence,
managing work/life balance, accessing work from the State, legal research skills and business development.

The topics selected for inclusion in the annual CPD programme are selected in a number of ways:

1. Identification of legal developments across a variety of practice areas;
2. Ideas and suggestions from Committees of the Council and Specialist Bar Associations to meet a particular need or area of practice;
3. Feedback from member surveys which often identifies topics of interest;
4. Ideas and suggestions from individual members or Circuit Liaison representatives.

Throughout each legal year, an average of 80 education and training events are made available for members of the Law Library in Dublin, on each Circuit (of which there are 7) and through the medium of an on-line webcasting facility that can be viewed live or downloaded on to an electronic device to view at another time.

An example of the range of topics included in the **CPD Programme 2017/18** is set out below:

<table>
<thead>
<tr>
<th>Access to Justice - Legal rights, entitlements and the Voluntary sector</th>
<th>How we speak to each other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Advocacy Course</td>
<td>International ADR</td>
</tr>
<tr>
<td>Advanced Advocacy: Narrative and The Law Workshop</td>
<td>Library Resources Training</td>
</tr>
<tr>
<td>An overview of the Assisted Decision Making (Capacity) Act 2015</td>
<td>LSRA update</td>
</tr>
<tr>
<td>Balancing the rights of the accused with the rights of the complainant</td>
<td>Maritime law</td>
</tr>
<tr>
<td>Charges on Registered Land</td>
<td>McKenzie Friends</td>
</tr>
<tr>
<td>Children's court</td>
<td>Mediation Act 2017</td>
</tr>
<tr>
<td>Commercial law</td>
<td>Negotiation: how we talk to each other</td>
</tr>
<tr>
<td>Criminal Judicial Review</td>
<td>Personal Injuries</td>
</tr>
<tr>
<td>Criminal law and evidence updates</td>
<td>Personal Injuries Update</td>
</tr>
<tr>
<td>Domestic ADR</td>
<td>Practice management</td>
</tr>
<tr>
<td>E-conveyancing, mortgagee sales and registered land</td>
<td>Professional regulatory matters</td>
</tr>
<tr>
<td>Employment updates</td>
<td>Professional resilience for success</td>
</tr>
<tr>
<td>Ethics at the bar</td>
<td>Sports law</td>
</tr>
<tr>
<td></td>
<td>Texas Hold'em: Sentencing Guidelines in Texas and in Ireland, a Game of Chance?</td>
</tr>
<tr>
<td></td>
<td>Tort Law Conference</td>
</tr>
<tr>
<td></td>
<td>Towards Compliance with UNCRPD</td>
</tr>
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<td></td>
<td>Update on Brexit</td>
</tr>
</tbody>
</table>

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2 Committees and Specialist Bar Associations who provide CPD seminars include: Young Bar Committee, Criminal State Bar Committee, Civil State Bar Committee, Arbitration and ADR Committee, Human Rights Committee, Personal Injuries Committee, Professional Regulation and Discipline Bar Association, Construction Bar Association, Employment Bar Association, Family Lawyers Association and the Irish Criminal Bar Association.
INFORMATION SKILLS TRAINING:

In addition to our annual CPD Programme, legal research skills training is also actively promoted. Information literacy has long been recognised as an essential skill for practising barristers. In a legal context, information literacy is defined as having the skills to find, retrieve, analyse and use information. As technology evolves barristers must have the ability to carry out legal research competently across a number of platforms and online resources. Practitioners are required to take professional responsibility to ensure that their research is competent, efficient and complete. Providing our members with these essential skills ultimately benefits their clients.

Training courses are delivered to members on how to find relevant, up-to-date and reliable resources both in print and on-line. While we deliver a mixture of courses, some aimed at teaching specific research techniques or how to use particular finding tools or resources, we focus on teaching principles rather than fixed knowledge. This is important to support our members to enable them to enhance their research skills and become increasingly self-sufficient and confident in a constantly changing research landscape.

Delivery of our information skills programme takes a variety of formats:

- Daily drop-in clinics provided by qualified information professionals;
- Weekly clinics, open to all and advertised across all internal communications media;
- One-to-one training on demand;
- Lecture style delivery to small and large groups on specific topics;
- Vendor-led training on a specific resource;
- Training events delivered on circuit;
- Induction training delivered to new entrants;
- Training delivered remotely.

We evaluate and regularly update our programme offering based on feedback received.

FULFILLING CPD REQUIREMENTS:

Members of the Law Library are required to attain 12 points (hours) of continuing professional development (CPD) activities between October 1 and September 30 of each legal year. Members are required to attain a minimum of one point for an ethics seminar in each year and the balance may be acquired as follows:
• 9 points for attendance at courses;
• 6 points for the first year of teaching/lecturing and 3 points for subsequent years;
• 4 points for presenting a talk and two points for attending the event;
• 4 points for the first year of exam marking and two points for subsequent years;
• 6 points for voluntary work;
• 5 points for reading legal journals/listening to downloads;
• 8 points for published textbooks;
• 2 points for judging moot trials;
• 2 points for acting as an external examiner;
• 2 points for relevant private or group study;³
• 2 points for curriculum proposal or curriculum preparation; and,
• ½ point per hour for chairing a conference or seminar.

**CPD COMPLIANCE MONITORING:**

Having attained a minimum of 12 points, members of the Law Library are required to certify annually that they have complied with the minimum CPD requirement⁴. The process of monitoring compliance with this requirement is overseen by the Regulation Department of The Bar of Ireland who maintain an auditable database of each individual members’ CPD compliance.

The Rules of Membership⁵ of the Law Library provide that a member may be excluded either permanently or for a temporary period, where a member has failed to comply with CPD. Where exclusion is for CPD non-compliance, within one month the member can reinstate membership by certifying they are in compliance, paying any administrative fees applied and showing proof of PII without the requirement for formal re-admittance through Library Committee. Beyond one month, a member must re-apply through the normal re-entry process.

**CPD PROGRAMME REVIEW:**

The Education & Training Committee conducts frequent reviews of its approach to the design and delivery of the CPD Programme, including the minimum requirements applied to members of the Law Library in relation to CPD and the means to access CPD in light of technological advances. CPD is a vital tool in ensuring consistently high standards of practice

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⁴ Members can claim 5 CPD points from private study webcasts. Webcast seminars viewed in groups of three members or more will count as a group event.

⁵ A technological solution is currently being sourced for members to record their CPD and demonstrate compliance.

and regular reviewing of recent developments in the law. As each CPD event invites feedback from attendees, a bank of feedback is collated each year for the review of the Education & Training Committee in order that steps can be taken to ensure CPD is meeting the needs of members in terms of content, format and accessibility for example. In addition, the Education & Training Committee regularly benchmark the CPD requirements in place for barristers in Ireland against other jurisdictions where an independent referral bar exists. (See Appendix 3)

In October 2017, following a review undertaken by the Education & Training Committee, the Council of The Bar of Ireland agreed with a recommendation from that Committee to increase the annual CPD requirement from 10 CPD points to 12 CPD points and the manner in which those points can be attained.6

The Education and Training Committee and the Advanced Advocacy Committee have forged strong links with their sister committees of the independent referral bars, in particular those in Northern Ireland and England & Wales. There are regular joint meetings of the Education Committees in Dublin and Belfast, for instance. The standard and content of our CPD programme is the main item on the agenda at these meetings.

Irish trainers in advocacy have the singular distinction of being regular guest trainers at national and international advocacy courses in Belfast and at Keble, in Oxford, which is one of the longest established advocacy courses in the common law world and is run by the English South Eastern Bar. Accreditation for our trainers has commenced and has been provided by the relevant chairs of the advocacy training board (or equivalent authority) in at least two different jurisdictions, to ensure independent and authoritative adherence to the highest standards of advocacy and to keep abreast of international developments in education generally and in advocacy training in particular. This accreditation will be offered to other members of the faculty at future advocacy courses.

The Advanced Advocacy Committee has recommended that all barristers who are on the Register of Masters be required to complete the Advanced Advocacy Course. The Council will consider this proposal shortly.

The Education & Training Committee will undertake a detailed training needs analysis later this year in order to contribute towards a further review of the core CPD curriculum in place for members of the Law Library. For example, the frequency of negotiation seminars will increase over the coming years and negotiation workshops will take place, allowing members to actively engage in negotiation techniques through role play. This method mirrors the huge success of similar advocacy workshops. The Bar of Ireland has a very active and engaged Alternative Dispute Resolution (ADR) Committee which regularly holds seminars on this area of practice as the emphasis of the courts and the legislature on ADR increases.

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6 Full details of the CPD Scheme Rules are set out in Appendix 2
PART 5: ARRANGEMENTS TO TRANSFER BETWEEN LEGAL PROFESSIONS

The arrangements in place for barristers to transfer to the profession of a solicitor and vice versa are well established and do not appear to present any obstacles to either profession. The figures available demonstrate that the number of barristers that leave the profession and transfer to the solicitors’ profession is very high in comparison to the reverse of this situation.

The following table provides an overview of the transfers that have taken place between the professions during the period 2012 – 2017.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NUMBER OF BARRISTERS TRANSFERRING TO THE SOLICITORS’ PROFESSION7</th>
<th>NUMBER OF SOLICITORS TRANSFERRING TO THE BARRISTERS’ PROFESSION8</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>2013</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>2014</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>2015</td>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td>2016</td>
<td>34</td>
<td>1</td>
</tr>
<tr>
<td>2017</td>
<td>34</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>111</td>
<td>13</td>
</tr>
</tbody>
</table>

According to the Law Society Gazette (May 2018, page 13):

‘As of 24 April 2018, a total of 17 barristers have been admitted to the Roll of Solicitors in 2018. Given that we are now just one third of the way through 2018, it would appear as though the number of barristers transferring to the Roll of Solicitors is set to increase once again, compared with the 2017 admission figure’.

Appendix 4 sets out an overview of the trends of membership of the Law Library over the last 10 years and demonstrates that 1,282 barristers left membership of the Law Library during the period 2008 - 2018. We are not aware of any other profession where the attrition rate is at such a level.

7 Law Society Gazette, May 2018, page 13
8 Figures relate to those who have become members of the Law Library
One explanation for this high level of attrition may be the fact that when compared with the number of barristers in other jurisdictions where there is a split profession, Ireland has the highest number of barristers per 100,000 population as evidenced in the table below.

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>ASSOCIATION</th>
<th>TOTAL NO. BARRISTERS</th>
<th>POPULATION</th>
<th>PER 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ireland</td>
<td>The Bar of Ireland</td>
<td>2,158(^9)</td>
<td>4,792,500(^{10})</td>
<td>45</td>
</tr>
<tr>
<td>N Ireland</td>
<td>The Bar of Northern Ireland</td>
<td>640(^{11})</td>
<td>1,862,100(^{12})</td>
<td>34</td>
</tr>
<tr>
<td>New Zealand</td>
<td>The New Zealand Law Society</td>
<td>1,379(^{13})</td>
<td>4,793,700(^{14})</td>
<td>29</td>
</tr>
<tr>
<td>Australia</td>
<td>The Australian Bar Association</td>
<td>6,000(^{15})</td>
<td>24,511,800(^{16})</td>
<td>24</td>
</tr>
<tr>
<td>England &amp; Wales</td>
<td>The Bar Council of England &amp; Wales</td>
<td>13,500(^{17})</td>
<td>58,381,300 (^{18})</td>
<td>23</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>The Hong Kong Bar Association</td>
<td>1,400(^{19})</td>
<td>7,387,562(^{20})</td>
<td>19</td>
</tr>
<tr>
<td>Scotland</td>
<td>Faculty of Advocates</td>
<td>445(^{21})</td>
<td>5,404,700(^{22})</td>
<td>8</td>
</tr>
<tr>
<td>South Africa</td>
<td>General Council of the Bar of South Africa</td>
<td>2,824(^{23})</td>
<td>56,958,294(^{24})</td>
<td>5</td>
</tr>
</tbody>
</table>

ARRANGEMENTS FOR A BARRISTER TO BECOME A SOLICITOR

Barristers who qualified in Ireland can transfer to become solicitors without the necessity of undergoing the full training programme prescribed for trainee solicitors as per Section 51 of the Solicitors (Amendment) Act, 1994. A barrister can apply to become a solicitor where they have been called to the Bar of Ireland and for a minimum of three years have:

- practised as a barrister in the State
- been a member of the Judiciary

\(^{9}\) Membership Stats May 2018
\(^{10}\) Central Statistics Office (2017)
\(^{11}\) Direct Contact (2017/2018)
\(^{12}\) Office for National Statistics (2016)
\(^{13}\) Direct Contact (NZLS Figure as of 17 January 2018)
\(^{14}\) Stats NZ (2017)
\(^{15}\) Australian Bar Association website (2017)
\(^{16}\) Australian Bureau of Statistics (2017)
\(^{17}\) Direct Contact (2017/2018)
\(^{18}\) Office for National Statistics (2016)
\(^{19}\) HKBA website (number of members as at September 2017)
\(^{20}\) Worldometers (2017)
\(^{21}\) Direct Contact (2017/2018)
\(^{22}\) National Records of Scotland (2016)
\(^{24}\) Worldometers (2017)
• been employed in the provision of services of a legal nature and/or
• been employed by the State in the provision of services of a legal nature

An applicant must provide the following to the Law Society of Ireland:

1. A certificate of being in good standing while practising from two of the benchers of the Honorable Society of King’s Inns confirming the period of practice.
2. A certificate from the Registrar of the King’s Inns confirming that the applicant passed the Barrister at Law degree, certifying the results of that degree, that the applicant passed or was exempted from an Irish examination and the date they were called to the Bar.
3. An up-to-date CV setting out either the history of their work at the Bar and/or as a member of the Judiciary and/or the history of their employment.
4. In the case of a term of employment, a reference from the applicant’s employer confirming the period that the applicant has been engaged under a contract of employment full time in the provision of services of a legal nature and the nature of the work done. A character reference should be furnished from a solicitor outside the applicant’s firm which should verify the applicant’s work.
5. Certified copies of academic qualifications (i.e. Law Degree if obtained, listing subjects and results).
6. Confirmation from the Kings Inns that the applicant has been voluntarily disbarred. (Note: the applicant may elect to hold off arranging to be disbarred until just before applying to go on the Roll of Solicitors in which case this confirmation may be submitted at that stage.)
7. Details of the office of a practising solicitor where the applicant intends to complete any in-office period.
8. If applying for an exemption from the 6 months in-office experience, confirmation from the applicant of the basis of the application and if relevant, confirmation from the applicant’s firm of any period worked, the experience obtained and whether the work done was equivalent to that of a solicitor.
9. Application fee of €70.

On receipt of the above documentation, the applicant may be called for interview by representatives of the Law Society. The application is then referred to the Education Committee for a decision on whether the applicant is eligible to be admitted to the Roll of Solicitors and what conditions, if any, may apply.

All applicants are required to attend the next Essentials of Legal Practice course (ELPC), that runs annually in August/September each year. The ELPC covers Professional Conduct, Solicitors’ Accounts, Probate and Taxation and Conveyancing. Attendance at all modules is compulsory. There is no examination. The fee for the 2018 ELPC is €2,830 - €3,100.
Applicants may be obliged to spend up to a maximum of six months in the office of a practising solicitor, for the purpose of receiving due instruction and obtaining experience in the practice and profession of a solicitor. This six-month requirement may, in exceptional circumstances, be waived/modified - this is a matter for the interviewing panel and the Education Committee.

On completion of any in-office period, the applicant will be required to submit a letter from the practice confirming the period worked, whether it was full-time, the experience obtained and whether the work done was equivalent to that of a solicitor.

On completion of the ELPC, the in-office period and on satisfaction of any other conditions outlined by the Education Committee, the applicant may apply to be admitted to the Roll of Solicitors. The fee for enrolment is €300.

ARRANGEMENTS FOR A SOLICITOR TO BECOME A BARRISTER

The Honorable Society of King’s Inns\textsuperscript{25} oversees the process for a solicitor to transfer to the profession of a barrister, set out below:

\textbf{Rule 23 Solicitors}

(a)  A solicitor on application made by him in writing to the Society who in the period expiring at any time within six calendar months prior to the date of receipt of application has been in continuous practice in the State for three years or more and has held a practising certificate from the Law Society of Ireland for the entire of that period (or is exempted by statute from any requirement to hold such certificate) may, at the discretion of the benchers of the Society, be admitted into the Society and called to the Bar without undertaking the Society’s course of education and without keeping terms provided he complies with the requirements set out in paragraph (b) hereof.

(b) Every such applicant shall

1. following acceptance by the Society of such application satisfactorily complete the next available course of study (if any) as may be provided by the Society and as may be determined from time to time by the Education Committee
2. cause himself to be removed from the Roll of Solicitors and cease to practice as a solicitor prior to admission to the degree of Barrister-at-Law.
3. lodge at the Under Treasurer’s office at least 10 days prior to admission to the degree:
   (i) a letter from the Law Society of Ireland certifying his removal from the Roll of Solicitors;
   (ii) a statutory declaration that he has ceased to have any financial interest in any solicitor’s business or practice;

\textsuperscript{25} Rule 23 of the King’s Inns Education Rules
(iii) a certificate from the President of the Law Society of Ireland stating that he is a fit and proper person to be called to the Bar;

(iv) a completed declaration for admission to the Society and to the degree of Barrister-at-Law (the certificate which is included in the declaration must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal therein must be signed by a bencher of the Society); and

(v) an undertaking in writing to keep two terms of commons in accordance with paragraph (b)(5) of this Rule,

(4) at least 10 days prior to admission to the degree pay the degree fee as set out in the Schedule of Fees, and

(5) keep two terms of commons (3 dinners each term) after call during the first two years of practice at the Bar of Ireland.

(c) Notwithstanding paragraph (b)(1) an applicant will be entitled (on payment of the appropriate fee in respect of such course) to take such course of study, if any, as may be determined by the Education Committee pursuant to paragraph (b)(1) of this Rule once he has been in practice as a solicitor in the State and has held a practising certificate (unless exempted by statute from any requirement to hold such certificate) for a period of not less than two years immediately preceding the commencement of the said course of study. On satisfactory completion of the said course of study the solicitor shall be deemed to have complied with the requirement of paragraph (b)(1) of this Rule provided such course of study is completed within twelve calendar months of application being made under Rule (a) above.

(d) If an applicant fails:

(i) to undertake and complete satisfactorily the next available course of study in accordance with paragraph (b)(1) of this Rule; or

(ii) to cause himself to be admitted to the Society and called to the Bar of Ireland at the first available opportunity following satisfactory completion of the said course

the application made by the applicant shall be deemed to be withdrawn.
As set out in this submission, The Bar of Ireland has in place various schemes targeted at new practitioners following qualification and qualified practitioners who are members of the Law Library.

In relation to the period of pupillage and provision of the New Practitioners’ Programme that is in place for members of the Law Library, it is essential that the LSRA gives consideration to how an equivalent ‘on-the-job’ training scheme for barristers who choose to practice outside of the Law Library structure can be put in place. At present, it is not clear how newly qualified barristers who decide not to enter membership of the Law Library are to be provided with this essential period of training. Pupillage is fundamental to ensuring that the regulatory objectives that are set out in Section 13 of the Act can be upheld:

(a) protecting and promoting the public interest,
(b) supporting the proper and effective administration of justice,
(c) protecting and promoting the interests of consumers relating to the provision of legal services,
(d) promoting competition in the provision of legal services in the State,
(e) encouraging an independent, strong and effective legal profession, and
(f) promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client’s best interests, compliance with duties owed to the court and confidentiality.

The Bar of Ireland CPD Scheme is a very well established and expertly managed scheme that is regularly reviewed to ensure that it is in keeping with international best practice and is provided to members as part of their annual membership subscription fee. The Bar of Ireland has developed vast expertise in the provision of ongoing education and training for barristers. It is essential that the LSRA recognises the need for CPD across the profession regardless of the structure through which a barrister may choose to practice. The following matters should be considered:

(1) A requirement should be imposed on barristers who are outside of membership of the Law Library to undertake a minimum level of CPD, including a core curriculum and supplied by reputable and suitably accredited bodies;

(2) Barristers who are outside of membership of the Law Library should be subject to compliance monitoring in meeting the CPD requirements by the LSRA;

(3) In the event that the LSRA consider the accreditation of bodies or institutions to provide, or procure the provision of, courses of legal professional education and training, that The Bar of Ireland would be consulted and provided with the
opportunity to be confirmed as an accredited provider in the area of ongoing training and education.

The scope of the consultation seeks submissions in relation to the arrangements in place for barristers to transfer to the profession of a solicitor and vice versa. The Bar of Ireland is not aware of any concerns relating to the arrangements that are already in place and they do not appear to present any obstacles to either profession.
APPENDIX 1: GUIDELINES FOR MASTERS AND PUPILS

Preamble

The system of apprenticeship, often referred to as a ‘master', has been in existence for as far back as recorded history. It would appear that this system was originally employed to provide training for young lawyers and clerks. The system was designed to ensure that young practitioners were trained in the skills and knowledge necessary to practice law. In recent years, the system has been modified to accommodate changes in the legal profession and the demands of clients.

The purpose of the Guidelines

These Guidelines are intended to assist masters in their role of training pupils. The Guidelines provide a framework for masters to ensure that they are fulfilling their obligations to their pupils and to the profession. The Guidelines are based on the principles of professional ethics, professional responsibility, and personal development.

Chapter 1

Practice in the Law Library

The Bar of Ireland is an independent self-regulating body. The Bar is governed by the Code of Conduct which sets out the ethical and professional standards expected of its members. The Code of Conduct is enforced by the Bar’s disciplinary committee. Masters are expected to ensure that their pupils are familiar with the Code of Conduct.

Chapter 2

Before entry into the Law Library

Resources available before entering the Law Library

The Bar of Ireland provides a number of resources to assist pupils in their training. These resources include: the Bar’s website, which contains information on the Code of Conduct, the profession, and the Bar’s rules; the Bar’s library, which provides access to legal and non-legal books; and the Bar’s meetings, which provide opportunities to meet with other lawyers and to discuss legal issues.

Choosing a master

When choosing a master, pupils should consider a number of factors, including the master’s experience, the master’s commitment to training, and the master’s approach to teaching. Pupils should also consider the master’s willingness to provide feedback and support.

Introduction meeting

At the introduction meeting, pupils should discuss their expectations for the training. This meeting should also provide an opportunity for pupils to express any concerns they may have about the training.

APPENDIX 1 CONTINUES ON NEXT PAGE...
Chapter 3

Master-pupil relationship

Introduction

Your day-to-day tasks and activities will depend on your master's practice. However, for the first month with your master you should still be learning how things are done and what is expected of you. It is important to learn from your master and to do your best to assist them. It is also important to make sure that you understand the expectations of your master and the work you are doing.

Orientation day (late September - early October)

This compulsory orientation day is designed to prepare you for the beginning of your legal training. It will involve presentations on various aspects of legal practice, including:

- an overview of the work of barristers and solicitors
- an introduction to the Master's Court and its procedures
- the role of the solicitor in the Master's Court
- the role of the barrister in the Master's Court

At the orientation day, you should also receive a pack of reading materials, including a schedule of the week's activities, as well as a practice guide for your master's practice.

Motors

All new practitioners will receive CPD lectures in relation to their master's practice. These are the most common way for new practitioners to obtain court experience. It is important to remember that the activities in the Master's Court will involve acting as a legal representative in a court setting. You should therefore be prepared to work under the supervision of your master and to be guided by their instructions.

Pupils accepting their own briefs

This should be discussed in detail with your master. You should be familiar with the basic principles of the practice of law and should be aware of the importance of maintaining a good working relationship with your master. It is important to remember that you are an employee of your master and that you are expected to work to their standards.

Chapter 4

Other aspects of devilling

Informal aspects of support

Master

You are in your master's office and you receive your master's support. You are in a position of trust and should be able to communicate effectively with your master. It is important to remember that your master's support is essential to your development as a lawyer. You should therefore be open and honest with your master and should be willing to accept their advice.

Reading

The Master's Court is one of the most important and difficult aspects of being a lawyer. You should therefore be familiar with the various aspects of the Master's Court and should be prepared to handle the situation in a professional manner.

Compliance

The Master's Court requires you to have a sound knowledge of the law and should be familiar with the various aspects of the Master's Court.

Practice

The Master's Court is one of the most important aspects of being a lawyer. You should therefore be familiar with the various aspects of the Master's Court and should be prepared to handle the situation in a professional manner.
Chapter 5

Other resources

**Directory of Membership Services and Benefits**
The Directory of Membership Services and Benefits is a comprehensive guide to all services offered by the Law Library to its members. It includes information on library hours, locations, and services, as well as details on how to access the library's digital resources, such as online databases and legal research tools.

**Member Services**
Member services include access to the library's physical and online resources, as well as exclusive discounts on legal research tools and services. Members also receive regular updates on legal news and events through the library's newsletter.

**Law Library Website**
The Law Library website is a valuable resource for researchers and legal professionals. It provides access to a range of library services, including catalog search, online databases, and research guides. The website is also a hub for news and events, with regular updates on recent developments in the legal field.

**Library Hours**
The Law Library is open from 8 am to 5 pm, Monday through Friday. The library is closed on weekends and major holidays. Access to the library's physical resources is available during these hours, and online resources are accessible 24/7.

**Library Services**
Library services include reference assistance, research consultation, and access to a wide range of legal resources. The library's reference desk is staffed by knowledgeable professionals who can provide assistance with legal research and other inquiries.

**Professional Development**
The library offers a range of professional development opportunities, including workshops, seminars, and webinars. These events provide members with the opportunity to learn about the latest trends and developments in the legal field, as well as to network with other professionals in the legal community.

**Library Resources**
The library's resources include a wide range of print and digital materials, as well as access to specialized databases and legal research tools. The library's collection includes books, periodicals, and other resources that are essential for legal research and training.

**Library Hours**
The library is open from 8 am to 5 pm, Monday through Friday. The library is closed on weekends and major holidays. Access to the library's physical resources is available during these hours, and online resources are accessible 24/7.
Preamble

The system of pupillage, often referred to as “attaining”, has been in existence for as far back as records extend. It would appear to have originated from a requirement to participate in learning exercises for an appropriate period, and acquire a mentor, as a condition of call to the Bar. While the Bar Council and BVC have full rights of audience so long as they are called to the Bar, barristers must undergo a period of pupillage for at least one year. The Court of the Bar of Ireland acknowledges and appreciates the vital role played by the training of new entrants to the profession and recognises the centrality of the pupil-practitioner and the ongoing need for experienced practitioners to make themselves available as pupil masters, particularly in the case of first-year pupils.

The Council of the Bar of Ireland maintains a Register of Masters (hereinafter referred to as “Masters”) containing the names, contact details and some information about those barristers who are eligible to act as masters for first-year pupils. Each Master on the register must be a sufficient time in Dublin such that the pupil will not be left alone with the wishes of the superior court to fill up, and will obtain sufficient experience in court. A Master is not obliged to take a first-year pupil, just because they have been asked to do so, though every Master adopt the practice. It is appropriate to meet with the prospective pupil in the first place and there is a mutual understanding of what the relationship involves and whether it will be of mutual benefit.

It is common to arrange to spend one second week with one or more junior counsel, who are also referred to as masters, these arrangements are made without any need to register with the Council and they are not mandatory: nor are the same requirements made in terms of returning sufficient training to new practitioners; the arrangements for second year is a matter for the two colleagues to agree. However, the same standards and courtesies are usually expected to be adhered to by second-year masters, in a second-year pupillage arrangement, the practice requirements of the pupil take precedence over those of the master; whereas in the first year, it is more important that the pupil obtains sufficient training and experience. These requirements must be balanced against any work the pupil receives in his or her own right when deciding how much work a first-year can accept.

Chapter 2

Relationship with pupil

Master’s practice

Masters must ensure that their pupils make adequate application to court during their first year of practice, whether in a case of their own or in their colleagues. If you are not in a position to arrange for your pupil to make an application to court, it is not appropriate for you to take a fee-sharing deal. The minutes if you will spend a significant portion of any legal year on leave or in another work outside the Court. Courts of Criminal Justice, you should inform the Education and Training Committee of your name and the fact that your pupil does not appear on the Register for that year.

Masters are responsible for ensuring that pupils are aware of the customs and traditions of the Bar, such as the role of briefing in court appearances and the general practice whereby a work partner who takes over from a solicitor who is due to represent the Bar in an appearance, is co-opted for the brief originally intended to be paid.

Advocacy

It is important that a pupil obtains court experience, so as to keep the art of advocacy and to build confidence in appearing before courts and other decision-making bodies. It is equally important that a pupil watch his/ her master is called to the Bar in order to ensure that the pupil obtains sufficient training and experience in advocacy.

Practical experience in drafting and research is essential for preparing for and advising in their own counselling and, in sufficient experience in advocacy.

Advocacy

It is important that a pupil obtains court experience, so as to keep the art of advocacy and to build confidence in appearing before courts and other decision-making bodies. It is equally important that a pupil watch his/ her master is called to the Bar in order to ensure that the pupil obtains sufficient training and experience in advocacy.

Practical experience in drafting and research is essential for preparing for and advising in their own counselling and, in sufficient experience in advocacy.
Financial arrangements

A financial arrangement between teacher and pupil is a legal contract formed by the two parties. It is important to ensure that all arrangements are recorded in writing, either in the form of letters or emails, and that all such correspondence is kept in the pupil’s file. It is also advisable to ensure that all correspondence is signed by both parties.

Prioritising work for the pupil

This should be prioritised over other matters. The pupil’s needs should take precedence over the teacher’s. When a pupil is unable to attend school due to ill health or other circumstances, the teacher should ensure that the pupil’s work is not neglected.

Informal avenues of support

Pupils should be encouraged to attend formal meetings with the teacher and other staff members. This is important to ensure that the pupil’s needs are met and that the pupil’s progress is monitored.

Chapter 3

Other aspects

Mentor

Every incoming pupil is assigned a mentor, who is a senior counsel. The mentor is responsible for ensuring the pupil’s development and progress in all aspects of their work. The mentor also provides guidance on how to approach different situations, and how to deal with any difficulties that may arise.

CDP

Continuing professional development (CPD) is the systematic, continuous, and comprehensive improvement of professional knowledge and skills. It is important to ensure that the pupil’s CPD is regularly updated and that the pupil is aware of the latest developments in the field.

A pupil’s work is often a practical requirement in preparing the pupil for a career in the Law Society. The pupil’s work is often assessed by the tutor, and the tutor’s assessment is recorded in the pupil’s file. This is important to ensure that the pupil’s work is adequately assessed and that the pupil is aware of any areas of improvement.

The Professional Practice Centre (PPC) sets out the procedures in relation to pupil work. “Practising barristers can take up any type of occupational accident (OAC) that occurs in the Law Society and that is covered by the scheme.” This means that the pupil’s work is covered by the scheme. Therefore, it is important to ensure that the pupil is aware of any changes to the scheme, and that the pupil is aware of any changes to the scheme, and that the pupil is aware of any changes to the scheme.
APPENDIX 2: CPD SCHEME RULES

The Bar of Ireland CPD Programme commenced applies to all practising barristers. A CPD practice year is a period of 12 months ending on 30th September each year.

CPD REQUIREMENTS – 12 POINTS PER YEAR

Individual training needs vary, and the CPD Programme has been designed to reflect this by offering edibility in the training activities that qualify for CPD points. Barristers are required to attain 12 points during each practice year.

Where a barrister undertakes CPD activities, and thereby exceeds the total CPD points for that year, any excess points up to a maximum of 4 points may be applied to the following year’s CPD activities.

To meet the points requirement, barristers are free to choose activities relevant to their individual professional needs. Points are generally accrued on the basis of one point per hour of activity.

Every barrister must keep a record of CPD undertaken and to comply with the Programme.

CRITERIA FOR CPD ACTIVITY

The activity must be:

- of significant intellectual or practical content, and must deal primarily with matters related to the practice of law;
- conducted by persons or bodies that have suitable qualifications; and,
- relevant to a practitioner's immediate or long-term professional development needs.

CPD activities include, but are not restricted to:

- teaching;
- training;
- chairing;
- research and writing;
- legal research and article writing for a publication;
- watching live & on-demand webcasts;
- postgraduate legal studies;
- active engagement in online legal programmes;
- reviewing legal textbooks;
- undergoing training in a one-to-one situation in online research, etc., e.g., training in the use of legal databases;
• preparing, editing, revising, etc., papers, reading guides, materials, mock trials, mooting problems, model answers, etc., for legal exams or CPD programmes;
• and, preparing curricula, reading guides, teaching materials, etc., for CPD activities.

‘Course’ will be understood to mean an education programme, seminar, workshop, lecture, conference, in-house group discussion, distance learning, or face-to-face training session held as part of a distance learning course, summer school, revision sessions, computer-based learning or course presented by means of videotape, audiotape, simultaneous broadcast, or other such system or device.

Other activities may include law courses, preparation and presentation of approved training courses, teaching of approved courses, writing articles or books, private or group study, and work as an external examiner of legal courses.

If a member has a query regarding the appropriateness of an activity, they should contact the Education Co-ordinator.

The number of points that may be attained through various activities is listed in the CPD points summary below.

PROGRAMMES THAT CAN PROVIDE CPD POINTS

CPD points may be accrued from seminars and programmes provided by, for example:

• The Council of The Bar of Ireland;
• The Honorable Society of King’s Inns;
• Groups of barristers organising their own events;
• Circuit barristers;
• Advocates’ organisations in other jurisdictions;
• Third-level institutions;
• Other professional bodies (e.g., the Institute of Taxation); and,
• State or Semi-State bodies (e.g., the DPP/AG/CSSO).

HOW IS CPD ADMINISTERED AND MONITORED?

Members are required to maintain a record of their compliance with the Programme’s requirements. They will be required to certify their compliance on an annual basis. The Bar of Ireland monitors compliance with the obligatory CPD requirements and may audit the CPD records of any member of the Bar at any time. For external events in particular, members of the Bar have a duty to maintain copies of vouching CPD documentation, such as a certificate of attendance, invoice or a conference handout. The documentation should be retained for one year from the end of the 12-month period to which they relate. A member of the Bar may
be asked to produce evidence that he or she has complied with the obligatory CPD requirements.

**SELF-CERTIFICATION**

Having attained 12 points, members are required to certify that they have met the requirements. The Regulation Department will email all members to request that they verify compliance by return email. There is no longer a CPD compliance card.

**COURSE OF STUDY FOR BARRISTERS IN THEIR FIRST YEAR OF PRACTICE**

The Bar of Ireland has devised a programme of lectures specifically for first-year barristers. There is no requirement for first-year barristers to attain 12 CPD points during their devilling year; however, attendance at these ‘New Practitioner’ lectures is compulsory.

Examples of topics covered in this programme:

- Practice & Procedure in certain Courts;
- Financial & Practice Management; and,
- Drafting.

The week before entering practice, this programme begins with an induction at which junior barristers become acquainted with the Law Library, The Bar of Ireland and matters of professional conduct.

**POINTS ALLOCATION – FAQ**

*How many points can I claim from writing an article or paper?*

One point per hour of preparation up to a maximum of four points may be claimed per article or paper published.

*How many points can I gain from writing a textbook?*

Up to eight points may be claimed per textbook. Co-authorship will attract the same number of points.

*Can I claim points for reading legal journals?*

Yes. Half a CPD point per article read may be claimed up to a maximum of two points per year.

*Are points available for viewing recorded CPD seminars?*
Yes. Watching a webcast alone counts as private study and can be claimed to a maximum of five CPD points. Groups of three or more watching a webcast also counts as group event.

Are points allowable for participation on a committee?

Points are not allowable for participation on a committee.

Can I claim points for the same seminar if I present it more than once in the same year?

Points can only be claimed once in a given year for the presentation of a seminar.

I lecture in law on a regular basis. How many points can I claim from lecturing?

You may claim a maximum of six points for ongoing lecturing in law.

How many points may I claim for giving a talk or one-off lecture?

Up to four points may be claimed for preparatory work for a seminar or conference (one point per hour of preparation), and points may also be claimed for attendance at the event, again on a point-per-hour basis.

Does The Bar of Ireland recommend seminars run by specific providers?

Each barrister should decide which seminars meet the criteria for CPD activities and which would be of most benefit to him or her. The main consideration is that they are relevant to the practice needs of the profession.

Can I carry CPD points over from year to year?

Only in the case where a barrister undertakes CPD activities in the months of August or September, thereby exceeding the total CPD points for that year, may excess points up to a maximum of 4 be applied to the following year's CPD activities.

I do voluntary work for the FLAC and other voluntary organisations. Can I claim points for this activity?

Points may be claimed for voluntary legal work (if approved by The Bar of Ireland). These may be claimed on a point-per-hour basis, to a maximum of six points.

If I am on a leave of absence for a period of time, what is my CPD commitment?

You should work out your CPD commitment pro rata to your leave of absence. If you are on leave for six months, then your CPD points requirement will be half of the CPD requirement. The ethics hour remains.
## APPENDIX 3: COMPARISONS WITH OTHER JURISDICTIONS

The following table sets out the CPD requirements and compliance monitoring arrangements in other jurisdictions where an independent referral bar exists.

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>CPD REQUIREMENT</th>
<th>COMPLIANCE MONITORING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>10 hours per annum</td>
<td>Barristers must certify to the designated local regulatory authority whether they have complied with the Rules in respect of the CPD year when applying for renewal of their local practicing certificate. The designated local regulatory authority conducts audits to monitor compliance by a barrister with the Rules and may require a barrister to verify within 21 days whether or not they have complied with these Rules by: producing records and giving the designated local regulatory authority a statement of the barrister’s reasons for claiming that any activities undertaken by the barrister satisfy any requirements for CPD activity.</td>
</tr>
<tr>
<td>England &amp; Wales</td>
<td>No minimum requirement since Jan 2017</td>
<td>Compliance with CPD requirements is monitored by spot checks conducted by the Bar Standards Board - the focus is on barristers who are at higher risk of non-compliance with their CPD requirements, supplemented with a random sample of the profession.</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>None</td>
<td>Not applicable</td>
</tr>
<tr>
<td>New Zealand</td>
<td>10 hours per annum</td>
<td>Barristers must be able to show that they have participated in each CPD activity through an attendance record, certificate, receipt, letter, firm record or other means. An audit of a percentage of those who make their annual CPD declaration.</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td>3 hours per annum</td>
<td>1 hour each in Advocacy, Ethics and Practice Management is mandatory. Each member is required to sign a declaration annually confirming that he has achieved the minimum number of CPD points required. A practising certificate will not be issued until this declaration is provided.</td>
</tr>
<tr>
<td>Scotland</td>
<td>15 hours per annum</td>
<td>At the end of each calendar year, an audit of members’ CPD is undertaken. A member may be suspended from practice and disciplinary proceedings initiated if in default.</td>
</tr>
<tr>
<td>South Africa</td>
<td>None</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
APPENDIX 4: LAW LIBRARY MEMBERSHIP TRENDS 2008 - 2018

Over the past 10 years, membership of the Law Library rose to a high of 2,213 in 2011 and has since retreated to 2,127 as of September 2017.

The context for this retreat in membership numbers arises from a steady decline in the number of new entrants to membership of the Law Library, (coinciding with the economic downturn) and is estimated this year to hit a new low of 75 new entrants. At the same time, the numbers leaving membership has been steadily rising and is expected to remain in the region of 140 per annum.

The primary challenges that confront a member’s ability to maintain their membership of the Law Library is to generate work and get paid. As mentioned earlier in this submission, Ireland has the highest population of barristers in comparison to other jurisdictions where there is an independent referral bar in existence.

<table>
<thead>
<tr>
<th>Month (End of)</th>
<th>Year</th>
<th>Junior</th>
<th>Senior</th>
<th>Total</th>
<th>Net Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept 2007</td>
<td>1,573</td>
<td>287</td>
<td>1,860</td>
<td></td>
<td></td>
</tr>
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<td>Sept 2008</td>
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<th>Judge</th>
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