

# Legal Education in Ireland

By Paul A. O'Connor

**M**y task is to provide a brief overview of the Irish legal education system and explain the extent to which lawyers qualified to practice in other jurisdictions may practice law in Ireland. First, a description of the organization of the Irish legal profession would help because the professional legal bodies in Ireland maintain an important and extensive role in legal education. Regarding the eligibility of foreign-trained lawyers to practice in Ireland, the most significant recent developments have taken place in the area of European law.

## The Legal Profession in Ireland

Lawyers in Ireland, like England, are divided into two distinct divisions, solicitors and barristers. They have separate regulatory and representative bodies. The two professional bodies also maintain their own separate educational systems and there is no joint or unified system for the education of barristers and solicitors. The Law Society of Ireland is a statutory entity that is both a representative and regulatory body for the solicitors' profession. Its equivalent for barristers, although not regulated by statute, is the Honorable Society of King's Inns and the General Council of the Bar of Ireland. Barristers are divided into Senior Council, the equivalent of Queens Council in Commonwealth jurisdictions, and Junior Council.

The Law Society was chartered in 1852. Its original objects were to create a body for the general benefit of the profession, the acquisition of legal knowledge, and the improvement of solicitors in the discharge of their professional duties. Under the Solicitors' Acts 1954-1994, the Law Society became the regulator of the profession as well.

## Professional Legal Education

The Law Society exercises control over those who wish to become solicitors. The

control is viewed as important for the independence of the profession. Under Section 49 of the Solicitors' Act 1994, the society is empowered to provide courses and examinations for the education or training of those seeking to be admitted as solicitors.

To be admitted to the society's law program, all university law graduates must pass an entrance examination in eight core subjects: tort, contract, real property, constitutional law, criminal law, equity, European law, and company law. All candidates who pass are entitled to be admitted. Upon admission, students take the society's professional course (a practice oriented course), followed by a period of training in a law firm. Finally, students return briefly to the society to complete the professional course.

For barristers, the Honorable Society of King's Inns governs entry by providing education and training, conducting examinations, and conferring the degree of Barrister-at-Law. Only those with this degree may be called to the Bar of Ireland and admitted to practice in the Irish courts. To be admitted, the applicant must have an approved university law degree or a diploma in legal studies from the society. In 2002, however, the society, as is currently the case with the Law Society of Ireland, will require applicants to sit an entrance examination. The duration of the Barrister-at-Law studies is two years.

## Academic Legal Education

While it is still possible to become a solicitor or barrister in Ireland without a university law degree, the great majority qualifying as solicitors have undergraduate degrees in law. A majority qualifying as barristers also have university law degrees. Until compar-

atively recent times, Irish law schools were staffed mainly by part-time academics who were practicing lawyers (more commonly barristers). Not until the 1960s, for example, were the majority of professors at my own law school full-time career academics.

Law is taught in Irish universities at the undergraduate level, which immediately follows high school. A limited number of places at the universities for their various law degree programs makes both demand and entry standards high. Law students are from the top three percent of those taking the high school Leaving Certificate examination (the final state examination at the conclusion of high school).

The undergraduate law degree, in its traditional format, is a "pure" law degree of three to four years' duration. Recently, interest has grown in composite law degrees such as law and languages, law and business, law and accountancy. The interest reflects changes within the neighboring jurisdictions in the United Kingdom. The demand for broader legal education, along with Ireland's membership in the European Union (EU), are significant factors encouraging composite law degrees. This is particularly evident in the case of law and language degrees which, because they enable the acquisition of a major European language, promote greater access to the European Union.

Other significant trends include the growing international dimension to legal education and increased postgraduate legal study. Almost 40 percent of students in the law school at the University College Dublin go abroad for one year at the end of their second year of legal studies to European, American, and Australian destinations. During the past five years, the following subjects have been added to UCD's law school menu: international trade law, international commercial transactions, financial services law, competition law in the European Union,

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international arbitration, french public and private law. Another notable feature has been the growth in Master's programs. The gender composition of those studying law also has changed significantly. At UCD the first-year profile is 52 percent women and 48 percent male.

In Ireland, the primary objective of academic legal education is intellectual formation in the law through the acquisition of analytical and research skills while professional legal education is more vocational and directed toward practice issues. This is not to suggest an overly rigid dichotomy, but rather a difference in ethos and emphasis. The university law degree does not entitle one to practice law, only to sit for a competitive entrance examination at the Law or Honorable Societies.

### Reciprocity

Under the EU Council Directive No. 249 of 1977 (the Services Directive), adopted by Irish law, lawyers in other EU countries can provide limited legal services in Ireland. Lawyers can represent their clients in an Irish court without being called to the Irish Bar or admitted as a solicitor, but only in conjunction with a qualified Irish barrister or solicitor. Important developments also have taken place pursuant to Article 43 of the European Community Treaty involving the freedom of establishment. Article 43 provides that "restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited" and that "Freedom of establishment shall include the right to take up and pursue activities as self-employed persons." A recent directive of the European Parliament and Council facilitates reciprocity among EU countries.

Reciprocity for practicing lawyers from countries outside the EU is governed by Section 52 of the Solicitors' (Amendment) Act, 1994. It provides a regime of admission for a member of a corresponding profession, a profession in a jurisdiction outside the union which, in the opinion of the Law Society of Ireland, corresponds substantially to the profession of solicitor. Section 52 is only operational at the direction of the Irish Minister for Justice. My understanding is that the Minister does not bring this section into ef-

fect unless satisfied that, in respect of a particular jurisdiction, reciprocal provisions are in place for Irish solicitors.<sup>1</sup>

The Law Society has entered into reciprocal agreements with the State Bars of New York and Pennsylvania. New York attorneys must first take the society's transfer test, while Pennsylvania attorneys must have had five years post-qualification experience before taking the transfer test.<sup>2</sup>

The applicable rules for eligibility to practice at the Irish Bar are found in Part 4, Rule 23 of the Rules of the Honorable Society of King's Inns. A member of the bar of a "reciprocating country" who has practiced at least three years immediately preceding application may, subject to the discretion of the society, be admitted to the degree of Barrister-at-Law without an examination. A reciprocating country is any country, state, or province where separate rolls are kept of members of the legal profession who practice as solicitors and barristers respectively and which in the opinion of the society affords corresponding advantages to members of the Bar of Ireland. An attorney who does not meet the provisions must seek admission as a student in King's Inns. It would appear that there is no reciprocity for United States attorneys, in that state jurisdictions do not maintain divided lists between solicitors and barristers.

### Conclusion

Legal education in Ireland will continue to undergo change and expansion as the country becomes more fully integrated into Europe and participates more actively and successfully in the global economy. The growing international dimension undoubtedly poses challenges, including the need to maintain and improve standards and a greater awareness of the legal systems in other jurisdictions. It is, nonetheless, an intellectually exciting period for Ireland as the country, the second oldest common law jurisdiction, responds to the large economic changes that have not only transformed the country but have fundamentally and irrevocably altered the Irish legal landscape. ◆

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### FOOTNOTES

1. I am grateful to Mr. T. P. Kennedy, Director of Education, Law Society of Ireland, for providing me with this information.
2. See Qualified Lawyers Transfer Test, Syllabus 2000 (issued November 1999), Law Society of Ireland.