

Opportunities and Challenges Associated with Legal Education in Northern Ireland

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(i) University Education

The School of Law at Queen's University, Belfast delivers legal education across a number of undergraduate and postgraduate programmes.

Undergraduate:

- Single honours law degree - 3 years
- Law and Politics - 3 years
- Law and French -4 years (incorporating one year at a French university)
- Law and Spanish -4 years (incorporating one year at a Spanish university)
- Senior Status LLB -2 years (for graduates from other disciplines)

Postgraduate:

- LLM Masters in Law -2 years (for graduates from other disciplines).
- LLM in Criminology and Criminal Justice - 1 year
- LLM in Human Rights Law - 1 year
- LLM in Human Rights and Criminal Justice - 1 year
- LLM in International Business Law - 1 year
- LLM Law - 1 year

Each undergraduate degree is a qualifying degree for students intending to qualify to practice in Northern Ireland, England or Wales. This is also the case with our LLM, Masters in Law.

Historically our undergraduate degrees programmes have been very popular, but recruited predominantly Northern Ireland based students. Northern Ireland benefits from a strong second level education system and many Northern Ireland pupils prefer to remain in Northern Ireland for their university studies. In recent years this has been underscored by the fact that the Northern Ireland Executive sets a lower university tuition fee for Northern Ireland based students (£4,160 per annum, rather than £9,250 in England or £9,000 in Wales). One challenge this has created for the School has been in diversifying our student base. Linked to this, as with other United Kingdom universities, Queen's University is keen to boost international student recruitment. The University's Vision 2020 objectives, sets the target of increasing international students, from a base of eight percent, to 20 per cent of the student body by 2020.

Over recent years the School has addressed these challenges by increasing our student recruitment in England and internationally. Although the tuition fees charged to students in England mirror those charged by English universities, Queen's status as a Russell group university, the reputation of the School, the qualifying status of our degrees, Belfast's reputation in terms of lower costs of living and social opportunities as well as good transport links with Great Britain have all been beneficial factors in student recruitment.

As with Aberystwyth and Cardiff Universities, our degrees are recognised by the Legal Profession Qualifying Board in Malaysia. Students from Malaysia, and those from England, are principally enrolled upon our single honours law degree. We also introduced a three year Juris Doctor (JD) degree, focused largely upon students from the United States and Canada.

We also maintain reciprocal links with universities in France and Spain, under the Erasmus programme.

Another challenge for us as a large Law School within a small jurisdiction has been to ensure employment opportunities for our graduates. Traditionally, aside from five or six larger commercial practices in Belfast, the solicitors' profession in Northern Ireland has been predominantly composed of smaller general practices. Although a large percentage of the solicitors employed will have studied law at Queen's, these practices have a limited capacity to employ newly qualified solicitors. The Bar differs from that in England and Wales in that Northern Ireland does not have a chambers based system. Instead, newly qualified barristers are allocated a place in the Bar Library in Belfast. As a Law School, we have been outward focusing, ensuring that our degrees are qualifying degrees in England and Wales, as well as in Northern Ireland. This has enabled students to gain entrance to the LPC or Bar Professional Training Course in England and Wales and to both qualify and practice there. Students who qualify in England and Wales are eligible to subsequently move back to Northern Ireland, under the qualified lawyer transfer scheme. In recent years, a number of international law practices have established offices in Belfast, assisting the work of offices in other cities around the globe. These include Allen and Overy, Baker McKenzie and Herbert Smith Freehills. The introduction of these practices has enhanced career opportunities for graduates wishing to remain in Belfast. The firms have been attracted by the strong pool of law graduates and by the cost competitiveness associated with establishing their offices in Belfast.

Today, the qualifying status of our degrees in England and Wales is an important component in recruiting English based students. Our law degrees also help prepare students for qualification in the Republic of Ireland. Their present system has some similarities to the proposals for the SQE in England and Wales, in that graduates must pass 8 examinations (in

Company Law, Constitutional Law, Contract, Criminal Law, EU Law, Equity, Real Property and Tort) to be eligible to progress onto a training contract and Ireland's version of the LPC). Additionally, the School also emphasises the attraction of the law degree as a cross cutting qualification that prepares students for a range of careers outside the legal profession. We work closely with our careers service and employers in highlighting career opportunities in these law related fields.

To put our student's graduate outcomes into figures- based on our 2016/17 graduates- six months post-graduation:

82% were in graduate employment or further study;

7% were in non-graduate employment;

10% were not in employment or further study.

The School ranked first amongst law schools in the Russell Group in relation to these graduate outcomes.

Northern Ireland's status as a devolved jurisdiction within the United Kingdom also presents both opportunities and challenges for legal education. At first sight this might be considered as being a student recruitment challenge, emphasizing a difference between Northern Ireland and the United Kingdom's other jurisdictions. However, the status of our degrees as qualifying law degrees in England and Wales helps to address this issue and sets us apart from Scotland, where the legal framework exhibits more significant differences from other parts of the United Kingdom. Areas of difference do certainly exist, as recent publicity concerning Northern Ireland's abortion and marriage equality laws has highlighted. However, the legal framework in Northern Ireland is substantially similar to that of England and Wales. For example, during the early years of devolution (1921-1972) the Northern Ireland parliament adopted a 'cat and mouse' approach in which it often replicated

legislative initiatives adopted in Westminster (albeit after a delay). In more recent years, European Union membership served to provide common framework in many areas. From a practical viewpoint, the legal framework existing in England is more widely covered in textbooks and academic journal articles. For these reasons teaching tends to concentrate predominantly on the law existing in England. Where there are points of difference between Northern Ireland and England, these usually provide opportunities for comparison and critical analysis. Equally, the School has strong links with the Northern Ireland judiciary and with local legal practices which have been helpful in promoting engagement in the life of the School, such as in mooted competitions, guest lectures and student skills and employability seminars.

(ii) Professional Legal Education

Responsibility for professional legal education and the admission of solicitors and barristers in Northern Ireland ultimately lies with the Law Society of Northern Ireland and the Honorable Society of the Inn of Court in Northern Ireland. In practice, however, these bodies have delegated responsibility for training to the Institute of Professional Legal Studies ('the Institute'). As such, the Institute aims to provide vocational training those intending to become solicitors or barristers within Northern Ireland. The Institute is part of Queen's University, Belfast. In terms of governance, its operation is overseen by the Council of Legal Education. This body is comprised of representatives drawn from Queen's University, the Inn of Court, the Law Society of Northern Ireland and the Institute. The Council of Legal Education is chaired by a senior member of the Northern Ireland judiciary, currently Mr. Justice Weir. Both the Institute and the School of Law are part of the Faculty of Arts, Humanities and Social Sciences at Queen's University. However, the Institute and the School are otherwise entirely distinct entities.

Northern Ireland's status as a smaller jurisdiction has posed a challenges in regard to the numbers of students wishing to qualify as solicitors or barristers within the jurisdiction. In England an essentially market led approach has been adopted, with entry to the profession determined by ability to secure a training contract or pupillage at the end of professional training. In Northern Ireland, the controls have been placed at the beginning, on gaining entrance to the Institute of Professional Legal Studies. In total 120 places are annually available at the Institute for trainee solicitors and 20 places for students intending to qualify as barristers. However, competition for places is extremely competitive, with applications usually exceed the number of places available.

Ostensibly, students with a law degree recognized by the Institute are eligible to apply for admittance. The Institute recognizes law degrees awarded by 108 universities and colleagues in England, Scotland, Wales, Northern Ireland and the Republic of Ireland. An additional recognition requirement is that applicants must have studied the Law of Evidence as part of their law degree. The Law of Evidence is a core subject requirement for entry to the legal profession in Northern Ireland.¹ However, the Institute holds an annual Evidence exam for students who did not fulfil this requirement during their degree course.

In practice, admission to the Institute is determined by three principal considerations:

1. Entrance Examinations: The Institute holds entrance examinations each December for applicants. These examinations are intended to assess each applicant's problem solving, communication and organizational skills. There is a 40% pass mark. Applicants who fail to reach this mark will not be admitted to the Institute.
2. Degree classification: The mark gained by applicants who pass the admissions test is added to a second mark, representing the class of their degree, to give each applicant a final overall

¹ Article 8(2) of the Solicitors Admission and Training Regulations 1988, as amended.

mark. This second mark increases in proportion to their degree classification. It is the ranking of the final overall mark that determines whether applicants are offered a place. Though successful applicants will also need to have a training contract in place prior to the commencement of the Institute course. Additionally, applicants intending to seek admission to the bar will only gain a place if they have an upper second class honours degree or higher.

3. **Solicitor/ Barrister Training:** Applicants who are intending solicitors must have a training contract in place with a firm of solicitors in Northern Ireland. In Northern Ireland this is referred to as an 'apprenticeship.' The trainee solicitors are known as 'apprentices' and the partner in their firm with oversight responsibilities is their 'Master.' The applicants must register their apprenticeship with the Law Society in the August, before their course commences at the Institute. Intending barristers are also asked to seek to obtain a Master, a member of the bar who will oversee their pupillage at the end of their Institute course. In this case, the Institute will assist applicants to obtain a pupillage where they have not been successful in doing so themselves.

For solicitor applicants the arrangements for professional qualification in Northern Ireland also differ from those existing in England and Wales. The first year of the apprenticeship/ training contract runs alongside students' attendance at the Institute. Each student is required to spend the period 1st September to 31st December working in their firm's offices. They then spend the following calendar year 1st January to 31st December on the course with the Institute. During this year they return to work with their firm during out-of- term periods when teaching is not taking place at the Institute. Finally they then spend the period 1st January to 31st August back with their firms to complete their training. At the end of this period they become eligible for admission to the roll of solicitors.

For barrister applicants the process is slightly different. Intending barristers must complete a one month work experience period with the Citizens Advice Bureau in Northern Ireland and also spend one week shadowing a barrister. At the end of the Institute course they must also complete a twelve month pupillage.

Although the solicitors' training period is referred to as 'an apprenticeship' in Northern Ireland, it is quite different from the traditional concept of an apprenticeship. In practice this latter type of apprenticeship has been little used within professional legal education in Northern Ireland. The Law Society used to provide a route into the profession for solicitors' clerks or solicitors' employees- which could potentially include paralegals. Any such person was eligible to be considered provided they had worked for the solicitor in question for a continuous period of 7 years, attained the age of 29 and satisfied the Law Society as to their general standard of education, knowledge and experience of working as a solicitor. Where that was the case that person could enroll within the Law School at Queen's University, Belfast to study the core law modules and, provided he/ she passed those modules, was then entitled to proceed to a place at the Institute of Professional Legal Studies. However, the Law Society of Northern Ireland has closed this qualification route in recent years. The Solicitors Admission and Training Regulations additionally provide for a person to be accepted as a registered student if he/she is not less than 30 years of age and has gained 'such special qualifications and/ or experience' as to render him/her suitable. However, I'm not aware of any examples of this being applied in practice.

Intending solicitors and barristers are largely taught together during their Institute course. However, within this core teaching, however, separate tutorial classes and practical exercises will be held for the differ groups to emphasise their differing practical requirements.

Solicitors who successfully complete the Institute course and their apprenticeship are eligible to be entered on the roll of solicitors entitled to practice in Northern Ireland. Similarly, barristers who successfully complete their course and pupillage will be eligible to be called to the bar and

to practice as a barrister in Northern Ireland. Solicitors and barristers qualified in Northern Ireland are then eligible to subsequently transfer to practice in both England and Wales and the Republic of Ireland, under Qualified Lawyer Transfer Schemes. Equally, solicitors and barristers within those jurisdictions would also be eligible to use these schemes to transfer to Northern Ireland.

The principal challenge that the structure of professional legal training in Northern Ireland addresses is the large numbers of applicants interested in embarking upon a career in law, particularly as solicitors. In that regard the current admissions system operates in a gatekeeping role within a small jurisdiction. For applicants, the requirement to have an apprenticeship/training contract in place at the beginning is a core entrance requirement can be challenging. However, the fact that the Northern Ireland model enables trainee solicitors to integrate their professional legal education and office based experience is also a key strength.