



# Submission to the LSRA Consultation on Admission Policies of the Legal Professions in 2022

24 February 2023



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

## Introduction

The Competition and Consumer Protection Commission (CCPC) welcomes the opportunity to respond to the Legal Services Regulatory Authority (LSRA) public consultation for its annual report on the Admission Policies of the Legal Professions. The observations of the CCPC are provided in the context of the recommendations made in the LSRA's 'Setting Standards' report to the Minister for Justice on reform of education and training<sup>1</sup>. The CCPC welcomed the recommendations of that report which, when implemented, should encourage greater entry and diversity into the profession. The CCPC is aware that these recommendations are currently being progressed by the Department of Justice<sup>2</sup>.

In addition to the recommendations made by the LSRA in the relation to legal education and training, the CCPC provides below a number of observations in relation to the admissions policies for legal education and training. These observations are based on previous submissions that the CCPC has made in response to prior consultations of the LSRA and are intended to help foster a more competitive and innovative legal services market. Those observations are made in relation to the costs of legal services and the standard of education and training.

## Costs of Legal Services

The National Competitiveness and Productivity Council, among others<sup>3</sup>, have identified that the limited availability of data on legal costs in Ireland poses a challenge to defining and measuring legal costs<sup>4</sup>. Collection of comprehensive data is required in order to ensure policy measures in the area of legal services are based on the highest quality evidence.

The CCPC accordingly suggests that the LSRA, in line with its function to promote public awareness and disseminate information to the public in respect of legal services, including

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<sup>1</sup> <https://www.lsr.ie/wp-content/uploads/2020/11/Section-34-ET-Final-Report-to-Minister.pdf>

<sup>2</sup> [www.gov.ie](http://www.gov.ie) - Justice Plan 2022 ([www.gov.ie](http://www.gov.ie))

<sup>3</sup> The CCPC notes that the Kelly Report refers in multiple places to the lack of comprehensive data on litigation costs and legal costs, including by citing the Cost of Insurance Working Group, see paragraph 1.2 and 1.3 of Chapter 9. Review of the Administration of Civil Justice Report, October 2020, [www.gov.ie](http://www.gov.ie) - [Review of the Administration of Civil Justice: Review Group Report \(www.gov.ie\)](http://www.gov.ie)

<sup>4</sup> <https://enterprise.gov.ie/en/publications/publication-files/competitiveness-challenge-2019.pdf>

the cost of such services<sup>5</sup> and its objective to promote competition in the provision of legal services in the State<sup>6</sup>, consider establishing a method of tracking the evolution of legal costs over time and issuing annual reports on cost and price trends<sup>7</sup>.

Another issue for consumers when accessing legal services is that they are often constrained, due to information asymmetry, in expressing the price-quality relationship they desire<sup>8</sup>. As recommended by the CCPC in its 2022 submission on the creation of a conveyancing profession<sup>9</sup>, the LSRA should also explore ways which enable consumers to review and compare information about legal services and help consumers understand the quality of service offered by competing providers.

### **Standard of Education and Training**

In 2020, the LSRA published '*Setting Standards: Legal Practitioner Education and Training*'<sup>10</sup> with recommendations to the Minister for Justice. That report recommended the establishment of an independent Legal Practitioner Education and Training Committee (LPET Committee) to set a competency framework for the education and training of the legal professions and approve institutions wishing to provide training and education services for the legal profession.

Since the publication of this report, the CCPC has made a number of recommendations in relation to the future work of the LPET Committee. The CCPC welcomes the LSRA's recommendations regarding the establishment of the LPET Committee. In particular, it is welcome that a statutory objective of the LPET Committee would be to encourage greater access to legal education and training opportunities.

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<sup>5</sup> Section 13(2)(g) of the Legal Services Regulation Act, 2015, [Legal Services Regulation Act 2015, Section 13 \(irishstatutebook.ie\)](#).

<sup>6</sup> Section 13(4)(d) of the Legal Services Regulation Act, 2015, [Legal Services Regulation Act 2015, Section 13 \(irishstatutebook.ie\)](#).

<sup>7</sup> The CCPC has previously made this suggestion in a submission to the LSRA Public Consultation in relation to the review of the Legal Services Regulation Act 2015 under Section 6. See here: [CCPC-Submission.pdf \(lsra.ie\)](#)

<sup>8</sup> <https://www.oecd.org/regreform/sectors/40080343.pdf>

<sup>9</sup> [Submission to the Legal Services Regulatory Authority on the creation of new profession of conveyancer - CCPC Business](#)

<sup>10</sup> [Section-34-ET-Final-Report-to-Minister.pdf \(lsra.ie\)](#)

The CCPC recommended that the LPET Committee, once in place, should review any existing arrangement which would add up to unnecessary costs and inconvenience and would dissuade new potential entrants to the professions. In particular, the CCPC highlighted that common barriers dissuading entrants include costs of qualification (including the unpaid time involved either in gaining entry to solicitor training whilst studying for the FE-1 or in undertaking pupillage), the time involved in qualifying, and lack of contacts in the profession<sup>11</sup>.

The CCPC also suggested a number of areas for the LPET Committee to consider, such as the creation of new routes to legal qualification, including for non-law graduates. Another area included the arrangements in place for switching between the branches of solicitor and barrister with the purpose of removing unnecessary barriers.

The CCPC also welcomes the LSRA's recommendation that the LPET Committee be tasked with developing and maintaining a well-defined and transparent set of standards required to practise as either a solicitor or barrister. The CCPC suggested that the LPET Committee should also periodically review the definition of these standards, and for reviewing accreditations. When doing so, it should consider the potential risk of any rule or standard establishing a barrier to entry.

In its submission to the LSRA supporting the establishment of a new profession of conveyancer, the CCPC recommended that the LPET Committee, assisted by the LSRA, should set and assure standards for conveyancing education and training. The LPET Committee would be responsible for the accreditation of providers of legal education and training, and this should include providers of conveyancing education and training.

ENDS

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<sup>11</sup> <https://www.lsr.ie/wp-content/uploads/2019/09/Review-of-Legal-Practitioner-Education-and-Training-Final-version.pdf>

