

**IRISH WOMEN LAWYERS ASSOCIATION**  
**SUBMISSION TO LEGAL SERVICES REGULATORY**  
**AUTHORITY ON ADMISSIONS POLICIES OF LEGAL**  
**PROFESSIONS**

**February 2021**

The Irish Women Lawyers Association is a voluntary organisation with a diverse membership of barristers, solicitors and academics at all stages of their career.

The IWLA strives to encourage and support women in the legal profession in Ireland by facilitating professional, social and educational networking between women lawyers and advocating for the interests of such women. As an advocate for women lawyers, the IWLA is pleased to take this opportunity to present this submission to the LSRA with our comments on the admission of lawyers to the legal professions. The IWLA makes this submission noting the LSRA invited comments on issues in relation to the operation of the act including the objectives under section 13(4) of the Act. The IWLA submits that a diverse legal profession that is gender balanced at all levels is key to achieving those objectives.

The purpose of this submission is to bring to the attention of the LSRA the barriers identified by the IWLA to the admittance of women to the legal professions and therefore creating a gender imbalance:

1. Cost
3. Practical barriers
4. Attrition rate as a deterrent.

**INTRODUCTION**

Admission to the training stage of both professions is dependent on successful completion of examinations set by the Law Society for potential Solicitors or the King's Inns for Barristers.

In relation to the entrance examinations for Solicitors, these are known as the FE1 exams and eight exams in total must be passed before enrolling on to the professional practice course (PPC). Efforts have been made in the recent past by the Law Society to reform the examination stage by allowing students to sit and pass one exam at a time and by allowing third level students to sit the exams before graduating. Approximately 2,000 candidates sit the FE1 exams each year and in and around 500 are admitted to the PPC1 course every September.

Having completed all 8 exams, candidates must then secure a training contract with a firm. This is a process which candidates embark on with limited support from the Law Society. Their training is divided between Blackhall Place and the office of their training Solicitor. In January 2020 the PPC Hybrid Course was introduced which is a more flexible alternative to the traditional PPC courses. This allows trainee Solicitors to participate in the PPC courses remotely, which in turn means that they can continue to work and are not required to re-locate to Dublin or interrupt family commitments.

Trainee Solicitors who have successfully completed the 24 months of training can then apply to be admitted to the Roll of Solicitors. Upon admission to the roll, Solicitors must then apply for a practicing certificate to entitle them to provide legal services in this Jurisdiction.

The entrance examinations for Barrister's involves sitting and passing five exams which are held over the course of five days every August. In order to sit these exams, candidates must hold an approved law degree from an Irish University, or alternatively have completed the two year diploma in Legal Studies offered by the King's Inn. All five exams must be passed in the one sitting. Upon completion of the entrance exams, trainee Barristers undergo the Barrister-at-Law degree course which takes place over the course of one year on a full-time basis or alternatively over the course of two years on a part-time basis. Upon completion of the degree, Kings Inns graduates are then called to the Bar of Ireland by the Chief Justice. Neither the Law Society nor the King's Inns have a cap on the number of trainees who are admitted each year.

## 1. COST

The cost of qualifying as a solicitor is at least €13,640<sup>1</sup>, the cost of qualifying as a barrister is at least €13,160<sup>2</sup>.

Despite the most recent sitting of the exams (November 2020) taking place in an online format due to Covid 19, and the high possibility that future sittings will also be held remotely, it is unclear if there are any plans by the Law Society to curtail the cost of the exams. It can be assumed that having the exams in an online capacity results in lower costs for the Law Society. In addition, the exams themselves have a high failure rate and this results in most candidates having to sit one or more exams twice, incurring additional costs.

The Fees to undertake the PPC1 & 2 courses in 2019 were €8,300 and €4,500. Like the FE1 exams, the PPC course has now had to move into an online format yet the cost remains the same. Having completed the PPC course, trainee Solicitors must then pay €840 for the Register of Apprentices and €300 to be admitted to the Roll of Solicitors. Since 2001, the Law Society have offered financial support to students from socio – economically disadvantaged backgrounds through its Access Scholarship Programme. However, according to the Law Society only approximately 10 students a year participate in this programme.

In relation to the costs incurred by candidates in the Kings inn, there is a fee of €600 to sit the entrance exams, an additional €12,560 to undertake the Barrister at Law Degree and a fee of nearly €4000 to cover Law Library Membership and subscription. These are compulsory fees and do not include the cost of exam preparation courses nor the cost incurred by Junior Barristers during their period of pupillage. Unlike trainee Solicitors who must be paid a minimum wage by their training Solicitor, there is no statutory requirement for devils to be remunerated.

In addition to educational costs are the practical costs of living in Dublin to attend Blackhall Place or Kings Inns during the training courses. Indeed, barristers must complete their devilling with Dublin based barristers which may require newly qualified barristers to continue to reside in Dublin. It is widely accepted that the first two years of a barrister's career while they complete their devilling are the most financially challenging as, as mentioned above, there is no requirement they be remunerated for work done for their masters.

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<sup>1</sup> The fee for each FE1, of which there are eight, is €105, the fee for PPC1 is €8,300, the fee for PPC2 is €4,500. <https://www.lawsociety.ie/globalassets/documents/education/hbs/fees-order-15.12.08.pdf>

<sup>2</sup> The fee for the entrance exam is €600 <https://www.kingsinns.ie/education/entrance-examination>  
The fee for the barrister at law degree is €12,560 <https://www.kingsinns.ie/education/course-fees>

### **a) Time to Qualify**

The time it takes to qualify as a Solicitor or Barrister varies depending on success in examinations. Both the FE1's and the King's Inn entrance exams have high failure rates which lengthens the time it takes to qualify. In relation to the FE1's, there are only two sittings a year (March and October). Trainee Solicitors should expect to spend between 3 – 5 years post – graduation attempting to qualify. This includes the time it takes to sit all 8 exams, complete both PPC course and be admitted to the Roll. Admittance to Blackhall Place to participate in PPC1 is only possible once a year (usually September).

In contrast, the time it takes to qualify as a Barrister is shorter. It is possible for a graduate with a recognised law degree to be called to the bar a year after finishing University.

The IWLA submits the cost of qualifying and the time it takes to qualify may discourage many from choosing a career in the legal field. These barriers to the legal profession have previously been raised in the Hook Tangaza Review published in 2019. In the report, the author blames the high attrition rates on the obstacles outlined above and suggests that there is a need to reduce duplication in learning and the cost and time it takes to qualify.

In light of this, and while acknowledging the excellent resources provided by both the Kings Inns and Law Society access programmes, the IWLA submits that cost is the greatest barrier to admittance to the professions.

## **2. PRACTICAL BARRIERS:**

### **a) Logistical issues faced by women with caring responsibilities**

Until the recent introduction of PPC Hybrid the Law Society required students to attend on campus full time. The non-hybrid PPC1 course runs from September to March and the PPC2 course from April to June of the following year.

Both courses are time intensive. The pre-Covid-19 requirement on students to attend classes on campus in Dublin may have raised issues for students with other commitments, in particular women with caring responsibilities. Women spend more time on caring responsibilities than men,<sup>3</sup> a fact that the pandemic has highlighted. The requirement to attend classes on campus raises logistical challenges for women who must balance their education with caring for children or other family members.

While there is no data available citing the number of women who have been deterred from applying to the Barrister-at Law degree or PPC courses for logistical reasons relating to caring responsibilities, the IWLA suggests it is a significant factor. This is supported by the statistics relating to the enrollment on the Hybrid course in January 2020, 55% being over 30 years of age and two thirds being women.<sup>4</sup> The IWLA warmly welcomes the introduction of the PPC Hybrid course which will offer greater flexibility and thereby open the profession to women with caring responsibilities, who are unable to give up full time jobs to study or who cannot afford to live in Dublin while studying. The IWLA recommends the Kings Inns introduce a similar course.

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<sup>3</sup> Russel, Grotti, McGinnity, and Privalko, "Caring and Unpaid Work in Ireland", Irish Human Rights and Equality Commission and Economic and Social Research Institute 2019. Available at: [Caring and unpaid work \(ihrec.ie\)](https://www.ihrec.ie)

<sup>4</sup> <https://www.irishtimes.com/news/education/balancing-the-scales-can-the-legal-profession-open-itself-up-to-greater-diversity-1.4153864>

### **b) Devilling:**

As referenced above, the requirement to devil with a barrister based in Dublin is a barrier to entry to the profession experienced by women and men.

Further, as obtaining a master is a process left to the student, it is more challenging for those with fewer connections to the Law Library and less personal knowledge of practicing barristers to obtain a master specific to the areas in which they wish to practice.

### **c) Technology**

Covid has highlighted the need for good internet access, without which has the potential to put many legal practitioners at a disadvantage. Both the PPC courses and the Barrister at Law Degree are now held remotely. There is an expectation that students have access to the necessary equipment needed, for example internet, laptop, suitable study area but this may not be the case for all.

## **3. ATTRITION RATE AS A DETERRENT TO APPLICANTS.**

When considering the admission policies regulating entry to the professions, we must also consider if the practices or policies within the professions may have a deterrent effect on applicants and therefore inadvertently become a barrier to admittance.

The Irish Times reported in January 2018 that about 65 per cent of law graduates are women.<sup>5</sup> This trend appears to have been in place for a considerable period, according to a Department of Education and Science report, with 66% of third level law graduates being female in 2003, 56% in 1993.<sup>6</sup> In 2019 59% of students enrolled on PPC were female and 41% male.

The picture changes as one considers more senior positions. According to the Bar Council Annual Report 2019, 82% of senior counsel are male, even though the breakdown for junior counsel is currently 59% (male) and 41% (female). Of the 20 largest law firms in Ireland<sup>7</sup> none of them had female managing partners.<sup>8</sup> In 2020, only 23 per cent of solicitor applications and 31 per cent of barrister applications for Senior Counsel were from women.<sup>9</sup> However, the success rate for male solicitors applying for patents of precedence was 41.6%, the success rate of female solicitor applicants was 18.2%,<sup>10</sup> suggesting the granting of only two women with patents of precedence was not solely due to fewer application.

Attrition in the barrister profession is not solely a female issue. According to the Law Library's website, it is estimated that more than half of those who qualify as barristers never practice in the courts and of those who do, more than half drop out within five years.<sup>11</sup> Nonetheless, the make-up of senior practitioners suggest that there are gender specific barriers. This matters as gender equality should involve examining and removing barriers that prevent women from progressing in their chosen careers. There

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<sup>5</sup> <https://www.irishtimes.com/news/crime-and-law/women-in-law-still-face-a-fight-for-gender-equality-1.3371389>

<sup>6</sup> <https://www.education.ie/en/publications/statistics/se-si-gender-in-irish-education-introduction-to-chapter-9.pdf>

<sup>7</sup> As of 31<sup>st</sup> December 2019 [https://www.lsr.ie/wp-content/uploads/2020/11/Law-Soc-Gazette\\_JanFeb20\\_PC-Numbers-2019.pdf](https://www.lsr.ie/wp-content/uploads/2020/11/Law-Soc-Gazette_JanFeb20_PC-Numbers-2019.pdf)

<sup>8</sup> As of 11<sup>th</sup> February 2021

<sup>9</sup> <https://www.irishlegal.com/article/women-encouraged-to-apply-to-become-senior-counsel>

<sup>10</sup> Elizabeth Fitzgerald [Elizatech on Twitter: "So, for the solr senior counsel role the success rate for male solicitor applicants was 41.6%. The success rate for female solicitor applicants was 18.2%. Ouch." / Twitter](#)

<sup>11</sup> <https://www.lawlibrary.ie/Membership/Qualifying-as-a-Barrister.aspx>

is also a public interest in harvesting gender equality in the legal profession due to the necessity of having a judiciary and senior lawyers that are reflective of the diversity of the population.

In April 2015, the Bar Review published findings of a survey on women at the Bar.<sup>12</sup> It reported that the rate of attrition for female members was higher than that of their male counterparts. The four main areas of concern identified by female practitioners were access to work; childcare, family responsibilities and maternity leave; working environment and culture; stability and structure. Women reported feeling pressure to return to work early from maternity leave in part due to the self-employed nature of the work.

The IWLA suggests the challenges faced by women lawyers, the disparity in career progression when compared with male colleagues and the high attrition rate may act as a deterrent to new applicants.

## **RECOMMENDATIONS**

In light of the above, the IWLA makes the following recommendations with a view to removing barriers to women who wish to enter the legal professions:

1. The LSRA review the entrance exam policies with a view to reducing the cost.  
The IWLA suggests exemptions could be provided for students who have completed law degrees or other relevant qualifications.
2. The LSRA requires trainee solicitors be paid a salary during PPC1 that is commensurate with the cost of living.
3. The LSRA requires devils be remunerated.
4. The LSRA gather empirical data on the gender breakdown of applicants to the professional courses.
5. The LSRA recommends the Kings Inns introduces a Hybrid course similar to that run by the Law Society.
6. The LSRA review the requirement for barristers to devil in Dublin and whether this unnecessarily creates barriers to students from other parts of Ireland.
7. The LSRA implements a system in which newly qualified barristers may be supported in securing a master in their interest area of choice, in particular those that do not have existing connections in the Law Library
8. The adoption of equitable briefing policies by the State and law firms to improve access to work.

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<sup>12</sup> <https://www.lawlibrary.ie/rss/barreview/2-2016.pdf>

9. Increased state paternity leave and parental leave would mean that increased leave is available to partners, thereby relieving the pressure on self-employed mothers
10. Improvement in the availability and cost of childcare facilities generally available

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