

## IRELAND –the Law Society

(introduced in 2003)

1. Legal Basis	
	<ul style="list-style-type: none"><li>• Solicitors (Continuing Professional Development Regulations) 2012, and Solicitors (Continuing Professional Development) (Amendment) Regulations 2014 (CPD)</li><li>• 2012 Regulations - Adopted by the Law Society of Ireland in exercise of the powers conferred on it by Sections 5 and 40 (as amended by Section 49 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 and with the concurrence of the Minister for Justice, Equality and Defence on 02/12/2012 (Entry into force: 01/01/2013)</li><li>• 2014 Regulations - Adopted by the Law Society of Ireland in exercise of the powers conferred on it by Sections 5 and 40 (as amended by Section 49 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954 and with the concurrence of the Minister for Justice and Equality on 07/07/2014 (Entry into force: 01/01/2015)</li></ul>
2. Training	
2.1. Basic information	
Extent	<ul style="list-style-type: none"><li>• CPD is organised in cycles (for 3 years):<ul style="list-style-type: none"><li>• Min 14 hours/the first cycle (period from 01/01/2013 until 31/12/2013)</li><li>• Min 15 hours/the second cycle (period from 01/01/2014 until 31/12/2014)</li><li>• Min 16 hours/the third cycle (period from 01/01/2015 until 31/12/2015)</li></ul></li><li>• Each cycle comprises min. 3 hours of management and professional development skills<sup>1</sup> and min 1 hour of regulatory matters<sup>2</sup></li><li>• Transmission of surplus not possible.</li></ul>

<sup>1</sup> Education and/or training in areas such as financial and business management, practice management, self-management, client care, Irish or English/foreign language enhancement as it relates to the practice of law etc.

<sup>2</sup> Matters relating to the Solicitors Acts 1954 to 2008 and regulations made thereunder, to the current Guide to Professional Conduct of Solicitors in Ireland, risk management, professional ethics, to the maintenance of standards and best practice in complying with regulatory obligations applicable to solicitors, to the processing of complaints against solicitors by the Society and to the functions of the Solicitors Disciplinary Tribunal and the Courts in relation to solicitors and decisions relating thereto.

	Exemptions		<ul style="list-style-type: none"> <li>• A senior practitioner<sup>3</sup>: requirement of max. 3 hours in each cycle</li> <li>• A solicitor who for reasons of maternity and/or parental and/or carers and/or adoptive leave, does not practise or ceases to practise as a solicitor for not less than 1 week: requirement proportionately reduced</li> <li>• A solicitor who, for reasons of illness, retirement, unemployment or other substantive reasons, does not practise or ceases to practise as a solicitor for not less than 8 weeks: requirement proportionately reduced</li> <li>• A solicitor who practices part-time: requirement proportionately reduced</li> <li>• A solicitor who holds a practising certificate or is in the full-time service of the State for part of the cycle: requirement proportionately reduced</li> <li>• A solicitor who retires in a cycle: full exemption</li> </ul>
<b>2.2 Activities and methods</b>			
Activities	Courses	✓	<ul style="list-style-type: none"> <li>• Group study (3 or more persons; lasts for period of not less than 30 min)</li> <li>• Actual time may be claimed with bonus credit (25%) for activities involving active participation (e.g. role play)</li> <li>• Max. hours: no limitations</li> </ul>
	Language courses	✓	<ul style="list-style-type: none"> <li>• Irish or English/foreign language enhancement (if relates to the practice of law)</li> <li>• Actual time may be claimed with bonus credit for active participation</li> <li>• Max. hours: no limitations (but subject to regulatory matters minimum requirement being met)</li> </ul>

<sup>3</sup> A solicitor who has been admitted to the Roll for at least 40 years as of 31 December in the year immediately preceding the first cycle or the second cycle or the third cycle.

	Teaching	✓	<ul style="list-style-type: none"> <li>• Delivery time plus a max. of 4 hours preparation</li> <li>• If lecture is repeated: delivery time plus a max. of 1 hour preparation</li> <li>• Max. hours for delivery: no limitations</li> <li>• Max. hours for preparation: 1 or 4 hours (please see above)</li> </ul>
	Writing/publishing	✓	<ul style="list-style-type: none"> <li>• Actual time may be claimed</li> <li>• Max. 3 hours</li> </ul>
	Foreign training activities	✓	<ul style="list-style-type: none"> <li>• CPD may be completed outside Ireland</li> </ul>
	Other	✓	<ul style="list-style-type: none"> <li>• Committee work: actual time may be claimed; max. of 7 hours General CPD</li> <li>• Adjudicative Functions: actual time may be claimed; max. of 7 hours General CPD</li> </ul>
Methods	Availability of e-methods	✓	<ul style="list-style-type: none"> <li>• E-learning: actual time may be claimed; max. 5 hours</li> </ul>
<b>2.3. Course providers</b>			
	Bar/Law Society	✓	<ul style="list-style-type: none"> <li>• The Law Society</li> <li>• Local Bar Associations</li> </ul>
	Accredited provider	NO	
	Other provider (free market providers)	✓	<ul style="list-style-type: none"> <li>• Number of providers: N/A</li> <li>• Prior application for a course accreditation: NO</li> </ul>
	<p><u>Explanatory note:</u> the Society does not accredit any course or course provider; however, CPD providers are advised to note the following:</p> <ul style="list-style-type: none"> <li>• to qualify as CPD, the education/training must relate to law, management and professional development skills or regulatory matters and must be intended to develop the solicitor in his/her professional knowledge, skills and abilities;</li> <li>• the nature and content of the training will determine if it falls within one of the three categories of CPD i.e. (A) General CPD, (B) Management and Professional Development Skills and (C) Regulatory Matters.</li> </ul>		

### 3. Assessment of training activities

- Self-assessment (a participating solicitor exercises his/her own reasonable judgment in relation to the quality of education/training and what education/training is relevant to his/her particular practice)
- Solicitors attending CPD training events are required to retain proof of the CPD; the proof should be a letter or certificate on the CPD provider's letterhead, duly signed by the provider and it should confirm that the solicitor attended the training event (confirmation of booking is not sufficient); the participating solicitor's name should be pre-printed (not handwritten) and the certificate should state the topic of the training and date, the CPD hours, the category of CPD being claimed and the way the CPD was completed (e.g. 2 hours General CPD by Group Study)
- Training activities are further assessed during the compliance procedure (please see below 4.1.)

### 4. Supervision

#### 4.1. Compliance Procedure

	Regular control	<ul style="list-style-type: none"><li>• A solicitor who makes application to the Law Society for a practising certificate shall, as part of such application, certify whether she/he complied with the CPD requirement for the previous practice year</li><li>• The Society follows up with any solicitor who certifies that they have not complied</li></ul>
	Random control	<ul style="list-style-type: none"><li>• The Society conducts a random audit of the other solicitors and a record card and/or proof of CPD is sought</li></ul>
	Target control	<ul style="list-style-type: none"><li>• In the event of failure by a solicitor to comply with his/her annual CPD requirement, such solicitor will be automatically required to provide proof of compliance with their CPD obligations for a period of two years – this is in addition to the cycle in which they failed to comply.</li></ul>

	<p>The 2014 Regulations, in amending the 2012 CPD Regulations, introduce a sum for failure by a solicitor to comply with the Society's CPD audit. The 2014 Regulations enable the Society to require payment of a sum not exceeding €300 by way of contribution towards costs in situations where a solicitor has refused, neglected or otherwise failed to respond appropriately in a timely manner, or at all, to the Society's correspondence in the course of an investigation as to compliance with the CPD Regulations.</p>	
<p><b>4.2. Sanctions</b></p>		
	<p>Non-disciplinary</p>	<ul style="list-style-type: none"> <li>• The Education Committee may investigate the alleged breach and may: - <ul style="list-style-type: none"> <li>• seek explanations from the solicitor</li> <li>• call the solicitor for interview</li> <li>• give directions to the solicitor</li> <li>• direct that the Law Society refer the matter to the Solicitors Disciplinary Tribunal for inquiry</li> </ul> </li> <li>• In practice, solicitors are generally given additional time to make up any outstanding hours</li> </ul>
	<p>Disciplinary</p>	<ul style="list-style-type: none"> <li>• Any breach of the Regulations may be found by the Solicitors Disciplinary Tribunal to be misconduct</li> <li>• The consequences of misconduct range from strike off to a fine</li> </ul>

<p><b>Mutual Recognition Agreements</b></p>	
<p>Memorandum of Understanding dated 28 November 2014, between the Law Society of Ireland and the Consiglio Nazionale Forense</p>	<ul style="list-style-type: none"> <li>• Effective 1 January 2015</li> <li>• Pursuant to the Memorandum of Understanding, Avvocati can chose, but are not obliged to follow, the 'New Regime' which consists of 75% of Italian CPD being made up of Law Society of Ireland accredited courses. The balance 25% of CPD should be obtained through courses accredited by the Consiglio Nazionale Forense and local bar associations, and should include all credits required on the</li> </ul>

	<p>legal system, providence and ethics.</p> <ul style="list-style-type: none"><li>• Irish CPD requirements remain the same as per the existing regime.</li></ul>
--	--