

Law Society of Ireland

APPLICATION

seeking that a particular period of in-office attendance by a trainee solicitor be treated in particular circumstances as part of his/her period of in-office training.

[Referred throughout as an “Application for Credit”.]

[The Notes, below, should be read by a trainee solicitor before submitting an Application for Credit.]

NOTES

[The words and phrases “apprentice”, “indentures of apprenticeship” and “service under indentures of apprenticeship” reflect the statutory language of, in particular, Part IV (“Qualifying for Admission as Solicitor”) of the Solicitors Act 1954 (as amended substantially by Part V of the Solicitors (Amendment) Act 1994). However, since the coming into operation of the Solicitors Acts 1954 to 1994 (Apprenticeship and Education) Regulations 2001 (“the 2001 Regulations”) on 1 January 2002, the more modern equivalent words and phrases “trainee solicitor”, “training solicitor”, “training contract” and “period of in-office training” have been used in the alternative. It should also be noted that the Solicitors Acts 1954 to 2011 (Apprenticeship and Education) (Amendment) Regulations 2019 (S.I. No. 503 of 2019, in operation from 1 January 2020) (“the 2019 amending Regulations”) contain substantive changes to the 2001 Regulations. Throughout, the Law Society of Ireland is referred to as the “Society” and the Society’s Education Committee is referred to as the “Committee”.]

1. Summary of Regulatory Framework

- (a) Regulation 8 (a) of the 2001 Regulations (as substituted by Regulation 3 of the 2019 amending Regulations) provides that the term of the period of in-office training to be served by a trainee solicitor under a training contract with a training solicitor is two years commencing on the commencement date, or such shorter period as may be approved in a particular case by the Committee not being less than twenty-two (22) months commencing on the commencement date; the “commencement date” being, in relation to a trainee solicitor about to make an Application for Credit, the date that was fourteen days after the date on which the later of the following had occurred, namely, the trainee solicitor concerned having duly completed the Society’s Professional Practice Course I (“PPCI”) or the Society’s Professional Practice Course Hybrid (“PPC Hybrid”) and sitting the last of the individual examinations comprising the Society’s Final Examination Second Part (“FE2”) or the Society’s adapted Final Examination Second Part (“adapted FE2”) as he/she had been required to sit.
- (b) However, as provided for in Regulation 8 (d) of the 2001 Regulations (as substituted by Regulation 3 of the 2019 amending Regulations), the Committee, on the application of a trainee solicitor bound under a training contract to a training solicitor and when it regards it as reasonable and appropriate so to do having regard to all the circumstances in the particular case, may deem a period of attendance (up to a maximum period of four months) of attendance by such person-
- (i) at the office in the State of his/her intended training solicitor, or
 - (ii) at the office in the State of another practising solicitor, or
 - (iii) in any part of the Courts Service carrying out work relating to the provision of legal (including judicial) services within the State-
- prior to such trainee solicitor commencing the PPCI to be equivalent to a period of in-office training served by him/her after he/she has duly completed at least eighteen months of his/her period of in-office training, provided that such period of in-office attendance occurred within the period of twelve months next before the trainee solicitor concerned commenced his/her attendance on the PPCI or his/her participation in the PPC Hybrid.

- (c) In relation to a trainee solicitor who had been a participant in a PPC Hybrid, Regulation 21 (as inserted by Regulation 9 of the 2019 amending Regulations) of the 2001 Regulations provides (at Regulation 21 (c) (iii) thereof) that the Committee may in its discretion, on application by such participant, consent that up to five months credit off that participant's period of in-office training should be granted in circumstances where the participant had been employed at the office in the State of his/her intended training solicitor or at the office in the State of another practising solicitor during all or part of the duration of the PPC Hybrid so participated in by him/her.

2. Requirements on making an Application for Credit

- (a) Credit may be sought by a trainee solicitor in respect of a period of attendance (up to a maximum period of four months) at a solicitor's office in the State on a continuous and full-time basis (whether the office was that of his/her intended training solicitor or was that of another practising solicitor) or was in any part of the Courts Service carrying out work relating to the provision of legal (including judicial) services within the State, provided that such period of in-office attendance had occurred within the period of twelve months next before the trainee solicitor concerned had commenced his/her attendance on the PPCI or his/her participation in the PPC Hybrid.
- (b) An additional credit of up to five months may be sought by a trainee solicitor who had been a participant in a PPC Hybrid in respect of attendance on a continuous and full-time basis (discounting only necessary absences arising directly from the outside attendance requirements of such participation) as an employee at the office of his/her training solicitor (or, if applicable, another practising solicitor) during all or part of the duration of the PPC Hybrid so participated in by him/her.
- (c) Whether (a) and/or (b), above, is considered by an applicant trainee solicitor to be applicable to the period of in-office attendance to which his/her Application for Credit relates, the applicant trainee solicitor should provide in a written certificate signed by him/her details of the categories of legal work that had been undertaken by him/her during the applicable period(s) of in-office attendance, such categories being set out in (d), below, together with details of the extent of both the supervision and the responsibility accorded to him/her throughout such applicable period(s) of in-office attendance.
- (d) The categories of legal work to which (c), above, refers include the following:
- Block 1: Conveyancing/ Landlord & Tenant law;
 - Block 2: Litigation;
 - Block 3: Wills, Probate + Administration of Estates;
 - Block 4: Commercial Law, Company Law, and Insolvency Law;
 - Block 5: Other areas of legal practice (e.g. Criminal Law, Employment Law and Family Law).

[N.B. The value of the maintenance of a contemporary in-office attendance work record is emphasised. In relation to the actual period of in-office training the standard (Form 3) training contract includes a specific covenant by the trainee solicitor to "*maintain a due written record of the work done, instruction received and experience obtained during the period of in-office training*". Whereas the making of an Application for Credit would relate to a period of in-office attendance prior to the applicable training contract commencing to apply, such an Application for Credit would perforce be made in long hindsight. Therefore, in terms of making such an Application for Credit, the maintenance by the applicant trainee solicitor of a similar contemporary in-office attendance work record in relation to any pre-training contract period would be

beneficial in enabling the effective provision of the required certificate referred to in 2(c), above, where such a work record had been made with the consent of the currently nominated Supervising Solicitor/Person concerned (see (g) below) and had maintained individual client identification and confidentiality throughout.]

- (e) Any credit that may be granted by the Committee pursuant to an Application for Credit shall only be applied to a period after the applicant trainee solicitor concerned has duly completed at least eighteen months of his/her period of in-office training and, therefore, no Application for Credit should be submitted by a trainee solicitor to the Society until he/she has already duly completed at least that eighteen month period; provided that, where the trainee solicitor concerned had been a participant in a PPC Hybrid and he/she is applying for credit both in respect of a period of in-office attendance before such participation and a period of in-office attendance as an employee during such participation, no Application for Credit should be submitted by him/her to the Society until he/she has already duly completed at least thirteen months of his/her period of in-office training.
- (f) Where credit is sought by a trainee solicitor in respect of a period of in-office attendance (up to a maximum period of four months) on a continuous and full-time basis prior to he/she commencing his/her attendance on the PPCI or his/her participation in the PPC Hybrid; but where such total period of in-office attendance was comprised of separate periods of in-office attendance within separate unassociated offices of two or more practising solicitors or in any part of the Courts Service, a separate Application for Credit should be submitted to the Society in respect of each such unassociated period of attendance, provided that each such separate unassociated period of attendance had been not less than one month in duration.
- (g) An Application for Credit shall be accompanied by a certificate from a Supervising Solicitor/Person nominated by the applicant trainee solicitor certifying that the trainee solicitor concerned had attended on a continuous and full-time basis at the office referred to, or in any part of the Courts Service, during a specified period that included the period of in-office attendance to which the Application for Credit relates (“the applicable period of in-office attendance”), provided that, where the applicable period of in-office attendance was at the office of a solicitors’ firm which has a designated training officer [as provided for in Regulation 19 (as inserted by Regulation 7 of the 2019 amending Regulations) of the 2001 Regulations], the certificate of the nominated Supervising Solicitor/Person may be completed by such training officer.
- (h) When submitting an Application for Credit, a trainee solicitor should at all times be aware-
 - (i) that the information provided by him/her as part of the Application for Credit should be true and accurate to the best of his/her knowledge and belief;
 - (ii) that in its consideration of the Application for Credit the Society would, in the first instance, be reliant on the accuracy of the information so provided and that the Society may, in the course of such consideration, seek from the applicant trainee solicitor (and, where deemed appropriate, from others) further verification of the accuracy of such information; and
 - (iii) that the responsibility for the accuracy of the Application for Credit rests solely with the applicant trainee solicitor concerned.

APPLICATION FORM

Name of Applicant trainee solicitor:

Address of Applicant trainee solicitor:

.....

Trainee number:

1. I, the undersigned trainee solicitor, **HEREBY APPLY** to the Society for a credit of.....months in respect of my period of in-office training under training contract dated the day.....of.....20.....between.....,solicitor("my training solicitor"),of.....in the City/County of.....and myself, which period of in-office training commenced on the.....day of.....20.....

2. * The.....months credit which I am seeking is in respect of a period of in-office attendance by me on a continuous and full-time basis at the office of my training solicitor between the.....day of.....20.....and the.....day of.....20.....("the applicable period of in-office attendance") prior to my commencing my attendance on the 20....PPCI*/my participation in the 20....PPC Hybrid* on the.....day of.....20.....

or

* The.....months credit which I am seeking is in respect of a period of in-office attendance by me on a continuous and full-time basis at the office of.....,solicitor, of.....in the City/County of.....between the.....day of.....20.....and the.....day of20.....("the applicable period of in-office attendance") prior to my commencing my attendance on the 20....PPCI*/my participation in the 20.... PPC Hybrid* on the.....day of.....20.....

or

* The.....months credit which I am seeking is in respect of a period of in-office attendance by me on a continuous and full-time basis in part of the Courts Service between the.....day of.....20.....and the.....day of.....20.....carrying out work relating to the provision of legal (including judicial) services within the State ("the applicable period of in-office attendance") prior to my commencing my attendance on the 20....PPCI*/my participation in the 20....PPC Hybrid* on the..... day of.....20.....

***Delete if not applicable.**

and/or

* The.....months credit which I am seeking [in addition*] is in respect of a period of in-office attendance by me on a continuous and full-time basis as an employee at the office of my training solicitor*/another practising solicitor*ofin the City/County of.....between the.....day of.....20.....and the.....day of.....20.....during my participation in the 20..... PPC Hybrid (discounting only necessary absences arising directly from the outside attendance requirements of such participation), which PPC Hybrid commenced on the.....day of20.....

3. For the purposes of this application, I nominate.....as Supervising Solicitor*/Person* for the purposes he/she completing the Certificate of Supervising Solicitor*/Person* as set out in the Appendix to this Application Form.

4. The categories of legal work undertaken by me during the applicable period(s) of in-office attendance are set out to the best of my knowledge and belief in the attached certificate signed by me, which certificate includes details of both the extent of the supervision and the responsibility accorded to me during the applicable period(s) of in-office attendance.

5. I refer to the Certificate of Supervising Solicitor*/Person* so nominated by me as set out in the Appendix to this Application Form, which I believe provides confirmation of the applicable period(s) of in-office attendance by me at his/her office */ in part of the Courts Service*.

6. I acknowledge that in making this Application for Credit I am aware-

(i) that the information provided by me as part of this Application for Credit is true and accurate to the best of my knowledge and belief;

(ii) that in its consideration of this Application for Credit the Society would, in the first instance, be reliant on the accuracy of the information so provided and that the Society may, in the course of such consideration, seek from me (and, where deemed appropriate, from others) further verification of the accuracy of such information; and

(iii) that the responsibility for the accuracy of this Application for Credit rests solely with me as the applicant trainee solicitor.

So Certified thisday of 20.....

Signature of Applicant (trainee solicitor).....

***Delete if not applicable.**

APPENDIX

within referred to

Certificate of Supervising Solicitor*/Person*

I,of
.....in the City/County of
.....

HEREBY CERTIFY AND CONFIRM AS FOLLOWS:

1. * I am the training solicitor of.....("trainee solicitor")
under a training contract dated.....day of.....20.....and
am the Supervising Solicitor nominated by the trainee solicitor for the purposes of certifying and
confirming to the best of my knowledge and belief as hereinafter set forth.

or

* I am a practising solicitor practising at
in the City/County of.....and am the Supervising
Solicitor nominated by.....("trainee
solicitor") for the purposes of certifying and confirming to the best of my knowledge and belief as
hereinafter set forth, the trainee solicitor currently serving his/her period of in-office training
with.....,solicitor, of
.....in the City/County
of.....

or

* I am a solicitor*/person* employed in the Courts Service and am the Supervising Solicitor*/Person*
nominated by.....("trainee solicitor") for the
purposes of certifying and confirming to the best of my knowledge and belief as hereinafter set
forth, the trainee solicitor currently serving his/her period of in-office training with
.....,solicitor, of.....
.....in the City/County
of.....

or

* I am a designated training officer in the firm of.....
.....of.....
.....in the City/County
of.....,in which.....,solicitor,
is the training solicitor of.....("trainee solicitor")

***Delete if not applicable.**

and I am the Supervising Person nominated by the trainee solicitor for the purposes of certifying and confirming to the best of my knowledge and belief as hereinafter set forth.

2. I confirm that the trainee solicitor undertook a period of in-office attendance on a continuous and full-time basis at my office*/at the office of the firm in which I am a partner*/in part of the Courts Service*/in the firm in which I am a designated training officer*, which comprised*/included* the period between the.....day of.....20.....and the.....day of.....20.....("the applicable period of in-office attendance") prior to the trainee solicitor commencing his/her attendance on the 20.....PPCI*/participation in the 20.....PPC Hybrid* on the.....day of.....20.....

3.* I confirm as his/her training solicitor*/as a designated training officer in the firm of* that the trainee solicitor attended on a continuous and full-time basis as an employee at my office*/at the office of which the training solicitor is a partner* between the.....day of.....20.....and the.....day of.....20.....during his/her participation in the 20..... PPC Hybrid (discounting only necessary absences arising directly from the outside attendance requirements of such participation), which PPC Hybrid commenced on theday of20.....

3/4. I have read the attached certificate signed by the trainee solicitor and hereby certify and confirm to the best of my knowledge and belief that its contents accurately provided details of the categories of legal work undertaken by the trainee solicitor during the applicable period(s) of in-office attendance and includes details of both the extent of the supervision and the responsibility accorded to him/her during the applicable period of in-office attendance.

So Certified and Confirmed this.....day of.....20.....

Signature of Supervising Solicitor*/Person*.....

*Delete if not applicable.