

Law Society of Ireland

Annexe to Form 2B [Certificate of Training Officer]

NOTES

[N.B. 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. In these Notes, the Solicitors Act 1954 is referred to as “the 1954 Act” and the Solicitors (Amendment) Act 1994 is referred to as “the 1994 Act”. 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”.]

[N.N.B. The 2019 amending regulations were introduced following a thorough consultation process with training firms, training solicitors and trainee solicitors. The solicitors’ profession as a whole was strongly in favour of the proposed change that would allow for trainees serving an unbroken two year period of in-office training in place of that two year period being interrupted mid-way by the requirement that trainees return to the Society’s Law School to attend the PPCII (extending over some twelve weeks) before then returning to their offices to complete the unserved part of that period. The Society is delaying the implementation of the revised Professional Practice Course by one year to allow a thorough consultation process with the solicitors’ profession be completed in respect of the content of the revised Professional Practice Course. The Society is also aware that some firms are concerned with the timing of the introduction of the new structures and are faced with short term administrative difficulties where their current trainees are in various stages of their in-office training with their internal placements and rotations having been scheduled years in advance factoring in the said PPCII interruption. Based on the foregoing in order to allow the consultation process be completed and in order to mitigate the aforementioned administrative difficulties, the participants who enter on the next PPCI commencing in Autumn 2020 should proceed to the PPCII in April 2022 after serving 11 months of their period of in-office training during the April 2021/March 2022 period. The Society, in implementing this one year postponement of the new PPC, is particularly minded to ensure that the numbers of trainees being inducted into firms should not be reduced or delayed in any way. It is desirable that proposed trainee solicitors be so made aware of the reasons for this one year postponement of the move to the new single PPC structure to be followed by an uninterrupted two year period of in-office training (including participation in and completing four Advanced Electives).]

General

- A. (a) Form 2B is to be submitted to the Society concurrently with Form 1 (application for consent to enter into a training contract).
- (b) Before completing Form 2B, the training officer concerned should certify that he/she has read these Notes as set out in this document headed “**Annexe to Form 2B**”.
- (c) As Form 2B and Form 1 are to be concurrently submitted to the Society, the training officer should also advisedly make himself/herself familiar with the Notes in the document headed “**Annexe to Form 1**”.
- B. (a) A “training officer” means a person in the employment of a firm who is designated by the firm to provide administrative assistance to each training solicitor in the firm in the discharge by each such training solicitor of his/her functions relating to and consequential on the service of the period of in-office training by each of his/her trainee solicitors.
- (b) In this context, “firm” means a firm of solicitors comprising two or more partners.

(c) The Society has by Regulations provided for the designation by a firm of a training officer because, while recognising the importance of the training contract [in the terms of precedent Form 3] and the mutual covenants of the training solicitor and the trainee solicitor, parties thereto, the Society equally recognises-

- (i) the reality that, where there are a number of trainee solicitors either concurrently engaged in the service of their period of in-office training within the firm or who will become so engaged commencing at a scheduled future time, the management and supervision of their initial introduction into the firm and onwards into and through their actual period of such service (including the monitoring of their rotation between distinct areas of legal practice within the firm) becomes a wider function of the administration of the firm as a whole, rather than being conducted solely by each individual training solicitor with each individual trainee solicitor;
- (ii) the reality that more effective compliance with the covenants of both training solicitor and trainee solicitor under each individual training contract can better be achieved within the firm's structure by such overarching management and supervision to the mutual benefit of each such individual training solicitor and each such individual trainee solicitor; and
- (iii) the reality that such a designated training officer, being part of the wider administration of the firm, is likely better placed over the entire period from the recruitment stage onwards through to the end of the period of in-office training to be more aware of the career path of each trainee solicitor within the firm than would any individual training solicitor.

(d) A firm who designates a person as such a training officer should notify the Society in writing of the name of that training officer within twenty-one days after such designation; and, likewise, should notify the Society of any change of the person so designated.

(e) A training officer within a firm is entitled to liaise with the Society in respect of matters concerning the service of the period of in-office training by each trainee solicitor in the firm and may, as appropriate (other than the personal signing of the training contract by each individual training solicitor and each individual trainee solicitor and any assignment thereof) complete on behalf of each training solicitor within the firm any documents required by the Society relating to such service by each such trainee solicitor.

(f) In the exercise of his/her functions as training officer, the training officer may complete Form 2B on behalf of a proposed training solicitor within the firm, provided that, in so completing Form 2B, the training officer is aware of the relevant statutory/regulatory provisions and other procedures as summarised in this "**Annexe to Form 2B**" document and the relevance to the Society and the proposed trainee solicitor and the proposed training solicitor of each paragraph of Form 2B being so completed by the training officer.

(g) The training officer should ensure in an appropriate manner, whether in direct communication with a proposed training solicitor within the firm in a particular instance or by way of regular general presentations to gatherings of partners within the firm (or both), that each existing or potential proposed training solicitor within the firm is made aware of (i) what is set out in this "**Annexe to Form 2B**" document and of the relevance to the Society/trainee solicitor/training solicitor of each paragraph of Form 2B being so completed by the training officer, and (ii) what is set out in the regulatory form of training contract [Form 3] as well as what is set out in each other document signed by the training officer and, in particular, the Society's non-regulatory document described as *Code of Conduct for Trainee Solicitors and Training Solicitors during the Period of In-Office Training*.

Relating to specific Paragraphs in Form 2B

Paragraph 1: This paragraph should identify the training officer, the name of the firm concerned and the individual proposed training solicitor concerned.

Paragraphs 2&3: (1) Section 29 (as substituted by section 44 of the 1994 Act and as further amended by section 33 of the Civil Law (Miscellaneous Provisions) Act 2008) of the 1954 Act provides that a “*practising solicitor*” means a solicitor who is engaged full-time in the provision of legal services as -

- (a) a sole practitioner holding a practising certificate for the current practice year; or
- (b) a partner in a firm of solicitors holding a practising certificate for the current practice year; or
- (c) a solicitor in the whole time employment of a body corporate holding a practising certificate for the current practice year; or
- (d) a solicitor in the full-time service of the State who is remunerated wholly out of monies provided by the Oireachtas.

(2) Such a practising solicitor may propose to enter into a training contract with a proposed trainee solicitor only where he/she has at some time been in continuous practice as a solicitor for a period of at least four years, or otherwise has the consent of the Society’s Education Committee to do so.

(3) Such a practising solicitor should, at the same time as he/she is proposing to enter into a training contract with a proposed trainee solicitor, have a present intention (in order to avoid possible mutual inconvenience) to continue to obtain a practising certificate for subsequent practice years up to the anticipated end of the period of in-office training of the proposed trainee solicitor concerned.

(4) Section 29 (as so substituted and amended) of the 1954 Act further provides that where a training solicitor “*ceases to practise or to be a solicitor qualified to practise or becomes employed as an assistant or clerk by another solicitor*”, the training solicitor should not, without the consent of the Society’s Education Committee, retain his/her trainee solicitor(s) for longer than 6 months thereafter.

Paragraph 4: (1) A practising solicitor is entitled pursuant to section 36 (as substituted by section 47 of the 1994 Act) of the 1954 Act to concurrently have a training contract with up to two trainee solicitors.

(2) Section 36 (as so substituted) further provides that a practising solicitor may, with the consent of the Society’s Education Committee, have an additional trainee solicitor for every two assistant solicitors in his/her employment or in the employment of his/her firm at the date of the registration with the Society of each applicable training contract.

(3) Where, at the time of his/her submission to the Society of Form 2B, as signed by the training officer, the proposed training solicitor has a training contract relationship with one or more other trainee solicitors either actually engaged in their period of in-office training or who will commence to do so at a future time, details of same should be outlined in an attached certificate by the training officer.

Paragraph 5: The training officer should confirm that he/she has read Form 1 (with attachments thereto) completed by the proposed trainee solicitor and should express his/her belief in the correctness of the statements made therein by the proposed trainee solicitor.

Paragraph 6: The training officer should confirm that, from enquiries that he/she has made or caused to be made, he/she is satisfied that the proposed trainee solicitor is a fit and proper person to be admitted as a solicitor. Such a confirmation reflects one of the statutory requirements

for admission as a solicitor to be complied with by the proposed trainee solicitor as set out in section 24 (as substituted by section 40 of the 1994 Act) of the 1954 Act which provides that a person shall not be admitted as a solicitor “*unless -... (e) he [or she] has satisfied the Society that he [or she] is a fit and proper person to be admitted as a solicitor*”.

- Paragraph 7:**
- (1) The training officer should confirm the proposed training solicitor’s preparedness to enter into a training contract with the proposed trainee solicitor, subject to the consent of the Society, the period of in-office training to commence either on the “commencement date” or on the “adapted commencement date”, as defined below, or otherwise, in particular circumstances, on another date agreed to by the Society’s Education Committee.
 - (2) In the normal way, the training contract will provide that the period of in-office training is two years commencing on the commencement date or on the adapted commencement date.
 - (3) However, section 32 (as substituted by section 45 of the 1994 Act) of the 1954 Act provides that where, before the expiration of the period of in-office training-
 - (i) the training solicitor concerned dies or ceases to practise as a solicitor, or
 - (ii) the training contract is cancelled by mutual consent, or
 - (iii) the training contract is discharged by virtue of an order of the Society’s Education Committee or of any court or otherwise,

-the trainee solicitor may, with the consent of the Society’s Education Committee, be bound by an assignment of the training contract to, or by a new training contract with, another practising solicitor for the residue of the period of in-office training not yet served by the proposed trainee solicitor.

- (4) Where one of the circumstances set out in section 32 (as so substituted) of the 1954 Act arises before the trainee solicitor actually enters upon his/her period of in-office training, the period of two years shall remain to be served whether following the assignment of an earlier training contract to, or under a new training contract with, another practising solicitor.
- (5) The “commencement date” (referred to in (1), above) means the date that will be fourteen days after the date on which the later of the following occurs, namely, the trainee solicitor concerned duly completing the Society’s Professional Practice Course and sitting the last of the individual examinations comprising the Final Examination – Second Part as the trainee solicitor concerned is required to sit.
- (6) The “adapted commencement date” (referred to in (1), above) means the date that will be fourteen days (or such longer period as the Society’s Education Committee, following application by the trainee solicitor concerned in particular circumstances, may duly decide) after the date on which the later of the following occurs, namely, the trainee solicitor concerned duly completing the Professional Practice Course Hybrid and sitting the last of the individual examinations comprising the Society’s adapted Final Examination- Second Part as the trainee solicitor concerned is required to sit.

I,..... *[Full name of proposed training officer in capital letters]*
HEREBY CERTIFY to the Society that I have read these Notes prior to completing Form 2B.

Signed
Signature of proposed training officer

Date.....20.....

[For office use of the Society only - allocated trainee number.....]