



Law Society of Ireland

Training Contracts

A guide for Training Solicitors

The Law Society of Ireland has responsibility for the professional training and conduct of solicitors.

The Law School is located at the Law Society's headquarters at Blackhall Place Dublin 7.

The Law Society's educational function is governed by the Solicitors Acts 1954 to 2002 and Education and Training Regulations made pursuant to the Acts.

This publication should at all time be read in conjunction with these Acts and Regulations.

1. GREETINGS

2. WHO IS ELIGIBLE TO BECOME A TRAINING SOLICITOR?

- General Criteria
- Practising Solicitor
- Four years continuous service
- Experience of private practice
- Compliance with the Indentures of Apprenticeship
- How many trainees can a solicitor employ?

3. HOW TO APPLY TO BECOME A TRAINING SOLICITOR?

- Select a suitably qualified candidate to act as a trainee solicitor
- Applying to the Law Society
- Consent to Enter into Indentures of Apprenticeship
- Completing Form 2 - Certificate of Proposed Training Solicitor
- Indentures of Apprenticeship

4. TRAINEE RECRUITMENT

- Trainee Recruitment Register
- Secondment and Temporary Placement Register
- Advertising

5. STRUCTURE OF THE IN-OFFICE TRAINING PERIOD

- Breakdown of the in-office training period
- Credit
- Absences from the office
- Secondments
- Absence from the office and admittance on to the PPC II
- Indentures of Apprenticeship Expiry date

6. COVENANTS OF THE TRAINING SOLICITOR

- Office facilities
- Salary
- Instruction
- Skills
- Contentious and non-contentious work
- Areas of Legal Practice
- Written record of the work done, instruction received and experience obtained

- Day-to-day guidance
- Monitor progress
- Attendance on the PPC II
- Personal concerns
- Compliance with the prescribed regulations

7. COVENANTS OF THE TRAINEE SOLICITOR

- Confidentiality
- Carrying out instructions
- Attendance at the office
- Maintenance of written records
- Diligence and honesty
- Care of money and property
- Indemnity against loss or prejudice
- Trainee solicitor's rights of audience

8. OTHER CONDITIONS OF WORK & THE NATIONAL MINIMUM WAGE ACT 2000

- Training, trainee and the National Minimum Wage Act 2000
- Payment of course fees
- Holiday Entitlements
- Employment contract

9. TRANSFER & TERMINATION OF THE INDENTURES OF APPRENTICESHIP

- Changing office or solicitor
- Moving offices without the consent of the Education Committee
- Termination of the Indentures of Apprenticeship

10. PROFESSIONAL PRACTICE COURSE I & II

- PPC I
- PPC II

1. GREETINGS

The in-office training program is the core of the solicitor training program imparting to trainees knowledge of the solicitor's profession, its governance and its ethical standards and through the involvement of practitioners help trainees relate to the profession they are aspiring to enter. Solicitors who take on the important role of training solicitor play a key part in the solicitor training process.

This guide has been written for solicitors who wish to take on the role of a training solicitor. If this guide does not cover your particular question or concern, please do not hesitate to contact a member of the Traineeship Section.

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This is only a general guide and must be read in conjunction with the Indentures of Apprenticeship and the relevant regulations that apply to the in-office training period.

2. WHO IS ELIGIBLE TO BECOME A TRAINING SOLICITOR?

General Criteria

You are eligible to become a training solicitor if:

- You are currently a practicing solicitor and
- You have at some time been in continuous practice for at least four years and
- You can offer a trainee solicitor the instruction and experience necessary to prepare them for private practice and
- You can agree to the terms and conditions contained in the Indenture of Apprenticeship which govern the training period and
- You have not exceeded the maximum number of trainee solicitors that you are permitted to train at any one time

Practising Solicitor

A *practising solicitor* is defined as a solicitor who is engaged full time in the provision of legal services as:

- A sole practitioner, or
- A partner in a firm of solicitors, or
- A solicitor in the whole time employment of a body corporate, or
- A solicitor in the full-time service of the State within the meaning of section 54 (as substituted by section 62 of the Solicitors (Amendment) Act, 1994) of the Solicitors Act, 1954.

Four years continuous service

You should be able to demonstrate that you have been in continuous practice as a solicitor for at least four years since you were first admitted to the Roll of Solicitors. This period of uninterrupted practice need not be the last four years. You need only show that you have at least four years uninterrupted service at *some time* since you were first admitted to the Roll of Solicitors.

If you do not have four years continuous service but would like to become a training solicitor please contact a member of the traineeship section.

If you are not certain of your post qualification time you should contact the Practising Certification Section of the Law Society or refer to previous practicing certificates.

Experience of private practice

Should you wish to act as a training solicitor you ought to be able to offer trainees the necessary instruction and experience to equip them for work in private practice. The Indentures of Apprenticeship sets out what instruction and experience should be provided to trainees during the course of the in-office training period. For more information please refer to **Section 6 COVENANTS OF THE TRAINING SOLICITOR**.

Of course not all solicitors when qualified will pursue a career in private practice. Increasingly solicitors are taking up careers in law-related positions other than in private practice or in positions not directly law related. To reflect this reality it is possible for solicitors who work outside of private practice to

become training solicitors. There is one condition attached to this. The trainee solicitor is required during the course of their in-office training to spend time in private practice. For more information please refer to **Section 6**.

Compliance with the Indentures of Apprenticeship

The Indentures of Apprenticeship govern the training relationship that exists between you and your trainee solicitor. All training solicitors must be prepared to agree to comply with the covenants contained in the Indentures of Apprenticeship. The Indentures of Apprenticeship describes the type of work experience that should be made available to your trainee. It also deals with such issues as working environment, salary and the obligation to provide guidance and appraisals. For more information please refer to **Section 6**.

How many trainees can a solicitor employ?

You can train two trainees at any one time. For the purposes of this rule the Law Society is concerned with the actual number of trainees in the office. That is the number of trainees whom you will be training at the same time. The in-office training period starts 14 days after the last examination on the Professional Practice Course I.

It is possible to employ additional trainees if there are assistant solicitors working in your firm or company. You can engage one further trainee for every two assistant solicitors employed by the firm.

3. HOW TO APPLY TO BECOME A TRAINING SOLICITOR?

Select a suitably qualified candidate to act as a trainee solicitor

Once you can satisfy the criteria to enable you to become a training solicitor the next step is to select an appropriate candidate to take on as a trainee. For more information on trainee recruitment please refer to **Section 4 TRAINEE RECRUITMENT**

Applying to the Law Society

After you have selected an appropriate candidate it is necessary to apply to the Law Society. Applying to the Law Society is a two-stage process.

The first stage in the application process is to apply to the Law Society for consent to enter into Indentures of Apprenticeship. This involves the Law Society checking to see that you and your proposed trainee solicitor fit the requisite criteria. Presuming that you are granted consent the second stage in the application process is to complete and submit the Indentures of Apprenticeship for Registration with the Law Society.

Consent to Enter into Indentures of Apprenticeship

To obtain the consent of the Law Society to enter into Indentures of Apprenticeship you and your proposed trainee must submit the necessary forms and supporting documentation to the Law Society.

The consent forms and detailed guidance about the application process is contained in the PPC I Application Pack, and this pack which is available from the Law School's Information desk contains; -

- Form 1 - Application for Consent to Enter into Indentures of Apprenticeship that is to be completed by your intending trainee.
- Form 2 - Certificate of Proposed Training Solicitor that you are required to complete.
- Employment Record
- Educational record forms
- Secondment required form

You will probably find that your proposed trainee solicitor has already obtained this pack and that they simply wish to present you with Form 2 Certificate of Proposed Training Solicitor, which they will ask you to complete and then return to them for onward submission to the Law Society. It is important that you do ask to see your proposed trainee solicitor's completed application form together with the supporting documentation, as this is a regulatory requirement. As you will note from Form 2 you are required to have had sight of your proposed trainee's completed application, Form 1, and the supporting documents.

Completing Form 2 - Certificate of Proposed Training Solicitor

This form requires you to confirm that you are eligible to be a training solicitor. It requires you to provide the following information

- Whether you hold a practicing certificate

- How long you have been in continuous practice for
- Whether or not you have already entered into Indentures of Apprenticeship with another trainee
- If you do have a trainee(s) to supply information about this trainee(s) including the name(s) of the trainee(s), the Indentures of Apprenticeship start date or if already started what date they commenced or the date they are due to commence if the training has not yet commenced.
- That you have seen your proposed trainee's completed application and supporting documentation and that you believe the information contained in the forms is correct.
- You are satisfied that your proposed trainee is a fit and proper person to be a trainee solicitor and to be admitted as a solicitor.
- That the proposed trainee will commence their in-office training period with you after they have completed the PPC I

You can expect to be notified in writing of the result of the application within four to six weeks from the date that the application was submitted. Your proposed trainee solicitor will be notified separately. A successful application will result in you and your proposed solicitor being issued with consent to enter into Indentures of Apprenticeship. At the same time your proposed trainee will be allocated a place on the PPC I.

Any incomplete, or wrongly completed forms will be returned to your proposed trainee.

Indentures of Apprenticeship

After consent has been issued you and your proposed trainee solicitor are required to complete the Indentures of Apprenticeship. This document will be sent to your proposed trainee solicitor. You and your proposed trainee solicitor must execute the Indentures of Apprenticeship.

The Indentures of Apprenticeship govern the training relationship that exists between you and your trainee solicitor. It describes the type of work

experience that should be made available to your trainee. It also deals with such issues as working environment, salary and the obligation to provide guidance and appraisals. For more information please refer to **Section 6**.

The Indentures of Apprenticeship should be read carefully before signing. You must be prepared to agree to comply with all the covenants contained in the Indentures of Apprenticeship. Breach of the Indentures of Apprenticeship can constitute misconduct and could therefore result in disciplinary action being taken against you.

After completion the Indentures of Apprenticeship must be returned to the Law Society within six months of issue or before the PPC I commencement date, whichever is sooner.

4. TRAINEE RECRUITMENT

There are a variety of ways to recruit a trainee solicitor. You may well have received a number of CV's in the post from potential candidates. You could choose to interview a selection of the people who have applied directly to you. Alternatively you could recruit a trainee from the Trainee Recruitment Register or by advertising your requirements in either the Law Society Gazette or a national newspaper.

Trainee Recruitment Register

The Trainee Recruitment Register is a list of candidates who are seeking to secure a suitable training solicitor. All the candidates on the list have passed the academic stage of their training and thus are eligible to enter into Indentures of Apprenticeship. The candidates on the Trainee Recruitment Register should be contacted directly.

You can access the Trainee Recruitment Register through the Law Society web site. Simply go to www.lawsociety.ie and access the member's area. To do this simply log in as a member using your surname and solicitor number. Once you have entered the member's area double click on the section called "Training Solicitors". You should see a drop down list. From that list double click on "Trainee Recruitment" and follow the instructions provided.

Secondment and Temporary Placement Register

The Secondment and Temporary Placement Register is unlike the Trainee Transfer list in that it contains a list of trainees who have already secured a training contract but who are hoping to secure a temporary placement.

To view the register please contact a member of the Traineeship Section.

Advertising

You can choose to place an advert in the Law Society Gazette. For details of advertising rates and how to obtain copies of the Gazette, please contact the Gazette office by telephone on 01 672 4828, Monday to Friday 9.00 am to 5.00 pm or by email to gazettestaff@lawsociety.ie.

You could also choose to place an advert in a national or local newspaper.

5. STRUCTURE OF THE IN-OFFICE TRAINING PERIOD

Breakdown of the in-office training period

In-office training post-PPC I	11 months
Attendance on PPC II	3 months
In-office training post-PPC II	10 months
TOTAL	24 Months

The in-office training period is 24 months in duration, including attendance on the Professional Practice Course II (PPC II). The in-office training period should begin 14 days after completion of the final exam on the PPC I. After starting the training period your trainee is expected to continue with their training on a full time and continuous basis for approximately 11 months. At that stage your trainee should return to the Law School for the PPC II. The PPC II lasts for approximately three months. At the end of the PPC II your trainee should return to the office to complete their training. Your trainee would be expected to spend a further 10 months in the office but this period of time can be reduced if they receive credit.

Credit

If your trainee worked in your office, or in the office of another practicing solicitor, prior to starting the PPC I they can apply for credit. If your trainee is awarded credit the time they have to spend training post PPC II is reduced. This is because they are treated as having already completed part of the training during the time they spent in the office before the PPC I.

Breakdown of training contract with maximum credit time awarded

In-office training pre-PPC I	4 months (maximum)
In-office training post-PPC I	11 months
Attendance on PPC II	3 months
In-office training post-PPC II	6 months
TOTAL	24 Months

Absences from the office

Your trainee is required to attend at the office on a "full time and continuous" basis during the course of the in-office training period.

If your trainee is absent from your office for any extended period of time this will then affect the Indenture expiry date. Any such absences must be reported to the Traineeship Section.

Secondments

Secondments allow for trainee solicitors, during the course of their training, to work elsewhere than at the office of their training solicitor. In order to go on secondment, trainees only need show that the work would be *advantageous to the furtherance of his or her education or training (or both) and to his or her preparation for admission to the solicitors' profession*. This work can be in Ireland or abroad and need not be in a solicitor's office.

There are certain circumstances where it is necessary for you to arrange for your trainee to go on a secondment. This would be the case if you cannot offer your trainee experience in all the key areas of private practice. All trainees must obtain experience of private practice. Therefore trainees who are based in an in-house position or who work for the state must spend some time in private practice.

If you cannot offer a trainee experience in the key areas and/or it is necessary for your trainee to gain experience of private practice you are required to declare this to the Law Society when seeking consent to enter into indentures and to organise the secondment placement.

Generally the secondment placement rather than the training solicitor will pay the trainee. However there is no hard and fast rule about this, some firms do it differently. The secondment should be undertaken in one block. There is no minimum time limit but a secondment cannot be for more than 8 months.

A secondment period cannot be enacted without the prior consent of the Law Society. Applications for secondments are submitted to the Traineeship Section. An application to the Committee is grounded upon three letters - one from the trainee seeking the consent, one from the training solicitor consenting to the proposed secondment and one from the person to whom the trainee is to be seconded. All three letters must give details as to when the secondment is due to start and finish and details of how it is hoped to help the applicant and what experience or training they will receive.

Absence from the office and admittance on to the PPC II

Your trainee is required to have completed eleven months of their training before they can be admitted onto the PPC II. If for whatever reason your trainee has spent less than the required 11 months in the office after the PPC I please contact the Traineeship Section as soon as possible. Depending on the shortfall it may still be possible for them to start the PPC II although they would first need to make an application to the Law Society.

Indentures of Apprenticeship expiry date

The expiry date of the Indentures of Apprenticeship is not the qualification date of the trainee solicitor. It simply means that the contract between you and your trainee solicitor is at an end. Your trainee must apply to join the Roll of Solicitors in order to qualify as a solicitor. The necessary application form to join the Roll of Solicitors will be sent to your trainee. There is a part of the form that you will be asked to complete.

6. COVENANTS OF THE TRAINING SOLICITOR

As a training solicitor you are asked to enter into certain covenants with your trainee solicitor. These covenants, which are contained in the Indentures of Apprenticeship, apply during the course of the in-office period. The covenants provide a framework for the training solicitor and trainee solicitor relationship. Your trainee must also enter into certain covenants with you.

Office facilities

You should be able to provide your trainee solicitor with such office facilities as are *appropriate and reasonable* to enable them to fulfil their function as a trainee solicitor. The office facilities must be such that your trainee can fulfil their covenants to you and the requirements of the in-office training period.

Salary

As a result of the amendments made to the regulations (SI/2009/144 Solicitors Acts, 1954 to 2008 (Apprenticeship and Education) (Amendment) Regulations 2009), on 18 May 2009, the Law Society recommended salary rates no longer apply to trainee solicitors.

The new changes mean that for all new training contracts entered into after 18 May 2009 the *National Minimum Wage Act 2000* will apply.

Instruction

As an experienced solicitor engaged in providing legal services you have a wealth of knowledge and experience. Providing instruction in the practice of law and the practice and profession of a solicitor is an essential part of your role as a training solicitor. It is invaluable to the training process and it is one of the reasons why the in-office training period is the core of the solicitor training process.

You can choose to provide this instruction yourself or where appropriate you can delegate this task to someone else within your firm. There could be many reasons why you would wish to do this. You may be working within a firm or company that has encouraged practitioners to develop certain specialist areas. To provide your trainee with the best possible instruction you may wish for he or she to spend time with such specialists. You may be a sole practitioner heavily

engaged in the management of the office with relatively little time to devote to tutoring your trainee. The Indentures of Apprenticeship provide for flexibility in this regard which is necessary to reflect the reality of a busy office. It may also be necessary for you to arrange for that instruction to be provided by way of a secondment.

Skills

During the course of the in-office training period your trainee solicitor should be provided with the opportunity to practice key skills appropriate to the practice of law and the practice and profession of a solicitor. The key skills are listed in the Indentures of Apprenticeship. They are drafting, letter writing, interviewing and advising, legal research, negotiation, advocacy and oral presentation.

Contentious and non-contentious work

Your trainee solicitor should also be given an opportunity to gain experience of both contentious and non-contentious work.

Areas of Legal Practice

To prepare your trainee solicitor for work in private practice they should gain instruction and experience in certain key areas of areas of legal practice. These areas of legal practice are organised into five blocks, set out as below. You have an obligation to ensure that your trainee obtains instruction and experience in Block 1 and Block 2. In addition, you are expected to provide some reasonable and appropriate instruction and experience in at least two areas out of the remaining three Blocks, details of which can be seen below:

Block 1

Conveyancing and Landlord and Tenant Law

Block 2

Litigation

Block 3

Wills, Probate and Administration of Estates

Block 4

Commercial Law
Company Law
Insolvency Law

Block 5

Criminal Law and Procedure
Employment Law
European Union Law
Family Law
Intellectual Property Law
Pensions Law
Planning and Environmental Law
Revenue Law and Taxation
Other specialised area(s) of legal practice, namely,.....

The Law Society produces a Training Log that is used by trainee solicitors to help them record their progress during the course of their training. The Training Log is divided into the principal areas of a legal practice as listed in the Indentures of Apprenticeship. Under each area of legal practice is a list of tasks or actions that would ordinarily be undertaken when practising that particular area of law. If you would like a copy of the Training Log please ask to speak to a member of the Traineeship Section.

If you are unable, for whatever reason, to provide (or cause to be provided) within your office reasonable and appropriate instruction and experience in any one or more of the areas of legal practice set out in Block 1 and/or Block 2 (above) you should arrange for your trainee solicitor to spend time at the office of another practising solicitor. Spending time in another office in this way is referred to as a secondment.

Written record of the work done, instruction received and experience obtained

All trainee solicitors are expected to maintain a due written record of the work done, instruction received and experience they have received. Your trainee should be able to produce this written record to you if you wish to see it. Similarly the Law Society may also wish to have sight of this written record.

Day-to-day guidance

Providing regular guidance to your trainee solicitor is pivotal to the role of a training solicitor. The regulations state that this should be on a daily basis. In circumstances where you may be unable to provide this daily supervision you can involve other partners or employed solicitors to assist.

Monitor progress

The in-office training period envisages that trainee solicitors will develop their knowledge and acquire the skills necessary to practice as a solicitor upon qualification. As their training solicitor you should be prepared to monitor your trainee's progress on an ongoing basis. Whilst not all trainees will commence their training with the same aptitude you should expect to see your trainee develop their skills and to be able, upon qualification to work without such direct supervision.

You should also be prepared to discuss your trainee's progress with them. Trainees sincerely appreciate receiving feed back from the person training them.

Attendance on the Professional Practice Course II

Your trainee is required to return to the Law School for the PPC II.

Personal concerns

It may be necessary for your trainee to approach you with personal concerns. If this should happen you are asked to make prompt and adequate arrangements to deal as necessary, with such personal concerns, which you might reasonably be expected to address.

Compliance with the prescribed requirements

There is a certain level of administration that is required of you during the course of the in-office period. In particular you are required to complete Form 6, *Statutory declaration of training solicitor as to service by trainee solicitor of already completed period of in-office training*, as part of your trainee's enrollment onto the PPC II. You are also required to complete a declaration at the time that your trainee is applying for admittance onto the roll of solicitors.

There is also a general duty, both during and at the expiration of the period of in-office training, to comply with the prescribed requirements in force for the time being of the Society to enable the trainee solicitor to "be admitted as a solicitor provided that the trainee solicitor shall have duly served as a trainee solicitor during the period of in-office training and shall have performed and observed the covenants on his/her part herein before contained and shall have duly completed the prescribed courses of education or training (or both) and passed the prescribed examinations and otherwise duly complied with all other prescribed requirements of the Society for the time being in force."

7. COVENANTS OF THE TRAINEE SOLICITOR

During the course of the in-office training period your trainee is expected to observe and comply with the covenants contained in the Indentures of Apprenticeship.

Confidentiality

Your trainee solicitor is expected to keep confidential information relating to your business. Your trainee solicitor is also expected to keep confidential information relating to your partners should you have any and your employees. All information relating to the firm generally and to your clients and clients of the firm should also be kept confidential and not disclosed to any third parties

Carrying out instructions

Your trainee solicitor is expected to carry out your reasonable directions (and those of any of your partners or employed solicitors that you may have) promptly and efficiently.

Attendance at the office

The Indentures of Apprenticeship require that your trainee remain in your service during the course of the in-office training period. They should not leave or be absent from your service without your consent and (where required) the consent of the Law Society. Any unauthorised absences should be reported to the Traineeship Section as soon as possible. Any absences on the part of your trainee that will affect the Indentures of Apprenticeship expiry date should also be reported to the Traineeship Section.

Maintenance of a written record

Your trainee is expected to maintain a written record of the work done, instruction received and experience obtained during the period of in-office training.

Diligence and honesty

Your trainee is expected to carry out your instructions with due diligence. That is to be attentive and thorough throughout the course of the in-office training period. Your trainee is also expected to be at all times truthful and to have integrity in their work and their dealings with you and to all persons they come into contact with including other partners, employees and clients.

Care of money and property

Your trainee is also under an obligation to take care of all moneys and/or property belonging to you, your fellow partners and other employees. This duty of care also extends to money and property of all clients of your firm. This duty of care also means that your trainee is under an obligation to ensure that any money or property is handled properly and not disposed of or damaged or destroyed in any way.

Indemnity against loss or prejudice

In the event of your trainee breaching any of the foregoing covenants or if you or any partner or employee or client suffer a loss arising out of their misconduct or wrongful neglect then they are under an obligation to compensate you for your loss. The Law Society may also take action depending on the circumstances of the case.

8. OTHER CONDITIONS OF WORK

The Indentures of Apprenticeship sets out the contractual responsibilities between you and your trainee solicitor and the Law Society in relation to the training relationship. It does not stand in the place of an employment contract nor does it attempt to deal with your position as an employer. You are advised to seek independent legal advice should you have a question or query arising from your position as an employer. The Department of Enterprise, Trade and

Employment has a very useful website which provides information and this can be found at www.entemp.ie.

This section will deal with aspects of employment law that are pertinent to the relationship between training solicitors and trainee solicitors.

- Payment of course fees
- The Organisation of Working Time Act 1997
- Holiday entitlement
- Employment contract

Payment of Course Fees by Training Solicitors

There is no obligation on training solicitors, under the Act, to pay the trainee solicitors course fees for PPC I or PPC II.

Holiday Entitlement

The Organisation of the Working Time Act, 1997 sets out the basic entitlements. In the case of trainees who are expected to work 36 hours per week, the annual leave entitlement is 1.66 days per month worked or 20 days per annum.

Trainee solicitors often question whether their holiday entitlement continues to accrue while they are on the PPC II. This is a matter to be agreed between you and your trainee solicitor.

Employment contract

Like any employer you are free to ask your trainee to enter into a contract of employment. The only caveat to this is that in circumstances where a term of the employment contract conflict with any term of the Indentures of Apprenticeship, the Indentures of Apprenticeship take precedence.

9. TRANSFER AND TERMINATION OF THE INDENTURES OF APPRENTICESHIP

Transferring: Prior to Commencement date

If the trainee has not started the Indentures of Apprenticeship and they wish to apply to change their training solicitor, the trainee must complete Form 1 Application for Consent to Enter into Indentures of Apprenticeship and the new training solicitor must complete Form 2 - Certificate of Proposed Training Solicitor. A letter of release from the existing training solicitor must also be produced. This letter and the completed forms should be submitted to the Traineeship Section.

There is no prescribed wording for the letter of release. The existing training solicitor should simply state that they are prepared to release the trainee from the obligations contained in the Indentures of Apprenticeship. There is no requirement to submit a second fee or to resubmit the evidence in support (e.g. birth certificate).

Once the application to transfer the Indentures of Apprenticeship has been completed, the trainee will be issued with a fresh Indenture of Apprenticeship for completion.

Please note that until the Indentures of Apprenticeship is fully completed and returned for registration by the Registrar of the Law Society, the name of the training solicitor will remain the same and correspondence will continue to be sent to that office.

Changing office or solicitor after the Indentures of Apprenticeship have commenced

Transferring: Post-Commencement date

In circumstances where the trainee has started their in-office training but wishes to change training solicitor an application must be made to the Education Committee of the Law Society. To make the application the following should be submitted to the Traineeship Section:

- A letter from the trainee setting out the reasons for the proposed assignment and a date for when it is hoped that the assignment will take effect, and
- A letter from the current training solicitor setting out whether or not they consent to the request, and
- A letter from the proposed training solicitor to confirm that they are prepared to have the Indenture Indentures of Apprenticeship assigned to them and that they accept and agree to be bound by the conditions therein and furthermore the date that the proposed assignment is said to take place.
- Application fee.

The Education Committee will examine whether your application is made with good cause and whether or not the application is made with the consent of all parties. Please submit original letters, not fax copies, to the Traineeship Section.

Should the training solicitor refuse to consent to the proposed assignment, the Committee before making a decision will have regard to any representations that either the training solicitor or trainee may choose to make before deciding whether or not to grant the application.

Please note that until the Indentures of Apprenticeship is fully completed and returned for registration by the Registrar of the Law Society, you will continue to be indentured to your former training solicitor and correspondence will continue to be sent to their office.

Moving offices without the consent of the Education Committee

Please note that it is a requirement of the Indentures of Apprenticeship that a trainee be in "full-time and continuous employment" at the office of the training solicitor. Moving office without the knowledge or consent of the Law Society is a breach of the Indentures of Apprenticeship. The Traineeship Section should be informed of this as soon as possible.

Termination of the Indentures of Apprenticeship

Termination with consent

Presuming that both you and your trainee solicitor agree to the termination then letters to that effect should be produced to the Traineeship Section.

Termination without consent

If you or your trainee solicitor wishes to terminate the Indentures of Apprenticeship without the other party's consent, an application must be made to the Education Committee.

If you intend to make such an application, you should speak to the Traineeship Section. If it is necessary to make such an application it should be presented to the Committee by letter.

On receipt of the application the Committee will consider whether or not the Indentures should be discharged. If the Committee decides to grant the application it may do so absolutely or attach conditions to the discharge.

Very few applications of this nature are brought to the attention of the Committee. Such an application might need to be brought in the event that the training solicitor is removed or struck from the roll, becomes bankrupt, is imprisoned, becomes of unsound mind or is absent from the state for extensive periods of time.

10. PROFESSIONAL PRACTICE COURSE I AND II

PPC I

All trainee solicitors are required to complete the PPC I. They are also required to sit the examinations that take place at the end of the PPC I. These examinations are called the Law Society's Final Examination - Second Part.

A number of PPCI courses are provided annually and generally run between late summer and winter for approximately 6 months. Teaching on the PPC I is by a mix of lectures, tutorials and assignments. The PPC I is comprised of five core areas: Litigation, Applied Land Law, Business Law, Probate and Taxation and Skills. In addition the PPC I contains a Foundation Course (including Legal Research, Public Speaking & Presentation Skills and Legal Presentation Skills). The Skills course is new and includes Drafting, Interviewing and Advising Clients, Civil and Criminal Advocacy and Negotiations.

LITIGATION (Civil and Criminal)

Civil Litigation

The aim of the Civil Litigation course is to provide students with a thorough grounding in the practice and procedures of the Irish Courts; to enable them to take instructions from clients; advise clients; run or settle an action as appropriate; enforce any orders obtained and finally recover the appropriate costs from the client and/or the other parties involved in the litigation. Apart from examining the jurisdiction and practice and procedure of the various civil courts, this course covers the Limitation of Actions; Trans-frontier Litigation; Discovery, Injunctions, Evidence, Litigation Costs, Personal Injury Actions, MIBI, Fatal Injury Actions, An Overview of Commercial Litigation, Judicial Review, Debt Collection, Enforcement of Judgments and Client Care.

Criminal Litigation

The Criminal Litigation Course is designed to represent the sequence of procedural events in the Criminal Process. The course incorporates the Law of Evidence at an academic as well as a practical level, in advance of presenting any meaningful instruction on the application of Criminal Procedure. Basic Criminal Procedure from both a prosecution and defence perspective will focus on: (a) Comprehension (b) Knowledge of the sequence of events and (c) The application of the rules of procedure. Topics covered include procedural rules regarding: The Criminal Investigation; Composition of the Courts; Charging Procedure; Applications in the District Court (Bail and Legal Aid etc.); Juvenile Justice Procedures; Role of the DPP; District Court Disposal; Disposal on Indictment; Sentencing; and Judicial Review and Appeals.

Applied Land Law

The Applied Land Law module consists of two integrated parts, Conveyancing and Landlord & Tenant Law.

The Conveyancing part of the module introduces students to conveyancing practice and procedure. This part of the module is particularly designed to familiarise students with the series of steps and the standard documentation used in a typical residential conveyancing transaction involving both registered and unregistered titles.

The Landlord & Tenant Law Module comprises approximately one third of the Applied Law Land core area on the PPC I. It is designed to enable students to advise clients who are landlords or tenants or wish to take over property from

either a landlord or a tenant. It looks at the legislation in this area and the practices and procedures which apply both in relation to commercial properties and residential properties held under leases or tenancy agreements or similar.

Business Law

The Business Law course involves a consideration of typical legal issues concerning business clients. The objective of the course is to develop the legal practice skills necessary to advise a business client. The course is divided into several discrete sections commencing with the legal issues involved in establishing and operating a business. The tutorials follow the progress of a fictitious company from incorporation through to acquisitions, selected business law issues and finally dispute resolution.

Probate and Tax

The Probate and Tax Module also consists of two integrated parts, Wills, Will Trusts, Probate and Administration of Estates and Taxation Issues arising in Wills, Will Trusts, Probate and Administration of Estates.

Initially, students will learn about Will Drafting, introducing trusts in wills and execution of wills and areas of Succession Law. The course will then go on to deal with acting for the estate of a deceased person, initially extracting the appropriate grant of representation and once this has been attained, administering the estate according to the Will of the deceased person and in accordance with law, taking the rights of family members into account.

Every Probate file is also a Tax file. Students will learn about the principal tax that arises on the death of a person, Capital Acquisitions Tax, initially in general terms but later in the course in relation to Tax Planning for an individual and in terms of taxation issues that arise during the administration of an estate.

Skills (Civil Advocacy; Criminal Advocacy; Interviewing and Advising; Legal Research; Legal Presentation Skills, Legal Writing and Drafting; Negotiation; Professional Development.)

In addition to a thorough knowledge of the law, an effective solicitor needs to develop and hone a set of legal skills. The Skills Course affords students an opportunity to develop and practise these skills in a safe environment. This Course consists of 8 skills modules, which run throughout the PPC I. The teaching techniques employed include regular preparation and performance by students in smaller workshop groups; the development of analytical skills to enable students to critique their own performances and to provide peer

evaluation. Many performances will also be recorded so that students can observe themselves and receive constructive feedback from their tutors. These skills are also reflected in the other core subjects.

PPC II

After eleven months of the training period the trainee returns to the Law School to attend the PPC II. This course is twelve weeks in duration and is counted as part of the twenty four months training period. Having completed the PPC II trainees return to the office and complete the outstanding period of time - eleven months if the trainee has not gained credit for work done prior to PPC I and seven months if credit has been obtained.

The PPC II is comprised of the Professional Practice, Conduct and Management course (PPCM) and a range of elective choices.

PPCM

The PPCM course is divided into two main parts of Modules:

Module 1: Professional Responsibility

The aim of this module is to make trainees conscious of the importance of ethical conduct for the solicitors' profession. This topic is covered by seven lectures, four tutorials and a workshop and includes areas such as disciplinary measures, Solicitors Accounts regulations or client care.

Module 2: Professional Management

This module explores areas of special relevance for solicitors starting up in practice: the drafting of a business plan, marketing ideas, human resources, financial management, etc.

PPC II Electives

The elective choices are reviewed annually.