

Law Society of Ireland

Annexe to Form 2A [Certificate of Proposed Training Solicitor]

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”.]

General

- (a) Form 2A is to be submitted to the Society concurrently with Form 1 (application for consent to enter into a training contract).
- (b) Before completing Form 2A, the proposed training solicitor concerned should certify that he/she has read these Notes as set out in this document headed “**Annexe to Form 2A**”.
- (c) As Form 2A and Form 1 are to be concurrently submitted to the Society, the proposed training solicitor should also advisedly make himself/herself familiar with the Notes in the document headed “**Annexe to Form 1**”.

Relating to specific Paragraphs in Form 2A

- Paragraphs 1&2 (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 contact 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 3:**
- (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 2A, the proposed training solicitor has a training contract relationship with one or more other trainee solicitors either actually engaged in a 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 proposed training solicitor.

Paragraph 4: The proposed training solicitor 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 5: The proposed training solicitor 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 6:**
- (1) The proposed training solicitor should confirm his/her 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 solicitor in capital letters]*
HEREBY CERTIFY to the Society that I have read these Notes prior to completing Form 2A.

Signed
Signature of proposed training solicitor

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

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