THE CONTINUING PROFESSIONAL DEVELOPMENT SCHEME
Updated as of 1 January 2009
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1. INTRODUCTION

The Solicitors (Continuing Professional Development) Regulations 2007 (S.I. No. 807 of 2007) (the Regulations) came into effect on 1 January 2008 and are set out in full in Appendix B. Regulation 5 of the Regulations requires the Law Society of Ireland (the “Society”) to provide for a scheme of continuing professional development and this document sets out the current scheme. Where an apparent conflict arises between the Regulations and the Scheme, the Regulations shall apply. For convenience, a series of frequently asked questions (“FAQs”) relating to continuing professional development is set out in Appendix A.

Note: The scheme is reviewed periodically by the Education Committee of the Society and may be amended from time to time in the light of experience. Solicitors are advised always to consult the latest version of the Scheme available on the CPD Scheme Section of the Society’s website (www.lawsociety.ie).

2. WHAT IS CONTINUING PROFESSIONAL DEVELOPMENT (“CPD”)?

CPD is defined in the Regulations as “the provision of further education or training (or both) to a solicitor; whether relating to law or to management and professional skills, intended to develop the solicitor in his or her professional knowledge, skills and abilities”. There are two categories of CPD; (A) General CPD and (B) Management and Professional Skills. Each category is described in further detail below. There are also different ways of completing CPD; i.e. Group Study, e-learning and writing relevant material that is published. Solicitors should note the criteria and restrictions applying to each way of completing CPD as detailed below.

The objective of CPD is to foster a culture of lifelong learning in the solicitors’ profession as a means of continuously improving and updating professional knowledge, skills and abilities to ensure that quality advice and practice is continuously provided. While compliance with the Scheme is compulsory for those solicitors to whom it applies, the Scheme itself is flexible in order to facilitate solicitors nationwide engaging in CPD and to ensure the focus remains firmly on the education/training needs of individuals and their practice. The Society is mindful of the many challenges and pressures facing solicitors and these are reflected in the number of prescribed hours of CPD. These prescribed hours should be seen as a minimum requirement.
3. WHO DOES CPD APPLY TO?

The Regulations and the scheme apply to solicitors holding current practising certificates and solicitors in the full-time service of the State. They also apply to European lawyers registered with the Society holding current qualifying certificates.

The only exemptions are for newly qualified solicitors or solicitors who did not hold a practising certificate for the whole or any part of the previous CPD cycle.¹ For the avoidance of doubt the Scheme applies to all consultants, senior practitioners and semi-retired practitioners² who hold practising certificates or who are in the full-time service of the State.

4. ANNUAL REQUIREMENT AND CPD CYCLES

Solicitors to whom the Regulations apply are required in each CPD cycle to complete the required hours of CPD (the “CPD Requirement”), of which a minimum number of hours must comprise Management and Professional Skills (the “Management and Professional Skills Requirement”). The balance may consist of General CPD or Management and Professional Skills or a combination of both.

The CPD Requirement must be completed by one of the permitted ways i.e. Group Study, e-learning or writing relevant material that is published. The criteria and restrictions applying to each way are detailed below.

A CPD cycle consists of one calendar year. The table below details the CPD cycles provided for in the Regulations:

<table>
<thead>
<tr>
<th>CPD Cycle</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008 CPD cycle</td>
<td>1 January 2008 to 31 December 2008</td>
</tr>
<tr>
<td>2009 CPD cycle</td>
<td>1 January 2009 to 31 December 2009</td>
</tr>
<tr>
<td>2010 CPD cycle</td>
<td>1 January 2010 to 31 December 2010</td>
</tr>
</tbody>
</table>

¹ See FAQs in Appendix A on newly qualified solicitors and solicitors who hold practising certificates for part of a CPD cycle.
² See FAQs in Appendix A on semi-retired solicitors and solicitors retiring during a CPD cycle.
The table below summarises the CPD Requirement for each CPD cycle and the minimum Management and Professional Skills Requirement.

<table>
<thead>
<tr>
<th>Cycle</th>
<th>CPD Requirement</th>
<th>Minimum Management and Professional Skills Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008 CPD cycle</td>
<td>10 hours</td>
<td>3 hours of the 10 hour CPD Requirement</td>
</tr>
<tr>
<td>2009 CPD cycle</td>
<td>10 hours</td>
<td>3 hours of the 10 hour CPD Requirement</td>
</tr>
<tr>
<td>2010 CPD cycle</td>
<td>15 hours</td>
<td>4 hours of the 15 hour CPD requirement</td>
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</tbody>
</table>

There is no maximum requirement for Management and Professional Skills. Thus during the 2009 CPD cycle, a solicitor may complete his/her entire CPD Requirement of 10 hours by doing 10 hours of Management and Professional Skills training.

**5. CALCULATING CPD**

The amount of CPD that may be claimed by a solicitor is the time actually spent completing the CPD. This may or may not be the same as the time advertised by the provider of the CPD. Time spent at registration for or breaks during a course cannot be counted towards the CPD Requirement.

There is a minimum 30 minute requirement i.e. the time spent on any one occasion of CPD must be at least 30 minutes.

There are limitations on the amounts that can be claimed for certain CPD activities and these are specified under the relevant headings. For example, the Scheme permits for a maximum of three hours of CPD to be claimed for writing relevant material that is published.

The onus is on each solicitor to accurately record and maintain records in relation to his/her CPD. This is particularly relevant where a solicitor undertakes a long course, e.g. a course over several days or weeks where the solicitor may not necessarily attend or complete all modules of the course.
6. CATEGORIES OF CPD

The criteria of the two categories of CPD, (A) General CPD and (B) Management and Professional Skills are set out below.

**A. GENERAL CPD**

General CPD is legal or general education/training relevant to the practice of the solicitor which is designed to improve the solicitor’s professional knowledge, skills and abilities. The overriding test is that the education/training must be relevant to the practice of the solicitor either now or in the future.

Therefore, General CPD DOES include:

(i) any legal education/training relevant to a solicitor’s practice now or in the future; and

(ii) other general education/training relevant to a solicitor’s practice now or in the future.

However, General CPD DOES NOT include:

(i) attendance at an annual general meeting of any corporate or other body unless there is a specific agenda item relevant to the practice of a solicitor, such as the providing of a legal update, and only the actual time spent on that specific agenda item can be counted towards a solicitor’s CPD Requirement; or

(ii) attendance at a partners’ meeting.

**B. MANAGEMENT AND PROFESSIONAL SKILLS**

A recurring difficulty acknowledged by solicitors in practice relates to indifferent management (such as poor communication with clients or problems in financial management). For this reason a minimum number of hours of the CPD Requirement in any given CPD cycle are required to be spent on education/training in Management and Professional Skills. The Management and Professional Skills requirement is fulfilled by engaging in the required number of hours of education/training in management and professional skills relevant to the practice of a solicitor now or in the future. By way of guideline, some examples of what constitutes and what does not constitute Management and Professional Skills education/training are listed below.

Examples of what DOES constitute Management and Professional Skills education/training are:
(i) financial and business management skills, including:
   • human resources management
   • budget control
   • record keeping and accounts
   • marketing, communication strategies and networking

(ii) practise management skills, including:
   • computer skills including typing and/or specific training on the programs relevant to a solicitor’s practice such as word, power point, or document management
   • language enhancement relevant to the practice of law
   • ethical compliance, e.g. money laundering

(iii) professional skills, including:
   • advocacy
   • mediation
   • negotiation
   • drafting
   • case management
   • presentation skills
   • interviewing skills
   • legal research skills

(iv) client related skills, including:
   • client care
   • professional ethics
   • communication and interpersonal skills

(v) self management skills, including:
   • organisation and time management
   • stress management specific to practice, such as relating to work/life balance

Examples of what DOES NOT constitute Management and Professional Skills education/training are:

(i) attendance at an annual general meeting of any corporate or other body unless there is a specific agenda item relevant to the practice of a solicitor which falls within the above guidelines of what would constitute Management and Professional Skills; and only the actual time spent on that specific agenda item can be counted towards the CPD Requirement; or

(ii) attendance at a partners’ management meeting.
There are different ways of completing CPD. All CPD (whether General CPD or Management and Professional Skills) must be completed in Group Study format and/or by e-learning and/or by writing relevant material that is published. The criteria and restrictions on each way of completing CPD are detailed below. Private study no longer counts towards the CPD Requirement. The Society recognises that of necessity almost every solicitor as part of his/her professional life engages in his/her own private study and legal research and this was taken as a given in the Society deciding on what should be the minimum CPD Requirement. All CPD must be in a form that can be verified and it is a solicitor’s own responsibility to produce proof of completion of the CPD Requirement if requested to do so.

A. GROUP STUDY

Group Study is defined in the Regulations as “an organised session of continuing professional development undertaken in a group of three or more persons that lasts for a period of not less than thirty minutes, whether undertaken by means of a lecture, workshop, seminar, tutorial, video-conferenced lecture/tutorial or diploma or certificate course”. The subject matter of the Group Study will determine whether it constitutes General CPD or Management and Professional Skills education/training. As with all ways of completing CPD, the Group Study must be verifiable.

(i) Attendance: CPD credit can be claimed for time spent physically attending a Group Study session but excluding any time spent on registration or at breaks.

(ii) Delivery (i.e. training / lecturing): A solicitor who actively provides or facilitates Group Study sessions entitled to claim CPD credit as the preparation and delivery of a lecture/training session to others is recognised as a very effective means of self-learning. CPD credit can be claimed for the actual delivery time and up to a maximum of four hours preparation time. Where the lecture/training is repeated in any given CPD cycle, the solicitor delivering the lecture/training session is entitled to claim for the actual delivery time of the repeat training and up to a maximum of one hour for preparation time.

(iii) Bonus CPD credit for active participation: Some forms of Group Study involve active participation, such as interactive workshops and role play sessions. These forms of learning are generally recognised as being more effective than more traditional lecture-based learning with no active participation. Participants in interactive sessions may count an additional one-quarter (25%) of the actual time spent on attending or facilitating such interactive sessions.

(iv) Work by committees/working groups: Up to a maximum of seven
hours General CPD (not Management and Professional Skills) may be claimed for attending meetings of committees and/or working groups of the Society or other relevant professional bodies consisting of at least three members. To qualify for a CPD credit, the answer to all of the following questions must be ‘yes’:

Does the work:

(a) develop specialist areas of law and practice?
(b) further the knowledge and/or skill of the committee/working group member beyond that which would be expected of a solicitor going about his or her own normal day to day work?
(c) deal with issues of substantive law not related to the social, administrative or non-legal aspects of the Society’s or other bodies’ work?
(d) relate to the law itself and not to the impact of legal changes on other business issues (e.g. personnel, finance or marketing matters)?
(e) take place on a voluntary and unpaid basis?

Where the answer to any of these five questions is ‘no’ then the time of the meeting cannot be counted as a CPD credit. In some instances only a part of a meeting will meet these criteria, in which case only the time spent on that part may be claimed as a CPD credit. Physical attendance at the meeting is required. Committees and/or working groups, whether of the Society or other professional bodies, do not need to seek accreditation from the Society. However, it may be useful for solicitor members of such committees/working groups to discuss among themselves in advance whether they believe the work being done satisfies the above criteria.

(v) Adjudicative Functions: Up to a maximum of seven hours General CPD (not Management and Professional Skills) may be claimed for time spent by solicitors sitting on or adjudicating at tribunals.

**B. WRITING RELEVANT MATERIAL THAT IS PUBLISHED**

A solicitor may claim up to a maximum of three hours CPD credit for time spent writing a relevant article or section of a periodical or text book that is published. This is optional and the CPD Requirement may be completed entirely through Group Study. Only periods of at least 30 minutes engaged in this activity may be counted towards the CPD Requirement. The subject matter of the published material will determine its relevance and whether it constitutes General CPD or Management and Professional Skills. As with all CPD this work must be verifiable and the solicitor concerned may be asked to produce a copy of the published material.
C. E-LEARNING

A solicitor may claim up to a maximum of two hours (or up to a maximum of three hours in respect of the 2010 CPD cycle) CPD credit for time spent in relevant e-learning. Only periods of at least 30 minutes engaged in e-learning may be counted towards the CPD Requirement. This is optional and the CPD Requirement may be completed entirely through Group Study. The subject matter of the e-learning will determine its relevance and whether it constitutes General CPD or Management and Professional Skills.

E-learning is defined in the Regulations as “the provision of education or training (or both) that is generated, communicated, processed, sent, received, recorded, stored and/or displayed by electronic means or in electronic form, and includes education or training (or both) provided through:

(i) the internet or other computer network connections, sound only, sound and vision formats or a combination thereof;
(ii) the provision of an electronic file, a CD-Rom and/or a DVD;
(iii) other technologies and formats”³.

The e-learning must be verifiable and must require active participation by the solicitor at least twice during the particular e-learning course or program. Examples of active participation are completing an on-line quiz, repeating a unique identifying code given mid-way during the course/program, printing off a certificate at the end of the course/program (which must be produced, if requested) or completing an examination.

As all e-learning requires such active participation it therefore does not qualify for bonus credit on the basis of active participation.

8. REPEATING CPD

Credit may not be claimed for any repeat completion of CPD in any one CPD cycle but can be claimed if it is repeated in a subsequent CPD cycle. There is a limited exception in the case of the delivery of CPD through Group Study.

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³ The attendance at video-conferenced lectures/tutorials comes within Group Study and therefore is not subject to the two hour maximum credit for e-learning.
9. CPD PROVIDERS

The Society does not accredit any particular course provider and the onus is on a solicitor to exercise his/her own reasonable judgement in relation to the quality of education/training and what education/training is relevant to his/her particular practice. CPD may be run by the Society itself, by local bar associations or other legal associations, by universities or other such learned institutions or organisations. It may be by way of in-house training or training by external providers.

CPD may be completed within or outside the State and does not have to be in groups that are comprised of solicitors but, as in the case of all CPD, it must be relevant to the practice of the solicitor now or in the future.

10. PROOFS, MONITORING AND ENFORCEMENT

A. PROOF OF CPD

It is a solicitor’s own responsibility to accurately record all his/her hours of CPD on the Society’s CPD Scheme Record Card, to specify the category of CPD (i.e. whether General CPD or Management and Professional Skills) and the way of completion (i.e. whether by Group Study, e-learning or writing relevant material that is published). If requested to do so by the Society, a solicitor must produce his/her completed CPD Scheme Record Card. A solicitor may also be asked to produce proof of completion of the CPD Requirement, which should be from an independent source where possible.

Examples of proofs of completion of the CPD Requirement are as follows:

• in the case of attendance at a Group Study session by a course provider, a certificate or other proof of attendance from the course provider (with the attendee’s name pre-printed by the provider i.e. not left blank), a booking confirmation or invoice receipt not being sufficient proof of attendance.
• in the case of attendance at an in-house Group Study session, a note on firm letterhead summarising the subject matter, details of the attendees, the date(s) and time(s) involved, and, if relevant, whether the event was interactive.
• in the case of delivery of a lecture or training session, a copy of the notes/slides or confirmation from the course provider of delivery of the lecture/training session.
• in the case of a long course, continuing over several days or weeks, confirmation from the provider of successful completion of the course.
• in the case of work on a committee/working group, a minute from the committee/working group confirming the five requirements and
other criteria specified above.

- in the case of adjudicative roles, independent confirmation of the position held.
- in the case of e-learning, a certificate of completion of the course/program by the course/program provider confirming which two or more interactive elements were completed.
- in the case of writing published material, a copy of the published material.

In all cases where it is not obvious from a course title whether the CPD comprised General CPD or Management and Professional Skills or where the course comprised a mix of the two categories, the solicitor concerned may be asked to produce the course programme with a detailed breakdown of the course according to category. Similarly where bonus credit is being claimed for active participation, the solicitor concerned may be asked to produce the course programme showing the breakdown of the course including the element of active participation.

A solicitor should retain his/her CPD records for 18 months following the end of any CPD cycle and should continue to retain them if he/she is the subject of an audit/investigation by the Society for so long as the audit/investigation process continues.

**B. MONITORING AND ENFORCEMENT**

The process of certifying compliance with the CPD Requirement by a solicitor who holds and continues to hold a practising certificate, is different to the certification process for a solicitor in the full-time service of the State.

A solicitor applying for a practising certificate is asked to certify his/her compliance with the CPD Requirement on his/her practising certificate application for the following practice/calendar year.

A solicitor in the full-time service of the State is asked to certify his/her compliance with the CPD Requirement to the Society’s CPD Scheme Unit by the 1 June following the end of the particular CPD cycle. (e.g. certification of compliance with the CPD Requirement for the 2008 cycle is required to be filed by 1 June 2009). The form of certification by a solicitor in the full-time service of the State is available to download on the CPD Scheme Section of the Society’s website (www.lawsociety.ie) or may be requested by contacting the Society’s CPD Scheme Unit directly.

The Society carries out a random audit of compliance with the CPD Scheme after each CPD cycle. A solicitor selected as part of this audit will be asked to produce his/her CPD Scheme Record Card or to confirm if he/she has completed the Online CPD Scheme Record Card and may be asked for proof of completion of the CPD Requirement. The ways of proving completion of
the CPD Requirement vary depending on the nature of the CPD and are outlined above. If a solicitor cannot provide proof of completion of the CPD Requirement claimed, he/she may be referred to the Education Committee in the first instance. At that time, an explanation would be sought from the solicitor, who may be invited to attend for interview by the Committee and may be given directions such as a specified further time for compliance. If a solicitor fails to follow the directions of the Committee, he/she may be referred to the Solicitors’ Disciplinary Tribunal for inquiry pursuant to the Regulations.

Solicitors are asked not to return their CPD Scheme Record Cards unless requested to do so by the Society. A solicitor who wishes to receive the Society’s confirmation of compliance with the CPD Requirement in advance of a possible audit must provide to the Society’s CPD Scheme Unit a completed CPD Scheme Record Card and proof of completion of the CPD Requirement.

11. CPD SCHEME RECORD CARDS

CPD Scheme Record Cards are available to download from the CPD Scheme Section of the Society’s website (www.lawsociety.ie) or may be obtained by contacting the CPD Scheme Unit directly (email: CPDscheme@law society.ie or by telephone 01-6724802). If preferred, a solicitor may return his/her CPD Scheme Record Card online, using the secure Members’ area of the Society’s website (www.lawsociety.ie).

12. QUERIES REGARDING THE CPD SCHEME

All queries regarding the CPD Scheme should be directed to the Society’s CPD Scheme Unit (by post: CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7 or by email: cpdscheme@law society.ie or by telephone 01-6724802).
APPENDIX A

FREQUENTLY ASKED QUESTIONS (“FAQs”)

1. Do I have to do e-learning as part of CPD?
No, you may complete all of your CPD through Group Study if you so wish. E-learning is optional and the maximum credit allowed for e-learning is 2 hours (or 3 hours in respect of the 2010 CPD cycle).

2. What if I hold a practising certificate for part only of a CPD cycle?
There is a specific exemption for newly qualified solicitors but otherwise you must comply with the full CPD Requirement. If however you did not hold a practising certificate during a particular CPD cycle you are not subject to the CPD Requirement in respect of that CPD cycle.

3. What is my CPD Requirement if I qualify as a solicitor during a CPD cycle?
The relevant date in determining whether you must comply with the CPD Requirement is the date you were admitted to the Roll. If you were admitted to the Roll during a CPD cycle you are exempt from the obligation to undertake CPD during that particular CPD cycle. You must certify the fact that you fall within the newly-qualified exemption in your following year practising certificate application or by certification by the following 1 June if you are a solicitor in the full-time service of the State. You will be required to comply with the CPD Requirement during the next CPD cycle.

Example 1:
A solicitor who is admitted to the Roll on 1 February 2008 will not be required to comply with the CPD Requirement for the CPD cycle beginning on 1 January 2008 and ending on 31 December 2008. He/she will, however, be required to comply with the CPD Requirement during the following cycle beginning on 1 January 2009 and ending on 31 December 2009.

Example 2:
A solicitor who is admitted to the Roll on 1 December 2008 will not be required to comply with the CPD Requirement for the CPD cycle beginning on 1 January 2008 and ending on 31 December 2008. He/she will, however, be required to comply with the CPD Requirement during the following cycle beginning on 1 January 2009 and ending on 31 December 2009.
4. If I only work part-time do I still need to comply with full CPD Requirement?
The CPD Requirement applies equally to all solicitors who hold a practising certificate or who are in the full-time service of the State. There is no exemption or reduction in the required hours of CPD for solicitors who only work part-time and so the full CPD Requirement applies to you. See also FAQ No. 13.

5. If I work as a locum solicitor now and again do I still need to comply with the full CPD Requirement?
There is no exemption or reduction in the required hours of CPD for a locum solicitor and so the full CPD Requirement applies to you. See also FAQ No. 13.

6. If I am unemployed for part of a year do I still need to comply with the full CPD Requirement?
There is no exemption or reduction in the required hours of CPD for a solicitor who is unemployed for part of a CPD cycle and so the full CPD Requirement applies to you. See also FAQ No. 13.

7. If I take a sabbatical during a year, do I still need to comply with the full CPD Requirement?
There is no exemption or reduction in the required hours of CPD for a solicitor who takes a sabbatical for part of a CPD cycle and so the full CPD Requirement applies to you. See also FAQ No. 13.

8. Does the full CPD Requirement apply to me if I am semi-retired and only provide legal services some of the time on a consultancy basis?
Yes, so long as you hold a practising certificate or are in the full-time service of the State, the full CPD Requirement applies. See also FAQ No. 13.

9. What is the position if I retire during a practice year?
You are not obliged to complete the CPD Requirement in any cycle if you retire from practice during that CPD cycle and do not apply for a practising certificate for the following practice year or any year thereafter.
10. Does the CPD Scheme apply to me if I am a Consultant or Partner in a firm?
Yes the CPD Requirement applies so long as you hold a practising certificate or are in the full-time service of the State.

11. If I have not practised for part of a CPD cycle due to illness, what are my obligations?
The full CPD Requirement applies to you if you hold a practising certificate or are in the full-time service of the State during any CPD cycle. However, a solicitor who is off work due to long-term illness (exceeding ten weeks in any CPD cycle) may apply to the Education Committee for special dispensation. Application for such a dispensation including the medical basis of the application and the details of the period off work must be made in writing to the Society’s CPD Scheme Unit (by post to the CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7 or by email: CPDscheme@lawsociety.ie). It may assist your application if independent confirmation of the illness in the form of a medical certificate is provided.

12. What if I have not practised for any part of a CPD cycle due to maternity/parental/carers/adoptive leave?
If you have held a practising certificate or are in the full-time service of the State during the CPD cycle but have been off work on maternity/parental/carers/adoptive leave you may reduce the CPD Requirement (including the Management and Professional Skills Requirement) in proportion to the number of weeks worked in the CPD cycle. There is a minimum 1 hour requirement for Management and Professional Skills in all cases of reduced CPD hours and this may be more depending on the number of weeks worked. Approval of the Education Committee is not required to claim the reduced hours but if selected in the Society’s random audit you may be asked to provide confirmation from your firm/employer of the period of leave.

Example:
A solicitor who takes 32 weeks maternity leave in the 2009 CPD cycle will have worked 20 weeks in that cycle (i.e. 52 weeks – 32 weeks = 20 weeks). Her reduced CPD Requirement will be 3.85 hours (i.e. 20 weeks worked / 52 weeks X the 10 hour CPD Requirement = 3.85 hours). Of that 3.85 hours, the solicitor must do 1.15 hours Management and Professional Skills training (i.e. 20 weeks worked / 52 weeks X the 3 hour Management & Professional Skills Requirement = 1.15 hours).

If the leave falls over two cycles, the Solicitor may only reduce the CPD Requirement (including the Management and Professional Skills Requirement) for each cycle in proportion to the amount of time worked in that CPD cycle. In this case the solicitor cannot claim the entire leave over one only of the cycles.
13. What if I am not in a position to complete the required hours?
The Society can in exceptional circumstances modify a solicitor’s CPD Requirement and any application for dispensation should be made at the earliest opportunity in writing to the Society’s CPD Scheme Unit, (by post to the CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7 or by email: cpdscheme@lawsociety.ie). Continued or persistent failure to comply with your CPD Requirement may give rise to you being referred to the Solicitors’ Disciplinary Tribunal.

14. What happens if I lose my CPD Scheme Record Card?
You can download a new CPD Scheme Record Card from the CPD Section of the Law Society’s website (www.lawsociety.ie) or you can contact the CPD Scheme Unit directly and you will be sent a new one.

15. Who do I contact with any further questions?
All queries regarding the CPD Scheme should be directed to the Society’s CPD Scheme Unit (by post: CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7 or by email: cpdscheme@lawsociety.ie or by telephone 01-6724802).
APPENDIX B

STATUTORY INSTRUMENTS.

S.I. No. 807 of 2007

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT) REGULATIONS 2007

(Prn. A7/2284)
S.I. No. 807 of 2007

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT) REGULATIONS 2007

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 Law Reform hereby make the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as the Solicitors (Continuing Professional Development) Regulations 2007.

(b) These Regulations shall come into operation on the first day of January 2008 and thenceforth, subject to sub-clause (c) of this Regulation, the Solicitors (Continuing Professional Development) Regulations 2003 (S.I. No. 37 of 2003) ("the 2003 Regulations") shall stand revoked.

(c) The 2003 Regulations shall—

(i) in respect of an application to the Society by a solicitor for a practising certificate for all or any part of the practice year commencing on the first day of January 2008, insofar as relates to the requirements of the 2003 Regulations to undertake at least twenty hours of continuing professional development during the period commencing on the first day of January 2006 and ending on the thirty-first day of December 2007, and/or

(ii) in respect of any solicitor who prior to the date of coming into operation of these Regulations has become the subject matter of an investigation by the Education Committee or an inquiry by the Solicitors Disciplinary Tribunal which is continuing as of the thirty-first day of December 2007 as to the alleged breach of the requirements of the 2003 Regulations to undertake at least twenty hours of continuing professional development during the period commencing on the first day of July 2003 and ending on the thirty-first day of December 2005

remain in full force and effect.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 14th December, 2007.
Definitions

2. (a) In these Regulations:—

“Act” means the Solicitors Act, 1954 (No. 36 of 1954);

“Act of 1960” means the Solicitors (Amendment) Act 1960 (No. 37 of 1960);

“Act of 1994” means the Solicitors (Amendment) Act 1994 (No. 27 of 1994);

“Act of 2002” means the Solicitors (Amendment) Act 2002 (No. 19 of 2002);


“continuing professional development” means the provision of further education or training (or both) to a solicitor, whether relating to law or to management and professional skills, intended to develop the solicitor in his or her professional knowledge, skills and abilities; and may be referred to in common usage as “CPD”;

“Council” means the Council of the Society;

“e-learning” means the provision of education or training (or both) that is generated, communicated, processed, sent, received, recorded, stored and/or displayed by electronic means or in electronic form, and includes education or training (or both) provided through:

(i) the internet or other computer network connections, sound only or sound and vision formats, or a combination thereof;

(ii) the provision of an electronic file, a CD-Rom and/or a DVD;

(iii) other technologies or formats.

“Education Committee” means the education committee appointed annually by the Council;

“electronic” includes electrical, digital, magnetic, optical, electromagnetic, biometric, photonic and any other form of related technology;

“first cycle” means the period from the first day of January 2008 until the thirty-first day of December 2008;

“group study” means an organised session of continuing professional development undertaken in a group of three or more persons that lasts for a period of not less than thirty minutes, whether undertaken by means of lecture, workshop, seminar, tutorial, video-conferenced lecture/tutorial or diploma or certificate course;
“management and professional skills” includes any one or more of, or a combination of, the following:—

(i) financial and business management,

(ii) human resources management,

(iii) budget control,

(iv) practise management skills,

(v) computer skills,

(vi) Irish or English language enhancement as it relates to the practice of law,

(vii) foreign language enhancement as it relates to the practice of law,

(viii) professional ethics,

(ix) advocacy,

(x) client care;

“Regulation” means a regulation in these Regulations;

“Roll” means the roll of solicitors maintained by the Society pursuant to section 9 (as substituted by section 65 of the Act of 1994) of the Act;

“Scheme” means the scheme of continuing professional development of the Society as provided for in Regulation 5(a) and as approved from time to time by the Education Committee;

“second cycle” means the period from the first day of January 2009 until the thirty-first day of December 2009;

“Society” means the Law Society of Ireland;

“solicitor” means a person who has been admitted to the Roll;

“third cycle” means the period from the first day of January 2010 until the thirty-first day of December 2010;

(b) Other words and phrases in these Regulations shall, where applicable, have the meanings assigned to them by the Acts.

(c) In these Regulations, unless the context otherwise requires, the singular includes the plural.

(d) The Interpretation Act 2005 shall apply for the purpose of the interpretation of these Regulations as it applies for the purposes of the
interpretation of an Act of the Oireachtas, except insofar as it may be inconsistent with the provisions of the Acts or these Regulations.

To whom these regulations apply
3. These Regulations shall apply to:

(a) a solicitor in the full-time service of the State; and

(b) a solicitor who is entitled to make application, and makes application, to the Society for a practising certificate for, respectively, all or any part of the second cycle or all or any part of the third cycle or all or any part of the practice year commencing on the first day of January 2011, other than:

(i) in respect of an application for a practising certificate for all or any part of the second cycle, a solicitor—

(I) who did not hold a practising certificate for all or any part of the first cycle, or

(II) a solicitor who was not admitted to the Roll prior to the commencement of the first cycle;

(ii) in respect of an application for a practising certificate for all or any part of the third cycle, a solicitor—

(I) who did not hold a practising certificate for all or any part of the second cycle, or

(II) a solicitor who was not admitted to the Roll prior to the commencement of the second cycle;

(iii) in respect of an application for a practising certificate for all or any part of the practice year commencing on the first day of January 2011, a solicitor—

(I) who did not hold a practising certificate for all or any part of the third cycle, or

(II) a solicitor who was not admitted to the Roll prior to the commencement of the third cycle.

General requirement to undertake cpd
4. A solicitor, to the extent to which Regulation 3 applies to him or her, shall undertake continuous professional development during, respectively, the first cycle, the second cycle and the third cycle as provided for in Regulation 5 and the Scheme.

Provision of CPD
5. (a) The Society shall (either on its own or by arrangement with or in association with a bar association or any other body or institution)
provide from time to time for a scheme of continuing professional development ("the Scheme") to be undertaken by a solicitor through group study or through e-learning or comprising management and professional skills during, respectively, the first cycle, the second cycle and the third cycle for such minimum number of hours within each such cycle as is provided for in clauses (b), (c) and (d) of this Regulation; the Scheme to be approved of from time to time by the Education Committee.

(b) A solicitor shall be required to undertake continuing professional development:

(i) during the first cycle, for a minimum of ten hours;

(ii) during the second cycle, for a minimum of ten hours; and

(ii) during the third cycle, for a minimum of fifteen hours.

(c) In respect of the first cycle and the second cycle:

(i) a minimum of three hours of continuing professional development shall comprise management and professional skills;

(ii) a maximum of two hours of continuing professional development may be undertaken through e-learning; and

(iii) the remaining minimum number of hours of continuing professional development may be undertaken through group study.

(d) In respect of the third cycle:

(i) a minimum of four hours of continuing professional development shall comprise management and professional skills;

(ii) a maximum of three hours of continuing professional development may be undertaken through e-learning; and

(iii) the remaining minimum number of hours of continuing professional development may be undertaken through group study.

(e) A solicitor required to undertake continuing professional development pursuant to these Regulations shall maintain a written record of the hours of continuing professional development undertaken by him or her in order to demonstrate the solicitor’s compliance with these Regulations and the Scheme; and the Scheme shall provide for the form and content of such written record to be so maintained by the solicitor.

(f) The written record to be maintained by a solicitor to verify his or her hours of continuing professional development, as provided for in
clause (e) of this Regulation, shall be produced by the solicitor on being so requested by the Society.

Certifying CPD

6. (a) A solicitor who makes application to the Society for a practising certificate for all or any part of the second cycle shall, as part of such application, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during the first cycle for a minimum of ten hours in accordance with Regulation 5 and the Scheme.

(b) A solicitor who makes application to the Society for a practising certificate for all or any part of the third cycle shall, as part of such application, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during the second cycle for a minimum of ten hours in accordance with Regulation 5 and the Scheme.

(c) A solicitor who makes application to the Society for a practising certificate for all or any part of the practice year commencing on the first day of January 2011 shall, as part of such application, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during the third cycle for a minimum of fifteen hours in accordance with Regulation 5 and the Scheme.

(d) A solicitor in the full-time service of the State shall, within six months of the end of, respectively, the first cycle, the second cycle and the third cycle, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record maintained pursuant to Regulation 5(e)) the fact of the solicitor having undertaken continuing professional development during, respectively, the first cycle and the second cycle for a minimum of ten hours in accordance with Regulation 5 and the Scheme and during the third cycle for a minimum of fifteen hours in accordance with Regulation 5 and the Scheme.

Breach of regulations to be misconduct

7. (a) Any breach of these Regulations may, upon due inquiry by the Solicitors Disciplinary Tribunal pursuant to section 7 (as substituted by section 17 the Act of 1994 and as amended by section 9 of the Act of 2002) of the Act of 1960, be found by the Solicitors Disciplinary Tribunal to be misconduct within the meaning of section 3 (as amended by section 24 the Act of 1994 and by section 7 of the Act of 2002) of the Act of 1960.
(b) Without prejudice to the generality of clause (a) of this Regulation and for the purpose of ensuring compliance with these Regulations, the Education Committee may investigate the alleged breach by a solicitor of these Regulations and, to that end, may in respect of the solicitor concerned:

(i) seek explanations from the solicitor,

(ii) call the solicitor for interview,

(iii) give directions to the solicitor, and/or

(iv) direct that the Society refer the matter to the Solicitors Disciplinary Tribunal for inquiry.

Modification of regulations in exceptional circumstances

8. The Society may, in exceptional circumstances and subject to such conditions as the Society deem appropriate, modify any requirement or provision of these Regulations.

Signed on behalf of the Law Society of Ireland pursuant to section 79 of the Solicitors Act 1954.

16 November 2007

JAMES MACGUILL,
President of the Law Society of Ireland.

Pursuant to the provisions of section 40 of the Solicitors Act 1954 (as amended by section 49(e) of the Solicitors (Amendment) Act 1994) I concur in the making of the above Regulations.

27 November 2007

BRIAN LENIHAN, T. D.,
Minister for Justice, Equality and Law Reform.
EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

The principle purpose of the Instrument is to provide for:

— the meaning of Continuing Professional Development or CPD;

— the solicitors to whom the requirement to undertake CPD applies;

— the respective periods or time cycles within which the required hours of CPD must have been undertaken as a pre-requisite to being granted a practising certificate by the Law Society of Ireland in respect of the practice years, commencing respectively, on the first day of January 2009, the first day of January 2010 and the first day of January 2011;

— the minimum number of hours of CPD required to be undertaken by solicitors in each of the three time cycles immediately preceding the commencement of each of the said three practice years;

— the certifying by Solicitors to the Law Society of Ireland of the fact of having undertaken the minimum number of hours of CPD;

— the breach of the Regulations to be misconduct.
Law Society of Ireland

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