



THE CONTINUING
PROFESSIONAL
DEVELOPMENT SCHEME

2016/2017



LAW SOCIETY
OF IRELAND



The Continuing Professional Development Scheme provided pursuant to the Solicitors (Continuing Professional Development) Regulations 2015 and effective from 1 January 2016.

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1. INTRODUCTION

The Solicitors (Continuing Professional Development) Regulations 2015 (S.I. No. 480 of 2015) (the “Regulations”) came into operation on 1 January 2016 and are set out in full in Appendix “A”. These Regulations relate specifically to the calendar years/practice years/continuing professional development cycles 2016 and 2017. Regulation 5 of the Regulations requires the Law Society of Ireland (the “Society”) to provide for a scheme of continuing professional development (the “Scheme”) and this document sets out the Scheme provided pursuant to that Regulation, which is effective from 1 January 2016. For convenience, a number of frequently asked questions (“FAQs”), with answers, relating to continuing professional development are set out in Appendix “B”.

[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. At any particular time the latest version of the Scheme is available to download from the CPD Scheme Section in the ‘Solicitors’ area of the Society’s website (www.lawsociety.ie)].

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

CPD is defined in the Regulations as *“further education or training (or both) to a solicitor, whether relating to law or to management and professional development skills or to regulatory matters, intended to develop the solicitor in his or her professional knowledge, skills and abilities, and may be referred to in common usage as ‘CPD’”*. It is any legal or general education /training relevant to the practice of a 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 at the time it is undertaken or in the future.

There are three broad categories of CPD, referred to respectively, as general CPD, management and professional development skills and regulatory matters (which includes accounting and anti-money laundering compliance). There are also three different permitted ways of undertaking CPD – by group study, by eLearning and/or by writing relevant material that is published. There are limitations on the maximum number of hours that may be claimed for certain CPD activities (detailed further at heading 7) and solicitors should familiarise themselves with same.

The objective of CPD is to foster a culture of lifelong learning in the solicitors’ profession as a means of continuously improving, updating and developing

professional knowledge, skills and abilities to ensure a high quality of service provided by solicitors, and assists in ensuring that a solicitor's knowledge, skills and performance are of high quality, up-to-date and relevant to their practice. CPD also assists in opening up new possibilities, new knowledge and new skill areas. It is an ongoing process and continues throughout a solicitor's career. Engaging in CPD training throughout a solicitor's career is critical in ensuring that solicitors have on-going and up-to-date knowledge to deliver a competent and professional service.

While compliance with the Scheme is mandatory, the Scheme itself is flexible in order to enable solicitors effectively to undertake CPD and at the same time to ensure that the focus remains firmly on their education/training needs and the needs of their practice. The Society is mindful of the constant time pressures to which solicitors are subject and these are reflected in the minimum number of hours of CPD progressively provided for in the Regulations for the first CPD cycle (2016) and the second CPD cycle (2017).

3. WHO DOES CPD APPLY TO?

The Regulations and the Scheme apply to solicitors holding current practising certificates, to solicitors in the full-time service of the State and to conveyancing-only solicitors employed by a non-solicitor. They also apply to European lawyers registered with the Society holding current qualifying certificates.

Certain modifications (as provided for in Regulation 6 of the Regulations) in reduction of the minimum CPD requirement for a particular CPD cycle apply to senior practitioners, solicitors on maternity or parental or carers or adoptive leave, or in illness or retirement or unemployment or in part-time practice cases, and more particularly referred to in heading 9.

The Regulations also introduce a new requirement for a solicitor (including a senior practitioner) who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner to undertake in each CPD cycle a minimum of 3 hours regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

4. ANNUAL CPD REQUIREMENT AND CPD CYCLES

Solicitors to whom the Regulations apply (and who are not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) are required in each of the two CPD cycles to which the Regulations relate, to

undertake at least the minimum specified number of hours of CPD (the “minimum CPD requirement”), of which at least 3 hours must comprise management and professional development skills and of which at least 2 hours must comprise regulatory matters.

The fulfilment of the balance of the minimum CPD requirement may consist of general CPD and/or management and professional development skills and/or regulatory matters, or a combination of all three. The criteria and restrictions relating to these three categories of CPD are detailed in heading 6.

A SOLICITOR WHO IS A SOLE PRACTITIONER OR A COMPLIANCE PARTNER AND/OR AN ANTI-MONEY LAUNDERING COMPLIANCE PARTNER

A solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake the minimum CPD requirement, of which at least 3 hours must comprise management and professional development skills and of which at least 3 hours must comprise regulatory matters (of which at least 2 hours shall be accounting and anti-money laundering compliance).

As before, the fulfilment of the balance of the minimum CPD requirement may consist of general CPD and/or management and professional development skills and/or regulatory matters, or a combination of all three. The criteria and restrictions relating to these three categories of CPD are detailed in heading 6.

PERMITTED WAYS OF COMPLETING CPD

The minimum CPD requirement must be undertaken in one of the permitted ways, that is, in group study, by eLearning and/or by writing relevant material that is published, the criteria and restrictions applying to each permitted way being detailed in heading 7. Solicitors should note that private study and/or research is not a permitted way of completing CPD.

A CPD cycle consists of one calendar year, as does a practice year to which a practising certificate applies. Table 1 details the CPD cycles to which the Regulations relate:

TABLE 1

Cycle	Period
2016 CPD cycle	1 January 2016 to 31 December 2016
2017 CPD cycle	1 January 2017 to 31 December 2017

Table 2 summarises the overall minimum CPD requirement for each CPD cycle and (of that overall minimum CPD requirement) the minimum management and professional development skills requirement and the minimum regulatory matters requirement (for a solicitor who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner).

TABLE 2

CPD Cycle	Overall minimum CPD Requirement	Minimum Management and Professional Development Skills Requirement	Minimum Regulatory Matters Requirement
2016 cycle	18 hours	3 hours of the 18 hours minimum CPD requirement	2 hours of the 18 hours minimum CPD requirement
2017 cycle	20 hours	3 hours of the 20 hours minimum CPD requirement	2 hours of the 20 hours minimum CPD requirement

Table 3 summarises the overall minimum CPD requirement for each CPD cycle for a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, and (of that overall minimum CPD requirement) the minimum management and professional development skills requirement, the minimum regulatory matters requirement and the minimum accounting and anti-money laundering compliance requirement.

TABLE 3

CPD Cycle	Overall minimum CPD Requirement	Minimum Management and Professional Development Skills Requirement	Minimum Regulatory Matters Requirement
2016 cycle	18 hours	3 hours of the 18 hours minimum CPD requirement	3 hours of the 18 hours minimum CPD requirement, <i>of which at least 2 hours shall be accounting and anti-money laundering compliance</i>
2017 cycle	20 hours	3 hours of the 20 hours minimum CPD requirement	3 hours of the 20 hours minimum CPD requirement, <i>of which at least 2 hours shall be accounting and anti-money laundering compliance</i>

5. CALCULATING CPD

The amount of CPD that may be claimed by a solicitor as a credit towards fulfilling the minimum CPD requirement is the time actually spent undertaking CPD during a particular CPD cycle. This may or may not be same as the time advertised by the provider of a course of CPD. Time spent at registration for or breaks during a course cannot be counted as a credit towards the minimum CPD requirement.

There is a minimum thirty minutes requirement, meaning that the time spent on any one occasion of undertaking CPD must be in excess of a continuous period of thirty minutes.

There are limitations on the maximum number of hours that may be claimed for certain CPD activities and these are specified in heading 7. Also, there is a maximum limit of 7 hours of CPD within a single (24 hours) day that may be claimed as a credit towards fulfilling the minimum CPD requirement.

The onus is on each solicitor to accurately record and to maintain a record and written verification(s) of his/her time undertaking CPD. This is particularly relevant where a long course is undertaken over several days or weeks where the solicitor may not necessarily attend or complete all modules of the course. Solicitors should obtain suitable proof of CPD for all CPD being claimed by the solicitor, as without proof of CPD, CPD may not be claimed.

6. CATEGORIES OF CPD

CPD is legal or general education/training relevant to the practice of a 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 at the time it is undertaken or in the future. CPD does not include (e.g.):

- (i) paid or unpaid attendance at a general meeting of a corporate or other body, unless there is a specific agenda item relevant to the practice of a solicitor, such as the solicitor providing an update on the state of the law or practice in a particular legal area for the benefit of other lawyers or other professionals present, when only the actual time (in excess of a continuous period of thirty minutes) spent on that specific agenda item can be claimed as a credit towards the solicitor's minimum CPD requirement; or
- (ii) attendance at a partners' meeting; or
- (iii) private study and/or research.

The criteria and restrictions relating to the three categories of CPD – general CPD, management and professional development skills and regulatory matters – are now set out:

A. GENERAL CPD

General CPD is legal or general education/training relevant to the practice of a solicitor which is designed to improve the solicitor’s professional knowledge, skills and abilities.

B. MANAGEMENT AND PROFESSIONAL DEVELOPMENT SKILLS

A recurring difficulty acknowledged generally by the solicitors’ profession relates to indifferent management, such as poor communication with clients or shortcomings in financial management. For this reason, a minimum number of hours of the minimum CPD requirement in each CPD cycle is required to be spent on education/training in management and professional development skills relevant to the practice of a solicitor at the time it is undertaken or in the future.

As defined in the Regulations “*management and professional development skills includes education or training (or both) in any one or more of, or a combination of, the following areas:*

- (i) *financial and business management,*
- (ii) *practice management,*
- (iii) *self-management,*
- (iv) *client care,*
- (v) *Irish or English language enhancement as it relates to the practice of law,*
- (vi) *foreign language enhancement as it relates to the practice of law, as may be more particularly defined and specified in the Scheme”.*

By way of non-exclusive guidelines, courses in the following can constitute management and professional development skills:

- (i) **financial and business management skills, including:**
 - human resources management,
 - budget control,
 - record keeping and accounts,
 - marketing, communication and networking strategies;
- (ii) **practice management skills, including:**
 - computer skills, including typing and/or specific training on the programmes relevant to a solicitor’s practice such as Word, Excel or Powerpoint,
 - document management;

- (iii) professional skills, including:
 - advocacy,
 - mediation,
 - negotiation,
 - drafting,
 - case management,
 - presentation skills,
 - interviewing skills,
 - legal research skills,
 - legal costs;
- (iv) client related skills, including:
 - client care,
 - communication and interpersonal skills;
- (v) self-management skills, including:
 - organisation and time management,
 - stress management specific to a solicitor’s practice, such as relating to a work/life balance;
- (vi) language enhancement relevant to the practice of law, including:
 - Irish or English language enhancement,
 - foreign language enhancement.

C. REGULATORY MATTERS

Regulatory Matters are defined in the Regulations as, “*matters relating to the regulation of solicitors, including:*

- (a) *Solicitors Acts 1954 to 2011 and regulations made thereunder;*
- (b) *accounting and anti-money laundering compliance;*
- (c) *the Society’s Guidance Notes for Solicitors on Anti-Money Laundering Obligations;*
- (d) *risk management;*
- (e) *the Guide to Professional Conduct of Solicitors in Ireland;*
- (f) *professional ethics and the maintenance of standards of best practice in complying with regulatory obligations;*
- (g) *the processing of complaints against solicitors by the Society and the functions of the Solicitors Disciplinary Tribunal and the courts in relation thereto”.*

As defined in the Regulations, “*accounting and anti-money laundering compliance*” means “*compliance with the Solicitors Accounts Regulations 2014 and, insofar as they relate to solicitors, the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 and 2013 (and any subsequent statutory modifications of such Acts)”.*

Other than a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, a minimum of 2 hours of the minimum CPD requirement in each CPD cycle is required to be spent on education/training in regulatory matters (even for a solicitor who is otherwise entitled to a modified minimum CPD requirement).

A solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake as part of his or her minimum CPD requirement during the first cycle and the second cycle, at least 3 hours of regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance (even for a solicitor who is otherwise entitled to a modified minimum CPD requirement).

Solicitors should note that an excess of hours in the regulatory matters category, may not be claimed towards the management and professional development skills category.

7. WAYS OF COMPLETING CPD

There are three different ways of undertaking the minimum CPD requirement, that is, by way of undertaking general CPD, by way of undertaking at least three hours of management and professional development skills and by way of undertaking at least two hours of regulatory matters (Note: a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance).

Each way of completing CPD must be completed in group study format and/or by eLearning and/or by writing relevant material that is published, the criteria and restrictions on each way of completing CPD being detailed below. Also, there is a maximum limit of seven hours of CPD within a single (24 hours) day that may be claimed as a credit for fulfilling the minimum CPD requirement.

The Society recognises that of necessity and as required, every solicitor, as part of his or her professional life, engages in his or her own private study and legal research but the time spent engaging in those activities do not count towards the fulfilment of the minimum CPD requirement.

CPD undertaken must be in a form that can be objectively verified and proof (i.e. certificates of attendance) should be retained by the solicitor. It is each solicitor's own responsibility to maintain a written record and written verification/proof

of the hours of CPD undertaken by him/her in fulfilment of the minimum CPD requirement and to produce the written record and written verification/proof if requested by the Society to do so.

A. GROUP STUDY

Group study is defined in the Regulations as, “*physical attendance at an organised structured 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 or diploma or certificate course or in such other manner as may be more particularly defined and specified in the Scheme*”. The viewing of a ‘live-feed’ of a conference/seminar/training session may not therefore be claimed as group study (but may be claimed as eLearning). The subject matter of the group study will determine whether it constitutes general CPD, management and professional development skills or regulatory matters.

The following should be noted:

- (i) **Attendance:** A CPD credit can be claimed by a solicitor for time in excess of a continuous period of thirty minutes spent attending a group study session, but excluding any time spent on registration or at breaks.
- (ii) **Delivery (i.e. lecturing/training):** A solicitor who delivers a lecture or provides training in a group study session during a CPD cycle is entitled to claim a CPD credit, as the preparation and delivery/provision of a lecture/training session to others is recognised as an effective means of learning. A CPD credit can be claimed in respect of that CPD cycle for the actual delivery time in excess of a continuous period of thirty minutes together with up to a maximum of four hours of preparation time. Where the lecture/training session is repeated in that CPD cycle or in a subsequent CPD cycle, the solicitor concerned can claim for the actual delivery time of the repeat lecture/training session in excess of a continuous period of thirty minutes together with up to a maximum of one hour of 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 the more traditional lecture-based learning with no active participation. Participants in interactive sessions may claim a CPD credit of an additional one-quarter (25%) of the actual time spent on attending such interactive workshops/sessions.

Solicitors should note that the use of a PC/laptop/tablet during a training session for the purposes of note-taking does not constitute active participation. The completion of feed-back forms and quizzes are also not forms of active participation for CPD purposes.

- (iv) **Attending committees/working groups:** Up to a maximum of seven hours CPD may be claimed as a credit in any one CPD cycle for attending meetings of committees and/or working groups of the Society or other relevant law-related professional bodies consisting of at least three members. To qualify for such a CPD credit the answer to all of the following five questions must be 'yes':

Does attendance at such a meeting-

- (a) develop specialist areas of law and/or practice?
- (b) further the knowledge and/or skill of the attendee beyond that expected of a solicitor engaged in his/her practice?
- (c) deal with issues of substantive law or practice not merely related to the social, administrative or non-legal aspects of the Society's or other law-related professional bodies' functions?
- (d) relate to the law/practice itself and not to the impact of legal changes on other business issues, such as 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', the time spent attending such a meeting cannot be claimed as a CPD credit. Where part only of such a meeting meets this 'five-questions' test, only the time spent in excess of a continuous period of thirty minutes attending that part may be claimed as a CPD credit. Physical attendance at such a meeting is required, but attendees do not need to seek prior accreditation from the Society. However, it may be beneficial for solicitor members of such committees/working groups of the Society or other relevant law-related bodies to discuss among themselves in advance whether their attendance does meet this 'five-questions' test.

Proof will be required from the Secretary of such committee confirming the 'five-questions' test has been met and the relevant CPD category applicable to such meetings.

- (v) **Adjudicative Functions:** Up to a maximum of seven hours CPD may be claimed as a credit in any one CPD cycle for time spent sitting as a solicitor adjudicator on a tribunal.

B. eLEARNING

A CPD credit of up to a maximum of 50% of a solicitor's minimum CPD requirement (modified or otherwise) may be claimed for time spent in relevant eLearning, for example, a solicitor practising on a full-time basis may claim up to a maximum of 9 hours for time spent in relevant eLearning in 2016 and up to a maximum of 10 hours for time spent in relevant eLearning in 2017. If a solicitor has a modified CPD requirement, s/he may complete up to a maximum of 50% of his/her modified CPD requirement for time spent undertaking eLearning. Only time spent in excess of a continuous period of thirty minutes undertaking eLearning may be counted towards the fulfilment of the minimum CPD requirement. The subject matter of the eLearning will determine its relevance and whether it constitutes general CPD, management and professional development skills or regulatory matters.

eLearning is defined in the Regulations as meaning, *“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”.*

Solicitors should note that a 'live feed' of a lecture/training session or the viewing of a pre-recorded lecture/training session (regardless of same being viewed in a group of 3 or more people) falls within the eLearning category (and may not be claimed as group study).

C. WRITING RELEVANT MATERIAL THAT IS PUBLISHED

Written relevant material is defined in the Regulations as meaning, *“written material of a legal nature that is published in a legal periodical or textbook”.* For articles to qualify for CPD, the subject matter should be more than a basic statement of the law in a particular area and should involve some legal analysis and development of a legal issue.

A CPD credit of up to a maximum of 50% of a solicitor's CPD requirement (modified or otherwise) may be claimed for time spent writing a relevant article or section of a legal periodical or textbook that is published (in printed form or online). Only time spent in excess of a continuous period of thirty minutes engaged in this activity may be claimed as a credit towards the minimum CPD requirement.

The subject matter of the published material will determine its relevance and

whether it constitutes general CPD, management and professional development skills or regulatory matters. As with all CPD, the hours engaged in this activity must form part of the solicitor's CPD record, to be produced if requested by the Society to do so together with a copy of the published material.

8. REPEATING CPD

Credit cannot be claimed for a second or further attendance on the same course of CPD in any one CPD cycle, but may be claimed if it is repeated in a subsequent CPD cycle. There is a limited exception to this in relation to a solicitor giving a repeat lecture/training session through group study [see heading 7(A)(ii)].

9. MODIFICATIONS OF THE MINIMUM CPD REQUIREMENT

As set out in Regulation 6 of the Regulations, the minimum CPD requirement for a CPD cycle may be modified downwards in certain specified circumstances. Where the minimum CPD requirement “is *proportionately or otherwise reduced*” (as per Regulation 6) and produces an uneven number of hours, that number is rounded up or rounded down to the nearest hour or half hour to reflect the requirement that only time spent in excess of a continuous period of thirty minutes undertaking CPD may be claimed as a credit towards the modified minimum CPD requirement. The minimum CPD requirement may not be modified to less than the minimum regulatory matters requirement however. Therefore a solicitor who is entitled to a modified minimum CPD requirement will be required to undertake a minimum of two hours of regulatory matters in each CPD cycle.

A solicitor, however, who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, shall be required to undertake as all or part of his/her modified CPD obligations during, respectively, the first cycle and the second cycle, at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance.

The specified circumstances are as follows:

A newly admitted solicitor: A newly admitted solicitor is defined in the Regulations as meaning “a solicitor who has been admitted to the Roll for less than twelve months prior to the commencement of the first cycle or the second cycle”.

Such a solicitor is required to undertake CPD from the first day of his/her admission to the Roll. Upon admission to the Roll, his/her requirement to undertake CPD during such CPD cycle is then modified downwards in proportion to the number

of weeks (out of 52) remaining in that CPD cycle. Therefore, for example, a solicitor newly admitted to the Roll on 1 May 2016 is required to undertake CPD from 1 May 2016 and he/she will be required to fulfil a modified minimum CPD requirement in respect of the remainder of the 2016 CPD cycle in proportion to the number of weeks (out of 52) remaining in that 2016 CPD cycle; that is, in this example, the modified minimum CPD requirement (including the modified minimum management and professional development skills requirement, but with no reduction in the two hours minimum regulatory matters requirement) will reflect the 35 weeks (out of 52) comprising the number of weeks from 1 May to 31 December 2016 (inclusive).

A senior practitioner: A senior practitioner is defined in the Regulations as meaning “*a solicitor who has been admitted to the Roll for at least forty years as of the thirty-first day of December in the year immediately preceding the first cycle or the second cycle*”. A senior practitioner holding a practising certificate is required to undertake CPD only for a minimum period of three hours in each CPD cycle following upon his or her attainment of at least forty years after his or her admission to the Roll.

Other than a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, a senior practitioner may fulfil that three hours minimum CPD requirement by means of undertaking general CPD and/or management and professional development skills and/or regulatory matters with no mandatory minimum requirement in respect of any of these three ways.

A senior practitioner who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, shall be required to undertake as his/her three hours minimum CPD requirement during, respectively, the first cycle and the second cycle, at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance.

Maternity/parental/carers/adoptive leave cases: A solicitor, who for reasons of being on maternity or parental or carers or adoptive leave does not practice or ceases to practice as a solicitor in the course of a CPD cycle for a period of not less than one week within that CPD cycle, may have his/her minimum CPD requirement modified downwards in proportion to the number of weeks (out of 52) actually worked in that CPD cycle. If such leaves straddles two CPD cycles, a period of not less than one week of such leave must apply to each CPD cycle.

The minimum CPD requirement may not be modified to less than the minimum regulatory matters requirement however. Therefore, a solicitor who is entitled to a modified minimum CPD requirement will be required to undertake a minimum of two hours of regulatory matters in each CPD cycle.

A solicitor, however, who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, shall be required to undertake as all or part of his/her modified CPD obligations during, respectively, the first cycle and the second cycle, at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance.

Illness/retirement/unemployment/substantive reasons cases: A solicitor, who for reasons of illness, temporary retirement, unemployment (including a sabbatical) or other substantive reasons, does not practice or ceases to practice as a solicitor in the course of a CPD cycle for a period of not less than eight weeks within that CPD cycle, may have his/her minimum CPD requirement modified downwards in proportion to the number of weeks (out of 52) actually engaged in practice in that CPD cycle. If such period of absence straddles two CPD cycles, the period of absence must be not less than eight weeks in each CPD cycle and the modification downwards of the minimum CPD requirement in each CPD cycle is calculated by reference to the number of weeks (out of 52) actually engaged in practice in each CPD cycle.

The minimum CPD requirement may not be modified to less than the minimum regulatory matters requirement however.

A solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, shall be required to undertake as all or part of his/her modified CPD obligations during the first cycle or the second cycle, at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance.

Where, during a CPD cycle, a solicitor finally and completely retires from practice, including practice as a solicitor in the full-time service of the State, the solicitor is not required to fulfil the minimum CPD requirement in respect of that CPD cycle.

Part-year practice cases: A solicitor who holds a practising certificate or a solicitor in the full-time service of the State, who practices for part only of a CPD cycle, may have his/her requirement to undertake CPD during that CPD cycle modified downwards to the number of weeks (out of 52) in which he/she is actually engaged in practice during that CPD cycle.

However, if a solicitor practices as a solicitor in the full-time service of the State for part of a CPD cycle and then holds a practising certificate and practices otherwise than as a solicitor in the full-time service of the State for the remaining part of that CPD cycle, the solicitor is required to fulfil the minimum CPD requirement for that CPD cycle without any modification.

The minimum CPD requirement may not be modified to less than the minimum regulatory matters requirement (of two hours in each CPD cycle) however.

A solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, shall be required to undertake as all or part of his/her modified CPD obligations during the first cycle or the second cycle, at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance.

Part-time practice cases: Where a solicitor practices part-time during all or part of the CPD cycle (i.e. is remunerated only for practising less than five days a week, Monday to Friday), the solicitor's minimum CPD requirement during that CPD cycle may be modified downwards in proportion to the number of days in each week (Monday to Friday) the solicitor actually engages in practice. Therefore, for example, where, during the 2016 CPD cycle, a solicitor is remunerated to engage in practice and does only engage in practice on two days of the normal working week (Monday to Friday), his/her minimum CPD requirement of eighteen hours for the 2016 CPD cycle (including the 3 hours minimum management and professional development skills requirement, but not the 2 hours minimum regulatory matters requirement), will be modified down to two-fifths of the eighteen hours 2016 minimum CPD requirement.

Where a solicitor works less than 104 hours per year (i.e. on average 2 hours per week) he/she is entitled to modify his/her annual CPD requirement to 2 hours CPD (regulatory matters).

A solicitor that practises part-time during all or part of a CPD cycle and who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, shall be required to undertake as all or part of his/her modified CPD obligations during, respectively, the first cycle and the second cycle, at least three hours of regulatory matters, of which at least two hours must be accounting and anti-money laundering compliance.

10. 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 as to the quality of education/training being provided and its relevance to his/her practice. Courses of CPD may be provided by the Society itself, by local bar associations or other legal associations, by universities or other learned institutions or organisations, or courses may be provided by way of in-house training whether the training is

provided by in-house professionals or by external professionals.

Courses of CPD may be completed within or outside the State and its attendees do not have to be comprised only of solicitors but, as with all CPD, the courses must be relevant to the practice of the solicitor attendee concerned, either at the time it is undertaken or in the future.

11. PROOFS, MONITORING AND ENFORCEMENT

A. PROOF OF CPD

It is a solicitor's own responsibility to maintain proofs and an accurate written record of all his/her hours undertaking CPD in each CPD cycle, as recorded on the Society's CPD Scheme record card, the form of which is set out in Appendix "C", including specifying the category of CPD (i.e. whether general CPD, management and professional development skills or regulatory matters) and the way(s) in which same was undertaken (i.e. whether by group study, eLearning 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 will also be required to produce written verification of fulfilment (i.e. proofs) of the minimum CPD requirement, including (as appropriate) the following:

- (i) 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 on letterhead paper, with the attendee's name pre-printed by the provider. Such proof should detail the date, time and duration of the training, subject matter(s) and topic(s) of the training, confirmation that the training was completed by group study, category of CPD training provided and signed for or on behalf of the course provider. Solicitors should note that an invitation, booking confirmation, invoice or receipt is not sufficient proof of attendance;
- (ii) in the case of attendance at an in-house group study session, a note on firm letterhead (or sign-in sheets), summarising the subject matter(s), details of the attendees, the date(s) and time(s) involved, confirmation that the training was completed by group study and, if relevant, whether the event was interactive, duly signed by the CPD coordinator of the in-house training sessions;
- (iii) in the case of delivery of a lecture or training session, a copy of the notes/slides, and confirmation from the course provider of the delivery of the lecture/training session, the date(s), time(s) and hours involved;
- (iv) in the case of a long course, continuing over several days or weeks, written confirmation from the course provider of successful completion of the

course, the date(s), time(s) and duration of the training session(s) attended, confirmation of the way in which training was completed (e.g. group study, eLearning), category of CPD training provided, duly signed for or on behalf of the course provider;

- (v) in the case of work on a committee/working group, a minute from the committee/working group, confirming fulfilment of the 'five-questions' test [see heading 7 (A)(iv)], and confirmation from the secretary of such committee/working group that the solicitor attended and was involved in such meeting, date(s), time(s), duration and category of CPD;
- (vi) in the case of adjudicative functions on a tribunal, independent confirmation of the position held and the date(s), time(s), duration and category of CPD involved;
- (vii) in the case of eLearning, a certificate of completion of the course/programme by the course/programme provider, confirming the course title, date(s), time(s) and duration of the course/programme, confirmation that the training was completed by eLearning and category of CPD training provided;
- (viii) in the case of writing published material, a copy of the published material.

Where it is not clear from a course title whether the CPD undertaken can be categorised as general CPD, management and professional development skills or regulatory matters, or where the course comprised a mix of these three categories, the solicitor concerned may be asked to produce the course programme with a detailed breakdown of the course according to category. Similarly, where a bonus CPD 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 elements of active participation.

A solicitor should retain his/her CPD Scheme record card and supporting proofs for at least eighteen months following the end of any CPD cycle and should continue to retain them if he/she is the subject of an audit by the Society for so long as the audit process continues.

B. MONITORING AND ENFORCEMENT

The process of certifying fulfilment of the minimum CPD requirement by a solicitor who holds and continues to hold a practising certificate is by his/her practising certificate application form. A solicitor applying for a practising certificate for the following practice year/CPD cycle, is asked to certify on his/her practising certificate application form his/her fulfilment of the minimum CPD requirement in respect of the immediately preceding CPD cycle.

The Society carries out an audit of compliance with the Scheme/Regulations after each CPD cycle. A solicitor selected as part of this audit will be asked to produce his/her CPD Scheme record card and asked for written verification (i.e. proof) of the fulfilment of the minimum CPD requirement. The ways of proving fulfilment of the minimum CPD requirement vary depending on the nature of the CPD, as referred to in heading 7. If a solicitor cannot duly provide proof of his/her fulfilment of the minimum CPD requirement in respect of a CPD cycle, he/she may be referred to the Society's Education Committee in the first instance. At that time, an explanation would be sought from the solicitor, who may be invited to attend for a meeting with the Committee and he/she may be given directions, such as to fulfil the minimum CPD requirement for the CPD cycle in question within a specified further period of time. If a solicitor fails to follow the directions of the Committee, his/her failure may lead to him/her being referred by the Committee to the Solicitors Disciplinary Tribunal.

The Regulations provide for a sum payable for failure by a solicitor to comply with the Society's CPD audit. The Regulations enable the Society to require payment of a sum not exceeding €300 by way of contribution towards costs in situations where a solicitor has refused, neglected or otherwise failed to respond appropriately in a timely manner, or at all, to the Society's correspondence in the course of an investigation as to compliance with the CPD Regulations.

Solicitors are asked not to send to the Society their CPD Scheme record card unless requested to do so by the Society. However, a solicitor wishing to receive the Society's confirmation of fulfilment of the minimum CPD requirement in advance of a possible audit should provide to the Society's CPD Scheme Unit a completed CPD Scheme record card and supporting proof of such fulfilment.

12. CPD SCHEME RECORD CARDS

CPD Scheme record cards are available to download from the CPD Scheme section in the 'Solicitors' area of the Society's website (www.lawsociety.ie) or may be obtained by contacting the CPD Scheme Unit directly (email: cpdscheme@lawsociety.ie or by telephone 01-6724802).

13. QUERIES REGARDING THE CPD SCHEME

All queries regarding the Scheme should be directed to the Society's CPD Scheme Unit.

Post: CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7
E: cpdscheme@lawsociety.ie T: 01-6724802

APPENDIX "A":



STATUTORY INSTRUMENTS.

S.I. No. 480 of 2015

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
REGULATIONS 2015

S.I. No. 480 of 2015

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
REGULATIONS 2015

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 and Equality hereby make the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as the Solicitors (Continuing Professional Development) Regulations 2015.
- (b) These Regulations shall come into operation on the first day of January 2016 and thenceforth, subject to paragraph (c) of this Regulation, the Solicitors (Continuing Professional Development) Regulations 2012 (S.I. No. 501 of 2012) (“the 2012 Regulations”) and the Solicitors (Continuing Professional Development) (Amendment) Regulations 2014 (S.I. No. 329 of 2014) (“the 2014 Regulations”) shall stand revoked.
- (c) The 2012 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 2016, insofar as it relates to the requirements of the 2012 Regulations to undertake at least sixteen hours of continuing professional development during the period commencing on the first day of January 2015 and ending on the thirty-first day of December 2015, 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 any inquiry by the Solicitors Disciplinary Tribunal which is continuing as of the thirty-first day of December 2015 as to:
 - (I) the alleged breach of the requirements of the 2012 Regulations to undertake at least sixteen hours of continuing professional development during the period commencing on the first day of January 2015 and ending on the thirty-first day of December 2015; and/or
 - (II) the alleged breach of the requirements of the 2012 Regulations to undertake at least fifteen hours of continuing professional development during the period commencing on the

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th November, 2015.

first day of January 2014 and ending on the thirty-first day of December 2014; and/or

- (III) the alleged breach of the requirements of the 2012 Regulations to undertake at least fourteen hours of continuing professional development during the period commencing on the first day of January 2013 and ending on the thirty-first day of December 2013; and/or
- (IV) the alleged breach of the requirements of the Solicitors (Continuing Professional Development) Regulations 2009 (S.I. No. 452 of 2009) (“the 2009 Regulations”) to undertake at least thirteen hours of continuing professional development during the period commencing on the first day of January 2012 and ending on the thirty-first day of December 2012; and/or
- (V) the alleged breach of the requirements of the 2009 Regulations to undertake at least twelve hours of continuing professional development during the period commencing on the first day of January 2011 and ending on the thirty-first day of December 2011; and/or
- (VI) the alleged breach of the requirements of the 2009 Regulations to undertake at least eleven hours of continuing professional development during the period commencing on the first day of January 2010 and ending on the thirty-first day of December 2010

- remain in full force and effect.

Definitions

2. (a) In these Regulations:—

“accounting and anti-money laundering compliance” means compliance with the Solicitors Accounts Regulations 2014 and, insofar as they relate to solicitors, the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 and 2013 (and any subsequent statutory modifications of such Acts);

“anti-money laundering compliance partner” means a solicitor who is a partner in a solicitors practice which is a partnership of solicitors who is nominated from time to time by the members of the partnership and notified in writing to the Society as the partner responsible for ensuring that the requirements of the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 and 2013 (and any subsequent statutory modifications of such Acts) are complied with in relation to the solicitors practice, whether or not such partner has also been so nominated as the compliance partner, provided that where the Society has not been so notified in writing of such a nomination, then for the purposes of these Regulations “anti-money laundering compliance partner” means each and every partner in such solicitors practice;

“compliance partner” means a solicitor who is a partner in a solicitors practice which is a partnership of solicitors who is nominated from time to time by the members of the partnership and notified in writing to the Society as the partner responsible for completing and signing on behalf of all the partners the Form of Acknowledgement in respect of each reporting accountant’s report furnished to the Society in relation to the solicitors practice pursuant to the Solicitors Accounts Regulations 2014, whether or not such partner has also been so nominated as the anti-money laundering compliance partner;

“continuing professional development” means further education or training (or both) to a solicitor, whether relating to law or to management and professional development skills or to regulatory matters, 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 2016 until the thirty-first day of December 2016;

“group study” means physical attendance at an organised structured 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 or diploma or certificate course or in such other manner as may be more particularly defined and specified in the Scheme;

“management and professional development skills” includes education or training (or both) in any one or more of, or a combination of, the following areas:

- (i) financial and business management,
- (ii) practice management,

- (iii) self-management,
- (iv) client care,
- (v) Irish or English language enhancement as it relates to the practice of law,
- (vi) foreign language enhancement as it relates to the practice of law, as may be more particularly defined and specified in the Scheme;

“newly admitted solicitor” means a solicitor who has been admitted to the Roll for less than twelve months prior to the commencement of the first cycle or the second cycle;

“Regulation” means a regulation in these Regulations;

“regulatory matters” means matters relating to the regulation of solicitors, including:

- (a) Solicitors Acts 1954 to 2011 and regulations made thereunder;
- (b) accounting and anti-money laundering compliance;
- (c) the Society’s Guidance Notes for Solicitors on Anti-Money Laundering Obligations;
- (d) risk management;
- (e) the Guide to Professional Conduct of Solicitors in Ireland;
- (f) professional ethics and the maintenance of standards of best practice in complying with regulatory obligations;
- (g) the processing of complaints against solicitors by the Society and the functions of the Solicitors Disciplinary Tribunal and the courts in relation thereto;

“Roll” means the roll of solicitors maintained by the Society pursuant to section 9 (as substituted by section 65 of the Solicitors (Amendment) Act 1994) of the Solicitors Act 1954;

“senior practitioner” means a solicitor who has been admitted to the Roll for at least forty years as of the thirty-first day of December in the year immediately preceding the first cycle or the second cycle;

“Scheme” means the scheme of continuing professional development of the Society as provided for in Regulation 5 and as approved by the Education Committee;

“second cycle” means the period from the first day of January 2017 until the thirty-first day of December 2017;

“Society” means the Law Society of Ireland;

“sole practitioner” means a solicitor who is practising as a sole principal in a solicitors practice;

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

“Solicitors Accounts Regulations” means the Solicitors Accounts Regulations 2014 (S.I. No. 516 of 2014) and any subsequent regulations which amend or extend such Regulations;

“written relevant material” means written material of a legal nature that is published in a legal periodical or textbook, or other source as may be more particularly defined and specified in the Scheme.

- (b) Other words and phrases in these Regulations shall, where applicable, have the meanings assigned to them by the Solicitors Acts 1954 to 2011.
- (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 Solicitors Acts 1954 to 2011 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 holds a practising certificate in respect of all or any part of the first cycle or the second cycle.

General requirement to undertake CPD

4. A solicitor to whom Regulation 3 applies shall undertake continuing professional development during, respectively, the first cycle and the second cycle as provided for in Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.

Provision of CPD

- 5. (a) The Society shall provide from time to time for a scheme of continuing professional development (“the Scheme”) to be undertaken by a solicitor during, respectively, the first cycle and the second cycle for such minimum number of hours within each such cycle as is provided for in paragraph (b) of this Regulation and as fulfils the requirements provided for in paragraph (c) 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 eighteen hours;
 - (ii) during the second cycle, for a minimum of twenty hours.
- (c) A solicitor to whom these Regulations apply shall be required during, respectively, the first cycle and the second cycle to fulfil the following requirements:
- (i) in respect of the first cycle, the requirement to undertake continuing professional development for a minimum of eighteen hours shall comprise a minimum of three hours of management and professional development skills and a minimum of two hours of regulatory matters and may be completed by means of e-learning and/or group study and/or written relevant material,

as may be more particularly defined and specified in the Scheme;
 - (ii) in respect of the second cycle, the requirement to undertake continuing professional development for a minimum of twenty hours shall comprise a minimum of three hours of management and professional development skills and a minimum of two hours of regulatory matters and may be completed by means of e-learning and/or group study and/or written relevant material,

as may be more particularly defined and specified in the Scheme;
 - (iii) Without prejudice to the generality of sub-paragraph (i) and sub-paragraph (ii) of this paragraph, a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake, as part of his or her obligations to undertake CPD during, respectively, the first cycle and the second cycle, at least three hours of regulatory matters of which at least two hours shall be accounting and anti-money laundering compliance.
- (d) 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 (including written verification thereof) 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.
- (e) The written record and written verification(s) to be maintained by a solicitor to verify his or her hours of continuing professional development, as provided for in paragraph (d) of this Regulation, shall be produced by the solicitor on being so requested by the Society.

Modification of CPD requirement

6. The requirements of Regulation 5 shall, subject to paragraph (g) of this Regulation, be modified in respect of the following categories of solicitor:—

- (a) A newly admitted solicitor shall be required to undertake continuing professional development from the first day of his or her admission to the Roll, but may have his or her requirement to have undertaken continuing professional development during that particular cycle proportionately or otherwise reduced, as may be more particularly defined and specified in the Scheme;
- (b) A senior practitioner shall be required to undertake continuing professional development only for a maximum of three hours in each cycle following upon his or her attainment of at least forty years after his or her admission to the Roll;
- (c) A solicitor who for reasons of maternity and/or parental and/or carers and/or adoptive leave, does not practise or ceases to practise as a solicitor in the course of the first cycle or the second cycle for a period of not less than one week within any such cycle may, on due written certification to the Society of that fact, have his or her requirement to have undertaken continuing professional development during that particular cycle proportionately or otherwise reduced, as may be more particularly defined and specified in the Scheme;
- (d) A solicitor who, for reasons of illness, retirement, unemployment or other substantive reasons, does not practise or ceases to practise as a solicitor in the course of the first cycle or the second cycle for a period of not less than eight weeks within any such cycle may, on due written certification to the Society of that fact, have his or her requirement to have undertaken continuing professional development during that particular cycle proportionately or otherwise reduced, as may be more particularly defined and specified in the Scheme;
- (e) A solicitor who holds a practising certificate or is in the full-time service of the State for part only of the first cycle or the second cycle may, on due written certification to the Society of that fact, have his or her requirement to have undertaken continuing professional development during that particular cycle proportionately or otherwise reduced, as may be more particularly defined and specified in the Scheme; and
- (f) A solicitor who engages in practice part-time in the course of the first cycle or the second cycle may, on due written certification to the Society of that fact, have his or her requirement to have undertaken continuing professional development during that particular cycle proportionately or otherwise reduced, as may be more particularly defined and specified in the Scheme.

- (g) Without prejudice to the generality of paragraphs (a) to (f) of this Regulation, a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake as all or part of his/her modified CPD obligations to undertake CPD during, respectively, the first cycle and the second cycle, at least three hours of regulatory matters, of which at least two hours shall be accounting and anti-money laundering compliance.

Certifying CPD

7. (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 and in such other manner as may be more particularly defined and specified in the Scheme, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record and written verification(s) maintained pursuant to Regulation 5 (d)) the fact of the solicitor having undertaken continuing professional development during the first cycle for a minimum of eighteen hours in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.
- (b) 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 2018 shall, as part of such application and in such other manner as may be more particularly defined and specified in the Scheme, certify to the Society (and verify such certification, if so requested by the Society, by production of the written record and written verification(s) maintained pursuant to Regulation 5 (d)) the fact of the solicitor having undertaken continuing professional development during the second cycle for a minimum of twenty hours in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.
- (c) A solicitor in the full-time service of the State shall, within two months following the end of, respectively, the first cycle and the second cycle, certify to the Society in such manner as may be more particularly defined and specified in the Scheme (and verify such certification, if so requested by the Society, by production of the written record and written verification(s) maintained pursuant to Regulation 5 (d)) the fact of the solicitor having undertaken continuing professional development during respectively, the first cycle for a minimum of eighteen hours and during the second cycle for a minimum of twenty hours, each in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.

Breach of regulations to be misconduct

8. (a) Any breach of these Regulations may, upon due inquiry by the Solicitors Disciplinary Tribunal pursuant to section 7 (as substituted by section 17 of the Solicitors (Amendment) Act 1994 and as amended by section 9 of the Solicitors (Amendment) Act 2002) of the Solicitors

(Amendment) Act 1960, be found by the Solicitors Disciplinary Tribunal to be misconduct within the meaning of section 3 (as amended by section 24 of the Solicitors (Amendment) Act 1994 and by section 7 of the Solicitors (Amendment) Act 2002) of the Solicitors (Amendment) Act 1960.

- (b) Without prejudice to the generality of paragraph (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 a meeting,
 - (iii) give directions to the solicitor, and/or
 - (iv) direct that the Society refer the matter to the Solicitors Disciplinary Tribunal for inquiry.
- (c) Without prejudice to the generality of paragraph (a) of this Regulation and in the course of ensuring compliance with these Regulations the Society (acting through the Education Committee) may determine that a solicitor, the subject of an investigation of an alleged breach of these Regulations has in the course of the investigation refused, neglected or otherwise failed, without reasonable cause, to respond appropriately in a timely manner, or at all, to a written request from the Society and the Society have incurred costs in consequence of the refusal, neglect or failure, and may require payment by the solicitor to the Society of a sum not exceeding €300 by way of contribution towards those costs and the solicitor shall comply with any such requirement.
- (d) A determination under paragraph (c) of this Regulation shall not be made by the Society (acting through the Education Committee) unless the solicitor concerned has been duly notified by the Society in writing in advance that such a determination might subsequently be made if the solicitor continued to refuse or neglect or otherwise fail, without reasonable cause, to respond appropriately in a timely manner to the written request or requests already made to the solicitor by the Society in the course of its investigation of an alleged breach of these Regulations.
- (e) The Society may recover any sum payment of which has been requested by the Society by way of contribution under paragraph (c) of this Regulation as a liquidated debt payable to the Society.

Modification of regulations in exceptional circumstances

9. 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.
29 October 2015.

KEVIN O'HIGGINS,
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 within Regulations.

1 November 2015.

FRANCES FITZGERALD TD,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This document is provided for guidance only and does not purport to be a legal interpretation)

The principal purpose of the Instrument is to provide for a two year cycle of Continuing

Professional Development requirements in respect of 2016 and 2017, operative from 1 January 2016.

Purpose of the Act

The purpose of these Regulations is to replace the Solicitors (Continuing Professional Development) Regulations 2012 as the latter expires as of 31 December 2015.

Regulation 1 — Citation and commencement

This is a standard provision and proposes that the Regulations shall come into operation on the first day of January 2016.

Regulation 2 — Definitions

Regulation 2 provides for a number of definitions relevant to these Regulations. This is a standard provision in legislation.

Regulation 3 — To whom these Regulations apply

Regulation 3 provides for those to whom the Regulations apply.

Regulation 4 — General requirement to undertake CPD

This Regulation provides for the requirement to undertake CPD in a specified number of cycles, subject to any applicable modifications.

Regulation 5 — Provision of CPD

This Regulation provides for a specified number of CPD hours to be completed in each of the specific CPD cycles.

In addition, it introduces an additional “regulatory matters” compliance requirement for a solicitor (including a “senior practitioner”) who is a “sole practitioner” or a “compliance partner” and/or an “anti-money laundering compliance partner” of 3 hours “regulatory matters” per CPD cycle, of which at least 2 hours shall be “accounting and anti-money laundering compliance”.

Further, it provides that written record and verification of training must be maintained by the solicitor.

Regulation 6 — Modification of CPD requirement

This Regulation collectively describes the modifications applicable in applicable circumstances.

Regulation 7 — Certifying CPD

The Regulation provides that a solicitor must certify compliance with their CPD obligations in any particular CPD cycle.

Regulation 8 — Breach of regulations to be misconduct

This section provides for the result of any breach of the Regulations. It further provides that the Education Committee may investigate any such breach and refer to the Solicitors Disciplinary Tribunal when required.

Regulation 9 — Modification of regulations in exceptional circumstances

This section provides for the modification of CPD requirements in extenuating circumstances.

Law Society of Ireland

October 2015

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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APPENDIX“B”: FREQUENTLY ASKED QUESTIONS (“FAQs”)

1. WHAT IS CONTINUING PROFESSIONAL DEVELOPMENT?

Continuing Professional Development (“CPD”) is any legal or general education/training relevant to the practice of a 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 at the time it is undertaken or in the future.

2. WHAT IS THE SOCIETY’S CPD SCHEME?

Regulation 5 of the relevant Regulations [the Solicitors (Continuing Professional Development) Regulations 2015] requires that the Society provides from time to time for a scheme of Continuing Professional Development (“the Scheme”) to be undertaken by a solicitor during, respectively, the 2016 CPD cycle and the 2017 CPD cycle; the minimum number of hours within each such CPD cycle being specified in Regulation 5. These Regulations provide in several instances for the regulatory provision to be more particularly defined and specified in the Scheme.

3. WHAT IS THE REQUIRED NUMBER OF HOURS OF CPD THAT I MUST UNDERTAKE IN EACH CYCLE IF I AM NOT A SOLE PRACTITIONER OR A COMPLIANCE PARTNER AND/OR AN ANTI-MONEY LAUNDERING COMPLIANCE PARTNER?

The minimum CPD requirement for the 2016 CPD cycle (i.e. the practice year/calendar year 2016) is 18 hours and for the 2017 CPD cycle is 20 hours. Of the required number of hours in each of these cycles, a minimum of 3 hours must be management and professional development skills and a minimum of 2 hours must be regulatory matters and the balance may be a combination of general CPD, management and professional development skills and/or regulatory matters; each of these terms being clarified in heading 6 of the Scheme.

4. WHAT IS THE REQUIRED NUMBER OF HOURS OF CPD THAT I MUST UNDERTAKE IN EACH CYCLE IF I AM A SOLE PRACTITIONER OR A COMPLIANCE PARTNER AND/OR AN ANTI-MONEY LAUNDERING COMPLIANCE PARTNER?

The minimum CPD requirement for the 2016 CPD cycle (i.e. the practice year/calendar year 2016) is 18 hours and for the 2017 CPD cycle is 20 hours. Of the required number of hours in each of these cycles, a minimum of 3 hours must be management and professional development skills and a minimum of 3 hours must be regulatory matters of which at least 2 hours shall be accounting and anti-money laundering compliance and the balance may be a combination of general CPD, management and professional development skills and/or regulatory matters.

5. HOW MAY I FULFIL THE MINIMUM CPD REQUIREMENT FOR A CPD CYCLE?

There are three ways of fulfilling the minimum CPD requirement – through group study, by eLearning and/or by writing relevant material which is published, each of these ways being clarified in heading 7 of the Scheme. All of the hours comprising the minimum CPD requirement may be fulfilled through group study but a maximum CPD credit of 50% of a solicitor's minimum CPD requirement (modified or otherwise) may be claimed for time spent in relevant eLearning and a maximum CPD credit of 50% of a solicitor's minimum CPD requirement (modified or otherwise) may be claimed for time spent writing relevant material that is published. Also, there is a maximum limit of 7 hours of CPD within a single (24 hours) day that may be claimed as a credit towards fulfilling the minimum CPD requirement.

6. WHAT IS ACCOUNTING AND ANTI-MONEY LAUNDERING COMPLIANCE?

Accounting and anti-money laundering compliance means compliance with the Solicitors Accounts Regulations 2014 and, insofar as they relate to solicitors, the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 and 2013 (and any subsequent statutory modifications of such Acts).

7. WHAT IS RISK MANAGEMENT TRAINING?

It is a form of education or training which enables a solicitor to recognise and identify possible risk in their organisation. Such training equips a solicitor with the essential mechanisms and ability to manage and minimise risk and prevent claims.

Training in risk management may include education/training relating to file management, client management, confidentiality and practice management.

8. DO I HAVE TO DO eLEARNING OR WRITE RELEVANT MATERIAL THAT IS PUBLISHED AS PART OF MY FULFILMENT OF THE MINIMUM CPD REQUIREMENT?

No. All of the hours comprising the minimum CPD requirement may be fulfilled through group study. Undertaking eLearning is optional, up to a maximum CPD credit of 50% of a solicitor's minimum CPD requirement (modified or otherwise) per cycle, as is undertaking the writing of relevant material that is published, up to a maximum CPD credit of 50% of a solicitor's minimum CPD requirement (modified or otherwise) per cycle.

Example 1:

A solicitor who practises on a full-time basis may claim a maximum of 50% of the minimum annual CPD requirement (i.e. a maximum of 9 hours CPD during the 2016 cycle and a maximum of 10 hours CPD during the 2017 cycle) for time spent in relevant eLearning and/or writing relevant material.

Example 2:

A solicitor who has a modified 2016 CPD requirement of 9 hours CPD, may complete a maximum of 4.5 hours CPD for time spent in relevant eLearning and/or writing relevant material during the 2016 cycle.

Example 3:

A senior practitioner may claim a maximum of 1.5 hours CPD (being 50% of the modified CPD requirement for a senior practitioner) for time spent undertaking eLearning and/or writing relevant material per CPD cycle.

9. IF I VIEW A 'LIVE FEED' OR A PRE-RECORDED LECTURE IN A GROUP OF THREE OR MORE PEOPLE, CAN I CLAIM SAME AS GROUP STUDY?

No. The viewing of a 'live feed' or a pre-recorded lecture (regardless of same being viewed in a group of three or more people) may only be claimed as eLearning. The 2015 Regulations specify that physical attendance is required for group study.

10. WHAT IS THE MINIMUM CPD REQUIREMENT IF I AM A NEWLY-ADMITTED SOLICITOR DURING A CPD CYCLE?

A newly admitted solicitor is required to complete CPD from the first day of his/her admission to the Roll. Upon admission to the Roll, the minimum CPD requirement for the remainder of the CPD cycle (including the minimum management and professional development skills requirement but not the regulatory matters requirement) is modified downwards in proportion to the number of weeks (out of 52) remaining in that CPD cycle. The minimum 2 hours regulatory matters requirement in all such cases remains.

Example 1:

A solicitor who is admitted to the Roll on 1 September 2016 will be required to comply with the minimum CPD requirement from 1 September 2016 to 31 December 2016. Commencing from 1 September 2016, he/she will be required to fulfil a modified minimum CPD requirement in proportion to the number of weeks (out of 52) remaining in the 2016 CPD cycle, which in this case would be 17 weeks (from 1 September 2016 to 31 December 2016). His/her reduced minimum CPD requirement will be 6 hours (i.e. $17/52 \times$ the 18 hours 2016 minimum CPD requirement = 5.88, rounded up to 6 hours). Of that 6 hours, the solicitor must undertake at least 2 hours of regulatory matters and at least 1 hour of management and professional development skills (i.e. $17/52 \times$ the 3 hours minimum management and professional development skills requirement = 0.98, rounded up to 1 hour).

Example 2:

A solicitor who is admitted to the Roll on 1 September 2016, and who is a sole practitioner

or a compliance partner and/or an anti-money laundering compliance partner, will be required to comply with the minimum CPD requirement from 1 September 2016 to 31 December 2016. His/her reduced minimum CPD requirement will be 6 hours (i.e. $17/52 \times$ the 18 hours 2016 minimum CPD requirement = 5.88 rounded up to 6 hours). Of that 6 hours, the solicitor must undertake at least 3 hours of regulatory matters of which at least 2 hours shall be accounting and anti-money laundering compliance and at least 1 hour of management and professional development skills (i.e. $17/52 \times$ the 3 hours minimum management and professional development skills requirement = 0.98 rounded up to 1 hour).

11. WHAT IF I HOLD A PRACTISING CERTIFICATE OR AM IN THE FULL-TIME SERVICE OF THE STATE FOR PART ONLY OF A CPD CYCLE?

A solicitor who holds a practising certificate or is in the full-time service of the State for part only of a CPD cycle may modify his/her minimum CPD requirement (including the minimum management and professional development skills requirement) in proportion to the actual number of weeks (out of 52) that he/she is engaged in practice in that CPD cycle, but the minimum regulatory matters requirement in all such cases remains. Where the calculation of the reduced number of hours results in an uneven number of hours, the number is rounded up or down to the nearest 0.5 of an hour, as the lowest unit of time for which a CPD credit can be claimed is 30 minutes.

Example 1:

A solicitor who holds a practising certificate or is in the full-time service of the State and only practices for 6 months (i.e. 26 weeks) of the 2016 CPD cycle, will be required to fulfil half of the minimum CPD requirement for that CPD cycle. His/her reduced minimum CPD requirement will be 9 hours (i.e. $26/52 \times$ the 18 hours 2016 minimum CPD requirement = 9 hours).

Of that 9 hours, the solicitor must undertake at least 2 hours of regulatory matters and at least 1.5 hours of management and professional development skills (i.e. $26/52 \times$ the 3 hours minimum management and professional development skills requirement = 1.5 hours).

Remember that where the calculation of the reduced number of hours results in an uneven number of hours, the number is rounded up or down to the nearest 0.5 of an hour.

Example 2:

A solicitor, who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, and who holds a practising certificate but only practices for 6 months (i.e. 26 weeks) of the 2016 CPD cycle, will be required to fulfil half of the minimum

CPD requirement for that CPD cycle. His or her reduced minimum CPD requirement will be 9 hours (i.e. 26/52 X the 18 hours 2016 minimum CPD requirement = 9 hours).

Of that 9 hours, the solicitor must undertake at least 3 hours of regulatory matters of which at least 2 hours shall be accounting and anti-money laundering compliance, and at least 1.5 hours of management and professional development skills (i.e. 26/52 X the 3 hours minimum management and professional development skills requirement = 1.5 hours).

12. IF I AM A SENIOR PRACTITIONER DO I NEED TO FULFIL THE FULL MINIMUM CPD REQUIREMENT?

A senior practitioner is defined in the Regulations as “a solicitor who has been admitted to the Roll for at least forty years as of the thirty-first day of December in the year immediately preceding the first cycle or the second cycle”. A senior practitioner is required to fulfil a modified minimum CPD requirement of 3 hours CPD of whatever category (i.e. general CPD, management and professional development skills and/or regulatory matters (in each CPD cycle) following upon his/her attainment of at least forty years in practice.

However, if such senior practitioner is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, such solicitor shall be required to undertake as all of his/her modified CPD obligations during, respectively, the first cycle and the second cycle, at least 3 hours of regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

13. DOES THE CPD SCHEME APPLY TO ME IF I RETIRE COMPLETELY FROM PRACTICE?

A solicitor is not required to fulfil the minimum CPD requirement in the CPD cycle in which he/she finally and completely retires from practice, including practice as a solicitor in the full-time service of the State. That scenario may manifest itself as follows: the solicitor concerned will have held a practising certificate for the CPD cycle in which he/she retires and will not apply for a practising certificate for the following practice year and therefore will not be required (as part of such a practising certificate form) to certify his/her fulfilment of the minimum CPD requirement in respect of that previous CPD cycle. The position is the same if the solicitor concerned is a solicitor in the full-time service of the State. However, if the retiring solicitor had not fulfilled his/her minimum CPD requirement in any CPD cycle prior to the CPD cycle in which he/she had finally and completely retired, that solicitor’s obligation to fulfil his/her minimum CPD requirement in respect of that prior CPD cycle will remain.

If a solicitor who retires during a CPD cycle subsequently changes his/her mind and decides to resume practice in the future (either with a practising certificate or

as a solicitor in the full-time service of the State), his/her obligation to fulfil his/her minimum CPD requirement in the CPD cycle in which he/she (as it transpired) temporarily retired will also resume.

14. IF DUE TO ILLNESS OR BY REASON OF UNEMPLOYMENT I DO NOT PRACTICE FOR PART OF A CPD CYCLE, DO I STILL NEED TO FULFIL THE MINIMUM CPD REQUIREMENT?

A solicitor, who because of medically certified illness or by reason of being unemployed does not practice as a solicitor for a period of not less than eight weeks (not necessarily continuous) within a CPD cycle, may have the minimum CPD requirement modified downwards in proportion to the number of weeks (out of 52) actually engaged in practice in that CPD cycle. If such period of absence straddles two CPD cycles, the period of absence must be not less than eight weeks in each CPD cycle and the modification downwards of the minimum CPD requirement in each CPD cycle is calculated by reference to the number of weeks (out of 52) actually engaged in practice in each CPD cycle.

Example:

A solicitor (who holds a practising certificate or is a solicitor in the full-time service of the State) becomes ill and is absent from practice from 7 March 2016 until 13 June 2016 (14 weeks). His/her modified minimum CPD requirement for the 2016 CPD cycle is calculated on the basis of 38 weeks (52 weeks minus 14 weeks), as follows: $38/52 \times$ the 18 hours 2016 minimum CPD requirement = 13.15 hours, rounded down to 13 hours. Of that 13 hours, the solicitor must undertake at least 2 hours of regulatory matters and at least 2 hours of management and professional development skills (i.e. $38/52 \times$ the 3 hours minimum management and professional development skills requirement = 2.19 hours, rounded down to 2 hours).

If, rather than being ill for those 14 weeks, the solicitor was unemployed for a total of 14 weeks during the 2016 CPD cycle, this example would equally apply in calculating his/her modified CPD requirement.

15. IF I TAKE A SABBATICAL DURING A CPD CYCLE, DO I STILL NEED TO FULFIL THE MINIMUM CPD REQUIREMENT?

A solicitor deciding to withdraw temporarily from legal practice, whether that withdrawal be described as a 'sabbatical'/a 'time out'/a 'career break'/a 'temporary retirement' or the like, is a recognised means by which such a solicitor can renew his/her energy and enthusiasm for practice. The Education Committee accepts that, if for a period of not less than eight weeks within a CPD cycle, such a short-term withdrawal from practice (even if wholly or partly remunerated) may be treated in the same way as if the solicitor concerned was unemployed for that

period in that CPD cycle and that his/her minimum CPD requirement shall be modified downwards in proportion to the number of weeks (out of 52) actually engaged in practice in that CPD cycle. If such period of absence straddles two CPD cycles, the period of absence must be not less than eight weeks in each CPD cycle and the modification downwards of the minimum CPD requirement in each CPD cycle is calculated by reference to the number of weeks (out of 52) actually engaged in practice in each cycle. See the example in the answer to FAQ₁₄ for the means of calculation of the modified minimum CPD requirement.

16. IF I ONLY ENGAGE IN PRACTICE PART-TIME DURING A CPD CYCLE, IS THE MINIMUM CPD REQUIREMENT MODIFIED DOWNWARDS?

If a solicitor engages in practice part-time, the solicitor's minimum CPD requirement during that CPD cycle may be modified downwards in proportion to the number of days in each week (Monday to Friday) throughout the 52 weeks of the CPD cycle that the solicitor actually engages in practice.

Example 1:

A solicitor who is remunerated to work and only engages in practice on 2 days of the normal working week (Monday to Friday) during the 2016 CPD cycle, his/her 18 hours 2016 minimum CPD requirement is modified downwards to 2/5ths of 18 hours = 7.2 hours, rounded down to 7 hours, to include 1 hour of management and professional development skills (i.e. 2/5ths X the 3 hours minimum = 1.2, rounded down to 1) and to include 2 hours of regulatory matters.

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, then his/her modified 2016 minimum CPD requirement will be 7 hours, to include 1 hour of management and professional development skills and to include 3 hours of regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

Example 2:

A solicitor who is remunerated to work and only engages in practice for a maximum of 2 hours per normal working week during the 2016 CPD cycle, has a 2016 minimum CPD requirement of 2 hours of regulatory matters.

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, such solicitor's 2016 minimum CPD requirement is 3 hours of regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

17. IF I AM CONSULTANT IN A FIRM THROUGHOUT A CPD CYCLE, DOES THE MINIMUM CPD REQUIREMENT APPLY TO ME?

If a solicitor acting as a consultant engages in practice full-time in a firm of solicitors during a CPD cycle then he/she is required to fulfil the minimum CPD requirement for that CPD cycle. However, if the solicitor concerned only engages in practice part-time, his/her minimum CPD requirement is modified downwards in proportion to the number of days in each week (Monday to Friday) throughout the 52 weeks of the CPD cycle that he/she actually engages in practice. See the example in the answer to FAQ16 for the means of calculating the modified CPD requirement in that circumstance.

18. IF I HAVE NOT ENGAGED IN PRACTICE FOR PART OF A CPD CYCLE DUE TO BEING ON MATERNITY/PARENTAL/CARERS/ADOPTIVE LEAVE, WHAT IS THE MINIMUM CPD REQUIREMENT FOR THAT CYCLE?

A solicitor, who does not practice for a period of not less than 1 week in a CPD cycle by reason of being on maternity or parental or carers or adoptive leave, may have his/her minimum CPD requirement modified downwards in proportion to the number of weeks (out of 52) actually engaged in practice in that CPD cycle. The minimum CPD requirement may not be modified to less than the minimum regulatory matters requirement however.

If the period of such leave straddles two CPD cycles, the minimum CPD requirement for each CPD cycle is modified downwards in proportion to the number of weeks (out of 52) actually engaged in practice in that CPD cycle.

Example 1:

A solicitor who takes the maximum 42 weeks maternity leave in the 2016 CPD cycle will have practised 10 weeks in that cycle (i.e. $52 - 42 = 10$ weeks). Her modified minimum CPD requirement will be 3.46 hours, rounded up to 3.5 hours (i.e. $10/52 \times$ the 18 hours 2016 minimum CPD requirement). Of those 3.5 hours, the solicitor must undertake at least 2 hours of regulatory matters and at least 0.5 hours of management and professional development skills (i.e. $10/52 \times$ the 3 hours minimum management and professional development skills requirement = 0.57 hours, rounded down to 0.5 hours).

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the solicitor must undertake as part of those 3.5 hours, at least 0.5 hours of management and professional development skills and at least 3 hours of regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

Example 2:

A solicitor who takes 12 weeks parental leave in the 2016 CPD cycle will have practised 40 weeks in that cycle (i.e. $52 - 12 = 40$ weeks). His/her modified minimum CPD requirement will be 13.85 hours, rounded up to 14 hours (i.e. $40/52 \times$ the 18 hours 2016 minimum CPD requirement). Of those 14 hours, the solicitor must undertake at least 2 hours of regulatory matters and at least 2.5 hours of management and professional development skills (i.e. $40/52 \times$ the 3 hours minimum management and professional development skills requirement = 2.31 hours, rounded up to 2.5 hours).

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the solicitor must undertake as part of those 14 hours, at least 2.5 hours of management and professional development skills and at least 3 hours of regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

19. WHAT IS MY SITUATION IF I AM SEEKING A MODIFICATION OF THE MINIMUM CPD REQUIREMENT (OTHER THAN THOSE MODIFICATIONS PERMITTED UNDER THE SCHEME)?

Solicitors should contact the CPD Scheme Unit and advise of their circumstances. Solicitors will then be required to submit an application for a modification of the minimum CPD requirement, which should include details and proofs of any CPD completed in the relevant CPD cycle. The application for a modification of the minimum CPD requirement shall then be referred to the Education Committee for consideration.

Any such application should be forwarded 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, or online in the CPD Scheme section in the 'Solicitors' area of the Society's website – www.lawsociety.ie)

20. WHAT IF I NEED AN EXTENSION OF TIME TO COMPLETE MY OUTSTANDING CPD REQUIREMENTS?

Solicitors in the first instance should contact the CPD Scheme Unit and advise of their circumstances. Solicitors will then be required to submit an application for an extension of time, which should include details and proofs of any CPD completed in such relevant CPD cycle. The application for an extension of time shall then be referred to the Education Committee for consideration.

Any such application should be forwarded 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, or online in the CPD Scheme section in the ‘Solicitors’ area of the Society’s website – www.lawsociety.ie).

21. WHAT IS MY SITUATION IF I AM SEEKING SPECIAL DISPENSATION (DUE TO ILLNESS, EXTENUATING CIRCUMSTANCES) FROM THE MINIMUM CPD REQUIREMENT?

Solicitors should contact the CPD Scheme Unit and advise of their circumstances. Solicitors will then be required to submit an application for special dispensation, which should include details and proofs of any CPD completed in such relevant CPD cycle and a medical certificate (in cases of an application based on illness). The application for special dispensation shall then be referred to the Education Committee for consideration.

Any such application should be forwarded 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, or online in the CPD Scheme section in the ‘Solicitors’ area of the Society’s website – www.lawsociety.ie).

22. IF, IN A PARTICULAR CPD CYCLE, I HAVE UNDERTAKEN MORE HOURS OF CPD THAN MY MINIMUM CPD REQUIREMENT, AM I ENTITLED TO CARRY FORWARD THE EXCESS HOURS AS A CREDIT TO THE NEXT CPD CYCLE?

No. A solicitor is to be complimented if he/she exceeds the minimum CPD requirement in a particular CPD cycle because all legal or other general education/training relevant to the solicitor’s practice at the time is undertaken or in the future is potentially personally and professionally beneficial to him/her. However, the minimum CPD requirement for each CPD cycle is specific to that CPD cycle and CPD for which a credit can be claimed must be undertaken during that CPD cycle.

23. DOES THE SOCIETY ACCREDIT ANY PARTICULAR COURSE PROVIDER?

No. The Society does not accredit any particular course provider and the onus is on a solicitor to exercise his/her own reasonable judgement as to the quality of education/training being provided and its relevance to his/her practice. Courses of CPD may be provided by the Society itself, by local bar associations or other legal associations, by universities or other learned institutions or organisations, or courses may be provided by way of in-house lecturing/training whether the lecturing/training is provided by in-house professionals or by external professionals.

Courses of CPD may be provided within or outside the State and its attendees do not have to be comprised only of solicitors but, as in the case of all CPD,

the course/training must be relevant to the practice of the solicitor attendee concerned either at the time it is undertaken or in the future.

24. ARE THEIR COST-EFFECTIVE METHODS OF COMPLETING CPD?

A solicitor seeking cost-effective ways of completing CPD should make enquiries to see what relevant training is being provided at a reasonable or discounted cost or even for free by any of the following:

- The Law Society (www.lawsociety.ie) – Check the Gazette and the individual web pages for Events, Professional Training, the Diploma Programme, the various Committees and Career Support for upcoming courses and events;
- Your local bar association;
- Legal associations;
- Schools of Law in universities and colleges – they often hold seminars open to the public;
- Law or accountancy firms – some hold open seminars and these are usually advertised on firm websites or in the newspaper;
- Local VEC/adult education/evening course providers – these may provide computer skills and other relevant training;
- Commercial providers.

25. WHAT ACTIVITIES DO NOT COUNT FOR CPD PURPOSES?

CPD is any legal or general education relevant to the practice of a 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 at the time it is undertaken or in the future.

Notwithstanding the foregoing, activities such as private study, research, one-to-one training or time spent sitting examinations do not count for CPD purposes. In addition, other activities which do not count for CPD purposes include:

- reading of articles, magazines, newspapers and journals;
- first aid and/or manual handling training courses (unless there is some specific update on the law regarding Health and Safety matters and provided such training is in excess of a continuous period of 30 minutes, which is the minimum amount of time which can be claimed as CPD);
- meditation or mindfulness courses (unless such courses specifically include techniques to alleviate or ameliorate work pressures and/or stresses);
- general lifestyle hobbies;
- volunteer work for any legal advice centre, working at a Citizens Advice Bureau, FLAC and/or a community scheme(s);
- pro bono work;

- work shadowing;
- after-dinner speeches/tours or receptions, attendance at lunches (unless there is a specific training item relevant to the practice of a solicitor, such as an update on the state of the law or practice in a particular legal area for the benefit for those present);
- annual general meetings (unless there is a specific agenda item relevant to the practice of a solicitor such as an update on the state of the law or practice in a particular legal area for the benefit of those present, when only the actual time in excess of a continuous period of 30 minutes spent on that specific agenda item can be claimed as a credit).

26. WILL I BE SUBJECT TO ‘TARGET AUDIT’ IF I FAIL TO COMPLY WITH MY MINIMUM CPD REQUIREMENT?

In the event of a failure by a solicitor to comply with his/her annual CPD requirement, solicitors should note that they will be automatically required to provide proof of compliance with their CPD obligations for a period of two years – this is in addition to the cycle in which they failed to comply.

27. WHAT IF I DO NOT COMPLY WITH THE SOCIETY’S CPD AUDIT?

The Regulations provide for a sum by failure of a solicitor to comply with the Society’s CPD audit. The Regulations enable the Society to require payment of a sum not exceeding €300 by way of contribution towards costs in situations where a solicitor has refused, neglected or otherwise failed to respond appropriately in a timely manner, or at all, to the Society’s correspondence in the course of an investigation as to compliance with the CPD Regulations.

28. IF I MISLAY MY CPD SCHEME RECORD CARD, CAN I GET A REPLACEMENT?

The CPD Scheme record card can be downloaded from the CPD Scheme section in the ‘Solicitors’ area of the Society’s website (www.lawsociety.ie) or can be obtained from the CPD Scheme Unit.

29. WHO DO I CONTACT WITH ANY FURTHER QUERIES?

All queries regarding the CPD Scheme should be directed to the Society’s CPD Scheme Unit.

CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7
 E: cpdscheme@lawsociety.ie T: 01-6724802

APPENDIX "C": FORM OF CPD SCHEME RECORD CARD



THE CONTINUING PROFESSIONAL DEVELOPMENT SCHEME RECORD CARD

CPD CYCLE FROM 1 JANUARY 2016/2017 TO 31 DECEMBER 2016/2017
(delete as appropriate)

Solicitor's Name:
When admitted to the Roll of Solicitors (month and year):
Solicitor's Law Society Number:
Firm's Name and Address:
Area(s) of legal practice:

During the CPD cycle from 1 January 2016/2017 to 31 December 2016/2017 (delete as appropriate)

- I am/was a Sole Practitioner or a Compliance Partner and/or an Anti-Money Laundering Compliance Partner;
 I am not/was not a Sole Practitioner or a Compliance Partner and/or an Anti-Money Laundering Compliance Partner.
 (please tick the appropriate box above)

NOTES

- The minimum CPD requirement for the 2016 CPD cycle is 18 hours and for the 2017 CPD cycle is 20 hours (as provided for in the Solicitors (Continuing Professional Development) Regulations 2015). The minimum CPD requirement for a minimum of four hours must be completed in the form of a minimum of two hours of formal CPD and a minimum of two hours of non-formal CPD. A solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall be required to undertake the minimum CPD requirement of 18 hours for the 2016 CPD cycle and 20 hours for the 2017 CPD cycle, of which a minimum of 3 hours must comprise management and professional development skills* and a minimum of 1 hour must comprise regulatory matters (of which at least 2 hours must be completed in the form of formal CPD). Solicitors must also complete the relevant CPD Scheme area as set out in the Solicitors' area of the Society's website www.lawsociety.ie.
 - Solicitors should complete this record card (by hand or electronically) and retain it with their proof(s) of having fulfilled the minimum CPD requirement. Solicitors are asked not to return their CPD Scheme record card unless requested to do so by the Society.
 - A solicitor who wishes to receive the Society's confirmation of fulfilment of the minimum CPD requirement in advance of a possible audit should provide the Society's CPD Scheme Unit a completed CPD Scheme record card and a copy of the CPD Scheme record card 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 6724 802).
 - 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 6724 802).
- * As defined in the Solicitors (Continuing Professional Development) Regulations 2015 (SI No. 489/2015) and as elaborated in the CPD Scheme, effective from 1 January 2016.

Part III – Attendance(s) at committee(s)/working group(s) [maximum 7 hours]

Date	Name of committee/working group	Name of law-related professional body	CPD hours (minimum CPD credit is 0.5 hours)	Category of CPD [i.e. general CPD, management and professional development skills and/or regulatory matters]

Part IV – Adjudicative functions in a tribunal(s) [maximum 7 hours]

Date	Name of tribunal	Position held	CPD hours (minimum CPD credit is 0.5 hours)	Category of CPD [i.e. general CPD, management and professional development skills and/or regulatory matters]

SECTION B: eLEARNING (maximum: 50% of a solicitor's minimum CPD requirement (modified or otherwise))

Date	Title of course	Name and website of course provider	CPD hours (minimum CPD credit is 0.5 hours)	Category of CPD (i.e. general CPD, management and professional development skills and/or regulatory matters)

SECTION C: WRITING RELEVANT MATERIAL THAT IS PUBLISHED (maximum: 50% of a solicitor's minimum CPD requirement (modified or otherwise))

Date	Title of material	Name of publisher	Date published	CPD hours (minimum CPD credit is 0.5 hours)	Category of CPD (i.e. general CPD, management and professional development skills and/or regulatory matters)

SECTION D: CLAIM FOR EXEMPTION FROM, OR MODIFICATION OF, THE MINIMUM CPD REQUIREMENT

[Note: Section D should only be completed if relevant. If Part I applies, please delete Part II. If Part II applies, please delete Part I.]

Part I: I am exempt from the minimum CPD requirement for the 2016/2017 *[delete as appropriate]* CPD cycle by reason of the fact that:

- I did not hold a practising certificate, and did not engage in practice, for any part of the 2016/2017 *[delete as appropriate]* CPD cycle.

OR

Part II: I claim modification of the minimum CPD requirement for the 2016/2017 *[delete as appropriate]* CPD cycle by reason of:

- [Please tick (i), (iii), (iv), (v), (vi), (vii) and/or (viii), as appropriate]*
- (i) maternity/parental/carers/adoptive leave* *[delete as appropriate]* from _____ to _____ 20____ *[insert dates]*
- (ii) certified illness** from _____ to _____ 20____ *[insert dates]*
- (iii) unemployment *[including a sabbatical]*** from _____ 20____ *[insert dates]*
- (iv) part-time practice employed for _____ hours/days per week *[insert details]*
- (v) I was newly admitted to the Roll on _____ 2016/2017 *[insert dates]*
- (vi) the fact that I retired from practice as a solicitor during the 2016/2017 *[delete as appropriate]* CPD cycle and that I do not intend to take out a practising certificate for (or be a solicitor in the full-time service of the State during) the practice year 2017/2018 *[delete as appropriate]* or thereafter.
- (vii) the fact that I am a senior practitioner (i.e. attained at least forty year after my admission to the Roll on _____ 20____ *[insert dates]*)
- (viii) the fact that I held a practising certificate or was a solicitor in the full-time service of the State for part only of the 2016/2017 *[delete as appropriate]* CPD cycle and only engaged in practice from _____ to _____ 20____ *[insert dates]*

* minimum period of 1 week within a CPD cycle

** minimum period of 8 weeks within a CPD cycle

[Note: If you believe that, apart from the above circumstances, you are entitled in exceptional circumstances to an exemption from or modification of your minimum CPD requirement for a particular CPD cycle or if you believe that you should be given an extension of time to fulfil your minimum CPD requirement for a particular CPD cycle, you should apply to the Education Committee of the Society by writing to the CPD Scheme Unit (by post: CPD Scheme Unit, Law Society, Blackhall Place, Dublin 7 or by email: cpdscheme@lawsociety.ie) with your CPD Scheme record card and supporting proofs.]

I hereby declare that the particulars as set out in this record are correct to the best of my knowledge, information and belief.

I understand that I may be asked to produce proof of completion of the CPD Requirement.

Signed: _____ Date: _____ 20____

Solicitor

CPD Scheme Unit
Law Society of Ireland
Blackhall Place
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F +353 1 672 4992

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W www.lawsociety.ie