

LAW SOCIETY OF IRELAND

PRELIMINARY EXAMINATION

SYLLABUS 2017

INTRODUCTION TO THE PRELIMINARY EXAMINATION OF THE LAW SOCIETY

The Preliminary Examination provides an avenue of entry to apprenticeship for candidates who have not been conferred with a degree from a university of Ireland or the United Kingdom.

The Preliminary Examination is intended to ensure that only candidates who exhibit the capacity to achieve degree level in their subsequent studies are allowed to proceed to become solicitors. The standard for the examination is set to approximate to that of a pass university degree in arts.

The Preliminary Examination consists of three separate papers: English, Irish Government & Politics and General Knowledge. The syllabus for each paper is set out hereunder.

Candidates are allowed a maximum of three attempts at the Preliminary Examination (one original and two repeat attempts).

The pass mark in each paper is 50%. All three papers must be passed at one sitting of the examination.

Results are usually available 8 weeks after the examination date.

ENGLISH PAPER

(3 hours)

Examiner: Professor Terence Brown, University of Dublin

Question 1:

Essay

Candidates will be required to write an essay chosen from a number of topics. These will include topics of general social, cultural and political interest as well as a number of more specific topics in such fields as law and ethics, literature, history.

Suggested time to allocate for essay - 1½ hours.

Question 2:

Prose:

Candidates will be asked to paraphrase a selected prose passage. In their answers, they will be expected to show comprehension and to summarise the passage accurately.

Suggested time to answer this question – 45 minutes.

Question 3:

Letter Writing:

Candidates will be required to write a letter explaining a complex issue or situation, described in the examination paper. They will be invited to formulate the letter in terms readily comprehensible to a specific imaginary recipient.

Suggested time to answer this question – 30 minutes.

GENERAL KNOWLEDGE PAPER

(1 hour and 30 minutes)

Examiner: James O'Donnell, Secretary to the All Party Oireachtas Committee on the Constitution (retired)

This one-and-a-half hour paper is designed to test your knowledge, awareness and understanding of the world about you. Candidates will be expected to answer short questions on aspects of current affairs and politics (including matters outlined in the Irish Government & Politics and EC modules listed under Paper 3), the arts, sports and general knowledge.

Some questions will be set to encompass events within the previous 12 months, as reported in the media (eg. you will be expected to identify notable geographical locations mentioned in news reports, major sporting and cultural events, and newsworthy people). Other questions will require you to exhibit a broad knowledge of, for example, major Irish and international institutions, common abbreviations, major historical events and well-established names and titles in music, literature and the arts.

There is no prescribed syllabus and no recommended text. Candidates should be attentive to newspaper and broadcasting and will find **Ireland - A Directory 2017** published by the Institute of Public Administration (IPA) useful.

IRISH GOVERNMENT & POLITICS

(3 hours)

Examiner: Professor Tom Garvin,

University College Dublin

Important texts carry an asterisk (*)

Recommended Reading:

The key recommended text for this examination is:

- * John Coakley and Michael Gallagher, eds., Politics in the Republic of Ireland, fifth edition, Routledge 2010.

Useful Journals include:

Irish Political Studies, Administration, Economic and Social Studies

The course is grouped into four modules. In addition, there is an optional fifth module dealing with the Institutions and operation of the European Community (European Union).

I The context of the Irish Political System:

Candidates should have a broad knowledge of Irish political development from Grattan's Parliament to the creation of the state and more substantial knowledge of political developments since 1922. You should have a sufficient knowledge of the economic and social background of the state, and particularly of demographic developments, to cope with questions on Irish Political Culture. The impact of European Community membership of the Irish System should be noted.

Recommended Reading:

Coakley/Gallagher, chaps 1, 2, 11, 12, 13

For reference, good standard modern Irish histories are:

J.J. Lee, Ireland 1912 – 1985: politics and society, Cambridge UP 1989.

Roy Foster, Modern Ireland 1600 – 1972, Allan Lane 1988.

F.S.L. Lyons, Ireland since the Famine, Fontana 1973.

Dermot Keogh, Ireland & Europe 1919 – 1989, Hibernian University Press 1990.

See also works cited at the end of chapters 1 and 2 (Coakley/Gallagher) including:

Patrick Clancy et al., eds., Ireland: a sociological profile, IPA 1986

Tom Garvin, Preventing the Future, Gill and Macmillan 2004

Kieran Kennedy, ed., Ireland in Transition: economic and social change, Mercier 1986

II Origins and Developments of Modern Irish Constitutionalism.

An accurate and comprehensive knowledge of the Constitution is a pre-requisite; you should obtain your own copy of *Bunreacht na hEireann which you may bring into the Examination. You must leave your copy of the Constitution in the Law School on the first day of the examination for checking.

It is also necessary to know and understand how the Constitution has developed both by formal amendment and by judicial review. Candidates should be able to discuss the role of constitutionalism in Irish political development, the significance of both the First Dail and its constitutional documents in the creation of a stable state system, the origins and main provisions of, and major amendments to, the Irish Constitution.

Recommended Reading:

Coakley/Gallagher chaps. 1, 3 and 11.

Read a general commentary on Irish Constitutional Development. For example:

* Brian Farrell, ed. De Valera's Constitution and Ours, Gill & Macmillan 1988.

* Frank Litton, ed., The Constitution of Ireland 1937 – 1987 IPA 1988

On constitutional origins of the State, First Dail and Irish Free State Constitution see:

Brian Farrell, ed., The Irish Parliamentary Tradition, Gill & Macmillan 1973

Brian Farrell, ed., "From First Dail Through Irish Free State" in Farrell, De Valera's Constitution and Ours.

D.W. Harkness, The Restless Dominion: The Irish Free State and the British Commonwealth 1921-1931, 1969.

Tom Garvin, The Evolution of Irish Nationalist Politics, Gill & Macmillan 1981 – especially chapters 7 and 8.

Tom Garvin, Nationalist Revolutionaries in Ireland, 1856 – 1927, Oxford, 1987

* Tom Garvin, 1922: The Birth of Irish Democracy, Gill & Macmillan 1996

On drafting, provisions of and amendments to Bunreacht na hEireann and cases see:

Essays in Farrell De Valera's Constitution and in Litton.

Brian Doolan Constitutional Law and Constitutional Rights in Ireland, 2nd ed., Gill & Macmillan 1988

David Gwynn Morgan, Constitutional Law of Ireland, 2nd ed., Roundhall Press 1990.

J.A. Foley & S. Lalor, Annotated Constitution of Ireland, Gill & Macmillan 1995

Micheal O Cearuil, Two Texts or Two Constitutions?, Dublin 2002

Bunreacht na hEireann

III Representation: Parliament, Parties and People

This module is concerned with the operation of representative democracy in Ireland. Central topics are: the mechanics of proportional representation by means of the single transferable vote (includes how to establish the quota); origins, development and sources of support for main Irish political parties; Irish electoral history (candidates should know something of significant earlier elections, 1918, 1922, 1932, 1933, 1948, and have fuller information on more recent elections since 1969); changes in party support in the last 20 years; powers and procedures of the Dail (including stages of bills); recruitment and role of Dail deputies.

Recommended Reading:

Coakley/Gallagher chaps. 4 – 8.

Michael Marsh, Richard Sinnott, John Garry, Fiachra Kennedy, The Irish Voter: The Nature of Electoral Competition in the Republic of Ireland, Manchester University Press, 2008.

See also the How Ireland Voted series and the Nealon Guides for more detailed information. Also

Michael Gallagher, Political parties in the Republic of Ireland, Manchester UP 1985
Peter Mair, The Changing Irish Political Party System; organisation, ideology and electoral competition, printed 1987.
Richard Sinnott, Irish Voters Decide, Manchester 1995

IV The Cabinet and Government System:

This module will require you to show understanding of the constitutional, legal and political context within which the Irish Governmental System operates; the role of Taoiseach and ministers; Cabinet procedures and conventions, including collective responsibility and confidentiality; the administration of central government and policy making.

Recommended Reading:

Coakley/Gallagher chaps. 9, 10, 12.

See also articles listed in chaps. 9 and, for comparative treatment of European Cabinets see:

Jean Blondel and Ferdinand Muller-Rommel, eds., Cabinets in Western Europe, Macmillan 1988.

V The Government & politics of the European Union: *(Candidates are reminded that this is an optional module)*

This module requires a good general knowledge of the major institutions of the European Union. Their powers, functions and limitations and the relationship between the various Institutions. Candidates should be able to discuss developments within the EU and to consider the processes of decision making and policy implementation.

Recommended Reading:

Neil Nugent, The Government & Politics of the European Community, 2nd edition, Macmillan 1991.

Brigid Laffan, Integration and Co-operation in Europe, Routledge 1992.

* Rory O'Donnell, Europe: The Irish Experience, Dublin, Institute of European Affairs, 2000

See also Coakley/Gallagher chap. 12.

Useful background pamphlets and up-to-date information may also be obtained from the Office of the European Commission, Molesworth Street, Dublin 2, and other information centres listed at the back of the IPA Ireland - A Directory.

EXAMINATION:

There will be a three-hour examination paper. Candidates will be required to answer **four** questions. The format is designed to test candidates over the whole of the course.