

INSTITUTE OF PROFESSIONAL LEGAL STUDIES

INFORMATION PACK FOR MASTERS

The Institute's relationships: a vital network for our trainees.

The Institute is a key component of Queen's University Belfast. It works closely with the Law Society of Northern Ireland and the Inn of Court of Northern Ireland. These bodies are responsible for the training and admission of solicitors and barristers and have delegated part of that responsibility to the Institute. The Institute is accountable to the professions as well as to the University. The crossflow of information and discussion between the Institute and the legal profession is vital to the Institute's work. It is encouraged and fostered in a number of ways.

These relationships linking the two professional bodies, the University and the Institute are given a formal structure and forum in the Institute's governing body, the Council of Legal Education (Northern Ireland). Under the chairmanship of Mr Justice Weir, the Council is made up of representatives of the University, the Law Society, the Inn of Court and the Institute. The Council ensures that the Institute is continually apprised of the needs and views of the profession it serves. The flow of information between the Institute and the professions is also enhanced by close co-operation between the Director and the two Education Committees.

Staff: legal and academic professionals

The Director, Mrs Anne Fenton, LLB, MBE, Solicitor, is responsible for all policy matters as well as the day-to-day running of the Institute. There are currently three other full-time and four part-time members of the teaching staff, a very large team of additional part-time tutors - almost 200 - and six clerical assistants. All members of the teaching staff (whether full time or part-time) are qualified and experienced members of the legal profession. Specialist practitioners with years of experience act as advisers to the major courses and are directly involved in course development. A large panel of tutors, all practising barristers or solicitors, conduct intensive practical classes as part of a team directed by the Institute staff.

The members of the Institute staff are:

Director:

Mrs Anne Fenton, LLB (QUB), MBE, Solicitor;

Associate Director and Senior Lecturer:

Mrs Ruth Craig, LLB (QUB), CPLS, Solicitor;

Associate Director and Senior Teaching Fellow:

Ms Fiona Donnelly, LLB (QUB), CPLS, Solicitor;

Senior Teaching Fellows:

Mrs Barbara Jemphrey LLB (QUB), CPLS, PGCHET, Solicitor;
Mrs Áine Maxwell, LLB (QUB), CPLS, PGCHET, Solicitor;

Teaching Fellow:

Miss Mary Traynor, LLB (QUB), PDLS, PGCHET, Solicitor;

Lecturers:

Mrs Gillian McGaughey, LLB (QUB), CPLS, Barrister-at-Law;
Mr Martin O'Brien, LLB (QUB), CPLS, LLM, Barrister-at-Law;

Clerical Staff:

Mrs Pauline Cheung, Mrs Amanda Belamine, Mr Chris McWatters, Miss Lindsay Martin, Mrs Joan Playfair and Miss Jane Boal (Director's secretary and Admissions Officer).

Partnership in Apprenticeship

The training scheme for apprentice solicitors involves a partnership between in-service training provided by a Solicitor Master and class-based teaching conducted by the Institute of Professional Legal Studies. The Master is central to the Institute's training programme. The in-service training and class-based teaching are part of a two-year "partnership in apprenticeship". The programme starts with four months' in-office training, from September to December. Apprentices then proceed to the Institute for a one-year (three-term) course from January to December of the following year. Apprentices maintain their links with the Master's office by returning to work there each Monday and during vacation periods. The Institute's course is then followed by eight months of further in-office training.

It would be unrealistic to expect a perfect marriage between Institute and in-office training any more than it would be realistic to expect each apprentice to receive precisely the same experiences in every office. What we aim for, however, is:

- recognition that both Master and Institute are part of a working partnership in which each have separate though equal roles
- a determination that both partners work as far as possible in tandem with each other to ensure trainees get the best from the unique system of legal education combining the best of institutional with the best of in service training
- a willingness on the part of Masters, Law Society and Institute to engage regularly in dialogue about how the partnership can be enhanced to the benefit of trainees and the profession.

The apprenticeship training scheme reflects the requirements of the solicitor's profession. Continuous monitoring, assessment and dialogue between the Institute and practising solicitors ensure a collective involvement in constructing, adjusting, updating and teaching the Institute's courses. The Law Society and the Institute are always grateful for input into this process from the profession, and in particular, from Masters. Your views are therefore very welcome.

To ensure the smooth functioning of the partnership between Institute and Master, the Institute also has an Apprenticeship Liaison Officer. If you have any queries or problems concerning the apprenticeship, please feel free to consult the Director for assistance.

The Education Secretary of the Law Society is the Law Society Apprenticeship Liaison Officer and is also happy to give assistance and advice.

Master and Apprentice

Masters are regarded as the key individuals in affording practical experience to the apprentice during her/his periods of in-office training. They provide the apprentice with a clear understanding of the codes of professional conduct. The professional conduct course is taught by the Law Society. While the Institute is far from silent on the subject of professional ethics and standards, the Master will be training her/his apprentice in these, by example and otherwise, from the first day of in-office training.

Apprentices will have already accumulated considerable knowledge of substantive law from their academic studies. What apprentices need now is the opportunity to learn practical and procedural law and to experience it in operation. They also need to develop a range of professional skills. The twin elements of our two-year apprenticeships are designed to provide these. The Institute provides the teaching and simulated experience in practice, procedure and skills training which can be successfully undertaken in an institutional setting. The Master provides the supervised practical experience.

It is not possible to devise a formalised system and structure which can be universally applied to apprentices' in-office training because of the variation in scope and experience of each office and each Master. Nevertheless, it is hoped that each Master will afford her/his apprentice as broad an exposure as possible to the many areas of law practised by the firm.

Masters are specifically required, in so far as it is practical, to synchronise the apprentices' work experience to the subjects taught at the Institute in order to maximise the educational value of a dual training system. The timetable of the subjects taught at the Institute will be sent to all Masters.

The Master, the Institute and the Trainee

While the Master and Institute conduct their respective roles in separate spheres we continually seek to maximise contact between both. Masters are encouraged to attend the Institute at any time and Institute staff are always willing to answer any queries and discuss any suggestions. In addition, upon completion of the Postgraduate Diploma in Professional Legal Studies, marks and attendance records may be provided to the appropriate professional body and the trainee's master.

Work at the Institute is time-consuming and pressurised. Trainees work a full day from 9.30 until 5.00 Tuesday to Friday. Masters are asked not to put apprentices under pressure to continue with office work while they are at the Institute. They simply do not have the time and it would cause considerable disruption of classes to have trainees absenting themselves. While at the Institute the apprentice is a full-time trainee. They are expected, however, to maintain contact with their Masters's offices on Mondays and during vacation periods.

We therefore ask trainees to observe rigorously their obligation to the Institute. In the past some trainees have come under pressure from Masters to miss classes at the Institute in order to carry out office business. This can create a "Catch 22" situation for trainees and we seek to avoid this at all costs. Only when such situations are absolutely unavoidable should permission be sought in advance from the Director, Mrs Fenton. Permission may be denied in the trainee's interests and in the interests of the Institute. The consequences for any trainee failing to attend part of a course are very serious and can result in a requirement that they re-attend the course in the next year or even that they withdraw from the Institute.

On the Monday of each week trainees are expected to attend their Masters' offices to continue their in-office training. One of the consequences of this is that the trainees no longer attend the High Court, County Court, Crown Court, District Judges Court or Industrial Tribunal while they are at the Institute. **Because of this it is very important that Masters ensure their apprentice gets the opportunity to visit these courts.**

On occasions opportunities for special training, which can only be accommodated on a Monday, may arise. For example, we have organised a programme of judge shadowing for solicitor trainees on four Mondays in May and June. We are very grateful to the Lord Chief Justice who has allowed the scheme to be extended to include the High Court.

Subject matter and courses

Below are set out brief details of the subject matter dealt with in each of the courses taught at the Institute to solicitor trainees. This is intended as a rough guide only and is not meant to be exhaustive. Length of courses is described

in weeks. This means that the courses extend each morning or each afternoon over the specified period of weeks.

ACCOUNTS (2 weeks)

This course includes an introduction to double entry book keeping; balancing accounts and the trial balance; final accounts, adjustments to final accounts; partnership accounts and the interpretation of accounts/ratio analysis. The Law Society is responsible for teaching solicitors accounts.

ADMINISTRATION OF ESTATES (3 weeks)

In this course trainees work through the administration of a probate case; including completing the HMRC IHT Account; preparing oath for executor/administrator and a set of Estate accounts, final accounts, etc. Trainees look at different types of grants; raising money to pay inheritance tax, paying legacies, appropriation, and the tax implications of death.

CHANCERY (1 week)

The course introduces trainees to the practices and procedures of the Chancery Division of the High Court. The trainees consider cases of rectification, injunctions, specific performance and repossessions. They receive guidance on the drafting of the appropriate documents (the originating summons and supporting affidavit) and how to present applications before the Chancery Master and Chancery Judge.

CONVEYANCING (3 courses each of 3 weeks)

This course is taught in three parts; trainees will spend three weeks on the subject each term. The first part of the course covers the law underpinning the conveyancing process with an emphasis on application of law to practice-based scenarios and problem-solving. The trainees go on to study the Home Charter scheme before working their way through all the tasks involved in a residential conveyance of unregistered property.

During the second term Land Registry practice is studied in detail, both the conveyance of registered land and compulsory first registration. Trainees spend time examining title deeds in depth and deal with gifts and conveyances including trusts and settlements.

In the third term trainees study Landlord and Tenant law (including commercial and residential tenancies) as well as working through the issues involved in mortgages, NICOHA, new builds, flat developments and the Property Order / Ground Rents Act.

COMPANY (3 weeks)

This course develops an understanding of Partnership law to include formation of a partnership, how to draft a Partnership Agreement, taxation and insolvency in relation to partnerships. It also develops an understanding of Company Law to include formation, transition from

partnership to company, directors' duties, meetings, minority shareholders protection, corporate finance and transfer of business.

COUNTY COURT (4 weeks) - including CONSUMER LAW

This course covers the basic elements of County Court procedure. During the course trainees study the elements involved in everyday County Court matters from taking instructions, through issuing proceedings, interlocutory measures, defending the action, applications to the court to the trial of the action. It involves mock trials to provide experience of organizing and running a case in court with particular emphasis on advocacy experience. A further mock court is held to deal with typical applications made to the court in county court cases. Data protection, freedom of information and human rights implications are also considered. Trainees also study costs and legal aid issues in the county court; the theory and practice of consumer cases covering the Sale of Goods legislation including EC directives and Consumer Credit legislation, and other issues which arise including insurance, marketing judgment, appeals and minors.

CRIMINAL DAMAGE (2 days)

This course concentrates on the principles on which compensation is paid and the practice and procedures involved in applying for compensation.

CRIMINAL PROCEDURE - SUMMARY AND INDICTMENT (2 courses of 3 weeks each)

Trainees acquire knowledge of how the criminal justice system works in cases brought before the District Judges' Courts and in cases in the Crown Court before a Judge and Jury. Trainees receive instructions in various matters including inter alia: the role of the defence practitioner, the Public Prosecution Service, the Youth Justice Agency and the Victim Support.

Throughout these courses trainees are given further drafting and advocacy opportunities by drafting directions of proofs on behalf of the prosecution, arraignments, presenting bail applications, pleas in mitigation, presenting cases in the absence of the defendant, presenting contests (not guilty pleas), determining mode of trial hearings, conducting committal hearings and presenting cases in the Youth Court. They also receive a lecture on the range of sentencing powers available to the judiciary.

FAMILY LAW PROCEDURE (4 weeks)

This course covers the main areas of family law and procedure including: Financial provision applications for spouses in the magistrates' courts including calculation of maintenance, negotiation and contested applications; child support legislation; private law applications under the Children (NI) Order - residence, contact, prohibited steps and specific issues; public law under the Children (NI) Order - care and supervision orders and emergency protection orders;

the issue and conduct of ancillary relief proceedings. It also instils a basic knowledge of adoption procedures; applications under the Family Homes and Domestic Violence (NI) Order 1998 and legal aid provisions governing family law cases and the impact of human rights legislation on family law practise.

HIGH COURT (3 weeks)

Trainees study the procedural elements involved in High Court matters from taking instructions, through issuing proceedings, interlocutory applications, defending the action, to the trial of the action. Trainees will consider various types of High Court actions including clinical negligence, personal injury, commercial actions and Judicial Review.

INSOLVENCY (1 week)

This course develops an understanding of Insolvency law in relation to companies, to include an understanding of the various mechanisms available on insolvency and how to prepare and present a winding-up petition.

LICENSING (1 week)

This covers the main areas of liquor licensing law as dealt with by practitioners: grant and provisional grant of licences, renewal, alterations, extension applications, occasional licences, mixed trading, hours and additional permitted hours.

REVENUE (2 weeks)

Trainees will fully explore inheritance tax, capital gains tax, income tax and tax planning.

TRIBUNALS (3 weeks)

The primary aim of this course is to develop trainee awareness of the practice and procedures to be followed by the Industrial Tribunal and for the Fair Employment Tribunal in relation to claims for unfair dismissal and discrimination law and practice. In unfair dismissal claims, trainees will further develop a portfolio of skills including client care, drafting, and presentation by conducting a series of practical exercises. The discrimination law and practice component will offer trainees guidance on age, disability, race, gender, religious and political discrimination.

WILLS (3 weeks)

The object of this course is to make trainees aware of the formalities of will-making with some understanding of the draftsmanship involved. An appreciation of the basic law of intestacy is included. As befits a practical course trainees are required to draft wills on the basis of instructions taken at mock interviews. A variety of situations is used to underline the sort of instructions which may be encountered in practice. The more basic trusts set up by will are drafted by trainees. Some instruction on document construction is given, chiefly to show how

misleading some phraseology can be and to underline that care should be taken to avoid this happening.

Some important miscellaneous matters are brought to the notice of trainees, e.g. capacity (including wills of patients with mental illness), family provision legislation, charities, alterations and interlineations, solicitor's position and tax effective draftsmanship. Intestacy rules are covered in this course with emphasis on the assembling of information to enable a family tree to be drawn. Partial intestacy and the effect of joint ownership are explained.

PROFESSIONAL CONDUCT (1 week)

This subject is taught by the Law Society.

ENFORCEMENT OF JUDGMENTS (2 days)

This short course concentrates exclusively on the practicalities of enforcement of judgments.

PACE (1 week)

The Police and Criminal Evidence Legislation is covered in this week-long course. There is strong emphasis on the PACE interview and the exclusion of evidence. Adverse inferences and the role of the appropriate adult is also covered. Trainees get the opportunity to observe and critique a MOCK PACE interview.

PRACTICE MANAGEMENT (1 week)

Trainees are taught that they are professional lawyers who are involved in a business. The course teaches the tenets of good case management, effective diary use and file review. The trainees also consider time management and the advantage of management systems such as Lexcel and issues in relation to offences under the Money Laundering Regulations 2003.

HUMAN RIGHTS

An introductory session is given on the impact of Human Rights in practice. Human Rights are also covered in a practical manner in each of the main courses. The practical implications of Human Rights law are considered in detail. The trainees then consider a human rights problem and prepare written submissions before arguing their case in oral presentations.

Essential skills

Skills training is embedded in all courses at the Institute. In addition the Trainees benefit from the following specific skills courses:-

CLIENT CARE (2 weeks including role-play sessions integrated into other courses)

A practical course designed to sharpen trainees' skills in interviewing and counselling clients. Much use is made of role-playing and critiquing by experienced solicitors. The course covers basic communication techniques, structure and management of interviews and dealing with clients with disabilities.

NEGOTIATION (1½ weeks)

Trainees will conduct a variety of negotiations and study the preparation of a negotiation, different styles and strategies that can be adopted in a negotiation, and the structure of a negotiation. Trainees will analyse their performance in negotiations. The course also deals with Alternative Dispute Resolution including mediation.

DRAFTING (1 week)

A course designed to improve basic letter and document drafting skills. It concentrates on the use of plain English in letters to clients and the deciphering and redrafting of legal documents.

SOLICITOR ADVOCACY (3 ½ weeks)

Throughout this module the trainees are steeped in learning on presentation skills and their performances are recorded. Each Trainee is reviewed on a one to one basis in progressive stages and given the opportunity to implement improvements in their performances. The module is based on a teaching style which has been researched extensively to ensure optimum learning. A series of lectures, drills, exercises and workshops combine to provide solid building blocks which allow the trainees to learn in depth the skill they are to implement, to receive demonstrations of same and to have continuous opportunities to practise and hone that skill.

Case Analysis is studied to ensure that the trainees know how to approach cases strategically and thus present cases most effectively. The opening speech is taught so that the trainee is able to present an effective and coherent opening speech appropriate to the type of case.

- Several sessions are held on examination in chief to ensure that the trainee is able to conduct an examination in chief by asking relevant non-leading questions which promote the client's case and enhance the smooth and focussed running of the case.
- A similar approach is taken to cross examination to provide the ability to ask appropriate controlling questions in cross examination to control the direction, pace and focus of the evidence and appropriately challenge the witness' evidence in accordance with

the client's instructions while ensuring that all relevant disputed matters are put to the witness.

At the end of the module the trainees present closing speeches before judges and experienced practitioners.

ELECTIVES (1 week)

In addition to the subjects detailed above the Trainees are given the opportunity to choose one from a number of electives.

At present the following electives are offered:-

- Public Law (Family)
- Immigration Law
- Advanced Company Law
- Coronial Practice and Procedure
- Advanced Pleadings
- Advanced PACE

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