



**Leaping Barriers: a report on access for  
non-typical students into legal education**

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The opinions expressed in this document are, unless otherwise clearly stated, those of the author and do not represent official policies of the Higher Education Institutions, professional bodies, and other agencies or organizations that may have provided support for this project.

## **Acknowledgments**

As is apparent by the significant participation of educators, education coordinators, researchers, academics, lecturers, trainers, stakeholders and mainstream providers of legal education and others, it is clear many people attach considerable importance to the issues relating to post-secondary and legal education of students from disadvantaged communities. Without their participation and co-operation, this research could not have been successfully completed.

I would also like to thank Sinead Lucey for her work in compiling essential research questions which formed the basis for the questionnaire used in this research.

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This research was conducted in compliance with the Code of Ethics of Social Researchers as drawn up by the Sociological Association of Ireland ([http://www.ucd.ie/sai/SAI\\_ethics.htm](http://www.ucd.ie/sai/SAI_ethics.htm)) and in compliance with the Data Protection Act (<http://www.irishstatutebook.ie/1988/en/act/pub/0025/index.html>).

## Foreword

While we have not yet had a comprehensive, empirical survey of the factors which prevent marginalised individuals and communities from availing of legal services in this jurisdiction, it is generally agreed that these include the cost of legal services; the fact that many marginalised individuals are unaware of the legal rights (and that many lawyers may equally be unfamiliar with such rights); and the fact that an intimidating psychological or cultural barrier exists between socially deprived individuals and the legal world. LEAP is a pioneering attempt to address the second and third of these factors. Bringing together Travellers and people from Ballymun, it shows how to deliver a programme of legal education to disadvantaged communities. It also sought to instil in the participants a sense of confidence in their dealings with the legal system and an expectation that they are as much entitled to be part of that system as anyone else.

The LEAP Development Partnership considered it important to commission, as part of this pilot project, top quality research into the issue of improving access to legal education for disadvantaged individuals and communities so as to inform a wider, national debate on this topic. *Leaping Barriers: a report on access for non-typical students into legal education*, by Zachary Lyons, has succeeded admirably in making a thoughtful and important contribution to this debate. His report examines the barriers to the participation of people from marginalised communities in legal education and also outlines best practice from legal education access programmes in other jurisdictions. More significantly, this research poses a series of challenges to stakeholders working in the area of legal education. In particular, the providers of legal education are encouraged to assess the effectiveness of their present systems for recruiting and retaining disadvantaged and minority students; to see how such systems might be improved; to consider what additional support structures are needed for such students; and to implement regular equity audits of their access policies.

The issue of access to legal education is part of the wider question of access to the law and legal services generally. This, in turn, feeds into the perennial debate about how to secure social justice in our society so that, in the words of the Preamble to our Constitution, “the dignity and freedom of the individual may be assured [and] true social order attained.” Zachary Lyons has now made an important contribution to this debate and his report is essential reading for all those interested in how the legal system may be used to promote social cohesion.

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*Principle #10. Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement, that a lawyer must be a national of the country concerned, shall not be considered discriminatory.*

*Principle #11. In countries where there exist groups, communities or regions whose needs for legal services are not met, particularly where such groups have distinct cultures, traditions or languages or have been the victims of past discrimination, Governments, professional associations of lawyers and educational institutions should take special measures to provide opportunities for candidates from these groups to enter the legal profession and should ensure that they receive training appropriate to the needs of their groups.*

- Basic Principles on the Role of Lawyers (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August - 7 September 1990)

## **Executive Summary**

The Legal Education for All Project (LEAP) is an important project because of the existing lack of an integrated approach to accessing the legal professions by non-typical communities. Most existing access programmes to third level target specific schools and universities, but do not target specific communities of academic courses. While this approach may address somewhat the lack of diversity in third level education, it does not result in diversity in certain professions.

LEAP has provided a new vision in promoting the belief that the legal education system should provide fair and equitable access to professional education courses up to the level of entry to the profession. It advocates that the profession should be representative of the profile of the general community and it sought, as an active change agent, to bring about positive change and develop equality of access to legal education for all participants on the Project. It has endeavoured to infuse as many legal professionals and stakeholders with a passion to make changes, while trying to place equity issues high on legal education institutional agendas.

LEAP commissioned this study to document the understanding, attitudes, and responsiveness of stakeholders and the mainstream providers of legal education, to the objectives of the LEAP Project, namely, creating access routes for non-typical students into legal education, with the aim of increasing diversity in the legal profession as a labour market.

This study also had as its remit to identify access routes already in existence and to identify the main barriers on the supply side (if they exist) to accessing legal education - both academic and professional - and make recommendations how such barriers might be overcome, based on research outcomes.

At the initial stages of the project a survey was undertaken of research which had been carried out in Ireland as well as in other jurisdictions, including the United Kingdom, Australia, Canada, South Africa, New Zealand, Europe and the US. This identified a range of universal key themes within the framework of equity of access in legal education.

The key themes related not only to access but also to participation and retention in higher education in general, and, more specifically, in legal education.

Although post-secondary enrolment and completion rates for students from ethnic minorities and socio-economic disadvantaged communities have been steadily increasing over the past two decades, they remain significantly lower than those of non-disadvantaged students. In order to contextualize the issues, a first section outlines the Legal Education for All Project's objectives and the rationale for this research before briefly examining Traveller ethnicity.

This study is a companion piece to a report into the core group participants of the Legal Education for All Project entitled *A Leap in the Dark: The experiences of project*

*participants in the Legal Education for All Project* by Philip Mudge.

The next section examines the barriers to the participation of students from disadvantaged communities in post-secondary and legal education. These barriers are societal and institutional and include socio-economic factors such as poverty and educational disadvantage as well as other more subtle barriers such as discrimination, low self-concept and institutional insensitivity to their needs and cultures.

The conclusion reached by a substantial body of research into the area of access, participation and retention of students from ethnic minorities or people from lower socio-economic groups and disadvantaged socio-economic backgrounds is that these barriers can be formidable.

Chapter 3 gives an overview of legal education and training provision in Ireland, looking at the roles of the Law Society of Ireland and the Honorable Society of King's Inns and the 2005 Competition Authority report on the legal profession in Ireland.

Drawing on 401 completed questionnaires and interviews from stakeholders and mainstream providers of legal education internationally, Chapter 4 outlines some sample initiatives and best practice from legal education access programmes from around the world which successfully target and nurture non-typical students. Aspects of successful access programmes are also discussed. Successful access approaches involve inclusive admissions policies, pre-start programmes, designated bursaries and scholarships, academic and cultural support and outreach programmes.

Chapter 5 addresses the research methodology. It was felt by the researcher that the most effective research strategy would comprise a questionnaire to stakeholders and mainstream providers of legal education nationally with a view to ascertaining their views on access routes for non-typical students into legal education, with the aim of increasing diversity in the legal profession as a labour market. A similar questionnaire would also be given to stakeholders and mainstream providers of legal education internationally with a view to detailing best practice as and where it exists.

This questionnaire was drafted on the basis of the key themes which had been identified from previous research carried out within Ireland and other jurisdictions. These data were to be analysed qualitatively. An initial draft of the questionnaire was piloted within a cross sample of mainstream providers of legal education nationally and internationally. As a consequence, minor alterations were made to the instrument of research.

This study examines access to legal education through the eyes of stakeholders working in the field. This qualitative approach - which has evident methodological shortcomings - was used because there is virtually no worthwhile quantitative evidence on the subject.

This report attempts to cover the major themes and points raised in the literature review, questionnaires and site visits. Programme- or institution-specific statistics in literature or interviews were either not available or were deemed to be outside the scope of this report.

The next chapter examines the responses of Irish stakeholders and mainstream providers of legal education. Where quotations from stakeholders and mainstream providers of legal education have been interspersed throughout the report, the speakers are not cited to protect their anonymity.

For the most part, while Irish stakeholders and mainstream providers of legal education had positive things to say about governmental and institutional initiatives, they generally recommended that such programmes be enhanced and expanded. Many gave these strategies some of the credit for increasing the enrolment and completion of students from disadvantaged communities in recent years.

The issue of improving accessibility, participation and retention within legal education is a complex one. The recommendations put forward in the last chapter are action-oriented and must inevitably carry a weight of accountability. However, given present structures within funding for HEIs, they may also require a degree of pragmatism, negotiation and flexibility in their implementation.

An examination of the abundant research literature on access to post-secondary education and the less abundant research into access to legal education, points to the inevitable conclusion that access to legal education in Ireland is not equitable and that the most dramatic and significant form of inequity is experienced by non-typical students. This view is sustained by the consensus response of educators, education coordinators, researchers, academics, lecturers, trainers, stakeholders and mainstream providers of legal education in Ireland obtained by this present research. It is also clear that there is agreement between the research literature and the stakeholders surveyed that these non-typical students have as much academic potential as those who participate more readily in legal education. And yet, this research and its companion research *A Leap in the Dark: The experiences of project participants in the Legal Education for All Project* shows that the inequity of access experienced by the communities targeted by the LEAP project is not, in fact, improving despite numerous access initiatives in place or coming onstream.

**Recommendation 1:**

**That the National Office for Equity of Access to Higher Education, stakeholders, legal professionals and mainstream providers of legal education recognise that the profession should be representative of the profile of the general community.**

**Recommendation 2:**

**The National Office for Equity of Access to Higher Education, stakeholders and mainstream providers of legal education should have a long-term strategic aim of responding to increased demand for legal education from ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.**

**Recommendation 3:**

**The National Office for Equity of Access to Higher Education, stakeholders, mainstream providers of legal education and all the bodies responsible for funding**

legal education must collaborate and fund – possibly jointly – projects designed to promote progression to legal education, and assist students in gaining skills and confidence necessary to successfully access and participate in legal education from amongst ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.

**Recommendation 4:**

When allocating funds for the expansion of access to legal education, the National Office for Equity of Access to Higher Education, stakeholders, mainstream providers of legal education and all the bodies responsible for funding legal education must give priority to those institutions which can demonstrate a commitment to widening participation amongst ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds, and which have in place a participation strategy, a mechanism for monitoring progress, and provision for review by the governing body of achievement.

**Recommendation 5:**

In order to demonstrate the commitment in Recommendation 4 above, all mainstream providers of legal education should:

- inventory and assess the effectiveness of their present student services in recruiting, welcoming, empowering, and retaining students from ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds;
- assess what actions need to be taken to improve the effectiveness of existing recruitment and support services;
- consider what additional support structures are needed and strategies for achieving such structures;
- review and update their equity policies to ensure they address widening access, participation and retention of students from ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds;
- publish their policies and make them readily available; and
- publish outcomes for all access students from entry to exit of their institution.

**Recommendation 6:**

The National Office for Equity of Access to Higher Education, stakeholders, and mainstream providers of legal education, as well as Community Development organizations and projects should examine the aims, objectives and measured outcomes of the Legal Education for All Project (LEAP), which has developed models of widening participation amongst ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.

**Recommendation 7:**

The National Office for Equity of Access to Higher Education should carry out or commission research on:

- the rate of participation in, and experience of, legal education of students from ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.
- the costs to law schools and mainstream providers of legal education of implementing access programmes designed to increase access, participation and retention of ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.
- the policies and programmes of law schools and mainstream providers of legal education designed to increase access, participation and retention of students who are ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.

**Recommendation 8:**

The National Office for Equity of Access to Higher Education, stakeholders and mainstream providers of legal education should carry out or commission research on the following:

- Who enters the profession and why?
- Why do students choose to study law?
- What determines which law schools students attend?
- How are students channelled into law school?
- How do law schools decide whom to admit, especially the non-Leaving Certificate and/or entrance examinations components of those decisions?
- What are the qualities, apart from Leaving Certificate and undergraduate degree, which are associated with success in law school?
- How have changes in the policy related to access to higher education affected law school admissions, climate, and curricula?
- How do social and academic backgrounds affect the experience of legal education?
- What conditions and methods enable students to learn most effectively in law school? What are the true costs of a legal education?

**Recommendation 9:**

All mainstream providers of legal education should implement regular equity audits as a means of effecting change and monitoring progress towards equity and diversity within their institutions and should establish mechanisms for ensuring that these equity audits are effective and accountable and that changes may be made institutionally as a result of them.

**Recommendation 10:**

All mainstream providers of legal education should allocate reserved places and financial support for members of ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds and ensure that their institution's entry level qualifications do not discriminate against different groups.

**Recommendation 11:**

All mainstream providers of legal education should provide optional learning support, mentoring and enhanced academic counselling for students from ethnic minorities and other marginalised groups, and people from lower socio-economic groups and disadvantaged socio-economic backgrounds.

**Recommendation 12:**

All mainstream providers of legal education should seek to enlarge the pool of talented candidates from the targeted groups by conducting more outreach at the post-primary school and undergraduate levels.

**Recommendation 13:**

All mainstream providers of legal education should ensure that there is balanced representation for sexes, mature students and minorities in various parts of the institution's calendar, particularly with respect to pictures and alumni/student profiles. Post-primary students should be made aware of the requirements and benefits of pursuing legal education. This should outline existing academic support, etc. and enable the demystification of the profession to occur.

**Recommendation 14:**

All mainstream providers of legal education should consider the introduction of part-time and evening courses which would enable adults pursue a legal career. This should entail the development of new and innovative ways to bring university courses to the community, work with existing community programmes, and recognize the knowledge that adult learners already have.

**Recommendation 15:**

All mainstream providers of legal education should consider the introduction of and on-going development of pre-start courses, with the view of enlarging the pool of talented candidates.

**Recommendation 16:**

All mainstream providers of legal education should conduct exit interviews with students (both minority and non-minority students) who leave the course of studies before graduation with the goal of identifying possible areas of concern.