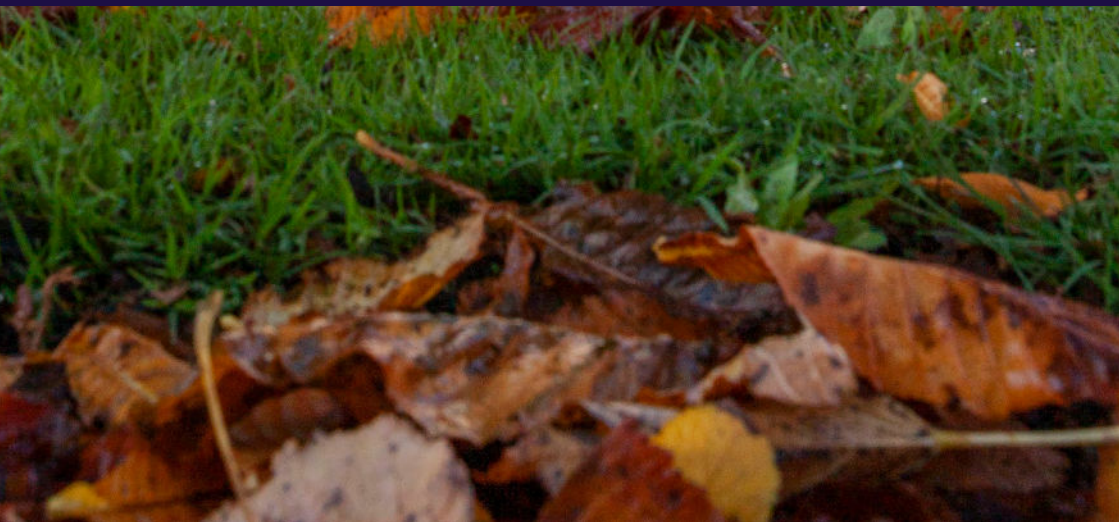




THE CONTINUING PROFESSIONAL DEVELOPMENT SCHEME | 2024





The Continuing Professional Development Scheme provided pursuant to the Solicitors (Continuing Professional Development) Regulations 2017, as amended by the Solicitors (Continuing Professional Development) (Amendment) Regulations 2023 and effective from 1 January 2024.

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OVERVIEW OF THE CONTINUING PROFESSIONAL DEVELOPMENT SCHEME

1. REGULATIONS

- Solicitors (Continuing Professional Development) Regulations 2017 (S.I. No. 529 of 2017) *and* Solicitors (Continuing Professional Development) (Amendment) Regulations 2023 (S.I. No. 419 of 2023).
- Revised CPD Scheme effective from 1 January 2024.
- Each CPD cycle runs for a practice/calendar year, 1 January to 31 December.

2. WHO DOES CPD APPLY TO?

- The CPD regulations and Scheme apply to all solicitors holding a Practising Certificate from the Law Society of Ireland, and 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 Law Society of Ireland and holding current qualifying certificates.

3. WHAT IS CPD?

- CPD is legal or general education/training relevant to the practice of a solicitor which is intended to develop on an ongoing basis the solicitor's professional knowledge and skills, professional standards, client care, professional development and solicitor wellbeing.
- The overriding test is that the education/training must be relevant to the practice of a solicitor either at the time it is undertaken or in the future.

4. MINIMUM CPD REQUIREMENT

- Each practice year/CPD cycle: Minimum 25 hours CPD (to include minimum requirements in both professional development and solicitor wellbeing and client care and professional standards).
- As part of the annual minimum CPD requirement, solicitors must complete a minimum number of hours in the categories of professional development and solicitor wellbeing and client care and professional standards.
- The full annual CPD requirement (for a solicitor who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) is 25 hours (to include a minimum of 5 hours professional development and solicitor wellbeing and a minimum of 3 hours client care and professional standards).
- The full annual CPD requirement (for a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) is 25

hours (to include a minimum of 5 hours professional development and solicitor wellbeing and a minimum of 3 hours client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance).

- A senior practitioner (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) holding a practising certificate is required to undertake CPD for a minimum period of 8 hours (to include a minimum of 5 hours professional development and solicitor wellbeing and a minimum of 3 hours client care and professional standards) in each practice year/CPD cycle following his or her attainment of at least forty years after his or her admission to the Roll.
- A senior practitioner (who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) holding a practising certificate is required to undertake CPD only for a minimum period of 8 hours (to include a minimum of 5 hours professional development and solicitor wellbeing and a minimum of 3 hours client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance) in each practice year/CPD cycle following his or her attainment of at least forty years after his or her admission to the Roll.
- A minimum of 5 hours of the annual 25 hours CPD requirement/20% of the annual CPD requirement (modified or otherwise) must be completed in group study format.
- A maximum of 20 hours/80% of a solicitor's minimum CPD requirement (modified or otherwise) may be completed by eLearning.
- A maximum of 12.5 hours/50% of a solicitor's minimum CPD requirement (modified or otherwise) may be completed by written relevant material that is published.
- Minimum CPD requirement of 30 minutes i.e. the time spent on any one occasion of undertaking CPD must be in excess of a continuous period of 30 minutes.
- Maximum limit of 7 hours CPD per day.

5. CATEGORIES OF CPD

1. General CPD

2. Professional development and solicitor wellbeing

- Financial and business management
- Practice management
- Self-management
- Solicitor wellbeing
- Language enhancement

3. Client care and professional standards

– matters relating to client care, professional standards and the regulation of solicitors, including:-

- Client care
- Professional standards for solicitors
- Solicitors Acts 1954 to 2015 and regulations made thereunder
- Accounting and anti-money laundering compliance
- Risk management
- Data protection
- The Solicitors Guide to Professional Conduct
- Professional ethics and the maintenance of standards of best practice in complying with regulatory obligations
- Processing of complaints against solicitors by the Society and the functions of the Legal Services Regulatory Authority and the courts in relation to same
- Once the minimum requirements have been met in the categories of client care and professional standards *and* professional development and solicitor wellbeing, the balance CPD requirement can be completed by general CPD and/or professional development and solicitor wellbeing and/or client care and professional standards.
- An excess of hours in the category of client care and professional standards may be applied to the category of professional development and solicitor wellbeing.
- The accounting and anti-money laundering compliance requirement can be fulfilled by training in accounting or anti-money laundering compliance or any combination of both.

6. WAYS OF COMPLETING CPD

1. Group study

- Minimum hours: 5 hours/20% of the annual 25 hours CPD requirement must be completed in group study format.
- Maximum hours: No limitation (subject to a maximum limit of 7 hours CPD per day however).
- Physical attendance required.
- 3 persons or more must be present.
- Includes lectures, seminars, workshops and conferences.
- The 'live-feed' of a conference/seminar/training session may not be claimed as group study (but may be claimed as eLearning).
- Actual time may be claimed (excluding breaks/registration), with bonus credit (25%) for activities involving active participation (e.g. role play).

2. eLearning

- Maximum hours: 20 hours/80% of a solicitor's minimum CPD requirement (modified or otherwise).
- In any case, a solicitor may claim a minimum of 5 hours eLearning per practice year/CPD cycle.

7. WRITING RELEVANT MATERIAL

- Written material of a legal nature published in a legal periodical or textbook (in printed form or online).
- Subject matter should be more than a basic statement of the law and involve some legal analysis and development of a legal issue.
- Maximum hours: 12.5 hours/50% of a solicitor's minimum CPD requirement (modified or otherwise).

Solicitors should note the following: -

- Proof of CPD (e.g. Certificate of Attendance) is required in all instances for solicitors to be credited with CPD.
- Teaching/delivery of relevant training counts, plus a maximum of 4 hours preparation. If the lecture/training is repeated, delivery time plus a maximum of 1 hour preparation may be claimed.
- Relevant committee work counts if the 'five questions test' is answered in the affirmative: actual time may be claimed, subject to a maximum of 7 hours.
- Adjudicative Functions: actual time may be claimed for time spent sitting as a solicitor adjudicator on a law-related tribunal, subject to a maximum of 7 hours.
- CPD completed abroad can count for CPD purposes, provided the training meets the criteria set out in the Scheme.
- A maximum of 3 hours CPD per cycle may be claimed for time spent completing courses relating to health and safety in the workplace, such as first aid and/or manual handling training.

Solicitors should note the following do not count as CPD activities: -

- One-to-one training, private study, research, reading of materials, writing blogs and/or articles for newspapers or firms' websites, sitting examinations, correction or marking of examination papers, completing quizzes or volunteer work do not count for CPD purposes.
- Meetings – paid or unpaid attendance at a general meeting of a corporate or other body (including AGM's, partner meetings, general office/monthly meetings etc.) do not count for CPD, unless there is a specific agenda item relevant to the practice of a solicitor, such as an update on 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 30 minutes) spent on that specific agenda item can be claimed as CPD.

Accreditation of courses and/or course providers: -

The Society does not accredit any course or course provider; however, CPD providers are advised to note the following: -

- To qualify as CPD, the education/training must relate to law, professional development and solicitor wellbeing or client care and professional standards and must be intended to develop the solicitor in his/her professional knowledge, skills and abilities;
- The nature and content of the training will determine if it falls within one of the three categories of CPD i.e. (A) general CPD, (B) professional development and solicitor wellbeing and (C) client care and professional standards.

8. PERMITTED MODIFICATIONS

- A newly admitted solicitor has a 12 month exemption following his/her admission to the Roll of Solicitors.
- A senior practitioner: requirement of 8 hours in each practice year/CPD cycle, comprising of a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours client care and professional standards.
- A solicitor who for reasons of maternity and/or paternity and/or parental and/or carers and/or adoptive leave, does not practise or ceases to practise as a solicitor for not less than 1 week: requirement proportionately reduced (maximum maternity leave: 42 weeks).
- A solicitor who, for reasons of illness, retirement, unemployment or other substantive reasons, does not practise or ceases to practise as a solicitor for not less than 8 weeks: requirement proportionately reduced.
- A solicitor who holds a practising certificate or is in the full-time service of the State for part of a practice year/CPD cycle (part-year): requirement proportionately reduced.
- A solicitor who practices part-time: requirement proportionately reduced.
- Note: 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 the minimum client care and professional standards requirement.
- **In all instances of applying a modification**, the minimum CPD requirement may not be modified to less than the minimum client care and professional standards requirement. Therefore, a solicitor who is entitled to a modified minimum CPD requirement will be required to undertake a minimum of 3 hours client care and professional standards in each practice year/CPD cycle.

However, a solicitor (including 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 all or part of his/her modified CPD obligations during each practice year/CPD cycle, a minimum of 8 hours CPD, comprising of at least 5 hours professional development and solicitor wellbeing and of at least 3 hours client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance

- Where a solicitor (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) has a modified CPD requirement of less than a total of 8 hours, the first 3 hours must be in the category of client care and professional standards, with the balance in excess of 3 hours, being in the category of professional development and solicitor wellbeing.

9. ASSESSMENT OF TRAINING ACTIVITIES AND PROOF OF CPD

- A participating solicitor exercises his/her own reasonable judgment in relation to the quality of education/training and what education/training is relevant to his/her particular practice.
- Solicitors attending CPD training events are required to retain suitable proof of CPD; the proof should be a letter or certificate on the CPD provider's letterhead, duly signed by the provider and it should confirm that the solicitor attended the training event (confirmation of booking is not sufficient), the participating solicitor's name should be pre-printed (not handwritten) and the certificate should state the topic/subject matter, date, time and duration of the training, the CPD hours, the category of CPD being claimed and the way the CPD was completed (e.g. 2 hours General CPD by Group Study).

10. AUDITING OF COMPLIANCE

- The Society conducts an annual audit of solicitors - a completed record card and suitable proofs of CPD are sought from solicitors selected for audit.
- Target Audit: In the event of failure by a solicitor to comply with his/her annual CPD requirement, such solicitor 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.
- The regulations provide for a sum for 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.

11. DIFFICULTIES/ISSUES WHICH MAY DELAY/PREVENT COMPLIANCE

- Insufficient hours of CPD completed to fulfil the minimum annual CPD requirement.
- Solicitor may complete the overall minimum number of CPD hours but does not fulfil the minimum number of hours required in the categories of professional development and solicitor wellbeing and client care and professional standards.
- Solicitors not completing the minimum hours of Group Study CPD.
- Solicitors completing in excess of the eLearning allowance.
- Unsuitable proofs of CPD provided e.g. certificates provided with no name stated thereon; booking forms/receipts/invitations provided in lieu of certificates; no subject matter and/or duration detailed on certificates/proofs; insufficient details stated to determine applicable CPD categories; proofs with a title of 'CPD Event' / 'Annual CPD Day' / 'CPD Conference' which give insufficient/no details or breakdown as to topics/times/categories of CPD;
- AGM's, partners/monthly/office meetings being claimed without an agenda attached detailing that a legal update was provided (in excess of continuous period of 30 minutes).
- Solicitors claiming CPD for activities which are not recognised forms of completing CPD e.g. advising clients, day-to-day work duties, research, private study, sitting examinations, reading articles, one-to-one training and lifestyle hobbies.
- Incorrect CPD hours being awarded/claimed e.g. CPD may not be claimed for time spent at registration, tea/coffee breaks, lunches/dinners, networking breaks, tours of buildings.

12. SANCTIONS

- The Education Committee may investigate an alleged breach of the regulations and may: -
 - seek explanations from the solicitor,
 - call the solicitor for a meeting,
 - give directions to the solicitor, and/or
 - direct that the Law Society refer the matter to the Legal Practitioners Disciplinary Tribunal for inquiry.
- Any breach of the regulations may be found by the Legal Practitioners Disciplinary Tribunal to be misconduct.

1. INTRODUCTION

The Solicitors (Continuing Professional Development) Regulations 2017 (S.I. No. 529 of 2017), as amended by the Solicitors (Continuing Professional Development) (Amendment) Regulations 2023 (S.I. No. 419 of 2023) (“the Regulations”) are effective from 1 January 2024 and are set out in full in Appendix “A”.

Regulation 5 of the 2017 Regulations (as amended) 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. 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 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 be undertaken by a solicitor, intended to develop on an ongoing basis the solicitor in their professional knowledge and skills, in their professional standards (including client care) and in their professional development and solicitor wellbeing, 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, professional development and solicitor wellbeing and client care and professional standards (which includes accounting and anti-money laundering compliance).

There are also three different permitted ways of undertaking CPD – by group study (minimum 5 hours/20% of the annual requirement), by eLearning (maximum 20 hours/80% of the annual requirement) and/or by writing relevant material that is published (maximum 12.5 hours/50% of the annual requirement). 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 aim and objective of CPD is to foster a culture of ongoing and lifelong learning in the solicitors' profession and to ensure solicitors continue to learn, develop and broaden their professional knowledge, skills and aptitudes and keep up-to-date with best practice. Such systematic maintenance and improvement of relevant knowledge enables a solicitor to successfully carry out their professional duties and responsibilities throughout their career, meet clients' needs, improve client care and service, develop and operate an efficient and profitable business and enhance reputation. CPD also assists in opening up new business possibilities and career opportunities, through acquiring and developing professional knowledge and skills, thereby enabling solicitors to redefine their careers by learning new professional skills and areas of practice. Active engagement in CPD throughout a career and life-long learning is critical in ensuring that solicitors have the necessary up-to-date knowledge to deliver a competent and professional service to clients and operate an effective business which continues to develop and evolve. Maintaining such professional competency continues throughout a solicitor's career and is a continuous process, adapting to changes in practice, professional activities, best practice, and meeting the needs of clients.

While compliance with the Scheme is mandatory, the Scheme itself is flexible to enable solicitors effectively to undertake CPD and at the same time to ensure that the focus remains firmly on their ongoing professional education needs and that of their business. The Society is cognisant of the constant time demands and pressures to which solicitors are subject and also mindful of the necessary obligations for a solicitor to continue to learn and develop and keep up-to-date, and this is reflected in the minimum number of hours of CPD required to be undertake per practice year.

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, as amended) in reduction of the minimum CPD requirement for a particular CPD cycle apply to newly admitted solicitors, senior practitioners, solicitors on maternity or paternity 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 require 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 as part of his/her minimum CPD requirement in each practice year/CPD cycle, a minimum of 1 hour accounting and anti-money laundering compliance, as part of the 3 hours client care and professional standards requirement.

4. ANNUAL CPD REQUIREMENT

A solicitor who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner

Solicitors to whom the Regulations apply are required in each practice year/CPD cycle to undertake a minimum of 25 hours of CPD (the “minimum CPD requirement”), of which at least 5 hours must comprise professional development and solicitor wellbeing and of which at least 3 hours must comprise client care and professional standards.

The fulfilment of the balance of the minimum CPD requirement may consist of general CPD and/or professional development and solicitor wellbeing and/or client care and professional standards, 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 5 hours must comprise professional development and solicitor wellbeing and of which at least 3 hours must comprise client care and professional standards (of which at least 1 hour 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 professional development and solicitor wellbeing and/or client care and professional standards, 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 (minimum of 5 hours/20% of the annual CPD requirement), by eLearning (maximum of 20 hours/80% of the annual CPD requirement) and/or by writing relevant material that is published (maximum of 12.5 hours/50% of the annual CPD requirement), 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. Accordingly, a CPD cycle consists of the period from 1 January to 31 December inclusive.

Table 1 summarises the overall minimum CPD requirement for each CPD cycle for a solicitor (including a senior practitioner) who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner and (of that overall minimum CPD requirement) the minimum professional development and solicitor wellbeing requirement and the minimum client care and professional standards requirement.

TABLE 1

Overall minimum CPD requirement	Minimum Professional Development and Solicitor Wellbeing requirement	Minimum Client Care and Professional Standards requirement
25 hours	5 hours of the 25 hours minimum CPD requirement	3 hours of the 25 hours minimum CPD requirement
<i>Senior Practitioner requirement:</i> 8 hours	5 hours of the 8 hours minimum CPD requirement	3 hours of the 8 hours minimum CPD requirement

Table 2 summaries the overall minimum CPD requirement for each CPD cycle for a solicitor (including a senior practitioner) 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 professional development and solicitor wellbeing requirement, the minimum client care and professional standards requirement and the minimum accounting and anti-money laundering compliance requirement.

TABLE 2

Overall minimum CPD requirement	Minimum Professional Development and Solicitor Wellbeing requirement	Minimum Client Care and Professional Standards requirement
25 hours	5 hours of the 25 hours minimum CPD requirement	3 hours of the 25 hours minimum CPD requirement, <i>of which at least 1 hour shall be accounting and anti-money laundering compliance</i>
<i>Senior Practitioner requirement:</i> 8 hours	5 hours of the 8 hours minimum CPD requirement	3 hours of the 8 hours minimum CPD requirement, <i>of which at least 1 hour 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, lunch or tea/coffee/networking breaks during a course cannot be counted as a credit towards the minimum CPD requirement.

There is a minimum 30 minutes requirement, meaning that the time spent on any one occasion of undertaking CPD must be in excess of a continuous period of 30 minutes.

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. Also, there are limitations on the maximum number of hours that may be claimed for certain CPD activities, and these are specified in heading 7.

The onus is on each solicitor to accurately record and maintain a record of CPD completed, in addition to retaining suitable written verification(s) (i.e. proof(s)) from the course provider of CPD undertaken. This is particularly relevant where a long course (particularly a course which spans two or more CPD cycles) is undertaken over several days or weeks where the solicitor may not necessarily attend or complete all modules of the course. Solicitors should obtain from the course provider 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 develop on an ongoing basis the solicitor in their professional knowledge and skills, their professional standards, professional development and solicitor wellbeing. 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.):

- 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 30

minutes) spent on that specific agenda item can be claimed as a credit towards the solicitor's minimum CPD requirement; or

- attendance at a partners' meeting, monthly meeting, office meeting; or
- private study and/or research; or
- advice giving;
- mentoring;
- one-to-one training; or
- reading of materials, newspapers or legal journals; or
- sitting examinations; or
- setting, correcting or 'marking' examination papers; or
- volunteer or pro bono work.

Further details as to what does not constitute CPD are detailed at FAQ 10. Additionally, a list of activities which do not count for CPD, which is periodically reviewed and updated, is available to view in the CPD Scheme section of the Society's website (www.lawsociety.ie).

The criteria and restrictions relating to the three categories of CPD – general CPD, professional development and solicitor wellbeing and client care and professional standards – are now set out:

A. General CPD

General CPD is education/training which is designed to improve the solicitor's professional knowledge, skills and abilities, and is defined in the Regulations as, *"education or training (or both) relevant to the practice of a solicitor other than –*

- (i) client care and professional standards,*
- (ii) professional development and solicitor wellbeing, and*
- (iii) written relevant material - as may be more particularly exemplified in the Scheme."*

B. Professional development and solicitor wellbeing

As defined in the Regulations *"professional development and solicitor wellbeing means education or training (or both) in professional development and solicitor wellbeing, including (inter alia) in this category –*

- (i) financial and business management,*
- (ii) practice management,*
- (iii) self-management and solicitor wellbeing,*
- (iv) Irish or English language enhancement as it relates to the practice of law,*
- (v) 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 professional development and solicitor wellbeing:

(i) financial and business management skills, including:

- budget management and control,
- record keeping and accounts,
- growth and development of a legal practice,
- marketing, communication and networking strategies,
- operations management,
- project management,
- human resource management,
- recruitment and retention of talent,
- performance management;

(ii) practice management skills, including:

- information technology skills, including specific training on the programmes relevant to a solicitor's practice,
- legal technology,
- cyber security,
- maintaining and protecting client's confidentiality in the office, both on and off-site,
- document management,
- facilities management,
- management of an evolving and changing work environment, and the ability to be agile and deal with such changes efficiently and effectively,
- developing talent and talent management,
- creating and maintaining a positive workplace culture that supports increased and improved emotional and psychological health and wellbeing,
- management of the working environment including addressing work-related anxiety and mental health concerns,
- providing a safe working environment – bullying and harassment policies,
- addressing sexual harassment in the workplace – reporting, policies and procedures;
- preventing and addressing discrimination in the workplace,
- diversity and inclusion in the workplace,
- disability awareness and inclusion,
- health and safety in the workplace training, such as first aid and/or manual handling training (subject to a maximum of 3 hours CPD per cycle);

(iii) professional skills, including:

- advocacy,
- mediation,
- negotiation,
- case management,
- information analysis and research,

- drafting,
- creative approaches to decision-making,
- communication and collaboration,
- presentation skills and public speaking,
- interviewing skills,
- legal research skills;

(iv) self-management skills and solicitor wellbeing, including:

- leadership training and skills,
- organisation and time management,
- adaptability and flexibility,
- goal setting,
- strengthening memory skills,
- managing your career, career expectations and development,
- initiative and independence,
- self-motivation,
- building ‘high impact’ professionals,
- managing ‘vicarious trauma’ and ‘secondary traumatic stress’,
- building resilience,
- emotional intelligence,
- ‘Workplace Wellness’ programmes;

(vi) language enhancement relevant to the practice of law, including:

- Irish or English language enhancement,
- foreign language enhancement.

A maximum of 3 hours CPD per cycle may be claimed for time spent undertaking courses relating to health and safety in the workplace, such as first aid and/or manual handling training.

Training in the category of professional development and solicitor wellbeing does not include training in general stress management, yoga, pilates, or any psychotherapy or counselling services. Additionally, recreational activities or hobbies may not be claimed under this or any other category of CPD. In the case of any doubt, the CPD Scheme Unit staff can advise if training is suitable to be claimed in this category.

C. Client care and professional standards

Client care and professional standards are defined in the Regulations as, “*education or training (or both) relating to client care, professional standards and the regulation of solicitors, including (inter alia) in this category –*

- (i) *client care,*
- (ii) *professional standards for solicitors,*
- (iii) *the Solicitors Acts 1954 to 2015 and regulations made thereunder,*

- (iv) *accounting and anti-money laundering compliance,*
- (v) *the Society's Guidance Notes for Solicitors on Anti-Money Laundering Obligations,*
- (vi) *risk management,*
- (vii) *data protection,*
- (viii) *the Solicitor's Guide to Professional Conduct;*
- (ix) *professional ethics and the maintenance of standards of best practice in complying with regulatory obligations;*
- (x) *the processing of complaints against solicitors by the Society and the functions of the Legal Services Regulatory Authority and the courts in relation thereto,*
- *as may be more particularly defined and specified in the Scheme".*

A minimum number of hours of the minimum CPD requirement in each CPD cycle is required to be spent on education/training in client care and professional standards. The intended purpose of this category of CPD is to enable solicitors to focus on the requisite and appropriate standards of client care and ensure that solicitors remain up-to-date on the professional standards and regulatory requirements which govern solicitors specifically. Accordingly, professional standards CPD may only be claimed in respect of the professional standards and regulation of the solicitor's profession only and not in respect of the regulation of other matters.

Professional standards encompass principles, core values and standards of behaviour expected of solicitors. They provide a code of conduct by which a solicitor should observe and adhere to, and s/he should avoid any behaviour or conduct inconsistent with such guiding rules and principles.

By way of non-exclusive guidelines, courses in the following can constitute client care and professional standards:

- client care and client related skills including understanding, focusing and responding to your clients' needs and objectives,
- building better solicitor-client relationships,
- communicating clearly, effectively and sensitively with clients in a timely manner,
- handling challenging situations and understanding clients' viewpoints,
- acting competently and ensuring clients are kept informed of work being done and when it is completed,
- ensuring appropriate confidentiality and protecting client's privacy,
- dealing with client's complaints in a fair, timely and prompt manner,
- professional standards for solicitors,
- core values of the profession,
- training on accounting and anti-money laundering compliance,
- prevention of corruption,

- legal costs,
- professional indemnity insurance,
- data protection,
- undertakings,
- solicitors advertising,
- conflicts of interest,
- professional duty of confidentiality,
- legal privilege,
- risk management,
- cyber security (from a risk management perspective),
- professional ethics,
- how to identify and appropriately manage ethical issues,
- ethical decision-making,
- relevant legislation including the Freedom of Information, Protected Disclosures, Regulation of Lobbying Acts and the General Data Protection Regulation.

Given the potential for serious repercussions and consequences for a solicitor failing to manage his/her stress appropriately, training in stress management which is intended to alleviate work pressures, is also considered a risk management tool. Training relating to stress management in the workplace may include stress and thinking patterns, unhelpful thinking styles and challenging behaviours, managing boundaries, how to recognise and alleviate triggers for poor mental health, and how to avoid legal professional 'burn-out', in addition to mindfulness and how to enhance performance through same.

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)"*. Training in the category of accounting and anti-money laundering compliance can include any training covering the relevant legislation, together with the practice and procedure of accounting and anti-money laundering compliance in practice. Solicitors may complete this training by completion of the relevant 1 hour in either accounting or anti-money laundering compliance, or any combination thereof.

A minimum of 3 hours of the minimum CPD requirement in each CPD cycle is required to be spent on education/training in client care and professional standards (even for a solicitor who is otherwise entitled to a modified minimum CPD requirement).

Additionally, 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 each CPD cycle, at least 3 hours of

client care and professional standards, of which at least 1 hour 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 client care and professional standards category, may be claimed towards the professional development and solicitor wellbeing category.

7. WAYS OF COMPLETING CPD

There are three different ways of undertaking the minimum CPD requirement, that is, by way of group study format (minimum of 5 hours/20% of the annual CPD requirement) and/or by eLearning (maximum of 20 hours/80% of the annual CPD requirement) and/or by writing relevant material that is published (maximum of 12.5 hours/50% of the annual CPD requirement), the criteria and restrictions on each way of completing CPD being detailed below. Also, there is a maximum limit of 7 hours of CPD within a single (24 hours) day that may be claimed as a credit for fulfilling the minimum CPD requirement.

Solicitors must complete at least 5 hours of professional development and solicitor wellbeing, together with at least 3 hours of client care and professional standards (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 as part of his/her 3 hours of client care and professional standards, at least 1 hour shall be accounting and anti-money laundering compliance) as part of their total minimum requirement of 25 hours CPD.

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. Solicitors should also familiarise themselves with other activities that do not count towards the fulfilment of CPD, as detailed at FAQ 10.

CPD undertaken must be in a form that can be objectively verified and suitable proof (i.e. certificates of attendance) from the course provider should be retained by the solicitor. It is each solicitor's own responsibility to maintain a written record and suitable 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 such written verification/proof if requested by the Society to do so.

A. Group Study

A minimum of 5 hours/20% of the minimum annual CPD requirement (modified or otherwise) must be completed in group study format.

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 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, professional development and solicitor wellbeing or client care and professional standards.

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 30 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 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 30 minutes, together with up to a maximum of 4 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 30 minutes, together with up to a maximum of 1 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 30 minutes attending that part may be claimed as a CPD credit. Physical or virtual attendance at such a meeting is required, but attendees do not need to seek prior accreditation from the Society.

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 7 hours CPD may be claimed as a credit in any one CPD cycle for time spent sitting as a solicitor adjudicator on a law-related tribunal. Proof/independent confirmation will be required confirming the relevant CPD category applicable.

B. eLearning

A CPD credit of up to a maximum of 20 hours/80% of the minimum CPD requirement (modified or otherwise) may be claimed for time spent in relevant eLearning in each CPD cycle. Solicitors should be aware that it is a maximum of 80% of his/her minimum yearly CPD requirement (modified or otherwise); therefore if such solicitor has a modified CPD requirement of 15 hours CPD, he/she may claim a maximum of 12 hours (being 80% of his/her 15 hours CPD requirement) for time spent in relevant

eLearning. In all instances however, solicitors should note that where there is a modification of his/her CPD requirement, his/her eLearning allowance will not be modified to less than 5 hours eLearning. Accordingly, if a solicitor has a modified CPD requirement of 6 hours CPD, he/she may claim a maximum of 5 hours for time spent in relevant eLearning.

Only time spent in excess of a continuous period of 30 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, professional development and solicitor wellbeing or client care and professional standards.

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 material must be published in a legal periodical or textbook, and may be in printed form or online. Additionally, 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. Solicitors should note that firm website updates or articles, newspaper and/or magazine articles, advice/ ‘Q&A’ articles or columns, or online ‘blogs’ may not be claimed as written relevant material.

A CPD credit of up to a maximum of 12.5 hours/50% of the yearly 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). Solicitors should note that it is a maximum of 50% of his/her minimum annual CPD requirement; therefore, if such solicitor has a modified CPD requirement of 20 hours CPD, he/she may claim a maximum of 10 hours (being 50% of his/her 20 hours CPD

requirement) for time spent writing a relevant article. Only time spent in excess of a continuous period of 30 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, professional development and solicitor wellbeing or client care and professional standards. 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, as amended, 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, as amended) 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 30 minutes undertaking CPD may be claimed as a credit towards the modified minimum CPD requirement.

Modifications for a solicitor who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner

For a solicitor who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than the minimum client care and professional standards requirement. Therefore, a solicitor who is entitled to a modified minimum CPD requirement will be required to undertake a minimum of 3 hours of client care and professional standards in each CPD cycle.

Should such solicitor have a modified requirement of less than 8 hours, same must comprise of a minimum of 3 hours client care and professional standards requirement, with the balance hours (up to a total of 8 hours) in the category of professional development and solicitor wellbeing.

Modifications for 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, may not modify the minimum CPD requirement to less than 8 hours CPD, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

The specified circumstances for modifications 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 a practice year”*.

Such a solicitor is exempt from the requirement to undertake CPD for a period of twelve months commencing on the first day of the month immediately following the date of his/her admission to the Roll. His/her requirement to undertake CPD during the CPD cycle in which such period of twelve months expires 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 a date during the month of May 2024 is exempt from the requirement to undertake CPD for a period of twelve months commencing on 1 June 2024 and ending on 31 May 2025, meaning that he/she has no requirement to undertake CPD in respect of the remainder of the 2024 CPD cycle and that he/she will be required to fulfil a modified minimum CPD requirement in respect of the remainder of the 2025 CPD cycle in proportion to the number of weeks (out of 52) remaining in that 2025 CPD cycle.

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 a practice year”*. A senior practitioner holding a practising certificate is required to undertake CPD for a minimum period of 8 hours in each CPD cycle, following 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 must fulfil that 8 hours minimum CPD requirement by means of undertaking a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards.

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 8 hours minimum CPD requirement during each cycle, a minimum of 5 hours of

professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Maternity/paternity/parental/carers/adoptive leave cases: A solicitor, who for reasons of being on maternity or paternity 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.

For a solicitor who does not fulfil the role of a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than the minimum client care and professional standards requirement however. Therefore, a solicitor (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) who is entitled to a modified minimum CPD requirement, will be required to undertake a minimum of 3 hours of client care and professional standards. A modified requirement of less than 8 hours must comprise of a minimum of 3 hours client care and professional standards, with the balance hours (up to a total of 8 hours) in the category of professional development and solicitor wellbeing.

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 each cycle, a minimum of 8 hours CPD comprising of at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Solicitors should note the maximum maternity leave period which may be taken is 42 weeks and therefore a solicitor who takes the maximum (42 weeks) maternity leave in the 2024 CPD cycle will have practised for 10 weeks in that cycle (i.e. $52 - 42 = 10$ weeks). The modified minimum CPD requirement for that solicitor (if they are not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) will be 4.8 hours, rounded up to 5 hours (i.e. $10/52 \times$ the 25 hours minimum CPD requirement). Of those 5 hours, the solicitor must undertake at least 3 hours of client care and professional standards and at least 2 hours of professional development and solicitor wellbeing.

However, if such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the solicitor must undertake a minimum of 8 hours CPD, comprising of at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour 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.

For a solicitor who does not fulfil the role of a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than the minimum 3 hours of client care and professional standards requirement in each CPD cycle. A modified requirement of less than 8 hours must comprise of a minimum of 3 hours client care and professional standards, with the balance hours (up to a total of 8 hours) in the category of professional development and solicitor wellbeing.

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 each cycle, a minimum of 8 hours CPD, comprising of at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour 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.

For a solicitor who does not fulfil the role of a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD

requirement may not be modified to less than 3 hours of client care and professional standards in each CPD cycle. Should a solicitor's modified CPD requirement be less than 8 hours, the first 3 hours must comprise of the minimum client care and professional standards requirement (of 3 hours in each CPD cycle), with the balance hours in the category of professional development and solicitor wellbeing.

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 each cycle, a minimum of 8 hours CPD, comprising of at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour 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 a 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 25 hours for that CPD cycle will be modified down to two-fifths of the 25 hours minimum CPD requirement, amounting to 10 hours. Of those 10 hours, the solicitor must complete a minimum of 5 hours professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards.

Using the same example, 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 of 10 hours, at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

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 the minimum CPD requirement of 3 hours of client care and professional standards. However, if such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the solicitor must undertake a minimum of 8 hours CPD, comprising of at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour shall 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, professional development and solicitor wellbeing or client care and professional standards) 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 and suitable 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), category of CPD, details of the attendees, the date(s), time(s) and duration 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, confirmation from the course provider of the delivery of the lecture/training session and the date(s), time(s) and hours involved and a copy of the notes/slides;
- (iv) in the case of a long course continuing over several days or weeks, written confirmation from the course provider of 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, confirmation from the secretary of such committee/working group, confirming fulfilment of the ‘five questions’ test [see heading 7 (A)(iv)], together with confirmation from the secretary 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 law-related 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 from the course provider, confirming that the solicitor completed the course/programme, the time spent completing the course/programme, the course title, date(s), time(s) and duration of the course/programme, confirmation that the course was completed by eLearning and the category of CPD training provided, duly signed by the course/programme provider;
- (viii) in the case of writing relevant 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, professional development and solicitor wellbeing or client care and professional standards, 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 written verifications (i.e. 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.

For guidance purposes, a template form of ‘Proof of CPD’ is set out at Appendix “D”.

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 suitable 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 Legal Practitioners 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 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

Email: cpdscheme@lawsociety.ie **Telephone:** 01-6724802

APPENDIX "A":



STATUTORY INSTRUMENTS.

S.I. No. 529 of 2017

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT) REGULATIONS 2017

S.I. No. 529 of 2017

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
REGULATIONS 2017

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 2017.
- (b) These Regulations shall come into operation on the first day of January 2018 and thenceforth, subject to paragraph (c) of this Regulation, the Solicitors (Continuing Professional Development) Regulations 2015 (S.I. No. 480 of 2015) (“the 2015 Regulations”) shall stand revoked.
- (c) The 2015 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 2018, insofar as it relates to the requirements of the 2015 Regulations to undertake at least twenty hours of continuing professional development during the period commencing on the first day of January 2017 and ending on the thirty-first day of December 2017, 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 2017 as to:
 - (I) the alleged breach of the requirements of the 2015 Regulations to undertake at least twenty hours of continuing professional development during the period commencing on the first day of January 2017 and ending on the thirty-first day of December 2017; and/or
 - (II) the alleged breach of the requirements of the 2015 Regulations to undertake at least eighteen 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 28th November, 2017.*

first day of January 2016 and ending on the thirty-first day of December 2016; and/or

- (III) the alleged breach of the requirements of 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”) 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
- (IV) the alleged breach of the requirements of the 2012 Regulations and the 2014 Regulations to undertake at least fifteen hours of continuing professional development during the period commencing on the first day of January 2014 and ending on the thirty-first day of December 2014; and/or
- (V) the alleged breach of the requirements of the 2012 Regulations and the 2014 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
- (VI) 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
- (VII) 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
- (VIII) 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 be undertaken by 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;

“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) regulatory matters,
 - (vi) Irish or English language enhancement as it relates to the practice of law,
 - (vii) foreign language enhancement as it relates to the practice of law,
- 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 a practice year;

“practice year” means any year ending on the 31st day of December;

“Regulation” means a regulation in these Regulations;

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

- (a) Solicitors Acts 1954 to 2015 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 a practice year;

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

“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;

“Solicitors Acts 1954 to 2015” includes the Legal Services Regulation Act 2015 (Number 65 of 2015) whether or not in operation (in whole or in part) pursuant to Section 1 of that Act;

“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 2015.
- (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 2015 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 a practice year.

General requirement to undertake CPD

4. A solicitor to whom Regulation 3 applies shall undertake continuing professional development during each practice year 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 each practice year for such minimum number of hours within each practice year 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 during each practice year for a minimum of twenty hours;
- (c) A solicitor to whom these Regulations apply shall be required during each practice year to fulfil the following requirements:
 - (i) 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;
 - (ii) Without prejudice to the generality of sub-paragraph (i) 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 each practice year, 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 exempt from the requirement to undertake continuing professional development for a period of twelve months commencing on the first day of the month immediately following the date of his or her admission to the Roll to the effect that his or her requirement to undertake continuing professional development during the practice year within which such period of twelve months expires, shall be 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 practice year 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 a practice year for a period of not less than one week within any such practice year 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 practice year 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 a practice year for a period of not less than eight weeks within any such practice year 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 practice year 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 a practice year 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 practice year 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 a practice year 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 practice year 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 each practice year, 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 a practice year 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 each practice year for a minimum of twenty hours, in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.
- (b) A solicitor in the full-time service of the State shall, within two months following the end of a practice year, 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 each practice year for a minimum of twenty hours, 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 to 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 from the solicitor concerned any sum the payment of which has been required by the Society to be paid 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.

Dated the 4th day of October 2017.

STUART GILHOOLY,
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.

Dated the 16th day of November 2017.

CHARLES FLANAGAN 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 these Regulations is to provide for Continuing Professional Development to be undertaken by solicitors, operative from 1 January 2018.

These Regulations replace the Solicitors (Continuing Professional Development) Regulations 2015 as the purpose of these 2015 Regulations expires as of 31 December 2017.

Regulation 1 — Citation and commencement

This Regulation provides that these Regulations come into operation on the first day of January 2018.

Regulation 2 — Definitions

This Regulation provides for a number of definitions relevant to these Regulations.

Regulation 3 — To whom these Regulations apply

This Regulation provides for those solicitors to whom these Regulations apply.

Regulation 4 — General requirement to undertake CPD

This Regulation provides for the requirement that solicitors undertake CPD within each practice year (i.e. calendar year) subject to any applicable modifications.

Regulation 5 — Provision of CPD

This Regulation provides for a specified number of CPD hours (i.e. 20 hours) to be completed in each practice year.

The 20 hours of CPD must include a specified number of hours of regulatory matters and accounting and anti-money laundering compliance matters.

This Regulation also provides for the maintaining of a written record of CPD hours undertaken.

Regulation 6 — Modification of CPD requirement

This Regulation provides for modification of the CPD requirements in particular circumstances.

Regulation 7 — Certifying CPD

The Regulation provides that solicitors must certify compliance with their CPD obligations in any particular practice year.

Regulation 8 — Breach of regulations to be misconduct

This Regulation provides for sanctions for breach of the Regulations.

Regulation 9 — Modification of regulations in exceptional circumstances

This Regulation provides for the modification in exceptional circumstances of any requirement of these Regulations.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
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Wt. (B32988). 285. 11/17. Essentra. Gr 30-15.



STATUTORY INSTRUMENTS.

S.I. No. 419 of 2023

SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
(AMENDMENT) REGULATIONS 2023

**SOLICITORS (CONTINUING PROFESSIONAL DEVELOPMENT)
(AMENDMENT) REGULATIONS 2023**

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 HEREBY MAKE the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as the Solicitors (Continuing Professional Development) (Amendment) Regulations 2023.
- (b) These Regulations shall come into operation on the first day of January 2024.

Definitions

2. (a) In these Regulations:
 - “client care”, in the context of the solicitor/client relationship, refers to treating clients in a professional and ethical manner, together with fostering their satisfaction with a solicitor, a solicitor’s firm, and the services provided by a solicitor to the client;
 - “client care and professional standards” means education or training (or both) relating to client care, professional standards and the regulation of solicitors, including (inter alia) in this category -
 - (i) client care,
 - (ii) professional standards for solicitors,
 - (iii) the Solicitors Acts 1954 to 2015 and regulations made thereunder,
 - (iv) accounting and anti-money laundering compliance,
 - (v) the Society’s Guidance Notes for Solicitors on Anti-Money Laundering Obligations,
 - (vi) risk management,
 - (vii) data protection,
 - (viii) the Solicitor’s Guide to Professional Conduct,
 - (ix) professional ethics and the maintenance of standards of best practice in complying with regulatory obligations,

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 29th August, 2023.*

- (x) the processing of complaints against solicitors by the Society and the functions of the Legal Services Regulatory Authority and the courts in relation thereto,

- as may be more particularly exemplified in the Scheme;

“continuing professional development” means further education or training (or both) to be undertaken by a solicitor, intended to develop on an ongoing basis the solicitor in their professional knowledge and skills, in their professional standards (including client care) and in their professional development and solicitor wellbeing, and may be referred to in common usage as “CPD”, and shall be undertaken in continuous time modules, each of at least 30 minutes, by means (electronic or physical) of lecture, workshop, seminar, tutorial, group study, or degree/ diploma/ certificate course, or written relevant material, or in such other manner as may be more particularly exemplified in the Scheme;

“general CPD” means education or training (or both) relevant to the practice of a solicitor other than -

- (i) client care and professional standards,
- (ii) professional development and solicitor wellbeing, and
- (iii) written relevant material,

- as may be more particularly exemplified in the Scheme;

“Legal Services Regulatory Authority” means the body established to perform the functions conferred on it under the Legal Services Regulation Act 2015;

“professional development and solicitor wellbeing” means education or training (or both) in professional development and solicitor wellbeing, including (inter alia) in this category -

- (i) financial and business management,
- (ii) practice management,
- (iii) self-management and solicitor wellbeing,
- (iv) Irish or English language enhancement as it relates to the practice of law,
- (v) foreign language enhancement as it relates to the practice of law,

- as may be more particularly exemplified in the Scheme;

“solicitor wellbeing” refers to the ongoing resilience and/or psychological and emotional health of a solicitor engaged in practice as a solicitor and includes activities that contribute to dignity at work and a positive workplace culture;

“the Continuing Professional Development Regulations” means the Solicitors (Continuing Professional Development) Regulations 2017 (S.I. No. 529 of 2017).

Amendment of Regulation 5 of the Continuing Professional Development Regulations

3. Regulation 5 of the Continuing Professional Development Regulations is amended –

- (a) by the substitution of the following subsection for subsection (b):
“(b) A solicitor shall be required to undertake continuing professional development during each practice year for a minimum of twenty-five hours.”,

and

- (b) by the substitution of the following subsection for subsection (c):
“(c) A solicitor to whom these Regulations apply shall be required during each practice year to fulfil the following requirements:
 - (i) the requirement to undertake continuing professional development for a minimum of twenty-five hours shall comprise at least three hours of client care and professional standards and at least five hours of professional development and solicitor wellbeing, as well as general CPD, and may be undertaken by means of e-learning and/or group study and/or written relevant material, as may be more particularly exemplified in the Scheme;
 - (ii) Without prejudice to the generality of sub-paragraph (i) 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 their requirement to undertake CPD during each practice year, at least three hours of client care and professional standards, of which at least one hour shall be accounting and anti-money laundering compliance;
 - (iii) Without prejudice to the generality of sub-paragraph (i) of this paragraph, where a solicitor fulfils their CPD requirement in excess of three hours of client care and professional standards the excess hours in such category may be applied to the professional development and solicitor wellbeing category.”.

Amendment of Regulation 6 of the Continuing Professional Development Regulations

4. Regulation 6 of the Continuing Professional Development Regulations is amended –

(a) by the substitution of the following subsection (b):

“(b) A senior practitioner shall be required to undertake continuing professional development for a maximum of eight hours in each practice year following upon their attainment of at least forty years after their admission to the Roll.”,

and

(b) by the substitution of the following subsection (g):

“(g) Without prejudice to the generality of paragraphs (a) to (f), a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner shall, as all or part of their modified CPD requirement for a particular practice year, be required to undertake CPD during that practice year of at least five hours of professional development and solicitor wellbeing and of at least three hours of client care and professional standards, of which at least one hour shall be accounting and anti-money laundering compliance.”,

and

(c) by the insertion of the following subsection after subsection (g):

“(h) Without prejudice to the generality of paragraphs (a) to (g) of this Regulation, where a solicitor’s modified CPD requirement to undertake CPD during a particular practice year is less than a total of eight hours, the actual number of hours of CPD required to be undertaken shall be applied such that the first three hours are in the category of client care and professional standards, with the balance in excess of three hours being in the category of professional development and solicitor wellbeing.”.

and

(d) by the insertion of the following subsection after subsection (h):

“(i) Without prejudice to the categorisation of solicitors and the provisions in paragraphs (a) to (h) of this Regulation, the Education Committee may upon consideration of an application in such respect from any solicitor, which the Education Committee considers demonstrates reasonable and sufficient cause so to do, modify any aspect of a solicitor’s obligations under this Regulation.”.

Amendment of Regulation 7 of the Continuing Professional Development Regulations

5. Regulation 7 of the Continuing Professional Development Regulations is amended –

(a) by the substitution of the following Regulation 7:

“7. (a) A solicitor who makes application to the Society for a practising certificate for all or any part of a practice year shall, as part of such application and in such other manner as may be more particularly exemplified 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 each practice year for a minimum of twenty-five hours, in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.

(b) A solicitor in the full-time service of the State shall, within two months following the end of a practice year, certify to the Society in such manner as may be more particularly exemplified 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 each practice year for a minimum of twenty-five hours, in accordance with Regulation 5 and the Scheme but subject, as may be applicable, to Regulation 6.”.

interpretation of an Act of the Oireachtas, except insofar as it may be inconsistent with the provisions of the Solicitors Acts 1954 to 2015 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 a practice year.

General requirement to undertake CPD

4. A solicitor to whom Regulation 3 applies shall undertake continuing professional development during each practice year 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 each practice year for such minimum number of hours within each practice year 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 during each practice year for a minimum of twenty hours;
- (c) A solicitor to whom these Regulations apply shall be required during each practice year to fulfil the following requirements:
 - (i) 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;
 - (ii) Without prejudice to the generality of sub-paragraph (i) 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 each practice year, at least three hours of regulatory matters of which at least two hours shall be accounting and anti-money laundering compliance.

EXPLANATORY NOTE

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

The Solicitors (Continuing Professional Development) (Amendment) Regulations 2023 is to amend the Solicitors (Continuing Professional Development) Regulations 2017 with regard to:

Regulation 5 – Provision of CPD

This Regulation provides for a specified number of CPD hours (i.e. 25 hours) to be completed in each practice year.

The 25 hours of CPD must include a specified number of hours of client care and professional standards and accounting and anti-money laundering compliance matters.

The 25 hours of CPD must include a specified number of hours of professional development and solicitor wellbeing.

Regulation 6 – Modification of CPD requirement

This Regulation provides for modification of the CPD requirements in particular circumstances.

Regulation 7 – Certifying CPD

This Regulation provides that solicitors must certify compliance with their CPD requirement in any particular practice year.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
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MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
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€ 3.00

ISBN 978-1-3993-2570-7



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(EDLSI-3) 75. 8/23. Propylon.

APPENDIX “B”:

FREQUENTLY ASKED QUESTIONS (“FAQS”)

1. What is Continuing Professional Development?

Continuing Professional Development (“CPD”) is legal or general education/training relevant to the practice of a solicitor which is intended to develop on an ongoing basis the solicitor’s professional knowledge and skills, professional standards, client care, professional development and solicitor wellbeing. 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 Regulations [the Solicitors (Continuing Professional Development) Regulations 2017, as amended by the Solicitors (Continuing Professional Development) (Amendment) Regulations 2023] 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 each practice year (“CPD cycle”); the minimum number of hours within 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 each CPD cycle is 25 hours. Of the required number of hours, a minimum of 5 hours must be professional development and solicitor wellbeing and a minimum of 3 hours must be client care and professional standards.

The balance may be any combination of general CPD, professional development and solicitor wellbeing and/or client care and professional standards; 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 each CPD cycle is 25 hours. Of the required number of hours, a minimum of 5 hours must be professional development and solicitor wellbeing and a minimum of 3 hours must be client care and professional standards of which at least 1 hour shall be accounting and anti-money laundering compliance.

The balance may be a combination of general CPD, professional development and solicitor wellbeing and/or client care and professional standards.

5. If I am a senior practitioner, do I need to fulfil a minimum CPD requirement?

Yes. 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 a practice year”*. Therefore a solicitor will be considered a Senior Practitioner for the 2024 CPD cycle if he/she was admitted to the Roll of Solicitors on or before 31 December 1983.

A senior practitioner, who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, is required to fulfil a modified minimum CPD requirement of 8 hours CPD, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, 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 each CPD cycle a minimum of 8 hours CPD, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

6. 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.

A minimum of 5 hours/20% of the minimum CPD requirement must be fulfilled through group study.

Solicitors should note that a maximum CPD credit of 20 hours/80% of the overall minimum CPD requirement (modified or otherwise) may be claimed for time spent in relevant eLearning and a maximum CPD credit of 12.5 hours/50% of the overall minimum CPD requirement (modified or otherwise) may be claimed for time spent writing relevant material that is published.

Additionally, 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.

7. Do I have to complete a minimum number of hours in group study format?

Yes. Solicitors are required to complete a minimum of 5 hours/20% of the minimum CPD requirement (modified or otherwise) in group study format.

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 20 hours/80% of the minimum CPD requirement), as is undertaking the writing of relevant material that is published (up to a maximum CPD credit of 12.5 hours/50% of the minimum CPD requirement).

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 2017 Regulations, as amended, specify that physical attendance is required for group study.

10. What activities do not count for CPD purposes?

CPD is legal or general education/training relevant to the practice of a solicitor which is intended to develop on an ongoing basis the solicitor's professional knowledge and skills, professional standards, client care, professional development and solicitor wellbeing. 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, mentoring 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;
- research, notwithstanding that same may be required as part of a solicitors employment or academic studies;
- setting, correcting or marking of examination papers;
- sitting of examinations;
- completing quizzes;
- general lifestyle hobbies;
- 'keep fit' training;
- 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 or partners/monthly/office 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);
- preparation for undergoing an audit;
- attendance at networking events or launches.

Solicitors should also note that a list of activities which do not count for CPD purposes is available online in the CPD Scheme section of the Society's website – www.lawsociety.ie. Such list will be reviewed on a periodical basis and updated as necessary.

11. Do I need to comply with CPD if I am practising abroad?

Yes – all practitioners holding a current practising certificate with the Society are required to undertake CPD, wherever they practice. Therefore, you need to keep a record of CPD undertaken, together with verifying proofs (e.g. certificates of attendance).

12. Do I need to keep a record and verifying proof of completed CPD?

Yes – you are required to maintain your own record of CPD and retain suitable verifying proofs (e.g. certificates of attendance) in support of the CPD activities undertaken.

The record and verifying proofs should be kept for at least eighteen months following the end of the CPD cycle in question, and if subject to audit, for as long as the audit process continues.

13. Does the Society accredit any particular course(s) or course provider(s)?

No. The Society does not accredit any course(s) or course provider(s) 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.

14. 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 relevant risk management education/ training relating to file management, client management, practice management, stress management, cyber security, confidentiality, complaints handling and complaints avoidance, contingency planning and workflow processes.

15. 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).

16. What are 'Workplace Wellness' programmes?

Whilst programmes may differ from one organisation to another, they are generally based on how employers can cultivate a healthy workplace by promoting initiatives to support a healthy lifestyle, build personal resilience and maximise an employee's well-being. Workplace Wellness programmes can encompass many diverse subject matters and topics including how to manage a healthy lifestyle, promoting good exercise and diet, emotional intelligence, and mindfulness and meditation techniques used to alleviate or ameliorate work pressures and/or stresses.

17. What is the minimum CPD requirement if I am a newly admitted solicitor during a CPD cycle?

A newly admitted solicitor is exempt from the requirement to undertake CPD for a period of 12 months commencing on the first day of the month immediately following the date of his/her admission to the Roll of Solicitors. When this period of 12 months expires, the minimum CPD requirement for the remainder of the CPD cycle in which the period expires is modified downwards in proportion to the number of weeks (out of 52) remaining in that CPD cycle, as detailed below. 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.

Where a solicitor (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) has a modified CPD requirement of less than a total of 8 hours, the first 3 hours must be in the category of client care and

professional standards, with the balance in excess of 3 hours, being in the category of professional development and solicitor wellbeing.

Should such newly admitted solicitor fulfil the role of a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than 8 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Example 1:

A solicitor who is admitted to the Roll during the month of August 2024 will not be required to comply with the minimum CPD requirement from 1 September 2024 to 31 August 2025. Commencing from 1 September 2025, 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 2025 CPD cycle, which in this case would be 17 weeks (from 1 September 2025 to 31 December 2025). His/her reduced minimum CPD requirement will be 8 hours (i.e. $17/52 \times \text{the 25 hours minimum CPD requirement} = 8.17$, rounded down to 8 hours). Of that 8 hours, the solicitor must undertake at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards.

Example 2:

A solicitor who is admitted to the Roll during the month of September 2024, and who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, will not be required to comply with the minimum CPD requirement from 1 October 2024 to 30 September 2025. Commencing from 1 October 2025, 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 2025 CPD cycle, which in this case would be 13 weeks (from 1 October 2025 to 31 December 2025). However as such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, his/her reduced minimum CPD requirement may not be modified to less than 8 hours, comprising a minimum of 5 hours professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

18. 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

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 client care and professional standards requirement in all such cases remains.

Where a solicitor (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) has a modified CPD requirement of less than a total of 8 hours, the first 3 hours must be in the category of client care and professional standards, with the balance in excess of 3 hours, being in the category of professional development and solicitor wellbeing.

However, for a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than 8 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Example 1:

A solicitor, who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, and 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 2024 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 12.5 hours (i.e. $26/52 \times \text{the 25 hours minimum CPD requirement} = 12.5 \text{ hours}$). Of that 12.5 hours, the solicitor must undertake at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards.

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 2024 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 12.5 hours (i.e. $26/52 \times \text{the 25 hours minimum CPD requirement} = 12.5 \text{ hours}$). Of that 12.5 hours, the solicitor must undertake at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

19. If I have not engaged in practice for part of a CPD cycle due to being on maternity/paternity/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, paternity, parental, 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 client care and professional standards requirement however.

A solicitor on maternity, paternity, parental, carers or adoptive leave may also have his/her minimum CPD requirement further modified downwards, if he/she takes a period of unpaid leave following the expiry of their maternity, paternity, parental, carers or adoptive leave. However such solicitor may not modify his/her minimum CPD requirement in respect of any annual leave taken or holidays accrued.

Where a solicitor (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) has a modified CPD requirement of less than a total of 8 hours, the first 3 hours must be in the category of client care and professional standards, with the balance in excess of 3 hours, being in the category of professional development and solicitor wellbeing.

However, for a solicitor who is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than 8 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Example 1:

A solicitor who takes the maximum 42 weeks maternity leave in the 2024 CPD cycle will have practised 10 weeks in that cycle (i.e. $52 - 42 = 10$ weeks). Her modified minimum CPD requirement will be 4.8 hours, rounded up to 5 hours (i.e. $10/52 \times \text{the 25 hours minimum CPD requirement}$). Of those 5 hours, the solicitor must undertake at least 3 hours of client care and professional standards and the balance 2 hours must comprise of professional development and solicitor wellbeing.

Using the same example, if such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the solicitor must undertake a minimum of 8 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Example 2:

A solicitor who takes 12 weeks parental leave in the 2024 CPD cycle will have practised 40 weeks in that cycle (i.e. $52 - 12 = 40$ weeks). His/her modified minimum CPD requirement will be 19.2 hours, rounded down to 19 hours (i.e. $40/52 \times$ the 25 hours minimum CPD requirement). Of those 19 hours, the solicitor must undertake at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards.

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 19 hours, at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Example 3:

A solicitor who takes the maximum 42 weeks maternity leave in the 2024 CPD cycle, followed by a period of 4 weeks unpaid leave and then a period of 5 weeks annual leave, may modify her minimum CPD requirement in respect of the maternity and unpaid leave only. Accordingly, such solicitor will have a modified minimum CPD requirement based on 6 weeks practice in that cycle (i.e. $52 - 46$ ($42 + 4$) = 6 weeks). Her modified minimum CPD requirement will be 2.88 hours, rounded up to 3 hours (i.e. $6/52 \times$ the 25 hours minimum CPD requirement). The solicitor must undertake the full modified requirement of 3 hours in the category of client care and professional standards.

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the minimum CPD requirement may not be modified to less than 8 hours and must comprise of at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

20. 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 2024 until 13 June 2024 (14 weeks). His/her modified minimum CPD requirement for the 2024 CPD cycle is calculated on the basis of 38 weeks (52 weeks minus 14 weeks), as follows: $38/52 \times$ the 25 hours minimum CPD requirement = 18.3 hours, rounded up to 18.5 hours. Of that 18.5 hours, the solicitor must undertake at least 5 hours of professional development and solicitor wellbeing and at least 3 hours of client care and professional standards.

If, rather than being ill for those 14 weeks, the solicitor was unemployed for a total of 14 weeks during the 2024 CPD cycle, this example would equally apply in calculating his/her modified CPD requirement.

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.

21. 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 FAQ 20 for the means of calculation of the modified minimum CPD requirement.

22. 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 2024 CPD cycle, his/her 25 hours minimum CPD requirement is modified downwards to $2/5$ ths of 25 hours = 10 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards.

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, then his/her modified minimum CPD requirement will be 10 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

Example 2:

A solicitor (who is not a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner) who is remunerated to work and only engages in practice for a maximum of 2 hours per normal working week during the 2024 CPD cycle, has a modified 2024 CPD requirement of 3 hours of client care and professional standards.

If such solicitor is a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner, the solicitor's modified CPD requirement is 8 hours, to include a minimum of 5 hours of professional development and solicitor wellbeing and a minimum of 3 hours of client care and professional standards, of which at least 1 hour shall be accounting and anti-money laundering compliance.

23. If I am a 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 FAQ 22 for the means of calculating the modified CPD requirement in that circumstance.

24. 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.

25. 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.

26. Are there 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 Team, 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.

27. Will I be subject to ‘Target Audit’ if I fail to comply with my minimum CPD requirement?

Yes. 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.

28. 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.

29. 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 a request for a modification of the minimum CPD requirement, which should include details and proofs of any CPD completed in the relevant CPD cycle. The solicitors’ request 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 email: cpdscheme@lawsociety.ie or by post: CPD Scheme Unit, Law Society of Ireland, Blackhall Place, Dublin 7).

30. 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 online application for an extension of time, which should include details and proofs of any CPD completed in such relevant CPD cycle (either online or in hard-copy format). The application for an extension of time shall then be referred to the Education Committee for consideration.

The application for an extension of time is available in the CPD Scheme section of the Society’s website – www.lawsociety.ie. Solicitors should ensure they are logged-in to the Society’s website before submitting the application. Alternatively, solicitors may submit an application to the Society’s CPD Scheme Unit (by email: cpdscheme@lawsociety.ie or by post: CPD Scheme Unit, Law Society of Ireland, Blackhall Place, Dublin 7).

31. 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 online application for special dispensation, which should include details and proofs of any CPD completed in such relevant CPD cycle and include a medical certificate (in cases of an application based on illness) (either online or in hard-copy format). The application for special dispensation shall then be referred to the Education Committee for consideration.

The application for special dispensation is available in the CPD Scheme section of the Society's website – www.lawsociety.ie. Solicitors should ensure they are logged-in to the Society's website before submitting the application. Alternatively, solicitors may submit an application to the Society's CPD Scheme Unit (by email: cpdscheme@lawsociety.ie or by post: CPD Scheme Unit, Law Society of Ireland, Blackhall Place, Dublin 7).

32. If I mislay my CPD Scheme record card, can I get a replacement?

Yes. The CPD Scheme record card can be downloaded from the CPD Scheme section of the Society's website (www.lawsociety.ie) or can be obtained from the CPD Scheme Unit.

33. Who do I contact with any further queries?

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

Post: CPD Scheme Unit, Law Society of Ireland, Blackhall Place, Dublin 7.

Email: cpdscheme@lawsociety.ie **Telephone:** 01-6724802

APPENDIX "C":
FORM OF CPD SCHEME RECORD CARD



THE CONTINUING PROFESSIONAL DEVELOPMENT
SCHEME RECORD CARD

CPD CYCLE FROM 1 JANUARY 20__ TO 31 DECEMBER 20__
(insert year)

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 20__ to 31 December 20__ (insert year)

- ☐ 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

1. The minimum CPD requirement for each practice year/CPD cycle is 35 hours (as provided for in the Solicitors (Continuing Professional Development) Regulations 2007 (S.I. No. 539/2007), as amended by the Solicitors (Continuing Professional Development) (Amendment) Regulations 2003 (S.I. No. 495/2003)), of which a minimum of 5 hours must comprise professional development and solicitor wellbeing* and a minimum of 3 hours must comprise client care and professional standards*. 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 35 hours for

each practice year. CPD cycle, of which a minimum of 5 hours must comprise professional development and solicitor wellbeing* and a minimum of 3 hours must comprise client care and professional standards (of which at least 1 hour shall be accounting and anti-money laundering compliance*). The relevant Regulations and the relevant CPD Scheme are accessible in the CPD Scheme section of the Society's website www.lawsociety.ie.
2. Solicitors should complete this record card (by hand or electronically) and submit it to the Law Society by 31 December 2023 (S.I. No. 495/2003) and as follows in the CPD Scheme, effective from January 2024.

requested to do so by the Society.
3. 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 on 0724801.
* As defined in the Solicitors (Continuing Professional Development) Regulations 2007 (S.I. No. 539/2007), as amended by the Solicitors (Continuing Professional Development) (Amendment) Regulations 2003 (S.I. No. 495/2003) and as elaborated in the CPD Scheme, effective from January 2024.

SECTION A: GROUP STUDY (Minimum 5 hours / 20% of the annual CPD requirement must be completed by Group Study)

[Note: Record in Parts I, II, III, and/or IV (as appropriate) the CPD actually undertaken.]

Part I – Courses attended:

Date	Title of course	Name of course provider	CPD hours (minimum CPD credit is 0.5 hours)	Category of CPD (i.e. general CPD, professional development and solicitor wellbeing and/or client care and professional standards)

[illegible]

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, professional development and solicitor wellbeing and/or client care and professional standards)

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, professional development and solicitor wellbeing and/or client care and professional standards)

SECTION B: eLEARNING (maximum: 20 hours / 80% 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, professional development and solicitor wellbeing and/or client care and professional standards)

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, professional development and solicitor wellbeing and / or client care and professional standards)

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 20__ [insert year] 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 20__ [insert year] CPD cycle.

OR

Part II: I claim modification of the minimum CPD requirement for the 20__ [insert year] CPD cycle by reason of:

[Please tick (i), (iii), (iv), (v), (vi), (vii) and/or (viii), as appropriate]

☐ (i) maternity/paternity/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 ____ hours/days per week [insert details] to ____ 20__ [insert dates]

☐ (iv) part-time practice employed for ____ hours/days per week [insert details] to ____ 20__ [insert dates]

☐ (v) I was newly admitted to the Roll on ____ 20__ [insert year]

☐ (vi) the fact that I retired from practice as a solicitor during the 20__ [insert year] 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 20__ [insert year] 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 20__ [insert year] 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@lawsocty.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:

Solicitor

Date:

20__

APPENDIX“D”:
FORM OF TEMPLATE ‘PROOF OF CPD’

[ON COURSE PROVIDERS HEADED PAPER]

Name of participating/attending solicitor:

Date and time(s) of course:

Course Name/Subject Matter(s):(attach agenda if training has more than one seminar/topic)

Duration and Category of CPD: (attach break-down of time(s) if more than one seminar/category of CPD)

Method of Completion (Group Study/eLearning):

Signed for or on behalf of the course provider:

NOTES:

CPD Scheme Unit
Law Society of Ireland
Blackhall Place
Dublin 7

T +353 1 672 4802
F +353 1 672 4992

E cpdscheme@lawsociety.ie
W www.lawsociety.ie