

Section 6 Consultation,
Legal Services Regulatory Authority,
P.O. Box 12906,
Dublin 2

Invitation by the Legal Services Regulatory Authority for Submissions

ISME submits the following observations on behalf of its members regarding the Legal Services Regulatory Act 2015 ('the Act'):

1. We believe that the LSRA should seek the establishment of a full schedule of costs for Circuit Court proceedings, similar to that set out in [SI 17/2014](#) for the District Court.
2. The prohibitive and unpredictable costs of defending an action in the courts, together with the low likelihood of recovery of costs in very many cases, means that defendants are frequently and inappropriately encouraged to 'settle' even when the facts of the case do not support the plaintiff. We believe that Chapter 3 of the Act must set out a requirement for a legal practitioner to jealously recover all costs from the plaintiff in cases where the defendant has actually or substantively won their case. (i.e. ISME wishes to discourage the 'settlement mentality' about which our members regularly complain, whereby even in cases where the plaintiff against them has failed to present a credibly arguable case, their own counsel recommends a small settlement in respect of costs for the other side. In practice, this means that costs do not 'follow the event' in cases won by SMEs)
3. Individuals or companies assisting in any way with the identification, capture or presentation of a claim against a third party (so called 'claims management companies,' or claims 'harvesters') must be regulated under the Act.
4. Legal practitioners administering the production of an affidavit of verification for a plaintiff in a personal injuries action should be required to append a statutory declaration to the effect that

they have advised the plaintiff of the necessity to ensure that the affidavit of verification is truthful, honest and accurate in all material respects.

A handwritten signature in black ink, appearing to read 'Neil McDonnell', with a long horizontal flourish extending to the right.

Neil McDonnell

Chief Executive