

Invitation by the Legal Services Regulatory Authority for Submissions

The Legal Services Regulatory Authority (LSRA) invites submissions as part of a public consultation prior to the making and issuing of regulations in relation to the advertising of legal services.

The Legal Services Regulatory Authority was established on 1 October 2016 and is responsible for the regulation of the legal profession and ensuring that standards in legal services are maintained and improved.

Under section 218 of the Legal Services Regulation Act 2015, the Authority may make regulations in relation to the advertising of legal services, including in relation to the information that may be contained in advertisements published or caused to be published by legal practitioners in relation to legal services they provide and any areas of law to which those services relate.

The LSRA, through this consultation, is seeking views from a wide range of organisations and individuals. The LSRA is interested to hear not only from legal practitioners but also from consumers of legal services and members of the public and any organisations or representative bodies who may have an interest in the issue.

The advertising regulations to be issued by the Authority are not allowed to restrict the advertising of legal services unless the restriction is necessary for the protection of the independence, dignity and integrity of the legal profession, or where an overriding reason exists relating to the public interest and where the restriction is non-discriminatory and proportionate.

The regulations may:

- (a) Specify the category or categories of legal practitioners to whom such regulations apply,
- (b) Make provisions in relation to advertisements that may be published or caused to be published by or on behalf of a legal practitioner, including provision in respect of their content and size,
- (c) Provide for the manner in which the Authority is to determine whether any particular advertisement published or caused to be published by a legal practitioner is in contravention of the 2015 Act or the advertising regulations to be issued by the Authority,

(d) Restrict the publication by or on behalf of a legal practitioner of any advertisement which in the opinion of the Authority:

- i. is likely to bring the profession into disrepute,
- ii. is in bad taste,
- iii. reflects unfavourably on other legal practitioners,
- iv. is false or misleading in any material respect,
- v. is published in an inappropriate location
- vi. expressly or impliedly solicits, encourages or offers any inducement to any person or group or class of persons to make claims for personal injuries or seek legal services in connection with such claims.

In considering any submissions received in this consultation, the LSRA will be guided by the regulatory objectives set down in section 13 of the Act, which are:

- a. protecting and promoting the public interest,
- b. supporting the proper and effective administration of justice,
- c. protecting and promoting the interests of consumers relating to the provision of legal services,
- d. promoting competition in the provision of legal services in the State,
- e. encouraging an independent, strong and effective legal profession, and
- f. promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client's best interests, compliance with duties owed to the court and confidentiality.

Following the consultation and other evidence gathering activities, the LSRA will draft the advertising regulations required under section 218. The draft regulations may be subject then to further consultation prior to being issued.

Scope of the Consultation

The Authority now invites written submissions from members of the public and any other interested party in relation to the advertising of legal services in the State.

It would be helpful for respondents to consider the scope and nature of the regulations the LSRA is required issue and to comment on any of these which they consider relevant. It would be helpful for any views expressed, to be substantiated and if necessary, supported with any available evidence.

Respondents are asked to indicate on whose behalf they are responding, for example as a member of the public, a public representative, an individual or a firm within the solicitor or barrister profession, a client or a body representing collective interests etc.,

Members of the public or other interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than Friday 1 November 2019.

The Authority may contact respondents to explore any issues raised in responses in more depth and it will also be gathering evidence to use in its report from a variety of other sources.

Submissions may be sent:

- By e-mail to publicconsultations@lsra.ie or
- By post to
Section 218 Consultation
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 2

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act, 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Authority will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to the Authority, will be treated with the highest standards of security and confidentiality and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR).

Publication of Submissions

The Authority intends where appropriate to publish any submissions received by it on its website and otherwise. Please note that a decision on any such publication may occur without prior consultation with respondents to this consultation notice. It is in the interest of respondents to highlight, in their submissions, any commercially sensitive or confidential information, which they would not wish to be disclosed.

Legal Services Regulatory Authority
August 2019