

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 a report to the Minister for Justice and Equality in relation to unification of the solicitors' profession and the barristers' profession.

The LSRA 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.

The Authority is conducting a public consultation under section 34(1)(b) of the Legal Services Regulation Act 2015 as part of its preparation of a report to the Minister in relation to the unification of the solicitors' profession and barristers' profession.

The consultation is seeking views from a wide range of organisations and individuals in the legal services arena, including service providers and consumers, as well as academics, law firms, statutory agencies, representative bodies, non-governmental organisations and providers of legal training and education.

The LSRA is interested to hear respondents' views on existing business structures for the delivery of legal services, as well as any opportunities or challenges that might arise from the unification of both branches of the legal profession.

The LSRA is also interested in views on planned or potential developments - within the legal services sector or external to it - which might impact on current and future business structures for legal services in the State.

Responses which provide insight into the experience of arrangements in operation in other relevant jurisdictions would also be useful.

In considering any evidence presented, the LSRA will be guided by the regulatory objectives set down in section 13 of the 2015 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.

Section 34(4) of the 2015 Act states that the Authority's report shall contain details of arrangements in operation in other jurisdictions in which the professions have been unified.

In addition, the Authority may, if appropriate, make recommendations to the Minister as to:

- Whether the solicitors' profession and the barristers' profession in the State should be unified having regard to, among other things –
 - (i) the public interest,
 - (ii) the need for competition in the provision of legal services in the State,
 - (iii) the proper administration of justice,
 - (iv) the interest of consumers of legal services including access by such consumers to experienced legal practitioners, and
 - (v) any other matters that the Authority considers appropriate or necessary.

If the recommendation by the Authority is in favour of unification of the solicitors' profession and the barristers' profession, section 34(4) further states that the Authority shall also make recommendations as to –

- (i) how the professions can be unified, and
- (ii) the reforms or amendments, whether administrative, legislative, or to existing professional codes, that are required to facilitate such unification, and
- (iii) any other matters that the Authority considers appropriate or necessary.

Following the public consultation and other evidence gathering activities, the LSRA will draw up a report to be submitted to the Minister for Justice and Equality by 30 September 2020.

Scope of the Consultation

The Authority now invites written submissions from members of the legal professions, academics, practitioners, experts, consumers of legal services, members of the public and any other interested party in relation to unification of the solicitors' and barristers' professions.

It would be helpful for respondents to consider the scope of the recommendations the LSRA is required to cover in its report (under section 34(4)(c)) 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 12 May 2020.

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 34 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) when commenced.

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
13 February 2020