

Section 33 Consultation,
Legal Services Regulatory Authority

Submission to the Legal Services Regulatory Authority
Section 33 Legal Services Regulation Act 2015

- 1.0 The Mediators Institute of Ireland is the professional association for mediators in Ireland, established in 1992 to promote the use of mediation as a process of dispute resolution in all areas by ensuring the highest standards of education, training and professional practice of mediation and by increasing public awareness of mediation.
- 1.1 The Institute is conscious of the obligation of the Authority to make an annual submission to the Minister pursuant to Section 33 of the Legal Services Regulation Act.
- 1.2 The Institute has an interest in matters material to Section 33(1)(c);

(c) containing an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in that year is consistent with the public interest in ensuring the availability of such services at a reasonable cost.
- 1.3 The assessment to be undertaken by the Authority is not purely a mathematical exercise. It requires a consideration of the adequacy of the skills and training of persons being admitted to practice as lawyers.
- 1.4 Since the commencement of the Mediation Act 2017 on 1 January 2018 an informed knowledge and understanding of mediation is a core competency that should be expected of all barristers and solicitors given that the Act imposes specific duties and obligations on legal practitioners.
- 1.5 While the Institute has not commissioned any focused research on the issue there is certainly a current of observations from its members that legal practitioners have not fully embraced mediation.
- 1.6 While it might not be pertinent for this year's report to the Minister, the Institute does believe that the LSRA pursuant to its powers under Section 13(2) should review the curriculum of the professional courses and identify whether mediation is adequately addressed and, if necessary, develop a common mediation module for



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professional courses. In similar manner the Institute believes that a mediation information module should feature as a mandatory component of CPD for the coming few years given its recent arrival as a dispute resolution mechanism regulated by statute and approved for adoption by government.

- 1.7 The Institute is more than willing to assist the Authority with the review of curriculum. In this regard the Institute has a competency in the design of both knowledge and skills modules in a range of areas related to mediation. Specifically, the Institute has experience of providing information related to the requirements of the Mediation Act 2017, and working with legal professionals to frame and practice their own communications in this area.

Signed: *Margaret Considine*

Margaret Considine
President of the Mediators Institute of Ireland

Dated: 30th January, 2020