



Irish Institute of Legal Executives CLG.

Conveyancer Consultation
Legal Services Regulatory Authority
P.O. Box 12906
Dublin 7

6th January 2022

Dear Sir/Madam,

Please find enclosed Submission on behalf of the Irish Institute of Legal Executives CLG in relation to Section 34(1)(i) Legal Services Regulatory Act 2015 Creation of a new Profession of Conveyancers in Ireland.

Kind Regards

Deborah Walsh

Chairperson

The Irish Institute of Legal Executives



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Submission on behalf of the Irish Institute of Legal Executives CLG

Section 34(1)(i) Legal Services Regulatory Act 2015 Creation of a new profession of Conveyancers in Ireland

The Irish Institute of Legal Executives welcomes the invitation to submit to the Legal Services Regulatory Authority as part of its report to the Minister for Justice in relation to the creation of a new profession of Conveyancers in Ireland.

The Irish Institute of Legal Executives is the professional body representing Legal Executives in Ireland. The Institute aims to provide a system of training and examination so that Legal Executives obtain a recognised legal professional qualification. The Institute, in conjunction with Griffith College, has developed a course specifically for the Legal Executive. The Diploma in Professional Legal Studies and Practice (HETAC Level 7) is a two-year course which is designed to give the Legal Executive the necessary academic and practical skills. However, many of our members proceed further with education to obtain Degrees and Master's in law from Third Level Universities nationwide. With the introduction in 2019/2020, of the Law Society of Ireland inaugural course designed specifically for Legal Executives entitled "*Certificate in Property Law & Conveyancing for Legal Executives*" there was recognition of the pivotal role Legal Executives play in the provision of conveyancing services in Ireland and evidenced a desire by the Law Society to see them suitably trained. Many Legal Executives through their Employers took up this course and were extremely successful in its completion.



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It is already the case that many Legal Executives are qualified, professional Conveyancers who read titles, prepare contracts, raise and respond to pre-contract queries, raise and respond to rejoinders, draft all necessary Declarations, obtain requisite documents from Local Authorities, OMC's, Architects etc., prepare schedules of closing documents, complete transactions and deal with all post completion matters such as stamping and registration, including first registration. Legal Executives are also routinely reviewing Letters of Offer, preparing Certificates of Title and arranging execution of security documents. These Legal Executives are included on their employing firm's professional indemnity insurance as a matter of course. It is the view of the Irish Institute of Legal Executives that the creation of a new profession of Conveyancer in Ireland would merely place on a more formal footing the work that Legal Executives have been doing for many years. and also, that of the Consumer.

Despite the fact that it is the Legal Executive performing all tasks associated with the acquisition or disposal of property, the fees charged to the consumer are still at the same level as though conducted by a Solicitor. This leads to an anti-competitive environment in the sector. The introduction of the profession of Conveyancer in Ireland opens the door to far more competitive fee regimes and is therefore enormously beneficial to consumers of conveyancing services in Ireland.



If the profession of Licensed Conveyancer is to be successful in Ireland there are a number of important things that will need to be in place. These include:

1. A stringent Licensing system with strict educational and practical experience requirements
2. Ethics training
3. Agreed fee structures for the provision of Conveyancing services
4. Universal Professional Indemnity Insurance requirements
5. A robust programme of CPD training
6. Negotiation and agreement with financial institutions on Conveyancers signing of Certificates of Title
7. A strict regime of regulation and oversight

Whilst the above list is far from exhaustive it highlights some of the challenges that will be faced.



In relation to the Licensed Conveyancer themselves they will need to possess a number of skills outside of their educational and practical experience to operate effectively and these include:

1. The ability to advise and negotiate effectively
2. The ability to understand and explain legal technicalities
3. Excellent report-writing skills
4. A genuine interest in Property Law
5. The ability to work meticulously and accurately within a professional code of conduct
6. Problem-solving skills
7. The ability to work under pressure
8. Strong research skills
9. An ability to communicate with clients and other stakeholders in person, on the phone, by letter or by email
10. An ability to use a computerised case management system

The above list is not exhaustive, but it is the Institutes view that many Legal Executives who work in the area of Conveyancing possess all of the traits set out above and have the ability and experience to act as a Licensed Conveyancer.



However, like all roles/positions there are pros and cons for retaining a Licenced Conveyancer or a Conveyancing Solicitor to act in a conveyancing transaction as set out below:

PROS	CONS
Solicitors may possess more experience in with complex conveyancing matters	Solicitors are more expensive
Licenced Conveyancers will specialise in property transactions only	Conveyancing is often described by solicitors as their 'bread and butter' income while their profit is made from large personal injury cases.
Legal Executives doing the work anyway without necessary protections for consumer so licensing conveyancers affords protection that doesn't currently exist.	Complex conveyancing transactions may still require a solicitor's input



As in previous submissions presented to the Legal Services Regulatory Authority, the Irish Institute of Legal Executives feel it is imperative that we take this opportunity to reiterate the following:-

1. Regulation of Legal Executives would provide a greater choice to the Consumer and more competitive legal costs.
2. Regulation offers protection for consumers of legal services and Legal Executives. Legal Executives are conducting a high level of legal work on a daily basis that requires regulation/recognition to ensure that the very high standards of Legal Executives are maintained and to ensure that any person holding themselves out to be a Legal Executive is properly trained and carries the requisite skill and knowledge.
3. The high and perceived high cost of legal services is preventing people on lower income levels from equal access to justice.
4. 90% of our fully qualified Legal Executive members (MIILEX) are educated in legal disciplines to HETAC Level 7 and above, many holding third level Diplomas, Degrees, Masters and PhDs.
5. The Legal Services Regulation Act 2015 addresses many issues in respect of cost. However, it offers no dramatic change to the way legal services are delivered. The regulation of Legal Executives would offer a fresh and modern approach to legal services.
6. Our background is identical to that of Legal Executives in England and Wales coming from Legal Secretaries, Managing Clerks and Articled Clerks.
7. Legal Executives in England and Wales can become Judges, Coroners, Conveyancers/Licensed Conveyancers and Partners in Law Firms.
8. Legal Executives are employed across a wide range of organisations in Ireland including but not limited to, Revenue Solicitors Office, Banks, Public Service, Local



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Authorities, Chief State Solicitors Office, Approved Housing Bodies together with
Private Legal Practices.

- 9 Legal Executives do very similar work as Solicitors and work alongside them on a daily basis (drafting documents, attending Court, closing sale/purchases, they meet with the customer, they deal with customer files from beginning to conclusion). Legal Executives carry enormous experience and vast knowledge in their chosen field.
- 10 Legal Executives are consistently reminded by their Solicitor colleagues that they quite simply could not operate without them, given the importance of their role.

Having considered the Irish Institute of Legal Executives Submissions and having Legal Executives recognised by the Legal Services Regulatory Authority as enacted by the Legal Services Regulation Act 2015 would be another step forward not only for us, Legal Executives but the Legal Service in Ireland.

The Institute hopes that the Authority will not lose the excellent opportunity to recognise the role of Legal Executives and not just the Solicitor and Barrister profession in Ireland. The introduction of the profession of Licensed Conveyancer in Ireland would be a significant first step on this path.

Dated the 6th day of January 2021

Yours sincerely,

**On behalf of The Board of Directors
The Irish Institute of Legal Executives**