



Information for Solicitors On Setting Up In Practice

What You Need To Do and To Submit Beforehand,
Account Regulations and other Responsibilities.



1. INTRODUCTION

This leaflet was published by Practice Support at Law Society of Ireland to provide solicitors with outline information about setting up a legal practice. It does not deal authoritatively with legal and regulatory matters and it should not be relied upon in this regard.

For authoritative guidance, please consult with Law Society of Ireland Committee and Regulation Department publications, along with the book '*Solicitor's Guide to Professional Conduct (4th Edition)*'.

This leaflet outlines the matters a solicitor needs to organise in order to set up a legal practice. Buying a legal practice and buying into a partnership are not covered in this leaflet but are dealt with in separate dedicated leaflets.

1.1 Quick Overview

With regard to commencing a practice as a sole practitioner, the Law Society requires the following:

- **Practising Certificate** – You are required to hold a current practising certificate from the Law Society of Ireland.
- **PII Confirmation of Cover Form** - You are required to obtain professional indemnity insurance ("PII") cover from a participating insurer and have the attached Confirmation of Cover Form completed and returned.
- **Commencement in Practice Form** - You are required to notify the Law Society of the commencement of the practice by completing and returning the Law Society's Commencement in Practice Form;
- **Headed paper** – You need to forward a copy of your headed notepaper to the Law Society which should be in accordance with the Solicitors (Practice, Conduct and Discipline) Regulations (S.I 178 of 1996).

With regards to selecting a date to submit your accountant's report, regulation 26 (1) of the Solicitors Accounts Regulations 2023 (S.I. 118 of 2023)) requires the report to be provided to the Law Society no later than 5 months after your accounting date [i.e. the last day of the practice's accounting period, year-end].

If you have any queries, you can contact Simon Treanor in the Law Society's Regulation Department. Simon's contact details are as follows:

Simon Treanor - Legal Services Regulation Executive

Law Society of Ireland, Regulation Department, George's Court, George's Lane, Dublin 7 (DX 1025 Four Courts), Ireland D07 E98Y

Tel: +353 (0) 1 879 8736 | Email: s.treanor@lawsociety.ie

2. BEFORE COMMENCING

If you are going to set up in practice you are required to inform the Law Society using the Commencement in Practice form. This form should be submitted to the Regulation Department. Once you provide the necessary information, you can commence in practice. You are not required to get approval in advance from the Law Society in order to commence.

2.1 Professional Indemnity Insurance

All solicitors in private practice must have professional indemnity insurance. The professional indemnity insurance regulations require the minimum cover of €1.5 million for each and every claim.

If you have been insured as a partner or an employee in another firm and commence practice on your own during a year for which your former firm had insured you, this does not cover you in your new firm.

It should be noted that the period of cover should run to the 30 November each year as provided for in the Regulations. Therefore when you commence in practice on your own behalf you should arrange your cover from the date you commence in practice through to the 30 November.

An important condition of most solicitors' professional indemnity insurance policy is that the insurer is notified of "circumstances arising" which may give rise to a claim. Thus, when you are in practice, if you become aware of a mistake which you have made, you must notify your insurers.

You must report even if your client is not aware of the mistake that you have made and you have an opportunity to rectify the matter and do so.

2.2 Practising Certificates

You must have a practising certificate (PC) in order to provide legal services. The consequences of practising without a practising certificate are;

- The validity of any act done on behalf of a client by a solicitor who does not have a valid PC in force at the time of the act may be questioned.
- A solicitor cannot raise a bill of costs for work done during a period when he or she does not hold a practising certificate.

2.2.1 Practising Certificate Rules

You should have a practising certificate before you actually commence in practice. The Society may take action against a solicitor practising without a practising certificate including referring the solicitor to the Legal Services Regulatory Authority.

- A solicitor cannot recover costs for work done during a period when he did not hold a practising certificate.
- Application forms for obtaining a practising certificate must be completed annually online through the Society's website.
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- Membership subscriptions, contributions to the Solicitors Benevolent Association, to Irish Rule of Law International, to Community Law Centres and to FLAC are optional.
- There is a concessional membership subscription rate of €20 if you are in your first year of admission to the Roll.
- The practising certificate fee must be paid before 1 February every year in order to qualify to practice from 1 January of that year.
- In April the listing of solicitors holding practising certificates as at 31 March is forwarded to County Registrars, Secretaries of Bar Associations and other groups within The Courts Service.
- The practising certificate fee may be apportioned *pro-rata* by reference to the month in which you commence in practice. However, the annual levy payable to the Legal Services Regulatory Authority is not subject to any *pro-rata* reduction and must be paid in full with each practising certificate.
- A funding scheme for easy payment of your practising certificate fees and PII premium is made available each year.

3. OTHER RESPONSIBILITIES

3.1 Accounts Regulations

The reporting accountant is the solicitor's own accountant. The accountant must be a member in practice and hold a practising certificate from an Institute of Chartered Accountants in Ireland or the UK.

The accountant must maintain such minimum level of professional indemnity insurance cover as the Society may appropriately and reasonably direct from time to time in order to provide for indemnity against losses arising from claims incurred, inter alia, in connection with his or her professional practice as a reporting accountant.

The name of your reporting accountant must be noted on the Commencement in Practice form referred to earlier. It is essential that your reporting accountant is familiar with the requirements of the Solicitors Accounts Regulations.

Accountant's Report

The work your accountant will be required to do for you will include preparing and signing an annual accountants' report to the Law Society.

It is your responsibility to ensure that the accountant's report is delivered to the Society by the due date, which is five months after your financial year-end. The discharge of this responsibility cannot be delegated to your reporting accountant. Instruct your reporting accountant adequate time to ensure completion of the work before the deadline.

If you fail to submit your accountant's report or are late in doing so, this can have serious consequences. The solicitor may be referred to the Legal Practitioners Disciplinary Tribunal.

3.2 Professional Names & Professional Notepaper

Professional Names

A solicitor, or firm of solicitors, usually practises under the name, or one of the names, of the solicitors or one or more of the present or former principals of the firm. If you wish to use some other name you will need approval in writing from the Law Society. Application for such approval should be made in writing to the Regulation of Practice Committee.

The nameplate of a practice may only include the name of the practice, the names of the solicitors, their qualifications and, if applicable, the date of establishment of the practice.

Professional Notepaper

The name of the principal or the names of all the partners should be listed even if these are included in the name of the firm. If the names of assistant solicitors are shown on the notepaper, a differentiation should be made between their names and the names of the principals or partners.

All solicitors who are listed on the notepaper, including consultants, must hold a practising certificate. If non-solicitors are listed, their status must be unambiguously stated.

3.3 Advertising

You are entitled to advertise your services subject to compliance with the Legal Services Regulation Act 2015 (Advertising) Regulations 2020 (S.I. No. 644 of 2020). These regulations permit advertising but impose restrictions on the content of advertisements, particularly advertisements which relate to personal injury claims.

The advertising of legal services is now a matter within the remit of the Legal Services Regulatory Authority and not the Law Society of Ireland.

Appendix 1

COMMENCEMENT IN PRACTICE FORM

1. Practice Details

Please state the exact date of commencement in practice: _____

Name of solicitor: _____

Practice name: _____

Practice address: _____

Telephone no: _____

Mobile no: _____

Email address: _____

Partners in practice: _____

Assistants in practice: _____

Previous practice address (if applicable): _____

Date of departure: _____

Status in previous practice: Sole Practitioner
 Partner
 Assistant
 Consultant

2. Practising Certificate Details:

Do you hold a current practising certificate? Yes No

If no, please login to the Society's website to complete the application form.

3. Professional Indemnity Insurance Details

Name of Insurer: _____

I enclose a copy of confirmation from my insurer/broker: Yes No
[Please tick [✓] if appropriate]

4. Solicitors Accounts Regulations

Please state the financial year adopted by you: _____

Reporting accountant's name: _____

Reporting accountant's practice name: _____

Reporting accountant's address: _____

Reporting accountant's telephone no: _____

Reporting accountant's professional qualification: _____

Is your proposed accountant engaged in public practice? Yes No

Has he/she previously reported to the Society on a solicitors practice? Yes No

If not, please enclose details of:

- (a) Accountant's professional qualifications
- (b) Copy of accountant's professional indemnity insurance cover
- (c) Copy of accountant's current practising certificate

5. Nominated Solicitor

You are required to nominate a solicitor with a current practising certificate with whom the Society can liaise in respect of your practice in the event of your untimely death or any other reason that might prevent you from continuing in practice:

Name and address of nominated solicitor: _____

Please note that in the event that you change the nominated solicitor, you are required to notify the Society accordingly.

The Society recommends that all solicitors nominate a solicitor as one of their executors in their wills.

6. Other

I enclose a sample of my professional notepaper: Yes No

[Please tick [✓] if appropriate]

Please state any queries which you would like the Society to deal with relating to your practice:

I confirm that the above details are correct and that I am familiar with the requirements of the Solicitors Accounts Regulations.

SIGNED: _____

***SIGNED:** _____

***SIGNED:** _____

DATE: _____

***(In the case of a partnership, only one form should be submitted with each partner having signed the form)**

PLEASE RETURN YOUR COMPLETED FORM TO:

Mr Liam Barrett
Practice Regulation Executive
Regulation Department
Law Society of Ireland
George's Court
George's Lane
Dublin 7
DX 1025 Four Courts
Tel: (01) 879 8749
Fax: (01) 8798769
Email: l.barrett@lawsociety.ie

APPENDIX 2

THE LAW SOCIETY OF IRELAND

CONFIRMATION OF MINIMUM LEVEL OF COVER

Name of Firm:

Address of Firm:

Coverage Period:

Policy Number:

Name of Underwriter(s) or Lloyd's syndicate(s) (in the case of Lloyd's syndicates the number(s) of the syndicate(s) providing the cover should be noted, together with the percentage of cover provided by each syndicate):

[Name of Insurer]

We confirm that for the coverage period specified above cover in accordance with the Minimum Terms and Conditions (as defined by Solicitors Professional Indemnity Insurance Regulations 2020 (S.I. 429 of 2020) as amended by the Solicitors Professional Indemnity (Amendment) Regulations 2022 (S.I. 585 of 2022)) is in place and that the cover provided is in compliance with the requirements of the Regulations in respect of the conduct of business by the above named Firm.

Signed by: _____

For and on behalf of: _____

*Please note that the confirmation of cover should either be printed on your professional notepaper or contain your company stamp.

THIS FORM SHOULD ONLY BE COMPLETED BY A PARTICIPATING INSURER OR THE BROKER WHO HAS ARRANGED THE COVER

