



INFORMATION FOR
SOLICITORS SETTING
UP IN PRACTICE





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All booklets can be accessed on the members' area of the Law Society website www.lawsociety.ie

A GUIDE FOR SOLICITORS CEASING PRACTICE OR RETIRING FROM PRACTICE AS SOLE PRACTITIONERS

Guidelines for solicitors retiring or ceasing to practise as sole practitioners or sole principals and for solicitors purchasing practices from them.

Guidance & Ethics Committee – 2nd Edition 2019

w www.lawsociety.ie/Solicitors/Running-a-Practice/Closing-a-Practice/

A GUIDE TO LOCUM ARRANGEMENTS

Guidance & Ethics Committee – 2nd Edition updated 2019

w www.lawsociety.ie/Careers/Advice-and-Supports/Employment-Alternatives/

REGULATORY GUIDE FOR IN-HOUSE SOLICITORS EMPLOYED IN THE CORPORATE & PUBLIC SECTORS

Regulation Department, September 2017

w www.lawsociety.ie/Solicitors/Representation/Committees/In-House-and-Public-Sector/

A GUIDE FOR IN-HOUSE SOLICITORS EMPLOYED IN THE CORPORATE AND PUBLIC SECTORS

In House & Public Sector Committee May 2018

w www.lawsociety.ie/Solicitors/Representation/Committees/In-House-and-Public-Sector/



PROFESSIONAL CONDUCT FOR SOLICITORS IN IRELAND | 1

One of the hallmarks of the legal profession is that the profession requires its members to observe a certain code of conduct, some of which is, and some of which is not, reflected in legislation or regulation.

Core values of the profession

In addition to the relevant legislation, solicitors are required to observe general core principles of conduct, in particular honesty, integrity, independence, confidentiality and the avoidance of situations of conflict of interest.

A Guide to Professional Conduct of Solicitors in Ireland

Your attention is drawn to the publication *A Guide to Professional Conduct of Solicitors in Ireland* (3rd Edition). Copies are available from the Law Society and to download online at: www.lawsociety.ie/Solicitors/Representation/Committees/Guidance-and-Ethics/. Details and order forms for Law Society publications are available on www.lawsociety.ie/Solicitors/Practising/Buy-Publications/. This Guide outlines the accepted principles of conduct and practice in the context of practical situations.

The rules of conduct

The rules of professional conduct are derived both from statutory and non-statutory sources. The Solicitors Acts, 1954 to 2015 and the regulations made under these acts are the legislative framework for the regulation of solicitors.

As a member of the profession a solicitor has duties towards various individuals and bodies:

1. Their clients;
2. The courts and other bodies before whom you will plead your clients' causes or act on their behalf.
3. The public for whom the existence of a free and independent profession is an essential means of safeguarding individual rights in the face of the power of the State and other interests in Society.
4. The legal profession in general and each fellow member of it.

All professional codes pertaining to solicitors can be accessed at www.lawsociety.ie/lspa-professional-codes/.



www.lawsociety.ie/lspa-professional-codes

2 | COMMENCEMENT IN PRACTICE APPLICATION

If you are going to set up in practice you are required to inform the Law Society in advance of commencement through a commencement in practice application.

Commencement in Practice Application Form

You are required to advise the Society of the following information in the application:

1. Type of commencement – new firm, merger, takeover, new structure in existing firm
2. Name of new firm
3. Date of commencement of the firm
4. Firm type – sole practitioner, sole principal, partnership
5. Number of principals in the firm
6. Solicitor number and name of each principal
7. Name of managing partner
8. Name of compliance partner
9. Firm contact details – address, telephone, fax, mobile, email, website
10. Contact details for each principal – mobile number, email address
11. Assistant solicitors – solicitor numbers, names and dates of commencement with firm
12. Consultant solicitors – solicitor numbers, names and dates of commencement with firm
13. Other staff – names and job titles

14. Branch office details – addresses, telephone, solicitors resident in each branch office
15. Previous firm details – includes information regarding previous firms in which the principals of the new firm were principals, previous firms in the Run-off Fund, succeeding practices, date of cessation of the principals in the previous firm
16. Regulatory and disciplinary history – practising certificate status, restrictions on practising certificates, findings of misconduct, suspensions, strike-off orders, and ongoing regulatory or disciplinary investigations
17. Professional indemnity insurance – name of insurer, name of broker, policy number, date of commencement of policy, copy of PII confirmation from insurer/broker
18. Solicitors accounts regulations – financial year end, reporting accountant name and contact details, accountant qualifications, accountant's previous history
19. If your reporting accountant has not previously reported to the Society on a solicitor's practice copies of the accountant's professional qualifications, PII and current practising certificate will need to be provided with the application
20. Nominated solicitor – details of a solicitor with a current practising certificate with whom the Society can liaise in respect of your practice in the event of the untimely death or incapacitation of all principals in the practice. Written confirmation from your nominated solicitor should be provided with the application
21. Professional notepaper – a sample of your professional notepaper should be attached to the application. This notepaper must be in compliance with the Solicitors (Professional Names/ Notepaper) Regulations 1996 (S.I. No. 178 of 1996).



www.lawsociety.ie/Solicitors/Running-a-Practice/Opening-a-Practice/

The information to be provided is as set out in the Commencement in Practice form which is available to download at www.lawsociety.ie/Solicitors/Running-a-Practice/Opening-a-Practice/. It is expected that an online application will be available in the near future.

Copies of the form are available from the Law Society. The form must be completed and the declaration which is part of the form must be signed by all principals in the firm. The declaration requires each principal to confirm that:

1. they have read and understood the contents of the application;

2. to the best of their knowledge, information, and belief, the information provided in the application is true, complete and accurate;
3. they have read the data protection statement set out in the application;
4. they are familiar with the requirements of the solicitors accounts regulations, professional indemnity insurance regulations, and professional names/notepaper regulations; and
5. they will contact the Society immediately in writing if any of the information in, or provided with, the application changes.

The commencement in practice application should be submitted at least 14 days in advance of the commencement of the firm.

Completed applications, and associated documentation, should be returned to the Practice Regulation Section, Regulation Department, Law Society of Ireland, George's Court, George's Lane, Dublin 7, Tel +353 1 879 8700, email firms@lawsociety.ie

A completed commencement application consists of a properly completed application form and provision of all required documentation, and, following submission the application, online confirmation of professional indemnity insurance cover by your broker (once a firm number has been provided to you by the Society).

Your new firm should not commence until an approval of commencement letter is received from the Society.

Further information and resources regarding opening a practice can be found on the Society's website at www.lawsociety.ie/Solicitors/Running-a-Practice/Opening-a-Practice/.



www.lawsociety.ie/Solicitors/Running-a-Practice/Opening-a-Practice/

Post-qualification experience prior to setting up in practice

It is the Society's policy to encourage newly qualified solicitors to obtain a minimum of one year's experience in an established practice prior to setting up on their own.

The Solicitors Acts 1954 to 2015 enable the Law Society to make regulations in the future regarding a period of minimum post-qualification experience/training which will then be required prior to setting up in practice . Currently no such restrictions exist.

¹Solicitors (Amendment) Act 1994, Section 37"Restrictions following admission as solicitor on practising as a sole practitioner"

All principals in the firm are required to have a practising certificate in place before the practice can commence

Applying for a Practising Certificate

All principals in the firm are required to have a practising certificate in place before the practice can commence. All solicitors in the firm, be they principals, assistants, or consultants, are required to have a practising certificate in place before providing legal services of any kind, or holding themselves out as solicitors. It is professional misconduct and a criminal offence to act as a solicitor without a valid practising certificate in place.

The Society may take action against a solicitor practising without a practising certificate including referring the solicitor to the Solicitors Disciplinary Tribunal, High Court and Garda Síochána.²

Moreover, a solicitor cannot recover costs for work done during a period when they did not hold a practising certificate.³

The practice year runs from 1 January to 31 December annually. An application for a practising certificate must be made on or before the 1 February each year in order that the practising certificate issues with effect from the 1 January.

For solicitors commencing practice mid-year, a practising certificate application form and full payment of fees must be received the Society in advance of the date of commencement.

You can apply for your practicing certificate online at the following link www.lawsociety.ie/Solicitors/Practising/Practising-CertMembership/pc-application/. This application should be completed in connection with the Guidance Note issued by the Society and available at www.lawsociety.ie/Solicitors/Practising/Practising-CertMembership/. Additional forms and information can be accessed through the Society's website www.lawsociety.ie. If you have any other queries please contact pc@lawsociety.ie.



[www.lawsociety.ie/
Solicitors/Practising/
Practising-CertMembership/
pc-application/](http://www.lawsociety.ie/Solicitors/Practising/Practising-CertMembership/pc-application/)

²Qualifications for acting as solicitor" - Section 54 of the Solicitors Act, 1954 as amended by section 62 of the Solicitors (Amendment) Act, 1994. "Prohibition on unqualified person acting as solicitor" - Section 55 of the Solicitors Act, 1955 as amended by section 63 of the Solicitors (Amendment) Act, 1994.

³ "Costs not recoverable where solicitor acts while not qualified to practise" - Section 57 of the Solicitors Act, 1954.



www.lawsociety.ie/Solicitors/Practising/Practising-CertMembership/

Membership subscriptions, contributions to the Solicitors Benevolent Association and to F.L.A.C. 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 received by the Society by 1 February every year in order to qualify to practice from 1 January of that year. If you commence practising during the year the practising certificate fee is apportioned by reference to the month in which you commence in practice, and the fee must be received by the Society in advance of the date you commence practising.

Further information on practising certificate application can be found on the Society's website at www.lawsociety.ie/Solicitors/Practising/Practising-CertMembership/

PC & PII Finance Scheme

A funding scheme for easy payment of your practising certificate fees and professional indemnity insurance premium is available each year. The Law Society is currently partnered with Bank of Ireland to provide a financial facility for members who wish to finance payment of their practicing certificate fees, professional indemnity insurance, income tax and pension contributions. It provides highly competitive variable rates for members. Details of interest rates can be accessed in the Member Services Directory, or on the Society's website at www.lawsociety.ie/Solicitors/Representation/Member-Benefits/#finance-scheme.

Life assurance

A solicitor under 70 years of age, who holds a current practising certificate, and who is resident in Europe is covered for life assurance of €47,500. A premium of €50 is included in the practicing certificate fee.

Solicitors in the full-time service of the State, who are exempt from holding practising certificates pursuant to the Solicitors Acts, judges and county registrars, may also apply to join the scheme, provided they are members of the Society and pay the scheme premium of €50 during the month of January.

Law Directory

Only solicitors who have been issued with a practising certificate by the second week of February are included in the annual Law Directory for that year.



www.lawsociety.ie/Find-a-Solicitor/

Find a Solicitor / Find a Firm

The Society's online Find a Solicitor search facility includes all solicitors who hold a current practising certificate and professional indemnity insurance cover (or are exempt from holding professional indemnity insurance as solicitor employees of non-solicitors) in Ireland. It does not include some solicitors who hold practising certificates but are not currently in practice, e.g. some locum or retired solicitors. It can be accessed at www.lawsociety.ie/Find-a-Solicitor/.

The Society's online Find a Firm search facility includes all solicitors' firms in Ireland and organisations that employ solicitors who hold a current practising certificate. It can be accessed at www.lawsociety.ie/Find-a-Solicitor/Solicitor-Firm-Search/.

Information about a firm's professional indemnity insurance can be found through the Society's online PII search facility at www.lawsociety.ie/Solicitors/Practising/PII/Firm-PII-Search/.



4 | PROFESSIONAL INDEMNITY INSURANCE

All solicitors in private practice must have professional indemnity insurance (“PII”). The current professional indemnity insurance regulations require minimum cover of €1.5 million each and every claim.

PII is on a per firm basis, not a per solicitor basis. PII covers every solicitor in a solicitor firm.

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.

Cover for your new practice must be arranged with one of the insurance companies listed here. These are “participating insurers” that is, insurance companies which currently meet the requirements of the regulations for insurers.⁴

The normal period of cover for solicitor firms runs from 1 December to 30 November annually. Longer or shorter coverage periods are permitted under the regulations.

Confirmation of cover must be provided to the Society within three days of 1 December annually by your broker through the Society’s online PII confirmation system, and must include the policy number for your cover.

Full details on applying for PII can be found in the PII Guide to Renewal which is published annually on the Society’s website at www.lawsociety.ie/PII.

Current PII regulations and minimum terms and conditions of cover can be found on the Society’s website at www.lawsociety.ie/PII#regs.

Please contact the piihelpline@lawsociety.ie or contact the PII Helpline on 01 879 8707 if you have any queries relating to PII.

⁴Professional Indemnity Insurance Regulations 2017, S.I. 389 of 2017

Participating insurers

A full list of participating insurers along with their financial rating and broker details is available on the Society's website at www.lawsociety.ie/PII#ib

It should be noted that, while the participating insurers have signed the Participating Insurers Agreement entitling them to provide professional indemnity insurance cover to solicitors firms in this jurisdiction, the Society is not responsible for any contractual arrangement you may enter into with a participating insurer.

The Law Society does not assess the solvency of any insurer. The Society has introduced a new requirement for all participating insurers from the 2017/2018 indemnity period onward requiring such insurers to have a minimum financial strength rating of BBB (S&P, Fitch), or equivalent, to participate in the market. Information on the insurer's financial rating should be provided with every quote.

The premium can vary considerably from insurer to insurer and it is wise to obtain several quotations. Some companies base the premium on the number of persons covered; others base it on fee income. After the first year, many companies offer a continuity discount.

All insurers are required to leave quotes to firms open for a period of not less than 10 working days. This requirement was introduced in the 2012/2013 indemnity period and remains in place.

Brokers

The Law Society maintains a list of brokers who have expressed their willingness to arrange professional indemnity insurance cover which can be accessed at www.lawsociety.ie/PII#broker.

Participating insurers are generally not contactable directly, and cover is organised through a broker. Certain insurers may have exclusive arrangements with certain brokers.

The Professional Indemnity Insurance Committee of the Society advises you to ensure that the broker providing cover is registered with either the Irish Brokers Association or the Insurance Intermediary Compliance Bureau. The Society does not regulate or vet brokers.



www.lawsociety.ie/lawpii

Confirmation of cover

Confirmation of cover must be provided through the Society's online confirmation of cover system no later than close of business within 3 working days of 1 December annually. Brokers can access this system using their login and password at www.lawsociety.ie/lawpii/

Such confirmation must include your policy number, and confirmation of cover cannot be provided until the policy is actually in place. It is the statutory responsibility of the solicitor firm to ensure that such confirmation of cover is provided to the Law Society in the required online form.

For firms commencing during the year, your commencement in practice application form should include a hardcopy confirmation of your PII cover. Once a firm number is provided to you by the Society, your broker must immediately provide online confirmation of cover through the Society's online portal.

It is noted that some firms who have confirmed PII cover to the Society during the year have a coverage period that extends past 30 November. Such firms are still required to re-confirm cover annually within 3 working days of 1 December.

Please note that your firm will not be reflected as having PII in place on the Society's "Find a Firm" online search facility until the Society has received the required online confirmation of cover, and the Law Society's system has been updated.

Common proposal form

All insurers and brokers are required to accept applications for PII using the common proposal form which is published annually. The form can be downloaded on the Society's website at www.lawsociety.ie/PII#cpf.

Reporting terms of the policy

PII operates on a "claims made and notified" basis which means that claims, and circumstances which give rise to claims, should be reported by the solicitor firm to their insurer in the indemnity period in which the claim was made.

All claims made against your firm, and circumstances which may give rise to a claim, should be notified to the firm's insurer as soon as possible. In particular, claims made within an indemnity period (1 December to 30 November) should be notified to the firm's insurer before 30 November in that indemnity period.

It is proper practice for firms to notify insurers of claims or circumstances during the year as they arise, not at the end of the indemnity period. Notifying all claims and circumstances at the end of the indemnity period is referred to as "laundry listing" by insurers, and is not looked on favourably. Firms should also ensure that their claims and circumstances notifications meet the notifications requirements set out in the insurance policy terms and conditions.

Thus, when you are in practice, if you become aware of a mistake which you have made, you must notify your insurers. This must be done even if your client is not aware of, and may never become aware of, the mistake you have made and you have an opportunity to rectify the matter and do so.

If you do not report the matter to the insurers and the insurance company becomes aware of the position, they may subsequently seek to avoid your policy at a time when you need cover.

The minimum terms and conditions for PII were amended in the 2011 PII regulations, which change is retained in the minimum terms and conditions for the current indemnity period, to permit firms to report claims or circumstances of which they are aware prior to expiry of cover to their insurer within 3 working days immediately following the end of the coverage period. Therefore, a 3 working day grace period from 30 November 2017 is in place with regard to notification of claims and circumstances to your insurer.



www.lawsociety.ie/Solicitors/Representation/Member-Benefits/#finance-scheme

PII finance

As mentioned earlier, finance can be arranged for payment of the practising certificate fees and insurance premium with details found at:- <http://www.lawsociety.ie/Solicitors/Representation/Member-Benefits/#finance-scheme>

Special Purpose Fund – Assigned Risks Pool and Run-off Fund

The Special Purpose Fund comprises the Assigned Risks Pool and the Run-off Fund. The Assigned Risks Pool is the insurer of last resort for solicitors unable to obtain cover in the market. The Run-off Fund provides run-off cover to eligible ceased firms.

A solicitor must plan for the possibility that his firm may fail for reasons of non-viability, or that circumstances may change in a way which may dictate the closure or sale of the practice. The Run-off Fund was established in the 2011/2012 indemnity period in order to assist firms ceasing practice, make retiring more affordable for solicitors, improve public protection, prevent abuse of the system, and provide incentives for solicitors ceasing practice to do so in an orderly fashion. Further information on the Run-off Fund and run-off cover can be found at www.lawsociety.ie/Solicitors/Practising/PII/Run-off-Cover/

The Special Purpose Fund is managed by the Special Purpose Fund Manager, not the Law Society. The Special Purpose Fund Manager is appointed by the Society but acts as an agent for the participating insurers. Contact details for the SPF Manager can be found at www.lawsociety.ie/PII#spfm.

Succeeding practices and phoenix firms

A firm in the Run-off Fund is only eligible for run-off cover for so long as a succeeding practice does not exist. If, at any time, a firm commences which meets the definition of succeeding practice (under the regulations in force as at the date the old firm entered the Run-off Fund), the old firm is knocked out of the Run-off Fund.

Under the PII regulations, a firm cannot commence where a preceding firm is in the Run-off Fund, unless the new firm has PII cover as a succeeding practice. If a firm which meets the definition of succeeding practice for a firm in the Run-off Fund attempts to commence, they are considered to be a phoenix firm and the Society will make an application to the High Court to have the firm shut down as being in breach of regulations.

It should be noted that there is no time limit on the succeeding practice and phoenix firm rules. If a succeeding practice opens 10 years after the preceding practice ceased, the phoenix firm rule still applies.

It should be noted that the succeeding practice and phoenix firm rules are not limited to new firm. A change of principal structure in a firm, such as taking on a new partner, can result in your firm meeting the definition of a succeeding practice.

As such, it is vitally important to establish when commencing if your firm is a succeeding practice. The following should be considered (the term principal includes partners):

- a) Has any principal of your firm been a principal in a closed firm that is now in the Run-off Fund?
- b) Has your new firm expressly been held out, in full or in part, as a successor to a firm in the Run-off Fund?
- c) Were half or more of principals in your new firm principals of a firm in the Run-off Fund?
- d) Is your new firm conducted by a sole principal who was the sole principal of a firm in the Run-off Fund?
- e) Is your new firm conducted by a sole principal who was a principal of a firm in the Run-off Fund?
- f) Was any principal in your new firm a sole principal of a firm in the Run-off Fund?
- g) Has your new firm assumed the liabilities of a firm in the Run-off Fund?



If the answer to any of these is yes, your firm may be a succeeding practice. A firm automatically becomes a succeeding practice once the definition is met. A firm can be a succeeding practice to more than one preceding firm. A firm in the Run-off Fund can have more than one succeeding practice.

If your firm is a succeeding practice, it cannot commence until such time as the following conditions are met:

- confirmation is provided to the Society by your broker that your new firm is covered as a succeeding practice to the firm in the Run-off Fund;
- written confirmation is provided to the Society from the Special Purpose Fund Manager that no claims have been made against the firm in the Run-off Fund prior to the date of commencement of the new firm.

It should be noted that these rules only apply to firms that ceased after 1 December 2011.

5 | SOLICITORS ACCOUNTS REGULATIONS

The reporting accountant is the solicitor's own accountant. The reporting accountant must be approved by the Society; this requires them to meet the qualifications required for solicitors' reporting accountants.

Your reporting accountant

The reporting accountant is the solicitor's own accountant. The reporting accountant must be approved by the Society; this requires them to meet the qualifications required for solicitors' reporting accountants⁵. These include being a member in practice and holding a practising certificate from one of the following:-

- The Institute of Chartered Accountants in Ireland,
- The Institute of Chartered Accountants in England and Wales,
- The Institute of Chartered Accountants in Scotland,
- The Institute of Incorporated Public Accountants,
- The Association of Chartered Certified Accountants,
- The Institute of Certified Public Accountants in Ireland.

The reporting 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 current level of insurance cover required is not less than €500,000.

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.

As you are in a business set-up situation, your accountant will be a very important ally during your first year in business. You should select your accountant on the basis of his/her experience in dealing with people in a business set-up situation, ideally solicitors, but also other professionals or business persons.

Annual reporting accountant's report

The work your accountant will be required to do for you will include preparing and signing an annual reporting accountant's report which is submitted 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 six months after your financial year-end⁶. The discharge of this responsibility cannot be delegated to your reporting accountant. Instruct your reporting accountant in adequate time to ensure completion of the work before the deadline. Extensions to the six month reporting deadline are not granted by the Society under any circumstances.

If you fail to submit your accountant's report or are late in doing so, this can have serious consequences. The matter might go before the Regulation of Practice Committee and you could be referred to the Solicitors Disciplinary Tribunal.

Not holding any client monies

If you do not hold any client monies you do not need to file an annual reporting accountant's report with the Society. You must inform the Society and file a Statutory Declaration confirming this⁷. If at any stage you commence holding client monies you must inform the Society immediately in writing.

Contact the Financial Regulation Section financialregulation@lawsociety.ie Tel (01) 879 8700.

⁶Regulation 26 (1) of Solicitors Accounts Regulation 2014 (S.I. 516 of 2014)

⁷Regulation 32 (3) of Solicitors Accounts Regulations 2014 (S.I. 516 of 2014)

6 | PROFESSIONAL NAMES AND NOTEPAPER

Under the Solicitors (Professional Names/Notepaper) Regulations 1996 (S.I. No. 178 of 1996), the name of a solicitor firm can only be the name, or one of the names (or one of the names) of one or more of the current principals, or the former principals, of the firm

Professional names

Under the Solicitors (Professional Names/Notepaper) Regulations 1996 (S.I. No. 178 of 1996), the name of a solicitor firm can only be the name, or one of the names (or one of the names) of one or more of the current principals, or the former principals, of the firm. Any name which does not meet this condition requires the approval of the Law Society.

Application for approval of firm name should be made to the Practice Regulation Section, Regulation Department, Law Society of Ireland, George's Court, George's Lane, Dublin 7, or by email to firms@lawsociety.ie

Firm name applications will be put before the Regulation of Practice Committee for approval. Firm names can be rejected for a number of reasons by the committee, including where, in the opinion of the committee, the name could reasonably convey to solicitors and/or non-solicitors generally any one or more of the following meanings:

- a) A meaning likely to bring the solicitors' profession into disrepute or which is in bad taste or which reflects unfavourably on other solicitors
- b) A meaning that the solicitor or firm of solicitors concerned has specialist knowledge in any area of law or practice superior to that of other solicitors
- c) A meaning that the normal business of the solicitor or firm of solicitors concerned has more extensive geographical coverage than it actually has
- d) A meaning otherwise misleading to clients, potential clients or the wider public or otherwise contrary to the public interest (stating how the name is misleading or otherwise to the public interest).

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.

All solicitors holding a current practicing certificate and are members of the Law Society are entitled to download the Law Society members logo and this is available on www.lawsociety.ie or from Member Services Executive on (01) 881 5772.

Professional notepaper

Under the Solicitors (Professional Names/Notepaper) Regulations 1996 (S.I. No. 178 of 1996), 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.

If you are in any doubt about the matter, you should contact the Society at firms@lawsociety.ie

In addition, there must be compliance with the Registration of Business Names Act, 1963, which provides that in relation to any business, if the name under which the firm is trading is not the true name of the people involved, registration of the name is necessary. Registration under the act would be necessary where a solicitor is not practising under his own name or is practising under a name approved by the Law Society or with an addition such as “& Co.”

Other information to be included on notepaper

- The usual information in respect of address, telephone and fax numbers, document exchange number, website address and e-mail address should also appear.
- Legislation requires that the VAT number of the firm is included on invoices, debit notes and credit notes⁸.

⁸Value Added Tax Consolidation Act 2010, Part 9 Section 66, 67 & 69

7 | ADVERTISING

You are entitled to advertise your services subject to compliance with the Solicitors Advertising Regulations, 2019 (S.I. No. 229 of 2019).

You are entitled to advertise your services subject to compliance with the Solicitors Advertising Regulations 2019. These regulations permit advertising but impose restrictions on the content of certain advertisements, particularly advertisements which relate to personal injury claims.

You may not publish an advertisement that:

- is likely to bring the solicitors' profession into disrepute,
- is in bad taste,
- reflects unfavourably on other solicitors,
- is false or misleading in any respect.
- is contrary to public policy.

Solicitors should consult the regulations before publishing any advertisement or alternatively submit a draft of the advertisement to the Society for approval prior to publication.

Personal Injury Advertising

Although a solicitor may advertise their personal injury legal services, advertisements cannot expressly or impliedly solicit or encourage or offer any inducements to any person to make a claim for damages for personal injuries. Anything in an advertisement which suggests that a solicitor will provide legal services involving contentious business at no cost is prohibited. Accordingly phrases such as "no foal, no fee", "free first consultation", or other words or phrases of a similar nature are not permissible.

Where a solicitor refers to their personal injury legal services (or any subcategory thereunder) the advertisement must also refer to the ban on percentage charging.

Publication in inappropriate locations

Advertisements may not appear in hospitals, clinics, doctors' surgeries, funeral homes, cemeteries, crematoriums or places of a similar character.

Touting

A solicitor may not make a direct unsolicited approach to any person who is not an existing client with a view to obtaining instructions at either an inappropriate location (as above) or at the scene of a calamitous event or situation.

Enforcement of Advertising Regulations

You must keep a copy of any advertisement you have issued for a period of at least 12 months from the last date of its publication. Solicitors who are in breach of the advertising regulations may be referred to the Disciplinary Tribunal. If you have any queries relating to Solicitors Advertising Regulations please contact the Advertising Regulations Executive or on advertisingregulations@lawsociety.ie or Tel: 01 879 8700.





Practitioner support

Law Society Practitioner Support provides members with information on practice management and business development matters. The information is provided in the form of booklets and videos and is further supported by a dedicated telephone and email Helpline. All enquiries are confidential and information is available relating to the following topics:

- Setting up in Practice
- Managing a Practice
- Retirement Planning
- Leaving Practice

Contact person at the Law Society: Practitioner Support Administrator careers@lawsociety.ie, Tel (01) 672 4937.

Mentor Programme

If you have recently set up in practice, the mentor programme can connect you with an experienced practitioner who is willing to act as your mentor. Mentors provide confidential, voluntary guidance. The people involved can have contact on a once-off basis or can develop a long-term arrangement.

The Mentor Register is available on request from Shane Farrell and further details are available in the Member Services Directory and on the Law society website at: www.lawsociety.ie.

Contact person at the Law Society: Practitioner Support Administrator careers@lawsociety.ie, Tel (01) 672 4937.

Practice Advisory Service

The Law Society contracts Outsource to provide a confidential advisory service to firms. Outsource provide services Setting up in Practice to solicitors for a subsidised cost to members of €150. Information is provided to practitioners when they commence in practice. The areas advised on include regulatory and compliance matters, charging and profitability, financing your firm, tax liabilities and pension and protection insurances.

This service is offered on a four hour one to one advisory service.

CPD hours can only be claimed if this training is completed in a group of 3 or more. The option to avail of the subsidised service is limited to within six months of the date of notification from the Law Society.

Contact person at Outsource: David Rowe (01) 678 8490, dr@out-source-finance.com

Get a Quote

The Law Society provides an online platform through which clients can access quotes from solicitor's firms. Firms have the opportunity to opt-in through the online website and they will then be added to the list of participating firms which is available to view on Get a Quote. Notification will be sent out to the firm once they have been added to the list of participating firms. Clients can obtain quotes from your firm in relation to the following work:

1. Buying a residential property
2. Selling a residential property
3. Making a will
4. Probate

If you have any queries please contact the Get a Quote Team on quote@lawsociety.ie, (01) 879 8700 or through: <https://www.lawsociety.ie/Public/Get-a-Quote/>.



www.lawsociety.ie/Public/Get-a-Quote



www.lawsociety.ie/Public/Legal-guides/Quality-of-Service



www.lawsociety.ie/Solicitors/Practising/Buy-Publications

Quality Service Statement

The Law Society Quality Service Statement sets out in simple terms the standard of service clients may expect from their solicitor.

Details of what solicitors could include in their Service Statement are available on <https://www.lawsociety.ie/Public/Legal-guides/Quality-of-Service/>.

Precedent forms and leaflets

Several precedent forms are available from the Law Society. Supplies of standard forms and leaflets for client information can also be purchased from the Law Society. Further details are available on <https://www.lawsociety.ie/Solicitors/Practising/Buy-Publications/>.

9 | KEEPING YOUR LEGAL KNOWLEDGE UP TO DATE

Law Society Professional Training

Law Society Professional Training incorporates the Law Society Finuas Skillnet and continues to be the main provider of continuing professional development education to the solicitor's profession in Ireland. All solicitors' firms in the private sector can apply for an annual membership of the Law Society Finuas Skillnet, which will offer them discounts on training programmes. Further information is available in the Member Services Directory or from the Law Society Professional Training Team on (01) 881 5727.

Continuing Professional Development (CPD)

The Solicitors (Continuing Professional Development) Regulations 2017, S.I No. 529 of 2017 provide that holders of current practicing certificates and solicitors in the full-time service of the State are required, in each practice year, to undertake a minimum of 20 hours continuing professional development.

There are three ways of completing CPD requirements, eLearning, writing relevant material or group study format.

Minimum CPD Requirements

For a solicitor who is NOT a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner the CPD requirement for the 2019 cycle is 20 hours, to include a minimum of 3 hours management and professional development and 2 hours regulatory matters.

For a solicitor who IS a sole practitioner or a compliance partner and/or an anti-money laundering compliance partner the CPR requirement for the 2019 cycle is 20 hours, to include a minimum of 3 hours regulatory matter, at least 2 of which shall be accounting and anti-money laundering compliance.

A maximum of 7 hours CPD can be completed within a single day and a maximum of 50% of the solicitor's CPD requirement can be fulfilled through eLearning and/or writing relevant material for publication.

Full details of the new scheme are set out in the Continuing Profes-



[www.lawsociety.ie/
Solicitors/Practising/CPD-
Scheme/2018-cycle](http://www.lawsociety.ie/Solicitors/Practising/CPD-Scheme/2018-cycle)

sional Development Guidelines which have been furnished to all practising solicitors and are available to download on www.lawsociety.ie/Solicitors/Practising/CPD-Scheme/2019-cycle/. If you have any queries in relation to any aspect of the scheme you should contact the Law Society.

Contact person at the Law Society: CPD Scheme Executive, CPD Section. Tel. 01 6724802.

The Gazette

The *Gazette* is an award winning publication produced by the Law Society which informs members of the profession and others about significant current legal issues. It is published both in hard copy with a print run of 12,300 and to the Society's website and also includes practice notes and briefings on legislation and business topics as well as :

- A monthly President Message
- Articles and commentary on matters of current and practical relevance
- Analysis of changes in Law, regulations and legislation
- Law Society briefings, practice notes, Council reports, updates on European law and professional notices
- News from the Bar Associations
- News from the Law Society's representative, educational and regulatory functions, as well as Committee updates
- Reviews of recently published books

For further information please refer to the Gazette website www.lawsociety.ie/gazette.

Law Society publications

The Society has an extensive list of useful publications available to download on www.lawsociety.ie. Some are available free of charge. This information is also available on the Society's website www.lawsociety.ie.

Guide to Employment Law

The Employment and Equality Law Committee of the Society has produced a booklet "Guide to Employment Law". The booklet provides an overview of current employment and equality legislation. This will not only provide a starting point for providing legal advice to your clients but will also be useful information for yourself and your own employees. This booklet is available to download at <https://www.lawsociety.ie/Solicitors/Representation/Committees/Employment-and-Equality-Law/>.



[www.lawsociety.ie/Solicitors/
Representation/Committees/
Employment-and-Equality-
Law](http://www.lawsociety.ie/Solicitors/Representation/Committees/Employment-and-Equality-Law)

Library Services

The Law Society Library provides services to members of the profession, trainee solicitors and students registered on LL.M., diploma and certificate courses. It holds a large range of legal materials including textbooks, conference papers, journals, legislation, case law, precedents and electronic databases.

Book loans

Members, trainees and students may borrow in person, by phone, email or online via the library catalogue. It lends books for varying periods and renews on a discretionary basis. You can collect book loans from the library or arrange to have them delivered to your office by DX tracked courier service (€5 charge applies). Books already on loan may be reserved in a queue system, and members will be notified when they become available to borrow. The library also considers purchase suggestions from members and students.

Online catalogue

The catalogue is accessible via the Law Society website and via the BookMyne library app for mobile users of iPhones, iPads and Android devices. The library supplies you with a user id and PIN which allows you to search, request and renew. The catalogue contains records for approximately 10,000 books, 14,000 reserved written judgments, including links to full text pdf, and legislation records for bills, acts and statutory instruments from 1997 on. It also contains entries for all major Irish and British series of law reports and legal journals.

The Law Society's Institutional Archive 1841-1945.

The archive contains Roll Books, Council Minutes, Court of Examiners Minutes and other historical materials and is accessible on the online catalogue.

Enquiry service

The library handles a large number of requests for copies of materials, which are supplied – subject to copyright – via the library's document supply arrangements. Enquiries include requests for law reports, copies of legislation and journal article searching. Materials are sent by email primarily, but can also be sent by fax, post and DX. Charges apply and you can ask us for a quote. The library has arrangements in place with a range of other law libraries in this jurisdiction and abroad to supply materials not held in stock. All enquiries are tracked to ensure a high quality and speedy service.

Electronic precedent delivery service

The library is licensed to supply electronic documents in MS Word format from Laffoy's Irish Conveyancing Precedents and from the LexisNexis precedent databases. Other precedents are available in PDF format from a range of textbooks and manuals. Library staff can assist members in identifying the most relevant precedent to suit their requirements, and price quotes can be given in advance.

LawWatch

The library compiles a free weekly alert of recent judgments circulated by the Courts Service, recent legislation and journal articles. This service is delivered by email to all members. The library welcomes feedback – contact m.gaynor@lawsociety.ie

Databases

The library subscribes to the following databases: LexisNexis (UK), LexisNexisAdvance (US), JustisOne (Irish reports, Local and Private Acts UK and European materials), Better Regulation, Bloomsbury Professional Online Property, Westlaw UK and Westlaw IE.

Other services

WiFi is available in the library for connecting iPads, laptops and other mobile devices to the internet, guest password is available at the library desk. There are pc terminals for members and students to use for legal research purposes. Printing and photocopying services are also available via a number of self-service photocopying/printing machines.

CONTACT

The Law Society Library,
Tel: 01 672 4843/4
Email: libraryenquire@lawsociety.ie

OPENING HOURS

Monday to Thursday, 9.00am to 6.00pm
Friday, 9.00am to 5.00pm.

10 | OFFICE TECHNOLOGY & DATA PROTECTION

Cybercrime can be identified as criminal activity carried out using computers and the internet. The most common form is phishing which includes financial fraud, theft of confidential data, ransomware and denial of services.

Cyber Security

Cybercrime can be identified as criminal activity carried out using computers and the internet. The most common form is phishing which includes financial fraud, theft of confidential data, ransomware and denial of services.

The following 7 precautions can help to minimize the risk of a cyber- attack:

1. Secure your computer and keep it up to date using a trustworthy business software product for internet security and ensure it is updated regularly.
2. Backups. You should ensure that back-ups are taken regularly.
3. Avoid clicking through emails. Most cyberattacks are generated through phishing emails and it is important to ascertain that they are from a trusted source when deciding whether or not to open the attachments, as attachments in phishing emails can launch malware on your computer.
4. Create a strong password. Ensure that passwords are changed regularly and consider using a past phrase instead of a password.
5. Train your employees of the dangers of opening files from unknown sources
6. Ensure that staff only have access to files which they require access to
7. Put an appropriate risk management policy in place. A plan should be developed to identify what resources and actions you will need in the event of a cyber security attack.



www.lawsociety.ie/Solicitors/Running-a-Practice/Cybersecurity

An outline of each of these 7 steps along with information on cyber-security is available to download from <https://www.lawsociety.ie/Solicitors/Running-a-Practice/Cybersecurity/>.

Data Protection & GDPR 2018

Statutory data protection duties apply to solicitors. It is essential that solicitors setting up in practice familiarise themselves with their obligations relating to confidentiality and data protection. It is important for each solicitor to familiarise themselves with the guidance provided by the Data Protection Commissioner and the Law Society on GDPR 2018. Information is available for members on the website at <https://www.lawsociety.ie/Solicitors/Regulations/Data-Protection> and also from the Data Protection Commissioner on the website www.GDPRandYou.ie.

Precedent documents and guidance have been published for Law Society members by the Intellectual Property and Data Protection Committee of the Law Society and are currently available from the Law Society website <https://www.lawsociety.ie/Solicitors/Regulations/Data-Protection/> to assist firm with compliance.

Free Online Seminar

GDPR An Introduction: a practical guide for legal practitioners

It is the responsibility of each firm to ensure that they are compliant with the Regulations. If you have any queries about your obligations under GDPR you can write to the Secretary of the Intellectual Property and Data Protection Committee.

Guidance & Ethics Helpline

The Guidance & Ethics Committee operate the Guidance & Ethics Helpline. Solicitors who are concerned about their own position in any matter of practice or conduct contact the Secretary to the Committee at the Law Society. You will be assisted and will be informed about any relevant published material, including practice notes. You will then be in a position to make an informed professional judgement on the particular matter. If you have any queries please contact the Secretary of the Guidance & Ethics Committee Tel: 01 879 8700 or email gecommittee@lawsociety.ie.

Membership benefits

The Society provides a wide range of support services for its members. The Society has a firm commitment to providing its members with more added benefits for their membership, more advice and value for money. The benefits of membership include being on the mailing list for the Society's publications including the Gazette, Law Directory and general practice updates. Members can also attend seminars and conferences and can vote in elections and at general meetings.

A comprehensive list of member services is available in the Member Services directory which is circulated annually and also available to download from the website address listed above. Some of the contents include:

- Details of Member Benefits including financial schemes and relevant contacts within the Society
- Available services in the department of Career and Practitioner Support
- An outline of the Education and Training within the Society
- Information and Guidance for the Profession
- Information on available Professional and Personal Support
- An outline of facilities within the Society

For further information please log onto the members' area of the Law Society website www.lawsociety.ie or contact the Society's Member Services Executive, Ph; 01 879 8700.

Law Society Website – Member’s Area

The members’ area of the Law Society website is an invaluable source of professional information. Access is restricted to members of the Society through the use of the member’s solicitor number and surname and can be accessed at <https://www.lawsociety.ie/Solicitors/Representation/Member-Benefits/>. This section lists the services and functions of the Society and details the various individuals within the Society responsible for them.

All practice notes published in the Gazette since 1986 have been reproduced on the site and members can search for individual notes by committee, date or title. A number of precedent documents have also been published – these can be downloaded and printed in Word or PDF format.

The “Latest News” section sets out checklists of fees, tax bands and allowances, in addition to general legal information. This section also comprises a number of options, including news from the Society’s committees and news from other jurisdictions.

Law Society Retirement Trust Scheme

Self-employed Law Society members under the age of 75, or those who are employed in non-pensionable employment can apply to join the scheme. This scheme offers members an easily accessible option and further details regarding benefits of the scheme are available at <https://www.lawsociety.ie/Solicitors/Representation/Member-Benefits/> in the Member Services directory and from justASK@mercerc.com. The Solicitors Retirement Committee regularly monitors the scheme and it operates within a robust governance structure.



www.lawsociety.ie/Solicitors/Representation/Member-Benefits

12 | ASSISTANCE OUTSIDE THE LAW SOCIETY



www.consultacolleague.ie

Colleagues & Consult a Colleague

It is very worthwhile discussing your proposal to set up your own firm with a colleague who has set up in practice in the recent past. They may be able to point to pitfalls which you can then avoid.

The Consult a Colleague Helpline 01 284 8484 was set up to provide solicitors with assistance from another member of the profession in relation to both personal and professional queries. All of the rostered solicitors have considerable experience with which they assist callers. When a call is made to the helpline the solicitor will hear a message which provides them with the details of solicitor's on call. There are two solicitors on call at any given time. Further information is available on <http://www.consultacolleague.ie/>.

Lawcare is a service which was established to promote and support good mental health and wellbeing for all members of the legal profession in Ireland, the UK, the Isle of Man and Jersey. Lawcare offer support through their helpline 1800991801 and www.lawcare.ie.



www.lawsociety.ie/Solicitors/Representation/Committees/Guidance-and-Ethics

Panel to Assist Solicitors in Difficulty with the Law Society

The Panel to Assist solicitors in difficulty with the Law Society was established in 2001 in response to the problem of solicitors failing to respond to correspondence from the Law Society. Many solicitors have difficulty in coping with the fact that a complaint is being made against them and need assistance. Most complaints can be resolved quite easily and quickly, if given proper attention by the solicitor. The Panel member assists only with the initial response to the Law Society, during the period when the matter is being processed by the staff of the Law Society, before any referral to one of its regulatory committees. The Guidance and Ethics Committee of the Law Society facilitates the operation of the Panel. A list of Panel members is available on the Guidance & Ethics Committee page on : <https://www.lawsociety.ie/Solicitors/Representation/Committees/Guidance-and-Ethics/>

Bar Associations

There are 35 Bar Associations throughout the country. They are usually organised on a county basis. If you become a member of your local Bar Association the other members can be an invaluable source of practical advice and assistance. A list of Bar Associations and their secretaries is included in the Law Directory annually.

Government Departments

A number of Government departments can provide relevant and useful information. The VAT and PAYE offices issue explanatory material on their procedures and requirements. They will also provide, on request, an auditor to examine your procedures. The Department of Social Welfare provides literature on social welfare entitlements.



Courts.ie

The main courts website www.courts.ie offers a range of services and also acts as an online directory for the Courts Services.

Cork Solicitors' Helpline

The Cork Solicitors' Helpline aims to provide support for solicitors who, for whatever reason, are finding it difficult to cope. All matters are treated sensitively and with the utmost confidentiality. For help members can contact Niamh Carey, SLA Secretary, SLA Law Library, Courthouse, Washington Street, Cork 10.00am to 4.00pm Mon - Fri. Tel/Fax: 021 4275341. Email: mail@sla.ie

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