

# LAW SOCIETY OF IRELAND'S GENERAL ELECTION 2020 PRIORITIES



## PRESIDENT'S MESSAGE

The Law Society of Ireland is committed to championing the solicitors' profession and providing a high standard of service to our stakeholders and members of the public at all times.

Solicitors play an essential role in ensuring that the rights of citizens are protected and defended. The Law Society is proud to provide a strong voice in policy debate in order to inform decision-making on matters pertaining to the justice system and law reform.

Ahead of the 2020 General Election, the Law Society has highlighted its key priorities, including:

- **Access to justice and legal aid,**
- **The family courts,**
- **Insurance reform,**
- **Brexit/promoting Ireland as a leading centre for international legal services, and**
- **Taxation.**

We look forward to engaging with all elected representatives in the new Dáil and Seanad.

*Michele O'Boyle,*  
**President**

## FAMILY COURTS IN CRISIS

**Law Society priority: reform of the family law system**

A properly functioning family law and family courts system is essential. The Law Society has consistently highlighted the crisis facing users of the family law and courts system. The Society is urging:

- a specialist division of family law courts and judges to help deal with family law cases more efficiently,
- intervention in family law cases by judges, with an emphasis on resolution and alternative dispute resolution approaches,

## ACCESS TO JUSTICE/LEGAL AID

**Law Society priority: improved access to justice**

Legal aid is an essential tool in ensuring access to justice and equal and unrestricted access to legal advice for everyone is vital, particularly during detention.

Furthermore, access to justice is a fundamental right for all European citizens and is protected under Article 6 of the European Convention on Human Rights.

In the past decade, legal aid has been put under enormous stress due to budget restrictions. It has become increasingly difficult for solicitors to provide consistent services because of this. As a Member State and under the recent EU Directive, Ireland has an obligation to provide and enable access to justice through a functioning, properly-funded criminal legal aid system.

The Law Society is calling for a review of the legal aid threshold to ensure equal and unrestricted access to legal advice for citizens during detention.



The Law Society is also calling for legislation placing the role of the solicitor attending Garda station interviews on a statutory footing.

- an increased role for trained mediators, collaborative lawyers or arbitrators within the family law process,
- properly resourced legal aid supports for the family law system.



The Law Society has also pledged its support to the **Courting Disaster** campaign and has called for urgent action to ensure the development of Hammond Lane Family Court. The current conditions of the courts are archaic and are putting the most vulnerable members of society at risk.

## INSURANCE

**Law Society priority:** *attracting international competition to Ireland's dysfunctional insurance market*



The Central Bank revealed that the insurance industry is generating an operating profit of no less than 9% while the average level of profit in the UK is 5%. This is clear evidence to vindicate what the Law Society has consistently highlighted; neither claims costs nor legal fees could account for the massive increases in insurance premiums.

The Law Society urges the Government to focus on attracting international competition into Ireland's uncompetitive and dysfunctional insurance market and move away from pressurising the Judicial Council to reduce awards to the victims of accidents.

The effect of reducing damages will merely be to take from the pockets of injured victims of negligence in order to line the pockets of an increasingly profitable insurance industry.

The Society will continue to emphasise that the solicitors' profession should not be viewed falsely by Government as part of the insurance problem, but properly as part of the solution.

The Society is committed to the recommendations of the Personal Injuries Commission Report published in November 2018. This includes the recommendation that the new Judicial Council should review the levels of awards for various types of injuries, in particular soft-tissue ('whiplash-type') injuries, ultimately leading to judicial guidelines on quantum for such injuries.

If there is a statutory reduction in awards to personal injury victims, the Society urges Government to ensure this reduction is also reflected in premiums.

[Insurance debate](#)

## BREXIT

**Law Society priority:** *Government support in positioning Ireland as a leading centre of international legal services*



Post-Brexit, Ireland is the only English-speaking common law jurisdiction in the EU. This brings with it unique challenges as well as competitive advantages as a centre for international dispute resolution. Capitalising on this opportunity, and with support of the Government, the Society wants to keep momentum going to position Ireland at the fore of international legal services.

Together with the Bar of Ireland, the Law Society is a key member of the Brexit Legal Services Implementation Group. Government support in the form of increased investment in the Courts system to harness Brexit opportunities is vital to this endeavour.

[Seeking the 'Brexit dividend'](#)

## TAXATION

**Law Society priority:** *Government commitment to a formal technical consultation period for important tax law changes.*



The Law Society is calling on the Government to adopt a technical consultation period for important tax law changes. The Law Society urges the Government to ensure that adequate time is given to both practitioners and Revenue to consult properly on changes to key tax provisions.

The Law Society has repeatedly highlighted the need for input from representative bodies in the introduction of tax legislation, and particularly the Finance Bill. Providing adequate time for tax legislation to be considered by practitioners ensures certainty in our tax system and avoids unintended consequences.

The Law Society is recommending that a formal technical consultation be introduced before future Finance Bills are published. Going forward, this would allow practitioners an opportunity to assist the Oireachtas in achieving its legislative aims.

[Pre-budget submission 2020](#)

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