

# POLICY & LAW REFORM AGENDA

A public interest agenda for Ireland

December 2017



## THE BIG PICTURE

## IN FOCUS

### Harnessing The Brexit Opportunity

An urgent Government response is required in order to position Ireland as an international centre for dispute resolution. The Law Society has made four key recommendations to secure Ireland's international reputation, as well as achieving an economic dividend to the State:

1. Increased investment in the Courts system.
2. Adopt a strategic and sectoral approach to international legal services.
3. Integrating our legal services offering with the State's development and FDI strategy.
4. Strengthening legal and policy personnel at European and international level.

Find more information on the Society's submission, and its vision for the future of legal services post Brexit at: [lawsociety.ie/brexit](http://lawsociety.ie/brexit).

The Society will continue to assess the impact of Brexit on the legal regime, most notably in relation to:

- criminal justice and cooperation
- intellectual property
- human rights
- family and child law



The newly elected President of the Law Society of Ireland, Michael Quinlan

## LATEST NEWS

### President's Key Priorities

Michael Quinlan recently outlined four main priority areas for the next year, being: Brexit impacts; LSRA engagement; restoration of legal aid and sustainability of the profession. Michael, together with the Council, looks forward to engaging with you on these and other issues in the year ahead.



### New Family Law Courts System

The Law Society has called on the Government to deliver on its commitments and prioritise the modernisation of the family law courts system. Our paper "Family Law - The Future" provides a roadmap to redesign an out-of-date system that is not coping with current demand. See more: [www.lawsociety.ie/submissions](http://www.lawsociety.ie/submissions)



# POLICY AND LAW REFORM PRIORITIES

## RELIGIOUS OATHS? A CASE FOR REFORM



The Society continues to argue for reform to the requirement for religious oaths, in favour of a universal affirmation. The procedural requirement of religious oaths, and even the enquiry as to preference of affirmations, places a burden on practitioners and their clients.

The administration of client affairs (personal or commercial) requires a more uniform approach, as recommended by the 1990 Law Reform Commission Report. The Society would welcome your support for this reform.

Read our briefing at: [lawsociety.ie/submissions](http://lawsociety.ie/submissions)

## PROGRESS URGED ON KEY LEGISLATION

The Society's interest in forthcoming legislation extends beyond the Justice & Equality brief, to areas impacting on Enterprise, Health, Children and Youth Affairs, Communications and others, including Government and Private Members' Bills.

Key Government legislation where progress and careful

consideration is urged include:

- Data Protection Bill & Data Sharing and Governance Bill
- Family Courts Bill
- Courts and Civil Law (Misc Provisions) Bill
- Amendment of the Constitution (Unified Patent Court) Bill

## RECENT POLICY FEATURES

A pick of recent articles from our award-winning publication:

- "A drift effect evident in the right to legal representation in Garda Stations" - article on issues relating to the right to have a solicitor present for garda interviews, specifically the lack of clear legislative or regulatory guidelines.
- "Are possession orders an outdated penalty for family home-loan defaults?" - article arguing a mortgagees' rights to possession rank far ahead of family needs and rights in our law.
- "2021 Pensions Odyssey – what can we expect with auto-enrolment?" - article on Government's intention to publish a five-



year plan for pension reform.

- "Are mandatory retirement ages on borrowed time?" - article arguing that the needs of the aging workforce are a matter of significant public concern and the current law is not fit for purpose.

Read at: [www.gazette.ie](http://www.gazette.ie)

## PAROLE BILL 2016

The Society recognises the benefits that a comprehensive parole system brings to the rehabilitative efforts of prisoners and to society by lower re-offending rates.

In response to Jim O'Callaghan TD (FF) Private Member's Bill, the Society made a comprehensive

range of recommendations surrounding Parole Orders, the nature of Parole, Warrants and other areas.

We look forward to the Bill's advance to Committee Stage.

Read our submission at: [lawsociety.ie/submissions](http://lawsociety.ie/submissions)

## BY THE NUMBERS...

10,122

Solicitors practising in the Irish jurisdiction

18,000+

Employed in the wider Irish legal sector

€1.7bn

Estimated annual contribution of legal sector to Irish economy

# SOLUTIONS FOR GOVERNMENT

## SUSPENDED SENTENCES – LAW REFORM



Criminal Justice Reform must achieve the right balance between increasing protections for the public and victims of crime while protecting the rights of those facing criminal charges and sentencing.

Crucially, fair procedures as guaranteed by the

Constitution, European Convention on Human Rights and EU Charter on Fundamental Rights must be applied. Read our submission to the Law Reform Commission: [lawsociety.ie/submissions](https://lawsociety.ie/submissions)

## ACTION PLAN FOR JOBS

The wider Irish legal sector currently generates an estimated €2.3bn annually in revenue, and contributes €1.7bn to the Irish economy, employing in excess of 18,000 people. In the Society's recent response to the Department

of Jobs, Enterprise and Innovation's Action Plan for Jobs 2018, we outlined the need to adopt a strategic approach to court resourcing and place the development of judicial infrastructure at the core of its Brexit response.

Four ways to achieve this are:

1. Increase the number of specialist judges, appoint additional registrars to create greater capacity, reduce delays and increase efficiencies;
2. Increase the use of technology to improve timeliness and efficiency of legal administration;
3. Prioritise the promotion of alternative dispute resolution options to free up capacity in the courts system; and
4. As part of the current review of civil court rules, Government should ensure the administrative burden on businesses and individuals is minimised.

Read our submission and recommendations at: [lawsociety.ie/submissions](https://lawsociety.ie/submissions)

## CALL TO RATIFY THE UN DISABILITY TREATY

On the International Day for Persons with Disabilities, the Society called on the Irish Government to prioritise implementation of the UN Convention on the Rights of Persons with Disabilities (UNCPRD) – 10 years after the State signed the treaty.

The Law Society's detailed recommendations included

the need for a whole-of-government approach to implementation, with the Department of the Taoiseach taking carriage of overseeing the implementation process.

Our call outlined broad sectoral concerns that the recently-released National Disability Inclusion Strategy 2017-2021 is an inadequate



response and falls short of UNCPRD directives. Over 175 countries, as well as the European Union, have ratified the Treaty to date, and we believe there are no legal impediments that would prevent ratification.

Read our submission at: [lawsociety.ie/submissions](https://lawsociety.ie/submissions)

## BY THE NUMBERS...

# 20+

Submissions by the Law Society to Government in 2017

# 2,300

Law firms delivering legal services across Ireland

# 1,406

Admissions to the profession in 2016-17 – highest on record

# OUR EXPERTISE

## LATEST ACHIEVEMENTS

The Law Society recently released its annual report which outlined key achievements, policy development, regulatory work and educational activities for the last 12 months. You can read the full report online or watch our video here: [www.lawsociety.ie/annualreport](http://www.lawsociety.ie/annualreport)

### €220K RAISED FOR HOMELESSNESS

Over 1,500 lawyers and their families and friends participated in the recent Calcutta Run – the legal fundraiser. A total of €220,000 was raised at the event, being split between the Peter McVerry Trust and the Hope Foundation. You can read more about this event at: [www.calcuttarun.com](http://www.calcuttarun.com)

### 15TH ANNUAL HUMAN RIGHTS CONFERENCE

In partnership with the Irish Human Rights and Equality Commission and the Irish Probation Services, the Society hosted the 15th Annual Conference exploring the theme of 'Inside Out: the human rights implications of imprisonment'. Opened by the Minister for Justice and Equality, Charlie Flanagan, it was attended by over 200 practitioners, academics and interested members of the public.

### INTERNATIONAL LEGAL EXCHANGE AND ENGAGEMENT

The Society was pleased to welcome representatives from the China Law Society at Blackhall Place in November 2017. The Chinese delegation was on a fact finding and information exchange mission, with stopovers in Dublin, the UK and France. This was one of many international exchanges and networking opportunities that we undertake every year to ensure we are engaged and our work is informed at a global level.

## CONTACT US

The Law Society welcomes the opportunity to meet with public representatives and their staff to discuss options for law reform, and provide views on the operation and implementation of existing initiatives.

Our main contacts for Policy and Public Affairs initiatives are:

- Ken Murphy, Director General, [k.murphy@lawsociety.ie](mailto:k.murphy@lawsociety.ie)
- Mary Keane, Director of Policy and Public Affairs, [m.keane@lawsociety.ie](mailto:m.keane@lawsociety.ie)
- Cormac Ó Cúláin, Public Affairs Executive, [c.oculain@lawsociety.ie](mailto:c.oculain@lawsociety.ie), (01) 672 4917

## OUR POLICY COMMITTEES

Expert opinion informing policy and law reform.

The Society believes in early engagement with representatives and officials during legislative processes as a means of identifying any key legal policy and public interest concerns.

The Society's dedicated policy committees comprise volunteer solicitors from across the State who help to shape the Society's law reform agenda by providing submissions to Government relating to the following areas:

- Alternative Dispute Resolution
- Business Law
- Conveyancing
- Criminal Law
- Employment & Equality Law
- EU & International Affairs
- Family & Child Law
- Guidance & Ethics
- Human Rights
- Intellectual Property & Data Protection Law
- Litigation
- Probate, Administration & Trusts
- Taxation

Want to know more?  
Visit: [www.lawsociety.ie](http://www.lawsociety.ie)