

Public Consultation Notice - Legal Services Regulatory Authority - Section 118 Legal Services (Regulation) Act 2015 - Legal Partnerships

As part of an initial statutory public consultation per the Legal Services (Regulation) Act 2015, please find attached an invitation for submissions in relation to the Regulation, Monitoring and Operation of Legal Partnerships.

Legal Services Regulatory Authority

Invitation by the Legal Services Regulatory Authority for Submissions

Initial Public Consultation prior to Report of the Legal Services Regulatory Authority (“the Authority”) to the Minister for Justice and Equality (“the Minister”) into the Regulation, Monitoring and Operation of Legal Partnerships.

The Legal Services Regulatory Authority was established on October 1st 2016.

One of the new structures proposed by the Legal Services Regulation Act 2015 (“the Act”)¹ is a “legal partnership”. This will, for the first time, allow barristers to enter into partnership together and also for solicitors and barristers to enter into partnership together.

The Authority is required to conduct an initial public consultation on legal partnerships and to submit a report to the Minister within six months of establishment day (i.e. by Friday March 31st 2017).

The Authority now invites written submissions from members of the public and any other interested parties in relation to legal partnerships as part of that initial public consultation. These submissions will inform the report which the Authority is obliged to provide to the Minister on or before the statutory deadline. That report will include preliminary recommendations in relation to the regulation, monitoring and operation of legal partnerships.

Scope of the Consultation

The Authority seeks submissions in respect of the regulation, monitoring and operation of legal partnerships, to include the following issues:

1. The benefits and risks for consumers of legal services (“services”) that can be reasonably expected from enabling them to access legal partnerships.
2. The measures that need to be included in any regulations adopted by the Authority in order to provide adequate protections to consumers procuring services from legal partnerships.
3. The information that legal partnerships are required to provide to clients, given the obligations that arise from the codes of practice and professional codes that will apply to practising solicitors and practising barristers (e.g. on compensation fund coverage or professional indemnity cover or provision of information regarding the basis of professional fees).

¹ <http://www.irishstatutebook.ie/eli/2015/act/65/enacted/en/html> - note that Part 8 contains the relevant provisions relating to legal partnerships.

4. The manner in which the Authority deals with complaints from clients or other parties in relation to allegations of inadequate services, excessive costs and professional misconduct on the part of practising solicitors or barristers who work in legal partnerships.
5. The relationship between complaints about legal partnerships and complaints about the individual legal practitioners who work in those partnerships.
6. The form in which the Authority shall publish the register of legal partnerships under section 117 of the Act, and in particular, the information that the public register should include.
7. The registration requirements for legal partnerships that may arise from sections 104, 105 and 116 of the Act.
8. The consequences for legal partnerships and practitioners of a breach of the Act and/or any regulations made under the Act.
9. The events in respect of which the Authority should require notification from legal partnerships after registration apart from cessation of practice (e.g. should legal partnerships be required to provide periodic declarations to the Authority and if so, what information should be required in such declarations?).
10. The relationship between on the one hand, the roll of solicitors and the roll of practising barristers and, on the other hand, the register of legal partnerships.
11. The manner in which the establishment of the register of legal partnerships is funded, and also the manner in which the ongoing regulation, monitoring and operation of legal partnerships is funded with reference to the levy to be paid by the Law Society, Bar Council and certain barristers per Part 7 of the Act.
12. The extent to which the creation of legal partnerships would have ethical implications for members of the professions and, if so, how those implications could be addressed in the professional codes.

The above list of issues is not closed. Respondents may wish to comment also on any other issues which the Regulations may address per Section 116(3) given the objectives set out in Section 13(4) of the Act and the issues referred to in Section 116(5) of the Act.

It would be helpful for respondents to set out the reasons for the views expressed, and to provide any available evidence which may be deemed relevant.

Respondents are requested to indicate on whose behalf they are responding (e.g. as a member of the public, a public representative, an individual or firm within either profession, a client, or a body representing collective interests etc).

Members of the public or other interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than midday on Friday 24th March 2017.

Submissions may be sent:

- By email to public118@lsra.ie or
- By post to
“Legal Partnership Public Consultation”
Legal Services Regulatory Authority
St Stephen’s Green House
Earlsfort Terrace
Dublin DO2PH42

Freedom of Information

Attention is drawn to the fact that information provided to the Authority may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Authority will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to the Authority, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

Publication of Submissions

The Authority may also decide to publish any submissions received by it on its website and otherwise. A decision on any such publication may occur without prior consultation with respondents to this consultation process. Thus, it is in the interests of respondents to highlight, in their submissions, any commercially sensitive or confidential information which they would not wish to be disclosed.

Legal Services Regulatory Authority

24th February, 2017.