An tÚdarás Rialála Seirbhísí Dlí
Legal Services Regulatory Authority

Pathways to the Professions 2020

Annual Report on Admission Policies of the Legal Professions

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Executive Summary and Assessment

1. This is the 2020 Annual Report from the Legal Services Regulatory Authority (the Authority) to the Minister for Justice pursuant to its obligations under section 33 of the Legal Services Regulation Act 2015 (the Act). It is the second annual report that the Authority has submitted under section 33 of the Act, which was commenced on 7 October 2019.

2. As required under section 33(1)(a) and (b), the Authority documents in this report the number of persons admitted to practise as solicitors and barristers during 2020. In last year's inaugural annual report under section 33 to the Minister, the Authority provided an overview of available statistical data on the demand for and costs of legal services to consumers, including the State, in order to establish a useful benchmark for subsequent annual assessments. That report highlighted limitations in the availability of statistical data on both demand and costs. This continues to pose constraints for the Authority when it comes to drawing conclusions in relation to the areas which require its assessment under section 33(1)(c) of the Act. The Authority will continue to closely monitor and report on available data on legal demand and costs in its annual reports to the Minister.

Overview of 2020

3. The year under view in this report was dominated by the Covid-19 pandemic which arrived suddenly in March. It caused profound disruption and brought unprecedented challenges for the legal sector, the solicitors and barristers who work in it, the professional and representative bodies involved in training and admissions, and the consumers and businesses who rely on legal services.

4. The Covid-19 pandemic had a significant negative impact on demand for the services of solicitors and barristers as well as the income of many professionals. However, this impact was not uniform across the professions or areas of practice. A range of State supports were introduced for both firms and individual practitioners.

5. Our court and legal administrative systems, businesses and people had to rapidly adapt and respond to the challenges posed by the global pandemic and the necessary public health measures introduced by government and health officials in order to control its transmission.

6. The sudden shift to largely remote working and exclusively online training for solicitors and barristers during the year brought challenges and also what are expected to be lasting changes in terms of working practices, flexibility and access. The restrictions caused by the pandemic also dramatically increased the pace of introduction of technology-led innovations and efficiencies in the legal services arena, placing a renewed focus on the possibilities for technologically driven provision of legal services.

7. The year also saw the UK's departure from the EU, with economic and legal uncertainties for the entire Irish economy including legal services. While there are numerous negative economic aspects to Brexit for Ireland, there is also an anticipation that the UK's withdrawal from the EU may mean fresh opportunities for growth in commercial legal services provision in Ireland in the years ahead.

Number of persons admitted to practice as solicitors during 2020

8. A total of 906 solicitors were admitted to the Roll of Solicitors in 2020, a 62% decrease on 2019. The Roll is maintained by the Law Society. Admission to the Roll does not legally entitle a solicitor to provide legal services, although it is a pre-requisite for applying to the Law Society for an annual practising certificate to do so.

9. It is apparent from these figures that the "Brexit-effect" on increased admissions to the Irish Roll by UK solicitors has started to subside. The year saw a significant drop in the number of England and Wales-qualified solicitors entering the Roll, down to 443 compared to 1,838 in 2019. For the first time since 2016 – the year of the UK's announced departure from the EU – annual admissions to the Roll fell below 1,000.

10. Traditionally, new graduates from the Law Society's Professional Practice Course (PPC) have accounted for the majority of admissions to the Roll each year. In 2015, before the Brexit-related admissions began, 233 Ireland qualified solicitors joined the Roll, accounting for 64% of the total Roll admissions that year. In 2020, a total of 390 PPC trainees joined the Roll, accounting for 43% of the total 906 Roll admissions. The number of newly qualified PPC graduates entering the Roll has averaged at 440 per year since 2016.

11. Practising certificates are issued/renewed by the Law Society at the start of each calendar year. There were a total of 11,854 solicitors with Irish practising certificates on 31 December 2020, a decrease of 105 (-1%) from 2019. This represents the first annual drop in the number of practising certificates held since 2009, but is slightly higher than the annual average for the past five years of 11,067 practising certificates per year.

12. The impact of Brexit on admissions to the Irish Roll of Solicitors and practising certificate numbers appears to have peaked in 2019. It is now to be expected that solicitor admissions numbers will stabilise, with solicitors qualifying through the Law Society's Professional Practice Course being the primary driver for new admissions.

One in four solicitors in Top 20 firms and growth of in-house solicitors

13. As was observed for 2019, almost one in four solicitors (24%) holding practising certificates in 2020 worked for 20 large law firms. Accounting for a total of 2,873 practising certificates, this is an increase of 215 on the same figure for 2019.

14. Another trend noted in 2019 which was also apparent in 2020 is the significant number of solicitors working in-house in both the public and private sectors. The total number of in-house solicitors in 2020 was 3,224, up from 2,496 in 2019.

Changes to Law Society admission policy

15. The Law Society in November 2020 made a significant change to its admissions policy which means that England and Wales-qualified solicitors are not entitled to be issued with practising certificates unless they can demonstrate that they practise, or intend to practise, in Ireland from a physical establishment in this jurisdiction.

16. The Law Society said its policy change followed its 2020 review of the regulatory framework for issuing practising certificates to lawyers based outside of the jurisdiction. In announcing the change, the Law Society stated that: "*The review confirmed the Society's view that, under*

the Solicitors Acts 1954 to 2015 and the regulations implementing those statutes, a practising certificate only entitles a solicitor to practise in Ireland from an establishment in Ireland. The review also confirmed that a practising certificate can only be issued to a solicitor on that basis."

17. The Authority notes the Law Society's statement that the "*practice of issuing practising certificates to solicitors outside the jurisdiction may create the erroneous impression that the Society permits practice pursuant to the Irish practising certificate outside Ireland. It is clear that no such practice is permitted and, by adopting this approach, the Society will be making clear that such practice is not permitted*."

Number of persons admitted to practise as barristers during 2020

18. A total of 167 barristers were called to the Bar of Ireland by the Chief Justice in 2020, allowing them to exercise a full right of audience before all courts. This is down 14% from 190 in 2019. The average number of annual barrister admissions for the past five years is 155 per year.

19. Of the 167 barristers admitted to practise in the year, 116 were graduates of the King's Inns Barrister-at-Law degree course (seven more than in 2019). The total also includes 47 barristers admitted having obtained their professional qualifications in England and Wales or Northern Ireland. This is a decrease of 29 on 2019, but it is still an increase on historic data. The Authority notes the King's Inns analysis that while it can be reasonably surmised that these admissions have occurred as a result of Brexit, the extent to which the 47 barristers actually intend on providing legal services in Ireland is unclear. It also remains to be seen how this route of admission will fare post-Brexit.

20. The total number of barristers on the Roll of Practising Barristers maintained by the Legal Services Regulatory Authority stood at 2,823 at the end of 2020, an increase of 88 on the total at the end of 2019. Of these, 2,155 barristers (76%) were self-employed private practitioners and members of the Law Library. The remaining 668 (24%) were non-Law Library members, including 229 barristers recorded as working in the full-time service of the State.

Demand for and costs of services of solicitors and barristers

21. This year's report provides an update on relevant developments during 2020 in relation to legal costs and demand for the services of solicitors and barristers, including assessments by the professional bodies in their submissions to Authority. The Authority notes that the National Competitiveness Council's annual report for the year identified legal costs among a number of long-standing structural issues within the Irish economy that that may have been placing higher costs on Irish businesses and consumers relative to other European countries. In addition, the World Bank's *Doing Business 2020* report suggests that Ireland is a slow and expensive jurisdiction in which to enforce a commercial contract, with Irish businesses facing higher legal costs than their counterparts in many other countries.

22. In relation to the impact of the Covid-19 pandemic on the demand for legal services, the Authority notes the Law Society's assessment was that while the solicitor employment market was subdued since March 2020, employment held up during the year and almost all solicitors were retained in their jobs by their employers.

23. The Authority also notes the submission by the Legal Aid Board, which said it continued to find recruitment of solicitors challenging throughout 2020, with limited numbers applying for solicitor competitions compared with other public sector bodies. In the private sector, the Smith & Williamson *Annual Survey of Law Firms in Ireland 2020/21* identified recruitment and retention of key staff as a key challenge for 53% of the Top 20 firms, as was competition from UK and international law firms (27%).

24. For barristers at the independent referral bar, the Authority notes the Bar of Ireland's assessment that demand for barristers services "ebbed and flowed" since March 2020. These patterns were in accordance with the various levels of restrictions; the prioritisation of certain types of cases such as criminal and urgent family law matters; and the availability and suitability of remote hearing facilities for certain cases.

25. As was noted in last year's report, it is difficult to determine exactly what proportion of newly admitted solicitors and barristers in any given year will go on to provide legal services in the State, and for how long. In addition, as patterns following the financial and economic crisis of 2008 show, admissions to the legal professions tend to follow, with a lag, the economic fortunes of the economy. The significant damage to the domestic and global economy caused by the Covid-19 pandemic in 2020 will no doubt continue to have an impact on the legal services sector in the years ahead.

Developments in legal practitioner training

26. The Authority remains ever mindful that the assessment required of it under section 33 of the Act is not purely a numerical exercise. In addition to its wider regulatory objectives, it must also have regard to the need to ensure an adequate standard of education and training for persons admitted to practise.

27. Legal practitioner education in Ireland in the short to medium term is about to undergo significant changes on foot of recommendations made by the Authority to the Minister for Justice in September 2020 in a report issued under section 34 of the Act. The report, *Setting Standards: Legal Practitioner Education and Training* made a total of twelve recommendations for reform of legal education and training for solicitors and barristers.

28. The two core recommendations were:

    1. A clear definition of the competence and standards required to practise as a solicitor or barrister should be developed; and
    2. The establishment of a new and independent Legal Practitioner Education and Training Committee (the LPET Committee).

29. The year saw several welcome developments from the professional training bodies in relation to the issue of professional competencies. The King's Inns published its *Statement of the Required Competencies of a Barrister* in November 2020, while the Law Society in its submission advised the Authority that it was putting in place a competency framework for solicitors. In addition, the first solicitor trainees began their studies on the Law Society's flexible PPC, the PPC Hybrid, which includes online lectures and (pre-Covid-19) weekend on-site tuition.

Conclusion

30. With the combined impacts of Covid-19 and Brexit, 2020 can in no way be considered a normal year in terms of numbers and patterns of admissions to the professions and the overall dynamics at play in the legal services sector. Looking ahead, the Authority anticipates developments in the arena of legal practitioner education. In time, these may impact not only on standards of legal practitioner education and training, but also on the numbers admitted to the professions and the demand for and costs of the services of practising solicitors and barristers. The Authority will continue to both drive and monitor developments in the legal services sector in accordance with its statutory functions. These efforts will continue to shape and inform its annual assessments under section 33 of the Act. The Authority hereby commends this report to the Minister for Justice.

Section 1: Introduction

1.1 Origin and purpose of this report

1.1 The Legal Services Regulatory Authority (the Authority) is pleased to present to the Minister for Justice its second Annual Report on the Admission Policies of the Legal Professions. This report has been prepared under section 33 of the Legal Services Regulation Act 2015 (the Act). The Authority was established on 1 October 2016 and section 33 of the Act was commenced on 7 October 2019. Section 33(1) mandates the Authority to prepare and submit to the Minister an annual report on the admission policies of the legal professions containing the following elements:

(a) the number of persons admitted to practise as solicitors during that year;

(b) the number of persons admitted to practise as barristers during that year;

(c) an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in 2020 is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

The report is required to be submitted not later than four months after the end of each financial year i.e. no later than 30 April 2021.

1.2 Statutory consultation

1.2 This report includes the views of stakeholders who were invited to respond to a consultation carried out by the Authority under section 33(2) of the Act with the professional bodies and such persons as the Authority considers appropriate. The professional bodies under the Act are the Law Society of Ireland (the Law Society), the Bar Council (Bar of Ireland) and the Honorable Society of King's Inns (the King's Inns).

1.3 On 16 December 2020, the executive of the Legal Services Regulatory Authority (LSRA) wrote to the three professional bodies requesting them under section 33(3) to furnish information including statistical data to assist the Authority in preparing the report under section 33(1).

1.4 In addition, on 16 December 2020, the LSRA executive issued an invitation by email to 295 recipients on the LSRA's consultations list, calling for the submission of views on the admission policies of the legal professions. Written responses were requested by 12 February 2021. The LSRA also published a general invitation on its website. The call for submissions provided for a consultation period of more than eight weeks, which falls within the suggested timescales contained in the guidance on public consultations published by the Department of Public Expenditure and Reform.[1] Several respondents requested extensions of the deadline, and all such requests were facilitated.

[1] Department of Public Expenditure and Reform (November 2016) Public Consultation Principles and Guidance (Available here).

1.5 All recipients of the consultation notice were asked a specific set of questions. They were also offered an opportunity to share any data or analysis that they considered relevant. The Authority is grateful to those organisations who took the time to respond, in particular the professional bodies for the detailed statistical data supplied in relation to admissions in 2020. All of the observations made were extremely useful for the Authority in preparing this report to the Minister.

Breakdown of responses

1.6 A total of 13 written submissions were received to the Authority's consultation notice for this report to the Minister. The Consultation Notice is included in Annex A. A list of respondents is set out in Annex B. A breakdown of these by type of respondent is set out in Table 1.1. The submissions will be published in due course on the LSRA's website.

Table 1.1: Responses to Section 33 Consultation by Type of Respondent

Consultee Type	Number of responses
Professional bodies under the Act	3
Education bodies	3
Statutory bodies	2
Professional & voluntary bodies	4
Regulator	1
Total	**13**

1.7 This report sets out the statistical data required under section 33(1), the results of the consultation, and the Authority's 2020 assessment in relation to admissions. The report is divided into the following sections:

1.8 **Section 1:** Introduction

Section 2: Context and Framework for Assessment

Section 3: Statistics on Admissions

Section 4: Key Developments in 2020 & Views on S33 (1)(c) Assessment

Section 2: Context and Framework for Assessment

2.1 Authority's regulatory objectives and statutory commitments

2.1 This section sets out the background context and the Authority's framework for analysis for this second Annual Report to the Minister for Justice on the Admission Policies of the Legal Professions under section 33 of the Act. In carrying out its consultation and preparing this report, the Authority has been mindful not only of its obligations under section 33 of the Act, but also of its other statutory commitments.

2.2 The Authority's role in reporting on the admission policies of the legal professions is vital in ensuring that its regulatory objectives are met. These regulatory objectives as set out under section 13(4) of the Act are:

(a) protecting and promoting the public interest,

(b) supporting the proper and effective administration of justice,

(c) protecting and promoting the interests of consumers relating to the provision of legal services,

(d) promoting competition in the provision of legal services in the State,

(e) encouraging an independent, strong and effective legal profession,

(f) promoting and maintaining adherence to the professional principles of legal practitioners specified in subsection 5.[2]

2.3 The Authority also views its annual reporting obligation under section 33 of the Act in the context of its function under section 13(2)(a) of the Act to keep under review and make recommendations on admission requirements and policies.

2.2 Authority's recommendations on legal practitioner training and education

2.4 The statistical data gathered in this report is relevant for the Authority's work in the area of legal practitioner education and training. The Authority is mandated under section 34(1)(a) of the Act to report to the Minister on the education and training arrangements in the State for legal practitioners, including the manner in which such education and training is provided. A brief update on the Authority's activities under section 34 in 2020 is provided here for context.

2.5 In September 2020, the Authority submitted its second report to the Minister for Justice under section 34 of the Act.[3] The report, *Setting Standards: Legal Practitioner Education and Training*, made a total of twelve recommendations for reform of legal practitioner

[2] Section 13 (5) of the Act.

[3] Section 34(3)(a) of the Act required that a report into legal practitioner education and training be provided to the Minister within two years of the establishment date of the Authority, which was 1 October 2016. The Authority's first report was submitted to the Minister for Justice and Equality on 28 September 2018.

education and training. The report contained two central recommendations:

1. A clear definition of the competence and standards required to practise as a solicitor or barrister should be developed.

2. The introduction of a statutory framework to establish a new and independent Legal Practitioner Education and Training Committee (the LPET Committee). The LPET Committee would be statutorily required and empowered to:

    - Set the Competency Framework for legal practitioner education and training;
    - Develop a common set of competencies and standards for admission to professional legal training;
    - Ensure that existing providers of legal education and training adhere to the standards required by the Competency Framework on an ongoing basis;
    - Scrutinise and accredit new providers of legal education and training based on set criteria established by the LPET Committee;
    - Monitor the quality of legal education and training;
    - Encourage innovation in the provision of legal education and training;
    - Encourage diversity in legal education and training;
    - Engage with key stakeholders in legal education and training.

2.6 The *Setting Standards* report addressed the findings of an expert external Review Team report, which was included in the Authority's first report under section 34 of the Act, which was submitted to the Minister in September 2018. In its comprehensive analysis, the Review Team found evidence of:

- a lack of clarity around the competencies required of a solicitor or barrister;
- the existence of indirect barriers to entry into the professions;
- the existence of unnecessary duplication in learning and assessment;
- a mismatch of the skills taught in current professional qualification courses with the needs of the users of legal services;
- the existence of some quality gaps; and
- a lack of independent oversight of the system of legal practitioner education and training.

2.7 In November 2020, the Minister for Justice welcomed the Authority's recommendations in its *Setting Standards* report. The Department of Justice's Action Plan 2021 contains a commitment to: "*Progress work to open up and reform professional legal education, introduce independent oversight for the first time, and remove barriers to becoming a solicitor or barrister. Publish an implementation plan to give effect to the LSRA report on the training of legal professionals and commence implementation."* [4]

2.8 The Authority is currently working with Department of Justice officials on implementation of its recommendations on the establishment of a Legal Practitioner Education and Training Committee (LPET).

[4] Department of Justice, Action Plan 2021 (Available here).

Minister request for further Authority report under section 34

2.9 In November 2020, the Minister for Justice requested that the Authority consider the economic and other barriers faced by young barristers and solicitors following their qualification from the King's Inns and Law Society respectively.

2.10 The Minister asked the Authority to give specific consideration to the following:

- The remuneration of trainee barristers and solicitors;
- The other costs associated with joining each profession;
- The information available to prospective trainee barristers and solicitors on available masters and solicitors firms, the information available on terms and conditions, and how they are selected;
- Any other barriers faced by young barristers and solicitors including the ability to take maternity leave.

2.11 In considering these issues, the Minister requested that the Authority pay particular attention to equity of access and entry into the legal professions, and the objective of achieving greater diversity within the professions. The Minister asked the Authority to make recommendations in relation to changes which could be introduced by way of effective reform of the existing system.

2.12 The LSRA executive is currently undertaking research to meet the Minister's request and the Authority intends to report to the Minister with its findings and recommendations in 2021.

Section 3: Statistics on Admissions

3.1 Solicitor admissions 2020

3.0 Section 33(1) of the Act requires the Authority to include in this annual report the number of persons admitted to practise as solicitors and barristers during the year. In preparing this report, the Authority submitted a number of questions seeking statistical data from the professional bodies in the Act. These are the Bar Council (the Bar of Ireland), the Law Society of Ireland (the Law Society) and the Honorable Society of King's Inns (the King's Inns).

3.1 This section sets out statistical data on admission numbers as provided for the year 2020, as well as other relevant statistical information. The data on solicitor admissions was provided by the Law Society which maintains the Roll of Solicitors and issues annual practising certificates to solicitors. The data on barrister admissions was supplied by the Bar of Ireland and the King's Inns. This section also include the LSRA's statistical data from the Roll of Practising Barristers which it maintains.

Brexit-related drop of 62% in solicitors admitted to Roll of Solicitors

3.2 The Law Society maintains the Roll of Solicitors, admission to which does not legally entitle a solicitor to provide legal services, although it is a pre-requisite for applying to the Law Society for an annual practising certificate to do so.

3.3 In 2020, a total of 906 solicitors were admitted to the Roll of Solicitors, as set out in Table 3.1. This is a decrease of 1,475 (62%) from the 2019 total of 2,381. The year 2020 saw annual admissions to the Roll fall below 1,000 for the first time since 2016. The drop is attributable to a sharp fall-off in the number of England and Wales-qualified solicitors seeking admission to the Irish Roll in the wake of the United Kingdom's successful Brexit referendum in 2016. The procedure had been that solicitors who qualified in England and Wales could be admitted to the Irish Roll upon completion of an application and the payment of a €300 administrative fee.[5] This then allowed them to apply for Irish practising certificates.

3.4 Since 2016, a total of 4,322 England and Wales-qualified solicitors gained admission to the Irish Roll, many in the apparent hope that it would assist them in maintaining practising rights in the EU post Brexit.[6] The number of these Brexit-related admissions to the Roll peaked in 2019.

Qualifying PPC trainees 44% of Roll admissions in 2020

3.5 In 2020, 390 newly qualified solicitors graduating from the Law Society's Professional Practice Course (PPC) were admitted to the Roll, 29 fewer than in 2019. The number of England and Wales-qualified solicitors admitted to the Roll was 443, down from 1,836 in 2019. Traditionally, PPC graduates have accounted for the majority of annual admissions to the Roll. In 2015, before the Brexit-related admissions began, qualifying trainees accounted for 64% of

[5] England and Wales solicitors were admitted under the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I No. 8 of 2017) ("the Professional Qualifications Regulations") which consolidate and transpose into Irish law Directive 2005/36/EC as amended by Directive 2013/55/EU.

[6] The Global Legal Post, 'Huge disappointment' as Irish law society blocks bid by English lawyers to preserve EU access, 13 November 2020 (Available here).

the total Roll admissions. Last year, they accounted for 43% of the total admissions, up from 17% in 2019.

3.6 A total of five solicitors applied to be voluntarily removed from the Roll in 2020, while one solicitor was struck off the Roll after admission of misconduct.[7]

Table 3.1: Solicitors admitted to the Roll of Solicitors 2015-2020

Year	Qualifying Trainees	England & Wales Solicitors	Northern Irish Solicitors	Section 52*	Transferring Barristers	EU lawyers	Admissions Total
2015	233	70	30	7	15	4	359
2016	525	806	27	13	34	1	1,406
2017	423	547	29	12	34	5	1,050
2018	443	690	43	16	30	4	1,229
2019	419	1,836	61	18	28	7	2,381[8]
2020	390	443	33	15	20	5	906

*Section 52 refers to California, New York, Pennsylvania, New South Wales and New Zealand
Source: Law Society of Ireland

Change in Law Society admissions policy

3.7 In November 2020, the Law Society announced that England and Wales-qualified solicitors would no longer be entitled to be issued practising certificates unless they could demonstrate that they practise, or intend to practise, in Ireland from a physical establishment in this jurisdiction. They must also have appropriate professional indemnity insurance (PII) in place in accordance with the PII Regulations. This new policy means that practising certificates are no longer issued to solicitors who are practising other than from an establishment in Ireland.

3.8 The Law Society's policy change followed its 2020 review of the regulatory framework for issuing practising certificates to lawyers based outside of the jurisdiction. In announcing the change, the Law Society stated that: "*The review confirmed the Society's view that, under the Solicitors Acts 1954 to 2015 and the regulations implementing those statutes, a practising certificate only entitles a solicitor to practise in Ireland from an establishment in Ireland. The review also confirmed that a practising certificate can only be issued to a solicitor on that basis*." [9]

3.9 The Law Society stated that the "*practice of issuing practising certificates to solicitors outside the jurisdiction may create the erroneous impression that the Society permits practice pursuant to the Irish practising certificate outside Ireland. It is clear that no such practice is permitted and, by adopting this approach, the Society will be making clear that such practice is not permitted*."[10]

[7] Source: Law Society submission to S33 consultation 2020
[8] Total includes 12 additional transferring EU lawyers admitted through the Establishment Directive rather than the Qualified Lawyers Test. Source: Law Society
[9] Law Society of Ireland, Practising certificates and solicitors outside the jurisdiction, 11 November 2020 (Available here)
[10] Ibid

3.10 In a further guidance note issued in November 2020, the Law Society said the position in respect of solicitors qualified and practising in both Northern Ireland and Ireland is unchanged. It stated that*: "Solicitors based in Northern Ireland who are also admitted and enrolled in this jurisdiction will continue to be entitled to make an application to the Law Society for a practising certificate provided they meet professional indemnity insurance requirements."*[11]

Post-Brexit Irish-UK solicitor admission arrangements

3.11 The UK left the EU single market and customs union at the end of the Brexit transition period on 31 December 2020. As from 31 December 2020, the EU Lawyers Directives no longer apply to UK solicitors and law firms. For many years Irish solicitors and those qualifying in England and Wales had the benefit of a reciprocal arrangement in being admitted in the other's jurisdiction, through EU Directive 2005/36/EC on the recognition of professional qualifications and arrangements made between the UK's Solicitors Regulatory Authority and the Law Society of Ireland.

3.12 On 1 January 2021, new regulations were introduced that enabled the Law Society to reinstate direct admission of England and Wales qualified solicitors to the Irish Roll subject to reciprocity.[12] In April 2021, the Law Society announced that it reached a reciprocal qualifying agreement with the Solicitors Regulation Authority in England and Wales to allow solicitors qualified in England and Wales to apply for a Certificate of Admission to the Irish Roll without having to sit additional examinations. The arrangements also allow Irish-qualified solicitors to add their name to the Roll of Solicitors in England and Wales without having to sit the Qualified Lawyers Transfer Scheme.[13]

Drop in number of solicitors with practising certificates

3.13 There were 11,854 solicitors with practising certificates in Ireland on 31 December 2020, as set out in Table 3.2. This is a decrease of 105 (-1%) from 2019 and represents the first annual drop in the number of practising certificates since 2009. This reduction is largely accounted for by the decline in the number of so-called 'Brexit PCs' taken out in 2020.[14] According to the Law Society, a total of 859 "Brexit" practising certificates were issued in 2019.[15]

3.14 As reported by the Law Society, "*the phenomenon of large international law firms, with no establishment in this jurisdiction, taking out Irish practising certificates for their solicitors who have recently come on the Roll here was a by-product of Brexit and has now come to an end*."[16]

3.15 It is now to be expected that the primary driver for increases in the numbers of practising certificates will revert to being the number of solicitors qualifying through the Law Society's Professional Practice Course.

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[11] Law Society of Ireland, Irish qualified solicitors based in Northern Ireland seeking a practising certificate, November 2020 (Available here).
[12] Solicitors Practising Certificate Regulations 2020 (SI No 655 of 2020) (Available here).
[13] Law Society of Ireland, Law Society offers open access to Irish Roll of Solicitors despite Brexit, 1 April 2021. (Available here)
[14] Law Society Gazette, Matheson surges from third to top, 5 February 2021 (Available here).
[15] Figure supplied by Law Society to LSRA for the section 33 Annual Report 2019.
[16] Law Society Gazette, Matheson surges from third to top, 5 February 2021 (Available here).

Table 3.2: Solicitors holding practising certificates 2003 – 2020

Year	Practising Certificate Holders	No. increase/decrease on previous year	% increase/decrease on previous year
2003	6,436	N/A	
2004	6,746	310	5 %
2005	7,039	293	4%
2006	7,416	377	5%
2007	7,876	460	6%
2008	8,231	355	5%
2009	8,225	- 6	-
2010	8,335	110	1%
2011	8,571	240	3%
2012	8,768	193	2 %
2013	8,895	127	2 %
2014	9,224	329	4 %
2015	9,688	444	5%
2016	10,080	392	4 %
2017	10,470	390	4%
2018	10,972	502	5%
2019	11,959	987	9 %
2020	11,854	-105	- 1%

Source: Law Society submission, Law Society Annual Reports 2013-2020, and Law Society Gazette

One in four solicitors worked with twenty large firms

3.16 As Table 3.3 shows, a total of 2,873 solicitors with practising certificates at the end of 2020 were employed by a total of twenty large law firms. These solicitors account for almost one in four (24%) of the total of 11,854 solicitors with practising certificates on 31 December 2020. The top five solicitors firms for 2020 in terms of numbers of employed solicitors were: Matheson; A&L Goodbody; Arthur Cox LLP; McCann FitzGerald; and Mason Hayes & Curran LLP.

3.17 Notably absent from the "top 20" ranking for the year 2020 were the international law firms Allen & Overy LLP and Eversheds Sutherland LLP. In 2019, the 'magic circle' firm Allen & Overy LLP had 206 solicitors with Irish practising certificates, a jump of 191 on the previous year. The firm has its headquarters in the City of London and had no office in this jurisdiction in 2019. Eversheds Sutherland LLP was also based outside this jurisdiction in 2019 when it had a total of 62 practising certificates. In addition, Freshfields Bruckhaus Deringer LLP, with 88 practising certificates in 2020, is unlikely to feature in the top twenty law firms ranking in 2021, according to the Law Society.[17]

[17] Law Society Gazette, Matheson surges from third to top, 5 February 2021 (Available here).

Table 3.3: Top 20 law firms by practising solicitor numbers 2020

Firm Name		31/12/2020	Difference +/- 2019	31/12/2019
1	Matheson	327	42	285
2	A&L Goodbody	320	7	313
3	Arthur Cox LLP	312	13	299
4	McCann FitzGerald	284	18	266
5	Mason Hayes & Curran LLP	259	20	239
6	William Fry	207	0	207
7	Byrne Wallace	137	5	132
8	Eversheds Sutherland	112	4	108
9	Maples and Calder (Ireland) LLP	108	3	105
10	Ronan Daly Jermyn	106	-1	107
11	Beauchamps	95	3	92
12	Freshfields Bruckhaus Deringer LLP	88	-13	101
13	Dillon Eustace	86	-2	88
14	Hayes Solicitors	64	3	61
15	Eugene F Collins	63	-1	64
16	Phillip Lee	63	-	-
17	Pinsent Mason LLP	63	-1	64
18	LK Shields Solicitors LLP	63	1	62
19	Walkers Ireland	63	-2	65
20	DAC Beachcroft Dublin	53	-	-
	Total	**2,873**		**2,658**

Source: Law Society of Ireland

These figures represent the total number of solicitors with a practising certificate, advised to the Law Society, up to and including 31 December in both years. The total firm figure comprises a firm's primary and suboffices on the Law Society's database.

Growth in in-house solicitors

3.18 A total of 3,224 solicitors worked in-house in the public and private sector in 2020, according to figures supplied by the Law Society as set out in Table 3.4. This is an increase of 728 (29%) from 2,496 in 2019. Of these, 2,736 worked in industry or a firm, and 488 worked the public sector for a state body, as set out in Table 3.5. The 488 state body solicitors included 402 in the full time service of the State who are not required to hold practising certificates.

Table 3.4: Solicitors working in-house and in public sector 2020

Type of employer	Number of solicitors
Industry/Firm	2,736
State Body	488
Total in-house	3,224

Source: Law Society of Ireland

Practising certificates surrendered

3.19 The Law Society issued a total of 11,941 practising certificates in 2020, 41 fewer than in 2019. A total of 87 practising certificates were surrendered during the year, including 29 on the basis of maternity leave, 15 due to termination of contract and seven for career break purposes, according to figures supplied by the Law Society.

Total 473 trainee solicitors enrolled on PPC

3.20 In 2020, a total of 473 trainee solicitors enrolled on the Law Society's Professional Practice Course, PPC I. This is 28 fewer than in 2019, as show in Table 3.5. The total is comprised of 418 trainees undertaking the full time PPC I, which begins in September each year, and 55 trainees on the PPC Hybrid course, which enrols in December. The numbers enrolling on the PPC are slowly recovering since the 2008 financial crisis but have not climbed back to the pre-financial crisis peak in 2007, when 671 PPC trainees enrolled.

Table 3.5: Admissions and demographic trends for PPC I 2015-2020

Year	Total Enrolment	Male	Female	Under 30 yrs	Over 30 yrs	Law degree	Other degree	Non-graduate
2015	384	160	224	86%	14%	80%	20%	-
2016	405	169	236	87%	13%	78%	21%	1%
2017	412	169	243	90%	10%	84%	14%	2%
2018	448	180	268	89%	11%	78%	20%	2%
2019	501	206	295	88%	12%	78%	20%	2%
2020	473	169	304	90%	10%	81%	17%	2%

Source: Law Society of Ireland

3.21 The PPC Hybrid was introduced as a pilot course in 2019 as a flexible option for trainees who could potentially continue working during the course. It had an initial intake of 47 students who enrolled in December 2019 and began studying in January 2020. The PPC Hybrid is promoted as offering 'blended learning,' combining online lectures with on-site tuition through weekend sessions, instead of the traditional requirement to attend Blackhall Place in Dublin full-time for a six-month period. (Due to the Covid-19 public health restrictions, both the full time and Hybrid PPC programmes were taught online during 2020). For PPC Hybrid course trainees, the same two-year in-office training requirement applies, but the trainee may be able to accrue credit for in-office work time completed prior to, and also during, the course.

3.22 The demographics of the PPC full time and PPC Hybrid trainees vary somewhat, as set out in Table 3.6. PPC Hybrid course trainees enrolled in 2020 were slightly older than their full-time counterparts, with 45% over 30 years old, compared to 5% of trainees on the full-time course. A higher proportion of the Hybrid course trainees provided their home location as outside Dublin (67%) compared to 52% for the full-time PPC trainees. The Hybrid course had 27% male and 73% female trainees compared to 37% male and 63% female for the full time course. According to the Law Society, some 15% of PPC Hybrid trainees have their traineeships in 'in-house' settings or public bodies, including the Central Bank of Ireland; Rabobank; KPMG; IHREC; Office of the Director of Public Prosecutions and Property Registration Authority.

According to the Law Society submission, there are very few in-house trainees attending the full time PPC I.

Table 3.6: Admissions and demographic trends for PPC I & PPC Hybrid 2020

PPC Hybrid 2020 - Total Enrolment 55 Trainees								
Male	**Female**	**Under 30 yrs**	**Over 30 yrs**	**Law degree**	**Other degree**	**No degree**	**Dublin**	**Outside Dublin**
15 27%	40 73%	30 55%	25 45%	40 73%	12 22%	3 5%	18 33%	37 67%
PPC I Full Time 2020 – Total Enrolment 418 Trainees								
Male	**Female**	**Under 30 yrs**	**Over 30 yrs**	**Law degree**	**Other degree**	**No degree**	**Dublin**	**Outside Dublin**
154 37%	264 63%	396 95%	22 5%	346 83%	67 16%	5 1%	200 48%	218 52%

PPC entrance exams (FE-1s)

3.23 A set of eight exams collectively known as the Final Examination 1 (FE-1) are the gateway to the PPC. All eight exams are held twice a year, in two sittings in March and October. Due to the public health restrictions arising from the Covid-19 pandemic, some 2020 exam papers were provided in August while the October sittings were postponed to November and were held online, according to the Law Society.

3.24 The Law Society in 2020 introduced changes to the FE-1 regime that it said were designed to facilitate accelerated access to its PPC. Third level students can now undertake some FE-1 exams during their undergraduate degree, after completing the first year. A total of 227 undergraduate law students and 20 undergraduates from non-legal course sat at least one FE-1 paper in 2020, according to figures supplied by the Law Society. Of the 227 total, 74 were students at UCD, 38 were from Maynooth University, 21 were from UCC, 18 were from DCU, 17 were from NUIG and 14 were from TCD.

3.2 Barrister admissions 2020

3.25 In 2020, a total of 167 persons were called to the Bar of Ireland by the Chief Justice, allowing them to exercise a full right of audience before all courts, according to figures supplied by the King's Inns. This is a decrease of from the total of 190 in 2019.

3.26 Traditionally, the main route to admission to the profession in Ireland is to complete the Barrister-at-Law (BL) degree course provided exclusively by the King's Inns. As Table 3.7 shows, the number of barristers being called to the Bar via this route has remained relatively stable in the past four years, with BL graduates accounting for 116 of the admissions last year, an increase of 7 on 2019.

3.27 A total of 47 barristers were admitted having obtained their professional qualifications in England and Wales or Northern Ireland. Under a mutual recognition regime, members of the Bar of Northern Ireland who have been in practice for at least three years immediately preceding their application may be 'admitted' to the BL degree course and called to the Bar without taking any test or examination. For qualified lawyers from other EU member states, they may be required to sit the King's Inns' aptitude test. Barristers from England and Wales have been admitted under EU regulations on the recognition of professional qualifications.[18]

3.28 In its submission to this consultation, the King's Inns said the while the figure of 47 barristers from England and Wales or Northern Ireland admitted to practise in 2020 represents a decrease in the numbers admitted to the profession via this route in 2019 (76), it is still an increase on historic data. *"It can reasonably be surmised that this increase has occurred as a result of Brexit. However, the extent to which those 47 barristers actually intend on providing legal services in Ireland is unclear. Moreover, it remains to be seen how this route of admission will fare post-Brexit,"* it said.

3.29 The King's Inns submitted that it believes the number of barristers admitted to practise in 2020 (in addition to any barristers from Northern Ireland or England and Wales who are providing or who will provide legal services in the State*) "is consistent with the public interest in ensuring the availability of legal services at a reasonable cost*."

[18] European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I No. 8), the King's Inns being the competent authority in respect of the profession of barrister for the purpose of Directive 2005/36/EC.

Table 3.7: Admissions to practise as a barrister by admission route 2016-2020

Year	Total admissions	Completion of KI's BL degree	Lawyers from other jurisdictions[19]	Transferring solicitors	Morgenbesser eligibility*[20]
2016	129	116	10	1	2
2017	134	109	22	3	0
2018	156	91	59	6	0
2019	190	109	76	3	2
2020	167	116[21]	47	3	1

Source: Honorable Society of King's Inns

Table 3.8: Breakdown of admissions – Northern Ireland, England and Wales 2016-2020

Year	Northern Ireland lawyers	England and Wales lawyers	Total
2016	6	4	10
2017	8	14	22
2018	19	39	59*
2019	52	24	76
2020	12	35	47

Source: Honorable Society of King's Inns
*Total includes 1 admission from another jurisdiction

Number of new barristers joining the Law Library

3.30 A total of 76 new members joined the Law Library in October 2020, according to figures supplied by the Bar of Ireland. Of these, seven were applicants from another jurisdiction and were not required to undertake a period of pupillage or devilling. A total of 69 new Law Library members began devilling in October 2020. Of these, 44 were male and 25 were female.

Increase in number of barristers on Roll of Practising Barristers

3.31 The LSRA maintains the Roll of Practising Barristers, a searchable online register of all barristers entitled to provide legal services in the State. At the end of 2020, there were 2,823 barristers on the Roll, up 88 on the total at the end of 2019, as set out in Table 3.9.[22] The Roll is comprised of self-employed barristers (both members of the Law Library and non-Law Library members), and barristers in employment, including those in the full-time service of the State.

[19] Includes Northern Ireland barristers and England and Wales barristers.
[20] According to the King's Inns, these are applicants who hold legal qualifications of an academic or professional nature (or both) from another EU Member State and who, as a result, are partly qualified in that Member State. The applicants' qualifications are assessed and to the extent that there is any shortfall in knowledge or skills, the applicant will be required to complete a number of assessments. See C-313/01 *Christine Morgenbesser v Consiglio dell'Ordine degli avvocati di Genova.*
[21] A total of 109 students passed the BL degree exams in 2020. The above figure includes BL graduates from earlier years who had deferred their Call to the Bar until 2020, and excludes 2020 BL graduates who deferred their Call to the Bar. Source: King's Inns.
[22] End of year figures from LSRA recorded on 31 December 2020.

3.32 A total of 2,155 barristers on the Roll at the end of 2020 (76%) were self-employed private practitioners and members of the Law Library. The remaining 668 (24%) were non-Law Library members. Of these, 229 were recorded on the Roll as working in the full-time service of the State. The Roll also includes barristers employed in-house in the private sector, those who may primarily practice in other jurisdictions, and retired barristers who are volunteering their services but are still required to be on the Roll.

Table 3.9: Numbers on Roll of Practising Barristers

Year	Total Roll	Law Library Members	Non-Law Library Members
2019	2,735	2,198 (80%)	537 (20%)
2020	2,823	2,155 (76%)	668 (24%)

Source: Legal Services Regulatory Authority

Transfers between the professions

3.33 A total of 20 barristers transferred to become solicitors and were admitted to the Roll of Solicitors in 2020. This is eight fewer than in 2019. While still modest in overall figures, the number of barrister-solicitor transferees has risen in the past seven years, up from 3 in 2012, as set out in Table 3.10.

Table 3.10: Transfers between the professions 2012-2019

Year	Barristers becoming solicitors	Solicitors becoming barristers
2012	3	7
2013	10	2
2014	15	0
2015	15	1
2016	39	1
2017	24	3
2018	21	6
2019	28	3
2020	20	3

Source: Honorable Society of King's Inns and Law Society of Ireland

Admissions to Barrister-at-Law degree

3.34 Completion of the Barrister-at-Law (BL) degree offered by the King's Inns leads to the entitlement to be called to the Bar and permitted to practise as a barrister. A total of 195 applicants sat the entrance exam in 2020, which compares with an annual average of 135 between 2015 and 2019, according to figures supplied by the King's Inns as set out in Table 3.11.

3.35 A total of 183 trainees commenced the BL degree in 2020. The degree is offered on a full-time basis for one year and on a two-year part-time or modular basis. The 2020 enrolment is an increase of 65 on 2019. The annual average for enrolment was 113 between 2015 and 2019. The King's Inns pointed out in its submission that the number of students commencing the

course in 2020 takes account of the net impact of deferrals to a later year and returning deferrals from previous years. There was an almost even split between those electing to complete the degree course in one year on a full-time basis (97), and those undertaking the two-year modular course (86).

3.36 Of the 183 students who enrolled for the BL degree course in 2020, 126 (69%) had Kings Inns approved legal qualifications while 57 (31%) were graduates of the King's Inns' own Diploma in Legal Studies.

3.37 A total of 195 people sat the exams for the BL degree course in 2020. These were held for the first time remotely and online. The entirety of the BL degree course was also conducted remotely during the year.

3.38 Regarding the impact of Brexit on admissions to the barristers' profession, as was noted in the submission from the King's Inns last year, the number of barristers from Northern Ireland and England and Wales who have sought to be called to the Bar in Ireland has increased significantly in recent years. Between 2004 and 2016, there was an average of nine such admissions to the profession each year. In 2017 there were 22; in 2018 there were 58; in 2019 there were 76; and last year there were 47.

Table 3.10: Admissions to Barrister-at-Law degree course 2013-2020

Year	Sitting BL entrance exam	Commencing BL degree Full time 1-year/ Modular 2-year	Admission: Approved Qualification	Admission: King's Inns Diploma
2013	168	141 (87/54)	96 (68%)	45 (32%)
2014	157	140 (80/60)	91 (65%)	49 (35%)
2015	120	96 (58/38)	65 (68%)	31 (32%)
2016	133	119 (79/40)	74 (62%)	45 (38%)
2017	131	112 (51/61)	67 (60%)	45 (40%)
2018	143	120 (58/62)	85 (71%)	35 (29%)
2019	150	118 (57/61)	84 (71%)	34 (29%)
2020	195	183 (97/86)	126 (69%)	57 (31%)

Source: Honorable Society of King's Inns

Section 4: Key Developments in 2020 & Views on S33(1)(c) Assessment

4.1 Assessment under section 33(1)(c) of the Legal Services Regulation Act 2015

4.1 Section 33 (1)(c) of the Act requires the Authority to provide an annual assessment as to *"whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in that year is consistent with the public interest in ensuring the availability of such services at a reasonable cost."*

4.2 The Authority invited respondents to provide their views under a set of five questions. This section provides a brief update on key developments in these areas in 2020. It also summarises respondents' analysis and views under the following five headings as set out in the scope of the LSRA's consultation notice:

1. The level of demand for the services of practising barristers and solicitors in 2020.

2. The costs of legal services in 2020 and whether these were available at a reasonable cost to consumers.

3. The standard of education and training for persons admitted to practise.

4. The extent to which the admissions policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise.

5. The impact of the Covid-19 pandemic of 2020 and Brexit on the above matters.

1. Level of demand for the services of practising barristers and solicitors in 2020

Summary and key developments in 2020

4.3 The dominant issue that impacted the demand for the services of solicitors and barristers in 2020 was the Covid-19 pandemic which began in March 2020. The rapid onset of the pandemic was a shock to all sectors of the economy including the legal services sector. The impact of the crisis on the demand for the services of practising solicitors and barristers continues to evolve.

4.4 Legal services provided by practising solicitors and barristers were designated as "essential" by government when the initial nationwide lockdown occurred in March 2020. Court business was significantly curtailed during the year, based on the necessary public health restrictions introduced to curb the transmission of the virus. Some types of non-urgent court hearings were suspended for periods during the year and court sittings were generally reduced. Measures introduced to allow some cases to be heard included remote online hearings on

new IT platforms, limits to the number of people in courtrooms, the staggering of court times and the use of alternative venues for jury trials.

4.5 The implementation of a range of protective public health measures and new ways of working during the year led to increased numbers of sittings across all courts. However, the overall level of operation of the courts has not returned to the level which existed prior to the crisis. This had an inevitable knock on impact on the demand for services of solicitors and barristers, particularly those whose work is largely court based. Office based law firms had to adjust their working practices, and solicitors and barristers alike have switched to home working to sustain service levels to clients.

4.6 Large scale government financial supports were provided for solicitors, barristers and law firms in the legal sector. These included the Temporary Wage Subsidy Scheme for firms, the Pandemic Unemployment Payment for individuals and the Restart Grant Plus Scheme. The Department of Justice brought forward payments of brief fees to solicitors and barristers on the criminal legal aid scheme, even though all non-urgent criminal cases were adjourned during lockdown.

4.7 According to the Smith & Williamson *Annual Survey of Law Firms in Ireland 2020/2021*, there was a rural/urban divide in terms of take up of the emergency government supports, with 88% of firms outside Dublin using the Wage Subsidy Scheme compared to 69% in Dublin. The survey found that six in ten of the "Top 20 firms" used the Wage Subsidy Scheme and one third of firms used temporary lay-offs to enable access to the Pandemic Unemployment Payment Scheme for impacted employees.

4.8 The Smith & Williamson Survey 2020/2021 survey took place in autumn 2020 and canvassed 87 large, mid-tier and small firms across the country, including 15 of the Top 20. It found that nearly two in three (63%) of all law firms, and 47% of the Top 20 firms, recorded declines in revenue. The average rate of decrease in revenues amounted to approximately 10% for the Top 20 firms and on average greater than 20% for other firms. Recruitment and retention of key staff was also identified as a key challenge for the Top 20 firms (53%) as was competition from UK and international law firms (27%).

Demand for solicitors' services and the impact of Covid-19

4.9 **The Law Society** in its submission pointed out that while the impact of the disruption has been massive, it has not been uniform across all areas of the solicitors' profession or of practice. Based on direct feedback from practitioners, the Law Society provided an estimate of the impact of the pandemic, acknowledging that it was largely anecdotal pending the results of an expert survey. It said the general estimates of the reduction in the profession's fee income since the onset of the pandemic most frequently range between 15% and 30%.

4.10 It said: *"Many small firms were supported to an extent by State financial supports such as the Temporary Wage Subsidy Scheme (TWSS) and Pandemic Unemployment Payment (PUP). However the largest source of income for law firm owners and their staff in 2020 and into 2021 has been money coming from their pipeline of previous work (the firm's debtors and work in progress). This is likely to lead to negative working capital consequences for solicitors' firms in the near future."*

4.11 **The Law Society** also highlighted the fact that different types of legal work have been impacted in different ways such as the following:

- **Conveyancing:** residential conveyancing: was quiet during mid-2020 but picked up in the autumn and has continued to be relatively busy.
- **Commercial conveyancing:** was in the doldrums during 2020 and remains so.
- **Commercial:** there was limited activity during 2020 with mergers and acquisitions considerably down, in volume and value, on previous years.
- **Aircraft leasing:** has been severely hit, other than for restructuring work.
- **Insolvency:** work may be a growth area in the near future although it has not taken off as yet.
- **Probate:** work remains steady in 2020 and is expected to continue. As with conveyancing, many tasks were more difficult to progress and took longer to complete because State agencies either closed initially, or were not operating at full capacity.
- **Family law:** this area has been busy and demand is expected to increase during 2021.
- **Employment:** became suddenly very busy in March 2020 and remains so.
- **Litigation:** Supreme Court and Court of Appeal quickly migrated online and virtual hearings have characterised the work of these courts since. High Court cases based on legal argument, without a reliance on oral evidence, has continued but 'evidence-based' cases, such as personal injuries, has been severely disrupted and remains so with almost no cases currently being heard. Insurers have been co-operating to an extent to settle cases but a great deal of work is stuck in the system with backlogs growing by the day.
- **Criminal:** serious backlogs are growing as very few jury trials have been capable of proceeding during most of the lockdown period.

4.12 **The Law Society** concluded that: "*In summary broadly speaking the level of demand for the services of practising solicitors has reduced since the onset of the pandemic and in any case the capacity to deliver these services, as a result of the reduction in State systems such as the capacity to have cases listed and disposed of by the courts, has been seriously reduced in many areas of practice. The pandemic has proven fundamentally persistent and the future remains uncertain.*"

4.13 **The Law Society's** overall assessment was that the solicitor employment market has been subdued since March 2020 with almost half the number of job vacancies advertised compared to one year earlier. However, it pointed out that: "*Employment held up during 2020 and into early 2021 and almost all solicitors were retained in their jobs by their employers. As a result, there are very few solicitors currently unemployed/out of work. A big increase in new job opportunities is expected to arise as the Covid-19 lockdowns end. This should result in a robust job market.*"

4.14 **The Legal Aid Board** in its submission said it continued to find recruitment of solicitors challenging throughout 2020, with limited numbers applying for solicitor competitions compared with other public sector bodies. It proposed that in order to expand the numbers of solicitors qualifying that:

1. Universities should be afforded the capacity to provide professional accredited training; and
2. The Law Society should actively work with University Access Programmes to support the continued training of students interested in professional career as a barrister or solicitor.

4.15 In terms of its own work, the Legal Aid Board said some aspects were hampered by the Covid-19 restrictions, while other aspects such as Domestic Violence and Childcare remained active. In response to the pandemic restrictions, the Legal Aid Board said it introduced a range of measures to ensure services delivery.

4.16 **The Dublin Solicitors' Bar Association (DSBA)** in its submission said that due to the severe restrictions on court sittings in 2020, many solicitors must have suffered a decrease in their volume of work. The DSBA said it was very helpful to solicitors that legal services were categorized as 'essential services' for Covid-19 regulatory purposes and that the government wage and commercial rates related supports applied.

4.17 **SOLAS,** the statutory authority for further education and training, in its submission pointed to its National Skills bulletin for 2020 which assessed how the restrictions imposed as a result of Covid-19 have impacted on employment outlooks across almost one hundred occupations including judges, barristers and solicitors and related professionals. It found that employment growth for these occupations was broadly in line with the five-year national average, although the occupations may have been impacted by the lack of commercial activity during Covid-19-related restrictions.[23]

Demand for barristers' services and the impact of Covid-19

4.18 **The Bar of Ireland** in its submission observed that the demand for barrister services "ebbed and flowed" since March 2020 in accordance with:

1. The various levels of restrictions imposed by the Judiciary and the Courts Service throughout the pandemic;

2. The prioritisation of certain types of cases during the restrictions, i.e. priority was given to maintaining as much as possible criminal and urgent family law matters;

3. The availability and suitability of remote hearing facilities for certain cases.

4.19 **The Bar of Ireland** conducted two surveys during 2020 to assess the impact of the pandemic on the earnings of its members. In the first survey in May 2020, two months into the pandemic, found that 89% of members expected a decline in their income of 50% or more. In a second member survey in December 2020, there was a more moderate assessment of future decline in income, with 37% expecting a decline in income of 50% or more.

4.20 The Bar of Ireland stated that: "*The feedback provided through both surveys are replete with the message that the full extent of income decline has yet to be fully felt and will become more evident in the months and years ahead. The December 2020 survey confirmed that financial and economic viability of practice remains as the most significant challenge for our members, and in particular amongst those in their first 12 years of practice*."

4.21 **The King's Inns** in its submission stated that there is no indication that there is a shortage of suitably qualified barristers in any area of expertise or practice. In relation to the demand for the services of practising barristers, the King's Inns said it must first be understood that many barristers now operate outside of the traditional route of the independent referral Bar within

[23] SOLAS, National Skills Bulletin 2020, A Report by the Skills and Labour Market Research Unit (SLMRU) in SOLAS on behalf of the National Skills Council 2020, October 2020 (Available here)

the Law Library. Many practising barristers have fulfilling and rewarding careers in the full-time service of the State or in private employment. Others pursue careers outside of the law but enhanced by their legal expertise. However, it also pointed to its experience that most students on its Barrister-at-Law degree course intend to enter the Law Library, as is borne out by statistics from the Bar of Ireland.

4.22 **DCU's School of Law and Government** highlighted concerns around the numbers of graduates practising in the area of criminal law, and the issue of unequal progression of male and female practitioners across all areas of practice. In research conducted with 44 criminal defence solicitors around Ireland, an issue which arose was the "exodus of practitioners" from criminal defence work. DCU said there was a sense that the nature of the work, the fees payable and the need to be "on call" in order to attend at Garda stations during unsociable hours was having an impact on this. It also cited the inability of criminal defence solicitors' firms to compete with the salary packages offered to trainee solicitors by commercial law firms. DCU further cited the unpaid nature of barrister pupillages as a significant push factor away from practice at the Bar in any field of work for students of modest means.

2. The costs of legal services in 2020 and whether these were available at a reasonable cost to consumers

Summary and key developments in 2020

4.23 As noted in last year's annual report under section 33 of the Act, there are ongoing challenges in defining and measuring legal costs in Ireland due to substantial data limitations. The two primary sources of quantitative data on the cost of legal services in Ireland are the Central Statistic Office's experimental data series, the Services Producer Price Index (SPPI), and the World Bank's *Doing Business* report, both of which are subject to certain limitations.

4.24 The SPPI measures changes in the average prices charged by domestic service producers to other business customers for a selected range of services. For the SPPI report, the first limitation is that the data is presented as an index, so it only gives information about changes in prices rather than absolute prices. Secondly, the most granular SPPI sectoral data on legal services is in a group which also includes accounting, PR and business consultancy services costs. Therefore, changes in the data can be driven by price changes in any one or more of these areas.

4.25 Bearing in mind these limitations, the CSO data shows that prices for legal, accounting, PR and consultancy services have trended upward in Ireland in recent years, with sharp increases recorded since the beginning of 2019. Service prices in Quarter 4 2019 for this category were 3.3% higher when compared with the same period in 2018.[24] However the prices fell slightly during 2020. In Quarter 4 2020, services prices for legal, accounting, PR and consultancy services were -0.9% when compared with the same period in 2019.[25]

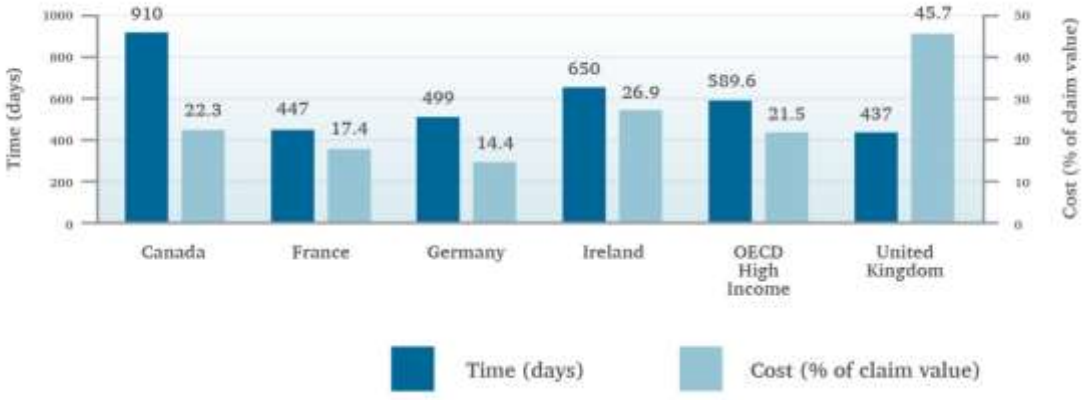
4.26 As noted in last year's report, the World Bank's *Doing Business 2020* report suggests that Ireland is a slow and expensive jurisdiction in which to enforce a commercial contract, with Irish businesses facing higher legal costs than their counterparts in many other countries. The report provides breakdowns of total costs of enforcing a contract into three categories of

[24] CSO, Services Producer Price Index Experimental (Selected Services) Quarter 4 2019 (Available here)
[25] CSO, Services Producer Price Index Experimental (Selected Services) Quarter 4 2020 (Available here)

attorney fees, court fees and enforcement fees. The legal fees associated with enforcing a contract in Ireland in 2019 amounted to 18.8% of the claim. This is significantly higher than Denmark (5%), Germany (6.6%), France (10.7%), Spain (12.7%), Canada (15%) and the United States (14.4%) but lower than New Zealand (22%) and the UK (35%).[26]

4.27 The World Bank data also shows that it takes 650 calendar days to resolve a commercial dispute in Ireland, compared to the OECD average of 590 days for high income countries (see Figure 1).[27] The total cost involved in enforcing a commercial contract in Ireland in 2019, including legal fees, court fees and enforcement fees, was equivalent to 27% of the value of the claim, while the OECD average was 21%.

Figure 1: Enforcing a contract - Time and Cost



Source: World Bank Doing Business 2020

4.28 The World Bank's *Doing Business in the European Union 2020* study examined legal costs in five cities of Ireland. Resolving the standardised commercial dispute underlying the Doing Business case study takes an average of 22 months across the five locations measured, which is nearly a month longer than the EU's average. This study showed that there was some regional variation with regard to the cost of enforcing a contract. In Limerick, the cost of enforcing a contract was the equivalent of 27% of the claim value, while in Galway the corresponding figure was 24.2%.[28]

4.29 The World Bank report noted that across the five cities "*with an average cost of 26.2% of the claim value, Ireland is among the five most expensive places to litigate in the European Union. The high cost is driven by attorney fees, which in Ireland are among the four highest in the European Union.*" The report noted that fees are highest in Dublin and in southern Ireland and least expensive in western Ireland.

4.30 The National Competitiveness Council (NCC) has identified legal costs among a number of long-standing structural issues within the Irish economy that that may have been placing higher costs on Irish businesses and consumers relative to other European countries. In its

[26] World Bank Group, Doing Business 2020. (Individual country reports available here)
[27] The enforcing contracts indicator measures the time and cost for resolving a commercial dispute through a local first-instance court. The dispute in the case study involves the breach of a sales contract between two domestic businesses.
[28] World Bank Group, Doing Business in the European Union 2020: Greece, Ireland and Italy. (Available here)

Competitive Challenge 2020, the NCC recommends action to bring legal costs for businesses into line with other common law jurisdictions and improve access to justice, primarily by implementing the recommendations of the Review of the Administration of Civil Justice Group.[29]

4.31 The Review of the Administration of Civil Justice Group was established by government in March 2017 with a remit to review and reform the administration of civil justice in the State, including with view to improving access to justice and reducing the cost of litigation. The group was chaired by former President of the High Court, Mr Justice Peter Kelly. Its report was published in December 2020.[30] It made more than 90 recommendations concerning changes in court procedures and practices, improved physical and ICT facilities and new administrative arrangements.

4.32 The Department of Justice's *Action Plan 2021* acknowledges that *"legal costs in Ireland are prohibitive and act as a barrier to people to exercising their rights before the courts. We know too the effect these high costs and complex systems have on our economy and our competitiveness, whether those are the cost of buying a house, enforcing a contract or purchasing insurance."*[31]

4.33 The plan includes an action to commence work to introduce new scales of legal costs which would be independently drawn up, in order to reduce legal costs and to provide greater certainty to the users of legal services in relation to cost. This includes a detailed examination of the recommendations contained within the Kelly report on legal costs. As part of this work, the Department has undertaken to carry out a detailed economic and legal evaluation, which will include examining making such scales binding, except where both parties agree to opt out.[32]

4.34 The Authority also notes that the Department of Justice is undertaking a research project regarding Legal Costs and Access to Justice which is intended to examine the evidence in relation to legal costs in Ireland as a potential barrier in access to justice. The overall objective of the project is to examine the diverse factors that result in the current levels of legal costs and the extent to which the cost of legal services (whether in Court or non-Court mechanisms) represents a barrier to access to justice.[33]

4.35 The Office of the Legal Costs Adjudicator (OLCA), set up in 2019 under the Legal Services Regulation Act 2015, issued its first Annual Report in 2020 covering its first three months of adjudication. In addition to having the previous powers of the Taxing Masters, the OLCA deals with disputes on legal costs between parties involved in litigation in the Superior Courts and other matters, such as disputes relating to costs between a legal practitioner and their client. Under section 140 of the Act, the OLCA maintains a register of determinations of adjudications on legal costs, thereby adding a new layer of transparency to legal costs.

[29] National Competitiveness Council, Ireland's Competitiveness Challenge 2020, September 2020 (Available here).
[30] Review Group Report, Review of the Administration of Civil Justice Report, October 2020 (Available here).
[31] Department of Justice, Action Plan 2021 (Available here).
[32] Department of Justice, Action Plan 2021, Action 83 (Available here).
[33] Department of the Taoiseach, Government Response to Ireland's Competitiveness Challenge 2020. (Available here).

Excessive costs – 7% of complaints to LSRA in 2020

4.36 The LSRA began receiving and investigating complaints about solicitors and barristers on 7 October 2019, following the commencement of Part 6 of the Legal Services Regulation Act 2015. The Authority is required under section 73 of the Act to report on the performance of its complaints function every six months. In 2020, two such reports were published, in April and September. One of the three types of complaints that the LSRA can receive and investigate under Part 6 of the Act is that the amount of costs sought by a legal practitioner in respect of legal services provided to the client was or is excessive.

4.37 Complaints of excessive costs accounted for 7% of the total of 1,422 complaints received by the LSRA during 2020 (multiple complaints can be made against one individual). Of the total of 107 complaints which alleged that excessive costs had been sought, 38 related to litigation, with 24 relating to family law, 18 to conveyancing and 11 to probate. Of the total number of complaints in 2020, 1,389 related to solicitors while 33 related to barristers.[34]

4.38 The Authority will continue to monitor and report on available data on legal costs in its annual reports to the Minister under section 33 of the Act. In addition, it will examine in detail trends and themes in complaints of excessive costs in its next complaints report under section 73 of the Act, which will be published in October 2021.

Views of respondents

4.39 **The Law Society** did not express any views in its submission on the costs of legal services in 2020 and whether these were available at a reasonable cost to consumers.

4.40 **The Dublin Solicitors' Bar Association** said that with 2,325 solicitors' firms in the country, about two-thirds of them in Dublin, there is ample competition and choice for the consumers of legal services especially with regard to residential conveyancing, will-writing and probate. It highlighted the area of litigation where it said the demand for legal services is often beyond the reach of some, as evidenced by the numbers of the public representing themselves. The DSBA said the Civil Legal Aid system only helps those on a very basic income and has more than 17,000 applicants every year. It also highlighted the fact that many legal firms in Ireland act for some litigants on a pro-bono basis.

4.41 **The DBSA** also commented on section 150 of the 2015 Act which commenced on 7 October 2019. The DSBA said this "*provides for a very detailed legal costs framework approach, overly prescriptive perhaps as evidenced by the difficulties being encountered by the profession in implementing the terms of Section 150*."

4.42 **The Bar of Ireland** in its submission referred to commentary on costs made initially in its submission to the LSRA's consultation under section 33 of the Act for the 2019 Annual Report. It noted that the market for barristers' services is "*more competitive than it has ever been" and this has led to very considerable reduction in fees paid to most barristers, particularly by private clients where there is not set scale of fees and the fee and manner of payment is usually negotiated by the solicitor on behalf of the client. On the other hand, barristers who undertake work on behalf of the State or large institutions like insurance companies are, in the main, working to a set schedule or scale of fees. As such there is little or no negotiation, and in*

[34] LSRA Annual Report 2020 (Available here).

many cases, this involves barristers appearing for a client at less than the normal commercial rate."

4.43 **The Irish Institute of Legal Executives** said the high and perceived high cost of legal services is preventing people on lower incomes from equal access to justice. The Legal Services Regulation Act 2015 addresses many issues in respect of costs. However, it said it "*offers no dramatic change to the way legal services are delivered and the regulation of Legal Executives would offer a fresh and modern approach to legal services.*"

3. The standard of education and training for persons admitted to practise

Summary and key developments in 2020

4.44 As outlined in detail in section 2 of this report, the Authority's recommendations for reforms in the area of legal practitioner education and training were submitted to the Minister for Justice in September 2020. The two core recommendations in the *Setting Standards* report were 1: A clear definition of the competence and standards required to practise as a solicitor or barrister should be developed and 2. The establishment of a new and independent Legal Practitioner Education and Training Committee (the LPET Committee). The Department of Justice's Action Plan 2021 contains a commitment to publish an implementation plan to give effect to the Authority's recommendations.

4.45 The two legal practitioner training providers in the State, the Law Society and the King's Inns, provided updates in their submissions on their training programmes, including how these adapted to the necessary Covid-19 public health restrictions which presented unprecedented challenges to all educational bodies. Both organisations moved during 2020 to deliver all of their training online, including through e-lectures and workshops, and there was no disruption to course timelines. In addition, both legal practitioner training bodies reported on their work to introduce competency-related frameworks.

4.46 **The Law Society** said that it was putting in place a "competency framework for solicitors" as part of its work to reshape its educational model. It said it engaged an external expert consultancy team to undertake a comprehensive literature review of professional competency frameworks internationally to inform a decision. This expert team is also tasked with drafting a new professional competency framework for solicitors and carrying out legal services sector and consumer stakeholder consultation surveys and focus groups.

4.47 **The King's Inns** published its *Statement of the Required Competencies of a Barrister* which it published in November 2020. The purpose of this statement is to outline the knowledge, professional skills and personal attributes required to be a competent practising barrister.[35]

4.48 In a further signalled change, the Law Society said that its PPC I and II – currently delivered in separate blocs, will be consolidated into one course. This new model was planned for 2021 but the Law Society said it has been deferred to September 2022 due to the impact of the Covid-19 pandemic on training staff resources. The Law Society stated that an initial PPC syllabus consultation has taken place and further work will be undertaken to solicit a wide

[35] Council of the Honorable Society of King's Inns, *Statement of the Required Competencies of a Barrister,* 11 November 2020 (Available here)

range of views across the profession and beyond on the content of the new course.

4.49 The year 2020 was the second year of enrolment for the Law Society's Hybrid PPC I, with 55 trainees registered for the course which began in January 2021. As set out in section 2 of this report, figures supplied by the Law Society show that the profile of these trainees is more diverse than full time course trainees.

Views of respondents

4.50 **The Irish Women Lawyers Association** submitted that the pre-Covid-19 requirement on PPC students to attend classes on campus in Dublin may have raised issues for students with other commitments, in particular women with caring responsibilities. It said that while there is no data available citing the number of women who have been deterred from applying to the Barrister-at Law degree or Professional Practice Course for logistical reasons relating to caring responsibilities, the IWLA suggests it is a significant factor. The IWLA said it warmly welcomes the introduction of the PPC Hybrid course which will offer greater flexibility and thereby open the profession to women with caring responsibilities, who are unable to give up full time jobs to study or who cannot afford to live in Dublin while studying. The IWLA recommended that the King's Inns introduce a similar course.

4.51 **The King's Inns** said it believes that the appropriate standard of education and training for a person admitted to practise as a barrister is "fit to practise". It pointed out that this standard of legal education for prospective barristers is now underpinned by it *Statement of the Required Competencies of a Barrister* which it published in November 2020. [36]

4.52 **The King's Inns** said: "*While it is to be recognised that a barrister in practice for a longer period of time will exhibit the competencies contained in the Statement at a more advanced or expert level, King's Inns believes that the Statement represents a comprehensive expression of the knowledge, professional skills and personal attributes required to be a competent practising barrister*."

4.53 **The Bar of Ireland** highlighted the fact that the new barrister pupils or 'devils' of 2019 and 2020 have experienced a major disruption in their devilling year. With courts closed and work curtailed or functioning remotely, opportunities which contribute to the traditional devilling experience, that is one based upon education and training, have been lost or materially changed. The Education & Training Committee of the Council of The Bar of Ireland recognised this challenge for new devils and set out guidance for both masters and devils to promote opportunities to maximise their learning within the confines of the public health restrictions.

4.54 **The Competition and Consumer Protection Commission** welcomed the recommendations in the LSRA's 2020 *Setting Standards* report, in particular the establishment of an independent body to set the main standards and competencies for legal education and training providers. The CCPC said it will be important that these standards ensure quality of legal education and training services while also not creating a barrier to entry for new providers. Furthermore, when monitoring and maintaining these services, the LPET Committee will need to ensure that providers can adjust to market developments and the needs of consumers of legal services.

[36] Council of the Honorable Society of King's Inns, *Statement of the Required Competencies of a Barrister,* 11 November 2020 (Available here)

4. The assessment under section 33(1)(c) of the Legal Services Regulation Act 2015

Views of respondents

4.55 The LSRA's consultation notice invited respondents to provide their views on "*The extent to which the admissions policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise*."

4.56 **The Law Society and the Bar of Ireland** in their submissions did not directly address the question in the consultation invitation to comment on the issue under consideration by the Authority under section 33(1).

4.57 **The Dublin Solicitors' Bar Association** said that for now it did not see any drastic change being required to the admission policies in Ireland for solicitors. *"In that regard we await developments on two key areas – the legal education framework and the fixed costs of practice. Improving the former and reducing the latter would be of significant benefit to solicitors and to users of their services,"* it added.

4.58 **The King's Inns** said it has the capacity to facilitate, and places no numerical restriction on, the admission of greater numbers of barristers to the profession. It said there no "unmet" demand in the market.

4.59 **The King's Inns** said that this can be contrasted other jurisdictions, for example, in Northern Ireland, where there is a cap on the numbers admitted to professional training leading to qualification as a barrister. In England and Wales, many students, having gone to both the effort and financial expense of obtaining professional qualification as a barrister, find themselves unable to obtain the pupillage that is required to enable them to complete the process to fully enter practice. In this jurisdiction, any person who wishes to enter private practice as a member of the Law Library has the opportunity of doing so and can arrange a master with whom to undertake pupillage / devilling. "*There is no ultra-competitive chambers system, in contrast to the system in England and Wales, where non-traditional entrants and minorities are under-represented in obtaining pupillages and tenancies*," it added.

4.60 **The King's Inns** also stated that in the absence of any cap or quota, and in circumstances where the cost of the degree course has not increased since 2009, it is reasonable to conclude that the number admitted to the profession each year fluctuates in response to the demand for the services of practising barristers.

4.61 However, several respondents from universities highlighted the entrance exams for the Law Society's PPC and the King's Inns BL degree as barriers to entry to the professions. Both **UCD Sutherland School of Law** and **DCU School of Law and Government** repeated their views, as previously shared with the Authority, that the exams result in unnecessary duplication, delay, and significant costs for those who have already obtained a law degree. **The IWLA** also raised these and a range of other issues as barriers to entry to the professions for women in particular.

4.62 **UCD Sutherland School of Law** said it was of the view that opening up to competition in the provision of professional training would improve quality and facilitate increased innovation and investment; more responsiveness to the changing needs of legal consumers; enhanced

skills and standards; and better value for money in professional legal education and ultimately in provision of legal services.

4.63 **The Dublin Solicitors' Bar Association (DSBA)** stated that in terms of barriers to entry, legal training is expensive and takes a long time – but in that Ireland may not be viewed as much different from other developed economies. It submitted that the cost of legal education is only one aspect of ensuring the availability of legal services at a reasonable cost. It said fixed overheads that a law firm has to bear just to be licensed are significant, considering the high cost of professional indemnity insurance, practicing certificates and the cost of statutory and professional compliance. It said: "*This may well affect the availability and cost of legal services far more than the education and training costs of a newly qualified solicitor. Of overall importance is the standard of the persons entering into the profession to ensure that they are competently trained and have the skills required in order to serve the public*."

5. Impact of Brexit & Covid-19

4.64 The views and analysis of the three professional bodies under the Act on the impact of Covid-19 have been set out earlier in this section. Below are the views of other organisations which contributed to this consultation.

4.65 **The Bar of Ireland** said that in terms of the impact of Brexit, while there have been a relatively small number of barristers from the UK called to the Irish Bar since 2016, these numbers have remained relatively low. There is no data available on how Brexit may have impacted on the demand for barristers services.

4.66 **UCD Sutherland School of Law** said the Covid-19 pandemic highlights the need to move away from prescriptive rules regarding how universities assess students in order for their degrees to qualify for entry to the profession. It said: "*Under Brexit, UK qualifications, including professional legal qualifications, are no longer recognised under EU Law (subject to a grandfather clause). At the same time, under the Common Travel Area, which covers the UK and Ireland, both governments acknowledge the importance of the recognition of qualifications, including professional qualifications and have committed to introducing measures to ensure that recognition. Working in the EU, in particular as in the EU institutions, will be of growing importance as Ireland adjusts to the long term impact of Brexit. An awareness of continental legal systems (the civil law) will be of greater importance for legal education post-Brexit.*"

4.67 **The Irish Women Lawyers Association** said Covid-19 highlighted the need for good internet access, without legal practitioners may be at a disadvantage. With both the PPC and BL degree courses switching to remote learning during the year, the IWLA said there is an expectation that students have access to the necessary equipment needed, for example internet, laptop, suitable study area, but that this may not be the case for all.

4.68 **The DSBA** said the restrictions on work and movement have meant huge changes for solicitors in their everyday work. Many solicitors are now meeting their clients on-line or conducting telephone appointments and are working from home. It is nearly impossible however to conduct litigation without the Courts sitting in the usual way. "*There is no substitute for courts hearing oral evidence and given the lengthy period of restrictions required in order to combat Covid-19, it is safe to say that there will be a large backlog of cases when restrictions are lifted and society returns to "normal*"," it said.

4.69 **The DSBA** also highlighted the fact that the changes forced by the pandemic to the operation of the Courts Service have created some helpful innovations, including litigation efficiencies gained by remote hearing of certain cases including civil motions in the High Court or rulings of judicial separation/divorce in the Circuit Court.

4.70 **The DSBA** also made the practical point that training for solicitors during Covid-19 may be more difficult than usual, especially in respect of litigation. With most trainee solicitors working from home, they are losing a beneficial aspect of the practical "on the job" training.

4.2 Conclusion

4.71 With the combined impacts of Covid-19 and Brexit, 2020 can in no way be considered a normal year in terms of numbers and patterns of admissions to the professions and the overall dynamics at play in the legal services sector. In terms of the overall economy, Ireland is heavily exposed to a massive decline in international trade in 2020 due to the Covid-19 pandemic, projected at -4.4 percent in 2020 by the IMF.[37] Uncertainties remain about how long we will be living with Covid-19 and its long-term impact on society including the impacts of remote working practices. Brexit also poses economic and legal uncertainties for the entire Irish economy including legal services.

4.72 Looking ahead, the Authority anticipates developments in the arena of legal practitioner education and training. In time, these may impact not only on standards of legal practitioner education and training, but also on the numbers admitted to the professions and the demand for and costs of the services of practising solicitors and barristers. The Authority will continue to both drive and monitor developments in the legal services sector in accordance with its statutory functions. These efforts will continue to shape and inform its annual assessments under section 33 of the Act.

[37] International Monetary Fund, World Economic Outlook, October 2020: A Long and Difficult Ascent (Available here).

Annexes

Annex A: List of Respondents to Statutory Consultation

Bar of Ireland
Competition and Consumer Protection Commission
Dublin City University School of Law and Government
Dublin Solicitors' Bar Association
Faculty of Notaries Public in Ireland
Honorable Society of King's Inns
Irish Institute of Legal Executives
Irish Women Lawyers Association
Law Society of Ireland
Legal Aid Board
Southern Law Association
SOLAS
University College Dublin Sutherland School of Law

Annex B: Public Consultation Notice

16 December 2020

Invitation for Submissions on Admission Policies of the Legal Professions - 2020 Annual Report

The Legal Services Regulatory Authority (LSRA) invites written submissions as part of a consultation prior to a report to the Minister for Justice on the admission policies of the legal professions.

The Legal Services Regulatory Authority was established on 1 October 2016 and is responsible for the regulation of the legal profession and ensuring that standards in legal services are maintained and improved.

Under section 33(1) of the Legal Services Regulation Act 2015, the LSRA is required to prepare and submit to the Minister for Justice an annual report on admission policies of the legal professions. For the purposes of preparing this report, the LSRA is required under section 33(2) to conduct a consultation with professional bodies and such persons as it considers appropriate for the purpose of preparing the report for the year 2020.

The report will contain the following elements:

(a) the number of persons admitted to practise as solicitors during 2020;

(b) the number of persons admitted to practise as barristers during 2020;

(c) an assessment as to whether or not, having regard to the demand for the services of practising barristers and solicitors and the need to ensure an adequate standard of education and training for persons admitted to practise, the number of persons admitted to practise as barristers and solicitors in 2019 is consistent with the public interest in ensuring the availability of such services at a reasonable cost.

The LSRA is interested to hear from those who are directly involved in the provision of legal services as well as from employers, state agencies, non-governmental bodies and other organisations and individuals who deliver and use legal services .

The LSRA is interested in views on whether there are any potential developments which are external to the legal sector (e.g. economic, social or technological) which might impact on admissions to the legal professions and the availability of the services of solicitors and barristers at a reasonable cost.

Following the consultation and other evidence gathering activities, the LSRA will draw up a report to the Minister of Justice. The final report will be submitted to the Minister by 30 April 2021.

Scope of Consultation

The Authority invites written submissions in respect of the admissions policies of the legal professions to include the following issues:

1. The level of demand for the services of practising barristers and solicitors in 2020.

2. The costs of legal services in 2020 and whether these were available at a reasonable cost to consumers.

3. The standard of education and training for persons admitted to practise.

4. The extent to which the admissions policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practise.

5. The impact of the Covid-19 pandemic of 2020 and Brexit on the above matters.

The above list of issues is not closed. Respondents may wish to comment on any other issues which have a bearing on the admissions policies of the legal professions and the assessment to be conducted under section 33(1)(c).

Respondents may also wish to comment on any other issues in relation to the operation of the Act including the objectives of the Authority under section 13(4) of the Act, which are:

a) protecting and promoting the public interest,
b) supporting the proper and effective administration of justice,
c) protecting and promoting the interests of consumers relating to the provision of legal services,
d) promoting competition in the provision of legal services in the State,
e) encouraging an independent, strong and effective legal profession, and
f) promoting and maintaining adherence to the professional principles of independence and integrity, acting in the client's best interests, compliance with duties owed to the court and confidentiality.

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

Interested parties wishing to contribute should send a written submission as soon as possible but in any event to be received no later than **Friday 12 February 2021.**

The Authority may contact respondents to explore any issues raised in responses in more depth and it will also be gathering evidence to use in its report from a variety of other sources.

Submissions may be sent:

- By e-mail to publicconsultations@lsra.ie or
- By post to
  Section 33 Consultation
  Legal Services Regulatory Authority
  P.O. Box 12906
  Dublin 7

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 and in accordance with the Data Protection Acts, 1998 and 2003 and the General Data Protection Regulation (GDPR) when commenced.

Publication of Submissions

The Authority intends where appropriate to publish any submissions received by it on its website and otherwise. Please note that a decision on any such publication may occur without prior consultation with respondents to this consultation notice. It is in the interest 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

16 December 2020

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