



**Country Report: Northern Ireland**

**European Presidents Conference, Vienna**

**20-22 February 2020**

**CONTEXT**

The number of practising solicitors in Northern Ireland is approximately 2,800. Of these, approximately 2,300 are in private practice, with the remainder working as in-house counsel for a variety of organisations or working for Government. There continues to be a strong interest in joining the profession amongst talented graduates, with demand outpacing the number of available training places in the current year. The economic climate in Northern Ireland is positive and the profile of local firms continues to diversify. The network of solicitors' practices is firmly embedded across the community in Northern Ireland.

**BREXIT AND THE PROFESSION**

The Society has continued to press the case for the legal services sector as an integral part of the global economy and one which should not be overlooked as the UK negotiates a trade deal with the EU. In Northern Ireland, we have a unique situation in that cross-border practice and reciprocal admission of lawyers with the Republic of Ireland is grounded in the historical, economic, social and cultural links which exist between the two jurisdictions. Its basis in custom and practice and legislation pre-dates the Treaty of Rome. We are currently working with the Law Society of Ireland to put in place a Memorandum of Understanding to give expression to the mutual recognition and admission to practice of solicitors between the jurisdictions. This work underpins the continuing commitment of both Societies to this partnership in the years ahead, uninterrupted by the UK's decision to leave the European Union.

In the wider EU and international context, the Society continues to support an open market for legal services and with our colleagues across the UK jurisdictions, is pressing for a new system of recognition of legal/professional qualifications to underpin the new trading relationship. We believe this must be allied to a comprehensive agreement to continued civil and family law co-operation in respect of the recognition and enforcement of judgments and appropriate instruments to replace measures currently in place. Similarly, criminal justice co-operation forms part of this package of measures; it is in the interests of both parties to put in place a strong and robust framework of co-operation. Protecting access to justice for citizens

and families, keeping our citizens secure and supporting economic growth are of pivotal importance in an increasingly interconnected world.

## **NORTHERN IRELAND AS A GLOBAL LEGAL CENTRE**

Belfast continues to grow its reputation as a key site for outsourced work for international law firms with a commercial focus. This growth is being powered both by existing firms increasing the scale and scope of their operations and new firms setting up within Northern Ireland, in some cases through mergers with existing firms. New firms have emphasised that they are impressed by the skills of local graduates and this is a key driver for expansion.

The opportunities provided for law graduates to gain experience prior to entering the local profession is providing a significant benefit for local firms taking on trainee lawyers. The Society continues to work to ensure the high quality skills base amongst our legal graduates remains an important lever for inward investment and the development of legal practice within Northern Ireland.

## **PII**

Professional Indemnity Insurance continues to constitute a significant cost for legal firms and there is a focus on addressing the root causes of this, with a continuing focus on risk management training and reducing the risk profile. The Society is delighted to have achieved a further reduction in the overall premium payable in our Master Policy of Insurance. There have been some movements in terms of a number of mergers of firms, which unlock economies of scale for those businesses but result in the apportionment of cost over a smaller number of larger firms. The Society will continue to focus on developing our CPD programme, with an aim to reducing the overall risk profile of the profession and continues to engage in discussion with our insurance brokers to achieve this.

## **ADMINISTRATION OF JUSTICE**

The return of the Northern Ireland Assembly and Executive in January 2020 is welcome, as there are a number of important initiatives which a local Minister can take forward in the context of a devolved administration. We will shortly be meeting with the Minister of Justice, Naomi Long MLA, to discuss her priorities for the remainder of the Assembly session and to highlight areas of priority for reform. We will emphasise the important role of lawyers to the effective and efficient administration of justice.

One of the key issues which the Minister is interested in dealing with is in reducing avoidable delay within the criminal justice system. Reforms in this area require a focus on the whole system from investigation to disposal and getting appropriate co-operation and co-ordination amongst key institutions within the system. One of the important pillars of this is in relation to the early collation and release of evidence in the investigative and early part of criminal proceedings.

Digitalisation of our justice system is another area of priority, with key projects focusing on the handling of evidence in criminal trials but also on digital case management and improving the infrastructure of technology within our courts and tribunals. This is also about ensuring those using the courts access an effective system, with appropriate resources put in place to support the move to new technology to avoid increasing costs elsewhere in the system.

There is growing emphasis on the importance of mediation and alternative dispute resolution methods as a central pillar of the justice system. Mediation is an area in which a significant number of solicitors in Northern Ireland have expertise and the importance of these skills to

clients in a range of areas are being promoted through the Law Society Mediation Service. The aim is to promote Northern Ireland as a key mediation and ADR centre.

The Society continues to engage with the Department of Justice in areas arising from the various reviews undertaken by former Court of Appeal Judge Sir John Gillen. These include the handling of serious sexual offences within the criminal justice system and improving the progress of clinical negligence cases through our courts. The increasing profile of legal technology and AI and its impact on the justice system is an area of increasing interest to the profession.

## **LEGAL AID AND ACCESS TO JUSTICE**

This year saw the digitalisation of the legal aid system within Northern Ireland. The Society has worked with the Department of Justice to identify and address technical issues as they have arisen and to support the profession in the transition to the new system. We are keen to support access to justice by ensuring that lawyers across the jurisdiction with different firm profiles have access to as much information and support as possible. This is to ensure there is minimal impact on the provision of services to clients. Improving the system and members' engagement with it will be an ongoing priority for the Society in the coming period as we engage with the Department of Justice and Legal Services Agency.

The Society continues to engage directly with stakeholders to argue strongly that access to justice must be a practical rather than a theoretical concept. The public narrative around legal aid must shift to an appreciation of the services which legal aid provides within the community. The Society emphasises the role of legal aid in helping to support the most vulnerable in society and to increase social cohesion. The overall budget for legal aid remains stable, with increasing acknowledgement of the damaging impact of deep cuts to legal aid services in England and Wales and avoiding this in Northern Ireland.