



Country Report: Northern Ireland

European Presidents' Conference, Vienna

09-11 June 2022

CONTEXT

The Law Society of Northern Ireland represents and supports circa 3,000 practising solicitors working in approximately 480 solicitor firms and in public, private and third sector organisations across Northern Ireland. The Society works in the public interest to influence law reform, defending everyone's right to have access to justice and upholding the rule of law.

CENTENARY YEAR

2022 is the Law Society of Northern Ireland's Centenary Year. This will involve reflecting on the past 100 years but, more importantly, we will be putting down the foundations to ensure that our justice system is efficient, resilient and fit to serve the public for the next 100 years. The Society is holding a Centenary Conference in September, which will focus on the following key themes: Climate Justice, Wellbeing, LawTech and Media Law. The Law Society will also be taking forward other initiatives linked to the centenary to improve awareness of the important role of the solicitor profession as an enabler of access to justice and a defender of the Rule of Law.

POLITICAL ENGAGEMENT

The Society looks forward to the new NI Assembly mandate, following political elections on 5th May, and has set out a forward-looking 'Justice Agenda 2022' to highlight our justice priorities for the new Government. The Agenda was launched at an event in Law Society House, which facilitated a cross-party discussion with the 6 main Political Parties.

We welcome the Justice Minister's Civil Justice Modernisation Delivery Plan published in July 2021 and have committed to work with the Department of Justice on the reform of Civil and Family Justice.

The Law Society has spent much of the pandemic period engaging across government to maintain services in the courts and across the legal sector.

POST-COVID RECOVERY AND JUSTICE REFORM

The global Covid-19 pandemic has had a profound impact on all aspects of life. This has been no different for the solicitor profession where firms have had to adapt to the new normal of hybrid working. The disruption caused by the pandemic will be felt for years to come. By the end of 2020, almost half of our firms reported a significant impact on turnover and a number had been forced to reduce costs. Much of the Law Society's efforts over the past year have been directed towards the recovery of Court business in the wake of the pandemic. Now, with the firm hope that the worst is behind us, the focus turns to recovery. We consider that the solicitor profession is uniquely placed to support wider economic recovery.

While the pandemic has been challenging for the profession, we believe that it also presents an opportunity to modernise and transform our Court system. We are working to support changes to streamline processes across many of our courts, accelerate digital change and introduce more flexibility to the system. Our aim is to ensure a modern court system which is just, proportionate and accessible.

The global pandemic has fast tracked adoption of digital solutions across the justice system. This has yielded gains through greater efficiency and cost savings. We advocate that the gains made in this area are not lost and that government supports further development and innovation.

At present, we are working with the Northern Ireland Courts and Tribunals Service to shape digital transformation. Further investment in digitisation is required to better facilitate hybrid court proceedings and expedite and improve all areas of the justice system. The Society is currently engaging with key political stakeholders to call for sustained investment into digitisation across the justice system.

LEGAL AID AND ACCESS TO JUSTICE ISSUES

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.

A sustainable Legal Aid Budget is vital if Access to Justice is to be a reality. Upon the devolution of justice in 2010, legal aid expenditure in Northern Ireland was over £100m. This has faced significant cuts over the last decade to the point where the baseline budget allocated for legal aid in 2021-22 was just £76m. We will continue to

engage with key stakeholders to protect our most vulnerable citizens and commit to maintaining the legal aid budget at a sustainable level.

Northern Ireland Legacy Issues

The Law Society has publicly raised its concerns around the United Kingdom Government proposals outlined in the Command Paper 'Addressing the Legacy of Northern Ireland's Past'. The Society considers that these proposals contravene the UK's duty under the European Convention on Human Rights to hold independent and effective investigations into the deaths that occurred during the Troubles in Northern Ireland. The Law Society urges all Parties to work towards a solution which upholds the Rule of Law in compliance with Article 2 of the ECHR and all other national and international obligations

CLIMATE JUSTICE

The Society recently established a Climate Justice Group. Solicitors play a broad role in respect of climate change issues and can make a positive impact outside of the solicitor profession. One of the core aims of the group is to take pro-active steps to address climate change issues affecting the solicitor profession in Northern Ireland through implementing policy initiatives and adopting best practice.

ADVANCING MEDIATION

At a time when courts continue to be faced with backlogs, solicitors are leading on mediation as an alternative to litigation. The Law Society Mediation Service provides a highly skilled panel of trained mediators. The recent launch of The Meeting Space at Law Society House provides a new state of the art Mediation Centre at the heart of Belfast's Legal Quarter.

The Law Society is also pleased to host the Commonwealth Lawyers' Association International Mediation Conference in Belfast in May 2022, bringing together internationally recognised experts to promote best in mediation across the profession.

DIVERSITY AND EQUALITY

The Society established a Human Rights and Equality Group (HREG) in 2020 to undertake a range of initiatives in respect of human rights and equality issues.

The HREG commissioned a Diversity and Equality survey. Results of the survey indicate that while there are challenges, there have been significant strides made on equality, diversity, and inclusion within the profession. For example, the profession in Northern Ireland is relatively balanced in terms of gender – the split is currently 52% to 48% in favour of women. However, while there is no problem attracting women to the profession, there are issues around retaining female talent, particularly within the private sector.

The survey found that barriers exist for groups trying to access the profession – including people with disabilities, those with caring responsibility, the LGBT community and ethnic minority groups. The Society is determined to make the solicitor profession open and accessible to all, with the goal of ensuring the profession is reflective of the society that solicitors serve.

The Society established working groups to develop action plans to address the findings of the survey, focusing on women and gender equality issues and access to the profession issues.

BREXIT AND THE PROFESSION

The United Kingdom's withdrawal from the European Union created uncertainty and political challenges, particularly given Northern Ireland's unique circumstances.

In recognition of the long-standing arrangements of reciprocal recognition of qualification and admission rights between the Law Society of Northern Ireland and the Law Society of Ireland, and the importance of our deep, historical, and existing social and economic ties, the two Societies entered into a Memorandum of Understanding in 2020. This underpins the continuity of legal practice on the island of Ireland and preserves the mutual recognition of qualifications and admission of rights across the two jurisdictions.

This year, the two Societies have developed a Data Sharing Agreement. The Agreement will formalise current practice whereby information is shared across jurisdictions, principally in relation to regulatory and admission matters. This Agreement will further cement the excellent working relationship of both Societies on the island of Ireland and preserve the rights of solicitors to work across both jurisdictions.

The Law Society of Northern Ireland
May 2022