



Law Society
of Northern Ireland

Annual Report

2023 - 2024



Annual Report of the Law Society of Northern Ireland

2023 | 2024

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President's Review of the Year

As I began my year as President of the Law Society of Northern Ireland, I was determined to maintain my role as the Chair of the Education Committee given my interest and passion in this important area of the Society's business.

The Annual General Meeting (AGM) was quickly followed by the Special General Meeting (SGM) which saw the Society in the midst of dealing with the National Minimum Wage issue. It was a very difficult time for everyone impacted by it and one that I, as both President and Education Committee Chair, felt a great responsibility to resolve as best we could.

I learned many things from that experience but perhaps the most important was the need for the Society to better connect with all of our Members. From the many exchanges I had with Members during this time I was struck by two things – that too many Members feel distant from the Society, and that much of the good work the Society undertakes doesn't filter down to the membership and is unseen and unrecognised.

I carried this with me as I undertook a Tour of the Local Associations. I visited all 14 Local Associations and for the first time, met with the In-house Solicitors Group. These meetings were attended by upwards of 250 members. My message was the same at each event – that the Society genuinely wants to connect with members and my personal desire is to re-set the relationship between us.

I was greeted with great warmth everywhere I visited and whilst there may have been the odd tricky moment and in some cases, areas of complete disagreement, I always felt I was amongst friends, some old - but many more new ones.

During the meetings I reiterated the Society's commitment to building a relationship that reflects a modern Membership Organisation and Professional Body which brings real value to all members' professional lives.



Solicitor Admission Ceremony 2024. From left: David A Lavery CB, Chief Executive, Brian Archer, Senior Vice-President, Lady Chief Justice, Dame Siobhan Keegan, Darren Toombs, President and Colin Mitchell, Junior Vice-President

I also acknowledged the frustrations of those disappointed at the pace of change and that the identity of the Society remains too much of a regulator and not enough a trade union and membership organisation.

I am grateful to colleagues for their frankness and willingness to accept that despite the difficulties particularly around NMW, that the Society is on a journey of genuine change. However, the challenges they are facing in daily practice are increasing and the need for the Society to provide support is pressing.

I commended those members who recently joined the Local Association Forum which is working to help the Society to engage better, to deliver better services and to help build the evidence base the Society needs to be a better representative body.

Representation and engagement

As President it has been my privilege to represent the Society at legal and business events around the world including at the International Bar Association event in Mexico all of which provided a platform to build contacts, forge new relationships and to actively promote our members and the services they provide.

Throughout this year the Society has continued to represent and promote the solicitor profession on issues, including the Pledge to uphold the Rule of Law.

The Pledge, which has been signed by the Justice Minister, Naomi Long and many others underscores a commitment to upholding the independence of the legal profession and the judiciary.

In early March the Society's Chief Executive, David Lavery and I provided evidence to the Justice Committee at Stormont on the vital role solicitors play across Northern Ireland. During our evidence we presented the Committee with advance copies of the Society's new 'Justice Agenda: A Plan for Better Justice' which highlights the Justice priorities for political decision-makers.

Our representation and engagement on behalf of members will continue on key issues including Legal Aid. The Society has met with the Justice Minister and her officials on legal aid funding and the justice budget and will continue to do so.

The return of the Stormont Assembly has also allowed us to form an All-Party Group on Access to Justice, chaired by Stewart Dickson of the Alliance Party. Already several useful meetings have taken place.

Engagement with politicians at all levels has increased significantly and for the first time this year the Society also attended local Party Conferences, raising our profile and highlighting the key issues facing the profession. Raising awareness and understanding amongst politicians is of critical importance, and the All Party Group and other initiatives will help to achieve this.



The President attending the Newry & Banbridge Solicitors Association Annual Dinner, January 2024



The President at the 52nd European Presidents' Conference held in Vienna, Austria, February 2024



Justice Minister Naomi Long MLA signing The Rule of Law Pledge in March 2024 with Darren Toombs, President and Colin Mitchell, Junior Vice-President



Niamh Warnock and the President launching the Wellbeing initiative, April 2024

Burgess Review and Report

The Society met regularly with His Honour Tom Burgess, who undertook a fundamental review of the criminal legal aid framework in Northern Ireland.

We are grateful to Judge Burgess for his time and also to our members who contributed to his review.

As part of the Law Society's input to the Burgess Review, we submitted a research report on 'The Viability of Criminal Legal Aid Practice in Northern Ireland' by the Hook Tangaza consultancy.

The report presents compelling evidence of the parlous state of this cohort of firms and makes clear that they are most unlikely to survive unless they can return to profitability through an immediate uplift in criminal legal aid fees. Without this supplier base the criminal justice system in its current form will become inoperable.

The Society awaits the publication of the Burgess Review Report, but we remain confident that it will provide the foundation for informed discussions about legal aid funding in Northern Ireland.

Training and admission to the profession

A member consultation is soon to commence on the future of solicitor training and admission to the profession. The Professional Development Department has already

undertaken a number of pre-consultation meetings with stakeholder groups to inform the consultation exercise. Despite successfully onboarding 150 trainees in the 2024 intake, there is general agreement that this single route of entry no longer meets the needs of the profession.

Patterns of work and life have changed and we need to provide options and pathways to encourage new entrants from all walks of life. These include part-time study, apprenticeships etc. The ability to earn and learn without the enormous burden of fees will be an attractive option, particularly to those from economically challenged backgrounds.

I am confident that the work which has begun on this important area will be a catalyst for expanding the solicitor profession in Northern Ireland moving forward.

This year saw a welcome return of the Society's Advanced Advocacy Course after several years' absence due to Covid. I recently attended four mock trials in the Royal Courts of Justice where I was pleased to see colleagues give of their time as trainers and adjudicators, as witnesses in trials, and as presiding judges. It was heartening to see that they were enjoying the experience just as much as those being taught and there was a real sense of both enjoyment and fulfilment.

Admission Ceremony

In February 2024, the Presidential team and Registrar joined the Lady Chief Justice, Dame Siobhan Keegan, for the Admission Ceremony at the Assembly Buildings in Belfast.

Over 80 newly admitted solicitors attended and were joined by family, friends and their Masters. The future of the solicitor profession will be shaped by our new members, and it was encouraging to see the next generation who will undoubtedly make a positive contribution.

Future of complaint handling

At the Council Dinner in September 2024 I took the opportunity to speak about the future of complaints handling and more importantly the impending commencement of the Legal Complaints and Regulation Act (NI) 2016.

The Act will mean that complaints against solicitors and barristers will no longer be dealt with by their respective bodies but by independent committees, which for the first time will have a lay majority. They will be empowered to impose awards of up to £5000 for loss, distress, and inconvenience.

This will be a significant change in the way client complaints are dealt with and the Society stands ready to roll out a full awareness and education programme for members in coming months.



The President accepting 'The Bar of the Year 2024' Award in Rome, October 2024

The future - Election 2025

We now work in a legal world which is markedly different today from what it was when the Solicitors Order was enacted in 1976.

Whilst some may see change as a negative, I believe it provides us with an opportunity to refocus on how we discharge each of our four principal responsibilities whether that is Education, Regulation, Representation or Supporting our members.

I am confident that the Society is now moving in a direction which will allow us to build for the future, meet the challenges and opportunities head on and to deliver our four principal responsibilities.

If I had to coin a mantra for this year as President it would undoubtedly be – “The Law Society is Your Society”. We can only succeed in doing the very best for our profession when we all work together.

I am mindful that this time next year we will have had another Council Election. I would urge every member to renew your commitment to the Society; to consider standing for election; to support colleagues who do put themselves forward, but above all **to vote**.

My thanks

I am indebted to the numerous people who have supported me this year.

In particular I pay tribute to my Presidential Team – Brian Archer (Senior Vice President) and Colin Mitchell (Junior Vice President) - and to David Lavery (Chief Executive).

I thank my fellow Council members, and those who sit on Committees, for their dedication and commitment to the Society. Also, the numerous members, colleagues and Society staff.

As I pass on the baton to incoming President, Colin Mitchell, I am confident he will build on all that we have achieved in the past year – and he can be assured that I shall be there to support him.

A handwritten signature in black ink, appearing to read 'Darren Toombs', with a stylized flourish at the end.

Darren Toombs

President

October 2024

Council of the Law Society of Northern Ireland

PRESIDENT	Darren Toombs
SENIOR VICE-PRESIDENT	Brian Archer
JUNIOR VICE-PRESIDENT	Colin Mitchell
TREASURER	Brian H Speers
SECRETARY	David A Lavery CB

Council Members 2023 | 2024

Ordinary Representatives

Jennifer Bell	Andrew Mairs	Michael Robinson
Louise Butler	Eoghan McKenna	Janice Spence
Eileen Ewing	Joseph McVeigh	Brian Walker
John Guerin	Brigid Napier	Rowan White
Lorraine Keown	Catherine Nixon	Sarah Wilson
Chris Kinney	William Nugent	

Constituency Representatives

Southern Circuit	Brian Charity Andrew Ferguson Julie-Ann McCaffrey
Northern Circuit	Philip Armstrong Mark Borland Karen Cherry
Eastern Circuit	Simon Chambers John O'Prey



Introduction

I am pleased to present the Annual Report of the Law Society of Northern Ireland for the year November 2023 to November 2024. I hope you will find this report interesting and informative in providing an overview of the work undertaken by the Society's governing Council and the many Committees that assist Council with its work.

In my Introduction to last year's Annual Report I found that it was again necessary to refer to the Covid-19 Pandemic which had caused so much disruption to our lives. While we have by now become much more used to Covid, this year the Society had to contend with a development which in its own way was every bit as disruptive as the Pandemic. I am referring to the National Minimum Wage issue that dominated so much of the past year. The unwelcome discovery that – contrary to our long held understanding – Trainee Solicitors should be paid not less than the National Minimum Wage while attending the Institute of Professional Legal Studies at Queens University, caused considerable difficulty for those firms who had elected not to pay their Trainees while attending the Institute.

In response to the National Minimum Wage issue, the Society successfully negotiated a six month grace period with HMRC to allow the impacted firms to address any back-pay liability they had incurred. In order to support firms, the Society made specialist advice available to them free of charge from the National Minimum Wage team at the business services company EY. Other support initiatives included a special credit finance facility from White Oak Finance for which the Society acted as guarantor. We also provided Hardship Grants for firms who did not qualify for a loan from White Oak.

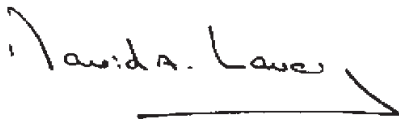
Encouragingly, the NMW issue would appear to have had relatively little impact on opportunities for Trainee Solicitors, with the second highest intake on record – 150 Trainees - starting their vocational training in September. Nevertheless, we have come to recognise that a disconnect has been allowed to develop between the Society and its membership. We are determined to remedy this. As a first step, the Independent Consultative Group, established following February's Special General Meeting, has played an important role in facilitating an open and honest dialogue between the Society and its

Members. This process of re-engagement with our members will now be taken forward by the new Local Association Forum which brings together representatives from our Local Association network.

This year also saw the re-establishment of the Northern Ireland Executive at Stormont including the return of Naomi Long as Minister of Justice. This is a welcome development and it will allow the Society to step-up its engagement with government on pressing issues such as Access to Justice and the Burgess Review of Criminal Legal Aid.

The year ended with the news that the Law Society of Northern Ireland has been designated '**Bar of the Year 2024**'. This award, which is part of the annual Ludovic-Trarieux International Human Rights Prize, is in recognition of our work to uphold the Rule of Law and the Independence of the Legal Profession. This was a most positive end to the year.

I hope you will take time to read this Annual Report in order to learn about the work the Society is undertaking on behalf of the Solicitor Profession in Northern Ireland.

A handwritten signature in black ink that reads "David A. Lavery". The signature is written in a cursive style and is positioned above a horizontal line that ends in a small arrowhead pointing to the right.

David A Lavery CB

Chief Executive

28 October 2024



**LAW SOCIETY COMMITTEE & COUNCIL REPORTS
NOVEMBER 2023 | NOVEMBER 2024**



COUNCIL

Chair

Darren Toombs
(President)

Secretary

David A Lavery CB
(Chief Executive)

Number of
meetings

12

Council Members

Brian Archer
(Senior Vice-
President)

Colin Mitchell
(Junior Vice-
President)

Brian H Speers
(Treasurer)

Philip Armstrong

Jennifer Bell

Mark Borland

Louise Butler

Simon Chambers

Brian Charity

Karen Cherry

Eileen Ewing

Andrew Ferguson

John Guerin

Lorraine Keown

Chris Kinney

Andrew Mairs

Julie-Ann McCaffrey

Eoghan McKenna

Joseph McVeigh

Brigid Napier

Catherine Nixon

William Nugent

John O'Prey

Michael Robinson

Janice Spence

Brian Walker

Rowan White

Sarah Wilson

The Council of the Law Society of Northern Ireland is the governing body of the Society. Its role is to oversee the work of the Society and to provide leadership and direction for the Solicitor profession in Northern Ireland.

The Society currently has almost 6,000 Members, of whom approximately 3,000 hold Practising Certificates.

The Council which was elected in 2022 will serve until November 2025.

The work of Council is supported by a number of Committees, and reports on the activities of these Committees appear later in this Annual Report. Council has in place a Scheme of Delegation under which much routine business is delegated to these Committees. This arrangement means that Council has greater scope to consider matters of strategic importance to the Solicitor profession.

In addition to its Committees, there are a number of special interest groups covering such diverse topics as Human Rights, LawTech, Climate Justice and Commercial Practice.

ACCESS TO JUSTICE COMMITTEE

Chair

Brian Archer
(Senior Vice-President)

Secretary

Peter O'Brien

Council Members

Brian Charity
Lorraine Keown
Eoghan McKenna
Joseph McVeigh
William Nugent

Co-optees

Owen Beattie
Paul Dougan
Julie Knight
Pearse MacDermott

Number of
meetings

7

The Access to Justice Committee advises the Society's Council on matters of policy and practice in relation to Access to Justice, legal aid, and other public funded legal services together with all matters arising out of the implementation of the Access to Justice (NI) Order 2003. The development of rights of audience for solicitors also falls within the remit of the Committee.

Throughout the year, the Committee has furnished briefing and support for Society engagement with the Minister of Justice, the Permanent Secretary and senior officials at the Department of Justice, the Chief Executive and senior officials at the Legal Services Agency (LSA), local Solicitors' Associations, interest groups and external bodies on a range of legal aid issues.

In March 2024, the Society's President and Chief Executive appeared before the Justice Committee at Stormont. The Committee was presented with advance copies of the Society's *Justice Agenda: A Plan for Better Justice*, with Access to Justice being at the heart of that plan. It proved to be a productive and valuable session, which touched on a range of issues such as the need for a sustainable Legal Aid Budget, reviews of Legal Aid, and the need for modernisation and reform in the justice system.

The Committee has also continued to make the case for a sustainable Legal Aid Budget that recognises the value provided by solicitors in delivering Access to Justice to citizens across Northern Ireland.

As a result of our efforts, a further £3 million was allocated to the Legal Aid Budget in February 2024. This was in addition to the extra £11m funding received in November 2023, bringing the Legal Aid Budget for the Financial Year 2023-24 to just under £110m.

Following further representations in relation to the current Financial Year, the Department advised that the Opening Budget for 2024-25 would be £101.5m. A further £7m has since been allocated in July 2024, bringing the current budget for 2024-25 to just under £109m.

Whilst this is welcome, it is important that a longer-term solution on funding is found, and we continue to press for this.

ACCESS TO JUSTICE COMMITTEE (continued)

The Society, alongside the Bar, engage monthly in the LSA's Operational Forum which discusses matters such as the budget position and business performance. The Committee regularly monitors the LSA's Payment Dashboard which provides key data on monthly payments.

As a result of increasing delays in the time taken to process claims for payment, an Application for Leave to apply for Judicial Review was jointly lodged by the Society and the Bar Council in February 2024. The Order 53 Statement seeks a number of Declarations with regard to the assessment and payment of legal aid fees to include that a reasonable period for assessment and authorisation is 10 days (and at most 30 days) from receipt of a valid claim or conclusion of taxation.

The Application for Leave was granted on 18 June and the case has been listed for hearing over two days in November 2024.

Committee Members also worked closely with members of the Criminal Law Committee in making a substantial submission to the Fundamental Review of Criminal Legal Aid led by His Honour Judge Burgess. This involved gathering the views of practitioners on different elements comprised within the Review and meeting with the Judge and his Review Team on a number of occasions – all with a view to securing the best possible outcome for our members in this area.

To support its submission, the Society commissioned the Hook Tangaza Consultancy to carry out a focused study on the sustainability of the Criminal Legal Aid sector. Over 190 members responded providing vital data to help inform the work of the Review. Hook Tangaza also undertook a series of interviews with Criminal Legal Aid practitioners from a range of different sized firms, from rural/urban areas, and those with different PQE levels to gain in-depth insights into on the ground experiences.

The Committee has also worked in conjunction with Rocket Science, an independent research consultancy, on a research project on the social value of Legal Aid in Northern Ireland viewed in terms of the social return on investment. This encompassed civil, family, and criminal practice.

Over 340 Legal Aid practitioners responded to a survey on the value of legal aid as part of this project and a number of practitioners participated in workshops and interviews. The findings of this project and the accompanying Report were submitted to the Burgess Review. The Report will be formally launched at an event to be held at Parliament Buildings in Stormont in January to showcase the value provided by solicitors through Legal Aid services.

The Committee also facilitated the submission of a significant response to the questions posed in the Foundational Civil Legal Aid Review commissioned by the Department of Justice. This response was also supported by the results from the Rocket Science Project.

ACCESS TO JUSTICE COMMITTEE (continued)

In its response to both Reviews the Society has highlighted the importance of prompt payment of existing fees for cash flow, the need for a reduction in the administrative burdens placed on legal aid practitioners and the urgent need for additional funding to meet the increasing cost of doing business and the absence of fee increases. It is a matter of concern that the Department has not yet published the Burgess Report and we are pressing the Minister for same at the earliest date possible.

The Committee has also supported the joint initiative between the Society and the Bar Council to establish an All Party Group on Access to Justice at the Northern Ireland Assembly. The All Party Group brings together MLAs across the political spectrum to consider and engage practically on relevant matters relating to Access to Justice in Northern Ireland. It is hoped that the Group will be an important tool to raise awareness that solicitors are at the centre of enabling individuals to access justice. An event in relation to the Civil Legal Aid Review was held on 10 September, with a further two events planned before the end of the year.

A number of Committee members, along with representatives of the Bar, participate in a LAMS Change Forum. This engagement has resulted in some practical changes which will be implemented in coming months to make the platform more user friendly.

The Committee has also provided comment on a number of LSANI Circulars and has facilitated four CPD 'How to ...' Sessions covering the following areas:-

- Requests for payment and remuneration redetermination
- Financial eligibility and means testing
- Submitting an application / review / appeal
- LAMS and Dashboard Reports

It has also raised queries with LSA in relation to a range of legal aid issues received from practitioners.

Engagement is also ongoing with the Department and the LSA in relation to a number of other issues to include:

- Civil Justice Modernisation
- Taxation
- LSA's Fraud & Error Policies.

BUSINESS COMMITTEE

Chair

Darren Toombs
(President)

Secretary

David A Lavery CB
(Chief Executive)

Members

Brian Archer
(Senior Vice-President)
Colin Mitchell (Junior
Vice-President)
Brian H Speers
(Treasurer)

Mark Borland
Eileen Ewing
Brigid Napier
Brian Walker
Rowan White

Number of
meetings

10

The Business Committee supports Council by providing oversight of the operations of the Society. The Society's Chief Executive reports to the Committee on the work undertaken in support of Council.

The Business Committee takes the lead on behalf of Council in relation to the Society's Budget and operations.

Many of the business items coming before Council will have been considered in advance by the Business Committee.

This year Council agreed that a Governance Review of the Society should be undertaken and should report by the end of the current Council term. The Governance Review is being led by Past President Mr Brian Walker. The work on the Governance Review is reported to the Business Committee on an ongoing basis.

CLIENT COMPLAINTS COMMITTEE

Chair

John Guerin

Deputy Chair

Michael Robinson

Secretary

Laura McCullough

Council Members

Colin Mitchell
(Junior Vice-President)

Andrew Ferguson

Lorraine Keown

Andrew Mairs

Eoghan McKenna

Janice Spence

Shauna Thompson

(until December 2023)

Sarah Wilson

Co-optees

Shane Donnelly

Maeve Fisher

Lay Members

Joe Blake

Seamus Magee

Barbara Stuart

Number of
meetings

10

The Client Complaints Committee deals with complaints received from and on behalf of solicitors' clients. The Committee is constituted by Council members, co-opted solicitors and lay persons nominated by the Lady Chief Justice. It exercises powers conferred upon it by Article 41A of the Solicitors (Northern Ireland) Order 1976 in relation to addressing issues of inadequate professional service, including the reduction of fees charged where inadequate service is found. It also has power to set time limits for completion of matters, to direct the solicitor to pay for the rectification of any error and/or specify other action in the interests of the client to be taken at the solicitor's expense.

In appropriate circumstances, the Committee may refer solicitors conduct and service to the Solicitors Disciplinary Tribunal.

Within this reporting period the Committee considered 50 complaint cases over ten meetings.

Of these 50 complaints considered, the outcomes have been as follows:

- 4 referrals to the Solicitor's Disciplinary Tribunal (SDT) – all of which were as a result of the Solicitor failing to respond to the Society or adhere to a direction of the Committee.
- 1 referral to the Professional Conduct Committee (PCC) for consideration.
- 11 upheld complaints.
- 10 partially upheld complaints.
- 7 not upheld.
- 11 matters requiring adjournment.
- 6 referrals where no finding was made. Usually in circumstances in which the preliminary requirements of a complaint had not been satisfied e.g. the complainant did not have appropriate standing as a client to pursue the complaint.

There has been one appeal against a determination of the Committee.

CLIENT COMPLAINTS COMMITTEE (continued)

Emerging Trends

The Committee identify trends from the complaint cases that come before them. These findings inform the Society's CPD programme. In this Council year CPD seminars in complaint management have been held in the areas of Conveyancing, Litigation, Family Law, and Probate. In March 2024, the Head of Professional Conduct on behalf of the Committee delivered a seminar on 'Client Complaints – Knowing Your Regulatory Requirements'.

In May 2024, the Chair of the Committee, Head of Professional Conduct, and the Lay Observer worked in partnership to deliver a seminar focusing on how practitioners should engage with the lay complainant.

Over this period, there have been a growing number of complaints received where a Solicitor has since left the firm where the complaint originated. In these circumstances, whilst it remains the firm's obligation to respond to the complaint, the Solicitor to whom the complaint relates is contacted to provide their own substantive response to the complaint. Securing responses from both the firm and the Solicitor provides more clarity for the Committee on how the matter was handled.

Lay Observer's Annual Report 2022/23

The work of the Committee is subject to regulatory supervision by Ms. Marian Cree who publishes a Lay Observer's report into the activities of the Committee. The report covering the period 2022/23 was published in April 2024 and includes statistics on the number of cases dealt with by the Committee as well as an outline of referrals received by the Commissioner from complainants dissatisfied with how their complaint has been dealt with.

The Lay Observer has acknowledged the Society's proactive approach to the issues raised and the enhancements made to the complaints process. Importantly, it is noted that the level of complaints against solicitors in Northern Ireland remains very low, in comparison with other areas of the United Kingdom.

The Lay Observer has identified the following key issues within her report:

- Use of Inappropriate Statements
- Ignoring the Client Complaints Process
- Costs

The changing landscape

The Society is currently awaiting the commencement of the Legal Complaints and Regulation Act (NI) 2016. Engagement between the Society, the Legal Services Oversight Commissioner and the Department of Finance remains ongoing with regards to implementation but it is expected to come into operation in September 2025.

CONTENTIOUS BUSINESS COMMITTEE

Chair

Colin Mitchell
(Junior Vice-President)

Secretary

Ann McMahon

Council Members

Brian Archer
(Senior Vice-President)
Jennifer Bell
Louise Butler
Simon Chambers
Brian Charity
Andrew Ferguson
Chris Kinney

Co-optees

Cormac Fitzpatrick
Martin Hanna
Katharine Kimber
Shauna O'Hara
Lois Sullivan
Ian Wimpres

Number of
meetings

6

The Contentious Business Committee, chaired by the Society's Junior Vice-President, Colin Mitchell, continued to meet throughout the year in hybrid format to facilitate member participation. In addition to Committee commitments, members contributed to Consultation Working Groups, Court Liaison Groups (County Court and King's Bench), shadow Civil Justice Council, 6th Edition of the Green Book, County Court Rules Committee, Litigant in Person Reference Group and many other groups associated with the civil justice system to ensure that solicitors' views are known.

The Committee responded to Consultation papers throughout the year drawing on the expertise within the Committee and beyond. Papers responded to included – Financial Ombudsman Service 2024/25 Plans and Budget, 2019 Hague Convention Implementation, Foundational Review of Civil Legal Services Call for Evidence, Review of Scale Costs in the County Court, Court of Judicature Rules Committee appeals to the Court of Appeal.

A number of significant issues arose throughout the year which required the Committee's attention. These included:

- a revision of MIB Agreements. The Society is now an Intervenor in a Judicial Review against the Department for Infrastructure and MIB.
- The Minister of Justice indicated that legislation providing for compulsory court approval of minor settlements was not proceeding, The Committee developed advice to members on the risks of proceeding to finalise a minor settlement without court approval.
- The Committee submitted evidence to the NI Assembly Economy Committee in relation to the cost of insurance. A Task and Finish Group was formed to take this work stream forward.
- The Society successfully pressed for a review of the hourly rate for solicitors allowed on taxation. A review group has been established chaired by Mr Justice McAlinden. The Society is participating in this review and has engaged BDO to undertake a survey of solicitor firms in support of this review.

CONTENTIOUS BUSINESS COMMITTEE (continued)

- Review County Court Scale Costs. The County Court Rules Committee issued a Consultation paper in support of a review of scale costs. The Society established a Working Group of practitioners to develop a Response to support an increase in scale fees.
- A Foundational Review of Civil Legal Aid was launched by the Department of Justice. The Committee has led the Society's response to this exercise.

The Management Board of the Clinical Negligence Practitioners Group developed a CPD programme on topics including Secondary Victims, Diabetes, AI in Clinical Negligence. The Board also surveyed members on the operation of the Clinical Negligence Protocol to provide feedback to the King's Bench Master and Judge.

CONVEYANCING AND PROPERTY COMMITTEE

Chair

Philip Armstrong

Secretary

Claire McNamee

Council Members

Brian Speers
(Treasurer)

Mark Borland

Karen Cherry

Catherine Nixon

William Nugent

John O'Prey

Michael Robinson

Brian Walker

Co-optees

Maeve Corrigan

Stuart Harper

Ellen Hartles

Catherine Heyes

Dawson McConkey

Simon Murray

Darren Rainey

Number of
meetings

7

The Conveyancing and Property Committee deals primarily with residential conveyancing issues. The Committee recognises the challenges faced by members working in conveyancing practice. The Committee continues to focus on the conveyancing process and engage with stakeholders in relation to matters impacting members.

A report has been prepared following analysis of the comprehensive residential survey undertaken in June 2023. Work has commenced on the matters identified including the issue of professional fees. The Committee is engaging with other initiatives within the Society generally to raise awareness of this challenge, to educate members on the economic costs of doing business, and to achieve better remuneration for solicitors across private practice.

Following the success of Conveyancing Week in 2023, the second Conveyancing Week took place, again in October. Stakeholder engagement increased, including a consumer event. The annual Conveyancing Conference took place at Titanic, Belfast. Engagement with stakeholders continued, including an event held with estate agents and surveyors in relation to the People, Professionals and Property document and Material Information and with the student population to advocate the benefits of a career in residential conveyancing with events held at the Institute of Professional Legal Studies, Queen's University Belfast and Ulster University.

The Committee continues to keep the implementation of the revised Home Charter Scheme under review. A review of Practice Directions was undertaken, and a commercial property ad hoc group has also met to consider the applicability of those directions to commercial property transactions. Implementation of the Scheme has also been supported through Committee input to CPD events.

The New Build Sub-Group continues to meet to review the suite of new build documentation. The Committee is also involved with the New Homes Quality Code to consider how the documentation will work with any revised consumer codes.

CONVEYANCING AND PROPERTY COMMITTEE (continued)

The Committee has engaged extensively with the Land Registry in relation to the new digital solution for Land Registers. The Committee also continues to raise with Land Registry ongoing operational and service issues encountered by members.

The Committee has also met with statutory body consultees, Regional Property Certificate Unit and local councils in connection with the regional and local authority property certificates.

The Committee continues to address issues encountered by members with lenders' conveyancing panels and has engaged with UK Finance, individual lenders and their panel managers in this regard, particularly in relation to issues experienced by members concerning their panel membership. The Committee continues to monitor the level of interest on the question of separate representation.

The Committee also liaises with other stakeholders and organisations such as RICS, NAEA Propertymark, NI Co-ownership Housing Association, and the New Homes Quality Board on a range of matters as they arise. It also continues to issue relevant communications to members and contribute to the development of CPD programme, keeping members informed and up to date.

CRIMINAL LAW COMMITTEE

Chair

Eoghan McKenna

Secretary

Ann McMahon

Council Members

Brian Archer
(Senior Vice-President)
Brian Charity
Eileen Ewing
Andrew Mairs
Joseph McVeigh

Co-optees

Patricia Coyle
Keith Gamble
Bronach Kelly
Pearse MacDermott
Feargal MacElhatton

Number of
meetings

7

The Criminal Law Committee met in hybrid format throughout 2024 under the guidance of the Chair, Eoghan McKenna. Engagement with other participants in the criminal justice system was a key feature for the Committee, with a number of Committee members joining stakeholder working groups to contribute to different initiatives within the criminal justice system.

Committee members participated in meetings associated with the Fundamental Review of Criminal Legal Aid led by Judge Burgess. Views were offered on the current level of remuneration for solicitors involved in this work. The Committee is committed to undertaking additional work to progress the findings of the Report once its content is made public.

A Judicial Review by the Society on behalf of legal aid practitioners relating to delays in the payment of fees was supported by the Committee.

The Committee was represented on the Working Group established to support the Review of the hourly rate for solicitors allowed on taxation.

Liaison meetings with Criminal Justice stakeholders continued and provided an invaluable opportunity to address members' concerns and share ideas to improve processes. Meetings with PSNI Custody representatives raised issues that give rise to difficulty for members. Such issues include the release of custody records and bail conditions to a legal representative, and the confidentiality of pre-interview virtual consultations. Productive meetings with the Prison Service took place throughout the year. Work is being progressed to improve and digitalise prison communications between legal representatives and clients. Solicitors will be required to register for the new system which will allow them to securely communicate with clients. Other issues including consultation facilities before and after court appearances, virtual prison visits and healthcare matters will also be addressed in scheduled meetings.

The Committee has a representative on the Victim's Commissioner (Designate) Stakeholder Group to consider third party disclosure issues. This engagement has been very useful in offering defence views. In addition, the Committee worked on template letters and applications for third party disclosure materials to assist in aligning the current Rules and Protocol in this area of practice.

CRIMINAL LAW COMMITTEE (continued)

The Committee continue to meet with the Criminal Justice Inspection NI to offer views on scheduled inspections of various areas of the criminal justice system.

Court Liaison Groups relevant to criminal law benefit from the representations of Committee members including Laganside Court Users Committee, Crown Court Liaison Committee, and also the Crown Court Rules Committee and the Under 13 Victim and Witnesses in Serious Sexual Offences Stakeholder Group.

Messages from the Chair are issued throughout the year to update members on various work streams undertaken by the Committee on behalf of criminal law practitioners and offer useful information on court operations.

EDUCATION COMMITTEE

Chair

Darren Toombs
(President)

Deputy Chair

Catherine Nixon

Secretary

Darren Patterson

Council Members

Jennifer Bell
Chris Kinney
Julie-Ann McCaffrey
Eoghan McKenna
Joseph McVeigh
Janice Spence
Rowan White

Co-optees

Kevin Brown
Ann Kinder
Stephen McCourt
Gavin Patterson

Number of
meetings

8

The Education Committee oversees the vocational education, admission and training of solicitors in Northern Ireland, including pre-qualification (trainees), and post qualification (CPD and regulatory courses).

At the outset of the year, the Law Society Admission Ceremony marked the admission of 155 newly admitted solicitors in the presence of the Lady Chief Justice of Northern Ireland. The Admission Ceremony was also attended by the family of the late trainee solicitor, Edward Bergin. The Society's Professional Conduct Prize for Trainee Solicitors attending the Institute of Professional Legal Studies at Queens University has been renamed the Edward Bergin Prize for Professional Conduct in Edward's memory.

Over the course of the first six months of 2024 the Committee continued to oversee the Society's work to support firms impacted by the National Minimum Wage issue as it applied to Trainee Solicitors.

The Committee has focused on reviewing the existing model of vocational training for solicitors and has undertaken an extensive stakeholder engagement exercise ahead of a formal consultation later this year. The Committee also monitors developments in training and qualification of solicitors in other parts of the UK and Ireland. This work included collaborating with other Law Societies at the Joint Legal Education Forum hosted by the Law Society of Ireland in August. At the event Committee representatives worked with counterparts from England & Wales, Scotland, and the Republic of Ireland to address challenges posed by trainee wages, holiday pay, and training models as well as discussing broader topics of mutual interest such as Continuing Professional Development (CPD) and mutual recognition of qualifications and routes to admission.

The Committee has continued to work closely with member firms to ensure the availability of training opportunities. This work resulted in 150 trainees commencing the Trainee Solicitor Programme in September.

The Committee continued to oversee the Society's Centenary Bursary Scheme which provides financial assistance to aspiring trainees from less advantaged backgrounds. The

EDUCATION COMMITTEE (continued)

Bursary provides the full cost of the one-year Diploma in Professional Legal Studies at the Institute. Two Centenary Bursaries were awarded.

The Society delivers a Law Society Module of training for Trainees Solicitors. In 2024 this included the courses on Professional Conduct and Solicitor Accounts.

Other matters which the Committee considered included applications for waiver of the period of restricted practice, applications for admissions under the alternative route for those with exceptional experience, applications for admission from other jurisdictions including England and Wales, Ireland, Scotland and overseas and applications from barristers looking to transfer and qualify as solicitors.

The Committee continued to review and provide guidance where necessary on all issues relating to the Continuing Professional Development of members of the profession in Northern Ireland and ensured a wide range of CPD courses were provided (including through online delivery) to enable members to fulfil CPD requirements.

In addition to their work on the Education Committee, Committee members represent the Society on the Council of Legal Education and various committees of the Institute of Professional Legal Studies.

FAMILY LAW COMMITTEE

Chair

Janice Spence

Secretary

Ann McMahon

Council Members

Simon Chambers

Eileen Ewing

Lorraine Keown

Andrew Mairs

Co-optees

Kelly Breen

Anne Caldwell

Catherine Dixon

Jonathan Killen

Lisa Melarkey

Suzanne Rice

Number of
meetings

7

Throughout the year the Committee continued to hold its meetings in hybrid format.

Updates from the Chair are issued to the membership throughout the year to inform and update on various work streams undertaken by the Committee on behalf of family law practitioners and offer useful information on court operations.

Engagement with stakeholders within the family justice system continued and allowed the Committee to convey the views of solicitors. Such engagement included:

- Shadow Family Justice Board. The Committee Chair attended meetings of the Shadow Family Justice Board and contributed to discussions including the opening of family courts for the public to view proceedings, evaluation of information gathered by the Department of Justice in relation to expert witnesses and delays in family justice.
- Department of Justice and Legal Services Agency in relation to the Domestic Abuse Waiver Work will continue to look at the difficulties in satisfying the requirements under the legislation which created the waiver and proposals will be made on how to make the scheme more accessible.
- NICTS 'Vision 2030' on court modernisation.
- Matrimonial Office. The Committee continued to meet with the Matrimonial Master, and with officials from the Matrimonial Office to highlight the impact of delays on clients and to explore possible solutions.
- Representations were made on behalf of members relating to the requirement for High Court undefended divorces to be heard in person. Examples were offered to evidence the effectiveness of on-line hearings from the client's perspective.
- The Committee was represented on the Working Group to Review the Solicitor's Hourly Rate chaired by Mr Justice McAlinden.
- Litigants in Person Working Group. A Committee member has joined this Group to explore how litigants in person interact with the justice system. This work will include the production of a 'ground rules' document covering conduct and behaviour during court proceedings.

FAMILY LAW COMMITTEE (continued)

- CCGANI. The Committee continues to monitor the difficulties encountered in allocating Guardians Ad Litem in Article 60 cases.
- Cost Drawer fees. Committee members have met with Cost Drawers to consider the issue of the fees being borne by solicitors alone when the taxation process benefits both solicitors and counsel.
- Belfast FCC Court Users Group. This Group has the benefit of two Committee members who provide solicitors' views on issues impacting on Children Order cases at FPC and FCC level including delays in cases, experts' availability, disclosure and e-bundles.
- Contact Centre. Contact Centre managers raised concerns over the change in the use of their facilities resulting from final court orders as well as practical challenges encountered by Centre volunteers. A series of CPD events is planned to assist in addressing these issues.

CPD topics of interest continue to be planned by the Committee and have included the annual Ancillary Relief Master's Presentations, Pensions and Business Valuations in Ancillary Relief, Drafting Petitions, PACE Policing and Children's Rights, Contact Centres open evening events.

The Committee participated in the Society's Response to the Foundational Review of Civil and Family Legal Aid.

FUTURE OF THE PROFESSION COMMITTEE

Chair

Brigid Napier

Secretary

Patricia O'Lynn

Council Members

Darren Toombs
(President)

Louise Butler

Simon Chambers

Julie-Ann McCaffrey

John O'Prey

Michael Robinson

Rowan White

Sarah Wilson

Co-optees

Angela Brady

Jude Copeland

Arleen Elliott

Shannon Gawley

Matthew Howse

Kerry McCloy

Olivia O'Kane

Number of
meetings

6

The Future of the Profession Committee is tasked with considering strategic issues of interest to the profession and identifying challenges and opportunities to support the development of the solicitor profession in the future. The Committee has continued to deliver its objectives through its two established Special Interest Groups in the areas of Law Tech and Climate Justice, which bring together expertise from private practice, in-house, government, academic and third sector legal advisors. The Committee also oversees the work of the Sustainable Practices Task & Finish Group which was established to bring forward measures to mitigate the sustainability challenges facing smaller, general and/or rural practices.

Law Tech Group

The Law Tech Group considers the challenges and opportunities technology presents to the solicitor profession. Angela Brady succeeded Kerry McCloy as Chair of the Law Tech Group, and this coincided with the appointment of 6 new members as well as a refresh of the Group's Terms of Reference. The Group has focused primarily on engaging external stakeholders with a view to making more information available to the profession at large. This activity includes a new strategic partnership with Legal Geek - a legal tech startup community bringing change to the legal industry; the drafting of AI Guidance for the membership; and the commissioning of a Law Tech Adoption Survey. The Group continues to work with key stakeholders such as the Northern Ireland Courts and Tribunals Service to monitor the modernisation work underway in our courts.

Climate Justice Group

The Climate Justice Group's activities focus on the Group's key aim, to take pro-active steps to address climate change issues affecting the solicitor profession in Northern Ireland and to promote and enhance the role of solicitors in tackling the climate emergency. The Group launched a Law Society Sustainability Strategy in January 2024, setting out a roadmap towards a more sustainable future for the solicitor profession in Northern Ireland. Work

FUTURE OF THE PROFESSION COMMITTEE (continued)

is ongoing to deliver the actions outlined in the Strategy. These cover four key themes: Sustainable Workplace, Stakeholder Engagement, Training and Development, and Climate Justice. A key focus of the Group this year has been around CPD training, and it has organised events on topics such as 'Green Agreements and Competition' in conjunction with the Competition and Markets Authority. The Group was pleased to partner with the Public Interest Litigation Project (PILS) to deliver a 'Climate Justice' CPD series, aimed at solicitors providing services in the emerging areas of environmental law and climate justice. The series consisted of three training events delivered by experts in the area, looking at the field of climate litigation, the specific legislative context, local environmental issues and corresponding legal action. The Group has also continued to engage with stakeholders in the area, including for example, officials from the NI Executive Office on the Climate Change Act.

Sustainable Practices Task & Finish Group

The Sustainable Practices Task & Finish Group was established to bring forward proposals to support small, medium and/or general practices. The Group produced an Interim Report setting out recommendations for the Society to take forward. One key recommendation involves the provision of business support to members. Over this past year, detailed consultation has taken place with sister Societies to understand the extent and success of different business support provision in neighbouring jurisdictions. This scoping exercise has enabled the group to work on developing a more bespoke offering alongside an online "Business Support Hub" which will form part of the Society's new website. The hub will be launched later this year.

The Committee receives regular updates from the above three sub-groups and retains an overarching role in co-ordinating the consideration of current and developing issues facing the profession.

HUMAN RIGHTS AND EQUALITY COMMITTEE

Chair

Lorraine Keown

Secretary

Jamie Warnock
(until March 2024),
Nuala McMahon
(since March 2024)

Council Members

Eileen Ewing
Andrew Ferguson
John Guerin
Andrew Mairs
Julie-Ann McCaffrey
Joseph McVeigh
Sarah Wilson

Co-optees

Les Allamby
Laura Dawson
Mary Kitson
Maria McCloskey
Conor McCormick
Sheila McGivern
Gemma McKeown
Tutu Ogle

Number of
meetings

7

The Human Rights and Equality Committee is responsible for taking forward policy objectives and potential law reform in the areas of human rights, diversity and equality. It also promotes and raises awareness around issues relating to the Rule of Law and the independence of the legal profession. The Committee continues to raise awareness of relevant developments through publication of its periodic bulletin to members.

The Committee is responsible for overseeing the delivery of the Society's Diversity and Equality Action Plan. Since its publication, a range of initiatives have been undertaken on core issues around gender equality and addressing barriers to under-represented groups accessing the profession. Actions have included the development of the Centenary Bursary, a research project on women who have left private practice and/or the profession, and the achievement of bronze accreditation through Diversity Mark.

The Committee developed an Equality, Diversity and Inclusion Strategy for 2024-28. The Committee welcomed the submissions provided by members through the call for views exercise which helped to shape the final version of the Strategy. The Strategy sets out several priority areas of focus across the following key themes: Access to the Profession, Building a Successful Career and Culture Respecting Diversity. Work has begun on delivering the actions set out within the Strategy and members will be kept informed of the progress made.

The Committee has monitored policy and legislation developments at a local, national, and international level. The Committee has had a particular focus on three main pieces of legislation including the Illegal Migration Act, the Northern Ireland Troubles (Legacy and Reconciliation) Act, and the Rwanda Act. There have also been several challenges to legislation on human rights grounds which the Committee has monitored. The Committee has also provided input into relevant consultations including, for example, the Executive Office Committee's inquiry into equality legislation in Northern Ireland.

HUMAN RIGHTS AND EQUALITY COMMITTEE (continued)

The Committee has considered other emerging issues during the year. For example, it noted with concern the Chief Constable's Report on Covert Surveillance directed at Journalists and Lawyers. The Committee also set up a Working Group to consider the issue of Strategic Lawsuits Against Public Participation.

The Committee continues to engage with relevant stakeholders in the human rights and equality arena. The Committee organised and participated in several events throughout the year, such as a Gender Pay Gap Roundtable discussion in conjunction with Diversity Mark. International Human Rights Day 2023 coincided with the 75th anniversary of the Universal Declaration of Human Rights. The Society joined many organisations across the UK in calling on political leaders to protect human rights for everyone in the UK. To celebrate International Human Rights Day, the Society partnered with the Public Interest Litigation Support (PILS) project to run a Tenx9 storytelling event where storytellers from across the world each told stories from their personal life based on the theme of 'Dignity, Freedom, and Justice for All'. On 27 July 2024 we were delighted to support the Society in hosting its annual Pride brunch before taking part in the parade. This is an event the Committee would like to assist the Society developing further.

LIBRARY AND PUBLICATIONS COMMITTEE

Chair

Chris Kinney

Secretary

Katrina Gambold

Council Members

Colin Mitchell
(Junior Vice-President)

Brian Speers
(Treasurer)

John Guerin
Lorraine Keown

Co-optees

Jordan Hanna

Mr Justice Kinney

Alan McAlister

Alexander Redpath

Number of
meetings

3

Library and information service

The Library and Publications Committee's remit includes outputs from the Library and Information Service. The year has continued some of the consolidation work that was started previously including increases to the online portfolio of resources and considered collection development decisions.

An excellent research service continues to be provided for the membership and in 2023 there were over 1000 research and information requests, 92% of which were responded to within the same day. The KnowAll Library Catalogue has been updated with nearly 500 books, judgments, statutes and Practice Directions added over the last 12 months.

In March 2024 Katrina Gambold joined the Society as Knowledge Services Lead and has reviewed the services provided across Library and Publications with the intention to find efficiencies and improvements to the services provided to members.

This review was presented to the Library and Publications Committee in June, and as such changes allowing for more analysis and adaptability with the service have already been implemented. A form has been created asking for comment on the service provided and all members are encouraged to be involved in helping to shape the library space and service whenever they are asked for feedback.

Book and journal publications

The Committee has continued to oversee book and journal publications produced by the Law Society. Both Folio and the Journal of Elder Law & Capacity have published issues in the past year, but on a reduced publishing schedule. Regularly producing good quality professional journal issues will be a focus for the Committee going forward and improvements to the journal administration structure are planned.

The Law of Houses in Multiple Occupation book by Charles O'Neill was formally launched on 24 January 2024. The next book scheduled for publication is a Youth Court Guide by Seamus McIlroy and John Mackell.

NON CONTENTIOUS BUSINESS COMMITTEE

Chair

Catherine Nixon

Secretary

Claire McNamee

Council Members

Philip Armstrong

Mark Borland

Karen Cherry

William Nugent

John O'Prey

Brian Walker

Co-optees

Richard Craig

Kate Ervine

Michael Graham

Aimee Miller

Julie Ann Osborne

Number of
meetings

6

The Non Contentious Business Committee deals with matters relating to probate and administration of estates, enduring powers of attorney, issues affecting vulnerable adults, charities, law reform, taxation and commercial law.

The Committee continues to review the operation of the online Probate Portal, which enables standard Grant of Probate/Grant of Letters of Administration applications to be made online by solicitors and by members of the public. The Committee arranged for training on the Portal and its increased functionality to be included as part of the Society's CPD programme.

The Committee continues to liaise with all relevant stakeholders including the High Court Masters, the Probate Office, the Office of Care & Protection (OCP), the OLCJ and NICTS. Relevant information and updates from these engagements are communicated to members as appropriate. These have included a reminder of the requirements for making an application to admit a copy will, and operational updates received from the OCP.

The Committee has continued to engage with HMRC, as part of the Trust Advisory Group. The direct line of communication with HMRC has been effective in connection with successfully resolving IHT421 Form issues experienced by members.

The Committee continues to monitor implementation of the Mental Capacity Act (NI) 2016.

Other stakeholder engagement by the Committee has included meeting with UK Finance and local banks in relation to handling Enduring Powers of Attorneys. The Committee has also engaged with the Credit Union in relation to this matter.

The Committee continues to be updated on the work of the Elder Law Group and Editorial Panel of the Journal of Elder Law and Capacity and commended publication of the 2024 Spring Issue of the Journal <https://www.lawsoc-ni.org/publications.aspx>

The Committee continues to review developments in law and practice relevant to members including reform of law relating to digital assets and the extension of the Trust Registration

NON CONTENTIOUS BUSINESS COMMITTEE (CONTINUED)

Service. The Committee has reviewed its previously issued guidance and sample *Larke v Nugus* letter in light of recent reported judgments and has contributed to the NICTS Review of the Protocol for Investment of Awards made to Patients. A Non-Contentious Business Committee update has also been published bi-annually.

The Committee continues to keep members up to date with latest developments through appropriate communications and contributions to development of the CPD programme and events for members including organising a conference anticipated in early 2025 dealing with lifetime issues relating to wills, probate and capacity.

PROFESSIONAL CONDUCT COMMITTEE

Chair

Mark Borland

Deputy Chair

Rowan White

Secretary

Laura McCullough

Council Members

Jennifer Bell

Simon Chambers

(until August 2023)

Karen Cherry

Chris Kinney

(from August 2023)

Brigid Napier

(from February 2024)

Co-optees

Colin Gowdy

Graeme King

Martin McCallion

Alastair Rankin

Michael Cole

Number of
meetings

15

The Professional Conduct Committee (PCC) operates under delegated authority from the Society's Council. The PCC is the Society's main regulatory committee and is responsible for professional practice, conduct and discipline of solicitors and recognised bodies.

The work of the Committee has taken place on a hybrid basis over the past 12 months.

The PCC is responsible for the authorisation and supervision of solicitors as suitable persons to act as Insolvency Practitioners. The Committee receives supervision and monitoring reports, reviews cover schedules and approves licence renewals, under the Insolvency (NI) Order 1989.

Monitoring

The Committee oversees the monitoring and inspection of firms through a hybrid approach of desk-based review and on-site inspections. The PCC received outcomes in 261 Accounts, AML and Financial Services accounts inspections. The PCC reviewed inspection reports in 102 desk based and on-site accounts inspections. The PCC considered 28 Home Charter inspection reports.

The PCC also oversee desk-based reviews of every firm's Statutory Accountant's Report. Within this period 406 reports were considered with follow-up queries raised as required.

The main themes arising from the inspections noted above are as follows:

- Bookkeeper – loss/absence and failure to adequately replace.
- Change of accounting systems – lack of training and or migration issues. In particular Leap/Xero.
- Client deficits – failure to rectify timely from personal funds if necessary.
- Bank accounts opened in a branch outside the NI jurisdiction.
- Paid cheques not retained or provided by Bank.

PROFESSIONAL CONDUCT COMMITTEE (continued)

- Cessation reports showing firms leaving loose ends regarding residual balances etc.
- HMRC Basis Period Reform. Firms moving to March/5 April year ends.
- Inadequate client due diligence/source of funds checks and lack of supporting documentation on files.
- Delay when responding to queries raised or when information is requested by the Society.

With regards to Home Charter the main concerns noted were:

- Priority Searches not obtained or not obtained timely.
- Registry of Deeds searches not obtained in advance of application for Compulsory First Registration.
- Recommended Retainer letters and prescribed Estimate forms not issued on all files.
- Lack of refreshing Client Due Diligence checks.

Conduct complaints

The PCC managed a broad agenda of other regulatory matters. In the last twelve months the Committee:

- Reviewed 79 professional conduct complaints.
- Assessed 15 Compensation Fund Applications. Total payments approved totalled £133,722.16.
- Considered 10 PI Reserve Account Applications. Total payment approved totalled £39,345.71.
- Considered 11 applications for an Incorporated Practice Certificate of Recognition.
- Resolved to make referrals to the Solicitors' Disciplinary Tribunal in 24 matters.
- Applied Schedule 1, Solicitors (NI) Order 1976 on three occasions to authorise intervention in solicitors' practices.

Often a complaint will be referred to the Society as the complainant has no other alternative. These types of complaint relate mainly to unpaid fees or a solicitor's failure to comply with an Undertaking. Unpaid fees could result in the complainant pursuing their civil remedies. If a default judgment is received, this will be a matter for the Registrar's consideration pursuant to Article 13 (1)(j) of the Solicitors (NI) Order 1976 in which the Registrar has the discretion to refuse a practising certificate.

The Committee advocates for a course of good communication.

PROFESSIONAL CONDUCT COMMITTEE (continued)

Main reasons for failure to comply with a solicitor's undertaking/s

Non-compliance with completion undertakings

Failure to register a property transaction and legal charge

Failure to comply with undertakings within a reasonable period of time

Failure to respond to professional colleagues, mortgage lenders and the Law Society

The failure to comply with a solicitor's undertaking can amount to professional misconduct and lead to disciplinary action. When the Committee considers complaints concerning breaches of undertakings, they are mindful of the importance of solicitors being able to rely upon undertakings and the vital function that undertakings have within the legal profession.

The Committee continues to make referrals to the Solicitors Disciplinary Tribunal where the solicitor has failed to reply with reasonable expedition to the Society's correspondence or to engage. The Committee would encourage engagement from the outset which can often remove the need for further regulatory action to be taken.

Anti - Money Laundering

The PCC provides governance for the Society's exercise of its supervisory functions as the professional body supervisor and sole supervisory authority of solicitors in Northern Ireland under the Money Laundering Regulations 2017.

The PCC receives reports on relevant solicitors' and firms' compliance with their Anti-Money Laundering and Counter Terrorist Financing (AML/CTF) obligations under the Money Laundering Regulations 2017, considers reporting officers' recommendations and decides on enforcement actions as appropriate. Enforcement actions can range from informal, such as reminding members of their regulatory obligations, to formal, including directing revisits or further discrete AML/CTF inspections or referral to the Solicitors Disciplinary Tribunal.

The PCC, including through its decisions and enforcement actions, inputs into targeted regulatory AML/CTF notices, guidance and CPD for members' support.

The PCC receives updates on the AML/CTF policy developments relevant to the Society. During the year the PCC has inputted into the Society's responses to various government consultations and calls for information including the separate HM Treasury consultations on Reform of the AML/CTF Supervisory Regime and Improving the Effectiveness of the Money Laundering Regulations. The PCC also considers the Society's AML/CTF policies and procedures as appropriate including reviewing changes to the Society's Regulation 26 Approvals process this year.

PROFESSIONAL CONDUCT COMMITTEE (continued)

The PCC also oversees the Department's reporting on the Society's AML/CTF exercise of its AML/CTF supervisory functions including to the Office for Professional Body AML Supervision (OPBAS) and HM Treasury and publication of the Society's AML Supervisor's Annual Report published under Regulation 46 of the Money Laundering Regulations 2017.

The PCC has been concerned to note the high number of non-compliant cases identified by the Society which involve both client due diligence and source of funds checks and the rise in number of non-compliant cases due to inadequate firm wide money laundering/terrorist financing risk assessments.

The PCC will continue with enforcement measures and in this regard the PCC was pleased to be able to commend several firms for their AML/CTF improvements on re-inspection during the year.

PROFESSIONAL LIABILITY COMMITTEE

Chair

Rowan White

Deputy Chair

Brigid Napier

Secretary

Alison Grundle

Council Members

Colin Mitchell
(Junior Vice-President)
Philip Armstrong
Louise Butler

Co-optees

James Cooper
Emma Hunt
Declan Magee
Alan Reid
Seamus Reid

Number of
meetings

8

The Professional Liability Committee of the Law Society is responsible for administration and operation of the Society's Master Policy of Professional Indemnity Insurance. In 2023 the Committee undertook a comprehensive procurement exercise to re-appoint brokers, which saw Willis Towers Watson and its local claims handling partner ABL, retained for a further three years. A key component of WTW's winning bid was the commitment to run a competitive tender process to select the Master Policy's lead insurer. Royal Sun Alliance (RSA) was selected and has agreed a two year deal with the Society.

Last year the Committee was delighted to achieve a reduction in the annual premium demonstrating a softening of the professional indemnity insurance market following a number of difficult years. The deal agreed with RSA will see a further reduction in premium in each of the next two years. This is very welcome news and the Committee looks forward to developing the lead insurer relationship to bring even more benefits to members.

This year the Committee also reviewed a decision made previously to remove premium rebates for part time working. This decision was made during the pandemic to bring the Society in line with similar PI policies. It was implemented in the insurance year 2022/23 but the Committee considered that changes taking place in the profession, particularly since Covid 19, created a negative impact. More members are now working part-time, particularly women returning to the profession. On this basis the Committee decided to reverse its decision and re-introduce the rebate scheme.

The Committee continued its work on claims analysis and is pleased that following the surge in claims following the global economic crash that over the last few years the number of claims has reduced and has now stabilised. Active management of risk is the key to keeping claims rates low and the Committee continues to focus on this area.

The Society's first 'Risk Awareness Month' was run in 2023 with a series of events raising awareness and providing practical advice on how to identify and mitigate the risks that lead to claims arising. Cyber Risk has become part of business as usual but protecting against it is a constantly moving and challenging area. The Committee continues to support

PROFESSIONAL LIABILITY COMMITTEE (continued)

Members in this area with information and events. The Northern Ireland Cyber Security Centre continues to work with the Society to bring more in-person practical training to Members and keep their knowledge up to date.

The Committee recognises that professional indemnity insurance and the Master Policy are unlike insurance policies most members would be familiar with and are laden with complex technical terms. To this end a comprehensive explainer is being prepared that aims to simplify the language and aid better understanding. This will be available via the new website when it becomes available by the end of 2024.



INTERNATIONAL REPORTS





Report by Brian H Speers

Council Member and immediate Past President of the CLA

Introduction

The Commonwealth Lawyers Association (CLA) is an organisation of legal professionals throughout the 56 member countries which make up the Commonwealth.

While its principal motivation remains to uphold the Rule of Law in Commonwealth jurisdictions and to champion an independent legal profession and independent judiciary, in recent times it has established a number of practitioner led committees dealing with specific topics of practitioner interest.

The CLA Structure

The CLA has a Council and all Commonwealth member countries including Protectorates and Crown Dependencies, including Hong Kong and Zimbabwe, are all entitled to a Member on Council – typically the Member is nominated by the Law Society or Bar Association in the Member country.

The Council establishes the policy and framework for the CLA and approves the bi-annual Commonwealth Law Conference (CLC) and assists in promoting it in each of the Council Members' respective jurisdictions.

For operational matters, the CLA has an Executive Committee which meets monthly and is drawn from members of the Council, nominated by Council but also other members, not necessarily Council Members who the Council feels can bring expertise or connections of value to the Executive Committee.

There is a Young Commonwealth Lawyers Committee (YCLA) and as part of the 40th anniversary of the Northern Ireland Young Solicitors Association I have introduced them to the CLA and hope that a Northern Ireland representative will contribute to the work of the YCLA.

I contribute actively to the ADR Committee and in that connection have advanced a number of initiatives coordinating with the Commonwealth Secretariat. The most recent initiative on mediation was to provide a briefing on mediation and the Singapore Mediation Convention to High Commissioners throughout the Commonwealth. This meeting took place at Marlborough House, London and was used to launch a Commonwealth Mediation Training Course. This exciting development will comprise online mediation training delivered by seasoned Mediators and legal practitioners from around the Commonwealth. I am on the steering group together with colleagues from India, Singapore, and St Vincent and the Grenadines.

In addition to the ADR Committee, there is an active Human Rights Committee and an extremely active Climate Justice Committee. This Committee has partnered with the Commonwealth Architects Society and has jointly contributed to initiatives relating to sustainable urban development. The Human Rights Committee has partnered with the World Justice Project which provides an annual Rule of Law index.

This year, a lot of preparation has been undertaken for the next Commonwealth Law Conference which will take place on 23rd April 2025 in Valletta, Malta. The theme of that Conference is Commonwealth Lawyers – Fit for the Future. Speaking positions for several Northern Ireland legal colleagues, including senior Judiciary and the Attorney General have been secured.

The CLA has been asked to support a Judge subject to questionable disciplinary procedures in Kiribati and issued statements jointly with the Commonwealth Magistrates and Judges Association. It also issued statements in relation to a lawyer in Fiji who had been the subject of questionable legal process, the threat to the rule of law and stability in Kenya during protests about the Finance Bill, the decision to reverse a ban on FGM in the Gambia, and more recently has issued a statement in relation to the Rule of Law situation in Papua New Guinea.

In addition to these statements, the CLA is proposing to hold the second Commonwealth Bar Leaders Conference at the Commonwealth Law Conference in Malta.

The first Bar Leaders Conference was held at the last Commonwealth Law Conference in Goa and produced the Goa Declaration on the Independence of the Legal Profession and the Independence of the Judiciary. The Declaration in Malta will relate to Climate Justice and the role of lawyers in supporting those affected, upholding human rights, and holding to account those accountable for pollution and breaches of legislation and international obligations.

Conclusion

The CLA remains an active organisation bringing together experience from enthusiastic practitioner colleagues from across the Commonwealth. With the development of the Practitioner Committees, there are opportunities for the Law Society of Northern Ireland to participate even more fully and initiatives will be taken to involve our Family Law practitioners with the Commonwealth Family Law committee and our environmental lawyer colleagues with the CLA Climate Justice and Environment Committee. The support of the Law Society of Northern Ireland for the CLA is greatly appreciated and the contribution that Northern Ireland makes is an example of how a small jurisdiction can make a significant impact when time, effort and commitment are shown.

For more information about the Commonwealth Lawyers Association please go to <https://www.commonwealthlawyers.com/>



The Council of Bars and Law Societies of Europe (CCBE)

Report by Michael Robinson
Member of the UK CCBE Delegation

The Council of Bars and Law Societies of Europe (“CCBE”) was founded in 1968 and represents the Bars and Law Societies of 46 Countries and through them more than one million European Lawyers. Following “Brexit” the United Kingdom retains an influential position within CCBE by way on an affiliate membership which was specially created for the United Kingdom Legal Professions in recognition of their substantial and significant expertise and continuing influence and impact on European Legal Affairs.

The United Kingdom delegation to CCBE (“UK CCBE”) engages in strategic objectives which include defending the Rule of Law, promoting the core values of the legal profession, defending human rights, especially the right to a fair trial and reciprocal engagement between UK and European Bars.

In its role, UK CCBE follows and shares developments in and with other legal professions in Europe, participates actively in the development of CCBE policies, especially on the Rule of Law, engages in influencing the shape of legislative proposals, and particularly those with regulatory impact on the UK and actively participates in obtaining European support for the interests of the UK Bars and Law Societies. It does so by identifying, at each meeting of CCBE, those papers which may be useful for the UK professions and their members, and through constructive engagement, and using our “soft power,” actively undertakes steps to influence outcomes on matters of interest to the UK professions. This is achieved through direct engagement with other delegations to CCBE, forming voting blocks on particular issues, and by bi-lateral engagements with certain delegations and expert contributions to CCBE Committees.

CCBE engages in wide activity, too broad for full reporting in this updater, and UK CCBE undertakes full engagement in all areas in pursuit of its key objectives.

During the reporting year some examples of work undertaken by UK CCBE include: -

Company Law

In relation to the proposed Corporate Sustainability Due Diligence Directorate (“CSDDD”) and a further directive further expanding and upgrading the use of digital tools and processes for Company Law, the UK CCBE intervened with submissions on the effect on third countries of the proposed CSDDD and the proposed changes to the Digital Tool’s Directive and a Directive on European Cross-border Associations since these had the potential to adversely affect UK interests and practice.

European Convention on the Protection of Lawyers

UK CCBE, through its experts in the permanent delegation to the Strasbourg court, is actively engaged in reviewing successive drafts of the intended Convention and the Explanatory Memorandum on this very important proposal recognising the importance of the legal professions and enshrining that in a Convention. This has been a lengthy process which is now heading towards finalisation. This is eagerly supported by the Ministry of Justice, which has indicated, in the clearest terms, that the Convention will be ratified by UK upon finalisation. UK CCBE experts have also been involved in substantial work with the European Court of Human Rights itself and have made influential proposals to assist the Court in better addressing its huge backlog of cases. UK CCBE has also filed proposals for change and amendment to Rule 39 dealing with interim measures, and for national implementation of the ECtHR’s money judgments under Art 41 ECHR and amendment of Rule 39 dealing with interim measures, all of which are subject to much adverse comment and political controversy in UK.

Environment and Climate Change

As with all jurisdictions, climate change weighs heavily on CCBE which is currently engaged in a major piece of work designed to provide clear guidance for Bars, Law Societies and Lawyers on the impact of climate change on the legal professions. This guidance note should come up for approval in the incoming year and will, hopefully, provide useful advice in an area which is likely to impact significantly on legal practice in the future.

Deontology

The CCBE continues to consider and review its Code of Conduct (cross-border) to ensure that it is consistent with the model code and that practice expectations and standards are fit for purpose. This has the capacity to impact standards for UK lawyers and it is necessary therefore to monitor and make submissions on this to avoid adverse outcomes in the UK Common Law jurisdictions. Work is currently ongoing in relation to a New Core Principle on Non-Discrimination., Equality and Diversity and UK CCBE is also closely monitoring and

making representation on matters common to all jurisdictions such as third-party funding, third-party investment in law firms and strategic litigation. There was much discussion during the year in relation to an IBA initiative to revise the International Principles on Conduct for Lawyers to include a passage on the role of lawyers as ethical gate keepers. CCBE resolved by a large majority that it should oppose this and disengage from discussion on it on the grounds that it was abhorrent and of likely negative impact in imposing on lawyers unreasonable and disproportionate duties and responsibilities.

Family and Succession Law

Although much of the work on this applies solely to EU Member State only issues, UK CCBE continues to engage on matters of concern to the UK and, in particular, has recently engaged in substantive matters of succession and vulnerable adults and on issues in relation to family breakdown and litigation. It is recognised that UK experts bring a wider perspective based on practical experience and that EC concerns could not be separated from issues arising under UNCRC and Hague Conventions relating to family matters, in isolation.

Future of the Legal Profession and Legal Services

During the year, UK CCBE provided data and a summary of trends in the UK professions and on the attractiveness of the legal professions in these jurisdictions. It was also heavily involved in discussions on innovation and, in particular, was influential in ensuring that the definition of “innovation” recognised the need for innovation to conform to the core values of the profession.

Human Rights/Endangered Lawyers

The CCBE supports threatened lawyers by sending letters to the national authorities of the concerned countries and by alerting key players at International and European level, a role which is mirrored in other International Lawyers Networks. Unfortunately, attacks on lawyers continue to increase worldwide and in particular in countries where the political context is conducive to various forms of pressure against the activities of Human Rights Defenders.

In this reporting year CCBE sent 81 letters addressing the situation of more than 360 endangered lawyers in 38 countries worldwide, 13% of which related to murder, attempted murder and death, 65% in relation to arrests, detention, prison, prosecution and torture, 17% in relation to threats, assault, harassment, ill treatment, travel ban and abduction and 5% in relation to the deprivation of the right to exercise the right to practise as a lawyer to attacks in the independence of the legal profession. Unfortunately, these annual statistics are not improving.

For more information about the Council of Bars and Law Societies of Europe (CCBE) please go to <https://www.ccbe.eu/>



The International Bar Association (IBA)

Report by John Guerin

Law Society of Northern Ireland representative to the IBA
Chair, IBA's Bar Issues Commission's Regulation Committee

The International Bar Association continues to be the foremost organisation for international legal practitioners, Bar Associations and Law Societies throughout the world. It was established in 1947 with the aim of protecting and advancing the Rule of Law globally. When initially set up it comprised Bar Associations and Law Societies but now it incorporates individual lawyers and law firms with lawyers from over 170 countries represented.

The past year has seen the International Bar Association focus on threats to the Rule of law and the independence of the Judiciary throughout the world. The IBA is firmly of the view that action must be taken to improve access to representation, strengthen advocacy, improve education, and pursue the highest ethical standards.

In this report I will touch on a few important areas of work within the IBA over the last 12 months.

Report on the Social and Economic Impact of the Legal Profession

The IBA report on the social and economic impact of the legal profession (The Impact Report) reported that countries which firmly uphold the rule of law experience greater socio-economic benefits from the everyday contribution of lawyers than in countries that impose restrictions on legal rights.

The IBA conducted this study to quantify the legal profession's socio-economic influence throughout the world and it has revealed that the legal profession directly contributes \$1.6 trillion to the global economy, or 1.7% of gross domestic product, via the work of

more than 20 million lawyers, paralegals and support staff alongside a further 14 million workers in the supply sector, notaries and translators.

The Law Society of Northern Ireland conducted a similar survey some years ago. This contributed to efforts to rebut the often-critical impression of lawyers and as the legal profession and Judiciary both come under increasing attack in many parts of the world. It is clearly an imperative to have evidence of the beneficial impact that lawyers have within individual countries but also on the world stage.

Findings within the Impact Report include:

1. Countries with a strong independent legal profession can hold governments to account, thereby attracting more investment and providing better healthcare and improving gender equality.
2. By increasing Legal Aid to the same standard seen in the top quartile of countries inequality could be reduced by 5%.
3. A robust Rule of Law can help countries to achieve a higher life expectancy, 30% more girls complete secondary education, less pollution and greater protection of minority rights.
4. Improving the effectiveness of civil justice within certain countries can contribute to a reduction in questionable employment practices by \$34m globally.
5. North America and Europe continue to dominate legal services, accounting for 80% of the worldwide market.

The Report also acknowledged that it is widely accepted that there is a perception gap regarding the legal profession's contribution to society with only 54% of the general public believing lawyers have a positive economic and social impact, compared with a 78% positive perception among the legal professionals themselves.

With the publication of the Impact Report the IBA aims to increase the general public's understanding of the Rule of Law, the role of lawyers and the legal profession's social and economic contribution to society. The functioning of society depends heavily on the day-to-day work of legal professionals, but this positive impact can often be overlooked or taken for granted.

The most relevant contribution of the legal profession is in regard to the support of the Rule of Law and where the Rule of Law is upheld countries see major benefits in areas including government policy making, upholding environmental standards and economic growth as well as education, improved health outcomes and human rights.

Several areas of improvement to preserve and strengthen the legal profession's impact are also identified within the Report including:

i) Enhancing access to legal representation.

The IBA will continue its research on how to lower barriers to access to the legal profession and to collaborate with international institutions on this topic. The IBA will continue to raise awareness and be supportive of lawyers who are supporting the citizens within their countries and the IBA's "eyeWitness to Atrocities" App continues to be used to gather potential evidence for national and international institutions investigating and prosecuting alleged perpetrators of atrocities.

ii) Advocacy and support of policy making.

The IBA will continue to issue public statements condemning state actions that undermine the Rule of Law, to carry out research, and to issue guidelines on issues such as human rights violations, media freedom, modern slavery, and artificial intelligence regulation.

iii) Education and communication.

As the global voice of the legal profession the IBA will re-double efforts in these areas, by providing educational programmes for young lawyers and to broaden public awareness of the Rule of Law.

iv) Ethical stewardship.

The IBA will reinforce guidelines and best practice to help legal professionals uphold the highest possible ethical standards.

Judicial Independence

Whilst the Impact Report notes the strength and success of countries that adhere to the Rule of Law, the IBA is concerned by the continuing and increasing attacks on the Judiciary in countries and not just the ubiquitous attacks by the Press but also by State bodies and Governments themselves. The attacks are often two pronged – both on the actual Judicial decisions and also on the processes that ensure independent judges are appointed.

The IBA has always advocated that the independence of the Judiciary is a crucial element of the Rule of Law, but it has found itself having to comment on the treatment of the Judiciary in countries which might be regarded as developed countries and which feature in the G20 group of countries, most recently Mexico. Attacks on the Judiciary within the UK have become more prevalent and the IBA believes that preserving public trust and confidence in the judicial institutions is essential for them to be able to fulfil their duty to uphold the law and to protect citizens rights.

Artificial intelligence (AI)

Within the last year the IBA President announced the formation of an AI Task Force and the purpose of this initiative is to provide the legal profession with guidance on AI related issues and to comply with the IBA strategic plan of safeguarding the core values of the profession, improving member offerings and educating on developments affecting legal practice. The AI Task Force has been assigned the responsibility of focussing on regulating Artificial Intelligence, assessing its impact on the legal profession, and advocating for best practices among Law Societies and Bar Associations.

Gender equality

The work of the IBA continues in relation to its assessment of gender equality in the legal profession throughout the world. Its most recent survey was in relation to Brazil and found that its law firms have the greatest female representation both overall, 55% and at senior level, 43%, a statistic which is contrary to the findings of previous research in other jurisdictions.

This survey marks the third year of a nine year IBA project, "50 / 50 by 2030: A Longitudinal Study into Gender Disparity in Law". Many of the issues around the world also affect the legal profession in Northern Ireland and the Law Society of Northern Ireland has reviewed its own gender makeup within the profession. While entrants into the profession in Northern Ireland are predominantly female, it remains the case that at senior levels within law firms the percentage of female lawyers decreases. The IBA maintains that increasing the number of women managerial positions may not only have a positive impact on the company's image but may also be beneficial from an economic point of view. It states that from the numerous studies that the IBA has conducted that diversity leads to a more balanced decision making process and enhanced professional standards and that there is a positive relationship between gender diversity at the top management level and the company's financial performance and profitability.

Legal deserts

An issue that the IBA's Bar Issues Commission's Regulation Committee (which I currently Chair) is looking at is the growing impact of "legal deserts" within jurisdictions. Many jurisdictions are facing the issue that large swathes of their country are effectively "lawyer-less" and that people are having to travel long distances to avail of legal services such as will making and conveyancing. There has been a trend in some countries to allow non-legally qualified individuals to carry out certain types of legal work but if these individuals are unregulated the IBA is concerned about whether this best serves the client.

The Regulation Committee is looking at how best to address this and whether there is work that Law Societies and Bar Associations can do to increase the provision of the

legal services within these so-called “legal deserts”. The IBA has noticed a trend in the migration of lawyers to areas of large populations and, whilst clearly on a smaller scale, the Law Society of Northern Ireland has seen this trend as well and work needs to be done on facilitating the provision of traditional legal services within the rural parts of Northern Ireland and lessons can clearly be learned from other jurisdictions.

Assisting countries in conflict

The IBA continues to work and cooperate with countries in relation to their own security to ensure that the Rule of Law is protected within their countries.

The IBA continues its efforts with assisting Ukraine’s legal profession and to ensure that the Rule of Law is protected.

At a recent IBA Council meeting it was agreed that the Afghanistan Independent Bar Association in exile could become a member of the International Bar Association. The IBA will continue to provide assistance to lawyers in danger and put international pressure on the Taliban to respect basic rights of individuals, to recognise the plight of female lawyers within Afghanistan and particularly the female judiciary. It should be noted that the IBA has done much work in relation to the protection of lawyers and the judiciary within Afghanistan since 2021.

Conferences and networking

The IBA also organises many conferences in the UK, Europe and further afield on topics which are of interest to Northern Irish firms, and it is pleasing to note that firms from Northern Ireland attend these conferences and avail of the networking opportunity that they provide.

The work of the IBA is multi-faceted and multi-jurisdictional and covers a wide variety of topics. I would encourage you to check the International Bar Association website at www.ibanet.org to review the work that the IBA is undertaking and to see how the IBA may be able to assist you within your own practice.



DEPARTMENTAL REPORTS





Professional Development Department

Darren Patterson
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The Professional Development Department is responsible for the education and training, both pre and post-qualification, of solicitors. It is also responsible for the process of admission to the Roll of Solicitors (in conjunction with the Registrar). The Department supports the work of the Society's Education Committee.

Admissions & Legal Education

The Admissions & Legal Education function deals with all matters relating to the process of entry to the profession, from registering as a Student of the Society, and the Solicitor Traineeship through to admission to the Roll of Solicitors.

Registering as a Student of the Society

The Department has responsibility for all matters relating to the registration of Students of the Society to undertake the two-year programme of vocational training.

Registering as a Student of the Society requires prospective trainees to pass the IPLS Admissions Test and to lodge specified documents - including Indentures of Apprenticeship (training contract) - with the Society's Admissions Office.

This year 150 trainee solicitors commenced their training in September 2023.

The Trainee Solicitor Programme

Training to be a solicitor consists of a two-year traineeship combining in-office training alongside a vocational course at the Institute of Professional Legal Studies. The Admissions & Legal Education team is responsible for the coordination of Law Society Module which

is a compulsory part of the traineeship. This includes the examinable elements of Solicitors Accounts and Professional Conduct as well as units covering Client Complaints and a solicitor's Regulatory Obligations.

Admission to the Roll of Solicitors

The Admissions Office has responsibility for admission of newly qualified solicitors to the Roll of Solicitors.

As at 31 December 2023, the overall number of solicitors on the Roll was 6,258 of whom 189 were admitted in 2023.

The 2024 Admission Ceremony for the qualifying class of 2023 took place on Friday 23 February 2024 at Assembly Buildings in Belfast. A total of 121 newly qualified solicitors received their Certificates from the Lady Chief Justice.

Registrar Support

Registrar Support is responsible for maintaining the Roll of Solicitors and recording changes to the practising status of members. Registrar Support also oversees the application process for Practising Certificates. A total of 3,079 Practising Certificates were issued in 2023.

Continuing Professional Development (CPD)

The Society's CPD team is responsible for in-career learning for solicitors. This includes monitoring compliance with the CPD Scheme requirements and providing guidance and support for solicitors on these requirements.

The CPD team expanded the Society's CPD programme in 2023, delivering 74 events to 2,448 participants. The programme offered in-person seminars, online webinars, and on-demand video content. In 2024, the team introduced pre-recorded sessions by experts for on-demand access and began recording in-person events for wider availability.

The Society's member-to-member Mentoring Scheme continued with 40 participants completing the programme in 2023 and a further 53 registering for the 2024 programme. In addition, the team relaunched the Society's Advanced Advocacy Programme with 26 members successfully completing the course in September.

The team continues to closely liaise with other Society Departments, Committees and working groups to ensure the Society's CPD offering remains relevant.



Professional Conduct Department

Laura McCullough
Head of Professional Conduct
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The Professional Conduct Department has had another busy year managing the Society's work in a number of key regulatory fields; client complaints, professional conduct complaints and investigations, monitoring and inspections, anti-money laundering/risk assessment, compensation fund applications, referrals to the Solicitors Disciplinary Tribunal and interventions under the Solicitors (NI) Order 1976. The Department provides secretarial support to the Professional Conduct Committee and the Client Complaints Committee, as well as managing the Remuneration Panel process.

We aim to:

- Maintain and uphold high standards of professional conduct
- Protect clients and the public
- Uphold public confidence in the provision of legal services
- Apply regulatory powers in the public interest

Regulation of the Professional Conduct of Solicitors

The Society has been liaising with the Solicitors Disciplinary Tribunal (SDT) with regards to the standard of proof applicable to disciplinary hearings. It is the Society's position that the civil standard of proof (i.e. proof on a balance of probabilities) should apply in disciplinary hearings rather than the criminal standard (of proof beyond a reasonable doubt). This aligns with other regulatory bodies including the Bar of Northern Ireland. The SDT intends introducing new Rules to adopt the civil standard of proof.

Key facts and figures – within the reporting period:



The top categories of complaint relate to alleged unprofessional behaviour/conduct, breach of regulations and failure to respond (including compliance with conveyancing Undertakings).

The Department has delivered an extensive suite of CPD training with a focus on the main regulatory themes and trends arising out of complaints.

The Department has been working on streamlining processes. An example includes the recent update to the Certificates of Good Standing procedure.

Lay Observer's 2022/23 Annual Report for Northern Ireland

The Lay Observer for Northern Ireland, Ms Marian Cree, reported *'another twelve-month period which has seen a continued positive trend in how complaints are registered and handled by the Law Society'*.

The Lay Observer comments that the number of complaints against solicitors in Northern Ireland remains low.

The Society continues to engage with the Department of Finance and Ms Cree with regard to establishing the new Solicitors Complaints Committee provided for in the Legal Complaints and Regulation Act (NI) 2016. The new Complaints Committee is scheduled to come into operation in September 2025 and will replace the Society's Client Complaints Committee. The emphasis will increasingly be on ensuring that firms have robust procedures in place to deal with complaints effectively without the need for further regulatory intervention.

Anti-Money Laundering

The Department has continued to adopt a risk-based approach to its supervision of members' compliance with the Anti-Money Laundering and Counter Terrorist Financing (AML/CTF) obligations under the Money Laundering Regulations 2017.

The Department's AML/CTF supervisory functions include:

- Keeping under review the Society's sector risk assessment.
- Reviewing and updating the Society's methodology for its risk-based approach.
- Issuing the updated Annual AML/CTF Return Questionnaire to relevant firms in scope of the Money Laundering Regulations 2017 and introducing a new Exemption Declaration and Abbreviated Return process for firms not in scope.
- Undertaking AML/CTF inspections and desk-based reviews, reporting to the Professional Conduct Committee, and bringing enforcement action as required.
- Developing the AML Hub.

- Processing applications to the Register of Trusts or Company Service Providers (TCSPs) and individual members' applications for approval by the Society under Regulation 26 of the Money Laundering Regulations 2017.
- Continuing to support members in their AML/CTF compliance, including input to the Society's CPD programme.

The Society's AML Supervisor's Annual Report for the 2022/23 reporting period (published under Regulation 46 of the Money Laundering Regulations 2017) is available on the Society's website. This Report provides further details on the Society's risk-based approach to its AML supervision, including helpful information about the monitoring and enforcement of members' compliance with their obligations under the Money Laundering Regulations 2017.

The Society is subject to oversight in the exercise of its AML/CTF supervisory function by the Office of Professional Body Anti-Money Laundering Supervision (OPBAS) and HM Treasury who continue to monitor the effectiveness of all AML supervisors, including the Society.



Policy & Engagement Department

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The Society's Policy & Engagement Department acts as the voice of the profession in its engagement with Government, other stakeholders, and the wider community. Over this past year, the Department has continued to represent the voice of the profession through a number of key activities. This summary sets out some of the work undertaken by the Department during the year to September 2024.

Supporting Committees and Working Groups

The Department supports the work of the Society's Practitioner and Policy Committees. The team also supports a number of working groups such as the Climate Justice Group, LawTech Group, and Sustainable Practices Group.

During the year, many Committees have issued updaters to members through periodic E-zines. This is something the Department hopes to continue and build upon to ensure that members are more aware of the work undertaken by the different Committees and Groups on behalf of the profession. Work is also underway to develop and update consumer leaflets on key areas of solicitor business.

Consultations

An important part of the work of the Department is responding to public consultations from Government. During the year, we also provided feedback to the Office of the Lady Chief Justice in relation to Practice Directions and to Legal Services Agency Circulars and Guidance. The Department also responded to consultations conducted by UK Government Departments and Agencies.

Political monitoring and engagement

The Department continued to monitor policy and legislative developments at both the Northern Ireland Assembly and at the UK Parliament.

The Society welcomed the restoration of devolved Government in Northern Ireland in February 2024. During the period of political stalemate, the Department sought alternative ways to ensure the profession's voice was heard through engagement with officials at Departmental level. The Society also partnered with the Bar of Northern Ireland to establish an All-Party Group on Access to Justice, the aim of which is to connect elected representatives, the legal profession and other interested stakeholders as a practical way of engaging on matters relating to access to justice.

Justice Agenda

In anticipation of the restoration of the Assembly, the Department refreshed the Society's 'Justice Agenda'. The new version sets out a medium-term roadmap of reform of the justice system in Northern Ireland across the themes of Access to Justice, Upholding the Rule of Law and Justice Reform. It is designed to influence and highlight justice priorities for political decision makers.

In early March, the Society provided evidence to the Justice Committee at Stormont and presented the Committee members with copies of the Justice Agenda. During the meeting, we emphasised the need for a sustainable Legal Aid budget, recognising the value solicitors bring in providing Access to Justice to local communities. Other issues discussed included the challenges facing small practices, and the need for modernisation of the justice system.

Rule of Law Pledge

The Society has developed a Pledge to Uphold the Rule of Law and the independence of the legal profession. This initiative was in response to increasing attacks on lawyers in the media and from politicians. The Pledge commits signatories to *"recognise the Rule of Law as the foundation of a just and democratic society, commit to supporting and upholding the independence of the legal profession and the judiciary which underpin the Rule of Law"* and to uphold the following key principles: Independence, Responsibility, Fairness, Balance and Impartiality, Transparency and Accuracy.

Research, Strategies and other projects

The Department has continued to expand and strengthen its evidence base to assist in representing the interests of members with Government and other external stakeholders. The Society commissioned research reports including the Rocket Science study into the Social Value of Legal Aid in Northern Ireland. It also engaged the Hook Tangaza Consultancy

to conduct a study into the Viability of Criminal Legal Aid Practice in Northern Ireland. BDO were engaged to gather evidence on the cost of running a practice to inform the Review of the Hourly Rate allowed by the Taxing Master. The Department was grateful for the contributions of members in completing the different surveys, attending workshops and interviews in support of these projects, providing vital input, which has helped to shape the Society's response on issues such as the reviews of Legal Aid which have taken place this year.

A number of new Strategies have been published this year, including the Diversity, Equality and Inclusion Strategy, and the Sustainability Strategy. These Strategies set out a series of actions across different themes to be delivered over the coming years.

The Department launched a new Wellbeing initiative designed to support solicitors and reduce the stigma surrounding mental health. This included the provision of an updated Wellbeing Toolkit, an interactive digital support document, as well as additional support from the Equality Commission to understand employer responsibilities around mental health, and a practical seminar in conjunction with Kingsbridge Private Hospital on general health issues.



Member Services Department

Alison Grundle

Head of Member Services

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In last year's Annual Report, I wrote about the need for the Society to build closer relationships with its members through the network of Local Associations. Local Associations are the foundation of the Society as a membership organisation. They perform a vital role in connecting members with each other, particularly those working in small, rural, and general practice and provide the networks that are the lifeblood of business in the local community.

Working more closely together was a key message from President Brian Archer's 2023 tour, so I am pleased to report that a Local Association Forum was established last November.

The Forum comprises representatives from the 14 Local Solicitor Associations and is representative of general practice across all of Northern Ireland. Since it was established, the Forum has discussed how best to address the issues impacting on the sustainability of small, rural, and general practice. It is already proving to be an important voice for the membership and has been consulted on issues ranging from new entry routes to the profession; the Burgess Review of Criminal Legal Aid and the NICTS 'Vision 2030' Modernisation Programme.

The President Darren Toombs undertook a tour of all Local Associations. This allowed the President to hear from members on the realities of working in general practice. The message the President conveyed to members is that the Society is committed to representing their interests and delivering membership value. In response, the view from the Members was that while they recognised that the Society is changing more needs to be done. The clear message was that they want a Society that is member focused, responsive and provides services relevant to their needs. Member Services will work with the Local Associations Forum to deliver this.

We are on track to deliver the long promised new Society website by the end of the year. Going forward, Members will see a key change in how they interact with the Society. We

will be using a variety of different channels to bring relevant information to Members in the way they want to consume it. We are also launching a podcast series, making more use of video and changing how we use our social media.

In March, Katrina Gambold joined the Member Services team as Knowledge Lead. Katrina is a highly experienced Librarian and Knowledge Manager. Her first project was to undertake an internal review of available library services. She is now seeking feedback from current users before publishing a strategy on future services.

The Library continues to oversee book and journal publications. Both Folio and the Journal of Elder Law & Capacity have published issues this year. Charles O'Neill's book - *The Law of Houses in Multiple Occupation* - was launched on 24 January 2024. Derval McFetridge has been instrumental in bringing the Society's books to successful publication.

The Society continues to publish its in-house magazine 'The Writ'. This year Tony Caher, a highly experienced and well respected member of the profession, has taken the helm as editor. This is the first time in The Writ's history that a member has been appointed as editor and we thank Tony for taking on this role.

A key Member Service is the Professional Indemnity Master Policy Scheme. We have just delivered a premium reduction for the second successive year – a very welcome development given the high levels of premium in the preceding period.

The Threat of Cyber Crime not only remains alive but is growing. We continue to work with outside experts including the NI Cyber Security Centre to provide training and awareness raising on this very important matter. A series of face to face workshop-style training events are currently being delivered.

Facilities in Law Society House – The Meeting Space and The Law Club - continue to be very well used by Members. In addition to meetings and mediations, we have also hosted a number of special events including the first annual meeting of the British Computer Society outside of London, the launch of Paul Tweed's popular book – *From Holywood to Hollywood* - and, for first time, the Law Society's Advanced Advocacy Course.



ADDITIONAL REPORTS



LAW SOCIETY MEDIATION SERVICE



Law Society
Mediation Service

Chair
Brian Speers

Vice Chair
Gareth Jones

Secretary
Ann McMahon

Board Members
Therese Johnston
Kevin Neary
Michael Wilson
Joe Rice

Number of
meetings

3

LSMS Board continued to focus on awareness raising with outside agencies of the importance of mediation in all aspects of business life, as well as the service that LSMS Panel members can offer in many areas of dispute resolution. The Chair published several papers on various aspects of mediation through out the year.

The Board reached out to the charity sector via NICVA offering information sessions on the effectiveness of mediation with and an outline of the process, advantages of mediation, costs saving, confidentiality and timescales etc.

A presentation on the benefits of mediation was delivered to a Regional Meeting of the Federation of Insurance Lawyers as well as information on the service offered by LSMS Panel Mediators.

The Board responded to a request from the Committee for Justice to seek the Society's views on a proposed legislative consent memorandum detailing the provisions in the Westminster Arbitration Bill which related to Northern Ireland. A paper setting out the background to alternative dispute resolution was agreed by the Board and included views on the importance of an arbitrator's immunity and impartiality, improved frameworks to challenge decisions, clarifying the powers of the courts and codifying the law on the duty to disclose conflicts.

The Board developed a successful lunch-time series of CPD events on various areas where mediation can be of benefit in practice including employment, contact and financial issues in relationship breakdown, construction and multi-party group litigation, commercial and property disputes.

CHILDREN ORDER PANEL ACCREDITATION BOARD



Chair
Fiona Donnelly

Secretary
Ann McMahon

Board Members
Caroline Boston,
Catherine Cassidy
Arleen Elliott
Patricia O’Kane
(until July 2024)
HHJ B Sherrard

Number of
meetings

4

The Board was pleased with the high level of candidates applying to join the Panel following the autumn 2023 accreditation process. Consideration was given to extending the accreditation period beyond the current two-year period. However, Board members noted that the Panel is unique as it offers a specialism, and required members to satisfy their ability to provide services as experts in this area in order to successfully get on to the Panel. For the most part it is best that the evidence provided is current. It was therefore decided to keep the accreditation period at 2 years.

The Board separately considered the issue of re-accreditation and before introducing an extended period to remain accredited of three years, the Board agreed to develop a system to allow members to log training details when undertaken, rather than at the end of a two-year period on application for re-accreditation. A survey in relation to this had been carried out at the last Children Order conference and Panel members expressed a desire for this period to be extended. This would ensure that the quality and calibre of Panel members is retained, and details maintained. The next accreditation and re-accreditation processes are due to take place in the autumn of 2025 and the Board is preparing to notify Panel members of the change to re-accreditation period in advance.

Following a survey of Panel members to seek suggestions for training needs, no theme emerged as a focus for the annual Conference. The Board is considering a different approach to training opportunities for the Panel which includes a series of facilitative workshops to probe various aspects of pertinent Children Order issues and then take forward findings from the workshops into a larger event.



In Memoriam

It is with regret we record the following members' deaths during the year. We remember fondly our colleagues who passed away this year and we extend to their families the sincere condolences of the Law Society

Name	Date of Death	Admission Year
Ivan Frazer	30 November 2023	Michaelmas 1968
Samuel (Sam) J. Creighton	23 December 2023	Trinity 1983
John Fyffe	10 January 2024	Hilary 1958
Ronald Francis (Ronnie) Conway	17 January 2024	Michaelmas 1971
James (Jimmy) G. Doran	25 February 2024	Michaelmas 1953
Judith Brown	27 February 2024	Michaelmas 1982
John M. Boyd	22 May 2024	Hilary 1974
Tony McGettigan	12 June 2024	Trinity 1975
John H. Walker	15 June 2024	Hilary 1960
James (Seamus) Agnew	11 July 2024	Hilary 1972
Peter Alexander Black	11 September 2024	Michaelmas 1969
James R Kirk	19 September 2024	Hilary 1984
John Quinn	25 September 2024	Michaelmas 1993
Neil Faris	13 October 2024	Michaelmas 1977
Patrick (Paddy) Donnelly	17 October 2024	Michaelmas 1969



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