

DUP response to Regulation of Legal Services in Northern Ireland

The proposals set out in the regulation of Legal Services in Northern Ireland consultation paper detail fundamental changes to the way in which this aspect of the legal system operates in the Province.

These proposals are unnecessary in the context of Northern Ireland and contain a number of suggestions that are likely to be positively damaging to the interests of not only the legal profession but more importantly the community at large.

It follows a similar process, the Clementi review, in England and Wales although arrangements and experience in Northern Ireland has been very different in the past.

This brief submission will concentrate on the impact of the recommendations on the Bar in Northern Ireland but there will of course be inevitable implications for the solicitors' profession in Northern Ireland.

A threshold question in this area must be whether there is any need for reform. The fact that there is a lower level of complaints about legal providers in Northern Ireland is not determinative of the fact that no need for reform exists, but it is clearly a key consideration which needs to be weighed when approaching the matter.

The independence of the bar should be regarded as a value which must be protected. The current arrangements have ensured that independence has been guaranteed and it is undoubtedly the case that even due the worst years of the Troubles the Bar was able to operate in an effective manner despite the overwhelming challenges. The changes under discussion would run a very real risk that the continued independence would be endangered. Changes which threaten a system which has proven itself over generations should only be undertaken where there is the clearest possible justification and any new arrangements are likely to be an improvement.

Without a compelling justification which appears to be singularly absent it would be a fundamental mistake to make the changes to the legal profession in Northern Ireland which are under consideration.

Indeed there appears to be no meaningful demand from any quarter for the structures which are proposed in the consultation paper. The Bar Library system is well established and has served the community well. Change essentially for its own sake is not a sensible way to proceed in this area.

The separation of the professions in Northern Ireland has served the legal consumer in Northern Ireland well. The introduction of Legal Disciplinary Partnerships would fundamentally change the nature of the Bar in Northern Ireland. Many of the advantages which have been gained over the years would inevitably be lost and the consumer would undoubtedly lose the benefits he currently enjoys.

The capacity to form LDPs would have a very significant impact on the operation of the Bar as it has existed to date. There is no evidence that any benefits would outweigh the huge down side.

The ownership of law firms by outside third parties also runs contrary to many of the key values which have ensured a successful profession to date.

While there is room for enhanced assurance that the regulation of the Bar is seen to operate fully and impartially we understand that the Bar Councils have made recommendations in this area which seek to address any problems.

As a general rule the party has a presumption that arrangements in Northern Ireland should be broadly in line with arrangements in other parts of the UK. This is however not an absolute rule. Where there always have been different arrangements for Northern Ireland imposing changes which are appropriate to a need in England may not be appropriate here. Arrangements for the legal system in Northern Ireland should be devised to suit the particular needs and experience of Northern Ireland.

As there is no good reason for change and as change could damage the fabric of a largely successful system we oppose the changes proposed.