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Working Party No. 2 on Competition and Regulation

Competition and Regulation in Professional Services – Note by Ireland

10 June 2024

This document reproduces a written contribution from Ireland submitted for Item 8 of the 77th meeting of Working Party 2 on 10 June 2024.

More documents related to this discussion can be found at
www.oecd.org/competition/competition-and-regulation-in-professional-services.htm

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Ireland

1. Introduction

1. This submission has been prepared by the Irish Competition and Consumer Protection Commission (“the CCPC”) for consideration at the OECD Working Party No. 2 on Competition and Regulation, with reference to the Chairman’s letter of 1 February 2024 and the questions annexed thereto.

2. The Roundtable will discuss competition and regulation in professional services and explore the interaction between competition and the broader policy debate about professional regulation and occupational licensing. The CCPC’s submission focuses on pro-competitive regulatory reform in Irish legal services.

3. A well-functioning legal sector is essential to underpin the rule of law and a thriving economy. Promoting appropriate pro-competitive regulatory reform of the legal sector can improve access to justice for people and firms while reducing the cost of doing business and improving the consumer experience. Despite calls for reform over many decades, it is only in more recent years that we have seen meaningful progress, while several important pro-competitive reforms remain pending.

4. Since the early 1980s, a succession of reports emphasised restrictions on competition in legal professional services in Ireland. Following an OECD report in 2001 which suggested that competition in professional services in Ireland could be stronger, the CCPC’s predecessor organisation, the Competition Authority, published a number of market studies of selected professions, including in relation to solicitors and barristers in 2006¹.

5. In 2015 the Government adopted a law, the Legal Services Regulation Act, which addressed many of the Competition Authority’s 2006 recommendations and established an independent regulator of legal services, the Legal Services Regulation Authority (“LSRA”). Since then, the LSRA has undertaken several consultations on potential reforms of the legal professions and is implementing change in the legal services sector. The CCPC continues to advocate for regulatory change to improve competition and consumer welfare in legal services by contributing to the LSRA’s consultations.

6. This submission describes Ireland’s legal reform journey and identifies lessons that can be drawn from it. It will provide an overview of the main policy developments and challenges to reforming the legal professions in Ireland that the CCPC has encountered. It will examine the key recommendations the CCPC has made to improve competition in the profession and examine some of the concerns at the time to reform, and the advocacy challenges the CCPC faced. The submission also looks to the future and on-going challenges within the legal profession in Ireland.

¹ The other professions examined by the Competition Authority were engineers, architects, dentists, optometrists, veterinary surgeons, medical practitioners. For further information and links to the full reports see <https://www.ccpc.ie/business/research/market-studies/competition-professional-services/>

2. Legal Services in Ireland

Overview

2.1. Irish Legal Justice System

7. The Irish legal system is a common law system. It is headed by an independent judiciary which administers justice in courts established by law. There are three main sources of law – Constitutional, Statute and the Common Law. Ireland also subscribes to the law of the European Union.

8. The Irish legal system is broadly divided into two branches: the civil side and the criminal side, each with its own specialised courts. Civil courts hear cases involving disputes between individuals, organisations or the State. The criminal courts hear cases involving more serious crimes.

9. The legal profession in Ireland has two types of lawyer - solicitors and barristers - who together have a monopoly in the supply of professional legal services.

10. Solicitors and barristers have distinct but often overlapping functions:

- Solicitors have a wide variety of functions, including advising private clients, advising business, litigation, mediation, conveyancing, administering wills, probate & administration of estates. Most solicitors work in private practice, but commercial and industrial organisations also employ solicitors. Additionally, many solicitors also in the Civil Service and the public sector generally. Solicitors deal directly with clients at first instance, advising them, engaging a barrister on their behalf if necessary and making practical preparations for litigation, such as arranging for medical examinations, engaging professional witnesses and so on.
- Barristers act primarily as advocates before the courts where they represent litigating parties and plead their cases. With limited exceptions, a client cannot engage a barrister directly, but must go through the intermediary of a solicitor who will instruct a barrister on the client's behalf. This does not mean that a barrister never meets the client they are representing; consultations between barrister and client are a matter of routine, especially prior to litigation, but the client's solicitor is always present. Barristers also write legal documents, such as writs or pleadings, that must be filed in a case. Barristers can also act as mediators or arbitrators in alternative dispute resolution, where the parties want to resolve a dispute outside of court.

11. The justice system in Ireland has its own set of strengths and weaknesses. Overall, Ireland's scores for rule of law in the areas of civil and criminal justice are high compared to the global and regional average.² In most areas, the Irish judicial system seems to have a relatively high freedom from corruption and freedom of improper government influence.

12. However, there are some areas which score below the regional level, including in terms of people being able to access and afford civil justice, and the enforcement of civil justice scoring just slightly above the global average. The criminal justice system scores below regional average in terms of its impartiality. The criminal adjudication system's timeliness and effectiveness also score relatively low compared to other areas of the justice

² [WJP Rule of Law Index | Ireland Insights \(worldjusticeproject.org\)](https://www.worldjusticeproject.org/rule-of-law-index/) Ireland ranks 10/142 countries for its overall rule of law score. Its civil justice score is 17th of 142 countries, and criminal justice score is 15th of 142 countries.

system in Ireland. Its score for civil justice not being subject to unreasonable delay is also relatively low.

13. In 2023, the OECD published a report on the Irish justice system³ which showed that reforms to increase and modernise court resources are needed to improve the effectiveness of the system. The 2023 European Commission Rule of Law report also highlighted the need for a significant increase in the number of judges, and the need to modernise court management systems. The report also highlights the need to address the high litigation costs as a barrier to access to justice⁴.

2.2. The Role of Competition in the provision of legal services in Ireland

14. The Irish legal system prides itself on its accessibility to every citizen, and there are many aspects to ensuring that this is a reality for citizens – e.g. judges must be independent and unprejudiced, the system must be available to all – those who can afford to pay as well as those who cannot, and there must be sufficient well trained legal practitioners to ensure that good legal advice is available to all.

15. Not all aspects of accessibility to legal services can be addressed by the existence of competition– competition has no relevance to the work of the judiciary for example or to staffing of the courts system. However, competition in the provision of legal services is an important element of ensuring access to justice is a reality. A competitive market for legal services ensures that legal services are provided as efficiently and effectively as the current judicial and legal systems will allow. Competition also provides downward pressure on the price of legal services, an important aspect of promoting access to legal advice.

16. The CCPC’s advocacy in the sector has always been cognisant of the special features of the legal services market and recommendations examined in this submission were designed to promote positive features such as access to legal advice and pro-bono work, in addition to promoting competition and improving access to legal services.

3. CCPC Advocacy to Promote Legal Sector Reform

3.1. Introduction

17. Since the early 1980s, a succession of reports identified restrictions on competition in legal professional services in Ireland⁵.

18. Subsequently following an OECD report in 2001 which suggested that competition in professional services in Ireland could be stronger, the CCPC’s predecessor organisation, the Competition Authority (“TCA”), published a number of market studies of selected professions, including in relation to solicitors and barristers in 2006.

³ [Modernising Staffing and Court Management Practices in Ireland: Towards a More Responsive and Resilient Justice System | OECD iLibrary \(oecd-ilibrary.org\)](#)

⁴ [8bbaf837-f09a-46a2-9eca-f2d77efa1cd4_en \(europa.eu\)](#)

⁵ Report of Enquiry into the Effects on Competition of the Restrictions on Conveyancing and the Restrictions on Advertising by Solicitors, Restrictive Practices Commission, 1982; Report of Study into Restrictive Practices in the Legal Profession, Fair Trade Commission, 1990; Regulatory Reform in Ireland, OECD, 2001. Report of the Legal Costs Working Group, November 2005.

19. TCA and subsequently the CCPC advocated for reform of the profession for many years with moderate success. An important development in pushing for real reform was the EU-IMF-ECB Memorandum of Understanding on Specific Economic Policy Conditionality of 28 November 2010 with the Irish Government. The Memorandum stipulated that policy measures would be developed to implement the still-outstanding recommendations of TCA in various areas in professional service sectors including the legal profession. This coincided with the appointment of a Minister for Justice that was very supportive to reforming the profession.

20. In 2015 the Government adopted a law, the Legal Services Regulation Act, which addressed many of TCA's 2006 recommendations and established an independent regulator of legal services, the Legal Services Regulatory Authority ("LSRA"). Since then, the LSRA has undertaken several reviews of the legal professions and is implementing change in the sector. The CCPC continues to advocate for regulatory change to improve competition and consumer protection welfare in legal services by contributing to the LSRA's consultations on areas of potential reform. This chapter will look in further detail at these recommendations and their current implementation status.

3.2. Early Calls for Reform

21. A number of reports made recommendations for the reform of the legal profession before the TCA's market study in 2006, including national organisations such as the Fair-Trade Commission, and international organisations such as the OECD. Some of the CCPC's current views in this area, including on restrictions on advertising by solicitors and barristers, or the reform of the conveyancing process, can be traced back to 1982. Annex I of this document provides an overview of these previous reports and their recommendations.

3.3. The Competition Authority's Market Study

22. In 2006, TCA published the 'Solicitors and Barristers' Report ('the 2006 Report'), which aimed to identify any regulations or practices that may have been restricting competition within the legal profession.

23. The Report found that competition in legal services was severely hampered by many unnecessary restrictions on the commercial freedom of buyers and sellers throughout the legal profession. These restrictions were found to limit access, choice and value for money for those wishing to enter the legal profession and those purchasing legal services. They went beyond their stated aim of protecting the public, and in fact did more to shelter lawyers from further competition. They were unrelated to the maintenance of standards in legal services and offered inadequate protection to consumers.

24. These restrictions emanated mainly from the regulatory set up in Ireland which facilitated a system of self-regulation. Both solicitors and barristers in Ireland were self-regulated by organisations which also had a dual role as representative bodies for these professions, the Law Society of Ireland and the Honorable Society of King's Inns. This regulatory framework raised the potential for conflicts of interest between the commercial interests of lawyers and the interests of consumers of legal services.

25. Significant resistance to change or reform led the TCA to question the whole system of regulation for the profession⁶. The 2006 Report recommended that self-regulation should

⁶ https://www.ccpc.ie/business/wp-content/uploads/sites/3/2017/03/03-21-Opening-Statement-JOC_Isolde-Goggin.pdf

be replaced by an independent, accountable, transparent regulatory body with overall responsibility for regulating the legal profession and the market for legal services. The 2006 Report further recommended the separation of representative and regulatory functions within the profession and a greater involvement of non-lawyers in the regulatory framework.

26. The 2006 Report also provided other recommendations which aimed to remove barriers to entry and enable alternative means of service delivery. In particular, the 2006 Report recommended that:

- A sectoral regulator should undertake research in relation to business structures.

[Context - The legal profession in Ireland follows a highly rigid business model. A consumer or organisation wishing to avail of legal services may retain a solicitor directly but not a barrister. Where they wish to retain a barrister, the solicitor retains the barrister on behalf of his/her client. Barristers must operate as sole practitioners. Solicitors may enter partnerships, but only with other solicitors. Some firms have solicitors and barristers as employees. Employed solicitors can represent their employers in court, but employed barristers cannot].

- Barristers should be allowed to form partnerships, in addition to the ‘sole trader’ model
- An independent body should set standards for solicitor and barrister training and approve institutions that wish to provide such training.

[Context - In Ireland, training for the qualifications leading to the respective titles of “solicitor” and “barrister” is controlled by each profession themselves. Both professions had chosen to control entry standards through their respective monopoly training institutions. At the time the TCA studied the profession, potential trainee solicitors and barristers had little choice as to the course format, location or provider of their legal training – there was only ever one choice on offer. The representative bodies essentially controlled supply of professionals into the market].

- Legislation should be enacted to facilitate practice of the profession of lawyer for non-EEA lawyers who wish to practice in Ireland in a way which mirrors Council Directive 98/5/EC⁷ for EEA lawyers.
- The Law Society and the Bar Council should remove barriers for lawyers wishing to switch from one branch of the legal profession to the other.
- Legislation should be enacted to facilitate qualified persons other than solicitors to provide conveyancing services.
- Clients should have unlimited direct access to barristers for legal advice.
- Barristers should be able to advertise.
- The report also made several recommendations in relation to consumer protection in legal services, including around the retention of client files by solicitors until the client makes a payment, availability of information for consumers including on fees, and how legal costs for services are determined.

⁷ [EUR-Lex - 31998L0005 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/lexuri/ui.do?uri=CELEX:31998L0005:EN:EUR-Lex)

3.4. Legal Services Regulation Act 2015

27. Calls for reforms and responses to these calls continued in the years following the 2006 Report, however very little progress was made in terms of reforming the profession. Of the TCA's 29 recommendations, 10 were implemented in the years following the publication of the report by the Law Society, Bar Council and Department of Justice. These changes did not address some of the fundamental issues identified – notably, the requirement for independent regulation and the need to allow new, more innovative business structures.

28. An important development was the EU-IMF-ECB Memorandum of Understanding on Specific Economic Policy Conditionality⁸ of 28 November 2010 with the Irish Government. The Memorandum stipulated that policy measures would be developed to implement the still-outstanding recommendations of TCA in various areas in professional service sectors including the legal profession. This coincided with the appointment of a new Minister for Justice – Minister Alan Shatter, who had a long stated ambition to reform the profession.

29. Minister Alan Shatter was responsible for introducing the reforming 2011 Legal Services Regulation Bill⁹. Following the commitment to the EU-IMF-ECB, Minister Shatter stated it was time to “*grasp the nettle*”¹⁰. The proposals made in Minister Shatter's Bill would substantially reform the profession. It made provisions for the establishment of an independent regulator that would protect and promote the interests of consumers, as well as implementing TCA's key outstanding recommendations.

3.5. Challenges from the Legal Profession

30. The Bill was the subject of significant discussion and lobbying for a number of years. The main concern of opponents of the Bill were that a Regulator appointed by the Government would compromise the independence of the profession. The CCPC agreed with this concern, noting in contributions to government debate that “It is important that all members of the Legal Services Regulatory Authority are independent in their role and seen to be independent in their role”¹¹. Initially the Bill provided that the Minister would nominate all ‘lay’ board members. This method risked the perception that nominees were too close to the Minister. The Bill was amended a number of times to ensure complete independence from Ministerial involvement in the appointment of regulatory staff and the day-to-day workings of the regulator.

31. Opponents of the Bill were also concerned that the business structures for the delivery of legal services proposed in the Bill such as Multi-Disciplinary Practices (MDPs) and Legal Partnerships would damage rather than enhance competition in the delivery of legal services. Legal Partnerships would allow for solicitors and barristers, or a group of barristers, to enter into a partnership arrangement. The Bar Council were concerned that moving away from the sole trader model would have a profound effect on access to justice

⁸ https://ec.europa.eu/economy_finance/publications/occasional_paper/2011/pdf/ocp76_en.pdf

⁹ <https://data.oireachtas.ie/ie/oireachtas/bill/2011/58/eng/initiated/b5811d.pdf>

¹⁰ [Minister Alan Shatter - Speech on Legal Services Regulation Bill 2011, Law Society Annual Conference - MerrionStreet](#)

¹¹ https://www.ccpc.ie/business/wp-content/uploads/sites/3/2017/03/03-21-Opening-Statement-JOC_Isolde-Goggin.pdf

for consumers, competition, and the ethical provision of legal services.¹² Currently Barristers in Ireland are subject to the “cab rank” rule. This rule provides that barristers requested to work on a case must take the case on, if they are available, subject to their usual fees. The purpose of the cab rank rule is to ensure that clients are ensured access to the courts by the representative of their choice, no matter how unpopular their cause. The Bar Council were of the view that allowing partnerships and other forms of new business models was incompatible with the cab rank rule, as barristers could not work on either side of a case if they were in a partnership due to conflict of interest. Other concerns were that Barristers in partnership could not offer independent advice to clients without considerations of how such advice might impact upon the partnership or chambers or take on pro bono work unaffected by considerations to his or her partner. The Bar Council also stated that the sole trader rule assures competition in the provision of advocacy services and prevents market concentration, or a cornering of the market.

32. In submissions to the Department of Justice the CCPC acknowledged that the introduction of MDPs and legal partnerships may imply potential risks of increased concentration in certain specialities, and reduced access to justice for consumers. However, the CCPC argued that these risks could be mitigated by introducing measures to address conflict of interest issues, and by establishing transparent ethical duties and roles and responsibilities which are clear to consumers¹³.

33. The CCPC also stated that it does not share the concerns that, by making barristers accountable to other partners, they might be tempted to avoid unpopular cases or advise clients in a manner which might bring revenue to the partnership but not necessarily be in the interests of the client. The CCPC considers that sole traders may in fact be more exposed to the risk involved in a case than if practising in an alternative business structure. A barrister operating as a sole trader must shoulder the entire risk of a “no foal no fee” case and may be less likely to take on high risk cases as it could mean no payment at the end of the case. A larger firm is able by virtue of its size to absorb and spread risk. So a larger firm is able to take on riskier individual cases, knowing that it is less exposed to the risk of failure than a smaller firm or sole trader.

34. Another concern at the time surrounded the cost of setting up a new Regulator. The profession was concerned that a levy-funded sectoral regulator would ultimately see costs passed onto consumers. The CCPC did not believe at the time that this concern should prevent the independent regulator being established. At the time solicitors and barristers made a significant contribution to the Law Society and Bar Council respectively which was intended to go towards representative costs and regulatory costs. The regulatory contribution would instead go to the independent regulator in the form of a levy. The CCPC remained adamant that making minor amendments to the existing self-regulatory structures and removing all of the current disproportionate restrictions on competition would not be sufficient to guarantee effective competition into the future. As long as self-regulatory bodies could retain such extensive discretion over the creation and enforcement of rules and regulations governing the supply of the service, they would continue to be faced with a conflict between the interests of consumers and the interests of their members, whom they are also mandated to represent. External independent regulation of the legal profession was needed to ensure competition in the provision of legal services.

¹²<https://www.lawlibrary.ie/app/uploads/securepdfs/2021/06/BarCouncilInitialSubmissionDecember2011.pdf>

¹³ Indeed when the LSRA was set up, the one of the lay members was nominated by CCPC .

3.6. Watering-down of immediate reform proposals

35. It took over four years before the legislation in the form of the Legal Services Regulation Act 2015¹⁴ (“the Act”) became law. During this four years, more than 300 amendments were made to the original proposals¹⁵. In the eyes of the Competition Authority and indeed the Minister for Justice that proposed the Legal Services Regulation Bill 2011, there was a watering down of proposals that reflected the influence of the profession, and also a change in the Minister for Justice that had first introduced the Bill¹⁶.

36. The Legal Services Regulation Bill 2011, for example originally sought to outlaw a code of practice which inhibited the creation of legal partnerships for barristers which would have immediately allowed for the creation of legal partnerships. This proposal was amended so that the new Regulator would instead be asked to examine making this reform, following consultation¹⁷. Similarly, the 2011 Bill opened the way to authorising alternative providers of legal professional education. This was later changed, and the profession retained control over legal education¹⁸. Thus, key amendments to the Bill focused on changing reforms that would have an immediate effect, to instead slowing down the pace of change and opting to gradually reform the profession over time.

3.7. The Establishment of the Legal Services Regulatory Authority and New Momentum of Reform

37. The LSRA was subsequently established in 2016. Among the statutory objectives of the LSRA include the promotion of competition in the provision of legal services in Ireland. The key functions of the LSRA include the regulation of the provision of legal services by legal practitioners, and to receive and investigate complaints which relate to the provision of legal services.

38. The establishment of the LSRA represented a crucial change in the regulatory framework, shifting away from a system of self-regulation to a model of regulation delivered through an independent statutory regulator. This has subsequently enabled welcome and overdue change in the sector. The CCPC supports the work of the LSRA by contributing to the public consultations it carries out for the purposes of its reviews of the sector. The CCPC is also represented on the Board of the LSRA. Latest developments in the area include:

- Since its establishment, the LSRA has implemented regulations to enable the introduction Limited Liability Partnerships for solicitors.
- Legal Partnerships are due to be introduced by the LSRA in 2024. Legal partnerships are provided for in the Act, but the relevant provisions could not be commenced until the Civil Law (Miscellaneous Provisions) Act 2023 was commenced. Legal partnerships will be enabled when the LSRA adopt regulations for legal partnerships. In March 2024, the LSRA consulted on draft regulations.

¹⁴ [Legal Services Regulation Act 2015, Section 34 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2015/act/12/section/34)

¹⁵ <https://www.irishexaminer.com/opinion/columnists/arid-20366412.html>

¹⁶ [Alan Shatter: Vested interests won out in legal reform bill \(irishexaminer.com\)](https://www.irishexaminer.com/news/alan-shatter-vested-interests-won-out-in-legal-reform-bill)

¹⁷ Legislation for legal partnerships was ultimately enacted in 2023, with implementation underway at the time of writing.

¹⁸ As of mid-2024, legislation to amend the 2015 Act was still awaited to establish an independent body to set standards for training of, respectively, barristers and solicitors, and to approve institutions that wish to provide such training.

The CCPC provided a submission welcoming the regulations and providing some recommendations regarding certain aspects of the regulations, including conflicts of interest rules¹⁹. The LSRA will also introduce regulations to allow Legal Partnerships to register as LLPs.

- In 2017, the LSRA published a report considering the introduction of MDPs in Ireland²⁰. Earlier in the year, the CCPC had made a submission to the LSRA supporting the introduction of MDPs²¹ subject to an appropriate model of regulation. The LSRA concluded that the subject of MDPs will be further considered after the introduction of legal partnerships and Limited Liability Partnerships. In its latest Statement of Strategy, the LSRA indicates that one of its key actions between 2022 and 2025 will be to give further consideration to the introduction of MDPs²².
- Barristers are currently prohibited from accepting instructions in contentious matters directly from a client. In respect of non-contentious matters, the Bar Council operates a ‘Direct Professional Access Scheme’, under which members of professional bodies, approved by the Bar Council, may directly seek legal opinions from barristers²³.

39. In 2017, the CCPC indicated in a submission to the LSRA²⁴ that it supports the removal of restrictions on barristers receiving instructions in contentious matters from members of the public.

40. In its report to the Minister for Justice on the matter, the LSRA recommended that legislation should be amended to allow direct access to Barristers in contentious matters to be permitted in certain circumstances. In its latest Statement of Strategy, the LSRA indicates that one of its key actions between 2022 and 2025 will be to have further engagement with stakeholders on the introduction of enhanced direct access to barristers.

- In 2017, the LSRA also considered whether the restriction on legal practitioners, other than solicitors, from holding the monies of clients should be removed. In its submission to the LSRA on this matter, the CCPC indicated that maintaining such a restriction would be a major barrier to the successful operation of new business structures and should therefore be removed. The LSRA recommended that barristers who are not members of Legal Partnerships or MDPs should not be permitted to hold client moneys²⁵. The possibility of barristers holding client monies in these new business structures would be considered as part of the consultations. The recent draft regulations for legal partnerships published by the LSRA did restrict practicing barristers from holding monies of clients, even when working in a legal partnership.

¹⁹ [CCPC submission to LSRA consultation on legal partnerships framework and code of practice for practising barristers - CCPC Business](#)

²⁰ [20170929-Section119-Report-FINAL.pdf \(lsra.ie\)](#)

²¹ [Multi-disciplinary practices - CCPC Business](#)

²² [LSRA StrategicPlan 2022 2025 FINAL SP.pdf](#)

²³ [Code-of-Conduct-Amended-by-AGM-26.7.21.pdf \(lawlibrary.ie\)](#)

²⁴ [Microsoft Word - 17-5-30 CCPC submission issues relating to barristers.docx](#)

²⁵ [20170929-Section120-Report-FINAL.pdf \(lsra.ie\)](#)

- In 2019, the CCPC made a submission to the LSRA in relation to advertising of legal services²⁶. In 2020, the LSRA published regulations relating to advertising by solicitors and advertising by barristers which previously had no statutory regulation²⁷.
- In recent years, the LSRA undertook a significant review of entry to the legal profession in Ireland. The CCPC made several submissions²⁸ to the LSRA's public consultations in this area. In 2020, the LSRA made 12 recommendations to the Minister for Justice to restructure the education and training system for legal professionals, including:
 - The establishment of an independent Committee, the Legal Practitioner Education and Training (LPET) Committee, to be tasked with developing, implementing and maintaining a clear definition of the competence and standards required to practise as either a solicitor or barrister.
 - The LPET would have a number of functions, including to scrutinise and accredit new providers of legal education and training based on set criteria which it has established²⁹.
 - These recommendations are aligned with the CCPC's views as outlined in its submissions. To this date, the LSRA's recommendation on legal education and training have not yet been implemented.
 - In 2021, the CCPC also made a submission to the LSRA consultation on barriers to early career professionals in the legal sector³⁰. The CCPC made a number of recommendations to allow greater entry, diversity and career development.
 - A key action of the LSRA's Statement of Strategy for 2022 to 2025 is to actively engage with stakeholders on LSRA proposals to open up legal practitioner education and training, increase diversity and encourage continual improvement.

²⁶<https://CCPC.cloud.gov.ie/apps/eDocs/S/CCPC152/Files/CCPC152-026-2020/Advertising%20Consultation/2019.12.02%20Submission%20to%20LSRA%20Section%20218%20Consultation.docx?web=1>

²⁷ Legal Services Regulation Act 2015 (Advertising) Regulations 2020 [pdf \(irishstatutebook.ie\)](http://www.irishstatutebook.ie)

²⁸ The following memo provides an overview of the CCPC's and the LSRA's work in the area of education and training arrangements for legal professionals: <https://CCPC.cloud.gov.ie/apps/eDocs/S/CCPC152/Files/CCPC152-026-2020/Admissions%20Policies/2021.01.26%20Memo%20re%20LSRA%20Consultation%20on%20Annual%20report%20on%20admission%20to%20legal%20Profession.%20D01%20docx.docx?web=1>

²⁹ <https://www.lsr.ie/wp-content/uploads/2020/11/Section-34-ET-Final-Report-to-Minister.pdf>

³⁰<https://ccpc.cloud.gov.ie/apps/eDocs/S/CCPC152/Files/CCPC152-026-2020/Barriers%20for%20early%20career%20and%20diversity/2021.07.14%20CCPC%20Submission%20to%20LSRA%20Consultation%20on%20Barriers%20for%20Early%20Career%20Lawyers.pdf>

4. Competition Advocacy and Vested interests

4.1. Advocacy challenges when faced with self-regulating professions

41. As illustrated in this submission the CCPC has a long history of advocacy in relation to reform of the legal sector in Ireland. Despite always being cognisant of the special features of the legal services market when making our recommendations, reform has been – and continues to be – contentious, and frustratingly slow. Initially, this was to a large extent because of the self-regulating model of the legal profession in Ireland. The Law Society and the Bar Council undoubtedly faced a conflict of interest between their mandate to represent the interests of their members and their role in protecting consumers and the public interest.

42. In representing the interest of its members, a profession has the incentive to put in place

43. regulations which protect the profitability of their profession by reducing competition rather than encouraging entry into the profession or put in place strong protections for consumers.

44. To be clear, it is the CCPC’s view that private (non-statutory) self-regulation of a profession is not necessarily a problem. In general, private bodies representing professions can provide a private quality signal to consumers as well as education, representation and support to members of the profession. Competition law places limits on the co-ordination activities of a non-statutory self-regulating profession and thus reduces the likelihood of harm. However, particular caution must be taken in regard to placing the self-regulation of a profession on a statutory basis. If a self-regulating profession has the force of law, the rules it imposes on the profession can be protected from the application of national competition law.³¹ This was the case with the solicitor profession in Ireland, and resulted in a profession in need of substantial reform long before independent regulation was introduced in 2015.

45. The fact that regulations which harm consumers had continued despite previous recommendations from independent bodies such as the Restrictive Practices Commission (1982), the Fair Trade Commission (1990), the OECD (2001), and TCA (2006) that they be removed, demonstrated that when the interests of the profession and consumers collided, consumers tended to lose out.

4.2. Powerful lobbyists

46. The importance of the EU-IMF-ECB Memorandum of Understanding on Specific Economic Policy Conditionality³² of 28 November 2010 with the Irish Government can not be understated. The Memorandum pushed that policy measures would be developed to implement the still-outstanding recommendations of TCA in various areas in professional service sectors including the legal profession, and ultimately forced the profession into reform it had resisted for so long. This push for reform coincided with the appointment of a new Minister for Justice, who understood the profession was badly in need of modernisation. In a speech to the Law Society, after publication of the Bill, Minister Shatter stated *“failed initiatives of the past are all redolent of the reports and recommendations for legal reform which preceded them but have lain unused by mutual neglect for respective*

³¹ See “Regulating Competition in Professional Services – A Balancing Act?” May 2013 European Competition Journal 9(1), Authors Carol Boate and Kathryn MacGuill.

³² https://ec.europa.eu/economy_finance/publications/occasional_paper/2011/pdf/ocp76_en.pdf

*intervals of up to 18 years. Our crisis responses in partnership with the EU/IMF/ECB Troika have clearly identified such gaps in our follow-up to structural reform initiatives as something the country can no longer afford to carry. As someone who has been engaged in politics and legal practice over the past four decades of botched legal reform initiatives, I am not prepared to allow the professions veto reforms that are not only in the interest of both solicitors and barristers but which are also essential to protect consumers of legal services and bolster their confidence in the profession”.*³³

47. During this time the CCPC embarked on an active advocacy campaign to ensure that the chance for reform was seized. The CCPC kept a very close eye on the LSRA Bill as it passed through various stages of government debate. The CCPC was formally consulted on a number of occasions and also had a number of meetings with the Department of Justice to provide views on various topics. The CCPC submitted several articles to newspapers, took part in debates in universities and other forums and appeared on national television to promote the benefits reform in the sector could bring.

48. However, it was very striking to the CCPC at the time of the nature and volume of engagement / lobbying by the legal profession and the degree of access they had to decision makers in the Department of Justice. The legal services system is characterised by inherently well-organised groups of professionals who have been effective at influencing the political system. It might even be said that these representative bodies were able to achieve more influence than policymakers empowered by government to make recommendations for reform. This was acknowledged by the former Minister for Justice Alan Shatter, who said in an interview after the Legal Services Act was finally passed that “*vested interests won out in legal reform bill*” but that proposed reforms, including the setting up of a legal services regulatory authority, would drag the legal professions “*out of the 19th century into the 21st century*”.³⁴ He also stated that “*there are judgments to be made in these areas when vested interest bodies flex their muscles, and I believe, unfortunately, we will have to return to this issue*”.³⁵

49. Nevertheless, the CCPC’s key recommendation that an independent body regulate the legal profession was finally implemented in the form of the LSRA in 2016, ten years after the TCA 2006 report recommended it. The CCPC’s advocacy role did not end with the establishment of the regulator. As noted above, the CCPC supports the work of the LSRA by contributing to the public consultations it carries out for the purposes of its reviews of the sector. The CCPC is also represented on the Board of the LSRA. Pace of reform is still slow as the regulator establishes itself and builds capacity. Several recommendations from the 2006 market study remain to be fully implemented. However, the CCPC is convinced that the profession are in a better position to modernise and adapt to the demands of consumers in the new regulatory environment than the old.

5. Continuing Challenges

50. The full list of recommendations that the CCPC has made regarding enhancing competition in the legal profession in Ireland are contained in Annex 2, along with their status of implementation. Annex 2 illustrates that progress, while slow, is continuing for almost all recommendations the CCPC has made and which have not yet been fully

³³ <https://merriionstreet.ie/en/news-room/speeches/minister-alan-shatter-speech-on-legal-services-regulation-bill-2011-law-society-annual-conference.html>

³⁴ [Alan Shatter: Vested interests won out in legal reform bill \(irishtimes.com\)](http://www.irishtimes.com/news/alan-shatter-vested-interests-won-out-in-legal-reform-bill-2016-05-12)

³⁵ Ibid

implemented. The exception relates to introducing a new profession of conveyancer in Ireland.

51. In April 2024 the LSRA published a long-awaited report to the Minister for Justice into whether a new profession of conveyancers should be introduced in Ireland³⁶. The CCPC made a submission³⁷ to the LSRA for its public consultation on the issue³⁸. In the submission the CCPC restated its position that solicitors in Ireland currently have a monopoly on conveyancing services and that the introduction of a new conveyancing profession would drive competition and bring benefits to consumers, such as a faster service and lower fees.

5.1. LSRA Reasons for not recommending establishing a new profession of conveyancer

52. Following a lengthy consultation period the LSRA did not recommend establishment of a new profession of conveyancer but stated that it may do so in the future. The report to the Minister for Justice recognised that conveyancing could be carried out by appropriately trained professionals, that would not need a full solicitors' training, and that introduction of such a profession would introduce competition, would likely bring down prices, and may help speed up conveyancing services.

53. However, the LSRA report also gave a number of reasons against recommending immediate introduction of a conveyancing profession;

1. **Take-up of the profession may be limited**, this was the case in Scotland, where the profession was discontinued in 2003 (NB: even a relatively small market concentration can have a big impact on competition. In England and Wales, prices fell by 25% between 1989 and 1998 when conveyancers only captured 5% of the market, since increased to 9%).
2. **Consumer benefits are not conclusive**. (the Report argued that conveyancing is faster and cheaper in jurisdictions with conveyancing as a profession, but 'correlation does not imply causation'.)
3. **Professional Indemnity Insurance and a compensation fund**. It may be challenging for conveyancers to get professional insurance while it would likely be necessary for government to provide funding, at least initially, to establish a compensation fund separate to that currently operated by solicitors.
4. **Impact on small solicitors' practices**. The report stated that "While the Authority fully recognises that regulatory policy should not be designed to ensure the profitability of any profession, it is also mindful that its statutory obligations go beyond matters of profitability to wider issues related to access to justice".

54. The LSRA also considered that other matters such as the introduction of legal partnerships "and the potential subsequent introduction of multi-disciplinary partnerships" would need time to 'bed in' before the introduction of a conveyancing profession. The CCPC considers that this implies a timeline of not less than 5 years before the LSRA would

³⁶ See here for the full Report [here](#)

³⁷ The CCPC's submission to the LSRA is available [here](#)

³⁸ Conveyancing is the process of transferring ownership of an immovable property from one person to another. The conveyancing process may include issues relating to land, rights of way, easements, leases, tenancies and mortgages, together with various statutory and other interventions in the ownership, control and use of land.

reconsider the creation of the profession. The LSRA have recommended that digitalisation ('e-conveyancing') should be prioritised, starting with a cost-benefit analysis.

5.2. The CCPC position

55. Solicitors currently maintain a monopoly on providing conveyancing services in Ireland. This restricts competition in the sector and contributes to both the high fees and comparatively lengthy duration of the process in Ireland. Other jurisdictions with common law systems have established a profession of conveyancer and this has benefited consumers through lower prices and greater innovation³⁹. The conveyancing process in Ireland remains inefficient, complex and paper intensive⁴⁰.

56. The CCPC's position is that the new profession would increase competition for conveyancing services and bring about significant consumer benefits such as reduced conveyancing fees and potentially improved quality of service, especially for straightforward conveyancing services such as mortgage switching. This should be accompanied by an appropriate system of regulation and provision of education and training. The CCPC's submission to the LSRA recommended that the report to the Minister should consider the necessary legislative and regulatory changes to enable e-conveyancing. In the submission the CCPC noted that the requirement for physical documents and 'wet ink' signatures should be reviewed, and alternatives (e.g. digital signatures, secure document transmission/storage) identified and accepted to facilitate e-conveyancing. The CCPC stressed that the institutional and digital infrastructure needed to support e-conveyancing should be introduced *parallel to, but supportive of*, establishment of conveyancing as a profession. The CCPC does not assess as necessary the implementation of e-conveyancing *before* introduction of conveyancing as a profession. The regime for licensed conveyancing has been in place in England and Wales since 1985, for example.

57. The CCPC will continue to advocate for the creation of profession, a recommendation which was first made by TCA (in 2006).

5.3. Digital Development

58. The CCPC considers that a key development necessary to ensure that the legal profession remains innovative and offers wide consumer choice is enabling the legal services sector to take-up opportunities created by technological innovation. Digital developments, such as e-conveyancing, have meant that certain aspects of legal services could now be conducted online, bringing many benefits for professionals and consumers in terms of the speed and convenience of the service. Innovation-driven supply-side efficiencies in legal services could ultimately facilitate meeting demand for the services of practising barristers and solicitors, while ensuring the availability of such services at a reasonable cost.

59. However, innovations and changes to the sector must be implemented in a way that is appropriate, and which minimises potential risks. For example, the automation of conveyancing has certain implications which will need to be considered. The CCPC

³⁹ Conveyancers are also provided for in a number of Australian provinces, New Zealand and Scotland.

⁴⁰ The Law Reform Commission's Report on e-conveyancing: Modelling of the Irish Conveyancing System – (2006) https://www.lawreform.ie/_fileupload/Reports/reConveyancing.pdf

considered such issues in its submission to the LSRA’s consultation on the establishment of a profession of conveyancers, including:

- Necessary legislative and regulatory changes to enable e-conveyancing,
- The appropriate design and implementation of an e-conveyancing model, including security features,
- Issues related to accountability and liability between the different parties involved in the conveyancing process,
- Considerations regarding conveyancing data,
- Stakeholder buy-in for e-conveyancing.

5.4. Data Availability

60. The CCPC has advocated to the LSRA that consumers should have access to information on price, service and quality available in a market in order to make informed purchasing decisions and drive competition.

61. In particular, the CCPC is of the view that the development of a standalone website for consumers in Ireland around legal services and their cost, would be highly beneficial. The CCPC has communicated with the LSRA that it is ready to assist by sharing expertise, as appropriate, on the development of comparison tools and web resources for consumers.

62. The CCPC notes there is a still limited availability of data on legal costs in Ireland which poses a challenge to defining and measuring legal costs. The CCPC has recommended that the work undertaken by the LSRA around raising public awareness of legal costs should also enable the collection of comprehensive data around legal costs. The CCPC suggests that this data collection process should enable tracking the evolution of legal costs over time.

63. In April 2024, the CCPC welcomed the recommendation of the LSRA to the Minister for Justice to introduce price transparency in conveyancing transactions. We have called for this to be extended to other legal services, including provision of rules to support this in codes of practice for the professions. If implemented, this would not only empower consumers but would generate data points that could be collated regularly to assess the levels and evolution of legal fees.

5.5. Legal costs

64. Despite the lack of comprehensive empirical data, national and international commentators on the Irish economy and legal system regularly highlight elevated civil litigation costs, in particular, as a barrier to accessing justice and contributor to high business costs. Moreover, in its 2022 Rule of Law report for Ireland, the EU Commission noted that Ireland had made “no progress on actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.” High legal costs thus remain a significant policy issue to be addressed, and constitute an important focus of the CCPC’s ongoing legal advocacy for legal sector reform.

65. In November 2022, the CCPC made a submission to Indecon International Economic Consultants who were contracted by the Department of Justice to consider options for the control and reduction of litigation costs in Ireland. The key elements of this submission were as follows:

- The CCPC is of the view that any option will have to address difficulties arising from the information asymmetry which will be present in almost all client-lawyer interactions. The CCPC referred to the OECD suggestion that regulation of legal costs should be done in such a way as to protect consumers from moral hazard, including through maximum costs schedules, through independent regulation of the legal services markets, and by lowering entry barriers⁴¹.
- However, the CCPC cautioned that binding maximum costs tables present a greater risk of detriment caused by collusive behaviour than non-binding guidelines, as it follows that price collusion at a maximum costs level is likely to result in higher prices than price collusion at a guideline level.
- CCPC argued that, as discussed above, there is a need to collect comprehensive data on the levels of legal costs in Ireland, which is required in order to ensure policy measures in this area are based on the highest quality evidence. The National Competitiveness and Productivity Council, among others⁴², has identified the limited availability of data on legal costs in Ireland as posing a challenge to defining and measuring legal costs⁴³. The CCPC accordingly suggested that the LSRA, in line with its function to promote public awareness and disseminate information to the public in respect of legal services, including the cost of such services and its objective to promote competition in the provision of legal services in the State, consider establishing a method of tracking the evolution of legal costs over time and issuing annual reports on cost and price trends.

6. Conclusion

66. Reforming Ireland's legal sector has been a long and winding road. Concerted calls for reform to modernise the sector date from the 1980s. Since 2001, these calls have been echoed by the OECD, including in its regular Economic Surveys.

67. The 2006 *Solicitors and Barristers* market study was an important milestone, providing a comprehensive evidence base from which to advocate for reform. However, meaningful political momentum for reform came only during the post-2008 economic crisis during which Ireland signed up to the EU-IMF-ECB Memorandum of Understanding on Specific Economic Policy Conditionality in late-2010 in order to secure access to public financing. The Memorandum stipulated the implementation of legal sector reforms along the lines proposed in the 2006 study. Early-2011 saw a change of government, and the appointment of a Minister for Justice committed to reform.

68. Even then, it took more than four years before the Legal Services Regulation Bill 2011 became law as the Legal Services Regulation Act 2015. Despite the legislation being substantially watered down during this period, reflecting the influence of the vested interests in the legal professions, it was nonetheless a landmark reform. It established the Legal Services Regulatory Authority as an independent regulatory body with a mandate to promote competition and consumer welfare, and with a statutory obligation to explore the

⁴¹ <https://www.oecd.org/regreform/sectors/40080343.pdf>

⁴² The CCPC notes that the Kelly Report refers in multiple places to the lack of comprehensive data on litigation costs and legal costs, including by citing the Cost of Insurance Working Group, see paragraph 1.2 and 1.3 of Chapter 9. Review of the Administration of Civil Justice Report, October 2020, gov.ie - [Review of the Administration of Civil Justice: Review Group Report \(www.gov.ie\)](http://www.gov.ie)

⁴³ <https://enterprise.gov.ie/en/publications/publication-files/competitiveness-challenge-2019.pdf>

feasibility of specific further reforms. Thus, even if all of the recommendations from the 2006 market study were not immediately implemented, there was now a vehicle independent of the professions to drive future reforms.

69. Perhaps the most valuable lessons learned from Ireland's legal sector reform journey are in political economy. The context in which reform is proposed, legislated and implemented is crucially important. In the face of entrenched vested interests, it is necessary, but may not be sufficient, to design a comprehensive, evidence-based reform programme. High-level political support and ownership is essential to overcome the coordination problem whereby a well-organised interest group can use its influence to stymie reform that would unequivocally improve societal welfare. Even then, patient advocacy and coalition building – perhaps over a long period of time – will remain important.

70. While most of the reforms recommended in the 2006 market study have now been implemented, or have a clear pathway for implementation, there is a need for greater urgency to deliver on pending items. It is hoped that the regulatory regime governing legal partnerships will be in place by end-2024, while the LSRA is expected to make recommendations to the Minister for Justice on the establishment of Multi-Disciplinary Practices by end-2025. These new business models have the potential to drive competition and improve the consumer experience. Similarly, establishment of the Legal Practitioner Education and Training Committee is expected to open new pathways to the professions by ending the monopoly of the professions' representative bodies on the provision of these services. In April 2024, the CCPC called for a clear timeline for establishing a new profession of conveyancer, the remaining recommendation from the 2006 report that has yet to see any meaningful traction. A similar approach could be adopted in other legal services that could be provided by professionals that do not require full training as a solicitor, such as probate.

71. Of course, much has changed in the delivery of legal services since 2006, giving rise to new challenges and opportunities. Technology continues to drive modernisation of legal service provision, with the delivery of eProbate in 2025 and eConveyancing thereafter, for example, having potential to accelerate and improve processes, reduce costs and improve the consumer experience. Greater use of technology, alongside a new price transparency regime for service providers, can also generate publicly available data, allowing policymakers to assess the level and evolution of legal costs. This could also attract new service providers, such as price comparison tools, that would further empower consumers. Looking to the future, reform of the Irish legal sector is a journey that still has some distance to travel, with new frontiers continually appearing on the horizon.

Annex 1: Timeline of calls for reform

Since the early 1980s, a succession of reports emphasised restrictions on competition in legal professional services in Ireland:

Date	Report	Recommendations	Implementation
1982	Report of Enquiry into the Effects on Competition of the Restrictions on Conveyancing and the Restrictions on Advertising by Solicitors, Restrictive Practices Commission	- Greater publicity for the Law Society's disciplinary procedures	
		- lay representation on the Society's Disciplinary bodies and its Council	
		- prohibit restrictions on advertising (with the exception of advertising which would bring the profession into disrepute)	
		- Make it unlawful to induce a solicitor not to charge less than the prescribed scale fees; and	N/A - no more scale fees
		- to examine whether the aspects of conveyancing reserved to solicitors could be reduced.	No
1990	Report of Study into Restrictive Practices in the Legal Profession, Fair Trade Commission	- the establishment of an Advisory Committee on Legal Education and Training to review the education and training of lawyers and to implement a system of common vocational training for solicitors and barristers.	In Progress
		- The Commission highlighted its concern that the control over entry exerted by the professions might lead to the numbers admitted being restricted to a level which matched the requirements of the profession and not the public.	
		- all clients should be able to approach barristers directly, both for contentious and non-contentious business, but that individual barristers would be entitled to insist that a solicitor be engaged.	For non-contentious business but not contentious yet
		- the number of counsel engaged in a case should be no more than strictly necessary.	
		- the Commission recommended that there should be the greatest possible freedom allowed to solicitors and barristers to decide on the most suitable form of business organisation.	In progress
		- individual barristers and solicitors should be permitted full freedom to negotiate fees with their clients; that the various Rules and Orders prescribing solicitors fees should be revoked and that neither the Law Society nor the Bar Council should issue recommendations on fees to their members	

		<ul style="list-style-type: none"> - On advertising, the Commission recommended that barristers be able to advertise freely and that restrictions on advertising by solicitors, such as the prohibition on touting for business and the ban on fee advertising, should be removed. 	
		<ul style="list-style-type: none"> - employed barristers should be allowed to represent their employers in Court and that barristers should be permitted to be employed by other barristers and by solicitors and multi-disciplinary practices. 	
		<ul style="list-style-type: none"> - expressed concern that there was no lay involvement in the disciplinary procedures of the Law Society and the Bar Council and recommended lay representation on disciplinary bodies and the establishment of an office of Legal Ombudsman to deal with complaints concerning solicitors and barristers 	
<p>2001</p>	<p><u>Regulatory Reform in Ireland, OECD</u> While the Report made few specific recommendations,³¹⁷ it identified a number of areas for further reform: the removal of remaining impediments to competition among solicitors; opening up the provision of conveyancing services; direct access to barristers; and allowing barristers and solicitors to practice in other business forms.</p>	<ul style="list-style-type: none"> - Move the control of education and entry of legal professionals from the self-governing bodies, but maintain close ties as regards quality of entrants and content of education and training. 	<p>In progress</p>
		<ul style="list-style-type: none"> - Solicitors may, and do, advertise, but barristers are prohibited from advertising by the Code of Conduct of the Bar Council. Advertising by solicitors encourages consumers to shop around for cost-efficient legal services, which in turn encourages competition among solicitors. Therefore, maintain the freedom of solicitors to advertise their fees and areas of specialisation. 	

Annex 2: Recommendations from 2006 market study

Recommendation	Implementation status
The existing basic Irish competency requirement should be abolished and replaced by a voluntary system of high-level Irish language training.	Implemented by S.2 Legal Practitioners (Irish Language) Act 2008
Remove unnecessary barriers to switching between the branches of solicitor and barrister.	Switching between the professions has become easier though some frictions remain. The LSRA commissioned consultants to prepare a report on reform of education and training in 2020. That report, and the subsequent LSRA report to the Minister, recommended that the system of transfer be reviewed once a new competency framework has been implemented. The competency framework has yet to be introduced (see below re reform of education & training).
Remove unnecessary restrictions on barristers' ability to advertise.	Implemented by S.I. 644 of 2020 (the Legal Services Regulation Act 2015 (Advertising) Regulations 2020)
Remove unnecessary restrictions on solicitor's ability to advertise, (and for Legal Services Commission to have regulatory role in long term role.)	Implemented by S.I. 644 of 2020 (the Legal Services Regulation Act 2015 (Advertising) Regulations 2020)
Remove the unnecessary restriction on switching barrister.	Prior to March 2006, the Bar's Code of Conduct precluded a barrister from taking over a case from another barrister until that other barrister had been paid. In response to the Competition Authority's concerns, the Bar removed this restriction in March 2006
Permit practising barristers to exercise part-time occupations.	This was amended by the time the 2006 Market Study was published: 'The rules that prohibited practising barristers from having other part-time employment and from acting for a former employer for a specified period after commencing practice at the Bar have been abolished'.
Allow new barristers to act for former employers.	Implemented by amendment of the Bar Council Code of Conduct in March 2006
Advise barristers that the practice whereby junior counsel charge fees at two-thirds of senior counsel's fee is anti-competitive.	Implemented by the Bar Council. Bar Council Code of Conduct provide guidance to barristers on fees, including by reference to Schedule 1 of the 2015 Act.
Provide useful information for consumers.	Implemented by both the Law Society (here) and Bar Council (here).
Require barristers to issue meaningful fee or fee estimate letters.	Implemented by Section 116 of the 2015 Act
Examine the possibility of introducing competitive tendering for the provision of legal services.	Implemented by contracting authorities. See also Circular 05/13 'Procurement of Legal Services and Managing Legal Costs' (here)
Establish an independent Legal Services Commission to oversee the regulation of legal services.	Implemented by Section 8 of the 2015 Act establishing the LSRA
Have an independent body to set standards for solicitor training and approve institutions that wish to provide such training.	Due to be implemented by amendment to the 2015 Act to establish the Legal Practitioner Education and Training Committee (LPET Committee)
An independent body should set standards for barrister training and approve institutions that wish to provide such training.	Due to be implemented by amendment to the 2015 Act to establish the Legal Practitioner Education and Training Committee (LPET Committee)
The current system of reciprocity in recognition of legal training of non-EEA lawyers should be replaced by	The LSRA commissioned consultants to prepare a report on reform of education and training in 2020. That

mirroring the existing provisions for EEA lawyers.	report recommended that the system of transfer be reviewed once a new competency framework has been implemented.
Allow qualified persons other than solicitors to provide conveyancing services.	Not implemented. The LSRA consulted on the introduction of a profession of conveyancer in 2021. The CCPC provided its views in this submission and also engaged with consultants retained by the LSRA for their deliberations in 2022.
Allow unlimited direct access to barristers for legal advice.	Partially implemented by amendment to the Bar Council Code of Conduct which provides for the Direct Professional Access Scheme'. Under this scheme members of professional bodies, approved by the Bar Council, may directly seek legal opinions from barristers. The LSRA consulted in 2017 on whether to widen the grounds on which direct access is permitted. It recommended to the Minister for Justice that Direct Access to Barristers in contentious matters be permitted in certain circumstances upon authorisation by the LSRA.
The Legal Services Commission should undertake research in the area of direct access for contentious issues.	Implemented by LSRA consultation on issues relating to barristers in 2017 (see above).
Barristers sharing premises should be allowed to promote themselves as a group.	Implemented by Section 58 of the <i>Courts and Civil Law (Miscellaneous Provisions) Act 2023</i>
Barristers should be allowed to form partnerships	Solicitor-Barrister and Barrister-Barrister partnerships permitted on foot of section 58 of the <i>Courts and Civil Law (Miscellaneous Provisions) Act 2023</i>
The Legal Services Commission should undertake research in relation to business structures.	Implemented by LSRA consultations on legal partnerships and multi-disciplinary practices (MDPs) in 2017. Legal partnerships permitted since the commencement of the relevant part of the <i>Courts and Civil Law (Miscellaneous Provisions) Act 2023</i> . No decision on MDPs.
Remove the unnecessary restriction on switching solicitor (solicitor's lien on files).	The lien on a file is a common law right of solicitors and is intended to protect their economic interest (i.e. to be paid for work done). The Law Society's Guide to Good Professional Conduct states that a solicitor may accept an undertaking from the solicitor taking over a case that they will be paid and this would be in lieu of the common law right. A Court may set aside the lien in certain circumstances and, in addition, the LSRA may do so under Section 60 of the 2015 Act where it believes that the services offered were of an inadequate standard. See here for more detail.
Require solicitors to issue meaningful fee or fee estimate letters.	Implemented by Section 150 of the 2015 Act
Legal costs should be assessed on the basis of work done.	Implemented by Section 152 of the 2015 Act
Cease the practice of taxing junior counsel fees at two-thirds of the senior counsel.	Implemented by Schedule 1 of the 2015 Act
Persons other than solicitors should be eligible for appointment to the Legal Costs Assessment Office.	Implemented by Section 148 of the 2015 Act amends the Eighth Schedule to the Courts (Supplemental Provisions) Act 1961 to expand the criteria to include barristers and legal costs accountants.
Allow employed barristers to represent their employers in court.	Implemented by Section 212 of the 2015 Act
Establish objective criteria for awarding the title of	Implemented by Section 173 of the 2015 Act

Senior Counsel.	
Remove restrictions on solicitors advocating in court (e.g. allow solicitors to be eligible for the title SC).	Implemented by amendments to the Bar Council Code of Conduct and Sections 171 and 173 of the 2015 Act