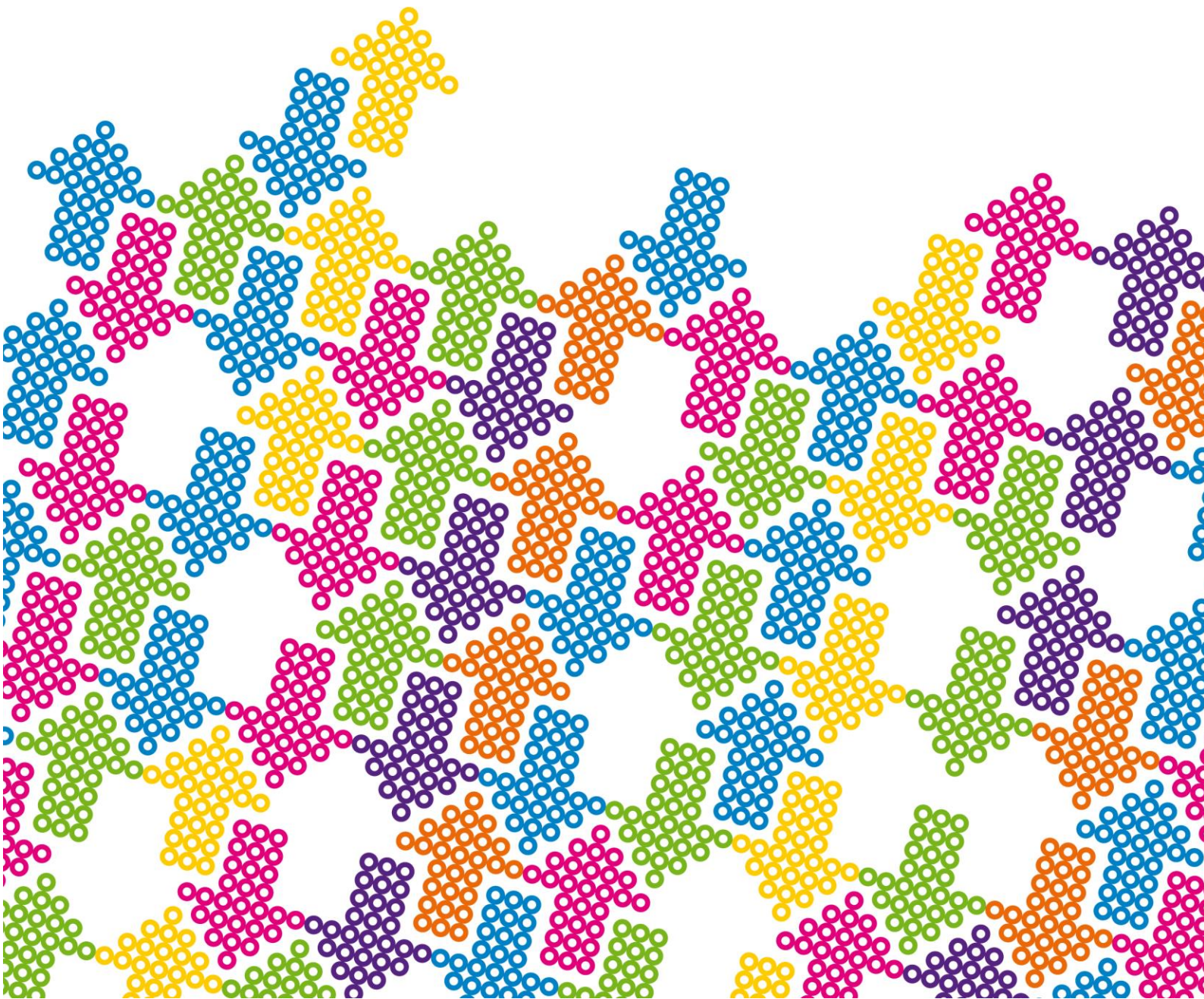




Submission to LSRA Further Public Consultation

On the Education and Training of Legal
Practitioners
August 2019



The National Competitiveness Council

The National Competitiveness Council (NCC) was established in 1997. It reports to the Taoiseach and the Government, through the Minister for Business, Enterprise and Innovation, on key competitiveness issues facing the Irish economy and offers recommendations on policy actions required to enhance Ireland's competitive position.

The European Council recommended the establishment of National Productivity Boards in each euro-area country in September 2016. In accordance with the recommendation, the Government mandated, in March 2018, the National Competitiveness Council as the body responsible for analysing developments and policies in the field of productivity and competitiveness in Ireland.

Each year the NCC publishes two annual reports:

- Ireland's Competitiveness Scorecard provides a comprehensive statistical assessment of Ireland's competitiveness performance; and,
- Ireland's Competitiveness Challenge which uses this information, along with the latest research, to outline the main challenges to Ireland's competitiveness and the policy responses required to meet them.

As part of its work, the NCC also publishes:

- The Costs of Doing Business report;
- A Productivity Statement; and,
- A series of competitiveness bulletins and other papers on specific competitiveness issues.

The work of the National Competitiveness Council is underpinned by research and analysis undertaken by the Enterprise Strategy, Competitiveness and Evaluation Division of the Department of Business, Enterprise and Innovation. The current Council members are:

Dr. Frances Ruane	Chair, National Competitiveness Council
Pat Beirne	Chief Executive Officer, Mergon Group
Kevin Callinan	General Secretary, Forasa Trade Union
Micheál Collins	Assistant Professor of Social Policy School of Social Policy, UCD
Ciaran Conlon	Director of Public Policy for Microsoft Ireland
Isolde Goggin	Chairperson, Competition and Consumer Protection Commission
David Hegarty	Assistant Secretary, Department of Business, Enterprise and Innovation
Fergal O'Brien	Director of Policy and Chief Economist, Ibec
Seán O'Driscoll	President, Glen Dimplex Group
Dirk Pilat	Deputy Director of the OECD Directorate for Science, Technology and Innovation
Martin D. Shanahan	Chief Executive, IDA Ireland
Julie Sinnamon	Chief Executive Officer, Enterprise Ireland
Margot Slattery	Margot Slattery, country president, Sodexo Ireland
Ian Talbot	Chief Executive, Chambers Ireland
Jim Woulfe	Chief Executive, Dairygold
Patrick Walsh	Managing Director, Dogpatch Labs

NCC Submission to the Legal Services Regulatory Authority Further Public Consultation on the Education and Training of Legal Practitioners

The NCC would like to thank the Legal Services Regulatory Authority (LSRA) for the opportunity to submit comments on the '*Review of Legal Practitioner Education and Training*' compiled by Hook and Tangaza.

A key role of the NCC is to assess the competitiveness of the Irish economy, which requires an assessment of the productivity levels of businesses relative to their cost base. In recent years, the NCC has been concerned with the cost of legal services, and the Council has previously¹ stated that '*the cost competitiveness of legal services has a direct impact on national competitiveness*'.

The recently published '*Cost of Doing Business in Ireland 2019*' report noted that Ireland is a relatively expensive location in which to resolve a commercial dispute through the court system. In Ireland, the total cost of enforcing a contract was 27% of the total award, with lawyer's fees accounting for the bulk (70%) of the cost. These results suggest that the legal costs faced by Irish businesses are higher than those in a number of similar jurisdictions, negatively impacting Irish competitiveness.

The NCC supports measures that improve the functioning of the market for legal services, including the market for the provision of training and education for legal practitioners, as this will act to reduce legal costs. This will help to reduce Ireland's overall cost base and make Ireland a more internationally competitive economy. In this vein, **the Council supports the proposals outlined in the *Review to reform the way legal practitioner education and training takes place in Ireland***. These proposals should introduce greater competition into this market, which will make it more efficient, and more responsive to the needs of those using legal services. Ultimately, these proposals will have a positive impact on Ireland's competitiveness position.

From the NCC's perspective, the key proposal is the establishment of a Legal Practitioner Education and Training (LPET) committee. The *Review* proposes that this committee would be responsible for: (i) setting and assuring standards of legal practitioners' education and training; (ii) accrediting providers to deliver relevant elements of the education and training to meet the competencies required; and (iii) reviewing accreditations.

Under the proposed structure, the LPET committee would be constituted as an independent body reflecting (but not representing) the interests of all stakeholders in legal services education and training. While ensuring sufficient legal expertise on the LPET committee, and to remove any potential for conflicts of interest on the LPET committee, **the NCC strongly recommends that individuals representing institutional legal practitioner education and training providers do not serve on the LPET committee**².

¹ NCC (2016), '*Procedural Reform of Courts to Complement Regulatory Reform*', NCC Bulletin 16(1)

² This definition would not preclude individual barristers and solicitors from serving on the LPET committee in an individual capacity.

National Competitiveness Council
c/o Department of Business, Enterprise and
Innovation
23 Kildare Street,
Dublin 2, D02 TD30
Tel: 01 6312121
Email: info@competitiveness.ie
Web: www.competitiveness.ie

