



Mr Declan Hughes
Assistant Secretary
Strategic Policy Division
Strategy Team
Action Plan for Jobs 2018
Department of Jobs, Enterprise and Innovation
23 Kildare Street,
Dublin 2
By email APJ2018@djei.ie and katherine.griffin@djei.ie

13 September 2017

Re: Action Plan for Jobs 2018

Dear Mr Hughes,

The Law Society of Ireland welcomes the invitation to contribute to the forthcoming Action Plan for Jobs. As the representative body for over 10,000 practicing solicitors, we recognise, as no doubt you do also, that a strong legal sector both benefits from and facilitates a strong economic and employment environment.

The consultation requests respondents to provide proposals for 'positive actions that could improve the environment for businesses to create and sustain jobs'. The following proposals arise:

Brexit: Ensuring legal certainty and stability.

The legal sector (encompassing solicitor, barrister and ancillary legal services) contributes approximately €1.7bn to the Irish economy and employs in excess of 18,000 people; working across a wide range of settings (practices and in-house) and key business sectors (Information Technology, Pharmaceutical, Financial Services, Manufacturing etc).

Many of the companies established here trade predominantly with the United Kingdom and Northern Ireland, in particular SMEs and indigenous companies. The advantages of a common market, as well as a common legal regime, between the United Kingdom and Ireland has ensured that the administrative burden is largely minimised.

Separately, the common law system is the choice of law underpinning an enormous proportion of the world's international trade and services. In this regard, Brexit may in fact offer opportunities for Ireland to attract certain business and dispute resolution work currently undertaken in the United Kingdom to the only significant common law jurisdiction remaining in the European Union.

Proposals:

In the context of Brexit it is vital that

- a) Negotiations between the UK and Ireland focus on maintaining the existing

common legal and administrative process that benefits both businesses and workers. The Government must ensure that the legal framework impacting on transactional and litigation work between the two islands remains stable and certain.

- b) The common travel area between the two nations accommodates the right of travel for work. The exchange of talent between these two islands and between North and South is a vital dimension in ensuring Ireland remains resilient and performs successfully on an international stage.
- c) The Department works with the Law Society and other stakeholders in informing businesses and citizens on the practical *legal* implications of Brexit so that they make prepare to make the necessary provisions (contracts, wills, insurances, custody etc.).
- d) The proposition for Ireland as a forum of choice international dispute resolution - in competition to London or other common law centres - be developed, based on the following elements:
 - a. The quality and integrity of our common law justice system.
 - b. The expertise of our judges, solicitors and barristers in provision of global legal services.
 - c. The efficiency of our court system as evidenced by the innovations of the Commercial Court and Court of Appeal.
 - d. As a seat for arbitration.

The Courts Service: a facilitator of enterprise.

While Court Service funding was disproportionately cut during the 2008 – 2014 period (by as much as 40%), the Service is to be commended for maintaining its high standard of service and commitment to reform and modernisation.

The establishment of the Court of Appeal in 2015 represented a positive development for both litigants and practitioners and improved the international regard for Ireland as a location for dispute resolution. Legal certainty and a stable judicial system are vitally important considerations for firms in where and how they chose to resolve disputes.

Proposals:

- a) That the relevant Departments adopt a strategic approach to court resourcing and to place the development of our legal and judicial regime at the core of its Brexit response. Resources should be aligned to increasing the number of specialist judges and the appointment of additional registrars, increased use of technology and cloud based services, as well as promoting the use of alternative dispute resolution options.
- b) That the Court Rules be revised to ensure the administrative burden on businesses and individuals is minimised and avoided. The Society supports the objective of our dispute resolution mechanisms as one competitive tool in attracting enterprise to Ireland.
- c) That a renewed emphasis is placed on Ireland's arbitral competencies and structures by integrating them within the State's enterprise development strategy and agenda as led by the Department, the IDA, Enterprise Ireland and InterTrade Ireland.

eGovernment Initiatives: progressing efficiencies for competitive advantage.

Our members' interactions with State agencies and bodies, on behalf of their clients, are increasingly moving online. Progress to date made by the Revenue, Companies

Registration Office, the Property Registration Authority and the Courts Service have produced greater efficiencies for clients and other users. The Society continues to engage with the State on these programmes.

Our keystone initiative in reducing the administrative burden and improving public services is contained within our *eConveyancing Project*. This is a proposal for a secure and streamlined 21st century platform for the transfer of title/property; supporting the electronic agenda and improving competitiveness.

Proposals

In the context of our members working at the coalface with citizens and businesses, the Society proposes that:

- a) The Department of Jobs, Enterprise & Innovation, together with the Departments of An Taoiseach and Justice & Equality actively engage and support the *eConveyancing Project* to ensure that a 'fit for purpose' system is achieved at the earliest opportunity.
- b) A dedicated forum between the Society and the Department be established to review existing legal and administrative processes across the whole of government that could be rationalised or improved to reduce the cost.

The Society urges the Department to consider the strategic value and importance of collaborating with the Society in identifying niche areas of policy that support the objective of a competitive enterprise economy. In particular, a closer liaison with trade agencies and development bodies in promoting the State as a forum for dispute resolution would support the positioning of Ireland as an increasingly global and open economy.

The Society is available to discuss the above matters in greater detail with Departmental officials.

I enclose our 2018 Budget Submission for the Department's consideration, within which a wide range of actionable and speedy reforms are identified that complement the objective of the Action Plan for Jobs and stand to benefit both businesses and citizens in the State.

With kind regards.

Yours sincerely,



Ken Murphy
Director General

Encl.