



Law Society of Ireland

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From the office of the President

3rd January 2012

Re: Rule of law under threat

Dear Colleague,

On 5th December, 2011, the Law Society hosted a major conference on the subject 'Why the independence of the legal profession must be defended in the public interest'. The purpose of the conference was to raise awareness within the profession of the threat posted by the Legal Services Regulation Bill, 2011, to the independence of the legal profession – and to explain why that is contrary to the public interest.

A remarkable group of world leaders of the legal profession attended and spoke at the conference. We were also honoured by a contribution from the distinguished former Chief Justice of Ireland, Ronan Keane.

The conference created such a powerful impression on the 600 people who attended it in Dublin's new Convention Centre that there was a huge round of applause when a speaker from the floor at the end of the conference requested that the addresses of the various speakers, which had been recorded, should be summarised and distributed to every member of the solicitors' profession, to every member of the Oireachtas, to media commentators, to business leaders, to leaders of civic society and to all others to whose attention these fundamental concerns about the Bill should be brought.

I am pleased to enclose your copy of this publication. Although my remarks are summarised in this booklet, to read them in full you should turn to the email I sent to all solicitors on 8th December, 2011, which attached a full copy of my address to the conference.

In summary, it is the Society's view, shared by leaders of the main representative bodies for the legal profession around the world, that the model of regulation proposed by the Minister for Justice in this Bill has the effect of giving the Minister such significant powers that it would, to a substantial degree, enable him to control the profession and the way it represents its clients. It is clear to us that it would be the Minister, not the proposed Authority, who would be the ultimate decision maker on all issues. This model is Government regulation, not independent regulation.

The independence of the legal profession is viewed in democracies throughout the world as a necessary buttress for the independence of the judiciary, for the maintenance of the separation of powers, for access to justice and for the rule of law.

I urge you not only to read the enclosed but to act on it immediately by contacting your constituency TDs to express your concerns.

I take the opportunity to send you every good wish for the New Year.

With kind regards,

Yours sincerely,

Donald Binchy
President

