

UNDERPINNING THE RULE OF LAW

The Department of Justice's flawed proposals to reform criminal legal aid remain a high priority for me and for the Law Society. A detailed submission made at the end of March has set out the substantive reasons for our opposition, and why these proposals will not work.

Criminal legal aid underpins the rule of law. At its core, it is there to guarantee some degree of fairness: fair access to justice, regardless of means or where you live; fair procedures; the right to a fair trial; and fair remuneration for essential legal work. Any proposal that weakens effective legal representation strikes at the heart of the principles of a fair and accessible justice system.

Yet that is precisely the direction the department has chosen with its flat-fee proposal. It is fundamentally unfair, and we will continue to vigorously oppose it.

What drives delays?

A key element of the argument from the Department of Justice is that a defendant and their lawyers are responsible for all the delays and adjournments in court. We know from real-life cases that many, if not most, of the adjournments, hearings, applications, and delays are driven by the prosecution and the courts. A fixed fee for unlimited, unpredictable work simply places the blame on defendants and their solicitors for a system they do not control.

We know that cases can be profoundly different. A minor summary matter and a lengthy, contested trial are not the same – yet this proposed model treats them as if they were, with predictable and damaging consequences.

We know that this approach has already failed. When a flat fee was introduced in family law, it led to a significant withdrawal of participating solicitors – and there is every reason to expect the same outcome in criminal law.



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We know rural and regional communities will be hit hardest, deepening geographic inequality in access to defence services.

It is 17 years since criminal legal aid was cut. Having finally extracted a commitment to restore fees to their 2009 levels, the Government instead proposes what will amount to a unilateral cut. This is indefensible.

I know how deeply frustrating and demoralising these proposals are for colleagues across all areas of law. We will continue working to secure a more equitable solution that achieves genuine efficiencies, while guaranteeing fairness for all stakeholders in the justice system.

Rights are not optional extras, and they cannot be protected on the cheap.

Media coverage

The Law Society's analysis of Central Bank insurance data received widespread media coverage in March and April, including an opinion piece in *The Irish Times* and interviews with solicitors across the country. That visibility matters, because insurance-industry spokespeople continue to blame legal costs and personal-injury claims for rising premiums, deflecting attention from their own pricing decisions and growing margins.

The data is clear. The primary driver of high premiums is insurer costs and profits – not legal costs. This misleading narrative and scapegoating of lawyers will not go unchallenged. It is a disservice to consumers and an excuse for inaction by insurers. The Law Society and I will continue to shine a light on the truth and advocate for greater transparency in the insurance market on behalf of consumers and the profession.

Calcutta Run

I am proud to see a wide range of Calcutta Run events lined up for Dublin, Cork, and Galway this year. It's a great chance to come together and share in the vibrancy of the profession, while supporting our flagship charity fundraiser. I hope to see many of you at the Dublin Run on 23 May.

ROSEMARIE J LOFTUS
PRESIDENT