Alliance Building to Strengthen the EU

Opening Statement to the Oireachtas Joint Committee on European Affairs.

Law Society of Ireland

The Society welcomes the opportunity to outline our engagement on European issues, and the alliances that we participate within. By placing a focus on the activity of civil society and representative bodies in respect of our European membership, this Committee is drawing important attention to the opportunities and challenges that will arise in the coming years.

At the outset, it should said that one of the Society’s strategic aims is to provide a strong voice in policy debate in order to inform decision-making on matters pertaining to the justice system and law reform, and this is as true in the Irish arena as it is in the European setting. Indeed the Society’s motto is ‘Proud of Tradition, Prepared for the Future’, and that future unquestionably places a focus on our European membership and networks.

Our structure and membership

There are currently 11,350 solicitors with Irish practising certificates, with approximately 20% of working for the State and as in-house lawyers for businesses and corporations. With approximately 2,400 firms, the legal sector contributes €1.6bn to the Irish economy, employing over 18,000 people.

With our members practising a range of legal disciplines - from family law to commercial, IP to criminal; EU law forms an increasingly significant element of these disciplines. That in turn makes engagement and collaboration on EU policy and law reform all the more important.

Our policy Committees regularly engage with Government departments and EU bodies on a number of areas. Practitioner expertise and experience is, we hope, an important asset to these engagements.

In addition, the Society integrates a strong EU focus in our education and continuing development of practitioners, and communications.

An Irish qualified solicitor is a European solicitor.

CCBE – Council of European Bars and Law Societies.

The Society along with the Bar of Ireland, have been active members of the CCBE – the Council of European Bars and Law Societies. The role of the CCBE is to bring together the major bar associations across Europe as a forum to consider proposals from the European institutions - including the Council of Europe - and to share experiences on common issues and challenges in the sector. It is essentially the voice of European lawyers.

Representing 700,000 lawyers across the bloc, the CCBE boasts a Dundalk man as Vice-President, James McGuill, who follows in the footsteps of another Irish former President - John Fish.

Undoubtedly the unifying and most important function of the CCBE is to place a sustained focus on the rule of law, judicial and lawyer independence and wider human rights priorities. The CCBE and its delegations are ever vigilant on the role of an independent legal system in any democratic state.
As many of the Committee members will be aware in the context of their own Parliamentary work, these ‘touch points’ are invaluable in appreciating the political and culture perspectives of our neighbours, as well as strengthening bilateral relationships.

**Continued engagement with the United Kingdom.**

Any discussion about European engagement must include the engagement we have with our closest neighbours. It will come as no surprise that the Irish legal system is rooted in the British legal system, and marks Ireland, England and Wales and Northern Ireland unique in an otherwise largely civil law legal system.

Because of this shared heritage, the Society meets regularly with our colleagues from the Law Societies of Northern Ireland, England and Wales, and Scotland. This important engagement will continue, as the relationship between the islands continues to evolve.

Without straying too much into the political, in the context of a possible no-deal, the issue of future possible regulatory divergence from EU positions will be important, as it has implications for the legal certainty required of business and private citizens in terms in cross border movement and transactions. The voice of solicitors, as advisors to businesses and citizens, will play an important role in mediating future possible changes.

**Promoting Ireland as a leading centre for international legal services.**

As a distinct ‘Brexit action’, Committee members may be aware of the joint initiative of the Law Society and the Bar of Ireland in the promotion of Ireland as a base for international dispute resolution. This proposal - which has the endorsement and support of the Department of Justice and the IDA - is based on the advantage of our common law heritage, our continued EU membership and the quality of legal professionals in Ireland.

This Proposal has the potential to support the national FDI strategy and increase economic activity in Ireland by encouraging international businesses, including those already doing business in Ireland, to have greater recourse to Ireland for the provision of legal services, including dispute resolution. This, in turn, can benefit Ireland through job creation and tax revenue as well as supporting the indigenous economy and suppliers.

The Society is delighted that the Government are actively engaged with this initiative. This Committee’s support and endorsement is also welcome.

**Forthcoming European Parliament Term.**

Themes such as environment, media regulation, the impact of technology, response to terrorism, as well as the creation of an effective and harmonised trading environment for businesses, increasingly require for a legal and justice-orientated response. Brexit can, of course, be added to that list of challenges.

Three important European Parliament Committees exist:

- Legal Affairs (JURI)
- Civil Liberties, Justice & Home Affairs (LIBE)
- Constitutional Affairs (AFCO)

It is the Society’s view that these Committees will play an increasingly vital and strategic role in Irish and European affairs in the forthcoming term, impacting on citizens and businesses. The possibility of two additional seats for the Irish delegation arising from the departure of
the United Kingdom and Northern Ireland from the European Union also presents an opportunity for Ireland to pursue membership of the these Committees.

The Committee’s support for an Irish presence on what we regard are pivotal Committees and in Ireland’s interest, is welcome.

**International engagement**

I wish briefly to outline a selection of other initiatives that the Society is involved in, that have both an EU and International dimension.

*European Lawyers in Lesvos (ELIL)*

ELIL works in Moria Camp (the main migrant centre on Lesvos, Greece) and its primary focus is the provision of one-on-one legal consultations to help asylum seekers prepare for their asylum interviews. ELIL also provides assistance with regard to family reunification applications under the Dublin Regulation.

ELIL’s work has been made possible by a remarkable spirit of volunteerism which, in the last two years, has prompted over 121 lawyers from 17 European countries – including 6 Irish lawyers - to give up their holiday or take unpaid leave to contribute legal assistance and advice in response to the migrant crisis.

![Statistical Table]

**IRLII**

Irish Rule of Law International is a joint initiative of the Law Society of Ireland and the Bar of Ireland as well as the Law Society of Northern Ireland and the Bar of Northern Ireland, dedicated to promoting the rule of law in developing countries.

A selection of projects and locations include:

- **MALAWI** Prisoners on Remand
- **SOUTH AFRICA** Commercial Law Training
- **TANZANIA** Arbitration Training with Judiciary
- **VIETNAM** Clinical Legal Education
- **KOSOVO** Professional Law School
- **KENYA** Needs Assessment of the Justice System
- **ZAMBIA** Judicial Exchange
- **ETHIOPIA** Legal Training
- **BOSNIA AND HERZEGOVINA** Drafting of Court Rules

**Other networks:**

The Society is also fortunate to have representatives at the International Chamber of Commerce, European Company Lawyers Association, and the European Lawyers Foundation.

The Society, along with the Bar Council are also members of the International Bar Association, which offers a valuable opportunity to consider trends and reforms in a global context, but that have an important local application.
Conclusion

The legal professional of today is increasingly multi-disciplinary, mobile and outward looking. Legal practices increasingly have a strong EU dimension. As does legal education. As a consequence of this, the Society enthusiastically engages with our EU partners and we intend to build on these strong relationships in the coming years. We thank the Committee for the opportunity to engage with you today.