

SAFEGUARDING JUSTICE

The Bar of Ireland Policy Newsletter

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A message from the Chair



THE BAR OF IRELAND

The Law Library

BARRA NA hÉIREANN

An Leabharlann Dlí

Welcome to the sixth edition of Safeguarding Justice. This biannual newsletter highlights the range of advocacy work undertaken by the Council and its committees in recent months.

The last six months have marked considerable contribution across assorted areas of law and policy. As we come to the end of another legal year, we continue to push forth in pursuit of equitable access to justice through building partnerships with a range of external networks and providing support to various groups and bodies that aim to promote equality, diversity and inclusion across the legal professions and wider society. We are delighted to announce the launch of the Bar's first Equality Action Plan and assorted exciting events that are detailed within.

I am immensely grateful to the many members who volunteer their time, knowledge and expertise in respect of all of this work.

I hope you find this newsletter useful and informative. We welcome and invite continued engagement with all interested parties on the issues raised within.

Maura McNally SC
Senior Counsel, Barrister
Member of the Inner Bar
Chair of the Council of The Bar of Ireland

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Irish Justice Community Response to Ukraine Invasion

The Bar of Ireland joins colleagues in condemnation of Russia's invasion of Ukraine.



Network Engagement

The Bar of Ireland plays an active role in a range of networks, providing valuable perspective and contribution on key issues that impact on the role of lawyers, the rule of law and the independence of the profession. This includes the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries. In February, the CCBE called on the International Criminal Court Prosecutor to commence an immediate investigation with a view to the trial of the President of Russia, Vladimir Putin and his accomplices.

More details can be found [here](#).

Joint Statement

Following the invasion, the following joint statement was issued by The Bar of Ireland, Bar Council of England and Wales, the Faculty of Advocates and the Bar Council of Northern Ireland:

"The Bar Council of England and Wales, the Bar of Northern Ireland, the Faculty of Advocates and the Bar of Ireland unequivocally condemn the invasion of Ukraine by Russia. Ukraine is a sovereign state entitled to self-determination. International law requires the Russian Federation to respect Ukraine's independence and sovereignty. This act of war is a gross violation of international law as set out in the UN Charter."

Launch of Legal Assistance Initiative

In March, the Immigration, Asylum and Citizenship Bar Association (IACBA) launched an initiative to coordinate offers of emergency pro-bono legal assistance to immigration and refugee NGOs and civil society organisations. More details about the programme can be found [here](#).

In mid-March, arising from the continued invasion of Ukraine, The Bar of Ireland and its EU Bar Association hosted a public seminar on the legal ramifications of the invasion, as well as the issue of Rule of Law in the European Union.

Irish Justice Community Response to Afghan Crisis

If you would like to show your support, please email AfghanAssistance@lawlibrary.ie.

Pro-Bono at the Bar

Charities, NGOs and civic society groups working to respond dynamically to the needs of vulnerable sections of society, are reminded of the voluntary legal services of The Bar of Ireland's Voluntary Assistance Scheme (VAS). VAS can aid in most areas of law including debt, housing, landlord and tenant, social welfare, employment and equality law. Legal services can either be provided to the organisation itself, or to its clients where the organisation acts as the intermediary.

[Full details of the scheme and how to avail of its services can be found here](#)

Our members also continue to provide pro-bono voluntary legal assistance through free legal advice clinics that operate outside of the Bar, including those operated by FLAC and Community Law and Mediation (CLM).



Community Law and Mediation
01 847 7804 or 061 536 100



Free Legal Advice Centres
1890 350 250 or 01 874 5690



Voluntary Assistance Scheme
vas@lawlibrary.ie



Promoting Equality, Diversity and Inclusion at the Bar

Launch of the Equality Action Plan. From left: Aoife McNickle, Chair, Equality and Resilience Committee; James Browne TD, Minister of State at the Department of Justice; Maura McNally SC, Chair, Council of The Bar of Ireland

Launch of the Equality Action Plan

Like many professional organisations, The Bar of Ireland is exploring ways to increase inclusion at the Bar, as we recognise the need, in the administration of justice, for the profession to reflect the society it serves. It is imperative that the experience of colleagues at the Bar is heard and respected.

A key tenet of The Bar of Ireland Strategic Plan 2021-2024 is the preservation and support of the excellence of the independent referral Bar. This includes the promulgation and promotion of the Equality Action Plan (EAP) to monitor, improve and support diversity and inclusion at the Bar.

Following extensive consultation with external experts and current members and staff, the Equality & Resilience Committee is delighted to announce the Council's adoption of The Bar of Ireland's first Equality Action Plan. The plan was launched by Minister of State at the Department of Justice, James Browne TD, on 1st June 2022.

The event can be watched [here](#).

The five objectives under the plan are:

1. To enhance public awareness of a positive equality, diversity and inclusion culture at the Bar
2. To introduce and embed diversity awareness training at the Bar
3. To enhance access to the Profession
4. To support fair and equitable practice development and career progression opportunities
5. To enhance the accessibility of member services at the Bar

[Click here to read the plan.](#)

This month, the Council of the Bar of Ireland approved the Equitable Briefing Policy – a vital tenet of the Equality Action Plan – which calls attention to unconscious bias in briefing decisions and encourages gender-equitable distribution of briefs in all areas of practice.

It is proposed that the formal launch of the Equitable Briefing Policy take place in the new legal year.



'Look into Law' TY Programme

Following on the success of last year's event, The Bar of Ireland were delighted to welcome over 16,000 students to this year's annual 'Look into Law' programme in February. This marked an 60% increase in students taking part in comparison to last year. These 16,000 registrants came from 368 schools, 66 of which were DEIS schools. When the Programme first started seven years ago, there were just 100 students taking part.

The Denham Fellowship

Following the completion of the Denham Fellowship 2022 application process, two new Fellows have been selected to begin the Barrister-at-Law degree programme in the autumn, which will bring the total to eleven.



Race Inclusion in the Profession

In January, The Bar of Ireland held its first event tailored to ethnicity, race and cultural background inclusion in the legal profession, and the importance of building an inclusive culture within the industry. The event was an honest and frank discussion between Aoife McNickle BL, Chair of the Equality & Resilience Committee, and a panel of experts, which included:

- Simon Regis, member of the Bar Council of England and Wales, co-chair of the Bar's Race Working Group, and co-author of 'Race at the Bar: A Snapshot Report';
- Sandra Healy, diversity and inclusion consultant, and founder and CEO of Inclusio, a science-based, data-led diversity and inclusion platform; and,
- Leon Diop, co-founder and CEO of Black and Irish, an organisation

dedicated to highlighting and celebrating the identity of black and mixed-race Irish people.

The event was well attended by both members of the Bar, the Law Society and members of the public, and served as an excellent starting point for further work in the area.

[Listen to the podcast here.](#)

Other initiatives underway include a follow-up to the 'Understanding Unconscious Bias and Intersectionality' training held last year, for which registration will open soon. The webinar aims to support members in recognising and managing their own assumptions and biases in their day-to-day practice – with a specific focus on race and ethnicity, including the Irish Traveller Community.

Justice Week 2022: Law, Technology and You

From 28th February to 4th March, The Bar of Ireland held its third annual Justice Week. The overarching theme of this year was Law and Technology. Chaired by Ali Bracken Ziad BL of the Young Bar Committee, the week's flagship event was an intervarsity debate comprising students from the eight main university Law Schools around Ireland.

The students appeared before a prestigious panel of judges to debate the motion, "This house believes that international human rights law and international humanitarian law provide adequate protections in respect of the use of autonomous weapons and systems in warfare." Above are some photos below from this year's competition.



Informing and Reforming

Over the past number of months, The Bar of Ireland, through its Council and committees, has submitted independent expert opinion across a range of issues concerning the rule of law and the administration of justice.

Full submissions are available at www.lawlibrary.ie.

February 2022 | Economic Evaluation of Options to Control Litigation Costs

The Council and the Law Society of Ireland have prepared this joint submission to the Indecon Economic Consultants in relation to their economic evaluation of options to control litigation costs.

In addition to an assessment of the models put forward in the Kelly Review, the submission set out their views as to the most optimal manner to positively impact on legal costs through a combination of the four following measures:

- increased investment in the justice system, in particular the number of judges and support staff, better

case management and adoption of technology;

- investment in effective civil legal aid to ensure access to justice for all regardless of means;
- the introduction of non-binding guidelines in respect of legal costs; and
- a reduction in state-imposed revenue on a Bill of Costs.

[Read the full submission here.](#)





February 2022 | Admission Policies of the Legal Profession under Section 33 of the Legal Services Regulation Act 2015

The Council prepared submissions at the request of the Legal Services Regulatory Authority who are in the process of preparing a third annual report for the Minister on the admission policies of the legal professions in accordance with section 33(1) of the Legal Services Regulation Act 2015. The submissions set out a comprehensive overview of:

- specific data requested by the LSRA;
- the demand for barrister services;
- costs of legal services in 2021 and whether these were available at a reasonable cost to consumers;

- the standard of education and training for persons admitted to practice;
- the extent to which the admissions policies of the legal professions are consistent with the public interest in ensuring the availability of legal services at a reasonable cost, taking into account the demand for services and the need to ensure adequate education and training standards for persons admitted to practice; and
- the ongoing impact of Brexit and the Covid-19 pandemic on the above matters.

[Read the full submission here.](#)

December 2021 | Creation of a New Profession of Conveyancer in Ireland

The Council made a submission at the invitation of the Legal Services Regulatory Authority in relation to the creation of a new profession of conveyancer in Ireland in accordance with section 34(1)(c) of the Legal Services Regulation Act 2015.

The Council is of the view that it is not necessarily clear how the creation of the new profession will operate in favour of the consumer save and unless conveyancers were prepared to operate for lesser fees than solicitors currently.

The Council raised the multiple points for discussion, including:

- the potential impact of the establishment of a new profession of conveyancer could have in Ireland in terms of competition in the provision of legal services;
- the negative implication for the legal services sector and the

solicitors' profession that would arise from introducing a new profession of conveyancer;

- limited benefit and multiple risks posed to the consumers of legal services in enabling them to access the services of a conveyancer, specifically in terms of legal costs, access to legal services and consumer protections;
- barriers to the establishment of new providers for conveyancing services; and
- specific considerations for the training and models for regulation of a new profession of conveyancer that need to be taken into account with regard to the authority's statutory objectives, as well as Ireland's domestic economy and the wider legal services sector.

[Read the full submission here.](#)



The Bar Review

The Bar Review, The Bar of Ireland's journal, contains articles from leading barristers on key developments and topical issues of practical and legal importance, as well as a comprehensive Legal Update detailing pertinent publications, judgments, and legislation.



April Edition

- **The days of 'best interests' are over.** Key points for practitioners on the commencement of the Assisted Decision-Making (Capacity) Act 2015.
- **Family reunification for international protection beneficiaries.** The importance of family reunification for those who have fled persecution is recognised by Irish and international law.
- **Jury's out on defamation reform.** The proposal to abolish the role of juries in defamation cases is a controversial one, which could undermine the court's ability to vindicate the rights to reputation and free speech.

February Edition

- **Law in turbulent times.** Prof. Gráinne de Búrca about the EU's response to the rise of illiberalism, and the challenges facing human rights movements.
- **Cyberviolence – the law is not enough.** While recent legislation seeks to addressing the increasing problem of image-based sexual abuse, the lack of a civil course of action for victims, and concerns about Garda resources, are among the challenges in achieving justice for victims.
- **A practical path to addressing race inclusion at the Bar.** Like many professional organisations, The Bar of Ireland is exploring ways to increase inclusion at the Bar, including in the area of ethnic diversity.

December Edition

- **Say what you mean and mean what you say...and make it quick.** A renewed focus on the Civil Liability and Courts Act 2004, along with the new Rules of the Superior Courts, have significant implications for the operation of personal injury litigation.
- **Government policy and its impact at the Bar.** A number of policy changes are currently in development, which will likely impact on the Law Library and the work of barristers in Ireland.
- **Climate litigation – challenging Government failure.** As climate cases against governments increase across the globe, recent judgements in the Netherlands, Ireland and Germany point to the emergence of an interventionist trend in the approach of domestic courts to these vital issues.



Recent Interviewees

- **Prof. Conor O'Mahony**, Special Rapporteur on Child Protection, about the significant and challenging issues he deals with in his role, and the frustrating pace of change.
- **Prof. Gráinne de Búrca**, Florence Ellinwood Allen Professor of Law at

New York University Law School, about the EU's response to the rise of illiberalism, and the challenges facing human rights movements.

- **Geraldine Byrne Nason**, Ireland's Permanent Representative to the UN, on her career, the value of multilateralism, and Ireland's role on the UN Security Council.

Viewpoints



The Bar of Ireland's new blog, Viewpoints, brings perspectives from our members and our partners across various areas of legal practice and policy.



[Aoife McNickle BL](#)

A practical path to addressing race inclusion at the Bar



[Katherine McVeigh BL & Anne Conlon BL](#)

The Sick Leave Bill – Key provisions for employers and employees



[Cathy Smith SC](#)

Acting Up & Employee Status - The Supreme Court judgement in Power v HSE



[Lisa McKeogh BL](#)

Entry & Remaining – Routes to protection for arriving refugees



[Tim O'Connor BL](#)

Sporting Bodies & Boycotts: The law reviewed

Latest From The Bar of Ireland Podcasts

[Pride at the Bar - An Open Discussion](#)

■ In this free-flowing discussion, Sean O'Sullivan BL, OutLaw Network, Aoife McNickle BL, Chair of our Equality & Resilience Committee, and our colleague Amy Walsh BL discuss what it means to be LGBTQ+ at the Bar. And how any and all of us can play a role.

[Sports Law in Focus – Specialist Bar Series](#)

■ We spoke with Susan Ahern BL, Chair of the Sports Law Bar Association, who outlined this area of practice, and provided fascinating insight into the top issues in sports litigation today.

[Prof. Louise Richardson & Emer Woodfull BL – International Women's Day 2022](#)

■ In a conversation hosted by the Bar's Equality & Resilience Committee, Emer Woodfull BL spoke with special guest Professor Louise Richardson.



Justice Week Podcast Series

As part of #JusticeWeek2022, we are delighted to share the following podcast series:

1. [Criminal Justice and AI](#)
2. [New Frontiers: Sea and Space](#)
3. [Big Data, Privacy and You](#)

You can find a wide selection of podcasts by searching 'The Bar of Ireland' wherever you find your audio, or directly [here](#).

Specialist Bar Association Spotlight

Specialist Bar Associations at the Bar

The Bar of Ireland houses a number of Specialist Bar Associations (SBA), each a vibrant hub of activity that facilitates the exchange and advance of specialist knowledge and expertise through conferences, seminars, papers and submissions, promoting members of The Bar of Ireland as a specialist provider of advocacy and legal advice services across a range of practice areas. Recently launched Specialist Bar Associations include the Tort & Insurance Bar Association, Financial Services Bar Association, Tax Bar Association and Corporate & Insolvency Bar Association.

[Learn more about The Bar of Ireland Specialist Bar Associations](#)



Tort and Insurance Bar Association

The Personal Injuries Committee was delighted to launch the new Tort and Insurance Bar Association on 2nd June.

The Specialist Bar Association is dedicated to overseeing matters relating to the developments in the area of tort and insurance, and engages with a variety of bodies to reform the personal injuries landscape in Ireland.



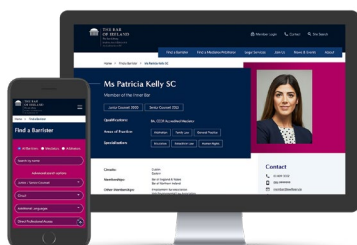
Get in touch

Find a Barrister

The Bar of Ireland is delighted to announce the successful relaunch of the Law Library website with the newly improved 'Find a barrister, mediator or arbitrator' search tool now front and centre.

The function comprises more search terms and enhanced access to information about barristers' expertise to enable solicitors and clients to identify suitably qualified counsel more easily.

[Visit website](#)



Need a Legal Opinion? Direct Professional Access Scheme

The Direct Professional Access Scheme is a facility for approved bodies and their members to brief barristers directly (i.e. without going through a solicitor) in non-contentious matters.

The scheme does not extend to contentious matters (for example, court appearances) but only legal opinion. Approved bodies include the Oireachtas Committees, Houses of the Oireachtas Commission and Service.

[Learn more](#)

Connect with us

Our Policy and Public Affairs team welcomes the opportunity to speak with you, understand your priorities and clarify any queries you might have. Get in touch!

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