

'Direct unsolicited approach' rule to be reviewed

A group has been established to review the rule banning the direct and unsolicited approach of non-clients by a solicitor. The move followed a heated debate at the Law Society's AGM in November on the proposed motion that the regulation be "abolished, as it has ceased to have any practical effect and is impossible to enforce in practice".

The rule in question is regulation 13 of the *Solicitors Acts 1954-2002 Solicitors (Advertising) Regulations 2002*.

The motion caused quite a stir among the large attendance on the night, particularly from the criminal law fraternity, who voiced their opinions loudly. It became obvious that it was an issue that particularly affected them. All agreed that while touting (that is, a direct unsolicited approach to non-clients) had always been around, all concurred that the problem had got a lot worse in recent years. After much debate, the Law Society's Council asked the motion's proposer and seconder whether they would consider allowing them to replace the word 'abolish' with 'review', to which they agreed – and so the Regulation 13 Review Group was born.

The review group consists of Aisling Kelly, James MacGuill (chairman), Emer O'Sullivan and Dara Robinson – all criminal law practitioners. Committee members include John Elliot (Registrar of Solicitors), Linda



The Regulation 13 Review Group met with members of the European Criminal Bar Association on 25 January

Kirwan (the Society's head of Complaints and Client Relations) and Simon Murphy (a former chair of the Complaints and Client Relations Committee).

The ambit of the review group is to explore all aspects of the regulation, including how it might be enforced, or perhaps abolished altogether. The views of practitioners on the night were taken on board by the Law Society Council, which considered the issue a serious one. It asked the review group to report back to it within six months of its formation.

At its first meeting on 7 December 2012, an ambitious plan was laid out, to include meetings with the members of the judiciary, the Commissioner of An Garda Síochána, and criminal defence solicitors in other European jurisdictions.

On 25 January 2013, a meeting took place between

the review group and several members of the European Criminal Bar Association. The meeting was hugely informative, with our European counterparts acknowledging the issues being faced in Ireland, and largely echoing similar problems within their own jurisdictions.

It was agreed by all that the issue of direct unsolicited approach to non-clients was to be found largely in four main areas:

- Outside courts and courthouses,
- Within police stations,
- Within prisons, and
- With, or involving, translator companies.

This meeting gave the review group much to ponder over. The group is most anxious to receive input from all interested practitioners no later than **Tuesday 19 March**. This can be done by emailing Linda Kirwan at l.kirwan@lawsociety.ie.

Sting in the tail for judicial appointees

The president of the Association of Judges of Ireland, Mr Justice Peter Kelly, has asked that members of the legal profession who are considering applying for appointment to judicial offices be made aware of changes in the manner of calculation of retirement benefits for the holders of such offices.

Mr Justice Kelly points out that the net effect of the provisions of section 22 of the *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* "appears to be to extend from 15 to 20 years the reckonable service which future judges of the Circuit, High or Supreme Court must have in order to qualify for a full pension".

In addition, such appointees "will be obliged to make a 13% contribution to their pension. This provision is also new and represents a 9% increase on the 4% contribution which existing judges have to make".

Section 22 deals with the calculation of retirement benefits for the holders of judicial offices.

Still supporting our job seekers in 2013

The Law Society Skillnet and Finuas Networks have once again been successful in securing funding from Skillnets Ltd for the Job Seekers' Support Programme (JSSP).

An information evening will take place on Wednesday 6 March at 5pm at Blackhall Place.

The programme kicks off in April with onsite training, which will be followed by a facilitated

work placement programme being run by the Law Society's Career Support service.

All courses funded under the JSSP are free for job seekers, subject to eligibility.

Courses available under the Law Society Finuas Network JSSP:

- CIMA-accredited diploma in Islamic finance,
- Corporate governance,

risk, compliance, investment funds and credit union law.

Courses available under the Law Society Skillnet JSSP:

- In-house legal officer,
- Litigation.

If you are a job-seeker, you can register your interest in any of these programmes by emailing jssp@lawsociety.ie.