



THE BAR
OF IRELAND

The Law Library

STRATEGIC PLAN

OCTOBER 2018 – OCTOBER 2021

WHO WE ARE

The Council of The Bar of Ireland is the elected representative body for the barrister profession in Ireland. Its role is to:

- ▶ Consider, report upon and make representations as it considers necessary in all matters affecting the profession;
- ▶ Play a key role in the conduct and arrangement of the business of the profession;
- ▶ Control and regulate the professional conduct of members of the Law Library; and
- ▶ Secure and protect the interests of the profession.

A core value of The Bar of Ireland is to uphold the professional standards of the independent referral bar that has a long history and tradition of independence, expertise and integrity. Membership of the Law Library is comprised only of barristers who have chosen to remain as independent referral practitioners.

VALUES OF THE ORGANISATION

- ▶ Professionalism
- ▶ Accountability
- ▶ Efficiency
- ▶ Effectiveness
- ▶ Transparency

MEMBERSHIP TREND

A general review of membership of the Law Library over the past five years indicates that there is a general trend towards a slow reduction in membership of the Law Library (3.7% reduction in member numbers over the past five years). The number of new entrants to the Law Library has been steadily decreasing during that period while the numbers leaving the Law Library has been averaging 141 per annum. It is expected that as new structures through which barristers can practise come on stream, i.e., legal partnerships, that this slow decline in numbers will continue.

It is also worth pointing out that Ireland has the highest number of barristers (45) per 100,000 inhabitants when compared with other jurisdictions where there is an independent referral bar.¹



1. Northern Ireland (34), New Zealand (29), Australia (24), England & Wales (23), Hong Kong (19), Scotland (8), South Africa (5)

INTRODUCTION

In July 2015, the then Bar Council set about agreeing and implementing a three-year strategic plan for The Bar of Ireland. As we now approach the end of that plan, it is clear from the results of our recent membership survey that vast improvements and positive developments have taken place across the organisation on foot of the implementation of that strategic plan (2015-2018).

Three years ago, the membership survey identified 16 areas where improvement was required and significant progress has been made to address each of those concerns raised by members – that is one of the benefits of having a strategic plan in place.

The Bar of Ireland provides a range of extensive services and facilities for the benefit of members and a primary goal is to continuously improve those services, ensure their relevance and deliver them in the most effective and cost-efficient manner. Knowledge and information services are at the heart of our offering to members, enabling access to vast legal libraries and online resources, education programmes and professional practice advice and support. The most valuable benefit of membership is that it fosters a culture of collegiality and co-operation among independent barristers, which ensures professional support, enforcement of the highest ethical standards and encouragement of continuous sharing and challenging of ideas and approaches, at all levels of practice. Our location at the heart of the legal quarter is also a distinct advantage enabling ready access to the Courts.

While the economies of scale achieved through the collective buying power of 2,200 members deliver significant savings for members, differences remain in perceptions of the value for money proposition that membership of the Law Library brings. The 2018 membership survey confirmed that 61% of members believe that membership is value for money, an increase of 30 percentage points since the last survey was undertaken in 2015. Difficulties in establishing a practice at the Junior Bar remains a significant challenge and a feeling of disengagement among members who practise primarily on Circuit feeds into a perception that membership of the Law Library may not represent value for money. In addition, there are differing levels of awareness among

members in relation to the full suite of member services and facilities available.

It is clear from both the membership survey and the subsequent member/staff workshops that were undertaken to contribute to the development of this three-year strategic plan that there are both opportunities and threats on the horizon that must be taken into account in setting out the priorities over the next three years. Upholding the professional standards of the independent referral bar is essential and an accompanying strategy to market and promote our members as authorities in advocacy is key. The impact of Brexit is being harnessed by this Council as an opportunity to be pursued in the promotion of Ireland as a centre for international legal services, including alternative dispute resolution in the form of arbitration, adjudication and mediation. There are also local opportunities to be pursued arising from increasing State regulation (e.g., the LSRA and GDPR), and work underway to increase opportunities for barristers to participate in tenders that emerge from the State to provide legal services may also be significant. Advocating for reform and investment in the Courts Service and embracing the efficiencies that advancements in technology can bring to the legal sector is essential. It is undoubtedly the case that each of these issues can also be viewed through the lens of a threat and therefore it is incumbent on The Bar of Ireland that we harness every opportunity and make every effort to mitigate any possible negative outcome.

We are committed to ensuring that The Bar of Ireland can continue to achieve a high impact through effective and efficient expending of resources to realise each of the objectives set out in this Strategic Plan, October 2018 – October 2021 for the benefit of all members.



Paul McGarry
CHAIRMAN



Ciara Murphy
CHIEF EXECUTIVE

APPROACH and METHODOLOGY

While membership of the Law Library has always been optional, the majority of barristers have to date chosen to practise within the collective structure as part of an independent referral bar. Since the enactment of the Legal Service Regulation Act 2015, there are more options available to barristers in terms of how they practise. Barristers now have a choice to make with regard to their membership of the Law Library and undoubtedly, a key decider will be the ethos and values of what it means to be an independent referral barrister and also the quality of services and supports available through membership of the Law Library and the accompanying cost.

Against this background, Council of The Bar of Ireland is committed to consistently innovating to increase our value and maintain our relevance to the profession. This is the context in which we approached this strategic planning process.

In order to ensure that we are meeting members’ needs and expectations we took steps to understand our current position and establish how members value the services provided, which

included a detailed member survey and staff survey. Arising from the results of these surveys, combined with our understanding of the wider organisational context and operating environment, an analysis that identified both the strengths and weaknesses of the organisation and the emerging opportunities and threats in the external landscape was set out.

This analysis allowed us to identify a number of key themes, which were further explored by both members and staff through a series of five facilitated workshops across three broad headings: knowledge; service; and, reputation. Consideration was also given to the operational capabilities of the organisation to deliver on each of the objectives identified in the areas of knowledge, service and reputation.

Following this process, core strategic choices have been made that has culminated in this Strategic Plan 2018-2021 and was approved by Council of The Bar of Ireland at its meeting on June 20, 2018.

THREE STRATEGIC PILLARS

WHAT	REPUTATION	KNOWLEDGE	SERVICES
WHY	To provide leadership and representation for and on behalf of the profession	To enable access to information, expertise and advice and uphold the highest standards of ethical and professional practice	To deliver valued and quality services for members in support of their practice
HOW	<ul style="list-style-type: none"> ▶ Promoting the values of the independent referral bar and the highly specialist skills of the profession ▶ Engaging in positive public relations to counter negative perceptions of the profession through engagement with relevant stakeholders ▶ Undertaking proactive research and policy development in the public interest 	<ul style="list-style-type: none"> ▶ Developing Library and Information services to ensure a modern, accessible legal library that embraces technological capabilities ▶ Improvement in communications to meet members’ practice needs ▶ Maintaining and enhancing standards of professional practice and support ▶ Fostering excellence and enhancing the performance of members through best in practice education and training 	<ul style="list-style-type: none"> ▶ Capitalising on physical facilities and space for the benefit of all members ▶ Ensuring a reliable, accessible and secure ICT service ▶ Maintaining and developing appropriate financial services

REPUTATION: To provide leadership and representation for and on behalf of the profession

Members of the Law Library, the independent referral bar, are held in high regard as the specialist experts in legal matters. It is essential that dedicated advocacy activities are undertaken by The Bar of Ireland on behalf of the profession to maintain and enhance this expert reputation as follows:

(1) Promoting the values of the independent referral bar and the highly specialist skills of the profession

- a. Increase public awareness of barristers' unique competencies and specialist expertise through targeted stakeholder events and identification of expert speaker opportunities and use of all media fora to communicate
- b. Improve marketing of advanced advocacy training and skills to heighten public awareness of the social impact of this training
- c. Seek to develop and improve member online profiles to include further detail on specialist areas, publications, etc.
- d. Produce short video trailers on the profession with a particular focus on advocacy and pro bono activity undertaken by the Bar
- e. Continued development of a suite of publications regarding access to justice to demonstrate legal expertise across specialist areas of practice
- f. Continue and enhance representation on international forums including CCBE to ensure that the Irish Bar are best placed to capitalise on opportunities that arise in a post-Brexit legal landscape

(2) Engaging in positive public relations to counter negative perceptions of the profession through engagement with relevant stakeholders

- a. Continue dedicated PR strategy to positively enhance the public profile of the Bar including promotion of the professions' contribution to society, pro bono activity and relevant current affairs
- b. Increased education of the public to better understand the role of a barrister, with a particular focus on improving awareness of the history and traditions of the Bar and the contribution of the Bar to Irish Society (linking with archive digitisation project, King's Inns History of the Bar project)
- c. Continue annual programme of media training of members of the Law Library and expand pool of trained media spokespeople across all areas of legal practice
- d. Proactively engaging with the implementation of the Legal Services Regulation Act
- e. Promoting awareness of the new Authority as the external regulator of the profession

(3) Undertaking proactive research and policy development in the public interest

- a. Internal rebranding of the policy and research function to "Advocating for the Advocates" to better engage the membership with these activities
- b. Continue to respond to public consultations, making submissions and proactively undertaking relevant research and commissioning external research to support policy development as required
- c. Prioritise lobbying activities in the following areas: equitable briefing policy, State procurement of legal services, promotion of opportunities to increase the market for international legal services in Ireland

KNOWLEDGE: To enable access to information, expertise and advice and uphold the highest standards of ethical and professional practice

Knowledge and information services are at the heart of our offering to members of the Law Library, enabling access to vast legal libraries and online resources, education programmes and professional practice advice and support. An important benefit of membership is that it fosters a culture of collegiality and co-operation among independent barristers, which ensures professional support, enforcement of the highest ethical standards and encouragement of continuous sharing and challenging of ideas and approaches, at all levels of practice. We will continue to support this highly valued offering through the following objectives and actions:

(1) Further developing Library and Information services to ensure a modern, accessible legal library that continues to embrace technological capabilities

- a. Develop the library into a virtual E-Library to enable user-friendly remote access by expanding and supporting the use of online resources
- b. Increase focus on the needs of practitioners on Circuit to avail of the suite of library services, and accompanying communications to maximise engagement with Circuit practitioners
- c. Review and improve the organisation and use of physical space across all library locations
- d. Continuously maximise the law library print collection in line with the Collection Development Policy and review loans policy to facilitate member needs
- e. Provide clarity on the services and support available through Library staff for all members to access
- f. Investigate the desirability and possibility of providing additional services for the benefit of all members, e.g.,

research service, distillation of legal judgments across various practice areas, creation of precedent banks, authority gathering service

(2) Improvement in communications to meet members' practice needs

- a. Investigate the feasibility of establishing a forum to engage with the Judiciary to enable constructive dialogue on matters that arise within the profession
- b. Engage with the Courts Service to seek enhancement and improvement in presentation and publication of real-time legal diary, the roll-out of new technologies to support access to justice, improve efficiency and service delivery
- c. Enhancement of noticeboards and implementation of digital information displays throughout library locations to enhance members' awareness of relevant information

(3) Maintaining and enhancing standards of professional practice and support

- a. Ensure that new entrants to membership of the Law Library have a deep understanding of the ethos and values of an independent referral bar as new modes of practice come in to being (e.g., legal partnerships, employed counsel, etc.)
- b. Establishment of Ethics subcommittee under the Professional Practice Committee to oversee development and publication of guidance for members
- c. Invest in the development of personalised member communications to aid activity in ensuring compliance
- d. Investigate opportunity to put in place a panel of legal professionals for members of the Law Library to avail of in the event of interaction with the complaints and disciplinary processes of the Legal Services Regulatory Authority (when commenced)

(4) Fostering excellence and enhancing the performance of members through best in practice education and training

- a. Undertake training needs analysis to develop and enhance quality assured core CPD curriculum for members of the Law Library, including training in Library resources
- b. Improve CPD accessibility for members through creation and development of an online education hub as a central repository for all CPD content, including use of online learning tools and templates
- c. Expand education and training offering through partnerships with established and accredited providers for specific practice areas, e.g., alternative dispute resolution, soft skills training
- d. Support and grow the Advanced Advocacy Training Programme including development of an online advocacy information hub for members of the Law Library
- e. Improve practice management programme with a focus on career stage specific content, including retirement planning
- f. Enhance New Practitioners Programme in practice management to increase standardisation of pupillage experience and practical advice on how to establish in practice, professional promotion and voice coaching
- g. Target educational events to facilitate networking opportunities with solicitors and other professions and stakeholders
- h. Support and invest in diversity at the Bar through supporting scholarships, bursaries, mentoring programmes and CPD-focused events

SERVICES: To deliver valued and quality services for members in support of their practice

The Bar of Ireland provides a range of extensive services and facilities for the benefit of members and a primary goal is to continuously improve those services, ensure their relevance and deliver them in the most effective and cost-efficient manner, and improving awareness among members in relation to the full suite of member services and facilities available. We will achieve this through the following objectives and actions:

(1) Capitalising on physical facilities and space for the benefit of all members

- a. Develop a 10-year investment plan for the Law Library in the Four Courts to enhance and maximise the use of space
- b. Continuously seek out opportunities to increase seating for members including 'hot-desking' and free-standing PCs to enable quick access for members
- c. Adherence to the requirements of GDPR in each library location
- d. Seek to address matters relating to work/life balance including exploration of solutions to childcare, health and fitness facilities, wellness including exploration of creating partnerships with providers to address the constraints of appropriate space
- e. Continue engagement with Courts Service to seek improvements in the Bar Room facilities on Circuit, including IT facilities (Wi-Fi and printing)
- f. Create and communicate information maps of The Bar of Ireland property to highlight the location of various facilities available for member use (e.g., seating, robing rooms, lockers and storage, showers, kitchen facilities and parking)

(2) Ensuring a reliable, accessible and secure ICT service

- a. Set out a clearly defined member charter on the range of services provided by the ICT department for members to provide clarity on the services available
- b. Where there is a demand for services we do not provide, explore opportunities to partner with other ICT service providers to provide additional on-site Level 2 and Level 3 support on a pay per use basis
- c. Continuous development and promotion of remote access to ICT help-desk support, including extended hours support
- d. Continuously review and invest in high quality copiers and printers and Wi-Fi access and speeds
- e. Undertake regular surveys of members to identify any problem areas in relation to the ICT Service
- f. Explore opportunities to partner with ICT training providers in the use of various software packages and publish and promote a series of 'How To' guides for members

(3) Maintaining and developing appropriate financial services

- a. Explore the business case and opportunity to provide a fee recovery service for members
- b. Implementation of a membership discount scheme
- c. Explore the possibility and affordability of a group scheme for cyber liability (in the context of the GDPR)
- d. Increase promotion and awareness of the range of financial benefits available to members via The Bar of Ireland and consider tailoring and targeting such benefits to the career stage of individual members (linking with the practice management programmes)

OPERATIONAL CAPABILITIES

To deliver on this three-year plan, a thorough review of our operational capabilities (including systems, staff, property, IT and finances available) is necessary. The context within which the organisation has been operating over the last three years is important to highlight at this juncture.

Financial health of the organisation

The Bar of Ireland group financial position has improved over the last number of years. Specifically, the financial performance of the commercial entities, Law Library Properties Ltd and Law Library Finance Ltd has enabled the organisation to reduce significantly one of the most serious financial challenges of the organisation – the property debt (having reduced the debt from €33m in 2010 to €22m in 2018, with LTV now below 50%) and simultaneously increase the reserves of the organisation to a level that can support aspects of this Strategic Plan, including capital investment in new systems and dealing with the early implications of the LSRA levy that is expected to become due sometime in 2019. However, on a day-to-day income and expenditure basis, the cost of delivering this plan in full is likely to require an increase in membership subscriptions.

Membership subscriptions remain below 2008 levels and following a number of reductions between 2012 and 2014, the organisation applied the first increase to subscriptions in a ten-year period of 3% in 2017/18 arising mainly from IT investments required in order to comply with the GDPR. Staff resources remain at the level employed in 2008 and staff costs have decreased by 8% since the 2008/09 legal year (mainly arising from addressing issues in the staff defined benefit pension scheme that has been closed since December 2010).

Improved services and new services

Over the last three years, as evidenced by the membership survey, the quality of services delivered to members of the Law Library has greatly improved and new services have also been provided. The demands and expectations of members to be

actively represented in seeking professional fee restorations in both criminal and civil legal aid have increased. The establishment of the LSRA has placed increased pressure on resources as we respond to consultations and interact with the new Authority. Output in our public affairs and lobbying activities have reached new heights, including appearances before Oireachtas committees, regular stakeholder engagements, issuing statements and making submissions on matters relating to the profession, proactively commentating on matters across many areas of practice and an annual Oireachtas Day. The continued development of the Voluntary Assistance Scheme (VAS), along with many other social responsibility activities, has also grown. Each Specialist Bar Association now has full access to the resources of the Bar in areas of promotion, policy, education and events and there are new additional committees actively working on behalf of various sections of the membership, including the Young Bar, Circuit Liaison and Women at the Bar. Improvements in the use of our space have taken place including increased seating and the development of the Gaffney Room as well as staffing of the Law Library in the Criminal Courts of Justice (CCJ).

In simple terms, we have provided improved and additional services for members without any increase in resources. While it has been a key priority of the Council, the Chief Executive and the Senior Management Team to develop and improve services over the last three years, the organisation is now at a point where investment is required to deliver the next Strategic Plan, 2018-2021 and is likely to require an increase in membership subscriptions.

The operational capabilities that need to be addressed to deliver this three-year plan are summarised as follows:

INVESTMENT REQUIRED	REASON FOR INVESTMENT REQUIREMENT
Systems	<p>The Membership Management System (MARS) needs to be replaced as it is over 15 years old and no longer capable of integrating with new technological developments and requires the capability to allow greater self-service online interaction between the administration and members (compliance, events, etc.)</p>
Human resources	<p>A review of the staffing structure and expertise is required to retain a dynamic workforce, appropriately positioned and skilled to meet the demands of the objectives set out in this plan, with specific focus on the following areas:</p> <ul style="list-style-type: none"> ■ to support the increase in education and training activities and output, ■ to support the continued development of a virtual E-Library, ■ to support expansion and promotion of ICT help-desk support, ■ to support the demands and activities that will be necessary in a post-Brexit landscape, ■ to support advancement and improvement of our digital and online communications.
Property	<p>A 10-year plan for the Law Library in the Four Courts is required to ensure appropriate maintenance of the space and ensure the best use of the space including maximisation of seating for members.</p>
Services	<p>Fee recovery service – the LawServ arrangement in relation to fee collection is coming to an end after four years, as the current set-up has not translated into a sustainable business proposition for the provider. A review is currently underway to assess options of continuing a fee recovery service for members.</p> <p>Cyber liability group policy – the advent of the GDPR has raised this as an area of concern for members and initial indications are that a group scheme will be much more competitively priced than each individual seeking to take out an individual policy.</p>
Finances	<p>The LSRA Levy (the quantum of which is still unknown at this time) will be an increased cost to members. The Bar of Ireland is required to pay this levy to the LSRA on behalf of all members, and it will be collected from members as part of the subscriptions collection process.</p>



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