



THE BAR
OF IRELAND

The Law Library

STRATEGIC PLAN

OCTOBER 2021 – OCTOBER 2024

At the commencement of the 2020/2021 legal year, the newly elected Chair of the Council, Maura McNally SC, invited the Council to commission an independent analysis of the likely future landscape for the provision of legal services by barristers with a view to identifying a strategic response from the Council to ensure the future of the independent referral Bar. EY was selected to undertake this independent analysis and consideration of the EY report commenced at the Council meeting in October 2021. Many of the recommendations in the EY report already align with the strategic direction of The Bar of Ireland in certain matters, while others require more in-depth discussion and analysis before the Council can adopt a final position.

The Bar of Ireland provides a range of extensive services and facilities for the benefit of members, and our primary goals are 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.

As we emerge from the Covid-19 pandemic, the Council has identified our strategic priorities for the next three years and is committed to maximising organisational resources in furtherance of those priorities.

We are committed to ensuring that The Bar of Ireland can continue to achieve a high impact and realise each of the strategic priorities set out in this plan for the benefit of all members.



Maura McNally SC
CHAIR



Ciara Murphy
CHIEF EXECUTIVE

OUR MISSION

To provide leadership and representation on behalf of members of the independent referral Bar of Ireland, ensure the highest standards of ethical and professional conduct within the profession and to deliver valued and quality services for the benefit of members.

OUR ROLE

The Council of The Bar of Ireland is the elected representative body for the independent referral Bar 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, which 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.

OUR VALUES

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

OUR PRIORITIES

- 1 Represent and defend the independent referral Bar
- 2 Preserve and support the excellence of the independent referral Bar
- 3 Promote and market members of the independent referral Bar
- 4 Advocate for the rule of law and access to justice
- 5 Seek out opportunities to facilitate practice development
- 6 Enhance access to online library and information services
- 7 Deliver best-in-class education and training for members
- 8 Advance the role of the Practice Support & Fee Recovery Service

Advancing our priorities

This strategic plan sets out our priorities for the next three years and identifies eight areas where we will focus our activities and resources:

1. Represent and defend the independent referral Bar

A core role of the Council is to represent, secure and protect the interests of the independent referral Bar

- Advocate and communicate the values and importance of the independent referral Bar, the highly specialist skills of the profession as advisors and advocates, and the value provided by barristers in the administration of justice.
- Proactively respond to and lobby on issues that affect the interests of the independent referral Bar, including the implementation of the Report of the Review Group on the Administration of Civil Justice, the O'Malley Review on victims of crime, family justice reform, the Courts Service Modernisation Programme, etc.
- Undertake proactive research and policy development, and engage with stakeholders on areas of reform across the justice system.
- Continue to build on *Safeguarding Justice* communications — The Bar of Ireland policy newsletter for external stakeholders showcasing the work of the Council.

2. Preserve and support the excellence of the independent referral Bar

Attracting the best candidates to enter the profession and ensuring that they adhere to the highest standards of ethical and professional conduct

- Work to promote the conditions for the independent referral Bar to flourish and attract the best candidates to membership of the Law Library.
- Enhance the master/pupil relationship with relevant supports and resources to ensure a successful and rewarding training year for newly qualified barristers.
- Enhance the New Practitioner Programme, which equips new members with the skills and knowledge to run a practice, and promote a strong foundation in the ethical and regulatory framework of the independent referral Bar.
- Promulgate and promote the Equality Action Plan to monitor, improve and support diversity and inclusion at the Bar.
- Promote and support members in meeting the requirements of the new Continuous Professional Development (CPD) Framework.
- Promote the co-regulation role of The Bar of Ireland to ensure the highest standards of ethical and professional conduct and regulatory compliance.
- Continued development and promulgation of the Professional Practices Committee (PPC) ethics hub as a 'go-to' resource for members of the independent referral bar.

3. Promote and market members of the independent referral Bar

Communicating and marketing the expertise of our members, domestically and internationally, to support the future growth of the profession

- Develop a stand-alone marketing (including digital) plan, the purpose of which will be to promote, defend, and show the value of the profession to the legal sector, the economy and society.
- Continue to build on our digital presentation and output in order to engage internal and external audiences with a focus on public legal education.
- Develop a formal plan in respect of podcasting, to include the development of a longer-term current affairs-themed series, e.g., criminal law, family law, child law, international legal services.
- Leverage website and technology to continue to contribute meaningfully to members' practice, tell the history of the Bar, and to showcase thought leadership on key societal debates.
- Review delivery of events organised by the Bar to ensure a mix of targeted audiences, including public events (Human Rights Award, Justice Week, Chair's Conference), to assist in communicating the work of barristers and their contribution to the administration of justice and the rule of law.

4. Advocate for the rule of law and access to justice

The Bar of Ireland has an important role in advocating for the rule of law and access to justice

- Support and advocate for policies and legislation that promote the rule of law and the administration of, and access to, fair and equitable justice.
- Campaign for improvements in legal aid schemes to ensure access to justice for all.
- Promote the role of the Bar in the delivery of *pro bono*, including The Bar of Ireland Voluntary Assistance Scheme (VAS), and our partnerships with Free Legal Advice Centres (FLAC)/Public Interest Law Alliance (PILA) and Community Law & Mediation (CLM).
- Contribute and speak out on the promotion internationally of the rule of law and work with other legal bodies in furtherance of this objective.
- Undertake a strategic review of the VAS.

5. Seek out opportunities to facilitate practice development

Identifying and expanding professional opportunities for our members in support of the future sustainability of the profession

- **Specialist Bar Associations (SBAs):** The expansion in the number of SBAs to 12 has demonstrated that they are working well. They should

be further developed/expanded to address new areas of the law, thereby providing opportunities to collectively market the capabilities and experience of the profession.

- **In-house counsel:** Amend the Code of Conduct to account for in-house counsel (where they are a qualified solicitor, have a practising certificate or are otherwise legally qualified, including but not limited to barristers who are currently or were previously on the Roll of Barristers), directly accessing barristers on contentious, as well as non-contentious, matters.
- **Direct access:** In anticipation of Section 101 of the Legal Services Regulation Act 2015, which will enable direct access, design a suite of supports and guidelines, both for the public and for practitioners, to ensure that direct access instructions are efficiently managed by both parties and present a viable revenue stream for members who may opt in to direct access.
- **Mediation and arbitration:** Assess the provision of additional training and support to practitioners in the areas of mediation and arbitration services, to develop these practice areas.
- **Ireland for Law:** Continue our financial and resource support for the Ireland for Law project, which will support Irish barristers (and other legal services stakeholders) in developing new and targeted service offerings in respect of international/European legal activities, particularly those previously performed in the UK, and which have the potential to be completed in Ireland.
- **Bar alumni:** Consider development of a suitable membership and service offering for Bar alumni to maintain the connection between former members and the independent referral Bar that may create mutual benefits.

6. Enhance access to online library and information services

Access to online resources and information is a core benefit of membership

- Deliver a library and information service of excellence, enhancing access to online services and resources.
- Continue to improve the online availability of the library over time, until it is as fully integrated as possible, ensuring that our collections, both digital and print, support members' practice needs to maintain their competitive advantage as legal service providers.
- Ensure a user-centred approach to online services – intuitive presentation, instant access.
- Leverage the output of our 'Library as Information Broker' initiative to develop content for publication across platforms and tailored to the information needs of members.
- Develop information hubs, in both breadth and depth, to reflect the immediacy of the information needs of our members.
- Link with members to ensure high-quality content and develop ways to encourage member participation.

7. Deliver best-in-class education and training for members

High-quality education and training opportunities are core benefits of membership

- Proactively engage with the Legal Services Regulatory Authority (LSRA) to ensure that the views of the independent referral Bar are fully reflected in decisions impacting the future education and training needs of the profession.
- Instil a strong understanding of and support for the revised CPD Scheme among members on the basis of professional advantage and it being core to a successful practice and career.
- Review and ensure that the organisational structure and resources are sufficient to deliver our new approach to CPD in compliance with the expectations of the LSRA, which seeks a more formal training structure for barristers in their lifelong learning objectives.
- Ensure that a learning design approach is applied, where appropriate, to ensure that specialist skills and competencies are achieved (e.g., lecture, reflection, multiple choice questions, etc.).
- Identify the training gaps with respect to a range of areas such as advocacy training, writing skills, etc., and ensure that all necessary information services are brought under the remit of the Education and Training Committee, and are made compulsory for new entrants.
- Establish a collaboration between the functions of Education and Training, IT and the Practice Support & Fee Recovery service to enhance delivery methods for practice management modules and provide education to members on the lawtech available in the market.
- In support of environmental objectives, enhanced training on managing e-briefs should be provided by the proposed Education and Training Committee.

8. Advance the role of the Practice Support & Fee Recovery Service

Fee recovery is cited by members as one of the primary challenges in sustaining a career at the Bar

- Continue to promote the new in-house Practice Support & Fee Recovery Service, including the desirability and possibility of expanding its service offering to include additional practice management services, e.g., secretarial offering, billing, aggregate invoice financing facility, etc.
- Prioritise a review of the manner in which members of the profession are paid for their services and identify if there is a need to advocate for structural changes to payment of fees, late payment of fees, and the basis upon which barristers cannot sue for their fees.
- Establish a collaboration between the Education and Training Committee and the Practice Support & Fee Recovery Service to identify suitable delivery methods for practice management modules.

Core enablers to deliver our priorities

To deliver on our priorities, the core operational capabilities required are:

FINANCE

The primary source of income for The Bar of Ireland is membership fees, which are paid by members on the basis of their respective years in practice or status as senior counsel. In recent years, although the level of members contributing to membership fees has stabilised, membership is declining at an average rate of 1.1% per annum. In a normal trading year, subscription income is in the region of €10.1m. In our most recent audited accounts, subscription income fell to €7.8m, having provided €2.3m in Covid-19 subscription credits to support members during the pandemic. If current membership trends persist, then fee income is likely to plateau close to current levels before declining.

The Bar of Ireland used the period of strong trading from 2017 to 2021 to pay down property-related debt by c.€5.1m. The current debt balance is approximately €19.4m, versus a property portfolio valued at €53.5m prior to the pandemic. The existing seven-year loan facility from AIB is required to be refinanced in 2023 – this process will be overseen by the Finance Committee. The Bar of Ireland benefits from a robust balance sheet, with relatively stable member reserves of c.€42m. The cash on hand balance stands at over €8m.

Periodic reviews of membership subscription rates are necessary to ensure that they cover any investments required to maintain and upgrade the member services provided for the exclusive benefit of members of the Law Library. The Library Committee, in conjunction with the Finance Committee, will undertake a review of membership subscription structures and rates during the lifespan of this strategic plan to ensure that subscription rates remain equitable across all member groups.

SYSTEMS AND IT

A priority for The Bar of Ireland is to implement the new Membership Management System, which is replacing the current outdated system. A preferred provider has been identified and implementation will commence in October 2021. A key benefit of the new system will be our ability to promote its capability in enabling a greater self-service online interaction between the administration and members.

Our digital platforms are now core to all service delivery and our IT Department is central to driving digital transformation across the organisation. The increased focus on applications and digital transformation will drive changes to the skillsets and resources required among the IT team that will need continuous review during this period of change.

With the huge increase in online activity, the protection of data, online persona and cybersecurity is a matter of concern across all users of our systems. While

the organisation has systems in place to assist with this very important aspect of IT security, there is a responsibility on every user to be aware of the challenges faced in this regard. IT will continue to drive initiatives to protect our collective digital identities in the knowledge that we are only as secure as our weakest link.

While our own internal systems are core to supporting members in their day-to-day practice, the approach of the Courts Service, with its stated aim to bring new technology and modern ways of working to the administration of justice, also has a significant impact on the practice of a barrister. Ensuring that members' views are clearly expressed within the Courts Service's digital transformation process will be important.

HUMAN RESOURCES

To ensure the necessary staff resources to deliver on this plan, human resources (HR) will prioritise four key areas:

1. Active resource planning

Achieving the right balance in resourcing is a fundamental component for the delivery of our organisational goals. A continuing review of our staffing structure, skill and expertise is required to retain a dynamic workforce and to forecast where additional resources are required. This will ensure that we remain positioned appropriately to meet the objectives set out in this plan, with specific focus on:

- ▶ ensuring that there are sufficient resources in education and training to deliver our new approach to CPD in compliance with the expectations of the LSRA;
- ▶ reviewing our marketing and promotion resources to support the profession in the creation and delivery of a marketing plan and the development of the SBAs;
- ▶ investing in our ICT services and support to meet the growing demands on technology solutions and enable the provision of additional education to members on lawtech;
- ▶ supporting the ongoing development and expansion of our online Library & Information Services; and,
- ▶ ongoing effective management of our property portfolio and introduction of reporting on sustainability/environmental performance.

2. Our people

Central to our people strategy must be the provision of a work environment that motivates and empowers employees to perform to the best of their

abilities in support of the delivery of excellence in service to members. This includes but is not limited to:

- ▶ providing a clear line of sight for staff to see and experience the impact of their role, and voice their opinions and expertise;
- ▶ investing time to deliver quality performance management and career development for team members;
- ▶ offering quality CPD opportunities to allow constant advancement of our employees to ensure that we are adequately skilled and capable to deliver as required;
- ▶ supporting and developing our people managers, recognising them as a pivotal link in the employee experience chain;
- ▶ promoting a valued and rewarding set of benefits for colleagues; and,
- ▶ ongoing management of our premises to ensure staff health and safety, with particular focus on Covid-19 measures in the short term.

3. Work design

As we recover and re-establish our workforce structure post pandemic, we will embrace learnings experienced throughout the course of the pandemic. A leading strategic focus will be on embedding an effective work design to suit our adjusted workforce structure. With the formal adoption of a hybrid working model, we have an opportunity to review our structure at this level and introduce optimisation across a number of areas:

- ▶ review roles/responsibilities;
- ▶ embrace flexible workings
- ▶ enhance adoption of technology; and,
- ▶ invest in leadership development.

4. Investment in our culture

The sudden change in resourcing model created a void in social interaction and engagement. Proactive steps to retain and boost employee engagement, while establishing this hybrid staffing model as a longer-term feature of our workplace, will be required. Activities to embed well-being into our corporate culture will be enhanced, encouraging ‘smart working’ with a focus on the balance between diligent work and rest time over presenteeism. Investing in diversity and employee engagement within an organisation has been proven to increase creativity and innovation, boost productivity and positively impact on performance. Action on the important topic of diversity and inclusion will be commenced from the staffing perspective.

ESTATES

A working group, supported by external expertise as required, will be established to develop a masterplan for the building portfolio of The Bar of Ireland to ensure appropriate maintenance of the space and best use of the space, in particular to maximise seating for members.

No asset disposals should be considered in the near term unless a clear use for the proceeds can be identified and replacement accommodation identified. Property holdings should be regularly assessed (e.g., on a five-year basis) in conjunction with a capital spending budgeting exercise. Pending any investment decisions arising from the masterplan, we will maintain a conservative level of property debt (close to current levels) to allow for refinancing on favourable terms from a partner(s) that will provide required flexibility and support for additional capital investments in due course.

The accommodation of seating requirements for members has been a challenge for the organisation. The impact of Covid-19 on patterns of working from home and on site among the membership will be monitored to help inform our future requirements. The approach to assessing how to monitor desk utilisation to ensure that allocated desks are actively and regularly used will need further consideration by the Library Committee and Finance Committee, to include a review of the manner in which seats are assigned with a view to ensuring an appropriate allocation of seating to meet demand from those without offices and ensure greater cross-year interaction. The Library Committee, in conjunction with the Finance Committee, will seek to align the value of space more clearly with the prices currently charged to encourage more efficient allocation and use.

GOVERNANCE

The governance of The Bar of Ireland is provided for in the Constitution of the General Council of The Bar of Ireland. A regular review of the governance of any organisation is important to ensure that the organisation can keep abreast of best practice in corporate governance, and will be undertaken in the lifetime of this strategic plan to ensure that the composition of Council and the committee structure are fit for purpose and have regard to the need for equality, diversity and inclusion.

A more recent development in good governance is to have an active strategy in relation to the sustainability and environmental performance of The Bar of Ireland. Similarly, a clear corporate social responsibility (CSR) statement, setting out objectives and activities in relation to community, environment and other social objectives, should be put in place and reported upon to the Council and in our annual reporting to the membership.

How we will monitor our success

We will monitor our success in implementation of our priorities through the following indicators:

1. Represent the independent referral Bar

- Number of engagements with Government agencies and fora.
- Number of submissions on matters relating to the justice sector.
- Number of actions taken to promote policies of The Bar of Ireland.
- Number of media engagements and mentions, proactive and reactive.

2. Preserve and support the excellence of the independent referral Bar

- Monitoring the number of new entrants to membership of the Law Library.
- Monitoring turnover/retention rates at the Bar.
- Defining and monitoring equality, diversity and inclusion (EDI) metrics at the Bar.
- Monitoring well-being at the Bar through CPD initiatives, annual surveys, etc.
- Investing in promoting advancement of the master/pupil relationship, including measurement of master numbers, and dedicated communications and events.
- Monitoring awareness and participation of members in the new CPD programme.
- Reviewing and expanding content in the PPC Ethics Hub and monitoring its use among members.

3. Promote and market members of the independent referral Bar

- Creating and monitoring of marketing plan.
- Measuring engagement through our communication channels and events.
- Reviewing brand guidelines to take account of increased digital applications.

4. Advocate for the rule of law and access to justice

- Number of engagements and representations made to stakeholders on the rule of law, access to justice, legal aid.
- Number of PR opportunities and engagements on *pro bono*.
- Number of barristers who are part of *pro-bono* schemes.
- Completion of strategic review of the VAS.

5. Seek out opportunities to facilitate practice development

- Expansion and advancement of SBAs.
- Removal of access barriers to in-house counsel and supporting members who wish to avail of direct access.
- Decision on Bar alumni membership opportunity.
- Participation in Ireland for Law.

6. Enhance access to online library and information services

- Monitoring digital versus print investment and usage.
- Monitoring number of users served.
- A combined metric for collection usage, consisting of clicks on the top three databases plus book loans.
- The Zendesk Chat satisfaction data.
- A general satisfaction rating.

7. Deliver best-in-class education and training for members

- Ensuring appropriate resourcing of education and training services.
- Monitoring member participation in CPD programme.
- Monitoring feedback on quality and relevance of CPD programme.
- Roll-out of enhanced practice management and monitoring take-up among membership.

8. Advance the Practice Support & Fee Recovery Service

- Number of members availing of the service.
- Metrics in the pursuance of fee recovery.
- Furtherance of policy and engagements on structural issues in relation to fee recovery.



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