



The cost of car insurance has increased by 51% since January 2011. Between January 2014 and July 2016 alone, private car insurance prices rose by 70%. These increases are well in excess of EU trends and are having a huge impact on consumers, competition and the economy as a whole.



THE INJURIES BOARD REMOVED
TWO-THIRDS
OF PERSONAL INJURY CASES FROM LITIGATION

ONLY 2%
INCREASE IN
HIGH COURT CLAIMS



INCREASED VOLUME IN CLAIMS
MATCHES
INCREASED VOLUME IN TRAFFIC



Insurance Ireland, the body representing 95% of the domestic and international-based insurance sector in Ireland, has attributed increases to a higher number of claims, excessive and inconsistent award levels, high legal costs, escalating levels of fraud, and the poor regulation of failed insurers. The Cost of Insurance Working Group was established in April 2016 by the Department of Finance to investigate the matter and to identify immediate and long-term measures that can address increasing costs. A series of public meetings was also held by the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach with key stakeholders, including The Bar of Ireland. In its submission, Council of The Bar of Ireland addressed the effects of litigation processes on insurance costs and assessed the current claims environment having regard to published data by the Injuries Board and the Courts Service. The full submission is available on our website – www.lawlibrary.ie.

KEY POINTS

In response to the insurance industry's position on claims and awards, The Bar of Ireland makes the following observations:

There has been no significant increase in the number of claims

- The Injuries Board has succeeded in removing two-thirds of personal injury cases from litigation.
- The Board noted a 6% increase in the number of claims submitted to the Board in 2015 and the Courts Service reported a modest 2%

increase in the number of personal injury actions commenced in the High Court.

- An 8% increase in Circuit Court claims was expected given the increase in Circuit Court jurisdiction, which came into effect in February 2014.
- According to the Injuries Board, the increased volume in claims reflects increased economic and social activity and higher traffic volumes. This view mirrors that of the Central Bank, which stated in its Bodily Injury Thematic Review (November 2015) that the average increase of 8.3% in the number of private motor insurance injury claims from 2013 to 2014 was in line with increases in motor fuel sales and road traffic fatalities in the same period.
- The recently published report of the Cost of Insurance Working Group supports the view that the frequency of claims has remained relatively stable. Furthermore, it states that the available data suggests that the settled claims environment has had but a "moderate impact" on recent premium increases.

Award levels remain consistent

- A person who sustains genuine personal injuries is entitled to be properly compensated for those injuries and the concept of reasonableness and proportionality is inherent in the exercise undertaken in assessing the appropriate level of damages in any case.
- In 2015 the Injuries Board made 11,734 awards, with a total value of €268.4 million in compensation, compared to 12,420 awards, with a total value of €281.2 million in 2014. The Board projected that by the

end of 2016, the number of awards annually would average 12,000 over the three-year period 2014–2016. Average awards by the Board increased by a modest 1% from €22,642 in 2014 to €22,878 in 2015.

- The High Court saw an increase of 8% in the total amount awarded in 2015 and a 20% increase in the total amount awarded in the Circuit Court, which was expected given the jurisdictional increase.
- There has been a major increase in medical negligence claims in the last decade. The number of High Court medical negligence cases has more than doubled from 481 suits filed in 2008 to 967 in 2015. However, this has no bearing on motor insurance whatsoever.

Legal costs are not a major contributory factor

- According to the report of the Cost of Insurance Working Group, published on January 10, 2017, legal costs are not a major contributory factor in the recent increase in premiums.
- The insurance industry has continually attributed increases to legal costs; however, as stated in the report of the Working Group: “There is no statistical basis for the measurement of legal costs either in the economy in general or in relation to the legal costs associated with motor insurance. The courts do not record legal costs”.

OBSERVATIONS AND RECOMMENDATIONS

Data sharing and greater transparency are essential

- The non-disclosure of data by the insurance industry on claims settled privately outside of the courts and the Injuries Board is a significant barrier to a comprehensive understanding of the claims environment, and of the factors impacting on premium increases. Of the 31,576 injury claims registered in 2014, only 9,046 went to court or were finalised by the Injuries Board. Therefore, in 22,530 cases, or 71%, there is no transparency regarding the cost of settling claims or the awards. Access to data that relates to private settlements is vital to ensure clarity and to enhance our understanding of the claims environment and the factors that are contributing to rising motor insurance costs.
- Council of The Bar of Ireland welcomes the recommendation of the Cost of Insurance Working Group to establish a national claims information database, which will capture information on claims, the channel of resolution and the costs that are incurred.
- In the same vein, Council would urge the prompt commencement of Section 30 of the Civil Liability and Courts Act 2004, which provides for the establishment and maintenance of a register of personal injuries actions by the Courts Service. Council would also support the Cost of Insurance Working Group’s proposal to review and potentially amend Section 30 to add a requirement to record details of the awards in personal injury cases.

Establishment of a personal injuries commission welcomed

- Council of The Bar of Ireland welcomes the proposed establishment of a personal injuries commission to increase understanding of the awarding of damages in personal injuries claims. Council would welcome the opportunity to participate in such a forum, to share its insight and expertise, and to provide input and assistance where appropriate.
- As discussed with Eoghan Murphy TD, Minister of State for Financial Services, eGovernment and Public Procurement and Chair of the Cost of Insurance Working Group at a meeting on October 27, 2016, Council is available to provide input into matters such as the appropriateness of court-appointed experts in personal injury cases and the development of guidelines to allay the increasing fears of the medical profession regarding providing expert opinion to the courts.

Call for commencement of Section 25 of the Civil Liability and Courts Act 2004

- Council of The Bar of Ireland also supports the proposal to establish an insurance fraud database and to explore the potential for further co-operation between An Garda Síochána and the insurance industry in the investigation of fraud.
- Council would draw specific attention to the provisions of Section 25 of the Civil Liability and Courts Act 2004 in this regard, which provides for the prosecution of fraudulent claims and staged collisions. Prosecution of fraud will send a very clear message to the public that fraudulent behaviour will not be tolerated and that there are severe consequences for same.

Call for commencement of Part 10 of the Legal Services Regulation Act 2015

- The new legal costs regime provided for under the Legal Services Regulation Act 2015 will enhance transparency around legal costs (please refer to our paper entitled ‘New costs regime and the Office of the Legal Costs Adjudicator’). It will also prohibit legal practitioners from setting fees as a specified percentage or proportion of damages payable to a client from contentious business. In the interests of transparency and a more informed consumer, Council of The Bar of Ireland calls for the immediate commencement of these provisions.



Barristers provide specialist advocacy and advisory services in a wide variety of areas and in many different types of forum, including the courtroom, and in other dispute resolution forums such as arbitration and mediation. Barristers are trained to be both independent and objective. They are readily accessible and are typically instructed by a solicitor.

**NO SET SCALE OF
PRIVATE FEES-
FEES NEGOTIATED
& AGREED FOR
EACH CLIENT**



Barristers are independent sole practitioners who practise in a highly competitive market, and it usually takes many years to become established. Barristers do not control the number of incoming cases and in recent years are competing for a limited and ever-reducing pool of work. This leads to a constant downward pressure on legal costs, which is of huge benefit to the consumer but also places significant pressure on a barrister's practice. It is estimated that more than half of those who qualify as barristers never practise in the courts and of those who do, more than half exit the profession within five years. There are a number of factors that have had an impact on the profession in recent years:

- The establishment of a number of new statutory forums for disputing matters, such as the Injuries Board, the Residential Tenancies Board and the Workplace Relations Commission, provides an alternative to the courts and has removed a significant number of would-be cases from litigation. For the most part, cases are only referred to barristers where mandatory statutory channels for the resolution of disputes have been exhausted or where there is an appeal to the courts.
- Similar to public servants and other State contractors, barristers' fees were impacted by the budgetary restraints imposed by the State across many public services due to the economic crash. Since 2008, cuts to professional public fee levels have ranged in the order of 28.5% to 69%. These cuts have made it unviable for many legal practitioners to continue to participate in State-funded schemes such as the civil and criminal legal aid schemes.
- There is increasing evidence of delayed or even non-payment of fees to barristers. Data provided by legal account services LawServ indicate a growth in the number of barristers resorting to fee recovery services for non-payment of fees in private areas of work. This is particularly problematic where barristers must meet the costs that are incurred while operating as an independent sole practitioner, including office rental, secretarial services, professional indemnity insurance, etc.

There are often misconceptions about barristers' fees. The following points provide a factual overview of the fee structure for public and private work, together with an outline of some of the key rules and principles underpinning legal costs.

PRIVATE WORK

Private fee estimates

- It is a longstanding requirement that, on receiving instructions from a client, a barrister must on request provide the client with a written fee estimate. This requirement is set out in the Code of Conduct of The Bar of Ireland. The obligation ensures clarity and transparency, and empowers the client to shop around so as to ensure they obtain the best representation and the best value for money.
- The new costs provisions of the Legal Services Regulation Act 2015 (hereinafter 'the 2015 Act') supplement and consolidate the existing infrastructure around legal costs and set out the obligations on legal practitioners to disclose to clients all of the costs and risks that are involved (please refer to our paper entitled 'New costs regime and the Office of the Legal Costs Adjudicator' for the principles to be applied in the calculation of costs).

Negotiation of private fees

- There is no set scale of fees charged by barristers, and the fee and manner of payment is usually negotiated by the solicitor on behalf of the client.
- Barristers are entitled to a proper and reasonable fee having regard to the nature and extent of the work, and are not obliged to accept instructions or a brief without having agreed the fee that they are prepared to accept.

Payment of private fees

- On completion of work, the barrister is obliged to provide a bill of costs in respect of the work done to the solicitor, which in turn appears as a disbursement in the solicitor's bill of costs to the client. This obligation is reinforced under the new costs provisions of the 2015 Act and demands a certain level of detail to enhance clarity and transparency for the client (please see document on the new costs regime).
- The manner in which counsel's fees are paid is negotiated and agreed between the barrister and the solicitor, on behalf of the client, and can be paid before, during or after the provision of services. The 2015 Act supports this approach and provides for agreements between clients and legal practitioners as to the amount and the manner of payment of legal fees.

Contesting private fees

- The facility to contest costs is available both to parties and to legal practitioners. Often a barrister will not receive the amount that was billed for and, on the advice of an independent cost accountant, will proceed to what is referred to as taxation in the hope of recovering their costs. This can be a slow and costly process, however, with some barristers waiting up to 18 months or longer for a decision by the Taxing Master. The Office of the Legal Costs Adjudicator provided for under the 2015 Act will replace the Office of the Taxing Master and proposes to address current delays and make for a much speedier and more efficient service (please see document on the new costs regime).

PUBLIC WORK

Fee estimates and negotiation of public fees

- There are many instances where barristers undertake work at a set fee or scale; there is little or no negotiation, therefore no written fee estimate is required. For example, for work undertaken under the civil or criminal legal aid schemes barristers generally accept instructions on the understanding that fees will be paid in accordance with a set scale. In some cases this involves appearing for a client at less than the normal commercial rate and at no cost to the client.

Payment of public fees

- Upon completion of a matter under the civil legal aid scheme, a claim form is completed and signed by the barrister, furnished to the instructing law centre for approval/certification, and forwarded to the Legal Aid Board for payment. In cases that are exceptionally time consuming and lengthy, the Board may consider paying an interim fee to a barrister.

- Under the criminal legal aid scheme, fee payments are based on claim forms that are completed by the solicitor and/or court clerks/court registrars and submitted to the Criminal Legal Aid Payments Section for processing. Payment is made directly to the barrister.
- Payments at District Court level are managed through the Private Practitioner Scheme (a panel of private solicitors willing to provide civil legal aid and advice on behalf of the Legal Aid Board). Barristers who are instructed by solicitors through this Scheme are paid directly by the solicitor and it is a matter for them to agree the fee payable.

ENSURING ACCESS TO JUSTICE

Despite difficulties in obtaining work and maintaining a practice, the Bar maintains a strong tradition of ensuring that no one is left without proper representation simply because of their means.

PRO BONO

Pro bono services are provided by members of the Bar in order to support and empower people who may not otherwise have the means to access justice. While there are State-run initiatives, including the civil and criminal legal aid schemes, they are increasingly insufficient to meet growing needs and members of The Bar of Ireland strive to do everything possible to address this deficit.

The Voluntary Assistance Scheme, for example, makes *pro bono* voluntary legal assistance available directly to charities, non-government organisations and civic society groups such as MABS and Citizens Information.

“No foal, no fee”

In addition to the legal aid schemes, and in appropriate cases that are not covered by those schemes, a barrister may be willing to take on individual client cases on a “no foal, no fee” basis. This means that the barrister will not require the payment of fees unless his or her client is successful (in which case the fees are usually ordered by the court to be paid by the other side). This is, in effect, a free legal aid system operated by barristers at their own risk, and provides many people with access to the courts where they would not have had access otherwise. This is particularly pertinent where there is no comprehensive civil legal aid system in the State. Furthermore, the importance of a “no foal, no fee” system has been highlighted by FLAC (Free Legal Advice Centre) and independent law centres such as the Northside Community Law Centre, where marginalised client groups can access barristers and specialist advocacy at little or no cost.



A new costs regime is provided for under the new Legal Services Regulation Act 2015 and is yet to be commenced. The Office of the Legal Costs Adjudicator replaces the Taxing Masters' Office and the new system will ensure greater clarity of the principles to be applied in the assessment of legal costs.

The Act also places obligations on legal practitioners, which will lead to more transparency around legal costs and a more informed consumer. Many of the new costs provisions reflect the status quo and are mostly derived from existing legislation, the rules of the Superior Courts, decisions of the Taxing Master and decisions of the courts. However, the 2015 Act consolidates the existing infrastructure around legal costs and, in the interests of clarity and protection for both client and practitioner, the Council of The Bar of Ireland calls for the immediate commencement of these provisions. The existing taxing masters are due to complete their respective terms in early 2017, which presents a timely opportunity for the commencement of the new system and the appointment of a Chief Legal Costs Adjudicator by the Minister for Justice and Equality. An even earlier commencement date could be achieved, as the Act does cater for transitional provisions whereby existing taxing masters can be designated to perform the functions under the new regime for the remainder of their term.

BENEFITS OF THE NEW COSTS REGIME

Greater visibility and transparency for clients in advance in terms of the costs of litigation

- On receiving instructions, legal practitioners will be required to disclose to clients in writing the amount of legal costs that will be incurred, or at the very least to set out the basis on which the legal costs are to be calculated (the basis for this calculation is set out overleaf).
- Practitioners must notify clients as to: the likely legal and financial consequences of the client withdrawing from the litigation; the circumstances in which the client would be likely to be required to pay the costs of other parties; and, the circumstances in which it would be



likely that the costs of the legal practitioner would not be fully recovered from the other parties.

- A 10-day cooling-off period allows the client time to consider the costs before he or she commits to the services of the practitioner.
- The requirement to provide fee estimates is a long-standing provision of the Code of Conduct for barristers. Clarity on fees is imperative and is of benefit to both the practitioner, in terms of security, and to the client as an informed consumer who is fully aware of the financial risks that are involved.

Greater visibility and transparency for clients in terms of the costs as the case progresses

- The legal practitioner is obliged to notify the client where he or she becomes aware of any factor that would make the legal costs likely to be incurred significantly greater than those disclosed or indicated at the outset. This provision reflects current practices under the Code of Conduct. Communicating up-to-date information to clients at each stage of the legal process is imperative as it ensures that the client is always fully aware and informed of the financial consequences.

More detailed information on bills of costs

- After concluding the provision of legal services, a legal practitioner must prepare and sign a detailed bill of costs (the details to be included are set out overleaf). A detailed outline of the work completed and an itemised statement of costs will increase clarity and transparency for the client so that they know precisely what it is they are being charged for.

BENEFITS OF THE OFFICE OF THE LEGAL COSTS ADJUDICATOR

a) Greater transparency and consistency in the adjudication of legal costs

- One of the most important provisions designed to address the issue of transparency in the new costs adjudication system is the establishment and maintenance of a publicly available register of determinations, which will record the outcome and reasoning behind each determination. This will ensure a consistent approach in the adjudication of costs and serve to codify reasonable and appropriate fee levels for legal work.

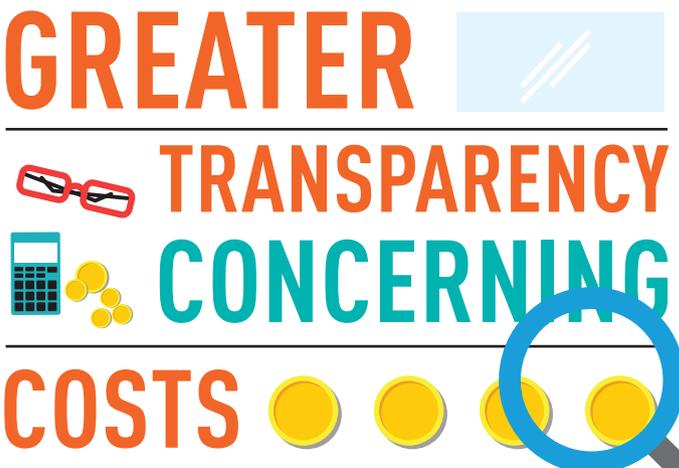
b) A facility for clients and opposing parties to challenge costs in accordance with clear principles

- The legal practitioner must provide with the bill of costs an explanation of the procedure to be followed should the client wish to dispute any aspect of the bill of costs. Where a dispute is made, the legal practitioner must take all appropriate and reasonable steps to resolve the dispute by informal means, for example through mediation. However, where these attempts are unsuccessful, the client can apply to the Chief Legal Costs Adjudicator for any matter or item in the bill of costs to be adjudicated upon. The Legal Costs Adjudicator shall have regard to the principles set out below and verify that: the work was actually done; that it was appropriate that a charge was made; and, that the charge was fair and reasonable in the circumstances. Such principles allow considerable scope for the scrutiny and review of fees.

BILLS OF COSTS MUST INCLUDE THE FOLLOWING INFORMATION:

- a summary of the legal services provided;
- an itemised statement of the amounts of costs in respect of the legal services provided;
- the registration number of the legal practitioner for the purposes of value-added tax, and the amount of value-added tax chargeable;
- where time is a factor in the calculation of legal costs, the time spent in dealing with the matter;
- the amount of any damages or other monies recovered or payable to the client; and,

GREATER TRANSPARENCY CONCERNING COSTS



- the amount of any legal costs recovered by or payable to the legal practitioner from another party or an insurer on behalf of another party.

THE PRINCIPLES TO BE APPLIED BY PRACTITIONERS AND LEGAL COSTS ADJUDICATORS IN THE CALCULATION AND ADJUDICATION OF LEGAL COSTS:

- the complexity and novelty of the issues involved;
- the skill or specialised knowledge that the legal practitioner has applied to the matter;
- the time and labour that the legal practitioner has reasonably expended on the matter;
- the urgency attached to the matter by the client and whether this required the legal practitioner to give priority to that matter over other matters;
- the place and circumstances in which the matter was transacted;
- the number, importance and complexity of the documents that the legal practitioner was required to draft, prepare or examine;
- where money, property or an interest in property is involved, the amount of the money, or the value of the property or the interest in the property concerned;
- whether or not there is an agreement to limit the liability of the legal practitioner;
- whether or not the legal practitioner necessarily undertook research or investigative work and, if so, the timescale within which such work was required to be completed; and,
- the use and costs of expert witnesses or other expertise engaged by the legal practitioner and whether such costs were necessary and reasonable.



The Irish justice system represents excellent value for money. It is one of the cheapest justice systems both in Europe and in comparison to other common law jurisdictions.

IRELAND'S SPENDING ON JUDICIAL SYSTEM

 LOWER THAN ITS NEIGHBOURS

A series of studies by the European Commission for the Efficiency of Justice (CEPEJ) illustrates how, since 2010, Ireland's expenditure on its judicial system, which comprises the courts, legal aid, and public prosecution services, is consistently lower than that of its neighbouring jurisdictions.

WHY DOES IRELAND'S LEGAL SYSTEM REPRESENT GOOD VALUE FOR MONEY?

a) The advantages of an independent referral Bar

The State benefits enormously from an independent referral bar of sole practitioners. The civil and criminal legal aid schemes, which provide legal services to those who do not have sufficient financial means to secure representation in civil and criminal matters, would be far more costly if the State were to bring the provision of legal services in house. If this were the case, the State would need to make provision for all of the costs and the risks that are associated with the appointment of employees, for example pension contributions, the cost of office space and the maintenance of premises, provision of law libraries and other research tools and materials, maternity leave, sick leave and holiday entitlements, secretarial, administrative and support staff, continuing professional development and other training needs. However, by



contracting the services of the independent Bar, these costs and associated risks are avoided as they are absorbed by the barristers who participate in the schemes. The income barristers earn is not profit. It is gross earnings from which the normal deductions of running a business apply, i.e., VAT, income tax, secretarial support, professional indemnity insurance, law library fees, office rental, etc. The independent Bar therefore results in significant cost savings for the State year on year, giving effect to citizens' constitutional right of access to justice in the most cost-effective and efficient manner possible.

b) The advantages of a common law system

A common law court system is approximately one-quarter to one-third the cost of a civil law court system. Put simply, if Ireland were to operate a civil law court system, it would come close to quadrupling current costs to the taxpayer. The reason why a civil law court system costs so much more is that the burden of fact finding and legal determination is undertaken by the court itself, with research and assistance provided from the court's own resources. In a common law system, however, that onus is transferred to the parties and their representatives, who in turn absorb all of the costs associated with litigation. A common law court system therefore operates to the significant benefit of the taxpayer.

SUPPORTING FACTS AND FIGURES

Ireland's budget for the judicial system has decreased by 20%, from €280m in 2010 to €222m in 2014. The public budget allocated to the judicial system in 2014 came in at €48 per capita, which is below the European average of €60 and well below the budgetary efforts of our neighbouring jurisdictions in Northern Ireland (€144 per capita) and in England and Wales (€92 per capita), despite both of those states having a lower GDP per capita.

There are three components of the judicial system within the definition of the CEPEJ. An analysis of the figures surrounding the functioning of: (i) the courts; (ii) the legal aid scheme; and, (iii) the public prosecution service supports the evidence that Ireland operates a highly cost-effective legal system.

(i) The courts

Expenditure on the courts system has decreased by 30% in the period 2010-2014. In 2014, Ireland allocated 47% of its budget for the judicial system to the functioning of the courts alone – a moderate share in comparison to other European states (European average: 66%) but representing only €23 per capita, which is well below the European average of €36 and approximately half that of England and Wales (€40) and Northern Ireland (€46). Ireland's per capita budget is lower than its common law counterparts despite a higher GDP and is in line with the per capita expenditure of central European countries.

(ii) Legal aid

Ireland's budget for legal aid has steadily declined since 2010. There was an 8.3% decrease in the period 2010-2014. In 2014, legal aid represented 36% of Ireland's total budget for the judicial system, i.e., €18.40 per capita.

This is above the €9 European average but well below that of our common law neighbours in England and Wales, who allocated a generous 43.3%, at €38.14 per capita, and Northern Ireland (51.2% at €73.53 per capita) – the two most substantial budgetary efforts of all European states in terms of legal aid. Expenditure on criminal legal aid specifically has steadily decreased from €60.3m in 2009 to €44.8m in 2015.

An assessment carried out by the National Audit Office of the Comptroller and Auditor General in the UK in 2008 considered the

13% DECREASE
IN PUBLIC PROSECUTION EXPENDITURE 2010-2014

per capita expenditure of common law jurisdictions on criminal legal aid alone. The figures revealed a glaring disparity in the per capita allocation to the Irish criminal legal aid scheme. At €11.98 per capita, it was extremely low in comparison to our neighbouring jurisdictions, being approximately half of what it costs in England and Wales (€25) and Northern Ireland (€29).

An examination of the legal aid budget allocated to criminal court cases in 2014 illustrates how this disparity has narrowed somewhat, but continues, with Ireland at €10.78 per capita and England and Wales at €16 per capita.

(iii) Public prosecution services

Expenditure on public prosecution services decreased by 13% in the period 2010-2014. In 2014, Ireland allocated 17% of its budget for the judicial system to the functioning of public prosecution services – the least-funded area of Ireland's judicial budget.

This 17% represents an intermediate share in comparison to other European states (European average: 24%), but at €8.20 per capita, is below the European average of €12 and below that of our common law counterparts in England and Wales (€11.60) and Northern Ireland (€24.40). The annual budget allocated to public prosecution services in Ireland represented 0.02% of GDP in 2014. By contrast, England and Wales' allocation represented double that of Ireland's at 0.04% of GDP, whereas Northern Ireland allocated a generous 0.11% of GDP.



The Bar of Ireland recognises that in order for any legal system to operate at its optimum level, access must be available to all. However, vulnerable sections of society often encounter difficulties in accessing the legal system for various reasons.



Through schemes such as our Voluntary Assistance Scheme (VAS) and Irish Rule of Law International (IRLI), a number of community outreach projects and corporate social responsibility activities, and also via a number of sponsorships provided to barristers to work with charities both in Ireland and overseas, *pro bono* services are provided by members of the Bar in order to support and empower people who may not otherwise have the means to access justice.

While there are State-run initiatives, including the civil and criminal legal aid schemes, they are increasingly insufficient to meet growing needs, and working with charities through the VAS, members of The Bar of Ireland strive to do everything possible to address the deficit, with 82% of barristers engaging in *pro bono* work.

VOLUNTARY ASSISTANCE SCHEME

Established in 2004, the VAS is the formal *pro bono* scheme of The Bar of Ireland, which makes *pro bono* voluntary legal assistance available directly to:

- charities;
- non-government organisations; and,
- civic society groups such as MABS and Citizens Information.

Assistance can be provided in two ways:

1. To the requesting organisation itself – for legal issues arising for the organisation.
2. To an individual client of a requesting organisation – in these circumstances the VAS will provide assistance via the requesting organisation, which acts as an intermediary.

The VAS does not require a minimum contribution – once a request for assistance is made, a barrister will be assigned and the service is free of charge. The Scheme makes available every service that barristers ordinarily provide to clients. Barristers can become involved at any or for all stages of a legal issue.

The Scheme does not provide services in family law, child care law or criminal law, as these are areas that are extensively covered by State legal aid schemes, but most areas of law are covered by the Scheme.

These include:

- debt-related issues;
- landlord and tenant issues;
- social welfare appeals;
- equality law issues;
- housing issues;
- prison-related issues;
- employment law; and,

VAS IS THE FORMAL PRO BONO SCHEME OF THE BAR OF IRELAND




Charities that the VAS has worked with include the Irish Traveller Movement, Migrant Rights Centre Ireland, St Vincent de Paul, Threshold, MABS, Focus Ireland, Rape Crisis Network Ireland, FLAC, Gay and Lesbian Equality Network, Ana Liffey Drug project, Citizens Information Service and Women's Aid.

Full details of the Scheme can be found on www.lawlibrary.ie and any queries or requests for assistance can be emailed to vas@lawlibrary.ie.

IRISH RULE OF LAW INTERNATIONAL

IRLI is a project-oriented, non-profit rule of law initiative established by The Bar of Ireland and the Law Society of Ireland. Originally founded in 2007, the project has collaborated with academics, judges, legal practitioners, policymakers and civil society around the world to advance collective knowledge of the relationship between rule of law, democracy, sustained economic development and human rights.

IRLI originated in recognition of the increased emphasis on rule of law in development aid and in response to the number of requests for assistance received by Ireland involving the rule of law.

Members of the Irish legal profession have a significant role to play in enhancing the rule of law and shaping the process of fragile societies.

The current Chief Justice of Ireland, the Hon. Mrs Justice Susan Denham, is Patron of the project. Further information is available at www.irishruleoflaw.ie.

Projects that have been undertaken since 2007 include:

- commercial law training in South Africa;
- a project focused on assistance to prisoners on remand in Malawi;
- assisting in the establishment of a law school in Kosovo;
- judicial exchange with Zambia;
- provision of legal training in Ethiopia;
- drafting of court rules in Bosnia and Herzegovina; and,
- training in international arbitration for national courts.