

Appointments to Lay Member Positions on the Legal Practitioners Disciplinary Tribunal to be established under the Legal Services Regulation Act, 2015

Applications for Nomination

1. Background

The Minister for Justice and Equality invites applications from suitably qualified and experienced lay candidates for nomination by the Minister for Justice and Equality to be appointed as lay members of the Legal Practitioners' Disciplinary Tribunal.

The Legal Practitioners Disciplinary Tribunal (LPDT) is an independent tribunal being established under section 74 of the Legal Services Regulation Act 2015 (the 2015 Act). Upon nomination by the Minister successful candidates will be appointed by the President of the High Court.

While the Tribunal will be operating under new legislation and sits in panels it would be anticipated on foot of past experience in this area that it will involve a working commitment on the part of each member of around ten sitting days per year. The Tribunal will be located in Dublin.

2. Functions of the LPDT

The LPDT will consider applications brought to it by the Legal Services Regulatory Authority Complaints Committee or the Law Society in relation to misconduct by legal practitioners, as appropriate and will perform some other functions assigned under the 2015 Act. For the purposes of the Act a 'legal practitioner' can be either a solicitor or a barrister. This Tribunal is set to replace those separate conduct tribunals that have dealt with the two professions previously.

The LPDT shall have, for the purposes of any inquiry under the 2015 Act, the powers, rights and privileges vested in the High Court or a judge thereof on the hearing of an action, in respect of the enforcement of the attendance of witnesses and their examination on oath or on affirmation, the compelling of the production of documents and the compelling of the discovery under oath or under affirmation of documents.

The functions of the Tribunal fall under Part 6 of the Legal Services Regulation Act 2015 which sets out the new complaints regime for legal practitioners.

The LPDT will be appointed by the President of the High Court on the nomination of the Minister for Justice and Equality and shall consist of not more than 33 members of whom the majority shall be lay persons, not fewer than 6 shall be persons nominated by the Law Society, not fewer than 6 shall be persons nominated by the Bar Council. Overall, at least 40% of its members shall be men and at least 40% shall be women. Separate processes are underway for the nomination of the solicitor and

barrister members as set out in the legislation. Subject to the overall membership and operation of the Tribunal a lay membership of at least 13 would be anticipated.

The LPDT shall act in divisions consisting of an uneven number of members, a majority of lay members and operate in panels of not fewer than 3 members. The Chairperson of each division shall be one of the lay members. Where a complaint relates to a solicitor, the division hearing the inquiry shall include at least one solicitor and where a complaint relates to a barrister, the division hearing the inquiry shall include at least one barrister.

The President of the High Court shall appoint a chairperson from the persons nominated by the Minister for membership of the Tribunal. The Chairperson will have a 5 year term of office and may be appointed for a second term not exceeding 5 years. The Chairperson shall retire at the age of 70.

3. Application Requirements

Lay Status: In appointing lay persons to be members of the LPDT, the Minister **must** be satisfied that those members are independent of the Government and the legal professional bodies as defined by the 2015 Act i.e. the Law Society, the Honorable Society of King's Inns and the Council of the Bar of Ireland. Lay applicants must, therefore, in the first instance satisfy this requirement.

"Lay person" is defined under section 2(3) of the 2015 Act as follows:

"For the purposes of this Act, a person is a lay person on a particular date if, on that date, he or she-

- (a) is not a practising solicitor or a practising barrister, and*
- (b) where he or she has previously been a practising solicitor or a practising barrister, he or she-*
 - (i) has not been such in the period of 5 years immediately preceding that date, and*
 - (ii) did not cease to be such as a result of a sanction imposed on him or her by a body that was authorised to require him or her to cease such practice."*

Knowledge and Expertise: The Minister **must** also be satisfied that nominees to the LPDT have knowledge of and expertise in, one or more than one of the following:

- the provision of legal services,
- the maintenance of standards in a profession (including those regulated by a statutory body),
- the investigation and consideration of complaints relating to services,
- commercial matters,
- the interests of consumers of legal services.

Applicants are reminded that these are statutory requirements which must be reflected substantially in the completion of the application process.

4. Remuneration, Travel and Subsistence

Remuneration will be paid at the approved rates below for the days a member sits as part of the Tribunal.

- €455 per day (Member)
- €700 per day (Chairperson)

Travel and Subsistence expenses can be claimed for expenses incurred for travelling to meetings in accordance with the relevant Department of Public Expenditure & Reform circulars.

5. Submitting your Application

Applications should be made by means of a letter which sets out why you consider yourself a suitable candidate to perform effectively in the role of a lay member of the Legal Practitioner's Disciplinary Tribunal. (Maximum 600 words). By way of meeting the requirements set out in the Legal Services Regulation Act 2015, please also set out clearly your knowledge and expertise in one or more than one of the following, as may be appropriate:

- the provision of legal services,
- the maintenance of standards in a profession (including those regulated by a statutory body),
- the investigation and consideration of complaints relating to services,
- commercial matters,
- the interests of consumers of legal services

Applications (including a short CV) should be made electronically by e-mail to laymembers@justice.ie

Candidates must be legally entitled to work in Ireland at the time of application.

Closing date for applications is **3.00 pm on Friday 24 January 2020.**

An Assessment Panel (the panel) will be convened by the Department to consider those applications received. The panel will:

- Review and discuss those expressions of interest received against the specific appointment criteria for the role as set out in the 2015 Act and outlined above.
- Assess potential candidates once they meet the initial nomination criteria by undertaking any or all of the following steps as may be considered appropriate:
 - Consideration of written applications and any supporting documentation,
 - interview/meeting/conference call,
 - Referee checks
 - Any other selection or verification procedure deemed appropriate.
- Arrive at a shortlist of the most suitably qualified candidates (based on the information provided by the candidate) to be proposed to the Minister for Justice and Equality for nomination to be appointed as lay members of the Legal Practitioners' Disciplinary Tribunal.

Please note that the Department will not be responsible for any expenses incurred by candidates as part of the selection process.

6. Confidentiality

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

7. Data Protection

The Department will process any personal data provided by you in connection with an application for this role in accordance with the General Data Protection Regulation and the Data Protection Acts 2018.

The data will be kept for no longer than is necessary for the purposes for which that data are processed, and it shall be kept in a manner that ensures appropriate security of the data including the unauthorised or unlawful processing of data.

The Department may disclose the data that you provided in the application to external sources for the following reasons – where there is an external assessor assisting in the shortlisting for lay nominations to the tribunal and for internal and external audit.