

Mr S McAteer
Clerk, Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont
Belfast
BT4 3XX

3 June 2014

Dear Mr McAteer

Legal Complaints and Regulation Bill

Thank you for your letter in relation to the Legal Complaints and Regulation Bill. I apologise for the delay in the Committee receiving our response due to an administrative oversight.

We undertook to provide information setting out how lay persons are appointed to the panel for selection to the Professional Conduct Committee to investigate complaints made against a barrister.

The Professional Conduct Committee has two serving lay representatives who assist greatly with the work of the Committee in investigating complaints. We also operate a panel of additional independent lay representatives who serve on the review and disciplinary panels. It was determined that lay representatives should ideally have experience of the voluntary sector or trade union activity.

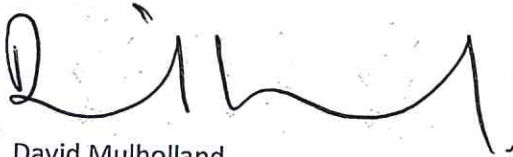
Following consultation with the Central Appointments Unit, the Bar Council sought nominations of up to 3 individuals from the ICTU and other regulatory bodies in Northern Ireland. Interested parties forwarded a CV for consideration and were selected to serve by an Appointment Committee, consisting of 3 barristers who were not members of either the Bar Council or Professional Conduct Committee and 1 lay representative.

Two candidates were appointed to serve on the Professional Conduct Committee and a number of other candidates were appointed to the lay panel, to be randomly selected when required to sit on a formal review or disciplinary panel. The terms of the current lay representatives have been extended due to the changes in this area with the implementation of the Legal Complaints and Regulation Bill. As part of the preparatory work for the new legislation, the Bar Council is currently reviewing the regulatory functions including the appointment of lay representatives. In the future, a public appointment scheme is envisioned.

In relation to the second matter, Clause 19(2)(c) and Clause 19(2)(d) provides for compensation payments to be made to the complainant for any other loss, inconvenience or distress, with the payments being capped at £3500 each. The Bar Council believes this amount to be significantly higher than expected and is not suitable as a levy on a sole practitioner.

I trust this meets with your approval and look forward to hearing from you. Should you wish to discuss this request or require anything further, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Mulholland', with a stylized, wavy flourish at the end.

David Mulholland
Chief Executive