

Departmental Solicitor's Office



Department of
**Finance and
Personnel**

www.financepersonnel.gov.uk

Victoria Hall
12 May Street
Belfast BT1 4NL
Tel: 028 9025 1251
Fax: 028 9025 1240
DX464 NR Belfast1

**Christine Darrah
Committee for Justice
Northern Ireland Assembly
Parliament Buildings
Stormont
BELFAST
BT4 3XX**

02 February 2015

Dear Madam

Rights of Audience for Employed Lawyers

Thank you for your letter of 5th January.

I note the position of the Minister of Justice on legislative change. In my response to the consultation I said in relation to a question concerning the wider implications for the legal profession and legal services of discrete provision for lawyers in the Attorney General's Office:

It does seem to me that to exempt one group, however small in number, from the normal arrangements, does diminish the standing of the process of authorisation and the requirements for education, training and experience and undermines its rationale.

Accordingly I can readily understand the Minister's conclusion and I have never been a proponent of the exemption of public sector lawyers from the requirements to be established for solicitors and employed lawyers to enable them to have rights of audience in the higher courts.

Rather my position is that if such an exemption were to be granted to the legal staff in the Attorney General's Office, it should not be restricted to those staff but should also be available, at the least, to my staff.

In that context my response to the specific question you ask is that I would initially want all my staff on the judicial review team, twelve at present including myself, to be exempted. This team deals with civil cases, including applications for judicial review, often brought before the courts at short notice outside normal office hours that is from 5.15pm to 9.00am and on Saturdays and Sundays. In due course I would wish to give further consideration to widening the exemption to the remaining twelve lawyers in the litigation division.

Yours faithfully

Oswyn Paulin



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