

Meeting of Ireland for Law Implementation Group
Department of Justice, 51 St. Stephen's Green, Dublin 2
4.00pm on Thursday, 6th October 2022

Attendance:

John Bruton (Chairman), Sara Phelan SC, Ciara Murphy, Patrick Leonard SC, Paul McGarry SC, Liam O'Daly, Mark Garrett, Michelle Ni Longáin, John Laffan, Oonagh Buckley, Justin Sullivan, Liam Kennedy, President David Barniville, Christine Comiskey, Karyn Harty, Jonathan Newman SC, Anna McGillicuddy, Aidan McAuley, Tara Doyle, Chris Quatrociocchi

1. Call to Order & Apologies

Paul Gallagher, AG, Karen Cullen DFIN, Patrick Rooney AG Office, Niamh Guihen DETE, Jean O'Neill DETE, Sarah Callanan DFA, James Farrell IDA Ireland, John Shaw, Dept of an Taoiseach

2. Approval of Minutes of Previous Meeting – 31 March 2022

The draft minutes of the previous meeting held on 31 March 2022 were unanimously agreed.

3. Update on Proposal for UPC Referendum and proposal to seek Life Sciences Central Division (Jean O'Neill DETE, & Jonathan Newman SC)

Jonathan Newman SC updated the meeting and referred to the statement from the Tanaiste noting a referendum to take place on this issue by 2024. He confirmed that the new Court rules were now in place to commence in 2023. There are 10 countries with 13 local seats – and the Court is on track commencing in 2023.

Discussion took place in relation to the promotion of Ireland having a referendum on this issue. It was noted that the Association of Patent and Trademarks had recently produced a document setting out the cost to Ireland of not succeeding in a referendum and the additional costs to patentees arising from a failure to pass the UPC Referendum. There was also potential reputational damage. Jonathan Newman SC undertook to liaise with the Association on the costing. A survey had also been conducted by IBEC in conjunction with the Association that seemed to indicate that the majority of those surveyed saw benefit in acceding to the referendum. There is an IBEC stakeholder group, that includes representatives of the Law Society and The Bar of Ireland, whose role is to support the referendum and provide support to the Department at a technical level.

4. EU Central Securities Depositories Regulation 909/2014

Tara Doyle advised the meeting that she had participated in a call with DETE to update on the issue and that dialogue is ongoing. She advised that there is a preference for a 'big bang' moment on 1 January 2023 instead of a lengthy phase in to occur.

5. Review of Events since last meeting (Patrick Leonard SC)

- **DIDW 2022:** Karyn Harty spoke to the success of the event. The purpose of the event was to put Ireland on the map for decision makers on where to litigate and to showcase the high quality of the legal offering in Ireland. There were 401 in attendance over the week and the event was well received. Feedback from international attendees was strong and it is hoped to build on that strong feedback in order to persuade other international decision makers to attend next year. Thanks were conveyed to the Minister for Justice, the Chief Justice and the Attorney General for their participation that was deemed to be very important. Planning for June 2023 is already underway with a similar format – 2-day conference – and with increased opportunities for more networking. There is a new steering committee in place and it is anticipated that there will be broad support again from the professions. It was noted that a surplus had been generated which was very positive.

- **Events in NY –week of the 12 September 2022, Financial Services/Structured Finance, Corporate Insolvency and Restructuring, International Arbitration, Implications of Brexit**
Patrick Leonard SC outlined the 2-day event that took place in NY that saw a total of 75 Irish representatives from the legal professions traveling for the event. The enclosed documentation in the meeting pack set out detail on the events held that were focussed in areas where Ireland has a competitive advantage, e.g. corporate insolvency. Reference was made to comments made from the American lawyers who were very complimentary to the Irish legal system. It was also noted that the format and presentation of a unified trade mission between the profession and the Irish State, represented by the Minister for Justice, the Attorney General and the President of the High Court was very well received. Identifying the target audiences for each event was the correct approach.

Discussion took place on how to quantify the impact of these events and any additional opportunities that arose from the investment. It was agreed that the Law Society would give consideration to how this would be quantified in consultation with the IDA representative.

- **IFL exhibiting at ICCA 2022- Edinburgh:** Patrick Leonard SC noted that this was a bi-annual event, and the first that had taken place since 2018. Ireland for Law and Arbitration Ireland partnered in taking a stand at the event that received visits from USA & Asian representatives. It was noted that the event itself was not well attended by Irish lawyers generally. Patrick confirmed that the planned financial Services event due to take place in Brussels was now not proceeding owing to a clash with another event and will be re-scheduled into 2023.

Michelle Ni Longain informed the meeting that a breakfast briefing had taken place that morning with the ABA President in the Department of Justice. 112 were registered and 70 attended, along with some new faces from the profession in attendance that gave an opportunity to highlight the Ireland for Law initiative.

6. Proposed Events to promote the Ireland for Law initiative

- **Proposed General Counsel Forum to be hosted by the Law Society**

The Chairman, John Bruton noted that this initiative was a long time in development and sought an update. Liam Kennedy confirmed that a survey of Irish GC had taken place and demonstrated some positive results that highlighted the strong point of this jurisdiction. He noted that the survey indicated that the inhibitors are regulatory issues and delays in the courts. He advised the meeting that a forum was due to happen on 25th October 2022 but has been put back to the end of November 2022 with the Minister for Justice in attendance or alternatively another Minister . The Chairman urged the Law Society to get this event underway. A copy of the survey results will also be shared with the Committee.

- **Derivatives promotion: Proposed to schedule in early 2023 (commence promotion of the ISDA Irish law Master Agreement and Irish financial services law in the European market)**

Capitals identified for 2023 Madrid (February) / Brussels

Paul McGarry SC advised the meeting that this event in Madrid has been scheduled to take place in February 2023. The topic will be broadened to include financial services. The same approach to occur in Brussels, with a date to be agreed.

- **Webinar on Complex Financial Services Disputes in the Irish Courts – Proposed event with the BPF and other organisations**

Paul McGarry SC confirmed that a Junior member of the Bar was working on this with IBPF and with the President of the High Court to take place at end of November 2023.

- **Steering Committee established to work on Dublin International Disputes Week 2023 scheduled to take place at the Printworks, Dublin Castle on 7/8 June 2023.**

Karyn Harty referred to her earlier report on DIDW 2022 and added that there is also interest from the legal support industry who are interested in supporting the event, e.g. e-discovery, trialview etc.

- **London event:** Paul McGarry SC confirmed that there had been an event in London in March 2022 that was organised by the Embassy in conjunction with the EU Bar Association, IFL, The Bar of Ireland, London/Irish lawyers and was hoping to replicate it again in March 2023.

- **Planning for US Trip – Chicago 2023 + other US cities – New York or Bay Area, IBA Conference 2023, Paris Arbitration Week 2023**

Patrick Leonard SC updated the meeting on the current thinking on each of these events. It was noted that the IBA meeting is taking place in Paris in 2023.

Discussion took place on the reasons behind the selection of certain areas in the US and it was suggested that Delaware should also be included. It is noted that we will be getting

feedback from those who attended in NY to make decisions on next locations. The DFA feedback was very positive about the events and would like to continue the partnership with the Embassies. President Barniville noted that the Chicago Bar Association were planning to hold their international meeting in Dublin in April 2023, hosted by The Bar of Ireland and that this would present a further opportunity for promotion of IFL. The President also suggested that the engagement of the local senior judiciary in NY was very positive and that this can often assist in encouraging attendees at the various events.

Paul McGarry SC suggested that for the next meeting, we should aim to have the plan for all promotional events for the year ahead in place for sign off at next meeting.

7. Update on Proposals Credit Reporting Act

Liam Kennedy confirmed that this item is with the Law Society and the Dept of Finance to liaise on a technical issue. Liam Kennedy will circulate an updated briefing note in the next few days.

8. Update on Budget and Funding

John Laffan advised the meeting that on foot of the projected budget put forward in March 2022, the DOJ confirmed that they will provide €70k per annum for 2023 & 2024. A formal funding agreement will need to be entered into with IFL along with some KPI metrics to be agreed.

Discussion took place on the approach to measuring impact and success. The DOJ representatives confirmed that they are liaising with the CSO on the breakdown of professional services to get into the detail of the legal sector. It was noted that the UK are measuring this issue regularly and that Ireland needs to do similar. Reference was made to a previous report commissioned by the Law Society on the economic value of legal services to the economy.

9. Update on Marketing Proposals

The plan set out in the documentation was noted. The Law Society personnel are leading on this aspect with advice and ideas being fed in from the Bar.

10. Update on Social Media Engagement

The statistics provided in the documentation were noted.

11. Any Other Business

Oonagh Buckley advised the meeting that there is a need to refresh the Government mandate for the work of the Ireland for Law Implementation Group. A Government memo is required and will have regard for Ireland for Finance initiative. Membership of the committee will be reviewed, including the Chair. This process has to be undertaken every 3 years.

Liam Kennedy drew attention to the English perspective on the Irish legal market and the article in the papers – ‘Green Jersey’.

Liam Kennedy referred to the implementation of Directives advancing that is of assistance to the Tech sector in Ireland – Digital Services Directive – implementation date of July 2023. He urged better resourcing of Ireland at Brussels level in analysing EU legislation coming through especially as UK has now left the union. It was noted that the challenge is in relation to the drafting of legislation here and not at the Perm Rep in Brussels.

Date of next meeting: 15th December 2022 at 4:30pm in DOJ