

# Ireland's law firms are now firmly back in hiring mode

Prospects are now very bright for qualified Irish solicitors who were forced to emigrate during the lean years, writes Gareth Naughton

**T**he legal sector is hiring again in earnest following a few lean years, after the profession took a serious hit when the property market crashed and burned.

Recruiters are reporting that both private practice and in-house recruitment are on the up across a range of areas, with property also making a return, albeit mainly on the commercial side.

Ireland's law firms are growing again. According to figures compiled by the Law Society and published in the Law Gazette last month, 18 of the 20 largest firms in the country added to the number of practising solicitors on their books in 2013.

Just one saw a modest reduction. There was a rise of close to seven per cent in the number of practising solicitors in the 20 firms over the year.

"There is an appetite to hire," said Sarah Kelly, partner and head of the legal division at The Panel Search & Selection. "They want high-calibre candidates, usually with very specific experience related to their sector – that is really important – and they like people who have trained in good firms with good academics who are very commercial."

Kelly dates this shift back two years, but others have seen a marked difference emerge this year – and there has been a noticeable increase in in-house positions as well, particularly as more companies choose to locate their headquarters here.

Last year, firms went on the hunt for commercial property solicitors as activity returned to the market. Corporate lawyers are in demand, as are people with funds and regulatory experience.

Some areas like aviation

leasing, investment management, technology and pharmaceutical continued to hire throughout the recession.

"They have remained steady throughout for a variety of reasons. Aviation leasing is a hub in Dublin, there are lots of technology companies setting up, the pharmaceutical companies have amalgamated or there is a lot of mergers and acquisitions going on there," said Kelly.

"The law firms started to heavily recruit two years ago and I saw a particular requirement from the summer of 2013 onwards for commercial property solicitors again."

The outlook is very positive, according to Lisa Finlay, legal business manager for Martinsen Mayer.

"Even from this time last year alone it has rapidly picked up in terms of different roles available both in private practice and in-house," she said.

"The core of what they are looking for is people who have the technical skills and also commercial acumen. Drilling down into private practice, the main areas that would always be busy would be funds, regulatory and compliance."

Five years ago, it was a very different story, as firms dealt with the hammer blow of a property market spiralling downwards, and taking the economy and a substantial part of their business with it.

The immediate impact of that downturn was felt by the newly qualified solicitors who unexpectedly found themselves being let go once their traineeships were up.

"There just wasn't enough work for them," said Kelly. "It definitely happened in the smaller firms, but it also impacted the larger firms. Some of the larger firms did keep people on but it was a difficult time and not everyone was kept on across the board."



**Sarah Kelly, partner and head of the legal division at The Panel Search & Selection: 'There is an appetite to hire'**  
Picture: Feargal Ward

## Overseas experience

It was tough for those affected, but many chose to take the opportunity to go overseas, gaining valuable experience in Britain and elsewhere. They now make for a very attractive prospect for firms that have moved into hiring mode.

The legal profession here is also coping with the hangover of that failure to retain trainees, with a distinct shortage of people with three to five years' post-qualification experience available on the market.

"The biggest gap that the firms have had has been in the three- to five-year post-qualification experience area," Kelly said.

"That is because there would have been fewer people three to five years ago qualifying, or they may have gone overseas having not been kept on."

"The knock-on effect is that there is now a gap of those people. It is hard to find them. Experience from overseas, particularly if they have gone to work in a large firm or financial services company in London, is extremely attractive."

Demand in the three- to five-year post-qualification experience (PQE) area is currently outstripping supply and this is further exacerbated by a focus on specific skill-sets and reluctance to move, according to Suzanne Feeney, associate director of legal and compliance at Robert Walters.

"Firms and organisations are looking for candidates with a very specific skill set at a certain level of PQE, and we are seeing a shortage there as well. That is two-fold because there is also a loyalty factor there as well. A lot of the candidates within that range of experience will have built up huge loyalty and trust in the organisations that they are working with and very often they are reluctant to make that leap," she said.

That said, a lot of people are looking at what is happening with the wider economy and making the decision that they are willing to take what might have been seen as a risk two to three years ago by moving jobs.



**Lisa Finlay, legal business manager for Martinsen Mayer**

"From a candidate perspective, there is renewed confidence in the market and many legal professionals are seeking new challenges. In previous years, people were very concerned about job security and were reluctant to move; we are seeing very clear signs of restored confidence and recovery," said Feeney.

There has been a notable increase in counter-offers, Feeney added, with organisations keen to hold on to their top talent. The prospects for someone returning from overseas are very positive.

"Many Irish qualified solicitors who had no option but to emigrate in the past five or six years are now showing increased interest in returning to Ireland. There are very attractive career opportunities open to them now, particularly for those who gained post-qualification experience with magic and silver circle firms in the UK, as this experience is highly sought after by our top-tier firms," she said.

## In-house trends

There is strong growth in the number of in-house roles coming on the market, with companies recognising the commercial value of having legal counsel on hand to provide legal advice, day in, day out. It helps that this is probably more cost-effective.

In-house is particularly applicable to the many companies coming to Ireland for the first time – most often legal is one of the first hires that they make. Additionally, the much more robust regulatory environment that has emerged from the recession across a

range of sectors has focused minds.

"There are a lot of legal counsel positions starting to come on for people who can set up the legal desk in the new start-up company's base in Dublin," said Finlay.

"The likes of IT companies, they really have to have solid commercial contracts as well as having a bit of data protection in place because that is really picking up as well, and compliance comes in there, too."

"You have a lot of roles that are turning into dual roles with legal and compliance – one hat, two roles. These are very senior roles and it is really making Ireland a much more attractive place to come to. We never had these kind of positions coming up a couple of years ago."

With more senior roles coming on stream, the trickle down effect will mean that movement will start to break into the market, according to Kelly.

"A lot of the senior candidates really did not have an

opportunity to move but now once they change jobs there will be a knock-on effect because they will open up their role. That means that there is more movement in the market. We just need to get a few people moving and then that will move things on," she said.

The news is also good for newly qualified solicitors, with companies much more inclined to keep their trainees on and in permanent positions rather than working on short-term projects like security reviews or compliance check in industry.

"The situation for securing traineeships remains challenging and highly competitive. Standards are high and candidates are many. The standard qualification level is often a master's degree, with completed and passed FEIs [exams]," said Finlay.

"The age profile of today's generation of graduates is also older, since higher qualifications are required. As with any position, candidates need to be professional, confident and show initiative."

## People Problems

Relationship breakdown

# Doc-on-call driver awarded €12,000 over age bias

**T**homas O'Mahony had a good career with Eircom. As he approached 60 in 2005, he was working as a manager with the telco, and opted for a redundancy departure package.

Shortly afterwards, he was approached by a former Eircom colleague and invited to apply for a part-time job as a driver/attendant with Southwest Doc-on-Call, an after-hours medical service in the Cork-Kerry region.

Apparently, this medical service, which had an agreement with the Health Service Executive (HSE), liked to hire older people as drivers, because of their reliability and relatively safer driving practices.

O'Mahony had reached 61 when interviews for the position were held, and asked if he would have to retire four years later when he reached 65. He recalled that he was assured that he could work past this conventional retirement age.

He signed a contract in late 2005, which made no reference to retirement age. In fact, O'Mahony was confident that he could work past 65 as other Southwest



**Gerald Flynn**

Doc drivers had done so. He recalled two such drivers who had retired in 2008, at the ages of 67 and 69 respectively.

Unfortunately, recession took hold in 2008 and, a year later, its effects on public spending were clearly evident. O'Mahony enjoyed his job driving doctors to house-calls and to community clinics, but behind the scenes the HSE was cutting the Doc-on-Call subvention.

In early 2009, he was sent a new employment contract, which included a retirement age clause. He did not sign this as he already had an employment contract and was advised by the Doc-on-Call HR adviser that "the current terms and con-

ditions contained in your contract of employment are fully maintained".

Later that year, in December 2009, however, O'Mahony was forced into compulsory retirement. He felt that the move was a means to cut the number of driver/attendants, in order to avoid paying them redundancy compensation.

O'Mahony enjoyed good health and, even in his mid-60s, was still training teams in Gaelic football and hurling.

The doctors' co-op pointed out that its budget had been reduced by five per cent in 2009, while call-outs had grown from 40,000 in 2002 to 200,000 in 2012.

It admitted that it had not kept a copy of O'Mahony's original employment contract, but argued that it had advertised for drivers with a clean driving licence "to be aged between 25 and 65" and that it had agreed the retirement age with the Siptu trade union, of which O'Mahony had been a member.

It also argued that, when he received the revised employment contract in 2008, which he neither signed nor

returned, O'Mahony would have been aware of the 65 was the official retirement age.

Later that year, he was one of many employees to receive a circular from the general manager inviting them to discuss an "enhanced early retirement or voluntary leaving programme", but he did not respond to it.

Legal argument followed at an Equality Tribunal hearing, earlier this year, at which Doc-on-Call's representative claimed that while retirement at 65 was justified on health and safety grounds, this could also tie in with the financial benefits of not having to make redundancy payments to those reaching 65. Drivers have to load equipment into the car boot and this might present safety hazards.

The equality officer, Orlaith Mannion, concluded that the job attracted many people over 55, and that they saw it as a "step-down" job with flexible, part-time working hours.

In addition, the Doc-on-Call service tried to unilaterally change the employment contract by including a retirement age, which

O'Mahony was prudent not to sign up to. She concluded that he had outlined a prima facie case for discrimination on age grounds.

While the company had a business case in claiming that it was cheaper to allow people retire rather than pay for a redundancy package, it had unilaterally changed its retirement terms, and it had been custom and practice before 2008 for employees to work into their late-60s.

She also noted that the agreed proposals for change and rationalisation with Siptu made no mention whatsoever about retirement ages.

Since O'Mahony had been discriminatorily dismissed because of his age and was denied a redundancy sum, Mannion decided that he would have obtained a sum of about €12,000 – equal to six months' earnings – and so awarded the sprightly driver that sum, free of any income tax as it was redress for discrimination and not back-pay.

Gerald Flynn is an employment specialist with Align Management Solutions, gfflynn@alignmanagement.net

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■ **Elephant Smart Business has appointed a new chief executive. Ailbhe Whyte is joining from AIB, where she held several senior roles including, most recently, head of credit transformation for 15 months and, prior to that, transformation director, also for 15 months.**



■ **Charley Stoney is the new group managing director of Alternatives. She joins from Field Management Ireland where she was managing director for six years. Prior to that, she was managing director of McConnells Fusion for four years.**



■ **Pluto Communications has appointed John Gildea to the position of managing director. Gildea joins from Owens DDB Advertising in Dublin, where he was head of account management for four years, and account director for four years prior to that.**



■ **Nina Gaston is joining Mason Hayes & Curran's insurance team as partner. She has been a solicitor and partner with Kennedys in Dublin for 11 years, and was a solicitor and partner with Kennedys in London and Belfast for seven years prior to that.**



■ **UTV Ireland has appointed a communications manager and head of research. Neal Cummins (above) joining from Fleishmann Hilliard Dublin, where he was a senior client manager for seven years. Daragh O'Halloran was formerly research manager at the TV3 Group for seven years.**



■ **Simon Firth is Vayu's new head of energy service in Britain. Firth has been business development manager with Bergen Energi UK for five years, and was also formerly business development manager with RWE npower for three years.**

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