



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Office of Legal Services
Health Service Executive
63/64 Adelaide Rd
Dublin 2
D02 FR50

8th Nov 2019

HSE Office of Legal Services

Question: To ask the Minister for Health the amount paid out by the HSE for legal or expert fees between 2014 and to date in 2019, in tabular form; the external firms used; and if he will make a statement on the matter.

PQ Number: 42722/19

Dear Deputy Rabbitte

The Health Service Executive has been requested to reply directly to you in the context of the Parliamentary Question above which you submitted to the Minister for Health for response.

Appendix 1 provides details of the expenditure by the HSE on legal services for each of the years 2014 to 2018. Audited figures for 2019 are not yet available.

HSE Legal expenditure is made up of costs of solicitors services acquired by the HSE, costs of barristers fees, costs incurred by the HSE in paying 3rd party solicitors and amounts paid in relation to court settlements, other settlements and Guardian Ad Litem costs. It should be noted that the demand for and provision of legal services is never constant and varies from year to year depending on litigation conducted and advices provided. For example the number of cases covered by these legal costs amounted to 1,671 in 2018 and 1,139 in 2017.

The external firms used : 2011-2016

The HSE awarded a contract for the provision of solicitors' services to the Arthur Cox law firm on 1st March, 2011. Under this contract the Arthur Cox law firm provided corporate legal advice and also managed the provision of legal advice to the HSE by 29 law firms across the country all of which are listed in Appendix 2.

Current Legal Services Contract: April 2016 - Present

The contract with Arthur Cox concluded at the end of March 2016 and a new contract was executed in April 2016. Five individual solicitor firms and a single consortium of three solicitor firms are now contracted to the HSE to provide legal advice including to Hospital Groups and Community Healthcare areas. These firms are listed at Appendix 3 below. Under the current contract all fees are paid by HSE from a central budget for operational and corporate advice and all legal expenditure is monitored by the HSE Office of Legal Services.

2020 Legal Services Contract

The HSE's Office of Legal Services is currently engaged with the Office of Government Procurement to support us in the delivery of a new contractual arrangement with solicitor firms to replace the current contracting model which concludes in 2019. It is expected a new contract model for HSE will be in place in 2020.

I trust this information is of assistance to you and should you have any further queries please contact me on 01-7752248



Dara Purcell,
Office of Legal Services

Appendix 1

All figures €'000

	2018	2017	2016	2015	2014
AC Contract (inc 29 member firms)			€ 3,257	€ 11,377	€ 13,483
Current Contract	€ 18,713	€ 14,500	€ 4,801		
Regional Spend outside OLS 2014 - 16			€ 829	€ 471	€ 932
	€ 18,713	€ 14,500	€ 8,887⁽¹⁾	€ 11,849	€ 14,415

Appendix 2

Binchy Solicitors	Fitzgerald Solicitors	McMahon O'Brien
Bowe O'Brien	GV Maloney & Co	Nolan Farrell & Goff
Byrne Wallace	Hegarty & Armstrong	O'Gorman Solicitors
Coghlan Kelly Solicitors	Holmes O'Malley Sexton	Padhraic Harris & Co
Comyn Kelleher Tobin	J.D. Scanlon	Patrick J. Durcan & Co
DG O'Donovan & Partners	John A. Sinnott & Co	Poe Kiely Hogan Lanigan
Doyle Solicitors	Lynch & Partners	Ronan Daly Jermyn
Ensor O'Connor Solicitors	Mason Hayes & Curran	Ferrys Solicitors
Fachtna O'Driscoll Solicitors	McGovern Solicitors	Thomas A. Walsh
Farrell & Partners		VP McMullin

Appendix 3

Byrne Wallace
Philip Lee
CKT
JD Scanlons
Mason Hayes & Curran
<u>Eversheds Consortium</u>
Eversheds – Sutherland
St Johns Solicitors
Patrick J Durcan

- (1) Due to changes in the invoicing procedure when the contract was introduced in 2016 there was a drop in invoices submitted in 2016 and a subsequent increase the following year when prior year invoices were submitted by the firms