



An tÚdarás Rialála
Seirbhíse Dlí
Legal Services
Regulatory Authority

Annual Report 2019

Independence

Innovation

*Consumer
Protection*

*Transparency &
Accountability*



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

VISION

To develop the LSRA into an efficient, effective and accountable regulatory body with the capacity to protect and promote the public interest and the interests of consumers of legal services whilst encouraging an independent, strong, competitive legal profession with high standards of professionalism and integrity.

MISSION

To regulate the provision of legal services by legal practitioners and ensure the maintenance and improvement of standards in the provision of legal services in the State.

OBJECTIVES

1. Protect and promote the public interest.
2. Support the proper and effective administration of justice.
3. Protect and promote the interests of consumers relating to the provision of legal services.
4. Promote competition in the provision of legal services in the State.
5. Encourage an independent, strong and effective legal profession.
6. Promote and maintain adherence to the professional principles of legal practitioners specified in the 2015 Act.

Contents

Introductions	5
<i>Foreword by the Chairperson</i>	5
<i>Introduction by the Chief Executive Officer</i>	7
2019 at a Glance	9
What We Do	10
<i>Membership of the Authority</i>	11
<i>Update on the Authority's Activities in 2019</i>	13
<i>Authority Members</i>	15
Strategic Plan 2018-2020	18
Progress Against our Strategic Priorities	19
Priority 1 Build an Independent, Effective Regulatory Authority	19
<i>Independent Complaints Handling</i>	19
<i>The Roll of Practising Barristers</i>	24
<i>Levy on the Professions</i>	25
<i>Staff Resources</i>	25
Priority 2 Innovate in Introduction of New Models of Legal Service Delivery and Research into Legal Education, Access to Justice and Other Areas	26
<i>Introduction of Limited Liability Partnerships</i>	26
<i>Professional Indemnity Insurance</i>	27
Priority 3 Increase Awareness through Communication and Engagement	28
<i>Stakeholder Engagement</i>	28
<i>Legal Education and Training Symposium</i>	30
Senior Management Team	33
Governance and Structure	35
Appendices	42
<i>Timeline of Key Events and Activities in 2019</i>	42
<i>LSRA Funding Note</i>	45

Core Values

The work of the LSRA as a public service body is guided by four core values:



Annual Report for year ended 31 December 2019

This Annual Report is made to the Minister for Justice and Equality and to the Oireachtas Joint Committee on Justice and Equality in accordance with section 21 (1) of the Legal Services Regulation Act 2015.

This is the fourth Annual Report submitted in relation to the work of the LSRA since it was established in 2016.



Foreword by the Chairperson

I am pleased to introduce the 2019 Annual Report for the Legal Services Regulatory Authority (LSRA). This is the Authority's fourth annual report and one which looks back on an important and busy year for the LSRA.

In 2019 the LSRA introduced several key reforms in the delivery of legal services in the State which will have a wide and lasting impact for legal practitioners and consumers of legal services.

The independent complaints function for all complaints regarding solicitors and barristers was commenced in October 2019. This was seen by many as the cornerstone of the Legal Services Regulation Act 2015 and as representing a significant milestone in the full implementation of the functions of the LSRA.

In November 2019 I was pleased to sign the regulations to allow partnerships of solicitors to apply to the LSRA for authorisation to operate as Limited Liability Partnerships. This model of legal service delivery has long been called for by many key stakeholders and now allows legal practitioners in Ireland to avail of a model commonly found elsewhere. The limiting of personal liability by legal practitioners comes with responsibilities to maintain appropriate professional indemnity insurance and to communicate effectively with clients and creditors as to the impact of the new operating model.

The LSRA's work in reviewing the education and training of legal practitioners in the State continued throughout 2019. Following on from

the submission to the Minister for Justice and Equality of a detailed research report in September 2018, the LSRA conducted extensive consultations with legal professional bodies, legal practitioners, educators and consumers of legal services.

In September the Authority hosted a symposium on legal education and training at Croke Park in Dublin. The symposium was attended by a wide range of legal academics alongside representatives of the professional bodies and small, medium and large legal firms, all of whom participated and contributed greatly to an informing and challenging debate.

The Authority issued several regulations throughout the year, including professional indemnity insurance regulations which for the first time set minimum standards for the levels of cover that are required to be maintained by barristers practising both inside and outside of the Bar of Ireland.

The Authority also published a new three year Strategic Plan for 2019-2022. This sets the roadmap for the next three years as we seek to finalise the commencement of the remaining sections of the 2015 Act and begin to benchmark the work we are undertaking so that we can set ourselves ambitious but realistic performance targets.

The Authority members met on five occasions in 2019 and I once again wish to thank my fellow Authority members for the commitment, active engagement and enthusiasm that has characterised their approach to the work of the Authority throughout the year. I would also like to thank the Authority's Finance Audit and Risk Committee for their important role in risk management and ensuring the appropriate standards of corporate governance are maintained.

In December, the LSRA was invited to attend a meeting of the Joint Oireachtas Committee on Justice and Equality on the topic of legal costs. It was a valuable opportunity to highlight the role that the Authority will have over time in increasing public awareness of the costs of legal services and to outline our plans for the future in this area.

Although 2019 was a significant and challenging year for the LSRA, more, of course, remains to be done. 2020 will see the introduction of legal partnerships, regulations in relation to the advertising of legal services, a further report on legal education and training, research and reports on the admission policies of the legal profession and consideration as to whether the professions should be unified. It will also see the publication of the LSRA's first two reports on complaints, which will be published at six monthly intervals.

I have seen first-hand the hard work and dedication of the LSRA team and I have no doubt that they will meet head on the challenges that lie ahead.

Dr Don Thornhill
Chairperson



Introduction by the Chief Executive Officer

I am delighted to introduce the fourth annual report of the Legal Services Regulatory Authority under section 21 of the Legal Services Regulation Act 2015 and in doing so I am pleased to be reporting on a year of significant activity, innovation and reform.

When I reported on the activities of the LSRA in 2018, we were still a very small organisation with fewer than ten staff. In 2019 the LSRA, having received sanction from the Department of Public Expenditure and Reform in July, started recruiting the staff required to fulfil our statutory functions.

We were also able to complete the statutory process under which staff of the Law Society were transferred to work in the Complaints, Investigations and Resolutions Department of the LSRA. The transfer of staff under the 2015 Act was a complex process and I wish to thank the dedicated staff of the Law Society's Human Resources Department who assisted greatly in achieving a successful outcome.

At the close of 2019, the LSRA had grown to 27 staff and I have been delighted to welcome and to work alongside our new colleagues including the LSRA's new Senior Management Team whose biographies can be found later in this report.

The year contained many highlights, significant events and milestones. These include: the signing of the first sets of regulations to enable reforms under the Act; the introduction of Limited Liability Partnerships; the establishment of the LLP register; and the successful collection of the first levy on the legal profession.

Two developments stand out as representative of the spirit and ethos of the LSRA's team. The first was the highly successful symposium on legal education and training held in Croke Park in Dublin in September 2019. A huge amount of work went into organising the symposium and ensuring that it balanced the delivery of information to and the encouragement of debate amongst participants. I was delighted to receive excellent feedback from attendees and the evidence gathered will now be distilled into a new report to the Minister for Justice and Equality on the topic in 2020. A full account of the symposium is included in this annual report but I would like to take the opportunity to thank all of those who attended and contributed, the facilitators, our student volunteers, our keynote speakers and, of course, the small team at the LSRA who worked so hard to make the day seamless.

The second development was the introduction of the LSRA's new complaints mechanism. The LSRA started receiving and investigating complaints against solicitors and barristers under Part 6 of the Act on 7 October 2019.

The commencement of Part 6 was the culmination of extensive and detailed preparation including exhaustive analysis and mapping of the complaints processes. The staff of the LSRA's Complaints, Investigations and Resolutions Department have

met every challenge head on and are working diligently to ensure that complaints are dealt with efficiently and effectively but also very much in a humane and empathetic manner. Further details on the number and nature of complaints received and emerging trends are documented in this report.

While we are still in the very early days of the new complaints regime, it is already heartening to see that both consumers and legal practitioners are engaging in a positive way with the new statutory provisions allowing for the early and informal resolution of complaints.

During the year, I was delighted to attend several events to meet with members of the legal profession and the public, and to speak about the work of the LSRA and our plans for the future. I am particularly grateful to the Bar Associations throughout the country who invited me to speak at Continuous Professional Development seminars and to raise the profile of the work of the LSRA. This will be an ongoing and developing area of work for the LSRA.

I would also like to thank Smith & Williamson for inviting me to speak at the launch of their annual survey of legal firms for the second successive year, and for doing so at a time of great activity for the LSRA.

As in previous years, I am grateful to the staff and management of the Law Society, the Bar of Ireland and the Honorable Society of King's Inns for their engagement and assistance. Whilst the independence of the LSRA is at the forefront of all that we do, successful and effective regulation cannot be achieved in isolation and I am grateful for the continued engagement of the legal professional bodies.

Finally, and as ever, I owe a huge debt of thanks to all of the staff of the LSRA. We have grown considerably as a team over 2019 and I am delighted that we have managed to maintain the positive, innovative and collaborative approach that has characterised the LSRA from the start and which will serve us well in the years ahead.

As always, they have my heartfelt thanks.

Dr Brian J. Doherty
Chief Executive Officer

2019 at a Glance

100 PEOPLE
TOOK PART IN OUR
SYMPOSIUM
ON LEGAL EDUCATION
AND TRAINING



2,735
PRACTISING
BARRISTERS
ON THE ROLL



WE ATTENDED A
MEETING OF THE
OIREACHTAS
JOINT
COMMITTEE
ON JUSTICE AND EQUALITY
ON LEGAL COSTS



FROM 1 NOVEMBER,
WE RECEIVED

82 LIMITED LIABILITY
PARTNERSHIP
APPLICATIONS

28 WERE
AUTHORISED



FROM OCTOBER
TO DECEMBER,
WE RECEIVED
954
PHONE CALLS
& E-MAILS
REQUESTING
INFORMATION
AND/OR COMPLAINT
FORMS

611
FILES
WERE OPENED
AS QUERIES



304
CLASSIFIED AS
COMPLAINTS
FOLLOWING
PRELIMINARY
REVIEW
301 RELATING TO
SOLICITORS AND
3 BARRISTERS

What We Do

The Legal Services Regulatory Authority was established on 1 October 2016 as an independent regulator of the legal professions. The LSRA works in the public interest to make legal costs more transparent, improve access and competition, and ensure adequate procedures for addressing consumer complaints.

The Authority has eleven general functions under the Legal Services Regulation Act 2015 ('the Act') which are to:

1. Keep under review and make recommendations to the Minister in respect of:
 - a. admission requirements of the Law Society, Bar Council, and Honorable Society of King's Inns;
 - b. availability and quality of education and training including ongoing training for the solicitors' and barristers' professions;
 - c. policies in relation to admission and, or, entitlement to practise of the Law Society, Bar Council and the Honorable Society of the King's Inns;
 - d. professional codes;
 - e. the organisation of the provision of legal services in the State.
2. Disseminate information in respect of the education and accreditation requirements and any other matters referred to above as the LSRA thinks fit.
3. Specify the nature and minimum levels of professional indemnity insurance required.
4. Establish and administer a system of inspection of legal practitioners for the purposes of the Act.
5. Receive and investigate complaints against legal practitioners.
6. Establish and maintain the roll of practising barristers.
7. Promote public awareness and disseminate information to the public in respect of legal services, including the cost of such services.
8. Keep the Minister for Justice and Equality informed of developments in respect of the provision of legal services including their cost.
9. Keep the Minister informed of developments in respect of the provision of legal services and make recommendations to assist the Minister in coordinating and developing policy.
10. Undertake, commission or assist in research projects and other activities in respect of the provision of legal services, which may increase public awareness and promote an improvement in standards for their provision, and make recommendations to the Minister for Justice and Equality.
11. Perform any other functions conferred by the Act or by regulations made under it.

Membership of the Authority

The Legal Services Regulatory Authority (the Authority) was established by the Minister for Justice and Equality on 1 October 2016 by virtue of S.I. 507 of 2016, in accordance with section 7 of the Legal Services Regulation Act 2015 (the Act).

The Authority is comprised of 11 Members nominated in accordance with section 9 of the Act. The Authority has a lay majority and chair. Authority members are appointed by the Government following nomination by 10 organisations. This nomination process

was designed to ensure the independence of the Authority while also achieving a gender balance and a balance of interests between legal practitioners and those consumers who avail of their services. The nominating organisations are as follows:

Authority Membership - Nominations

Organisation	No. of Nominations
The Citizens Information Board	1
Higher Education Authority (An tÚdarás um Ard-Oideachas)	1
The Competition and Consumer Protection Commission	1
The Irish Human Rights and Equality Commission	1
The Institute of Legal Costs Accountants	1
Consumers' Association of Ireland	1
Bar Council (Bar of Ireland)	1
Legal Aid Board	1
Honorable Society of the King's Inns	1
Law Society	2

When appointing a person to be a member of the Authority, the Government must be satisfied that he or she has knowledge of, and expertise in relation to, at least one of the following:

- The provision of legal services,
- Legal education and legal training,
- Competition law and policy,
- The maintenance of standards in professions regulated by a statutory body,

- Business and commercial matters,
- The needs of consumers of legal services.

The Executive function of the LSRA is provided by a Chief Executive Officer and the Secretary to the Authority and the staff of the Authority. The Chief Executive Officer is Dr Brian Doherty and Ultan Ryan is the Secretary to the Authority.

Authority Membership - Terms of Office

Authority Member	Organisation	Term of Appointment ¹	2nd Term Appointment ²
Angela Black	The Citizens Information Board	4 Years	-
Don Thornhill (Chair)	Higher Education Authority	4 Years	-
Deirdre McHugh	The Competition and Consumer Protection Commission	3 Years	3 years
Gerry Whyte	The Irish Human Rights and Equality Commission	4 Years	-
Stephen Fitzpatrick	The Institute of Legal Costs Accountants	3 Years	3 years
Dermott Jewell	Consumers' Association of Ireland	3 Years	3 years
Sara Moorhead ³	Bar Council (Bar of Ireland)	3 Years	3 years
Joan Crawford	Legal Aid Board	4 Years	-
Eileen Barrington	Honorable Society of the King's Inns	4 Years	-
James MacGuill	Law Society	4 years	-
Geraldine Clarke	Law Society	3 Years	3 years

1. Under section 10 of the 2015 Act, five of the Authority members, selected by the drawing of lots, shall hold office for a period of 3 years, with the remaining members, including the Chair holding office for a period of 4 years.
2. Members on 3 year term agreed to extend their terms by a further 3 years under section 10 of the 2015 Act.
3. Sara Moorhead was appointed to the Authority in May 2018 following the appointment of David Barnville to the High Court. This appointment was for the remaining term of the original appointment.

Update on the Authority's Activities in 2019

The Authority met on five occasions in 2019, bringing through a significant body of work to continue to build the Legal Services Regulatory Authority (LSRA). The minutes of all Authority meetings are published on the LSRA website.

At its first meeting of 2019, the Authority approved the organisation's workforce plan, code of conduct for the Authority, general regulations in respect of Legal Partnerships and Limited Liability Partnerships and regulations in respect of professional indemnity insurance. The authority approved the plan for follow-up on the Section 34 Report on the Education and Training of Legal Practitioners, including plans for a symposium in September 2019.

At its second meeting of 2019, the Authority approved its 2018 Annual Report, the code of practice for practising barristers, and plans for a public consultation on the advertising of legal services. The Authority also approved the LSRA's Draft Financial Statements for 2018 and the mechanism and methodology in respect of the levy of the profession in 2019.

At its third meeting of 2019, the Authority approved progress on the transfer of staff from the Law Society to the LSRA and Legal Practitioners Disciplinary Tribunal (LPDT), the implementation programme for Part 6 (Complaints) and the securing of long-term premises for the LSRA. The Authority also noted the completion of an internal audit of LSRA internal controls for 2018, commenced a self-evaluation process and approved the calculation and audit of the 2019 levy in respect of the LSRA's 2018 expenditure.

At its fourth meeting of 2019, the Authority approved the LSRA's Strategic Plan 2019-2021 for submission to the Minister for Justice and Equality. The Authority approved finalisation of Regulations under Section 55 (Complaints) and Complaints Committee procedures. The Authority approved Section 98 (Levy) Regulations and approved progress on selection procedures for the Complaints Committee and Review Committee and noted progress at Department of Justice and Equality in respect of LPDT appointments.

At its fifth meeting of 2019, the Authority noted the operational start to the Complaints Unit in October, the issuing of the 2019 Levy Notices and the introduction of the framework for Limited Liability Partnerships. The Authority reviewed the outcomes from consultations and symposium on legal education and training and approved a framework for drafting a further report to the Minister for Justice and Equality under section 34 of the Act.

The Authority approved the Duly Authorised Register of staff authorised to perform Section 13(7) functions under the 2015 Act. The Authority noted initial engagement with the Chief Justice in respect of the Advisory Committee on Patents of Precedence (appointments to senior counsel) and reviewed the work programme roadmap for 2020.

The Workforce Plan 2019 was finalised and subsequently approved by the Department of Public Expenditure and Reform in June 2019, with direct recruitment of core staff commencing in Quarter 3. This activity was in addition to the transfer of staff from the Law Society at the end of August.

The Authority adopted the Department of Public Expenditure and Reform Code of Practice for the Governance of State Bodies in 2017 and achieved substantial compliance with the code in 2019.

In 2019, the Authority submitted its second set of Financial Statements for the period from January 2018 to December 2018, to the Comptroller and Auditor General for Audit. On 16 December 2019, the Comptroller and Auditor General reported that the LSRA Financial Statements gave a true and fair view of the assets, liabilities and financial position of the LSRA at 31 December 2018 and of its income and expenditure from 1 January 2018 to 31 December 2018 in accordance with Financial Reporting Standard (FRS) 102.

The Authority undertook procurement exercises in 2019 with the advice and assistance of the Office of Government Procurement. The procurement exercises employed the existing All-of-Government Frameworks.

Under section 21(1) of the Act, the Authority shall, no later than 30 April each year, make a report (referred to as the Annual Report) to the Minister and to the Oireachtas Joint Committee on Justice and Equality, or any Oireachtas Joint Committee that may replace that Committee, on the performance of its functions during the preceding year.

How we are funded

Since its establishment in October 2016, the LSRA has relied on advance funding from the Department of Justice and Equality in accordance with the Act. In November 2019, the LSRA issued the first statutory levy on legal practitioners. The LSRA also began receiving income by way of fees relating to the authorisation of Limited Liability Partnerships.



Authority members at their meeting of 20 June 2019.

Pictured (left to right): Eileen Barrington SC, Sara Moorhead, James MacGuill, Prof Gerard Whyte, Geraldine Clarke, Angela Black, Dermott Jewell, Deirdre McHugh, Don Thornhill (Chairperson), Stephen Fitzpatrick, Joan Crawford.

Authority Members



Dr Don Thornhill – Chair *Higher Education Authority*

Dr Don Thornhill currently chairs the Legal Services Regulatory Authority. He also chairs the Standing Committee of Dublin Maternity Hospitals and is a consultant and adviser on strategy and policy. His previous board memberships have included the National Competitiveness Council, Hibernia College, the Chartered Accountants' Regulatory Board, the Irish Payments Services Organisation, the Irish Management Institute, Forfás, the Digital Hub, the Fulbright Commission and Science Foundation Ireland. Between 1993 and 2005 he was successively Secretary General of the Department of Education and Science and Executive Chair of the Higher Education Authority.



Eileen Barrington SC *Honorable Society of King's Inns*

Eileen Barrington is a graduate of Trinity College Dublin, the King's Inns and the College of Europe, Bruges. Eileen commenced practice as a barrister in 1994 and became a senior counsel in 2011. She practises mainly in the areas of European, commercial, administrative and regulatory law.



Angela Black *Citizens Information Board*

Angela Black is the Chief Executive of the Citizens Information Board. Qualified in ICT as well as banking risk, Angela's experience includes consumer financial services in the Department of Finance and Ireland's EU Commission negotiations. She worked on financial services in the European Commission in Brussels from 2007-2011 and chaired the European Parliament mortgage credit directive negotiations.



Geraldine Clarke

Law Society of Ireland

Geraldine Clarke is a Partner in Gleeson McGrath Baldwin Solicitors in Dublin, where she practises in the area of litigation. She is a past President of the Law Society of Ireland. She is a former Chair of the Professional Ethics Committee of the International Bar Association and has served as a Board member of the Irish Financial Services Appeal Tribunal.



Joan Crawford

Legal Aid Board

Joan Crawford is Regional Manager for the Legal Aid Board, having worked as a solicitor and subsequently as a Managing Solicitor in various Law Centres in the Dublin region. In her current role Joan is also involved in developing policy, governance and strategy for the Board. She has experience in general practice and local government, as well as extensive experience in Family Law and Mediation, Child Abduction and Child Care cases in all courts. Joan has a Masters in Public Management and Diplomas in European Law, Child Care Law and Mental Health and Capacity Law. She is a member of the Dublin Solicitors Bar Association and Family Lawyers' Association.



Stephen Fitzpatrick

Institute of Legal Costs Accountants

Stephen Fitzpatrick is the managing partner of Peter Fitzpatrick & Co Legal Costs Accountants. He is also a Mediator and Costs Lawyer. Stephen is a past Secretary of the Institute of Legal Costs Accountants and has been a member of the board of the Legal Services Regulatory Authority since 2016 and currently is Chair of the Finance Audit and Risk Committee of the Authority.



Dermott Jewell

Dermott Jewell is Policy and Council Advisor to the Consumers' Association of Ireland. He was elected President of ANEC – The European Consumer Voice in Standardisation in June 2019. Mr Jewell is a member of the Chartered Institute of Arbitration (Irish Branch) CI Arb with accreditations in Employment Investigation and Mediation. He is a Member of the Irish Institute of Mediation and the Institute of Directors. He was recently awarded the IPA-UCD Professional Certificate in Governance.



James MacGuill *Law Society of Ireland*

James MacGuill qualified as a solicitor in 1986 having first obtained his BCL in UCC. He has practised continuously ever since mainly in the field of public law. He has served as President of the Law Society of Ireland (2007/2008) and is currently Second Vice President of the Council of Bars and Law Societies of Europe.



Deirdre Mc Hugh *Competition and Consumer Protection Commission*

Deirdre McHugh is Head of International Affairs in the Competition and Consumer Protection Commission (CCPC). She was previously Head of Advocacy at the CCPC and has extensive experience in the area of competition and consumer policy. Deirdre holds a Postgraduate Diploma in EU Competition Law from King's College London. She has an MSc (Competition and Regulation) from NUI Maynooth and an M.A. (Economics) from University College Dublin.



Sara Moorhead SC *Bar of Ireland*

Sara Moorhead is a Senior Counsel and a Centre for Effective Dispute Resolution (CEDR) Accredited Mediator. She is primarily a trial lawyer/courtroom advocate. She has extensive expertise in the areas of Judicial Review, Personal Injuries, Administrative and Contract Law, Medical Negligence, Professional Negligence, Insurance Law, non-Jury, Asylum and Immigration law. She has represented the Government in proceedings before the European Court of Justice. She has also advised the Office of the Parliamentary Legal Adviser and acted as Legal Counsel in a number of Tribunals of Inquiry.



Prof Gerry Whyte *Irish Human Rights and Equality Commission*

Gerry Whyte is a Professor in Trinity Law School, Trinity College Dublin. The author and co-author of books on public interest law, constitutional law and trade union law, he has also edited books on aspects of law and religion and Irish social welfare law. He is also active in a number of social justice and legal aid organisations.

Strategic Plan 2018-2020

The Strategic Plan 2018-2020 sets out three Strategic Priorities for the Legal Services Regulatory Authority. The plan maps out goals and actions to meet these priorities, which are:

PRIORITY 1 *Build an Independent, Effective Regulatory Authority*

PRIORITY 2 *Innovate in Introduction of New Models of Legal Service Delivery and Research into Legal Education, Access to Justice and Other Areas*

PRIORITY 3 *Increase Awareness through Communication and Engagement*

This Annual Report documents how the LSRA performed against these goals and priorities during 2019.

Second Strategic Plan 2019-2022

In 2019, the LSRA issued its second Strategic Plan which covers the period from 2019 to 2022. This is because the Authority was required under section 20 of the Act to submit a three year strategic plan within six months before the third anniversary of its establishment day in October 2016.

The Annual Report for 2020 will chart the Authority's performance against the strategic priorities in the second Strategic Plan for 2019-2022.

Progress Against our Strategic Priorities

PRIORITY 1 *Build an Independent, Effective Regulatory Authority*

Independent Complaints Handling

This is the first year that the LSRA has reported in its Annual Report on its complaints function. The LSRA began receiving and investigating complaints relating to solicitors and barristers on 7 October 2019 following the commencement of Part 6 of the Act.

Under this new independent complaints handling regime, the LSRA is responsible for complaints which in the past were made to the professional bodies for solicitors and barristers – the Law Society of Ireland and the Bar of Ireland.

Both the Law Society and the Bar will continue to investigate complaints that were made to those organisations prior to 7 October 2019 until they are concluded.

The LSRA was busy throughout 2019 preparing to take up the new function.

The Complaints, Investigations and Resolutions Department was established in early April 2019. It is comprised of two units: the Complaints and Resolutions Unit, which is now fully functioning, and an Inspections Unit that will be set up during the course of 2020.

The groundwork involved designing and setting up the LSRA's complaints handling processes in line with the legislation. This included developing standard operating procedures, template letters and forms. The LSRA also drafted the Legal Services Regulation Act 2015 (Complaints Procedures) Regulations S.I. No. 573 of 2019 which came into force on 15 October 2019.

A complaints form was made available on the LSRA website for download, along with information guides – FAQs for the assistance of both consumers and legal practitioners.

The Complaints Investigations and Resolution Department has grown steadily since it was established. The total number of staff working in this Department by the end of 2019 was 12, with a further five due to join early in 2020.

Both the Complaints Committee and the Review Committee that are required under the Act were formed in 2019. Both of these committees have majority lay members, and it is anticipated that they will be fully established to carry out their statutory functions early in 2020.

Complaints Reporting and Grounds for Complaint

The LSRA is required under section 73 of the Act to report on the performance of its complaints function every six months.

The three grounds for complaint under Part 6 of the Act are:

- that the legal services provided were of an inadequate standard;
- that the amount of costs sought by the legal practitioner were excessive;
- that the legal practitioner performed an act or omission which amounts to misconduct under the Act.

Misconduct is broadly defined in the Act and includes an act or omission which involves fraud or dishonesty, or which is likely to bring the profession into disrepute. The provision of legal services which are inadequate to a substantial degree or the seeking of grossly excessive costs can also be misconduct under the Act.

Only a client – or a person acting on behalf of a client – can bring a complaint to the LSRA where the client considers that the services provided were of an inadequate standard or that the fees charged were excessive. When it comes to alleged misconduct by a solicitor or barrister, any person can make a complaint to the LSRA.

Complaints under the Act's three grounds are classified in the LSRA's complaints system into a range of categories. For complaints alleging inadequate service standards and excessive costs, these are recorded by work areas or types, including litigation, conveyancing, probate and family law. For complaints alleging misconduct, the categories relate to the nature of the act or omission that gives rise to the complaint.

Informal Resolution

The Act places informal resolution at the heart of the LSRA's complaints handling process. Once a complaint is deemed to be admissible and relates to inadequate service or excessive fees, the Act requires the LSRA to invite the parties to resolve matters informally if possible.

In 2019 some complaints were informally resolved between the parties directly at a very early stage in the complaints handling process. A total of 14 complaints were resolved at the pre-admissibility stage – that is before the LSRA had made a determination as to whether or not the complaint was admissible. In this regard the degree of engagement between complainants and legal practitioners with the LSRA complaints unit staff has been extremely encouraging.

Complaints from October to December 2019

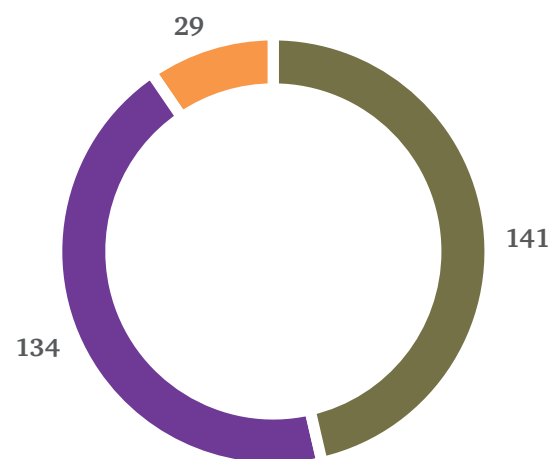
It had been anticipated that there would be a spike in complaints once the LSRA commenced its functions under Part 6 of the Act. This expectation was based on an assumption that some potential complainants – who might otherwise have made their complaints through the pre-existing framework at the representative bodies – had held off until the LSRA opened.

This expectation was borne out in the volume of complaints received from 7 October 2019 to 31 December 2019.

During this period, the LSRA received 954 phone calls and e-mails requesting information and/or complaint forms. A total of 611 files were opened as queries. Following an assessment of these files, a total of 304 were classified as complaints which were then subject to the statutory pre-admissibility assessment process. This phase was ongoing at the end of 2019.

Of the 304 complaints on hand at the end of the year, 301 related to solicitors and three related to barristers. The largest category of complaints received in the 12 week period related to service standards. A total of 141 (46.4%) complaints were from clients in relation to alleged inadequate standards of legal services provided. A further 134 (44.1%) related to alleged misconduct, while 29 (9.5%) alleged that excessive costs were sought.

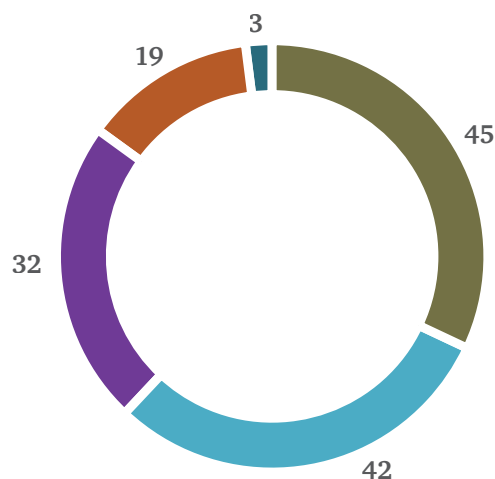
Even in the relatively short period of time to the end of 2019, certain themes have started to emerge. One feature that cuts across almost all complaints is, perhaps unsurprisingly, communication. Where a legal practitioner fails to properly respond and adequately explain issues to clients then complaints will inevitably follow.



Inadequate Services	141	(46.4%)
Misconduct	134	(44.1%)
Excessive Costs	29	(9.5%)
TOTAL	304	

Inadequate Standard of Services

A total of 141 complaints were received alleging that the legal services provided were of an inadequate standard. An unexpected feature was the high volume of complaints relating to probate, with a total of 45 complaints related to the administration of estates. This is slightly more than litigation (42) and significantly more than conveyancing (32) and family law (19).

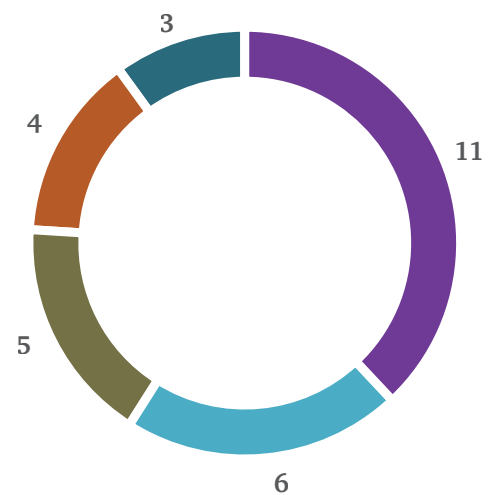


Probate	45	(31.9%)
Litigation	42	(29.8%)
Conveyancing	32	(22.8%)
Family	19	(13.4%)
Other	3	(2.1%)

TOTAL 141

Excessive Costs

A total of 29 complaints received alleged that excessive costs were sought. Of these, 11 related to the area of litigation, with six relating to conveyancing, five to family law, and four to probate.

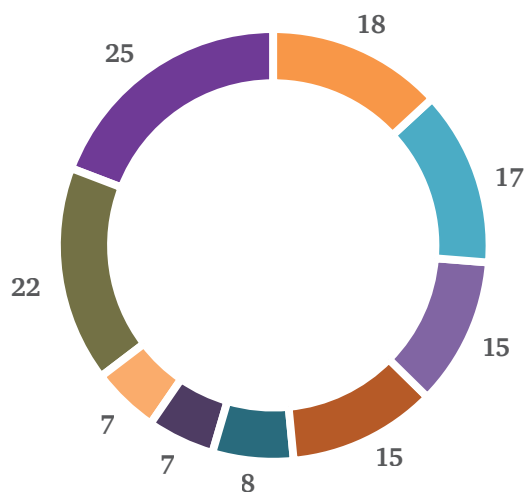


Litigation	11	(37.9%)
Conveyancing	6	(20.7%)
Family	5	(17.2%)
Probate	4	(13.8%)
Other	3	(10.3%)

TOTAL 29

Misconduct

Of the 134 complaints of alleged misconduct, 18 related to failure to communicate, 17 involved failure to comply with an undertaking given to a colleague or financial institution, 15 related to failure to account for clients' money and 15 involved alleged fraud or dishonesty.



Failure to communicate	18	(13.4%)
Undertaking	17	(12.7%)
Failure to account	15	(11.2%)
Fraud or dishonesty	15	(11.2%)
Misleading the court	8	(6.0%)
Failure to hand over	7	(5.2%)
Counsels' fees	7	(5.2%)
Misc less than 5%	22	(16.3%)
Other	25	(18.7%)
TOTAL	134	

Other Complaints

A total of nine complaints involved issues relating to alleged criminal activity. The majority of these related to allegations made against what is suspected to be a bogus law firm. These were referred to the Gardaí.

“I just want to thank you for being so patient and reassuring on the phone to me today and also emailing me the information required if I need to complain.”

“Thank you for your prompt and efficient response.”

“I am very grateful to you and all involved for your help, intervention and support, as it has caused me a lot of stress over the years.”

The Roll of Practising Barristers

Following a six month establishment phase, the Roll of Practising Barristers was established on the 28 December 2018. Over the course of 2019 the LSRA maintained the roll as required by section 133(1) of the Act.

The Roll is a searchable public-facing register of all barristers entitled to provide legal services in the State.

It includes in-house counsel and barristers in the full-time service of the State.

The Roll is an important tool by which members of the public can be assured that the barrister providing legal services on their behalf is lawfully entitled to do so. The Roll of Practising Barristers is a necessary element for the calculation and administration of the levy on the legal professions, which is the LSRA's principal funding mechanism.

It is also a key requirement for the enforcement of the regulations relating to Professional Indemnity Insurance which the LSRA issued in 2019. The Roll is published on the LSRA's website and is routinely updated.

While the Roll was formally established on 28 December 2018, it was published on the LSRA's website for the first time in June 2019. Until then, it was available for public inspection free of charge at the LSRA's offices as required by Section 133(2) of the Act.

Over the course of the year, 450 practising barristers were added to the Roll.

The Roll numbers grew from 2,285 on 1 January 2019 to 2,735 on 31 December 2019. Of these, 2,100 were members of the Law Library. The LSRA engaged constructively with these new entrants and continued the positive engagement with existing entrants.

Sections 136 and 137 of the Act commenced on 16 August 2019. Section 136 makes it a criminal offence for an unqualified person to provide legal services as a practising barrister. Under the same section, providing legal services when your name is not on the Roll of Practising Barristers is also an offence.

A further offence exists under section 137 of the Act for a person who is not a "qualified barrister" to pretend to be a qualified barrister.

Throughout 2019, the LSRA engaged with barristers seeking to be added to the Roll or to have their details amended or removed as needed. The periods where most updates to the Roll were required were after the Calls to the Bar which took place in March, July and October.

The Call to the Bar is a formal ceremony in which a graduate of the Honorable Society of the King's Inns Barrister-at-Law degree is admitted to take their place in court and to practise as a junior counsel.

The LSRA engaged with the Honorable Society of the King's Inns and the Bar of Ireland throughout the year to ensure the continued accuracy of the Roll.

Levy on the Professions

In 2019, the LSRA issued its first levy assessment notices to the professional bodies and certain barristers, following the commencement of Part 7 of the Act on 16 August 2019.

The Law Society of Ireland, Bar of Ireland, and non-members of the Law Library who are practising barristers were subject to the levy, to cover the operating costs and administrative expenses of the Authority that were incurred in the 2018 financial year.

In August 2019 the LSRA determined the operating costs and administrative expenses of the Authority for the 2018 financial year and then calculated the proportion payable by the Law Society, the Bar of Ireland and practising barristers who were not members of the Law Library.

Section 97 of the Act provides an exemption for legal practitioners in the full-time service of the State.

The levy for the 2018 financial year came to €98.76 per legal practitioner.

On 6 November 2019 the LSRA, as required under section 95 of the Act, issued a Levy Assessment Notice to each professional body and the 158 non-Law Library practising barristers liable for the levy. Prior to issuing the notices, the LSRA engaged with the stakeholders, providing information on the figures used for the calculation of the levy and the amount of the levy to be paid.

As of year-end 2019, 99.6% of the levy for the 2018 financial year has been paid to the LSRA.

Staff Resources

The LSRA's Workforce Plan was completed in 2019, approved by the Authority and submitted to the Department of Public Expenditure for sanction. The plan details the staffing requirements of the LSRA and the associated funding requirements for the period 2019-2021. It makes provision for 51 staff members to enable the LSRA to fulfil its statutory function. The independent Legal Practitioners Disciplinary Tribunal when established will require an additional six staff seconded from the LSRA. The table below gives a breakdown of the staff complement at the end of 2019 and the current vacancies.

Grade	Total	2019 Complement	Vacancy
Assistant Secretary	1	1	0
Principal Officer	2	1	1
Assistant Principal Officer	6	5	1
Advisory Counsel Grade III	1	0	1
State Solicitor	12	6	6
Higher Executive Officer	10	2	8
Executive Officer	3	0	3
Clerical Officer	16	9	7
Total	51	24	27

Staff numbers reflect job sharing arrangements

Commencement of Sections of the Act

The year saw the commencement by the Minister for Justice and Equality of further provisions of the Act, with the result that the majority of the Act's provisions have been commenced.

In total, 155 new sections of the Act were commenced in full, while six were partially commenced. The Act's two schedules – related to Principles Relating to Legal Costs and Enactments Repealed – were also commenced in 2019.

PRIORITY 2

Innovate in Introduction of New Models of Legal Service Delivery and Research into Legal Education, Access to Justice and Other Areas

Introduction of Limited Liability Partnerships

In November 2019 the LSRA introduced the framework that allows partnerships of solicitors registered with the Law Society of Ireland to apply to the LSRA for authorisation to operate as Limited Liability Partnerships (LLPs). This followed detailed preparation work undertaken by the LSRA throughout 2019.

The introduction of this new business model is intended to put Ireland on a par with other jurisdictions that have operated LLPs for a number of years. It also has the potential to increase competition in the legal services market, reduce professional indemnity insurance costs for LLPs and to consequently lower legal costs for consumers.

In an LLP all partners listed on the Register of Limited Liability Partnerships are provided with limited liability and their personal assets are protected from the negligence of other partners. Partners may still be held liable for liabilities arising from their own acts of fraud, dishonesty, misconduct or criminality.

This model of legal service delivery has long been called for by many key stakeholders and now allows partnerships of solicitors in Ireland to avail of a model commonly found elsewhere. The limiting of personal liability by legal practitioners comes with responsibilities to maintain appropriate professional indemnity insurance and to

communicate effectively with clients and creditors as to the impact of the new operating model.

The Minister for Justice and Equality signed the order to commence the relevant sections of the 2015 Act on 7 October 2019. The Chief Executive and Chairperson of the LSRA signed the Legal Services Regulation Act 2015 (Limited Liability Partnerships) (Section 130) Regulations 2019 (S.I. No. 519/2019) on the 23 October 2019.

The LSRA started accepting applications from partnerships of solicitors for authorisation to operate as LLPs from 1 November 2019.

By 31 December 2019, 175 legal firms had requested an LLP application form, 82 valid applications had been received and 28 firms had been authorised by the LSRA to operate as LLPs.

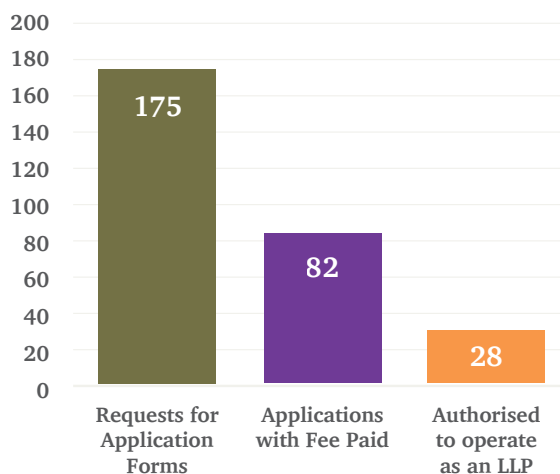
Section 125(9) of the Act requires the LSRA to make a decision on whether to authorise a relevant business to operate as an LLP within 60 days following the receipt of a valid application form and fee. As of 31 December 2019 the average processing time was 30 days.

An information booklet in relation to LLPs was made available on the LSRA website.

As required by section 126(1) of the Act, the LSRA also established the Register of Limited Liability Partnerships. This register was first uploaded to the LSRA website on 2 December 2019 and continues to be updated on a regular basis.

Prior to the opening of the LLP application process, there was significant interest from a number of quarters. Following the opening of the application process, the LSRA has continued to engage constructively with applicants, providing answers to questions and guiding them through the application process.

Limited Liability Partnerships – Status update 2019



Professional Indemnity Insurance

On 14 November 2019 the LSRA issued regulations regarding the professional indemnity insurance required by practising barristers.

The Legal Services Regulation Act 2015 (Professional Indemnity Insurance) Regulations 2019 set minimum terms and conditions for professional indemnity insurance that all practising barristers must comply with.

There are exemptions within the regulations for practising barristers who provide legal services only as an employee of a partnership of solicitors and also for practising barristers who provide legal services only as part of their employment within the State for an employer who is not a legal practice.

As provided for by section 46(3) of the Act, the LSRA has approved the group scheme of professional indemnity insurance for practising barristers within the Bar of Ireland as being in compliance with the 2019 Regulations.

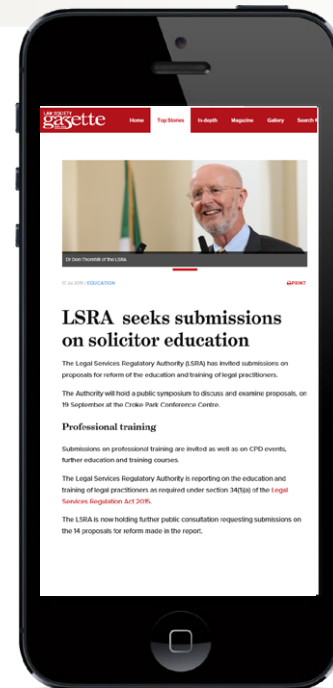
In November 2019 CEO Dr Brian Doherty addressed the launch of Smith & Williamson's Annual Survey of Irish Law Firms, and updated attendees on the framework for LLPs. Pictured with the Minister for Justice and Equality Charles Flanagan, Giles Murphy and Paul Wyse from Smith & Williamson.

PRIORITY 3 *Increase Awareness through Communication and Engagement*

Stakeholder Engagement

Throughout 2019, the LSRA continued to engage with key stakeholders in the legal sector, legal and other regulatory bodies, as well as consumer groups.

The LSRA actively engaged with professional bodies to outline progress in implementing key provisions of the Act, including the framework for the introduction of Limited Liability Partnerships (LLPs), the Roll of Practising Barristers and the introduction of new rules on costs transparency.



The Chief Executive held five update meetings with the Law Society during the year, and four with the Dublin Solicitors Bar Association. In addition, the Chief Executive gave an address at a seminar organised by the Law Society's Regulation of Practice Committee.

All of the professional representative organisations have been welcoming and generous of their time in sharing their knowledge and experience whilst respecting the independence of the LSRA in the exercise of its functions.

The LSRA also engaged Bar Associations outside Dublin to ensure that their members were aware of the work being undertaken, to encourage engagement and submissions in the public consultations and to address any concerns or queries that may have arisen about the commencement of the LSRA's functions.

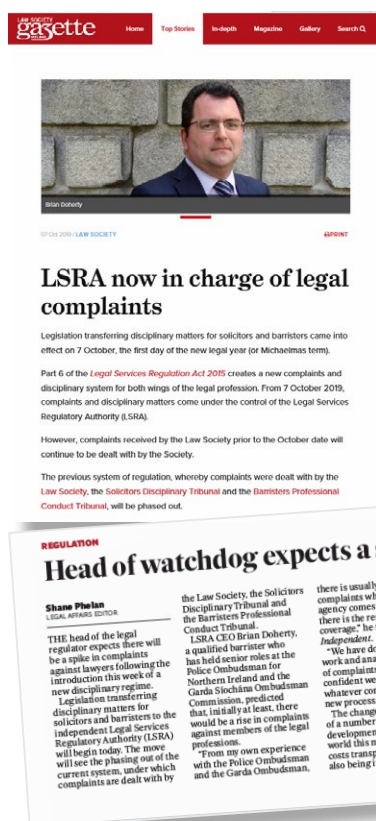
As part of the LSRA's ongoing stakeholder engagement work, the Chief Executive delivered talks at several Continuous Professional Development events around the country. These sessions were hosted by a range of bodies including the Dublin Solicitors Bar Association, the National Solicitors Alliance, DWF Dublin, the Chief State Solicitors Office, the Commercial Litigation Association of Ireland and regional Solicitor Bar Associations in Cavan, Sligo and Longford.

These sessions covered a variety of topics including the introduction of LLPs, the new complaints processes, the review of legal education and training, Professional Indemnity Insurance Regulations as well as a general update on the work of the LSRA to date.

In December 2019, the Chief Executive and Secretary to the Authority attended a meeting of the Joint Oireachtas Committee on Justice and Equality on the topics of Access to Justice and Legal Costs.

The work of the LSRA continued to attract national media interest, with coverage in The Irish Times, Irish Examiner, and the Irish Independent. In addition, the Law Society of Ireland Gazette and the Bar of Ireland's Bar Review carried regular updates for their respective members on the work of the LSRA and the implementation of key provisions of the Act.

In November 2019, the LSRA set up a media distribution list for national and regional broadcast, online and print media, as well as specialist correspondents.



Legal Education and Training Symposium

On September 2019 the LSRA hosted a day-long symposium on Legal Education and Training at Croke Park in Dublin to consider the proposals made in the Hook Tangaza independent review report submitted to the Department of Justice and Equality on 28 September 2018 and laid before each House of the Oireachtas on 20 November 2018.

A review of legal education and training was required under section 34 of the Act. The LSRA commissioned Hook Tangaza research and advisory company to conduct the necessary research and to deliver a report on the current arrangements in the state for legal education and training and to identify proposals for possible reform.

The Hook Tangaza report made 14 proposals for reform (see page 32). These included the introduction of a competency based framework for the education of solicitors and barristers and the introduction of a Legal Practitioner Education and Training Committee with responsibility for setting and maintaining standards in the provision of legal education and training.

In the Authority's report to the Minister which accompanied the Hook Tangaza report, the Authority stated that these proposals if implemented had the capacity to significantly affect the education and training of legal practitioners and the wider legal services sector. The Authority also expressed the view that such significant change should only be made following careful consideration and informed debate on both proposals for change and their proposed implementation and impact. The Authority submitted its report to the Minister on 28 September 2018.



The symposium on Legal Education and Training followed a phased consultation process in which the Hook Tangaza proposals were considered and discussed with the Law Society, the Honorable Society of King's Inns, the Bar of Ireland and other key stakeholders. The symposium followed a further public consultation on the proposals with the wider stakeholder community, with 30 submissions received by the LSRA.

The format and structure of the symposium were informed by the themes emerging from the further consultation exercise and focused on consideration of the Hook Tangaza proposals and exploring a way forward. A total of 100 participants attended the event.

The morning of the symposium was designed to set the context for discussions on the topic of legal education and training and provide an overview of the current position as regards section 34 and the impact of legal education and training in Ireland. The afternoon session consisted of facilitated discussions amongst the symposium delegates regarding the key topics arising from the LSRA's work on section 34.

The symposium was launched by Oonagh Buckley, Deputy Secretary General of the Department of Justice and Equality. Martin Shanahan, CEO of the IDA delivered a keynote speech on The Importance of Legal Education and Training from an International Dimension. The LSRA CEO, Dr Brian Doherty provided an update on the public consultation and the further submissions received. Christopher Howard of The Dickson Poon School of Law, King's College London delivered a presentation on the Challenges on the Horizon for Professional Legal Education.

In the afternoon session, Dr Stephen Daly of The Dickson Poon School of Law and Professor Judith Skillen of the University of Nottingham facilitated a series of engaging and insightful discussions on the introduction of a competency framework for legal education and training, the introduction of a Legal Practitioner Education and Training Committee, whether solicitors should train as generalists or specialist and what steps could be taken to increase diversity in the legal profession. Students from Trinity, UCD and NUI Galway were on hand to record the discussions and the key points arising.

Following the further consultation and the consideration of the proposals at the symposium, the Authority will submit a further report to the Minister in 2020. This will outline the recommendations the Authority considers appropriate in relation to the provision of legal education and training in the State.

“Well done. Great day. Very informative. You can take a breath now before you have to consolidate all the views!”

“I attended the symposium today on Legal Education in Dublin... I just wanted to write to let you know that I found your presentation most informative. It made so much sense and tallied with what has been my experience in this field over the past number of years.”

“I wanted to drop you a line to congratulate you and the team on an exceptionally well organised event yesterday. I can only imagine how many hours it took in terms of planning, and the fact that you managed to stick to the timing was extremely impressive.”

Report on Legal Practitioner Education and Training Review

On 28 September 2018, following a public consultation, the LSRA submitted a report under section 34 on the education and training of legal practitioners in the State.

The report included 14 proposals set out by the Hook Tangaza review team. The Review team proposed:

1. A clear definition of the competencies and standards required to practise as either a solicitor or a barrister should be developed for both solicitors and barristers.
2. Roles and responsibilities of stakeholders in the legal education and training system should be reformed by the Authority establishing a Legal Practitioner Education and Training (LPET) Committee, which would be responsible for setting the statement of competence and defining standards, which legal practitioners would achieve on qualification. The LPET Committee would require existing providers of legal education to demonstrate how they met these standards and to enable new providers to explain how they would seek to meet them.
3. An accreditation and validation framework should be developed for legal education and training.
4. Programmes offered by existing and new providers to be accredited against the competency framework.
5. Assessment methodologies should ensure adherence to standards.
6. The LPET Committee should monitor the quality of legal education and training. Legal education and training providers should be required to maintain ongoing quality assurance processes.
7. Admission to programmes of legal practitioner education should be based on achievement of specified competencies at defined standards.
8. The LPET Committee should develop a common set of competencies and standards for admission to the current Professional Practice Course and barrister-at-law degree programmes.
9. Non-law graduates to have alternative means to enter the profession other than through the FE-1.
10. Additional routes to qualification will encourage diversity and increase access.
11. Admission responsibilities of professional bodies to be separated from delivery of education programmes.
12. Transfer arrangements between the professions to be reviewed once a new competency framework is in place.
13. The process for foreign (Non-EU) transfers and agreements to be assessed against new competency framework, once in place.
14. CPD programmes to be linked to competence frameworks and standards.

The full report is available at www.lsra.ie

Senior Management Team



Dr Brian Doherty *Chief Executive Officer*

Brian Doherty is the Chief Executive Officer of the Legal Service Regulatory Authority. He was called to the Bar in 1996 and initially practised in Belfast. He joined the Office of the Police Ombudsman for Northern Ireland when it was set up in 2000 as one of the first civilian investigators, working on allegations of misconduct against the then RUC, later the Police Service of Northern Ireland. In 2007 he moved to the Garda Síochána Ombudsman Commission as a senior investigating officer, later progressing to acting Deputy Director of Investigations. He returned to the Northern Ireland Police Ombudsman in 2014 to run the Current Investigations Directorate. Brian took up post as the CEO of the LSRA in September 2017.



Deirdre Fleming *Head of Corporate Services Department*

Deirdre Fleming was appointed Head of Corporate Services in October 2019. Deirdre has significant experience in corporate services and finance within the public sector including in the Houses of Oireachtas, Law Reform Commission and recently the Office of the Revenue Commissioners.



Nuala Haughey *Head of Communications, Research and Innovation Department*

Nuala Haughey was appointed Head of Communications, Research and Innovation in November 2019. Nuala's background is in journalism and policy analysis. She is a former award winning Social Affairs Correspondent with The Irish Times and has extensive experience as a communications consultant with the European Commission. Nuala has also worked as a political communications director and a policy analyst and researcher.



Padraig Langan

Head of Registration, Levy and Fees Unit

Padraig Langan was appointed the Head of the Registration, Levy and Fees Unit in July 2018. Previous to this, Padraig worked in the Department of Agriculture, Food and the Marine in the Press Office and, prior to that, the Meat and Milk Policy Division where he gained experience working on policy issues. Padraig has more than 20 years of experience in the public sector.



Alison McIntyre

Head of Legal Services, Levy and Registration Department

Alison Emily McIntyre was appointed Head of Legal Services, Levy and Registration Department in October 2019 and will take up her role in March 2020. Prior to this Alison was an Assistant Commissioner with the Irish Data Protection Commission where she worked as a legal adviser and as their Data Protection Officer. Alison has experience in private practice and in public sector organisations.



Ultan Ryan

Secretary

Ultan Ryan joined the Civil Service in 1985 and worked for the Central Statistics Office before joining the Department of Social Welfare as a systems analyst in 1992. Ultan moved to the Department of Justice and Equality in 2000 where he worked on Cross-Border Justice projects including as Secretary to the Remembrance Commission. Ultan worked as project manager and operations manager with the Reception and Integration Agency before assignment to the LSRA in January 2017.



Tony Watson

Head of Complaints, Investigations and Resolutions Department

Tony Watson joined the LSRA in September 2019 and is the Head of Complaints, Investigations and Resolutions. He qualified as a solicitor in England and worked as a litigator in London. He moved to Ireland in 2005 and joined the Complaints Section of the Law Society of Ireland, where he was Deputy Head of Complaints prior to joining the LSRA. Tony has extensive experience in the regulation of lawyers, and the investigation and resolution of complaints in particular.

Governance and Structure

Attendance at Authority Meetings

The Authority met on five occasions in 2019. A schedule of attendance at the Authority Meetings is set out below:

Members	21/02/19	04/04/19	20/06/19	05/09/19	14/11/19
Eileen Barrington	✓	✓	✓	✓	✓
Angela Black	✓	✓	✓	✗	✓
Geraldine Clarke	✓	✓	✓	✗	✓
Joan Crawford	✓	✓	✓	✓	✓
Stephen Fitzpatrick	✓	✓	✓	✓	✓
Dermott Jewell	✓	✓	✓	✓	✓
James MacGuill	✓	✓	✓	✓	✓
Deirdre McHugh	✓	✓	✓	✓	✓
Sara Moorhead	✓	✓	✓	✓	✓
Don Thornhill (Chair)	✓	✓	✓	✓	✓
Gerry Whyte	✓	✓	✓	✗	✓

Finance, Audit and Risk Committee

The LSRA established its Finance Audit and Risk (FAR) Committee in mid-2018. The LSRA FAR Committee is chaired by Authority member Stephen Fitzpatrick. Authority members Angela Black and Geraldine Clarke also sit on the Committee along with the independent external members of the Committee who are Peter O'Brien and Claire Byrne. The Secretary to the Authority is also Secretary to the FAR Committee.

The FAR Committee met four times in 2019. At each meeting, the FAR Committee receives a briefing from the CEO and formally reviews the LSRA Risk Register, examining all steps taken by the LSRA Executive to mitigate the risks. The LSRA FAR Committee also reviews up-to-date financial statements and information at each meeting.

The LSRA Risk Register, budget and financial statements are also considered and evaluated at each Authority meeting.

Members	15/02/19	22/03/19	18/10/19	06/12/19
Angela Black	✓	✓	✓	✓
Claire Byrne	✓	✓	✗	✓
Geraldine Clarke	✓	✗	✓	✗
Stephen Fitzpatrick	✓	✓	✓	✓
Peter O'Brien	✓	✓	✓	✓

Governance Arrangements

The Legal Services Regulatory Authority is a statutorily independent body. Under section 13(3) of the Legal Services Regulation Act 2015, the Authority is required to be independent in the performance of its functions.

The LSRA's governance framework is guided by:

- the Legal Services Regulation Act, 2015;
- the DPER Code of Practice for the Governance of State Bodies (2016) which has been adopted by the Authority;
- the DPER Code of Practice for the Governance of State Bodies: Business and Financial Reporting Requirements (2016);
- Public Financial Procedures including the Public Spending Code.

The Legal Services Regulatory Authority has developed a suite of governance documents including:

- Code of Conduct for Authority members and staff;
- A Terms of Reference for the Authority;
- A schedule of delegations and matters reserved to the Authority;
- A Protected Disclosures Policy;
- A Data Protection Policy;
- Risk Register and Risk Management Strategy;
- Financial Policies and Procedures;
- Policy and Procedure for the Disclosure of Interests;
- A Strategic Plan 2020-2022; and
- A Corporate Governance Assurance Document Agreement with the Department of Justice and Equality;

- Duly Authorised Register of staff authorised to perform Section 13(7) functions under the 2015 Act.
- Quality Service Charter;
- Quality Service Action Plan.

Where appropriate, these documents have been made available on the Authority's website.

The Role of the Authority and the Chief Executive

The Authority has approved a terms of reference for the LSRA which sets out the respective roles of the Authority and of the Chief Executive.

The Authority:

The Authority is responsible for

- i. Reviewing and guiding the strategic direction and major plans of action of the LSRA;
- ii. Ensuring compliance with all applicable statutory objectives;
- iii. Holding the CEO and senior management to account for the effective performance of their responsibilities;
- iv. Risk management policies and procedures,
- v. Annual budgets and business plans,
- vi. Setting performance objectives,
- vii. Monitoring implementation and performance,
- viii. Overseeing major capital expenditure and investment decisions.

The Chief Executive:

The Authority delegates operational responsibility for the day-to-day running of the LSRA to the Chief Executive Officer and the LSRA's senior management team.

The Chief Executive Officer attends Authority meetings at the invitation of the Authority chairperson and provides regular reports on all aspects of the operation of the LSRA as required by the Authority members. The Chief Executive Officer also attends the FAR Committee meetings for the purpose of providing an update on risk and financial management.

The Chief Executive Officer's role and responsibilities are set out in the 2015 Act. Section 24(3) of the 2015 Act states that the Chief Executive Officer shall:

- (a) implement the policies and decisions of the Authority,
- (b) manage and control generally the Authority's staff, administration and business,
- (c) be responsible to the Authority for the performance of his or her functions, and
- (d) perform such other functions (if any) as may be required by the Authority or as may be authorised under this Act.

Under section 13(7) of the 2015 Act, any function of the Authority may be performed through or by the Chief Executive or any member of its staff duly authorised in that behalf by the Authority.

The Chief Executive Officer ensures that the Authority is kept up to date and fully informed about strategic issues and challenges affecting the LSRA and the environment in which it operates.

Conflicts of Interest

The Legal Services Regulatory Authority has developed a "Policy and Procedure for the Disclosure of Interests". Under the policy, and the Codes of Conduct for Authority Members and Employees, the Authority members and the Chief Executive register their interests in any other relevant undertakings with the Secretary of the Authority on appointment and on an annual basis.

Performance Evaluation

The second self-assessment evaluation of the Authority's performance as required by the DPER Code of Practice for the Governance of State Bodies was undertaken in 2019.

The evaluation was conducted by means of a self-assessment exercise based on the model self-assessment questionnaire set out in the DPER Code. The self-assessment questionnaire was administered by the accounting services provider of the LSRA. The themes and lessons arising from the self-assessment evaluation process were discussed at the November Authority meeting. No issues arose.

Procurement

All procurement activity undertaken by the LSRA is guided by the Department of Public Expenditure and Reform Public Spending Code. The LSRA Executive has developed a Financial Policies and Procedures Manual which includes a Purchasing and Procurement Policy which is in line with the DPER Public Procurement and OGP Guidelines for Goods and Services (January 2019).

In 2019 formal sanction was sought from the Department of Public Expenditure and Reform where required prior to the commencement of any procurement activity. The LSRA is grateful for the ongoing guidance and assistance in their procurement exercises by the Office of Government Procurement.

Department of Justice and Equality

Over the course of 2019, the LSRA has again engaged extensively with officials from the Department of Justice and Equality. On 13 July 2018, the LSRA signed a Corporate Governance Assurance Agreement with the Department of Justice and Equality as required by the DPER Code of Practice for the Governance of State Bodies, which was adopted by the LSRA in 2017. This document recognises the independence of the LSRA in the performance of its functions and sets out the role of the Authority and the Chief Executive in fulfilling the governance requirements under the DPER Code.

As required under the Governance Assurance Agreement, in 2019 the LSRA attended two governance meetings with the Department of Justice and Equality. At these meetings, the LSRA provided updates on internal governance, staffing and statutory reporting. Department of Justice and Equality provided policy, financial and legislative updates including on the commencement of the remaining sections of the 2015 Act. Discussions were also had in relation to the imposition of the levy and the development of the new models for the delivery of legal services. The LSRA also attended a Civil Agencies Network meeting on 21 October 2019 at the Department of Justice and Equality which set out the new Departmental structures arising from the Transformation Programme and how they link with the agencies under the Department's aegis.

Outside of the Governance Meetings required by the DPER Code, other formal meetings take place on a regular basis on issues of common interest such as the Workforce Plan, Section 6 Report (Review of the Operation of the 2015 Act), the implementation of Legal Partnerships and Limited Liability Partnerships, the education and training of legal practitioners, advertising of legal services, establishment of the Legal Practitioners Disciplinary Tribunal, funding and levy provisions and the Roll of Practising Barristers.

Financial Reporting

All appropriate procedures for financial reporting were adhered to in 2019 by the Authority.

An annual budget for 2019 was agreed by Authority members at the first Authority meeting of the year.

At each meeting of the Authority, up-to-date management accounts were presented by the Chief Executive. Monthly management accounts were produced throughout the year by the accounting services to the Authority and presented to the Executive team ensuring that senior management have access to relevant and timely financial and non-financial information. The management accounts were also provided to and scrutinised by the Finance, Audit and Risk (FAR) Committee.

An annual Financial Statement of the Accounts of the LSRA for the period 1 January 2018 to 31 December 2018 was prepared and submitted to the Office of the Comptroller and Auditor General (OCAG) by the deadline of 31 March 2019. Audited accounts were approved by the OCAG on 16 December 2019 and subsequently submitted to the Minister for Justice and Equality along with the signed Letter of Representation, the Chairperson's Comprehensive Report to the Minister and a copy of the audit report to be laid before the Houses of the Oireachtas.

Tax Law

The Legal Services Regulatory Authority has complied with its obligations under tax law in 2019.

Prompt Payment of Accounts Act 1997

It is the policy of the Legal Services Regulatory Authority to fully comply with the terms of the Prompt Payment of Accounts Act 1997. The LSRA has introduced procedures to ensure that all invoices are paid within the statutory time limit.

Whilst it is accepted that procedures designed to ensure compliance with the Act could only provide reasonable assurance and not absolute assurance against non-compliance, six invoices incurred late payment fees in 2019. These instances arose due to an administrative communications oversight in forwarding for processing to the corporate unit. This issue has since been rectified.

Total late payment fees paid in 2019 was €2.89.

GDPR and Data Protection

The LSRA is registered as a Data Controller with the Office of the Data Protection Commissioner.

The LSRA's Data Protection Policy is available on the LSRA's website.

Freedom of Information

The LSRA is an FOI body under the Freedom of Information Act 2014.

The Authority has adopted Transparency and Accountability as one of its four core values. The Authority is committed to transparency in relation to its work and decision-making. In line with the core value of transparency, the minutes of all Authority meetings and the actions points arising are published on the LSRA website. The LSRA has also committed to publishing all of the statutory reports prepared by or on behalf of the Authority. All of the submissions made to the Authority as part of the public consultations are also made available on the LSRA website.

The LSRA website is updated regularly with information relating to the progress of the implementation of the 2015 Act. All key internal policy documentation can also be found on the site.

In 2019, Irish language versions of guidance documents were made available.

In 2019, the LSRA received one request under the Freedom of Information Act 2014. The request was dealt with in compliance with the FOI Act.

A large number of general queries and requests for information were received in 2019. The majority of requests for information related to the start-up of the LSRA's complaints service, the Roll of Practising Barristers and Limited Liability Partnerships (LLPs). Queries relating to the Roll and LLPs were responded to by the LSRA's project team who deal with the implementation of all of the registers and rolls required under the Act.

Queries and requests for general information from the public and members of the legal professions are acknowledged and responded to by the Executive team. It is the objective of the LSRA to acknowledge all queries and requests within three days of receipt and to issue a substantive response, where possible, within 14 days.

Protected Disclosures Act 2014

The LSRA has developed and introduced a Protected Disclosure Policy and Procedure.

The policy has been developed with regard to the DPER “Guidance under section 21(1) of the Protected Disclosures Act 2014 for the purpose of assisting public bodies in the performance of their functions under the Act” and in compliance with the obligations of the Protected Disclosures Act 2014.

There were no Protected Disclosures made to the Legal Services Regulation Authority in 2019. A report reflecting this position has been published on the LSRA website.

Level of Compliance with the DPER Code

The LSRA adopted the Department of Public Expenditure and Reform Code of Practice for the Governance of State Bodies in 2017. A detailed gap analysis of the requirements of the DPER Code was presented to the Authority in November 2017 and throughout 2018 and 2019, governance arrangements were put in place to ensure compliance with the Code.

By the end of 2019, the LSRA had fully complied with the DPER Code with the following exception:

- The LSRA has not yet developed a Post Resignation/Retirement Employment or Consultancy procedure as per paragraph 1.10 of the DPER Code. The procedure will be developed by the end of 2020.

Appendices

Timeline of Key Events and Activities in 2019

Date	Key Activity
16/01/2019	Law Society update meeting
16/01/2019	Dublin Solicitors Bar Association update meeting
31/01/2019	CEO presentation to Law Society Regulation of Practice Committee Seminar on the subject of Building Regulatory Bridges.
08/02/2019	Governance Meeting with Department of Justice & Equality
12/02/2019	Meeting with the new Under Treasurer of Honorable Society of King's Inns
15/02/2019	Workforce Plan approved by Authority submitted to Department of Public Expenditure and Reform
15/02/2019	3rd Meeting of LSRA Finance, Audit and Risk Committee
21/02/2019	15th Meeting of the Authority
27/02/2019	Dublin Solicitors Bar Association update meeting
28/02/2019	Draft Financial Statements for 2018 submitted to Office of the Comptroller & Auditor General (OCAG)
07/03/2019	Law Society update meeting
08/03/2019	CEO delivered a CPD talk to the Clare Bar Association
22/03/2019	4th Meeting of LSRA Finance, Audit and Risk Committee
02/04/2019	Public consultation on advertising of legal services
05/04/2019	Dublin Solicitors Bar Association update meeting
04/04/2019	16th Meeting of the Authority
10/04/2019	CEO delivered a CPD Talk for National Solicitor's Alliance
11/04/2019	CEO delivered a CPD talk for the Dublin Solicitors Bar Association
25/04/2019	CEO delivered a talk at Sutherland School of Law, UCD
17/05/2019	CEO delivered a CPD talk at Professional Regulatory Disciplinary Bar Association conference in the Distillery Building

Date	Key Activity
23/05/2019	Law Society update meeting
23/05/2019	Dublin Solicitors Bar Association Update meeting
11/06/2019	Governance Meeting with Department of Justice and Equality
17/06/2019	Sanction received from Department of Public Expenditure and Reform in respect of Workforce Plan
20/06/2019	17th Meeting of the Authority
24/06/2019	Roll of Practising Barristers published to LSRA website
12/07/2019	Further Public Consultation under s34 of the 2015 Act on Education and Training of Legal Practitioners.
16/08/2019	Commencements under SI No 400/2019
16/08/2019	Start of Public Consultation under Section 218 (Advertising of Legal Services).
30/08/2019	Completion of transfer of staff from the Law Society under Section 26 of the Act.
05/09/2019	18th Meeting of the Authority
06/09/2019	CEO attended the International Conference of Legal Regulators conference in Edinburgh
17/09/2019	Legal Services Regulation Act 2015 (Levy) Regulations 2019 under SI No 463/2019
19/09/2019	Symposium on Legal Education and Training, Croke Park Conference Centre Dublin
25/09/2019	CEO delivered a CPD talk at DWF Seminar Solicitors - <i>Raising the Standards, Reducing the Risk</i>
02/10/2019	Update meeting with the Law Society
04/10/2019	Update meeting with the DSBA
07/10/2019	Commencements under SI No 502/2019 including Part 6 (Complaints Function)
17/10/2019	CEO delivered a CPD Talk at the Commercial Litigation Association of Ireland Seminar – Limited Liability Partnerships: Regulation and Future Trends.
18/10/2019	5th Meeting of LSRA Finance, Audit and Risk Committee
23/10/2019	Legal Services Regulation Act 2015 (Limited Liability Partnerships)(Section 130) Regulations 2019 signed (SI 519/2019)

Date	Key Activity
01/11/2019	Introduction of Limited Liability Partnerships
01/11/2019	CEO delivered a CPD talk to the County Cavan Solicitors Association
06/11/2019	Levy Assessment Notices in respect of 2018 costs issued
06/11/2019	Update Meeting with the Law Society
06/11/2019	Governance Meeting with Department of Justice and Equality
08/11/2019	CEO delivered a CPD talk to the CSSO Away Day at Farmleigh, Dublin
12/11/2019	CEO delivered a CPD talk to the Dublin Solicitors Bar Association
14/11/2019	Legal Services Regulation Act 2015 (Professional Indemnity Insurance) Regulations 2019 signed (SI No 572/2019)
14/11/2019	Exploratory Meeting with Chief Justice Frank Clarke on practical preparations for establishment of Advisory Committee on Patents of Precedence.
14/11/2019	19th Meeting of the Authority
18/11/2019	Legal Services Regulation Act 2015 (Complaints Procedures) Regulations 2019 issued under SI No 573/2019
21/11/2019	CEO delivered a speech at the launch of the Smith & Williamson 8th Annual Survey of Irish Law Firms
29/11/2019	CEO delivered a CPD talk to the Longford Bar Association
02/12/2019	CEO delivered a CPD talk at an event in Ballsbridge, Dublin
02/12/2019	Public Consultation under Section 218 (Advertising of Legal Services) extended
03/12/2019	CEO delivered a CPD talk to Counsel Connect at William Fry
04/12/2019	CEO delivered a CPD talk to the Sligo Bar Association
06/12/2019	6th Meeting of LSRA Finance, Audit and Risk Committee
09/12/2019	CEO delivered a CPD talk at an event in Ballsbridge, Dublin
12/12/2019	CEO delivered a CPD Presentation at Chief State Solicitors Office
18/12/2019	CEO and Secretary to the Authority attend Oireachtas Joint Committee on Justice and Equality hearing on Access to Justice and Legal Costs

LSRA Funding Note

Part 7: Imposition of Levy on Professional Bodies and certain Barristers to cover expenses of Authority and Disciplinary Tribunal

Part 7 of the Legal Services Regulation Act 2015 sets out the funding model for the Legal Services Regulatory Authority (LSRA) and Legal Practitioners Disciplinary Tribunal (LPDT). Funding is to be provided by way of a levy of the professions under the following headings:

- Levy of the Law Society
- Levy of the Bar Council (Bar of Ireland)
- Levy of each barrister who is not a member of the of the Law Library

Under the model, the Authority shall determine at the end of each financial year operating costs and administrative expenses for both the LSRA and the LPDT. The expenses are further broken down into Part 6 expenses and expenses other than Part 6 related. Apportionment formulae are applied to determine the levy to be paid per person under the 3 categories above.

Section 32: Advances by Minister to Authority

In parallel with the funding model under Part 7, section 32 of the Legal Services Regulation Act 2015 allows for the Minister for Justice and Equality to provide advance funding to the Authority. This advance funding has been critically important for the Authority during its start-up phase in the absence of a levy mechanism.

The LSRA has been provided with advances of €1m in each of the years 2016 to 2019 inclusive (€4m to date). A further advance is available in 2020 and it is anticipated that the establishment of the LPDT will require the LSRA to avail of that funding.

Working Group on Funding Model

In 2019, the LSRA engaged a financial analyst to examine the funding model as set out in the 2015 Act. The report of the financial analyst was submitted to the Department of Justice and Equality and a Levy Working Group was established to consider proposals for amendment to the model to allow the LSRA and LPDT operate without the requirement for section 32 advances once fully operational.

The Working Group considered a number of options designed to provide the LSRA with sufficient and sustainable funding.

Section 6 Review of the Act

The LSRA completed a consultation and review of the operation of the Legal Services Regulation Act 2015 as required under section 6 of that Act. The Section 6 Report was submitted to the Houses of the Oireachtas in March 2019 and sets out recommendations to the Minister for Justice and Equality arising from the review.

In relation to funding, the LSRA recommends in the Section 6 Report that Part 7 of the Act be amended to provide sufficient and sustainable funding to enable the LSRA to perform its functions and fulfil its objectives under the Act.

The current Corporate Governance Assurance Agreement (CGAA) entered into between the LSRA and the Department of Justice and Equality in 2018 also addresses the funding arrangements and the commitment from both parties to give full consideration to the report of the financial analysis of the funding model. The LSRA is continuing to engage with the Department of Justice and Equality in relation to this important subject with a view to resolving the funding question in 2020.





An tÚdarás Rialála
Seirbhísí Dlí

Legal Services
Regulatory Authority

PO Box 12906, Dublin 2

www.lsr.ie

lsra-inbox@lsra.ie