

Final

Legal Services Regulatory Authority – Authority Meeting Minutes

Location: Royal College of Surgeons in Ireland, 123 St. Stephen's Green

Date: 26 October 2016

Time: 17.30 – 20.30

Agenda: Copy attached.

Attendees:

Authority Members	Secretary	Dept. of Justice (DOJ) Officials (in attendance)
Don Thornhill – Chairperson	Martin McDermott	Conan McKenna
Angela Black		Richard Fallon
Deirdre McHugh		
Gerry Whyte		
Stephen Fitzpatrick		
Dermott Jewell		
David Barniville		
Joan Crawford		
Eileen Barrington		
James MacGuill		
Geraldine Clarke		

Apologies: None

Item 1

1.1 Prior to the meeting the Tánaiste and Minister for Justice and Equality, Ms Frances Fitzgerald met the members of the Authority and gave a short address (copy attached)

1.2 The meeting opened with a restricted session for the Members of the Authority only. The Chairperson welcomed members and outlined his views on the early stage work of the Authority. A copy of his speaking notes is appended. -. He asked the Members to confirm Martin McDermott as Secretary to the Board on interim basis. This was approved subject to assurances that Board documents and records would be stored separately from the Department of Justice network. The Chairperson assured members that there would be a communications "firewall" between Mr McDermott and his colleagues in the Department of Justice and Equality in regard to the internal business and discussions of the Authority – having regard to the independence of the Authority.

1.3 The Board discussed the question of whether the minutes of the Authority's meetings should be made public and it was agreed by the Board that minutes approved by the Members of the Authority should be published 1 month after approval, subject to any restrictions arising from the Board's confidentiality requirements or relevant data protection matters.

1.4 The Chairperson then invited the officials from the Department of Justice to join the meeting. Dr McKenna and Mr Fallon had both been involved in the drafting of the legislation and had, with Mr McDermott, contributed significantly to the preparation of documentation for the meeting.

Item 2

2.1 Richard Fallon brought the meeting through a series of slides (see slide deck attached) dealing with:

- Independence
- Ongoing Law Society Functions
- Statutory Objectives
- Regulatory Authority Functions
- Exercise of Functions
- Accountability
- Reports
- Staffing Aspects
- LSRA Early Work Horizon

He also provided a series of slides (see slide deck attached) for information on an overview of the main provisions of the Legal Services Regulation Act 2015.

Conan McKenna noted that staffing decisions were ultimately a matter for the Authority itself but outlined the key staffing requirements which he felt would be needed by the Authority. He noted that Martin McDermott would be assigned full time on a temporary basis to the work of the Authority. A series of key personnel would likely be required immediately (i.e. 3 to 4 staff between now and the year-end):

- (1) Interim Head of Operations – Given that having the permanent Chief Executive could take between 2.5 and 5 months, it was suggested that the Authority should hire an interim executive figure to undertake some of the functions of the Chief Executive while the appointment process was ongoing. The Members were asked to empower the Chairperson to seek suitable and proven candidates and to bring a suitable interim Head of Operations candidate before the Board for approval. This was duly approved by the Board.
- (2) Operational manager – Manager at AP equivalent to work “on the ground” during this start-up phase.
- (3) Project manager – potentially employed on a one-year contract. The Board queried whether the Project Manager should be a contract worker or an employee. Mr. McKenna advised that an employee would be better as this would allow the delegation of functions to the Project Manager (functions cannot be delegated to a non-staff member of the Authority) and this would expedite the early work.
- (4) Executive assistant (clerical / administrative) – Agency staff required as no public service staff available for secondment. If such a staff member was to be hired through DoJ and seconded there would be a 3-month delay for Garda clearance.

2.2 Richard Fallon brought the Board through possible organisation scenario (see scenario document attached) that the Department had used for planning purposes at an early stage which shows the Authority with 35-40 full time staff when fully operational.

2.3 The Board discussed in detail the requirements of a competition for hiring a permanent CEO and discussed the level of remuneration and the potential for further negotiations with the

DPER, the process for running the competition (using either the Public Appointments Service (PAS) or a private firm) and the need for significant Authority involvement in all stages of the hiring process.

2.4 On the matter of accommodation and web presence, the Board was informed that the Authority now had dedicated office space in Stephen's Green House and was in the process of acquiring the domain name LSRA.ie.

2.5 Decisions

Chair to seek suitable and proven candidates and to bring a suitable interim Head of Operations candidate before the Board for approval.

Secretariat to provide clarity, by way of a paper to the Board, on the PAS hiring process for CEOs, the potential pool from which they recruit and the costs involved. The Department of Justice will facilitate contact between the Authority and the PAS

Secretariat to undertake research on the process, pool and costs if the CEO competition were to be run by a private firm and provide paper to the board on same.

Item 3

3.1 Each of the Authority Members (other than the Chair) drew lots to determine their initial terms of appointment in accordance with section 10 of the 2015 Act. The Chair is not required to draw a lot and will serve a 4-year term. The outcome (see original signed copy appended) was as follows:

Authority Member	Term of Appointment
Don Thornhill – Chair	4 Years (as provided for in the legislation)
Angela Black	4 Years
Deirdre McHugh	3 Years
Gerry Whyte	4 Years
Stephen Fitzpatrick	3 Years
Dermott Jewell	3 Years
David Barniville	3 Years
Joan Crawford	4 Years
Eileen Barrington	4 Years
James MacGuill	4 Years
Geraldine Clarke	3 Years

Item 4

4.1 The terms and appointment process for the CEO position were discussed under item 2 above and the relevant **decisions approved** thereon.

Item 5

5.1 The Board examined and discussed the relevant documentation on securing independent specialist legal advice through the legal services framework prepared by the Office of Government Procurement (OGP). It was noted that the complexities of reviewing this particular tender process would require Board oversight.

5.2 Some Members of the Authority indicated their sensitivity to conflicts of interest in this matter as, due to the make-up of the Authority, some Members have had business and professional engagements with firms that are present on the list of potential legal advisers. It was decided that to avoid any potential for conflict, the work would be carried out by the Secretary to the Authority and this work would be overseen by a sub-committee of three Authority Members.

5.3 Decision

Secretariat to finalise a tender document to be issued to the firms listed under the OGP framework, subject to oversight of the documentation by a Board sub-committee (comprising Joan Crawford, Dermott Jewell and David Barniville).

Item 6

6.1 The funding for the Authority was described by D/Justice officials. While advance Exchequer financing was made available to the Authority, the Department expects the LSRA to become self-financing by 2018. It was agreed that a finance function was a crucial function to be put in place as soon as possible.

6.2 The Board examined and discussed the relevant documentation on establishing a finance function for the Authority through the OGP's accounting, etc. framework.

6.3 Decision

Secretariat to finalise and issue a tender document to the firms listed under the OGP accounting, etc. framework subject to approval by the Chairperson.

Item 7

7.1 The Board examined and discussed the relevant documentation on establishing capacity to undertake a public consultation and produce a report on legal partnerships as required by section 118 of the 2015 Act.

7.2 The Board noted that section 118 had not yet been legislatively commenced and that that would be required before any substantive work would be undertaken.

7.3 The Department of Justice Officials confirmed that the section, along with section 119 (requiring a report on Multi-Disciplinary Partnerships) would be commenced in the coming weeks.

7.4 The Board also noted that it would be useful if the Orders already made under the Act for commencement and establishment were circulated to the Members.

7.5 Decision

Secretariat to begin the process of commencing a public procurement process in line with the requirements of Section 118. Draft tender documents will be brought before the Authority for approval. Members were open to seeing to finalise this process by way of conference call as soon as practicable.

Secretariat to begin draft a paper on the process of commencing a public procurement process in line with the requirements of Section 119. Draft tender documents to be brought before the Authority for approval at the next meeting.

Circulate Commencement and Establishment Orders under the 2015 Act.

Item 8

8.1 The Act requires the Authority to meet four times in each year. It was agreed that more frequent meetings would be necessary (e.g. bi-monthly) in the start-up phase due to the large body of work before the Authority.

8.2 Decision


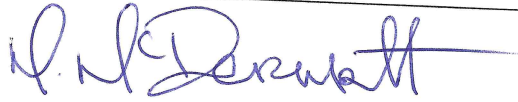
Secretariat to issue doodle poll in the next week to determine Member availability in late November / early December.

Secretariat to issue doodle poll to determine Member preferences on a schedule of bimonthly meetings.

Secretariat to look into the provision of conference call facilities available to the Authority.

Chairperson' speaking notes

1. Welcome and introductions; important and challenging mandates entrusted to the Authority.
2. Staffing and the appointment of an interim head of operations (to carry out some of the functions of the Chief Executive of the Authority on an interim basis) a serious constraint. Staffing issues are on the agenda for the meeting.
3. Members of the Authority act on a part time basis. Individually, Authority members do not have executive functions and powers. The Act requires that the Chief Executive cannot be a member of the Authority. Chairperson's understanding of the legislation is that therefore no member can act on an interim basis as Chief Executive while being a member of the Authority.
4. LSRA is a statutorily established body corporate. Chairperson's view is that members of the Authority, in relation to Authority business (deliberations, discussions, decisions and actions) have primary obligations to the Authority and its mandates. Members have been nominated by the organisations provided for in the Act but do not act in representative capacities for these organisations.
5. Section 19 of the Act contains non -disclosure provisions. These are legal requirements which are also essential to the effective functioning of the Authority.

Chairperson	Secretary
 Don Thornhill	 Martin McDermott
Date:	Date: 15/12/16