

FINAL MINUTES

Legal Services Regulatory Authority – Minutes

Location: Ormond Building, 31-36 Ormond Quay Upper, Dublin 7

Date: 11 July 2017

Time: 17.30 to 20.15

Agenda: Annex I

Attendees:

Authority Members	Executive and Secretariat	Others
David Barniville	Renee Dempsey – CEO (Interim)	JP McDowell (McDowell Purcell, legal advisers to the Authority) under Item 2 only
Eileen Barrington	Ultan Ryan - Secretary	Barry Magee (McDowell Purcell) under Item 2 only
Angela Black		
Geraldine Clarke		
Joan Crawford		
Stephen Fitzpatrick		
Dermott Jewell		
Deirdre McHugh		
Don Thornhill Chairperson		
Gerry Whyte		

Absent: James MacGuill due to meeting reschedule

Item 1

1. **Agenda** adopted (Doc 20170711-LSRA-A-01)
2. **Declaration of interests.** Wording on declaration set out in CEO report was approved.
 - Member Gerry Whyte declared for the record that his wife and daughter are both practicing solicitors.
3. **Approval of Minutes** (Doc 201700711-LSRA-A-02). Minutes approved.
4. **Matters Arising.** Gerry Whyte flagged that the Independent Law Centre Network should be included on circulation list for future public consultations and Secretary will action this.

Item 2

1. **Introduction to key presentations by Interim CEO** (Doc 20170711-LSRA-A-03). Under this Item, representatives from McDowell Purcell gave presentations on 4 key work items, namely:
 - a. **Section 118:** (Doc 20170711-LSRA-A-04) Draft Interim Report to the Minister for Justice & Equality on Legal Partnerships. The Authority had committed to submitting an Interim Report on the subject of Legal Partnerships following on from the Section 118 Report submitted to the Minister on 31 March 2017.
 - b. **Section 119:** Oral summary of submissions received under this public consultation (Multi-Disciplinary Practices). No draft report as yet.
 - c. **Section 120:** (Doc 20170711-LSRA-A-05) Presentation of Draft report of submissions received under this public consultation (matters relating to barristers).
 - d. **Standalone Implementation Document:** Presentation of report requested by the Authority at its meeting of 15 June, 2017 in relation to sections of the Act which may be commenced independently of other Sections.
2. It was agreed to submit the Section 118 Report to the Minister for Justice and Equality. This report will be accompanied by a cover letter that will refer to the technical/legal elements of its deliberations on Section 118 but also provide a narrative on

implementation of this and other sections of the Act and associated functions of the Authority.

3. The Interim CEO stated that, alongside the work done by McDowell Purcell in the presentations under Item 2 of the Agenda and the analysis work being done on Parts 6, 7 and 9 of the Act, the Executive has engaged the services of Mr Tom Boland to contextualise these strands in the context of the Act and to articulate the strategy for implementation of the legislation as it applies to the Authority. Mr Boland has significant experience in interpretation and implementation of complex legislation.
4. The number and range of sectors represented through submissions to date on public consultations have been disappointing. Having considered the response levels and sources of responses to the public consultation submission requests under Sections 118, 119 and 120 it was proposed at the meeting that a direct public consultation through a forum was now a critical requirement to ensure that the LSRA had heard from all key stakeholders on the various issues raised in those sections. The Authority approved the proposal that the Executive proceed to scope and shape a model for such a forum, which is likely at this stage to take place early 2018.
5. The Authority members felt that this forum will serve to improve the quality of material available for consideration by the Authority under the public consultations and will allow the Authority to engage more effectively with the public and get its name out there. The Authority will have the opportunity to show its achievements to date and to set out a roadmap for the future.
6. The Authority members considered the Draft Section 120 report in some detail and gave guidance, which will feed into a further draft of the report, which will be circulated, to Authority members in the next two weeks. The Report to reflect a number of suggestions generally, including:
 - a. Some detail on the Voluntary Assistance Scheme
 - b. International comparisons at Hong Kong and Singapore
 - c. Comparison with non-Common Law jurisdiction
 - d. Compensation Funds
 - e. What is the appetite for such changes

- f. Provide more detail on the models
 - g. Direct Access scheme
 - h. Issues regarding lay litigants and impacts on business of the courts
 - i. Recognise the interlocking nature of the legislation
7. In relation to the “Standalone Implementation Document”, the key message was that Part 7 (featuring the Levy) depends upon Part 9 (the Roll of barristers) which both depend upon Part 6 (Complaints). The mechanism for the LSRA to become self-financing and the ‘how and when’ of that was the subject of discussion with Department officials on 10 July and there was acknowledgment that there needed to be further analysis and reflection of how this can be resolved having regard to the mechanisms set out in the Act.

Item 3

8. **Financial Report:** The Interim CEO presented the Management Accounts and a tailored Policies & Procedures manual compiled by the Authority’s accountants. The Interim CEO explained that in light of analysis to date in respect of the Levy, it seems unlikely that the Authority would become self-financing from fees and levies before 5 years had passed. Financial Report and Policy document were both adopted by the Authority. Angela Black asked that the title of the policy document be checked with DPER to see if ‘Financial’ in the title should be changed to ‘Internal Controls’.

Item 4

9. CEO Report

- a. The definition of an ‘interest’ in respect of Declarations of Interest was agreed by the Authority as *“something which is not common public knowledge in respect of that person, and in particular commercial interests.”*
- b. The Department of Justice & Equality has been asked to clarify the position in respect of advances to the Authority for start-up. A response is awaited.
- c. Communications protocol has been sought between LSRA and Department of Justice & Equality in relation to consultations on replies to Parliamentary Questions referring to the LSRA.
- d. Paper on relevant insurance cover for the LSRA (Doc 20170711-LSRA-A-09b) was presented and the Authority and agreed with Interim CEO’s proposal to engage with AON to progress the matter.
- e. Executive expanding engagement under High Level Group model with key stakeholders in addition to regular meetings with Law Society and Bar Council.

- f. Update on Premises and Staffing was provided with premises critical to any further expansion of the Authority in terms of staff or output.
- g. Executive has kicked-off engagement with DPER in relation to Workforce Planning and project management supports for implementation of functional responsibilities under the Act. DPER to arrange a meeting of relevant experts to advise Executive on next steps.
- h. Interim CEO explained that the Authority were now getting into the phase of needing to develop a Strategic Plan and the groundwork for this phase will continue with the aim of having the key pieces in place for the long-term CEO to drive forward. This will include greater clarity on the delegation of functions of the Authority to the Executive.

Item 5

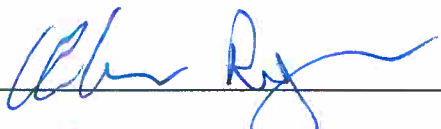
10. Closed Session

Item 6

11. AOB – no matters raised. Next Meeting 14 September, 2017 at 17:30.

Action Points	
Agenda Item	Action
2.1.b	Executive and McDowell Purcell to complete and circulate draft Section 119 Report of Public Consultation on Multi-Disciplinary Practices with a view to sign-off at Authority Meeting of 14 September, 2017.
2.2	Executive and McDowell Purcell to finalise Section 118 Interim Report
2.2	Chairperson and Interim CEO to draft a cover letter for the Section 118 Interim Report to the Minister for Justice & Equality setting out overview of technical elements and narrative on LSRA implementation programme.
2.4	Executive to develop programme for Direct Public Consultation forum for Q1 2018.
2.6	McDowell Purcell to revise Draft Section 120 Report in light of feedback from Authority Members at the Meeting. This revised report to be circulated to Members for further consideration and observations before the next Authority Meeting on 14 September 2017 with a view to signing off on the Report at that meeting.
3.1	Executive to check appropriate title for Financial Policies & Procedures Manual with Crowleys DFK/DPER
4.1.d	Executive to instruct AON Insurance contact to proceed with actions arising from Insurance paper.


Final Minutes Signed



 Ultan Ryan, Secretary

2 October, 2017

Date



 Don Thornhill, Chairperson

2 October 2017

Date