



Legal Services Regulatory Authority

FINAL MINUTES

8th Meeting of Legal Services Regulatory Authority – Minutes

Location: RCSI (Robert Smith Room)

Date: 14 September, 2017

Time: 17:00 to 19:40

Agenda: Annex I

Attendees:

Authority Members	Executive and Secretariat	Others
Eileen Barrington	Renee Dempsey – CEO (Interim) - Outgoing	Tom Boland (under Item 3)
Angela Black	Brian Doherty – CEO Incoming	Barry Magee (McDowell Purcell) under Item 4
Geraldine Clarke	Ultan Ryan - Secretary	
Joan Crawford		
Stephen Fitzpatrick		
Dermott Jewell		
James MacGuill*		
Don Thornhill Chairperson		
Gerry Whyte		

*James MacGuill by teleconference

Apologies: David Barniville
Deirdre McHugh

Item 1

1. Agenda adopted
2. Declaration of Interests. No declarations raised.
3. Approval of Minutes of 11 July 2017. Minutes approved.

Item 2

1. Management Accounts approved subject to clarification of queries raised:
 - a. Text amendment to page 4 note on advances
 - b. Clarification on calculations in variance analysis (page 6)
 - c. Query removal of parentheses on variance columns
 - d. Highlight variances where in excess of budget (e.g. red highlight)
2. Audit Report: The draft report from the Audit Team was received by the Executive on 13 September and remains subject to review, analysis and clarification between the Executive and the Auditors. The Authority agreed to defer discussion on the detail of the report until after the report is finalised. Executive to draft an Action Plan following engagement with the Audit Team for presentation to the Authority. The Report and Action Plan will be included on the Agenda for the Authority meeting of 16 November.
3. The Authority discussed the status of advances made to it under Section 32 of the Act and the need for further advances into the future. As the LSRA is not in a position to levy the professions this year and into next year, advances will continue to be required and this has been raised with the Department of Justice & Equality.

Item 3

1. Presentation by Tom Boland of *A Commencement Scheme for the Legal Services Regulatory Authority 2015*:

Mr Boland stated that it was critical that the implementation of the Act as it referred to the LSRA must be done in a way that ensures that the highest standards are met.

It was noted that the general Government drive away from self-regulation towards 'better regulation' does not arise from mistrust or from a broken system.

There is a political imperative and an implementation imperative in respect of the Act for the LSRA, Urgency of implementation must be tempered with pragmatism and practicality.

Part 6 of the Act is the core part of implementation while Section 34 may prove to be the more significant part in the long term.

The resources to implement the functions of the LSRA are key in terms of people and competencies. There must be a close working relationship with the Department of Public Expenditure and Reform to ensure that the resources required for effective implementation are put in place in advance of implementation.

2. The Authority welcomed the report and considered it a useful platform for discussion with the Department of Justice & Equality and Department of Public Expenditure & Reform. Consideration is to be given to securing services of a specialist to engage with DPER in respect of implementation and resources.
3. Executive to include a dependencies column in respect of the commencement schedule for implementation of the Act. This will capture a level of risk identification that will run through the schedule.
4. It was also recognised that detailed analysis was ongoing in respect of the key parts of the Act for implementation including Parts 3, 6, 7 and 9. The outputs from this analysis will feed in to the package of material driving the commencement scheme.

Item 4

1. Section 119 Report (DRAFT) – Public Consultation on Multi-Disciplinary Practices:
The Public Consultation followed on from the commissioned report under Section 119 of the Act submitted to the Minister for Justice & Equality on 31 March 2017.
2. The Authority discussed the report and the options for recommendations. It was agreed that Authority would not move on the issue of MDPs at this time. There is clearly a need to make progress in respect of Legal Partnerships including Limited Liability Partnerships and the LSRA needs to focus available resources on that as the priority technical development in respect of innovation.
3. The report is to be revised to capture the Authority's position as agreed prior to submission to the Minister for Justice & Equality by 30 September, 2017.
4. The Authority noted the low rate of submissions generally and the absence of submissions from key stakeholders.

Item 5

1. Section 120 Report (DRAFT) – Public Consultation on Matters relating to Barristers:
This is a report of submissions on Public Consultation under Section 120 of the Act.

2. There were some suggestions on revision and completion of text in the body of the report, which will be applied.
3. There was a measure of agreement in respect of the recommendations of the Authority and following further discussion and clarification of the nature of recommendations, it was agreed to amend the recommendations in Part 4 of the report to reflect:
 - a. Direct Access is currently available to an extent and this can be enhanced by the LSRA where restrictions on barristers holding clients moneys are maintained.
 - b. LSRA would need to approve both the barrister and the client – the barrister is educated and the client is informed.
 - c. Direct access must be optional.
 - d. Where a barrister is holding client moneys as part of a Legal Partnership or Limited Liability Partnership, the regulatory and associated costs must be borne by those barristers choosing to do so.
 - e. That the mode of direct access envisaged points back at the Legal Partnerships and Limited Liability Partnerships model.
 - f. Legislative change will be required.
4. The Section 120 report to be revised to reflect the options recommended by the Authority at this meeting to be finally agreed before submission to the Minister for Justice & Equality by 30 September, 2017.

Angela Black temporarily chaired the meeting while Chairperson was indisposed

Item 6

1. CEO Report:
CEO report was taken as read.
2. Staffing needs for commencement scheme were flagged for discussion. Executive has engaged with DPER on recruitment (Section 25) and transfer of staff from Law Society/Bar Council (Section 26). The Authority discussed possible solutions to commence activity on key Parts of the Act.

The Chairperson returned to chair at this point.

3. One option is to put in place an expert on work force planning as proposed in report from Tom Boland and commissioning an independent expert for review of resourcing. This involves resourcing for the implementation phase and long term staffing needs. Authority approved Executive to develop project team proposal.
4. Transfer of Staff from Law Society/Bar Council. Executive to meet with DPER for initial discussion on mechanisms for engaging on staff transfer discussions in accordance with Section 26. This to include securing services of a designated

expert to assist in negotiations around Terms and Condition's and other aspects of the arrangements for transfer of staff from Law Society/Bar Council.

5. Strategic Plan for the Authority was raised as a key piece of Governance, which needs to be actioned. Incoming CEO will commence planning for this now.
6. Resolution on Appointment of CEO:

The following was read into the record of the meeting:

Resolution of the Authority

The Authority notes that in accordance with the resolution of the Authority of 15th June last:

1. The position of CEO was offered to Dr. Brian Doherty.
2. The terms and conditions were approved by the Minister for Public Expenditure and Reform, as required by S.24 of the Act. This was confirmed by the Department on the 31st July 2017.
3. A written contract was entered into on the 3rd of August employing Dr. Doherty as CEO for a fixed five year term subject to the terms and conditions as set out in the contract.
4. Dr. Doherty's five year term commences on the 14th of September 2017.

The Authority also notes that Ms. Renee Dempsey's last contract extension as acting CEO, dated the 30th June 2017, was stated to continue until the 30th of September 2017 or until a new CEO commences in their post at the Authority, whichever was the shorter term.

Accordingly, the Authority notes that Ms Dempsey's contract with the Authority has been terminated as of today's date, 14 September, 2017.

Item 7

1. Closed session was dispensed with

Item 8

1. AOB was taken at the start of the meeting and no items were raised.
2. Next Meeting 16 November, 2017.

Action Points	
Agenda Item	Action
2.1	Amendments to Management Accounts for August to be flagged by Executive to Accountants for action.
2.2	Executive to work with Audit Team to finalise Audit report. Executive to draft an Action Plan arising from finalized report. Both finalised Report and Action plan for circulation and discussion at next Authority Meeting on 16 November, 2017
2.3	Executive to engage with Department of Justice & Equality in respect of continuation of advances under Section 32 to allow the Authority perform its functions.
2.3	Executive to seek drawdown of 2017 Advance (€1m) before end 2017
3.1	Executive to finalise the document <i>A Commencement Scheme for the Legal Services Regulation Act 2015</i> in consultation with Tom Boland and to forward to Department of Justice & Equality as discussion document for engagement on implementation planning for the Act.
4.1	Executive to work with McDowell Purcell (Legal Services Providers) to reflect the feedback and decisions of the Authority on recommendations for Section 119 Report. Report to be submitted to the Minister for Justice & Equality with cover letter from the Chairperson by 30 September, 2017.
5.1	Executive to work with McDowell Purcell (Legal Services Providers) to reflect the feedback and decisions of the Authority on recommendations for Section 120 Report. Report to be submitted to the Minister for Justice & Equality with cover letter from Chairperson by 30 September, 2017.
6.2	Executive to engage with DPER in relation to staffing through:
6.3	<ol style="list-style-type: none"> 1. Engaging expertise on Workforce Planning 2. Examine options for Contracted/Seconded implementation project team for planning phase 3. Long term recruitment for key posts

6.4	Executive to meet with DPER to discuss mechanics of engagement with Law Society/Bar Council on transfer of staff under Section 26. Executive to follow up on agreed outcomes with DPER following this.
6.5	Executive to commence groundwork on Strategic Planning for the Authority.

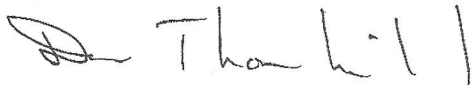
Final Minutes Signed



Ultan Ryan, Secretary

____ 24 November 2017 _____

Date



Don Thornhill, Chairperson

____ 24 November 2017 _____

Date