



MINUTES FINAL

14th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Location: LSRA
Date: 15 November 2018
Time: 16:30 to 19:10

Attendees

| Authority Members | Executive & Secretariat | Others |
|--------------------------------|-------------------------|--------|
| Eileen Barrington | Brian Doherty (CEO) | |
| Angela Black | Ultan Ryan (Secretary) | |
| Geraldine Clarke | | |
| Joan Crawford | | |
| Stephen Fitzpatrick | | |
| Dermott Jewell | | |
| James MacGuill | | |
| Deirdre McHugh | | |
| Sara Moorhead | | |
| Don Thornhill (Chairperson) | | |
| Gerry Whyte | | |

Apologies:
N/A

Section 1 – Administration

Item 1.0 General

- 1.1 Agenda adopted.
- 1.2 Declaration of Interests on agenda items. None arising.
- 1.3 Minutes of Authority meeting of 06 September 2018 approved subject to clarification of wording on paragraph 4.0.13.

Section 2 – Governance

2.0 CEO Report

2.0.1 Members discussed the following items under the CEO Report:

Part 1:

- Action Points from previous Meeting:
- Revised Code of Conduct for Authority Members to be circulated to Members.

Part 2:

Update on other activities undertaken:

2.1 CEO set out progress on key Part 6 (Complaints) preparation activities:

- i. update on progress in respect of staff transferring to the LSRA in accordance with Section 26 of the 2015 Act;
- ii. Short term staffing solutions. Staffing at now 12 persons.
- iii. update on premises including securing additional accommodation at current premises and anticipated engagement with OPW in respect of premises for LSRA and for the Legal Practitioners Disciplinary Tribunal (LPDT). Executive to report back to Authority in January on subject of premises options.
- iv. Workforce Plan to be circulated to Authority Members when sufficiently advanced.

2.2 Update on Levy and Funding:

Update provided on Part 7 (Levy) and LSRA engagement with Department of Justice & Equality on funding model. DJE and LSRA committed to clarifying the funding position in the coming weeks. Executive to update Authority on this at the January 2019 meeting.

3.0 Delegations under 2015 Act

3.0.1 Delegation of functions to the CEO.

A general delegation was sought from the Authority in order that the key functions around the roll and new business models could be progressed in the short term. A detailed, itemised draft resolution in respect of delegated functions will be circulated to the Authority for the January 2019 meeting. Resolution(s) to be appended to the Authority Terms of Reference.

3.1 Resolution of the Authority

3.1.1 Proposed: Dermott Jewell

Seconded: Joan Crawford

Resolution adopted. Copy at Appendix I to these Minutes. Resolution to be appended to Authority Terms of Reference.

Section 3 – Finance

4.0 Financial Reports

4.1 Management Accounts for Period ended 30 September 2018 noted by the Authority.

4.2 Draft Revised Budget 2018 noted by the Authority.

4.3 Outline Budget 2019. Early draft noted by the Authority. Finalised 2019 Budget to be put to the Authority at its January 2019 meeting.

4.3.1 The Authority discussed timings in respect of Levy of the legal professions in 2019. Executive to report on timings and costings in January 2019.

Section 4 – LSRA Policy and Implementation

5.0 Finance, Audit and Risk (FAR) Committee – Chairperson’s Report

FAR Committee Chairperson provided an update report from the Committee’s meeting of 12 October 2018

6.0 Section 34 Update

Section 34 expected to be laid before the Oireachtas in the coming days.

6.0.1 Authority discussed the Strategic Communications needs of the LSRA under this topic. Executive to devise a policy in respect of future LSRA communications needs including communications strategy. LSRA to match resources to the requirements as the requirements arise, internally or through external services.

7.0 Code of Practice for Practising barristers

- 7.0.1 The Code has been forwarded to the Bar of Ireland, the Honorable Society of Kings Inns and the Law Society for observations. A notice was published and posted on the LSRA website inviting persons affected by the code to make submissions. Deadline was 26 October 2018.
- 7.0.2 Authority provided feedback on the draft code provided, including requesting Executive to review the language in the code in a plain English context, review of anti-money laundering requirements, and to consider simply referring to Section 150 of the 2015 Act instead of full text under Section 3.43 and 3.44.
- 7.0.3 Authority requested that submissions to be uploaded to Minutepad along with revised Code.
- 7.0.4 Executive to examine options to provide additional information to complement the code – e.g. identify matters in some form of introductory section, raising issues that may be subject to change as the LSRA progresses the implementation of its functions under the 2015 Act.
- 7.0.5 Secretary to include link to the Legal Services Regulation Act 2015 as a standard for future meeting electronic papers. Act will also be uploaded to the associated document library.

8.0 Update on Legal Partnerships

- 8.0.1 CEO explained that stepped progress plan is as follows:
 - for Authority to raise any issues with the draft regulations presented at the meeting;
 - the draft regulations are also subject of consultation;
 - draft regulations will be redrafted based on feedback;
 - Redraft regulations will be submitted to the Authority for its January 2019 meeting.

8.1 General Regulations

- 8.0.1 Authority instructed Executive to ensure that all regulations stipulate that insurance is a requirement for LPs and LLPs.
- 8.0.2 Executive to examine options to provide additional information to complement the regulations – e.g. identify matters in some form of introductory section, raising issues that may be subject to change as the LSRA progresses the implementation of its functions under the 2015 Act.

9.0 Update on Limited Liability Partnerships

- 9.0.1 Mechanism for progress is as at 8.0.1 above.
- 9.0.2 Draft regulations noted by the Authority.

10.0 Professional Indemnity Insurance (PII) Regulations

- 10.0.1 Mechanism for progress is as at 8.0.1 above.

10.0.2 Executive to seek to engage an independent reviewer of the content of the report from Aon in the context of the draft PII Regulations.

11.0 CEO Presentation – Roadmap for 2019

11.0.1 CEO gave a presentation to the Authority on the work programme of the LSRA.

12.0 Closed Session

13.0 AOB

No matters under AOB.

| Action Points – Meeting of 15 November 2018 | |
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| Agenda Item | Action |
| 1.3 | <ul style="list-style-type: none"> • Minutes of 06 September 2018 Meeting to be amended and uploaded to website. |
| 2.0.1(1) | <ul style="list-style-type: none"> • Revised Code of Conduct for Authority Members to be circulated by CEO |
| 2.1(iii) | <ul style="list-style-type: none"> • Executive to [provide update at next meeting on premises, including <ul style="list-style-type: none"> ○ Current LSRA premises ○ Long-term LSRA premises (following meeting with OPW) ○ Legal Practitioners Disciplinary Tribunal premises options |
| 2.1(iv) | <ul style="list-style-type: none"> • Executive to circulate Workforce Plan when sufficiently advanced |
| 2.2 | <ul style="list-style-type: none"> • Executive to update Authority on funding and levy at January 2019 meeting. |
| 3.0.1 | <ul style="list-style-type: none"> • Executive to draft more detailed Resolution(s) in respect of delegated functions for January 2019 meeting. |
| 3.1.1 | <ul style="list-style-type: none"> • Resolution to be included in Minutes of 15 November 2018 meeting. • Resolution to be appended to the Authority Terms of Reference. |
| 4.3.1 | <ul style="list-style-type: none"> • Executive to report to the Authority on introduction of levy and anticipated levy cost at January 2019 meeting. |
| 5.0 | <ul style="list-style-type: none"> • Next FAR Committee Meeting 25 January 2019 |
| 6.0.1 | <ul style="list-style-type: none"> • Section 34 Report to be uploaded to website and members informed when laid before the Oireachtas. |

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|----------------|---|
| | <ul style="list-style-type: none"> Executive to complete communications policy and progress communications strategy and resource plan for communications for presentation at January 2019 meeting. |
| 7.0.2 7.0.4 | <ul style="list-style-type: none"> Executive to redraft Code of Practice for Practising Barristers, taking into consideration feedback from Authority and submissions received from consultation process. Revised Code to be circulated to the Authority for the January 2019 meeting. |
| 7.0.3 7.0.5 | <ul style="list-style-type: none"> Submissions received in respect of Code to be uploaded to Minutepad for Authority Members. Link to Legal Services Regulation Act 2015 to be included as a link as standard for electronic meeting papers. Copy of Act will also be uploaded to document library. |
| 8.1 | <ul style="list-style-type: none"> Draft General Regulations (Legal Partnerships): Executive to submit redrafted General regulations, including explanatory mechanism to Authority for January 2019 meeting |
| 9.0 | <ul style="list-style-type: none"> Draft Regulations (Limited Liability Partnerships): Executive to submit redrafted regulations, including explanatory mechanism to Authority for January 2019 meeting. |
| 10.0 | <ul style="list-style-type: none"> Professional Indemnity Insurance (PII) Regulations: Executive to submit redrafted regulations, including explanatory mechanism to Authority for January 2019 meeting. Executive to seek independent reviewer to examine PII Regulations and Aon Report. |

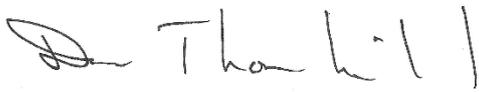
FINAL Minutes Signed



21 February 2019

Ultan Ryan, Secretary

Date



21 February 2019

Don Thornhill, Chairperson

Date

Appendix I



Resolution of the Authority regarding delegation of functions to the Chief Executive Officer

Pursuant to section 13 (7) of the Legal Services Regulation Act 2015, the LSRA has formally passed this resolution authorising the carrying out of all functions assigned to the Authority under the Act, other than those in sections 14, 16, 20, 21 and 24, by the Chief Executive Officer. The Authority further consents, pursuant to section 24(8) of the Act, to the performance of such functions by such member or members of the staff of the Authority as the Chief Executive Officer may authorise for that purpose.

This resolution shall have effect unless and until revoked by the Authority.

Resolution passed on 15 November 2018

Proposed: Dermott Jewell

Seconded: Joan Crawford