



MINUTES FINAL

17th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Location: LSRA
Date: 20 June 2019
Time: 16:30 to 19:30

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

1.0 General

- 1.1 Agenda adopted. No items for AOB.
- 1.2 Declaration of Interests on agenda items. None arising.
- 1.3 Minutes of Authority meeting of 4 April 2019 approved, subject to correction under Item 4.1 - (see Actions below).

Section 2 – Governance

2.0 CEO Report

2.0.1 Members discussed the following items under the CEO Report:

Part 1:

Update on Action Points from previous Meeting. Key actions addressed as Agenda items for this meeting.

- i. Minutes of 21 February 2019 corrected (PII review) and published to LSRA website.
- ii. Authority provided with more detailed statistics on barrister categories on Roll of Practising Barristers (See Part 2 below).
- iii. Schedule of Authorisations for CEO and staff – See Agenda Item 3.
- iv. Amendment applied to Statement of Internal Controls in LSRA Financial Statements for 2018.
- v. Authority self-assessment (see agenda Item 4).
- vi. Clarification on rounding in LSRA Budget 2019 addressed. Decimal detail now included.
- vii. LSRA Annual Report 2018 submitted to Minister for Justice & Equality end April 2019.
- viii. Executive to follow up on Workforce Plan with DPER (see Part 2).
- ix. LP and LLP Code of Practise and Regulations (see Part 2)
- x. Executive to commence Public Consultation process on Advertising regulations. Awaiting commencement order on Section 218 of the Act.

Part 2:

Update on other activities undertaken:

2.1 Recruitment and Staffing:

- i. Workforce Plan submitted to Department of Public Expenditure & Reform (DPER) on 15 February 2019.
- ii. Sanction for Workforce Plan received on 17 June 2019.
- iii. Sanction in respect of fees for Committees and Legal Practitioners Disciplinary Tribunal received 19 June 2019.
- iv. Executive working on advertisements and recruitment packs for the Heads of Unit posts. Member of staff with HR experience now assigned to this task. Assistance of external HR expert will also be procured.

- v. StateBoards.ie have agreed to assist the LSRA with the process for selecting lay members of the Committees (Complaints and Review).
- vi. Department of Justice & Equality has the key role in respect of the appointment of the Chairperson and Members of the Legal Practitioners Disciplinary Tribunal (LPDT).
- vii. Offers in respect of transfer of staff from the Law Society in accordance with Section 26 of the 2015 Act signed by CEO on 20 June 2019 and will be delivered to the relevant staff on 24 June 2019.
- viii. It is anticipated that those accepting their offer will be assigned to the LSRA by the Minister for Justice & Equality in accordance with Section 26 of the Act on 30 August.
- ix. A secondment agreement between LSRA and the Law Society will be put in place to allow those staff to phase out existing caseloads at Law Society.
- x. Phasing in of LSRA operations under Part 6 will begin following commencement of that part of the Act, and staff will be assigned over to LSRA as workload builds.
- xi. Initial staffing with acting head of unit will transfer over to LSRA initially to begin preparations for Part 6 in advance of go-live.
- xii. A period of 18 months is anticipated for the completion of transfer of staff from Law Society. The LSRA will also be recruiting other Part 6 staff directly in accordance with approved workforce plan.
- xiii. CEO confirmed that Fieldfisher (formerly McDowell Purcell) were successful in tender for LSRA Legal Services.
- xiv. Following a request for expressions of interest process across civil service, a legal secondment candidate for LSRA has been identified and the matter is with the relevant HR unit for progress.
- xv. The Project Lead on design of Part 6 processes is on site since early April assisted by resources assigned from Executive and has made significant progress on mapping and design.

2.2 Legal Partnerships (LPs) and Limited Liability Partnerships (LLPs):

The CEO set out the current position in respect of the new business models and their planned introduction. The introduction of LPs and LLPs would now take place following the commencement of the complaints function under Part 6.

The Authority agreed that the CEO would write to the Department of Justice and Equality outlining the Authority's position on the introduction of the LPs and LLPs.

The Authority also agreed that explanatory letters should issue to the representative bodies, setting out the extent of the LSRA's efforts to achieve the targets set in respect of the introduction of frameworks for LPs and LLPs.

2.3 Stakeholder Engagement update provided.

2.4 Audit of 2018 Internal Controls:

Audit completed. Minor recommendations to be addressed.

2.5 Roll of Practising Barristers established. Just over 2,500 practising barristers enrolled.

Part 3: Upcoming and continuing work:

3.1 Update on communications activities involving presentations and articles relating to LSRA.

3.2 Premises (see Agenda Item 10).

3.3 Levy. (See Agenda Item 8).

3.4 Legal Education and Training Symposium (Section 34 Report)

At the February Authority meeting, the following phased approach to the remaining section 34 work was agreed:

Stage One: Further period of Consideration and Discussion with Stakeholders and the Wider Community		
Phase One:	Further Consultation with the Professional Bodies	Quarter 2 2019
Phase Two:	Further Consultation with other Stakeholders and Wider Community	Quarter 2 2019
Stage Two: Public Symposium on Legal Education and Training		Quarter 3 2019 (19 Sept)
Stage Three: Further Report under Section 34		Quarter 4 2019

CEO provided update on Phase One and venue selection (Croke Park).

3.5 Anti-Money Laundering

Update provided. Legislative provision not yet commenced.

Part 4: Risk Management:

4.1 Risk Management update provided.

3.0 Delegated Functions

The draft formal register of duly authorised staff is under review with the CEO. The existing arrangements will be sufficient until the next Authority meeting.

Section 8(4) of the Act states:

“(4) The seal of the Authority shall be authenticated by-
(a) the signature of the chief executive or another member of the Authority authorised by the Authority to act in that behalf, and
(b) the signature of a member of staff of the Authority authorised by the Authority to act in that behalf.”

In relation to authentication of the seal on regulations issued by the Authority, the Authority approved the following signatory arrangements (in respect of Section 8(4) of the Act):

- Seal to be authenticated by signature of a member of the Authority and by a member of staff of the LSRA as authorised by the Authority. In the normal course of events, signatures will be those the Chairperson and the Chief Executive.
 - If the Chairperson is unavailable. A signature of another member of the Authority will be required.
 - If the Chief Executive is unavailable, the Secretary is authorised to sign as an authorised member of staff of the LSRA.

A detailed schedule of authorisations required by the CEO and the staff of the LSRA will be presented at the next Authority Meeting. Where any new functions come into play in the interim under the Act, the CEO will inform the Authority.

4.0 Authority Annual Self- Assessment Evaluation

In accordance with the requirements of the Code of Practice for the Governance of State Bodies, Authority members are asked to complete and return the self-assessment evaluation questionnaire to Vincent Teo at CrowleysDFK. The responses will; be collated into an anonymised report to the Chairperson to be prepared and submitted by CrowleysDFK.

Section 3 – Finance

5.0 Financial Reports

- 5.1 Management Accounts for Period ended 30 April 2019 noted by the Authority. Secretary to check with accountants in relation to the categorisation and recording of Members Fees in the Accounts.
- 5.2 Revised 2019 Budget was discussed by the Authority. Key difference reflects the change in period for implementation of Part 6 and the associated phasing of staffing levels. A combination of funds on hand, Section 32 advance for 2019 and the imposition of the Levy will see sufficient funds available for the LSRA for 2019.

Section 4 – LSRA Policy and Implementation

6.0 Update on Part 6 – Complaints:

The CEO gave a presentation on progress of implementation of Part 6 including:

- Part 6 design overview including
 - ✓ process mapping and flows,
 - ✓ system design,
 - ✓ template letters
- categorisation of complaints
- misconduct
- Preliminary Review and Admissibility processes
- Informal process
- The Review Committee
- The Complaints Committee
- Legal Practitioners Disciplinary Tribunal (LPDT)
- Management Information and Statutory Reports (Section 73)

7.0 Levy Update:

Update on implementation of levy provisions.

Form and Manner of 2018 Accounts have been approved by Minister for Justice & Equality and Minister for Public Expenditure & Reform. Levy to be calculated, audited and levy notices to issue in Q4 of 2019 in respect of 2018 costs.

A working group established between the LSRA and the Department of Justice & Equality is examining the current levy model in Part 7 of the 2015 Act with the objective of recommending legislative amendment to ensure the long-term funding stability of the LSRA.

Executive will ensure, in respect of the levy, that good communications with the representative bodies and as much as feasible with barristers who are not members of the Law Library are maintained.

8.0 Premises

Information in respect of a potential medium-term premises solution was discussed by the Authority. The Authority approved the CEO to pursue plans to secure this or similar premises for the LSRA.

If necessary, Authority members can approve any variation by circular in advance of the next Authority Meeting and will confirm such approval at that meeting.

9.0 Closed Session

10.0 AOB

Dealt with at beginning of Meeting. No items raised.

Action Points – Meeting of 20 June 2019	
Agenda Item	Action
1.3	<ul style="list-style-type: none"> Minutes of 4 April 2019 to be corrected under 4.1 (year change from 2018 to 2019):
2.0 Part 2 (2.2)	<ul style="list-style-type: none"> The Authority agreed that the CEO would write to the Department of Justice and Equality outlining the Authority’s position on the introduction of the LPs and LLPs. CEO to write to the Representative Bodies explaining the position in respect of the suspension of implementation of new business models.
3.0	<ul style="list-style-type: none"> Formal register of duly authorised staff and functions will be presented at the next Authority meeting.
3.0	<ul style="list-style-type: none"> Authority approved the following signatory arrangements in respect of Section 8(4) of the 2015 Act: <ul style="list-style-type: none"> Seal to be authenticated by signature of a member of the Authority and by a member of staff of the LSRA as authorised by the Authority. In the normal course of events, signatures will be those the Chairperson and the Chief Executive. <ul style="list-style-type: none"> If the Chairperson is unavailable. A signature of another member of the Authority will be required. If the Chief Executive is unavailable, the Secretary is authorised to sign as an authorised member of staff of the LSRA. A detailed schedule of authorisations required by the CEO and the staff of the LSRA will be presented at the next Authority Meeting. Where any new functions come into play in the interim under the Act, the CEO will inform the Authority.
4.0	<ul style="list-style-type: none"> Authority Members to complete and return self-assessment evaluation questionnaire to CrowleysDFK CrowleysDFK to provide a report directly to the Chairperson

5.1	<ul style="list-style-type: none"> Secretary to clarify position in relation to categorisation of Members Fees on the Monthly Management accounts.
7.0	<ul style="list-style-type: none"> Executive to calculate levy and arrange for audit of same prior to issue of levy notices in Q4 2019. Executive to ensure that sufficient communications arrangements are in place between the LSRA and the legal practitioners as part of the levy process.
8.0	<ul style="list-style-type: none"> CEO approved to pursue plans to secure proposed or similar premises. If necessary, Authority members can approve any variation by circular in advance of the next Authority Meeting and will confirm such approval at that meeting.

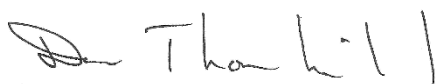
FINAL Minutes Signed



05/09/2019

Ultan Ryan, Secretary

Date



05/09/2019

Don Thornhill, Chairperson

Date