



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

MINUTES FINAL

20th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 23 January 2020

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		
Dermott Jewell		
James MacGuill		
Deirdre McHugh		
Sara Moorhead		
Don Thornhill (Chairperson)		

Apologies:

Gerry Whyte

Stephen Fitzpatrick

Section 1 – Administration

1.0 General

1.1 Agenda adopted.

Under AOB, the term of appointment of Authority members was discussed in the context of members on three year term having been renewed for 3 years and not 4, as is provided for in the legislation. Matter will be raised with Department of Justice & Equality.

1.2 Declaration of Interests on agenda items. None arising.

Secretary Circulated the *LSRA Policy and Procedures for Disclosure of Interests by Authority Members* and associated *Annual Disclosure of Interests* form for 2020.

The Authority discussed the document in the context of the make-up of the Authority itself as set out in the Legal Services Regulation Act 2015. It was agreed that the minutes should reflect the fact that the issue of any perceived conflict of interest arising as a result of the nomination of members by their respective nominating bodies under the Act was a matter set out in law and was in the public domain. The background of members of the Authority and their nomination in this context is taken as understood and that the constitution of the Authority and the methodology for nomination is as set out in legislation.

Authority members to complete the *Annual Disclosure of Interests* form on the understanding that the above is taken as understood.

- 1.3 Minutes of Authority meeting of 14 November 2019 approved.

Section 2 – Governance

2.0 CEO Report

- 2.0.1 CEO provided updates on activity since the last Authority meeting:

Part 2:

Update on other activities undertaken:

2.1 Recruitment and Staffing:

- i. Update provided on current staffing profile.
- ii. Recruitment of key staff – phase II outlined.

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

Legislative amendment to allow introduction of Legal Partnerships is being progressed by Department of Justice & Equality with a view to inclusion in the next Miscellaneous Provisions Bill.

- 2.3 Stakeholder Engagement update provided.

2.4 Roll of Practising Barristers update provided. As at 15 January 2020, there were 2,747 practising barristers enrolled.

2.5 In the order of 50 Limited Liability Partnerships have been registered to date.

2.6 Update on Levy.

Part 3: Upcoming and continuing work:

3.1 Update on Premises provided. Target for move is end February 2020.

3.2 Anti-Money Laundering and role of LSRA as *competent authority* in respect of all barristers.

3.3 Section 218 Advertising regulations
Public Consultation ongoing. Deadline currently set to end January 2020 for receipt of submissions. Executive to meet with EU Commission on 28 January 2020.

3.4 Section 73 Reports on Complaints. Statutory deadline for submission to Minister is 7 April 2020.

3.5 Section 33 Report on Admissions to the Legal Professions. First section 33 report will be submitted to the Authority at its next meeting for consideration.

3.6 Section 34(1)(b) Report on the Unification of the Professions.
Consultation notice to issue in early February 2020.

Part 4: Risk Management:

4.1 Risk Management update provided.

4.2 Risk Register will be reviewed by the Senior Management Team at LSRA and submitted to the FAR Committee for consideration at their next meeting.

3.0 Duly Authorised Register under 2015 Act

Authority approved the revised staffing list appended to the Duly Authorised Register. Revised due to staff changes.

Section 3 – Finance

4.0 Financial Reports

4.1 Management Accounts for Period ended 31 December 2019 noted by the Authority.

4.2 Draft 2020 Budget. Draft 2020 Budget discussed.

- Authority sought detailed breakdown on staffing for the year, including the splitting out of temporary staff costs with detail included of breakdown under that category.

Section 4 – LSRA Policy and Implementation

5.0 FAR Committee Chairperson's Update:

In the absence of the Chairperson of FAR Committee, the Secretary updated the Authority on the FAR Committee meeting of 4 December 2019, including:

- 2018 Accounts now certified by OCAg and submitted to Minister for Justice & Equality;
- 2018 Management Letter being finalised with OCAg;
- Audit of LSRA 2019 Internal Controls by Internal Audit Unit at Department of Justice & Equality to be undertaken in February.
- OCAg considering possibility of early audit of LSRA 2019 Financial Statements (Q1 2020).
- Risk Register: risk register to be reviewed at the next FAR Committee meeting.

6.0 Update on Part 6 – Complaints:

CEO provided general update on the Complaints function, including key themes arising in respect of basis of contacts. Key themes are:

- Enquiries in relation to probate issues;
- Complaints in respect of (perceived lack of) communication from legal practitioners.

High levels of engagement in the process from legal practitioners have been experienced since day one.

Complaints, Investigations and Resolutions Unit will shortly have full complement of staff.

Update on Complaints Committee:
Establishment of the Complaints Committee by the Authority proposed for this meeting.

Update on Review Committee:
LSRA awaiting nominations for Review Committee from the Law Society. The Review Committee will be established following receipt of those nominations. Secretary will electronically circulate draft resolution in line with Complaints Committee Resolution format for approval by the Authority.

Legal Practitioners Disciplinary Tribunal (LPDT):
Department of Justice & Equality has advertised for lay applicants and has requested the necessary nominations from the Law Society and the Bar of Ireland.

LSRA has begun work on regulations under section 79 of the 2015 Act and on the processes and supports required for establishment of the LPDT.

6.1 Establishment of Complaints Committee by the Authority
Resolution of the Authority Establishing the Complaints Committee under section 69 of the Legal Services Act 2015

Proposed by Eileen Barrington
Seconded by Dermott Jewell
Resolution included in full at Appendix I

7.0 Further Section 34 Report on Legal Education and Training

The Authority was provided with a Briefing Document in three parts:

- 1 Introduction and Background
- 2 Summary of first Report
- 3 Summaries of phased consultation processes.

The Authority was also provided with a set of slides as a framework for discussion. This framework was distilled into a number of key questions for consideration by the Authority.

Authority Discussion:

The Authority discussed the documents in detail and at length, referring back to the original report, symposium, two rounds of public consultations and associated submissions, and the documents provided for this meeting.

The Authority decided that it needed to devote more time to consideration of the information provided. Executive tasked with devising a special full day meeting of the Authority to resolve.

Member Geraldine Clarke left the meeting
Member James MacGuill left the meeting
Member Joan Crawford left the meeting

Following a short break and further discussion, the Executive was tasked to develop material for a special meeting of the Authority on:

- What a competency framework might look like;
- Look at what the HSKI and Bar have in place;
- Comparative International basis for this approach;
- Drill down in more detail as to what the LPET's role and functions would be;
- Update on Law Society's changes to its structure and robustness and alignment of same with Section 34 Report.
- Data on possible cost including Economic and Regulatory Impact Assessment.

8.0 Part 12 Establishment of Advisory Committee – Patents of Precedence

As the LSRA has not been informed of the Ministerial nomination for the lay member of the Advisory Committee on Patents of Precedence, the Authority was not in a position to establish the committee at this meeting.

Authority agreed to complete the establishment by electronic circulation of updated Resolution once the Minister's nomination has been notified.

9.0 Proposal on Solicitors Professional Indemnity Insurance Regulations from the Law Society

CEO to engage with Law Society giving approval for the Regulations on behalf of the Authority.

10.0 Annual Report 2019

Content and layout approved by Authority. Executive to proceed to finalise and submit Annual Report to Minister and the Joint Oireachtas Committee on Justice and Equality.

Split of solicitor and barrister complaints to be included in the report.

11.0 Closed Session

12.0 AOB

Dealt with at beginning of Meeting.

Action Points – Meeting of 23 January 2020	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> Minutes of 14 November 2019 approved.
2.1	<p><u>CEO Report:</u></p> <ul style="list-style-type: none"> 2.1 Update on Recruitment to be provided at next Authority meeting. 2.2: Further update on Legal Partnership legislative amendment to be provided at next Authority Meeting. 3.2: Update on Anti-Money Laundering competent authority position to be provided at next meeting. 3.3: Update on section 218 Advertising Regulations to be provided at next Authority Meeting. 3.4: First section 73 Report to be submitted to Minister by 7 April 2020. 3.5: First section 33 Report on Admissions to be submitted to the Authority for consideration at its next meeting. 3.6: Section 34(1)(b) Report on the Unification of the Professions. Consultation notice to issue in early February 2020. Part 4: SMT to review Risk register and submit revised register for consideration by FAR Committee at its next Meeting.
3.0	<ul style="list-style-type: none"> Duly Authorised Register under 2015 Act approved by Authority. Update will be required for next Authority due to anticipated recruitment in the interim.
4.0	<ul style="list-style-type: none"> Executive to revise Draft Budget 2020 to provide more detail on staff costs and split out and detail Temporary Staff costs. For next FAR Committee Meeting and next Authority Meeting.

6.0	<ul style="list-style-type: none"> • The Complaints Committee was established in law by the Authority by way of Resolution at the meeting (see Appendix I). • Executive tasked with proceeding to engage with Committee members to operationalise the Complaints Committee. • Executive to follow up with Law Society on nominations to Review Committee. On receipt of all names, Secretary to electronically circulate Draft Resolution for the establishment of the Review Committee for approval of the Authority. • Executive to engage with Department of Justice & Equality in respect of establishment of LPDT.
6.1	<ul style="list-style-type: none"> • The Complaints Committee was established in law by the Authority by way of Resolution at the meeting (see Appendix I).
7.0	<ul style="list-style-type: none"> • Executive tasked with devising a special full day meeting of the Authority to resolve. • Executive to develop material on: <ul style="list-style-type: none"> ○ What a competency framework might look like; ○ Look at what the HSKI and Bar have in place; ○ Comparative International basis for this approach; ○ Drill down in more detail as to what the LPET's role and functions would be; ○ Update on Law Society's changes to its structure and robustness and alignment of same with Section 34 Report. ○ Data on possible cost including Economic and Regulatory Impact Assessment.
8.0	<ul style="list-style-type: none"> • Part 12 Establishment of Advisory Committee – Patents of Precedence: <ul style="list-style-type: none"> ○ Executive to follow up with Department of Justice & Equality in respect of Minister's nomination of lay member of the Advisory Committee; ○ Executive to seek approval electronically from Authority Members for the Resolution establishing the Advisory Committee once lay member nomination confirmed.
9.0	<ul style="list-style-type: none"> • CEO to engage directly with Law Society confirming approval of Draft Solicitors PII Regulations.
10.0	<ul style="list-style-type: none"> • Executive to finalise and submit Annual Report 2019 to the Minister for Justice & Equality and the Joint Oireachtas Committee on Justice and Equality. • Include split of statistics between solicitor and barrister complaints.

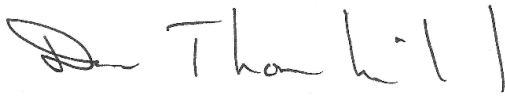
FINAL Minutes Signed



2 April 2020

Ultan Ryan, Secretary

Date



2 April 2020

Don Thornhill, Chairperson

Date

Appendix I



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

Resolution of the Authority Establishing the Complaints Committee under Section 69 of the Legal Services Regulation Act 2015

Proposed by: Eileen Barrington

Seconded by: Dermott Jewell

Establishment of Complaints Committee

Pursuant to section 69(3)(1) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly establishing a committee, to be known as the Complaints Committee for the purpose of considering and investigating complaints referred to it by the Authority under section 68.

Appointment of Lay Members

Pursuant to section 69(3)(a) and 69(4) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly appointing the following lay persons to be members of the Complaints Committee:

Lay Member nominees:

Ailis Ní Riain
Jill Long
Valerie Beatty
David O'Brien
Finbarr O'Leary
Jim Kitson
Daniel Murphy
Tom Maguire
Geraldine Donaghy
Donall Curtin
Therese Donalson
Conan McKenna
Anthony Duggan
Robert Gillan
James Costello

Appointment of Members nominated by the Bar of Ireland and the Law Society of Ireland

Pursuant to section 69(3)(b) and 69(3)(c) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly appointing the following persons nominated by the Bar of Ireland and the Law Society of Ireland to be members of the Complaints Committee:

Bar of Ireland nominees:

Derry O'Donovan SC
Fiona Murphy SC
Oonah McCrann SC
Michael Delaney SC

Law Society Nominees:

Andrew Cody
Kevin Hickey
Catherine Lyons
Catriona Murray
Emma Neville
Hugh O'Neill
Adrian Shanley
Catherine Tarrant

Signed by Secretary

A handwritten signature in black ink, appearing to read 'Alb Ryan', is positioned to the right of the 'Signed by Secretary' text.

Resolution passed on 23 January 2020

Annex I

Authority to refer complaints relating to misconduct to Complaints Committee

68. The Authority shall refer a complaint under [section 51 \(2\)](#) to the Complaints Committee where the client and legal practitioner concerned do not succeed in resolving a matter in accordance with [section 64](#) .

Establishment and membership of Complaints Committee

69. (1) The Authority shall establish a committee, to be known as the Complaints Committee, for the purpose of considering and investigating complaints referred to it by the Authority under [section 68](#) .
- (2) A member of the Complaints Committee shall—
- (a) hold office for a period of 4 years from the date of his or her appointment, and
 - (b) be eligible for reappointment as a member of the Complaints Committee, provided that he or she does not hold office for periods the aggregate of which exceeds 8 years.
- (3) The Complaints Committee shall be appointed by the Authority and shall consist of not more than 27 members of whom—
- (a) the majority shall be lay persons,
 - (b) not fewer than 8 shall be persons nominated by the Law Society, each of whom has practised as a solicitor for more than 10 years, and
 - (c) not fewer than 4 shall be persons nominated by the Bar Council, each of whom has practised in the State as a barrister for more than 10 years.
- (4) In appointing lay persons to be members of the Complaints Committee the Authority shall ensure that those members are persons who—
- (a) are independent of the professional bodies, and
 - (b) have expertise in or knowledge of—
 - (i) the provision of legal services,
 - (ii) the maintenance of standards in a profession (including those regulated by a statutory body),

(iii) the investigation and consideration of complaints relating to services, or

(iv) the interests of consumers of legal services.

(5) The Complaints Committee shall act in divisions of not less than 3 members and not more than 5 members (in this Act referred to as a "Divisional Committee").

(6) A Divisional Committee shall consist of an uneven number of members.

(7) Each Divisional Committee shall have a majority of lay members.

(8) The chairperson of each Divisional Committee shall be one of the lay members of that Divisional Committee.

(9) The chief executive shall make arrangements for the provision of such administrative and secretarial support to each Divisional Committee as he or she considers necessary.

(10) Subject to *subsections (6) and (7)*, where a complaint relates to a solicitor—

(a) in a case where the Divisional Committee consists of 3 members, one of the members of the Divisional Committee shall be a solicitor,

(b) in a case where the Divisional Committee consists of 5 members, 2 of the members of the Divisional Committee shall be solicitors.

(11) Subject to *subsections (6) and (7)*, where a complaint relates to a barrister—

(a) in a case where the Divisional Committee consists of 3 members, one of the members of the Divisional Committee shall be a barrister,

(b) in a case where the Divisional Committee consists of 5 members, 2 of the members of the Divisional Committee shall be barristers.