



## MINUTES FINAL

### 22<sup>nd</sup> Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

**Date:** 25 June 2020

**Time:** 16:30 to 18:30

#### Attendees by video conference:

| 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<br>(Chairperson) |                         |        |
| Gerry Whyte                    |                         |        |

#### Apologies:

N/A

## Section 1 – Administration

### 1.0 General

- 1.1 Agenda adopted. One item flagged by the Chairperson under AOB, to be dealt with during Closed Session.
- 1.2 Declaration of Interests on agenda items. None arising.
- 1.3 Minutes of Authority meeting of 2 April 2020 approved. No matters arising.

## Section 2 – Governance

### 2.0 CEO Report

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

##### Update on COVID-19 Response:

CEO noted that circumstances are changing and the verbal report to the Authority reflects circumstances up to 25 June.

Since previous meeting, all LSRA staff have been set-up for remote working with full system access and LSRA has been fully operational since early April. CEO and Secretary attend what were originally weekly but now fortnightly meetings via Zoom.

The LSRA Executive are now working towards a phased return to work for the staff in line with the Roadmap for Reopening Society and Business and the HSE Return to work Safely Protocol.

Under the reconfigured Roadmap, the LSRA office at Manor Street would re-open for staff on a phased basis from 20 July 2020. In preparation for the phased re-opening, the layout of the office has been reconfigured to enhance social distancing and IT has also been realigned. All staff have received COVID 19 Employee Awareness and Infection Control training.

Core Government position puts emphasis on Public Service role in optimising remote working to remain in place where possible over the next phase.

##### Statistics:

Roll of Practising Barristers has total 2,761 enrolled at 12 June 2020.

LLP Authorisations issued for total 168 LLPs at 12 June 2020.

965 files fitted criteria for complaint to date.

##### Section 33 Report:

The LSRA's first Section 33 Report was submitted to the Minister for Justice & Equality on 30 April 2020 and has now been laid before the Oireachtas. The report will be uploaded to the LSRA website in the coming days.

Risk Management:

Risk Management update provided in report. New COVID-19 Risk approved by FAR Committee at its meeting of 3 April 2020.

**3.0 Duly Authorised Register under 2015 Act**

Authority approved the revised version of the Duly Authorised Register which incorporates detail on function of LSRA relating to Professional Indemnity Insurance and the staffing list appended to the Duly Authorised Register.

## Section 3 – Finance

### 4.0 Financial Reports

- 4.1 Management Accounts for period ended 30 April 2020 were noted by the Authority.
- 4.2 Revised Budget 2020 was discussed and approved. Budget was revised in light of COVID-19 impacts and change of business practice arising from same. Savings of €800,000 were identified on the basis of scaled down activity and in-house solutions for certain activities.

4.3 Levy 2020 Update:

Consent of Minister pursuant to section 95(2) of the 2015 Act received on 9 June 2020, for the LSRA to determine the operating costs and administrative expenses for the financial year 2019 for the purposes of the levy to be issued in 2020. The calculation process is now significantly advanced. As Part 6 of the 2015 Act was commenced and operationalised from 7 October 2020, the period from that date to end year requires a more complex calculation and assigning of proportions between Law Society, Bar of Ireland and individual non-Law Library Barristers as set out in the 2015 Act. Following completion of the calculations and report by the Financial Analyst, the calculation process will be audited. Once this process cycle is completed, the Levy Notices will issue, ideally in early July 2020.

As agreed in exchange of communications between the LSRA and the Minister for Justice & Equality, a recoupment of €50,000 in respect of the advance of €1m received under section 32 of the 2015 Act in 2019, is included in the Levy calculations for 2020. This is to be the first of 20 such annual payments to recoup that advance in full.

As the completion of the Levy process and issuing of Levy Notices will run into July, and having regard to LSRA and LPDT requirements into the second half of 2020, the Executive has been engaging with Department of Justice & Equality in respect of a possible drawdown of an advance under Section 32 (€250,000), if required, to ensure the LSRA has sufficient funds across the middle part of 2020.

4.4 Draft Financial Statements 2019

In respect of the 2019 Draft Financial Statements, the Office of the Comptroller & Auditor General (OCAG) commenced their audit from 5 May 2020 and are targeting mid-July for completion of that audit. An update to

the FAR Committee will be provided at that point.

## Section 4 – LSRA Policy and Implementation

### **5.0 Update on Further Section 34 Report (Legal Education and Training):**

The Authority were presented with a summary report of the outcomes from the one-to-one discussions as they related to the Section 34 Report on Education and Training. The Authority Members discussed this report alongside the Hook Tangaza and Symposium reports.

The Executive were tasked with producing an expanded draft of the further report for consideration of the Authority at the September meeting. This expanded report will provide the content and form the structure of the Authority's further report to the Minister for Justice & Equality.

### **6.0 Update on Advisory Committee on the grant of Patents of Precedence**

The Advisory Committee was established by the Authority at its meeting of 2 April 2020 and held its first meeting on 23 June 2020. Following this meeting, the LSRA Executive which will provide administrative and secretarial support to the Committee, is finalising an Applicant Guidance document and Application Form for approval by the Committee. Once approved by the Committee, the Guidance and Form will be uploaded to the LSRA website. A dedicated section of the LSRA website will be put in place with a dedicated mailbox for applications, queries and other communications.

The Authority noted that section 172(9) states that *“All proceedings of the Committee and all communications by and to the Committee including consultations by the Committee ... shall be confidential and shall not be disclosed except for the purposes of this Act.”*

### **7.0 Solicitors Acts 1954 to 2015 (Regulation of Practice Committee) Regulations 2020:**

The Authority reviewed the Regulations and duly authorised the CEO, under section 13(7) of the Legal Services Regulation Act 2015 Act by way of Resolution with performing the function of the Authority under section 66 of the Solicitors Act 1966 (as substituted by section 76 of the Solicitors Amendment) Act 1994 and as amended by section 182 of the Legal Services Regulation Act 2015 to concur with the making of the Solicitors Acts 1954 to 2015 (Regulation of Practice Committee) Regulations 2020 as required.

Proposed By: Dermott Jewell

Seconded By: Joan Crawford

Resolution included in full at Appendix I to these Minutes.

**8.0 Closed Session**

**9.0 AOB**

Dealt with at beginning of meeting and in closed session.

| <b>Action Points – Meeting of 25 June 2020</b> |  |
|--|--|
| <b>Agenda Item</b>                             | <b>Action</b>  |
| 1.3  | <p><u>Minutes:</u></p> <ul style="list-style-type: none"> <li>• Minutes of 2 April 2020 approved.</li> <li>• Secretary to upload to website</li> </ul>   |
| 2.1  | <p><u>CEO Report:</u></p> <ul style="list-style-type: none"> <li>• Update on COVID-19 Response:<br/>Executive to proceed as outlined with implementation of business continuity plan.</li> <li>• Section 33 report on Admissions Policies to be uploaded to LSRA website.</li> </ul>   |
| 3.0  | <ul style="list-style-type: none"> <li>• Revised Duly Authorised Register under 2015 Act approved by Authority.</li> <li>• Update will be required for next Authority Meeting to reflect any staff changes arising in the interim.</li> </ul>  |
| 4.0  | <p>4.2 Revised Draft Budget noted</p> <p>4.3 Executive to proceed with Levy calculation, audit and issue of Notices. Executive to engage with Department of Justice &amp; Equality in respect of possible drawdown of €25% of 2020 Justice Vote allocation (€250,000) should it be required.</p> <p>4.4 Executive to update FAR Committee on OCAG audit when complete.</p> |
| 5.0  | <p><b>Section 34 Report:</b></p> <p>The Executive were tasked with producing an expanded draft of the further report for consideration of the Authority at the September meeting. This expanded report will form the structure and foundation of the Authority's further report to the Minister for Justice &amp; Equality.</p>  |
| 6.0  | <ul style="list-style-type: none"> <li>• CEO to provide general update on Advisory Committee at next Authority Meeting.</li> </ul>   |
| 7.0  | <ul style="list-style-type: none"> <li>• Pursuant to section 182 of the Legal Services Regulation Act 2015 and in accordance with Resolution of the Authority, the CEO to engage with the Law Society of Ireland and concur with the making</li> </ul>   |

|  |  |
|--|--|
|  | <p>of the Solicitors Acts 1954 to 2015 (Regulation of Practice Committee) Regulations 2020 as required and confirm to Authority at next meeting.</p> |
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**FINAL Minutes Signed**



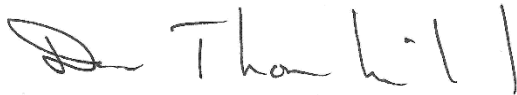
**24/09/2020**

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Ultan Ryan, Secretary

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Date



24/09/2020

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Don Thornhill, Chairperson

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Date

## **Appendix I Resolution of the Authority**



An tÚdarás Rialála  
Seirbhísí Dlí  
Legal Services  
Regulatory Authority

**Resolution of the Authority pursuant to section 13(7) of the Legal Services Regulation Act 2015 duly authorising the Chief Executive in exercise of function pursuant to section 182 of the Act in respect of the Solicitors Acts 1954 to 2015 (Regulation of Practice Committee) Regulations 2020**

**Proposed by:** Dermott Jewell

**Seconded by:** Joan Crawford

Section 182:

Section 182 of the Legal Services regulation Act 2015 was commenced on 7 October 2019 with the other Part 13 commencements. Section 182 amends section 66 of the Solicitors Act 1954, which was previously amended by section 76 of the Solicitors (Amendment) Act 1994, by the substitution of “the Authority” for “the President of the High Court”

Section 66 of the Solicitors Act 1954 (as amended):

Section 66 of the Solicitors Act 1954 (as amended) permits the Law Society with “the concurrence of the Authority” to issue regulations in relation to various listed matters including the enforcement by the Society of compliance with the regulations and the appointment by the Society of persons to carry out, on behalf of the Society, functions relating to securing compliance with and enforcing such regulations;

Solicitors Acts 1954 to 2015 (Regulation of Practice Committee) Regulations 2020:

The Regulations relate to the operation of the Law Society’s Regulation of Practice Committee and are included in full at separate Annex I.

Resolution of the Authority:

The Authority has reviewed the Regulations and duly authorises the CEO, under section 13(7) of the Legal Services Regulation Act 2015 Act by way of this Resolution with performing the function of the Authority under section 66 of the Solicitors Act 1966 (as substituted by section 76 of the Solicitors Amendment) Act 1994 and as amended by section 182 of the Legal Services Regulation Act 2015 to concur with the making of the Solicitors Acts 1954 to 2015 (Regulation of Practice Committee) Regulations 2020 as required.

**Signed by Secretary**

**Resolution passed on 25 June 2020**