



An tÚdarás Rialála  
Seirbhísi Dlí  
Legal Services  
Regulatory Authority

## MINUTES FINAL

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

**Date:** 19 November 2020

**Time:** 16:00 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		
Deirdre McHugh		
Sara Moorhead		
Simon Murphy		
Don Thornhill (Chairperson)		

#### Apologies:

N/A

## Section 1 – Administration

### 1.0 General

1.1 Agenda adopted.

1.2 Declaration of Interests on agenda items. None arising.

1.3 Minutes of Authority meeting of 24 September 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 situation up to 19 November 2020.

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 fortnightly meetings via Zoom as part of Justice Civil Agencies network.

In line with Govt. Guidance in place at the time, the LSRA Executive began opening the Manor Street premises for a small number of staff on a phased basis from 2 September 2020. This followed the provision of training to all staff on COVID 19 Employee Awareness and Infection Control and the introduction of enhanced social distancing measures, signage and hand sanitizer stations. All staff have completed return to work questionnaires and have been provided with the necessary guidance documentation. Dublin was moved to Level 3 from 19 September and LSRA site access and remote working arrangements were adjusted to ensure business continuity in line with the move. Further Level 5 adjusted restrictions applied in Dublin from 19 October 2020 which further restricted access to LSRA premises.

Some build-up of complaint volumes has arisen due to impacts of COVID-19 restrictions in this area and consistently high volumes of communications to the Complaints and Resolutions Unit. Reassignment of staff resources to the Unit from within LSRA/LPDT team and additional recruitment lined up to assist in dealing with this.

In light of court closures, the Solicitors Disciplinary Tribunal have adjourned all tribunals until at least beginning of 2021. The SDT operates with LSRA staff on secondment to the SDT. The LSRA Executive are engaging with the Law Society to ensure a safe return to work for the LSRA staff currently seconded to the SDT in line with the Government Plan.

##### Meeting with Minister:

CEO updated the Authority on the Meeting between the Chairperson, CEO and Minister for Justice and Minister of State on 7 October 2020.

Statistics:

Roll of Practising Barristers has total 2,853 enrolled (12/11/2020).

LLP Authorisations issued for total 226 LLPs (09/11/2020).

1,555 files fitted criteria for complaint since 7 October 2019.

Levy for Financial Year 2019:

Levy notices for 2019 financial year were issued on 15 July 2020. Total amount levied for 2019 financial year was €1,589,903. As at 12 November 2020, the percentage of Levy paid was 99.65%.

CEO informed the Authority that due to the programme of work ahead of the LSRA and with the imminent establishment of the LPDT, it was critical that the Levy in respect of 2020 expenditure be issued as early as possible in 2021. Executive will work with the accountants to have the Draft Financial Statements for 2020 completed and submitted to the Minister in advance of the end February deadline.

LSRA has availed of €250k under Section 32 drawdown from allocation of €1m in 2020. Having regard to expenditure profile to end 2020 and prospect of establishment costs for LPDT, a further drawdown will be required from the 2020 allocation and Executive will engage with Department of Justice on this.

Complaints Committee:

On 5 November the Complaints Committee met for the first time to consider 15 misconduct complaints that had been determined to be admissible.

Review Committee:

Plans in place for trial basis review Committee meeting in January 2021.

Legal Practitioners Disciplinary Tribunal:

The LSRA has been informed by the Dept. of Justice that the nominations for appointment to the Legal Practitioners Disciplinary Tribunal have been approved by the Minister and forwarded to the President of the High Court.

Advisory Committee for the grant of Patents of Precedence:

Committee has completed 2020 process for recommendations for senior counsel. The 2021 process will begin shortly and deadline for applications will likely be end January 2021.

Section 218 – Advertising regulations:

Separate agenda item.

Risk Management:

Risk Management update provided in report, including COVID-19 risk update.

### **3.0 Duly Authorised Register under 2015 Act**

Authority approved the revised version of the Duly Authorised Register which included staff changes.

## Section 3 – Finance

### 4.0 Financial Reports

- 4.1 Management Accounts for period ended 30 September 2020 were noted by the Authority.
- 4.2 Projected outturn to end 2020 noted by Authority.
- 4.3 Draft Budget 2021 provided for information. Some further adjustments will arise and it is anticipated that the budget will be submitted for formal approval in January 2021.

## Section 4 – LSRA Policy and Implementation

### 5.0 Draft Section 218 (Advertising) Regulations:

The Regulations were drafted in compliance with Section 218 of the Legal Services regulation Act 2015 and the EU Directive.

The Authority discussed the Regulations and issues in respect of interpretation and enforcement. Aspects including durable medium and ephemera/flash messaging to be considered in respect of how such formats are dealt with under regulations and also the challenges to enforcement arising. It was agreed that the Regulations should be reviewed after a period of implementation as this is a new area of business for the LSRA and in the light of constantly changing modes through which advertising can take place.

The Authority felt that there was potential for a significant workload to arise for the LSRA in this area and that resourcing requirements would need to be monitored by the Executive over time.

It is anticipated that the Final Regulations will be circulated to Authority members for final approval with a view to signing week ending 18 December 2020.

### 6.0 LSRA Review of 2020 and Roadmap for 2021

The CEO gave a presentation to the Authority covering:

- Statutory Reporting Requirements
- Complaints Function Under Part 6

- LPDT establishment
- Regulations including:
  - Legal Partnerships Regulations
  - Review of PII Regulation
  - Advisory Committee Regulations
  - Revised Levy Regulations
  - LPDT Regulations
- Levy in 2021 (based on 2020 expenditure)
- New Business Models including introduction of framework for Legal Partnerships
- Roll of Practising Barristers
- Advisory Committee on Patents of Precedence (2021 process)
- Media and Communication
- Key Challenges 2021
  - Covid-19
  - Financial

**7.0 Closed Session**

**8.0 AOB**

No matters arising.

Action Points – Meeting of 24 September 2020	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> <li>• Minutes of 24 September 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: Executive to proceed as outlined with implementation of business continuity. Update to be provided at next meeting.</li> <li>• Executive to engage with Dept. of Justice in respect of further Section 32 drawdown in 2020.</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	<ul style="list-style-type: none"> <li>• Budget 2021 to be finalised and submitted to the Authority and FAR Committee for approval in Jan/Feb 2021.</li> </ul>
5.0	<p><b>Section 218 (Advertising) Regulations</b></p> <ul style="list-style-type: none"> <li>• Regulations to be finalised and circulated to Authority members for final approval prior to sign-off.</li> <li>• CEO and Chairperson to sign Section 218 Regulations week ending 18 December 2020.</li> </ul>
6.0	<p><b>Presentation – Review of 2020 and Roadmap to 2021</b></p> <ul style="list-style-type: none"> <li>• No actions arising</li> </ul>

**FINAL Minutes Signed**



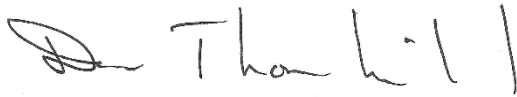
28 January 2021

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Ultan Ryan, Secretary

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Date



28 January 2021

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Don Thornhill, Chairperson

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Date