



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

MINUTES FINAL

25th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 28 January 2021

Time: 16:00 to 18:00

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:

Eileen Barrington was delayed. Attended from end of CEO Report.

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 19 November 2020 approved subject to amendment of attendee list. 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:

In line with the level 5 restrictions introduced in December, the Manor Street office has been closed and all staff are again working remotely. Staff attend the office only when it is absolutely essential to physically be present in the office. All staff attendance at Manor Street is subject the prior approval of the Head of HR and is being carefully managed.

In light of court closures, the Solicitors Disciplinary Tribunal (SDT) has adjourned all tribunals due to be heard up until the beginning of 2021. The SDT operates with LSRA staff on secondment to the SDT. The LSRA Executive is engaging with the Law Society in relation to the commencement of SDT hearings.

CEO / Secretary attend fortnightly meetings via Zoom as part of Justice Civil Agencies network.

The continued lockdown is impacting on the time some work takes to be done. In particular, the complaints section is managing a number of open files awaiting admissibility decisions. Extra support has been put in place to assist. The Authority discussed the resourcing of the Unit, including recruitment, relevant expertise and training for staff. The Authority also discussed reviews and audit of decisions. The CEO provided a brief update on development of the Case Management System for the Complaints and Resolutions Unit.

All staff undertook resilience training in December 2020 which was well received.

Statistics:

Roll of Practising Barristers has total 2,830 enrolled (20/01/2021).

LLP Authorisations issued for total 266 LLPs (20/01/2021).

1,779 files fitted criteria for complaint (07/01/2019 to 20/01/2021).

Levy for Financial Year 2019/2020:

Levy notices for 2019 financial year were issued on 15 July 2020. Total amount levied for 2019 financial year was €1,589,903 (this included €50,000 repayment to Department of Justice in respect of section 32 advances. As at end December 2020, the percentage of Levy paid was 99.83%.

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 been required to drawdown €1m under Section 32 drawdown from 2020 allocation in Justice Vote.

Executive to engage with DoJ on amendments to the Levy provisions in the 2015 Act as raised in the Section 6 Review of the Act.

Committees:

Complaints Committee operating since November 2020. Review Committee will commence operations in early 2021.

Legal Practitioners Disciplinary Tribunal:

The LPDT was established in November 2020. LSRA Executive engaging with LPDT to support its establishment to full levels of operation.

Advisory Committee for the grant of Patents of Precedence:

The 2021 process began 4 December 2020 with a deadline for receipt of applications set at 5 February 2021. No application fee will be applied for the 2021 round but it is anticipated that a fee will be introduced for 2022 process.

Section 218 – Advertising regulations:

Regulations signed on 17 December 2020.

Legal Partnerships:

LSRA Executive engaging with Civil Legislation Unit and Governance Unit at Department of Justice for the inclusion of the required amendment of the 2015 Act which will allow for the full commencement of Legal Partnerships in Miscellaneous Provisions legislation.

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 31 December 2020 were noted by the Authority, including 2020 outturn. One omission on the report (missing figure) was flagged and will be corrected by Accountants.
- 4.2 Projected outturn to end 2020 noted by Authority.
- 4.3 Draft Budget 2021 provided for information. Budget will be submitted to FAR Committee for review at its next meeting.

The Authority discussed the expenditure profile anticipated for the LPDT. This included the technical costs which will arise for the development of online hearing solutions. This will be further analysed and profile adjusted accordingly. LSRA in discussions with Law Society on this as solution also covers SDT work.

Section 4 – LSRA Policy and Implementation

5.0 FAR Committee Chairpersons Report

The Chairperson provided a brief update from the FAR Committee and noted that the attendance of the CEO at the Committee meetings was particularly helpful to the Committee. It is anticipated that other heads of unit will attend meeting as required now that Senior Management Team posts are in place.

Risks relating to Commencement of Statutory Provisions and Superannuation were cleared for removal from the Risk Register as they are resolved.

The Committee had noted and reviewed Guidance from OCAg in respect of control environment during pandemic. DoJ Internal Audit Unit beginning audit of 2020 Internal Controls in February and Secretary will report to the FAR Committee on the outcomes at the next FAR Committee Meeting.

The FAR Committee completed a self-evaluation in 2020, facilitated by LSRA Accountants and actions arising will be followed up in 2021. This includes training for the Committee.

6.0 LSRA Annual Report 2020

As with 2019, it is planned to complete the Annual Report early as the end of Q1 is a busy reporting time for the LSRA.

The Authority reviewed the content of the Report and approved subject to review of some tables, including solicitor/barrister breakdowns and clarification note for inclusion on breakdown of solicitor complaints.

7.0 High Level Business Plan 2021

High Level plan noted by the Authority.

8.0 Further Report on Legal Education and Training Update

The Minister for Justice requested that the Authority undertake further research in relation to the barriers faced by newly qualified solicitors and barristers. This to include:

- The remuneration of trainee barristers and solicitors;
- The other costs associated with joining each profession;
- The information available to prospective trainee barristers and solicitors on available masters and solicitors firms, the information available on terms and conditions, and how they are selected.
- Any other barriers faced by young barristers and solicitors including the ability to take maternity leave.

The Authority was provided with an update on the proposed methodology and approach to the research work. The Authority discussed the approach and flagged that pre-existing Diversity issues (affecting access to University education in the first instance) should also be considered in the report.

In relation to the previous Section 34 Education and Training Report, the Executive will be engaging with the Civil Justice Legislation and Civil Justice Policy units within the Department of Justice in respect of the recommendations of that Report, including in respect of the LPET Committee.

9.0 Section 6 – Review of the Operation of the 2015 Act

The Authority approved that the Review should commence from 15 February 2021.

7.0 Closed Session

8.0 AOB

No matters arising.

| Action Points – Meeting of 28 January 2021 | |
|--|---|
| Agenda Item | Action |
| 1.3 | <p><u>Minutes:</u></p> <ul style="list-style-type: none"> • Minutes of 19 November 2020 approved. • Secretary to upload to website. |
| 2.1 | <p><u>CEO Report:</u></p> <ul style="list-style-type: none"> • Update on COVID-19 Response: Executive to proceed as outlined with implementation of business continuity. Update to be provided at next meeting. • Executive to proceed to early calculation, audit and issuing of Levy notices for 2021 in respect of 2020 Expenditure. • CEO to report on the implementation of Advertising regulations and issues arising at next meeting. • Executive to engage with DoJ on Miscellaneous Provisions Bill to include LPs, amendments to Levy Model and other key provisions. |
| 3.0 | <ul style="list-style-type: none"> • Revised Duly Authorised Register under 2015 Act approved by Authority. • Update will be required for next Authority Meeting to reflect any staff changes arising in the interim. |
| 4.0 | <ul style="list-style-type: none"> • Budget 2021 to be finalised and submitted to the FAR Committee and to Authority for approval. • Management accounts omission to be remedied by Accountants. |
| 5.0 | <ul style="list-style-type: none"> • Secretary to arrange FAR Committee Meeting when Draft 2020 Financial Statements are available. |
| 6.0 | <ul style="list-style-type: none"> • Executive to review tables and breakdowns in Annual Report • Annual Report to be finalised and submitted to the Minister |
| 7.0 | <ul style="list-style-type: none"> • Executive to implement High Level Business Plan and complete LSRA's detailed Business Plan for 2021. |
| 8.0 | <ul style="list-style-type: none"> • Executive to proceed with Section 34 Report, taking in to account input from the Authority. |
| 9.0 | <ul style="list-style-type: none"> • Executive to commence work on the second Section 6 Review of the Operation of the Legal Services regulation Act 2015 starting 15 February 2021. |

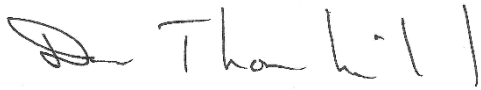
FINAL Minutes Signed



25/03/2021

Ultan Ryan, Secretary

Date



25/03/2021

Don Thornhill, Chairperson

Date