



MINUTES FINAL

26th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 25 March 2021

Time: 16:30 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 Malone		
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 Chairperson welcomed new Authority member, Deirdre Malone (IHREC nominee).
Agenda adopted.
- 1.2 Declaration of Interests on agenda items. None arising.

- 1.3 Minutes of Authority meeting of 28 January 2021 approved. Matters arising dealt with in CEO report.

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 continuing to work 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 to the prior approval of the Head of HR and is being carefully managed.

In light of court closures, the Solicitors Disciplinary Tribunal (SDT) had adjourned all tribunal hearings due to be heard up until the beginning of 2021. The SDT operates with LSRA staff on secondment to the SDT. The SDT has now begun holding prima facie hearings via Zoom and is working to move to full hearings using Trial View software shortly. LSRA working with LPDT team and Law Society on sharing the Trial View solution for the LPDT hearings when they begin.

The LSRA Senior Management Team have ensured that communication with staff is clear, consistent and frequent throughout the restrictions.

The continued lockdown is impacting on the time some work takes to be done. The complaints section still have a number of admissibility decisions on hand but this is reducing. At this point, the Complaints and Resolutions Unit is finalising more cases than it is receiving. Further staff, including three new Complaints and Resolutions Officers, have been recruited which will have a significant impact on caseloads. Caseload management will be kept under close review.

In addition, a process audit of Complaints processing will be undertaken shortly. Procurement completed and contract for audit to be signed.

Executive continues to attend fortnightly virtual meetings as part of Justice Civil Agencies network.

Training and supports being organised with a focus on staff wellbeing in the coming weeks.

Statistics:

Roll of Practising Barristers has total 2,848 enrolled (15/03/2021).

LLP Authorisations issued for total 290 LLPs (15/03/2021).

1,998 files fitted criteria for complaint (07/10/2019 to 18/03/2021).

Advertising Regulations:

CEO provided an update on the implementation of the Advertising regulations and the LSRA's new role in regulating this aspect of legal services. This included information on how cases came to the attention of the LSRA. Executive will look to issue some guidance via website to assist legal practitioners in this area.

Resourcing impacts in this area of LSRA work will continue to be monitored.

Levy for Financial Year 2020:

The LSRA Executive has commenced the process of calculating the levy for the 2020 financial year. As in previous years the services of a financial consultant have been procured. An auditor to audit the levy calculation process has also been procured.

The Draft 2020 Financial Statements as approved by the Authority will be submitted to the Department of Justice and the Office of the Comptroller and Auditor General (OCAG) by end March 2021. The 2020 Financial Statements will form the basis of the Levy.

The LSRA Executive will write to the Minister for Justice shortly requesting consent to commence the levy calculation and following receipt of consent will aim to issue the levy notices before mid 2021.

Executive to engaging 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 to start meeting on a fortnightly basis. Review Committee will commence functions during 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.

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 28 February 2021 were noted by the Authority.
- 4.2 Draft 2020 Financial Statements as approved by the Finance Audit and Risk (FAR) Committee were approved by the Authority for submission to the Department of Justice and OCAG.
- 4.3 Draft Budget 2021 noted. The budget has been revised to reflect timeline for establishment of LPDT. Budget will be reviewed again at mid-year.

Section 4 – LSRA Policy and Implementation

5.0 FAR Committee Chairpersons Report

The Chairperson provided a brief update from the FAR Committee including its approval of Draft 2020 Financial Statements, approval of Budget 2021, revised Risk Register for 2021 and updates on audit activity.

6.0 Section 34 'Barriers' Report

In a letter dated 18 November 2020 the Minister for Justice welcomed the findings of the Authority's report on Legal Education and Training and requested that the Authority undertake further research in relation to the economic and other barriers faced by newly qualified solicitors and barristers.

LSRA Executive taking a phased approach to this Report. Phase 1 Actions well progressed and include:

- Procurement of market research company;
- Draft terms of reference for External Reference Groups;
- Invite/establish External Reference Groups;
- Request professional bodies for their cooperation with questionnaire distribution;
- Liaise with External Reference Groups to gather key topics and themes for surveys and qualitative interviews;
- Develop separate questionnaires for solicitors and barristers with appointed contractor/External Reference Groups.

The issue of underlying barriers was discussed, including barriers prior to those faced by newly qualified legal practitioners and students. This aspect has already arisen in the discussions with reference groups.

In terms of Phase 3 and the launch of the report, it was noted that the LSRA Executive should be looking at multiple formats to ensure equality of access to the report and also as part of the engagement through Phase 1 and 2.

In relation to the issue of remuneration of trainee barristers, the perspective of both barristers and devils should be considered.

7.0 Update on Section 34(c) Report on the Profession of Conveyancer

Section 34(1)(c) requires that the LSRA shall, *"following appropriate public consultation processes"* prepare and furnish a report to the Minister for Justice in relation to the *"creation of a new profession of conveyancer."*

The LSRA Executive is in the process of analysing the request from the Minister and developing the research methodology that will address the issues raised. The LSRA Executive will deliver the research methodology to the Authority at the next Authority meeting and will also complete any groundwork that can be done in that time.

8.0 Update on Section 33 Report on the Admissions Policies of the Legal Professions

Report being finalised and will be circulated to the Authority for consideration and approval by email. Report is to be submitted to the Minister for Justice by end April 2021.

9.0 Closed Session

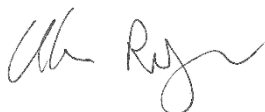
10.0 AOB

No matters arising.

Action Points – Meeting of 25 March 2021	
Agenda Item	Action
1.3	<u>Minutes:</u> <ul style="list-style-type: none">• Minutes of 28 January 2021 approved.• Secretary to arrange upload to website.
2.1	<u>CEO Report:</u> <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 continue to monitor Complaints and Resolutions workloads to ensure optimum progress and resourcing, having regard to impacts of COVID-19 restrictions. Recruitment to key posts in progress. Update to be provided at next meeting.• Executive to progress on Ministerial consent to set Levy, calculation, audit and issuing of Levy notices for 2021 in respect of 2020 Expenditure.• Executive to continue to engage with DoJ on Miscellaneous Provisions Bill to include LPs, amendments to Levy Model and other key provisions. Update to be provided at next meeting.
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. Recruitment of staff ongoing which will see addition of further staff to the Register in Q2 2021.
4.0	<ul style="list-style-type: none">• Budget 2021 approved by FAR Committee and Authority. Mid-Year review to be undertaken in June/July.• Establishment budget line for LPDT to be kept under review as part of Budget 2021 management.• Draft 2020 Financial Statements approved by Authority for submission to DoJ and OCAG. Statements reviewed and approved

	by FAR Committee at its meeting of 18 March 2021. Statements to be submitted to DoJ and OCAG by end March.
6.0	<ul style="list-style-type: none"> Section 34 <i>Barriers</i> Report: Executive to proceed with agreed approach and to take into consideration: <ul style="list-style-type: none"> Underlying/Pre-existing barriers which arise at an early stage View of both barrister and trainee barristers to ensure balance in report in respect of remuneration etc. To consider multiple format options for engagement with stakeholder and for the launch and dissemination of the Report. Executive to provide a progress update at the next Authority Meeting.
7.0	<ul style="list-style-type: none"> Section 34(c) Report on Profession of Conveyancer: Executive to deliver the research methodology to the Authority at the next Authority meeting and will also complete and update the Authority on any groundwork that can be done in that time.
8.0	<ul style="list-style-type: none"> Section 33 Admissions Report: Executive to finalise the report and circulate to Authority Members for feedback and approval. Report to be submitted to the Minister by end April 2021.

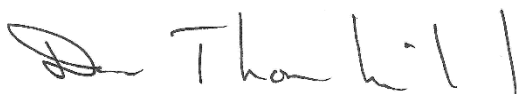
FINAL Minutes Signed



3 June 2021

Ultan Ryan, Secretary

Date



3 June 2021

Don Thornhill, Chairperson

Date