



MINUTES FINAL

28th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 09 September 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		
Shane Galligan*		
Dermott Jewell		
Deirdre Malone		
Deirdre McHugh		
Simon Murphy		
Don Thornhill (Chairperson)		

*Shane Galligan new Authority Member

Apologies:

Sara Moorhead

Section 1 – Administration

1.0 General

1.1 The Chairperson welcomed Shane Galligan as a new member as nominee of Institute of Legal Costs Accountants (ILCA).

The Chairperson congratulated Geraldine Clarke who will shortly be presented with a Patent of Precedence as Senior Counsel.

Agenda adopted.

- 1.2 Declaration of Interests on agenda items. None arising.
- 1.3 Minutes of Authority meeting of 3 June 2021 approved subject to minor amendment (clarification of Angela Black as nominee of Citizens Information Board). Matters arising to be 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:
- 2.0.2 Regulation:
CEO gave a short briefing on unregulated and bogus firms, particularly those offering services online. Legal advice is being sought in respect of what the LSRA can do to address this.
- 2.0.3 Finance:
CEO explained that the LSRA is engaging with Department of Justice and will engage with Department of Public Expenditure & Reform in respect of advances received pursuant to section 32 of the Legal Services Regulation Act 2015 in the establishment period between 2016 and 2019.
- 2.0.4 New Business Models:
The Authority discussed the statistics on limited Liability Partnerships (LLPs), including cessation of partnerships.

In respect of Multi-Disciplinary Practices (MDPs), this business model will be revisited following the introduction and establishment period for Legal Partnerships.
- 2.0.5 Miscellaneous Provisions Bill:
CEO updated the Authority on progress with the Department of Justice Miscellaneous Provisions Bill. The provisions in the Bill include:
 - 1. Amendments to the Levy Model set out in the Legal Services Regulation Act 2015 (the 2015 Act);
 - 2. Amendments to the 2015 Act to permit the introduction of the Legal Partnerships (LP) business model.

The CEO explained that the proposed business model has been reviewed and simplified. The revised text has been sent on to the Office of the Parliamentary Counsel (OPC) and the LSRA awaits further engagement on the text.

In terms of Legal Partnerships, the LSRA has the regulatory framework ready once the necessary statutory amendment is commenced.

2.0.6 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 FAR Committee Chairperson’s Report

The FAR Committee Chairperson (Angela Black) provided an update report to the Authority on the Committee’s activities. The Committee met on 2 occasions since the last Authority Meeting (28 June and 3 September).

Updates as follows:

- **Management Accounts:** The FAR Committee reviewed the LSRA’s Management Accounts for month ending 31 July 2021 and discussed profile to end 2021. A draft budget for 2022 is to be provided to the Committee in November.
- **Risk 1 Finance:** LSRA has received 2 advances of €500k under section 32 of the Legal Services Regulation Act 2015 in 2021. It is intended to recoup the advances plus a further €50k in respect of previous advances (as set out in the Minister’s letter of consent for the calculation of the Levy) once the bulk of the Levy income for 2021 has been received. CEO confirmed at the meeting that the Levy notices issued 9 September 2021.
- **Risk 2 GDPR:** procurement for audit of GDPR compliance will be undertaken. Internal Audit Unit of Department of Justice also intends to undertake a GDPR compliance audit for the Justice family agencies in 2022.

- Risk 3 COVID-19: LSRA is complying with Government guidelines, with a focus on the Complaints & Resolutions function for LSRA premises site access.
- Risk 4 Cyber-Security: LSRA will arrange for an audit of internal cyber-security risk in 2021.
- OCAG Audit of LSRA Financial Statements to commence on 13 September. An update on this will be provided to the Authority at the November meeting.
- The DAC Beachcroft audit of the Complaints process has finished and a report on this will be provided to the FAR Committee at its November meeting. The Authority will also be provided with an update in November.
- Other key activities for the LSRA include a review of the workforce plan, review of Financial Policies & Procedures and a Procurement Plan.

5.0 Financial Reports

5.1 **Management Accounts:** Management Accounts for period ended 31 July 2021 were noted by the Authority.

5.2 **Update on 2021 Levy (in respect of 2020 expenditure):**
The CEO provided an update on the 2021 Levy process. Levy Notices issued on 9 September 2021.

Section 4 – LSRA Policy and Implementation

6.0 Update on Section 34 ‘Barriers’ Report

6.0.1 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.

6.0.2 The CEO updated the Authority on progress. Due to the nature of the research and engagement required to achieve the report outputs, a significant amount of work on GDPR/Data Protection compliance has been necessary.

- 6.0.3 The first phase of the project (set up phase) has been completed including procurement of market research company, set up of External reference Groups and development of questionnaires.
- 6.0.4 Engagement with the professional bodies is ongoing with a view to distributing the surveys to student/trainee and practising solicitors and barristers in September-October 2021. The LSRA will also directly distribute the survey to non-Law Library practising barristers via its Roll of Practising Barristers. The surveys will be used to recruit a total of 16 respondents for qualitative in-depth interviews with respondents in the survey target group, also to be conducted by the market research company.
- 6.0.5 The Phase 2 Field Work phase of the research project got underway on 13 May 2021 when the LSRA carried out a public consultation.
- 6.0.6 Interviews are also being carried out by the LSRA with a range of key stakeholders outside of the survey target group, and these will continue in September 2021.
- 6.0.7 The Authority discussed equality and diversity aspects of the project and how the selection of the key 16 respondents was completed to ensure representative profile. CEO confirmed that the research takes in to account the nine grounds of discrimination under the Equal Status Acts.

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

- 7.0.1 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.”*
- 7.0.2 The LSRA has again developed a phased structure for this project and is working on the procurement of external experts to prepare an Economic Analysis Expert Report.
- 7.0.3 A comprehensive literature review is also underway and a consultation notice is being prepared to call for written submissions.

8.0 Update on establishment of the Legal Practitioners Disciplinary Tribunal (LPDT)

- 8.0.1 The Authority was provided with an information note and update on the progress of establishment of the LPDT. The LSRA and LPDT are working on a Service Level Agreement between the two bodies to ensure that appropriate administrative and governance structures and supports are in place.

9.0 Update on the Performance of the Complaints and Resolutions Department

- 9.0.1 The CEO briefed the Authority on the work of the Complaints and Resolutions Department by way of presentation. The Authority discussed a number of issues arising from the presentation, including the DAC Beachcroft audit of the Complaints process. The CEO agreed to issue a report and action plan to the Authority arising from the audit.
- 9.0.2 Authority members to indicate to Chairperson/Secretary if they wished to have a separate dedicated meeting to discuss this topic.

Deirdre Malone left the meeting at this point due to a separate meeting engagement.

10.0 Appointment of Lay members to the Complaints Committee and Review Committee

- 10.0.1 The Authority passed 2 Resolutions in respect of the appointment of new members to both the Complaints Committee and the Review Committee. See Appendix I and II.

11.0 Solicitors Accounts (Amendment) Regulations 2021

- 11.0.1 Section 182 of the Legal Services regulation Act 2015 was commenced on 7 October 2019 along 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”.
- 11.0.2 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;
- 11.0.3 The Authority, by way of Resolution, authorised the CEO 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 and concur with the making of the Solicitors Accounts (Amendment) Regulations 2021 as required. See Resolution at Appendix III.

12.0 Closed Session

13.0 AOB

No matters raised under AOB.

Action Points – Meeting of 9 September 2021	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> Minutes of 3 June 2021 approved subject to minor amendment as follows: “Angela Black, nominee of the Citizens Information Board to replace Stephen Fitzpatrick as Chairperson of the Finance, Audit & Risk (FAR) Committee.” Secretary to arrange upload to website.
2.1	<p><u>CEO Report:</u></p> <ul style="list-style-type: none"> Miscellaneous Provisions legislation: CEO to provide an update to the Authority at the next meeting in respect of progress and in particular in respect of the agreed wording on the Levy model.
3.0	<p><u>Duly Authorised Register:</u></p> <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	<p><u>FAR Committee updates:</u></p> <ul style="list-style-type: none"> Revised spend profile to end 2021 and Draft Budget 2022 to be provided to the FAR Committee for review at its next meeting on 12 November 2021. Update on OCAG Audit of LSRA Financial Statements 2020 to be provided to FAR Committee and Authority for November meetings. Report on DAC Beachcroft audit of the LSRA’s Complaints Process to be provided to the FAR Committee at its November Meeting.
5.0	<p><u>Financial Reports:</u></p>

	<ul style="list-style-type: none"> • Authority to be updated on the 2021 Levy (in respect of 2020 expenditure at November meeting).
6.0	<p><u>Section 34 'Barriers' Report:</u></p> <ul style="list-style-type: none"> • Update on progress to be provided at next Authority Meeting.
7.0	<p><u>Section 34(c) Report on Profession of Conveyancer:</u></p> <ul style="list-style-type: none"> • Update on progress to be provided at next Authority Meeting.
8.0	<p><u>Legal Practitioners Disciplinary Tribunal:</u></p> <ul style="list-style-type: none"> • Update on establishment of LPDT to be provided at next Authority meeting.
9.0	<p><u>Update on the Performance of the Complaints & Resolutions Department:</u></p> <ul style="list-style-type: none"> • Authority members to indicate to Chairperson/Secretary if they would like to have a dedicated meeting on this topic.
10.0	<p><u>Appointment of Lay members to the Complaints Committee and Review Committee:</u></p> <ul style="list-style-type: none"> • 2 Resolutions passed. Executive to proceed with appointments.
11.0	<p><u>Solicitors Accounts (Amendment) Regulations 2021</u></p> <ul style="list-style-type: none"> • Resolution passed. CEO to proceed to engage with Law Society and confirm that the function has been completed at the next Authority meeting.

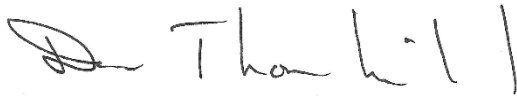
FINAL Minutes Signed



19 November 2021

Ultan Ryan, Secretary

Date



19 November 2021

Don Thornhill, Chairperson

Date

Appendix I



Resolution of the Authority for the appointment of lay persons nominated to the Complaints Committee under Section 69 of the Legal Services Regulation Act 2015

Proposed by: Dermott Jewell

Seconded by: Angela Black

Establishment of Complaints Committee:

On 23 January 2020, by way of Resolution pursuant to section 69(3)(1) of the Legal Services Regulation Act 2015, the Authority established 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.

Nomination of the lay persons for membership of the Complaints Committee:

On 9 September 2021, the LSRA considered nominations in respect of six lay persons to the Complaints Committee following a recruitment campaign undertaken by the LSRA Executive. Pursuant to section 69(2), 69(3)(a) and 69(4) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly appointing the following persons to be lay members of the Complaints Committee:

Lay Member nominees:

Complaints Committee	
Mr Healy Hynes	Vacancy 1
Ms Heather Briers	Vacancy 2
Mr Michael Walsh	Vacancy 3
Mr Kevin Fleming	Vacancy 4
Ms Patricia Gilheaney	Vacancy 5
Mrs Aoife McMahon	Vacancy 6

Signed by Secretary

Resolution passed on 9 September 2021

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.

Appendix II



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

Resolution of the Authority for the appointment of Lay Members to the Review Committee under Section 62 of the Legal Services Regulation Act 2015

Proposed by: Deirdre McHugh

Seconded by: Geraldine Clarke

Establishment of Review Committee:

On 2 April 2020, by way of Resolution pursuant to section 62(1) of the Legal Services Regulation Act 2015, the Authority established a committee, to be known as the Review Committee for the purpose of considering reviews requested by complainants or legal practitioners in relation to determinations of the Authority under section 60 or 61.

Nominations of Lay Members for membership of the Review Committee:

On 9 September, the LSRA considered nominations in respect of four lay persons to the Review Committee following a recruitment campaign undertaken by the LSRA Executive. Pursuant to section 62(2) and 62(4) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly appointing the following lay persons nominated to be members of the Review Committee:

Lay Member nominees:

Review Committee	
Mr Michael O Sullivan	Vacancy 1
Mr John Murray	Vacancy 2
Ms Éimear Fisher	Vacancy 3
Miss Julie Brosnan	Vacancy 4

Signed by Secretary

Resolution passed on 9 September 2021

Annex I

Review Committee

62. (1) The Authority shall establish a Review Committee to consider reviews requested by complainants or legal practitioners in relation to determinations of the Authority under [section 60](#) or [61](#) .
- (2) The Review Committee shall be composed of 3 persons, 2 of whom shall be lay persons and one of whom shall be a legal practitioner.
- (3) The member of the Review Committee who is a legal practitioner shall—
- (a) in a case where the complaint relates to a solicitor, be a solicitor, and
 - (b) in a case where the complaint relates to a barrister, be a barrister.
- (4) A person shall be eligible to serve as a member of a Review Committee established under this section if he or she is eligible to serve as a member of the Complaints Committee established under this Part.
- (5) The Review Committee shall consider reviews requested and, having given both the client and the legal practitioner an opportunity to make a statement in writing to it as to why the determination of the Authority under [section 60](#) or [61](#) , as the case may be, was incorrect or unjust, determine the review by—
- (a) confirming the determination of the Authority,
 - (b) remitting the complaint to the Authority, with such directions as the Review Committee considers appropriate or necessary, to be dealt with again under [section 60](#) or [61](#) , as the case may be, or
 - (c) issuing one or more than one of the directions to the legal practitioner that the Authority is authorised to issue under [section 60](#) (6) or [section 61](#) (6), as the case may be.
- (6) Any payment made by a legal practitioner pursuant to a direction referred to in *subsection (5)* shall be without prejudice to any legal right of the client.

Appendix III



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 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) in respect of concurring with the making of the Solicitors Accounts (Amendment) Regulations 2021.

Proposed by: Dermott Jewell

Seconded by: Shane Galligan

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 Accounts (Amendment) Regulations 2021:

The Regulations are intended to provide clarity for solicitors in respect of their obligations where financial institutions impose negative rates of interest on client’s accounts 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 Accounts (Amendment) Regulations 2021.



Signed by Secretary
Resolution passed on 9 September 2021