



MINUTES FINAL

27th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 3 June 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		
Dermott Jewell		
Deirdre Malone		
Simon Murphy		
Don Thornhill (Chairperson)		

Apologies:

Deirdre McHugh
Sara Moorhead was unavoidably delayed

Section 1 – Administration

1.0 General

1.1 Chairperson confirmed to the Authority that Stephen Fitzpatrick, nominee of Institute of Legal Costs Accountants (ILCA) has resigned and that a replacement nomination has been submitted to Department of Justice.

Angela Black, nominee of the Citizens Information Board to replace Stephen Fitzpatrick as Chairperson of the Finance, Audit & Risk (FAR) Committee.

Agenda adopted.

- 1.2 Declaration of Interests on agenda items. None arising.
- 1.3 Minutes of Authority meeting of 25 March 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:

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.

Queries from the Office of the Attorney General are to be forwarded to the LSRA for response in the coming days.

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

Complaints:

The CEO provided an update on complaints statistics to the Authority. The Authority discussed issues in respect of COVID-19 impacts on the processing of cases, case volumes and the experiences of the Complaints & Resolutions Dept. in relation to early resolution and mediation as applied under the 2015 Act.

The Authority further discussed presentation and analysis of statistics which will be considered for future Authority updates and for the second Section 73 complaints report later in the year.

The CEO explained the significant work focus on pre-admissibility decisions as a key part of the Part 6 process.

Sara Moorhead joined the meeting at this point.

The CEO explained that the services of DAC Beachcroft have been secured to conduct a process and compliance audit of the operation of Part 6 of the 2015 Act. This will include an audit of process efficiency, procedures including the Committees and analysis of any issues which merit inclusion in the Section 6 Review of the Operation of the 2015 Act.

In terms of addressing complaints volumes and categories, the LSRA will be including guidance for practitioners and information for consumers in the Section 73 Complaints Reports, aimed at achieving reduced complaints volumes over time.

The CEO informed the Authority that further staff resources, in particular Complaints Resolution Officers (CROs) have been recruited this year. This will assist in working through caseloads. Deloitte have been engaged to provide training and refresher training for new and existing CROs.

Legal Practitioners Education and Training (LPET) Committee:

The CEO updated the Authority in respect of progress on the establishment of the LPET Committee as recommended in the Section 34 Education & Training Report. A meeting was held with Department of Justice officials in the previous week and following on from that, the LSRA is to provide formal responses to queries raised.

Cyber Security:

The Authority were provided with briefing material on the Cyber Security safeguards and systems in place for the LSRA through the Department of Justice and Government Networks.

LSRA to arrange assessment of organisation security from LSRA perspective and report to FAR Committee. FAR Committee to consider placing cyber security as a risk on the LSRA Risk Register.

Update on COVID-19 Response:

Site access to LSRA premises is prioritised for Complaints & Resolutions Unit under current restriction levels. SMT monitoring situation and arrangements as Government guidance is updated.

Statistics:

Roll of Practising Barristers has total 2,850 enrolled (24/05/2021).

LLP Authorisations issued for total 312 LLPs (26/05/2021).

1,488 open complaints currently.

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 April 2021 were noted by the Authority. Secretary to follow up with Accountants in respect of:

- Note on Section 32 advances including recoupment;
- Correction on item (omission of amount).

The CEO indicated that based on expenditure profile in 2021, finances available and timeline for 2021 Levy, it is expected that the LSRA will require a further advance under Section 32 of the 2015 Act in June.

Section 4 – LSRA Policy and Implementation

5.0 Updated on 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.

Feedback from the Authority at the March meeting is being included in the scoping for this report, including analysis of pre-existing/underlying barriers, multiple formats for Report launch, and in relation to the issue of remuneration of trainee barristers, the perspective of both barristers and devils will be considered.

The CEO informed the Authority that the requirements under GDPR have impacted on progress with this report, particularly in respect of the surveys/questionnaires. The necessary compliance work is near completion and progress on this phase of the work is anticipated by end June.

Executive to further consider ethical approval and data retention (particularly where data may need to be reused in future research).

6.0 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 Authority was provided with an update note on the approach to this research. Executive to include international model analysis where the profession has been introduced.

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

The Authority was provided with an information note and update on the progress of establishment of the LPDT. The FAR Committee of the LSRA will be kept updated on the expenditure of the LPDT in line with the oversight role on LSRA expenditure and Levy.

8.0 Closed Session

10.0 AOB

Appointments to Review Committee and Complaints Committee:

The LSRA had received nominations for 4 members of the Review Committee and the replacement of 1 member of the Complaints Committee on 2 June 2021. The Authority approved these appointments by way of resolution. See Appendix 1 and Appendix II to these Minutes.

Action Points – Meeting of 3 June 2021	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> Minutes of 25 March 2021 approved. Secretary to arrange upload to website.
2.1	<p><u>CEO Report:</u></p> <ul style="list-style-type: none"> Update on COVID-19 Response: Executive to provide update in CEO report at next meeting.

	<ul style="list-style-type: none"> • Complaints and Complaints Statistics: Analysis of Complaints to include: <ul style="list-style-type: none"> ○ Statistical analysis of age of complaints (length of time in the process); ○ Anonymised statistics on number of complaints per legal practitioner and number of complaints per complainant (to provide more granular analysis of the simple complaints totals to show multiples per legal practitioner or per complainant); ○ Some analysis on split between early resolution and mediation; ○ Analysis of complaints made which were previously dealt with in some form at the Law Society or Bar. • LPET Committee: CEO to provide further progress update at next Authority Meeting. • Cyber Security: Item to be included for discussion at FAR Committee, including: <ul style="list-style-type: none"> ○ Creation of new risk on Risk Register; ○ LSRA to undertake an assessment of security from LSRA perspective to complement assurances provided through Department of Justice.
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"> • Secretary to follow up with Accountants on 2 issues: <ul style="list-style-type: none"> ○ Note 11 on Section 32 advances and associated recoupment; ○ Clarification on query relating to omitted figure in previous management accounts.
5.0	<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"> ○ Ethical Approval of survey/questionnaires ○ Data retention periods, particularly where data will be needed for other research.
6.0	<ul style="list-style-type: none"> • Section 34(c) Report on Profession of Conveyancer: <ul style="list-style-type: none"> ○ Executive to clarify and reflect current status of Law Society's eConveyancing project in its research; ○ LSRA to add analyses of international models in operation as part of the research.

7.0	<ul style="list-style-type: none"> • LPDT expenditure to be included as standing item for FAR Committee agenda's in context of LSRA's role with Levy and financial reporting.
9.0	<ul style="list-style-type: none"> • AOB <ul style="list-style-type: none"> ○ Authority appointed members to the Review Committee by Resolution (see Appendix I). ○ Authority appointed replacement member to Complaints Committee by Resolution (see Appendix II).

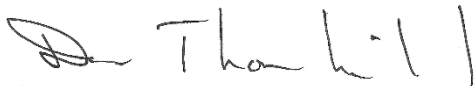
FINAL Minutes Signed



9 September 2021

Ultan Ryan, Secretary

Date



9 September 2021

Don Thornhill, Chairperson

Date

Appendix I



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

Resolution of the Authority for the appointment of persons nominated by the Law Society to the Review Committee under Section 62 of the Legal Services Regulation Act 2015

Proposed by: Eileen Barrington

Seconded by: Dermott Jewell

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 the Law Society for membership of the Review Committee:

On 2 June 2021, the LSRA received nominations in respect of four persons to the Review Committee from the Law Society. Pursuant to section 62(2), 62(3) and 62(4) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly appointing the following persons nominated by the Law Society of Ireland to be members of the Review Committee:

Law Society nominees:

Brendan Dillon
Aoife Mellett
Donal O'Kelly
John G. O'Malley

Signed by Secretary

Resolution passed on 3 June 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 II



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

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

Proposed by: Deirdre Malone

Seconded by: Geraldine Clarke

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 Law Society for membership of the Complaints Committee:

On 2 June 2021, the LSRA received nomination in respect of one person to the Complaints Committee from the Law Society to replace an existing member. Pursuant to section 69(3)(b) and 69(3)(c) of the Legal Services Regulation Act 2015, the Authority has formally passed this resolution duly appointing the following person nominated by the Law Society of Ireland to be a member of the Complaints Committee:

Law Society nominees:

Linda Kirwan

To replace:

Catherine Lyons

Signed by Secretary

Resolution passed on 3 June 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.