



## MINUTES FINAL

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

**Date:** 20 January 2022

**Time:** 16:30 to 18:00

#### Attendees by video conference:

Authority Members	Executive & Secretariat	Others
Eileen Barrington	Brian Doherty (CEO)	Luke Reaper (B&A Ltd)
Angela Black	Ultan Ryan (Secretary)	Nuala Haughey (LSRA Head of Research)
Geraldine Clarke		
Joan Crawford		
Shane Galligan		
Dermott Jewell		
Deirdre Malone		
Sara Moorhead		
Simon Murphy		
Don Thornhill (Chairperson)		

- CCPC vacancy not yet filled.

## Section 1 – Administration

### 1.0 General

- 1.1 Chairperson proposed that the presentation from B&A Ltd in respect of the Section 34 Barriers Report update under Item 6.0 be taken early in the meeting.

The Authority held a closed session before the meeting proper began.

Agenda adopted.

- 1.2 Declaration of Interests on agenda items. One member raised a query which was discussed and deemed not to be a conflict.
- 1.3 Minutes of Authority meeting of 18 November 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:
  - 2.0.2 COVID Update:  
LSRA maintaining a roster of staff on-site at premises. Priority site access is for the Complaints & Resolutions function.
  - 2.0.3 Limited Liability Partnerships:  
The Authority discussed the timelines for the application and authorisation process for LLPs and also the number and frequency of applications.
  - 2.0.4 Recruitment:  
Key recruitment activity continuing in Q1 2022. This includes Clerical Officer, Executive Officer and Legal Advisor posts. Salary starting points are an issue for the Legal Posts in particular.
  - 2.0.5 Risk Management:  
Risk Management update provided in report.  
COVID-19 as a red level risk was discussed. CEO explained that this status reflects the seriousness of the risk and low risk appetite in respect of staff welfare, potential impacts on operations and the ongoing uncertainty.
  - 2.0.6 Other matters dealt with under separate agenda items.
- 3.0 Duly Authorised Register.**  
Minor adjustments to staff list approved by Authority.

## **Section 4 – LSRA Policy and Implementation**

**(Item 5.0 taken early)**

### **5.0 Update on the Performance of the Complaints and Resolutions Department**

- 5.0.1 Since 7 October 2019, the LSRA has opened 4499 files as queries. 3325 files have since been upgraded to complaints. The Complaints and Resolutions Unit have received 7,915 phone calls or emails requesting complaint forms or making other inquiries.
- 5.0.2 In 2021 the LSRA Complaints and Resolutions Department received 1,599 complaints and in the same period 1,778 complaints files were closed. By comparison in 2020, which was the first full year of operation of the complaints function, the LSRA received 1,422 complaints and closed 812 complaints files.
- 5.0.3 Since the commencement of Part 6, an increasing number of complaints are being resolved in the pre-admissibility stage by the parties. The LSRA has encouraged the early resolution of complaints between the parties where possible in our Annual Reports, in the three section 73 reports to date, in press releases and in outreach stakeholder events. The LSRA is seeing improved statistics in respect of resolutions at the pre-admissibility stage.
- 5.0.4 In 2021 admissibility determinations were made in 1143 cases. Of those 528 cases were determined to be admissible and 615 were determined to be inadmissible. By comparison in 2020, admissibility decisions were taken in 250 cases.
- 5.0.5 Actions arising from the recommendations in the DAC Beachcroft Report alongside recruitment and training will see improved efficiency and quality of decision making. The next statutory report on statistics is due in April 2022.
- 5.0.6 LSRA will focus on an analysis on how to improve the take up of the mediation option for resolutions and has engaged with other regulators in this regard.

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

- 7.0.1 This is a complex report in terms of the parameters set out in a letter from the Minister requesting the LSRA to undertake the report.

7.0.2 The LSRA Executive is progressing the procurement of external experts to prepare an expert report or reports based on the scope of work as set out in the Minister's letter of 4 March 2021. The LSRA liaised with the Office of Government Procurement (OGP) as a framework client and the tender documents were issued on Friday 12th November 2021 by way of mini-competition. The tender closed on 14th January 2022. An update on this will be provided at the next meeting.

7.0.3 A comprehensive literature review and a call for written submissions to key stakeholders has been issued.

7.0.4 A progress update will be provided to the Authority at the next meeting.

## **8.0 Update on establishment of 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 Tribunal has recently approved draft Regulations pursuant to section 79 of the 2015 Act. 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.

8.0.2 The LPDT is now in a position to receive applications from the LSRA and the Law Society.

## **9.0 Update on Section 6 Review of the Operation of the 2015 Act**

Drafting is ongoing on this report. The LSRA received 12 submissions as part of the consultation process. Focus includes amendments to Levy model, streamlining of complaints process and minor technical amendments to the Act.

**Item 6 including a presentation from B&A Ltd was taken at this point.**

B&A Representative joined the meeting at this point.

## **6.0 Presentation from B&A Ltd research/survey findings arising from Section 34 Barriers Report**

6.0.1 Luke Reaper from B&A Ltd provided an overview of survey findings in respect of the work undertaken for the Section 34 Barriers Report.

B&A Representative left the meeting at this point.

6.0.2 The Chairperson opened the floor to questions and discussion on the preliminary findings. The Authority discussed the findings at length.

- 6.0.3 A further progress report will be provided to the Authority at its next meeting.

## Section 3 – Finance

### 4.0 Financial Reports

- 4.1 **Management Accounts:** Management Accounts for period ended 30 November 2021 were noted by the Authority.
- 4.2 **Update on Amendments to the Legal Services Regulation Act 2015 and other matters:**
- 4.2.1 The LSRA Executive met with the Department of Justice (DOJ) on 18 January 2022 to discuss:
1. Funding requirements for 2022;
  2. Treatment of advances for period 2016 to 2018 inclusive;
  3. Update on Miscellaneous Provisions legislation and the implications of scenarios for LSRA funding requirements under both the existing Levy Model and the revised Levy Model.
- 4.2.2 The LSRA has applied for receipt of the full allocation of €1m under section 32 early in 2022 and it is anticipated that this will be received before end January.
- 4.2.3 The LSRA Executive has made a submission to Department of Justice and onward to Department of Public Expenditure and Reform (DPER) in respect of the treatment of Section 32 advances received between 2016 and 2018 inclusive.
- 4.2.4 Legislative Amendments – Levy Model:  
The LSRA executive continues to engage with the Department of Justice on the amendments to the Legal Services Regulation Act 2015 (Act) to be included in the Courts and Civil Law (Miscellaneous Provisions) Bill 2021. However, as there is no clear indication of when the Miscellaneous Provisions legislation will be enacted, the LSRA will commence the Levy calculation process using the existing Levy Model set out in the 2015 Act.

## Section 4 – LSRA Policy and Implementation

### **10.0 LSRA High Level Business Plan 2022**

The CEO gave a brief overview of the LSRA's High Level Business Plan for 2022.

### **11.0 Closed Session**

This was conducted at the beginning of the meeting.

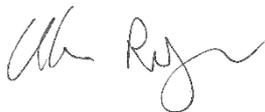
### **12.0 AOB**

Matters arising were taken at the beginning of the meeting.

Action Points – Meeting of 20 January 2022	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> <li>• Minutes of 18 November 2021 approved.</li> <li>• Secretary to arrange upload to website.</li> </ul>
3.0	<p><u>Duly Authorised Register:</u></p> <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	<p><u>Financial Reports:</u></p> <ul style="list-style-type: none"> <li>• Authority to be updated at next meeting on progress in respect of: <ul style="list-style-type: none"> <li>○ Legislative amendments in respect of Levy Model and Legal Partnerships (Courts and Civil Law (Miscellaneous Provisions) Bill 2021;</li> <li>○ Levy process for 2021 and 2022.</li> <li>○ Any update in respect of treatment of advances from 2016-2018 inclusive.</li> </ul> </li> </ul>
5.0	<p><u>Update on performance of Complaints and Resolutions Department:</u></p> <ul style="list-style-type: none"> <li>• Update Authority on Complaints statistics and processing;</li> <li>• Update Authority on Recommendations and actions arising from DAC Beachcroft Report</li> </ul>
6.0	<p><u>Section 34 'Barriers' Report:</u></p> <ul style="list-style-type: none"> <li>• Update on progress to be provided at next Authority Meeting.</li> </ul>
7.0	<p><u>Section 34(c) Report on Profession of Conveyancer:</u></p> <ul style="list-style-type: none"> <li>• Update on progress to be provided at next Authority Meeting.</li> <li>• Update on procurement of research specialists.</li> </ul>

8.0	<u>Legal Practitioners Disciplinary Tribunal:</u> <ul style="list-style-type: none"> <li>Update on establishment of LPDT to be provided at next Authority meeting.</li> </ul>
9.0	<u>Section 6 Review of the Operation of the 2015 Act:</u> <ul style="list-style-type: none"> <li>Progress Report on Section 6 Review Report and recommendations.</li> </ul>

**FINAL Minutes Signed**



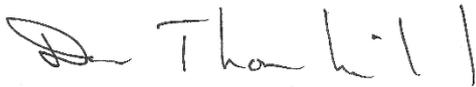
**24 March 2022**

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Ultan Ryan, Secretary

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Date



**24 March 2022**

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Don Thornhill, Chairperson

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Date