



An tÚdarás Rialála  
Seirbhísi Dlí  
Legal Services  
Regulatory Authority

## MINUTES FINAL

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

**Date:** 9 February 2023

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

#### Attendees:

Authority Members	Executive & Secretariat	Others
Angela Black	Brian Doherty (CEO)	
Eileen Barrington	Ultan Ryan (Secretary)	
Geraldine Clarke		
Joan Crawford		
Shane Galligan		
Dermott Jewell		
Deirdre Malone		
Sara Moorhead		
Simon Murphy		
Síona Ryan		
Don Thornhill (Chairperson)		

Apologies: N/A

## Section 1 – Administration

### 1.0 General

1.1 Agenda adopted.

1.2 Declaration of Interests on agenda items. None raised.

1.3 Minutes of Authority meeting of 1 December 2022 approved.  
Matters arising in Minutes dealt with in CEO Report.

## Section 2 – Governance

### 2.0 CEO Report

2.0.1 CEO provided updates on matters arising from Minutes of 1 December 2022, highlighted activity and Risk Register dashboard since the last Authority meeting:

#### 2.0.2 Legislative Amendments to the 2015 Act:

##### Levy and Legal Partnerships

The CEO informed the Authority that there is ongoing intensive engagement between the LSRA and both the Department of Justice and the Office of the Parliamentary Counsel (OPC) in respect of amendments which will be introduced at the Report stage of the Courts & Civil Law (Miscellaneous Provisions) Bill. The focus for the LSRA is to have the new Levy provisions in place to allow it to levy based on a projected budgeted model in 2023 rather than using the existing retrospective model based on previous year's expenditure.

#### 2.0.3 Conveyancing Report Update:

The first draft of the report from Indecon was received on 7 February 2023 and is being reviewed by the LSRA executive. An update will be provided at the March meeting.

#### 2.0.4 Solicitors Accounts Regulations:

As indicated at the December 2022 meeting, the LSRA Executive arranged for an expert analysis of the Law Society Regulations to be undertaken. Following this, the CEO engaged with the Law Society and the Law Society has indicated that it will be making minor amendments to the Regulations and will issue the revised drafts to the LSRA shortly.

#### 2.0.5 Recruitment and Staffing:

CEO updated the Authority on key current staffing position. Grant Thornton Workforce Review report and submission are with DPER and the LSRA has had early engagement on this with DPER.

#### 2.0.6 International Conference of Legal Regulators (ICLR):

The CEO provided a brief update on early activities around the Conference which will take place in October 2023. It is intended that the Conference be self-funding through delegate registration fees.

2.0.7 Limited Liability Partnerships (LLPs):

The Authority noted that there were 426 LLP's on the LSRA register as of 11 January 2023.

2.0.8 Authority and FAR Committee Self-Evaluation:

The Authority was informed that arrangements will be made for the completion of an Authority Self-Evaluation in 2023 to be facilitated by CrowleysDFK. A report will be submitted to the Chairperson of the Authority following completion. This will be followed in 2024 by an External Evaluation.

A FAR Committee Self-Evaluation will also be undertaken in 2023, again facilitated by CrowleysDFK.

2.0.9 Risk Management:

Risk Management update provided in CEO report. The following points were noted:

Risk 1 - Funding: The Authority noted that the Risk in relation to the funding of the LSRA has been changed to High and Red at this point due to the continued reliance on the existing Levy model. Once the new levy provisions are in place and can be relied upon in 2023 for the levy, the status of the Risk will be reviewed.

Risk 3 - COVID: The Authority noted that the FAR Committee will review this risk again at end March. The risk may not be removed but may instead be reworded to a broader business continuity risk for the LSRA.

2.0.10 Patents of Precedence 2023 process:

The Patents of Precedence process for 2023 is underway with a deadline of 16 February 2023 for receipt of applications.

2.0.11 Other matters dealt with under separate agenda items.

**3.0 Duly Authorised Register.**

Duly Authorised Register as at 9 February 2023 approved.

**Section 3 – Finance**

**4.0 Financial Reports**

The Authority noted the LSRA Management Accounts at end December 2022. The following points were noted by the Authority:

- (a) A Levy payment of €419.5K was received at December 2022 from the Bar of Ireland.

- (b) A recoupment of €200k was made to the Department of Justice in respect of advances received pursuant to section 32 of the 2015 Act in January 2023.
- (c) The Law Society has agreed to make an advance payment of Levy in 2023 to the LSRA prior to the issuing of final levy notices later in the year.
- (d) An analysis of the LSRA Budget will be undertaken and a draft budget for approval by the FAR Committee will be submitted to the FAR Committee in March 2023. This will include some review and consolidation of budget lines in both the LSRA and LPDT budgets.
- (e) The introduction of the new Levy model is critical to the funding of the LSRA and should allow the LSRA to ensure a reserve of funding for each year (to cover contingencies across budget lines) and allow it address outstanding section 32 recoupment commitments to the Department of Justice over time. While the section 32 advances facility may continue to apply, it would essentially be used if required as an 'overdraft facility' to address cash flow issues between end year and receipt of levy.

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

### **5.0 Finance, Audit & Risk (FAR) Committee Chairperson's Report**

The Chairperson of the FAR Committee provided an update to the Authority following its meeting of 2 February 2023 including:

- (a) LSRA Financial Statements for 2021 certified and submitted to the Department of Justice
- (b) Risk register reviewed and will be further reviewed at end March
- (c) 2022 Financial Statements will be reviewed by the Committee at its March meeting
- (d) Internal Audit of 2022 internal controls will be reviewed by the Committee following its completion (March/April 2023)

### **6.0 Update on the Performance of the Complaints and Resolutions Department and the LPDT**

#### **6.1 Update on Complaints and Resolutions Department and the LPDT**

##### **6.1.1 Complaints Reporting and Statistics:**

The Authority Members were provided with a statistical report for the year to 31 December 2022, which outlined the processing of cases through the different stages of the Complaints process. The Authority discussed the statistical reports provided.

##### **6.1.2 Update on the Legal Practitioners Disciplinary Tribunal:**

The lease for the LPDT/SDT premises at Bow Street was transferred to the LSRA in December 2022. The LSRA is engaging with the Law Society to coordinate the change of site contracts from Law Society contractors to LSRA contractors.

## **6.2 Policy on naming of Legal Practitioners subject to Complaints Committee Sanction under section 73(2)(d)(iv) of the Legal Services Regulation Act 2015**

6.2.1 Under section 73 of the Legal Services Regulation Act 2015 (the 2015 Act) the LSRA is required to publish a report every six months, in such manner as the Authority considers appropriate, on the performance of the complaints function. The LSRA is required to include information from the relevant six month reporting period on the number and type of complaints received, the general nature and outcome of those complaints and the number of complaints referred to the Complaints Committee.

6.2.2 Where a complaint was referred to the Complaints Committee and the Complaints Committee decided not to refer it to the Legal Practitioners Disciplinary Tribunal (LPDT), the LSRA is required to report on the nature of the act or omission complained of and the outcome of the complaint including any sanction imposed or any measures taken by the Complaints Committee.

6.2.3 Under section 73(2)(d)(iv) of the 2015 Act where the Complaints Committee determined that the complaint warrants the imposition of a sanction, the LSRA may, where it considers it appropriate, publish the name of the legal practitioner concerned in its report.

6.2.4 The CEO provided the Authority with a verbal overview of the draft policy. The LSRA Executive has been dealing with multiple issues with a small number of Legal practitioners not cooperating with the Complaints Process. These include a number of instances where a legal practitioner has failed to comply with the directions of the regulator (the LSRA), therefore necessitating High Court Action.

6.2.5 Following a detailed discussion of the policy, the Authority approved it subject to the inclusion of a review date in 6 months and every 12 months thereafter.

## **7.0 Section 34 “Barriers” Report and Section 34 “Setting Standards” Report**

7.0.1 The LSRA Executive has been liaising with the Department of Justice on both the “Barriers” report and the “Setting the Standards” report. Both reports are interlinked on theme and actions with the establishment of the Legal Practitioners Education and Training (LPET) Committee being a key requirement.

- 7.0.2 The LSRA Executive has shared the “Barriers” findings report and the draft recommendations with the professional bodies and other key stakeholders, and has held a series of engagement meetings. This engagement has to date included a number of meetings with the Law Society, the King’s Inns and the Bar of Ireland. Meetings have also been held with the Director of Public Prosecutions (DPP), the Chief State Solicitor’s Office (CSSO) and the Office of the Attorney General (OAG).
- 7.0.3 The LSRA Executive will conclude its engagement with stakeholders on the draft recommendations and will submit the draft barriers report and the revised recommendations to the Authority for their consideration.
- 7.0.4 The LSRA Executive will provide a further update and briefing at the Authority meeting including potential steps that could be taken.

## **8.0 LSRA Communications and Engagement Work Plan 2023**

- 8.0.1 The Authority reviewed and discussed the LSRA Communications Strategy and Work Plan for 2023. The Authority approved the plan.

## **9.0 LSRA High Level Business Plan 2023**

- 9.0.1 The LSRA Business Plan for 2023 flows from the Strategic Plan approved by the Authority in 2022. The Authority raised queries in respect of:
- (a) The level of detail in the High Level Plan, including in respect of ‘business as usual’ activities. The CEO noted this point;
  - (b) The scope and purpose of the Inspections function of the LSRA. The CEO explained that the LSRA’s Inspection function has not yet commenced but, based on experience with the Complaints function to date, the need for inspections would be limited, particularly as the solicitors accounts inspection function has remained with the Law Society.
  - (c) The LSRA’s function under Section 13 of the 2015 Act to raise public awareness of legal services, including their costs, and how to use them.

## **10.0 Closed Session**

The Secretary left the meeting for the closed session of the Authority.

## **11.0 AOB**

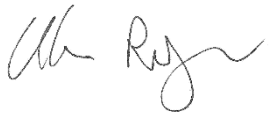
No matters arising.

Action Points – Meeting of 9 February 2023	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> <li>• Minutes of 1 December 2022 approved.</li> <li>• Secretary to arrange upload to website.</li> </ul>
2.0.	<p><u>CEO Report:</u></p> <p><u>Updates for next meeting on:</u></p> <ul style="list-style-type: none"> <li>• 2.0.2 Update on engagement with Department of Justice on finance, including: <ul style="list-style-type: none"> <li>○ Levy Amendments</li> <li>○ Section 32 advances and recoupment position</li> </ul> </li> <li>• 2.0.3 Update on Conveyancing Report</li> <li>• 2.0.4 Update on Law Society Solicitors Accounts Regulations</li> <li>• 2.0.5 Update on staffing to be provided at next meeting, including on engagement with DPER on Workforce Plan and recruitment;</li> <li>• 2.0.6 Update on activities in relation to ICLR Conference 2023;</li> <li>• 2.0.7 Update on Authority and FAR Committee Self-Evaluations;</li> <li>• 2.0.9 Update on Risk Register</li> <li>• 2.0.10 General update on Patents of Precedence</li> </ul>
3.0	<p><u>Duly Authorised Register:</u></p> <ul style="list-style-type: none"> <li>• Updated Duly Authorised Register will be circulated prior to next Authority Meeting to reflect staff changes.</li> </ul>
4.0	<p><u>Financial Reports:</u></p> <ul style="list-style-type: none"> <li>• Update on Draft LSRA Financial Statements for 2022</li> <li>• Update on LSRA Budget 2023</li> </ul>
5.0	<p><u>FAR Committee</u></p>

	<ul style="list-style-type: none"> <li>• FAR Committee Scheduled to meet before end March 2023 to review <ul style="list-style-type: none"> <li>○ Draft LSRA Financial Statements 2022</li> <li>○ Draft LSRA Budget 2023</li> </ul> </li> <li>• FAR Committee Chairperson to Report to Authority at next meeting</li> </ul>
6.1	<p><u>Update on performance of Complaints and Resolutions Department and LPDT:</u></p> <ul style="list-style-type: none"> <li>• Update Authority on Complaints statistics and processing;</li> <li>• Update on performance activities for Complaints Department;</li> <li>• Update on operation of the LPDT.</li> </ul>
6.2	<p><u>Policy on naming of Legal Practitioners subject to Complaints Committee Sanction under section 73(2)(d)(iv) of the Legal Services Regulation Act 2015</u></p> <ul style="list-style-type: none"> <li>• Policy approved subject to inclusion of a review in 6 months and annually thereafter.</li> </ul>
7.0	<p><u>Section 34 'Barriers' Report and "Setting Standards" Report:</u></p> <ul style="list-style-type: none"> <li>• LSRA Executive to complete stakeholder engagement.</li> <li>• LSRA Executive to provide a further update and briefing at the Authority meeting including potential steps that could be taken.</li> </ul>
8.0	<p><u>LSRA Communications Work Plan</u></p> <ul style="list-style-type: none"> <li>• The CEO to keep the Authority updated on activities in 2023. This can be provided through the CEO Report.</li> </ul>
9.0	<p><u>LSRA Business Plan 2023</u></p> <ul style="list-style-type: none"> <li>• Authority to be updated on relevant activities in 2023 through the CEO report at each meeting.</li> </ul>



**FINAL Minutes Signed**



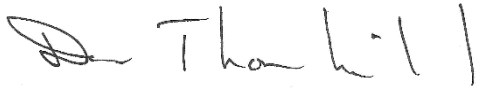
**30 March 2023**

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Ultan Ryan, Secretary

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Date



30 March 2023

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Don Thornhill, Chairperson

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Date