



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

MINUTES FINAL

37th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 25 May 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		
Shane Galligan		
Dermott Jewell		
Deirdre Malone		
Sara Moorhead		
Simon Murphy		
Síona Ryan		
Don Thornhill (Chairperson)		

Apologies: Joan Crawford due to technical issues

Section 1 – Administration

1.0 General

1.1 Agenda adopted.

AOB Item

Item under AOB taken at this point. Secretary updated the Authority on Advisory Committee on the grant of Patents of Precedence 2023 process. The recommendations of the Committee will be submitted to Government at its next meeting on 30 May 2023.

1.2 Declaration of Interests on agenda items. None raised.

- 1.3 Minutes of Authority meeting of 30 March 2023 approved subject to one minor date amendment.

Matters arising in Minutes dealt with in CEO Report.

Section 2 – Governance

2.0 CEO Report

- 2.0.1 CEO Report provided updates on matters arising from Minutes of 30 March 2023 and highlighted activity and Risk Register dashboard since the last Authority meeting:

2.0.2 Conveyancing Report Update:

Draft report dealt with under Agenda item 8 for this meeting.

2.0.3 Barriers Report:

Update dealt with under Agenda item 7 for this meeting. CEO met with Dept of Justice on the 'Setting the Standards' and 'Barriers' report on 3 April 2023.

2.0.4 Other Statutory Reports:

LSRA Annual Report 2022 submitted to Minister for Justice and Oireachtas Justice Committee on 28 April 2023.

Annual Report on the Admissions Policies of the Legal Professions for 2022 submitted to Minister on 28 April 2023.

2.0.5 Recruitment and Staffing:

LSRA has finalised a Clerical Officer (CO) recruitment campaign with 6 new staff members now assigned across the LSRA and LPDT. Further recruitment including Legal Advisor and HEO for Office of CEO/Corporate Unit underway. Submission on staffing arising from Workforce Review is with DPENDPR (Department of public Expenditure, NDP Delivery and Reform) and sanction is dependent on factors including the implementation of the new budgeted levy model in the Miscellaneous Provisions legislation.

2.0.6 Legislative Amendments to the 2015 Act:

Levy and Legal Partnerships

The Courts and Civil Law - Miscellaneous Provisions Bill passed through the second stage in the Seanad on 27 April 2023. Indications from Department of Justice are that the Bill should be progressed through Oireachtas by 13 July 2023.

Levy

The LSRA Executive is liaising with the Department on the timeline both for the enactment of the Bill, but also on the timeline for collecting the levy under the new model in 2023.

Legal Partnerships

It should also be noted that the amendment in relation to section 1 of Act of 2015, which is required to allow for the commencement of section 100 and allows for the introduction legal partnerships is also included in the Miscellaneous Provisions Bill.

2.0.7 International Conference of Legal Regulators (ICLR):

Procurement of Events Planner completed. Conference website under development. It is intended to launch the website and commence registration for the conference in late June.

2.0.8 Limited Liability Partnerships (LLPs) and Roll of Practising Barristers:

The Authority noted that there were 438 LLP's on the LSRA register as of 17 May 2023. There were 2,969 practising barristers on the Roll of Practising Barristers as at 18 May 2023.

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 2 – GDPR: Work is ongoing with the review of LSRA and LPDT data protection policies and procedures. Audit of GDPR compliance will commence on 1 October 2023.

Risk 3 – The FAR Committee reviewed this risk and it has been reclassified from a COVID risk to a broader business continuity risk.

Risk 4 – Cyber-Security: Assurances in place with ICT service provider. Recruitment of IT Manager a priority. Service Level Agreement meeting to be held between LSRA and Department of Justice ICT Division in June 2023.

2.0.10 Other matters dealt with under separate agenda items.

3.0 Duly Authorised Register.

Duly Authorised Register approved, reflecting staff changes since previous meeting.

Section 3 – Finance

4.0 Financial Reports

4.1 Management Accounts (March 2023)

The Authority noted the LSRA Management Accounts at end March 2022.

- Query to be raised in respect of Authority fees as there has been an adjustment to the Journal for this line (a credit).
- Legal Spend to continue to be monitored and reviewed for the 2023 Budget for Levy under new model. Level of expenditure impacted by:
 - Enforcements
 - Advices in respect of regulations
 - Judicial review advices
 - Complaints Committee advices
- Committee and Tribunal profiles to be monitored. LSRA engaging with CrowleysDFK to review allocation of pay across staff, Committees and Tribunal to ensure appropriate allocation to budget lines. Complaints Committee sitting much more frequently to deal with caseloads and this will impact on the budget for that Committee in 2023.
- Overspend on Staff Costs budget line to be reviewed and revised.
- In respect of enforcement and costs recovery, these will be reflected in Management Accounts as they are resolved. The Authority noted that enforcement costs for the LSRA are significant.

4.2 Update on LSRA Financial Position and Levy Amendments

Progress of Bill update included in CEO Report. Once levy model position is confirmed, the financial analysis and calculation of Levy will be completed (Petrus Consulting) and an audit of the process will then be completed (CrowleysDFK).

Regulations will be required and engagement with stakeholders will be involved in that process.

In terms of risk management, the LSRA has options to engage with the Law Society on further advances and also have option for section 32 advance from Justice Vote.

Section 4 – LSRA Policy and Implementation

5.0 Update on the Performance of the Complaints and Resolutions Department and the LPDT

5.1 Update on Complaints and Resolutions Department and the LPDT

5.1.1 Complaints Reporting and Statistics:

The Authority Members were provided with a statistical report for the year from 1 January to 3 March, which outlined the processing of cases through the different stages of the Complaints process. The Authority discussed the statistical reports provided. The CEO set out the solutions being put in place to progress the volume of complaints at Complaints Committee stage. The CEO also updated the Authority on submission of project plan for a new Case Management System (CMS) which should improve case management efficiency. This is in addition to new CMS solutions for the Roll of Practising Barristers and the Legal Practitioners Disciplinary Tribunal (LPDT). The CEO provided an update in respect of activities around Advertising Regulations.

5.1.2 Complaints Statistics and Dashboard:

The Authority reviewed and discussed statistics and timelines for end-to-end case processing. The CEO explained the timeline challenges arising from the structure of the complaints process itself in terms of pre-admissibility phase (60 days), informal resolutions phase (60 days) and time periods which must be allowed for further submissions from parties to a complaint.

The focus is on the Complaints Committee caseloads at present with reviews to follow on in respect of other areas that would benefit from concentrated resourcing and activities. The sanction for staff with DPENDPR is subject to progress on the new Levy model and the recruitment of CROs and Case Officers is a key element of the LSRA's operating model and associated case processing targets.

6.1.2 Update on the Legal Practitioners Disciplinary Tribunal:

The Tribunal commenced processing applications from both the Law Society and the LSRA in late 2022. In that year 23 applications were received by the Tribunal from the Law Society and 6 from the LSRA. To date in 2023, 12 applications have been received from the Law Society and 2 from the LSRA. Case Management Hearings commenced in April 2023 and Tribunal Inquiry hearing dates are scheduled for June and July 2023. Legal assessors will attend to advise the Tribunal and parties at Inquiries.

7.0 Update on Section 34 Reports ('Barriers' and 'Setting the Standards')

- 7.0.1 The LSRA CEO met with officials from the Department of Justice's Policy and Governance sections on 2 June 2022 to discuss the "Barriers" findings report and to explore the recommendations of the "Setting Standards" Report including the establishment of the LPET Committee and the development of a competency framework.
- 7.0.2 At its June 2022 meeting, the Authority approved a set of draft recommendations arising from the section 34 "Barriers" findings report subject to amendments. A number of the recommendations under consideration by the Authority in relation the "Barriers" report are dependent on the prior establishment of the LPET Committee.
- 7.0.3 The LSRA CEO met with representatives of the Department of Justice on 3 April 2023 and 22 May 2023 to discuss the "Setting Standards" Report and the "Barriers" Report. The views of the Executive in relation to the introduction of the LPET Committee and the "Barriers" report were clearly set out.

8.0 Section 34 Report on the Profession of Conveyancer (Update and Draft Indecon Research Report)

CEO overview:

CEO flagged that the report was still very much a draft and is currently under review with the Executive.

The Authority discussed the draft report in detail and it was agreed that Authority Members would provide direct feedback where appropriate to the Executive in the coming weeks which the Executive would look to reflect in a revised draft report. For the next Authority Meeting, the LSRA Executive Cover Document and a revised draft of the Report would be prepared by the Executive.

9.0 Closed Session

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

10.0 AOB

Update on Patents of Precedence process 2023 provided by the Secretary at the beginning of the meeting.

Action Points – Meeting of 25 May 2023	
Agenda Item	Action
1.1	Patents of Precedence Recommendations will be considered by Government at its meeting of 30 May 2023.
1.3	<p style="text-align: center;"><u>Minutes:</u></p> <ul style="list-style-type: none"> • Minutes of 23 March 2023 approved subject to correction of date error. • Secretary to arrange upload to website.
2.0.	<p style="text-align: center;"><u>CEO Report:</u></p> <p><u>Updates for next meeting on:</u></p> <ul style="list-style-type: none"> • 2.0.2 Revised Draft Indecon Report and LSRA Executive Cover Document on Profession of Conveyancer to be submitted to Authority for meeting of 14 September 2023. • 2.0.3 Authority to be updated on Barriers Report and outcome of meetings and other engagement with Department of Justice Civil Policy Division at next meeting. • 2.0.5 Authority to be updated on staffing (recruitment and DPER engagement) at next meeting. • 2.0.6 Update for Authority at next meeting on: <ul style="list-style-type: none"> ○ Miscellaneous Provisions legislation including: <ul style="list-style-type: none"> ▪ Levy Amendments ▪ Legal Partnerships ○ Financial position and Levy 2023 • 2.0.7 Update on International Conference of Legal Regulators (ICLR): Update on planning and activities for 2023 ICLR Conference. • 2.0.8 Update on LLP registrations and Roll of Practising Barristers. • 2.0.9 Update on Risk Register
3.0	<p style="text-align: center;"><u>Duly Authorised Register:</u></p> <ul style="list-style-type: none"> • Updated Duly Authorised Register will be circulated prior to next Authority Meeting to reflect staff changes.

4.1	<p><u>Financial Reports:</u></p> <ul style="list-style-type: none"> • Update on OCAG audit activity for next meeting • Update on revised LSRA Budget 2023 in line with levy position
4.2	<p><u>Update on Financial Position:</u></p> <ul style="list-style-type: none"> • Update on legislation • Update on Levy and Levy Model, including regulations and stakeholder engagement • Update on Budget, Finance and Funding to Levy 2024
5.1 and 6.1	<p><u>Update on performance of Complaints and Resolutions Department and LPDT:</u></p> <ul style="list-style-type: none"> • Update Authority on Complaints statistics and processing; • Update on performance activities for Complaints Department; • Update Authority on Advertising Regulation activities; • Update on operation of the LPDT including commencement of Inquiries.
7.0	<p><u>Update on Section 34 Reports (Barriers and Setting the Standards):</u></p> <ul style="list-style-type: none"> • Update on engagement and activity with Department of Justice.
8.0	<p><u>Update on Section 34 Report on the Profession of Conveyancer:</u></p> <ul style="list-style-type: none"> • Individual Authority Members to submit additional feedback to Executive and feedback to be reflected in further draft report as appropriate. • Revised LSRA Executive Cover Document and a revised draft of the Report to be prepared by the Executive for meeting of 14 September 2023.
Other matters for next meeting	<p><u>FAR Committee</u></p> <ul style="list-style-type: none"> • FAR Committee Meeting re-Scheduled to 9 June 2023 or earlier to review <ul style="list-style-type: none"> ○ IAU Audit Report on Internal Controls for 2022 • FAR Committee Chairperson to Report to Authority at next meeting • IAU Audit Report on Internal Controls to be reviewed by the Authority.

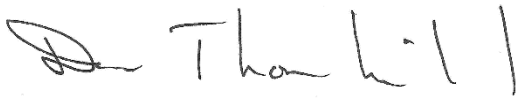
FINAL Minutes Signed



14 September 2023

Ultan Ryan, Secretary

Date



14 September 2023

Don Thornhill, Chairperson

Date