



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

Legal Services Regulatory Authority

Independence, innovation, consumer protection, accountability and transparency

*Brian J. Doherty
Chief Executive Officer*

Meet the Regulator

- ▶ Meet the Regulator
- ▶ The Legal Services Regulation Act, 2015
- ▶ LSRA Structure, Objectives, Mission, Vision and Values
- ▶ The Complaints Process
- ▶ Research and Statutory Reporting
- ▶ Roll of Practising Barristers
- ▶ The Levy on the Legal Professions
- ▶ Models for Legal Service Delivery
- ▶ Advisory Committee on Patents of Precedence
- ▶ What's Next for the LSRA?
- ▶ The Future of Legal Regulation

The Legal Services Regulation Act, 2015

- ▶ Enacted on 30 December 2015

*“ To provide for the regulation of the provision of legal services, to provide for the establishment of the **legal services regulatory authority**, to provide for the establishment of the **legal practitioners disciplinary tribunal** to make determinations as to misconduct by legal practitioners, to provide for **new structures** in which legal practitioners may provide services together or with others, to provide for the establishment of a **roll of practising barristers**, to provide for reform of the law relating to the charging of **costs** by legal practitioners and the **system of the assessment of costs** relating to the provision of legal services, to provide for the manner of **appointment of persons to be Senior Counsel**, to provide for matters relating to **clinical negligence actions** and to provide for related matters.”*

The Authority

- ▶ Established on 1 October 2016
- ▶ 11 person Authority with a Lay Majority and Lay Chair
- ▶ Appointed by Government- resolution approved by Dáil and Seanad
- ▶ Nominating Bodies:
 - ▶ Citizen's Information Board
 - ▶ Higher Education Authority
 - ▶ Competition and Consumer Protection Commission
 - ▶ Irish Human Rights and Equality Commission
 - ▶ Institute of Legal Costs Accountants
 - ▶ Consumers' Association of Ireland
 - ▶ Legal Aid Board
 - ▶ Honorable Society of King's Inns
 - ▶ The Law Society of Ireland (2 members)
 - ▶ The Bar of Ireland

Gender balance provision (4/4)

Organisational Structure



The Legal Services Regulatory Authority

Six Statutory Objectives

“The Legal Services Regulatory Authority will

(1) Protect and promote the public interest.

(2) Support the proper and effective administration of justice.

(3) Protect and promote the interests of consumers relating to the provision of legal services.

(4) Promote competition in the provision of legal services in the State.

(5) Encourage an independent, strong and effective legal profession.

(6) Promote and maintain adherence to the professional principles of legal practitioners specified in the 2015 Act.”

Strategic Plan 2022-2025

Our Mission is:

“To regulate the provision of legal services by legal practitioners and ensure the maintenance and improvement of standards in the provision of legal services in the State.”

Strategic Plan 2022-2025

Our Vision is:

“To protect and promote the public interest and the interests of consumers of legal services whilst encouraging an independent, strong, competitive legal profession with high standards of professionalism and integrity.”

Three Strategic Priorities

- ▶ “We will **enhance operational efficiency** to deliver our core regulatory operations and **services** effectively and independently and to identified and benchmarked standards.”
- ▶ “We will promote **professional standards and encourage innovation** and advancement in education and training, legal practice business models, admission to the legal profession, access to justice and consumer protection.”
- ▶ “We will **improve awareness** of the LSRA’s regulatory activities and services as well as other issues relevant to the legal services sector **through enhanced communications and engagement** with the public, legal practitioners and other stakeholders.”

Our Values

The work of the LSRA is guided by core values:



The Legal Services Regulatory Authority

Key Functions

The Authority will undertake the following specific functions as part of its role:

- (1) Keep under review and make recommendations to the Minister in respect of:
 - a. admission requirements of the Law Society, Bar Council, and Honorable Society of King's Inns;
 - b. availability and quality of education and training including ongoing training for the solicitors' and barristers' professions;
 - c. policies in relation to admission and, or, entitlement to practise of the Law Society, Bar Council and the Honorable Society of the King's Inns;
 - d. professional codes;
 - e. the organisation of the provision of legal services in the State.

The Legal Services Regulatory Authority

- (2) Disseminate information in respect of the education and accreditation requirements and any other matters referred to above as the LSRA thinks fit.
- (3) Specify the nature and minimum levels of professional indemnity insurance required.
- (4) Establish and administer a system of inspection of legal practitioners for the purposes of the Act.
- (5) Receive and investigate complaints.
- (6) Maintain the roll of practising barristers.
- (7) Promote public awareness and disseminate information to the public in respect of legal services, including the cost of such services.

The Legal Services Regulatory Authority

(8) Keep the Minister for Justice & Equality informed of developments in respect of the provision of legal services including their cost.

(9) Keep the Minister informed of developments in respect of the provision of legal services and make recommendations to assist the Minister in coordinating and developing policy.

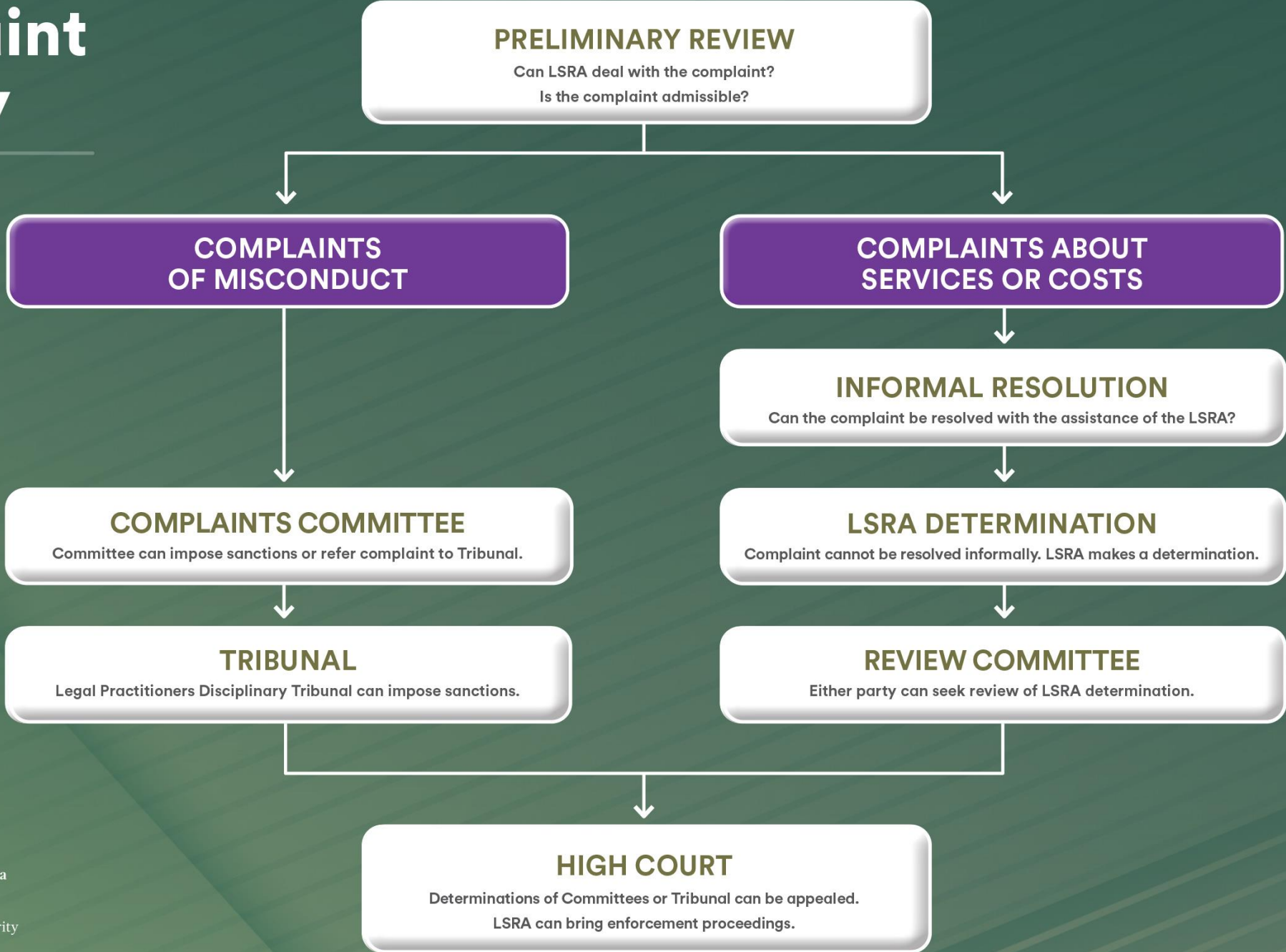
(10) Undertake, commission or assist in research projects and other activities in respect of the provision of legal services which may increase public awareness and promote an improvement in standards for their provision, and make recommendations to the Minister for Justice & Equality.

(11) Perform any other functions conferred by the Act or by regulations made under it.

Part 6 of the Act

- ▶ Complaints process put on statutory footing
- ▶ Applies to practising solicitors and practising barristers
- ▶ Focuses on resolution by informal means
- ▶ Time limits for some complaints
- ▶ Establishes independent Legal Practitioners Disciplinary Tribunal
- ▶ Six monthly reports on performance of LSRA under Part 6
- ▶ S.I. No. 573/2019 Legal Services Regulation Act 2015 (Complaints Procedures) Regulations 2019
- ▶ S.I. No. 604/2020 Legal Services Regulation Act 2015 (Advertising) Regulations 2020

Complaint Journey



Three Categories of Complaint

- ▶ Legal services of an inadequate standard (section 51(1)(a))
- ▶ Costs sought by legal practitioner was or is excessive (section 51(1)(b))
- ▶ Misconduct under section 50
- ▶ Time limit of three years for inadequate service and excessive costs
- ▶ No time limit for misconduct
- ▶ Client of a legal practitioner can complain about inadequate services and excessive costs
- ▶ Anyone can complain about misconduct

Misconduct under Section 50(1)

- a) Involves fraud or dishonesty,
- b) Is connected with the provision by the legal practitioner of legal services, which were, to a substantial degree, of an inadequate standard,
- c) Where occurring otherwise than in connection with the provision of legal services, would justify a finding that the legal practitioner concerned is not a fit and proper person to engage in the provision of legal services,
- d) Consists of an offence under this act,
- e) In the case of a solicitor, consists of a breach of the *Solicitors Acts 1954 to 2015* or any regulations made under those Acts,
- f) In the case of a solicitor, consists of an offence under *Solicitors Acts 1954 to 2015*,

Misconduct under Section 50(1)

- g. In the case of a barrister, is likely to bring the barristers' profession into disrepute,
- h. In the case of a solicitor, is likely to bring the solicitors' profession into disrepute,
- i. In the case of a legal practitioner who is a managing legal practitioner of a multi-disciplinary practice, consists of a failure by him or her to comply with his or her obligations under this Act as a managing legal practitioner,
- j. Consists of the commission of an arrestable offence,
- k. Consists of the commission of a crime or offence outside the State which, if committed within the State, would be an arrestable offence,
- l. Consists of seeking an amount of costs in respect of the provision of legal services, that is grossly excessive,
- m. Consists of a breach of this Act or regulations made under it, or
- n. Consists of a contravention of section 215(1) (withdrawal from case)

Preliminary Review and Admissibility

- ▶ Section 57(2) Notification of Legal Practitioner including copy of the complaint and any documents submitted.
- ▶ Request Legal Practitioner's observations on the complaint.
- ▶ Section 57(4) LSRA may request further information from Legal Practitioner of Complainant
- ▶ LSRA can determine that the complaint is:
 - ▶ Admissible,
 - ▶ Inadmissible, or
 - ▶ Subject of civil or criminal proceedings.

Preliminary Review and Admissibility

▶ Grounds for inadmissibility:

- ▶ Section 58(2)(a) frivolous or vexatious,
- ▶ Section 58(2)(b) without substance or foundation
- ▶ Section 58(3)
 - “the act or omission to which the complaint relates is the same or substantially the same act or omission as that which was the subject matter of a complaint in respect of that legal practitioner which was previously determined under this Act”
- ▶ Section 58(4) previously determined under the Solicitors Acts 1954-2015 by the High Court or the Law Society
- ▶ Section 58(4) previously subject of civil or criminal proceedings determined in favour of the solicitor
- ▶ Section 58(5) - Equivalent sections for barristers
- ▶ Section 58(7) Time limits for inadequate service and excessive costs

Resolution by Informal Means

- ▶ Excessive costs, inadequate service and 50(1)(b)
- ▶ The LSRA “*shall invite the client and the legal practitioner concerned to make efforts to resolve the matter the subject of the complaint in an informal manner.*” (section 60(1) and section 61(1))
- ▶ Where both the client and the legal practitioner agree, the Authority may facilitate the resolution of the matter:
 - ▶ By offering its assistance in resolving the matter in an informal manner, or
 - ▶ By identifying to the legal practitioner and the client other persons who are willing to assist in resolving the matter in an informal manner
- ▶ Where resolution “unlikely to be reached”
- ▶ Determination by the Authority
- ▶ Review Committee

Determinations under section 60 and 61

- ▶ Section 60(6) Inadequate Service Complaints:
 - ▶ Secure the rectification at legal practitioner's own expense of any error, omission or other deficiency arising in connection with the legal services concerned;
 - ▶ Take such other action as the Authority may specify (up to €3,000);
 - ▶ Transfer any documents relating to the subject matter of the complaint to another legal practitioner;
 - ▶ Pay to the client a sum up to €3,000 as compensation for any financial or other loss suffered by the client as a consequence of the inadequate legal services.
- ▶ Section 61(6) Excessive Costs:
 - ▶ Refund without delay, wholly or in part, any amount already paid by or on behalf of the client in respect of the legal practitioner's costs;
 - ▶ Waive, wholly or in part, the right to recover those costs.

Review Committee

- ▶ Determinations under section 60 or 61
- ▶ Requested by complainants or legal practitioners
- ▶ Review Committee of 3 persons (2 lay and 1 legal practitioner)
- ▶ Review Committee can
 - a) Confirm the determination of the Authority,
 - b) Remit the complaint with directions to be dealt with again
 - c) Issue a direction under section 60(6) or 61(6)
- ▶ Determinations of Review Committee can be appealed to the High Court

Complaints Committee

- ▶ Authority refers misconduct matters to the Complaints Committee under 51(2).
- ▶ 27 members.
- ▶ At least 8 Law Society nominations and at least 4 Bar of Ireland nominations.
- ▶ Divisional Committees.
- ▶ Divisional Committee shall request the legal practitioner to respond to the complaint.
- ▶ Require information, affidavit or appearance.
- ▶ Divisional Committee can specify measures under section 71(1).
- ▶ Divisional Committee direction and/or determination can be appealed to the High Court.

Measures under Section 71(5)

- ▶ The Nine Measures Under Section 71(5)(a) to (i) which do not require the consent of the Legal Practitioner:
 - ▶ Measure One: 71(5)(a) Perform, Complete or Arrange the Legal Service
 - ▶ Measure Two: 71(5)(b) Professional Competence Scheme
 - ▶ Measure Three: 71(5)(c) Waive or Refund Fees
 - ▶ Measure Four 71(5)(d) the Divisional Committee may issue a direction to the legal practitioner that he or she take such other action in the interest of the client as the Committee may specify.
 - ▶ Measure Five 71(5)(e) Comply with An Undertaking
 - ▶ Measure Six 71(5)(f) Withdraw or Amend an Advertisement
 - ▶ Measure Seven 71(5)(g) Compensation to the Client not exceeding €5K
 - ▶ Measure Eight 71(5)(h) Costs of the Authority not exceeding €5K
 - ▶ Measure Nine 71(5)(i) Refusal, Neglect or Failure Costs not exceeding €2.5K

Measures under Section 71(5)

- ▶ Measures that Require the Consent of the Practitioner
- ▶ Under section 71(6) the Divisional Committee can, following an investigation under section 70, take the following measures where the legal practitioner *consents* in writing:

Where the legal practitioner is a solicitor, issuing a notice to the Law Society informing them of the decision of the Divisional Committee to impose a sanction under section 71(1)(b) and directing the Law Society to impose a specified restriction or condition on the practising certificate of the solicitor concerned.

Where the legal practitioner is a barrister, issuing a notice to the Chief Executive Officer of the LSRA, informing him or her of the decision of the Divisional Committee to impose a sanction under section 71(1)(b) and directing the chief executive to impose a specified restriction or condition on the legal practitioner concerned in respect of his or her practice as a barrister.



LPDT

Legal Practitioners
Disciplinary Tribunal
An Binse Araíonachta
Dlí-Chleachtóirí

- ▶ Established under section 74 in November 2020
- ▶ Regulations under section 79(1) of the 2015 Act
- ▶ Hears applications by the Complaints Committees and Law Society.
- ▶ 33 Members appointed by the President of the High Court.
- ▶ Applications presented by Authority or the Law Society
- ▶ Powers to take evidence under section 80
- ▶ Oral hearing heard in public unless contrary to the interests of justice.
- ▶ Sanctions under section 82
- ▶ Referral of Matters to the High Court section 82(2)
- ▶ Authority, Law Society or Legal Practitioner can appeal to the High Court
- ▶ Publication under section 88

Reports under Section 73

- ▶ Six monthly reporting obligation.
- ▶ Number and type of complaints.
- ▶ General nature and outcome of the complaints.
- ▶ Number of complaints referred to the Complaints Committees.
- ▶ Where sanction imposed the nature of the act or omission.
- ▶ Measures taken by the Complaints Committees.
- ▶ Outcomes including sanction.
- ▶ Where determination made under 71(1) can, where the LSRA considers it appropriate, include the name of the legal practitioner.

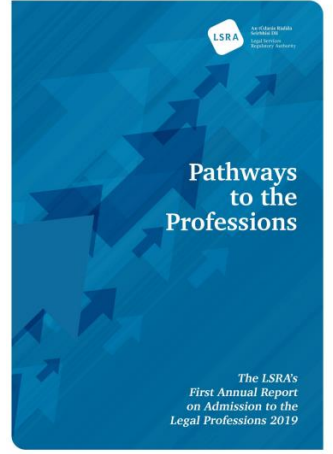
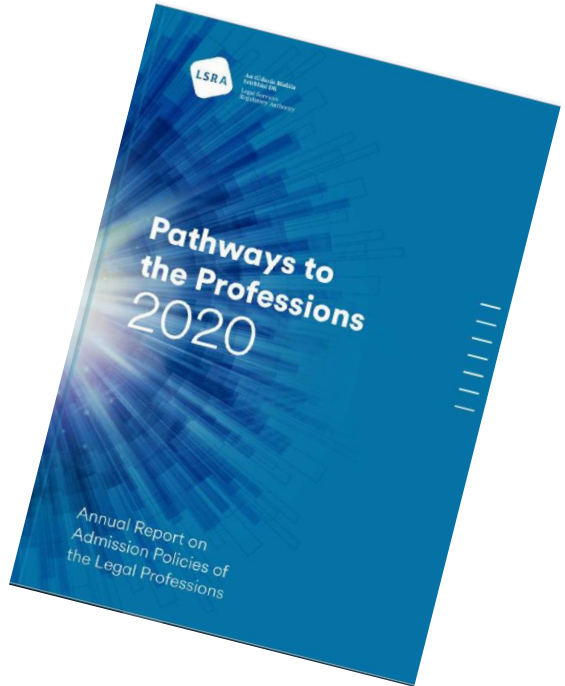
Themes Emerging from Complaints

- ▶ Misconduct v Inadequate Service v Excessive Costs
- ▶ Communication- Cost, Risk, Time
- ▶ Excessive Costs
- ▶ Wills and Probate
- ▶ Undertakings
- ▶ Non Payment of Barristers' fees
- ▶ Solicitors Lien
- ▶ Advertising
- ▶ Claims Harvesters
- ▶ Unregulated space

Complaints Figures

Process	To 20 th November 2023
Calls from the public	13,692
Files opened	7,845
Complaints upgraded	5,845
Early closures	1,599
Admissibility decisions	3,702
Ombudsman files	163
Concluded IR	509
Concluded under s60/s61	309
Review Committee meetings	20
Concluded reviews	96
Complaints Committee meetings	131
Concluded pre and at Complaints Committee	435
SharePoint correspondence items	189,710

Research Reports of the LSRA



Roll of Practising Barristers

- ▶ Commenced on 29 June 2018
- ▶ Roll of Practising Barristers is a public-facing register of all barristers entitled to provide legal services in the State.
- ▶ Definitions of “qualified barrister”, “practising barrister” and providing “legal services as a barrister” in the 2015 Act are broad.
- ▶ Criminal offence under section 136 of the 2015 Act to provide legal services as a barrister if your name is not on the Roll
- ▶ Roll publicly available on the LSRA website.
- ▶ Updated every Friday
- ▶ Just over 3,000 Practising Barristers on the Roll

New Business Models for Legal Profession

▶ Legal Partnerships (Section 118)

- ▶ 31 March 2017: Public Consultation and Report in relation to the regulation, monitoring and operation of Legal Partnerships
- ▶ 31 July 2017: Further interim report in relation to Legal Partnerships

Current status: LP due to be introduced in 2024

▶ Multi-Disciplinary Practices (Section 119)

- ▶ 31 March 2017: Research Report on the establishment, regulation, monitoring and operation of Multi-Disciplinary Practices
- ▶ 29 September 2017: Public consultation and report on Multi-Disciplinary Practices with recommendations

Current status: LSRA to reconsider MDPs

Section 212 and 101

Limited Liability Partnerships

- ▶ A partner in an LLP shall not be *personally* liable for any debts, obligations or liabilities arising in contract or tort of the partnership.
- ▶ Introduces in Ireland a model commonly found elsewhere.
- ▶ LSRA introduced the framework for Limited Liability Partnerships
 - ▶ Section 130 Regulations on operation and management of LLPs
 - ▶ Application and authorisation process
 - ▶ Register of Limited Liability Partnerships- 470 LLPs on Register of LLPs
 - ▶ Form, Firm Number, Authorisation Date
 - ▶ Tax and Banks

Levy on the Legal Professions

- ▶ Issued to the Law Society, the Bar of Ireland and Non-Law Library Practising Barristers
- ▶ Retrospective Nature up to 2023
- ▶ Courts and Civil Law (Miscellaneous Provisions) Act 2023
- ▶ Levy for 2024 and beyond

Advisory Committee on Grant of Patents of Precedence

- ▶ Advisory Committee Established in April 2020
- ▶ Grant of use of title “Senior Counsel”
- ▶ Call to the Inner Bar for Barristers
- ▶ LSRA provides “administrative and secretarial support”
- ▶ 2023 -
 - ▶ 19 Barristers
 - ▶ 3 Solicitors

What's Next for the LSRA?

- ▶ “Barriers” Report
- ▶ Conveyancing Report
- ▶ Inspections
- ▶ LPET -Education and Training
- ▶ Legal Partnerships

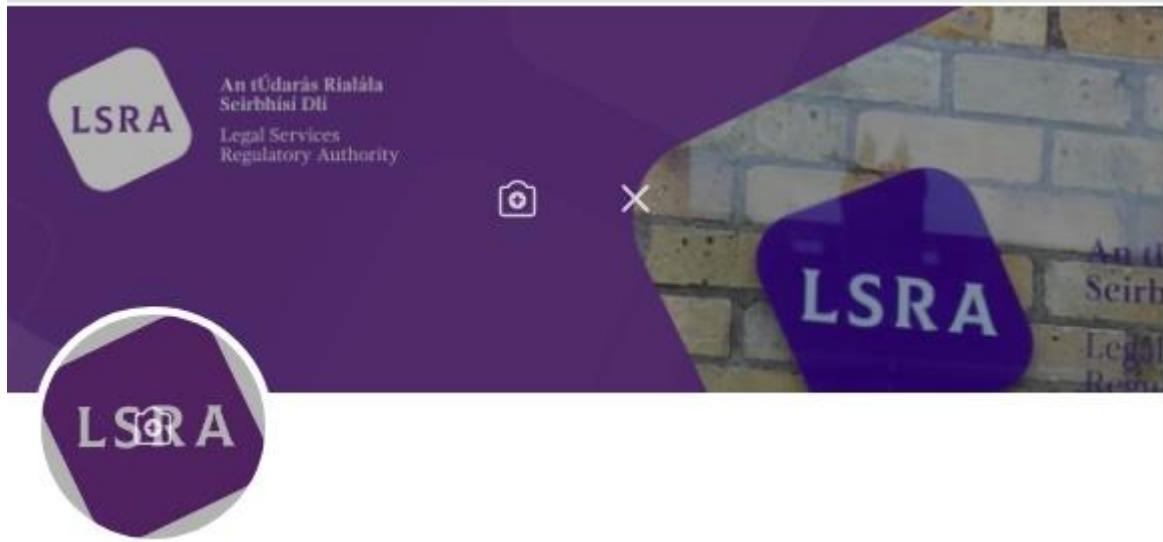
The Future of Legal Regulation

- ▶ Five generations in the workforce? Boomers, Generation X, Millennials, Generation Z, Generation Alpha
- ▶ Have generational values, work practices and expectations changed?
- ▶ How to achieve effective cross generational communication?
- ▶ Artificial Intelligence- Threats and Opportunities? (Schwartz and LoDuca “legal gibberish”)
- ▶ Block Chain-Client Accounts and Conveyancing

The Future of Legal Regulation

- ▶ Admissions- US Experience
- ▶ New Types of Conduct Complaints (Social Media, SLAPP, political contexts)
- ▶ Ethics in the new world order
- ▶ Legal deserts and access to justice
- ▶ Internal/External Challenges for Regulators in the Post Pandemic World - Recruitment

Contact Details



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Questions?