



An tÚdarás Rialála
Seirbhísi Dlí
Legal Services
Regulatory Authority

MINUTES FINAL

38th Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

Date: 14 September 2023
Time: 16:30 to 18:30
Location: Hybrid: Camden Court Hotel and Zoom

Attendees:

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

*These members attended virtually while the remainder attended in person.

Apologies:

- Geraldine Clarke
- Sara Moorhead left the meeting after agenda item 8
- Deirdre Malone resigned as Authority Member with effect from 9 August 2023. No IHREC nominee appointed at 14 September 2023.

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 25 May 2023 approved.

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 25 May 2023 and highlighted activity and Risk Register dashboard since the last Authority meeting:

2.0.2 Conveyancing Report Update:

Draft Indecon research report and Authority cover report dealt with under Agenda item 10 for this meeting.

2.0.3 Barriers Report:

Update and proposal on next steps on section 34(1)(d) “Barriers” Report and section 34(1)(a) “Setting the Standards” Report dealt with under Agenda item 9 for this meeting.

2.0.4 Recruitment and Staffing:

The LSRA’s current staffing remains at 63 as per the Duly Authorised Register. This equates to 53.9 FTQ (Full-Time Equivalents) with some staff availing of work sharing patterns.

A Complaints and Resolutions Officer (CRO) recruitment campaign was run before the summer with 4 new CRO’s joined in June and July.

A new Data Protection/FOI Officer joined the Office of the Chief Executive in August at HEO level to provide additional support to the Secretary and the CEO. New office manager appointed to LPDT to replace outgoing staff member.

Two new recruitment campaigns that will be advertised shortly for Research Manager (HEO) and Legal Advisors (AP). These campaigns will fill vacancies that have recently arisen in both Departments.

The LSRA Executive submitted the Grant Thornton workforce plan to DPER (now DPENDR) on 1 December 2022 DPENDR has indicated that any sanction for further staff is dependent on the new LSRA levy model being in place.

2.0.5 Legislative Amendments to the 2015 Act: New Levy Model and Legal Partnerships

Levy

The legislative amendments to the LSRA's levy model came into operation from 31 July 2023. The LSRA executive is working to implement the revised levy model in 2023. Update provided under Item 7.

Legal Partnerships

LSRA working on regulations and consultation for the introduction of Legal Partnerships

2.0.6 International Conference of Legal Regulators (ICLR):

Procurement of Events Planner completed. Conference website has been launched and registration is underway. Full update under agenda item 11.

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

The Authority noted that there were 446 LLP's on the LSRA register as of 7 September 2023. There were 3,033 practising barristers on the Roll of Practising Barristers as at 7 September 2023.

2.0.8 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 is set at High and Red. This status will remain in place until the Levy model has been fully implemented and both the deficit/surplus and budgeted net expenditure position is stabilised.

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 2 October 2023. Pre-audit documentation being finalised for upload to audit portal.

Risk 3 – Staffing remains an issue and sanction for revised workforce plan is subject to new levy model being in place. Business Continuity plan being developed.

Risk 4 – Cyber-Security: Assurances in place with ICT service provider. Recruitment of IT Manager a priority for 2024. Service Level Agreement meeting held between LSRA and Department of Justice ICT Division in June 2023. Secretary has attended training on Cyber Security risk in August 2023.

2.0.9 Other matters dealt with under separate agenda items.

3.0 Duly Authorised Register.

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

4.0 FAR Chairperson's Report to the Authority

FAR Committee met on 9 June 2023. The FAR Committee Chairperson's report included updates on the following:

- a. CEO provided the FAR Committee with a progress update on the levy amendments required by the LSRA to operate effectively.
- b. The Committee noted that a significant administrative overhead will remain in place for the LSRA to complete the levy process each year but in 2023 in particular due to transition to the new levy and the lateness of the legislative provisions becoming available.
- c. The Committee noted the key role of the annual budget in the setting of the levy under the amended model and that this budget will be subject to revision based on actual expenditure profiles in 2023 in addition to actual expenditure for 2022.
- d. CEO updated the FAR Committee on the Risk Register
- e. Secretary update the Committee on:
 1. Financial Statements 2022 submitted to Dept Justice and OCAg on 31 March 2023;
 2. OCAg Management letter on 2022 audit;
 3. IAU audit recommendations (15 Recommendations)The Chairperson of the FAR Committee noted that the superannuation issue in respect of legacy pension staff (Pre and Post 1996 cases) needed to be addressed.
- f. The Committee reviewed Management Accounts for April 2023. The Chairperson of the FAR Committee noted the expenditure on legal costs and the risk associated with potential judicial reviews.

5.0 Report of Audit of 2022 Internal Controls

The Internal Audit Unit (IAU) audit of LSRA internal controls for 2022 was signed off by the CEO at end May 2023. This is the first Authority meeting since that date and the report and a table of recommendations arising were reviewed by the Authority. The Secretary updated the Authority on progress with the recommendations and informed the Authority that a progress update report was being prepared for submission to IAU at the Department of Justice on 18 September. It is the intention of the LSRA Executive to resolve the majority (up to 13 recommendations) by end 2023.

6.0 Authority Self-Evaluation

The Authority noted and agreed that the self-evaluation would be facilitated by CrowleysDFK and that the facilitator would be engaging with the Authority members in the coming weeks. The Authority also noted that this evaluation would be followed by an external evaluation in 2024.

Section 3 – Finance

7.0 Financial Reports

7.1 Management Accounts (July 2023)

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

7.2 Update on LSRA Financial Position and Levy Amendments

The Authority were updated on the progress of the Levy process in 2023 in respect of 2022 levy year. The Levy is being calculated under the revised levy model which came into operation on 31 July 2023 as commenced under the Courts & Civil Law Miscellaneous Provisions Act, 2023.

The revised levy model calculations take in the actual expenditure for the previous year (expenditure per LSRA Financial Statements 2022), any deficit or surplus arising for that year (2022) and the net budget expenditure calculated for the current year (2023).

In addition, any amount of recoupment in respect of advances received from the Minister for Justice in previous years is considered by the Minister as part of the consent process whereby the Minister gives consent to the LSRA to calculate the levy and can include a recoupment amount which is then added to the leviable amount.

The revised levy model will see an increase in the Levy notices issued in 2023 for the 2022 levy year and the impact of this was discussed by the Authority. The levy process is ongoing with the calculation and consent elements being at an advanced stage. This will be followed by the audit of the levy process itself after which the Levy notices will issue.

The LSRA executive has continued to engage with the key stakeholders, in particular the Law Society and the Bar of Ireland. Due to the transition to the new levy provisions, the LSRA Executive will ensure regular communications are maintained, particularly in relation to the expected amount of the Levy and initial calculations for 2024 when available.

It is anticipated that the Levy notices will issue by end of October/Start of November 2023.

Section 4 – LSRA Policy and Implementation

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

8.1 Update on the Performance of Complaints and Resolutions Department

8.1.1 Complaints Reporting and Statistics:

The Authority Members were provided with a statistical report for the year from 1 January to 1 September 2023, which outlined the processing of cases through the different stages of the Complaints process. The Authority was also provided with a statistical dashboard on statistics. The Authority discussed the statistical reports provided. The CEO informed the Authority that pre-admissibility informal resolutions appeared to be dropping and this was being monitored. The Authority noted that while additional resources and divisional sittings of the Complaints Committee had been introduced, the caseloads at Complaints Committee remained high. The CEO acknowledged this and assured the Authority that the drive to bring through cases at Committee was ongoing. The CEO explained that cases are moving through the admissibility process more quickly and that the volumes to Committee are currently higher than the capacity of the Complaints Committee to clear cases.

In relation to the development of a Case Management System (CMS), the LSRA continues to engage with the Department of Justice IM&T Division on this project.

8.1.2 Update on the Operation of the Legal Practitioners Disciplinary Tribunal (LPDT):

To date in 2023, 14 applications have been received from the Law Society and 2 from the LSRA. Case management hearings commenced in April 2023 and case-management and inquiry hearing dates were held in June and July 2023. A total of 10 inquiry hearing days took place during these two months.

8.1.3 Proposal in relation to the LSRA’s obligation to publish LPDT Determinations and High Court Decisions under section 88 of the Legal Services Regulation Act 2015 (the 2015 Act):

The Authority approved a proposal from the LSRA Executive in respect of the publication of Tribunal Determinations and High Court Decisions. This involves publication in respect of solicitors to the Law Society Gazette and on the LSRA website and in respect of barristers to the LSRA website. The LSRA Executive will also develop a policy in respect of the retention of information relating to findings of misconduct published on the LSRA website.

Sara Moorhead left the meeting at this point.

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

- 9.0.1 The LSRA Chairperson and CEO met with representatives of the Department of Justice on the 15th of June 2023 and again on the 6th of July 2023. At these meetings a way forward was explored which would lead to the introduction of a statutory LPET Committee and the finalisation and submission of the "Barriers" report.
- 9.0.2 Following discussions with the Department on how best to move forward with the implementation of the recommendations made by the Authority in the Setting Standards report, the Authority considered a proposal from the LSRA Executive to establish an Education and Training Committee of the Authority under section 16 of the Legal Services Regulation Act 2015 Act, as amended, ("the 2015 Act").
- 9.0.3 The Authority, by resolution, established the Section 16 Education & training Committee, appointing Dr. Don Thornhill as Chairperson of the Committee and Ms Joan Crawford as member of the Committee. The Authority also approved that Quality and Qualifications Ireland (QQI) should be invited to nominate a member to the Committee. The LSRA Executive is to engage with the Department of Expenditure, NDP Delivery and Reform (DPENDR) for sanction on membership and any associated fees. A copy of the Resolution of the Authority is included at Annex I to these minutes.
- 9.0.4 The LSRA Executive will prepare a proposed Final Draft of the Barriers Report for the approval of the Authority at its next meeting with a view to submitting the Final Barriers Report to the Minister for Justice by end 2023.

10.0 Section 34 Report on the Profession of Conveyancer (Update, Draft Authority Cover Report and Draft Indecon Research Report)

The Authority reviewed a Draft Authority Cover Report and a Draft Research Report (Indecon).

The Authority discussed the draft reports and it was agreed that Authority Members would provide direct feedback to the Executive following on from the discussion at this meeting which the Executive would reflect in finalised versions of the Authority Cover Report and the Indecon Research Report which will then be submitted to the Minister for Justice on behalf of the Authority.

11.0 Update on the International Conference of Legal Regulators 2023

The Authority was updated on the organisation for this conference. The conference theme is *ICLR 2023: The Future of Legal Regulation - Navigating the Decade Ahead*. A dynamic and exciting programme is currently being designed on a collaborative basis by conference attendees across several time-zones. With two full days of plenary sessions and workshops, the conference will focus on the evolving future of the legal landscape, regulatory challenges, and changing demands on tomorrow's lawyers and legal

regulators. The LSRA Executive undertook to register Authority members for any of the Conference Days/Events.

12.0 Closed Session

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

13.0 AOB

No matters arising.

Action Points – Meeting of 14 September 2023	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> • Minutes of 25 May 2023 approved. • Secretary to arrange upload to website.
2.0.	<p><u>CEO Report:</u></p> <p><u>Updates for next meeting on:</u></p> <ul style="list-style-type: none"> • 2.0.2 Section 34 Report on Profession of Conveyancer (see action under Item 10) • 2.0.3 Section 34 “Barriers” and “Setting Standards” Reports (see action under item 9) • 2.0.4 Authority to be updated on staffing (recruitment and any DPENDR engagement) at next meeting. • 2.0.5 Update for Authority at next meeting on: <ul style="list-style-type: none"> ▪ Levy (see item 7) ▪ Legal Partnerships (Regulations, Consultations etc) <ul style="list-style-type: none"> ○ Financial position and Levy 2023 (see item 7) • 2.0.6 Update on International Conference of Legal Regulators (ICLR): (See action under item 11) • 2.0.7 Update on LLP registrations and Roll of Practising Barristers. • 2.0.8 Update on Risk Register
3.0	<p><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.
4.0	<p><u>Finance, Audit & Risk (FAR) Committee:</u></p> <ul style="list-style-type: none"> • FARC Chairperson to update the Authority following the Committee’s next meeting on 20 October 2023.
5.0	<p><u>Internal Audit Unit report of 2022 Internal Controls</u></p>

	<ul style="list-style-type: none"> LSRA Executive to keep FARC informed of progress on resolution of 15 IAU Audit Recommendations.
6.0	<p><u>Authority Self-Evaluation</u></p> <ul style="list-style-type: none"> LSRA Secretary to engage CrowleysDFK to undertake and facilitate the self-evaluation for the Authority as soon as possible
7.0	<p><u>Financial Reports:</u></p>
7.1	<p><u>Management Accounts:</u> Up to date Management Accounts to be presented to the Authority at the next meeting.</p>
7.2	<p><u>Update on Financial Position:</u></p> <ul style="list-style-type: none"> Update on Levy process Update on Financial Position to end 2023 and into 2024
8.0	<p><u>Update on the Performance of the Complaints and Resolutions Department and the LPDT</u></p>
8.1.1	<p><u>Update on performance of Complaints and Resolutions Department:</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;
8.1.2	<p><u>Update on the Performance of the LPDT</u></p> <ul style="list-style-type: none"> Update on operation of the LPDT including Inquiries.
8.1.3	<p><u>Update on Publication of LPDT Determinations and High Court Decisions under section 88 of the 2015 Act</u></p> <ul style="list-style-type: none"> Update the Authority on implementation of the proposal on publication.
9.0	<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. Update on the establishment of the Section 16 Education and Training Committee
10.0	<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 to be reflected in final reports for submission. Final Authority Cover Report and Final Indecon Research Report to be submitted to the Minister for Justice.
11.0	<p><u>Update on the International Conference of Legal Regulators 2023:</u></p>

	<ul style="list-style-type: none">• LSRA Executive to report to the Authority on the ICLR 2023 Conference at the next meeting. ICLR taking place from 25-27 October 2023.
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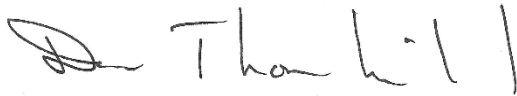
FINAL Minutes Signed



16 November 2023

Ultan Ryan, Secretary

Date



16 November

Don Thornhill, Chairperson

Date

Annex I



Resolution of the Authority Establishing an Education and Training Committee under Section 16 of the Legal Services Regulation Act 2015, as amended.

Proposed by: Dermott Jewell

Seconded by: Shane Galligan

Establishment of section 16 Committee

Pursuant to section 16(1) of the Legal Services Regulation Act 2015, as amended, the Authority has formally passed this resolution duly establishing a committee, to be known as the Education and Training Committee.

Delegation of Functions

The Authority's functions under section 13(2)(a)(i),(ii) and (iii) will stand delegated to the Committee once established.

Allowances and Fees

The LSRA Executive with the approval of the Minister for Justice, will submit a request to the Department of Public Expenditure NDP Delivery and Reform (DPENDR) for their consent as to the fees and allowances (if any) payable to the members of the section 16 Committee.

Recruitment of Non-Authority Committee Members

Once consent has been obtained from DPENDR, the LSRA will undertake an open competition to identify potential members of the Committee who are not members of the Authority. The Authority will appoint members to the Committee in line with section 16(2).

Appointment of nominee of Quality and Qualifications Ireland (QQI):

Recognising its key role in promoting the quality, integrity and reputation of Ireland's further and higher education system, QQI will be invited to nominate a member of the Committee.

Authority Committee Members

The following members of the Authority are appointed to the section 16 Education and Training Committee:

1. Dr Don Thornhill (appointed as Chairperson of the Committee)
2. Ms. Joan Crawford

A handwritten signature in black ink, appearing to read 'Ultan Ryan', with a stylized, cursive script.

Signed by Secretary

Ultan Ryan

Resolution passed on 14 September 2023

Annex I

Committees of Authority

16. (1) The Authority may establish committees to—
- (a) assist and advise it in relation to the performance of all or any of its functions, and
 - (b) perform such functions of the Authority as may stand delegated to them under [section 13](#).
- (2) In appointing members of a committee, the Authority shall—
- (a) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the committee, and
 - (b) have regard to the desirability of there being such balance between men and women on the committee as is appropriate.
- (3) A committee shall consist of such number of members as the Authority may determine, provided that a majority of the members shall be lay persons.
- (4) A committee may include persons who are not members of the Authority or its staff.
- (5) There may be paid by the Authority, out of the resources at its disposal, to members of a committee such fees (if any) or allowances for expenses (if any) incurred by them as the Authority, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform may from time to time determine.
- (6) A member of a committee may at any time be removed from office by the Authority for stated reasons.
- (7) The acts of a committee shall be subject to confirmation by the Authority, unless the Authority otherwise determines.
- (8) The Authority may determine the terms of reference and regulate the procedures of a committee but, subject to

any such regulation, the committee may regulate its own procedures and business.

(9) The Authority may appoint a person to be chairperson of a committee.

(10) A committee shall provide the Authority with such information as the Authority may from time to time require, in respect of its activities and operations, for the purposes of the performance of the functions of the Authority.

(11) The Authority may at any time dissolve a committee.

(12) A committee may act notwithstanding one or more vacancies in its membership.

Annex II

Functions of Authority

13. (1) Subject to this Act, the Authority shall regulate the provision of legal services by legal practitioners and shall ensure the maintenance and improvement of standards in the provision of such services in the State.
- (2) Without prejudice to the generality of *subsection (1)*, the Authority may, and where required by this Act, shall—
- (a) keep under review, and make recommendations to the Minister in respect of, the following:
- (i) the admission requirements of the Law Society relating to the solicitors' profession and of the Bar Council and the Honorable Society of King's Inns relating to the barristers' profession;
 - (ii) the availability and quality of the education and training (including on-going training) for the solicitors' and barristers' professions, including—
 - (I) the curriculum arrangements for the provision of clinical legal education and the teaching of legal ethics, negotiation skills, alternative dispute resolution and advocacy, and
 - (II) the methods by which, and the persons by whom, such education and training is provided;
 - (iii) the policies of the Law Society in relation to the admission of persons as solicitors in the State, and of the Bar Council and the Honorable Society of King's Inns in relation to persons becoming entitled to practise as barristers in the State, including the arrangements for—
 - (I) accreditation of foreign legal practitioners, and
 - (II) movement by legal practitioners between the professions of solicitor and barrister;