



An tÚdarás Rialála  
Seirbhísi Dlí  
Legal Services  
Regulatory Authority

## MINUTES FINAL

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

**Date:** 18 January 2024

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

**Location:** Via Zoom

#### Attendees:

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

Apologies: Shane Galligan

One vacancy for IHREC nominee remains unfilled.

## 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 16 November 2023 approved subject to minor date amendment.

Matters arising in Minutes dealt with in CEO Report.

## Section 2 – Governance

### 2.0 CEO Report (including update on Risk Register)

- 2.0.1 CEO Report provided updates on matters arising from Minutes of 16 November 2023 and highlighted activity and Risk Register dashboard since the last Authority meeting:
- 2.0.2 Section 34 ‘Barriers’ Report:  
Authority updated regarding the recommendations report and engagement with Bar of Ireland on some text in the report. This now resolved and the report will be finalised and issued to the Minister shortly.
- 2.0.3 Section 34 ‘Conveyancer’ Report:  
CEO informed the Authority that the section 34 report on the creation of a new profession of conveyancer has been submitted to the Minister. Authority members will be updated prior to the publication of the report.
- 2.0.4 Authority Membership:  
Authority informed that the eSubmission from the Department of Justice for the new IHREC nominee is being finalised and nomination should be submitted to the Oireachtas in the coming weeks.
- 2.0.5 Recruitment and Staffing:  
The LSRA’s current staffing remains at 63 as per the Duly Authorised Register. This equates to 53.9 FTE (Full-Time Equivalents) with some staff availing of work sharing patterns.

An HR Manager joined the LSRA on a temporary contract basis until mid-February to assist the Office of the Chief Executive whilst the LSRA’s permanent head of HR is on long term sick leave.

Other recent recruitment activity includes:

- Additional mediator joining later in January on a part time temporary contract to assist with the resolution of admitted complaints.
- Research Manager (HEO) joined the LSRA in November.
- Clerical Officer recruitment campaign with interviews mid-January.
- Recruitment campaign for Legal Advisors (AP) will be advertised shortly.

The LSRA Executive will be re-engaging with DPENDR in relation to workforce review and sanction for additional staffing. Progress on staffing has been restricted due to the transition to the new levy model.

2.0.6 Stakeholder Engagement:

On 4 December the CEO and the Head of the Registration, Levy and Fees Unit met with representatives of The Bar of Ireland regarding the annual levy. Other regular stakeholder engagements will commence for 2024 later in January.

2.0.7 Communications and Outreach:

Update provided in relation to social media and website. Since the last Authority Meeting the CEO has delivered presentations and CPD inputs to over 1,000 legal practitioners. This included King's Inns "Meet the Regulator" event and an event for family law lawyers.

2.0.8 Notaries Public and Anti-Money Laundering:

The CEO updated the Authority in relation to engagement between the Executive, the Faculty of Notaries Public, the Law Society and the Department of Justice. The LSRA has informed the Department of Justice that it has not been resourced to undertake an AML role for Notaries Public.

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

The Authority noted that there were 452 LLP's on the LSRA register as of 9 January 2024. There were 3,050 practising barristers on the Roll of Practising Barristers as at 9 January 2024.

2.0.10 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 remain 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. The LSRA received consent to calculate the Levy on 19 October and Levy notices issued on 2 November.

Risk 2 – GDPR: Audit Report on GDPR Compliance agreed in December 2023. DPO will coordinate activity to resolve recommendations in 2024. Some recommendations may take longer.

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

Risk 4 – Cyber-Security: Assurances in place with ICT service provider. Recruitment of IT Manager a priority for 2024. Update meeting with DOJ

Chief Information Officer and Team held on 8 November. Updates provided to DOJ aegis bodies in relation to resilience and security, including development of second back-up site.

Risk 5 – Legal Challenges: Resourcing for Legal Department at the LSRA is a priority. Contingency budget provision in place for Legal Challenges for 2024 Budget (€250k).

2.0.11 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 for period ended 31 October 2023**

The Authority noted the LSRA Management Accounts at end October 2023. The CEO informed the Authority that a submission is being prepared for submission to the Department of Justice in January in respect of a section 32 advance of €1m to be recouped on receipt of the bulk of levy in 2024.

#### **4.2 Update on levy**

The calculation of the levy for the 2022 levy year, to be issued in 2023, was completed on 19 October 2022 and the audit of the calculation was completed over the period 19 October 2023 to 1 November 2023. A draft calculation had been completed in advance of consent being received from the Minister which allowed for quick finalisation of the financial consultant's report.

The levy assessment notices were issued to the Law Society of Ireland, the Bar of Ireland and the non-Law Library practising barristers on 2 November 2023.

It should also be noted that, as per the levies issued in previous years, the consent of the Minister also includes an amount towards the recoupment of the advances under section 32 of €2.7 million made to the LSRA in 2021 and 2022. The Minister has consented to a recoupment figure of zero for the levy for the 2022 levy year.

The total leviable amount for the year is €5.6m. The Law Society of Ireland had paid €2.4 million of their levy in February 2023 and paid the balance on 24 November 2023. The total amount paid was €4,832,842.69.

The LSRA Executive has been engaging separately with the Bar of Ireland to reconcile and agree the levy total appropriate to that representative body. The Bar wrote to the LSRA on 8 November 2023 in relation to the levy, the LSRA met with the Bar on 4 December and wrote to the Bar responding to queries raised on 29 December 2023.

#### **4.3 Update on outstanding Section 32 recoupments**

The Authority was provided with an update on the position in respect of the €2.7m outstanding recoupment owed to the Department of Justice. The LSRA Executive will be engaging with the representative bodies in 2024 in relation to putting in place a plan and schedule for the recoupment of that amount over a period to be agreed with those bodies.

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

#### **5.0 Updates on the Performance of the Complaints & Resolutions Department of the LSRA and on the Operation of the LPDT**

Updates provided to the Authority in respect of the LSRA and LPDT.

#### **5.1 Update on the Performance of the Complaints & Resolutions Department**

The Authority noted the summary report and statistics in relation to complaints. Improvements in statistics have been achieved through additional resourcing and focused activity within the Complaints & Resolutions Department. The build-up of cases awaiting consideration by the Complaints Committee is a continuing concern and is currently the primary focus of the Complaints Department.

There has been a 46% drop in complaints awaiting an admissibility decision in 2023. However, the number of complaints with the Complaints Committee has increased by 40% in the period. The Head of Complaints & Resolutions Department has identified the need for additional solicitor members to assist the Committee in progressing through its workload and there will be engagement with the Law Society on this.

The number of legal practitioners and complainants consenting to the informal resolution of admitted complaints has continued to increase. A review of the resources allocated to resolution of complaints has been conducted and an additional mediator will join the complaints team on a temporary contract basis from 20 January 2024. The number of complaints in the Informal Resolution process has increased by 35% in 2023.

Workshops for the design and build of a Case Management System (CMS) for the Department are being organised. A new CMS is critically important for the work of the Department.

## **5.2 Update on the Operation of the LPDT:**

The Authority was updated on the operation of the Legal Practitioners Disciplinary Tribunal (LPDT).

22 applications to the Tribunal were received in 2023, of which 16 were from the Law Society and 6 from the LSRA.

Inquiry hearing dates were held in November and December 2023 with a total of 7 inquiry hearing days. Where the Tribunal has made a determination and an order or recommendation as to sanction, the Tribunal has furnished a copy of the determination and order or recommendation to the LSRA. As detailed at paragraph 3.4 above, 5 determinations have been furnished to the LSRA in respect of inquiry hearings held in November 2023 and December 2023.

## **6.0 LSRA Business Plan 2024 and Communications and Engagement Work Plan 2024:**

### **6.1 LSRA Business Plan 2024**

The CEO presented the Draft LSRA Business Plan 2024 for approval of the Authority. It was noted that a new Strategic Plan for the LSRA will be in place in 2025 and the Business Plan for 2024 includes the remaining key strategic objectives from the current Strategic Plan 2022-2025. As a number of the Authority Members will be leaving at end September 2024, it is planned to have an interim review of progress on the Business Plan 2024 at the Authority's September meeting. The Business Plan 2024 was approved by the Authority.

### **6.1 LSRA Communications and Engagement Work Plan 2024**

The Authority noted the Plan.

## **7.0 Legal Partnership Regulations**

The CEO presented the Regulations. The Authority noted that these are a revised set of Legal Partnership Regulations (the original set had been prepared in 2019 at which time it had been intended to introduce Legal Partnerships (LPs) alongside Limited Liability Partnerships (LLPs)).

The Authority consented to the proposal that the LSRA Executive discuss the draft regulations with the representative bodies and also engage with non-Law Library practising barristers.

In addition to some minor amendments flagged prior to the meeting, one amendment to the regulations before the Authority was identified, to move section 14(4)(5) to the definitions area of the regulations.

The Schedule of fees is to be reviewed by the LSRA Executive to ensure such fees cover the administrative costs for the new business model in full

The Authority noted that, in addition to the General Regulations, the revisions to professional codes and draft Professional Indemnity Insurance (PII) Regulations would also be included in those discussions. The LSRA Executive will engage for an expert review of the level of PII required prior to finalisation of the PII Regulations.

**8.0 Resolution on reappointment of members of the LSRA Complaints Committee**

The Authority approved, by Resolution, the reappointment of a number of members of the Complaints Committee. See Resolution at Appendix I.

**9.0 Closed Session**

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

**10.0 AOB**

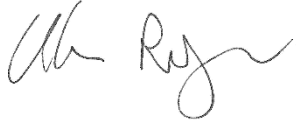
No matters arising.

Action Points – Meeting of 18 January 2024	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> <li>Minutes of 16 November 2023 approved subject to minor amendment (reference to 2024 should be 2023 under Item 8).</li> <li>Secretary to arrange upload to LSRA 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 Recruitment and staffing, including engagement with Department of Justice and DPENDR on workforce review and sanction.</li> <li>2.0.3 CEO to update on progress relating to AML and the Faculty of Notaries Public.</li> <li>2.0.4 Update on IHREC nominee to Authority.</li> <li>2.0.8 Update on Risk Register</li> <li>Updates in CEO report or as separate Agenda items: <ul style="list-style-type: none"> <li>Legal Partnerships (Regulations, Consultations etc)</li> <li>Financial Position and Levy 2023/2024</li> </ul> </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> <p>Draft 2023 Financial Statements to be presented to the Authority for approval at its March 2024 meeting prior to submission to the Department of Justice and the Office of the Comptroller &amp; Auditor General.</p>
4.1	<p><u>Management Accounts:</u></p> <p>Up to date Management Accounts to be presented to the Authority at its next meeting.</p>
4.2	<p><u>Update on Financial Position:</u></p> <p>For inclusion as separate item or in CEO Report</p> <ul style="list-style-type: none"> <li>Update on Levy process</li> <li>Update on Financial Position to end 2023 and into 2024</li> </ul>
5.0	<p><u>Update on the Performance of the Complaints and Resolutions Department and the LPDT</u></p>



5.1	<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 on performance activities for Complaints Department;</li> <li>• Update Authority on Advertising Regulation activities;</li> </ul>
5.2	<p><u>Update on the Performance of the LPDT</u></p> <ul style="list-style-type: none"> <li>• Update on operation of the LPDT including Inquiries.</li> </ul>
7.0	<p><u>Update on Legal Partnership Regulations</u></p> <ul style="list-style-type: none"> <li>• Update on engagement with Representative Bodies and individual non-Law Library barristers on: <ul style="list-style-type: none"> <li>○ General Regulations</li> <li>○ Professional Codes</li> <li>○ PII Regulations</li> </ul> </li> </ul>
8.0	<p><u>Resolutions:</u> A Resolution in respect of reappointment of Committee Members will also be required at the Authority’s March 2024 meeting</p>

**FINAL Minutes Signed**



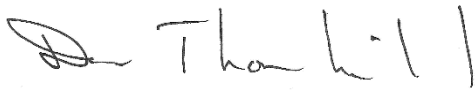
**21 March 2024**

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Ultan Ryan, Secretary

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Date



21 March 2024

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Don Thornhill, Chairperson

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Date

## Appendix I



An tÚdarás Rialála  
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### **Resolution of the Authority on the reappointment of members to the Complaints Committee under Section 69 of the Legal Services Regulation Act 2015**

**Proposed by:** Sara Moorhead SC

**Seconded by:** Geraldine Clarke SC

#### Establishment of Complaints Committee

*Pursuant to section 69(3)(1) of the Legal Services Regulation Act 2015, on 23 January 2020, the Authority formally passed a Resolution establishing a committee, to be known as the Complaints Committee for the purpose of considering and investigating complaints referred to it by the Authority under section 68.*

#### Appointment of Lay Members

*Pursuant to section 69(3)(a) and 69(4) of the Legal Services Regulation Act 2015, on 18 January 2024, the Authority formally passed a resolution duly reappointing the following lay persons to be members of the Complaints Committee for a further four year term commencing 23 January 2024:*

#### Lay Members:

Conan McKenna  
Robert Gillan  
Daniel Murphy  
Finbarr O'Leary  
Geraldine Donaghy  
Tom Maguire

Appointment of Members nominated by the Bar of Ireland and the Law Society of Ireland

*Pursuant to section 69(3)(b) and 69(3)(c) of the Legal Services Regulation Act 2015, on 18 January 2024, the Authority formally passed this resolution duly reappointing the following persons nominated by the Bar of Ireland and the Law Society of Ireland to be members of the Complaints Committee for a further 4 year term commencing 23 January 2024:*

Bar of Ireland nominees:

Derry O'Donovan SC  
Fiona Murphy SC  
Michael Delaney SC

Law Society Nominees:

Kevin Hickey  
Catriona Murray  
Hugh O'Neill

**Signed by Secretary**



**Resolution passed on**

**18 January 2024**

## Annex I

### Authority to refer complaints relating to misconduct to Complaints Committee

68. The Authority shall refer a complaint under [section 51 \(2\)](#) to the Complaints Committee where the client and legal practitioner concerned do not succeed in resolving a matter in accordance with [section 64](#) .

### Establishment and membership of Complaints Committee

69. (1) The Authority shall establish a committee, to be known as the Complaints Committee, for the purpose of considering and investigating complaints referred to it by the Authority under [section 68](#) .
- (2) A member of the Complaints Committee shall—
- (a) hold office for a period of 4 years from the date of his or her appointment, and
  - (b) be eligible for reappointment as a member of the Complaints Committee, provided that he or she does not hold office for periods the aggregate of which exceeds 8 years.
- (3) The Complaints Committee shall be appointed by the Authority and shall consist of not more than 27 members of whom—
- (a) the majority shall be lay persons,
  - (b) not fewer than 8 shall be persons nominated by the Law Society, each of whom has practised as a solicitor for more than 10 years, and
  - (c) not fewer than 4 shall be persons nominated by the Bar Council, each of whom has practised in the State as a barrister for more than 10 years.
- (4) In appointing lay persons to be members of the Complaints Committee the Authority shall ensure that those members are persons who—
- (a) are independent of the professional bodies, and
  - (b) have expertise in or knowledge of—
    - (i) the provision of legal services,
    - (ii) the maintenance of standards in a profession (including those regulated by a statutory body),

(iii) the investigation and consideration of complaints relating to services, or

(iv) the interests of consumers of legal services.

(5) The Complaints Committee shall act in divisions of not less than 3 members and not more than 5 members (in this Act referred to as a "Divisional Committee").

(6) A Divisional Committee shall consist of an uneven number of members.

(7) Each Divisional Committee shall have a majority of lay members.

(8) The chairperson of each Divisional Committee shall be one of the lay members of that Divisional Committee.

(9) The chief executive shall make arrangements for the provision of such administrative and secretarial support to each Divisional Committee as he or she considers necessary.

(10) Subject to *subsections (6) and (7)*, where a complaint relates to a solicitor—

(a) in a case where the Divisional Committee consists of 3 members, one of the members of the Divisional Committee shall be a solicitor,

(b) in a case where the Divisional Committee consists of 5 members, 2 of the members of the Divisional Committee shall be solicitors.

(11) Subject to *subsections (6) and (7)*, where a complaint relates to a barrister—

(a) in a case where the Divisional Committee consists of 3 members, one of the members of the Divisional Committee shall be a barrister,

(b) in a case where the Divisional Committee consists of 5 members, 2 of the members of the Divisional Committee shall be barristers.