



## MINUTES FINAL

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

**Location:** LSRA  
**Date:** 6 September 2018  
**Time:** 16:30 to 18:50

#### Attendees

Authority Members	Executive & Secretariat	Others
Angela Black	Brian Doherty (CEO)	Alison Hook (Item 4.0 - Section 34 Research Report)
Geraldine Clarke	Ultan Ryan (Secretary)	Scott Slorach (Item 4.0 - Section 34 Research Report)
Joan Crawford		
Stephen Fitzpatrick		
Dermott Jewell		
James MacGuill		
Deirdre McHugh		
Sara Moorhead		
Don Thornhill (Chairperson)		
Gerry Whyte		

#### Apologies:

Eileen Barrington.

## Section 1 – Governance

### Item 1.0 General

- 1.1 Agenda adopted.
- 1.2 Declaration of Interests on agenda items. None arising.

- 1.3 Minutes of Authority meeting of 28 June 2018 approved subject to correction of name error.

*Chair proposed that the Section 34 Draft report be taken at this point. Alison Hook and Scott Slorach from the Research team were invited into the meeting.*

## Section 2 LSRA Policy and Implementation

### **Item 4.0 Draft Section 34 Report (Education & Training)**

- 4.0.1 Alison Hook, in opening informed the Authority that there was a wide and considerable consultation underpinning the project. It was the intention to delve as deeply as possible into the core issues in the time allowed. There was a significant level of response across the engagement tools used.
- 4.0.2 In addition to the wide Public Consultation model and circulation of the consultation notice by the LSRA, the research team also engaged with stakeholders using questionnaires and surveys that were in turn supplemented by interviews.
- 4.0.3 The key issues raised in the consultations were around:
- Issues around what were the attributes of legal practitioners which the existing legal education and training systems and structures were producing;
  - Looking at what stakeholders felt was needed in a legal education and training model;
  - The transparency of the processes around legal education and training;
  - Governance across the systems of legal education and training;
- 4.0.4 The approach of the research team was to examine what the current system was and to look at what system would best suit the needs in the Irish context. This was not to look at overlaying other existing models but to reflect the needs of a legal education and training system in an Irish context in devising proposals for consideration by the Authority.
- 4.0.5 In that regard, the research report produces proposals on actions that could bring about change.
- 4.0.6 Scott Slorach set out the 2 core propositions of the research report to provide both a foundation and a catalyst for further reforms of the education and training system for legal practitioners.

- 4.0.7 The first proposal is that a “clear definition of the competence and standards required to practise law should be developed for legal practitioners.”
- 4.0.8 The second proposal is that “The roles and responsibilities of stakeholders in the legal education and training system should be reformed to reflect modern principles of good governance and better education.”
- 4.0.9 The Authority discussed the report generally with the research team, commending them on the quality of the work and the significance of the findings.
- 4.0.10 Members were impressed by the level of engagement as part of the public and stakeholder consultation process, which was at levels not usually seen for such consultations.
- 4.0.11 Members sought clarification from the research team in respect of the proposal for a Legal Practitioner Education and Training (LPET) Committee, and where that would fit in the organisation. The research team suggested that a Section 16 Committee could be established, with delegated functions under Section 13 to take on the LPET tasks.
- 4.0.12 The research team were of the view that the approach to the LPET Committee could be light or heavy. In their opinion, organisations such as QQI could have a role to play, particularly with recent legislative developments in respect of their functions. In that regard, the research team suggested that QQI could conduct inspections and they have the methodologies and structures in place to undertake this.
- 4.0.13 In terms of the findings in respect of the current system, the research team expressed the view that the legal education and training system itself has not been easy to change because of the existing requirements underpinning legal education and training in the State. The research team expressed the view that improvements to education and training standards at the high/strategic level could, in turn, trickle down to address issues at the lower levels. In that regard, the research team felt that these improvements could be achieved by having a defined competence framework in place.

*The Research Team were thanked again for their work and left the meeting at this point.*

- 4.0.14 Members discussed how best to move forward in respect of the report. Members stated that as the draft report was only available on 31 August 2018, there was not enough time for full consideration and detailed recommendations to be arrived at in the time allowed to 30 September 2018.

4.0.15 The significance of the content of the report and the need to give full consideration to content, findings and the proposals of the research team was a key discussion point.

4.0.16 Following discussion among Members, the Chairperson set out the following position for consideration by the Authority as regards revising the draft Cover Report (for submission in the first instance to the Minister and then for laying before the Houses of the Oireachtas):

- The research report was commissioned on foot of legislative requirement under Section 34.
- The Research Report is attached for information.
- The LSRA has not reached any conclusions. However, there is a general acceptance that a compelling case is made in the research report for the Authority to consider the matters raised further.
- The report and the proposals arising require further analysis.
- The further actions will include engagement with a wide range of stakeholders including the public and consumers.
- A Symposium will be held to discuss the report.
- There will be a further review and report to the Minister following the Symposium with actions and next steps.

**Next Steps:**

4.0.17 The LSRA 'Cover Report' to be revised to reflect the considerations of the Authority Members. Revised draft to be circulated to members for comments.

4.0.18 Agreed LSRA Report and (Hook Tangaza) Research Report to be submitted to Minister for Justice & Equality by 30 September 2018.

*Meeting returned to Part 1 of the Agenda at this point.*

**Section 1 Governance (contd)**

**Item 1.4 CEO Report**

1.4.1 Members discussed the following items under the CEO Report:

- CEO to circulate revised draft Code of Conduct for Authority Members (arising from Action Point 1.4.4 of 28 June 2018);

- Secretary to upload Submissions received and Survey Questions under Section 34 Public Consultation (arising from Action Point 5.6 and 5.7 of 28 June 2018);
- Executive met with Department of Justice & Equality (DJE) officials to discuss the Levy funding model on 5 September (Section 2.2 CEO Report).
- CEO informed Members that the Legal Partnership Regulations were still being worked on but would be circulated when ready (Section 2.5 CEO report).
- LP Framework will slip into Q4 due to unavailability of consultation parties over summer period. Insurance advisers engaged in respect of Professional Indemnity Insurance solutions for LPs. (Section 2.5 CEO Report).
- LLPs still on schedule for Q4. Insurance advisers also examining Professional Indemnity Insurance solutions for LLPs. (Section 2.6 CEO report).
- Roll of Practising Barristers, framework in place and applications being received (Section 2.7 CEO Report).
- LSRA working with Honorable Society of Kings Inns in relation to arrangements for data exchange to facilitate the processing of applicants to the Roll of Practising Barristers (Section 2.7 CEO Report).
- Executive engaging with OGP on procurement of Media and Communications services (under OGP Framework) (Section 3.1 CEO Report).
- Risk Register noted by Authority (Part 4 CEO Report).
- Current staffing update provided.

## **Item 2.0 Finance**

- 2.1.1 July Monthly Management Accounts noted by Authority.
- 2.1.2 At meeting with DJE on 4 September, DJE agreed to follow up in respect of drawdown of 2018 allocation of €1m from Justice Vote.
- 2.1.3 Revised LSRA Budget (August 2018) noted by Authority.

## Section 2 LSRA Policy and Implementation (contd)

### **Item 3.0 Finance, Audit & Risk Committee**

3.0.1 Stephen Fitzpatrick, Chairperson of the FAR Committee provided a general update on the Committee.

- First meeting was held on 13 September
- 5 Member Committee (Authority Chairperson and 2 Authority members plus 2 external members).
- Induction pack presented to the FAR Committee by Vincent Teo (CrowleysDFK – LSRA Accountants).
- Presentation by CEO, Brian Doherty to the Committee.
- Next Meeting scheduled for 12 October 2018.

### **Item 5.0 Draft Section 6 Report (Review of the Operation of the Act)**

5.0.1 Section 6 Report submission has been brought forward to an earlier submission date (30 September) to support the requirements of the LSRA to take on functions assigned to it under the 2015 Act.

5.0.2 Submissions in respect of the Section 6 review still coming in so draft is not complete.

5.0.3 3 key issues for the LSRA in respect of its need to achieve full operation:

1. Resolution of the Levy position
2. Legislative provisions in respect of the Roll of Practising barristers
3. Information Sharing legislative provisions.

5.0.4 Executive to review all submissions received in the context of the Section 6 consultation and reflect in Section 6 Report as appropriate.

5.0.5 Executive to finalise Section 6 Report with a view to submitting to the Houses of the Oireachtas by 30 September 2018.

### **Item 6.0 Closed Session**

### **Item 7.0 AOB**

7.0.1 Secretary to work with Chairperson on Schedule of 2019 Meeting dates.

7.0.2 Next Authority Meeting Scheduled for 15 November.

<b>Action Points – Meeting of 6 September 2018</b>	
<b>Agenda Item</b>	<b>Action</b>
1.3	<ul style="list-style-type: none"> <li>Minutes of 28 June 2018 Meeting to be amended and uploaded to website.</li> </ul>
1.4.1	<ul style="list-style-type: none"> <li>Revised Code of Conduct for Authority Members to be circulated by CEO (arising from Action Point 1.4.4 June 2018)</li> </ul>
1.4.1	<ul style="list-style-type: none"> <li>Executive to circulate to the Authority the questions included in the omnibus consumer questionnaire. These will be uploaded to members along with Section 34 submissions (arising from Action Point 5.6 and 5.7 June 2018).</li> </ul>
1.4.1	<ul style="list-style-type: none"> <li>Executive to upload submissions received under the Section 34 Public Consultation. (arising from Action Point 5.7 June 2018)</li> </ul>
1.4.1	<ul style="list-style-type: none"> <li>CEO Report Section 2.5: Executive to circulate draft regulations for LPs to Authority Members when ready.</li> </ul>
2.1.2	<ul style="list-style-type: none"> <li>Executive to follow up with DJE in respect of 2018 drawdown of funds.</li> </ul>
3.0.1	<ul style="list-style-type: none"> <li>Second Meeting of Finance, Audit &amp; Risk (FAR) Committee to be held on 12 October 2018.</li> </ul>
4.0.17	<ul style="list-style-type: none"> <li>Executive to revise Section 34 LSRA Cover Report and circulate to Authority Members for review.</li> </ul>
4.0.18	<ul style="list-style-type: none"> <li>Agreed LSRA Report and (Hook Tangaza) Research Report to be submitted to Minister for Justice &amp; Equality by 30 September 2018.</li> </ul>
5.0.4	<ul style="list-style-type: none"> <li>Executive to review all submissions received in the context of the Section 6 consultation and reflect in Section 6 Report as appropriate.</li> </ul>
5.0.5	<ul style="list-style-type: none"> <li>Executive to finalise Section 6 Report with a view to submitting to the Houses of the Oireachtas by 30 September 2018.</li> </ul>

7.0.1	<ul style="list-style-type: none"><li>Secretary to work on schedule of Authority Meetings for balance of 2018 and year 2019 to be agreed by circulation with members prior to next Meeting.</li></ul>
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**Final Minutes Signed**



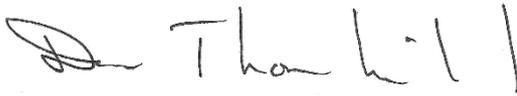
15 November 2018

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Ultan Ryan, Secretary

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Date



15 November 2018

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Don Thornhill, Chairperson

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Date