



## MINUTES FINAL

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

**Location:** LSRA  
**Date:** 21 February 2019 (Meeting delayed from original date of 24/01/2019)  
**Time:** 16:30 to 19:00

#### Attendees

Authority Members	Executive & Secretariat	Others
Eileen Barrington	Brian Doherty (CEO)	
Angela Black	Ultan Ryan (Secretary)	
Geraldine Clarke		
Joan Crawford		
Stephen Fitzpatrick		
Dermott Jewell		
James MacGuill		
Deirdre McHugh		
Sara Moorhead		
Don Thornhill (Chairperson)		
Gerry Whyte		

#### Apologies:

N/A

## Section 1 – Administration

### 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 15 November 2018 approved. No matters arising.

## Section 2 – Governance

### 2.0 CEO Report

2.0.1 Members discussed the following items under the CEO Report:

Part 1:

- Update on Action Points from previous Meeting. Key actions addressed as Agenda items for this meeting.
- Revised Code of Conduct for Authority Members was circulated to Members for signature.

Part 2:

Update on other activities undertaken:

2.1 Transfer of Staff under Section 26:

2.2 CEO set out progress on key Part 6 (Complaints) preparation activities:

- i. Update on progress in respect of staff transferring to the LSRA in accordance with Section 26 of the 2015 Act. The Authority noted the cost impacts associated with taking on those staff under the Section 26 provisions as compared to direct recruitment to Public Service grades for the other posts detailed in the Workforce Plan;
- ii. Short term staffing solutions. Staffing at now 11 persons.
- iii. Update on premises including securing additional accommodation at current premises and anticipated engagement with OPW in respect of premises for LSRA and for the Legal Practitioners Disciplinary Tribunal (LPDT).
- iv. Accommodation for up to 14 additional staff secured and fitted out, including IT fit-out.
- v. Workforce Plan finalised and submitted to Department of Public Expenditure & Reform for approval.

2.3 Stakeholder Engagement update provided.

2.4 Audit update. Audit of 2017 Accounts completed and certified by Office of the Comptroller & Auditor General.

2.5 Roll of Practising barristers established. Just under 2,500 practising barristers enrolled by end 2018.

### Part 3:

3.1 Update on communications activities involving presentations and articles relating to LSRA.

3.2 Update on Part 6 design. LSRA engaging with Law Society Regulation Department on process maps, decision points, complaint categorisation and definitions in the application of the 2015 Act, template letters, mediation function and IT solution options (Case Management System).

3.3 Premises. Update as set out at 2.2 above.

3.4 Risk Management update.

### Delegated Functions:

The Authority acknowledged the intention of the CEO to exercise where appropriate the following powers under the Act, which are in line with the authorisation previously approved by the Authority:

1. To give appropriately qualified staff of the Law Society the option to transfer under section 26(1).
2. To approve a groups scheme with the Bar of Ireland if appropriate under section 46(3).
3. To appoint inspectors under section 37(1). And
4. To determine, with the consent of the Minister, the operating costs and administrative expenses under section 95(2).

## Section 3 – Finance

### **3.0 Financial Reports**

3.1 Management Accounts for Period ended 31 December 2018 noted by the Authority.

3.2 Draft Revised Budget 2019 noted by the Authority. Budget to be reviewed Quarterly.

## Section 4 – LSRA Policy and Implementation

### **4.0 Finance, Audit and Risk (FAR) Committee – Chairperson’s Report**

FAR Committee Chairperson provided an update report from the Committee's meeting of 15 February 2019, including update on 2017 Accounts and schedule for Draft 2018 Financial Statements which will be considered by the FAR Committee at its next meeting. Audit of 2018 Internal Controls commencing on 25 February 2019.

#### **5.0 Legal Partnerships (LPs) General Regulations**

The Authority discussed and approved the Draft General Regulations as drafted, subject to any technical refinements required and on the understanding that any substantial issues would be raised with and addressed by the Authority .

#### **6.0 Limited Liability Partnerships (LLPs) General Regulations**

It is anticipated that there may be significant uptake of this business model once the framework is in place. Draft General Regulations approved as drafted.

#### **7.0 Professional Indemnity Insurance (PII) Regulations (applying to LPs and LLPs)**

The Authority discussed the regulations in detail.

There was considerable discussion in respect of the levels of PII that are to apply. In conclusion, the Authority decided that €1.5m should be set as the minimum level of indemnity required and this would be subject of regular review.

The Authority acknowledged that while €1.5m may be appropriate as a minimum level it might not be adequate in all circumstances. In this context, the Authority stressed the importance of an appropriate level of PII being applied where the practitioner must consider their exposure and secure insurance at a level commensurate with their activities.

Executive to ensure that this requirement is appropriately communicated to practitioners through regulation and/or guidance.

PII Levels will be reviewed by the Authority after a period of 12 months from the date of this decision.

#### **8.0 Code of Practice:**

Code of Practice approved subject to review by the Executive of Section 3.11 in the context of direct access. Final draft to be approved by circular (email) and noted in next Meeting minutes.

#### **9.0 Section 34 Proposal on Legal Education and Training Symposium**

A four step approach approved by the Authority as follows:

(a) Consultation with Representative Bodies;

- (b) Consultation with wider stakeholders;\*
- (c) Symposium in Q3 2019;
- (d) Report with Recommendations arising submitted to the Minister for Justice & Equality by December 2019.

\*Authority noted key stakeholders to include Head of Schools of Law in Universities/Colleges and the Independent Law Centres in this Group;

#### **10.0 Update on Levy**

Executive has continued engagement with Department of Justice & Equality in respect of the implementation of the Levy. Following advice from the Office of the Attorney General, LSRA will now proceed to implement Levy in 2019 in respect of 2018 operations.

Executive engaged financial analyst to model and calculate the levy in respect of actual 2018 and estimated 2019 operations. Draft 2018 Financial Statements, once finalised and approved by the Authority and with the consent of the Minister will form the basis of the levy notices to issue in 2019 in respect of 2018 operations.

Executive has continued to engage with the Law Society and the Bar of Ireland in respect of the implementation of the levy and the timing of the issuing of levy notices.

Communications with non-Law Library barristers noted as a key action and Executive will engage with the consumer bodies as part of this process.

#### **11.0 Closed Session**

#### **12.0 AOB**

No matters raised under AOB.

<b>Action Points – Meeting of 21 February 2019</b>	
<b>Agenda Item</b>	<b>Action</b>
1.3	<ul style="list-style-type: none"> <li>• Matters arising to be reinstated under this agenda item</li> </ul>
2.0.1(1)	<ul style="list-style-type: none"> <li>• Revised Code of Conduct for Authority Members to be signed by all Members and returned to the Secretary for filing. Secretary to follow up with Members.</li> </ul>
3.2	<ul style="list-style-type: none"> <li>• Executive to monitor 2019 Budget and Review on a Quarterly Basis.</li> </ul>
4.0	<ul style="list-style-type: none"> <li>• FAR Committee to review Draft 2018 Financial Statements at its 22 March 2019 meeting.</li> </ul>
5.0	<ul style="list-style-type: none"> <li>• Executive to finalise LP General Regulations subject to any technical refinements.</li> <li>• Executive to address any substantial issues arising with the Regulations to the Authority.</li> </ul>
6.0	<ul style="list-style-type: none"> <li>• Executive to finalise LLP General Regulations.</li> </ul>
7.0	<ul style="list-style-type: none"> <li>• Executive to finalise PII Regulations and insert €1.5m level of PII required.</li> <li>• Executive to set out requirement for appropriate levels of PII to be secured by legal practitioners to reflect their activities.</li> <li>• PII Levels will be reviewed by the Authority after a period of 12 months from the date of this decision.</li> </ul>
8.0	<ul style="list-style-type: none"> <li>• Code of Practice for Practising Barristers approved subject to review of section 3.11</li> <li>• Revised draft to be finally approved by circular email.</li> </ul>
9.0	<ul style="list-style-type: none"> <li>• Executive to proceed with action plan on Section 34 Report and update progress at Authority Meetings accordingly.</li> </ul>

	<ul style="list-style-type: none"><li>• Executive to ensure that head of Schools of Law and Independent Law Centres included in the wider stakeholder group for consultation.</li></ul>
10.0	<ul style="list-style-type: none"><li>• Executive to proceed with Levy implementation programme and update Authority at next meeting, including in respect of date of issue for levy notices and amount of levy calculated.</li></ul>

**FINAL Minutes Signed**



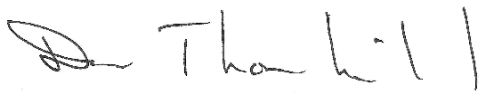
04 April 2019

---

Ultan Ryan, Secretary

---

Date



04 April 2019

---

Don Thornhill, Chairperson

---

Date