



An tÚdarás Rialála
Seirbhísí Dlí
Legal Services
Regulatory Authority

**Opening Statement by Dr Brian Doherty, Chief Executive Officer
Legal Services Regulatory Authority to the
Joint Oireachtas Committee on Justice
18 June 2024**

Good afternoon Chairperson and Committee members. Thank you for inviting the Legal Services Regulatory Authority here today.

I am Dr Brian Doherty, CEO of the LSRA, and I am joined today by my colleagues Alison McIntyre, Head of Legal Services, Levy and Registration Department and Ultan Ryan, Secretary to the Authority.

The Legal Services Regulatory Authority

The Legal Services Regulation Act was signed into law on 30 December 2015 and the Authority was established on 1 October 2016. I was appointed as Chief Executive in September 2017.

Since its establishment the LSRA has built the necessary infrastructure, processes and staffing to deliver on its broad remit. The LSRA is now made up of approximately 60 staff across five departments who deliver a challenging annual programme of work.

The LSRA is funded by way of an annual levy issued to the Law Society, the Bar of Ireland and barristers who are not members of the Law Library and not in the full-time service of the

State. The levy mechanism was amended by the Courts and Civil Law (Miscellaneous Provisions) Act 2023 and is now intended to fully meet the budgeted expenditure of the LSRA in future years.

Membership of the Authority

The eleven Authority members are appointed by Government following nominations from a number of bodies, including a range of statutory agencies and the legal professional bodies. There are six lay members and five non-lay members. The Authority has a lay majority and a lay chairperson. The current chair of the Authority is Dr Don Thornhill.

The Authority is required by law to be independent in the performance of its functions.

Objectives and Functions of the Authority

The LSRA is tasked with regulating the provision of legal services by legal practitioners – solicitors and barristers – and ensuring the maintenance and improvement of standards in the provision of those services in the State.

The six statutory objectives of the LSRA, which we interpret as our operating principles, are:

- Protecting and promoting the public interest,
- Supporting the proper and effective administration of justice,
- Protecting and promoting the interests of consumers relating to the provision of legal services,
- Promoting competition in the provision of legal services in the State,
- Encouraging an independent, strong and effective legal profession and
- Promoting and maintaining adherence to the professional principles of legal practitioners as specified in the Act.

Within the framework of those principles the Authority performs a wide range of functions, including the introduction of new business models for legal service delivery, a research and reporting function and the receipt and investigation of complaints about solicitors and barristers.

Complaints About Solicitors and Barristers

In our 2023 Annual Report, the LSRA reported on the fourth full year as the independent complaints handling body for complaints about solicitors and barristers. The LSRA began receiving and investigating complaints on 7 October 2019.

Under Part 6 of the Act, the LSRA can receive and investigate three types or grounds of complaint:

- that the legal services provided were of an inadequate standard;
- that an amount of costs sought by the legal practitioner for legal services was excessive;
- that an act or omission of a legal practitioner constitutes misconduct under the Act.

In 2023, the LSRA received 1,290 complaints. The number of complaints closed in the year was 1,432. Of the 1,290 complaints received, 1,233 related to solicitors while 57 related to barristers.

In consumer complaints about inadequate legal services or excessive costs, the LSRA is required by law to help both parties to informally resolve these complaints. We have a team of trained mediators to assist with this. If complaints cannot be resolved in this way, they are investigated by the LSRA. Where the LSRA upholds a complaint, it can make directions to the legal practitioner involved to take corrective actions including paying compensation to the client of up to €3,000.

Complaints of misconduct are investigated by the LSRA's independent Complaints Committee. This Committee has the power to impose sanctions on legal practitioners itself.

Where it considers it appropriate, it can refer more serious complaints for the consideration of the Legal Practitioners Disciplinary Tribunal which is independent of and separate from the LSRA. The Complaints Committee cannot make findings of misconduct, only the Tribunal can do so.

The LSRA takes enforcement proceedings when legal practitioners fail to comply with its directions. In 2023, the LSRA made 12 applications to the High Court for orders to enforce its directions in complaints about legal practitioners.

Further information on the complaints process and outcomes can be provided as necessary.

Innovations and New Service Delivery Models

Since November 2019, the LSRA has authorised applications by partnerships of solicitors to operate as Limited Liability Partnerships. The number of LLPs authorised to date is 482.

The LSRA maintains the Roll of Practising Barristers which at the end of 2023 had recorded the details of 3,051 practising barristers. It is an offence for a qualified barrister to provide legal services if they are not listed on the Roll.

The LSRA is currently in the process of finalising the regulatory framework for the introduction of Legal Partnerships later this year. Legal Partnerships are a new business model for the delivery of legal services aimed at enhancing competition and delivering efficiencies in the delivery of legal services to consumers. Their introduction will allow barristers to work in partnerships with solicitors and other barristers for the first time. Legal Partnerships were provided for in the LSRA's founding legislation.

The LSRA is also responsible for the development and introduction of regulations where required by statute. Since its inception the LSRA has introduced new regulations in relation to the operation of the complaints process, professional indemnity insurance, limited liability partnerships, the levy on the legal profession and advertising of the legal services.

Research and Recommendations

Since its establishment the LSRA has been responsible for the delivery of a challenging programme of research and reporting. As well as publishing nine bi-annual reports on the operation of the complaints function and five annual reports on admissions to the legal profession, the LSRA has also published a number of detailed research reports with findings and recommendations for reform to the Minister for Justice on various aspects such as legal professional education and training and how legal services are provided.

The LSRA recently published its reports on the Consideration of a New Profession of Conveyancer which made recommendations in relation to enhanced pricing transparency for conveyancing services, targeted consumer awareness campaigns and digitisation of the conveyancing process. The LSRA, at the request of the Minister, has also prepared a report on the barriers faced by early career barristers and solicitors and has made a number of recommendations for reform.

Strategic Plan and Current Position

The LSRA is currently half way through the delivery of its third Strategic Plan which covers the period 2022-2025. Over the remaining life of this plan the LSRA will focus on enhancing its operational efficiency in the delivery of its core regulatory operations and services and to promoting professional standards and encouraging innovation and advancement in legal education and training, legal practice business models, access to justice and consumer protection. The LSRA will also continue to 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 and other stakeholders.

Thank you, a Cathaoirleach. My colleagues and I look forward to engaging with you and your colleagues and to responding to the issues and questions that you wish to raise.