



**LSRA**

**An tÚdarás Rialála  
Seirbhísí Dlí  
Legal Services  
Regulatory Authority**

# Legal Services Regulatory Authority

*Independence, innovation, consumer protection, accountability and transparency*

*Brian J. Doherty*

*Chief Executive Officer*

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# The Legal Services Regulation Act, 2015

- ▶ Enacted on 30 December 2015

*“ To provide for the regulation of the provision of legal services, to provide for the establishment of the **legal services regulatory authority**, to provide for the establishment of the **legal practitioners disciplinary tribunal** to make determinations as to misconduct by legal practitioners, to provide for **new structures** in which legal practitioners may provide services together or with others, to provide for the establishment of a **roll of practising barristers**, to provide for reform of the law relating to the charging of **costs** by legal practitioners and the **system of the assessment of costs** relating to the provision of legal services, to provide for the manner of **appointment of persons to be Senior Counsel**, to provide for matters relating to **clinical negligence actions** and to provide for related matters.”*

# The Legal Services Regulatory Authority

- ▶ Established on 1 October 2016
- ▶ 11 Members
- ▶ Lay Majority and Lay Chair
- ▶ Members appointed by Government Following Nominations from:
  - ▶ Citizen's Information Board, Higher Education Authority, The Competition and Consumer Protection Commission, Irish Human Rights and Equality Commission, The Institute of Legal Costs Accountants, Consumer's Association of Ireland, Council of the Bar of Ireland, Legal Aid Board, the Honorable Society of King's Inns and the Law Society.
- ▶ First meeting 26 October 2016

# The Legal Services Regulatory Authority

## Six Statutory Objectives

*“The Legal Services Regulatory Authority will*

- (1) Protect and promote the public interest.*
- (2) Support the proper and effective administration of justice.*
- (3) Protect and promote the interests of consumers relating to the provision of legal services.*
- (4) Promote competition in the provision of legal services in the State.*
- (5) Encourage an independent, strong and effective legal profession.*
- (6) Promote and maintain adherence to the professional principles of legal practitioners specified in the 2015 Act.”*

# The Legal Services Regulatory Authority

## Eleven Key Functions

The Authority will undertake the following specific functions as part of its role:

- (1) Keep under review and make recommendations to the Minister in respect of:
  - a. admission requirements of the Law Society, Bar Council, and Honorable Society of King's Inns;
  - b. availability and quality of education and training including ongoing training for the solicitors' and barristers' professions;
  - c. policies in relation to admission and, or, entitlement to practise of the Law Society, Bar Council and the Honorable Society of the King's Inns;
  - d. professional codes;
  - e. the organisation of the provision of legal services in the State.

# The Legal Services Regulatory Authority

- (2) Disseminate information in respect of the education and accreditation requirements and any other matters referred to above as the LSRA thinks fit.
- (3) Specify the nature and minimum levels of professional indemnity insurance required.
- (4) Establish and administer a system of inspection of legal practitioners for the purposes of the Act.
- (5) Receive and investigate complaints.
- (6) Maintain the roll of practising barristers.
- (7) Promote public awareness and disseminate information to the public in respect of legal services, including the cost of such services.

# The Legal Services Regulatory Authority

(8) Keep the Minister for Justice & Equality informed of developments in respect of the provision of legal services including their cost.

(9) Keep the Minister informed of developments in respect of the provision of legal services and make recommendations to assist the Minister in coordinating and developing policy.

(10) Undertake, commission or assist in research projects and other activities in respect of the provision of legal services which may increase public awareness and promote an improvement in standards for their provision, and make recommendations to the Minister for Justice & Equality.

(11) Perform any other functions conferred by the Act or by regulations made under it.



# Work Done to Date- Building a Regulatory Authority

- ▶ Authority 1<sup>st</sup> Meeting 26 October 2016
- ▶ 16 Meetings to Date
- ▶ Interim CEO Appointed from 1 January 2017
- ▶ Permanent CEO Appointed 14 September 2017
- ▶ Temporary Serviced Accommodation
- ▶ IT System
- ▶ Website
- ▶ Financial and Legal Services
- ▶ Recruitment of staff- Section 26 Transfers & Direct recruitment
- ▶ DPER Code of Practice for the Governance of State Bodies
- ▶ GDPR

# Work Done to Date- Statutory Reporting

- ▶ 31 March 2017 (Section 118) Public Consultation and Report in relation to the regulation, monitoring and operation of Legal Partnerships
- ▶ 31 March 2017 (Section 119) Research Report on the establishment, regulation, monitoring and operation of Multi-Disciplinary Practices
- ▶ 31 July 2017 (Section 118) Further interim report in relation to Legal Partnerships
- ▶ 29 September 2017 (Section 119) Public consultation and report on the establishment, regulation, monitoring and operation of Multi-Disciplinary Practices
- ▶ 29 September 2017 (Section 120) Public consultation and report on certain issues relating to barristers

# Work Done to Date- Statutory Reporting

- ▶ 30 September 2018 (section 34) Public consultation and Report into the arrangements for education and training of legal practitioners in the State
- ▶ 29 March 2019 (Section 6) Public consultation and Report of review of the operation of the 2015 Act

# Work Done to Date- New Business Models

## Legal Partnerships

- ▶ Introduces Barrister/Solicitor & Barrister/Barrister Partnerships
- ▶ New Model for Legal Service Delivery
- ▶ LSRA introduces the framework for Legal Partnerships
  - ▶ Code of Conduct for Barristers
  - ▶ Section 116 Regulations on operation and management of LPs
  - ▶ Section 47(1)(b) Regulations on Professional Indemnity Insurance to be maintained by LPs
  - ▶ Register of Legal Partnerships
  - ▶ May 2019

# Work Done to Date- New Business Models

## Limited Liability Partnerships

- ▶ A partner in an LLP shall not be *personally* liable for any debts, obligations or liabilities arising in contract or tort of the partnership.
- ▶ Introduces in Ireland a model commonly found elsewhere.
- ▶ LSRA introduces the framework for Limited Liability Partnerships
  - ▶ Section 130 Regulations on operation and management of LLPs
  - ▶ Section 47(1)(b) Regulations on Professional Indemnity Insurance to be maintained by LLPs
  - ▶ Application and authorisation process
  - ▶ Register of Limited Liability Partnerships
  - ▶ May 2019

# Work Done to Date-Roll of Practising Barristers

- ▶ Commenced on 29 June 2018
- ▶ Six months establishment phase
- ▶ Roll of Practising Barristers is a dynamic public-facing register of all barristers entitled to provide legal services in the State
- ▶ Criminal offence under section 136 of the 2015 Act to provide legal services as a barrister if your name is not on the Roll
- ▶ Roll to be made publicly available on the LSRA website
- ▶ Definitions of “qualified barrister”, “practising barrister” and providing “legal services as a barrister” in the 2015 Act are broad
- ▶ Publication of Roll on-line and the introduction of relevant offences.

# Next Steps and Challenges

- ▶ Establishing the Complaints Function Under Part 6 of the Act
  - ▶ Transfer of Staff under section 26 (from Law Society/Bar Council)
  - ▶ Regulations regarding complaints under section 55
  - ▶ Mediation and Informal Resolution
  - ▶ Review Committee
  - ▶ Complaints Committee
  - ▶ Legal Practitioners Disciplinary Tribunal
  - ▶ Inspections

# Next Steps and Challenges

- ▶ Staffing and Recruitment
- ▶ Accommodation
- ▶ Implementing the Levy Provisions (Part 7)
- ▶ Section 218 Advertising Regulations
- ▶ Section 34(1)(a) Further Report on Legal Education and Training
- ▶ Section 34(1)(b) Report on whether the professions should be unified
- ▶ Section 33(1) Annual report on the admission policies of the legal professions



Questions?