

Report from Law Society Council Member – Lubna Shuja

Update from Law Society Council (Meetings on 8-9 July 2015, 22 September 2015 and other activities)

I attended the Law Society Council meetings on 8-9 July 2015 and 22 September 2015 in my capacity as Council Member representing sole practitioners. I attach below a summary of the key issues raised and decisions made by the Council during those meetings. If you would like any further information, or wish to discuss any issues affecting sole practitioners, or you would like me to raise any matters with the Law Society, please do not hesitate to contact me on info@legalswan.com or on 0121 551 7866.

Employment Tribunal Fees

The government announced a review of the impact of employment tribunal fees, which were introduced in July 2013. The review will consider how effective the introduction of fees have been at meeting the original objectives to transfer some of the cost from the taxpayer to those who use the service, where they can afford to do so; encourage the use of alternative dispute resolution services; and improve the efficiency and effectiveness of the tribunal while maintaining access to justice. The Law Society will be contributing to the review. No firm timetable for the review has yet been set, other than that it is expected to be completed this year.

Statistics indicated that in 2012/13, there were on average 48,000 new claims per quarter. Figures for October to December 2014 show that there were 18,943 new claims - a decrease of over 60%. It would be difficult to deny that there are now many people who are not able to enforce their legal rights, unless starting from the unrealistic premise that over half of previous claims had no merit. In some areas there has been an even more dramatic fall - 83% in sex discrimination claims and 77% in equal pay claims.

Court closures

The government plans to close 91 courts and tribunals across England and Wales, and integrate or merge 31 more. The Law Society website has an interactive map showing the courts to be affected by the proposals, where the work would move to and how long it would take by public transport to get to the alternative courts. Members were asked to complete a short survey on potential court closures to help formulate a response to the consultation and provide case studies. A template letter is also available on the website and members are urged to lobby their MPs.

Clinical negligence

The Department of Health has begun a pre-consultation on proposals to introduce fixed costs in relation to clinical negligence claims for claimant solicitors, as part of which the Law Society hosted a focus group on 26 August 2015 alongside a web-based survey to gauge the views of members.

Legal Ombudsman Case Fees

The Law Society launched a discussion paper asking members to comment on LeO's case fee and vexatious complainants in order to assist in formulating a policy position in time for LeO's review of their Scheme Rules later in the year.

The Law Society Strategy

Council members were updated on the progress of the Law Society's strategy which will set the Society's corporate direction for the next three years and beyond. Further meetings were planned with committee chairs, in-house solicitors, representatives of the communities and sections, and other

representative bodies, including SPG, to understand more about the challenges they were facing and identify what could be learnt from their experiences. SPG Council members met with Law Society representatives on 27 July 2015 to discuss these issues. Consultation with members closed on 11 September 2015. A final version of the Strategy will be presented to Council in October.

The content of the strategy will emphasise the Society's role in protecting justice for the public, raising awareness of the benefits of using a solicitor at home and abroad, and in supporting, promoting and representing the profession. The strategy will also focus on the Society's role in influencing government and other key stakeholders to support the justice system for the benefit of members and the general public.

Net Funding Requirement and Practising Fee

Council agreed the Net Funding Requirement (NFR - the amount to be raised from the practising certificate fees) for the Law Society Group, for 2016. This needed to be done in order to set the level of fees for next year, which will remain unchanged for individuals at £320. The total to be raised from entity fees from firms will also remain unchanged, although levels paid by individual firms may change dependent on turnover.

Other updates

At the July Council meeting Andrew Caplen, the President until 9 July 2015, updated the Council on key activities he had undertaken which continued to support the three key themes set out in his presidential plan:

- Access to Justice – meetings with new solicitor MPs, including the new Lord Chancellor Michael Gove, following the general election; influencing work on criminal legal aid and court fees, including meetings with shadow spokesperson and the All Party Group on Legal Aid; and activities related to *pro bono* and domestic violence, including a collaboration with Oxfam's initiative of lawyers against poverty which led to a legal breakfast in June.
- Rule of Law - including full participation in a number of events marking the 800th anniversary of Magna Carta, presenting a paper at the Commonwealth Law Conference in April entitled 'Protecting the Protectors: the role and responsibility of the legal profession in supporting the rule of law', hosting the Graham Turnbull essay prize giving for students who had written essays addressing the impact of how proposals to repeal the Human Rights Act could impact on the protection of human rights in Britain and round the world; and chairing a debate on 'Human Rights and the Theatre of War'.

At the September Council meeting Jonathan Smithers, the new President from 9 July 2015, updated Council on activities he had undertaken. These included:

- Meeting with the Lord Chancellor and his team, to discuss a range of issues including the rule of law and access to justice, raising concerns about the impact of recent reforms such as the raising of court and tribunal fees and the criminal court charge. The Law Society stressed the importance of ensuring the availability of expert legal advice at an early stage and how this can reduce costs that would otherwise be incurred later.
- Continuing to raise concerns about the Criminal Legal Aid Tender process through political channels, and to meet with the Practitioner Groups to discuss what support could be provided. The Law Society is developing a package of support measures for criminal practitioners following the decisions over who will be awarded contracts.
- As a result of campaigning with partner organisations, the Law Society secured an improvement in the rules relating to the granting of legal aid in domestic violence cases. Further improvements are still needed, and work is continuing to secure additional changes.

The Chief Executive Officer's Update

The tender for Crime Duty Provider contracts closed on 5 May. The outcome was due to be announced in September 2015 but was delayed. A statement made by the LAA indicated they have received 1099 bids from over 500 organisations. This was significantly fewer bids than the Law Society had anticipated which may be indicative of a shortage of bids in some areas. The Society has been providing information and practical support to solicitors following the tender.

The Society sponsored a play at the Bush Theatre, London looking at the impact of the legal aid cuts. 'The Invisible' ran through July and August 2015, and was reviewed by the main national and arts media. I attended a performance and it was good to see issues around access to justice reaching new audiences. A review of the play can be found in SOLO magazine.

The Law Society Representing, Promoting and Serving the Profession

Significant work reported to Council included:

- Taking forward initiatives from the Law Society's Professional Indemnity Insurance stakeholder seminar attended by the SRA and representatives of brokers and insurers;
- Feedback from the annual Presidents' and Secretaries' conference in May 2015;
- The focus on improvements to the Law Society's Customer Relationship Management (CRM) system which aims to improve engagement with members in a targeted and relevant way.

New Law Society President

SPG congratulates Jonathan Smithers who took office as The Law Society's President on 9 July 2015. SPG also congratulates Robert Bourns who is now Vice President, and Joe Egan who is Deputy Vice President. Jonathan has a number of key aims for his year as President, including the protection of Human Rights, access to justice and influencing discussions on conveyancing and land law. SPG wish him and the office holders every success in the year ahead and offer them our support.

Lubna Shuja

SPG Law Society Council Member
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