



Classification: Public
Purpose: For noting

REPORT OF THE CHIEF EXECUTIVE OF THE LAW SOCIETY – PART 1

The issues

This edition covers the period 12 November 2015 - 11 January 2016 and provides:

- A summary of current key part 1 issues;
- Appendix 1 Key activities being undertaken by External Affairs
- Appendix 2 Key activities being undertaken by Membership services
- Appendix 3 Consultation responses
- Appendix 4 Engagement with Government and Parliament
- Appendix 5 Media coverage and recent press articles.

Remit

The Chief Executive is responsible for the overall direction and delivery of the Law Society's vision and strategy.

Statement of territorial application

This paper applies to England and Wales

Our vision

We want to be valued and trusted as a vital partner to represent, promote and support solicitors while upholding the rule of the law, legal independence, ethical values, and the principle of justice for all.

Financial, section 51 and resourcing implications

There are no financial implications.

Consultation with Finance

This report has not been sent to Finance to review.

Equality and Diversity implications

Equality and diversity issues, where appropriate, have been highlighted in the relevant Directorate reports.

This report has been prepared for Council.

CEO: Catherine Dixon
Author: Catherine Dixon
Date of report: 19 January 2016

Executive Summary

I set out below an executive summary of key issues facing the Law Society at the time of writing.

This report includes the following Appendices:

- A summary of current key part 1 issues;
- Appendix 1 Key activities being undertaken by External Affairs
- Appendix 2 Key activities being undertaken by Membership services
- Appendix 3 Consultation responses
- Appendix 4 Engagement with Government and Parliament
- Appendix 5 Media coverage and recent press articles.

CEO Key activities

1. Law Society Strategy

Following the launch of the Law Society Strategy in November, we will soon be launching our report on 'The Future of Legal Services'. The report identifies five drivers for change in the market for legal services. With the upcoming Competition and Markets Authority study of the legal services market and the government consultation on the separation of regulation from professional bodies, it is timely to look at all of the factors driving change for consumers and the solicitor profession.

The report will be launched on Thursday 28 January. The Gazette will be promoting the report online on Thursday 28 January and in print on Monday 2 February.

The report has been previewed in a number of speeches and interviews since the New Year and was shared with key media and stakeholders under embargo before the launch to enable them to prepare responses and coverage.

We wrote to a wide range of stakeholders with an interest in the market for legal services and the upcoming consultation on separation and the CMA study to share the report. We are also planning events around the drivers for change in the market for legal services to keep our thinking on the agenda.

2. Separation

On 30 November 2015, HM Treasury published a policy paper entitled 'A Better Deal: boosting competition to bring down bills for families and firms'¹. This also signalled that there would be a consultation on the separation of the representative bodies from the regulators in legal services; paragraph 2.11 stated:

“The government will launch a consultation by spring 2016 on removing barriers to entry for alternative business models in legal services, and on making legal service regulators independent from their representative bodies. This will create a fairer, more balanced regulatory regime for England and Wales that encourages competition, making it easier for businesses such as supermarkets and estate agents among others, to offer legal services like conveyancing, probate and litigation.”

¹ <https://www.gov.uk/government/publications/a-better-deal-boosting-competition-to-bring-down-bills-for-families-and-firms>

As yet, there is no further detail relating to this consultation or its implications for the Society. Clearly, any consultation on this issue poses some risks to TLS but it also represents an opportunity for us to position ourselves for the future. Consideration of the implications and the preparations for it has already begun with a view to ensuring that the various interrelated strands of ongoing work are co-ordinated.

3. Competition & Markets Authority Study on the supply of Legal Services in England and Wales

On 13 January, the CMA formally launched its Market Study Notice in relation to the supply of legal services in England and Wales. The CMA's role is to promote competition for the benefit of consumers. The CMA will examine 'long-standing concerns about the affordability of legal services and standards of service' and will look at:

- whether customers can drive effective competition by making informed purchasing decisions
- whether customers are adequately protected from potential harm or can obtain satisfactory redress if legal services go wrong
- how regulation and the regulatory framework impact on competition for the supply of legal services.
- The study will focus on individual consumers and SMEs on the basis that they are less likely to be repeat purchasers of legal services or to have access to expert advice to inform those purchases compared to medium to large businesses. The scope of legal services considered will be broad including conveyancing, immigration and will writing, but will not include crime.

The CMA requests initial responses to the scope of the study by 3 February 2016. An interim report will be published in July with a final report in December. The Society will be engaging with the CMA during the life of the study.

We will be pressing the issue of an unfair regulatory playing field, where solicitors are disadvantaged by overly burdensome regulation, which does not service the public or meet business need, while unregulated competitors provide services which do not have the same levels of protections to the unknowing public.

4. Criminal Legal Aid

An alliance of firms and criminal legal aid practitioners led by Karen Todner and GT Stewart, began JR proceedings challenging the duty solicitor tender process on the basis that the evaluation was flawed on 12 November. We have been named as an interested party in the proceedings. We have made representations within the proceedings, but these have been limited to seeking to ensure that matters are dealt with as swiftly as possible, so as to achieve certainty for all our members. As the evidence emerges, we will continue to keep matters under review.

The LAA has now established interim contracts and duty rotas for the period 11 January - 31 March. It is the LAA's stated intention to implement all of the new Own Client Contracts with effect from 1 April, and to implement the duty contracts where they can, subject to the ongoing litigation. Where they are unable to do so, they will 'bolt on' a duty scheme based on current rules to the new contracts.

Following the directions hearing on 21 December, we now know that the judicial review is scheduled for hearing on 7 April, and the Part 7 claims on 3 May. Even if the litigation was resolved swiftly in favour of the MoJ, and there was no appeal, the LAA still has to give firms a three month mobilisation period once certainty is achieved. Realistically it is not going to be possible for services to start under the new contracts before September 2016 at the earliest.

We also launched an interactive 'heat map' for members to highlight the areas where the LAA is facing legal challenges and the scale of proposed legal action, to help share intelligence and secure media coverage for the issue. In relation to further support for our members, we have a package of support materials for criminal legal aid practitioners and we will be releasing these during the mobilisation period once contracts have been awarded

We have called for there to be an independent review of the tender evaluation process and suggested that the LAA consider alternative ways of resolving the disputes in order to reach a quick resolution and to save costs.

We have written to Ministers, the Justice Select Committee and PAC (Public Accounts Committee) to voice our concerns.

Following widespread speculation that the two tier criminal duty tender process will be abandoned by government, the Law Society contacted the Legal Aid Agency (LAA) to ascertain the position and called on them and the Ministry of Justice (MoJ) to issue an urgent public statement to provide certainty for all involved in the contract procurement process.

The LAA advised the Law Society on 18 January 2016 that there had been no change of policy. However, the LAA said that ministers review policy on a regular basis. The Law Society therefore wrote to the Minister on 19 January 2016 to ask for urgent clarification of plans for the future of the legal aid duty service which offers advice to some of the most vulnerable clients. We published a copy of this letter on our website.

5. Civil Courts Structure

Lord Justice Briggs published his interim report on 12 January, and announced a further consultation, closing at the end of February 2016, with his final report due before the end of the Summer. We will be responding to the second consultation and, in due course, the Government's consultation on their proposals following his final report. In the meantime, I have written to Lord Justice Briggs in response to his interim report, requesting a meeting.

Lord Justice Briggs is proposing an on-line court. It is not clear whether the costs of legal advice will be recoverable by the successful party or what areas of law the on-line court will cover or how vulnerable claimants will be supported.

6. EU referendum

Following the launch of the Law Society's main EU report and the economic modelling commissioned from Oxford Economics, we have continued to engage with key stakeholders on the issue of EU membership. We submitted evidence to the Treasury Select Committee's inquiry into EU membership. The Gazette will be hosting a roundtable early in 2016 on the issue. We are also planning a number of public debates and seminars to engage members, and the wider public, in 2016.

7. Possible introduction of fixed fees for low value clinical negligence cases

The Government consultation has been pushed back further and we now expect it to be published at some point from the end of February. Preparatory work is ongoing, including a data collection exercise to assist with analysis of claimant costs at the various stages of case preparation. Alongside this we have been developing a draft scheme for cases below £25,000 (in line with the Society's response to the pre-consultation), which would entail a measure of frontloading to strengthen the triaging of claims and improving the prospects of early settlement while avoiding unintended consequences and ensuring that access to justice is maintained. In developing this draft scheme, we have drawn on stakeholder discussions around our response to the pre-consultation along with input volunteered by

some claimant and defendant solicitors. An initial discussion with NHSLA senior staff suggests our developing proposal could find favour and LAPB has approved it as a basis for confidential discussions with DH ahead of the formal consultation.

8. Advocacy

We have submitted responses to the Ministry of Justice's consultation, *Enhancing the Quality of Criminal Advocacy* and the Solicitors Regulation Authority on the implementation of the Quality Assurance Scheme for (Criminal) Advocates; the responses will be published in the Spring. The next working group meeting will focus on advocacy in the context of education and training. In particular the group will be discussing amongst other things, the current provision of training for solicitors, the Higher Rights of Audience qualification and possible courses of action for the Law Society.

We are working on the delivery of vulnerable witness training to our members. The ATC (through Lord Justice Rook), has confirmed that the training materials will be made available. The first part will be on-line. The second will be face to face training therefore facilitators will require training to deliver this part.

9. Legal Education and Training

On 7 December the SRA released a consultation looking at how the Competence Statement for solicitors (which sets out a level of competence against skills and legal knowledge) will be assessed for entry to the profession. A response is required by 4 March 2016. The proposals from the SRA centre around a series of centralised assessments for knowledge and skills, possibly without any pre-requisites for education or training or regulated pathways to qualification, bar the possibility of some form of work-based experience.

In September 2015 the Law Society responded to the SRA's engagement document, setting out serious concerns about the proposals and our preferred route to entry, and highlighting that the SRA was yet to undertake an Equality Impact Assessment (EIA). The SRA has addressed some of these concerns in their consultation paper but remains set on centralised assessment and the removal of regulated pathways to entry.

This SRA consultation is the first of two, the second of which is planned for summer 2016 to look at entry requirements for the assessments and pre-qualification work experience. The current consultation paper looks to explore these issues and gather information but not to make any decisions as yet. It contains little real detail on the assessments, or any detail on the assessment framework, which is due to be published at the end of 2016.

The Law Society's views are not likely to be materially different from those put across in the earlier response, although a formal response is still being drafted. This is being discussed by the Education and Training Committee on 20 January and has been seen by the Equality, Diversity and Inclusion Committee and the In-house Committee.

10. Consultation on Small Claims and Minor Soft Tissue Injuries

In the Autumn Spending Review the Government announced its intention to introduce measures to abolish the right to general damages for soft tissue injuries and increasing the small claims track for personal injuries to £5,000.00. The consultation is due to be released in late March 2016.

As an essential part of the civil justice system, the small claims procedure is designed to handle low-value disputes, including debt and contract matters. It enables the public and businesses to pursue low-value claims with the aim of resolving them quickly and fairly. The small claims procedure is not suitable for more complex, higher-value cases. This is recognised in that the small claims limit for personal injury is currently £1,000. Many personal injury claims, even at lower value, can be complex and result in an inequality of

arms where the claimant is unrepresented and seeking to bring a claim against a defendant who can afford to take legal advice. An exclusion of the right to damages for pain and suffering for one particular type of genuine injury attacks one of the fundamental principles of tort law. I highlighted these and other concerns in an article published in the Gazette on 18 January.

We will be raising our concerns with parliamentarians so they understand the full impact that these proposals would have on the ability of claimants to secure proper compensation. We are building the case to show the damage to access to justice for injury victims and we are joining forces with the Association of Personal Injury Lawyers, the Motor Accident Solicitors Society and others to work to encourage the government to reconsider its proposals. We shall also be engaging with other stakeholders, commissioning research and we will shortly be surveying our members on the issue. We expect the Government consultation in late February or March and we will be responding robustly.

11. Criminal Courts Charge

On 3 December the Ministry of Justice announced that the criminal courts charge would be abolished from 24 December 2015, pending a wider review of penalties, fines and charges in the criminal courts. We await further details from MoJ. On 9 February we will be giving oral evidence to the Justice Select Committee on the subject of court fees and charges as part of its inquiry. The President will be speaking on behalf of the Society.

We are pleased that the Lord Chancellor has announced the change as we lobbied heavily for the charge to be abolished.

12. Court and Tribunal Closures

We await the publication of the Government's decisions following the consultation on the court and tribunal estate, which ended last October. However, the Government has indicated that it intends for the proceeds from the sale of what it regards as surplus properties should fund the modernisation of the courts, so it seems likely they will not be looking to make major concessions.

13. Draft Investigatory Powers Bill

On Tuesday 8 December, the APPG for Legal and Constitutional Affairs and the APPG for Rule of Law, hosted a joint parliamentary meeting on the draft Investigatory Powers Bill which was attended by a number of members of the joint committee scrutinising the bill. A number of high profile external speakers also attended, including Professor Sir David Omand, Peter Carter QC and David Anderson QC, and was chaired by Lord Lester QC. The secretariat to the APPG on Legal and Constitutional Affairs is provided by the Law Society and the Bar Council. The secretariat to the APPG on Rule of Law is provided by the Bingham Centre.

14. Legal Professional Privilege

On 14 December the Law Society was called to give oral evidence on legal professional privilege to the parliamentary committee on the Draft Investigatory Powers Bill. Colin Passmore, Senior Partner at Simmons and Simmons, was put forward as our expert witness, and we briefed him on our policy position ahead of the session. During the session we called for legal professional privilege to be provided as an exception in the Investigatory Powers Bill. We also suggested that the code of practice that follows the Bill should contain a clear statement of what legal professional privilege is and why it is important; a clear explanation of what the iniquity exception is; and a statement about the consequences for breaking it. Representatives from the Society of Editors, the National Union of Journalists and the Law Society of Scotland were also on the panel. Further oral evidence sessions have taken place, including a session with home secretary Theresa May on 13 January.

15. Pro-bono

In the past few months we have been in conversation with the City of London Law Society, the Civil Justice Council and the Ministry of Justice, about Michael Gove's call for a profession-wide "offer" on pro bono. We are consulting on our own strategy, whilst also offering assistance and support to other solicitor-lead groups who are developing strategies in this area.

In addition to our influencing work, we have also convened an editorial committee made up of solicitors from 10 member firms, who will be compiling the England & Wales Pro Bono Manual (due to be published for National Pro Bono Week 2016). This will be a comprehensive resource for all solicitors engaging or seeking to engage in pro bono work.

16. Research and Insight

There were 1194 unique downloads of research reports in November 2015 (up 27% on November 2014) and 2,251 unique page views (up 2% on November 2014).

The Research and Insight Team continues to work on a variety of projects and reports (internal and external).

17. Delivery of the business plan

Following the Council's approval of the business plan on 28 October, we have been working on a process to monitor and report on the progress of the portfolio of projects and business as usual, to enable us to track progress against the delivery of the business plan.

We are also working on the Year End Performance Report 2014/15 and a new Law Society performance report for 2015/16, which will include updates on business as usual (BAU) activities from the business plan against targets, as well as progress on the key projects in the business plan. A draft report will be available by the end of Quarter 1.

Appendix 1

This report provides a summary of the work undertaken within the Law Society's External Affairs directorate since the Council's last meeting on 9 December 2015.

1. The Law Society's strategy and business plan in 2015-16

The new strategy and business plan set out how we will deliver the Society's vision of representing, promoting and supporting solicitors in 2016 and beyond. A large part of this work will focus on actively campaigning on issues of importance to our members. In pursuit of this vision we are focusing on three major streams of campaigning work:

- justice for all
- solicitor brand
- human rights and fundamental freedoms

This report will therefore provide a summary of work undertaken against each of these activities and some highlights from the directorate's general activity in support of the business plan.

2. Campaigns

Justice for all

Aims and objectives: As part of the strategy and business plan, we will campaign to protect justice for all, supporting our members to deliver sustainable and affordable legal services and focusing on ensuring access to justice for all our citizens, irrespective of their background.

Access to justice

We have taken the opportunity to brief and influence politicians in key debates on access to justice on a number of occasions. During justice oral questions on 8 December, the President was quoted by Labour MP Huw Irranca-Davies with his comment on court closures.

"Combined with the further planned increases in court fees and reductions in eligibility for legal aid, many of the proposed closures will serve to deepen the inequalities in the justice system between those who can and cannot afford to pay?"

During the exchange, the Lord Chancellor stated that the criminal court charge has been paused and will await the findings of the wider review into court charges on offenders. He confirmed that the charge would be scrapped on 24 December 2015.

On 10 December Labour peer Lord Howarth of Newport led a debate on the future of legal aid where a number of peers, many of whom were previously solicitors and barristers, raised their concerns about the impact of the recent changes. Within the debate the Law Society and the President were referenced on a number of occasions. The most significant comments came in the Minister's response when he said that the spending review settlement with the Treasury for the next five years leaves legal aid almost untouched. He went on to say that the changes had focused legal aid where it was needed, and on the most important cases, and tried to assure fellows peers that "this Government does not want to abandon legal aid."

On Tuesday 15 December Labour MP Carolyn Harris led a debate on legal aid and access to justice in Wales. 10 MPs representing Welsh constituencies (and SNP MP Richard Arkless who covers the Justice brief) spoke in the debate. We briefed Carolyn Harris through a Law Society member in Wales and she referenced the Law Society on a number of occasions during the debate. Quoting the president of the Law Society stating that the

Item 11 CEO Report to Council February 2016

© 2016 The Law Society

criminal duty tender process has a “serious risk of a knock-on effect on access to justice for clients”.

When responding to the debate, Minister for Justice Shailesh Vara's main comments were:

- Access to justice doesn't always mean access to a court and the Government's commitment to investing £700 million in to the court service. He noted that victims will find it easier to get to courts as they want to encourage video-conferencing suites in community facilities
- Specifically he noted that encouragement of mediation will be part of the reforms saying “for the taxpayer, who would otherwise be paying solicitors, barristers and for time in court, there will be a saving”
- On the Welsh language, he made it clear that Welsh-speaking users can call the Civil Legal Advice Welsh-language operator service, but did not address concerns about the Welsh language impact assessment before the closures were proposed
- In response to concerns around the rise in litigants in person, Vara reiterated that the Government has provided £2 million for a strategy led by the advice, voluntary and pro bono sector to maximise support.

3. Solicitor brand

Aims and objectives: As part of the strategy and business plan, we will develop and launch a campaign to promote the solicitor brand. This will build pride in the profession, promote the value of legal services to civil society, and communicate the benefits of using a solicitor. It will differentiate solicitors from other providers of legal services, to the public, and to personal and business clients, so people can make informed decisions when choosing a solicitor.

Our research agency, Mustard, has completed focus groups with members, businesses and the public, exploring ideas around the solicitor title and brand. Membership Board helped us to select the agency and attended the 'kick-off' meeting to advise on the suggested format and audience for the focus groups. We have received an initial summary of the feedback from the sessions.

The headline findings of the research were discussed at a collaborative workshop with Membership Board and other invitees on 14 January. The report on the research and any recommendations arising from it will be available shortly.

We appointed an agency in January to deliver the Consumer Campaign and Solicitor Brand in 2016/17. The focus of the agency's work will be to:

- continue the Consumer Campaign work (social media) in the first quarter
- develop a Solicitor Brand campaign which will be our major campaign from May to October 2015/16
- continue to develop the Solicitor Brand campaign for a second campaign period in 2016/17.

4. Human rights and fundamental freedoms

Aims and objectives: As part of the strategy and business plan, we will strive to protect human rights and fundamental freedoms, and campaign to ensure that human rights are not eroded.

On 10 December we celebrated International Human Rights Day with a number of events at the Law Society.

Over 180 guests attended our carol service including members, parliamentarians and staff. The readers were Lord Thomas, Lord Chief Justice of England and Wales, Baroness Hale, Deputy President of the Supreme Court, Mr Justice Robin Knowles and Max Harris, former chair of the Junior Lawyers Division. Shami Chakrabarti, Director at Liberty, gave an address on the importance of working together to protect human rights across the world.

Following the carol service over 120 guests attended our reception including Bob Neill, chair of the Justice Select Committee. The President paid tribute to the people who are on the frontline of the defence of human rights, including some presidents and bar leaders who deliver their professional duties at the expense of their own personal safety. Andrea Coomber, Director at JUSTICE, shared her own experience in promoting human rights and the challenges that journalists and human rights defenders face in other countries.

We also hosted a seminar on freedom of expression to mark the importance of International human rights day and European Lawyer Day, which was attended by over 70 stakeholders. The President chaired the seminar and highlighted the importance of freedom of expression for the legal profession. International speakers included Ramute Remezaite (Azerbaijan), Mandira Sharm (Nepal), Dina Meza (Honduras) and Christina Michalo (a barrister practising on intellectual property).

A seminar on the future of human rights took place to close the 'human rights in collaboration' initiative which brought together the legal profession, academics and charities to raise awareness on topical issues. Over 40 people attended the event. Speakers included Nicole Bigby, BLP, Fiona de Londras and Professor Rosa Freedman from the University of Birmingham.

The President also wrote a letter to the editor of The Times highlighting that lawyers play a vital role upholding human rights which was published. The letter is available here:

<http://www.lawsociety.org.uk/news/letters/lawyers-play-a-vital-role-upholding-human-rights/>.

In addition, Preetha Gopalan, junior lawyer and an associate at Olswang, wrote a blog on her experience of working with young people in schools to increase their understanding of the law.

The blog is available here: <http://www.lawsociety.org.uk/news/blog/raising-awareness-of-youth-justice/>

Other work

5. Relationship Management, including Wales

Business plan - key activities for 2015-16:

- Ensure the recommendations from the review of relationship management support national influencing and build relationships and opportunities to promote benefits to our members. Implement the relationship management review and measure and report on the impact, actively making adjustments as necessary.
- Develop our reporting of relationship management intelligence to give insight into key markets for colleagues.

With the recent launch of the In-house Division and the growth of in-house as a key area of the Law Society's strategy, the Relationship Management team have been meeting with in-house members in England and Wales to understand their businesses, challenges, views on the Law Society and the kind of support they would like us to provide. We have found

members to be keen to speak to us, very open with their views, and pleased that the Law Society is engaging with them.

Recent insight has also been gathered by the Relationship Management team on the following areas:

SRA

The SRA has been encouraging firms to apply for ABS status and look at the separate business rules. Making the ABS process 'easier' has been welcomed as it has been a decisive factor in the past for some firms.

Cyber security

Firms are receiving a lot information about cyber security from suppliers. They would appreciate guidance on best providers, and would welcome a steer from the Law Society.

6. International, including Brussels and the City

Business plan - key activities for 2015-16:

- Explain and promote the relevance and importance of England and Wales as the jurisdiction of choice, and work to ensure this is not undermined.
- Focus on the priority markets to promote England and Wales as the jurisdiction of choice and open up legal markets to our members.
- Implement the outcome of the Brussels office strategic and operational review.

The review of the Brussels Office has been completed. The findings and recommendations were reported to Management Board and Membership Board. Key recommendations focus on developing our member engagement with the Brussels Office, and utilising our presence in Brussels more effectively to build on our EU-level lobbying. Implementation of the recommendations has been incorporated into the business plan and reporting on progress will be presented at future Council meetings.

The President and representatives from the International team attended LAWASIA in November 2015. LAWASIA is a premier platform to showcase the Law Society's thought leadership work on Business and Human Rights to a prime audience made up of Asian Pacific bar associations, practitioners, academics and policy makers. It was also a unique opportunity to engage with the Asian legal professions that rarely travel outside Asia whose jurisdiction are of importance to our members (Indonesia, Thailand, Vietnam, the Philippines, Pakistan, Taiwan). Seven of the Law Society's priority markets (Australia, South Korea, Japan, India, Singapore, Malaysia and Indonesia) were actively involved in the LAWASIA conference and its leadership.

The President made opening remarks at a joint reception with the Law Council of Australia and chaired the Law Society sponsored panel on Business and Human Rights.

The Law Society also hosted an event to mark the EU ratification of the Choice of Courts Convention on 13 November 2015. The Convention entered into force for the EU on 1 October 2015, creating an optional worldwide framework for jurisdiction, recognition and enforcement of judgments in civil and commercial matters. According to the EU, the Convention has the potential to become a worldwide legal basis for the recognition and enforcement of judgments resulting from a choice of court agreement between the EU and other parties. This promotes international trade and investment by offering greater certainty for parties involved in business-to-business contracts and international litigation, adding greater certainty in recognition and enforcement of judgments in the participating states.

The International team met with 20 UK Trade and Investment (UKTI) officers from across the globe as part of a five day development programme for overseas UKTI Financial &

Professional Services colleagues - Delivering Through Sector Knowledge. We were able to brief them on the value and importance of the legal sector and develop their understanding of where legal services could be promoted internationally.

We also delivered English Law Week in Russia, in partnership with the Bar Council of England and Wales, the Russian Federal Chambers of Lawyers, the Moscow Chamber of Advocates, the St Petersburg Chamber of Advocates, the British Russian Law Association and the Anglo-Russian Law Association.

The International team and the President attended the Paris Bar Rentrée 10-13 December 2015. The Rentrée du Barreau de Paris is their most solemn annual event. To demonstrate our commitment to our relationship with the Paris Bar, one of our key peer organisations in the EU, we participate every year (as does the Paris Bar to our OLY).

Roundtables with international guests were organised on the topics of Business and Human Rights and Alternative Dispute Resolution. The Journée Internationale was followed by the launch of a new international Observatory for lawyers at risk, a joint initiative of the Paris Bar and the Conseil National des Barreaux (CNB – umbrella organisation of all 161 French Bars).

The President and Head of City and International attended the IBA Africa Regional Forum conference in Livingstone, Zambia from 18-20 November 2015. The President spoke on a panel entitled “Excellence in Leadership: The Role of Bar Associations in a Changing World” during the African Bar Leaders’ Conference on Day 1, while Stephen Denyer moderated a session entitled “What clients expect of African law firms: a panel of African in-house legal counsel”. We also held one-to-one meetings with bar leaders and senior lawyers from priority jurisdictions (Ghana, Nigeria, and Kenya) and elsewhere (Zambia and Zimbabwe).

The conference was attended by over 150 lawyers from across Africa, including many prominent individuals in our key jurisdictions. A much smaller number of participants came from outside Africa, including several of our own members. The Law Society and the American Bar Association were the only non-Africa bars represented at the conference. The event was an important opportunity to demonstrate the Society's commitment to supporting the development of the legal profession across Africa, as well as to meet various key contacts and explore future collaboration. It was also a chance to promote the high-quality services and innovative thinking offered by the English legal profession as a whole.

7. Law Society Gazette

Business plan - key activities for 2015-16:

- Undertake a full review of the Law Society Gazette to ensure it continues to be relevant to our members and to provide a sustainable base for its future success.
- Host and report on Gazette roundtables/features on the following topics; access to justice; human rights; corporate social responsibility; international jurisdictions; career progression' professional and ethical values.

Traffic to the Gazette's website, Lawgazette.co.uk has increased year on year by an average of 50% in October and November. The introduction of the likes and dislikes to comments has been well received and aids feedback on important topics.

The take up of the Gazette app is now over 7000 and magazine circulation has dropped by over 5,000 in the final quarter of 2015. The financial year November 2014 - October 2016 shows an 105% increase in the Gazette contribution. Online advertising is over £900,000 and we hope to exceed this in 2016.

8. Public Affairs

Business plan - key activities for 2015-16:

- Develop a strategy for effectively influencing government and other key stakeholders which is measurable.
- Actively campaign on issues of importance to our members and ensure we discharge our public interest role in promoting justice for all, protecting human rights and fundamental freedoms.
- Implement the planned strategic approach to stakeholder engagement, be recognised by members for speaking on their behalf effectively and appropriately – both domestically and abroad.

We are currently implementing our stakeholder engagement plan through the following actions:

- Relationship management software is now being used to track and record the Law Society's interactions with parliamentarians and ministers. By using the 'People Point' tool in DeHavilland's portal, the Public Affairs team is coordinating parliamentary engagement across the organisation. This includes logging activities, uploading the notes of the meetings, keeping track of follow-up letters and actions.
- The CRM team is analysing the data in the 'stakeholder engagement tracker' (referenced in the previous External Affairs update to Membership Board on 4 November) with the view to import, review and cleanse the information related to non-political stakeholders in the following weeks.
- ComRes was commissioned to conduct an 'MP reputation tracking poll' which benchmarks the reputation of the Law Society among MPs using four metrics familiarity, favourability, trust and effectiveness of communications. The poll was conducted between November and December 2015 and the main findings showed:
 - The Law Society experienced an improvement in reputation, giving it the second highest overall reputation of professional bodies tested among MPs. It was only surpassed by the Royal College of Nursing.² In last year's poll the Law Society ranked fourth out of the professional bodies tested (which are the same as those tested in 2015), although the composition of Parliament was different as it was before the 2015 election.
 - We perform within the top 5 organisations on each metric tested, indicating a consistent strong reputation among MPs compared with other professional bodies.

Some of the detailed findings are:

- One in five MPs say that they are very familiar with the Law Society and only 13% say that they are unfamiliar.

² The Royal College ranked first (13.86 overall score), the Law Society second (13.38 overall score), the Royal Institution of Chartered Surveyors ranked third (13.11 overall score), the Royal College of General Practitioners ranked fourth (12.81 overall score) and the British Medical Association ranked fifth (12.76). The Bar Council ranked eighth in the poll.

- Trust in the Law Society has increased notably since the General Election, 45% of MPs say that they trust our briefings, although 43% gave a rating of 3 out of 5 indicating some ambivalence on the issue.
- The Law Society and the Bar Council fall in the middle range of favourability score. MPs view the Law Society quite favourably but only 8% of MPs view the Society very favourably indicating there is still room to increase MPs opinions.
- On effective communication we have the third highest score out of those organisations tested. However, only one in ten MPs say that the Law Society is very effective at communicating, showing that there is room for improvement.

The Law Society has a higher reputation among Labour and SNP MPs than among Conservative MPs, in line with findings across all professional bodies. However, the Law Society ranks within the top four professional bodies tested with all three main political parties, indicating a strong reputation across the House.

The Public Affairs team will use this insight to refresh the Society's influencing strategy in Parliament.

In addition, our engagement with influential think tanks and academics continues:

- We met with the Legatum Institute and discussed potential areas for collaboration on thought leadership events related to the values in society, rule of law, corporate governance and responsible capitalism. We are also engaging with other think tanks to increase the Society's viability with these and other major political and policy influencers
- We met with Phillip Wood from Allen and Overy (visiting Professor at Oxford University, London School of Economics, Queen Mary College and Cambridge University) to discuss his research on ethics and law and we are planning a panel discussion event to coincide with the publication of his new book on the issue.
- We are working with Oscar Guardiola-Rivera, reader in law and assistant Dean at Birkbeck College – University of London to gather further sources and insight for office holder speeches.

9. Communications and Marketing

Business plan - key activities for 2015-16:

- Work collaboratively with Membership Services to develop and deliver a digital strategy to support improved member communications, engagement and service delivery. This will include:
 - Joining up our information, communication and marketing in ways which are based on members' interests.
 - Improving the personalisation of our offer to members by launching and developing My Law Society.

The Law Society strategy and three year business plan were launched externally in early November.

My Law Society (MLS) is currently being tested by Council members, with wider testing with the membership due to take place in January 2016.

Following testing, a launch date will be agreed with communications scheduled in the weekly CEO update to Council and committee members, Professional Update, other e-newsletters, the Gazette, email signatures and social media. Marketing activity will then begin to encourage members to sign up to My Law Society and update their Find a Solicitor profile.

Our website homepage redesign has had a significant impact. The average time spent on the home page has risen by over 200% since the new carousel and dynamic feeds and blog were introduced.

Our new blog feature has an average of 500 views for each new post. The social media Klout score is a number between 1-100 that represents your social media influence. The Law Society now has a Klout score of 63. This score puts us in the top 5 per cent of social media users.

Appendix 2

Membership services key activities

1. Communities

A New JLD executive committee has been elected for 2015-16. The incoming chair is Leanne Maund (formerly JLD vice chair). After reading law at University College London, Leanne completed her LPC at Nottingham Law School in 2012. She qualified as a solicitor in September 2014 and is currently an associate in the corporate team at Eversheds' Nottingham office. The new vice chair is Bryan Scant. Bryan graduated from Bournemouth University in 2010 before undertaking his LPC at the College of Law in London. Bryan is a solicitor at Lester Aldridge based in their Bournemouth office where he specialises in disputes involving children and matrimonial finances.

Judge Ian S. Forrester of European Union General Court was the guest speaker at the Competition Section annual dinner and awards. The Horsfall Turner Essay Competition winners were announced - first prize was awarded to Ms Jasminder Chaytor, a trainee solicitor at Berwin Leighton Paisner and the highly commended prizes went to Mr Ali Sadek, a trainee solicitor at Freshfields and Ms Laura K. Elliott, a trainee solicitor at Cooley (UK) LLP.

2. Corporate Responsibility Equality & Diversity (CRED)

The Social Mobility Ambassadors Project was launched at the Excellence Awards with a pop up gallery of portraits of the ambassadors together with their inspirational messages. Social mobility ambassador, Diversity Access Scheme alumnus and Linklaters Senior Associate, Amanda Sanchez-Barry told her story of how she worked to gain entry into the profession over a VT during the awards ceremony.

On 9 November we launched the Equal Pay Toolkit and Practice Note. In 2014 the gender pay gap across all private practice solicitors in England stood at 30% (Law Society 2014). There is evidence to suggest law firms are beginning to take equal pay gaps seriously. For example, in 2013 the Law Society's Diversity and Inclusion Charter showed 45% of large firms had a written commitment to equal pay and had plans to conduct an equal pay review. However, only 22% of firms had actually completed an equal pay audit and were following processes to ensure equal pay.

The Gazette held a roundtable hot topic discussion event on social mobility on 17 November (published 8 December). The discussion was attended by Vice-President, Robert Bourns, alongside representatives from universities, the Sutton Trust, Law Society social mobility ambassadors and key senior legal figures involved in social mobility initiatives, including Barry Matthews.

3. CPD Centre

- Between 29 October and 16 December 2015 we held 11 webinars.
- We also hosted 12 ad hoc webinars, including nine mentoring webinar sessions, two judicial appointments and a session on presentation skills for careers.
- The most popular webinar was residential property update for the Property section which had 155 viewings.
- As of 16 December the total number of registered members of the CPD centre was 52,475. This is up from 39,289 in October 2014 – an increase of 34%

4. Events

From 29 October to 16 December 2015, the events team delivered 45 face-to-face events. The event types included: Commercial events (7); Corporate/Low cost/free of charge events (32); Admission ceremonies (5) and the Excellence Awards ceremony. This compares to 106 events over the same time period in 2014.

Approximately 6,023 people attended the 45 face-to-face events which offered 80 hours of CPD.

The Excellence Awards ceremony took place on 22 October and was attended by 614 people.

5. Library

In November Michael Maher visited Devon and Somerset Law Society Practice Management conference (DASLS) to promote library services and also Bristol Law Society's quarterly board meeting to talk about how the library is supporting members working outside of London. An article about library services has been written for Northampton Law Society's local members' newsletter. Two public library tours were carried out and attended by a mixture of solicitors, new trainees and law librarians.

Legal research and LawDocs requests from members averaged 901 per month for October-November, a sharp rise of 20% compared to August-September. Member footfall into the library was 687 for November, averaging out at 32 members visiting the library each day. The library Twitter account continues to grow and stood at 1,595 followers by mid-December, up 7.3% on beginning of November.

6. Publications and forms

At the end of October we published a number of titles including:

- Conveyancing Handbook 22nd Edition – so far this title has sold 1,981 copies.
- Assessment of Mental Capacity 4th Edition – so far this title has sold 316 copies.

Both titles have also been produced as eBooks. Members can purchase the printed copy and eBook copy for a discounted bundle price.

7. Membership Services and Support Centre

Quarter on quarter call volumes between 29 October to 16 December 2015 increased across all teams. When compared to data for 2014 the Practice Advice Service (PAS) saw an increase in calls of 1%, taking 3,549 calls. The Find a Solicitor team (FAS) saw an increase of 19% taking 12,807 calls. The Support centre call volumes increased compared to the last quarter however, when compared to the same time period last year their call volumes decreased by 14% (6,801 calls) The Service levels and abandonment rate targets were met by all teams.

The PAS and Support Centre teams continue to survey callers and between 29 October to 16 December 2015 achieved satisfaction scores of 100% from 32 callers for PAS and 97% from 56 callers for The Support Centre. The FAS team will begin transferring callers to a survey from January.

In November three members of the PAS team attended The Law Society's Anti money laundering (AML) conference and used the opportunity to promote the work of PAS, and highlight the teams AML helpline. Calls in November 2015 to the AML helpline were 32% higher than November 2014. Calls on Client Due Diligence and Source of Funds were the most voluminous. These were followed by queries on when and how to make a report to the National Crime Agency.

The Practice Advice Service technical lead has been working alongside other members of the scam prevention group to prepare advice for members on how to prevent scams. This piece of work should be made available to members by March 2016.

Appendix 3

Consultation responses

During the period, the Law Society has made the following responses to consultations or calls for evidence (<http://www.lawsociety.org.uk/policy-campaigns/consultation-responses/>):

- Review of claims management regulation [HMT/MOJ]
- Civil Courts Structure [Briggs LJ]
- Extradition & Transit Codes of Practice [Home Office]
- Housing and Planning Bill [House of Commons Public Bill Committee]
- Destination of Family Appeals [MOJ]
- Amendments to the Civil Costs Assessment Guidance [LAA]
- Preserving and Enhancing the Quality of Criminal Advocacy [MoJ]
- Revision of the Mental Health Act 1983 Code of Practice for Wales [Wales Government]
- Code of Practice in relation to Maritime Enforcement (arrest) Powers under the Modern Slavery Act [Home Office]
- Late payment and 'grossly unfair' terms and practices [BIS]
- Tackling exploitation in the labour market [BIS]
- Minor amendment to the family mediation specification [LAA]
- Application of Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters [European Commission]
- Costs Protection in Environmental Claims [MOJ]
- Fees for QC applications [QC Appointments]
- Transitional arrangements for the repeal of section 52 of the Copyright, Designs and Patents Act 1988 [IPO]
- Modernising VAT for cross-border e-commerce [European Commission]
- Call for Inputs on competition in the mortgage sector [FCA]
- Quality Assurance Scheme for Advocates (QASA) [SRA]
- Geo-blocking and other geographically based restrictions when shopping and accessing information in the EU [European Commission]
- Draft Investigatory Powers Bill [Joint Committee on the Investigatory Powers Bill]
- European Venture Capital Funds and European Social Entrepreneurship Regulations [European Commission]
- Re-launch of the Common Consolidated Corporate Tax Base (CCCTB) [European Commission]
- Minor technical change to the Proceeds of Crime Act Regulations 2002 [MOJ]
- Tax deductibility of corporate interest expense [HMT]

Appendix 4

Engagement with government and Parliament

We have taken the opportunity to brief and influence politicians in key debates on a number of occasions:

- On 17 November Labour MP Tulip Siddiq secured a short debate on the criminal courts charge. She mentioned the Law Society: "access to the court system is not, as the Government have put it, part of the welfare state. I prefer to agree with the Law Society, which said that the court system should be seen as part of the...rights and duties that give...resilience to the society that we live in".
- On 18 November there was a Westminster Hall debate on personal injury fraud. Shadow Justice Minister Andy Slaughter referred to the briefing prepared by the Law Society ahead of the debate, which expressed concerns that insurers use figures about levels of fraud as it suits them.
- On 24 November Liberal Democrat justice spokesperson Lord Marks led a debate on the outcome of the criminal legal aid tender in the House of Lords. The Law Society briefed him ahead of the debate, as well as Lord Bach and Lord Clement-Jones.
 - Lord Marks (Lib Dem) asked what the Government intends to do in response to the investigation launched by the Law Society
 - Lord Bach (Lab) asked the Government to provide further information about the costs of the litigation and a timeline for when it expects the litigation to be over. He also called for the Government to start negotiating with the Law Society and to reconsider the procurement process
 - Lord Clement-Jones (Lib Dem) called for the Government to scrap the procurement process
 - Lord Cotter (Lab) also highlighted the irregularities of the process.
- In a debate on International Human Rights Day by Labour MP and former solicitor Valerie Vaz said " The Law Society said it was shocked and saddened by the murder on 28 November of the Kurdish human rights lawyer Tahir Elçi. Karim Hamdy, 27, died in February 2015, after two days' detention in Cairo." We briefed MPs ahead of the debate.

Appendix 5

1. Media update

Following the generally quieter Christmas and New Year media season, here are the highlights and some items to look out for in the coming weeks.

- I was interviewed by Neil Rose of **Legal Futures** for a series of articles published throughout the week of 18 January. We covered a lot of ground and are likely to see some coverage of our new strategy, our views on what the Law Society's role should be in education and training and the impending review of independent regulation. We also talked about some challenging issues, including Veyo/LPT.
- On the 19 January I met with Frances Gibb at **The Times**, ahead of the publication of our thought-leadership piece **The Future of Legal Services**, which we are launching on 28 January. I also gave a flavour of the report in my lecture at Leeds Beckett University on Thursday 14 January, which was mentioned in the Yorkshire Post before we took the Christmas break.
- On Monday 18 January, we are expecting a comment piece from me on **small claims** to be printed in the **Gazette**.
- The president took part in an interview on **BBC Radio 4 You and Yours** in January, where he answered legal questions about the use of covenants on new housing developments and what the implications are and whether the details can be negotiated, for example where potential owners own motor homes.

2. Media coverage in December 2015

There were 380 articles from the mainstream media in December (the latest complete month that has been evaluated).

3. Key findings

- Positive articles totalled 305 in December. Coverage drivers included Lexcel (13 articles), the Treasury's announcement on legal regulation and competition (13 items) and will making (12 articles).
- 'Law Society responds to Treasury announcement on legal regulation and competition' and 'Proposals to widen access to the legal profession could have the opposite effect, warns Law Society' were the joint-leading press releases, with 12 positive mentions each.
- A Law Society spokesperson featured in 30% of coverage (108 items).
- Jonathan Smithers was the primary spokesperson, quoted in 46 positive articles (13% of all coverage).
- The most prolific positive reputation attribute was 'Represent', present in a third of the overall volume (118 articles).
- Regulation was the most prominent theme, featuring in 68 articles.
- The closure of Veyo drove negative coverage with 26 articles. However, 14 of these items featured a quote from a Law Society spokesperson.