

## **Update from Law Society Council Meeting on 18 May 2016 – Lubna Shuja**

I attended the Law Society Council meeting on 18 May 2016 in my capacity as Council Member representing sole practitioners. I attach below a summary of the issues raised and key decisions made by the Council during that meeting.

### Governance Review

In agreeing the Law Society's new strategy in 2015, Council committed to review the Society's governance. On 18 May Council took a further step in considering proposals for change. Council discussed a paper from its Governance Review Working Group, which had considered proposals made by Dr Nicola Nicholls who undertook an independent review, and agreed to ask the working group to develop further proposals in more detail. The Law Society is keen to hear from members as we develop proposals and will communicate more widely about suggestions as they evolve. There is a dedicated e-mail address for members: [representation@lawsociety.org.uk](mailto:representation@lawsociety.org.uk). Council discussed a range of proposals including the creation of a senior board, how the board could be chaired and how board members and other governance positions could be appointed, and whether a maximum term for council members should be introduced.

### Promoting the Profession - Market and Regulatory Change

Council noted that the consultation on separating legal regulators from their professional bodies has still not been issued, and given the forthcoming referendum the timing remains uncertain. It was noted that the Law Society is fully engaged with the current Competition and Markets Authority (CMA) study of legal services, having last month submitted a response to a number of supplementary questions received from the CMA, and being in the process of facilitating contacts between CMA and a number of Society committees and others. Updates were provided on a number of policy issues, including engagement with Briggs LJ on his interim report on proposals for online courts; the Society's work to engage with our members and with external stakeholders in the debate on Britain's membership of the EU; and ongoing work to influence legal aid policy.

Council heard about the work the Law Society is undertaking to promote solicitors. This included a programme of research with solicitors and their clients, and messages are being developed for the forthcoming campaign: these will be thoroughly tested with the wider membership, the public, and businesses that buy legal services.

Among media coverage referred to in the CEO's report, it was noted that the Law Society's report on the economic value of the legal services market had attracted very significant positive coverage in, among others, the *Financial Times*, and on the *Today* programme.

### Representing the Profession - Legal Updates

Council noted the legislative programme announced, on the same day as its meeting, in the Queen's Speech. A number of the bills have direct implications for the Law Society, including:

- the Bill of Rights - which will be studied carefully to ensure that existing human rights are not diluted;
- the Children and Social Work Bill - including changes to how the courts consider adoption;
- the Prisons and Courts Reform Bill - dealing with courts and tribunals modernisation and the online court;
- the Counter-Extremism and Safeguarding Bill - proposing additional powers for Government and law enforcement agencies;
- the Criminal Finances Bill - carrying forward reforms on reporting suspicious financial activity and introducing a new offence of corporate failure to facilitate tax evasion.

Related to this issue, the CEO updated Council on the lead recently taken by the Law Society in bringing together a group of legal and accountancy organisations to publish a joint statement pledging ongoing work to tackle bribery, corruption, tax-evasion, and money laundering. Council also noted reference to the Better Markets Bill.

#### Supporting the profession - engagement, interventions, and other activity

Council was glad to hear of the success of the application by the Public Law Project, in which the Society was given permission to intervene, to have the legality of the civil legal aid residence test quashed by the Supreme Court. Council noted our ongoing collaboration with the Bar over the place of legal professional privilege in the draft Investigatory Powers Bill, and noted that the Law Society is also continuing its intervention in the ECHR challenge brought by Big Brother Watch against the mass data surveillance undertaken by the UK security.

Council noted that the Law Society continues to work closely with a number of other representative groups in advance of the government's expected proposals for a fixed fee regime for some clinical negligence cases. In terms of access to justice, Council also noted the Law Society's active engagement with the overarching working group on criminal legal aid, the discussions with MoJ and the LAA over the structure of the new crime contracts, and Law Society's continuing work to draw attention to the damaging effects of the programme of court closures. The CEO's report noted the preparation of a 'priorities for justice' document focused on Welsh issues to tie in with the National Assembly elections.

#### Equality and Diversity, and People Strategy

It was reported to Council that there have been 123 applications this year for the Law Society's Diversity Access Scheme which aims to finance training for the profession by those whose circumstances would otherwise make it impossible. Mention was also made of the Women Lawyers Division two-day Returner Course which had attracted significant interest. Council decided that the reach of its Equality, Diversity and Inclusion Committee should be extended by adding members from the Ethnic Minority Lawyers Division, the Junior Lawyers Division, the Lawyers with Disabilities Division, the Lesbian, Gay, Bisexual and Transgender Division, and the Women Lawyers Division. This involved a change to the Law Society's General Regulations.

Council was happy to learn that the Law Society has been successful in securing Investors in People accreditation, excellent recognition of the work the Society puts into developing, recognising and supporting our people.

If you would like any further information, or wish to discuss any matters affecting sole practitioners, which you would like me to raise at future Council Meetings, please do not hesitate to contact me on [info@legalswan.com](mailto:info@legalswan.com) or on 0121 551 7866.

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May 2016