

Update from The Law Society – Lubna Shuja

I attended the Law Society Council meeting on 26 October 2017 in my capacity as Council Member representing sole practitioners. I attach below an update on some Law Society activities together with a summary of the key issues discussed by the Council during that meeting. Updates are also available on the SPG website. If you would like to discuss or raise any issues affecting sole practitioners with the Law Society, please do not hesitate to contact me on info@legalswan.com or on 0121 551 7866.

Support to the profession

Following extensive lobbying by the Law Society and others, HMCTS announced that the flexible operating hours pilot would be put on hold until February 2018 to allow further engagement with court users and to carry out another tender exercise to choose an independent evaluator. The Society also responded to the SRA's consultation on its draft corporate strategy, making points that included the need to demonstrate a clear case for change before introducing regulatory changes and the importance of focusing not only on speed but also quality of decision making. Council noted that the Society had published guidance for the profession on the new 2017 Money Laundering Regulations and on compliance with Part 3 of the Criminal Finances Act 2017, as well a note prepared jointly with HM Land Registry on property registration fraud.

SRA Consultations

There are a number of SRA consultations which are likely to be of interest to the profession at the moment and to which both the Law Society and SPG will respond. Firstly the SRA is consulting on its proposed new Handbook which is likely to be much shorter. The proposals are radical and include (1) allowing newly qualified solicitors to set up in practice on qualification; (2) allowing solicitors to act for clients providing reserved legal activities whilst not being part of a regulated entity; (3) preventing solicitors from providing Claims Management services and Immigration services outside of authorised firms; and (4) removing the character and suitability test for students. You can read the consultation on the SRA website at <http://www.sra.org.uk/sra/consultations/lttf-phase-two-handbook-reform.page>. The closing date for responses is 20 December 2017 and given the impact this is likely to have on the profession, it is well worth a read. Members are encouraged to respond to the consultation individually if possible.

There is also a consultation on the information to be provided to clients including (1) requiring firms to publish pricing details; (2) the SRA publishing data on complaints against firms; and (3) requiring solicitors who are in non-regulated firms to inform clients they do not have any professional indemnity insurance in place. This consultation is also on the SRA website at <http://www.sra.org.uk/sra/consultations/lttf-better-information-consultation.page>. The closing date for responses is also 20 December 2017.

If you have any views on either of these consultations, please do let me know as we may be able to incorporate them in the Law Society and/or the SPG response.

Changes to governance for 2018

Council was updated on the progress still under way to implement the Law Society Board and its two main supporting committees (Policy and Regulation Committee, and

Membership and Operations Committee) in early 2018. Council was informed that the advertisement for the role of Board Chair had closed on 15 October with a strong field of interested candidates; with final interviews planned for late November. It is hoped to appoint the successful candidate at the December Council meeting. Other external recruitment is getting under way, and planning is also in hand for the election process among Council member for some places on the Board and committees. Council was also asked to consider issues about the size and composition of Council itself and whether it is truly representative, although the discussions are still at a very early stage.

Business plan and budget

Following discussions at Council in July and September, Council in October signed off the Law Society's business plan and budget for 2017-18. The business plan recognises the difficult and unpredictable times that lie ahead, including the increasingly challenging market for many of our members, and uncertainties around Brexit and the impact of technology. It also focuses on the need for internal changes if the Law Society is to become a genuinely member-focused organisation as is the aim. In that context, as well as the one-year plan for the coming year, there is a five-year corporate plan with a clear vision and purpose, to be the voice of solicitors, driving excellence in the profession and safeguarding the rule of law. The SRA budget also came to October Council, as approved by the SRA Board and the Business and Oversight Board. This, too, was signed off by Council.

Political party conferences 2017

Council heard reports of the extensive activity undertaken by the Society to engage with key political stakeholders during the party conference season. The Society hosted a number of events on Brexit and access to justice, sharing platforms with leading figures including the Lord Chancellor, the Justice Minister, and the Solicitor General as well as a number of shadow spokespeople. This provided a platform for the Justice Ministerial team to make important announcements on justice and Brexit. In setting out his priorities at our event held at the Conservative Party conference, the Lord Chancellor emphasised continued market access and civil justice co-operation post-Brexit, together with the ongoing programme of criminal justice and court and tribunal reform. There was also support from opposition parties, including praise for our legal aid deserts campaign from the Shadow Lord Chancellor.

International engagement

Council noted a wide range of events as part of the Society's ongoing programme of international engagement. This included a round-table discussion on legal regulation followed by a formal dinner for bar leaders and guests from the CIS region attending the Opening of the Legal Year, to strengthen the Law Society's relationships and explore areas for future collaboration. The Society also finalised the Kazakh judicial training programme, organised a panel discussion on doing legal business with China that was attended by English, Welsh and Chinese lawyers, and signed a memorandum of understanding with the Law Society of Hong Kong. At the Opening of the Legal Year the Society also signed memoranda of understanding with Iran and Kyrgyzstan.

Lubna Shuja

Law Society Council Member (October 2017)