

COUNCIL – 21 March 2018

Item 7



Classification: Public
Purpose: For noting

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

The issues

This edition covers the period 22 January – 2 March 2018.

Remit

The Interim Chief Executive is responsible for the delivery of the Law Society’s strategy.

Statement of territorial application

This paper applies to England and Wales.

Our vision

A valued profession delivering the highest quality legal services in the public interest and advancing the rule of law

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.

Interim CEO: Paul Tennant
Author: Paul Tennant
Date of report: 2 March 2018

Executive Summary

My focus and the Executive Team is to progress;

- a) The direction and future of TLS including the operating environment, the governance position, regulation and long term business planning
- b) The evolution of TLS looking at business change programmes, the leadership and management of the organisation and infrastructure
- c) The performance of TLS looking at the current business plan, priorities, structure, reporting framework, products and the operating framework

This report provides an update on issues impacting on the Law Society and our members, along with our responses. The focus of our business plan for 2017/18 is around four organisational goals. Our goals set out what we are trying to accomplish through our activities and programmes. These are:

- Goal 1 - Promoting the profession, so that their value to purchasers, society and the economy is understood and their place in the wider legal market is maintained
- Goal 2 - Influencing for impact, so that the profession's voice is listened to in public and regulatory policy
- Goal 3 - Driving professional excellence, to help members deliver for their clients and be the best they can be
- Goal 4 - Enhancing member value through organisational efficiencies, growth and developing our people

The report includes:

- A summary of current key part 1 issues;

1. **Brexit - Lobbying legislation**

Several of the Brexit bills continue their passage through Parliament. We have actively briefed MPs and peers on the following Bills:

- **EU (Withdrawal) Bill** – Completed its passage through the House of Commons and has moved to Committee Stage in the House of Lords. Baroness Hayter and Lord Brooke have briefed on amendments on clauses 2 to 4 on mutual market access, recognition of qualification and insolvency. We are also working with them to table amendments on rights of audience and mutual recognition of judgments.
- **Anti-Money Laundering and Sanctions Bill** – The Bill has begun its scrutiny in the House of Commons, having completed its passage through the House of Lords.

2. **Brexit – parliamentary engagement**

In February 2018 we were mentioned twice in the EU Lords Internal Market Sub-Committee in relation to England and Wales as “a leading global centre for competition law” and the need for transitional arrangements would be needed for antitrust and mergers proceedings.

The Law Society’s Head of International also gave oral evidence to the EU Lords Internal Market Sub-Committee as part of its inquiry on Brexit: non-financial services.

We co-hosted a parliamentary reception with other members of the Professional and Business Services Council on 30 January. Parliamentary Under Secretary for Exiting the EU, Robin Walker MP and Parliamentary Under Secretary for Business, Energy and Industrial Strategy, Lord Henley spoke at the event. It was attended by 18 other parliamentarians.

3. Brexit - Papers on CETA style deal and transitional arrangements

The paper on a CETA style deal was published which received positive feedback from senior stakeholders, including the Chancellor of the Exchequer, the Chair of the Treasury Select Committee and a number of special advisers.

The paper on transitional arrangements has been published and is being disseminated.

4. Member communications and engagement

A new joiners pack is being sent to members who are admitted to the roll. This includes a welcome letter from the president, a copy of our Member Handbook and our credit card-sized summary of what we are doing to promote the profession, influence for impact, keep members up to date, support practice excellence and be a career companion. In February we will mail packs to members admitted to the roll in December and January. From March onwards packs will be issued on a rolling monthly basis.

We are also reviewing the content of the member handbook to bring it in line with the new member offer and member case studies. We anticipate releasing the new handbook in early summer.

We are seeking member feedback via the Insights panel for their views about a weekly double page spread in the Gazette as part of its planned new look.

In January 2018 we launched a new continuously updated internal online report accessible by all TLS professionals to capture and disseminate internally information and trends from members and stakeholders. RMs also delivered two internal presentations, launched our first podcasts with members and assisted in introducing specific guidance for members on major topics of interest and trends they identified.

Important discussion topics and themes of engagement with members across the country during January and February included the Society's educational offering to in-house counsel, AML and data protection for solicitors and legal apprenticeships.

We will be launching a refreshed digital monthly e-newsletter for over 100 local law societies and Council members from April 2018 with more relevant, accessible and timely content focused on key themes, regional and topical spotlights, raising awareness of TLS flagship events and resources available to members regionally and insight into TLS experts, positions and achievements. The refreshed content will be available for re-distribution to members and contacts in the local legal communities.

Please see Communications and Media updates in Appendix 1.

5. Building relationships with new ministerial teams

We continue building relationships with the new ministerial teams. In the past month we have met:

- New Lord Chancellor, David Gauke MP:
 - We met the Lord Chancellor and covered our priorities on Brexit, access to justice and the LASPO review, court modernisation and personal injury reform.
 - The President spoke at his swearing in ceremony. He made important points on Brexit and access to justice – his speech can be read [here](#).
- New Justice Minister, Lucy Frazer QC MP, we discussed our priorities on access to justice including our early advice campaign and the LASPO review.
- New Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, Richard Harrington MP – responsible for professional services.

We also met with the following parliamentarians:

- Nicky Morgan MP, Chair of the Treasury Committee
- Pat McFadden MP, Member of the Exiting the European Union Committee
- Emma Little Pengelly MP, Member of the International Trade Select Committee
- Seema Malhotra MP Member of the Exiting the European Union Committee
- Hywel Williams MP, Plaid Cymru Spokesperson for Brexit
- Rt. Hon David Hanson, Member of the Justice Select Committee
- Rushanara Ali MP, member of the Treasury Committee
- Charlie Elphicke, MP for Dover and Deal
- Lord Cromwell, member of the EU Committee (House of Lords)
- Tom Tugendhat MP, Chair of the Foreign Affairs Committee
- Antoinette Sandbach MP, members BEIS Committee
- Kate Green, Shadow Minister Women and Equalities
- Ken Clarke, MP for Rushcliffe

and with Mark Sweeney, Director General, Justice and Courts Policy Group, at the MoJ.

6. Parliamentary engagement

In January the Law Society and its campaigns were positively mentioned in Parliament or by parliamentarians 17 times on matters related to access to justice, Brexit and the rule of law. Particularly we:

- Briefed 7 times on debates and oral questions which led to the Law Society and its arguments being cited 5 times.
- Received 12 mentions in social media by parliamentarians.
- Gave oral evidence to the House of Lords EU Internal Market Sub-Committee.
- held an event in Parliament to promote our early advice campaign.

7. Access to Justice outcomes and engagement

Following the publication of our LASPO Four Years On report, we launched the early advice campaign. The main achievements of the campaign are:

- The Labour Party committed to reintroduce legal aid for early advice on cases in the family courts.
- Over 400 members have taken part in our e-action and written to their local MP
- Our campaign (alongside our LASPO 4 years on report and legal aid deserts campaign) was referenced 17 times in a parliamentary debate on legal aid.
- 150 MPs have been contacted so far regarding the campaign.
- Our campaign animations have received 600 views on social media.
- We recently held an event in Parliament to promote our early advice campaign. 25 MPs and researchers attended the event. Attendees included five members of the Justice Select Committee. Other notable attendees included the Justice Select Committee Chair, Former Conservative Party leader Rt Hon Iain Duncan Smith MP, the Shadow Lord Chancellor and prominent Labour MPs such as David Lammy MP and Rosie Winterton MP. All attendees had their photo taken with a campaign sign (saying "I support the Law Society's early advice campaign"). The photos can be seen here: <https://www.flickr.com/photos/lawsoc/albums/72157693928261795>
- Within 24 hours over 700 people engaged with the tweets and they were seen by almost 50,000 people.

We have also submitted evidence to the Joint Committee on Human Rights on the impact LASPO has had on human rights.

Other areas of work include:

- HMCTS' Flexible Operating Hours Pilot has been delayed until late April and modifications have been made as a result of stakeholder feedback on the pilot prospectus, including representations we made.
- We organised and broadcast a webinar on exceptional case funding in partnership with the Public Law Partnership, which is now available to download.
- We gave an interview to BBC London on forensic testing and appeared on a BBC item on McKenzie Friends.
- We responded to the Legal Aid Agency's private consultation on amendments to the Criminal Bills Assessment Manual. Our response was submitted jointly with the LAPG with input from the APL.

8. Brussels - engagement

The Brussels Office engaged with Norwegian industry lobbyists and the American Chamber of Commerce in Brussels to discuss how lobbying and influencing work differs for them. Several UK entities, including the British Chamber of Commerce, Interel, ICAEW and the London Mayor's office, were invited to contribute to the discussions.

The Brussels Office was also invited to contribute to the American Chamber of Commerce and CSM (Cameron McKenna Nabarro Olswang LLP) Brexit roundtables.

9. Brussels - CCBE

The UK delegation submitted its paper on interpretation of the acquired rights with regard to legal services to the Commission Article 50 Task Force and DG GROW, the CCBE EU27 and the UK Permanent Representation on 21 December. This paper outlines the view of the UK delegation as to how the Joint text agreed by the UK and EU negotiations on 8 December applies to legal services.

10. International engagement and thought leadership outcomes

Key activities have included:

- a seminar organised by the International team on the Day of the Endangered Lawyer, with focus on Egypt. The event was chaired by the Vice-President. Egyptian human rights defender Dr Nancy Okail was a guest speaker.
- the Vice-President attended the British Italian Law Association's annual gala dinner to further our relationship with the Italian legal profession in London.
- a roundtable organised by the team with the Human rights Defender Dina Meza from Honduras to raise awareness on the obstacles faced by HRDs in the country.
- welcoming a delegation of students from the India Think Council and presenting the work of the Law Society (with emphasis on its international work) and QLTS.
- attending the European President conference in Vienna to represent the Law Society at this important annual event with fellow European bar leaders. We also met with our members based in Vienna to discuss the impact of Brexit on their practice as solicitors in Austria.
- visiting Russia in response to the ongoing discussion around the reform of the legal profession in Russia and the likely impact of the reform on UK law firms currently based in Russia. We engaged with our members and the Russian Federal Chamber of Advocates (RFCA) to discuss the proposed reform. We also lobbied the Russian MoJ on the proposals.
- organising a third roundtable on women and the law, chaired and championed by the Law Society's Vice-President.

- the President hosted a dinner with the Lord Chief Justice and President of the Supreme Court and discussed key priorities for the Society and the judiciary.
- The President also hosted a dinner on the Industrial Strategy and legal services with senior officials from BEIS and practitioners.

11. Wales - Commission on Justice in Wales

The Commission is reviewing both the delivery of justice and the legal services industry in Wales. We will be engaging with the Commission across their terms of reference and they have just issued a call for evidence which is available at the following link on the Commission's web site <https://beta.gov.wales/commission-justice-wales-call-evidence>.

12. Wales - Welsh Taxes and the Welsh Revenue Authority Update

Close collaboration with the Welsh Revenue Authority (WRA) is serving us well. We are holding regular meetings with WRA staff and communicating with members, highlights are:

- A joint survey on awareness of the new Land Transaction Tax and channels of communications has been conducted with members: initial findings show that conveyancing solicitors prefer Law Society newsletters as a channel for hearing about devolved taxes;
- The Gazette has covered news about the new Land Transaction Tax, the opening of registration and ran an article on the WRA Chief legal and policy officer; and
- A series of events are being run across Wales in Bangor and Builth Wells as well as a drop-in workshop in the Wales Office where the WRA will show members how to register with the new authority.

13. Regulation – LSB consultation and review

We responded to the LSB consultation on its proposed 3-year strategy and 2018/2019 business plan highlighting areas of concern or where further work is needed to ensure the LSB fulfils its strategic aims. We also responded to the LSB's review of the IGRs with a view to enhancing regulatory independence within the framework of the Legal Services Act.

14. SRA handbook

We published an update on the SRA Handbook and continued to attend roundtables at local law societies to promote our work on the Handbook to members.

15. SQE

We have written to the LSB highlighting the importance of understanding the diversity impacts before a final decision is taken. We have also attended a careers fair at the University of Bedfordshire to discuss the options available to graduates and how the SQE may affect their choices.

16. Switching Regulators

We have engaged with the SRA, the Council of Licensed Conveyancers and the LSB to reduce the impact on consumers of the SRA's decision to allow firms to switch without run-off cover.

17. AIM Rules Review

We responded jointly with the City of London Law Society to the London Stock Exchange's AIM Rules Review, supporting the proposed approach.

18. Tax

We responded to HMRC's private policy paper setting out changes to relief provisions for higher Stamp Duty Land Tax rates. Our response welcomed the changes made by HMRC on the application of higher rates but offered a number of technical recommendations.

HMRC is reviewing its guidance to ameliorate the difficulties solicitors experience in applying the correct rates as a result of our survey.

19. Apprenticeships

We continue to support the profession in our work on apprenticeships and have now published 6 case studies on our website and attended various meetings at firms. We will be hosting an event called Apprenticeships in the Legal Sector at Chancery Lane on 5 March as part of National Apprenticeship week.

20. Law Reform

Recent activities we have undertaken include:

- holding further roundtable discussions on Lord Justice Jackson’s reforms on fixed recoverable costs at local law societies. Will feed back to the MoJ in the near future.
- participating in a Parliamentary roundtable on court reform.
- responding to the MoJ’s consultation on default County Court judgments.
- Participating in the National Improvement Team (NIT), which will assume high level oversight of the judiciary’s Transforming Summary Justice initiative.

21. Disclosure

We are responding to the judiciary’s consultation on a proposed pilot scheme for the Business and Property Courts which proposes to reform disclosure within Court proceedings.

22. LGFS

On the advice of Counsel, we have issued judicial review proceedings challenging this decision, together with extensive witness statements and evidence. There has been significant press interest in our case.

23. Intellectual Property

We published a podcast on the new changes introduced by the Intellectual Property (Unjustified Threats) Act with IP Committee member Matthew Harris. It also covers our lobbying for much needed legislative change in this area.

We also published a joint note with other IP specialist organisations following interaction with the Brexit Law Committee.

24. GDPR

We have continued to develop guidance, products and services for the profession on the EU General Data Protection Regulation (GDPR) including podcasts, articles and FAQs. We are working towards the redevelopment of our GDPR webpages to achieve one point of entry for members.

We have published guidance on the appointment of Data Protection Officers by law firms and have published a five-week series of GDPR readiness countdown articles in the Professional Update supplemented by social media.

25. AML

We held a Sanctions Roundtable on licensing issues and the new reporting obligation, and will use outputs from that to continue engaging with the Office for Financial Sanctions Implementation.

We are working with the Money Laundering Task Force to inform the Law Commission’s upcoming review of the “consent” SARs regime.

We are liaising with HM Treasury and the banking sector to mitigate the effects of recent changes in the Money Laundering Regulations on how banks might approach Pooled Client Accounts in future.

26. Technology – recent activity

Christina Blacklaws spoke at the Legal Sustainability Alliance's (LSA's) Leaders Group meeting on innovation and gender issues.

We participated in the first global legal hackathon on improving the legal industry, which took place across 43 cities globally, and at which Christina Blacklaws presented.

Appendix 1

Communications Campaigns - Solicitor brand and global legal centre campaign

Activity for January for both the Solicitor Brand and GLC campaigns focused on social media channels where we continued to exceed KPIs:

- 1.9m+ impressions
- over 32,000 interactions (people liking, sharing and commenting on campaign posts)
- over 91,000 video views on Facebook and Twitter.

We ran 1 solicitor brand awareness campaign which reached 78,568 people with 5,510 recalling seeing an advert - equating to a 7% brand awareness recall.

Solicitor brand campaign advertising schedule

The advertising campaign will run from 16 April to 28 May and uses a number of channels to ensure maximum coverage across the country. This includes:

- advertising on digital screens in 29 key cities
- bus streetliner and superside ads on 1050 routes
- 220 tram interiors
- 80 Metro carriage cards
- 200 rail interiors
- 1650 tube panels
- posters at 400 rail locations
- TV advertising in 8 regions
- regional newspaper advertising (schedule to be confirmed)
- regional online advertising through Trinity Mirror, Newsquest and Johnston Press

Other solicitor brand campaign activities

We will continue to promote syndicated content (video and animations) making these available to members for use on their own websites and social media channels and ensure collateral we already have (posters, leaflets etc) is available for members to customise and order through our ecomms website.

We are currently overhauling and updating campaign content on the main Law Society webpages. We will also be reviewing and updating our suite of consumer guides over summer before making these available as digital downloads for members to-cobrand and order as printed collateral via our ecomms website.

We will continue to educate, inspire and entertain consumer audiences with our social media content focusing on the 6 key areas of law ensuring that our weekly content calendar links content to high profile events leading to increased engagement.

Global legal centre (GLC) 6-week mini campaign

We ran a successful test campaign in December/January using paid for promotion of video on Facebook and LinkedIn to increase our reach in key target countries such as Brazil, Australia, Mexico and South Korea.

Following this we ran a 6-week mini campaign using the following five videos:

- Overarching video (England and Wales – a global legal centre) <https://youtu.be/QaHIKUIGVJI>

Plus four shorter videos featuring

- Scott Hopkins <https://youtu.be/z217k7tqKMc>

Item XX CEO Report to Council March 2018

© 2018 The Law Society

- Vitoria Nabas <https://youtu.be/OsgyYtJgquQ>
- Funke Abimbola <https://youtu.be/C4agwxBx5SM>
- Jeff Golden https://youtu.be/oX1aJ4Z4R_c

The campaign performed extremely well. Statistics for the whole mini campaign show for a total spend of just under £7k:

- 2,618,122 Facebook impressions
- 189,542 LinkedIn impressions
- just under 2000 engagements on linked in

(where impressions is the number of people who saw the posts)

Broadcast & Radio

The Press Office has secured multiple pieces of broadcast coverage on radio and television since the November update.

- Umar Kanayki from the Ethnic Minority Lawyers Division discussed the Lammy Review on BBC Radio 1 Newsbeat and Funke Abimbola, former social mobility ambassador, appeared on BBC Radio 5 Live to discuss the same topic
- Head of justice Richard Miller spoke to BBC Radio 4 You & Yours about clinical negligence
- Former Wills & Equity committee member Gary Rycroft twice appeared on BBC Radio 4 PM to discuss wills and digital assets
- Nichola Carter from the Immigration committee spoke with BBC South Today about family immigration law
- Head of international Mickael Laurans spoke with Channel 4 in Pakistan about international human rights
- Chair of the GDPR working group and council member Peter Wright spoke with BBC Radio 5 Live about technology, AI and the law
- Greg Stewart from the criminal law committee appeared on Victoria Derbyshire and Sky News to discuss 'upskirting' laws
- Sheree Green, chair of the mental health & disability committee, spoke with Victoria Derbyshire about vulnerable people being targeted by fraud
- Ian Kelcey, co-chair of the criminal law committee, made a number of appearances on BBC Radio and LBC to discuss the John Worboys parole
- Head of justice Richard Miller spoke to TalkRadio about the impact of financial pressures on the criminal justice system
- Head of criminal and public law Mark Paulson was on BBC London News about the privatisation of forensic services and its impact on access to justice
- Head of justice Richard Miller spoke with BBC Inside Out London about the potential pitfalls of McKenzie friends and the impact of legal aid cuts.

Print & Online

Below are highlights of our print and online press coverage since the November update.

- Evening Standard – Legal services left out of Canada-style trade deal
- Law Society Gazette – Robert Bourns appointment as chair of new board

Item XX CEO Report to Council March 2018

© 2018 The Law Society

- BuzzFeed News – False economy of legal aid cuts
- Law Society Gazette – Judicial review of cuts to criminal defence fees
- The Times – Deal making by city law firms
- Law Society Gazette – Launch of Diversity Access Scheme
- Law Society Gazette – Coverage of the Early Advice campaign
- Evening Standard – IP lawyers warn Brexit putting fashion week at risk
- Evening Standard – Financial and legal services sector need clarity from government on Brexit
- The Times – Response to appointment of new lord chancellor David Gauke
- Law Society Gazette – Christina Blacklaws on equality in the legal profession
- Law Society Gazette – Joe Egan’s year in review
- The Guardian – Law Society takes action over cut to legal aid fees
- The Guardian – Cuts to legal aid are a false economy
- Law Society Gazette – Appointment of new board members
- Eastern Daily Press – Solicitors critical of unregulated will writers
- Financial Times – NDAs being misused in employment situations
- Law Society Gazette – AGFS plans ‘robbing Peter to pay Paul’
- Law Society Gazette – Super exam plans delayed
- Financial Times – Government scrapped anti-harassment law that protected employees
- The Times – Criminal defence lawyers a dying breed due to government cuts
- The Times – Response to introduction of new online courts
- Financial Times – Response to FCA’s new anti-money laundering powers
- The Guardian – Underfunded justice system ‘crumbling’
- BBC News website – Mickael Laurans on English language courts on the continent