

COUNCIL
05/07/2022

Interim Chief Executive's Report to Council – Part 1

Authors: Gerry Walsh, Interim Chief Executive

**Classification - Public
Freedom of Information**

Not applicable as this paper is public

Summary:

My Part 1 paper includes information that members should be aware of and may share with their constituents. Where possible, matters are included here to assist you in your role.

The purpose of this report is to highlight specific issues/challenges we have addressed during Q2 (February 2022 – April 2022) and includes updates on some key subject matters covering May and June. It also includes the Membership and External Affairs Report Part 1 (Annex 1), which highlights much of the Society's varied activity, engaging within and beyond the profession. The information in this report enables Council Members to share the information more widely with their constituents. The Strategic Litigation Group update can be found in annex 2.

I would like to highlight the successes achieved by staff and members who were involved in two major policy matters, on SIF and the Judicial Review and Courts Bill. I am very proud of the work that has gone into this by staff and members in collaboration. A more detailed summary can be found in Annex 1.

It is also pleasing to note that member engagement, whether through our newsletter, online or recently at in-person conferences, has continued to increase.

Overall, the 2nd quarter continued to be challenging for the organisation with ongoing external pressures. International and national events, including in Ukraine and recent UK Government announcements on immigration, have commanded a significant proportion of our attention. I am very pleased with the overall commitment by staff to deliver and enhance our services to meet member needs in fast-changing circumstances.

Recommendations / Conclusions:

This paper is for: discussion and noting.

Assessments

Financial:	We have continued to perform well financially and we expect to remain on track to achieve the full year Budget.
Risk:	There are significant risks in the operating environment for the Society. Where relevant they are highlighted in the paper.
ED&I	ED&I implications are considered as part of all aspects of our work and a number of specific matters are highlighted in this paper (e.g. in the 'Membership & Communications' section of Annex 1 and the 'Promoting

	a Modern, Diverse and Inclusive Profession' sections of Annex 3 and Annex 4).
Organisational Values	Our values are reflected in each part of this paper.
Consultation	The Executive and Leadership Team have contributed to this paper.

Headlines

1.1 Ukraine Response:

This continues to be a sensitive and evolving situation that encompasses our role as a leading international law society, our role in informing our members of relevant regulations, our relationship with government and our mission to defend the rule of law and our members' interests, and the reputation of our profession. We will provide support, as the circumstances change, to those directly impacted by the conflict and members whose work is affected.

1.2 Criminal Legal Aid:

The Society continues to maintain pressure to secure a sustainable future for public criminal defence work. The campaign activity is outlined in Annex 1.

1.3 Human Rights and Immigration:

Current proposals include plans to introduce a permission stage for human rights claims and restrict the ability to challenge deportation orders, among others. The recent Queen's Speech contained proposals to introduce a Bill of Rights to replace the Human Rights Acts. The Society, in consultation with members, will examine and respond to consultations in accordance with our vision of safeguarding the rule of law. Most recently, there has been significant publicity around legal responses to the UK government's agreement with Rwanda as regards asylum seekers.

1.4 SLAPPS and reputation of the Profession:

We have been closely monitoring the debate regarding strategic litigation against public participation (SLAPPS). Following the invasion of Ukraine by Russia, a call for evidence was issued by the government with a view to bringing forward reforms in this area. Annex 1 sets out the Society's initial views and plans for conversation with members and stakeholders.

1.5 Local Societies and Sections:

New online support for local societies, including virtual 'town hall' meetings, has made a successful start. Webinars and events for sections, sharing information and know-how, have also enjoyed increased participation. Please see the Membership and Engagement Services and Events sections of Annex 1 for more detail.

1.6 Elections and Data:

This year's Council Elections were launched on June 9th. A campaign to encourage members to share their data on work practice areas and protected characteristics via My LS is ongoing, to ensure as many members as possible are able to stand and vote in constituencies relevant to them.

Conclusion

You can see from the above that there has been a great deal of activity across the organisation during the past few months, and we will build upon this as we move forward. This paper is for information and discussion.

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ANNEX 1

Membership & External Affairs Update

Part 1

Author: Louise Hanson

Classification - Public

Freedom of Information

Not applicable as this paper is public

Summary:	
This paper provides updates on activities across the Membership & External Affairs Directorate. The updates cover:	
	<ul style="list-style-type: none"> • Member communications & content • Membership engagement & services • Events • Learning & Development • Frontline member services & support • Commercial performance • Public affairs • Wales • Review of policy advisory committees

Recommendations / Conclusions:	
This paper is for: noting	

Assessments. This should be either a summary of what is in the paper (cross-referenced to the relevant paragraph), or, if the issues are very straightforward, a full statement of the relevant position.	
Financial:	Headline reports on financial performance is provided where relevant
Risk:	Risks around the reputation of the profession are highlighted within the report
E D & I	No EDI issues to highlight for this report
Organisational Values	The updates provide greater clarity to the Board about some of the key developments in Membership & External Affairs
Consultation	CEO, Member Experience and External Affairs Directors

Member Experience and External Affairs Update for Council July 2022

CAMPAIGNS

Solicitors Indemnity Fund

On 12th April 2022, the SRA announced that, following their consultation, they will not be pressing ahead with their previously stated “preferred option” of closing the Solicitors Indemnity Fund (SIF) at the end of September 2022, and ending any ongoing regulatory requirement for post six year run-off cover (PSYROC). This represents a very significant shift in their position which is the result of an extensive and well-coordinated TLS campaign in favour of retaining SIF with the support of a profession-wide levy.

The campaign involved not only the development of compelling arguments based on the need to protect consumers but also the building of a broad coalition of allies, including local Law Societies, groups representing sections of the profession, individual solicitors, professional indemnity insurance brokers, and consumer bodies and we supported them to respond to the consultation by providing information, arguments, and skeleton responses. This support paid dividends, as the SRA received around 330 responses, making this one of their largest consultations to date, and was clearly influenced by the number of respondents backing our argument. Their report of the consultation responses records that “almost all respondents’ views were negative about the SRA analysis, some saying that they agreed with the Law Society’s view”. Since the consultation period officially closed, we have continued to make a powerful case to both the SRA and the LSB in support of the continuation of SIF.

The SRA is now seeking to defer the closure of the SIF for a year (to the end of September 2023), in order to consider other possibilities that would better protect consumers. These possibilities could include maintaining the SIF, with adjustments to reduce its running costs, or changes to the Compensation Fund. We are engaging closely with the SRA in order to influence its deliberations over the coming months and ensure that its efforts are focussed on securing a robust analysis of the viability of the continuation of SIF.

Criminal Legal Aid

Since the Government published its response to the Independent Review of Criminal Legal Aid (CLAIR), we have engaged closely with MPs and Ministers to highlight our concerns about the shortfall in the Government’s proposed package for solicitors.

I. Stephanie Boyce gave evidence to the Justice Select Committee in April, outlining the crisis facing criminal defence practitioners and firms, our concerns with the Government’s proposals, and calling for the package to be reprofiled to meet the recommendations of CLAIR. The Minister for Legal Aid, James Cartledge, appeared after Stephanie and was pushed on these points. He acknowledged that the Government’s proposals did not meet the recommendations of CLAIR, though described the package as a substantial one. Cartledge also appeared at a Law Society webinar in early May to answer questions from members on the response.

The Law Society has continued to brief MPs, meeting with the Shadow Lord Chancellor, Shadow Legal Aid Minister, and Chair of the Justice Select Committee to outline our concerns with the response to CLAIR. We launched and publicised a survey with junior

lawyers and submitted our response in early June. We continue to look at what we can do post consultation to maintain pressure on this issue.

Judicial Review

The Law Society achieved a major influencing success on the Judicial Review and Courts Bill by persuading the Government to drop a statutory presumption that would have directed judges to use particular remedies in judicial review cases – a provision that we had argued would fetter judicial discretion.

This success was the culmination of nearly two years of lobbying, encompassing engagement with the Independent Review of Administrative Law and government officials during the preparation of the legislation, briefing key parliamentarians through the passage of the Bill, giving oral evidence to the Public Bill Committee, and working with political allies to build alliances in Parliament in support of our proposed amendments.

In addition to this Bill, there have been rumours that the Government has been planning further judicial review reform legislation. However, no such legislation was announced in the recent Queen's Speech and it has been reported that these plans have been dropped, in a further sign of the success of our lobbying on this issue.

MEMBER EXPERIENCE & SERVICES

Member Communications & Content

Q2 saw the continued delivery of our new Member Communications and Engagement strategy, with the goal of improving awareness, engagement and satisfaction of the organisation's work and services.

A key area of focus has been on building awareness and engagement with our strategic priorities. This includes:

- On-going activity to drive participation with the [PC fee consultation](#), which has resulted in our strongest ever response. This was done through the website and targeted messaging delivered in emails, social media and new content (such as videos with the President, Vice President, Chair of Board, Chief Executive and several Council members).
- Celebrating policy successes on issues such as [SIF](#) and the [Judicial Review and Courts Bill](#), which have featured prominently on the website, social media and in our email communications.
- Building awareness of the government's failure to fully implement Sir Christopher Bellamy's recommendations on [criminal legal aid investment](#). This continues to receive wide-ranging exposure in all our channels, with the aim of demonstrating that the organisation is campaigning for members at the highest levels.
- Championing the profession by responding to [attacks by the Prime Minister](#) in relation to immigration reform, which included a very well received video featuring the President. Most recently our joint statement with

the Bar Council pushing back on the PM's attacks on the profession in the wake of the Rwanda asylum process resulted in a significant amount of media coverage alongside a very strong performance on social media, generating some of the highest levels of engagement we've had this year so far.

- The story was the lead in Professional Update on Friday 17th June and led to 6,000 people clicking on the story, which is our second most clicked on article of the year so far in Professional Update.
- [Defending the international rule of law](#) by extensively promoting our support for Ukraine, together with highlighting practical resources for members that are impacted by the invasion.
- Encouraging members to share their protected characteristic data with us to prepare for upcoming Council elections in the summer.

We have also delivered a range of new materials (often in collaboration with other teams) that adopt a more creative approach and put members front and centre in our communications. This includes:

- Launch of new website hub pages for [Diversity and Inclusion](#) and the [Small Firms Network](#). These adopt a more visual approach that incorporates more images, makes relevant information easier to find and allows us to effectively highlight key messages. This approach will continue to be applied to other parts of the website throughout this year.
- Launch of [new profile pages for each member of Council](#), communications to promote the visibility of Council overall and to celebrate the [first anniversary of the President taking office](#).
- Creation of new videos to test how we can build engagement with the practical resources that we have. This involved the Vice President (speaking as a sole practitioner) on business management issues, [Linda Lee on PII](#) and a member of the Education and Training Committee on SQE (some of which are yet to be published).
- A new approach to D&I communications for International Women's Day. This involved [showcasing members of the Women Lawyer's Division Committee](#) and highlighting their experiences, which was prominently featured on social media. The success of this campaign will provide a template for future D&I related campaigns.
- An increased focus on celebrating new members of the profession and promoting our admission ceremonies. This has largely involved social media and has included the [creation of some well-received new videos](#).

Finally, we have continued to put a central focus on objective data and insight as the basis for making decisions. This has been particularly effective in our email newsletters and on the homepage of the website.

We've adopted a new editorial approach for our weekly email, Professional Update, that includes looking at the data from our website and past newsletters. This insight, together with applying best practice principles to how newsletters are created, has led to our best ever results. Approximately 20,000 more members are opening each edition, a 74% increase in April from September 2021. We're also seeing increased engagement with the stories featured at the top of the homepage of the website.

This new approach is now being applied to the City and International newsletters, both of which are also seeing their strongest ever results.

Membership Engagement and Services

In Q2 we successfully launched the online peer support community for local law societies' senior stakeholders. The creation of the online peer support forum is part of our new strategy, which we made to all local law societies last year.

Our virtual townhall meeting with local law societies took place on 18 May 2022 with around 40 local law societies taking part to discuss criminal legal aid and court reform and to contribute to the practising certificate fee consultation.

We have been rolling out the President's and Vice President's programme of regional in-person visits with over 700 members in 15 different locations across the country via the delivery of talks, roundtables, networking receptions and meetings with law firms, in-house counsel, aspiring lawyers and other stakeholders. The Press team supported these engagements with local press, resulting in the publication of several articles in leading regional newspapers.

We have surveyed members of our Sections and Divisions seeking their feedback and ideas to help us prepare for business planning as well as planning our new section membership acquisition campaign. This launched in May 2022, focusing on increasing membership in our private client, property and risk and compliance sections. Our section webinars are attracting a larger audience from across the country, for example, over 400 people signed up to attend our topical webinar on the changes to the Trust Registration Service.

During Q2 the team also delivered several exclusive topical virtual peer roundtables aimed at the largest law firms, in-house counsel and local law societies as well as facilitated the quarterly virtual meeting of the leaders of the largest local government legal teams outside of London.

Events

In Q2, the Events team held 30 events, with 9,319 registered delegates, 4,867 live views and 2,705 on-demand views. Event satisfaction has remained high at 4.2 (out of 5). The Divorce, Dissolution and Separation Act 2020 – New Rules and Procedures webinar in March has been our most popular with 1,928 registrations, 1,450 joining live on the day and 1,079 on-demand views so far.

The Risk & Compliance conference in March was the Law Society's first commercial hybrid conference. 120 delegates attended Chancery Lane while just under 300 delegates joined remotely. This was the largest R&C conference ever, exceeded delegate registration and revenue targets and received a delegate satisfaction score of 4.1 (out of 5):

'I think that the option to be able to join the conference remotely was very helpful as otherwise I would not have been able to attend'

'It was great to be able to attend virtually. It meant I could make comprehensive notes, avoid a long commute and avoid mixing with a high volume of individuals which is a concern to a medically vulnerable person'

The team ran 14 Admissions ceremonies in Q2 with 787 new admittees and 1,455 guests. Four ceremonies were cancelled in February due to low numbers.

PUBLIC AFFAIRS

International

International market access

We continue with our market access work, working alongside HMG on trade policy work on Australia, the Gulf Cooperation Council, Israel, Canada, Mexico and India. We are also working on our new consultation on trade with Switzerland, to replace the temporary Citizens Rights Agreement and Services Mobility Agreement.

Bilateral trade discussions on legal services have not progressed much in relation to India and Malaysia. However, we held a positive in-person meeting for the Legal Services working group on the UK-Nigeria Economic and Development Forum.

Q2 was however dominated by the fall-out of the war in Ukraine with major impact on our members operating in the region and 20+ UK-headquartered law firms leaving Russia or separating from their Moscow/ St Petersburg offices.

Global Legal Centre

As part of our ongoing review of our GLC campaign, we held four roundtables comparing Governing Law internationally with Phillip Wood on the topics of Dispute Resolution and Restructuring, Finance: syndicated credits, international bond issues and derivatives, Corporate: M&A and Joint Ventures, Commercial: sales, commodities, construction, charterparties and intellectual property licence. This insight was drawn from a range of dual and multi qualified practitioners in English, French, Dutch and NY law. In April, we began scoping with global law firms what data is collected by firms on the use of English law as governing law. Insight will continue to inform our GLC campaign.

Beyond its short-term impact, the war in Ukraine challenges how we promote the jurisdiction as a global legal centre.

International Rule of Law and Human rights work

Q2 saw the closure of our International Women in the Law (IWIL) programme after six years of operation. We are making IWIL materials available on the World Bank Global Compact and Forum website as open source for other bars and law societies seeking to address gender issues within their respective legal professions and we will focus on our work in England and Wales as part of the modern, diverse and effective legal profession theme.

Westminster Public Affairs

Queen's Speech

The Queen's Speech was delivered on 10 May, outlining the Government's legislative agenda for the next year. We have worked through the detail of the bills proposed in order to understand the priority legislation for the Law Society.

Justice is a key theme of the programme, with the headline proposal being the planned new Bill of Rights, which will replace the Human Rights Act and reconfigure the framework of human rights protection in the UK.

The economy was another key focus, with measures planned to deliver on the Government's "levelling up" ambitions, tackle economic crime, make changes to financial services regulation and reform the business rates system.

Finally, the programme also features two bills designed to address the legacy of Brexit and implement new free trade agreements.

Key bills identified for the Law Society include:

- Bill of Rights
- Brexit Freedoms Bill
- Data Reform Bill
- National Security Bill
- Economic Crime and Corporate
- Transparency Bill
- Electronic Trade Documents Bill
- Levelling Up and Regeneration Bill
- Draft Mental Health Act Reform Bill
- Draft Victims Bill

A more detailed breakdown of the Queen's Speech is available on request.

Wales

New, flexible legal services apprenticeships have arrived in Wales, thanks to a new partnership between the Welsh Government, CILEX (the Chartered Institute of Legal Executives) and the Law Society.

The new apprenticeship pathway is the result of a collaborative approach across government and the legal services sector in Wales, aimed at improving access to justice by opening up opportunities to the growing number of individuals looking for a vocational route into a career in law.

The new Level 3 and Level 5 apprenticeships are open to students aged 16 or over who have a high standard of numeracy and literacy and are sponsored by their employer. Any organisation that is able to provide the necessary legal work experience is eligible to sign up, with an estimated 700 organisations in Wales potentially suitable to sponsor a legal apprentice.

<https://www.legalnewswales.com/news/legal-apprenticeships-launch-in-wales/>

POLICY

Review of Policy advisory committees

Following the decision of the Board to commission an external consultant to lead a review of the policy advisory committees, and its approval of the consultant briefing on 8th March, the external reviewer – James Roberts – was formally appointed in early April and the review is now underway. The reviewer hopes to meet with all Chairs of policy advisory committees as well as members of their committees; staff who work with policy advisory committees; and Council members and Office Holders. The reviewer also proposes to survey the wider membership to inform the outcomes of his review. The reviewer will present initial findings to PRAC in July, following which his final report will be delivered in September for subsequent consideration by Board and Council.

SLAPPs and reputation of the profession

Since Russia's invasion of Ukraine in February, there has been a marked uptick in criticism of lawyers, with recent concerns raised regarding lawyers acting on behalf of Russian clients and the legal challenges being brought against the Government's Rwanda policy. We were keen to understand what impact this is having on perceptions of the legal profession, so we surveyed 2,000 members of the public via an online poll on 3 May to get insight into how much recent media and political discourse has affected people's views of the profession. We were looking particularly at cut-through of the debate around lawyers working on defamation and sanctions – particularly for clients we referred to in polling as the 'super-rich', mostly referred to in public and media discourse as oligarchs. While we do not propose to publicise these findings externally, these showed a worsening of public opinion of lawyers overall in the past three years, which seems to have been driven by news/politics rather than by interactions with lawyers or the legal system.

Our principled position in response remains that it is the job of solicitors to represent their clients, whoever they may be, so that the courts act fairly. This is how the public can be confident they live in a country that respects the rule of law. Solicitors are highly regulated and are not allowed to bring spurious objections to processes – if they challenge the government's actions, it's because they think the government is at risk of breaking its own rules. If Parliament wishes to change those rules, they have the power to do so democratically. We recognise, however, that we need to consider in the round our response to the reputational challenge. Whilst the last few weeks have seen a significant spike in coverage that is critical of the role of solicitors, the issues raised are not new and require a longer-term considered approach.

We are developing a strategy that engages positively with government reform processes on specific issues (such as SLAPPs – strategic litigation against public participation), and which provides support to our members to navigate challenging issues (such as decisions on whether and how to act for clients whose activities have a negative impact on the environment) as this demonstrates the profession's desire to contribute and adapt, where necessary.

In response to the MoJ's call for evidence on SLAPPs, through which it seeks views on the scale of the problem and possible reforms, our emerging position is that, in principle, we

share the government's view that there is a need for action against SLAPPs in order to prevent abuse of our justice system, but any reforms should be proportionate and:

- Strike the right balance between freedom of speech and the right of individuals to protect their reputation.
- Retain access to justice for both claimants and defendants, particularly when reforms are considered cumulatively.
- Increase legal certainty in the field (avoiding satellite litigation and associated costs/demands on court time and decreasing the aspect of the 'chilling effect' caused purely by uncertainty of the law, rather than the merits of a case).
- Explore methods which would ensure that the parties are operating on more of a level playing field concerning costs.

However, we also propose taking a more visible and proactive stance, involving a 'conversation' with our members and stakeholders about the ethical challenges posed by operating in today's business and professional environment. This will demonstrate our willingness to face into difficult questions about the balance of the rule of law, public expectation and regulation and help us to identify other potential solutions to pursue on behalf of our members. This work will also dovetail neatly with our Reframing Justice project, which has as its long term outcome and aim to strengthen public support for the social, political and economic value of the rule of law and justice system. Whilst this is a three to ten year goal, clearly this longer term project will help to underpin a broader understanding of the role and value of solicitors within the justice system, and why maintaining their ability to provide representation to, and therefore access to justice for, a wide range of clients is so important.

ANNEX 2

Strategic Litigation Group update

Part 1

Author: Legal Services Department

Classification - Public

Freedom of Information

Not applicable as this paper is public

Summary:

The Law Society intervenes in cases where it is able to provide the court with balanced, informative and useful submissions as the voice of the profession advocating fundamental rights and freedoms and promoting the rule of law. A decision on whether to intervene in a case is informed by policy considerations.

In making a decision, the Society considers a number of factors and seeks to balance them in determining whether it is in the Society's best interests to intervene in a case. These factors include political, strategic, stakeholder, reputational, human rights, equality, representational, sectional, financial and business considerations. Our interventions demonstrate the Society's active role in supporting and representing solicitors and promoting access to justice in the public interest. The following is a summary of litigation currently underway.

Recommendations:

This paper is for: noting

Assessments. This should be either a summary of what is in the paper (cross-referenced to the relevant paragraph), or, if the issues are very straightforward, a full statement of the relevant position.

Financial	The majority of cases which are the subject matter of this report fall under one of the 'permitted purposes' of section 51 of the Legal Services Act 2007. Occasionally, a case may involve only issues that fall outside of the 'permitted purposes,' but are, nevertheless, issues of strategic importance to the profession or to the Society.
Risk	Possible risks arising in each of the cases which are the subject of this report, were assessed prior to, or at the beginning of the Law Society's involvement.
E D & I	N/A
Organisational Values	The Society will only become involved in strategic litigation which meets the criteria set out in its policies for representational litigation. These require that the Society's involvement will engage at least one of the Society's organisational values.
Consultation	There will have been consultation with the relevant policy teams and committees for each case which is detailed in this report.

Promoting justice for all

(1) *Cam Legal v Belsner* (new)

On 24th May 2021 the Strategic Litigation Group ('SLG') accepted a recommendation that the Law Society should intervene in these proceedings, in which Cam Legal Limited are appealing against a decision of the High Court to the effect that a solicitor acts as a fiduciary prior to entering into a retainer and is therefore obliged to ensure that the client had provided 'informed consent' to a CFA that is part of the retainer, on the basis of information provided by the firm. That information had to meet the requirements of Civil Procedure Rules Part 46.2. This meant providing a specific example of the outcome to be expected if the claim settled at stage two of the pre-action protocol for low value PI claims in RTA'. The case is acknowledged to be a test case.

The case is important to the profession because unless the decision is overturned, it will become more difficult for members to recover the costs anticipated under a CFA. This will make it more difficult for some firms to continue to provide services to clients with low value personal injury claims which in turn will lead to less access to justice for those of modest means. It is also important because the CFA at the heart of the proceedings was based on a modified version of the Law Society's model CFA.

Following permission for the amendment of the grounds of appeal, the Law Society issued its application for permission to intervene on 16 September 2021.

The court granted permission to intervene on 15 December 2021, granting the Law Society an hour to make oral submissions and the right to apply for further time if required.

This matter came before Court of Appeal on 22 and 23 February 2022. The case was adjourned to a date to be fixed to allow the parties to address the court on several issues of law that arose, unexpectedly during the hearing. The Law Society was asked to file evidence as necessary to assist the court.

That evidence has now been filed.

The hearing is listed to begin on either 11 or 12 July for up to three days. The court has yet to confirm that date the hearing will commence.

Speaking up for the profession

(2) *R (On behalf of the Law Society) v Legal Aid Agency* (ongoing)

The Law Society issued proceedings in 2020 against the Legal Aid Agency challenging its decision to implement a new cost assessment regime, which, in essence, would have seen it assessing its own bills and removing the right to court assessment in almost all civil claims above £2,500, without adequate consultation.

Following the commencement of proceedings by the Law Society, the Lord Chancellor offered to settle the matter on agreed terms. The terms included, among other things, the launch of a proper consultation exercise and, pending the outcome of the consultation, the return to court assessment for all bills at the election of the practitioner. This has proved popular with the profession.

The MoJ has yet to publish the outcome of the consultation but, given the popularity of the current arrangements, which are actually more advantageous to the profession than those that had been in place before the abortive transfer to the LAA, it is difficult to envisage the LAA fully implementing its plan of transferring all assessments from the courts.

The MoJ has not so far published the outcome of the consultation. It appears that the current position is favourable to the profession as they may elect whether to have a court

assessment or an LAA assessment for civil bills. The LAA may have been monitoring the claims to gather data to inform its decision whether to retain the scheme it had abandoned by moving to full LAA assessment, but that will not become clear until they publish the outcome of the consultation which they were obliged to undertake as a term of the consent order settling the proceedings. The MoJ announced on 9 November 2021 that it would retain the current process under which practitioners can choose to have their civil legal aid bills assessed either by the court or the LAA until November 2022, when the Lord Chancellor will again consult on the matter. Between now and then the MoJ will gather data to assist them with framing the forthcoming consultation. The announcement was the subject matter of the following article in the Gazette for 9 November 2021, details of the article can be found [here](#)

There have been no new developments since the last report. The LAA will continue for the foreseeable future to allow solicitors to elect whether they wish their civil legal aid bills to be assessed by the LAA or by the courts. The LAA will be collecting data in the meantime to inform its eventual decision on a permanent arrangement following the consultation.