



Law Society Midlands regional review - June 2013

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News

Profession joins forces to oppose legal aid proposals

Criminal legal aid practitioners and representatives from local law societies from across the South West and beyond have joined forces with the Law Society in opposing proposals put forward by the Lord Chancellor. Momentum behind a campaign of opposition has been growing as awareness increases in the press and amongst members of the public about the serious consequences contained within the proposals.

The immediate concerns are:

- The proposal to abolish freedom of choice of representation is an unacceptable inroad into the basic rights of those facing criminal charges;
- The imposition of Price Competitive Tendering with the price cap will make it uneconomic for firms to provide quality services, leading to a wholesale exodus from the market;
- The fixed contract sizes will make it impossible for smaller firms to remain in the market and provide no incentive for firms to compete on quality; and
- The flattening of fee rate so that a solicitor is paid as much for a guilty plea as for a potentially complex case where a client is not guilty will introduce perverse incentives and a danger of miscarriages of justice.

The Law Society Legal Aid team, under the excellent leadership of Richard Miller, has been working hard in engaging with members and preparing our response to the MoJ's consultation, which was submitted on 4 June. Please follow this link to the Law Society's response to the Government's criminal legal consultation - <http://www.lawsociety.org.uk/news/press-releases/law-society-formally-responds-to-government-criminal-legal-aid-consultation/>

The Justice Select Committee will be looking at the proposals on Tuesday 11 June, and the Law Society President Lucy Scott-Moncrieff will present evidence on behalf of the Law Society.

Further details of the Law Society's campaign are available:

<http://www.lawsociety.org.uk/representation/campaigns/criminal-legal-aid/>

relevant press release - <http://www.lawsociety.org.uk/news/stories/leading-academics-warn-legal-aid-cuts-could-have-devastating-effects/>

Re-Run constituency boundary consultation – have your say by 11 June

The Law Society is consulting members in Wales and adjoining parts of England about the boundaries for Council election constituencies in these areas. The issue is whether Wales should have its own self-contained constituency structure and, if so, what changes should be made to those constituencies which cross the border between Wales and England.

This is a re-run of an earlier consultation which achieved only a low turnout. Electoral Reform Services (ERS) have emailed members in the constituencies listed below to explain how views on the issue can be registered on the ERS website. A background document explaining the issues can also be found on the [ERS website](#). The constituencies concerned are:

- No 18 West Country and Gwent
- No 19 South Wales
- No 20 Mid and West Wales
- No 21 The Welsh Marches
- No 25 Cheshire and North Wales



If your registered office is in one of these constituencies and you have not received an email from ERS about this consultation, you may contact ERS and register your views. Please contact customerservices@electoralreform.co.uk (telephone 020 8889 9203) to be given a security code to access the ERS website. Views may only be registered through this website.

Government decision not to regulate will writers leaves consumers at risk

The Law Society has reacted with disappointment to the government's decision not to regulate will writers. The government's decision, announced today, rejects advice from the Legal Services Board (LSB) based on evidence of dishonesty, incompetence and bad practice by unregulated will writers.

<http://www.lawsociety.org.uk/news/press-releases/law-society--consumers-remain-at-risk-from-cowboy-will-writers/>

Excellence Awards 2013 open for nominations

Nominations are available in the following categories:

Firm/team awards criteria

- Excellence in Pro Bono - new for 2013
- Excellence in Exporting Legal Services - new for 2013
- Legal Sector Alliance Award for Excellence in Environmental Responsibility
- Excellence in Client Service
- Excellence in Marketing & Communications
- Excellence in Business Development & Innovation
- Excellence in Learning & Development
- Excellence in Diversity & Inclusion
- CQS Award for Excellence in Conveyancing Practice
- Lexcel Award for Excellence in Practice Management

Individual awards criteria

- Legal Business Woman of the Year
- Solicitor of the Year - In-house
- Solicitor of the Year - Private Practice
- Solicitor Advocate of the Year
- Junior Lawyer of the Year
- The Law Society Gazette Legal Personality of the Year

For further information and details of how to apply please follow this link;

<http://www.lawsociety.org.uk/representation/excellence-awards/>

Admissions ceremony for solicitors admitted before 2009

On 12 July 2013, the Law Society is running an admissions ceremony for solicitors admitted to the roll prior to 2009.

<https://events.lawsociety.org.uk/ClientApps/Silverbear.Web.EDMS/public/default.aspx?tabid=37&id=192&orgId=1&guid=f048fab6-f82f-4117-81e6-2e96b328839f>

Midlands Events

BAME Judicial Appointments Seminar (Birmingham, 17 July)



As part of its commitment to promoting greater diversity in the judiciary, the Law Society along with the Bar Council and Chartered Institute Legal Executives (CILEx) are running targeted events to raise awareness of opportunities in the judiciary. In addition to practical advice on the application and recruitment process, the session will provide encouragement from judges who have been through the process.

Details and bookings -

<https://events.lawsociety.org.uk/ClientApps/Silverbear.Web.EDMS/public/default.aspx?tabid=37&id=260&orgId=1&guid=c3c4dd05-5f78-4481-89ae-eb0c80fe6787>

Compliance and Regulation Update

Funding Rising Intervention Costs

A large number of firms of varying sizes are experiencing financial difficulties in the current economic climate. When all other options available to the Authority have been exhausted, the SRA may have no alternative but to protect clients by intervening into these firms when they no longer have the necessary funds to discharge their obligations.

In comparison to previous years, 2012 saw a reduced need for interventions, but the first four months of the year saw 15 interventions take place, two of which are estimated to cost £1.8 million because of the size of the firms involved. There can be no certainty over future possible intervention costs, but from within a range of scenarios, the SRA's best estimate is that the cost in 2013 may be around £7 million.

The SRA believes that the Compensation Fund is the only viable option to meet these costs. The Law Society has told the SRA that the funding of interventions using the solicitors' Compensation Fund is preferable to a levy on the profession. However it not a long-term solution.

<http://www.lawsociety.org.uk/representation/policy-discussion/compensation-fund-intervention-consultation/>

SRA approves changes to Phase 1 of QASA

The Solicitors Regulation Authority (SRA) Board has made rule changes to extend the deadline for the first phase of the Quality Assurance Scheme for Advocates (Crime) (QASA) Regulations from 10 January to 9 March 2014, following its approval in April of the Scheme and Handbook changes for submission to the Legal Services Board for final sign-off.

The change will not affect the dates for the launch of phase two (10 March—13 June) and phase 3 (30 June—3 October) in 2014.

Diversity Reporting Requirements (Summer 2013 onwards)

Following requirements set down by the Legal Services Board, firms regulated by the SRA are required to collect, report and publish workforce diversity data about the diversity make-up of their workforce.

In collecting this data, firms are required to give every individual in their workforce an opportunity to self-classify against a range of diversity characteristics. The aggregated workforce data must be reported to the SRA, broken down by the specified role categories and a summary of that data published by the firm.

The time table for 2013 is as follows:

- Firms are advised to start planning their diversity data collection now;



- The facility for online reporting will open in the Summer 2013 and will remain open for firms to comply with their annual reporting requirements;
- Firms must report their data online to the SRA by 31 January 2014;
- The SRA will take a snapshot of the aggregated data in February 2014.

Support and guidance on diversity reporting requirements is available from the Law Society
<http://www.lawsociety.org.uk/communities/equality-diversity/>

Easing the Regulatory Burden

The Law Society wants to ease the regulatory burden on firms and is inviting members of the profession to offer their views on how red tape can be reduced.

The Law Society conducts a regular survey of solicitors' experiences of regulation to ascertain areas of difficulty and to measure the impact of changes in regulation. The recent survey revealed that businesses are still struggling with the evolving regulatory landscape.

The survey also showed that solicitors believe that the current regulatory regime places too greater burden on firms and the cost of compliance is a major concern to them.

However, firms see the SRA's enforcement under outcomes-focused regulation (OFR) as a credible deterrent, indicating that a move to OFR is not seen by firms as 'light touch'.

<http://www.lawsociety.org.uk/news/press-releases/law-society-seeks-to-ease-regulatory-burden/>
<http://www.lawsociety.org.uk/representation/research-trends/research-publications/regulatory-performance-survey-findings-2012/>

Compliance support for firms

Remember the Law Society's risk and compliance service is available to offer ongoing support to members.

<http://www.lawsociety.org.uk/communities/risk-compliance-service/>

Practice Notes

Flood Risk (23 May 2013)

Flooding is a growing risk for British property. Aside from physical damage caused by floods, if a property is at risk of flooding it may be difficult to:

- obtain a mortgage
- obtain suitable insurance cover, or
- sell the property.

This is likely to affect the value of the property.

Solicitors are not qualified to give advice on flood risk or interpret technical flood reports. However, this note aims to provide you with information to help your clients investigate the terms on which buildings insurance cover, including flood risk, is available, prior to their entering into contractual commitments. It provides general information in relation to flood searches and other means of investigation.



You should encourage your clients, prior to their entering into a contract, to make sure that insurance can be obtained for the property on acceptable terms. You should also liaise with clients in relation to which, if any, flood searches or other investigations, may be appropriate.

<http://www.lawsociety.org.uk/advice/practice-notes/flood-risk/>

Collecting, Reporting and Publishing Diversity Data (9 May 2013)

In 2011, the Legal Services Board (LSB) published [statutory guidance](#) (PDF 462kb) setting out its expectations of approved regulators in measuring levels of diversity and social mobility in the legal workforce.

As a result, practices regulated by the SRA – including sole practitioners, recognised bodies and alternative business structures – are required to annually collect, report and publish data on the diversity of their workforce. These requirements do not apply to regulated individuals working for in-house practices or other bodies currently not regulated by the SRA.

The SRA has published guidance and Q&As, which can be found [here](#). The aim of this practice note is to:

- briefly set out the rationale for these requirements, and
- highlight the key points for practices and individuals

We have also indicated how the Law Society can assist you and your practice in this area.

<http://www.lawsociety.org.uk/advice/practice-notes/sra-equality-monitoring/>

Unbundling Family Legal Services (1 May 2013)

Since 1 April 2013, legal aid is no longer available for most private family law matters where there is no history of domestic violence and abuse. Clients of modest means including those who would not previously have been eligible for legal aid are unlikely to be able to afford to instruct a solicitor on the basis of a traditional retainer, but they may wish to instruct a solicitor under a partial retainer for a particular aspect or aspects of their case.

Increasingly, firms are introducing some level of unbundled services as a more affordable alternative to the traditional retainer. This practice note aims to advise practitioners on best practice in relation to unbundling whilst pointing out the potential risks and how to minimise them.

<http://www.lawsociety.org.uk/advice/practice-notes/unbundling-family-legal-services/>

Consultations

SRA Red-Tape Consultation (Closes 28 June 2013)

This consultation forms part of the SRA's continuing Red Tape Initiative to remove, curtail or simplify regulations and processes which are not demonstrably in the public interest, impeding both those the SRA regulates and its ability to focus on the issues that really matter.

<http://www.sra.org.uk/sra/consultations/red-tape-initiative-phase-2.page>

For a full summary of all the recent Law Society consultation responses, please visit:

<http://www.lawsociety.org.uk/representation/policy-discussion/>



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