



Law Society Council meeting summary: 14 December 2016

Council met on 14 December for its last meeting of the calendar year, and welcomed Bill Waddington (Criminal Defence) and Nigel Waddon (Law Management Section) to their first meeting as Council members. The President also noted the centenary of David Lloyd George's becoming Prime Minister, the only solicitor thus far ever to become British Prime Minister. Among major items of business, Council agreed the Solicitors Regulation Authority budget for the coming year (as previously signed off by the Business and Oversight Board),

Governance

At its October meeting, Council moved forward to agree some changes to the structure of boards that support Council in its work, including the establishment of a Main Board. Before implementing these changes we are moving on to the broader review of Council itself to ensure we take the opportunity to strengthen Law Society's connection with our changing, diverse and dynamic profession. In December, the President set out initial thinking as to how to do this, using input both from Council members and from other members of the profession. We have been seeking input from individual members, local law societies and others as we have begun to consider changes and will continue this open approach as we look at Council. The e-mail address: representation@lawsociety.org.uk remains open for your thoughts.

Promoting the profession - market and regulatory change

The Chief Executive noted the Society's success with the Legal Aid Agency in removing the so-called 'embarrassment clause' from the draft 2017 criminal legal aid contract in favour of a form of words based on one submitted by the Law Society. She also informed Council that the Law Society made a submission to the Ministry of Justice review of the Legal Services Board, stressing the importance of transparent, evidence-based regulation.

The Society is preparing a response to the SRA consultation on the Solicitors Qualifying Examination (SQE), and Council was pleased to note that this consultation takes on board several points made by the Society in response to the first SQE consultation including that entry qualification should be degree-level.

Council heard about the Law Society's response to the HMRC consultation on strengthening tax avoidance sanctions and deterrents, which has potentially serious impacts on tax lawyers who could be wrongly caught in the very wide definition of 'enablers' facilitating tax avoidance schemes and face financial penalties: there are also adverse implications for legal professional privilege and for individuals' right to advice on their tax affairs. The Solicitor Brand campaign, which launched on 1 October, is going well and includes rail, bus and outdoor advertising as well as other media campaigns and an active on-line presence to promote solicitors as honest, client-focused experts who give value for money and make a positive contribution to society.

Representing and supporting the profession

The Chief Executive updated Council on our continuing engagement with government and others on Brexit, including further meetings with Rt Hon David Davis MP and other ministers and Parliamentarians. As well as government, we have been engaging with the opposition. We have secured significant media coverage. The Chief Executive also alluded to the campaign we are developing which is focused on promoting England and Wales as a global legal centre for the governing law of international contracts and our courts as the international forum of choice. A Council member emphasised the importance of early involvement by the Society (and others) in considering the major programme of transitional arrangements for Brexit.

Council was very pleased to hear that the Investigatory Powers Act, as it now is, contains substantial statutory protection for legal professional privilege. This is another substantial success for the Society, which has been invited to engage with Home Office officials on the content of codes of practice for implementing the Act. Council was also pleased to hear of the government's announcement that immigration and asylum fees will be reviewed. Rises in fees are to be reversed and free exemptions offered in the First-Tier Tribunal extended: this is a matter on which the Society has campaigned and it is good to see a successful outcome.

Council also heard about the Law Society's opposition to the Ministry of Justice consultation over raising the small claims limit for personal injury claims and making other changes in relation to injury claims. The President has appeared on Sky News and written in the *Times*, and have been briefing politicians and others about our concerns. We are responding formally to the consultation, for which there is a tight deadline of 6 January 2017. National *pro bono* week took place in November, including the launch of the Law Society's *pro bono* charter and manual setting out the steps legal practices may take to develop their *pro bono* programmes.

A report from the Law Society's Membership Board, which oversees relationships with the profession, noted that the Society's relationship management team had just under a hundred meetings with local law societies over the period mid-September to mid-November, gaining much useful insight into the thinking and concerns of solicitors 'on the ground'. It was noted that the date of the annual conference for presidents and secretaries of local law societies is now to be held on 5-6 May 2017. The Board also had an update on the Society's Diversity Access Scheme which enables people from disadvantaged backgrounds to train as solicitors.