

## **Council report – 5 December 2018**

Council met at Chancery Lane for the last time in 2018 on 5 December.

There was a packed agenda. Building on the intention of ensuring that Council plays a full part in discussing policy issues relevant to the profession, Council split into groups to discuss the Mayson review of legal services regulation: the key emerging themes will directly influence the Law Society's position in response.

Council also considered a forward planner for its policy debates, noting that the plan is to focus in February on topics in civil justice. On internal matters, Council reviewed a draft governance manual which pulls together in one place all the documentation relevant to the Law Society's recently reformed governance structure.

Ongoing issues around legal aid and access to justice were highlighted. An important part of the context is the significant reduction in the Ministry of Justice's budget, which is expected to reduce overall from its previous level of £10.9bn in 2010 to £6.38bn in 2019-20. Spending on legal aid fell from £2.5bn in 2010-11 to £1.55bn in 2016-17.

The fragility of the criminal legal aid market is compounded by the looming crisis in the number of criminal duty solicitors across vast areas of England and Wales. In 5 to 10 years' time there will not be enough criminal defence solicitors in several regions, leaving many people in need of legal advice unable to access justice.

A consequence of this is that more and more people now have to travel more than 20+ miles to their nearest Magistrates' court, and the number of litigants in person attending both county court and family court has risen significantly in the last five years

The Law Society's LASPO Four Years on Review contained 25 recommendations, and can be found on our [website](#). Our response and campaigns focus on early advice; means-testing; advice deserts and sustainability of the profession. Our submission also included key evidence and research, including three papers on the means test.

### **Promoting the profession**

**Justice Week** is a new initiative run jointly with the Bar Council and CILEx, and it was reported on to Council. The Week was an opportunity to place justice and the rule of law at the centre stage of public and political debate.

Events and activities took place both in London and regionally, including engagement with Members of Parliament, events in Wales, debates led by young lawyers, opening of a law clinic, workshops for students and much more.

Council were also updated on the year-end report from the Solicitor brand campaign, a primary component of the Law Society's work for members, promoting the profession. 81% of members scored promoting the value of using a solicitor as profession as 7 or more out of 10 for importance in our latest member survey.

### **Influencing for impact**

#### **Successes**

Recent successes were highlighted, including

- The scaling down of the Flexible Operating Hours pilot
- The changes to the domestic violence gateway rules
- Our successful judicial review of the Crown Court Fee (LGFS)
- The withdrawal of the proposal to close Cambridge Magistrates' Court

## **Parliament**

Our ongoing work to influence the legal and regulatory environment was highlighted to Council. For example, in October 2018 the Law Society and its campaigns were mentioned 10 times in the Hansard, 11 written parliamentary questions were tabled by MPs and we received two mentions of our early advice campaign in Justice Oral Questions. Specifically, we briefed parliamentarians on the:

- Civil Liability Bill
- Counter Terrorism Bill on our concerns on legal professional privilege
- Mental Capacity (Amendment) Bill
- A debate on the LASPO review
- Homes (Fitness for Human Habitation) Bill
- Criminal Legal Aid.

The Law Society was invited to give evidence to Select Committees twice in October:

- By the Justice Select Committee as part of a follow up inquiry on Brexit and the justice system.
- By the House of Lords Economic Affairs Draft Finance Bill Sub-Committee on the draft Finance Bill.

## **Practice excellence**

### **SRA handbook**

Now that the LSB has accepted the SRA Handbook changes which will impact on the future of profession, the Law Society will now focus on support and guidance and resources to support members through the change.

### **Technology**

The Law Society has a strong interest in the impact of technology and data use on human rights. To help us understand this issue, we are examining one specific aspect: the use of algorithms in the justice system, through the Technology and the Law Policy Commission chaired by Law Society president Christina Blacklaws.

Council was briefed on the public sessions being held to allow our commissioners to take oral evidence from experts. Session 3 will be held on 14 February 2019 from 3-6pm at 113 Chancery Lane. This session will focus on what controls, if any, are needed to protect human rights and trust in the justice system. A final report is due in May 2019.

The Society's partnership with Barclays Eagle Labs, providing an incubator for Law Tech start-ups was explained to Council. The space is encouraging co-working and business incubation, collaboration and mentoring. Its event and meet-up spaces will help members become leaders in their field and strengthen the UK's reputation for excellence in the legal services sector.

The Law Society is also facilitating the LawTech Delivery Panel, a team of industry experts and leading figures from government and the judiciary, to help the UK legal sector grow and fulfil its potential. Announced by the Lord Chancellor in summer 2018, the panel is industry led and supported by government.

By identifying both barriers to and catalysts for growth, the panel will provide direction to the legal sector and help foster an environment in which new technology can thrive. The panel will work with industry, government, experts and the legal community, addressing challenges related to regulation, investment and funding, education and skills, legal framework, commercial disputes resolution and ethics.

## **Career Companion**

### **Women in Leadership in Law**

In her mid-year update on her presidential plan, the president drew Council's attention to our women in leadership in law programme as well as her priority areas of technology and law (see above), access to justice, and mental health and wellbeing.

She referred to the Law Society survey on women in leadership in law, the largest ever international survey with 7,781 responses. The top barrier to women's progression is unconscious bias. Qualitative research to identify solutions has followed.

230 roundtables with approximately 4,000 attendees have been held over the summer. Domestic roundtables have been undertaken across the country and specific groups (BAME, lawyers with disabilities, junior lawyers, judges) have also been targeted. Approximately 15 roundtables have been held internationally in Africa, North America, India and Europe.

1,500 men's and women's toolkits have been issued. The majority of the top 50 firms have been involved. We started the men's roundtables in November. Men from all sectors (in-house, small and large firms) have taken part including the Lord Chancellor David Gauke who attended to participate and support the initiative. Insights are being put together into report to be launched on International Women's Day in March 2019. An International Symposium is planned for 20-21 June 2019. Bookings will be opening in the early new year.

**Next Council meeting 13 February 2019.**