



The Law Society

# Relationship Management



# Newsletter for the Midlands

March 2017



Hello and welcome to the Relationship Management monthly report for March 2017 for the Midlands.

We hope you find the report useful and encourage you to share it with your members and colleagues.

If you have any comments or suggestions regarding the future development of our monthly report, please let us know.

Thank you for reading.

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## Roundtable lunch on international engagement

**Hotel Du Vin, Birmingham**, 30 March, 12:30-14:30

This roundtable lunch is designed to gather views on their international prospects and what members would like to in terms of tangible support from the Law Society. This will give our members a voice in shaping future events focused on key overseas markets for the legal profession. The Law Society's Relationship Management and International teams are facilitating these roundtables and we will also have representatives from the Department for International Trade discussing ways in which they can support the profession. One of their main objectives in the midst of Brexit is to promote professional services globally and they will highlight the ways in which they do this during the roundtable.

To register your interest in attending email [beth.quinn@lawsociety.org.uk](mailto:beth.quinn@lawsociety.org.uk)

## Breaking into Latin America

**Mills and Reeve, Birmingham** 20 April 14:00-18:30

The event will benefit firms who may have aspirations to enter the LatAm market by providing intelligence on potential market access and growth sectors across the region.

The first half of the programme provides delegates with country overviews, including market activity and practise rights for foreign lawyers. Jurisdictions covered will be:

- Brazil

- Colombia
- Mexico
- Central America

The second session shifts the focus to growth sectors across the Latin American region as a whole, including:

- Infrastructure
- Shipping/Maritime
- Energy
- Insurance and Reinsurance
- Arbitration

[Find out more and book your place](#)

## Seminar to inform Lord Justice Jackson's review on fixed recoverable costs

**The Law Society, London** 13 March, 13:00 - 17:15

Lord Justice Jackson is undertaking a review of the costs of civil litigation to develop proposals to extend the fixed recoverable cost scheme in England and Wales.

The purpose of this seminar chaired by Lord Justice Jackson is to obtain constructive input from court users on the proposals. It will focus on structural issues, counsel's fees, expert fees and upper limit for cases subject to fixed recoverable costs.

Expert speakers will take part followed by discussion with the audience.

The report to the Lord Chief Justice and the Master of Rolls will be published by 31 July 2017.

[Find out more and book your place](#)

## Encouraging more diversity among the Law Society's Council, committees and Divisions

**The Law Society, London** 21 March, 17:30 - 20:30

The Law Society is keen to encourage greater diversity in the composition of its Council policy

committees and Divisions. For example, we believe that women, BAME, LGBT and younger solicitors and solicitors with disabilities are under represented on the Council, which is the elected governing body of the Law Society and sets policy on behalf of the profession. A similar pattern holds true for recruitment to the specialist committees that advise on specific areas of the law. Opportunities also exist for members to play a pro active role on our Divisions committees.

[Find out more and book your place](#)

For a full list of events, further detail and to book, please visit our [events page](#).



### Presidents and Secretaries Conference 2017

Plans for the Presidents and Secretaries Conference in 2017 are well underway.

So far over 35 societies have booked to attend so if you would like to join us please [book here](#) for what promises to be an informative and inspiring conference.

This year we are offering an interactive mix of panel sessions and workshops with a varied range of useful and interesting topics and practical tips which you can take away and put to good use in your societies.

The programme will include workshops on: media training, understanding in house solicitors, membership retention and income generation, tech tools for running your society, Brexit and twinning and managing a consultation process as well as panel sessions on lobbying at a local level and a look at how other professions operate local membership bodies. Go to the website to see fuller details of the programme.

This year we also have a range of expert external and Law Society speakers from the fields of politics, academia and business. These include externally: Sir Edward Davey, former Minister of Energy and MP of Kingston, Susan Smith, vice president, South Eastern Society of Chartered Accountants, Matthew Fedigan, chair, North West UK Regional Board for Surveyors and Professor Sara Chandler QC, vice president, Federation des Barreaux D'Europe, European Bars Federation. Internally: :Robert Bourns President of The Law Society, Vice President Joe Egan and Richard Miller, Head of Legal Aid and Mark Paulson, Head of Public and Criminal Law.

New for this year, we will be running surgery sessions on Friday 5 May between 12:45 - 13:45. This is a fantastic opportunity to have a 10 minute 1-2-1 meeting with a Law Society representative about a particular issue or concern you may have in relation to the operation of your local law society. Experts from the following Law Society departments will be available: Legal Policy, Communications (inc press office, digital communications and social media), Public Affairs, Practice Advice and Relationship Management.

Places are limited and will be allocated on a first come, first served basis. Delegates can register for a maximum of **two** sessions.

Anyone wishing to take advantage of a surgery session will need to email [events@lawsociety.org.uk](mailto:events@lawsociety.org.uk) with the following information by **Friday 31 March**:

- your name, local law society and position at your local law society
- your query / question (this will help us to allocate a suitable Law Society expert)

Once we have received this information, a confirmed surgery time will be emailed to you.

To give you a flavour of the teams involved in the marketplace we will be featuring some of them in the newsletter in the run-up to the conference. This edition includes a profile of the Practice Advice Section. We will also be including profiles

of all the teams involved in your conference pack.

### Update on Brexit - the latest links

As the complex issue of Brexit rumbles on we thought it would be useful to see the latest news from The Law Society.

The government's plans for the forthcoming Brexit negotiations contain positive signals for the legal sector. Read the article in full [here](#).

Brexit explainer: Article 127 court case

As well as being a member of the European Union (EU) - a union of 28 countries with integrated policies on issues such as justice, defence and industry - the UK is a member of the European Economic Area (EEA), a single market that allows for the free movement of people, goods, services and capital.

The article 127 court case is at root of whether the UK can leave the EU but stay in the EEA.

Read the article in full [here](#).



**Pro Bono Charter and Manual - take a look and sign up**

The Law Society has recently produced two new tools designed to help law firms and in-house teams develop the capacity and strategic presence of pro bono work to improve access to justice and meet unmet legal needs.

The Pro Bono Manual sets out the steps legal practices may take in order to develop a strategic pro bono programme and includes template policies, engagement letters, memorandums of understanding as well as best practice guidance and information about strategic partners within

the sector. To download your free copy of the Manual, please visit [our website](#).

The Law Society also launched its Pro Bono Charter in November 2016. The Charter is a statement of commitment that firms and in-house teams can endorse and is a public commitment to support pro bono.

To find out more information about the Pro Bono Charter and how to become a founding signatory, please click [here](#).

### Update on PI reform

The President of The Law Society Robert Bourns tells us that there is a continuing need to lobby on PI and small claims as its impact on Access to Justice will be significant.

The Ministry of Justice (MoJ) has confirmed plans to increase the small claims limit to £5,000 for all road traffic related personal injury claims. This means some will be denied access to justice, will have to act for themselves, and the court system will be stretched even further.

There's still time to take action:

[Contact your MP through our new online system](#) - it only takes five minutes, and includes a pre-written letter

You can still [download our campaigner pack](#) (PDF 230kb), which provides guidance on responding to the government's consultation (now closed) as well as other ways to support our campaign

Below are some recent articles on the issue which you may find useful.

The government has suggested that the personal injury sector will adapt and survive any forthcoming reforms. Read the article in full [here](#).

Research carried out by Compass Lexicon shows that insurers rather than consumers will benefit from the proposed changes to the PI

reforms. The following press releases include further information:

[Insurers will be the winners and consumers the losers in personal injury 'reforms', economic study shows](#)

[Ministry of Justice plans mean victims of negligent drivers won't get legal help](#)

### Social Mobility Index is launched

The Social Mobility Commission and the Social Mobility Foundation have launched a joint initiative, the Social Mobility Employer Index. This will rank Britain's top employers for the first time on how open they are to talent from all backgrounds. Improving social mobility is a national priority, and the results of the rankings will appear in *The Times* this summer.

The index is open for submissions until 3 May.

The Law Society will be participating and is encouraging our members to do the same.

Find out more on the Social Mobility Foundation [website](#).



### National Conference of Local Law Societies 2017

Bookings have now opened for this year's National Conference of Local Law Societies.

This year's conference is hosted by The City of Westminster & Holborn Law Society and will take place on 9 and 10 November 2017.

For further information and to book your place, please visit the [Eventbrite page](#).

### Apprenticeships

The Law Society has recently published a new guide on the apprenticeship levy. If you want to find out more how you may be able to fund legal apprenticeships, [download the guide here](#).



## Features

### Profile on the Practice Advice Service

The Practice Advice Service or PAS will be taking part in the marketplace sessions at this year's Presidents & Secretaries Conference. Below is a profile of the Practice team together with details of what they do and how they can help support Local Law Societies.

A significant way in which the Law Society assists members is by providing a range of helplines such as the Practice Advice Service (PAS). Established for over 27 years, Practice Advice is staffed by solicitors who provide free and confidential telephone advice to solicitors and those who work for member firms.

The deal with over 28,000 enquiries a year on a wide variety of practice issues such as: anti-money laundering,

- costs,
- conveyancing,
- membership of lender panels,
- private client problems and
- litigation.

They also receive calls on client care and compliance, PII and pastoral care and details of these helplines are given below.

Many junior lawyers contact the team if they are hesitant in approaching someone more senior in their firm with what might appear to them to be a trivial question. They offer reassurance and an objective sounding board. They may also be able to highlight issues that may not always be immediately apparent though we are not able to give legal advice.

The PAS team have their finger on the pulse of the profession as a result of their frequent interaction with members and as such they are

able to identify emerging issues affecting the profession. For example, they are often the first port of call for solicitors who have fallen victim to cyber based scams and have been instrumental in encouraging the Law Society to publish advice on how to prevent firms from falling victim to criminal activity of this type.

The PAS team also produce Q & As and articles which are very popular and these regularly appear on the Law Society website and in their newsletters.

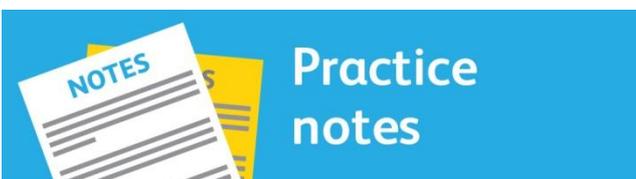
### Other helplines

In addition to the main advice line, they also have other helplines such as:

- **Anti-Money Laundering - 0207 320 9544**
- **Lawyerline** - a service which advises solicitors on how to deal with complaints on - **020 7320 5720**
- **Professional Indemnity Insurance - 020 7320 9545**
- **Pastoral Care** - a referral service which helps members with personal, professional, financial and employment problems on - **0207 320 5795**



March saw vice president of the Law Society, Joe Egan welcome a number of law students to Chancery Lane from Derby University. Students participated in a wide ranging discussion with Joe providing an update on Law Society activity, opportunities and challenges for the profession and support available for students and newly qualified solicitors.



### Appointment of a professional executor

This practice note is for solicitors and law firms who provide will writing and probate services, and for solicitors and firms who are retained by, or have an economic relationship with, a third party selling its own executor services, for example a solicitor or firm working with a high street bank that sells professional executor services.

What is the issue?

- Clients who are considering the appointment of a solicitor or firm as executor(s) must be provided, by the potential executor(s), with sufficient information to make an informed decision about the appointment and its related costs.
- Clients should be aware of the choice of using either a professional or lay person when appointing an executor, and that if a lay person is appointed, they may engage the services of a professional to assist with the administration of the estate on the client's death.
- These requirements apply to all methods of will writing services, including face-to-face, online and postal packs.

[Read more](#)

### Legal professional privilege

This practice note is aimed at all solicitors who are involved in issues concerning legal professional privilege (LPP). The practice notice seeks to:

- clarify the status of legal professional privilege
- explore recent concerns about how the right has been asserted
- summarise practitioners' duties
- clarify the main principles of LPP

[Read more](#)



### Driving offences and penalties consultation

The Law Society has responded to a Ministry of Justice (MoJ) consultation on driving offences and penalties relating to causing death and serious injury.

[Read our full response](#)

### Family Mediation Council consultation on family mediators drafting consent orders

In November the Family Mediation Council released a consultation asking whether family mediators should be able to draft consent orders for both parties at the end of a successful mediation. The drafting of a consent order is not a reserved legal activity. This means that, under the law, anyone can assist with or write such an order providing that they do not present themselves as a solicitor if they are not entitled to do so.

[Read the full response](#)

### Amending environmental impact assessment regulations consultation

The Law Society's Planning and Environmental Law Committee has responded to a Department for Communities and Local Government consultation on amending environmental impact assessment (EIA) regulations.

The committee was keen to see consistency among the devolved administrations and that the EIA provisions are transposed in a way that ensures effective compliance with Directive 2014/52/EU.

[Read the full response](#)

### Inheritance tax on overseas property consultation

In December 2016 HMRC published a consultation on provisions in the Draft Finance Bill 2017 on inheritance tax on overseas property with value attributable to UK residential property. The Law Society has responded to this consultation.

The proposed measures aim to extend the scope of inheritance tax to residential properties in the UK which are held by non-domiciled individuals.

[Read our full response](#)

### Better Combat Compensation

In December 2016 the Ministry of Defence (MoD) published a consultation, 'Better Combat Compensation', that included proposals to change the processes for awarding compensation for injuries and deaths in combat.

The MoD also proposes to change the definition of combat immunity using legislation, further limiting the circumstances under which the MoD could be prosecuted for negligence.

[Read the full response](#)

### Legal Ombudsman consultation

The Legal Ombudsman (LeO) has consulted on its annual business plan and budget. The consultation paper also sets out LeO's proposals for a new three-year strategy and an indicative three-year work programme.

We broadly agree with the strategic drivers identified by LeO. LeO's primary focus should be ensuring that it provides a good quality service to clients and the legal profession so that disputes can be resolved quickly and efficiently. We plan to work with LeO in 2017 to improve the guidance to solicitors to ensure they fulfil their regulatory and signposting requirements.

[Read our full response](#)

### Legal Services Board draft business plan for 2017/18

On 17 February the Law Society submitted its response to the Legal Services Board's (LSB) draft business plan for 2017/18.

The Society encouraged the LSB to continue to hold frontline regulators to account for any proposed regulatory changes. The Society particularly encouraged the LSB to require frontline regulators to undertake a full cost-benefit analysis of any proposed changes, thus ensuring a sound evidence-base for change and bolstering transparency and accountability.

[Read our full response](#)



Consultations for Government that you may be interested in responding to...

### Commissioning services for Housing Possession Court Duty Scheme

The MoJ are consulting on the Legal Aid Agency tender process for housing possession court duty schemes. The proposal includes price tendering.

The MoJ argue that due to problems of sustainability price tendering offers an opportunity to tender for contracts at an economically sustainable rate. We are concerned that this could trigger a race to the bottom on price. Although this only affects a small section of our membership it could have wider significance for future LAA contracts if price tendering goes ahead.

**Submission deadline** 17 March 2017

[Find out more](#)

### Family Law - PD3AA

The President of the Family Division has published a consultation on PD3AA vulnerable persons: participation in proceedings and giving evidence.

The draft practice direction seeks to provide guidance to the court on:

- Factors to have regard to when considering the vulnerability of a party or witness
- Vulnerability
- How the court should proceed when it considers a vulnerable party should give evidence – including by holding a ground rules hearing
- Details to include in applications for directions under Part 3A, as well as how to make such an application

**Submission deadline** 17 March 2017

[Find out more](#)

### Consultation on cuts to fees under the Litigator Guaranteed Fee Scheme

The MoJ are consulting on proposals for the reform of the funding scheme which pays advocates to defend clients in the Crown Court.

The MoJ proposes:

1. Reducing the pages of prosecution evidence (PPE) claimable under the Litigator Graduated Fee Scheme (LGFS) from 10,000 pages to 6,000 pages;
2. Reducing the rates paid for s38 court appointed advocates to legal aid rates.

We believe that further cuts to solicitors' fees are neither necessary nor sustainable at this time, bearing in mind the ongoing reforms in the justice system.

**Submission deadline** 24 March 2017

[Find out more](#)

### MoJ consultation Corporate Liability for Economic Crime - Call for evidence

[Find out more](#)

To obtain a conviction for a corporate criminal offence the prosecution must show that the '*directing mind and will*' had the necessary fault element for the offence. The 'directing mind and will' test is known as the 'Identification Doctrine' and is readily applicable to economic crimes committed on behalf of or in the name of small companies. However, the doctrine presents a particularly difficult hurdle to overcome when attempting to prosecute large, multi-national companies as it is often difficult to prove those who can be regarded as 'the directing mind' of the company knew about, actively condoned or played a part in the offending. This call for evidence is tasked with establishing the extent to which the Identification Doctrine may be hindering effective criminal law enforcement and to formulate reform proposals if necessary.

**Submission deadline**                      24 March 2017

[Find out more](#)

### Review of Employment Practices in the Modern Economy

BEIS has commissioned RSA Chief Executive Matthew Taylor to lead an independent review into how employment practices need to change in order to keep pace with modern business models.

The wide-ranging review is looking at ways to ensure that the regulatory framework surrounding employment, and the support provided to businesses and workers, is keeping pace with changes in the labour market and the economy.

We do not take a view as to whether new business models are a positive or negative development. We are interested in how the employment law framework can be adapted to the modern economy and how the rights granted by Parliament can be effectively enforced.

**Submission deadline**                      4 April 2017