



Hello and welcome to the Relationship Management monthly report for May 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.

#### The Midlands & Southwest team:

**Rav Hothi** - Head of Relationship Management  
Midlands and Southwest  
07816929749  
[Ravinder.hothi@lawsociety.org.uk](mailto:Ravinder.hothi@lawsociety.org.uk)

**Sarah Richards** - Relationship Manager  
Midlands and Southwest  
07875579012  
[Sarah.richards@lawsociety.org.uk](mailto:Sarah.richards@lawsociety.org.uk)

**James Shepherd** - Relationship Management  
Executive  
Midlands and Southwest  
07580977099  
[James.shepherd@lawsociety.org.uk](mailto:James.shepherd@lawsociety.org.uk)

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#### Open Consultations

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



**Private Client Section webinar: Pricing strategies to attract clients and minimise**

## compliance issues for private client practitioners

This webinar provides guidance on how private client firms can grow their profits and client base while also complying with the regulators direction on pricing transparency.

Our distinguished speaker is Richard Burcher, a former private client lawyer, a managing partner with over 30 years' experience in private practice and managing director of Validatum (UK) Limited.

[Learn more](#)

## Judicial appointments: interview training for solicitors

**The Law Society, London** 19 May, 10:00 - 17:00

In view of increasing competition for judicial appointments, this course will equip you with the skills to help enhance your application and interview performance. The course has been developed specifically for solicitor applicants.

This intensive training will focus on tailoring your submission to make a positive impact in the competency based application and selection process. You will receive practical advice on completing the application, incorporating your experiences and invaluable interview practice.

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

## Graham Turnbull lecture - 20th Anniversary

**The Law Society, London** 25 May, 18:00 - 20:30

Every year the Law Society holds a human rights essay competition. The competition is run by the Human Rights Committee of the Law Society. It is named after Graham Turnbull, a British solicitor who was killed in 1997 while working as a United Nations human rights monitor in Rwanda. Law students, pupils, trainee solicitors

and young lawyers from around the globe were invited to enter.

This event will discuss the essay title: "Should UK forces have immunity against civil claims brought against them claiming breach of rights protected under the ECHR in situations of conflict, peacekeeping, or policing?"

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

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



A huge thank you to all Presidents and Secretaries who attended the conference at Chancery Lane this weekend, we hope you enjoyed the conference and found it informative and inspiring.

The events team will shortly be sending out feedback forms to you. There is also a post events webpage where you can access resources and materials on content that was discussed over the two days.

You can access the page [here](#).

We look forward to hearing what you thought of this year's conference.



## Excellence Awards 2017

Nominations for this year's Excellence Awards are open.

We are looking for exceptional teams and practices and remarkable individuals and you can nominate in 19 categories. Take a look and make sure you nominate before the **26 May 2017**.

[Nominate now](#)

## U-turn on Probate fees hike is welcomed

The hike in probate fees is to be ditched by the government. Law Society president Robert Bourns said: "This proposal would have affected 42% of estates and would have put pressure on families when they have just suffered a bereavement, so we are glad it is no longer going forward."

Read the article in full [here](#)

## Presidential Election is decided

Clifford Chance's Simon Davis has won the Law Society of England and Wales 2017 presidential election.

Simon takes office as deputy vice president in July - becoming vice president in 2018 and president in 2019.

Responding to his election, Simon said: "It is a great privilege to have been elected to represent the profession.

Read the article in full [here](#)

## What the General Election means for the legal sector

With the surprise calling of a General Election we explore what it means for the legal sector.

When Parliament is dissolved on 3 May, many of the Bills currently going through will not make it through the full legislative programme in time. Specifically, **the Prisons and Courts Bill** which includes measures on online courts, stops cross examination of vulnerable victims in certain family cases and reforms to whiplash. These will be shelved. If the Conservatives win the general election the Bill is likely to be reintroduced but will start its passage through Parliament from the beginning.

The Queen's Speech was also to take place in May, however this will now be postponed until after the election when the new Government will set out its legislative priorities.

Plans for the Lord Chancellor to lay a post-legislative memorandum on **the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO)** to the Justice Select Committee are also likely to be stalled as the civil service goes into 'purdah'. If the Conservative Government is returned then the review is likely to take place under a revised timeline. We may see other parties commit to a review of the LASPO in their manifestos and Labour may fast-track some of the conclusions emerging from Lord Bach's Access to Justice Commission.

Read the article in full [here](#)

Following the announcement of the General Election on 8<sup>th</sup> June, we have identified a set of priorities that the next government should consider to maintain the integrity of our jurisdiction, remove barriers to justice and uphold the rule of law.

We are calling on the new Government to ensure:

- legal certainty is maintained in light of Brexit

- every individual has effective access to justice
- human rights are safeguarded in business and modern slavery is combated

The Law Society looks forward to working in partnership with the next government and with all political parties on these issues.

Please click [here](#) to read our priorities for the new government and [here](#) to find out how you can take action.

### Update on Brexit

Read the latest motions on Brexit and how this will affect EU human rights [here](#)

Read our latest report on business and human rights [here](#)



### Pro Bono

The Law Society has a very proud history of supporting and enabling our members, who include over 160,000

solicitors from across England and Wales, to participate in pro bono work. As part of our role, we launched the Pro Bono Charter last year. The Charter is a statement of commitment that firms, in-house teams and ABSs are invited to endorse to improve access to justice for those individuals and organisations with legal needs who are ineligible for legal aid. Through the Charter, a firm recognises its contribution to the general effort and it does not impose either cost or time obligations.

To date 32 firms have signed up to the Charter and we invite you to add your firm or organisation's name to the founding signatories. Please see [here](#) for further information.

### Reminder- accessing Practice Notes through My Law Society

Practice notes are a valuable way of understanding best practice in many areas of law and from June 2017 Members will have to sign

up to My Law Society to access all practice notes in detail.

Sign-up is free and simple, it only takes a few minutes [My Law Society](#)

Over 10,000 people have already signed up. As well as registering your basic contact information, you can also choose to give information about your areas of practice, special interests and your career. The more you give, the better we can tailor the information we provide to you.

### 2017-18 Mentoring scheme- we need your help

The Law society recently launched its mentoring programme to support career progression for solicitors from under-represented groups.

Law Society research shows women, members of ethnic minorities, LGBT (lesbian, gay, bisexual, transgender) and disabled solicitors are under-represented at more senior levels of the legal profession..

Mentors are not only a source of advice and direction but can also be a source of motivation and inspiration during challenging periods.

The scheme runs for a year and is open to practising solicitors across England and Wales, from all geographical and practice areas.

Applications are now open and will close on 26 May 2017.

Read more [here](#).

### Council vacancies

Our ethnic minority members are electing 3 council members to represent them.

If you are a solicitor from an ethnic minority background, you can sign up to the Ethnic Minority Lawyers Division, and vote for your representatives, by registering with My Law Society and choosing your interests.

To find out how you can do this click [here](#)



During April we were delighted to host an International event at Mills and Reeve's Birmingham office providing insights into the Latin American legal market with particular focus on the jurisdictions of Brazil, Mexico, Colombia and Central America.



## Representing clients at section 2 CJA interviews

The Serious Fraud Office (SFO) recently published revised operational guidance on the presence of an interviewee's legal adviser at a section 2 interview (section 2 Criminal Justice Act 1987), addressed to interviewees and their lawyers.

The purpose of this practice note is to draw your attention to the potential issues raised by this guidance, and to remind you of the considerations which should inform your interactions with the SFO in circumstances where the guidance applies.

This practice note will be of particular interest to practitioners involved in interviews carried out by the SFO under section 2 Criminal Justice Act 1987, including those in private practice, in-house solicitors and government lawyers.

[Read more](#)



## Welsh Government consultation on supported accommodation

The Law Society has responded to the Welsh Government's consultation on guidance for supported accommodation providers exercising new provisions under the Renting Homes (Wales) Act 2016. The act introduces a power for supported accommodation providers to exclude tenants for up to 48 hours if they behave in a manner which:

- creates a risk of significant harm to any person;
- seriously impedes the ability of another resident to benefit from the support of the provider;
- uses violence against any person in the dwelling.

This latest consultation seeks views on how this power should be used and the process supported accommodation providers should follow to extend the relevant period before a tenancy or licence becomes and occupation contract under the act.

Whilst the Society supports the act, we caution against the use temporary exclusions under section 145 without appropriate safeguards in place. [Our response](#) calls for amendments to the guidance to minimise the risk for vulnerable individuals to be made street homeless.

## HMT consultation on the Money Laundering Regulations

HM Treasury's (HMT) consultation will transpose the EU's Fourth Money Laundering Directive (the Fourth Directive) into UK law. We support the government's overall objective of ensuring that the UK's anti-money laundering and counter

terrorist financing regime is up to date, effective and proportionate.

However, our response makes it clear that the government should avoid 'gold plating' the requirements of the Fourth Directive and imposing unnecessary burdens on legitimate, law-abiding businesses where there is no evidence of a material money laundering or terrorist financing risk.

In the draft regulations we identify several instances unwarranted of 'gold plating' as well as aspects that depart from the accepted risk-based approach to preventing money laundering.

Read more [here](#).

### FCA consultation on amending guidelines on delay in the disclosure of inside information: joint response by the Law Society and the City of London Law Society.

In November 2016 the Financial Conduct Authority (FCA) consulted on implementing the European Securities and Market Authority's (ESMA) Market Abuse Regulation (MAR) guidelines on delay in the disclosure of inside information.

Under the MAR, entities must disclose this information as soon as possible so that investors can make informed decisions.

We disagreed with the FCA's interpretation of the guidelines where it doesn't allow issuers to delay disclosure of inside information when the issuer is in financial difficulty but allows them to delay disclosure of the details of its negotiations to deal with the financial difficulty.

We noted that in practice, disclosing financial difficulty is generally going to be more likely to jeopardise any negotiations to ensure the issuer's financial recovery than disclosing the fact that those negotiations are underway. Read our full response [here](#).

### FCA consultation on disclosure guidance and transparency rules

In December 2016 the Financial Conduct Authority (FCA) issued a consultation paper proposing to update its Disclosure Guidance and Transparency Rules sourcebook (DTRs) to make it compliant with Articles 7 and 9 of the regulatory technical standards on the Transparency Directive, which require national authorities (the FCA in the UK) to:

- capture a legal identifier (LEI) unique to each issuer who submits regulated information
- ensure that captured data is properly categorised

The Transparency Directive aims to enhance both investor protection and market efficiency by requiring certain issuers of securities to disclose accurate, comprehensive and timely information in order to build sustained investor confidence and allow an informed assessment of issuers' business performance and assets.

The Law Society and City of London Law Society's joint response agreed with the FCA proposals but stated that some issuers of securities may not always be able to obtain a legal entity identifier (LEI) in a quick or straightforward manner, and that it would be helpful if the FCA confirmed that an issuer would not be prevented from complying with its obligation to disclose regulatory information if it had not been reasonably practicable for the issuer to obtain an LEI before doing so.

Read the full response [here](#).

### AML supervision regime consultation

The Law Society of England and Wales has responded to HM Treasury's consultation and call for further information on the anti-money laundering (AML) supervisory regime.

We are committed to working with the government and others to ensure the AML and

counter-terrorist funding (CTF) supervisory regime continue to be fit for purpose.

Our view is that HM Treasury's existing powers- if adequately resourced- in relation to the approval of AML supervisors are sufficient to address any perceived shortcomings in the UK's AML/CTF regime.

We are concerned that the costs associated with the proposed new Office for Professional Body Anti-money Laundering Supervision could make it uneconomic for some professional bodies to continue as AML supervisors. This could result in the loss of sector-specific knowledge about the nature of the AML/ CTF risks and vulnerabilities of those professions.

We recommend that no new infrastructure should be put into place until after the Financial Action Task Force has carried out its review of the UK's AML regime in 2018.

Read more [here](#).

## Fixed recoverable costs consultation

The Law Society has responded to the Department of Health's consultation on fixed recoverable costs for low value clinical negligence cases, arguing that such a scheme should only be applied to simple claims and should not restrict a solicitor's ability to do low-value cases to the highest standard.

The Society does not oppose fixed costs in principle as long as they are applied reasonably and proportionately. If a scheme is introduced, it must ensure that:

- victims of clinical negligence are able to get justice for their injuries
- clinical negligence solicitors can viably do low value cases to the highest professional standard
- experts are incentivised to work on these cases and can produce meaningful evidence within any capped fee.

Read the full response [here](#).



## Banning letting agent fees paid by tenants

The government announced at the 2016 Autumn Statement that it would consult on introducing a ban on letting agent fees paid by tenants, to improve competition in the private rental market and give renters greater clarity and control over what they will pay.

This consultation paper invites views and comments on how the ban on letting agent fees paid by tenants in England should be implemented and enforced.

**Closing date for responses** 2 June 2017

[Find out more](#)

## National standards and outcomes framework for children and young people

The Welsh Government is consulting on the National standards and outcomes framework for children and young people which will identify the outcomes children and young people can expect in relation to advocacy, enable local authorities to evidence the support children and young people will receive and provide children with care and support needs with information which they are entitled to.

**Closing date for responses** 23 June 2017