

A new model Law Society

By Tony Williams

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Once the EU referendum is over the Ministry of Justice is expected to publish a paper considering the separation of the representative and regulatory functions of the various legal professional bodies.

This is a fantastic opportunity for The Law Society and the SRA to clearly define and articulate their roles.

The SRA, after a fairly wobbly start, now seems to be functioning well. It has committed to producing a new and far shorter regulatory handbook and code of practice later this year. A clear, principles-based and outcomes-focused set of regulations should give solicitors greater flexibility in doing business while seeking to ensure the highest standards of professional behaviour that all those who carry the title of ‘solicitor’ should display.

The SRA should now get on with its role, subject to consultation and lobbying from the Law Society and oversight by the Legal Services Board.

Clearly, the SRA, if it is to break its direct connection with the Law Society, will need to be structured so it is independent and free from government control.

This separation may cause some concern in Chancery Lane but the Law Society should embrace the clarity of a new regime and renew and re-engineer itself so it can properly promote and service a solicitors profession relevant to the 21st century.

The total cost of representing and regulating the profession in 2015/16 is likely to be £105.8m. Just over half of this went to the SRA, with the Law Society receiving £35.3m (33.4 per cent of total practising certificate fees). Of this sum £7.8m was attributable to the top 50 firms. If the representative and regulatory functions are separated it is possible that payments to the Law Society may cease to be compulsory, so to persuade solicitors to part with their cash the Law Society will need to demonstrate its value. Is that really such a bad thing? We have to do that every day with our own clients.

A refocused and reinvigorated Law Society –after a long overdue reform of its cumbersome management structure – will have a number of valuable roles, as follows:

- Promoting the role of solicitors, demonstrating the important role they have in society and showing why using a solicitor is preferable to other legal services providers.
- Lobbying government and the SRA on changes to regulation and legislation so we have a credible, competent and consistent advocate for the solicitors profession in the corridors of power.
- Engaging with the SRA on entry requirements to the legal profession, their regulation and enforcement. To enhance the title of solicitor it may propose higher standards of training for those who wish to use that title compared with other legal services providers.
- Co-operating with law societies and regulators globally to promote English law and English solicitors, and to ensure international legal markets are open to English solicitors.
- Promoting the use of English law internationally. Successive UK governments have not really appreciated either what the solicitors profession earns for the UK in terms of the balance of payments or the importance of English law in projecting English values and soft influence

around the world. English law has been a great export, effectively promoted by law firms. The recent Law Society 'Economic Value of the Legal Services Sector' report was a useful step.

- Developing a range of services for English firms (especially smaller firms) so they can continue to provide services and earn a reasonable income – hopefully after learning the expensive lessons of the Veyo e-conveyancing shambles. Many firms need assistance in a range of areas. The Law Society is well-positioned to deliver ideas, products and best practice. Reviewing products and developing packages for solicitors will help to enable small- and medium-sized firms to compete effectively with larger providers and others.

This is an important and compelling set of priorities. Isn't it better for The Law Society to focus on these areas of real relevance to the solicitors profession than fight turf wars with Government and the SRA which, on past form, it will lose?

More than ever, the solicitors profession needs a vibrant, competent professional body. Whether the Law Society has the will to perform that role remains to be seen.

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