

Subject: President's Weekly Local Law Societies Update 18.11.2019

President's Update



Dear colleague
Your weekly Law Society update

As the professional body for solicitors, every week the Law Society is working hard to influence the legal and regulatory environment on behalf of our profession and to promote solicitors at home and abroad. We support practice excellence, are an informed source of legal sector news and support members at every stage of their career.

Influencing on behalf of the profession and promoting the profession

The Law Society's media profile this week

A [Gazette](#) investigation has blown open the use of unpublished conviction targets – referred to as 'levels of ambition' – by the Crown Prosecution Service (CPS), which may have contributed to a decline in rape prosecutions. The findings were explored on [Newsnight](#).

Ian Kelcey, co-chair of our criminal law committee told the programme this may be more about "managing reputation as opposed to prosecuting cases in accordance with the published and understood guidelines... setting numerical targets is neither an appropriate nor effective tool to deliver justice".

In addition to Newsnight the story got widespread pick-up: [Guardian](#), [Times](#) (£), [Telegraph](#), [BBC News](#), [BBC Radio 4 Today programme](#), and bulletins on more than 20 BBC stations running through the day on Thursday, including BBC Radio Asia. On Friday it was covered by [The Independent](#), [Scottish Legal](#), Press Association and the [Gazette](#) then ran a follow-up piece about calls for an investigation into its findings.

The [Daily Mail](#) covered figures released by the Ministry of Justice that show the number of criminals given an immediate prison sentence on conviction is at its lowest level in a decade. I told the Daily Mail the criminal justice system is "a system at breaking point".

"We rely on the criminal justice system to ensure our rights are protected and the rule of law is upheld. Instead, crime is falling through the cracks of investigation and prosecution."

Also covered in [the Times](#).

[The Gazette](#) reported six solicitors and two barristers who originally qualified as solicitors are among 24 deputy high court judges appointed by the lord chief justice for a single, fixed four-year term. It makes this year's solicitor-intake a vast improvement on deputy High Court appointments [announced just over a year ago](#), when solicitors represented only four of 32 deputy High Court appointments. However, as the [Gazette](#) notes, only four of the 24 are women.

The [Times](#) (£) and the [Daily Telegraph](#) report that BPP University has launched a meditation and mindfulness programme for aspiring solicitors to help them cope with the demands of the job. They cite research from our junior lawyers division (JLD) that more than 94 per cent of young lawyers experienced high stress levels. Also in [Legal Cheek](#).

The [Gazette](#) also explored why it is important for leaders to practise self-care. They cite our support for self-care during mental health awareness month in October and name check the JLD.

The oversight regulator expects the SRA to address concerns over quality and cost when it comes to make its application for approval of various rules needed to launch the proposed new qualification regime in September 2021, according to [Legal Futures](#). The Law Society's outstanding concerns over the SQE are also noted.

The [Independent](#) reported the justice system needs investment from the next government. They cite our support for the FDA's manifesto for justice – which argued for increased fees for criminal solicitors.

[Public Technology](#) reported warnings from the Public Accounts Committee of MPs that digitisation of courts could exclude some users, and noted concerns from the Law Society and others about how online services may disadvantage users with low digital or legal literacy.

Also covered by [Civil Service World](#), which notes concerns that the Ministry of Justice (MoJ) 'may not cope' with the knock-on effects of the policing recruitment boost.

The [FT](#) (£) reported on diversity in the legal profession. They mentioned our diversity access scheme which supports those from low-income or ethnic minority backgrounds.

The [Gazette](#) investigated how cuts to legal aid will affect the next generation of legal aid solicitors. I said: "The next government must invest across the board to show that our system of justice is actually taken seriously."

A Supreme Court judge called for an 'expert commission' on algorithms according to the [Gazette](#). Lord Sales has claimed the growing use of AI presents legal challenges, particularly in the context of agency. Cited is our policy commission on algorithms in the criminal justice system, which in June [warned of 'a worrying lack of oversight'](#).

The [Midweek Herald](#) celebrates a Honiton solicitor who was highly commended as a practice manager at the Law Society Excellence Awards.

Cooperative Legal Services' Excellence Award is referenced in coverage on [Legal Futures](#) about the business' performance.

Don't forget you can read all Law Society press releases by clicking on this [link](#). For live updates follow us on [Twitter](#).

Public Law

Mental Health

The Department of Health and Social Care attended the Mental Health and Disability Law Committee meeting to provide a progress update on the Code of Practice of the Mental Capacity (Amendment) Act 2019. The Law Society is keeping this under review and will have input before the new Code is finalised

Regulation

Bournemouth & District Law Society Compliance Conference

We presented at the Bournemouth & District Law Society's Compliance Conference on 5 November, providing an update on the Law Society's member support on the new SRA Standards and Regulations, and sharing best practice tips on AML.

South West Risk Group meeting

On 7 November, we took part in the South West Risk Group meeting in Exeter. We provided an update to members on our work on the SRA Standards and Regulations, information transparency, PII and AML, and sought feedback on help and guidance needed to support compliance work.

SRA Standards and Regulations

Together with some members of our Professional Standards and Ethics Committee, we met with the SRA on 4 November. The focus of the meeting was to discuss forthcoming guidance from the SRA and areas of the new rules which required clarification in the run up to the launch of the new SRA Standards and Regulations on 25 November.

Commercial and Technology Law

Legal Professional Privilege updated Practice Note

We have published the [updated LPP Practice Note](#) this week. Our updated Practice Note explains the main principles of LPP, as well as related practical issues and practitioners' duties, all updated to reflect the latest developments in case law.

These case law updates include consideration of *Addlesee & others v Dentons Europe LLP* [2019] EWCA Civ 1600 (a case on survival of LPP after a company dissolution); *Financial Reporting Council v Sports Direct International PLC* [2018] EWHC 2284 (Ch) (concerning regulators' access to privileged material); and *WH Holdings Ltd v E20 Stadium LPP* [2018] EWCA Civ 2652 (on the scope of litigation privilege). It also now includes discussion of the landmark Court of Appeal judgment in *The Director of the Serious Fraud Office v Eurasian Natural Resources Corporation Ltd* [2019] 1 WLR 791, a case in which the Law Society intervened.

Environmental Law Hackathon

We participated in the Chancery Law Project hackathon on environmental law, an initiative between solicitors, barristers and academics to create the legal conditions necessary to achieve Net Zero emissions.

LawTech event with South London Law Society

Peter Wright, chair of PRAC, led a discussion on LawTech organised with South London Law Society and London South Bank University this week to highlight the University's law tech programme.

Parliamentary - A note on communication during the pre-election period

As you will be aware we entered the pre-election period on Wednesday 6 November. During the election campaign the Law Society will need to be even more careful to ensure our political neutrality in the run up to 12 December. To assist council members and committee chairs, we have attached some short guidance on how we communicate during this period

[Committee Chair Guidance for the General Election 2019](#)

Speeches

Vice president David Greene spoke at the launch of the Human Dignity Trust's new report, 'Injustice Exposed: The criminalisation of transgender people and its effects', on Tuesday (14 November). He also delivered the Annual Law Lecture at Cambridge University on Wednesday (13 November) on the topic: "Where now for the rule of law in an age of populism?" as well as speaking at the Chichester Law Society annual dinner on Friday (15 November).

Deputy vice president I. Stephanie Boyce spoke at a celebration for newly qualified solicitors and barristers in Birmingham on Thursday (14 November).

Our work internationally

From 11-15 November I hosted the Law Society's flagship English Law Week conference in Moscow and St Petersburg. This year's conference marks the 10th anniversary of this event and we are celebrating a decade of friendships, legal links and business between the two countries. More than 250 delegates registered to attend. The conference was organised in partnership with the Bar Council, the British Embassy in Moscow, the Russian Federal Chamber of Lawyers, the Moscow Chamber of Advocates, the St Petersburg Chamber of Advocates, the Anglo-Russian Law Association, and the British Russian Law Association.

On 13 November, Brian Bannister, strategic insight and influence executive director went to Brussels and, along with Helena Raulus, head of office, he met with: Sean McGuire, CBI, Susanna Di Felicianantonio, ICAEW, Nick Collier, City of London Brussels Office, Hermione Gough; UK negotiation/legal team members, UKRep; Philip Buisseret, secretary general CCBE.

On 14 November, Helena Raulus was invited to speak at CDR Autumn Arbitration Symposium 2019, in London. She spoke about the new European Commission: what can practitioners expect

Supporting members at every stage of their career

[Making the right choices at retirement, November 2019, London - Wednesday 20 November 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

In collaboration with Mazars, leaders in the area of financial planning provision, the Law Society is offering a complementary workshop aimed particularly at people who are within two years of retirement.

[Preparing undergraduates for the solicitors' profession - Wednesday 20 November 2019](#) **Location:** The Law Society, 113 Chancery Lane, London, WC2A 1PL

This exciting event for undergraduates aims to cover all aspects of preparing for a career in the solicitors' profession, including tips on increasing your chances of success, completing applications and interview technique

[Inter-generational wealth transfer - it pays to collaborate -Wednesday 20 Nov 2019](#)

Location: ICAEW, Chartered Accountants' Hall, London EC2R 6EA

In collaboration with the Institute of Chartered Accountants in England and Wales (ICAEW) we are bringing you a free evening seminar and panel debate on inter-generational wealth transfers.

[Judicial appointments: interview training for solicitors - Friday 29 November 2019](#)

[Judicial appointments: interview training for solicitors - Saturday 30 November 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

In view of increasing competition for judicial appointments, this interactive course will equip delegates with the skills to help enhance your application and interview performance. This workshop has been developed specifically for solicitor applicants but the content is relevant for anyone serious about submitting a credible judicial application.

[Graham Turnbull Lecture - Tuesday 10 December 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

Each year, law students, trainee solicitors, pupil barristers and junior lawyers (current, prospective or in between stages) are invited to enter our annual Graham Turnbull essay competition. The title of the 2019 essay is: "Has the Rule of Law been replaced by the Rule of Politics?"

[Lawyers with Disabilities Celebration reception - Thursday 5 December 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

This Disability History Month, the Law Society will be hosting a celebratory reception to mark the 30th year anniversary of the Lawyers with Disabilities Division and International Day of Persons with Disabilities.

Supporting practice excellence

[Annual Competition Section dinner and awards 2019 - Thursday 21 November 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

The Law Society's Competition Section is pleased to announce that its formal annual dinner and Horsfall-Turner Essay Prize Awards will take place this year on Thursday 21 November at the Law Society's Hall. This event provides an excellent opportunity to network with solicitors and other professionals working in the competition field, as well as to entertain clients and valued contacts.

[Anti-money Laundering and Financial Crime Conference 2019 -Tuesday 26 November 2019](#)

Location: Etc Venues 155 Bishopsgate, Liverpool Street, London, EC2M 3YD

The conference will bring together policy makers, law enforcement, regulators, academics and industry experts to look at the latest policy and regulatory developments, the changes ahead and other hot topics in anti-money laundering and financial crime.

[Compliance support forum for in-house lawyers - Monday 2 December 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

This popular forum has been updated with new materials to prepare you for the SRA Standards and Regulations which come into force in November 2019. Some of the key themes of this replacement to the SRA Handbook are very relevant to in-house practitioners and we discuss the meaning of effective supervision and management, personal accountability, and the flexibility which comes with new practising styles.

[Competition Section Seminar: Abuse of dominance – recent developments in the UK and Europe - Tuesday 3 December 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

There has been an explosion of activity in respect of abuse of dominance. Major 'platform' cases such as Google Shopping, Android, AdSense, Facebook, Apple/Spotify have been in the spotlight in Europe and elsewhere, and raise wider questions about the interaction with regulation. There has been a resurgence of excessive pricing cases (Aspen, Phenytoin etc), with many more cases still before the CMA. The CAT has also heard a major recent appeal (Royal Mail), and considered abuse in a fast-track case (Achilles), and the EU Court judgment in Intel on effects continues to bed down into practice.

[International Human Rights Day seminar "The Rise of Authoritarianism: Lawyers Upholding the Rule of Law"- Thursday 12 December 2019](#)

Location: The Law Society, 113 Chancery Lane, London, WC2A 1PL

This seminar aims to explore the rise of authoritarianism and how it affects legal practitioners, as well as some of the initiatives of legal practitioners themselves and others to counter attacks on the legal profession

[New SRA Handbook compliance updates – what's new for in-house lawyers? -Thursday 16 January 2020](#)

Location: Gateley, 29 East Parade, Leeds LS1 5PS

The new SRA handbook brings changes for in-house lawyers. Gain clarity and get an understanding of what these updates mean for you practically. Come with any questions you may have and join us for an interactive session.

Webinars

[Creating mentally healthy legal workplaces](#) - 19 November 2019 inclusive to Law Management Section members

[CQS Protocol and the Code for Completion by Post](#) – 27 November 2019 - Inclusive to Property Section members

[Thriving at work and at home in a 24/7 connected world](#) - 2 December 2019 - free for Junior Lawyers, with a 20% discount to all other section members (postponed from October)

[Mediation - 2020 vision / The future for litigators](#) - 4 December 2019 - inclusive to Civil Litigation members

[The unrealised risk and the fallout from Data Subject Access Requests](#) - 5 December 2019 - 20% discount to Law Management Section members

[Risk management for small to medium law firms](#) - 17 December 2019 - 20% discount to Risk and Compliance and Law Management Section members

Keeping members up to date

We have a number of newsletters for members. Below is a list, along with links for signing up to them.

Newsletter

Advocacy Update

Anti-money Laundering Update

City Update

Diversity & Inclusion Update

In-house Forum

International Update

Junior Lawyers Update

Legal Aid Update

Professional Update

Risk & Compliance Update

Small Firms Focus

Solicitor Judges Update

Campaigns Update

Parliamentary report

Sign-up method

[Update My Law Society preferences](#)

[Law Society newsletter page](#)

[Contact the City relationship management team](#)

[Update My Law Society preferences](#)

[Update My Law Society preferences](#)

[Law Society newsletter page](#)

[Law Society newsletter page](#)

[JLD sign-up page](#)

[Law Society newsletter page](#)

[Law Society newsletter page](#)

[Join the Risk and Compliance Service](#)

[Contact the Small Firms Division](#)

[Join the Solicitor Judges Division](#)

[Sign up to the Campaigns Update newsletter](#)

[Sign up to the Parliamentary report newsletter](#)

You can also register for the Gazette daily update [here](#).

Simon Davis

President

The Law Society, 113 Chancery Lane,
London WC2A 1PL

www.lawsociety.org.uk

