

Subject: President's Update 01.09.2020



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.

Website

Our [new website](#) and the new [My LS](#) are now live. Please register to see content tailored to your practice and interests. Thanks to all members who have fed back during development. Feedback is still welcome. Registering with My LS will also help you understand the benefit to your constituents.

We have been in the media this week to promote the role and value of the profession in these difficult times:

Following a Law Society statement condemning attacks on the integrity of the legal profession which undermine the rule of law, the Home Office has dropped a video that referred to immigration lawyers who provide legal advice to migrants as 'activist lawyers'.

There was widespread coverage citing our intervention, including from the [BBC](#), [Financial Times](#) (£), [the Gazette](#), [Independent](#), [Times](#) (£), [Guardian](#) and [Daily Mirror](#).

I spoke about the issue on [BBC Radio 4](#) (19m 18s) and on BBC South East television.

I said: "To describe lawyers who are upholding the law as 'activist lawyers' is misleading and dangerous. We should be proud that we live in a country where legal rights cannot be overridden without due process, and we should be proud that we have legal professionals who serve the rule of law.

Our statement was [widely shared](#) on social media. Read our statement in full [here](#).

The [Gazette](#), the [Insurance Times](#) (£), [Legal Futures](#), [Today's Conveyancer](#), [Law360](#) (£) and the [Solicitors Journal](#) reported our warning to firms that the cost of professional indemnity insurance (PII) renewals is likely to rise by 30% by 1 October.

I said: "First and foremost, firms should already be talking with brokers about finding cover. If you have not done so, it should be made a priority now. If you find yourself particularly adversely affected by the imposition of lockdown, talk to your broker about how best to make proposals to prospective underwriters." Read our [press release](#)

The [Daily Mail](#), the [Gazette](#), [Legal Futures](#) and [Lawyer Monthly](#) all reported on the government's £51 million boost for criminal legal aid. I warned that while the investment was "a small step in the right direction... a giant leap in investment is urgently required if criminal legal aid firms are to survive". Read our [press release](#).

The [Gazette](#) reported our response to news the Legal Aid Agency (LAA) is to extend crime contracts for 12 months in light of wider work to reform criminal legal aid.

I said: "Beleaguered firms will be relieved not to have to cope with an imminent tender process on top of the great physical and financial strain they are already under, on call to police stations at all hours and with swathes of solicitors on furlough."

The [Evening Standard](#), [Public Law Today](#) and [Local Government Lawyer](#) reported our warning that lawyers should not break quarantine to attend hearings in person. I said: "Allowing people to break quarantine to attend court and not having effective systems in place to communicate outbreaks in the court puts lives at risk". Read our [press release](#).

[Today's Conveyancer](#), [Inside Conveyancing](#), [Property Industry Eye](#), [New Law Journal](#) and [Landlord Today](#) all reported that the government has extended the eviction ban for another month – with tenants still required to pay rent and landlords permitted to serve a six-month notice.

I was quoted saying: "More needs to be done, including resolving the legal aid deserts currently preventing tenants in some areas from receiving legal advice and making wider legislative changes to

prevent a spike in homelessness.” Read our [press release](#).

Council member Jonathan Goldsmith argued in the [Gazette](#) that algorithms must not replace human judgement in civil and criminal cases. Jonathan noted that AI has its benefits in some arenas, despite the risks it poses in others, noting the Law Society’s comments on the efficiency of the business and property courts during the pandemic. Read our [analysis of the courts](#).

Dr Anna Bradshaw, an international criminal law expert and a member of our European Union law committee, spoke with [talkSPORT](#) (from 20:18) and [BBC Three Counties](#) (from 3:54) to explain the differences between the legal systems in Greece and the UK, in light of the Harry Maguire trial.

Our NDA guidance was referenced in [People Management](#)’s overview of best practice for employers wanting to use NDAs. Read our [practice note on NDAs](#)

MoJ advice that all probate applications should be made online was carried by [Today’s Wills and Probate](#), with a note that the Law Society will be responding to the [MoJ’s consultation](#) on mandating online professional applications for probate.

[LawCareers.net](#) provided a helpful update on the new Solicitors Qualifying Exam (SQE), which is set to replace the GDL and LPC in September 2021. Read our [guidance](#)

ITV Granada reported a 40% increase in divorce during lockdown. Elaine Richardson, on our family law committee, spoke to them about the introduction of no-fault divorce and how this will help cut the conflict from the divorce process.

Parliamentary

Act for justice and #WriteToRishi

It is vital that the Chancellor of the Exchequer hears your voice for justice.

Justice spending has been falling for nearly a decade and has not been prioritised by government. Coronavirus and the lockdown have made the situation worse, the queue of criminal cases in the magistrates courts is over 500,000 and in the crown courts it exceeds 40,000. This is placing further strain on the system, with the most vulnerable struggling to get their cases heard.

This spending review is a once in a generation opportunity for our justice system.

We are calling on all solicitors to write to the Chancellor to ensure that our justice system and legal services sector is equipped with the funding it needs to face the challenges of the future.

Use this [quick and easy tool](#) which takes just two minutes to complete.

Justice

Criminal Legal Aid Review- fee increase

The Ministry of Justice has responded to their consultation on accelerated items as part of the Criminal Legal Aid Review. As a result of representations made by the Law Society, they have doubled the proposed fee for cases which are sent to the Crown Court.

Financial remedy consent applications

From Monday 24 August, any financial remedy consent orders agreed upon outside of ongoing financial remedy proceedings must be lodged online via the HMCTS portal. In the past year the service has successfully processed over 4,000 applications with average turnaround times of two weeks for a Consent Order being approved by a judge.

The online requirement only applies where the applicant for the order is legally represented and is only for financial remedy orders alongside a divorce. It does not apply to financial orders made alongside civil partnerships, dissolutions or judicial separations. Those applications remain as paper applications for the time being. Any paper applications that are received from 24 August will be accepted initially up to 7 September with a reminder to ensure you lodge your application digitally next time. From 7 September these will be returned to you.

Stuart Clark, Partner at iFLG, was involved in this pilot and has written an article on the online service

which includes further information regarding how to register to MyHMCTS as well as where to go for help and support if you encounter any issues with the service: <https://www.lawsociety.org.uk/campaigns/court-reform/features/financial-remedy-consent-order-applications-mandation-of-online-applications>

Diversity and Inclusion

Making the profession disability inclusive

Join us and our Lawyers with Disabilities Division for a series of virtual roundtables discussing disability inclusion within organisations and local Law Societies. We'll also be joined by the Legally Disabled team to give a constructive overview of their research into the career experiences of disabled people within the legal sector.

Get in touch to book

Virtual D&I Conference – Master of the Rolls to speak

We were very pleased when Leeds Law Society approached us about working together on a D&I conference. Now that it must be a virtual one, anyone anywhere can sign-up.

Running from 15 September to 1 October, and so incorporating National Inclusion Week, there will be six events; each covering a different topic:

- Social mobility
- Mental health
- Gender
- Disability
- LGBT+
- Race

The Master of the Rolls, Sir Terence Etherton, will be speaking at the conference.

Book your place

Kind regards,

Simon

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