

CHANCERY LANE UPDATE – 25 March 2019

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.

Here are some highlights from this week.

Influencing on behalf of the profession and promoting the profession

The Law Society's media profile this week:

The [Guardian](#) reported on Facebook's questioning over the Cambridge Analytica data. Ravi Naik, who won the Law Society's award for human rights lawyer of the year for his work on the case, said: "We know that there was this completely toxic data swamp that was used to target people politically, but we still know nothing about where that data came from and how it was used. We're still completely in the dark. This is an attempt to crack that vault open."

The [Sun](#) reported on the proposed increases to probate fees, which have been branded a stealth tax by the House of Lords and described as "unfair" by the Law Society. The proposed increases would see fees soar from the current flat fee of £215 – or £155 with a solicitor – to a sliding scale of fees ranging from £250 to £6,000 depending on the size of the estate.

[The Journal of the Law Society of Scotland](#) reported the Home Office's removal policy which enables the forced removal of migrants has been suspended. I'm quoted welcoming the ruling: "Anyone who faces deportation must be given time to prove they have a legal right to live here. The experiences of too many of the Windrush generation show that sometimes the Home Office simply gets it wrong."

The [Gazette](#) reported junior lawyers have indicated they could take their concerns over the proposed solicitors 'super exam' to the lord chancellor. The Law Society's Junior Lawyers Division (JLD) said the absence of an 'appeal or oversight mechanism' in the Legal Services Act, under which the LSB has the power to approve applications, should be addressed.

The [Gazette](#) considers what being a data-driven law firm really means. Peter Wright, managing director of Digital Law and chair of the Law Society GDPR working group, sees GDPR as an opportunity rather than simply an additional compliance burden. Wright said: "Our clients have achieved savings – in money and storage space – because they are making better use of their data, and they are not storing extraneous historical data in hard copy files or on servers."

The [Telegraph \(£\)](#) published a letter on the proposed increase of probate fees, representing several from across the profession, including Ian Bond, chair of the wills and equity committee.

It claims that "government's decision to raise probate fees via statutory instrument is concerning as it allows the fee increases to bypass full parliamentary debate. In our opinion, this sets a dangerous precedent for future fee-levying. A fee structure such as this should be subject to the full scrutiny of Parliament as primary legislation - particularly when the cost will fall on the bereaved."

I raised fears that lack of funding will handicap the proposed domestic violence bill in [The Times](#). "The bill has the potential to change millions of lives . . . without a significant cash injection, legislation alone is not enough to end domestic abuse. Cuts to front-line services and the Legal

Aid, Sentencing and Punishment of Offenders Act 2012 have had a devastating effect on the support available to victims.”

“Refuges are turning away hundreds of women every week and, due to legal aid criteria around shared property ownership, domestic abuse victims can find themselves both ineligible for legal aid and without housing.”

[BuzzFeed](#) reports the MoJ has been accused of hiding evidence which undermines its plans to digitise the justice system and close courts. The evidence shows that justice system users who physically appeared in the courts were 50% more likely to feel they’d been listened to.

I said: “We’ve been absolutely clear that modernising the court service, including the efficient use of technology, could benefit all users. But we can only judge that if accurate data is available.”

The [Times](#) (£) reports that law firms will be spot checked to ensure they are not breaking anti-money laundering rules.

In a report on the leasehold system, MPs called for wide ranging reforms and claimed current legislation is “too heavily weighted against leaseholders”. I said key sales information “is supposed to be set out at the start of the purchasing process” under consumer protections from the Unfair Trading Regulations 2008. Full details in the [Gazette](#) and [Legal Futures](#). You can read our press release on leaseholds [here](#).

Ian Bond, chair of our wills and probates committee, writes in the [Gazette](#) on the proposed probate fees hike. He says: “The steep increase proposed amounts to a tax rather than a genuine fee.”

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

Consultation responses and parliamentary activity, influencing on behalf of the profession:

Legal and Regulatory Policy

Access to Justice

Criminal

We attended the MoJ’s defence practitioner advisory panel of key practitioner representatives at which we raised concerns about the make-up of the ‘criminal legal aid fee review programme board’.

Court reform

Richard Miller, Emily Weidner and Melanie Hart (a member of the CJC) attended a strategic professional engagement meeting with HMCTS, the Bar Council and CILEx, held at TLS and focusing on the online civil money claims project. Attendees were shown a live demo allowing for feedback to be provided.

Tax

We submitted our response to HMRC’s digital services tax consultation. Our response raised general concerns about: the UK taking unilateral action; possible state aid implications; and compatibility with double tax treaty networks. Specifically, it raised points about the definitional scope of the proposed tax; the means for calculating the tax base; the practicality of the safe harbour provisions for low margin digital businesses; and the need for a review clause.

We submitted our response to HMRC’s consultation on the taxation of trusts. Our response urges a consistent approach to the reform of trust taxation that addresses unnecessary complexity and potential unfairness. It makes several suggestions for areas where targeted reform might be valuable including: simplification of the inheritance tax “relevant property regime”; extending the bereaved minors trust regime; and changes to the vulnerable beneficiaries trusts regime to make it more fit for purpose.

Stephen Pallister presented to the all party parliamentary group on inheritance and intergenerational fairness on possible inheritance tax reform.

Regulation

Mayson Review

Last year University College London (UCL) launched an independent review of legal services regulation led by Professor Stephen Mayson, which is due to complete in early January 2020, with a report being presented to the Ministry of Justice (MoJ). The review is now in the second stage which will run from March until June. In this stage stakeholders are invited to make further submissions to two further papers published in March, by June this year. The papers address issues of the regulatory (activities, individuals, entities, professions) and structure (independence of regulation, who should the regulators be/how many). On 12 March our regulatory affairs team (Marzena Lipman) attended the UCL event on the review led by Professor Mayson.

Handbook Implementation

On 20 March the SRA announced the implementation date for the new handbook - 25 November this year. We are working jointly with the membership team to develop material to help members understand the change and comply with the new requirements. The regulatory affairs team is currently reviewing existing practice notes (28) to ensure they reflect the new legal requirements. In addition, we are in the process of drafting two new practice notes on freelance solicitors and solicitors working in unregulated firms.

Professional Standards and Ethics

On 20 March James Woolf, policy adviser from regulatory affairs team, facilitated an interactive session 'Is it Ethical? Case studies & Interactive session' at the Devon and Somerset Law Society conference, which was attended by around 80 people.

Parliamentary

The CEO met with Solicitor General Robert Buckland QC MP to discuss economic crime, Brexit, public legal education and our recently launched criminal justice campaign.

The Law Society continues to brief parliamentarians on justice related secondary legislation around a no deal Brexit. In recent debates on legal services practice rights and family judicial co-operation the Law Society was mentioned six times.

Criminal justice campaign

Support for our criminal justice campaign has continued to build over the past few weeks, with MPs expressing support in the Commons, and a number of MPs submitting parliamentary questions on legal aid, duty solicitors and the court system. Our public affairs team have met with four MPs in the past fortnight to discuss the campaign.

This week we launched a new petition calling on government to increase investment in the criminal justice system. The petition has already been signed by nearly 750 people and can be found [here](#).

Speeches

I spoke at an event at Oxford University on artificial intelligence for English law on Monday. I also spoke at the Westminster Legal Policy Forum event on legal aid and the aftermath of the LASPO review on Tuesday.

The CEO will speak at the Cambridge Law Society dinner on Friday evening.

Our influencing work internationally:

This week, I travelled to Kyiv with the international policy adviser for the CIS Chika Muorah, and on 20th March, I facilitated an international women in law roundtable with senior lawyers and in-house counsel. The roundtable was organised in partnership with the Ukrainian National Bar Association (UNBA), the Ukrainian Bar Association (UBA), and the British Embassy in Kyiv. I also gave the

keynote address at a women's leadership in law and gender diversity conference in Kyiv. As part of the visit, we hosted an English law conference to promote England and Wales as a global legal centre and solicitors' expertise. The conference was well attended by practitioners from the UK and the Ukraine.

On 22nd March, Helena Raulus, head of Office and Eoin Lavelle, EU policy adviser were speaking at a Loyens & Loeff Brexit event which was followed by networking drinks. This event was an interactive conversation on the impact of Brexit on the profession, the respective practice groups and the clients' business. There were 60 registrations.

Solicitor brand campaign

We're looking for business or consumer clients who would like to be photographed as part of our campaign to promote the value of solicitors. More details can be found [here](#).

Supporting members at every stage of their career

Supporting practice excellence

Some of our upcoming events are:

Nominations are open for the Excellence Awards

Firms, teams and solicitors across the legal profession have until Friday 3rd May to enter the Law Society Excellence Awards. With 22 categories to enter, including human rights solicitor of the year and excellence in client service. The awards celebrate hard work and outstanding achievements from the past year.

https://www.lawsociety.org.uk/support-services/events/excellence-awards?utm_source=presidents-update&utm_medium=email&utm_campaign=excellenceaw19

Property Section seminar: Risk and negligence in property transactions - problems and pitfalls for practitioners, Manchester - Thursday 28th March 2019

Location: CMS Cameron McKenna Nabarro Olswang LLP, 1 The Avenue , Spinningfields, M3 3AP

As the residential property market slows and returns on commercial property are threatened by the decline of the high street, the risk that property owners will look to the professionals who advised them to recoup their losses returns. Hardwicke Chambers' up and coming book: Risk and Negligence in Property Transactions, is therefore timely. Commissioned and published by the Law Society, this title identifies the problems, pitfalls and risks faced when acting for the buyer, seller or lender, possibly giving rise to a liability in negligence. To learn more about this, join John de Waal QC and other contributors of the book for an interactive and practical breakfast workshop in which they will share and discuss some of their insights.

Data protection in transition: GDPR and DPA compliance for law firms - Tuesday 2nd April 2019

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

A year on from the introduction of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA), the emerging data protection regime is established but not yet mature. This conference is designed to help law firms identify the right data protection strategies to navigate this difficult transitional period.

Advocacy and the Vulnerable Training, London Afternoon session - Wednesday 3rd April 2019

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

The Advocacy and the Vulnerable Training was developed in conjunction with the Bar to help solicitor advocates and barristers strike the balance between advancing their client's case effectively in court whilst ensuring vulnerable witnesses are not subjected to undue stress.

Doing Legal Business in the Philippines- Wednesday 3rd April 2019

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

The Law Society of England and Wales is launching its Doing Legal Business in the Philippines.

The Philippines is the third largest English-speaking country in the world and one of the fastest growing economies in Southeast Asia.

Compliance support forum for in-house lawyers, London - Thursday 4th April 2019

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

This forum provides an update on the in-house lawyer's current compliance position with discussions about common conduct and practising conundrums and suggestions for an appropriate and proportionate response. It also includes a review of changes of significance which have been proposed in the SRA's 'Looking to the future' consultation.

Recharger workshop: Resilience and Wellbeing -Thursday 4th April 2019

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

Developing resilience enables us to remain positive, energetic and committed to our goal, even in the face of challenges or setbacks. In this workshop, we will explore strategies for building resilience so that you can feel and come across at your best.

The Junior Lawyers Division (JLD) 2019 annual conference and ball - Saturday 6th April 2019

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

The JLD will be hosting their twelfth annual conference and ball. The programme offers a mix of panel-led discussions and workshops for personal and professional development within the legal sector. Tickets are still available from £75.00 + VAT. www.lawsociety.org.uk/jld-conference-and-ball-2019

Competition Section seminar: Review of the Digital Competition Expert Panel report, London – Tuesday 9th April 2019

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

In August 2018, the government announced the appointment of an expert panel to consider the potential opportunities and challenges the emerging digital economy may pose for competition and competition policy. It asked the panel to make recommendations on any changes that may be needed.

MLRO and MLCO peer to peer learning, Southampton – Monday 15th April 2019

Location: Paris Smith LLP, 1 London Road, Southampton, Hampshire, SO15 2AE

The event is for MLROs, MLCOs and solicitors with an interest in anti-money laundering compliance. It will give you a platform to learn about best practice and upcoming developments in AML.

Private Client Section: Practical inheritance tax update, London – Wednesday 24th April 2019

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

This seminar will provide a practical focus on recent changes affecting inheritance tax. This one-hour seminar will provide an update on: residence nil-rate bands and downsizing, business property relief, criminal facilitation of tax avoidance, and the future of inheritance tax and trust taxation.

Civil Litigation Section Spring Conference 2019 – Wednesday 1st May 2019

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

The Civil Litigation Section will be hosting a half day conference Wednesday 1st May at the Law Society, London. The programme is split up into two sessions covering: what the civil litigator needs to know about Brexit, and current costs issues, including arbitration, mediation and tribunals will be covered in this session. This conference is inclusive for Civil Litigation Section members / £190 + VAT for non-members.

www.lawsociety.org.uk/Civil-Litigation-Section-Spring-conference-2019

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	Sign-up method
Advocacy Update	Update My Law Society preferences
Anti-money Laundering Update	Law Society newsletter page
City Update	Contact the City relationship management team
Diversity & Inclusion Update	Update My Law Society preferences
In-house Forum	Update My Law Society preferences
International Update	Law Society newsletter page
Junior Lawyers Update	Law Society newsletter page JLD sign-up page
Legal Aid Update	Law Society newsletter page
Professional Update	Law Society newsletter page
Regional Update	Contact your regional relationship management team
Risk & Compliance Update	Join the Risk and Compliance Service
Small Firms Focus	Contact the Small Firms Division
Solicitor Judges Update	Join the Solicitor Judges Division

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

As always, please feel free to share this update with your constituents unless otherwise specified.

Kind regards,

Christina

Christina Blacklaws
President

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