



**COUNCIL – 4 July 2018**

**Item 7**

**Classification:** Public  
**Purpose:** For noting

REPORT OF THE CHIEF EXECUTIVE OF THE LAW SOCIETY – PART 1

**The issues**

This edition covers the period 22 March – 19 June 2018.

**Remit**

The Chief Executive is responsible for the delivery of the Law Society's strategy.

**Statement of territorial application**

This paper applies to England and Wales.

**Our vision**

A valued profession delivering the highest quality legal services in the public interest and advancing the rule of law

**Financial, section 51 and resourcing implications**

There are no financial implications.

**Consultation with Finance**

This report has not been sent to Finance to review.

**Equality and Diversity implications**

Equality and diversity issues, where appropriate, have been highlighted in the relevant Directorate reports.

This report has been prepared for Council.

**Interim CEO:** Paul Tennant  
**Author:** Paul Tennant  
**Date of report:** 19 June 2018

## Executive Summary

My focus and the Executive Team is to progress;

- a) The direction and future of TLS including the operating environment, the governance position, regulation and long term business planning
- b) The evolution of TLS looking at business change programmes, the leadership and management of the organisation and infrastructure
- c) The performance of TLS looking at the current business plan, priorities, structure, reporting framework, products and the operating framework

This report provides an update on issues impacting on the Law Society and our members, along with our responses. The focus of our business plan for 2017/18 is around four organisational goals. Our goals set out what we are trying to accomplish through our activities and programmes. These are:

- Goal 1 - Promoting the profession, so that their value to purchasers, society and the economy is understood and their place in the wider legal market is maintained
- Goal 2 - Influencing for impact, so that the profession's voice is listened to in public and regulatory policy
- Goal 3 - Driving professional excellence, to help members deliver for their clients and be the best they can be
- Goal 4 - Enhancing member value through organisational efficiencies, growth and developing our people

The report includes:

- A summary of current key part 1 issues;

### 1. Brexit

Work continues on Brexit with a great deal of engagement over the last quarter. The Secretary of State for Trade, Rt Hon Liam Fox MP, spoke at the Business Council for Africa Annual Conference held in partnership with the TLS on the value of trade post Brexit.

The Lord Chief Justice **addressed** the Brexit Law Committee meeting at the Law Society and **praised** the work of the Committee and TLS on Brexit. The President and staff met with Brexit Ministers Robin Walker MP and Suella Braverman MP at Downing Street where they **showed support** for our three key areas on Brexit.

We **gave evidence** to the House of Lords EU Internal Markets sub-committee on Trade in non-financial services and in the Justice sub-committee about the civil justice.

We were invited by Danuta Hubner, the Chair of the European Parliament Constitutional Affairs Committee and member of the Parliament's Brexit Steering Group, to **give evidence** on the draft Withdrawal Treaty.

We met with Elmar Brok, MEP and Philippe Lamberts members of the Brexit steering group and Brexit coordinators representing Austria, Denmark, Germany, Italy and Spain.

We **spoke** at a conference on Brexit and the Dispute Settlement System and at the *Juris Falconis* conference on Brexit and Civil Justice.

We facilitated visits to Brussels by BEIS Director-General Gareth Davies on Brexit priorities for the legal services sector and the Liberal Democrat European Group on Brexit and its implications for business and citizens' rights.

The Prime Minister's speech on the future UK-EU relationship included **commitments on the Law Society's priorities** including civil justice co-operation and mutual market access.

We have had regular engagement at both ministerial level and official level within the MoJ, Department for Exiting the EU (DExEU) and Department for Business, Energy and Industrial Strategy (BEIS) on Brexit including Brexit Ministers, Robin Walker MP and the Chancellor David Gauke MP, Justice Minister, Lucy Frazer QC MP, Business Secretary, Greg Clark MP and Business Minister, Richard Harrington MP.

Regular engagement at official level within Ad hoc engagement with officials at HM Treasury on Brexit. We have also met with chair of **five** select committees related to Brexit, **eight** members of the Exiting the EU Committee.

We gave **oral evidence** to **four** committees on Brexit in Westminster and **one** committee in the European Parliament and submitted written evidence to **six** committees on Brexit.

The work of the international department on Brexit has focused on three main areas:

1. Supporting members in their Brexit contingency planning through meetings with **eight** firms in the UK and **10** overseas and **two** letters to Registered European Lawyers and solicitors established in EU/EFTA31 during Q2.
2. Engagement with European bars and law societies (CCBE meetings; CCBE Brexit Task Force meetings; France and Spain during Q2). We also produced a number of documents including a response to the CCBE consultation on EU lawyers practice rights in the UK; UK lawyers in the EU; Rules on Disciplinary procedures; and EU law training in UK.
3. Engagement with UK government on international trade in legal services through regular meetings with the Department for International Trade, the Professional and Business Services Council Trade Technical group, and the MoJ International Legal Services Working Group.

## **2. Comms & marketing strategy**

The communications and marketing strategy was agreed by the MOC and by the Board. The strategy will contribute to collaborative working between communications and marketing.

Adverts for each member offer have been developed. These have begun to appear in the new look Gazette along with a double page weekly spread highlighting Law Society activity to promote the profession, influence for impact, keep members informed, support practice excellence and be a career companion. These adverts are designed to drive traffic to our member web pages.

### 3. Media and communications

TLS had been mentioned **39** times in press broadcasts in the year to date and received **96%** positive or neutral coverage in articles on TLS (reported a month in arrears). Press mentions in Q2: Broadcast: **34**

Print (national & regional): **67**

Online (national, regional & trade press): **332**

The Society achieved more broadcasts before the end of Q2 than for the whole of last year. The Society features on the Today programme discussing various issues as well as BBC Moneybox, BBC Radio 5 Live Investigates and the Sky News Sunday Show.

### 4. Technology

The House of Lords Artificial Intelligence (AI) Select Committee report **adopted** several of our recommendations on the uses of AI and accountability.

The Secretary of State for Culture Media and Sport, Rt Hon Matt Hancock MP, spoke at a conference at TLS on blockchain during which he **name-checked** the Society several times and referenced our report on blockchain and the value of lawtech.

We hosted a roundtable on Autonomous Vehicles. Attendees included practitioners and senior officials from the Information Commission and the Centre for Connected and Automated Vehicles (CCAV).

In partnership with Hogan Lovells, we held an AI and ethics summit in April with **124 delegates** and significant positive social media attention with the event hashtag #LawSociAI tweeted **461** times and one LinkedIn post viewed nearly **2500** times.

In April we hosted a seminar with Essex University on Businesses as Gatekeepers of Online Content: a Human Rights Approach.

On legaltech our exciting partnership with Barclays is now live and the lawtech incubator will be opening in July/August this year. There has been a lot of interest from lawtech companies with several already signed up.

There was a launch event on 19 June where Simon Davis and Lord Keen spoke. The lawtech incubator is now the largest legal tech incubator in the UK. This really shows the power of us acting as a hub connecting up the legal ecosystem for our members benefit. It demonstrates well the joining of us as a membership body, our member firms, their clients, academia, tech providers, and government in one place. We believe that that this initiative will have a significant and lasting impact on the legal tech space and therefore into legal service provision, and benefits to our members. To hear Lord Keen say that he and the Lord Chancellor thought this was exactly the sort of initiative needed in legal services and expressing the desire to make the UK the global centre for legal tech as it is for fintech was really excellent. Above all though is the number of our members from law firms commenting on how much more “relevant” it feels that TLS is now around this area. From Barclays perspective it has been the most successful launch of all of their labs. This builds on the partnership we established with Seedrs in 2017 and is part of the Society’s drive to help connect – and position itself as a central part of – the lawtech ecosystem.

## 5. Access to justice

The Labour party **adopted** our calls on early advice as official party policy.

Our campaign on criminal duty solicitors was **mentioned** during oral Justice Questions. Our **evidence** on early advice and criminal duty solicitors looming crisis has been **acknowledged and referenced** by the Lord Chief Justice and the Justice Select Committee (JSC). Sir Brian Leveson **mentioned** our campaign and heatmap in his speech for the Criminal Cases Review Commission at UCL.

The JSC report on small claims **endorsed** our recommendations.(including research by Minister) and at a parliamentary evidence session by the Lord Chief Justice.

We submitted evidence to the Joint Committee on Human Rights on the impact of LASPO on human rights.

We appeared on the BBC on issues around McKenzie Friends, forensic testing and the NHS standard contract.

We participated in the National Disclosure Forum set up by the CPS and National Police Chiefs Council in the wake of recent high-profile disclosure failures in criminal trials. We are contributing to the Attorney General's review of disclosure.

We participated in meetings to support the review of the Mental Health Act commissioned by the prime minister

## 6. Regulation

We **submitted our response** to the Legal Services Board's (LSB) consultation in their Internal Governance Rules, arguing that the rules needed to be clarified.

We also **published** the Law Society's recommended minimum salary for trainee solicitors.

We continue our campaign against the SRA Handbook changes. DVP Simon Davis debated the proposed changes on Radio 4's Law In Action, which also featured the CEO of the SRA.

We held a panel event as part of our ethics programme entitled "Deregulation, what can solicitors learn from professionals in other markets".

The Legal Ombudsman **adopted** a number of Law Society asks in their 2018-19 business plan and strategy.

We have engaged with members on the SRA's PII consultation, publishing a briefing explaining the proposals and the risks to members. We completed a response to the SRA by the 15 June deadline and encouraged input from as many members as we could.

We outlined our concerns to the LSB surrounding their approval of the SRA's new switching protocols including concerns around the LSB's approach to risk assessments.

## **7. GDPR**

We started a dialogue with the LAA on how the GDPR will impact the handling of sensitive personal data between firms and the LAA.

We published our guidance to members to assist them with complying with the GDPR. Based on the ICOs 12 steps to take now, each chapter explains the context of each element of the regulation, suggest points to consider in the law firm context and provides a checklist of items to work through.

## **8. Flexible Operating Hours Pilot (FOHP)**

Following our feedback and that of others the FOHP has been postponed and modifications made to the pilot models.

## **9. Immigration**

We secured significant media coverage for our concerns about the quality of Home Office decision-making in immigration and asylum cases, and the implications of restricting applicants' rights to make data protection subject-access requests for information about their cases.

We attended a Home Office meeting to discuss the documentary evidence to be required of EU nationals seeking to secure permanent residence status post-Brexit.

## **10. AGFS**

We continued to **lobby** on the issue of the MOJ's proposals for the AGFS, including several press releases expressing our concerns. We have **published guidance** for members on their options if they find themselves unable to find an advocate for a case while the Criminal Bar Association takes action against the new AGFS.

## **11. LGFS Judicial Review**

We were served with the MoJ's Acknowledgement of Service and agreed timetable. The hearing is scheduled for 18 and 19 July with a decision to take place in September this year.

## **12. Thought leadership calendar**

Our work on thought leadership has continued over the quarter. During March we held an in conversation event with Nicky Morgan MP, chair Treasury Select Committee where over **150 guests attended**.

We also hosted a panel discussion with Lord Briggs – 'Justice online but at what cost', a panel discussion with Brandon Lewis MP, Chairman of the Conservative Party and a Carey Street Dinner with the Lord Chancellor and his team.

In April we hosted a roundtable thought leadership event on autonomous vehicles and a City Week panel discussion with P.R.I.M.E – 'The future of international financial disputes' (led by the City team)

In May we held a future of Law lecture on smart contracts with Sir Geoffrey Vos and a dinner with solicitor QCs and solicitor judges.

### **13. International: Market Access and Practice rights**

*Russia:* We met with the Russian MoJ and the Russian Federal Chamber of Advocates in response to the ongoing discussion around reform of the legal profession in Russia and likely impact on the 31 UK and other international law firms currently based in Russia.

*South Korea:* We met with the Korean Ministry of Justice, Korean Bar Association, British Embassy in Seoul and our five member firms there to raise the importance of continued rights to practice after Brexit (once the UK falls out of the EU-Korea Free Trade Agreement).

*EU/EFTA31:* We organised a seminar on Brexit (and legal tech) with the National Council of French Bars and Paris Bar to raise the issue of law firm structures, practice rights and requalification in France post-Brexit. **80 delegates attended.**

We continued to meet member firms (**8** in the UK and **10** overseas in Q2) to discuss their Brexit contingency planning in relation to practice rights and law firm structures.

We met with the European Commission DG Trade to discuss market access and practice rights issues for the legal services sector post-Brexit (withdrawal agreement, transition and new relationship).

#### 14. International: Rule of Law and Human Rights

We have **intervened** for lawyers at risk and the rule of law, including but not limited to:

- a letter to the Malaysian Bar Council on the Independence of the Judiciary;
- four intervention letters on Colombia, Honduras, Vietnam and Turkey.
- met and held discussions with human rights defenders from Colombia, Iran and Turkey.
- *China PRC*: We submitted a written contribution to the Universal Periodic Review (UPR) focusing on cases of arrest and detention of lawyers and human rights defenders since 2013.
- *Colombia*: We hosted a roundtable with the Colombian Human Rights Lawyer Luis Guillermo.
- *Guatemala*: We organised a delegation led by Judge Sir Ross Cranston to highlight the importance and significance of the election of the attorney general.

#### 15. Wales

The new Welsh **Land Transaction Tax** replaced the UK Stamp Duty Land Tax (SDLT) in Wales on **1 April 2018**. The introduction of the new tax was successful following a range of activities and close engagement with the Welsh Revenue Authority (WRA). We delivered:

- a joint awareness survey
- an article in the Gazette featuring the WRA chief legal officer and news items
- membership of the WRA Implementation Programme Board
- stakeholder engagement
- a joint workshop for members (**close to 1,000** people, mainly solicitors, attended WRA seminars and interactive webinars following publicity from TLS)
- wide communications: TLS main website and Twitter feed, @LawSocWales Twitter feed and Professional / President's Updates were used.

The majority of entities registered with WRA are based in England.

The WRA Chief Executive and the Wales Audit Office **cited** TLS in evidence to the Finance Committee of the National Assembly and the Society's contribution to the establishment of the WRA was **acknowledged** in their Corporate Plan published on 20 April.

Key external stakeholders attended the March Wales Committee meeting:

- National Assembly for Wales Director of Assembly Business spoke about a consultation on Creating a Parliament for Wales.
- Commission on Justice secretariat attended to discuss their work which included the future of the business of law and practice in Wales.

Events included:

- Welsh Government Counsel General and First Legislative Counsel led a workshop at the Wales Office on the draft Legislation (Wales) Bill. Specialists and Law Society committee members attended.
- Legal dinner celebrating the National Eisteddfod which takes place in Cardiff this year (TLS Annual Lecture 9 August).
- Cardiff and District Local Law Society Annual Dinner (President, Rachelle Sellek, member of the Wales Committee)

Lowri Morgan attended the Executive Team meeting in May and briefed the team on current changes going on in Wales

#### **16. Parliamentary engagement**

TLS arguments continued to be positively cited in Parliament and by Parliamentarians on matters relating to Access to Justice and Brexit. In the year to date we have had **124** citations. TLS work was also **mentioned positively** in social media by Parliamentarians.

Since November we have **given evidence to ten** select committee parliamentary inquiries, drafted **27** parliamentary questions (**100%** of which were tabled) and were **cited 15 times** in judicial argument or practice notes.

#### **17. International representation, business development and promotional activities**

The Society engaged in various international activities including, but not limited to:

- Officeholders represented the Law Society on **eight** international events and activities:
  - the European Presidents Conference in Vienna
  - a market access visit to South Korea
  - the Legal Services are GREAT/English Law Day conferences in Kazakhstan
  - the Business Council for Africa annual conference
  - the City Corporation Gala Dinner for the Commonwealth Heads of States and Governments Conference
  - meetings with the National Council of French Bars and the Paris Bar
  - the American Bar Association Section of International Law (ABA-SIL) Annual conference in New York
- The English Law Day/Legal Services Conferences in Kazakhstan (Almaty and Astana) attracted **250 delegates**.
- The English Law Day conference in Ukraine (Kyiv) attracted **130 delegates**.
- A seminar on doing legal business in the BRICS (Brazil, Russia, India, China and South Africa) attracted **60 delegates**.
- We held a seminar on the QLTS/requalification in England and Wales during our Korea visit which attracted **50 delegates**.
- International Committee Chair David Greene spoke at the Spanish Bar Seminar on Brexit.
- In addition, the International team met with the Rwandan Bar President and conducted a scoping visit to the Philippines to research a guide to Doing Legal Business in the Philippines while attending the Inter-Pacific Bar Association (IPBA) Annual conference. The Guide will be released later this year.
- TLS held 3 seminars in EU Parliament.

#### **18. Communications Campaigns - Solicitor brand and global legal centre campaign**

Activity for January for both the Solicitor Brand and GLC campaigns focused on social media channels where we continued to exceed KPIs:

- 1.9m+ impressions
- over 32,000 interactions (people liking, sharing and commenting on campaign posts)
- over 91,000 video views on Facebook and Twitter.

We ran 1 solicitor brand awareness campaign which reached 78,568 people with 5,510 recalling seeing an advert - equating to a 7% brand awareness recall.

## **19. Solicitor brand campaign advertising schedule**

The advertising campaign will run from 16 April to 28 May and uses a number of channels to ensure maximum coverage across the country. This includes:

- advertising on digital screens in 29 key cities
- bus streetliner and superside ads on 1050 routes
- 220 tram interiors
- 80 Metro carriage cards
- 200 rail interiors
- 1650 tube panels
- posters at 400 rail locations
- TV advertising in 8 regions
- regional newspaper advertising (schedule to be confirmed)
- regional online advertising through Trinity Mirror, Newsquest and Johnston Press

## **20. Other solicitor brand campaign activities**

We will continue to promote syndicated content (video and animations) making these available to members for use on their own websites and social media channels and ensure collateral we already have (posters, leaflets etc) is available for members to customise and order through our ecomms website.

We are currently overhauling and updating campaign content on the main Law Society webpages. We will also be reviewing and updating our suite of consumer guides over summer before making these available as digital downloads for members to-cobrand and order as printed collateral via our ecomms website.

We will continue to educate, inspire and entertain consumer audiences with our social media content focusing on the 6 key areas of law ensuring that our weekly content calendar links content to high profile events leading to increased engagement.

## **21. Global legal centre (GLC) 6-week mini campaign**

We ran a successful test campaign in December/January using paid for promotion of video on Facebook and LinkedIn to increase our reach in key target countries such as Brazil, Australia, Mexico and South Korea.

Following this we ran a 6-week mini campaign using the following five videos:

- Overarching video (England and Wales – a global legal centre)  
<https://youtu.be/QaHIKUIGVJI>

Plus four shorter videos featuring

- Scott Hopkins <https://youtu.be/z217k7tqKMc>
- Vitoria Nabas <https://youtu.be/OsgyYtJgguQ>
- Funke Abimbola <https://youtu.be/C4agwxBx5SM>
- Jeff Golden [https://youtu.be/oX1aJ4Z4R\\_c](https://youtu.be/oX1aJ4Z4R_c)

The campaign performed extremely well. Statistics for the whole mini campaign show for a total spend of just under £7k:

- 2,618,122 Facebook impressions
- 189,542 LinkedIn impressions
- just under 2000 engagements on linked in

(where impressions is the number of people who saw the posts)

## **22. Broadcast & Radio**

The Press Office has secured multiple pieces of broadcast coverage on radio and television over the quarter:

- Umar Kanayki from the Ethnic Minority Lawyers Division discussed the Lammy Review on BBC Radio 1 Newsbeat and Funke Abimbola, former social mobility ambassador, appeared on BBC Radio 5 Live to discuss the same topic
- Head of justice Richard Miller spoke to BBC Radio 4 You & Yours about clinical negligence
- Former Wills & Equity committee member Gary Rycroft twice appeared on BBC Radio 4 PM to discuss wills and digital assets
- Nichola Carter from the Immigration committee spoke with BBC South Today about family immigration law
- Head of international Mickael Laurans spoke with Channel 4 in Pakistan about international human rights
- Chair of the GDPR working group and council member Peter Wright spoke with BBC Radio 5 Live about technology, AI and the law
- Greg Stewart from the criminal law committee appeared on Victoria Derbyshire and Sky News to discuss 'upskirting' laws
- Sheree Green, chair of the mental health & disability committee, spoke with Victoria Derbyshire about vulnerable people being targeted by fraud
- Ian Kelcey, co-chair of the criminal law committee, made a number of appearances on BBC Radio and LBC to discuss the John Worboys parole
- Head of justice Richard Miller spoke to TalkRadio about the impact of financial pressures on the criminal justice system
- Head of criminal and public law Mark Paulson was on BBC London News about the privatisation of forensic services and its impact on access to justice
- Head of justice Richard Miller spoke with BBC Inside Out London about the potential pitfalls of McKenzie friends and the impact of legal aid cuts.

## **Print & Online**

Below are highlights of our print and online press coverage over the quarter:

- Evening Standard – Legal services left out of Canada-style trade deal
- Law Society Gazette – Robert Bourns appointment as chair of new board
- BuzzFeed News – False economy of legal aid cuts
- Law Society Gazette – Judicial review of cuts to criminal defence fees
- The Times – Deal making by city law firms
- Law Society Gazette – Launch of Diversity Access Scheme
- Law Society Gazette – Coverage of the Early Advice campaign
- Evening Standard – IP lawyers warn Brexit putting fashion week at risk
- Evening Standard – Financial and legal services sector need clarity from government on Brexit
- The Times – Response to appointment of new lord chancellor David Gauke
- Law Society Gazette – Christina Blacklaws on equality in the legal profession
- Law Society Gazette – Joe Egan's year in review
- The Guardian – Law Society takes action over cut to legal aid fees
- The Guardian – Cuts to legal aid are a false economy
- Law Society Gazette – Appointment of new board members

- Eastern Daily Press – Solicitors critical of unregulated will writers
- Financial Times – NDAs being misused in employment situations
- Law Society Gazette – AGFS plans ‘robbing Peter to pay Paul’
- Law Society Gazette – Super exam plans delayed
- Financial Times – Government scrapped anti-harassment law that protected employees
- The Times – Criminal defence lawyers a dying breed due to government cuts
- The Times – Response to introduction of new online courts
- Financial Times – Response to FCA’s new anti-money laundering powers
- The Guardian – Underfunded justice system ‘crumbling’
- BBC News website – Mickael Laurans on English language courts on the continent

### **Conclusion**

Overall, good progress has been made against our objectives for the first half year and clear of the actions required for the next six months to meet our overall aims and outcomes.