

**Item No. 18**

**COUNCIL**

**21 MARCH 2018**

**Classification - Public**

**Purpose - For noting**

**Decision –** To decide whether the Law Society amends its position on mutual market access for legal services

**Item 17 Brexit Update and Discussion**

**Remit**

Public affairs - Brexit.

**Statement of territorial application**

This paper applies to England and WalesThis paper applies to England and Wales

**Financial, section 51 and resourcing implications**

Within existing budgets.

**Consultation with Finance**

Within existing budgets.

**Equality and diversity implications**

None

**Consultation**

This paper has been prepared for Council.

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**Date:**  06 March 2018

**BREXIT – Update for Council**

1. **Introduction**

This paper prepared for Council on Brexit gives an update on major political developments and overview of the Law Society’s work on Brexit to date (with detailed annexes on activity since the last update to Council in September 2017).

1. **Law Society’s work on Brexit**
2. **Law Society priorities for Brexit**

The Law Society’s work on Brexit has focused on five key priorities:

* Continued mutual access for solicitors to practise law and base themselves in the UK and EU member states, to have rights of audience in EU courts, institutions and the Unified Patent Court (when it opens) and for their clients to have legal professional privilege
* Continued civil and family justice co-operation, including mutual recognition and enforcement of judgments and respect for choice of jurisdiction clauses in the UK and EU
* Maintain collaboration in policing, security and criminal justice
* Ensure that legal certainty is maintained throughout the process of withdrawal, including transitional arrangements
* Ensure that the Government works effectively with the legal services sector to continue to promote England and Wales as the governing law of contracts, the jurisdiction of choice and London as the preferred seat of arbitration.

These were established through speaking to the Law Society’s policy committees, our Brexit Taskforce and the wider membership to identify how Brexit could affect their businesses and their clients. Further details on these priorities can be found in the Law Society’s[*Brexit and the Law*](http://www.lawsociety.org.uk/support-services/research-trends/brexit-and-the-law-report/) report which was published in January 2017. Detailed information on these priorities was also submitted to a number of Government departments in December 2016.

1. **Political developments**
2. **Prime Minister’s speech – March 2018**

On Friday 2 March, the Prime Minister made her most significant speech on Brexit since September 2017. The points of relevance to the Law Society include:

* **Market access -** The Prime Minister said the Government wanted to limit the number of barriers potentially preventing UK firms from setting up in the EU and vice versa, and to ‘agree an appropriate labour mobility framework that enables UK businesses and self-employed professionals to travel to the EU to provide services to clients in person and that allows UK businesses to provide services to the EU over the phone or the internet (and vice versa).’
* **Mutual recognition of qualifications -** May said given that UK qualifications are already recognised across the EU and vice versa. It would make sense to continue to recognise each other’s qualifications in the future.
* **Civil judicial co-operation -** The Prime Minister noted that law was one of the areas where UK and EU economies are closely linked.She went on to say the Government wanted an agreement to cover civil judicial co-operation, ‘where the EU has already shown that it can reach agreement with non-member states, such as through the Lugano Convention,’ but that they also wanted a broader agreement that reflects the UK’s unique starting point.
* **Company law and intellectual property -** The Prime Minister added the agreement ‘will also need to cover company law and intellectual property, to provide further legal certainty and coherence.’
* **Competition –** May said to have good access to other markets we would need to accept some binding commitments and said that the UK may want to converge on areas such as state aid and competition.
* **Court of Justice of the European Union (CJEU)** – The Prime Minister’s view on the involvement of the CJEU seems to have softened. She noted that the UK could explore being part of EU agencies such as the European Medicines Agency, the European Chemicals Agency, and the European Aviation Safety Agency. She notes that this means ‘abiding by the rules of those agencies and making an appropriate financial contribution.’
1. **Chancellor of the Exchequer’s speech – March 2018**

On 7 March, the Chancellor of the Exchequer reaffirmed the existing Government position that a future UK-EU partnership should involve financial services and that this was necessary to ensure that the European financial services sector did not fragment post-Brexit. He restated the Prime Minister’s Mansion House position that the model should not involve the existing structure of passporting, but instead a new model of regulatory co-operation.

He also restated the Government’s three principles for any future framework with the EU on financial services:

1. A process for establishing regulatory requirements for cross-border trade
2. Co-operation arrangements that remain reciprocal, reliable, evidence-based, symmetrical, transparent and which prioritise financial stability
3. A legal framework that makes this structure durable and reliable for participants in the market and for businesses who use their services.

In his speech the Chancellor also made the following key points:

* **Future relationship framework** - Hammond made the case for the UK having the ability to deliver equivalence in regulatory outcomes achieved by different means. Underpinning this would be a system of mutual recognition and reciprocal regulatory equivalence, supported by dispute resolution structures. He noted this would involve close regulatory and supervisory co-operation on areas including day-to-day supervision and crisis resolution. He argued that the UK cannot be a future rule taker, due to the large share of European financial risk that the UK shoulders. He confirmed that the UK would be leaving the EU’s supervisory agencies.
* Divergence - Hammond stated that there should be clear institutional processes to manage future divergence to ensure reasonable and proportionate regulatory responses. He noted that there was precedence for these processes in CETA.
* Precedent - Hammond argued that all of the EU’s trade deals have been unique and bespoke. He stated that the UK and EU currently have a shared regulatory framework and shared standards. He further argued that the EU proposed financial services trading in its TTIP proposals and initial proposals for CETA.
* EU concerns - Hammond acknowledged EU concerns for the implications of financial stability, eurozone integrity and divergence in standards. He stated that the UK and the EU should agree mutually satisfactory co-operation in the clearing of Euro trades.
* City of London - Hammond described the City of London as a European asset, supporting businesses and savers across the EU. Hammond argued that the City of London is a leading hub for foreign exchange and derivative trading in the EU.
* Fragmentation - Hammond stated that fragmentation of the City of London would damage the EU as a whole. He stated that consequences would bring damage to pan-EU trading, limiting access to pools of European capital and inhibiting futures trading in the EU. He noted that the beneficiaries of fragmentation would be the US and Asia and will leave the EU as less competitive as a whole.
* Regulation - Hammond noted that the UK had gone further in enforcing strong regulatory standards than many EU states. He reaffirmed that the UK was committed to robust regulation.
1. **Reshuffle – January 2018**

In the ministerial reshuffle of 2018, several changes were made that are relevant to the Law Society’s Brexit work. These include:

* Lord Chancellor – David Gauke MP
* Justice Minister with responsibility for Brexit – Lucy Frazer QC MP
* Business Minister with responsibility for professional services – Richard Harrington MP
* Exiting the EU Minister - Suella Fernandes MP

The President spoke at the swearing in of the Lord Chancellor, David Gauke MP, and he noted his support for continued mutual market access for legal services.

We have already met with both the new Lord Chancellor and Justice Minister, who both noted their support for the Law Society’s asks on mutual market access and civil justice co-operation.

We also met with the Minister for professional services, Richard Harrington MP, who was supportive of continued market access for legal services. The Law Society now has bi-monthly meetings with the Minister as part of the Professional and Business Services Council’s mutual market access working group.

1. **Sufficient progress – December 2017**

In December 2017, the UK and EU received ‘sufficient progress’ on the three issues (citizens rights, the Irish border and budget contributions) to move on to discussing transitional arrangements and the future UK-EU relationship.

In the joint report, the UK and EU agreed that those solicitors and European lawyers who have gained the host state title in the member state and vice-versa in the UK, will be able to continue such practice in the host state after Brexit.

Recognition procedures under these directives that are ongoing on the ‘specified date’, in respect of the persons covered, will be completed under EU law and will be grandfathered.

The Law Society has been and will be making the case for continued practice for host state law (including EU law) under home state title (including the right to appear in host state courts), the ease of requalification as a lawyer in another member state and of current border crossing and recognition procedures, to UK Government and EU stakeholders.

The EU published its draft legal text on the withdrawal agreement. As of 6 March, the Government had not responded to the draft formally. The Law Society will also be sending feedback to the relevant Government departments on the draft EU legal text.

The key points of relevance in the draft text the legal services sector are:

* **Lawyers/legal services -** The December agreement on professional qualifications features in the Commission’s texts, with specific reference to the Lawyers’ Directive. Article 26 states that existing rules apply regarding the ‘examination by a competent authority of their host state or state of work of any application for the recognition of professional qualifications’ introduced before the end of transition.
* **Broad position on transition -** The language on transition was published by the Commission in early February and remains unchanged in this draft. Negotiations between the EU and UK on transition are on-going, with a political agreement expected before the end of March. The provisions ensure that the *EU acquis* continues to apply to the UK during the transition period, whilst the UK cannot participate in enhanced co-operation or participate in the work of any bodies.
* **Legal services and transition -** Articles 62 and 63 of the draft agreement provide for the continuing application for the Rome and Brussels Regulations in respect of all agreements concluded before the end of the transition period. There are explicit provisions regarding continuing rights of audience for UK lawyers before the CJEU during the transition and in cases taken in the UK before the UK’s exit from the EU.
* **Dispute resolution / role of the Court of Justice of the EU -** The text largely reflects the agreement reached in December on citizens’ rights, with UK courts having the possibility to apply to the CJEU for a preliminary ruling up to 8 years after the end of the transition period. The text also sets out details on the new independent authority to be established to enforce the provisions of the agreement relating to citizens’ rights.
1. **Civil justice co-operation paper – August 2017**

All of the Law Society’s major asks on civil justice co-operation were adopted and a significant amount of our messaging was reflected in the [Government’s paper](https://www.gov.uk/government/publications/providing-a-cross-border-civil-judicial-cooperation-framework-a-future-partnership-paper) on cross border civil judicial co-operation that was published in mid-August.

The Government stated that it will seek to maintain as close and comprehensive cross-border civil judicial co-operation as possible, on a reciprocal basis. The paper also contained a clear statement of intent to remain in the Hague Conventions and Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

The paper commits to the enactment of the Rome I and II instruments on choice of law and applicable law. The paper also recognises the importance of maintaining relevant international family law mechanisms such as the 1980 Convention on the Civil Aspects of International Child Abduction (which the UK is already party to) and seeking to maintain close co-operation in EU family mechanisms e.g. Brussels II Regulation. This is a significant reflection of the Society's intensive work in this area since the referendum.

The Prime Minister’s speech on 2 March 2018 reiterated this commitment.

1. **Areas to focus on in 2018**

The Law Society will continue to engage with stakeholders on our five priorities. However, as the Brexit negotiations develop, the Law Society has sought to highlight our view on three key issues in early 2018. We have put together three short papers on key Brexit issues:

* + The impact of the UK and EU reaching a CETA-style deal for legal services ([published in January 2018](https://www.lawsociety.org.uk/news/stories/blind-spot-how-ceta-overlooks-legal-services/))
	+ Transitional arrangements ([published in February 2018](https://www.lawsociety.org.uk/news/stories/blind-spot-how-ceta-overlooks-legal-services/))
	+ The UK-EU future dispute resolution mechanism (due to be published in March 2018)

We have circulated these papers to ministers, civil servants, parliamentarians and members. We received positive feedback from Government special advisers and parliamentarians on the first two papers.

Reflecting on the Prime Minister’s focus on mutual recognition in her March speech, we will also be putting together a paper for the UK Government on what mutual recognition of professional qualifications means for legal services.

The Law Society will also work with European bars of priority jurisdictions to secure continued market access and practice rights for members. A strategy paper is being developed on planned engagement activities with for instance the French, Greek, Spanish and Irish bars to ensure that solicitors can keep their practice post-Brexit. The paper looks at bar-level solutions for a scenario that assumes a situation between being part of the single market and EU-level FTA.

1. **Key activity on Brexit**

The Law Society continues to be vocal on Brexit and promote the priorities of its members. The key activities of the Society are (further details can be found in annex A and B):

* **Engaging with Government ministers and officials** – The Law Society has met with relevant ministers including the Lord Chancellor and Secretary of State for Exiting the EU. We have a regular dialogue with officials at all levels in the Ministry of Justice, Department for Exiting the EU and Department for Business, Energy and Industrial Strategy.
* **Engaging with Parliament** – The Law Society has given written evidence 11 times and oral evidence 5 times to parliamentary committees, leading to Law Society mentions in eight reports. We have met with shadow ministers and chairs of five key committees on Brexit. We have also been briefing on key Brexit bills including the EU (Withdrawal) Bill and AML and Sanctions Bill.
* **Engaging with EU stakeholders** – The Brussels Office has been meeting with UK MEPs. It also regularly meets with the British Chamber of Commerce’s and the UK Permanent Representative. We have also hosted events in the EU Parliament on citizens’ rights and dispute resolution mechanisms.
* **Engaging with wider European stakeholders** – The Law Society has been engaging with the CCBE and its European delegations on Brexit. We have also been engaging with national bars and law societies from EU member states.
* **Inputting into key Government groups–** The Law Society is the secretariat of the Brexit Law Committee, a group set up by the former Lord Chancellor and Lord Chief Justice, and has been active in the Professional and Business Services Council’s mutual market access working group.
* **Raising our issues in the media** – The Law Society has featured in press coverage on a range of issues on Brexit in national newspapers, including the *Financial Times, BBC, The Times, The Telegraph* and *The Guardian.* We have also had a number of stories in the *Evening Standard.*
* **Engaging with members –** We continue to update members of our work on Brexit in the UK and those based in Europe through roundtables, visits to local law societies and through the Law Society website. We will be undertaking a series of communications to members to highlight one year on from triggering Article 50.

**Annex A – Law Society work from September 2017 to March 2018**

1. **Government engagement**

As noted, we have met with the Lord Chancellor, Justice Minister responsible for Brexit and Business Minister with responsibility for professional services. All reiterated that they regard legal services as a key sector and were keen to work with us

We will also be having bi-monthly meetings with relevant ministers in BEIS, DExEU and MoJ through the Professional and Business Services Council (PBSC).

We have met with the special adviser for the Secretary of State for Business, Energy and Industrial Strategy. We continue to engage with senior civil servants including the Director Generals at the Ministry of Justice and the BEIS. We continue to meet with officials from the Ministry of Justice, Department for Exiting the EU and BEIS on a regular basis.

1. **Parliamentary engagement**

Since the referendum the Law Society has submitted written evidence to 11 committees and oral evidence to 5 committees. Since September 2017, we submitted evidence to:

* [Lords EU Committee report on ‘*Brexit: Deal or no Deal’*](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/european-union-committee/brexit-deal-or-no-deal/written/73274.html)
* [Lords EU Internal Market Sub-Committee on competition law](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-internal-market-subcommittee/brexit-competition/written/70800.html)
* Treasury Select Committee on transitional arrangements (not published)
* [Lords EU Justice Sub- Committee on enforcement and dispute resolution](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-justice-subcommittee/brexit-enforcement-and-dispute-resolution/written/78546.html)
* [International Trade Committee on continuing application of EU trade agreements after Brexit](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-trade-committee/continuing-application-of-eu-trade-agreements/written/75620.html)

In December 2017 we were mentioned five times in the House of Lords EU Select Committee report titled ‘*Deal or no Deal’*, which outlined the potential impact on the UK of leaving the EU without a deal and examined the feasibility of a transition period immediately post-Brexit. The report referenced the following arguments from our briefings:

* ‘off the shelf’ alternatives to Article 50 in the transition.
* suggestion that Norwegian and Swiss models of conducting institutional relations with the EU are worth considering for a transition period.
* warning that ‘any *transitional arrangement that would see the UK become an EEA/EFTA member state (even for a time-limited period) would involve a time-consuming and complex negotiation and ratification procedure’* (subject to unanimous EFTA state agreement).
* comment that the EU would not welcome an extension of any transitional arrangements as this ‘*would involve the UK taking part in the 2019 European Parliament elections.’*

In February 2018 we were mentioned twice in the EU Lords Internal Market Sub-Committee in relation to England and Wales as ‘*a leading global centre for competition law*’ and the need for transitional arrangements would be needed for antitrust and mergers proceedings.

The Law Society’s Head of International, Mickael Laurans, also gave oral evidence to the EU Lords Internal Market Sub-Committee as part of its inquiry on Brexit: non-financial services. The session looked at the progress of the UK-EU negotiations, engagement with Government, transitional arrangements, contingency plans and the future EU-UK FTA deal. A summary of his evidence can be found [here](http://www.lawsociety.org.uk/news/blog/launch-of-write-to-your-mp-for-our-early-advice-campaign/).

We co-hosted a parliamentary reception with other members of the Professional and Business Services Council on 30 January. Parliamentary Under Secretary for Exiting the EU, Robin Walker MP and former Parliamentary Under Secretary for Business, Energy and Industrial Strategy, Lord Henley spoke at the event. It was attended by 18 other parliamentarians and the Number 10 adviser leading on Brexit .

We have also held a series of one to one meetings with relevant parliamentarians including:

* Shadow Lord Chancellor, Richard Burgon MP
* Shadow Brexit Minister, Matthew Pennycook MP
* Shadow Brexit Lords Spokesperson, Baroness Hayter
* Shadow Attorney General, Baroness Chakrabarti
* Shadow Solicitor General, Nick Thomas Symonds MP
* Shadow Immigration Minister, Afzal Khan MP
* Shadow Brexit Lords Spokesperson, Baroness Hayter
* Chair of the Treasury Select Committee, Nicky Morgan MP
* Chair of the Justice Select Committee, Bob Neil MP
* Eight members of the Exiting the EU Committee, including the Chair, Hilary Benn MP
* Chair of the Foreign Affairs Select Committee, Tom Tugendhat MP
* Chair of the International Trade Select Committee, Angus MacNeill MP
1. **Legislation**

Several of the Brexit bills continue their passage through Parliament. The Law Society is actively briefing MPs and peers on the following Bills:

* **EU (Withdrawal) Bill –** Completed its passage through the House of Commons and has moved to Committee Stage in the House of Lords. We will work with peers to table an amendment on clause 6 of the Bill related to the jurisdiction of the Court of Justice of the European Union. We have also been working with peers on amendments around: mutual recognition of professional qualifications, mutual recognition of judgments, insolvency and rights of audience.

* **Anti-Money Laundering and Sanctions Bill** – The Bill is in Committee Stage of the House of Commons, having completed its passage through the House of Lords.

The Law Society has been quoted by MPs and peers throughout the passage of both Bills. We are also monitoring the Taxation (Cross-border Trade) Bill and Trade Bill.

1. **EU engagement**

The Brussels Office held its new year reception with its office partners at the end of January which was attended by 110 people. Several EU stakeholders attended, including Hubert Gambs, Director for the Modernisation of the Single Market in the European Commission, who delivered a speech at the reception and Pavel Svoboda MEP, Chair of Legal Affairs Committee. The speakers answered questions from attendees, which included delegates from the CCBE and the national bars. The reception was followed by a dinner discussion with the representatives from our office partners (German, Austrian, Belgian, Luxembourg and Czech Bars).

One to one meetings were held with:

* The British Chamber of Commerce Brexit Task Force members.
* Brussels-based solicitors and UK MEPs (Ian Hudghton, Alyn Smith, Jude Kirton-Darling).
* Elmar Brok MEP – member of the European Parliament’s Brexit Steering Group (along with the Law Societies of Northern Ireland and Scotland)
* Tsvetin Spasov, Second Secretary ad hoc EP on Article 50 from the Bulgarian Permanent Representation. Bulgaria is holding the current EU presidency and they were able to talk about the discussions in the Council of Ministers.

The Brussels Office has been invited to join and speak following Brexit roundtables/ working groups:

* CMS (Cameron McKenna Nabarro Olswang LLP) with the CMS Brexit Task Force members from Brussels and London. The discussion concentrated on practice rights and transitional period.
* American Chamber of Commerce - The discussion concentrated on the treaties needed for withdrawal, transitional and new relationship.
* European Policy Center - The discussion concentrated on different ways Brexit may happen in March 2019.
* British Chamber of Commerce – monthly meetings.

The Brussels Office has been invited as to speak in following events:

* On 17 October we moderated the Open Europe event on ‘Which path for Britain after Brexit? The Swiss, Norwegian and Canadian alternatives’.

* On 23 October, we spoke at a British Chamber of Commerce event on ‘the UK Transitional Agreement – A dose of reality’. There were 23 participants, which included Andreas Witdouck, Adviser to the Flemish Prime Minister.
* On 27 February, we were invited to speak about the new EU – UK dispute settlement mechanisms in London. Other speakers included: Hugh Mercer QC, Sir Christopher Bellamy, Catherine Barnard, Rhodri Thomson.

The Brussels Office has organised following events:

* On 21 November we held an event on the Hague Judgments Project (London). Speakers: Professor Paul Beaumont (University of Aberdeen, EU expert in the Hague Conference), Cara North, Peter Werner (ISDA) and Sarah Garvey (Allen & Overy). The seminar was chaired by Christina Blacklaws.
* On 8 October the Brussels Office held an event in the European Parliament on the dispute settlement mechanisms. Head of Brussels Office, Helena Raulus chaired the event and Richard Corbett MEP hosted it. There were around 50 participants, including from the UK Permanent Representation, UK House of Lords, CCBE and Brussels representatives from other European Bars.

The Brussels Office was also helping to organise meetings for Gareth Davies, Director General of BEIS, in Brussels.

1. **European stakeholders**

The CCBE has held three Brexit Task Force meetings since September. The discussions focused on:

* The EU 27 paper on acquired rights. This was submitted by the EU27 grouping to the Commission in September. The Commission requested feedback from the delegations and a supplement was submitted in November 2017.
* The UK delegation’s response paper on acquired rights and legal services which was submitted to the Commission, UK Permanent Representation and CCBE (sent in December 2017). This is a response to the EU27 paper, as well as to the Joint text adopted by the UK and EU on 8 December.
* Setting up a smaller working group to consider options for the UK membership in the CCBE.
* Whether the Brexit Task Force should be the only group where Brexit is discussed or whether Brexit should be discussed also in the various CCBE Committees.
* The procedure of running CCBE Brexit Task force meetings: the first part of the meeting excluding the UK delegation, the second part of the meeting including the UK delegation, how transparent the meetings will be and what are the voting processes for the EU27 communications.

Between September 2017 and March 2018, Law Society OHs have engaged in Brexit discussions in the form of bilateral meetings and panel discussions with key European stakeholders at IBA Sydney, UIA Toronto, in Italy at the Legal G7 conference; in Bordeaux at the French National Bar’s Annual Convention; in Paris at the Paris Bar Rentrée, in Vienna at the European Presidents’ Conference and in Madrid at the Spanish National Bar’s Brexit seminar.

The Law Society has been working to maintain its good relations with key jurisdictions and gather intelligence on their views on continued market access for UK legal services post-Brexit. During the visits, the Law Society has learnt some new developments in Germany regarding future LLP status of UK firms, in France regarding the new ‘foreign legal consultant’ status and potential partnership with French RPs and partnership solutions in Spain.

The Law Society will follow up on these developments with the relevant bars at bilateral meetings and joint seminars between April and June. These engagement activities with the French National Bar, Paris Bar, Spanish National Bar and German DAV have already been arranged.

1. **Communicating with members**
2. Media

We have continued to raise the Law Society’s issues in the press. Some of the key stories the Law Society has featured in are:

* English courts opening in the EU – featured in *the* *BBC, Huffington Global* and *RocketNews*
* Pace of law firm IPOs is ponderous as investors kept at bay – featured in *the Financial Times*
* Brexit threat to Fashion Week as design showcase – featured in *the Evening Standard*
* No influx of UK law firms – featured in *the Times*
* Brexit latest: Bombshell studies ‘showing UK worse off’ must be published now, Theresa May told – featured in *the Evening Standard*
* Rival nations are lining up for trade deal with Britain, Hammond tells Germans – featured in *the Evening Standard*
* Davis blasted for failing to draw up blueprint for finance sector after Brexit – featured in *the* *Evening Standard* and *Yahoo! UK and Ireland*
* Why Brexit won’t damage the standing of English contract law – featured in *the Times*
* No Brexit-inspired law firm invasion – featured in *the Sunday Times*
* City law firms' business hit by continental drift – featured in *the Times*
* How London's loss is Dublin's gain after Brexit – featured in *the Guardian* and *Yahoo! UK and Ireland*
* Brussels warns of limits to UK’s legal reach – featured in *the Financial Times*
* Top London law firms plan to move to Ireland after Brexit, posing threat to huge profit driver – featured in *the* *Evening Standard*
* Law Society launches bid to attract overseas lawyers post-Brexit – featured in *City AM*
* Lawyer urges UK to keeps THIS piece of EU law after Brexit to prevent child ABDUCTIONS – featured in *the Daily Express*
* Lawyers in Brexit exodus as 1,000 sign up to work in Ireland – featured in *the Daily Express*
* Paris to pull out stops to woo jobs – featured in *the Times*
* UK lawyers rush to register in Ireland to ease Brexit fears – featured in *the Financial Times, Australian Financial Times* and *Bible Prophecy*
* Post-Brexit rights for law firms urged – featured in *the Telegraph*
* UK lawyers’ EU practising rights ‘must be protected’ – featured in *the Times*
* Lawyers fear losing the right to work in Europe – featured in *the Independent*
* Hard Brexit 'may impact legal profession' – featured in *BBC* and *Malaysia MSN*
* Lawyers warn corporate clients to avoid Irish courts – featured in *the Sunday Times*
* Warning over cross-border family law cases – featured in *the Guardian*
* Lords warn leaving EU legal framework poses risks for cross-border cases – featured in t*he Guardian* and *Yahoo! UK and Ireland*
* Brexit vote provides an unexpected upside for law students – featured in t*he Financial Times*
1. Member engagement in Europe

The Law Society engaged with members in Rome; held a meeting with 20 Paris-based members and members in Vienna to update them on our Brexit priorities and our work. From these meeting we have also learnt about important developments in the jurisdictions ie. on proposed partnership with French RPs as well as about the action of the relevant bars on Brexit

We will meet with members in Frankfurt and Munich in June, and organise a practice rights Q&A and summer reception for European lawyers in July.

In February, we sent out our third letter to members based in Europe and Registered European Lawyers in UK to update them on the most recent developments following the first round of negotiations. The key points included relevant implications from the Joint Report published in December 2017 and the transition period.

ii. Member engagement in the UK

The Law Society has been meeting with UK firms with offices in Europe and with large European operations to discuss the potential implications of Brexit on their practices. We have met with approximately 15 of the top 50 UK firms and 7 regional firms, and further meetings are scheduled for April and May.

The office holders continue to go to local law societies and undertake regional visits where we update them on our work on Brexit and gather their feedback on how it may impact their business.

Our sections and divisions are also holding practical events on the impact of Brexit on specific areas of the profession.

1. Member communications on Article 50: one year on

This month it will be one year on from Article 50 being triggered. The Law Society will see this an important milestone to update members on our work. A version of the information contained in this annex will be circulated to members through:

* Our website
* Directly to TLS committees
* The Law Society’s regular updates to local law societies
* Through the relationship management team
* Professional Update
* City Update
* A blog post from the President

**Annex B – Law Society Brexit activity since June 2016 to September 2017**

Wider engagement

The Law Society has engaged with a number of influential stakeholders to discuss the legal sector priorities for the EU negotiations. These stakeholders include:

* **Ministers –** Prior to the 2017 election we also met with the justice ministers, the Home Secretary, Secretary of State for Exiting the EU, and the Attorney General. We have attended roundtables representing the sector with an international trade minister, ministers from the Department for Exiting the EU, the Departments for Business, Energy and Industrial Strategy, and the Lord Chancellor. We have also met with the Number 10 policy lead on justice. Post the 2017 Election we met with the then Lord Chancellor and Justice Minister.
* **Civil servants –**The Law Society met with the Permanent Secretary at the Ministry of Justice, Richard Heaton, and has regular meetings with Directors and Deputy Directors responsible for Brexit within his Department. We also met with the Director General leading on Brexit at the Department for Business, Energy and Industrial Strategy and have regular meetings with members of his team. We have had regular meetings with deputy directors at the Department for Exiting the EU as well as a number of policy advisors. The Brexit Taskforce roundtables were also attended by civil servants from the: Ministry of Justice; Department for Business, Energy and Industrial Strategy; Department for Exiting the EU; HM Treasury and the Intellectual Property Office.
* **Mayor of London’s office –** Immediate Past President Robert Bourns secured a position on the Mayor of London’s Brexit Advisory Group. We have been engaging with the Mayor of London’s office, having held meetings with the Deputy Mayor for Business and a number of officials.
* **EU institutions –** The UK Law Societies’ Brussels Office have been engaging with officials from the EU Commission, the UK Permanent Representation, other permanent representations and the European Parliament.
* **The judiciary – The Immediate Past President met with the former Lord Chief Justice and former President of the Supreme Court to discuss Brexit. We have also been working with the Chancellor of the High Court and other senior members of the judiciary through the Brexit Law Committee. We have also met with the new President of the Supreme Court and Lord Chief Justice**

Working with Parliament

The Law Society has submitted written evidence to seven committees, including:

* Exiting the EU Select Committee on [the UK’s negotiating objectives for withdrawal from the EU](http://www.lawsociety.org.uk/policy-campaigns/articles/negotiating-priorities-for-withdrawal-from-the-eu-evidence-provided-by-the-law-society/)
* International Trade Select Committee on [the UK’s trade priorities beyond 2019](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-trade-committee/uk-trade-options-beyond-2019/written/45924.html)
* Justice Select Committee on [the impact of Brexit on the justice system](http://www.lawsociety.org.uk/policy-campaigns/articles/impact-of-brexit-on-the-justice-system-the-law-society-response/)
* EU Lords Internal Market Sub Committee on [UK-EU trade in services](http://www.lawsociety.org.uk/Policy-campaigns/Articles/response-to-the-eu-lords-committee-on-trade-in-professional-services/)
* EU Lords Justice Sub Committee on [civil justice co-operation and the CJEU](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-justice-subcommittee/brexit-civil-justice-cooperation/written/45550.html)
* Home Affairs Select Committee on [Immigration](http://www.lawsociety.org.uk/policy-campaigns/articles/immigration-post-brexit-evidence-provided-to-the-home-affairs-select-committee/)
* Culture, Media and Sport Select Committee on the [impact of Brexit on the creative industries and the digital single market](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/culture-media-and-sport-committee/impact-of-brexit/written/42446.pdf)

In addition, the Law Society was invited to give oral evidence to five committees:

* EU Lords Home Affairs Sub-Committee - [29 March](http://parliamentlive.tv/Event/Index/e4b4754a-dd69-4735-ad48-59b574618fd9)
* Justice Select Committee – [1 February](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/implications-of-brexit-for-the-justice-system/oral/46633.html)
* International Trade Select Committee – [24 January](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/international-trade-committee/uk-trade-options-beyond-2019/oral/46458.html)
* EU Lords Justice Sub-Committee – [10 January](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-justice-subcommittee/brexit-civil-justice-cooperation/oral/45378.html)
* EU Lords Internal Market Sub-Committee – [27 October](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-internal-market-subcommittee/brexit-future-trade-between-the-uk-and-the-eu-in-services/oral/42764.html)

As a result of this work, the following Committees highlighted and endorsed our calls and recommendations in their reports:

* Justice Select Committee - [The impact of Brexit on the justice system](https://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/750/750.pdf)
* International Trade Select Committee - [UK trade options beyond 2019](https://www.publications.parliament.uk/pa/cm201617/cmselect/cmintrade/817/817.pdf)
* EU Lords Justice Sub-Committee - [Brexit: justice for families, individuals and businesses?](https://www.publications.parliament.uk/pa/ld201617/ldselect/ldeucom/134/134.pdf)
* EU Lords Internal Market Sub-Committee – [Brexit: trade in non-financial services](https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/135/135.pdf)

General Election

During the General Election campaign, there was a short pause on some of the Law Society’s Brexit engagement. Publically, our five priorities for Brexit have been incorporated into the Law Society’s wider general election campaign to ensure that the new Government, parliamentarians and other decision-makers understand the key concerns of the legal profession. They were included in the Law Society’s [vision for law and justice](http://www.lawsociety.org.uk/support-services/general-election-2017/) which was published on 5 May.

A number of our calls, including on Brexit, were incorporated in the [manifestos of the main political parties](http://www.lawsociety.org.uk/support-services/general-election-2017-and-the-legal-sector/analysis-of-party-manifestos/).

Work with members and communications

To inform our members and gather their views, we have:

1. Set up a [dedicated webpage](http://www.lawsociety.org.uk/support-services/brexit-and-the-legal-sector/) and have been keeping members up to date with our work through conference speeches and our regular newsletters including Professional Update
2. Held a series of regional roundtables in London, Manchester, Leeds, Bristol and Birmingham to gather the views of members and to update them on our work
3. Held legal breakfasts on topics such as business migration, financial services and tax
4. Hosted regular seminars for our Brussels based members
5. Focused the Bar Leaders’ discussion at last year’s Opening of the Legal Year on Brexit from an international perspective
6. Spoken to international audiences and our members working abroad through International Conferences
7. Held events with the Law Society of Ireland on registering to practise in Ireland
8. Received coverage in a number of media outlets on our views on Brexit, including [an interview on BBC news with Robert Bourns](http://www.lawsociety.org.uk/news/stories/brexit-robert-bourns-on-bbc-news/) and Christina Blacklaws was on the BBC discussing civil justice co-operation in August
9. Produced a [short video for the public to explain the Article 50 legal case](http://www.lawsociety.org.uk/news/stories/article-50-in-50-seconds-video-explains-brexit-court-case/)
10. Undertaken research on [foreign lawyers' practice rights and conditions for setting up a foreign law firm in EU and EFTA countries](http://communities.lawsociety.org.uk/international/regions/europe/foreign-lawyers-practice-rights-and-conditions-for-setting-up-a-foreign-law-firm-in-eu-and-efta-countries/5060997.article)

Global Legal Centre campaign

In autumn 2016, the Law Society launched a campaign to promote the benefits of the law of England and Wales, highlighting that it makes good business sense to:

* choose the law of England and Wales as the international law for contracts
* choose English and Welsh courts as the forum for settling disputes
* choose London as the preferred location to resolve disputes through arbitration.

A leaflet for the campaign can be found [here](http://www.lawsociety.org.uk/policy-campaigns/campaigns/global-legal-centre/) and we are sharing this with members of the global profession and businesses through our international work. We have also been working closely with the judiciary on their activity to promote the jurisdiction.