



The Law Society

COUNCIL

The Council will meet at 10.00 on Wednesday 10 June 2009
in the Council Chamber at 113 Chancery Lane, London

AGENDA – PART 1

- 1 Apologies
 - 2 Request(s) for leave of absence
 - 3 Announcements
 - 4 Minutes of the Council meeting on 29 April 2009 Attached
 - 5 Matters Arising from the Minutes
 - 6 Question Time
- Regulation*
- 7 Review of the Compensation Fund To follow
 - 8 Compensation Fund Contributions 2009-10 Attached
- Reports of Non-Regulatory Boards and Council Committees*
- 9 Reports of the Chairs of the Non-Regulatory Boards
 - (i) Membership Board Attached
 - (ii) Regulatory Affairs Board To follow
 - (iii) Management Board To follow
 - (iv) Legal Affairs and Policy Board To follow
 - 10 Audit Committee Annual Report 2008 Attached
- Representation and Governance*
- 11 Priorities and Issues for the Coming Year Presentation
 - 12 Paper Withdrawn
 - 13 Organisational Nominations - Bye Law Amendments Attached
 - 14 Support Services Resolution Board: outstanding issues Attached
 - 15 Presidential Plan July 2009 to July 2010 Attached
 - 16 Presidents and Secretaries Conference 2010 Attached
 - 17 Council Members' Conduct Committee Membership Attached
 - 18 Council Meetings Outside London Attached
- Workplan, Motions and Oral Reports*
- 19 Council workplan Attached
 - 20 Council member motions
 - 21 Oral reports



COUNCIL

Minutes of the meeting on 29 April 2009 in the Council Chamber at 113 Chancery Lane, London

PART 1

- Present** Paul Marsh (President)
Robert Heslett (Vice-President)
Linda Lee (Deputy Vice-President)
- Peter Adams, Robin ap Cynan, Adrian Barham, Paul Barnes, Richard Barnett, Richard Barr, Christina Blacklaws, John Bleasdale, Verity Boocock, John Calladine, Denis Cameron, Andrew Caplen, Sue Carter, Sara Chandler, Christopher Clark, Helen Clarke, George Curran, Helen Davies, Paul Davies, Simon Davis, Nigel Day, Nigel Dodds, Frank D'Souza, Joe Egan, Keith Etherington, Paul Finch, Nicholas Fluck, Jeffrey Forrest, Malcolm Fowler, Michael Franks, Derek French, Michael Garson, David Greene, Wesley Gryk, Philip Hamer, Wendy Hewstone, Andrew Holroyd, Brian Hughes, Anne Jarvis, Angus King, Carolyn Kirby, Ian Lithman, Patricia Lush, Kevin Martin, Clare McConnell, David McIntosh, Maria Memoli, David Merkel, Rod Mole, David Morgan, Sue Nelson, Nwabueze Nwokolo, Tim O'Sullivan, Penny Palmer, David Payne, Basil Preuveneers, Tony Prichard, Patrick Richards, Lucy Scott-Moncrieff, Razi Shah, Michael Singleton, Jonathan Smithers, Jonathan Stephens, David Taylor, Andrew Tucker, Rodney Warren, John Weaver, Michael Webster, John White, Michael Williams, Stanley Williams, John Wotton, Gaynor Wragg, Peter Wright, Simon Young.
- In attendance** Desmond Hudson, Chief Executive of the Law Society
- By invitation** Peter Williamson, Chair of the Solicitors Regulation Authority Board (minutes 161-2)
Antony Townsend, Chief Executive, Solicitors Regulation Authority (minutes 161-2)
Steve White, Chief Operating Officer, Solicitors Regulation Authority (minutes 161-2)
- Apologies** David Bott, Grace Brass, Rajshree Chhatrisha, Stuart Collingham, David Dixon, Jennifer Gracie, Ian Kelcey, Tim Mutti, Michael Orton-Jones, Fleur Palmer, John Pickup, Jonathan Ripman, Chris Welton, Fraser Whitehead.

156 ANNOUNCEMENTS

The President had written to Lord Justice Collins to congratulate him on his appointment to the UK's highest court, the first solicitor to be so appointed.

The Council congratulated Grace Brass on her admission to the Roll.

The Council congratulated John Wotton on his election as Deputy Vice President.

The Council noted with sadness the passing away of former Council member Bill Heaselgrave.

157 MINUTES OF THE MEETING ON 11 MARCH 2009

The Council approved the Part 1 minutes of the Council meeting on 11 March 2009.

158 MATTERS ARISING

There were no matters arising.

159 QUESTION TIME

Questions from Nwabueze Nwokolo to the Chief Executive regarding the recruitment process for an Equality and Diversity Director, responses to the Hunt review and activities of supported groups had been received the previous evening and circulated; responses would follow in due course.

Des
Hudson

160 CONVEYANCING

Linda Lee introduced the paper from the Legal Affairs and Policy Board which invited the Council to review recent work on conveyancing by members and staff and to give a steer on how to take that work forward, and the priority that the Council wished to give to conveyancing. The Board recognised that there was also a good deal of related work to be done with bodies such as the FSA, LSB and other regulators.

Council members commented that with around a quarter of the profession engaged in either residential or commercial property work, the Society needed to support property lawyers who were facing a wide range of challenges. They included unregulated competitors, requirements from the Land Registry, BERR, and the OFT, changes to HIPs, e-conveyancing, and the overarching need to put solicitors back in the centre of the conveyancing process. The imminent arrival of ABSs would provide opportunities for others to enter the conveyancing market, which would be of particular concern to high street conveyancers because of ABSs' ability to provide greater investment in technology and to combine services.

Other members commented that the Society needed to help solicitors to promote their services and the value for money that they provided. The ownership of HIPs as proposed in TransAction Plus would give individual firms a chance to promote themselves.

Ten years ago, it was believed by many that solicitors were almost redundant in the conveyancing process but in the last few years the government had acknowledged their importance. Fragmentation of the process was a problem which reinforced the need for solicitors to regain the central ground. The Council was urged to commit to provide resources and agree a timetable over the next nine months

to ensure conveyancing was at the top of the agenda for the Society. Other stakeholders in the property market, such as banks, surveyors and estate agents, were moving ahead and it was crucial that solicitors did not lose ground.

Members commented on a particular concern over inaccurate redemption statements. This had led to the possibility of solicitors (or their insurers) having to pay the difference between the actual amount owed and the amount stated by the lender for the purposes of the completion. A delegation from the Society had recently visited the Law Society of Ireland which was carrying out significant work on redemption statements which might help inform the Society.

Referral fees remained an important factor in the market, and members asked that the SRA look again at the implications for solicitors.

The Council welcomed the paper and asked for a further debate in Part 2 at a future meeting.

Mark
Stobbs

161

REPORT OF THE SOLICITORS REGULATION AUTHORITY BOARD CHAIR

Peter Williamson, Chair of the SRA Board, presented his report, saying he had nothing to add to the text which had been circulated.

In answer to two written questions he had received, Peter Williamson advised:

- the SRA Board had not yet made a final decision on the timing of a decision on higher rights of audience re-accreditation, but favoured re-accreditation for accreditation schemes in principle. He would provide further information on the Board's approach in writing.
- the SRA had reinstated the practice of giving advance notice in confidence to local law society PROs of proposed interventions, although the information communicated would be purely factual and only a short time before the intervention took place. He would circulate further details in writing.

Peter
Williamson

Peter
Williamson

In discussion, several members expressed concern about the SRA proposal for higher rights accreditation, pointing out that the Bar was not proposing a similar approach, and that solicitor-advocates would therefore be put at a disadvantage. Peter Williamson maintained that it was in the public interest for solicitor-advocates to be periodically assessed, and the SRA Board had to give priority to this factor, but no final decision had been taken, and the Board would be discussing the matter with the Bar Standards Board.

Peter Williamson and the SRA Chief Executive, Antony Townsend, made the following points in response to matters raised by Council members, with further details to be given in writing –

- The November 2009 target date for publication of test assessment arrangements for the Qualified Lawyers Transfer Scheme stood.
- The April meeting of the SRA Board had approved a paper setting out its approach to the quality of legal services delivery.
- An 'FAQs' section on the SRA website attempted to answer trainees' questions on training contract issues, and this would continue to be expanded. A breakdown of enquiries would be circulated.
- A 'Diversity Week' had been held by the SRA, focussing on improving understanding of diversity among SRA staff and dealing with equality and diversity issues facing the SRA as a regulator. This had been successful and appreciated by staff.
- Further details of the SRA response to the Legal Services Board draft business plan would be circulated.
- The SRA would be willing to look at evidence of non-compliance with the rules on referral fees in respect of third party referrals. The SRA was generally monitoring how the rules were working.

Peter
Williams
on

Peter
Williams
on

The Council noted the report.

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FEES AND CONTRIBUTIONS FOR RECOGNISED SOLE PRACTITIONERS, REGISTERED EUROPEAN LAWYERS AND REGISTERED FOREIGN LAWYERS: JULY 2009 TO OCTOBER 2010

The report invited the Council to make various decisions, and to note decisions which the SRA Board was minded to take, regarding fees and contributions payable by recognised sole practitioners (RSPs), Registered European Lawyers (RELs) and Registered Foreign Lawyers (RFLs) between July 2009 and October 2010 in the light of amendments made by the Legal Services Act.

Council members raised the following points:

- The justification for crown prosecutors paying a lower fee than in-house counsel might be that the government covered regulatory risks for crown prosecutors;
- Charging to authorise RSPs was unfair; if the fee increased in the future it could drive RSPs out of business with implications for access to justice and equality and diversity;
- The term RSP should be defined more clearly.

Antony Townsend explained that while there were some inconsistencies between fees and contributions payable by

different types of solicitor, the proposals were intended only to make changes necessary due to the Act. A review of fee structures would be carried out before October 2010 and the SRA would work with TLS on a consultation. There were aspects of the fee structure which legislation prevented from being changed.

Antony Townsend further advised that the proposed charges to authorise RSPs were intended to cover work required by the Act in relation to them.

The Council:

(fee for a separate application by a solicitor or REL for authorisation as a recognised sole practitioner in the period 1 July 2009 to 31 October 2010)

(1) noted the SRA Board's decision that it is minded to determine, under section 13ZB of the Solicitors Act 1974, that in the period 1 July 2009 to 31 October 2010 the fee for a solicitor or REL lawyer who, during the currency of his or her practising certificate or registration, makes a *separate* application for initial authorisation as a recognised sole practitioner be set at:

- ◆ £90 for an application for authorisation to commence in the period November to March [which will not actually apply in the year 2008/9];
- ◆ £60 for an application for authorisation to commence in the period April to June [which will not actually apply in the year 2008/9]; and
- ◆ £30 for an application for authorisation to commence in the period July to October;

and that it will consider a further report on the issue at the SRA Board's meeting on 21 May 2009 in the light of the decision of the Master of the Rolls on the recommendation in (3) below as to *similar* additional fees payable on applying for initial authorisation or renewal of authorisation as a recognised sole practitioner when that application is *combined with* an application for a practising certificate;

(Compensation Fund contributions for recognised sole practitioners in the period 1 July 2009 to 31 October 2010)

(2) agreed, on the basis of the Council's previous decision at its meeting on 17 December 2008 that there be *no* additional Compensation Fund contribution for applications for initial recognition or renewal of recognition as a recognised body to commence in the period 1 March 2009 to 31 October 2010, that:

- ◆ there should be *no* additional Compensation Fund contribution for a solicitor or REL applying for initial authorisation or renewed authorisation as a recognised sole practitioner to commence in the period 1 July 2009 to 31 October 2010;

For 63 Against 7 Abstentions 2 (carried)

(practising certificate fees and REL registration fees in the period 1 July 2009 to 31 October 2009)

(3) agreed the SRA Board's recommendation to the Master of the Rolls that, under section 11 of the Solicitors Act 1974, the Master of the Rolls (subject to the concurrence of the Secretary of State and the Lord Chief Justice) amend the Practising Certificate Fee Order and Regulations 2008 as from 1 July 2009 in accordance with the draft in Annex 1 to the report, which would have the effect of:

- ◆ basically confirming the present fees for solicitors and RELs; subject to:
- ◆ introducing a £90 additional annual fee for applications for initial or renewed authorisation as a recognised sole practitioner when that application is *combined with an* application for a practising certificate;

For 55 Against 13 Abstentions 5 (carried)

(practising certificate fees and REL registration fees in the period 1 November 2009 to 31 October 2010)

(4) agreed the SRA Board's recommendation to the Master of the Rolls that, under section 11 of the Solicitors Act 1974, the Master of the Rolls (subject to the concurrence of the Secretary of State and the Lord Chief Justice) make a Practising Fee Order 2009 on the basis of the same fee structure as that proposed in Annex 1 to the report, subject to amendment of the actual level of fees (but retaining the £90 additional annual fee referred to above), which would have the effect of:

- ◆ basically confirming the present fee structure for solicitors and RELs; whilst:
- ◆ confirming the new £90 additional annual fee for applications for initial or renewed authorisation as a recognised sole practitioner when that application is *combined with an* application for a practising certificate; and
- ◆ updating the other fee levels in accordance with budgetary requirements;

For 57 Against 12 Abstentions 4 (carried)

(RFL registration fees in the period 1 July 2009 to 31 October 2010)

(5) noted the SRA Board's decision to consult with the profession and external stakeholders on the basis that the Board is minded to prescribe under paragraph 2 of Schedule 14 to the Courts and Legal Services Act 1990 (subject to the concurrence of the Master of the Rolls) that the fees for an application for initial registration or renewal of registration as an RFL commencing in the period 1 July 2009 to 31 October

2010 shall be as set out in Annex 2 to the report, which would have the effect of:

- ◆ increasing the general level of RFLs' fees so as basically to line them up with those for solicitors and RELs; whilst:
- ◆ giving RFLs basically the same fee reductions as solicitors and RELs; and in addition:
- ◆ introducing a radically lower fee of £100 for RFLs practising mainly from an office or offices outside England and Wales;

and to consider a further report on the issue at the Board's meeting on 21 May 2009;

(Compensation Fund contributions in the period 31 March to 30 June 2009)

(6) noted its decision of 11 March, implemented as of 31 March - to prescribe that under rule 2(2) of the Solicitors' Compensation Fund Rules 2009, notwithstanding the repeal of the former statutory provisions:

- ◆ the Compensation Fund contributions for solicitors, RELs and RFLs during the period 31 March to 30 June 2009 will continue to be set at the same rates as under the former arrangements;

(Compensation Fund contributions in the period from 1 July 2009 to 31 October 2009)

(7) agreed that under rule 2(2) of the Solicitors' Compensation Fund Rules 2009 the Council prescribe that Compensation Fund contributions for solicitors, RELs and RFLs from 1 July 2009 until 31 October 2009 be set in accordance with Annex 3 to the report, which would have the effect of:

- ◆ basically confirming the present contributions of solicitors and RELs; subject to the following:
- ◆ abolishing the distinction between holding clients' money, which currently requires a solicitor to pay the higher rate contribution, and holding money for a third party, or for a controlled trust (a concept now abolished by the LSA), which currently allows the solicitor to be charged at the lower rate;
- ◆ confirming that there will be *no* extra contributions for recognised sole practitioners in the period 1 July 2009 to 31 October 2009;
- ◆ increasing the general level of RFLs' contributions so as basically to line them up with those for solicitors and RELs; whilst:
- ◆ giving RFLs basically the same reductions in contributions as solicitors and RELs; and in addition:

- ◆ confirming the current reduced rate of £25 for RFLs practising mainly from an office or offices outside England and Wales, whilst abolishing the nil rate for RFLs whose firms have not held clients' money;
- ◆ charging RELs and RFLs a standard rate of £25 for their first three practising years;

For 64 Against 6 Abstentions 3 (carried)

(Compensation Fund contributions in the period 1 November 2009 to 31 October 2010)

(8) agreed that under rule 2(2) of the Solicitors' Compensation Fund Rules 2009 the Council prescribe that Compensation Fund contributions for solicitors, RELs and RFLs from 1 November 2009 until 31 October 2010 be set on the basis of the same contribution structure as that proposed in Annex 3 to the report, subject to amendment of the actual level of contributions (but retaining the £25 rate for RFLs practising mainly from an office or offices outside England and Wales), which would have the effect of:

- ◆ basically confirming the present contribution structure for solicitors and RELs; whilst:
- ◆ confirming that holding clients' money, holding money for third parties and holding money for what used to be called a controlled trust will all indicate payment at the higher rate of contribution;
- ◆ updating the level of contributions in accordance with the needs of the Fund;
- ◆ confirming that there will be *no* extra contributions for recognised sole practitioners in the period 1 November 2009 to 31 October 2010;
- ◆ confirming the general increase in the level of RFLs' contributions, keeping them basically lined up with those for solicitors and RELs; whilst:
- ◆ confirming for RFLs basically the same reductions in contributions as solicitors and RELs; and in addition:
- ◆ confirming the £25 rate for all RFLs practising mainly from an office or offices outside England and Wales, and for RELs and RFLs in their first three practising years, and confirming the abolition of the nil rate for RFLs whose firms have not held clients' money;

For 67 Against 4 Abstentions 2 (carried)

(future of practising fees and Compensation Fund contributions as from 1 November 2010)

(9) noted the SRA Board's decision to reaffirm the its policy that as from 1 November 2010 there should be a new structure of

fees and contributions to shift the emphasis from fees and contributions assessed on individuals and towards fees and contributions assessed on firms.

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THE LAW SOCIETY GROUP EQUALITY AND DIVERSITY FRAMEWORK

Stephen Ward, Director of Communications and Diversity Champion, presented the paper, explaining that the Framework was a public commitment by the Society, as an employer, representative body, regulator and complaints handler, to achieve best practice on equality and diversity (E&D). The Law Society (representation), the SRA and the LCS each had its own E&D action plan and objectives which were annexed to the Framework.

Council members raised the following issues:

- The Society should press the government for adequate funding for court interpreters;
- It was important to include socio-economic background as a diversity strand; and to clarify the number of strands;
- In relation to the proposal to recruit a Head of Equality and Corporate Responsibility (HECR) and to include this within the Communications directorate, it was suggested that the required skill sets were different and the post's effectiveness could be diluted by combining E&D and corporate responsibility;
- The Framework should distinguish between equality of opportunity and promotion of diversity;
- The Society needed to encourage those from minority groups to join the profession and participate in the Society;
- Resources were needed to enable Council members to promote inclusion and to attend events with this aim.

Stephen Ward responded to members' questions as follows:

- Transgender was separate from the lesbian, gay and bisexual strand and the Framework would be revised to make this clear. This explained why there were some responses to 6 and some to 7 diversity strands;
- There was no agreed measure for socio-economic background and an appropriate one needed to be agreed for the solicitors' profession; entry to the profession was dependent on educational attainment but the Society could encourage those from more deprived backgrounds to undertake the necessary studies;
- The Society did not support positive discrimination through quotas, but noted that there was an ongoing debate that would be followed closely;

- The HECR vacancy had been advertised in minority and mainstream press and through a recruitment agency; he would check whether the vacancy was on the Society's website; the post's main focus would be E&D and a candidate with a strong record on change delivery was sought; an assistant would also be recruited;
- E&D and Corporate Responsibility roles required similar skillsets; both focussed on raising awareness rather than policy making, and so it was appropriate to combine them within the Communications Directorate;
- An action plan had been agreed by the Equality and Diversity Committee to help sectors of the profession with career progression;
- The Diversity Charter would be launched in June;
- Work was ongoing to produce guidance materials to help solicitors to comply with E&D requirements; interpreting services would be covered;
- The Firms Diversity Forum (formerly the City Firms Forum) was a discussion group which assisted the Society in considering diversity issues and acted as a forum to identify and promote best practice;
- Training for Council, board and committee members was under review.

The Council approved the Law Society Group Equality and Diversity Framework.

Stephen
Ward

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MANAGEMENT RESPONSE TO THE PROFESSOR JOHN REPORT OF JANUARY 2009

Stephen Ward introduced the paper which set out responses from the management of the Law Society (representation and central services), the SRA and the LCS to recommendations in the January 2009 report of Professor Gus John on the Society's equality and diversity (E&D) work. The report made some useful points but all parts of the Society had reservations about it as it had been based on documentation which did not cover all past and ongoing work on E&D.

Professor John's report highlighted areas where there was a lack of focus and highlighted the difference between equality of opportunity and enabling creativity and effectiveness through promoting diversity. The report had been used as a basis for the E&D Committee's work plan.

The response highlighted work which had been carried out or was under way to address Professor John's recommendations. It was not intended to comply with his recommendation that the E&D

Committee become a board reporting directly to Council as this would make little practical difference.

Members raised the following points in the discussion:

- E&D training needed to be challenging and thought provoking, rather than focussed on imparting information. Stephen Ward said he would be seeking Council member volunteers to help that work;
- It was preferable to have a group-wide Head of E&D to enable consistency and avoid duplication; the SRA did not agree and it would be difficult to arrange if the LSB's rules allowed the SRA to opt out of common services;
- The Judicial Appointments Commission should be more transparent about its appointment processes to encourage more diverse applicants;
- Professor John had discussed his recommendations with the E&D Committee and consideration would be given to inviting him to speak to the Council in the future.

The Council noted the report.

165

EQUALITY AND DIVERSITY COMMITTEE 2008 ANNUAL REPORT

Nwabueze Nwokolo introduced the report which detailed the work of the Equality and Diversity (E&D) Committee over 2008, including the following:

- monitoring E&D within all parts of the Group;
- responding to Lord Ouseley's report on the impact of SRA regulatory activity on BME solicitors and Professor Gus John's reports on E&D within the Society;
- developing the Group E&D Framework and the Diversity Charter;
- supporting the Interlaw Diversity Forum (a network for lesbian, gay, bisexual and transgender solicitors);
- setting up the BME Forum and Diversity Forum;
- undertaking a salary survey across the profession;
- supporting the establishment of the Lawyers with Disabilities Division.

Nwabueze Nwokolo praised the Chief Executive for his leadership and stressed the importance of encouraging diversity and equality of opportunity so that everyone could have confidence in the

profession. Training and evaluation of E&D competencies for staff was crucial.

The Council noted the report.

**166 SUPPORT SERVICES RESOLUTION BOARD:
(1) APPOINTMENT OF MEMBERS; (2) OVERSIGHT BY THE
SCRUTINY AND PERFORMANCE REVIEW COMMITTEE**

The Council agreed to defer the item to the next meeting on 10 June 2009.

Flick
Heron

167 AUDIT COMMITTEE QUORUM AND VICE-CHAIR

The Audit Committee had asked for the General Regulations to be changed to allow it to have a quorum of three (rather than three including the Council member or the Chair) and to have a vice-chair. The Committee composition had recently changed, reducing the number of Council members to one, and the Committee feared that this made it more likely that it would be inquorate.

There was no provision in the General Regulations for any Board or Committee to have a vice-chair. The Management Board believed that alternative arrangements could be made for chairing a meeting if the Chair was absent.

The Council agreed

(1) to set the Audit Committee's quorum as 'three members' and to make the necessary change to the General Regulations;

Mark
Paulson/
Liz Kwok

(2) to endorse the Management Board's view that the Audit Committee should not have a Vice-Chair.

168 COUNCIL MEMBERS CONDUCT COMMITTEE MEMBERSHIP

The Council agreed to defer the item to the next meeting on 10 June 2009.

Flick
Heron

**169 LAW SOCIETY TRUST FUNDS: (1) NEW TRUST DEED AND
DELEGATIONS; (2) FUND TRANSFERS**

The Treasurer, Philip Hamer, said that the two papers for this item were being withdrawn for the time being pending clarification of technical issues which the Law Society Charity wished to raise.

Nigel Dodds, Chairman of the Charity trustees, welcomed this and the prospect of a broader review of the Charity which the Treasurer, Chief Executive and he had discussed. He questioned the legal advice that had been circulated on conflicts of interest for Council members who were trustees of the Charity.

Helen Davies, as an interviewer for bursary awards, stressed that nothing should impede the successful operation of the bursary scheme.

170 COUNCIL MEETING DATES IN 2010

The Council agreed the following meeting dates for 2010:

Flick
Heron

Wednesday 10 February
Wednesday 24 March
Wednesday 28 April
Wednesday 9 June
Wednesday/Thursday 14/15 July (AGM on 15 July)
Wednesday 29 September
Wednesday 10 November
Wednesday 15 December

171 CHIEF EXECUTIVE'S REPORT

The Council noted the Chief Executive's report on the work being undertaken by the Society to support solicitors since the previous Council meeting. The Chief Executive highlighted the following activities:

- The Society would be running in the 14 May 2009 Gazette a four page supplement for solicitors on how to survive the economic downturn.
- Nick Smedley's report on regulation of corporate legal firms would be considered by the Regulatory Affairs Board before returning to Council for discussion. Lord Hunt's interim report on his review of regulation was awaited and it would be useful to consider both together.

In response to members' comments, the Chief Executive advised:

- he would prompt the special interest groups and the Greater London regional office to submit updates for future reports;
- the Society was progressing with measures to assist solicitors with the renewal of professional indemnity insurance including a Practice Note, a model letter for instructing a broker, a protocol with the ABI and BIBA setting out expected standards of conduct of solicitors, insurers and brokers and further consideration of the merits and disadvantages of the single renewal date.

Des
Hudson

172 REPORT OF THE CHAIR OF THE MEMBERSHIP BOARD

The Council noted the report which covered the Board's work on accreditation, the Matrix programme, the Leadership Summit, membership services and development, commercial services, the international division, UK operations, web publishing, planning for the next Presidential year, a survey of member perceptions of the Society and promoting the solicitor brand.

The Vice-President invited Council members to email any comments or questions on the report to the Chair of the Board.

173 REPORT OF THE CHAIR OF THE REGULATORY AFFAIRS BOARD

The Council noted the report which covered the Board's work on re-accreditation for higher courts advocacy, the SRA's decision-making criteria, conflicts of interest, the ethics report, the Hunt review, entry to the profession, indemnity insurance, disciplinary processes, mortgage fraud and a report from representatives of the SRA who attended the meeting.

The Vice-President invited Council members to email any comments or questions on the report to the Chair of the Board.

174 REPORT OF THE CHAIR OF THE LEGAL AFFAIRS AND POLICY BOARD

The Council noted the report which covered the Board's work on legal aid and access to justice, the Civil Procedure Rules, fees in the Supreme Court, the judicial appointments strategy, QC selection, advocacy, conveyancing, practice notes, the Constitutional Issues and Human Rights Committee, the committees' workplan and reports from the Working Groups. The annual reports of the Family Law Committee and Children's Law Sub-Committee and the Technology and Law Reference Group were appended to the Board's report.

The Chair of the Board, Linda Lee, confirmed that work was underway on the promotion of solicitor-advocates.

The Vice-President invited Council members to email any further comments or questions on the report to the Chair of the Board.

175 COUNCIL WORKPLAN

The Council noted the workplan.

A member expressed disappointment at the level of Council engagement with the activities of the non-regulatory boards and suggested that the Board Chairs' reports be given more prominence at the next Council meeting.

Another member asked how an issue being considered by a Board could progress to the Council's workplan. The member's concern related to an issue being considered by the Legal Affairs and Policy Board whose Chair invited the member to discuss it with her so that the Board could consider whether to raise it with the Council.

176 COUNCIL MEMBER MOTION

Lucy Scott-Moncrieff moved, seconded by Sara Chandler:

'That Council should debate, at a suitable point to be determined by the President, the priorities it attaches to the activities of the Society, with a view to informing those allocating the Society's budget at the right point in the business planning cycle and that information about those activities and their cost should be provided to Council before the debate.'

Lucy Scott-Moncrieff commented that the Council was responsible for the Society's direction and policy decisions but was not involved in the budgeting process until a late stage. Given pressures on the Society's resources, the Council should decide to what extent it wanted to maintain or reduce its activities.

A member suggested that it might be worth resurrecting a previous project on planning how business would progress from committees to the boards and Council.

The Council agreed the motion.

Des
Hudson/
Rona
Chester

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ORAL REPORTS

There were no oral reports.

Signed:
Paul Marsh, President

Date:



The Law Society

Item 9 (i)

COUNCIL
10 June 2009

Classification – Public

Purpose – For noting

MID-YEAR REPORT OF THE MEMBERSHIP BOARD

The Issues

The Law Society is seeking to strengthen its membership offer; to increase its attractiveness to our core membership, reflect the changing legal services market and broaden our appeal to a wider cross-section of individuals and firms. The Law Society's strategic objectives include:

- business at home and around the world views solicitors qualified in England and Wales as trusted business partners and the pre-eminent source of legal advice in English law as the jurisdiction of choice
- solicitors consider the Society to be the most effective representative organisation for them, delivering relevant practical support throughout their careers and a leading voice on the business of law.

Remit

The Board's terms of reference are:

(1) To set and oversee the implementation of policy for managing relationships with the profession, including (but not limited to) local law societies, Law Society groups, associations, sections, networks and divisions.

(2) To set and oversee the implementation of policy relating to services for members and others to include, but not be limited to, family members, potential entrants to the profession, non-solicitor employees of firms and to the public.

(3) To set and oversee the implementation of policy to support Council members in their work.

Financial and Resource implications

There are no issues arising directly from this paper.

Equality and Diversity implications

There are no issues arising directly from this paper.

Consultation

This paper was prepared for the Council based on activities arising from the Membership Board's 2009 workplan.

Annex A Membership Board Workplan 2009

Author Kevin Martin, Chair of the Membership Board
Date of report 29 May 2009

1. The Membership Board was established in July 2007 as one of the four new representative Boards within the Law Society.

2. Attached at Annex A is the Board's 2009 work plan which includes its ongoing activities and incorporates projects which arise from the work of the Law Society Services and Communications, CSR and Equality Directorates.

Excellence debate

3. *A key priority for the Board will be to participate in the pursuit of excellence debate, to work with RAB on the accreditation consultation and to make recommendations to Council on the role of accreditation, kitemarks, panels and special interest groups within the Law Society.*

4. The Accreditation Project Team, led by Maureen Miller, has developed a project plan for transfer of schemes from SRA and ongoing development. The high level milestones are:

- Phase 1: deliver the transfer by the end of June
- Phase 2: July – September 2009 – establish effective administrative processes and ensure that 'business as usual' is maintained
- Phase 3: September – December/early 2010 – initiate a thorough review of accreditation schemes, input into 2010 business plan and develop strategy for the launch of new schemes.

5. Membership Board has set up an Accreditation Reference Group – including Linda Lee, Robin ap Cynan, Mike Williams, Lucy Scott-Moncrieff, and supported by Steve Jeffree, Maureen Miller and Mark Stobbs. The Group is providing advice and guidance to the project team.

6. A Project Manager has been recruited to manage the transfer of activities.

7. A priority for the Board will be the review of the current accreditation schemes in Q3 and Q4 along with the proposals for future delivery. The Board will assist the implementation of Law Society branded accreditation schemes throughout Q4 and 2010.

Membership structure

8. *It is essential that the representative Law Society has a structured, appropriate and understandable membership model. The Board will work with Council and office holders to implement the agreed membership structure and research further developments.*

9. The Board presented its proposals for new and amended membership categories to the Council in October 2008. The Council agreed to the proposed amendments of 'Student Member of the Law Society', 'Associate Member of the Law Society', and 'Member of the Law Society' categories. The Council also agreed to the creation of a non-solicitor 'Affiliate' category, subject to the result of the postal ballot. The Board considered whether it should have an alternative plan to allow for the result of the postal ballot, although any future changes to the 'Associate' category would be affected too. The Board noted that it was only the creation of an 'Affiliate' category that was dependent on the outcome of the postal ballot.

10. The result of the postal ballot had returned a vote of 59.5% to 40.5% against the Society's proposals to create an 'Affiliate' category of membership. The Board was disappointed with this result but realised there was strong opposition towards the proposed 'Affiliate' category. The Board would return to discuss how it would deliver services to non-solicitors at a later date.

11. The facilitation and delivery of services to 'Student Member of the Law Society', 'Associate Member of the Law Society', and 'Member of the Law Society' categories would be addressed in 2009 – 2010.

Special Interest Groups

12. The Board oversaw the launch of the Competition Section and Lawyers with Disabilities Group in January 2009.

13. At the June meeting, the Board will discuss recommendations and be asked to agree the criteria for the creation of new sections and divisions and the delivery of a common platform for these. The Board will also have the opportunity to advise on potential future special interest groups.

Stakeholder management

14. *The Board is responsible for the development of effective working relationships with key stakeholders including local law societies, practitioner associations and other professional organisations.*

15. It is the Board's intention to make a statement of intent as to the Society's relationship with local law societies which will be conveyed to all regional managers and Council members to ensure the same interests are being promoted and protected.

16. The Board will discuss relationships with local law societies incorporating the role of Council members on 30 June.

Membership services

17. *A key role for the Board is to comment on existing and new membership services and work with staff to facilitate their delivery and communication to the wider profession.*

18. The Board oversaw the facilitation of the following:

- the launch of Client Care Programme
- the launch of *Lawyerline*
- *Westlaw* has been added to the range of online legal information sources
- the delivery of a free sponsored Lexcel seminar in the South West
- JLD student forum and JLD webinars
- Law Society Mentoring Scheme
- Law Society Career Crossroads Workshop
- Sections Conferences: LMS Annual Conference on 30 April; Competition Inaugural Annual Conference on 21 May; Probate Annual Conference will take place on 3 July;
- BME Bi-annual Minority Lawyers Conference on 25 April;
- launch of LDD in January 2009 and AGM on 29 April.

19. The business case for delivery of an upgraded 'Find A Solicitor' service is being developed. This follows the agreement and joint selection of a new Group Web Content Management solution with the SRA. Once developed, the business case will be subject to justification and prioritisation through the Group Project Committee.

Communication

20. The Board reviews quarterly reports on the performance of the Society's communications work as measured by the independent Media Measurement consultancy. That work has

seen very significant improvements in impact over the last three years. The value of the Society's work to promote the solicitor brand is hugely increased. The development of the online media centre has generated an excellent resource for the media and effort now needs to focus on identifying and exploiting Law Society intellectual property to extract the maximum benefit. This is not a task simply in relation to communications with the profession or other stakeholders, but is a general challenge for the Society.

21. Engagement with members presents greater challenges and this is one of the considerations that have driven the Board's own outreach programme through holding meetings in regional centres, hosted by law firms, which provide many opportunities to speak directly to members about the work of the Board and the Society and to seek input to that work.

22. The Board has reviewed the 2009 Leadership Summit and settled a new approach for this flagship event that supports engagement with local law societies and practitioner associations. A paper setting out that approach is before the June meeting of Council.

Excellence Awards

23. The Board also approved the categories for the 2009 Excellence Awards – a scheme that has been extremely effective in promoting the role of the Society to its members and the excellence of the profession to clients and other stakeholders. The Board notes that the sponsorship targets for the Awards have been met despite the very difficult economic circumstances. This is an indicator of the strength of the scheme, which this year is more ambitious than ever in terms of the numbers of solicitors it seeks to engage both through numbers of entries and increased attendance at the awards dinner.

Council member support

24. The Board has made recommendations on Council Member induction and support that are now being implemented. Questions remain about the development of the Council Member role, especially as a conduit between members and the Society.

Regional visits

25. The Board plans two regional visits in 2009. We will hold a meeting in Exeter on 30 June where we will meet with the Devon and Somerset Law Society Committee. We plan to meet in Newcastle in October.

Membership Board – 2009 work plan

The Membership Board has been given the following remit by Council:

(i) To set and oversee the implementation of policy for managing relationships with the profession, including (but not limited to) local law societies, Law Society groups, associations, sections, networks and divisions.

(ii) To set and oversee the implementation of policy relating to services for members and others to include, but not be limited to, family members, potential entrants to the profession, non-solicitor employees of firms and to the public.

(iii) To set and oversee the implementation of policy to support Council members in their work.

BOARD RESPONSIBILITIES	ACTIVITIES & PROJECTS	DEADLINE FOR COMPLETION	STATUS
<p style="text-align: center;">Excellence debate</p> <p>A key priority for the Board will be to participate in the pursuit of excellence debate, to work with RAB on the accreditation consultation and to make recommendations to Council on the role of accreditation, kitemarks, panels and special interest groups within the Law Society.</p>	Recommend to Council the transfer of voluntary accreditation schemes to the Law Society	January	Green
	Review Council debate and agree next steps	February	Amber
	Facilitate the transfer of voluntary accreditation schemes from the SRA to the Law Society including all relevant staff resources	Q1 and 2	Amber
	Review current schemes and make proposals for future delivery	Q3 and 4	
	Assist the implementation of Law Society branded accreditation schemes	Q4 2009 and 2010	
<p style="text-align: center;">Membership structure</p> <p>It is essential that the representative Law Society has a structured, appropriate and understandable membership model. The Board will work with</p>	Assist with the delivery of the agreed Law Society membership structure	2009 - 2010	
	Review proposed Law Society student membership category with relevant products and services	Q2	Red

BOARD RESPONSIBILITIES	ACTIVITIES & PROJECTS	DEADLINE FOR COMPLETION	STATUS
Council and office holders to implement the agreed membership structure and research further developments.	To promote and to facilitate research into possible fellow and honorary fellow membership categories	Q3	
<p>Special interest groups</p> <p>The Board will support and monitor progress towards the creation of a single, best practice model for Law Society interaction with special interest groups. It will advise on possible new SIGs and facilitate the delivery of new divisions.</p>	Agree the criteria for the creation of new special interest groups	Q1	Red
	Facilitate the delivery of a common platform for new and existing special interest groups	Q2	Red
	Advise on potential new SIGs	Ongoing	Red
	Assist with the launch of new SIGs Lawyers with Disabilities, Competition Government/Public sector lawyers	Q1	Green
		Q3	Amber
Relationship management	Help to strengthen the relationships with individual solicitors, law firms and new legal entities	Ongoing	
	Assist with the delivery of account management programme across England and Wales	Ongoing	
<p>Stakeholder management</p> <p>The Board is responsible for the development of effective working relationships with key stakeholders including local law societies, practitioner associations and other professional organisations.</p>	Review the relationship between the Law Society and external practitioner associations and agree a protocol for future working.	Q2 2009	Amber
	Input into a survey of Local Law Society membership and satisfaction levels	July	
	Agree a revised strategy and protocol for interaction with Local Law Societies	September	
<p>Membership services</p> <p>A key role for the Board is to comment on existing and new membership services and work with staff to facilitate their delivery and communication to the wider profession.</p>	Monitor the delivery of new services (e.g. legal information services, affinity schemes, new Lexcel modules, events, online CPD)	Quarterly during 2009	Ongoing
	Monitor the income streams from new and existing	Quarterly during	Ongoing

BOARD RESPONSIBILITIES	ACTIVITIES & PROJECTS	DEADLINE FOR COMPLETION	STATUS
	membership services (e.g. advertising, sponsorship, delegate income)	2009	
	Facilitate the delivery of a new Find a Solicitor (FAS) service	Q4 2009	
Communication	Input to development of the 2009 campaign to promote the solicitor brand	April 2009	Green
	Review proposed categories for the 2009 Excellence Awards	February 2009	Green
	Monitor the effectiveness of online video communications	July 2009	
	Generate ideas for campaigns to address issues faced by members	Ongoing	
Council Member Support	Review impact of measures agreed at November 2008 meeting (induction, communications support) and consider adjustments	November 2009	Green



COUNCIL
10 June 2009

Classification – Public

Purpose – For noting

REGULATORY AFFAIRS BOARD – UPDATED WORKPLAN (MAY 2009)

The Issues

The updated RAB workplan as of 27 May 2009 is attached. Completed work is shown on the plan as 'greyed out'. The 'Risk' section highlights the risk of work missing proscribed deadlines:

Green – low risk

Orange – medium risk

Red – high risk

The 'Progress' section provides an ongoing narrative of work progressed on the relevant item of work and highlights any changes to deadlines with reasoning.

A previous iteration of the workplan was approved by RAB at its meeting of 21 May 2009. Minor amendments have since been made.

Remit of the Regulatory Affairs Board

1. To set and oversee the implementation of policy for the promotion of solicitors' interests in all regulatory matters.
2. To assist the Management Board in carrying out its function of scrutinising the regulatory boards.

Policy Position

The work will carry forward existing policy and develop new policy.

Financial and Resourcing implications

The workplan can be carried out within the budgeted resources – subject to later additions or changes to priority.

Equality and Diversity implications

These will be taken into account in respect of each initiative.

Consultation

This paper has been prepared for Council.

Director: Mark Stobbs
Author: Elliott Vigar
Date of report: 27 May 2009

OBJECTIVE	Project / Activity	Milestones	Date	Summary of Issue	IMPACT / SCOPE	Priority High / Medium / Low	Justification of Prioritisation	Traffic Light update (Risk)	Progress	Policy Officer Lead
Regulatory Policy	Receive the report on Regulation of Corporate Work and provide advice to the Management Board and Council	RAB to consider report	2nd April	The Law Society has commissioned an independent reviewer, Nick Smedley, to investigate whether the present arrangements for regulating law firms serving corporate clients are satisfactory.	High / Medium	High	Key review affecting profession with particular city interest		Nick Smedley has published his report. The report is before RAB for its consideration on 21st May. Timings require that Smedley will be discussed on 10th June.	Elliott Vigar
		Send to Council	29-Apr							
	Receive the report of the Hunt Review and provide advice to the Council on how it should be carried forward	RAB to consider interim report	week 27th April	The Law Society has commissioned Lord Hunt to conduct an independent review of the future regulation of law firms	High / High	High	Core TLS work and part of Council programme	GREEN	TLS submitted its response to the Call for Evidence on 9 April. Lord Hunt issued an Initial Response to Evidence on 5 May. He has welcomed further responses on particular issues. Work has begun on a draft response.	Hazel Uppington
		RAB to consider TLS response to interim report	week 25th June							
		RAB to approve final TLS response to interim report	30th June			High				
		RAB to consider final review document	July							
		Send to Council	23rd Sep							
		Develop policy on the rules for Alternative Business Structures	Delegated to R&E							
	Monitor the implementation of Legal Disciplinary Partnerships	Ongoing			High / Medium	Medium	A watching brief to be evaluated once LDPs begin to operate	GREEN		

	Monitor the impact of the first tranche of new rules as a result of the implementation of the Legal Services Act	Ongoing			High / Medium	Medium	A watching brief to be evaluated once impact is clear	GREEN		
Guidance for the Profession	Develop further practice notes and guidance on client care and complaints handling	TBC	July	Work pending - awaiting increased resource in RAU	Medium / Medium	Medium	Context of issue in relation to other work tabled	GREEN	This work will be carried forward as soon as resources permit. Estimated as from 14 April.	Hazel Uppington
	Detailed practice note on LDPs	RAB to receive final draft practice note	March	Following on from the Clementi review and the Legal Services Act 2007 the legal services market is to be incrementally liberalised to allow, firms to practice as LDPs from March 2009	High / Medium	High	A priority area of guidance given upcoming 'green light' for LDPs		The LDP Practice note was published on Thursday 26 March.	Elliot Vigar
	Providing guidance and information on mortgage fraud	RAB to receive draft practice note update	2nd April	TLS received information on new methodologies	High / Medium	Medium	Information is on website already just not in a formal advice note	GREEN	Emma Oettinger has reviewed methodologies and amendments are being planned	Emma Oettinger
Responding to the SRA	Assessment of Risk	TBC				Medium / Low	Reviewing existing position	GREEN		TBC
	Referral Fees	TBC		Await SRA position. ? Delegate to R&E ?		Medium	SRA not indicated a radical change in approach	GREEN		TBC

EDUCATION AND TRAINING												
To ensure that all overseas lawyers admitted to the Roll are of an appropriate standard by influencing the review of the QLTR	Respond to the SRA's consultation on the QLTR	Draft circulated to Council, RAB & ETC for comment	Completed	20% of solicitors are admitted through QLTT. Insufficient standards are affecting the reputation of the England & Wales legal qualification and the reputation of the profession as a whole.	High/Low	High	Important to ensure that entrants to the profession are suitable. This issue is of particular 'city' interest	GREEN	The Law Society's response was sent to the SRA on 6 February, after being cleared by RAB on the 5th.	Sarah Croxall		
		Final Law Society response to RAB	Completed					GREEN				
		Final Law Society response to the SRA	Completed					GREEN				
	Continue to monitor and assist the SRA with their review of the QLTR	Ongoing				High		GREEN				
To help the profession prepare for and make best use of changes being made to the LPC in 2009	Organise and promote additional Workshops on the changes to the LPC	Work with the SRA and Regional Managers to promote the LPC Workshops to the Profession	Completed	The profession are unprepared for the changes to the LPC and the new courses are not developed in line with the needs of the profession	High/High	Medium	Workshops are already in place	GREEN	The final London workshops have been held. A rescheduled Yorkshire Workshop was held on 23 March and a Workshop is being planned in Plymouth for June. ETC has considered next steps.	Sarah Croxall		
		Final London LPC Workshops	Completed									
	Consider the need for further work on the changes to the LPC	Analyse feedback from Workshops	End March					High			LPC is a tool for entry into the profession	
		Discuss further work on LPC at May ETC meeting	13th May									
To position the Society to engage with the profession and meet the challenges which changes in the market for legal services present in relation to the training and assessment of ethics, and to provide the basis on which to lobby the SRA	Finalise report into ethics in legal education and training	ETC Meeting: Consider and agree steps to be taken following completion of report	July	Failure to undertake this work means the Society cannot proactively promote improvements in training and assessment of ethics nor lobby effectively to bring about change.	Low/High	High	A decision needs to be reached as to direction on this broader issue	GREEN	The launch of the ethics report was held on 24 March. The Education & Training Committee will be discussing the report's recommendations at the next meeting and deciding upon further steps to be taken to promote ethics in legal education and training. Discussion of Ethics pushed back to July meeting.	Sarah Croxall		
		Sign off final report into ethics training in the legal profession at RAB meeting	Completed									
		Launch report	24-Mar									
		Promote report	March-April								GREEN	

	Lobby for changes to improve education and training in legal ethics	Create action plan	July			Low	Lack of evidence currently as to the need for change	GREEN		
To promote greater understanding of the current CPD regulations and encourage solicitors to make better, more informed and more targeted use of CPD.	Publish practice note on CPD	Publish in Professional Update	Completed	Solicitors are currently confused by the CPD regulations and fail to make best use of their CPD opportunities	Low/High	Medium	Guidance on this issue is of use to the profession		The Practice Note was published on 29 January.	Sarah Croxall
To monitor the success of the SRA's work-based learning programme and help the profession prepare for changes to the work based learning (training contract) phase of pre-admission training.	Contact firms and trainees participating in the work-based learning programme to find out how it is working in practice	Finalise letter and questionnaire to be sent to participating firms	Mid Feb	Without this assistance the profession will be unprepared for the changes to workbased learning	High/High	High	This issue will likely have a radical impact on the profession going forward and requires close attention	GREEN	The letter and questionnaire have now been finalised and sent to participating firms at the end of March. The JLD have been consulted on the development of a questionnaire for participating trainees. Comments have been incorporated in the original draft and	Sarah Croxall
		Liaise with JLD to develop their letter and questionnaire to participating trainees	Mid Feb					GREEN		
		Send letter and survey to firms and candidates.	End May					GREEN		
		Contact firms every 6 months with follow-up questionnaires	Ongoing					GREEN		
	Provide participating firms and the profession as a whole information on the success of the work-based learning programme	Publish results in Professional Update and contact participating firms individually	Nov					High		

To promote better standards of supervision for the work based learning (training contract) phase of pre-admission training	Develop and publish a practice note on supervision	Undertake further research on the work of the SRA on this issue, and on supervision in the profession more generally	Ongoing		High/High	High	Of particular interest to junior / young lawyers + of particular city interest	GREEN	This issue will be considered at the May ETC meeting. ETC approved draft outline for the practice note at the May ETC meeting	Sarah Croxall
		Consider and agree steps to be taken to promote better standards of supervision in the profession	13 May ETC meeting			High	Of benefit to work on Corporate Social Responsibility			
		Publish practice note	July			High	GREEN			
Academic stage - raising awareness of enforcement	Develop TLS view on the academic stage and the Joint Statement, in particular what the profession needs and what is in the public interest	Committee to decide whether this is a priority and if so, what should be done.	13 May ETC meeting	The ETC has identified problems with the academic stage and the Joint Statement and wants to gather evidence of these problems and develop a policy position on these issues.	High/Medium	Medium	This work will tie into the SRA's review of the Joint Statement at the end of 2009. It is important that the Law Society develop a policy position to feed into this process.		A detailed paper will be prepared on this issue for the next ETC meeting.	Sarah Croxall
		Prepare a paper on the issues identified by the Committee regarding the academic stage.	1 July ETC meeting					GREEN		
To support solicitors on education and training issues throughout the economic downturn		Hold a meeting with LPC providers to discuss how to address disparity in TC numbers	26-May	The ETC is keen to identify ways in which the profession can be helped through the economic downturn from an education and training perspective.	High/High	High	This is one of the most important issues facing the profession at the moment.		A meeting with LPC providers was held on the 26 May	Sarah Croxall
		Consider and agree steps to further support solicitors through the economic downturn	1 July ETC meeting					GREEN		

To carry out an ongoing check on and review of SRA practices, regulations and proposals relating to education and training against the Better Regulation Principles	Respond to SRA Consultations	Higher court advocates mandatory re-accréditation	16th April	Failure to closely monitor the SRA closely against the better regulation principles leading to a reduction in our effectiveness in monitoring the regulator	High/High	High	Of importance to TLS to be involved and a mandatory issue		Ongoing. The Law Society's response to the Higher court advocates mandatory re-accréditation consultation was submitted on 16 April. The SRA Board have decided to undertake further consultation on the issue of periodic re-accréditation, being mindful of actions of the Bar and the outcome of the QAA Pilot. The Common Framework consultation paper will be published by the end of June ----- Several consultations put back by SRA hense date changes.	Sarah Croxall
		Quality & Standards Framework position paper	June / July			High		GREEN		
		LPC Guidance paper	June			High		GREEN		
		Common Framework Consultation	June/ July			High		GREEN		
		Strengthening training contracts guidance	TBC			High		GREEN		
		Student enrolment consultation	July			High		GREEN		
	Carry out an ongoing check of SRA practices, regulations and proposals	Monitor development of draft QLTR regulations	Ongoing			High	GREEN			
		Work with SRA on the PSC and Professional Responsibilities Pilot	2010			High	GREEN			
		Monitor development of comprehensive strategy to include all training and assessment provision	Ongoing			High	GREEN			
		Monitor development of firm based supervisory monitoring and auditing pilot	TBC			High / Medium	GREEN			

RULES AND ETHICS										
	Respond to the SRA's consultation on proposed amendments to rule 3 (conflicts of interest) and rule 4 (duties of confidentiality and disclosure) of the Solicitors' Code of Conduct 2007	R&E to discuss draft response	Completed	The CLLS have lobbied the SRA hard to change the conflict rules. They claim that not changing them will have an impact on their international competitiveness. In-house solicitors are less keen for the rules to be relaxed.	Medium/High	High	There is a particular city interest in this issue		Completed	Nick Denys
	Respond to the SRA's consultation paper on regulatory-risk information requirements in 2009	R&E to discuss draft response	Completed	The SRA is seeking views about the information it seeks from firms in 2009. It proposes to only collect information that it needs to help it develop a new fee strategy for 2010 onwards, or that it believes is required for the development of risk based regulation.	High/High	High	Proposals will have a particular impact on firms		Completed	Katherine Hayman
		RAB to consider (out of committee)	Completed							
		Submit final response	Completed							
	Respond to the SRA's consultation paper on new approach to regulating legal services firms and solicitors	R&E to discuss draft response	Completed	The SRA is proposing a new approach to regulating legal firms by creating a new relationship with firms and a greater focus on risk.	Medium/High	Medium	Though an important issue, should be considered in light of the forthcoming Hunt report		Completed	Nick Denys
		RAB to consider (out of committee)								
		Submit final response								
		RAB to consider (out of committee)	Completed							
		Submit final response	Completed							
	Submission in response to the call for evidence of Legal Regulation Review	R&E to discuss whether to make submission	Completed	The Legal Regulation Review is seeking submissions on two issues: what new regulatory challenges and opportunities does the LSA create; and what are the characteristics of 'good regulation'?	High/High	Medium	Context of issue in relation to other work tabled		Response submitted on 9 April.	Sarah Croxall & Katherine Hayman

To represent the profession's interests in the implementation of rules and ethics policies	Respond to the SRA's consultation paper on mandatory re-accreditation.	R&E to discuss draft response	Completed	The SRA is seeking views on the way in which it proposes to regulate solicitors who appear in higher courts proceedings. The SRA has revised its proposal following two earlier consultations on this issue.	Medium/Medium	Medium	E&T will be looking at this issue and will take the lead		To be lead by E&T	Sarah Croxall
		RAB to consider draft response	2nd April							
		Submit final response	16th April							
	Regulation of ABSs	Consider the rules that should apply to ABSs and whether the existing rules should be adjusted or new rules introduced	Ongoing	RAB decided on 16 Dec 08 that R&E will consider the nature of rules for ABSs and whether the existing rules should be adjusted or new rules introduced	High/High	High	Significant impact on the profession	GREEN	R&E to consider draft response to LSB paper on ABS on 9th June	Hazel Uppington
					High					
	Provide input to Barclays about Account Management System	Draft feedback	Completed	Barclays approached TLS for feedback on a proposed product that solicitors could use.	Low/Low	Low	Context of issue in relation to other work tabled		Feedback sent to Barclays on 1 May.	Katherine Hayman
	SDT procedures	Commercial services to approach insurer	Ongoing	Raised by R&E on 16 Feb	Medium/Medium	Medium	Context of issue in relation to other work tabled	GREEN	Papers received by RAB on 2nd April and 21st May on future Regulatory Process Committee	Elliott Vigar
		Paper about SDT procedures	RAB 2 Apr							
	Provide views about the regulation of corporate firms to Nick Smedley	R&E to discuss	Completed	Nick Smedley is conducting a review of the regulation of corporate legal firms.	Medium/Medium	Medium	There is a particular city interest in this issue		R&E discussed its input on 16 Feb. KH to draft and finalise letter to Nick Smedley.	Katherine Hayman
		Submit input								
Consider whether solicitors need further guidance about the duty to keep reasonable notes of work done	R&E to discuss	Completed	A solicitor contacted the SRA stating that the Law Society should be providing further guidance to solicitors in this area	Low/High	Low	Context of issue in relation to other work tabled		R&E considered issue on 16 February. REC decided not to progress issue.	Katherine Hayman	

	SRA's decision-making criteria	R&E to draft proposed response	Completed	The SRA is consulting about its criteria for making certain types of decisions	Medium/Medium	Medium			Response submitted to SRA on 6 May.	Katherine Hayman
		RAB to consider at meeting on 2 April and to approve response out of committee in late April	Completed							
	SRA's use of enhanced investigatory powers	R&E to draft proposed response	Completed	The SRA has issued a consultation paper about the proposed use of its enhanced investigatory powers.	Medium/Medium	Medium			Response submitted to SRA on 14 May.	Katherine Hayman
INSURANCE										
	Code of practice with brokers and insurers	Discuss proposal at general level with ABI, BIBA, key insurers and brokers	Completed				TLS action may not be successful in bringing about desired outcomes. Prompt action is therefore required so that the position is clear at an early stage		Set of high level principles drafted and circulated to ABI and BIBA. Meeting ABI and BIBA on 28 May.	
		Negotiate details	May					GREEN		
		Finalise and publish details if appropriate	July					GREEN		
	Model retainer letter	Draft letter and consult BIBA	Completed					GREEN	Model letter sent to BIBA on 8 May. Response received - discussions ongoing	
	Expert advice on key issues about current structure and possible reforms	Engage consultant actuary and attend initial meeting.	Completed						Consultant actuary engaged and initial meeting held in March. Draft report provided to TLS on 14 April and comments provided to consultant on 1 May. Final report due mid-May. ---- Final report received and approved by private office	

To assist solicitors to obtain professional indemnity insurance	Consult interested persons and conduct research of other organisations to identify reasons solicitors experienced difficulties in obtaining PII in 2008-09 and whether the current arrangements could be improved	Conduct survey of profession	Completed	Some parts of the profession experienced difficulties in obtaining PII for 2008-09. Mainly smaller firms experienced significant premium increases, while others were unable to obtain PII at all. These difficulties are likely to continue for the 2009-10 renewal exercise.	High/High	High	TLS requires timely information on the issues in order to take an early view		Meetings and survey completed.	Katherine Hayman
		Meetings with key insurers and brokers								
		Conduct research of other organisations								
	Practice note to give practical advice to solicitors about how to apply for PII in 2009-10	Draft and publish on website	Completed		Additional guidance and information to the profession is crucial		Practice note published on website on 23 April and promoted in various ways.			
	PII seminar series	Provide input re material to be covered in seminars	Seminars to be held May-July		Additional guidance and information to the profession is crucial	GREEN	Seminars currently being publicised and open for registration. Met with sponsors on 5 May to discuss seminar content. ----- First seminar held 26th May - ongoing			
	Lobby the SRA for any necessary changes to the rules or qualifying insurers agreement	TBA	TBA		TBA	High	Important if initial work indicates that regulatory changes may be required	GREEN	Initial meeting held with SRA on 27 January. Second meeting to be held on 1 June.	
	Develop contingency plans for the insolvency of a qualifying insurer	Draft practice note and circulate to RAB	Completed		Low/High	High	High priority due to the potential effects on the profession of insolvency of an insurer		Draft practice note circulated to Sub-Group	

Management Board – Workplan 2009

BOARD RESPONSIBILITIES	ACTIVITIES, PROJECTS AND ITEMS FOR REVIEW	DEADLINE FOR COMPLETION	STATUS	COMMENTS
<p>Scrutiny of the Regulatory Boards</p> <p>(1) To carry out, informed by the Regulatory Affairs Board, and subject to the powers and responsibilities of the Support Services Resolution Board, the Council's role in relation to the regulatory boards including –</p> <p>(a) advising the Council on all matters relating to the terms of reference, composition and appointment of those boards;</p> <p>(b) scrutiny of the regulatory boards' draft business plans, and their performance against those plans;</p> <p>(c) scrutiny of the regulatory boards' budgets and budgetary control; and</p> <p>(d) scrutiny of the regulatory boards' approach to risk management;</p> <p>discharging the foregoing functions in a manner that reflects the principles of good regulation, having taken account of the regulatory boards' reasonable and proportionate requirements.</p>	Reports of the Regulatory Board Chairs	Each meeting	GREEN	
	LCS Complaints Handling Plan 2009-10 and Budget	January/March 2009	GREEN	Targets for year ahead included in LCS Chair's reports. LSCC's recommendations and Society's proposed response reported in March. Budget agreed by Council Dec 2009.
	Performance against 2008-9 complaints handling targets	March 2009	GREEN	Included in LCS Chair's reports.
	Scrutiny of the Regulatory Boards' draft business plans, budgets and performance	October/ November 2009		
	A review of the performance of SRA against its KPIs and business plan, culminating in an annual performance assessment.	Quarterly	GREEN	Reported on first quarter at May meeting.
	A review starting first meeting of the year re SRA progress against the planned actions in response to the Ouseley report.	Quarterly	GREEN	Reported in January and May.
	See also (6) – Risk Management			

<u>Representative Board Business Plans and Budgets</u> (2) To scrutinise the representative boards' draft business plans, budget bids and budgetary controls, ensuring that in their activities they secure value for money.	Review progress against the business plan including performance against KPIs, culminating in an annual performance assessment.	Quarterly	GREEN	Reported on first quarter at May meeting.
	2009 Budget Reforecast	September 2009		
	See also (3)			
(3) To recommend to the Council the Society's budget and business plan.	2010 Business Plan and Budget	October/ November 2009		
(4) To recommend to the Council the level of the practising certificate fee and to advise the Council in relation to SRA proposals in respect of compensation fund levels.	Setting the Contribution Fund Contribution	May 2009	GREEN	Initial report considered at May meeting.
	Setting the PC Fee	June 2009		
(5) Subject to the powers and responsibilities of the Support Services Resolution Board, to deal with all matters relating to the finances, facilities, property, subsidiary companies, trusts, bursaries and bequests and the common seal of the Society, and the effective management of resources, including - (a) financial controls; (b) human resources; (c) capital expenditure; (d) investment management; (e) the Society's personnel policies and	Monthly Financial Reports	Each meeting	GREEN	Circulated by email if timing does not allow completion of report in time for agenda.
	Year End Accounts – Group Summary Income and Expenditure Accounts and Balance Sheet	March 2009	GREEN	Included in 2008 Financial Statements
	Review of Financial Policies and Procedures	September 2009		
	Group Accounts and Reports and Compensation Fund Accounts 2008	March/April/May 2009	GREEN	
	Renewal of Professional Indemnity Insurances	January 2009	GREEN	Update given in Feb.
	Annual Expense Allowance	June 2009		
	Council, Board and Committee Member Expenses	June 2009		

the staff pension scheme; and (f) approving bids for unbudgeted expenditure, subject (save in the case of an emergency) to a maximum of £1 million.	Employment Statistics	Quarterly	GREEN	Reported in February and May. Now reported by email.
	Updates on ongoing business projects (eg Matrix, Visualfiles)	Each meeting	GREEN	Now circulated by email.
(6) To approve and monitor the Society's risk register	Risk Management Review	Half yearly — May and November 2009 Quarterly	GREEN	Corporate Risk Register reported in January. Risk now to be reported quarterly by email. Reported in April.
	Risk Review — included in Chief Executive's report	Each meeting		Risk now to be reported quarterly in a separate report.
(7) To oversee the handling of litigation arising from the Society's functions, save where this has been delegated to the regulatory boards.	Strategic Litigation Report	Each meeting	GREEN	Now circulated by email.
(8) To hold the Chief Executive of the Law Society accountable for the efficient discharge of his duties.	Chief Executive's report	Each meeting	GREEN	
(9) To hold the Office-holders to account against the Presidential Plan.	President's half year report.	January 2009	GREEN	Reported in February.
	President's year end report	June 2009		
	Presidential Plan for 2009-10	May 2009	GREEN	

(10) To take all reasonable steps necessary to ensure the proper governance of the Society, including bringing proposals to the Council as necessary.	Internal Audit Assurance Review	May 2009	GREEN	Reported in April.
	External Auditors Audit Report and Summary (To be considered in the presence of the Audit Committee)	May 2009	GREEN	
	Review of Audit Committee minutes	Each meeting	GREEN	Now circulated by email
	Review of Audit Committee Effectiveness	June 2009		
	Response to Audit Committee Annual Report	June 2009		
	Annual Review of Internal Control	Early 2009	GREEN	Included in Internal Audit Assurance Review
	E&D Committee report on its assessment of TLS Group performance on E&D.	Quarterly	GREEN	Reported in February and May
	Bye-Law Changes for the AGM	May 2009	GREEN	
	Review of the Council Structure	Ongoing up to June 2009		Rejected by Council in November 2008
	Review of the Management Board Work Plan	June 2009 Quarterly	GREEN	Reported in March.



The Law Society

Item 9 (iv)

COUNCIL
10 June 2009

Classification – Public with Confidential Annex

Annex B to this paper contains commercially sensitive information and is restricted under paragraph 14.9 of the revised Code of Practice on Freedom of Information to members of the Council.

Purpose – For noting

REPORT OF THE CHAIR OF THE LEGAL AFFAIRS AND POLICY BOARD

The Issues

This is the report of the Chair of the Legal Affairs and Policy Board highlighting issues which the Board has considered since the last report to Council

Policy Position

Not applicable.

Financial and Resourcing Implications

None arising directly from this report.

Equality and Diversity Implications

None arising directly from this report.

Consultation

This report has been prepared for the Council directly.

Author
Date of report

Linda Lee, Chair of the Legal Affairs and Policy Board
4 June 2009

The LAPB met on 27 May 2009. The following issues were discussed.

Legal Aid

There was considerable discussion about best value tendering (BVT). The Board agreed that that Society should oppose the proposals in the paper and approved a statement for Council to agree setting out our concerns. There were to be regular practitioner group meetings to inform the profession of our work, together with regular e-mails to practitioner groups and work with the Bar to see whether there were common interests with them. The Board viewed the consultation as having potentially very dangerous ramifications for the profession and for the administration of justice.

Civil Justice

The Board had a briefing on the consultation paper by Jackson LJ as part of his review of costs. The Civil Justice Committee had formed a working group to look at the issue and would have a draft response for the Board to look at at its meeting on 1 July. The consultation paper raises a number of issues of importance to the profession. In addition, the Board noted the proposal by the Ministry of Justice to give itself power to regulate contingency fee agreements in employment tribunals. The Board will be watching this with considerable care to see how it affects solicitors.

Advocacy

The Board was briefed on the outcome of the representation to the Lord Chief Justice on the letter by Janet Smith LJ. The issue raised a number of questions and the Board will be considering a paper in July which will deal with:

- (a) The importance of judges in advocacy training;
- (b) Improved training for solicitor advocates; and
- (c) The approach to the Bar's campaign.

In addition, the approach of the Society to advocacy standards in respect of the Quality Assurance for Advocates Scheme needs to be considered and Council will be asked to take a view on this.

Practice Notes

The Board agreed the latest template and protocol for dealing with practice notes.

Regulation of Will Writers

The Board agreed that further work should be done on the regulation of will writers. A meeting with the Wills and Equity Committee will be arranged to scope the work and consider the resources that are needed. This is an important issue and one that needs to be taken up firmly with the Legal Services Board.

Solicitors' Law Shops

The Board looked at a proposal that the Law Society ought to be promoting solicitors' law shops as a concept. Under this, a particular firm of solicitors has a "law shop" which enables members of the public to buy "self-help" guides, pick up free forms and obtain limited advice from a solicitor. The Board felt that it was not appropriate

to promote one particular business model against any other but it wished the concept well.

Proposed New Committee

The Board considered again the question of whether there should be a further committee recommended to Council. It decided that it would not be appropriate to recommend such a committee for the following reasons:

- The financial position of the Law Society was uncertain and it was inappropriate to incur what might be substantial additional expense for the future at this stage;
- The committee that the Board had been considering, a Constitutional and Human Rights Issues Committee, might not be best suited to the varying picture of this work – the membership might not always have the expertise for the varying issues that would arise;
- The work could probably be done more effectively by working parties which could be appointed on an ad hoc basis for a limited time to deal with individual projects;
- There was not at the moment the work to justify the creation of a committee.

The Board will not, therefore, be recommending any further committees to Council at this stage.

Interpreters

Concerns have been raised about the training and funding of interpreters, particularly in criminal matters. The matter will be raised with the various committees to see whether there is a consensus that the Society should undertake any work on this.

Committee Reports

The reports of the work of the Employment Law and Conveyancing and Land Law Committees are attached at Annex A and B.



LEGAL AFFAIRS AND POLICY BOARD
27 May 2009

Classification – Public

Purpose – For noting

EMPLOYMENT LAW COMMITTEE

The Issues

This paper briefs the Board on the work of the Employment Law Committee. The Board is invited to note the report.

Remit

The Board's Terms of Reference (4): *'to set and oversee implementation of policy to promote the Society as a leading voice on law reform'*.

Financial and Resourcing implications

None

Equality and Diversity implications

None

Consultation

The paper has been prepared for the Board.

Director: Mark Stobbs
Author: Emily McCarron
Date of report: 18 May 2009

1. The Employment Law Committee's terms of reference are to keep under review, and promote improvements in, employment law and practice. The committee is made up of senior and specialist lawyers from across the country who volunteer their time. Employment Law Committee members provide advice and representation to employers and employees through practice in City and regional firms, local government, industry, trade unions and law centres. Some Committee members are part-time employment judges.
2. The five key work areas for the committee include:
 - The Equality Bill
 - Liaising with other stakeholders including ACAS, the Tribunal service and relevant user groups
 - Communication with the profession via practice notes
 - Holding an employment law event for the profession
 - Monitoring the new Dispute Resolution Regime.
3. The key objectives for the committee include:
 - Provide briefing and lobbying material for the Equality Bill in accordance with the Parliamentary timetable
 - Develop and publish four practice notes with a focus on solicitors as employers and employees
 - Hold a seminar aimed at managers in law firms dealing with topical employment issues
 - Publish a survey of the profession on Employment Tribunal issues and communicate findings to relevant stakeholders
4. The committee has already completed its response to the consultation on the *ACAS Code of Practice 3 on time off for trade union duties and activities* and *Draft guide on developing effective employee representation: a guide to managing provisions for time off, training and facilities*. It is currently drafting a response to the BERR consultation on the *European Commission's proposal to amend the Pregnant Workers Directive* and is contributing to the Law Society response to the FSA consultation on *Financial Services Compensation Scheme*.
5. In conjunction with the Mental Health and Disability and Housing Law committees, the Employment Law committee has also provided briefing on the Equality Bill for the Lords 2nd Reading. It will continue to provide briefing and conduct analyses in conjunction with these other committees as the Bill progresses through Parliament. It has also responded to the Office for Disability Issues Consultation on *Improving Protection from Disability Discrimination*, to the Work and Pensions Committee inquiry into the *Equality Bill: What Steps should DWP take to achieve greater equality*, and is in the process of responding to a Government Equalities Office consultation on *Introducing Multiple Discrimination provision*.
6. The committee is in the process of drafting a practice note on flexible working practices and will commence drafting a practice note on entitlement to holiday pay shortly.

7. The committee will hold a joint seminar with the Law Management Section of the Law Society on financial and employment law issues facing the profession in September of this year.
8. Ever year, the Employment Law Committee hosts an Employment Tribunal users group meeting, which this year, will be attended by the new president of the Employment Tribunal, Sir David Latham. Results of a Law Society survey on issues relating to the Employment Tribunal will be used to inform discussion at the meeting.
9. The committee continues to take an active interest in EU legislative and policy activities. It contributed to a recent Brussels paper on Future EU priorities.



The Law Society

COUNCIL
10 June 2009

Item 10

Classification - Public

Purpose - For noting

AUDIT COMMITTEE ANNUAL REPORT 2008

The Issues

This is the Audit Committee's annual report for 2008.

Financial and Resourcing implications

Much of the Committee's work is concerned with risk management and controls, which have an impact upon the effective use of the Society's money and other resources.

Equality and Diversity implications

None arising from this report.

Consultation

This report has been prepared for the Council directly.

Author Stephen Brooker, Chair
Date of report 21 May 2009



The Law Society

AUDIT COMMITTEE ANNUAL REPORT 2008-09

Contents

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Report format

This report covers the Committee's work during the calendar year 2008; it also outlines key activities commenced during the first quarter of 2009.

Overall opinion on the effectiveness of internal controls

The Committee, in respect of those systems of internal control which it has considered, found no major items upon which to report apart from the following: Governance (see 1.1 below), IT issues (1.2), risk management and control (1.3), and controls over purchase ordering (1.4).

The report also outlines several matters for noting (1.5 -1.12)

Introduction

In forming its opinion (as stated above) the Audit Committee has, in addition to its own enquiries, relied upon sources of assurance from the work of external and internal auditors and other review agencies, together with reports and explanations provided by management.

This report was approved by members of the Audit Committee in May 2009.

The current members of the Audit Committee are:

Stephen Brooker (chair)

Stuart Collins

Murray Ross

Grenville Page

Stanley Williams #

Bob Spedding

John Stoker ##

Council member of the Audit Committee

SRA Board member of the Audit Committee.

The remaining Audit Committee members are independent.

Sue Carter and Michael Singleton retired in August 2008.

There is one vacancy following the resignation of David Wilson in March 2009.

The current membership comprises two solicitors, three accountants and an SRA Board member, who was formerly Executive Chair of the Charity Commission for England and Wales from 1999 to 2004. The Council agreed on 29 April 2009 to grant Stephen Brooker a four month extension as Chair to 31 December 2009; he has held this position since 22 February 2004.

The Committee was pleased to see significant improvements in the preparation and presentation of the Society's 2008 accounts.

Acknowledgements

The Chair wishes to convey to Council the Committee's gratitude to Michael Singleton, Susan Carter and David Wilson for their valued contributions to its work.

1. 2008-09 MATTERS TO BE BROUGHT TO THE ATTENTION OF THE COUNCIL

Matters for Action

The following matters are all subject to continuing action by the Executive.

1.1 Governance and the management of shared services

The Committee spent considerable time discussing the way in which delegation to the SRA and LCS Boards had been implemented since separation of regulatory and representative functions in the Law Society in 2006. As reported last year, the Committee felt in February 2008 that the Law Society might find an independent review of financial governance helpful, given recent breaches of internal controls across the Group. The consultants, Smith & Williamson, undertook this governance review according to terms of reference agreed by the Committee.

Following the Committee's action there was some progress in resolving the relationship issues between the representative and regulatory elements of the Society. It was pleased to note from the minutes of the Council meeting of 22 May 2008 that a structure - the Corporate Review Group - had been put in place to address the issues that were so concerning the Committee. In order to allow this solution the opportunity to develop, the Committee decided not to publish the Smith & Williamson report.

The Committee notes that the new structure was found lacking and that in 2009 the Council agreed to establish a Support Services Resolution Board (SSRB) to address any disputes between the Law Society and SRA arising over the deployment of shared services and control of the regulatory body's resources.

The Committee awaits with interest the outcome of further work on the operation and composition of the SSRB and will continue to monitor the effectiveness of governance across the Law Society Group.

1.2 IT issues

The Committee received regular reports on IT matters from the Chief Information Officer. They considered the impairment review of IT systems, which highlighted the fact that a significant amount of IT costs incurred in previous years related to applications that were no longer in use.

The Committee noted the work undertaken to improve the management of IT projects, including more integrated and robust business case formulation and change management.

The Group IT Strategy is an important step forward in improving project management. It has brought tighter discipline to the planning and approval processes of current projects and, if followed through during implementation, should improve the Society's record appreciably.

1.3 Group Risk Management and Control

Risk Management was a success story in 2008: throughout the year the Committee has received reports from the Law Society Chief Executive and the Chief Executives of the SRA and LCS detailing the processes involved in identifying, evaluating and managing the significant risks faced by the Society. The resulting strategic registers have been in place across the Society since February 2008, although risk management cannot be said to be embedded fully until it is an integral part of business planning and monitoring.

The Committee is pleased that risk assessment has figured highly in the business planning for 2009, which is a positive step towards integration. It was also glad to see the risks registers used in the development of the Society's 2009-10 Audit Plan. However, there is still work to do on the 'bottom-up' processes which lead to risks being promoted to/demoted from the strategic registers, and on the way risks are recorded and managed. The Committee notes the development of a unified corporate register which identifies the key risks that are applicable and need to be managed collectively across all three parts of the Group.

1.4 Control over purchase ordering

The Committee examined the Society's purchase to pay (procurement) systems which became, in the second half of 2008, part of an extensive improvement programme prepared in conjunction with the IT Department. The programme has focused on working closely with staff with success being dependent on changes in organisational culture and behaviour, as well as purely technical solutions; it is scheduled for completion on 30 June and the Committee has asked for an internal audit of the results in the autumn.

Matters for Noting

1.5 Legal Services Act 2007

The Committee has considered the risks associated with the implementation of the Office for Legal Complaints. The continuing uncertainty on staff transfer/retention issues and the method/timing in 2010 of the handover makes this a difficult programme to manage at present.

1.6 Pensions

The Committee received regular reports from the Society's Chief Executive and Treasurer and noted the work of the Management Board on securing agreement with the Trustees on the schedule for payments of the actuarial pension deficit of £59.1 million as at 31 December 2007.

1.7 Work in response to economic recession

The Committee has examined two aspects: the Society's investment policy and the increasing volume of claims made upon the Compensation Funds.

Compensation Fund claims in progress had risen to £81 million as at 31 December 2008: the increase was thought to be largely due to cases related to a small number of firms where mortgage fraud was suspected. Investigation of these firms continues within the SRA and the impact upon the Compensation Fund reserves and contribution setting is being considered by the SRA's Financial Protection Committee.

The implications for the setting of 2009-10 Compensation Fund contributions will be reported to Council.

1.8 Internal Audit projects and review

The Committee discussed the action plans to implement recommendations from the 2007 review of the internal audit function within the Society.

The 2009-10 Internal Audit Plan had for the first time been developed using the Society's summary Corporate and Business Risk Register, which is a great advance.

1.9 Compliance with the Combined Code

The Society (including the Legal Complaints Service and the Solicitors Regulation Authority) follows best practice by complying voluntarily as far as possible with the Combined Code on Corporate Governance ('the Code'), which incorporates Guidance on Internal Control. There remains a small number of clauses in the Code with which the Committee wishes to see further effort to comply, and in particular it has concerns that there are no plans by the Law Society to complement the Board-level reviews undertaken by the Performance Review and Scrutiny Committee with individual performance reviews of members of the Management Board by its Chair, and a reciprocal arrangement for the Chair by senior Board members. The Committee has requested the Head of Internal Audit to report upon the steps to be taken to deal with these.

1.10 LCS Audit & Risk Committee and SRA Scrutiny Committee

The Chair liaises with the Chairs of the LCS Audit and Risk Committee and SRA Scrutiny Committee to discuss areas of common interest. These committees have a similar function to give assurance to their respective boards that proper processes are in place for managing risk and finance, internal controls, and delivering strategic plans.

The Audit Committee are looking to develop these relations further during 2009-10 and have benefited greatly from having an SRA Board member being directly involved during 2008-09.

1.11 External auditors

BDO Stoy Hayward completed their final audit for the Society in April 2009.

The Committee agreed in September 2008 to recommend that PriceWaterhouseCoopers be appointed as the Society's external auditors for 2009-2011. This was endorsed by Council in October 2008.

1.12 Law Society Trust Funds

In view of previous concerns, the Committee welcomed the review of the Law Society Trust Funds, which sought to increase legal and financial compliance and improve administrative efficiency of around 40 minor funds. A new governing charity has been proposed to oversee the funds; and from the point of view of efficiency and effective governance it is important that Council moves ahead with this initiative as soon as possible.

2. MATTERS FROM 2007 AND EARLIER YEARS

- 2.1 Matters from the Committee's reports for 2007 and earlier years have either been dealt with or are included in section 1 above.

3. AUDIT COMMITTEE ACTIVITY DURING 2008

During 2008 the Committee discussed the following issues under its terms of reference (Appendix 1).

External Audit

External Audit	
Management Letters: Society and Charity	June, November
Plan for 2008-09 audit	March, April, June
Appointment of external auditors 2009-11	February, March, June, September

Internal control, risk management and internal audit

Internal Audit	
Progress Report	February, March, June, September, November
Internal Audit Plan 2008-09	March
Internal Audit review	January
Terms of reference	February
Equal Pay Audit Recommendations (2007 follow-up)	February

Risk Management	
Risk Management Registers, Strategy & Training	January, February, March, June, September, November
IT Projects & Risks	February, March, June, September
LCS transition to the Office for Legal Complaints	November
Compensation Fund overpayments (2007 follow-up)	February

Combined Code and Corporate Governance Issues

Governance	
Governance Review (including Smith & Williamson)	January, February, March (both), April, June
Combined Code: Compliance	February, March,
Review and composition of the Audit Committee	June, September, November

Advice to Council and Management Board

Accounting	
2008 and 2007 draft accounts/accounts preparation	April, September, November

Whistle-blowing	
SIF/LPC	September

In addition, the Committee has received regular progress reports on a range of issues from the Law Society Chief Executive and Group Finance Director. The Treasurer has also attended meetings on a regular basis and provided information to and from the Management Board. The Committee had regular oversight of the minutes from Council, Management Board, SRA and LCS Boards and their respective Audit & Risk and Scrutiny Committees.

Audit Committee terms of reference

Law Society General Regulations 29(1):

- (a) to assist and advise the Management Board in ensuring that the accounts and financial statements of the Society are balanced, fair and in conformity with the applicable accounting standards;
- (b) to advise the Management Board on the appointment of the Society's auditors and generally to oversee their work and the value for money of the services they provide;
- (c) to liaise with the auditors as required, to oversee any action to be taken in the light of the auditors' management letter, to confirm where appropriate that there are no outstanding matters raised by the auditors, and to inform the Council and the Management Board accordingly;
- (d) to keep under review the systems of internal control, risk management and internal audit within the Society, including whether those systems are properly resourced;
- (e) to keep under review compliance by the Society with the Combined Code on Corporate Governance and Guidance on Internal Control and to advise the Council and the Management Board generally on all corporate governance matters; and
- (f) to advise the Council and the Management Board generally on all aspects of audit and financial control within the Society.

Appendix 2

Audit Committee membership and meetings 2008

Audit Committee members 2008	8 meetings during the year	Term of office until
Stephen Brooker	8	31.12.09
Sue Carter – retired August 2008	5 (6)	-
Stuart Collins	8	31.08.11
Murray Ross	7	31.08.09
Michael Singleton – retired August 2008	4 (6)	-
Grenville Page	7	31.08.10
David Wilson – resigned March 2009	3	-
Stanley Williams - appointed 01.09.08	1 (2)	31.08.11
Bob Spedding - appointed 01.09.08	2 (2)	31.08.11
John Stoker - appointed 12.11.08	1 (1)	31.08.11

Attendances 2008:

Meeting Date	Members' Attendance
8 January	5 out of 7 members
7 February	7 out of 7 members
11 March	7 out of 7 members
19 March (special meeting)	4 out of 7 members
16 April	5 out of 7 members
26 June	6 out of 7 members
23 September	5 out of 7 members
25 November	7 out of 8 members

Officer Attendance	
Chief Executive, Law Society	8 January, 7 February, 11 March, 19 March, 16 April, 26 June, 23 September, 25 November
Chief Executive, SRA	8 January, 7 February, 13 March, 16 April, 23 September
Chief Executive, LCS	8 January, 11 March, 16 April, 26 June, 25 November
Interim/Group Finance Director	8 January, 7 February, 11 March, 16 April, 26 June, 23 September, 25 November
Head of Internal Audit	8 January, 7 February, 11 March, 19 March, 16 April, 26 June, 23 September, 25 November
Director of Change Delivery and Performance Excellence	8 January, 7 February, 11 March, 26 June, 23 September, 25 November
Chief Information Officer *	11 March, 23 September,
Director for Government Relations	25 November

* This post is now designated as Chief Information Officer & Acting Director of Law Society Services



The Law Society

COUNCIL
10 June 2009

Item 13

Classification – Public

Purpose – For decision

ORGANISATIONAL NOMINATIONS – BYE-LAW AMENDMENTS

The Issues

This paper invites the Council to approve recommendations from the Council Membership Committee (CMC) regarding the procedure for making nominations to organisational Council seats. The CMC's proposals are explained in the attached report.

Decisions

The Council is invited to agree –

- (1) That the nomination procedure be subject to the possibility of an investigation process, with power for the Society to require that the nomination procedure in any given case be started afresh.
- (2) That the guidelines issued by the CMC be referred to in the Bye-Laws and thereby be given greater authority.
- (3) That candidates for nomination be required to disclose to the nominating organisation and to the Society any convictions, findings and investigations on the same basis as candidates in ballots.
- (4) That Bye-Law amendments (as set out in Annex C to the report) be taken to the AGM in July to give effect to the Council's decisions.

Policy Position

The nomination procedure reflects a previous decision by the Council (on CMC advice), approved by a general meeting through an amendment to the Bye-Laws.

Financial and Resource implications

No significant implications.

Equality and Diversity implications

Equality and diversity are central issues in the designation of non-geographical seats and the procedures for filling them. The guidelines (given effect by the proposed amendments) which organisations must follow in making nominations refer to the need to encourage applications from all eligible candidates and the desirability of those responsible for interviewing candidates to have had training in equality and diversity issues.

Consultation

The recommendations in this report were endorsed by the Management Board on 20 May 2009.

Director: Frances Low, General Counsel
Author: Andrew Dobson
Date of report: 27 May 2009

Background

1. Under Bye-Law amendments agreed in 2005, certain non-geographical Council seats intended to represent specific organisations may be filled by direct nomination rather than a ballot.
2. The procedure, set out in paragraphs 2 - 4 of Appendix 3 to the Bye-Laws, involves –
 - (1) The Council, in the light of advice from the CMC, resolving that the purpose of the seat is to represent a particular organisation.
 - (2) The executive of the organisation opting to adopt a nomination procedure rather than a ballot of its membership.
 - (3) The organisation making a written nomination, signed by the chair or secretary.
3. Guidelines were laid down by the CMC (set out at Annex A) indicating that the executive of the nominating body should give full and fair consideration to all interested candidates, and follow equality and diversity principles.
4. The seats which have been designated as organisational and filled by the nomination procedure are listed in Annex B.

Issues

5. In the Council debates on the size and structure of the Council, questions about the nomination procedure were raised by several members. The CMC has accordingly reviewed the nomination procedure. The CMC does not wish to propose any fundamental changes to the procedure, as it considers that organisations can best be represented through a nominations procedure, but does wish to recommend some detailed refinements to it.

Refining the procedure

6. The written nomination signed by the chair or secretary of the organisation completes the nomination process and the Society does not, and appears not to be empowered to, look behind the nomination, provided it is duly completed. The signatory to the nomination is however required to certify that the guidelines have been complied with.
7. There is no evidence that the guidelines have not been followed. Nevertheless, the CMC feels that the Society should as a matter of good governance and transparency be able to investigate the nomination procedure should this be questioned, and linked with this that the guidelines should be given greater authority by being referred to in the Bye-Laws.
8. In a contested ballot, whether for a geographical or a non-geographical seat, there is a challenge machinery laid down in the Bye-Laws (see Bye-Law 65), whereby any complaint can be investigated and adjudicated upon, even to the extent of setting aside the result and calling a fresh ballot.
9. Nominations to the Council are matters for which the Council is responsible, and legal and reputational risks could arise if concern was expressed about a

particular nomination and it was not possible to investigate such concerns and take any necessary action.

10. The detailed challenge procedure laid down in Bye-Law 65 would be inappropriate to adopt for the organisational nominations procedure, as it is essentially an adversarial procedure. It is therefore suggested that a simple power for the Society to investigate any complaint, according to such procedure as seems appropriate in the circumstances, and if necessary to require the nomination procedure to be conducted afresh, would suffice.
11. Under Bye-Laws 54A-54F, candidates for election by ballot are required to disclose any defined convictions, regulatory findings and ongoing investigations. These requirements are aimed not at eligibility but at informing the electorate so that it can make a judgment about the candidate. It seems anomalous that no similar requirement is placed upon candidates for nomination by an organisation, although it is suggested in the CMC guidelines that organisations adopt a similar procedure. The CMC considers that this should be a requirement in the Bye-Laws.
12. If such a requirement for disclosure were introduced, the candidate would make disclosures both to the organisation concerned and the Society

Bye-Law amendments

13. Draft Bye-Law amendments are set out in Annex C.

CMC GUIDELINES FOR MAKING NOMINATIONS TO NON-GEOGRAPHICAL COUNCIL SEATS

Purpose

1. These guidelines were originally prepared in 2005 by the Council Membership Committee to assist organisations in nominating members to designated non-geographical constituency seats at that time.

General principles

2. These guidelines are written in general terms, since each organisation will have its own constitution and way of operating. The philosophy behind allowing organisations which wish to do so to nominate a Council member to represent them is to respect their autonomy and the democratic legitimacy of their Executives. (We use 'Executive' throughout to denote the governing body of the organisation, although some have different titles.)
3. While respecting the autonomy of organisations, the Society has a duty to ensure that nominated members of its Council have been selected after a procedure which is open, fair and based on merit. Subject to that, the Executive is entitled to nominate anyone to the Council seat in accordance with its constitution.
4. These guidelines deal with two issues –
 - (1) The nomination procedure; and
 - (2) The criteria organisations should use in selecting their Council member.
5. The conclusion of the nomination procedure will be the submission of a nomination signed by the Chair or Secretary (or equivalent officer) of the organisation, who will be asked to certify that the Executive has taken account of the guidelines in making its nomination.

The nomination procedure

6. The nomination should be approved by the full Executive of the organisation rather than its officers or by a committee or sub-committee.
7. It is for the Executive to decide the field of candidates from which it will select its nominee, but it is desirable that the field should be as wide as possible. All candidates within the field who express willingness to be nominated should be properly considered. Organisations should advertise the vacancy to all members.
8. The Executive should consider whether to interview possible candidates, with a view to ascertaining their position on policy issues of concern to the

organisation, their awareness of the role of a Council member, and how they would, if nominated, work with the Executive to further the aims and objectives of the organisation. They should also consider the attitude of the candidate's firm or employer to the time commitment required by Council membership.

9. The Society wishes to encourage applications from all those eligible, irrespective of gender, race, colour, age, sexual orientation or disability and selection for nomination should be based on merit. It may be helpful if those responsible for interviewing candidates have had experience and training in interviewing and in equality and diversity issues.
10. The Executive is asked to note that at the 2007 AGM amendments to the Bye-Laws were agreed requiring candidates in Council elections to disclose information about specified convictions, findings and investigations. Although such disclosures are not required in the Bye-Laws for nominations to non-geographical seats, the Executive may like to adopt a similar procedure when selecting their candidate. Bye-Laws 54A-54F refer and a copy of the Bye-Laws can be accessed at <http://www.lawsociety.org.uk/documents/downloads/Byelawsupdated17072008.pdf>

Eligibility

11. Nominees must be members of the Law Society. Nominees do not require a practising certificate.

The role of a Council member

12. Council members are expected to take a full part in all aspects of the Council's work, to serve on committees and working parties, and not solely to concentrate on those matters of concern to their nominating organisation. Council members are representatives and not delegates. Council members must undergo equality and diversity training.
13. A copy of the information for candidates is attached. Organisations should assess candidates by reference to this, in addition to any other reasonable criteria they might apply.

Further information

14. Any enquiries about these guidelines or Council membership issues generally should be addressed to Mark Paulson, Head of Constitutional Affairs, The Law Society, 113 Chancery Lane, London WC2A 1PL (020 7320 5812) (mark.paulson@lawsociety.org.uk).

**DESIGNATED ORGANISATIONAL SEATS FILLED BY NOMINATION
PROCEDURE**

Association of Personal Injury Lawyers

Association of Women Solicitors

Black Solicitors' Network

Commerce and Industry Group

Criminal Defence (filled by CLSA and LCCSA jointly)

Forum of Insurance Lawyers

Division for Lawyers with Disabilities

Junior Lawyers Division*

Law Management Section

Legal Aid Practitioners Group

Probate Section

Solicitors in Local Government

Solicitor Sole Practitioners Group

*The JLD has opted to nominate for one of its three seats.

DRAFT BYE-LAW AMENDMENTS

In Appendix 3, delete paragraph 4 and replace with following paragraphs 4 and 4A –

- “4. (1) Where an organisation has been designated under paragraph 2, and under paragraph 3 the organisation has opted to nominate a member to the seat designated for that organisation, it shall nominate a member to the seat in accordance with guidelines laid down from time to time by the committee established under Bye-Law 70(3).
- (2) Each candidate for nomination under this paragraph shall by such date as the governing body of the organisation shall specify (which shall be earlier than the date on which the governing body considers the nominations) disclose in writing to the governing body and to the Chief Executive any matters which should be disclosed by a candidate for election under Bye-Laws 54A – 54E.
- (3) A nomination under this paragraph shall be made in writing to the Chief Executive in a manner specified by him, and shall be signed by the Chair or Secretary of the organisation.
- (4) Receipt by the Chief Executive of a nomination lodged in accordance with (3) shall, subject to the outcome of any investigation under paragraph 4A, complete the election of the person nominated.
- 4A. If any complaint is made within 14 days after the receipt of a nomination by the Chief Executive to the effect that a nomination made under paragraph 4 has not been dealt with in accordance with the requirements of that paragraph, the Council may –
- (a) order an investigation into the procedure that has been followed in making that nomination, such investigation to be conducted in such manner as it shall decide; and
- (b) where it considers that the procedure has not been carried out substantially in accordance with the requirements of paragraph 4, order that the nomination in question shall be set aside, and that the nomination procedure shall be started afresh.”



The Law Society

COUNCIL
10 June 2009

Item 14

Classification – Public

Purpose - For decision

SUPPORT SERVICES RESOLUTION BOARD:

(1) APPOINTMENT OF MEMBERS

(2) OVERSIGHT BY THE SCRUTINY AND PERFORMANCE REVIEW COMMITTEE

The Issues

This paper (1) presents the Management Board's recommendations for determining the Council's membership of the Support Services Resolution Board (SSRB); and (2) invites the Council to make the necessary General Regulations amendments for the SSRB to fall within the remit of the Scrutiny and Performance Review Committee and to deal with the term of office of the independent members of the SSRB.

Decisions

The Council is invited:

- (1) to appoint
 - a. the Deputy Vice-President as chair of the SSRB *ex officio*;
 - b. Andrew Caplen and Tim O Sullivan as the two Council members on the SSRB, serving *ex officio* as Management Board members;
- (2) to bring the SSRB within the remit of the Scrutiny and Performance Review Committee by making the following changes to the General Regulations (*a two-thirds majority is required*):
 - a. in Regulation 34(1)(a) (The Scrutiny and Performance Review Committee), insert 'the Support Services Resolution Board' after 'the President';
 - b. at the end of Regulation 34(10)(a) add '(for the avoidance of doubt this includes the Support Services Resolution Board)'.
- (3) to give the SSRB independent members a three-year term of office, renewable for one further term of three years only, by making the following change to the General Regulations (*a two-thirds majority is required*):

at the end of Regulation 16, add the following new paragraph (5) –

- (5) Each of the independent members of the Support Services Resolution Board shall serve for three years, running from the date of appointment until the fourth 31 August thereafter, and shall be eligible for re-appointment for one further period of three years only.'

Policy position

This paper seeks to implement Council decisions from January and March 2009.

Financial and Resourcing implications

None from the decisions in this paper, although there are costs associated with the SSRB's operation including the recruitment of external members.

Equality and Diversity implications

The proposed Council members on SSRB are white men, as is the Treasurer. The current DVP is a white woman, and the DVP-elect is a white man.

Consultation

This paper follows up Council decisions reached after consultation with the SRA.

Director	Russell Wallman
Authors	Russell Wallman/Mark Paulson
Date of report	27 May 2009

Background

1. In January 2009, the Council agreed recommendations from the Management Board to introduce new arrangements for resolving issues with the SRA about support services issues. The Council agreed that the SSRB should consist of four members drawn from the Law Society, four from SRA, and two external independent members. On 11 March the Council agreed that the four Law Society members would be
 - The Chair - a Council member appointed by the Council;
 - The Treasurer;
 - Two other Council members appointed by the Council

SSRB Chair

2. The General Regulations provide that the SSRB Chair shall be a Council member appointed by the Council. The Chair should be a senior Council member with authority. At its meeting on 11 March, Council decided that the Treasurer should not chair the Board, since the Treasurer would need to be the leading advocate for the Law Society on the Board. The Management Board had earlier concluded that it is undesirable for the President to chair the Board: of the two other office-holders, the Management Board's advice to the Council is that it would be preferable for the Deputy Vice-President to chair the SSRB, to further distance the role as Chair of SSRB from the office of President.

SSRB members

3. It is for the Council to determine who the Law Society members of the Board should be. It is suggested that it is important that they should be drawn from the Management Board, since it is the Management Board which has responsibility within the Law Society for the issues which will be dealt with by the new Board. The proposition is that the Law Society team should consist of the DVP as Chair, the Treasurer and two non office-holder members of the Management Board.
4. If that proposition is accepted, the Management Board wishes to put forward Andrew Caplen and Tim O'Sullivan as the remaining two Law Society members on the SSRB. They would stand down from the SSRB if they should cease to be members of the Management Board. An amendment to the Regulations is also proposed, which provides that the independent members of the SSRB will serve a three-year term, renewable for one further period of three years only.

Scrutiny and Performance Review Committee

5. The Council agreed in March that the SSRB should fall within the remit of the Scrutiny and Performance Review Committee. This means that the Committee may review or scrutinise decisions taken by the SSRB, and review its performance, in the same way as the Council's other non-regulatory Boards. Appropriate General Regulations changes to implement this decision are set out on the cover sheet to this paper.

Selection panel for independent members

6. The Council agreed that external members should be appointed by an appointment panel comprising two Council members appointed by the Management Board and two SRA Board members nominated by that Board. The Management Board has asked Tim O'Sullivan and Nick Fluck to be on the selection panel for the independent SSRB members.



The Law Society

COUNCIL
10 June 2009

Item 15

Classification – Public

Purpose - For decision

PRESIDENTIAL PLAN JULY 2009 - JULY 2010

The issues

This paper sets out a plan for the presidential year commencing July 2009.

Decision

The Council is asked to comment on and approve the presidential plan.

Policy Position

Not applicable

Financial and resourcing implications

The work of the plan is supported by the business plans of the Communications, Legal Policy and LS Services Directorates for the remainder of 2009. Resources for 2010 will be identified as part of the business planning process.

Equality and diversity implications

The plan supports the delivery of the Society's equality and diversity objectives.

Consultation

This report was prepared following extensive discussion by the Office Holders, Board Chairs and EMB and was approved by the Management Board on 20 May 2009.

Author **Bob Heslett, Vice President**
Date of report **May 2009**

Background

- 1 The Law Society has agreed objectives that are to be realised by 2010. In delivering the programme agreed by Council to achieve these objectives, the President, Office Holders and Chief Executive of the Society aim to lead the Society and the profession as a whole.

The President and other Office Holders will, as a central theme, promote Solicitors as trusted legal advisors; committed to the highest professional standards and vital to the maintenance of the rule of law. This plan details how that will be accomplished, while positioning the President and other Office Holders as leaders of the profession.

- 2 The primary purpose of the President and other office holders is to:
 - Promote the Society to its members
 - Promote Solicitors to stakeholders and the public
 - Oversee the effective governance of the Society

Presidential year 2008-09

- 3 The key themes of Paul Marsh's presidential year have been:
 - The business of law:
 - Promotion of solicitors;
 - Promotion of professional pride;
 - Promotion of profitability; and
 - Promotion of small practices and sole practitioners
 - Promoting equality and diversity to ensure that entry to and advancement within the profession are open to all
 - Pastoral care
- 4 The business of law theme gained increased importance as the effects of the downturn began to be felt across the range of law firms. As well as developing an extensive set of products and services (detailed on the Society's website at <http://www.lawsociety.org.uk/newsandevents/news/majorcampaigns>), vigorous representations have also been led by the President, to government and financial institutions to mitigate the impact of the credit crunch on solicitors.

This presidential year has seen the development by the Society of a Diversity Charter in collaboration with the Society of Asian Lawyers and BT. Firms signing up to the Charter will make a public commitment to best practice in diversity as employers, providers of legal services and purchasers of goods and services. Also launched during the year was a BME Forum to provide a collective voice for black and minority ethnic representative groups within the legal profession. The aim is to enable individual groups to work, campaign and support their members together.

An enhanced pastoral care helpline service was launched during the year and has been promoted as part of Paul Marsh's presidency. In addition to the

pastoral care provided through the pastoral care helpline and JLD helpline, the Junior Lawyers Division has run a series of free online webinars for junior lawyers affected by the recession.

Key theme 2009-10

5 The key themes of Bob Heslett's presidential year will be:

- The role of Solicitors in maintaining the rule of law
- The commitment of Solicitors to the rights of the individual
- The vital part played by Solicitors in UK commerce

These three themes reflect major aims:

- To secure to members regulation proportionate to risk
- To provide services to members meeting their needs
- To position Solicitors as true Professionals

The latter themes will refer back to and reinforce the overarching message. Each individual message, campaign, activity, product or service of the Society will be located within this framework to give coherence to its communications across the range of audiences.

Purpose of plan

6 The Presidential year plan is developed in order to:

- Support the delivery of the Society's strategic objectives, and business plan developed by the Council, Boards and Committees;
- Secure the support and participation of Council, Boards and Committees in the delivery of the messages of the plan;
- Enable the leadership of the Society to act as the voice of the profession, supporting solicitors;
- Bring coherence to the Society's communications, so that each message is related to and reinforces key themes; and
- Provide continuity from one Presidential year to the next, developing themes and making progress towards medium to long-term policy objectives.

Objectives of the 2009/10 Presidential plan:

	Objective	Measure
7.1	Rule of law – to demonstrate that without the rule of law, there can be no individual liberty, collective security, democratic governance or social and economic well-being; without a strong, independent and well-regulated legal profession, there is no rule of law	TLS policies inform important public policy debates, receive substantial media coverage, influence platform development of major political parties and subsequent government programme
7.2	Regulation of the profession – to promote the outputs of the Society's independent review of effective modern regulation and work with SRA, LSB and Government to	Society's preferred model of regulation is adopted; favourable result of LSB consultation on separation is

	secure a regulatory regime within which legal businesses can thrive and compete and the quality of service to the public is assured	secured; opinion survey shows increased public confidence in professional standards.
7.3	Resilience of legal services – to lead the profession in developing robust business models and practices and represent the needs of the sector to government, regulators and business partners	TLS business development tools and services taken up by profession; the case for a sustainable legal sector is strongly argued with external audiences
7.4	Leading debate – to position TLS as an originator of new thinking about legal policy and practice and an effective advocate for the implementation of policy proposals	Programme of policy events delivered and the knowledge generated is accepted by opinion-formers and reflected in public policy
7.5	Governance reform – to complete the process of review of TLS governance structures and assist Council to develop a programme of reform to meet the expectations of the profession	Reform process completed to the satisfaction of Council and membership
7.6	Stakeholder relations – to establish and sustain effective working relationships with local law societies and sections, practitioner associations, professional bodies and other external stakeholders, representing Council to the profession	High levels of attendance at TLS events and joint initiatives successfully launched with external stakeholders
7.7	Representation – to enhance TLS’ standing as the voice of the profession by strategic engagement with Whitehall, Westminster, the Welsh Assembly and Government and the EU and promote solicitors worldwide as the only provider of legal services and England and Wales as the jurisdiction of choice	TLS representations are accepted and incorporated into legislation and policy.
7.8	Corporate health – to ensure effective systems of financial control are in place, delivering predictable, manageable and sustainable finances to enable TLS to develop as an increasingly successful body	Business plan delivered within agreed budget limits
7.9	Membership promotion – to develop and deliver the benefits of membership and communicate those benefits to the whole membership, establishing membership as an essential service for solicitors	High take up of products and services; positive satisfaction levels of members with TLS as measured by survey research
7.10	Pastoral care – to promote an effective regime to provide pastoral care across the profession	Increased availability and quality of pastoral care
7.11	Volunteer community - to promote the work of the Society’s committees	Representative work informed by technical expertise of committees

AREAS OF WORK FOR THE PRESIDENTIAL YEAR

8 **Stakeholder engagement strategy**

The President will be the leading voice of TLS in its communications with internal and external audiences. A stakeholder engagement strategy in support of this presidential year plan will be implemented that will:

- communicate the key themes for the year to the profession and stakeholders through a variety of channels including meetings, speeches, articles and an email update;
- make progress towards the achievement of the Society's objectives;
- build on previous presidential years and establish the basis for continuity to the themes of the year of Linda Lee in 2010-11;
- develop targeted messaging for each part of the internal and external audience that is consonant with the overarching themes and objectives of this plan;
- reinforce those messages throughout the year by consistent application across a programme of speeches, events, meetings and publications; and
- carry out a programme of presidential engagements at which targeted messages are delivered to particular audiences, with links to TLS products, services, events and representational activity.

9 **Thought leadership**

The series of legal breakfasts, launched in May 2008 to explore the business of law in the new landscape created by the Legal Services Act has established itself as an essential forum for development of new policy thinking about the future of legal services.

This series of bi-monthly discussion events will continue to bring together business leaders from the legal profession with potential partners, investors and policy-makers with high-profile speakers to debate the construction of a successful and sustainable legal business sector for the 21st century. The events contribute to an emerging understanding of the public policy and business strategies required for growth in the legal services sector and inform the Law Society's position as the voice of the profession.

10 **Regulation**

The Presidential year 2009-10 will see the delivery of the outputs of the Society's independent review of the effective modern regulation of legal services and the review of the regulation of corporate legal work by Nick Smedley which formed part of Lord Hunt's review.

At the start of the Presidential year, the Legal Services Board is due to publish the responses to its consultation on proposed rules to be made under sections 30 and 51 of the Legal Services Act 2007. The President will lead the profession's lobbying effort to secure a future regulatory regime that enables a strong, independent and well-regulated legal profession to thrive and serve the public interest.

As debates about the regulation of the legal services sector continue to be shaped by responses to the perceived failings of financial services regulation,

the President will engage with the broader business community and government to advocate the importance of a regulatory system that offers protection for clients and the public without damaging the competitiveness of the UK's legal services or limiting the ability of English and Welsh law firms to succeed in the global market.

11 **Regional programme**

The President will conduct a programme of targeted, focused and proactive engagement with members, local law societies and other stakeholders in each of the regions. To increase the reach of the Presidency and for the best use of resources, regional visits will be arranged programmatically with a day of events serving the range of communications and engagement objectives.

A typical programme for a presidential visit would include:

- Breakfast meeting with senior partners of large firms;
- Morning workshop on the post-LSA business environment, linked to outputs from events such as the legal breakfast series;
- Networking lunch for senior practitioners of professions with an interest in ABS and potential investors to discuss future business models;
- Afternoon management development workshop linked to products and services in support of business change;
- Dinner with LLS/other local stakeholders.

Where communicating with members on a major current issue requires it, a series of regional roadshow events will be held, as has been done with the Hunt review roadshows in 2009.

12 **Government and parliamentary relations**

The President will lead a contact programme with senior figures in government and parliament from Westminster, Whitehall, Wales and the EU. He will host a parliamentary reception and subject briefings in parliament and at TLS. Relations with political parties will be developed so as to influence their policymaking processes.

It is most likely that the next General Election will happen during the coming Presidential year and that the year will start at a time when all the main parties are in preparation for an election and particularly receptive to influence of their policy platforms. Whatever the outcome of the election, a new government will face circumstances unprecedented in at least the past sixty years. In the face of these challenging conditions, new thinking about the many issues of concern to the Society and its members will have a greater impact than at other points in the electoral cycle.

13 **Excellence awards**

Following the outstanding success of the Excellence Awards 2008, several new categories have been introduced for the 2009 Awards to recognise outstanding achievement in areas that are central to today's legal profession. The Awards will be presented at a high-profile ceremony in October at the Royal Horticultural Halls.

The awards are designed to recognise best practice across the legal profession and to celebrate excellence in the legal profession. They highlight innovative business and quality of life practices, successful approaches to

practice management, contributions through social responsibility, equality and diversity initiatives, and personal contributions to the profession. The awards will provide material supporting the President's themes.

14 **Events**

The President will chair a one day event in February at which national and local law societies will have the opportunity to share thinking and ideas about the legal business environment and the practical ways that the societies can support solicitors in meeting the challenges of that environment.

It is planned to hold a gala dinner for key external stakeholders and the leading figures in the legal profession in October for OLY.

15 **Promotion of the profession**

The private client campaign will continue to encourage the public to use solicitors' professional services, with a regional focus. In addition to the online campaign, the messages will also be featured in print media outlets.

16 **Legal aid**

In 2009, the year that sees the celebration of 60 years of legal aid, the Society is planning to conduct a wide-ranging Access to Justice Review. The review will consider the provision of publicly funded criminal and civil legal services in England and Wales.

The review will be led by Andrew Caplen and report to the Legal Affairs and Policy Board with an interim report in January 2010.

The review will focus upon four main themes:

- Principles of access to justice;
- Funding of legal services;
- Procurement of legal services; and
- Delivery of public services.

Between January and April 2010 there will be a public consultation on the proposals made in the interim report. It is planned to publish a final report in July 2010.



The Law Society

COUNCIL
10 June 2009

Item 16

Classification – Public

Purpose – For noting

PRESIDENTS AND SECRETARIES CONFERENCE 2010

The Issues

This paper sets out the planning process and some other initial considerations for a 2010 Presidents and Secretaries conference agreed by the Membership Board at its meeting in May 2009.

Policy Position

n/a

Financial and Resourcing implications

Resourcing for the 2010 Presidents and Secretaries Conference will be subject to the business planning process.

Equality and Diversity implications

The Conference will need to be developed with a view to ensuring that it delivers outcomes that are relevant to solicitors across the profession and assists the national and local law societies and practitioner associations in better supporting all solicitors.

Consultation

This report was prepared for the Council following decisions by the Membership Board.

Director: Stephen Ward
Author: Stephen Ward
Date of report: 27 May 2009

Introduction

1. At its 1 April meeting, the Membership Board decided that the Society should arrange a conference for presidents and secretaries of local law societies along the lines of the conference held until 2006. This would replace the Leadership Summit. Delegate feedback on the 2009 summit is attached at Annex A for information.
2. The description and approach set out below is that agreed by the Board at its May 2009 meeting.

Attendance at conference

3. The Conference will bring together the leadership of the national and local law societies and practitioner associations. All Council members of the national Law Society will be invited to attend.

Purpose of the Presidents and Secretaries Conference

4. It is suggested that the conference should provide a forum for:
 1. local law societies and practitioner groups to share best practice and ideas with each other and the national Law Society;
 2. the national Law Society to brief local law societies on its work and priorities; and
 3. discussion of key challenges and opportunities facing the profession and how national and local law societies could better support solicitors to meet them.

Planning the Conference

5. A Conference Planning Committee will be established to plan the content of the conference. The Committee will be chaired by a volunteer from the Membership Board, Robin ap Cynan, who will recruit volunteers from amongst local law societies and practitioner associations. The maximum membership of the Committee will be 12.
6. The Committee will need to settle its own working methods, but for reasons of economy, most business will be conducted by e-mail and telephone.

Practical organisation of the Conference

7. Practical preparations for the Conference will be made by the Events and Communications teams following instruction from the Committee.

Leadership Summit 2009

Feedback was encouraging, with 73% of those providing feedback rating the summit 'good' or 'excellent' overall.

81% felt that audience participation was 'good' or 'excellent' overall. The President's chairing scored 100% satisfaction.

Individual sessions scored as follows (percentages are combined 'excellent' and 'good' scores and the full breakdown is available at Annex A):

Opening plenary:	81%
Morning breakout sessions	
o Legal Sector Alliance:	80%
o Legal Services Act:	79%
o Legal Aid at 60:	80%
Afternoon breakout sessions	
o Managing to retain talent:	30%
o Pastoral care:	100%
o Judicial Appointments:	100%
Afternoon Plenary	
Surviving the downturn:	95%

Summary of evaluation forms

	Excellent	Good	Satisfactory	Poor
The Leadership Summit overall	35%	38%	23%	4%
<ul style="list-style-type: none"> • Mixture of some vital and good material, and some that could be obtained without being on the agenda for this day. Please can the agenda revert to the Old Presidents and Secretaries conference style where we choose the items, it is our <u>only</u> day now the conference has gone. The consultation period for agenda items was too small to respond meaningfully, less than a week in our case. • More notice of agenda would have helped so train and hotel could have been booked early and so be cheaper. • Shame so many (particularly breakout) sessions so similar to last year. • I felt there was some repetition from last year, particularly with regard to the break out sessions. • Not very interesting break out sessions, difficult to make choices because nothing strongly appealed as presented. • Hardly inspiring – very little for Local Law Societies. Good on the general, not so good on the detailed. There seems to be a “them (TLS) vs us” approach. • Some of the sessions, whilst interesting in themselves and no doubt relevant to the profession generally, had very little to do with the Leadership of the Law Society and Local Law Societies. • In this depression no help and advice given – all about what you are going to do but what have you done recently. Most solicitors are very good at their jobs, and the Law Society should promote this. • It was a shame there was not more opportunity for informal discussion through out the day. All 				

- those intelligent brains could probably solve a lot of issues if given long enough in the bar!
- Not enough of new ideas and hearing about the Law Society plans for Revolution – not just evolutions. We want a strong champion.
Enjoyed President and Chief Executive – good to see a plan and vision.
 - Excellent facilities and good speakers – very hospitable altogether!
 - Very informative and I particularly found the question and answer sessions particularly useful.
 - I am glad I attended.
 - Better than expected – topical and relevant.
 - A worthwhile discussion.
 - Well organised and well presented

	Excellent	Good	Satisfactory	Poor
The level of audience participation	35%	46%	19%	0%

- Always some hesitation – no worse than most.
- Frank exchange of views.?
- Not as many Council Members speaking as usual, which was a relief. Have they had orders not to – or were they not there this year?
- The audience was very willing to participate and all of the sessions I attended had to be ended due to the time allocated, rather than lack of debate, which is a healthy situation to have.
- The audience participation made the event very successful and in particular the 1pm meeting of the Local Law Societies.
- Interesting debate in caucus. Could have had more time.
- I felt some felt held-back because they don't feel historical comments etc have been fully taken on board.
- Good inclusion.
- The opportunities for audience participation were excellent.

	Excellent	Good	Satisfactory	Poor
Chairing of the Leadership Summit (Paul Marsh)	61%	39%	0%	0%

- Good entertaining stewardship.
- Paul Marsh is a good chairman. He senses the mood of the audience and what they want to talk about.
- Came over very sincerely and well prepared – has the confidence of someone who knows what they are doing.
- Mr Marsh is to be commended for facing the Law Society problems head on. They need to be gripped and resolved swiftly; otherwise when membership is no longer compulsory members will walk away.
- Paul speaks with panache.
- Handled very well.
- Paul spoke well. He is clearly very passionate about the legal profession. I wish him well in this very difficult time.
- A great speaker.
- Paul Marsh is always worth listening to, especially the humorous interjections.
- Humorous and entertaining – he led the summit superbly.

	Excellent	Good	Satisfactory	Poor
Opening plenary: The Law Society in 2009	39%	43%	11%	7%
<ul style="list-style-type: none"> • Too much of a list. Too little substance and explanation. • Mr Marsh's opening fine. However, for the rest, if it was meant to demonstrate all of the good things that are being done, what we are getting for our bucks, it didn't get my buy in. Appeared to be a random collection of, on their own good ideas, thrown into one pot. Not a business plan I'd invest in • Introduction a bit lengthy, so reducing quality time. • Chief Executive spoke for too long. • A good overview of the situation. • Paul Marsh and Des Hudson gave good, necessary, helpful information – well focused. • As I say, good on the general, nothing really on the detail. At a difficult time for LLS's we should be working very close together and allocating tasks – not trying to be controversial to provoke – there is enough of that already!!! • Slightly drier than the rest of the day, if I had fault with anything this would be it. • Interesting. • Informed presentation. • Content provided a good overview of TLS activity and future strategy of TLS. • Good for the overview, but short on detail. • Des Hudson's delivery was first class. 				
	Excellent	Good	Satisfactory	Poor
Morning breakout sessions:				
1. The Legal Sector Alliance	60%	20%	20%	0%
2. The Legal Services Act	26%	53%	18%	3%
3. Legal Aid at 60	20%	60%	20%	
<p>The Legal Sector Alliance</p> <ul style="list-style-type: none"> • For what it was ok, but Presidents and Secretaries need to talk about message for their members <u>now</u> – in a recession, not saving the world in 50 years time. Seemingly irrelevant for High Street Practitioners in rented offices! • Some brilliant ideas came out of the presentation – well worth attending. Liverpool Law Society's monthly magazine has already run articles on carbon footprint and thinking "green". • Very interesting although one questions its relevance to some areas of law. <p>Legal Services Act</p> <ul style="list-style-type: none"> • Provoked discussion but the speaker didn't talk about outside in -- in law Firms at all really. A good speaker but seemed to lose it when interrupted. • A lot of the suggestions made by the speaker with regards to structure change did not really apply to High Street firms. • Did not find session useful. • No practical help regarding multi-disciplinary practices. • Mr Roch is very good, however the content didn't match the title/name on the tin. This topic alone could have filled up the whole day. • I heard him last year and thought him excellent. Good again this year, but he talked more about internal management, not much about outside investment. Several delegates commented the content was not what they had expected. • Good session – but not really relevant at a "Leadership Summit". • Maybe not the topic as advertised but relevant nonetheless. • Good, useful content although not apparently addressing the title. • Content excellent – good business sense. • Very interesting presentation by Michael Roch – it challenges feedback. 				

Legal Aid at 60

- Richard and Andrew were first class.
- A call to arms from 3 very committed and able solicitors. We need a co-ordinated approach to challenging our failure to ensure access to justice for all. We can provide the ammunition.
- Seems a bit looking back, not so much forward. The fixed fee is here to stay – whether we like it or not. TLS needs to be doing a piece of work to be made public, sort of a FF that can be justified, like to cost of time in Civil work. Also TLS needs to prepare SP's for B.V.T.

	Excellent	Good	Satisfactory	Poor
Afternoon breakout sessions:				
1. Managing to retain talent	10%	20%	60%	10%
2. Pastoral care	67%	33%	0%	0%
3. Judicial Appointments Commission	50%	50%	0%	0%

Managing To Retain Talent

- Sarah Jackson saved what was otherwise poor content. Research results very useful and interesting. Other information rather too general.
- A difficult slot – but not very exciting/energising.
- Good session – but not really relevant at a “Leadership Summit”
- Disjointed – 3 separate party politicals, but still of some interest.
- Interesting, but hardly inspiring.

Pastoral Care

- Excellent presentation by Hilary Tilby – what solicitors should be, compassionate, able and lateral thinkers. Well backed up by SBA, Adrian Rees.
- Relevant and thoughtful presentation by Hilary Tilby and Adrian Rees.
- Focus on the down turn and depression – extremely relevant presentations by Law Care and SBA.
- Very informative.
- Good presentation

Judicial Appointments Commission

- Very interesting. Made me realise that I probably shouldn't apply!
- A bit too much from the speakers – time for questions would have been good. Should allow at least 15 minutes for questions.
- Extremely informative and helpful.

	Excellent	Good	Satisfactory	Poor
Afternoon plenary: Surviving the downturn	50%	45%	5%	0%

- Paul Marsh excellent in the session. He brought the discussion back to Local Law Societies because he sensed that was what we wanted to talk about.
- Some good thoughts and wider communication between Societies and smaller groups.
- Generated a good discussion which could have gone on and been more illuminating for you if it had.
- Stimulating session.
- Valuable to take a sounding from other Societies' delegates on issues that matter.
- I think it was a good idea to give the opportunity for local law societies to share initiatives.
- Excellent panel.
- Interesting and using good ideas for Local Law Societies.
- A most interesting conclusion to the day. Again the audience participation aspect was brilliant.



COUNCIL
10 June 2009

Item 17

Classification – Public

Purpose – For decision

COUNCIL MEMBERS CONDUCT COMMITTEE MEMBERSHIP

The Issue

The terms of office of the three non-Council members of the Council Members' Conduct Committee (CMCC) expire on 31 August 2009. They are ineligible for re-appointment. This paper presents a proposal from the Management Board on how to secure non-Council member engagement with the CMCC in future.

Decision

The Council is invited to agree that in the event of a complaint to the CMCC the panel to deal with the matter should include a non-Council member who is drawn from the Council Membership Committee (CMC), and to amend the General Regulations accordingly, as set out in the annex (*a two-thirds majority is required*).

Policy Position

The provisions for CMCC membership are set out in the General Regulations.

Financial and Resourcing implications

The proposal would avoid the need for expenditure on a recruitment process for non-Council members of the CMCC.

Equality and Diversity implications

The three non-Council members of the CMCC were selected through an appointment process. Non-Council members of the CMC are also selected through a transparent appointment process (appointments are made by the LAPB). The CMC, with over 20 non-Council members, would provide a broad pool of potential panellists in terms of gender and ethnicity.

Consultation

The chairs of the CMCC and the CMC were consulted on the proposal when it went to the Management Board; CMC members have also been consulted and are content with the proposed extension to their role. As a courtesy, given his involvement in previous appointments, the Master of the Rolls is being informed of this proposal.

Director: Frances Low
Author: Mark Paulson/Andrew Dobson
Date of report: 14 April 2009

Background

1. Under Regulation 28(7)(c), the CMCC has 'up to three other persons, who shall not be Council members, nominated by the Master of the Rolls'. These persons need not be solicitors, although in fact the three non-Council members (Richard Bagley, Paul Pharaoh and Sam Wilson) are all solicitors.
2. Under Regulation 28(9), the term of office of the non-Council members of the CMCC is three years, renewable for one further period of three years only. The present non-Council members of the CMCC were first appointed in 2003, and re-appointed in 2006. As the Regulations stand, they must leave the CMCC on 31 August 2009.
3. The original appointment process in 2003 was by advertisement and an interview by a panel of the then Appointments Sub-Committee, following which the Master of the Rolls formally confirmed the nominations.

Issues

4. The CMCC has had little to do during the past five years, as only two or three meetings of the full Committee have been held to review the Code of Conduct. No panel has needed to sit to deal with a specific complaint. No Committee meetings are in prospect at the time of writing.
5. In the light of this, it seems disproportionate to engage in a full recruitment process, involving the Master of the Rolls and an advertisement and interview process similar to that carried out in 2003, to select three presumably enthusiastic and well-qualified members for what are effectively minimal duties. A different approach would seem to be indicated.

The proposal

6. On the basis that the principle of non-Council member involvement in hearing specific complaints is not in question, the Management Board's proposal is to allow the present non-Council members' terms to expire and to amend the Regulations to disestablish these positions on the CMCC from 1 September 2009.
7. In the event that a CMCC panel has to be convened to hear a specific complaint after that date, the proposal is that the non-Council members of that panel should be drawn from the Council Membership Committee. There are 20 non-Council members on the CMC. In practical terms, much will depend upon members' availability, but it would be for the CMC Chair to make the nomination taking into account CMC members' experience and the desirability of a diverse panel.
8. The General Regulations would therefore provide that from 1 September 2009, the panel for a specific complaint would consist of two Council members of the CMCC and one non-Council member of the CMC. A proposed amendment is set out in the Annex. The amendment includes a transitional provision in case a panel has to be convened before, and continue after, that date.

CMCC Panels (amendments to come in with effect from 1.9.09)

1. With effect from 1 September 2009, delete Regulation 28(7) (Appointment of Special Committees), provided that any member of the Council Members' Conduct Committee serving at that date on a panel investigating an individual complaint shall notwithstanding the amendment remain a member of the Committee until the conclusion of that investigation, and replace with -

'(7) Subject to (7A), the membership of the Council Members' Conduct Committee shall be -

(a) a Chair who shall be a Council member, elected by ballot by the Council; and

(b) six other Council members, elected by ballot by the Council.'

2. With effect from 1 September 2009 (in relation to investigations of individual complaints commenced on or after that date), insert the following new Regulation 28(7A) -

'(7A) Panels of the Council Members' Conduct Committee investigating complaints against individual members shall each have as an additional member for the purposes of that investigation a non-Council member of the Council Membership Committee nominated by the Chair of the Council Membership Committee.'

3. With effect from 1 September 2009 (in relation to investigations of individual complaints commenced on or after that date) add at the end of Regulation 30(4) (The Council Members' Conduct Committee)

'Each panel shall include a non-Council member of the Council Membership Committee nominated in accordance with Regulation 28(7A).'



COUNCIL
10 June 2009

Item 18

Classification – Public

Purpose – For decision

COUNCIL MEETINGS OUTSIDE LONDON

The Issue

In January 2009, the Council discussed whether to hold a meeting outside London annually, and concluded that the benefits of holding meetings elsewhere in England did not outweigh the direct and indirect costs. This paper presents the Management Board's response to the Council's request for further consideration to be given to holding meetings in Cardiff and Brussels.

Decisions

The Council is invited:

- (1) to schedule a meeting in Cardiff every three years;
- (2) to hold the June 2011 Council meeting in Cardiff (ie three years after the most recent meeting);
- (3) to agree that holding a Council meeting in Brussels is an impracticable proposition.

Policy Position

The Council has occasionally held meetings outside London (and in London away from Chancery Lane). The General Regulations do not prescribe a venue for Council meetings, which is a matter for the Council to decide.

Financial and Resourcing implications

Meetings anywhere outside London, and certainly any meeting in Brussels, are very likely to cost more than meetings at Chancery Lane in terms of venue hire costs and Council member and staff travel and accommodation costs. To some extent these can be offset by income generated from hiring out the Council Chamber and other released rooms.

Equality and Diversity implications

None.

Consultation

The Management Board discussed these proposals on 25 March 2009.

Director: Frances Low, General Counsel

Author: Mark Paulson

Date of report: 21 May 2009

Council meetings in Cardiff

1. The Council's meeting in Cardiff in June 2008 was a success. It reinforced the Society's identity as the Law Society for England and Wales, and informed Council members of the significance of devolution and diverging jurisdictions.
2. Over a fifth of Council members live or work in London. For many members other than those in Wales or the West of England, the transport network means that London is easier to reach than Cardiff; and some members who would travel by train to Cardiff may well travel via London. So there is a degree of inconvenience for members in going to Cardiff rather than London. A certain additional cost for any venue outside London would be staff travel and accommodation: 12-15 people.
3. The hotel costs for the June 2008 Cardiff meeting (accommodation, lunches, refreshments, and dinner) came in at £30,000. Like-for-like costs for a meeting in June in London (with a buffet, as formal dinners are held only in July and December) are about £12,000. Income from hiring out released rooms could yield £5,000, but this cannot be guaranteed.
4. The June 2008 experience indicates that the additional costs and inconvenience were outweighed by the benefits. However, those benefits would be subject to diminishing returns if the experience were to be repeated too frequently. The issue, therefore, seems to be how frequently the Council should plan to meet in Cardiff. The proposition is that once every three years would strike the balance between expenditure and return. A Council member elected for a four year term would be certain of having the opportunity to attend at least one meeting in Cardiff. With 7-8 Council meetings a year, this would mean that one in every 21-24 meetings would be held in Cardiff. On this pattern, the next meeting in Cardiff would be in mid-2011.

Council meetings in Brussels

5. The Society's presence in Brussels and its EU Committee are an acknowledgement of the EU's importance as a legislature and jurisdiction.
6. In contrast to Cardiff there is no significant Law Society constituency to engage with in Belgium as there is in Wales; and in terms of engaging EU Parliament or Commission figures, the UK is but one member state, and the legal profession just one of many economic sectors. Very few, if any, issues derived from EU initiatives are debated within the Council. It is not clear what purpose would necessitate taking 100 members and staff to Brussels: it would be easier and cheaper to bring EU representatives to London.
7. Most Council members travelling to Brussels would probably go via London and by Eurostar. The cost of getting members to Brussels would therefore be in addition to them getting to London first. Even on the basis of the cheapest standard return fares, 100 members and staff would cost an extra £9000; more realistic pricing with open return options could be twice that.
8. Given the current strength of the Euro against the pound, accommodation and catering costs for a meeting held any time in the near future would be inflated correspondingly. In the current climate, we must have regard to how Law Society members might view the cost of a Council meeting in Brussels.



The Law Society

COUNCIL
10 June 2009

Item 19

Classification – Public

Purpose – For discussion

COUNCIL WORKPLAN 2008 -2009

The Issues

This paper presents the current workplan. The Council meeting is an opportunity to make changes to the issues that are included in the workplan or their scheduling.

Policy Position

Not applicable.

Financial and Resource implications

None arising directly from this paper. The substantive debates may well have significant financial and resourcing implications.

Equality and Diversity implications

None arising directly from this paper. The substantive debates may well have significant equality and diversity implications.

Consultation

The Council reviews the workplan at each meeting.

Director	Frances Low, General Counsel
Author	Flick Heron
Date of report	19 May 2009

Meeting	Matters for decision	Reports
8 October 2008	<p>Law Society membership structure (Membership Board)</p> <p>Council size and composition (CMC)</p> <p>Committee structures (LAPB)</p>	<p>CEO and Board reports (to be given individually)</p> <p>SRA/LCS Board reports</p>
12 November 2008	<p>Draft 2009 budget and business plan (Management Board)</p> <p>Committee structures-follow up to October (LAPB).</p> <p>Council size and composition-follow up to October (CMC)</p> <p>Law Society membership – postal ballot results (Membership Board)</p> <p>Board workplans for 2009 and year-end reports on 2008 (all Boards)</p> <p>Legal aid: the impact of the settlement (LAPB)</p> <p>Contingency funding (LAPB)</p>	<p>CEO and Board reports</p> <p>SRA/LCS Board reports</p>
17 December 2008	<p>Final 2009 budget and business plan (Management Board)</p> <p>Oversight of SRA (Management Board)</p> <p>Indemnity insurance renewals (RAB)</p> <p>Accreditation schemes (RAB/Membership Board)</p> <p>SRA Board appointments (Management Board)</p>	<p>CEO and Board reports</p> <p>SRA/LCS Board reports</p>

28 January 2009	<p>Accreditation schemes – follow up to December (RAB/ Membership Board/LAPB)</p> <p>SRA Board appointments – follow up to December (Management Board)</p> <p>SRA Support Services Issues – New Decision Making Mechanism (Management Board)</p> <p>Compensation Fund - recharging and reserve setting (Management Board)</p>	<p>CEO reports</p> <p>SRA Board report</p> <p>TLS committee reports: the Conveyancing and Wills and Equity Committees <i>(NB – hereafter, TLS Committees will report via the LAPB report)</i></p>
11 March 2009	<p>Legal Regulation Review: TLS Response to the Call for Evidence (RAB)</p> <p>SRA Support Services Issues – New Decision Making Mechanism (Management Board)</p> <p>Co-options to the SRA Board (Management Board)</p> <p>SRA Board appointments (Management Board)</p>	<p>CEO and Board reports</p> <p>SRA/LCS Board reports</p> <p>Annual report of the Scrutiny Committee</p>
29 April 2009	<p>Conveyancing: the Society's strategy and new developments (LAPB).</p> <p>Fees for Recognised Sole Practitioners, RELs and RFLs (SRA/Management Board)</p> <p>The Council's E&D Framework (E&D Committee)</p> <p>Draft Response to LSB Consultation on Regulatory Independence (Management Board)</p> <p>SRA Enabling Programme (SRA/Management Board)</p> <p>Audit Committee Chair: Extension of Term (Management Board)</p>	<p>CEO and Board reports</p> <p>SRA/LCS Board reports</p> <p>Annual report of the Remuneration Committee</p> <p>Annual report of the Equality and Diversity Committee</p> <p>Five Year Financial Projection (Management Board)</p>

10 June 2009	<p>Approval of the annual accounts for 2008 (Management Board)</p> <p>Priorities and Issues for the Coming Year</p> <p>Deadline for Bye-Law changes to go to the AGM (CMC)</p> <p>Compensation Fund contributions (SRA/ Management Board)</p> <p>Response to LSB Consultation on Regulatory Independence (Management Board/ RAB)</p> <p>Council Meetings Outside London (Management Board)</p> <p>2009-10 Presidential Plan (Management Board)</p> <p>Law Society Trust Funds (Management Board)</p>	<p>Non-Regulatory Board reports</p> <p>Annual report of the Audit Committee</p> <p>Review of 2009 Budget (Management Board)</p> <p>Leadership Summit (Membership Board)</p>
22-23 July 2009	<p>PC fee-setting (Management Board)</p> <p>Conveyancing (LAPB)</p> <p>Priorities and Issues for the Coming Year (LAPB/ RAB/ Membership Board)</p> <p>Response to LSB Consultation on ABSs (Management Board)</p>	<p>CEO and Board reports</p> <p>SRA/LCS Board reports</p> <p>Contingency Funding (LAPB)</p> <p>Pay Disparities within the Solicitors Profession (E&D Committee)</p>