

Dear Colleague,

Your weekly Law Society update

As the professional body for solicitors, every week the Law Society is working hard to influence the legal and regulatory environment on behalf of our profession and to promote solicitors at home and abroad. We support practice excellence, are an informed source of legal sector news and support members at every stage of their career.

Here are some highlights from our work last week.

Influencing on behalf of the profession and promoting the profession

The Law Society's media profile this week:

Vulnerable people risk being deprived of their liberty against their best interests under proposed changes to the Mental Capacity Act, Law Society mental health and disability chair Sheree Green told the Today programme on Friday. You can listen [here](#). The BBC story begins at 51:53 and Sheree's appearance begins at 55:44.

Government proposals to fast-track appeals by immigration detainees risk "riding roughshod" over people's lives, I warned this week. The issue was covered in the [Independent](#), [Times](#) (£) & [Gazette](#). I'm quoted saying: "If people in immigration detention are forced to make appeals through a fast-track system there is a real risk of unjust decisions leading to people being removed from the UK unlawfully."

The Law Society has called for the criminal standard of proof to be kept for solicitors facing disciplinary action, placing it at loggerheads with the Solicitors Regulation Authority (SRA). The [Gazette](#), [Legal Futures](#) and [New Law Journal](#) all report.

A former Law Society president has unveiled the first international principles for the funding and administration of civil legal aid. Lucy Scott-Moncrieff said the blueprint would provide a 'starting point' for debate. Report in the [Gazette](#).

Eight law firms are being investigated over the use of gagging orders to silence alleged victims of sexual abuse, the [Times](#) (£) has learnt. The number of claims under investigation by the Solicitors Regulation Authority (SRA) that lawyers misused non-disclosure agreements (NDAs) has more than doubled in six months, jumping from three to eight. I said non-disclosure agreements "must never be used in a bid to suppress information about illegal behaviour . . . Pressuring victims of sexual harassment into signing any kind of document, especially if they don't have legal advice, is illegal and unenforceable". The use of NDAs was also the subject of a leader column in the [Times](#) (£). And [Legal Futures](#) ran a story.

Blaming the Legal Aid Agency for a contracts fiasco that left several firms not knowing whether they would be able to deliver face-to-face civil legal aid services is unfair, the agency's chief executive told the Legal Aid Practitioners Group's annual conference. Richard Miller, the Law Society's head of justice, told the conference that the Society will be meeting the agency this month 'to review what happened, what went wrong, why, what can be done in future to make sure it does not happen again' and report back 'in due course'. Full report in the [Gazette](#).

Junior criminal defence advocates will have "little incentive" to remain in practice under the government's revised legal aid pay scheme, I said in response to the MoJ's consultation. Report in the [Times](#) (£).

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

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

Standard of Proof

We submitted our [response](#) to the SDT's standard of proof consultation. Our response explains why the Tribunal should retain the criminal standard of proof, so an innocent solicitor's career will not be ended if the Tribunal is not sure of the facts.

SRA reporting

We submitted our [response](#) to the SRA's Reporting Concerns consultation. Our response argues that the system should be suitable for the entire profession, from sole practitioners to larger firms. For the system to operate effectively, it is in the best interests of the public, our members and their clients that the reporting process is clearly defined and easily understood.

International conference of legal regulators

Paul Wilson, head of regulatory affairs, represented the Law Society at the annual international conference of legal regulators: <https://iclr.net/conference/netherlands2018/>.

Parliamentary

The counter-terrorism and border security bill had its second reading in the House of Lords on Tuesday 9 October. We briefed selected peers on concerns around the erosion of protections for legal professional privilege and access to confidential advice from a lawyer. Lord Faulks and Lord Kirkhope of Harrogate both cited our concerns in this area.

The Law Society was mentioned three times during justice oral questions in Parliament on Tuesday. Shadow justice minister Yasmin Qureshi called on the government to support our call for an independent review of the viability of the criminal justice system, and Labour's Bambos Charalambous used a question drafted by us regarding our early advice campaign. During her response, Justice Minister Lucy Frazer QC noted a recent meeting with the Law Society.

On Tuesday the chair of the Law Society's mental health and disability committee (MHDC) attended a Labour roundtable with other stakeholders in the sector on the mental capacity (amendment) bill. Labour attendees included Barbara Keeley MP, shadow cabinet minister for health and social care, Baroness Thornton, shadow minister for health and Paula Sheriff MP, shadow minister for mental health. On Wednesday, MHDC member Nicola Mackintosh QC met with Conservative peer Baroness Barran to discuss our concerns about the bill.

Speeches

Vice president Simon Davis spoke at our national property law conference on Wednesday. He also spoke at the launch of the mindfulness business charter on world mental health day.

Our influencing work internationally:

From 8-12 October, I attended the IBA annual conference in Rome. I spoke on a panel or provided the keynote at a number of events at the conference which included 'the law office of the future', 'women lawyers' role in access to justice', 'redress for AI errors' and the showcase session with the Chancellor or the High Court on 'the tech revolution and ethics'.

I also hosted a large and successful women in leadership in law roundtable attended by women from more than 10 jurisdictions.

I attended with Robert Khan, Stephen Denyer, Mickael Laurans, Virag Martins, Robert Hesslet, Lucy Scott-Moncrieff and David Greene. We attended committee meetings, bilateral meetings and networking events. We also hosted a Brexit roundtable for partners of law firms.

Also on 8 October, the international human rights policy adviser organised a roundtable on Guatemala and lawyers at risk. Participants were an indigenous leader from a Maya community in Guatemala and representatives from Peace Brigades International, Amnesty International, The School of Advanced Study (University of London), Prisoners of Conscience, the all-party parliamentary group on human rights, and Sue Willman of the Law Society human rights committee.

On 9 October, Helena Raulus, head of Brussels office participated in the discussions at Open Europe's think tank roundtable with Hermione Gough, director UK-EU Partnership at UKRep.

Supporting members at every stage of their career

We've now published '[Your professional body – the value of your membership](#)' aligned to the member offer. It clearly shows how we influence for impact and promote the profession. It also showcases the services we offer to support practice excellence, keep members up to date, and as a career companion. All new members will receive a copy in the post.

Bullying and sexual harassment in the legal profession

The International Bar Association is conducting a global survey on bullying and sexual harassment in the legal profession. To date there have been almost 4,000 responses from more than 115 jurisdictions. The survey is anonymous, available in six languages and takes just 5-10 minutes to complete. It closes on the 26 October. You can access the survey [here](#). Every response is valuable and contributes to a better data set.

Some of our upcoming events are:

Solicitor Judges Division Seminar: Breaking down barriers

The lack of solicitors appointed to the judiciary, and the reasons behind this, is the talking point of the solicitor judges division conference this autumn.

Apprentice seminar: working in a law firm

Just started your apprenticeship in a law firm or in-house? This seminar will provide an introduction to the legal sector and to working in a law firm.

Graham Turnbull lecture 2018

Each year, law students, trainee solicitors, pupil barristers and junior lawyers (current, prospective or in between stages) are invited to enter our annual Graham Turnbull essay competition. The title of the 2018 essay is: 'Is technology an opportunity or a threat for human rights lawyers? Does it increase or reduce risks for lawyers in carrying out their duties and in what circumstances might technology be used to mitigate such risks?'

Supporting practice excellence

Competition Section seminar: UK national security and investment law reforms

On November 13th Davina Garrod (Partner, Akin Gump LLP) and a senior director at the UK Government's Department of Business, Energy & Industrial Strategy ("BEIS"), will present on the proposed new UK National Security & Investment Law.

International Human Rights Day seminar: "Criminalisation of lawyers and human rights defenders"

This seminar aims to shed some light on different forms of criminalisation, from the use of sedition laws in Malaysia, to INTERPOL listings of Turkish lawyers, misuse of the European

Arrest Warrant, violation of fair trial guarantees, and the systematic interference by governments with HRDs' work in countries like Azerbaijan.

Local media panels

We are trialling a new initiative in some of our regions, and we'd like our members to get involved. We're working with local media to help raise the profile of the important work solicitors do to assist people in their everyday lives and to help consumers understand their day-to-day legal needs. [Local media panels](#) will be set up in three areas of England and Wales.

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

Kind regards,

Christina

Christina Blacklaws
President

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

twitter: @lawsocpresident

www.lawsociety.org.uk

This email and any attachment(s) is intended for the addressee only. Any unauthorised use including further processing, for example; printing, forwarding, storage or copying is not allowed.

If you are not the intended recipient, please let the sender know as soon as possible and then delete all copies from your e-mail account.

Please note the sender is not authorised to conclude any contract on behalf of the Law Society by email.