2017 / 2018

LAW & JUSTICE

The Parliamentary Review

A YEAR IN PERSPECTIVE

FOREWORDS

MIDLANDS & SOUTH OF ENGLAND REPRESENTATIVES

FEATURES

Foreword

The Rt Hon Theresa May MP

Prime Minister

This year's *Parliamentary Review* follows a significant year in British politics. It was a year in which our economy continued to grow, as the government followed its balanced plan to keep the public finances under control while investing to build a stronger economy. It was a year in which we began to deliver on the result of the EU referendum by triggering Article 50 and publishing the Repeal Bill, which will allow for a smooth and orderly transition as the UK leaves the EU, maximising certainty for individuals and businesses.

And, of course, it was a year in which the general election showed that parts of our country remain divided and laid a fresh challenge to all of us involved in politics to resolve our differences, deal with injustices and take, not shirk, the big decisions.

That is why our programme for government for the coming year is about recognising and grasping the opportunities that lie ahead for the United Kingdom as we leave the EU. The referendum vote in 2016 was not just a vote to leave the EU – it was a profound and justified expression that our country often does not work the way it should for millions of ordinary working families. So we need to deliver a Brexit deal that works for all parts of the UK, while continuing to build a stronger, fairer country by strengthening our economy, tackling injustice and promoting opportunity and aspiration.

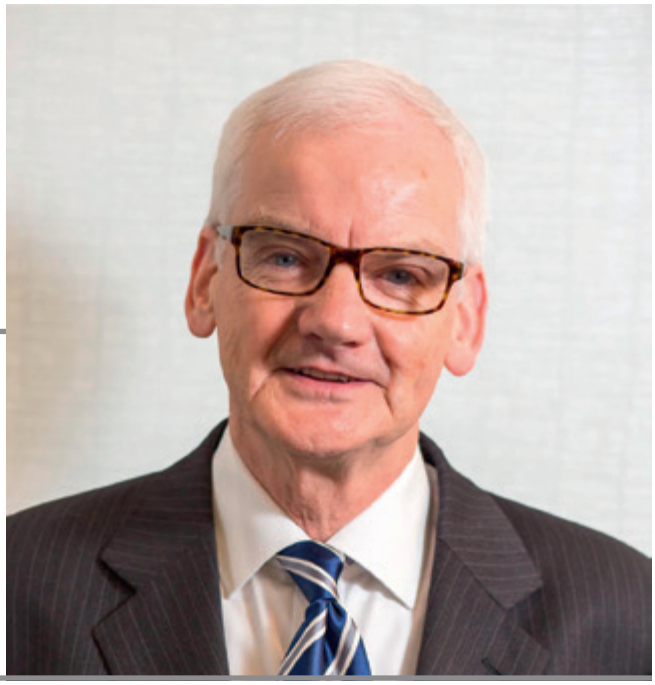
In the year ahead, we will continue to bring down the deficit so that young people do not spend most of their working lives paying for our failure to live within our means. We will take action to build a stronger economy so that we can improve people's living standards and fund the public services on which we all depend. We will continue with our modern industrial strategy, deliver the next phase of high-speed rail, improve our energy infrastructure and support the development of automated vehicles and satellite technology, building a modern economy which creates the high-skill jobs of the future.

At the same time, work needs to be done to build a fairer society – where people can go as far as their talents will take them and no one is held back because of their background. So we will continue to work to ensure every child has the opportunity to attend a good school. We will continue to invest in the NHS and reform mental health legislation, making this a priority. And we will work to address the challenges of social care for our ageing population, bringing forward proposals for consultation to build widespread support.

So this is a government determined to deliver the best Brexit deal, intent on building a stronger economy and a fairer society, committed to keeping our country safe, enhancing our standing in the wider world and bringing our United Kingdom closer together. We will continue to put ourselves at the service of millions of ordinary working people for whom we will work every day in the national interest.

> "This year's *Parliamentary Review* follows a significant year in British politics"

Foreword



Joe Egan

President of The Law Society

The Law Society of England and Wales represents, promotes and supports solicitors while upholding the rule of law, legal independence, ethical values and the principle of justice for all. We represent an established network of over 180,000 solicitors in England and Wales who serve their clients by supporting people throughout their lives, facilitating business and economic growth.

There is a growing demand for English law from developing markets. A survey of commercial law practitioners and in-house counsel in Singapore found that 48 per cent identified English law as their preferred choice of governing law in contracts (Singapore Academy of Law, 2016). Built upon hundreds of years of established principles, the English and Welsh justice system is strong and one of the world's most reliable. At all levels, our judges are experienced in resolving commercial disputes, our courts are thorough and reliable and our solicitors are world-class.

It goes without saying, like others, our profession is faced with unprecedented structural, economic and regulatory challenges following the UK's decision to leave the European Union. Legal services are a real success story for the UK economy and employment. They make a significant contribution to the economy, amounting to £25.7 billion. They employ at least 380,000 people and add £4 billion to our balance of payments. Over the years of membership, our legal system has become intertwined with the EU. Restoring laws to the UK is a complex task, potentially resulting in significant changes to the rights and obligations of individuals and businesses.

Maintaining legal certainty for those individuals and businesses will be a crucial part of our work in 2018, starting with the passage of the EU Withdrawal Bill. Ensuring civil justice cooperation and mutual market access for professional services with the EU is in the interests of consumers, families and businesses alike. In 2017, we were delighted to hear the Lord Chancellor reiterate the government's support for mutual market access. It is important to emphasise that we need a deal from the negotiations that ensures reciprocal arrangements, so lawyers can still practise in EU countries, and EU lawyers can still practice in the UK.

In a fast-paced, increasingly connected world, remaining vigilant and adapting to technological, political and social pressures will be important to ensure we continue to thrive as a sector and retain our position as a global leader. We look forward to continuing to engage with parliamentarians, officials and stakeholders to help secure a prosperous future for legal services.

> "There is a growing demand for English law from developing markets"

Review of the Year

Brexit

Jeremy Wright sought to reassure clients about the continued competitiveness of the UK legal sector post-Brexit

Like in many other sectors of the economy, the fall-out from the results of the referendum decision to leave the EU continued to reverberate across the legal arena.

In December 2016, Attorney General Jeremy Wright gave a speech in New York where he sought to reassure clients and potential clients that Britain's legal services sector would remain internationally competitive and that the UK would continue to be a world leader in the provision of legal services.

More than a quarter of the world's 320 legal jurisdictions use English common law and this has traditionally helped to attract overseas investment in the UK. This market contributes £25.7 billion to the UK economy, the government estimates.

Mr Wright said, "Britain's legal services remain internationally competitive and are very much open for business.

"We have the most open and trusted legal system in the world, among other reasons, because our judiciary has a reputation for excellence, incorruptibility, objectivity and independence.

"Justice will form a key part of the Brexit negotiations and I am keen to engage with the legal services industry to address any concerns."

The Law Society, however, warned its members at the start of the year that solicitors may find themselves damaged when Brexit becomes a reality.

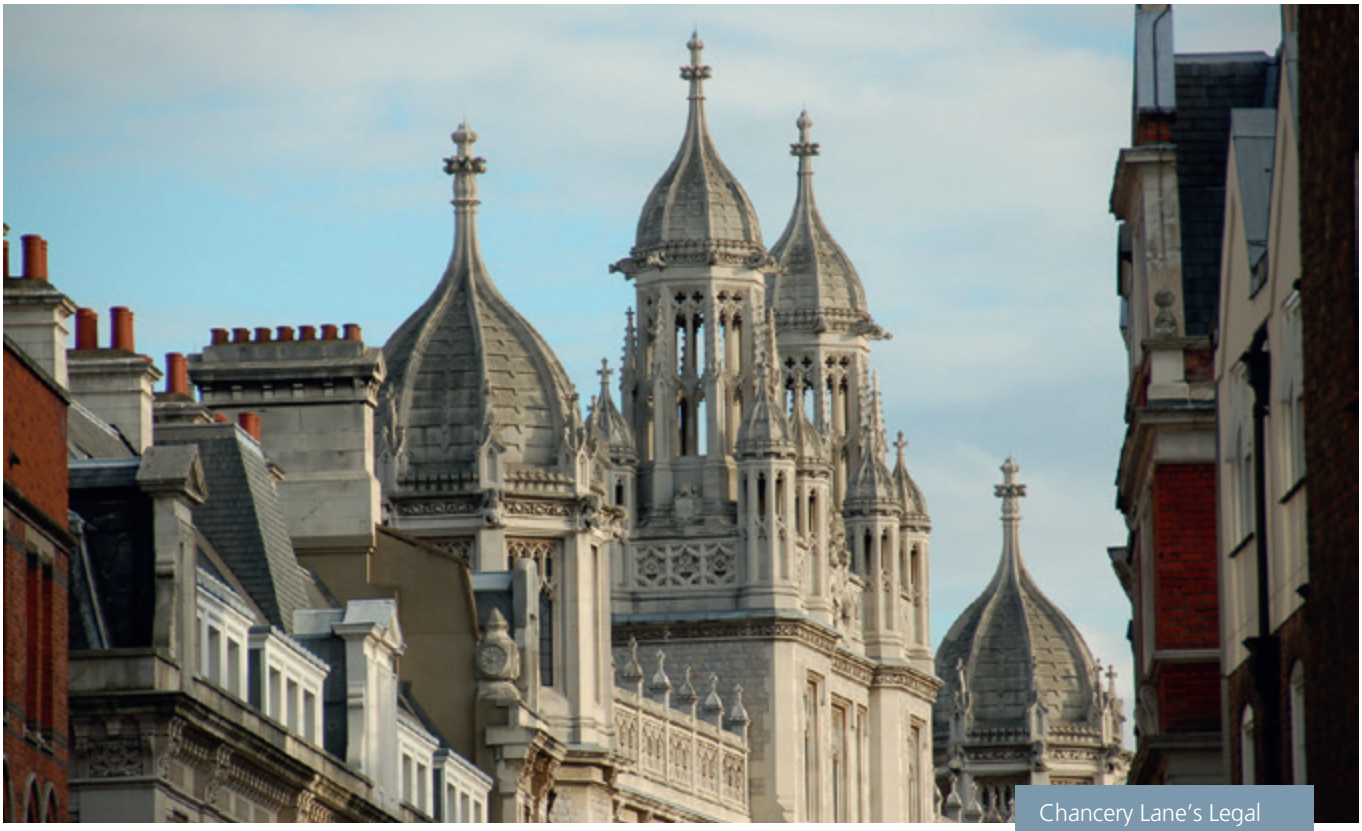
In January, *The Law Society Gazette* reported the warning that American law firms would have less reason to employ UK-qualified lawyers as a way of accessing European markets and the UK solicitor title would become less desirable overall.

US firms looking for specialists on European competition, state aid and procurement work might look elsewhere, it said.

The society's 34-page report urged Brexit negotiators to ensure transitional arrangements and consider models that maintain key rights and duties that are part of EU membership.

The report said that the negotiating team at the Department for Exiting the European Union in Whitehall should focus on: continued collaboration on security, policing and criminal justice, maintaining mutual recognition and enforcement of judgements and "promoting England and Wales as the jurisdiction of choice by ensuring legal certainty is sustained throughout".

The Law Society also urged any final settlement to allow law firms to recruit from the EU and allow lawyers to provide services inside the European Union if the United Kingdom left the single market.



Chancery Lane's Legal Services Sector Forecasts predicted only moderate levels of growth for the sector

Other mitigating measures for the sector would include the UK becoming a signatory to the Lugano Convention as a replacement for the Brussels I regulatory framework, while also becoming a party to the Hague Convention on Choice of Court Agreements.

The report said not only is the legal sector of significant size and importance in the UK economy, it dwarfs those of the nearest European competitors in terms of turnover.

Its two closest rivals in size, France and Germany, had legal sectors one-sixth and one-third of the size respectively.

But "orderly" transitional arrangements were absolutely key, the report said.

"Legal certainty is a key point and the likely breadth of changes means that citizens and businesses – and indeed the member states themselves – will need time to familiarise themselves with changes to the system and adapt", it said, adding "as such, a sensible lead-in time and timescales throughout the transition period are desirable. This is of benefit to both the UK and the EU."

The then Law Society President, Robert Bourns, said, "English law is one of our greatest exports and has helped put Britain at the heart of the global economy and, because the legal sector underpins the success of the UK economy, it is vital we get the future relationship with the EU right.

"In every part of UK PLC, business relies on the expert advice and support of solicitors."

The society's report suggested three transitional models: one offering a retention of the majority of rights and obligations, another that the status quo was effectively "frozen" and a third, the establishment of "a temporary European Economic Area" model.

The last model would see "the UK […] formally leave the EU but retain the key aspects of its trading relationships. This could include continued participation in the internal market membership and perhaps also the customs union."

Some figures were sceptical about the UK's ability to stay part of the European legal system post-Brexit.

The German lawyer whose court action delayed the European patent regime told *The Law Society Gazette* that the idea was "astonishing".

Düsseldorf intellectual property attorney Dr Ingve Stjerna said that the government's plan to ratify the Unified Patent Court agreement was irreconcilable with the commitment to leave the jurisdiction of the European Union Court of Justice.

One of the divisions of the Unified Patent Court, which will hear disputes relating to intellectual property, was to be housed in Aldgate in the City of London. Its status is now unclear.

Chancery Lane's Legal Services Sector Forecasts predicted only moderate levels of growth for the sector, positing a number of factors, but said there is one potential upside to Brexit for the sector. It said that net exports of legal services could increase this year and the next because the fall in the value of the pound meant UK-based law firms were more competitive internationally.

In October, the government launched the "Britain's Legal Services are GREAT" campaign in Singapore, which aimed to highlight the qualities of English law and promote the legal industry's links with new and existing markets.

The House of Lords justice spokesman Lord Keen said, "The UK is, and will continue to be, one of the pre-eminent legal centres in the world. Today, English law underpins more than a quarter of the world's jurisdictions, and our law firms, courts and exceptional judges are held in the highest esteem right across the globe.

"As one of our greatest exports, we want to ensure our legal services sector remains at the very heart of our future as a global, outward-looking, free-trading Britain."

Government statistics pointed to the legal sector's contribution to the economy being double what it was in 2005, with more than 200 foreign law firms from around 40 different jurisdictions operating in Britain.

Artificial intelligence starts to have an effect on the sector

It is predicted artificial intelligence could double productivity within law firms

In November, the Law Society predicted that automation and other advances in technology will replace 67,000 jobs in the legal services sector within a generation.

The twin assault of Brexit and increased automation, the latter under the catch-all term "artificial intelligence", will account for 5,000 jobs in 2018, it believes.

But Legal Services Sector Forecasts said that the adoption of new technologies could double the productivity of law firms from the current 1.2 per cent increase per year to 2.4 per cent per year within a decade.

It calculated that this, the long-term rate across the rest of the economy, would cut the total employment in the

sector by 20 per cent, equivalent to 67,000 full-time jobs.

Law Society president Joe Egan, appointed in July, said, "We are seeing the first evidence of how AI and automation will transform the sector. This could lead to 20 per cent fewer jobs – although we expect this to be offset by escalating demand for legal services.

"We currently expect total employment in the sector in terms of the number of jobs to decrease from 321,000 in 2016 (equal to 291,000 full-time equivalent jobs) to 315,000 in 2019 (287,000 full-time equivalent jobs), but then to stabilise at around 316,000 (equal to 288,000 full-time equivalent jobs) from 2020."

In November, a tech entrepreneur made still-more bullish claims about the effect of technology on the legal sector.

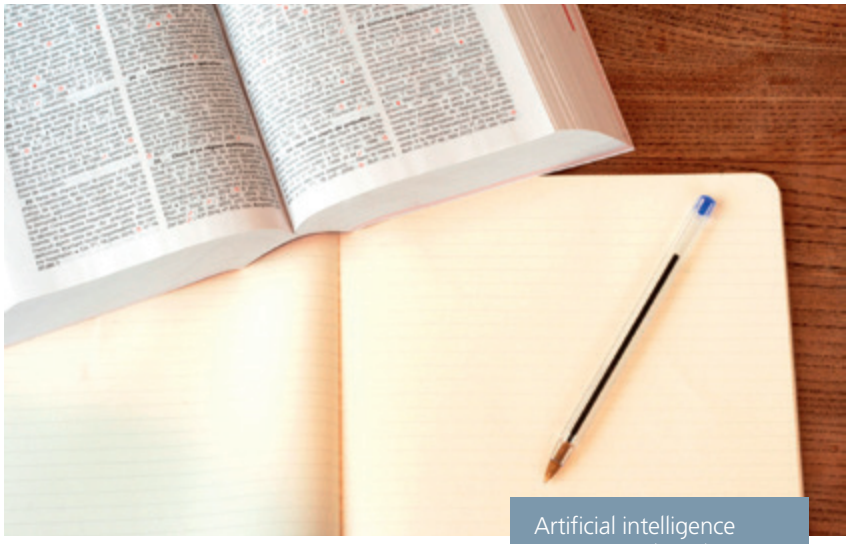
The creator of a ground-breaking computer programme for appealing parking tickets told the *Legal Futures* innovation conference in London that seven-tenths of the law could be carried out by automated functions within a decade.

Josh Browder told delegates over the same period that all legal documents could be automated.

Legal Futures magazine said the entrepreneur, "Painted a picture of the future in which voice-activated chatbots would assist litigants-in-person and online courts would interact with chatbot representatives to dispense seamless automatic justice."

Mr Browder created the free computer programme, or "bot", to challenge parking tickets, but it now covered many other legal issues.

He told delegates that he was against law firms charging large fees for "copying and pasting a few documents" and that making the technology free to use was "my rebellion against the legal system".



Artificial intelligence can massively reduce the time Lawyers spend reading

Mr Browder said that the improvements in voice recognition technology opened up broad new vistas of reform, citing the Alexa voice-activated personal assistant produced by Amazon as an example of how technology could replace existing processes. He said that soon tenants would be able to submit complaints about their property direct to their landlords.

An earpiece and a chatbot that "listened" to proceedings could even be used by litigants representing themselves in court cases.

Other "low-hanging fruit" for the sector included divorce cases where there were no assets to split or children to divide access to. His contention was that even in cases where the couple had simply to sign the forms and get on with their lives, automation had yet to be implemented.

Ultimately, he said, between half and 70 per cent of legal work could be automated, with a key breakthrough coming when a litigant's chatbot could talk to a government chatbot. "Once the bots talk to each other, then it can be a fully streamlined case," he said.

Mr Browder created his DoNotPay bot as a side-project after helping friends

and family, but it has expanded and so far successfully appealed hundreds of thousands of parking tickets in the UK and the US.

Questioned on whether lawyers added value to the process of law, Mr Browder said, "I think so and perhaps I am an interloper in the law and I have a lot to understand. But that said, the law is ultimately rules. I think that the fairest outcomes are when you can predict it and technology is good at predicting things.

"Obviously lawyers have a lot of experience, but technology can read every brief that would take a lawyer a lifetime to read."

He said destroying the business model of firms profiting from "exploiting people" was his motivation and this included lawyers who billed clients excessive sums for completing nothing more advanced than a few copied and pasted documents.

Mr Browder said, "Maybe I'm not the one to do it, but I know there are thousands more programmers with decades more experience than me working on the law, financial technology, legal technology, and I know that in the next 10 years all of this stuff will be automated, even if I'm not the one to do it. I hope I am, though."

Research claims around 79 per cent of decisions made by the European Court of Justice are correct

The Silicon Valley-based entrepreneur was not the only one predicting significant restructuring in the industry.

John Llewelyn-Lloyd, a barrister and law firm finance expert, told the same audience that technology would change the traditional structure of firms.

He told attendees at the *Legal Futures* conference that rather than the traditional structure of partners sitting atop a larger number of trainees and associates, the core of businesses would be formed of artificial intelligence and IT support alongside data analysis functions.

Mr Llewellyn-Lloyd said, "This will force a change of culture in law firms. For the first time, they will have to prioritise the recruitment of non-legal staff.

"There will be far fewer trainee solicitors going forward. Business models will be far more specific and will only want to train the trainees they actually need. The days of over-recruitment at the trainee level will have gone."

Artificial intelligence boosters were further enthused in October when *The Law Society Gazette* and others reported a new legal sector breakthrough for the technology.

A week-long "Lawyer Challenge" mounted by a technology firm based in Cambridge put 112 lawyers up against their CaseCrunch software for assessing PPI mis-selling claims.

The company claimed its software predicted outcomes with an accuracy rate of 86 per cent, defeating their human adversaries whose average was 62.3 per cent.

Director Jozef Maruscak told the magazine that while he was pleased with the outcome, he did not see human lawyers as the enemy. "We are not necessarily adversaries in this

game, the systems like ours can make the legal world more effective for everyone," he said.

The challenge saw defined data sets and a binary yes/no answer from the financial ombudsman using 775 real-life examples.

Artificial intelligence's predictive capability has been of considerable interest to researchers.

A team from University College London, The University of Sheffield and The University of Pennsylvania carried out research on judicial decisions of the European Court of Human Rights and claimed an accuracy rate of 79 per cent.

CaseCrunch scientific director Ludwig Bull said that the results did not show machines were better than human lawyers at predicting outcomes, but that: "If the question is defined precisely, machines are able to compete with and sometimes outperform human lawyers. The use case for these systems is clear. Legal decision prediction systems like ours can solve legal bottlenecks within organisations permanently and reliably."

While we may be a little way from robot judges, new facilities to tackle cyber-crime were announced by the government in October.

A "state-of-the-art" court dedicated to cyber-crime, a growth area for criminals, and fraud in the financial sector would be opening in the City of London's square mile, the Ministry of Justice announced.

Justice minister Dominic Raab said, "This new flagship court will build on UK legal services' unique comparative advantage, by leading the drive to tackle fraud and crack down on cyber-crime.

"By reinforcing the City's world-leading reputation as the number one place to do business and resolve disputes, it's a terrific advert for post-Brexit Britain."

Although the new court, to be funded by the City of London, will focus on fraud, economic crime and cyber-crime, it will also hear other criminal and civil cases.

Market consolidation, flotations and headcount reductions

A number of market flotations over the past year have fuelled speculation that the sector will consolidate into fewer, larger firms.

The *Legal Futures* Innovation Conference in November heard from one expert who said that within five years 100 of the UK's top 300 law firms will have disappeared.

Law firm finance expert John Llewellyn-Lloyd made the prediction and said there would be at least 10 firms with a combined capitalisation of £2 billion or more, *Legal Futures* reported.

Flotation has become appealing to law firms in recent years

The magazine quoted Mr Llewellyn-Lloyd, who advised London-based firm Gordon Dadds on its flotation earlier in the year, saying that "We are already

Law firms are beginning to float on the UK stock exchange

seeing the global elite firms, the big American and magic circle firms, apply more and more pressure on the middle-market players who are definitely getting the squeeze.

"Increasingly the trend for them will be to merge or specialise – standing still is not an option. The high street will see big changes in the next three to four years and it will all be about scale and price efficiency.

"At the moment, the price point is wrong, lawyers are not prepared to provide a service at a relatively low price, and the transparency is not there. As this is corrected over the next few years, there will be a lot of consolidation."

He also said fixed fees would become the norm for all consumer work and this would become more and more likely to be delivered by mobile devices.

In August Gordon Dadds became the second law firm to float on the UK stock exchange in its own right, with 14.2 million shares offered at 140p a share.

Chief executive Adrian Biles said in a statement to the Law Society Gazette, "Today represents an important milestone for the enlarged Gordon Dadds Group. The UK legal services sector is highly fragmented and Gordon Dadds' proven consolidator model is uniquely positioned to take advantage of this significant market opportunity.

"We now have the necessary capital to support the group's next stage of development which will enhance the group's profile with clients and potential target firms."

Mr Biles said the £27 million-turnover firm was approaching legal aid firms about further expanding the business.

He told a conference in November that "Legal aid plays an incredibly important role in the profession. Just because I don't know how to do it doesn't mean it can't be done well" and added that

"in terms of the firms we're talking to, we've got a pipeline with nine figures in it".

In July, *The Times* said that, a decade after the business structure was first allowed in the UK, the second law firm to float in the UK was "either a sign that the model is finally taking off, or an illustration that, a decade since the structure was permitted, floating law firms is always going to be a minority sport." Your view depended on: "Where commentators [stood] on the ethical and practical issues around non-lawyer investment in legal practices."

Legal Futures reported in November that revenue had increased 14.5 per cent at Gordon Dadds, to £12.9 million in the six months to 30 September, with operating profits up 44 per cent to £3.5 million.

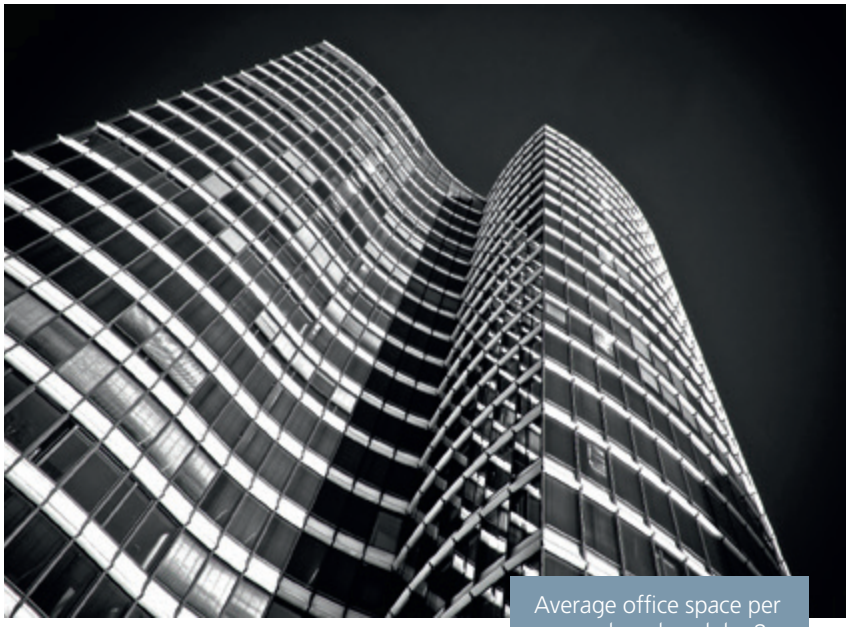
Publishing its results, the firm drew attention to its "strong" balance sheet, with gross assets of £41 million and net cash of £12.5 million.

Keystone Law announced plans for a £50 million flotation in November also, selling at 160 pence per share.

It converted to an Alternative Business Structure in October 2013 and got a £3.15 million cash injection from equity firm Root Capital a year later. Boasting revenue growth of more than 20 per cent and a 2016/17 turnover of £26 milllion, the firm said it had "ambitious growth plans long into the future".

Founder and chief executive James Knight said in a statement that "Our decision to list on the London Stock Exchange will provide us with the most resilient and stable platform.

"The UK legal services market is the second largest in the world and we believe the Keystone model is well placed to take advantage of this significant opportunity."



Average office space per person has shrunk by 8 per cent year-on-year

Commercial law firm Gateley was the first to float, raising £30 million in 2015.

At the time, *The Law Society Gazette* quoted the prediction of legal market guru Alan Hodgart, of Hodgart Associates, that up to half a dozen of the top 200 law firms outside the top 25 could follow Gateley's lead in the next two years.

He told *The Gazette* that "Flotation could appeal to firms who do not want to borrow too much or put in too much capital but still want to expand by acquiring new firms".

There was bad news for secretarial and other administrative staff as large firms looked to reduce their headcount.

In November, *Legal Week* reported Pinsent Masons had cut 78 UK personal assistant jobs after a consultation exercise that started in September. The company had originally said 100 roles were at risk. The firm managed the job reductions without compulsory redundancies, it said.

Hogan Lovells is also currently restructuring, aiming to cut 90 London roles or move them to its business services hubs in Birmingham and Johannesburg, while Freshfields Bruckhaus Deringer offered voluntary

redundancy to all of its London secretarial staff earlier this year, the magazine reported.

In November, *The Lawyer* reported UK firms "slimming down" on the amount of office space allocated to each staff member, describing it as the effect of "agile working sweep[ing] the legal market".

The magazine's research showed that while the total amount of space occupied by the top 200 UK firms had risen, and the cost of that space had followed suit, the average space per person had shrunk by 8 per cent year-on-year.

It said, "In 2015/16, the average space per staff member was 187sq ft. Last year, this dropped to 172sq ft. with many firms increasing headcount while making no changes to their office space occupancy."

It cited firms like Baker McKenzie, which is now offering agile working to all its staff, as examples where hot-desking was increasingly the norm.

More than 100 firms provided data on their office space for the research and the total occupancy was 7.37 million square feet, with average cost rising from £2.69 million in 2015/16 to £2.97 million.

Slater & Gordon announced plans to close four offices in late November.

The *Law Society Gazette* reported that offices in Chester, Wrexham, Milton Keynes and Preston were closing.

The magazine said the moves were the "latest development in the firm's efforts to improve its financial performance and trim a plethora of offices left as legacy of a series of rapid acquisitions between 2012 and 2015."

In a statement, the firm said, "We have assessed our geographic footprint with a view to bringing it in line with our vision of delivering our services from strategic centres of excellence. Following this review, we are considering a plan to consolidate a number of our smaller offices into our larger regional hubs, where colleagues can share their outstanding knowledge and expertise across a range of legal fields."

Some German associates were offered the option of a 40-hour week on reduced pay

The *Gazette* said that the firm had undergone a large reorganisation of its UK operation over the past two financial years, shutting down several locations and cutting staff numbers by roughly 1,000. In August, it was announced that the UK business would separate from its Australian parent company.

In November, *The Lawyer* published research on the debt levels at UK firms and found indications that this had increased significantly during the 2016/17 financial year.

Across the 82 firms in the UK 200 that gave data on debt, the total stood at £375.8 million – an average of £4.58 million per firm. This was an increase on the average of £3.96 million per firm the previous year.

But the magazine reported that "in contrast to the rising debt trend, a number of firms reported cash stockpiles that have been growing in recent years. A significant number of firms that had borrowings also had cash in the bank at year-end, with many posting a cash surplus."

Managing partner at Osborne Clarke Ray Berg told the publication that "We work very closely with the finance team, pay close attention to some key metrics, and encourage our people to speak with our clients.

"It's part of the client relationship management process, a fundamental part of it. Also, we simply don't want to be indebted. We took out a small loan for fit-outs and amortised the lot, but we don't want to be borrowing to pay drawings. That's the start of a slippery slope.

"We also need to invest to innovate so we need cash to invest in tech, infrastructure, people – that's what we've been using the money for, though we take a relatively considered approach to investment."

Legal Week reported that nine associates at Linklaters associates had signed up for the company's fixed-hours career path

Near the other end of the pyramid, a milestone was reached in attempts to improve the work-life balance for lawyers.

In November, *Legal Week* reported that nine associates at Linklaters had signed up for the company's fixed-hours career path, six months after its launch.

The associates at the magic circle firm's German operation were offered the option of a 40-hour week on reduced pay.

They will receive £71,500 a year instead of the £107,310 paid to those on the standard package. They are also not eligible for partnership status, have flatter pay increases and "significantly" smaller pay increases.

The magazine reported that of the nine, five are new joiners, while four have switched from the firm's traditional career path.

The company has 137 associates in its four German offices and Linklaters Germany's human resources boss and interim chief operating officer Thomas Schmidt said his expectation was that eventually up to one-fifth of the firm's German associates would move onto this contract.

Currently, the firm has 137 associates across its Berlin, Munich, Frankfurt and Dusseldorf offices.

He told the magazine: "We hire about 50 lawyers per year, and the talent pool is quite tight in Germany." "This gives us the opportunity to tap into a pool of talent with different needs with regards to work/life balance who would normally have gone in-house or to the government."

He said that across the company "There is a lot of interest, but we haven't made a decision on whether we are going to roll out the same model. I wouldn't necessarily say we will do the same thing in another market and call it the same thing – it is down to the needs of specific markets and what people are looking for, whether that is agile working or job sharing".

Meanwhile, another magic circle began to revamp the way its partners were paid.

Legal Week reported in May that Clifford Chance was "ramping up its focus on partner performance with more rigorous appraisals that will more closely tie partner pay with performance than ever before."

The publication said partners at the firm had received an internal memo, which showed the firm placing a greater emphasis on clearly defined targets than in previous years.

It said the result of this and work earlier in the year would now mean partners were assessed on metrics including bringing in high value business partners, client development, revenue and cross-selling.

Legal Week quoted one partner saying, "There is definitely an ongoing conversation [...] about what the role of a partner is, particularly senior partners. There is more of a focus on the type of work you bring in and where you are bringing it. Low billing, straightforward stuff, is not good enough – you need to bring in more bespoke, high-end work that involves other parts of the firm".

An ex-partner said it marked a step towards "a more US-style approach to appraisals and remuneration".

In a statement, Clifford Chance said, "Ensuring that all of our people understand how they contribute to the achievement of those goals is critical to our future success. This sits at the heart of our approach to performance management across the firm, from objective setting to appraisals and strategic business reviews."

Disclosure

Proposals see the scraping of "standard disclosure", in lieu of basic and extended disclosure

The digital age has changed the terms of the game with regard to disclosure, experts have warned, and the rules around what is disclosed must change if Britain is to retain its pre-eminent status as a dispute resolution centre.

In November Mr Justice Popplewell called on the business community to reduce costs of disclosure in court cases.

The Law Society Gazette's report on a paper published by the judiciary said "the volume of data that can be disclosed has increased to 'unmanageable proportions'" and that "the London Solicitors

Litigators Association said this has been particularly exacerbated by the digital age".

Under plans for reforming the "monster" levels of disclosure, parties in civil litigation cases will have to persuade the court if they want to go beyond certain key documents.

The proposals will see the scraping of "standard disclosure" and instead introduce the categories of basic and extended disclosure.

Basic disclosure is defined as the key documents required for an opponent to understand the case. Permission for extended disclosure in one of five categories will need to be applied for from a judge.

The proposals are the recommendation of the Disclosure Working Group, which comprises lawyers, judges and experts, was set up in May 2016 by Sir Terence Etherton.

Sir Terence told the magazine, "It is imperative that our disclosure system is, and is seen to be, highly efficient and flexible, reflecting developments in technology. Having effective and proportionate rules is a key attraction of English law and English dispute resolution in international markets."

President of the London Solicitors Litigation Association Ed Crosse said, "If we want to reverse a trend of increasing disclosure costs, we need a marked change in culture and approach by the parties and the courts."

Mr Crosse, who helped draft the new rules and is a partner at international firm Simmons & Simmons, said, "The proposals are not about removing a party's ability to obtain fulsome orders for disclosure, in appropriate cases – the availability of such orders is a real selling point for our courts in England and Wales. However, not all cases justify a Rolls-Royce approach to disclosure, and the rules need to cater for this and curb the excesses."

The new rules will be piloted over two years in the Business and Property Courts, in the Rolls Building in

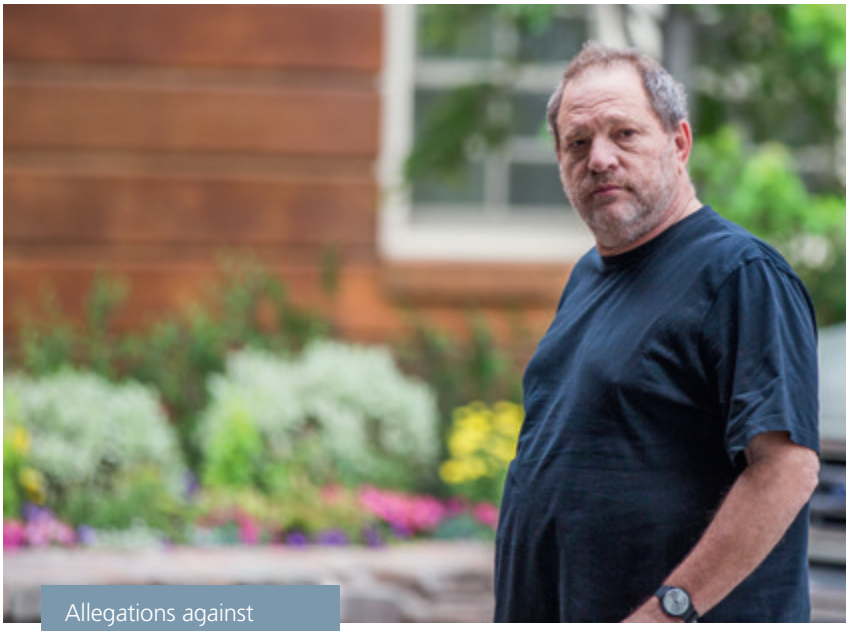
London Solicitors Litigation Association stressed that we need a change in culture and approach by the parties and the courts

London and in seven regional centres, including, Cardiff, Leeds, Newcastle and Liverpool.

The website *Litigation Futures* quoted Rosemary Martin, group general counsel and company secretary at Vodafone Group UK and chair of the GC100 lobbying group who pushed for the review, saying: "The GC100 members are delighted that the working group has taken the task of revising the disclosure rules so seriously and with a much more radical attitude than many were expecting.

"If, collectively, we can get behaviours to change too – which is the difficult bit – then this initiative will be enormously valuable for the future."

Equalities and harassment



Allegations against Harvey Weinstein have led the legal sector to evaluate its own practices

In the wake of the Harvey Weinstein allegations, the legal sector looked inward at its own practices and its record on diversity and equality issues.

In October, *Legal Week* published research it had carried out showing that almost two thirds of female lawyers had experienced sexual harassment in some form whilst working in a law firm.

The research showed that not only had the majority of women been harassed, but more than half said it happened more than once. The confidence women had in reporting these problems can be gauged by the survey's findings that 82 per cent had stayed silent, with less than one-fifth reporting it to their employers.

Partners were responsible for 58 per cent of the harassment, the survey said, and "inappropriate language" was cited by 43 per cent of respondents as an issue, with "inappropriate physical contact" cited by 35 per cent and "overtly sexual behaviour" another nine per cent.

The magazine quoted one female respondent who said she was groped by a partner at the firm's Christmas party when she was an associate. She said, "I didn't report it to the police, but now I wish I had."

One man who responded to the survey said, "Female colleagues have described to me unwanted advances and touching, and possible repercussions if they objected."

The research also indicated a difference in how the different genders perceived the seriousness with which firms took the issue.

Eighty per cent of the respondents said their firms took the issue seriously, but when this figure was divided along gender lines a different picture formed. The total rose to 95 per cent of men believing that their employer took a hard line on the problem, while just 60 per cent of their female colleagues had the same opinion.

Asked how serious a problem sexual harassment was, the difference in

opinion across the genders was relatively small at the top end. 4.8 per cent of women and 3.6 per cent of men believed that it was "a major problem". At the other end of the scale, 19 per cent of women and 25 per cent of men said it was "not a problem".

The biggest gap in perception was on the proportions who believed that it was "a problem" ("a minor problem" being the fourth category).

On this measure, 37 per cent of women believed it was, compared with 21 per cent of men.

The magazine said that there were some grounds for optimism. It said, "The research suggests that the situation has improved in recent years, with 59 per cent of all 200 respondents stating that sexual harassment is much less prevalent within law firms now than when they started their careers."

One female lawyer said, "20 years ago, a partner at the City firm at which I worked systematically sexually harassed junior women and generally behaved inappropriately under the influence of alcohol. I only reported this after I left, and the managing partner's response showed he was aware. My current firm would never tolerate discrimination or harassment of any kind."

Other responses cautioned against complacency on the issue.

Legal Week quoted another female respondent who said, "Sexual harassment in the workplace is an ongoing issue. It may not be as overt now as it was in the 1990s, because society has changed, but it is still there in the comments, the 'jokes', the observations.

"It is also still there physically, but it is subtle; hugs on a night out, being 'complimented' as opposed to outright groping – although that does still happen." In more positive news, one law firm reported that women made up more than a third of its new partners.

While its overall number of partners stayed flat, Latham now has women in 35 per cent of these positions.

In November, *Legal Week* said that the total was a marked change from the previous year, when the firm only made up four women, or just 15 per cent.

The same title reported that, among the ten largest UK law firms, Ashurst had the highest proportion of black, Asian and minority ethnic UK partners. 11 per cent of its partners identified as BME in 2017.

On information compiled by the magazine, only seven per cent of the partners at the UK's ten largest law firms are black, Asian or from another ethnic minority.

In 2014, Ashurst set itself a range of goals on the diversity front, including having women as at least a quarter of its equity partners by 2018.

While it is on track to miss some targets, the firm's head of diversity and inclusion Deborah Dalgleish said, "We know we will not meet all of our targets next year [in 2018], but this has only renewed our determination to move the dial. The exercise has resulted in a continued focus on the relevant areas, flagging awareness of particular issues of concern and promoting consideration of what is needed to address those areas.

"We have made progress while remaining keenly aware of how far we, and much of the sector, has to go. Diversity and improving gender balance are a critical part of our business."

Statistics suggest that harassment in the law industry is becoming much less prevalent

Countrywide Tax & Trust Corporation Ltd

Directors and Founders
Clive Ponder and Bob Massey

Countrywide Tax & Trust Corporation Ltd was originally established with only three employees. The company now has a turnover of £6 million (supporting many millions more in fees for their agents), employs 65 staff and provides advice in all aspects of estate planning and asset protection, along with probate, professional executor and trustee services. Situated in the heart of Warwickshire, it has a network of associates throughout the UK and the highest level of technical support provided by a team of staff, including full and affiliate STEP members, lawyers, conveyancers and solicitors.

Clive Ponder and Bob Massey met as young men playing rugby at their local club; Clive was a mining engineer and had gone on to become a general colliery manager, while Bob, originally a mechanical engineer, was working as a financial adviser. After successful careers they reacquainted in 2003, as Bob had advised Clive's parents in relation to some tax planning. At this time, Clive had retrained to become a will writer and supported agents of two large national will writing franchise companies. Bob, a branch manager with Legal and General, thereafter established and sold one of the largest privately-owned IFA practices in the UK. Seeking to extend services that both provided, their two practices merged.

From affiliation to consolidation

As an IFA you only deal with a small percentage of a person's wealth – their pensions or liquid assets, but increasingly Bob had found that when a client passed away with a poorly drafted will, a massive proportion of this wealth wasn't protected.

Good growth may be important, but if the asset itself is not protected, then the repercussions extend to clients themselves, their chosen beneficiaries, IFAs, accountants and other professional advisers. This is where the two businesses truly complement each other; experienced will writing is a natural extension of sound financial lifetime planning.

Our views brought a different perspective. Clive had originally been doing the processing and drafting for 350 will writers, and after three months of restructuring, we reduced this to 60.

We had a clear idea of how wills should be written and the level of service that we wanted to provide: to train people to properly understand lifetime planning, to utilise trusts and protect assets. We've invested the last 15 years doing exactly that; we now work with over 2,500 experienced and highly competent agents and estate planners.

FACTS ABOUT COUNTRYWIDE TAX & TRUST CORPORATION LTD

- Headed by Clive Ponder and Bob Massey
- Established in 2003
- Based in Warwickshire
- Provides legal services, probate, professional executor and trustee services and tax advice
- 65 staff, including full and affiliate STEP members, lawyers and in-house solicitors
- Turnover of £6 million
- countrywidepartners.co.uk

WILLMAKER DIRECT LTD TO DATE

- Established in 2015
- Basic wills drafted: In excess of 100,000 wills since launch
- Turnover generated for advisers: £10 million
- willmakerdirect.co.uk

COUNTRYWIDE LEGACY TO DATE

- Established in 2014
- Comprehensive and user-friendly software package that aims to reduce a firm's carbon footprint whilst maintaining a customised, but compliant, cost and time effective solution to will and trust production in England and Wales, Scotland, and Northern Ireland.
- Used by 2,500 members, including IFAs, accountants and solicitors processing approximately 1500 documents per week
- Legal documents produced for close to 125,000 clients
- countrywidelegacy.co.uk

The two sides of the business remain separate entities, largely due to the different regulatory regimes , but the will and trust drafting is by far the biggest.

The majority of clients using their Countrywide Legacy will writing services are not the end users, but the solicitors, accountants, IFAs or others dealing with the end users' wealth. This is where Countrywide excel –"we develop relationships, helping our clients build their businesses. Their client retention is high and we can support our professional connections where there is a need for more specialist advice."

Skills and software development

Six of the staff are full members of the Society of Trust and Estate Practitioners (STEP), and a further 12 are affiliate members working towards full membership. The company fully funds training towards qualifications as "they firmly believe in developing staff and providing them with the skills needed to get ahead."

Our staff retention rate is impressive, the company ethic and working environment better still. Neither Clive nor myself have our own offices, allowing us to remain approachable to all members of staff.

We have a highly competent network of consultants. Due to the dual nature of our business, we are able to understand what our clients need and the processes and information required to meet these standards. The software available to the market was simply no longer adequate, so we invested time and capital to develop our Countrywide Legacy software.

There are now around 2500 people in our extended network using the Countrywide Legacy software every day, and they are able to cope with significant and sudden increases in volume of business with ease. The Countrywide Legacy system drafts every legal document prepared by private client solicitors as standard, in addition to conveyancing and probate paperwork. Instructions can be taken and submitted on a tablet or PC.

It also generates disclaimers, meaning the client must acknowledge and confirm the decisions they have taken before the documents are drafted. Legacy also produces replies to Larke v Nugus requests, which are submitted by interested third parties with increasing frequency.

Many more firms are using our most basic software, Willmaker Direct, for less sophisticated estate planning, as there is no technically better tool available in the UK for use by will writers working directly with the public. This arm of the software enables wills to be provided to the general public, at the most affordable and competitive prices.

Many recent reviews have shown the woeful standards of wills written by the majority of will writers and solicitors alike. Standards of service and competence are essential to any industry; both advisers using software and the general public need to be able to rely on the competence of their advisor, and the tools that they use.

At the end of October 2017, we began marketing the Countrywide Legacy software. Large organisations have already shown interest, as they recognise the software's potential to maximise efficiency and reduce costs.

Clients have individual and tailored needs, and we can provide bespoke solutions for each client at an affordable price. Our aim is that other firms will not see Countrywide Legacy software as competition, but rather as a part of their business solution.

Spratt Endicott Solicitors

John Spratt and David Endicott

When John Spratt and David Endicott founded Spratt Endicott Solicitors in 2002, they had a vision of creating a collegiate firm with like-minded colleagues whose specialist expertise was respected and whose individuality was valued. 15 years on, Spratt Endicott Solicitors is a Legal 500 law firm with four offices across Oxfordshire, Buckinghamshire and Northamptonshire, and it employs more than 145 staff. The founders discuss future proofing, how to best navigate the increasing amount of red tape and the planned growth in a technological era.

Our organisation

We are immensely proud of our regional roots in North Oxfordshire, which stretch back to 1955. Over the last 15 years, we have expanded from our initial Banbury office into three further towns, merged with another law firm and grown our staff by 80 per cent. Our organisational structure has had to develop and strengthen to manage this growth. Alongside our 16 directors, we have six managers in marketing, IT, accounts, HR, office services and compliance, which has helped hugely in the growth and development of the business.

Our people

Our culture is one of a collaborative, friendly, extended family environment that values each of its 145 employees. We have an excellent staff retention record and many of our staff members have been with us for over 10 years.

One of the challenges of a growing business spread over different office locations is effective communication. Whilst we have invested in technology to enable more efficient channels of communication, we place a great emphasis on personal face-to-face contact with all our staff and have set up a network of meetings and events to bring staff together. Effective team work and collaboration is essential in providing the right legal solutions for our clients.

We're based in an area with high house prices and the lowest unemployment rate in the UK. This makes recruiting new talent another challenge: we place great emphasis on employee retention fostered with the support of our HR department. Our workplace culture is inclusive and supportive. It offers family friendly policies and supports a healthy work life balance, with employees holding regular social and fundraising events for employee nominated charities.

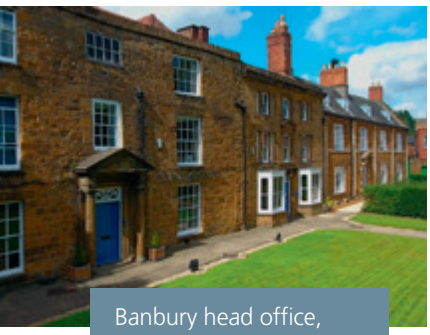
Our technology

The security of our systems is paramount given the gravity of our services and the implications of any potential breach. Our work, however, still needs to be accessible both to employees and to clients.

Thin client technology and two-factor authentication allows our staff remote system access, while clients and professional contacts can obtain information about progress

AT A GLANCE SPRATT ENDICOTT SOLICITORS

- Headed by John Spratt and David Endicott
- Established in 2002
- Based in Oxfordshire, Buckinghamshire and Northamptonshire
- Provides specialist legal services for commercial and private clients
- 145 employees
- £7 million turnover (2016/2017)
- www.se-law.co.uk



Banbury head office, North Oxfordshire

> "We are selected for our expertise and service"

Secure technology

on their transactions via our secure extranet website, 24 hours a day. We offer clients flexibility in how to send instructions to us – whether via secure email, FTP, online form or XML. Our policies and procedures are aligned with ISO:27001 and implemented best in class solutions to ensure protection through firewall, anti-virus, email and web perimeter security solutions.

Risk, quality and compliance

The growth of compliance requirements and risk has posed challenges both to us and our clients. In 2017, we appointed a new risk, quality and compliance manager, responsible for the management and direction of regulatory issues such as anti-money laundering, anti-bribery, corruption and the upcoming changes to the Data Protection Act 1998. This appointment means that we have in place an effective compliance programme that helps minimise risk to both the business and its clients while also providing guidance on quality management to ensure continued excellence of service.

Despite this appointment, industry red tape is an increasing burden; bureaucracy takes up a disproportionate amount of our lawyers' time. While we understand the need for regulation and compliance, there seems to be a lack of cohesion and logic with some of the controls in place. As a firm, this is a challenge that's becoming ever more complex and runs the risk of becoming detrimental to our client services.

Our scope

We are not just a local firm. We conduct work nationally and internationally. In this age of instant communication, it is quite practicable and convenient for us to act for clients around the country and overseas. We are selected for our expertise and service rather than for proximity. Meetings, when necessary, are easy to arrange. One of our advantages is that we are in the centre of the country with excellent transport communications by motorway and rail.

More and more of our work is international. A number of our large clients are part of European or global groups. English is the international language of business, and the sophistication and integrity of the English legal system is second to none. English law is often chosen as the law of international agreements and we are involved in drafting and negotiating more and more of them. For many years, we have been members of the international law group Law Link. Through this network, we maintain close personal relationships with lawyers in 18 other countries.

Threats and opportunities

With over 50 per cent of our work being property related, the financial crisis of 2007-2008 was felt particularly keenly. It's a real challenge to try to future proof ourselves against the uncertainty of the property market. We have a successful commercial property team with a strong repeat client base, yet the Brexit vote has led to unpredictability that's set to last for the foreseeable future.

We have a substantial commercial recoveries practice which is also exposed to changes in the economy. Perhaps counterintuitively, when the economy is strong (and companies attempt to overtrade), our commercial recoveries business does well. Conversely, when the economy is slow, and credit is not given easily, our commercial recoveries business tends to be quieter.

We are of course also dependent upon the success of our commercial clients, and we encourage our commercial clients to be active in acquisitions and new ventures. When the economy is suppressed, our experience is that our turnover is adversely affected too. We think that our best reaction to these threats is also our opportunity: to develop our business by strengthening our expertise, and our offering generally, to our clients. All of this is achieved with an enthusiastic and happy team.

Guildhall Chambers

Guildhall Chambers was founded in Bristol over 40 years ago. From small beginnings, it has now expanded hugely, with national prominence and bases in both Bristol and London. The head of Guildhall Chambers, the CEO and three senior members speak about Guildhall and the key opportunities and challenges they envisage for Chambers and the Bar in the coming years.

Barristers Virginia Cornwall and James Townsend

Anna Vigars QC, head of Chambers, and Christy Farrer, CEO

We have repeatedly won national awards, including our most recent 2017 award for Best Regional Chambers of the Year from Chambers and Partners. We believe that our continued success is based on our specialist approach, ensuring members of our teams are experts in their area, supported by a culture that promotes equality, diversity and inclusion as core values for Chambers and the way we work.

Our inclusive culture is something that every member of Chambers generates, supported by the work of an energetic equality and diversity team. This team drives a visible commitment from our most senior members and staff in an imaginative but insistent way. The results are evident, with excellent retention of our female barristers over the last fifteen years; the appointment of the first female silk in Chambers this year and our first female CEO and head of Chambers. Flexible working patterns, involving both members and staff, have enabled us to retain and promote talented people. In recognition of our focus in this area, we have recently been awarded the 2017 Certificate of Recognition for wellbeing by the Bar Council.

We believe that it is as a direct result of our specialist approach and our inclusive culture that we have continued to be able to attract and retain barristers and staff who are recognised as leaders in their fields. We also believe that this gives us the flexibility to adapt successfully to the continued changes in the legal market.

Richard Ascroft, barrister: property, insolvency and commercial

The success of these teams within Chambers – measured by, among other things, excellent quality work at the highest levels (including the Supreme Court) and numerous legal directory accolades – reflects careful, merit based recruitment, early specialism and a genuine commitment to put the client first.

Our barristers may be self-employed, but they are not self-absorbed. They thrive on the collegiate atmosphere that has been fostered in Chambers since its inception, and each one of us recognises the importance of being part of a team instructing solicitors and the lay client.

Almost all of our barristers are members of specialist bar associations and all make regular contributions, in print or otherwise, to legal affairs. Our members include the authors or editors of several well-known legal texts. Many give their time through their support of: 1) the Bar Pro Bono Unit to ensure those who may otherwise be unrepresented have their voices properly heard; and 2) training and development programmes for those coming through the profession.

AT A GLANCE GUILDHALL CHAMBERS

- Headed by Anna Vigars QC
- Established in 1971
- Based in Bristol and London
- Services include commercial, criminal, employment, insolvency, personal injury and clinical negligence, real property and sports law
- 91 barristers
- 2017 Regional Chambers of the Year (Chambers UK)
- www.guildhallchambers.co.uk

Richard Ascroft

> "Our team has developed a reputation for high quality, trustworthy work for both claimants and defendants"

Selena Plowden

Christopher Quinlan QC

The breadth of work undertaken by those in the property, insolvency and commercial teams is vast and ranges from high profile and high value financial mis-selling cases (including alleged LIBOR manipulation) to claims determined in the county courts. All receive the same care and attention from our dedicated, hard-working team.

Selena Plowden, barrister: personal injury and clinical negligence

Every day, individuals face life changing injuries through the carelessness of organisations that owe them a duty of care. Injured people need representation to bring claims to a just conclusion. Equally, the defendant insurance company, employer, or NHS depends on specialist input to ensure claims are compromised at the right time for the right amount. Society benefits when employers and state bodies are held to account for health and safety. We add our voice to the rest of our profession; access to justice is fundamental to our working democracy, not just an optional service for those who can afford it.

The provision of court services costs the state money and, where the defendant is the state, claims cost it significant money. Our professional challenge in austere times is to remain vigilant when reforms are proposed by the Ministry of Justice or the Department of Health that might impede access to justice.

Injury litigation has survived the (virtually complete) abolition of legal aid through various funding arrangements. Barriers to justice, however, arise elsewhere: court issue fees of up to £10,000; high, irrecoverable insurance premiums and fixing of costs not by reference to work reasonably required, but by reference to case value. The challenge is to demonstrate the injustices inherent in extending the fixed costs regime to higher value cases.

Our team has developed a reputation for high quality, trustworthy work for both claimants and defendants. This has been achieved through our culture of continued investment in talented professionals, a focus on serious work and an inclusive team culture. Our commitment to excellence has transcended the funding challenges to-date and informs the funding arguments we continue to advance.

Christopher Quinlan QC: crime and sports law

There are real and immediate challenges to the criminal bar. To identity but two:

- A torrent of legalisation – from the Treason Act 1351 to the Criminal Justice Act 1987, Parliament enacted 118 criminal statutes. In the last 30 years, it has passed at least 92.
- Legal Aid – according to the Bach Commission report last year, the legal aid spend was £950 million less than in 2010. People (rich and poor) must have unimpeded access to quality advice and representation. Without proper representation, on both sides, justice is illusory.

We survive through our industry and excellence. We have four criminal Silks (including the former Bar chairman, Andrew Langdon QC). We are diverse, in every sense. We recruit pupils, who stay as tenants. Sadly, we are not typical: nationally there are 50 per cent fewer junior barristers of 0-5 years call than a decade ago. The Junior Bar is haemorrhaging talented people, especially women. There is genuine concern about diversity and social mobility. The impact of this savaging of the profession will be felt for many years to come.

Our transferable skills facilitate diversification. Nationally, renowned regulatory and sports law practices have grown out of this team. Legal directories recognise our market-leading qualities. A strong and independent criminal bar does not just ensure the innocent are not convicted; it ensures the guilty do not go free. We survive despite the challenges. We share the recently expressed belief of the Bar chair: "Justice is undervalued and taken for granted by successive governments."

Setfords Solicitors

Chris Setford, co-CEO

When Setfords was founded in 2006, it had just one secretary and a small office in Guildford. Today, the law firm led by joint CEOs and cousins Guy and Chris Setford has a nationwide presence of over 200 consultant lawyers working across all major areas of law and an industry-leading support team. The firm has disrupted the traditional way the legal sector does business, winning awards from both the Law Society and The Lawyer for its innovative methods. It has twice been shortlisted for Law Firm of the Year. Setfords recently expanded its Chancery Lane office to better accommodate its increased commercial and cyber law expertise. Chris Setford discusses how a decentralised, consultancy-type corporate model better meets the needs of both clients and lawyers, thereby ensuring low costs, high quality advice and a more rewarding and balanced life for its lawyers.

The words "disruptive innovation" are less often associated with law firms and more often with Silicon Valley tech-companies. Yet, they define Setfords Solicitors, a company that has helped revolutionise how legal services are delivered.

For decades, lawyers, authors, politicians and business leaders have been calling for the modernisation of the legal industry. The focus has been on improving the client experience, whether it be better accessibility, transparency, expertise or pricing. No one can deny the importance of these facets. Our innovation at Setfords, however, was to recognise the need to focus on and drastically improve the lawyer experience in order to provide accessible, transparent, expert and reasonably priced advice to our clients.

We achieved this by radicalising the fundamental structure and organisation of our firm.

At the heart of the Setfords working model is a group of fee-share consultants: self-employed lawyers, be they legal executives or solicitors, who work under our umbrella. While they operate primarily from home, we provide not only the essential indemnity insurance that permits a lawyer to operate, but also a centralised 65-strong support team that supplements their work. This support includes administrative and secretarial services, business development, marketing, compliance expertise, web design, public relations and communications. Many of the other benefits can be found in what is missing. There are no billing targets, no office politics and no fighting to make partnership in an already overcrowded market. There is simply the opportunity to create the working life you desire, whether that means enjoying greater financial remuneration or spending more time with family and friends.

Changing expectations

The idea that lawyers could decide when and where they work was, at the time we began introducing it in 2009, considered a novel idea. Today, it is commonplace across the legal marketplace and beyond. Expectations have evolved. Be it Millennials, Generation Xs

AT A GLANCE SETFORDS SOLICITORS

- Headed by Guy Setford and Chris Setford
- Established in 2006
- Based in Guildford and London
- Services include property, litigation, family, employment, probate, commercial and corporate
- Received a £3.75 million investment from Business Growth Fund in December 2016
- www.setfords.co.uk

Co-CEOs Chris Setford and Guy Setford and Managing Director, David Rogers

or baby boomers, there is a desire for greater control over one's career and work-life balance.

Client expectations have also changed. Increasingly, they want easily accessible and high-level advice, but at an ever-more competitive cost. Consultant lawyers can deliver this. They work directly with their clients because there are no office juniors doing the bulk of the work. This ensures that those paying for their services get the expertise and experience they anticipate. Consultants by their very nature are more flexible with their time, making them more available and easier to contact. The primarily home-working model also means lawyers aren't housed in expensive office buildings, thereby ensuring overheads are lower and fees are more competitive.

But, perhaps most importantly, consultant lawyers are happier. It is my belief that happier lawyers deliver a better service, resulting in happier clients.

> "It is my belief that happier lawyers deliver a better service, resulting in happier clients"

A robust working model

The consultancy model is both economically robust and highly attractive to lawyers even in times of financial instability. As we embraced this way of working in 2009, the global economy was crashing and lawyers worldwide were discovering their seemingly secure partnerships were frequently unstable. The lawyers who joined us during that time weren't just those made redundant, but those who understood security was not necessarily to be found as an employed lawyer at the mercy of other people's business decisions.

In this economic climate, our unique structure has also served to our advantage. Unlike traditional firms, where dozens of partners can take months to reach a business decision, we have just three company directors leading the firm. This lack of bureaucracy means we are nimble. The morning after the unexpected outcome of the Brexit vote, we agreed changes to our entire pricing and digital strategy, particularly in conveyancing, where we anticipated an immediate impact on the housing market. Our in-house team of web design and digital marketing experts were able to deliver these changes almost instantly. By the end of that day, we were already seeing the rewards of our efforts.

The board room at Setfords London on Chancery Lane

The future of the legal industry

This ability and willingness to adapt is essential if we, in the legal industry, are to succeed in the coming years. The future presents great opportunity, but only for those prepared to embrace change.

Clients want their legal advice to be cheaper, faster and better, and harnessing technology will be key to meeting those expectations. The use of automation and artificial intelligence is already changing how we interact with clients, but its use internally is where I see the greatest opportunity. At Setfords, we are working on a number of tech-driven projects that will increase efficiency and ultimately free-up more time for lawyers to deliver a personal service, which is an essential commodity in the legal sphere.

The subtlety and nuance required across multiple sectors, from corporate and commercial to family and probate, cannot and should not be underestimated. A lawyer's ability to provide not just sound legal advice, but much needed reassurance and confidence, should be the ultimate aim of technological advancement – not a replacement for it.

Innovation is the key to success

Legislative changes in areas such as General Data Protection Regulation, as well as deregulation of legal services, are also on the horizon. These present both threats and opportunities. As someone who has seen the benefits of innovation for clients and lawyers alike, the future is bright for all of us willing to seek better ways of working. We must continue to disrupt our industry if we are to continue to thrive.

KCH Garden Square

KCH Garden Square is a medium sized common-law set based in the East Midlands with 59 members, 12 staff and a turnover of approximately £5.5 million per annum. Chambers was founded in 1975 with six members, and over the last 40 years it has been based in four premises in Nottingham and expanded to include satellite premises in Leicester. Its core business, however, has remained the same: providing a high quality, common law service to solicitors and public bodies in the East Midlands. The set discusses challenges in governance, recruitment and the restructuring of the common law Bar against a backdrop of misguided Ministry of Justice policy.

KCH Garden Square team – winners of Leicestershire Law Society Chambers of the Year 2017

As chambers has expanded, our governance has taken many forms. We started with the traditional "club" structure meeting once a month to discuss matters. In 1999, when we had approximately 40 members, we formed a management company to run chambers. A group of members of chambers were directors, and all members of chambers were equal shareholders. This company purchased a building in 2005 and was funded through subscriptions from members of chambers and a mortgage.

Since 2006, the outlook for sets like ours doing crime took a downward turn when solicitors and the Crown Prosecution Service (CPS) exercised their rights of audience. Over the next few years there was a contraction at the Bar as members felt that their future lay elsewhere. A couple of small sets, particularly in Leicester, ceased to exist. We, as with others in our position, slowed our recruitment of pupils. This continued until 2014 when the CPS, and then solicitors, realised that it was not profitable to do this work. At that point there was an explosion of work coming in and not enough people to do it. Since then we have been recruiting heavily to cover the level of work inside chambers.

A similar position was anticipated in family and civil work with the reduction of availability of legal aid in family work as well as the reduction of success fees. The expected shortfall has been less than anticipated. Direct access has filled some of the gap – the willingness of people to pay privately for these matters has filled the remainder.

In 2010/11, the future was thrown into turmoil by the issue of direct access and alternative business structures. This was exacerbated by the MOJ putting forward the two-tier procurement process for defence criminal work. The potential cost of this process for us was annihilation. As a result, chambers took two far-reaching decisions:

a. The appointment of a chief executive to steer chambers through a commercial rather than a professional world – this included the bidding for contracts for local authority work.

b. Close co-operation and then a merger with a smaller criminal set in Leicester (Garden Square).

AT A GLANCE
KCH GARDEN SQUARE

- Headed by Jonathon Dee
- Established in 1975
- Based in Nottingham and Leicester
- Services include common law advocacy and advice
- 59 members / 12 support staff
- www.kchgardensquare.co.uk

This entailed a drastic change of atmosphere within chambers that was not always positive. A clear benefit was the improvement of the administration and marketing of chambers.

This had always been the poor relation of the business. Fee-collection had been hap-hazard and marketing had been non-existent. Marketing became focussed around teams (criminal, family and civil) and around a brand (KCH). As a result, teams began to think about themselves as a group with common objectives.

There were certain negative effects, however, as teams began to separate from each other and the human element of the business was neglected. A barristers' chambers – particularly a common law set – is a "people" business. The customers of a chambers are its barristers. To be successful in a stressful, high-profile profession, it is necessary for a barrister to have an ego. When this is neglected and ignored in a professional setting, morale drops, and people leave.

> "Sacrificing the MOJ budgets to gain positive headlines about health or education spending will be disastrous"

This happened in 2013/14 and chambers contracted by a third as people left and the sharks circled. At this time, it became clear that the MOJ were abandoning the two-tier contracting process. Part of the cause of low morale was the fact that the whole process had cost chambers over £250,000 over four years (approximately 6-8 per cent of total chambers expenditure in that period). That money, all of which came from the pockets of individual members of chambers, was ultimately wasted in a wild goose chase that was started and finished by the MOJ.

At this point we were close to collapse. That we survived was due to a combination of strong-willed individuals and a restructuring of chambers into a confederation of two teams – crime and family/civil. Each team was roughly the same size. The teams were given autonomy over clerking, recruitment and marketing and large parts of their budget. The management and administration of chambers remained under the control of the management company with a significantly reduced board drawn from both teams, including the heads of both the criminal and family/civil teams.

Since the restructuring, the outlook for the common law bar has improved as stated earlier. Our problem now is that we are struggling to recruit. The lean years of 2006-2014 have caused a shortage of qualified people available, notwithstanding that the number of members of chambers has risen from 37 to 58 since the start of 2015. The primary method of recruitment is through pupillage, with at least three a year being offered. Financially, we have moved to a position where rent can be cut whilst money is being invested into our technological infrastructure.

The common-law Bar has moved from a profession that was convinced it was in its death throes to one that is beginning to look forward to the future. Advocacy – our core skill – is one that requires a skilled advocate. Those advocates need proper training and regular practice. The experience of the last few years has shown that this is best provided within the flexible chambers setting.

Confidence in the sector is fragile. It can easily be shattered by ill-thought through policies and initiatives. The MOJ has a poor reputation within the profession, and we are acutely aware that it is a poor relation amongst government departments. We noted that the justice system did not get a single mention in the election campaigns of 2015 or 2017, while public attention is skewed towards health and education.

Sacrificing the MOJ budgets to gain positive headlines about health or education spending will be disastrous. Certain areas of the system are close to collapse and, at a point where increases in public spending are being considered, it is worth remarking that we are working for fees that have not increased at all (and in most cases have shrunk) during the last ten years. Our goodwill is stretched and our professionalism should not be taken for granted.

Sills & Betteridge LLP

Sills & Betteridge LLP is a full-service solicitors firm practising in Lincoln, Nottingham and throughout Lincolnshire. Its presence in Lincoln spans over 250 years, and during the last 11 years it has merged with nine other firms, with a combined age in excess of 900 years. With 270 staff and a turnover of £11 million, this regional firm appears to be doing something right.

Operating in Lincoln, Nottingham and throughout Lincolnshire

A full-service firm, or what used to be called a general practice, aims to meet the legal needs of the entire community: substantial and not so substantial businesses, home buyers and sellers, clients wishing to make provision for their families after their deaths, separating couples, those suffering personal injury and those in trouble with the criminal law.

The firm has always faced change. In 1857, the probate practice on which it was then based evaporated following a change in the law. In 1948, the unexpected death of the senior partner left a newly qualified solicitor in charge. Since the late 1970s, the firm has faced the challenge of increased specialisation and competition from non-solicitor providers. In response, we have grown from offices solely in Lincoln and 12 people to the size it is today.

So, what are the challenges going ahead for us and for firms like us?

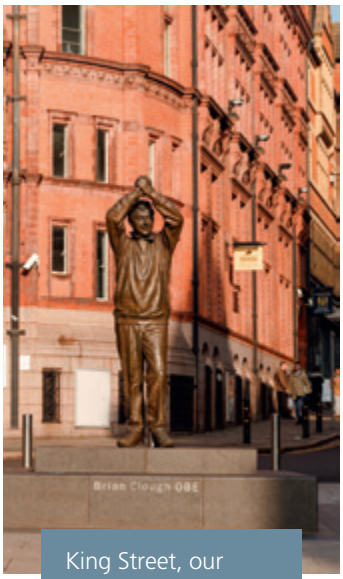
For one, the burden of regulation. Solicitors not only have a regulator, the SRA, but our regulator also has a regulator, the Legal Services Board. This has to be paid for by the clients. The aims of regulation seem unclear. Obviously, it should extend to protecting the consumer from the incompetent and the dishonest. Should it extend to disrupting the entire system of legal education by reforms that the profession does not seek and does not want? Should it include establishing a mechanism to enable solicitors to offer unregulated legal services?

The SRA is not our only source of red tape. The money laundering regime has become an immense paper chase for little discernible benefit. The public – and possibly also politicians – perceive money laundering compliance to be about catching terrorists and major criminals. In fact, to us, it is about trivial lies on mortgage applications, cash in hand payments to tradesmen and deceased pensioners with excess capital, all of which must be reported to the National Crime Agency. None of these things has ever, so far as we are aware, resulted in a prosecution. The cost to us can be substantial. When a report is made, we must put down our pens and we are not allowed to tell the client why. Recently, one client took exception to this and it cost us in time and money in excess of £41,000 despite the fact we had done nothing wrong. He had omitted accurate information from his mortgage application about decades-old events, but that was possible mortgage fraud and must be reported.

AT A GLANCE SILLS & BETTERIDGE LLP

- Headed by Andrew Payne
- Established in 1759
- Based in Lincolnshire and Nottinghamshire
- Provides a full range of legal services
- 270 employees
- Once acted for the man whose lion killed the "Prostitutes' Padre"
- www.sillslegal.co.uk

> "Whether the Brexit capital of Britain is Boston or Skegness, we have offices in both"



King Street, our Nottingham location

Legal Aid is another challenge for us. We joined the Legal Aid Scheme at its inception in 1949 and continue to act for legally aided clients in work areas where it still can be conducted economically. We regard it as an important part of serving the entire community.

The legal aid bill is admittedly enormous. But whilst 80 per cent of the population were financially eligible in 1980, today it is under 25 per cent and falling. Just as important is that the work for which legal aid is now available has fallen precipitously, which means that, for example, situations arise in which alleged perpetrators of domestic violence have to question their alleged victims in court personally.

What has gone wrong? I think three things have made a very great difference:

- First, no one has taken the cost of the defence into account when looking at criminal procedure. Fewer than 100 high cost criminal cases cost the legal aid budget over £30 million.
- Second, when legal aid was formerly available for personal injury cases, the public received a lot of legal services for not a lot of money because costs awards made against defendants were paid back into the legal aid fund.
- Third, a great deal of the "public interest" civil litigation conducted under legal aid is of little benefit to most of the public. How many tenants and mortgage payers could be helped to stay in their homes for the legal costs of one disputed minor human rights infringement? We have, like so many other firms, recently given up legally aided housing law because it is no longer financially viable. That is not to excuse the breach of human rights, but is contesting it the best use of finite legal aid money?

Access to decision makers is hard. The DWP awarded us an Innovation Fund project to help separating families resolve their own legal difficulties. It was a great success, but unfortunately neither the DWP nor MOJ were able to provide permanent funding. Subsequently, the project lapsed.

Recruitment of good, young staff is difficult for us, particularly in our rural branches. Most would-be trainees are seduced by the bright lights of London and, unlike when the majority of our partners qualified, many do not aspire to run their own practice.

Whether the Brexit capital of Britain is Boston or Skegness, we have offices in both. Businesses and individuals want clarity from Brexit. The last major reform of the Common Agricultural Policy caused immense problems for the agricultural land market because for months buyers and sellers did not know where they stood. Now, the challenge faces the whole economy.

Solicitors have to draft agreements that must work for many years into the future, and minor adjustments to the law can cause as much difficulty as major law reform. What will a clause in a contract referring to a particular European regulation mean when that regulation remains in force but does not apply in the UK? Does it now refer to the new British regulation or to the still existing old EU one? Will the answer be different if one of the parties is Dutch? Questions like these demand answers and, as yet, have none.

But in many ways, legal practice has not changed. In 1783, our predecessor wrote on gaining a new client that he would carry out the work "With satisfaction to you, Sir, and some degree of credit to myself". We aim to do no different.

TSF Consultants

Tim Farmer, Founder

Established in 2011, TSF Consultants is recognised as leaders in the provision of mental capacity assessments. With offices in Stroud and a network of experienced assessors around the country, TSF Consultants was awarded the coveted title of Mental Capacity Assessor Firm of the Year 2017 by Lawyer Monthly. Founder Tim Farmer is an award-winning author, expert witness and is recognised as one of the UK's leading experts in the assessment of mental capacity. He discusses the business and the TSF academy.

I have always believed in keeping the individual at the heart of everything I do. I firmly believe that everyone has the right to make their own decisions, that they have the right to be protected if they are vulnerable, that they have the right to be included and they have the right to be kept at the centre of the process. I also believe that people are entitled to receive the best assessment possible to ensure that they get the right outcome. This is why I've set up the multi-award winning TSF Consultants, and the aforementioned are the core values that drive everyone who works at TSF.

We have over 30 assessors across the UK, giving us truly national coverage. What is more, 99 per cent of all our assessments occur in the individual's home at a time of their choosing. This enables us to ensure that they feel safe and that they can be at their optimum during the assessment. All of our assessors are either health or social care professionals and they are all recognised by the Court of Protection and the Office of the Public Guardian.

Since we started in 2011, our reputation has continued to grow to such a degree that in 2013 we gained our first international client. Since then, we have had people flown into the UK for us to assess, and we have also been flown abroad to assess individuals on behalf of the Court of Protection. On a personal level, I work alongside Baroness Finlay as part of the National Mental Capacity Forum, as well as other leading industry and accreditation bodies.

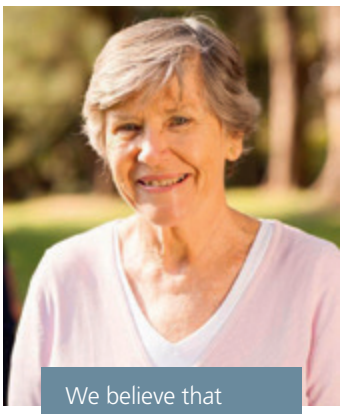
Turnaround

We are very familiar with the fact that the process surrounding the assessment of mental capacity can be both perplexing and nerve-racking. Accordingly, this explains why we try to make the process as simple and easy as possible. Sensitive to the need to redress the process surrounding such assessments, we are always at the end of the phone or email and we will take as long as is needed to ensure that the people who need us fully understand their options and the process ahead of them.

Often mental capacity doesn't become an issue until it is too late. Any delay in getting an assessment often leads to the situation deteriorating and things

AT A GLANCE
TSF CONSULTANTS

- Headed by Tim Farmer
- Established in 2011
- Based in Stroud
- Provides mental capacity assessments
- Five employees and 30 assessors
- Over 4000 assessments completed
- www.tsfconsultants.co.uk



We believe that every individual is a person

getting more complex. Unfortunately, when things become more complex assessments often become more expensive in terms of legal fees and costs.

Regrettably, there is an average three-month waiting time for submissions to be processed by the Court of Protection or The Office of the Public Guardian. Add a four month wait for the outcome of a mental capacity assessment from a GP, and people are suddenly looking at over half a year before they can achieve any meaningful outcome to their situation or for their loved ones

TSF Academy

At TSF, we believe passionately in getting the right outcomes for the individual. We do this through a combination of compassion, empathy and knowledge. Key to any assessment of mental capacity is clearly identifying the threshold of understanding. We do this using our cutting-edge proprietary assessment process, internal governance and by always ensuring that the individual is treated with dignity and respect.

> "At TSF, we believe passionately in getting the right outcomes for the individual"

These elements have given me the title of "Guru of mental capacity". I also believe that, as experts, we should have a willingness to share our unique insights and understanding. It is for this reason that we decided to launch the TSF Academy, a place for everyone operating in the field to learn, not just our proprietary methods for assessment, but also develop the care, listening-skills and empathy that characterises every assessment we carry out. The Academy will be open to everybody who wants to learn and develop themselves, in the capacity of assessor and as an individual.

Professionals from a range of sectors will teach different topics at our TSF Academy, such as our distinguished CMSL principle model (Concept, Mechanics, Short term and Long term), which allows us to accurately establish the threshold of understanding as well as all our other assessment methodology. Every course will also be fully accredited.

The main objectives of the TSF Academy include developing high quality assessors in order to ensure a standard of assessment around the UK and the world, guaranteeing that individuals have their dignity safeguarded, ensuring good practice and promoting further development of assessment tools and techniques.

We are going to ensure quality of service and delivery each and every time. Every assessment will be consistent, respectful and compassionate, always placing the individual first. Many people currently conduct assessments in order to deliver decisions, but what is in doubt is the consistency and validity of those assessments.

The situation today is that mental capacity assessment is undertaken by a large number of individuals with no coherent standard. Imagine what this means for immediate family insofar as it impacts how each person is treated and the potential for interpretation. Policy needs to ensure that everyone is treated the same and assessed the same, so that society can rely on a measure of fairness.

TSF is advocating that there should be a standard measure, training and professional qualifications that will ensure that each individual assessment is delivered consistently and fairly and that any assessment of an individual's capability to decide on their own fate is managed to a strict standard. If these conditions are met, society will undoubtedly benefit. This is a unique proposition in the field of mental assessment that will revolutionise the way the industry works as a whole.

Complete Cost Consultants Ltd

Bob Baker CL, Founder

Complete Cost Consultants is a specialist firm of cost lawyers and law cost draftsmen headquartered in Penzance, Cornwall, with a subsidiary office in West Yorkshire. Led by Bob Baker, the firm provides a comprehensive costs service and is able to act as a negotiator and receive court instructions from paying and receiving clients when necessary. Bob discusses the firm's growth over nearly three decades of business and how costs firms can best adapt to a post-Jackson reforms, civil litigation costs landscape.

We offer a traditional, personalised cost drafting service, making use of our specialist legal knowledge to ensure professionalism, cost efficiency and reliability. We have always undertaken legal aid work and our wide range of services includes the creation and negotiation of budgets for use in multi-track litigation. We also appear in courts around the country representing our clients at case management hearings, where budgets are set by the court. Our negotiation services are well-honed and well-tested. We also deal directly with paying and receiving parties on delegated authorities to settle costs cases.

Initially, I trained and handled all types of family, civil and personal injury litigation whilst working for solicitors. I also received all-round training in all areas of practice in a solicitors' office, including solicitors' accounts, probate and conveyancing. I gained substantial litigation experience, including acting for a claimant who was lined up to be the recipient of the country's second ever structured settlement following catastrophic injuries received in a serious car accident.

From 1986 onwards, I specialised in high-value personal injury and complex clinical negligence matters at a small firm in Truro, developing an interest in legal costs – an emerging area of specialism.

My wife and I drafted our first bill at home on the kitchen table in 1988. Our costs business was conceived. We sought work locally at first and gradually broadened our range. We worked from home for a couple of years, which suited us as we had young children. In 1990, we took our first offices in Truro and started employing people to assist us in our growing venture.

Over the years, we have seen significant changes to the legal system, including the introduction of the civil procedure rules in 1999 and of fixed-fees to legal aid cases in 1995. Nevertheless, we have always adapted to the fluctuating costs in the field in which we practice.

During the first decade of the company's existence, I undertook some locum work to supplement my income from the growing costs work. In 1998, I decided to concentrate solely on the costs work. I purchased a business in West Yorkshire to

AT A GLANCE COMPLETE COST CONSULTANTS LTD

- Headed by Bob Baker CL
- Established in 1988
- Based in Penzance, Cornwall
- Services include drafting bills budgets and all costs related documents
- Six employees
- Happy to attend a client's office at no cost to them
- www.legalcost.co.uk

expand our operation significantly, thus increasing our staffing level to over 20. Since then, we have operated nationally in terms of the clients that we represent and the variety of cases that we deal with.

In the mid 90's, I joined the Association of Law Cost Draftsmen, subsequently named the Association of Costs Lawyers, gaining fellowship of the association in 2003. In 2008, I became a qualified costs lawyer and had the privileges afforded by the Courts and Legal Services Act 2007. Currently, I conduct costs litigation for professionals as well as lay clients.

In 2006, I started mentoring students of the ACL in their training courses, enabling them to gain the prestigious costs lawyer qualification. This is a role I still undertake today. In 2016, I was elected onto the ACL legal aid group and have worked closely with chairman Paul Seddon in maintaining close links with the LAA and other representative bodies in the legal profession, ensuring that costs lawyers' interests are noted and promoted where possible.

> "At Complete Cost Consultants Ltd, we strive to adapt to the ever-changing requirements placed upon us and to keep pace with any changes"

We have made a huge number of changes to our operating procedures over the years to keep up with ever changing developments and we now face the compulsory use of electronic bills, which presents challenges for all in the costs profession. We are about to trial some new software that has been specially written for our market. We are very excited about the way this will revolutionise our operations on a day-to-day basis.

Jackson reforms

Until 1999, when the civil procedure rules were introduced, there was little change in the way that cases were conducted and how cost issues were resolved. The introduction of Points of Dispute during the late 90's substantially assisted the way in which costs assessment hearings were conducted. Gone were the days of a surprise attack by an opponent at the assessment hearing. If an objection is not stated in the points of dispute, one is not usually able to make it in court as an afterthought.

The various reforms proposed by Lord Justice Jackson over the past few years have subjected civil litigation to a variety of changes. Fixed fees have been introduced for many types of routine litigation, which includes road traffic accident and employer liability claims. Fixed fees have also provided certainty as to the amount of exposure to costs for those involved either as claimant or defendant. Whilst it means less work for us as costs lawyers, it does mean that the parties can conduct their cases more quickly without lengthy and potentially expensive costs processes at the end.

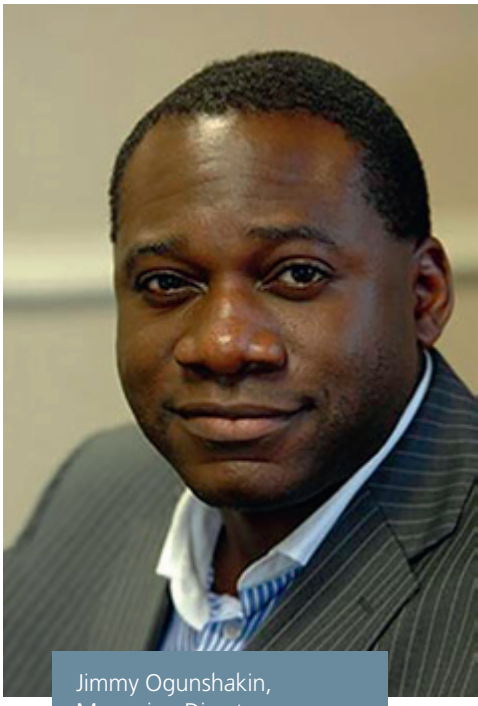
Costs determination has also become much more technical in nature. "Proportionality" is a word used in almost every sentence within the busy costs lawyer's office. Solicitors are having to adapt the manner they conduct litigation to avoid big reductions to their costs as a result of spending disproportionate time or money on their cases. The introduction of the budgeting process is also making the eventual cost more certain and transparent.

Among the latest round of reforms is the expansion of the application of fixed fees to more cases as well the introduction of electronic bills as compulsory in cases to be determined in the Senior Courts Costs Office from April 2018.

As with all changes that have taken place in the past, those that relate to costs aren't affected by costs lawyers working for their clients to ensure that the court rules are adhered to at all times. At Complete Cost Consultants Ltd, we strive to adapt to the ever-changing requirements placed upon us and to keep pace with any changes.

Mayflower Solicitors

A recession may not sound like the best time to start a business, but Mayflower Solicitors' strong, resolute ethos ensured that the fledgling firm not only established itself as a dependable, trustworthy company from its origins, but showed that maintaining core values in even the most dangerous financial climate can be a strength in the long term. Managing director Jimmy Ogunshakin discusses building a successful law firm and the challenges within the legal industry.



Jimmy Ogunshakin, Managing Director

Making the leap

Admitted as a solicitor of the Supreme Court in 2002, following a spell as a student Barrister of Lincoln's Inn (acting on behalf of some of the largest companies in the world) I felt a core passion and drive within me to set up a firm of my own. With the help of the working relationships I had already established through companies I had worked with previously, I was able to create a strong foundation on which to build a law firm based on those values. Not only that, creating a law firm in Birmingham, one of the youngest and fastest-growing cities in the world, was ideal. The risks were great, even before the financial crash, as no one knew what the future would hold. The name "Mayflower", after the famous ship, was therefore a perfect fit.

Of course, no one had expected the financial crash of 2008 to be so widespread and devastating. I was confident, however, that my passion for building relationships with clients would be the edge I needed over my competitors in the market. This enabled me to understand their business needs so that a tailored legal service could be provided. My clients felt that my firm was almost part of their own organisations, and so we established the trust that all law firms should have with their clients. We not only rode out the financial crash, but built on those initial few years, which enabled us to employ more staff as the client base grew and open the firm to new areas of law, such as employment, legal aid, immigration and debt recovery. As we approach our tenth anniversary in 2018, I have an opportunity to reflect on this time and look forward to the next decade.

Too often, law firms fail to succeed because they are always looking for that one "big name" client to keep them financially secure for the years to come. We started out with some solid clients, that is true, but going into the next ten years we are establishing ourselves as a private client firm and establishing a property and family department to guarantee the firm's financial prosperity. That's what makes any firm in any industry stand head and shoulders above any other – the ability to diversify and help as many people as possible. After all, isn't that what we all became lawyers for?

AT A GLANCE MAYFLOWER SOLICITORS

- Headed by Jimmy Ogunshakin
- Established in 2008
- Based in Birmingham
- A commercial law firm with emphasis on all aspects of employment law
- Ten employees
- Despite its size, it successfully handles many International organisations in multi-million pound claims
- www.mayflowersolicitors.com

The right recruitment

The old adage is correct: You learn more from your mistakes than your successes. By being at the real "coal face" of the industry, one develops a hard skin to all the variables that a legal professional and business owner has to contend with. One such variable is bringing in the right staff to help your business to expand and be the success you want it to be. I have learned that for a small firm such as mine, you must bring in people who not only share your short and long-term vision for the firm and their role in it, but can add value and expertise that no other firm has. You must ensure that your prospective employee really understands the direction of the firm for the future, because what's the point of hiring staff if they don't want to progress? The simple equation is: if you don't put the work in, you don't get the results.

> "The simple equation is: if you don't put the work in, you don't get the results"

From apprentices, who efficiently run our administrative support, to consultant solicitors, who are brought in for project work, the emphasis is always the same – to bring in the right people to be able to all pull in the right direction. Subsequently, I now have an exceptionally hard-working, dedicated team who go out of their way to ensure their work and advice to clients is of the highest possible quality so that we may achieve the very best results for our clients and ensure our ethos, reputation and core values are strengthened with every case.

As a result, successes are shared and built upon in the group as a whole, rather than just with those who work on the case, ensuring a tight, family-style firm. There are no failures, only lessons to be learned for the next case we receive, and marketing and networking opportunities are available and encouraged for all staff to ensure that everyone feels a part of the growth of the firm.

Now we move into the next chapter of the history of the firm with a renewed sense of purpose and strength, aware that whatever challenges we face will be faced head on and overcome. Our strategic growth plans reflect this, from an increase in staffing numbers to a new, larger office. With our ambitions anticipating the potential impact of Brexit and other significant changes that we predict in the future, I am certain that the firm will be a major player in legal services for many years to come.

The Tesco Law

There are many challenges within the legal sector. Indeed, the legal landscape has changed dramatically over the last ten years, never more so than following the implementation of The Legal Services Act 2007. This is one of the most challenging changes to happen to the industry for centuries.

Dubbed "the Tesco law", the Legal Services Act 2007 allows non-law firms to offer legal services to its clients through an Alternative Business Structure (ABS). This, however, has so far led to little change in the market except from confusion from all sides as to the regulatory future of the industry and where this new model sits.

The piece of legislation was generally welcomed as a chance to separate the regulatory (SRA) and professional body (Law Society). Successive governments have failed to pursue any change, however, and the Ministry of Justice recently indicated that it sees no reason to change, suggesting this could be achieved through the current legislation despite industry-wide evidence to the contrary. Until then, firms like ours will continue to offer a different option when it comes to legal services, offering a service that the Legal Services Act seeks to achieve by improving access to justice and protecting and promoting the interests of consumers.

Richard Long & Co

Richard Long, Founder

Richard Long & Co is a specialist practice in insolvency, investigation and asset recovery. The practice was formed by Richard Long in 1996 following many years as a partner in a well known city firm. A boutique firm with a global reach, Richard Long & Co works to the same standards, and sometimes higher standards, as any major firm, but often at a fraction of the cost. The firm serves clients throughout the UK and the world.

I was delighted that in 2017 I was able to persuade Heath Sinclair and Christine Bartlett to join me. Their combined experience with prominent city firms and HMRC builds upon and expands our investigatory and asset recovery work. Both Heath and Christine are experienced insolvency practitioners and financial investigators.

Insolvency

The firm has an experienced team of people with a sympathetic and understanding approach to clients' needs and the ability to recover funds for the benefit of creditors or victims, in sometimes very testing circumstances. We can assist a company or an individual to identify and work through their financial difficulties, implementing rescue or insolvency procedures as appropriate. If rescue is possible then jobs will be saved and creditors will benefit in the long term.

Alternatively, a properly managed insolvency procedure such as a voluntary arrangement, liquidation or bankruptcy can ensure that creditors receive returns and individuals can start afresh. Whilst not possible on every appointment, we have had a number of matters where creditors have been paid in full, and where dealing with employees we ensure that their full and proper claims are calculated and they are given assistance in dealing with their mortgage companies, landlords and banks.

Modernised and consolidated insolvency rules came into force on 6 April 2017, reflecting modern business practice and making the insolvency process more efficient. Changes included enabling electronic communications with creditors, removing the automatic requirement to hold physical creditors meetings, enabling creditors to opt out of further correspondence and for small dividends to be paid by the office holder without requiring a formal claim from creditors.

The supposed impact relates to creditors in insolvency proceedings and is deregulatory. The perceived efficiency savings delivered by the 2016 Insolvency Rules should result in lower costs in dealing with the administration of an insolvency which in turn should lead to better returns to creditors.

Working with creditors we ensure that we are able to produce the best result for them and that they understand what has occurred to trigger the insolvency. We are always conscious that creditors have lost money and we do not spend unnecessary time on matters that will produce no or little further income for them.

AT A GLANCE
RICHARD LONG & CO

- Headed by Richard Long
- Established in 1996
- Based in Hertford, London, and Epsom
- Provides a full range of bespoke insolvency, investigatory and asset recovery solutions
- www.richardlong.co.uk

On those occasions where funds have been misappropriated, we have the knowledge and capability to take action against those responsible and our considerable successes include obtaining orders against directors to recover assets for the insolvent estate, such as by claims against them for wrongful trading.

We are experienced in obtaining evidence to a criminal standard of proof, and we regularly give evidence in court on civil and criminal matters.

Investigation

Where there has been some "dirty dealing", we have the ability to conduct asset tracing exercises, in the UK and overseas, and have been able to prove the beneficial ownership of assets despite their being held in the name of third-party entities or names.

We also have considerable experience in "expert witness" work, particularly relating to insolvency, but also to management and enforcement receivership as well as money laundering.

Recovering the proceeds of crime

The government has a much publicised drive to recover the profits that criminals make, as demonstrated in the National Audit Office Reports on Confiscation Orders (2013 and 2016) and the Home Affairs Committee on Proceeds of Crime (5th Report 2016-17).

Since 1990, we have regularly been appointed by government departments, including the Crown Prosecution Service, HMRC, the SFO and local authorities, to act as management and enforcement receivers under the Proceeds of Crime Act and prior legislation. In this capacity, Heath, Christine and I take appointments over a criminal's assets, managing properties, businesses, vehicles, boats, aircraft and other assets, investigating where necessary and realising the items to pay funds in court when a confiscation order is made after conviction.

We can take action against third parties to recover funds which have been "gifted" away and can realise assets even where they are held in the name of third parties, piercing the "corporate veil" where needed.

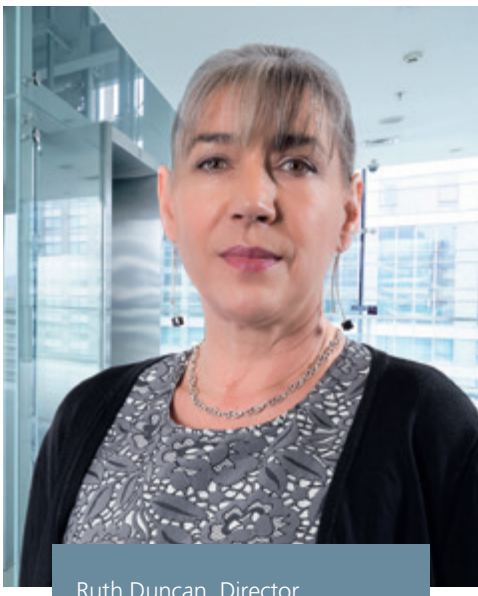
Similarly to the insolvency legislation over the years the enforcement and confiscation legislation has had many changes. The Drug Trafficking Offences Act, Criminal Justice Act and Drug Trafficking Act have all been merged into the new and current Proceeds of Crime Act. This legislation is very powerful and the powers of the court appointed receiver are extensive.

One of the biggest frustrations in enforcement and confiscation work, as highlighted in the government reports and regular press articles, is the perceived inefficiency of the enforcement mechanism. A fundamental cause is the government's virtually annual reduction of budgets in the appropriate enforcement teams, which results in a loss of staff, expertise and the manpower to make enforcement more effective. Despite these problems, Heath, Christine and I have collectively recovered assets in excess of £50 million, which has been paid to the court for the benefit of the victims of crime. We work in tandem with law enforcement and local authorities to achieve outstanding results.

This has been particularly important in recent years as local authorities also have the power to prosecute cases and obtain confiscation orders. At a time when local authority budgets are being slashed, the ability to recover funds is vital to councils. We assist local authorities in obtaining receivership orders to enforce outstanding confiscation orders, thereby recovering much-needed money.

"We are experienced in obtaining evidence to a criminal standard of proof, and we regularly give evidence in court on civil and criminal matters"

RNF Business Advisory



Ruth Duncan, Director

With over 30 years of experience in the insolvency and business recovery industry, Ruth Duncan is a licensed insolvency practitioner, or IP, and holds office as the president of the Insolvency Practitioners Association. Ruth believes that taking a holistic approach to her clients is the key to achieving positive outcomes for both creditors and debtors. Ruth explains how she has risen above the industry's challenges and how consistency in legislation can help to secure a strong future for the UK economy.

Since starting my career at the Insolvency Service in the mid-1980s, I have worked for a variety of large international companies and small specialist firms. In 2003, I realised that I was not going to progress in the firm I was with, and so I decided to set up on my own. In many ways, it was not an easy decision, as I was a single parent to two young children and would initially be trading at home with no real prospect of any income. But I believed in what I was doing and what I could offer the profession, so I set up as a sole trader under the entity of Maxwell Davies. 14 years later, that now incorporated business is still going and owns the shares of RNF Business Advisory Limited.

Challenging a male-dominated industry

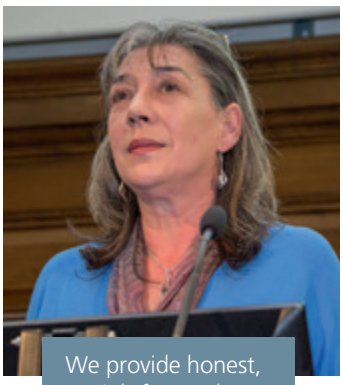
Historically, insolvency has been a challenging arena for female IPs. When I first started my practice, I couldn't get any proper finance from the traditional lenders. In effect, everything that I have accomplished has been self-financed. 14 years on, I am incredibly proud of my company and the way that I've challenged a male-dominated industry. I have also had great male mentors during my career, many of whom having cemented my self-belief and strengthened my practice.

I'm the third female and 39th President of the IPA and current chair of the finance and general management committee. Women are currently over-represented on our board at the IPA, which I put down to females in our industry being more determined and confident to have our voices heard. I would like to emphasise, however, that my thought process is very much women as well as, not instead of, men.

When I'm invited to speak at schools and other organisations about what females can achieve, I encourage young women to push against gendered stereotypes because, in doing so, it changes and evolves industries. There is some good research available on how female executives in companies increase the profitability of these companies, so it is heartening that the FTSE 100 currently have more female board members. I have attended some great conferences celebrating female entrepreneurs, but female board appointments need to increase and be more than the non-executive appointments that have been taking place.

AT A GLANCE
RNF BUSINESS ADVISORY

- Headed by Ruth Duncan
- Established in 2003
- Based in Maidstone, Kent, and London
- Services include insolvency and business rescue specialism
- Seven employees
- www.rnfba.com



We provide honest, straightforward advice

I've always taken a holistic approach to what I do, and I think being female gives me an advantage over my male counterparts in that sense. I believe that it is important to listen to the person in front of you and listen to the answers given. IPs are required by the regulator to advise clients about the full range of options open to them and their debt issues, but there is room for more listening in the profession. It appears that some IPs are often very dogmatic when providing their advice, and directors whom I've seen afterwards have felt unsettled by the experience. You can arrive at the same effective result without taking that approach. I like to think that I present what are the very best options for my clients.

> "I've always taken a holistic approach to what I do, and I think being female is an advantage over my male counterparts in that sense"

When I ask my clients what they want to achieve, some business owners will say that they just want to close the company and walk away owing to the level of stress that they have to cope with. They see the current marketplace as unsustainable and they think that they don't have the stamina to continue for several more years. Others want to carry on, however, but they need to deal with company-wide debt with viable means. Trying to explain all the nuances of the situation is often difficult because business owners are unquestionably stressed and anxious and insolvency is a very technical subject. It's about trying to find out what they want to achieve while balancing it with what the creditors are expecting. It's not always possible, but I aim for a "win-win" in terms of both creditor and debtor expectations.

Challenges ahead

Facing the potential failure of a business is obviously a distressing time for anyone. It is vital that business owners understand the importance of seeking help as early as possible. The sooner IPs get involved, the larger our arsenal can be in dealing with the situation.

In this respect, I believe that the insolvency profession would benefit from a more proactive thought process in legislation and an equally proactive media presence. Stronger, positive press activity would help to make business people more aware of their options and highlight the incredibly valuable role IPs play in supporting UK industry.

A solid, thriving insolvency profession is actually very good for the economy. Furthermore, long-term consistency in legislation would assist us immeasurably. The current set of secondary legislation that came into force this year had some aspects that IPs warmly welcomed. Other aspects of the legislation, however, only served to distance creditors from the insolvency process. Especially concerning for us in the industry is the impact of Brexit on cross-border insolvency regulation and recognition. Failing to cement an agreement will only serve to increase costs, mar outcomes and cause considerable delays.

Additionally, with over 30 years of experience in this field, I believe that the current widespread interest in mental health issues should be further explored, particularly in terms of how they relate to the insolvency and business recovery process. Dealing with a business in trouble is an inherently stressful experience. Personally, I would like to see some form of structured mental health support for debtors, owners and directors, all of whom find themselves in such a situation – the dialogue surrounding this topic is currently ongoing within the industry. As president of the IPA, I'm keen to raise awareness of this issue.

FS Legal Solicitors LLP

FS Legal is renowned for its cutting-edge litigation work, especially around professional negligence cases, and is actively pursuing many of the current headline-grabbing, multi-million pound, financial and tax negligence claims. Julia Norris, one of the firm's partners, discusses how FS Legal's business-model has come to lead the field and offers insight into the often fraught and frequently misrepresented world of negligence case law.

Julia Norris, Partner

Everything we do is guided by a set of simple principles: do right by the clients and the staff, the rest will follow. Our business is built on the pillars of trust and success. We are proud to be the only claimant-focused firm to be recognised by both Chambers and Partners and Legal 500 as a Leading Law Firm, with individual lawyers also recognised as "leaders in the field".

Although we act for high profile and high net worth individuals and national corporations, we also represent people with much smaller claims, people whose pensions and savings are often wiped out by poor financial advice. We are actively campaigning for change and to bring greater regulation to the industry.

Campaigning for change

You cannot have escaped the recent headlines about celebrities and sports stars and their tax affairs. The Paradise Papers brought the matter sharply into focus once again, with the spotlight firmly on the individual and their decision to make investments into schemes that the headlines scream are "dodgy" and the outraged readers tut that "they should have known better".

Having represented some of the most well-known of these individuals, I can tell you that very rarely does a TV celebrity, footballer or comedian make a unilateral decision as to where to invest their money. They also don't have the sufficient financial or legal insight to know for themselves where is the best place to put their pension – they take professional advice.

Of course, that advice should be sound, robust and based on best practice. It should give them an absolute assurance that they are investing their money safely and wisely. But so often, the quality of the professional advice given falls significantly short of the mark. You'll see from our case study that the court has in fact ruled that the claimant should actually know more than their professional adviser. This is a decision we rigorously challenge.

Greater regulation

FS Legal represents individuals who have lost much smaller amounts, perhaps £200,000-£300,000, in failed investment products.

AT A GLANCE
FS LEGAL SOLICITORS LLP

- Established in 2009
- Based in Birmingham and Manchester
- Four partners and 20 staff
- Leading law firm in professional negligence and commercial litigation (Chambers and Partners and Legal 500)
- New Manchester offices to open Spring 2018
- www.fsl.legal

> "People have been so poorly advised that they have lost their entire life savings and left destitute"

» WHO KNOWS BEST? A CASE STUDY

FS legal represented the claimants in the case of Halsall v Champion Consulting Ltd [2017] EWHC 1079 (QB) – one of the first tax avoidance cases to reach the courts.

The claim involved, what was found by the judge, to be negligent advice given about two different types of tax mitigation schemes. The claimants had been reluctant to get involved in tax planning. However, their enthusiastic adviser described the schemes as having great benefits for charity with an added tax advantage and as being a "no brainer". They ended up with losses of over £6 million.

Having won on all counts, the court found that the claimant's case was brought too late and was "time-barred", meaning that the claim was lost.

Despite having been reassured constantly by their tax adviser that there was no problem with their schemes, the court found that the claimants should have known better than their professional adviser. They should have known they had a claim and acted sooner – before they even knew whether they had suffered a loss or not.

The case is now with the Court of Appeal and, if the decision is overturned, it will create new law. It is being closely watched by the industry and participants in similar tax mitigation schemes.

Sometimes elderly people have been so poorly advised that they have lost their entire life savings and left destitute in retirement.

Whilst the vast majority of financial advisers act with the utmost integrity and in the best interests of their clients, there is unfortunately a small minority who put commissions before their clients. When things start to fall apart, they also liquidate their company and start trading again without any liability or insurance cover for their former clients – a process known as "phoenixing".

We have long campaigned for the Financial Conduct Authority (FCA) and the Institute of Chartered Accountants of England and Wales (ICAEW) to impose the same requirements on financial and tax advisers as they do on other professional firms.

As solicitors, we are required to hold "run off" insurance for six years after we cease trading. The FCA and ICAEW place no such strict requirements on members. Clients of advisers under the FCA regime are particularly vulnerable. Their only recourse is the Financial Services Compensation Scheme, which can only award up to £50,000.

This is a gross injustice – this is particularly true in circumstances where clients rely on trusted advisers to handle what is likely to be their largest financial commitment alongside their homes.

We believe that the law should be changed. Advisers should be held accountable for their actions. Particularly vulnerable or elderly clients should be better protected and able to get justice.

Built on firm foundations

Each office was founded by two partners. Our Birmingham office was founded by Gareth Fatchett and Paul Crutchley. Our Manchester office was founded by Kit Sorrell and Julia Norris. We put our money where our mouth is and offer most of our clients no-win, no-fee arrangements – something that most large firms are not willing or able to do.

We share a mutual client-referral relationship with some of the "big four" accountancy firms, including Ernst & Young and BDO, and pride ourselves on remaining conflict-free by not acting for big banks or insurers.

The firm enjoys considerable success and has amassed an enviable list of clients based on our industry-leading reputation. We pride ourselves on having specialist knowledge, a dedicated and loyal team that brings on-going business through word-of-mouth recommendations.

What next?

We'll continue our recruitment programme and develop our lawyers into future "leaders of the field". We'll drive forward our campaign to persuade regulators to ensure that people who receive professional financial and tax advice are protected. The ethos of the firm will remain as it has always been: do right by the clients and do right by the staff, the rest will follow.

» PEOPLE AND AWARDS

- Partner Gareth Fatchett nominated for International Lawyer of the Year – Birmingham Law Society Awards
- Partner Julia Norris nominated as Partner of the Year – Manchester Law Society Awards
- Partners Kit Sorrell and Julia Norris individually ranked as 'Leaders in their Field'

Hutchinson Legal & Associates Limited

Hutchinson Legal & Associates Limited was founded in October 2004 in Bristol by Dr Paul Hutchinson. It provides will-writing and estate planning services to clients nationwide. Showing the importance of the company in the industry, Dr Paul Hutchinson discusses the intricacies of will-writing.

Dr Paul Hutchinson, Managing Director

Hutchinson Legal & Associates Limited has enjoyed a significant increase in turnover and growth over the last few years. This growth can be attributed mainly to the volume of work that has been referred from a pool of nearly 40 introducers, which include other solicitors, will-writers, accountants and financial advisors both small, independent advisors and wealth managers working for FTSE100 and FTSE250 companies. In addition, existing clients are providing a steady stream of recommendations to their family and friends. A considerable number of the 3,500 plus clients are known to the team on first-name terms, and all clients who require estate planning advice will be seen at a time and place convenient to them.

The intricacies of will-writing

Fundamentally, we are a firm of professional will-writers and estate planners. Whilst I may bring in the expertise of solicitors and other professionals, the firm itself is only part of the Institute of Professional Willwriters – the leading self-regulatory organisation for will-writers – which carries with it obligations to carry professional indemnity insurance and undertake continuing professional development together with adhering to its code of practice that has been ratified by the Trading Standards Institute. Whilst I have chosen to take my Society of Trust and Estate Practitioners (STEP) exams and, as a result, be bound by its code of practice, the firm is, for all intents and purposes, an unregulated law firm.

The issue of regulation and carrying out reserved activities has been an issue for solicitors and unregulated lawyers – and indeed the consumer – for many years. Many consumers will not know the difference between a solicitor and a lawyer and may assume that when engaging a professional to prepare a will, that they are dealing with a solicitor.

Solicitors themselves are of course regulated by the Solicitors' Regulation Authority, must hold professional indemnity insurance and undertake continuing professional development. Many solicitors, however, will vocally criticise unregulated will-writers as being "cowboys". In fact, I have experienced several incidents over the last few years where, in writing, a solicitor has challenged the advice I have given, with the client being told to be wary of receiving advice from a will-writer without clearly explaining why the advice was wrong or unsuitable. In fact, the advice was, in one case, ratified by counsel and the solicitor, upon receiving evidence of the advice being ratified, never contacted me again and didn't offer up an apology or withdrawal of the criticism.

But regulation itself means nothing. Just because a solicitor or indeed a will-writer is regulated by a "higher authority", it doesn't mean that the consumer is necessarily getting the best advice. It means that the consumer has a regulatory

AT A GLANCE HUTCHINSON LEGAL & ASSOCIATES LIMITED

- Headed by Dr Paul Hutchinson
- Established in 2004
- Based in Bristol
- Services include will-writing, lasting powers of attorney, tax and estate planning
- Three employees
- Dr Paul Hutchinson won Will Writer of the Year in 2014
- www.hutchinson-legal.co.uk

framework through which to complain and seek redress.

In the same conversation, the issue of "reserved activities" is often broached. Typically, the list of reserved activities includes preparing a transfer of land, the preparation of a deed of trust and extracting a grant of probate. Not on the list of reserved activities is administering the estate of a deceased or giving advice about the benefits to the consumer of establishing a deed of trust. Therefore, an unregulated professional can give wholly inappropriate advice to the consumer about, for example, the benefits of establishing a trust, engage the services of a solicitor to prepare the deed of trust on a "drafting only" basis and, unless the solicitor has made an error in the drafting of the document, the consumer has no easy recourse in law to go back to the unregulated professional for the defective advice.

> "The Legal Services Board recommended to the government that not only should will-writing become a regulated activity, but that it should become a reserved activity"

In 2010, the Legal Services Board began a consultation looking at the areas of regulation and reserved activities, focussing specifically on whether will preparation and "probate" should become both a regulated and/or reserved activity. I was invited by the Legal Services Board onto its panel of experts and asked to examine the advice given and wills prepared by a range of legal professionals together with wills prepared by the consumer themselves.

Submissions were made via complaints to the Legal Ombudsman, a "mystery shopping" exercise and interviewing the professionals themselves. In one area, the quality of the will produced, only five wills prepared by a will-writer failed to reach a satisfactory quality, compared to nine wills prepared by solicitors.

In September 2010, the Legal Services Board recommended to the government that not only should will-writing become a regulated activity, but that it should become a reserved activity.

This decision was backed by the information and statistics gleaned from the call for evidence and its subsequent scrutiny by the panel of experts. Interestingly, the solicitors' profession as a whole was criticised for not ensuring that the preparation of wills should only be permitted if the solicitor had received formal training and had sat an exam in this particular area of law.

Obstacles in the will-writing industry

Buoyed by the results of the Legal Services Board's consultation, there was much expectation in the industry that some changes were afoot. It did come as a surprise to some when the government decided to do nothing. Commentators believed that the level of complaints, defective wills and fraud were so low that this did not constitute a real problem within the will-writing industry.

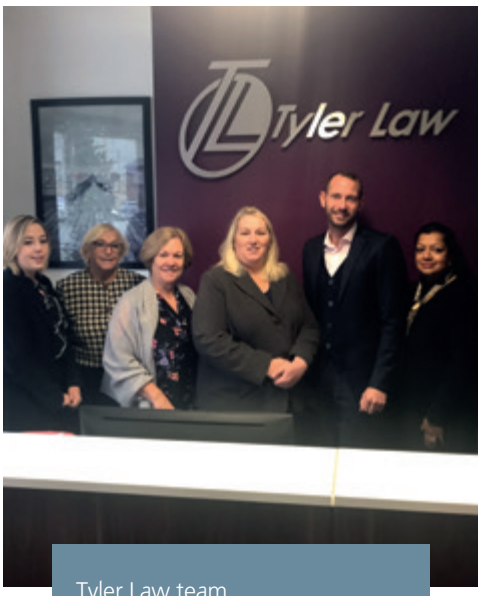
The will-writing industry as a whole, however, does continue to face issues that are as yet to be resolved. For those professionals who have never chosen to practice as a solicitor, the stigma of not being a solicitor can carry deleterious results in terms of the professional's self-esteem and to the will-writing firm as a whole.

What matters is finding a balance between protecting the consumer and providing opportunities for niche law firms such as ours. A system of regulation is seemingly a must – any professional wishing to prepare wills should be a member of a regulatory body.

Will these seemingly radical changes happen in the near future? It's unlikely. This is something that the government needs to review urgently, perhaps dusting off the Legal Services Board's original report and giving it a second or even a third reading.

Tyler Law

Tyler Law is a specialist property and conveyancing firm based in Essex, with additional expertise in family law, wills and contentious probate litigation. The practice is spread over two offices in Southend and Canvey Island. Founder and principal of Tyler Law, Joanne Tyler, discusses the importance of due diligence and risk processing when assessing potential clients, client care and challenges in the conveyancing industry.



Tyler Law team

We tailor ourselves to each individual client's needs, and we attempt to go that extra mile. Our ethos is that every client is unique and that each client has unique requirements. We deliver results and pride ourselves on client collaboration. Consequently, Tyler Law has rapidly expanded over the last ten years.

Customer service is paramount to our success; in addition to working regular hours, I also work two Saturdays a month and provide evening appointments, ensuring that our clients are not forced to take leave in order to see their solicitor. Our clients always have direct access to the fee earner rather than through a secretary. In doing so, we mitigate the potential risk to our firm and to our clients. I do not understand why larger law firms use secretaries to shield solicitors from clients. Moreover, our pricing is non-negotiable, owing to the value of our work.

Due diligence

We undertake a thorough risk assessment with every potential client, ensuring that we understand their expectations. Aside from wanting to ensure we deliver the highest standard of service, our relationships with clients are contractual and therefore carry legal obligations. The due diligence we conduct is one of the central aspects behind our high level of client retention.

In September 2017, the Solicitors Regulation Authority (SRA) opened up a three-month consultation on improving the availability of information. This is all a part of a wider push for a fees transparency scheme involving an online calculator on a legal firm's website that provides potential clients with automated quotes. I am unsure as to the efficacy of this. It ignores the inherent complexity of legal cases, is arguably binary and disregards the risk-based assessment that many law firms require. We believe that a secure risk assessment cannot be done online. My entire staff has the ability to turn down potential clients if they feel there is a risk of unlawfulness. We are consistently instructed over other firms because our clients get to speak with us personally, which we understand is a service rarely provided.

Challenges

Being a specialist conveyancing firm has many challenges. For many, buying and selling a home is the biggest transaction ever undertaken. We're working with clients at a stressful point in their lives, and our aim is to make the process as hassle-free as possible. We offer a service that is friendly and professional, helping clients understand all of their options, costs, timescales and potential liabilities. Because the service is

AT A GLANCE
TYLER LAW

- Headed by Joanne Tyler
- Established in 2007
- Based in Essex
- Provides specialism in all aspects of property, family, wills trusts and probate.
- Seven employees
- www.tyler-law.co.uk

Outside our office in Essex

> "I am applying new business models that will take Tyler Law through the next ten years, enabling it to grow in the post-Brexit climate"

personal and the atmosphere relaxed, the human interaction is never lost. Our growth is almost entirely due to word-of-mouth and amicable relations with clients.

We are an approved Conveyancing Quality Scheme (CQS) accredited by The Law Society. CQS provides a recognised best practice quality standard for residential conveyancing firms and assures clients of our reliability. CQS' wider purpose is to improve efficiency in the conveyancing sector through applying common standards. The Law Society regulation works to prevent fraud in the property market, and by using such standardised processes, we are better able to identify possible causes of negligence claims. The spirit of the scheme was to reduce the amount of enquiries raised between legal practices, but recent input from The Law Society regarding "identity" is currently required. CQS members cannot ask all-important questions of other practices regarding the verification of client identity. Some practices respond with an affirmative "yes", whereas others simply claim CQS compliance. In my opinion, claimed compliance is insufficient.

Following numerous cases where the claimant discovered the seller was a fraudster disguised as the registered proprietor, The Law Society issued Practice Note 9, which advised on identity checks. This conflicts with the spirit of the protocol, meaning that by complying with the protocol, you fail to protect your clients and business together with other parties.

In the current climate of heightened sensitivity to terror threats, with criminal monies potentially laundered through conveyancing transactions, it is unacceptable to not answer questions of client identity when raised, or hide behind the cover of "CQS compliancy".

In the post-Brexit period, it is essential that solicitors' practices are run as businesses. The SRA intends to deregulate many areas of law, a matter that I urge them to approach with caution. Solicitors and barristers have years of training in legal principles and case law, forming a basis for their legal advice and guidance. Claims handlers do not have the same level of experience, nor can they offer the same level of protection to the client. There is a risk that there will be no impetus for students to study law when they can easily open a will writing company in lieu of continuing deregulation. The SRA and the Law Society may soon find themselves without anyone to regulate. In 2013, the Legal Services Board recommended the regulation of will writers, though rejected by government. I believe the Legal Services Board was correct in their proposal.

Will writing companies are largely unregulated, uninsured as a solicitors' practice must be, and may not be qualified to deal with the legal issues. There should be a minimum of five years post-qualified experience before someone can establish his or her own practice.

Going forward

I am applying new business models that will take Tyler Law through the next ten years, enabling it to grow in the post-Brexit climate. I am seeking approval to change the business into an "alternative business structure", having witnessed the experiences of other firms that have made the transition. I am seeking like-minded new staff who are not scared of Brexit, but see it as an opportunity. I opened this business at the peak of the recession. Furthermore, I currently own my business premises freehold and have expanded continuously. We are already cloud based in terms of technology and hope to become a paperless office next year in order to be more efficient and to be more environmentally conscious. I continuously strive to think outside of the box and look for the gaps in what my competitors are not doing.

Divorce Negotiator

Divorce Negotiator is a specialist divorce consultancy and legal service committed to securing quick and amicable divorces. It works with both parties throughout the entire process, ensuring that costs are kept low and acrimony between spouses is mitigated through clear channels of communication and the removal of third party interests, which traditional legal representation generally brings with it. The company discusses how its service offers a unique solution to the many problems divorce brings with it.

Lawyers Bhavna Radia, Carol Sullivan and Sonia Limbada

Divorce Negotiator comprises three legally trained divorce specialists – Carol, Sonia and Bhavna. Each came from a different professional background within the legal sector and each has brought with them a different perspective to the company. Moreover, all shared a common disillusionment with the hostile and bullish way many lawyers conducted themselves and the state of family law more generally.

Carol, for example, had worked for the crown prosecution service for a number of years before entering family practice. During this time, she went through a very acrimonious divorce of her own. The relationship deteriorated to the level where her husband would only speak to her through a solicitor. "I went on to find the most ruthless female solicitor, who encouraged me to go for the lion share of the marital assets." In hindsight, she looked back and thought that there must be a way to have a harmonious divorce. Bhavna came across Divorce Negotiator when she was looking for suitable options to achieve an amicable divorce. She wanted her ex-husband, who had no legal experience, to have access to proper advice and information. "Divorce Negotiator provided the perfect mix of a solution-focussed process that provided equal support to both of us." Although Sonia had not been through a divorce herself, her husband had. Twinned with her experience of the norms and values underpinning family practice, she had some insight into how irrational people can behave in emotionally charged situations.

Why choose us?

Having one divorce specialist assist both parties, rather than each party hiring independent legal representation, has numerous benefits. Firstly, it helps ensure the whole process is as quick and painless as possible. Very few people going through a divorce want to fight for 12-24 months through their solicitors and the court, regardless of how broken their relationship has become. But as Carol remarks, "many don't know there is another option. We encourage open communications between parties to avoid acrimonious situations, allowing you to make the decisions yourself rather than being forced into a decision by the courts." By shifting the emphasis from blaming each other to addressing how each other's

AT A GLANCE DIVORCE NEGOTIATOR

- Headed by Carol Sullivan
- Established in 2013
- Based in Basingstoke and London
- Specialist divorce consultancy and legal service
- Committed to making divorce simpler and fairer for families
- www.divorcenegotiator.co.uk

Helping couples divorce amicably

needs and interests are best met, the majority of couples are able to come to an agreement on their own.

Secondly, working with one trained negotiator speeds up the divorce process, which, in turn, saves money and allows both parties to move on with their lives. On average, Divorce Negotiator saves couples 60-70 per cent of what they would have paid had they both used a high street law firm. When couples are unable to reach an agreement, they provide bespoke practical solutions to aid their negotiations. Whether this involves an asset split, property transfer, spousal maintenance or child support maintenance, they tailor their negotiations and treat each situation according to the specific circumstances in order to achieve a fair outcome.

Most importantly, it ensures that divorce negotiators remain impartial at all times, showing no favouritism or bias to either party. Solicitors cannot do this; they act for one party or the other and aim to get the best for their respective clients. The difference, as Sonia explains, "is that as neutral negotiators, we are not interested in taking sides. We talk to both of you and help you to come to sensible, workable agreements, that work to benefit the whole family: we do away with the culture of winners and losers." Divorce Negotiator helps the whole family transition as smoothly as possible through effective discussion and compromise.

> "Divorce Negotiator helps the whole family transition as smoothly as possible through effective discussion and compromise"

The best of both worlds

The legal profession has a vested interest in entering into court proceedings – quite simply, it means more billable hours. "That, to a large extent, explains the lack of professional courtesy that I found so pervasive in family practice", notes Sonia. At some point along the traditional route to divorce, parties would be advised by their legal representation to seek the help of a mediator as well.

Though the intention of mediation is to reduce the number of divorces that result in court proceedings, the reality is quite different. The mediators' fees in no way depend upon the outcome. "Much of the client feedback we receive about mediation has, in the past, suggested that it is very much a tick box exercise." It means that in court, when pressed by the judge, both parties can say they've tried mediation but it failed. Confrontational legal representation buoyed by disinterested mediation works as well in practice as you'd think it would in theory.

Divorce negotiators bring the effective elements of both fields together, simplifying the process and combining legal training and expert advice with genuine, committed mediation.

"Our biggest challenge is that we *are non practising solicitors* rather than practicing solicitors, because we are not governed by the solicitors regulation authority", notes Bhavna. But this ignores the wealth of experience and expertise that the trio have in family law. In many ways, Divorce Negotiator is a one-stop divorce shop, able to work with a couple from the negotiation and mediation to drafting the settlement papers. It also means that, should it become absolutely necessary, the company is more than able to help you down traditional routes, working with barristers through the court process.

In the next five years, they hope to take on associates in all major cities across England and Wales. Being registered as self-employed, but sharing resources, data and the brand itself, is a highly transferable model.

No Comment

Lawyers and politicians are as popular these days as the French royalty during the revolution. But that perception is hardly fair. Marie Antoinette is famous for saying, 'Let them eat cake', but she probably never said it.

Matthew Fresco, Founder

It does not really matter if she said it or not, since it encapsulates an idea. As the grey, huddled masses of Paris crowded at the gates demanding food, she was aloof. The poor were ignored, their leaders were out of touch. To complete the revolution, the last queen of France would have to lose her head.

Similarly, we all know lawyers are "fat cats" doling out only as much justice as their clients can afford. Bad lawyers make cases drag on for years, good lawyers make them last even longer. As with poor headless Marie Antoinette, it's not true, or at least it's not true of all lawyers.

"Fat cat" lawyers do not practice criminal law. No Comment is my company. It's an agency providing criminal law firms with qualified staff. We represent people when they are arrested. We advise clients in police interviews. Criminal solicitors are mostly trying to help people who are in trouble. We often help the poorest in our society. Indeed, half the prison population has the reading age of an average 11-year-old.

If a solicitor has a client at any police station anywhere in England or Wales he or she can call us and we will dispatch a qualified solicitor within 45 minutes. We have more than 1,000 solicitors on our books. We cover interviews 24 hours a day, 365 days a year.

I started the business seven years ago almost by accident. Years earlier, when I was training, my boss had clients all over the country. I started making lists of freelance solicitors who could help out. I rapidly became known as the guy who could organise cover at short notice. I got so many phone calls that I eventually set up No Comment. Word of mouth allowed us to grow rapidly.

If you are thinking that you will never need our services, do not be so sure. According to a 2002 Home Office report, almost a third of men had a criminal conviction by the age of 30.

No Comment makes sure defendants are treated fairly. We police the police. When the state comes to take you away, we ensure they do it lawfully. We do not tell defendants what to say; we only tell them what the law says. We work with dedicated professionals who strive to do their very best for all clients. Defending people, even guilty people, is important.

Our office is a bit like a newsroom at times and reminds me of my dad, who was a photographer on the Daily Mirror, rushing around in the glory days of Fleet Street. Our phones only ring when something bad happens. It's never good news. If we are involved, it's murder, rape or just a punch-up. We only have 45 minutes to get to a police station, so it can be exhilarating. We send solicitors to cover jobs

AT A GLANCE
NO COMMENT

- Headed by Matthew Fresco
- Established in 2012
- Provides police station reps complete legal aid
- Covers every police station in England and Wales
- 1,000 agents
- www.nocomment.law

at any time of the day or night. I can be like an angry news editor barking orders, although I shout about legal aid forms instead of scoops – but you get the idea.

Despite my flippant tone, it's a serious business, but a sense of humour makes it less stressful – hence the company name. Just days ago, a receptionist asked where I was calling from. I replied "No comment" and the phone was slammed down. It's a name that makes most police officers smile.

The police have a tough job. They interview around one and a half million people a year. About 50 per cent ask for a solicitor. Everyone has the right to a free, independent lawyer. But the lawyers are not paid at all well.

> "To grow, we have had to be better, leaner and cheaper than the firms that instruct us"

If you are paying tax, then you are indirectly helping me with my mortgage. Thanks for that. But what a good deal you get.

Legal aid rates for criminal law have not been increased since 1998. That's nearly 20 years. Rates are not linked to inflation. There have been cuts too. I can think of no other industry or profession that has seen no increases for almost two decades. In my whole professional legal career, I have never seen a rate rise.

It will come as no surprise to learn that newly-qualified lawyers are not turning to crime. Yes, there will always be cops and robbers, so we are to some extent a recession-proof industry. Crime rates are complex, but it's thought that the overall trend is down. Yet the police have recorded increases in crime too, particularly violent crime, in the last few years.

We can be more certain of how many cases solicitors covered. In the last decade, there was a 27 per cent drop in the number of police interviews attended by solicitors in England and Wales. That might have a simple explanation: over the same period, cuts to the police have resulted in a fall in the number of officers of around 20,000. Police budgets have been cut by £2.1 billion.

To be blunt, the fewer police officers we have, the fewer arrests they make. That hits criminal law firms. In 2001 there were 3500 firms practicing criminal law. Now there are fewer than 1400.

Barristers and solicitors are avoiding criminal law. As the money gets tighter, lawyers are leaving this branch of the profession. That is a big worry as, traditionally, our criminal judges are barristers with experience of criminal law.

As a business, No Comment faces interesting challenges. Our clients are the ever-dwindling ranks of criminal firms, and their funding is ever-decreasing. As police numbers fall, the number of defendants at police stations decreases. Yet, somehow, No Comment has grown every year.

To grow, we have had to be better, leaner and cheaper than the firms that instruct us. We are efficient, always looking for new ways to improve. We keep everything in-house so that we are in full control. We are paper-free. Our agents use an app that we wrote. Our app lets clients sign legal aid forms on the agent's phone so the firm gets completed forms quickly. Client firms get reports and statistics immediately from our website, not slowly via the post. We grow by increasing market share.

I doubt that we would have advised Marie Antoinette to answer "No comment". She was probably innocent, but she didn't get a fair trial. She was accused of a raft of trumped-up charges, including organising orgies, incest with her son, and treason. Her guilt was decided in advance by committee. Her lawyers were given only a day to prepare a defence. Criminal lawyers are here to ensure that never happens to you.

A snap election

Prime Minister Theresa May sought to strengthen her position before negotiations with the EU began

On the 19 April 2017, having repeatedly insisted that she had no intention of calling a snap election, prime minister Theresa May sprung a complete surprise when she summoned the press to Downing Street to announce that she would seek a Commons vote to go to the country on 8 June 2017.

It was all the more dramatic owing to the fact that the first inkling of an election being called came only when it was announced that the prime minister would make an important statement outside Downing Street.

The announcement, made as parliament returned from its Easter break, had the force of a thunderclap in Westminster. Quite unexpectedly, MPs and parties were plunged into election mode, with no-one in any doubt that the two thirds Commons majority, required to trigger a dissolution under the Fixed Term Parliament Act, would be reached.

The immediate effect was to turn what were now the two remaining Prime Minister's Question Times of the Parliament into *de facto* leader's debates; especially since it was made clear that Theresa May would not take part in the kind of televised debates held in the 2010 and 2015 elections.

On this occasion, her first questioner was the Conservative backbencher, Alberto Costa, who zeroed in on his party's campaign theme: "strong countries need strong economies. Strong countries need strong defences. Strong countries need strong leaders. As the nation prepares to go to the polls, who else in this house, apart from my Rt Hon. Friend, can provide the leadership that is needed at this time?"

The prime minister did not miss a beat: "there are three things that a country needs: a strong economy, strong defence and strong, stable leadership. That is what our plans for Brexit and our plans for a stronger Britain will deliver. The Right Hon. Member for Islington North (Labour leader, Jeremy Corbyn) would bankrupt our economy, weaken our defences and is simply not fit to lead".

The two leaders traded more accusations with Theresa May warning that ordinary working people would face higher taxes and lost jobs under Labour while Mr Corbyn claimed the prime minister's priority was "tax giveaways to the richest corporations while our children's schools are starved of the resources they need to educate our children for the future".

Brexit emerged as one of the prime minister's main campaign themes: "every vote for the Conservatives will make me stronger when I negotiate for Britain with the European Union. And every vote for the Conservatives will mean we can stick to our plan for a stronger Britain and take the right long-term decisions for a more secure future for this country".

The SNP's Westminster leader, Angus Robertson, raised a headline in the *Daily Mail*, which called on the prime minister to "crush the saboteurs", working against her plans for Brexit. He said that struck a dangerous tone in a democratic state: "so does the prime minister agree that political opponents are not 'saboteurs?'"

The prime minister's riposte infuriated SNP MPs, who recalled her dismissing a second independence referendum on the grounds that "now is not the time: I might also suggest to the Scottish nationalists that now is the time for them to put aside (there was an outbreak of shouting from the SNP benches) Wait for it: now is the time for them to put aside their tunnel vision on independence and actually explain to the Scottish people why the SNP government are not putting as much money into the health service as they have been given from the UK, It is time they got back to the day job".

The then leader of the Liberal Democrats, Tim Farron, recalled how he and Theresa May had both been candidates fighting the safe Labour seat of North West Durham in the 1992 general election: "We debated publicly, forcefully and amicably. Indeed, she called out the then incumbent for not showing up for some of those debates. Why will she not debate those issues publicly now? What is she scared of?"

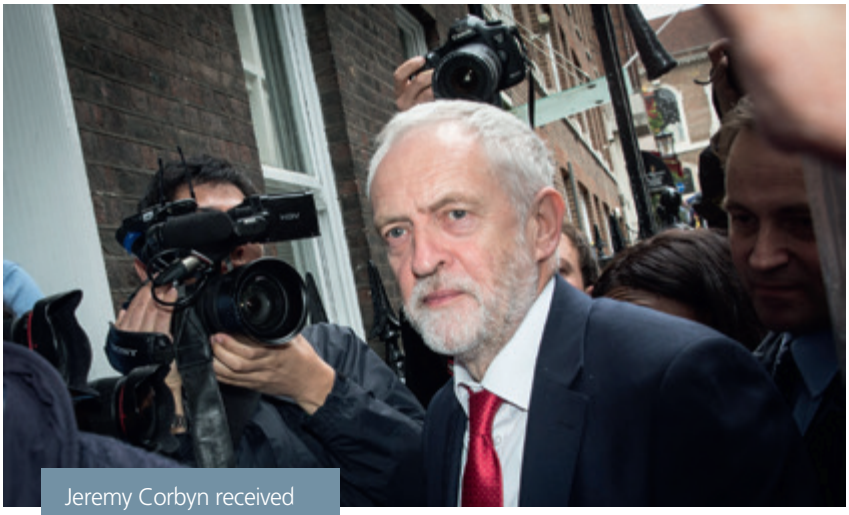
This provided another preview of a Conservative campaign theme - warnings of a "coalition of chaos" with the smaller parties combining behind Labour: "What do we know that the Leader of the Labour party, the Leader of the Liberal Democrats and the leader of the Scottish nationalists have in common? Corbyn, Farron and Sturgeon want to unite together to divide our country, and we will not let them do it".

The Queen's Speech

What a difference. Theresa May and Jeremy Corbyn's final Commons confrontation before the election had seen the Conservatives limbering up for a triumphal campaign, which would culminate in the inevitable smashing of their Labour opponents. When the diminished, battered band of Conservative MPs reassembled, minus their parliamentary majority for the state opening of parliament on 21 June they were chastened and uncertain, while euphoria gripped the occupants of the Labour benches.

When they came to speak in the traditional debate on an address thanking Her Majesty for the Queen's Speech - the new government's legislative programme - the dynamic between the two main figures had changed completely. Mr Corbyn seemed a far more confident, assertive parliamentary

The Queen's Speech announced the government's legislative plan for the coming Parliament



Jeremy Corbyn received a boost in support following the election

performer, relishing the opportunity to throw back the taunts that had been hurled at him during the campaign.

A government which had warned that he could only gain power in a "coalition of chaos" with the SNP and the Liberal Democrats had been forced to negotiate for the support of the Northern Irish Democratic Unionists. As the first debate of this new parliament began, that support had not been secured. Mr Corbyn could not resist the open goal. To triumphant Labour laughter, he noted that "the latest coalition may already be in some chaos.

"Nothing could emphasise that chaos more than the Queen's Speech we have just heard: a threadbare legislative programme from a government who have lost their majority and apparently run out of ideas altogether. This would be a thin legislative programme, even if it was for one year, but for two years – two years? There is not enough in it to fill up one year".

That was a reference to the government's decision to declare a two-year parliamentary session; a procedural move intended to ensure ministers could push through vital Brexit legislation in time for the exit date in March 2019. Mr Corbyn mocked the prime minister for dropping a series of election promises that had not found favour with the voters.

"It is therefore appropriate to start by welcoming what is not in the speech. First, there is no mention of scrapping the winter fuel allowance for millions of pensioners through means testing. Can the Prime Minister assure us that the Conservative plan has now been withdrawn? Mercifully, neither is there any mention of ditching the triple lock. Pensioners across Britain will be grateful to know whether the Tory election commitment on that has also been binned."

On Brexit, Mr Corbyn stuck to Labour's careful positioning in favour of a deal with the EU "that puts jobs and the economy first". He called for full access to the single market and a customs arrangement that provided Britain with the "exact same benefits" as now. In his final flourish, he warned the prime minister that Labour were now "not merely an opposition; we are a government in waiting, with a policy programme that enthused and engaged millions of people in this election, many for the first time in their political lives. We are ready to offer real strong and stable leadership in the interests of the many, not the few".

The prime minister attempted to puncture Labour's mood with a barbed welcome for Corbyn's return to the Opposition benches, reminding him that the Conservatives still had 56 more Commons seats than Labour. She said her policies were aimed at "grasping the opportunities for every community in our country to benefit as we leave the European Union; it is about delivering the will of the British people with a Brexit deal that works for all parts of our United Kingdom". She said the referendum vote to leave the European Union was "a profound and justified expression that our country often does not work the way it should for millions of ordinary families. This Queen's Speech begins to change that, by putting fairness at the heart of our agenda".

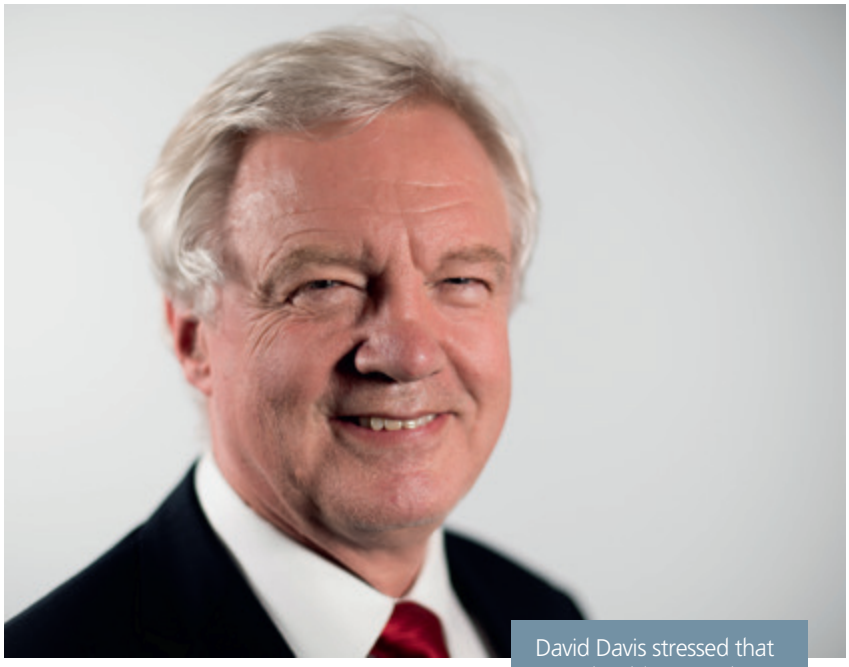
Last rites on the Brexit Bill

Back in March, when an election seemed a distant prospect, parliament's main focus was on the European Union (notification of withdrawal) bill. This bill, which would give Theresa May the authority to begin the UK's divorce from the European Union, was forced on the government after a Supreme Court ruling that parliamentary approval was required to begin the process.

Despite fears that the bill could be watered down or even reshaped to reverse the referendum verdict, it passed through the Commons unscathed. All attempts to amend, or add to its 136 words were voted down. Predictions of a major rebellion of up to 50 Conservative remainers proved unfounded, and only a handful, notably the arch-europhile former chancellor, Ken Clark, defied the party whip.

But when it moved on to the House of Lords, where there is no government majority and a large concentration of pro-EU peers, the Bill was amended twice. One change guaranteed the rights of EU citizens living in the UK, and the second promised parliament a "meaningful vote" on the final Brexit deal. That meant the bill had to return to the Commons, because both Houses of Parliament must agree on the final wording of legislation. This is the arcane process known as "parliamentary ping-pong", with each house voting on whether to accept or reject changes made by the other.

When the changes were put to MPs, the Brexit Secretary, David Davis, said they should not be accepted. On the issue of EU citizens, he agreed that they made a vital contribution to the UK. But the issue was that the European Union would not begin talks until the UK had begun the formal process of leaving, so their status could not be confirmed. Securing their status, and that of UK citizens living in the EU, was an early priority for the forthcoming negotiations.



David Davis stressed that MPs should accept the EU bill

Mr Davis warned that the amendment "effectively, seeks to prohibit the prime minister from walking away from negotiations, even if she thinks the European Union is offering her a bad or very bad deal. Government will be undertaking these negotiations and must have the freedom to walk away from a deal that sets out to punish the UK for a decision to leave the EU, as some in Europe have suggested".

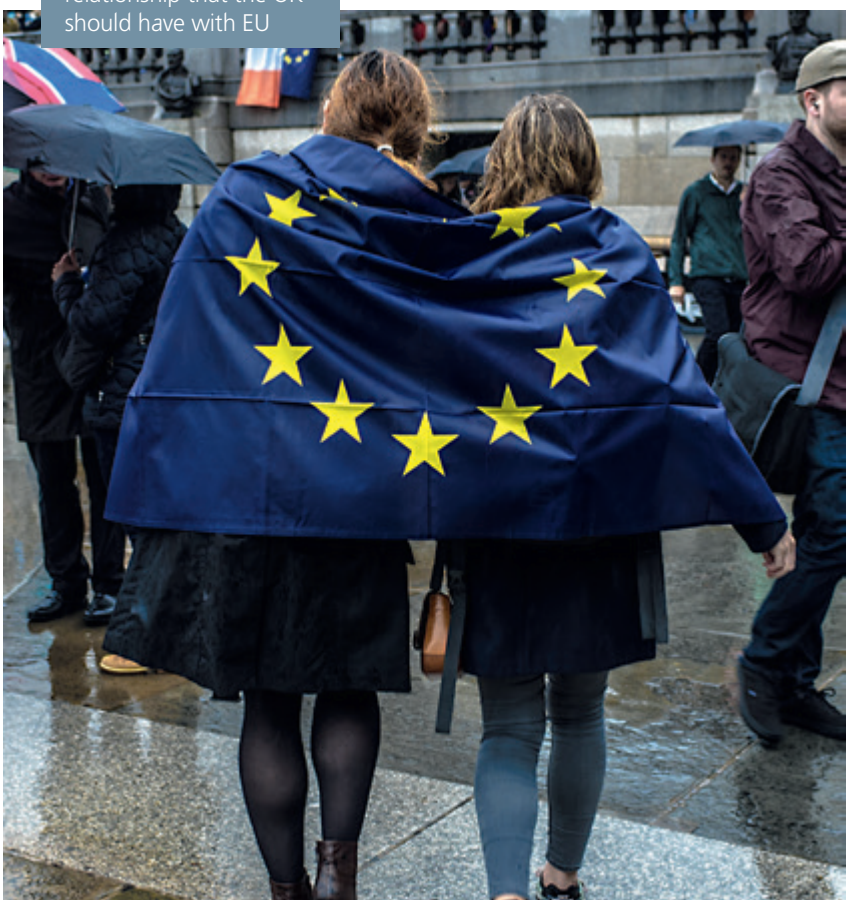
For Labour, the shadow Brexit secretary, Sir Keir Starmer, backed both Lords' amendments. He said protecting EU citizens was a matter of principle. However, he was challenged by the senior Labour backbencher, Frank Field, who warned: "if we pass this amendment and give those rights to European citizens here, there will be no incentive whatsoever for other European countries to concede those rights to our citizens".

Sir Kier retorted that the wording asked ministers to bring forward proposals within three months, and so did not tie anybody's hands.

Another Labour ex-Minister, Pat McFadden, suggested that, in the event of no deal being agreed, the government was seeking the authority to default to a trading relationship with the EU, based on the World Trade Organization rules, without a Commons vote. Keir Starmer warned that would be the worst possible outcome, quoting the Confederation of British Industry's view, that "the cost of change is simply too high to even consider it".

The leading Labour leave campaigner, Gisela Stuart, said the government should make the status of EU citizens in the UK a priority, but she opposed the bill: "I shall vote against all the amendments on the simple basis that this bill has one purpose and one purpose only: to give legal effect to the decision of the people on 23 June.

Parliament, and the general public, remain divided regarding the relationship that the UK should have with EU



However, I look to the secretary of state to give firm assurances that his top and first priority will be the rights of EU citizens".

One of the Conservatives' leading backbench Brexiteers, John Baron, said the Commons, in approving the EU referendum in the first place, had made "a contract with the British people (…) if there is a good deal, we will take it, and if there is not, the prime minister has made it very clear that we will not accept a bad deal, so we move on, and we move out of the EU".

The debate was held within hours of the announcement by Scotland's first minister, Nicola Sturgeon, that she would hold a second referendum on Scottish independence. In the Commons, the former first minister, Alex Salmond, complained that the government had broken its promise not to trigger the formal process for leaving the EU until there was an agreed "UK approach" backed by Scotland, and had ignored the SNP compromise proposal to allow Scotland to stay inside the EU single-market. He added: "there might not be a meaningful vote in this chamber, but there shall be a meaningful vote in Scotland about protecting our millennium-long history as a European nation".

When MPs rejected both Lords' amendments, the bill was sent back for immediate consideration in the House of Lords, where David Davis came to watch his Junior Minister, Lord Bridges, call on Peers to drop their opposition. And while the Liberal Democrat, Lord Oates, did urge Peers to continue defying the government, support for the amendment melted away, and the attempt to throw it back to MPs was once more rejected, as was the attempt to keep the "meaningful vote." The final form of the bill was settled and it was sent off for the royal assent, un-amended.

Article 50 is triggered

The passage of the European Union notification of withdrawal act cleared the way for the prime minister to act on the referendum verdict and formally trigger Britain's departure talks with the EU.

She was greeted by cheering Conservative MPs when she announced, on the 29th March, that the process had begun: "A few minutes ago, in Brussels, the United Kingdom's permanent representative to the EU handed a letter to the President of the European Council on my behalf confirming the government's decision to invoke Article 50 of the treaty on European Union. The Article 50 process is now under way and, in accordance with the wishes of the British people, the United Kingdom is leaving the European Union".

She added that she wanted to build a close partnership with the EU: "we know that we will lose influence over the rules that affect the European economy. We know that UK companies that trade with the EU will have to align with rules agreed by institutions of which we are no longer a part, just as we do in other overseas markets – we accept that. However, we approach these talks constructively, respectfully and in a spirit of sincere co-operation, for it is in the interests of both the United Kingdom and the European Union that we should use this process to deliver our objectives in a fair and orderly manner. We will continue to be reliable partners, willing allies and close friends. We want to continue to buy goods and services from the EU, and sell it ours (…). Indeed, in an increasingly unstable world, we must continue to forge the closest possible security co-operation to keep our people safe. We face the same global threats from terrorism and extremism".

Theresa May meets with European Council President Donald Tusk in Downing Street

Jeremy Corbyn warned against leaving without a trade agreement: "the prime minister says that no deal is better than a bad deal, but the reality is that no deal is a bad deal. Less than a year ago, the Treasury estimated that leaving the European Union on World Trade Organization terms would lead to a 7.5 per cent fall in our GDP and a £45 billion loss in tax receipts. It would be a national failure of historic proportions if the prime minister came back from Brussels without having secured protection for jobs and living standards, so we will use every parliamentary opportunity to ensure the government are held to account at every stage of the negotiations".

The SNP's then Westminster leader, Angus Robertson, accused the prime minister of breaking her promise that Article 50 would not be triggered without the agreement of the devolved administrations. He noted that Scotland had voted to remain in the EU. "On this issue, it is not a United Kingdom, and the prime minster needs to respect the differences across the nations of the United Kingdom. If she does not - if she remains intransigent and if she denies Scotland a choice on our future - she will make Scottish independence inevitable."

The then Liberal Democrat Leader, Tim Farron, called for a second referendum on the terms of the final deal."Today, the prime minister is not enacting the will of the people; she is at best interpreting that will, and choosing a hard Brexit outside the single market that was never on the ballot paper. This day of all days, the Liberal Democrats will not roll over, as the official opposition have done (…) I am determined to be able to look my children in the eye and say that I did everything to prevent this calamity that the Prime Minister has today chosen (…) Surely the Prime Minister will agree with me that the people should have the final say."

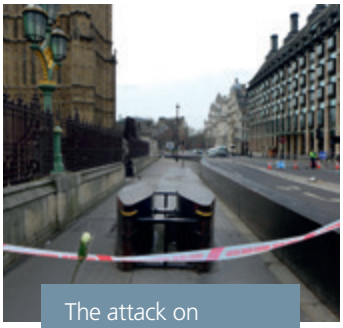
The Westminster leader of the DUP in Northern Ireland, Nigel Dodds, congratulated Theresa May on delivering the will of the people. "Is not the fundamental point that this United Kingdom – this Union – is far more important for the political and economic prosperity of all our people than the European Union?"

The veteran Conservative eurosceptic, Sir Bill Cash, hailed what he called an historic day. "At the very heart of this letter lies the democratic decision of the referendum of UK voters given to them by a sovereign act of parliament by six to one in this house, enabling the British people to regain their birthright to govern themselves for which people fought and died over generations? (…) Trade and co-operation, yes; European government, no."

Another Conservative, Jacob Rees-Mogg, quoted the Elizabethan hero Sir Francis Drake: "'There must be a begynnyng of any great matter, but the contenewing unto the end untyll it be thoroughly ffynyshed yeldes the trew glory' [...] I wish my Right Hon. friend good luck and good fortune in her negotiations until she comes to true glory and is welcomed back to this house as a 21st century Gloriana".

The former Labour Minister, Pat McFadden, was less optimistic: "There are two kinds of future stemming from the process triggered today. The first is that we spend two years desperately trying to secure the exact same benefits as we have, while gaining control of immigration, which, as ministers have suggested, may make little difference to the numbers. In which case, people will ask, 'what is the point?' Or there is another future, where we crash without an agreement, defaulting to WTO rules with all that would mean for industry, agriculture and services. In which case, people will ask, 'what is the price?' So which future does she think is the more likely: 'what is the point' or 'what is the price?'"

A terrorist attack on Parliament



The attack on Westminster was one of several terrorist attacks in the UK during 2017

On the afternoon of March 22nd, as MPs were engaged in a routine vote on the penions bill a man drove his car into pedestrians just outside, killing two people and injuring dozens more before stabbing to death a police officer who was guarding the gates to the Houses of Parliament, after which he was shot dead by security forces.

The sitting of the Commons was suspended and MPs were held in the chamber for several hours, before being escorted away. When they returned the next day, they began with a minute of silence. Then the Speaker opened proceedings by expressing "our heartfelt condolences to the families and friends of the victims of this outrage. A police officer, PC Keith Palmer, was killed defending us, defending parliament and defending parliamentary democracy."

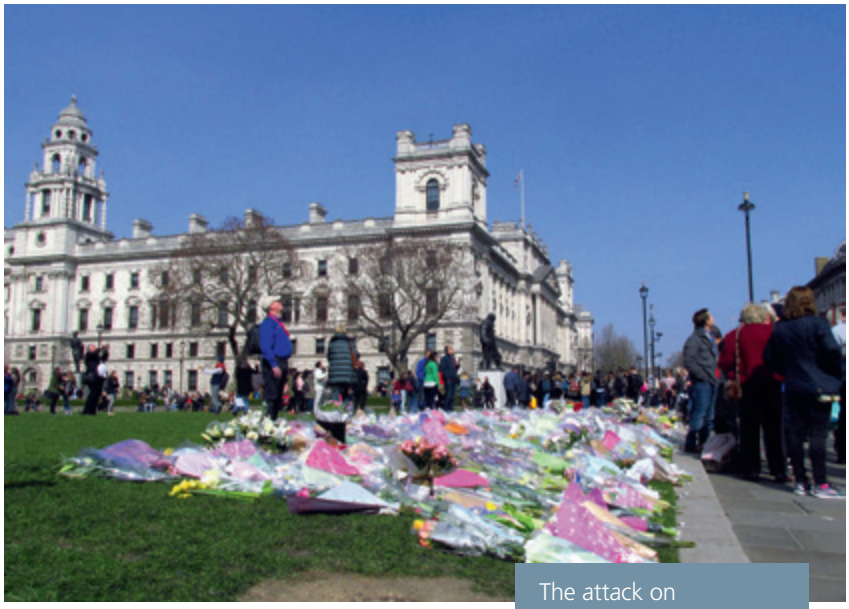
The prime minister was heard in silence as she updated MPs. "Yesterday, an act of terrorism tried to silence our

democracy, but today we meet as normal, as generations have done before us and as future generations will continue to do, to deliver a simple message: we are not afraid, and our resolve will never waver in the face of terrorism. We meet here, in the oldest of all parliaments, because we know that democracy, and the values that it entails, will always prevail."

The prime minister gave an account of the previous day's events. "A single attacker drove his vehicle at speed into innocent pedestrians who were crossing Westminster Bridge, killing two people and injuring around 40 more. In addition to 12 Britons admitted to hospital, we know that the victims include three French children, two Romanians, four South Koreans, one German, one Pole, one Irish, one Chinese, one Italian, one American and two Greeks, and we are in close contact with the governments of the countries of all those affected. The injured also included three police officers who were returning from an event to recognise their bravery; two of those three remain in a serious condition."

The attacker then left the vehicle and approached a police officer at Carriage Gates, attacking that officer with a large knife, before he was shot dead by an armed police officer. Tragically, as the House will know, 48-year-old PC Keith Palmer was killed".

She ended by declaring that the best response to terrorism was to act normally. "As I speak, millions will be boarding trains and aeroplanes to travel to London and to see for themselves the greatest city on Earth. It is in these actions - millions of acts of normality - that we find the best response to terrorism: a response that denies our enemies their victory, that refuses to let them win, that shows we will never give in; a response driven by that same spirit that drove a husband and father to put himself between us and our attacker,



The attack on Westminster was one of several terrorist attacks in the UK over the year

and to pay the ultimate price; a response that says to the men and women who propagate this hate and evil, 'You will not defeat us.' Mr Speaker, let this be the message from this House and this nation today: our values will prevail."

The Labour leader, Jeremy Corbyn, said people should not allow the voices of hatred to divide or cower them, adding that PC Keith Palmer had given his life defending the public and democracy.

Watching impassively in the crowd of MPs standing at the Bar of the House, in the area across the chamber facing the speaker's chair, was the Foreign Office minister, Tobias Ellwood. He had tried to save PC Palmer's life by giving him mouth-to-mouth resuscitation. Many MPs took a moment to exchange a word with him as they passed or pat him on the arm. And many of those who spoke over the next hour praised his actions.

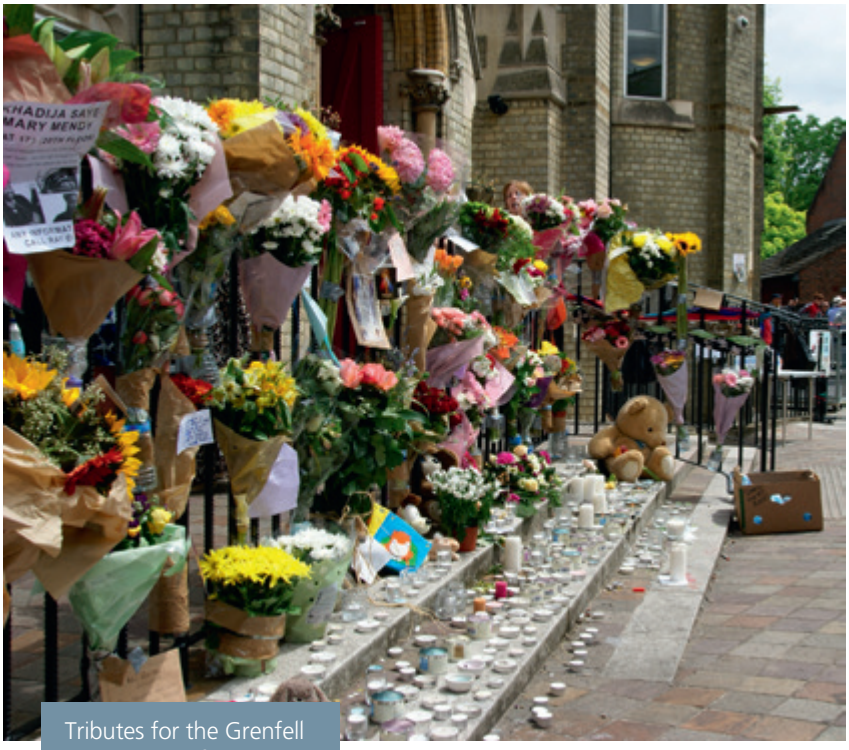
Tributes and thanks came from all the party leaders – the SNP's Westminster leader, Angus Robertson, the Liberal Democrats, Tim Farron, and the DUP's, Nigel Dodds.

The Conservative MP, James Cleverly, had served with PC Palmer in the British Army. His voice cracked as he spoke: "I would like, with your indulgence, Mr Speaker, to turn for just a moment

to PC Keith Palmer, whom I first met 25 years ago, when he was Gunner Keith Palmer at Headquarters Battery, 100 Regiment Royal Artillery. He was a strong, professional public servant, and it was a delight to meet him here again only a few months after being elected.

In recognition of the work that he did, and that the other police officers and public servants in the house do, would the prime minister consider posthumously recognising his gallantry and sacrifice formally?" Theresa May promised that she would.

Grenfell Tower



Tributes for the Grenfell victims came from across the country

The fire that destroyed Grenfell Tower, a social housing block in the London borough of Kensington and Chelsea, seemed to some to crystallise the issues that had driven the "Corbyn surge" in the general election days earlier.

Accusations about the neglect of social housing tenants, chronic under-investment and official incompetence were flying, even while the pall of smoke still hovered over the capital and the horrific images of the blaze were replayed on TV.

So potent was the symbolism that it became intertwined in the debates on the post-election Queen's Speech - but the government also committed to keep MPs informed about the aftermath, the efforts to identify casualties in the wreckage of the tower, to re-house and assist those who had lost their homes, and to set up a public inquiry.

So it was that the communities secretary, Sajid Javid, came to the Commons on 3 July to announce £2.5 million had been distributed from the special £5 million fund set up to help the residents. Mr Javid said the public inquiry and the criminal investigation had to be allowed the space to follow the evidence wherever it took them and everyone should be careful not to prejudice their work. Responding to the Labour MP, David Lammy, who had lost a family friend in the fire, he added that although it was for the judge to determine the scope of the inquiry, he expected it to be "as broad and wide-ranging as possible".

The government was also taking urgent action to avoid another tragedy in buildings with architectural cladding similar to that which appeared to have been a factor in the Grenfell fire. Mr Javid said the early findings were disturbing: "so far, all the samples of cladding tested have failed - that is 181 out of 181. The priority now is to make those buildings safe. Where appropriate mitigating measures cannot be implemented quickly, landlords must provide alternative accommodation while the remedial work is carried out".

For Labour, the shadow housing secretary, John Healey, said ministers had been "off the pace at every stage". He warned that this had undermined the trust of survivors, the victims' families and the community in North Kensington and that those in positions of power would deliver on their promises of aid and investigation: "that powerful message must be understood by ministers, Kensington and Chelsea council and the chair of the public inquiry, Sir Martin Moore-Bick".

He called for rapid action to ensure other tower blocks were safe: "Will he act now, not wait for the public inquiry, to reassure residents in all other tower blocks by starting the overhaul of building regulations; by retrofitting sprinkler systems, starting with the highest-risk blocks; and by making it very clear that the government will fund, up front, the full costs of any necessary remedial works?" Javid replied that the government stood ready to help local authorities or housing associations if they needed help with funding safety work.

The Lib Dem, Jo Swinson, raised suggestions that the fire had been caused by a faulty fridge: "so will the government revisit the decision of March last year to dismiss or delay many of the recommendations of the Lynn Faulds Wood review into product recall, which I commissioned (as a Coalition minister) and in particular look at enforcing the regulations?". Sajid Javid said the issue was being addressed.

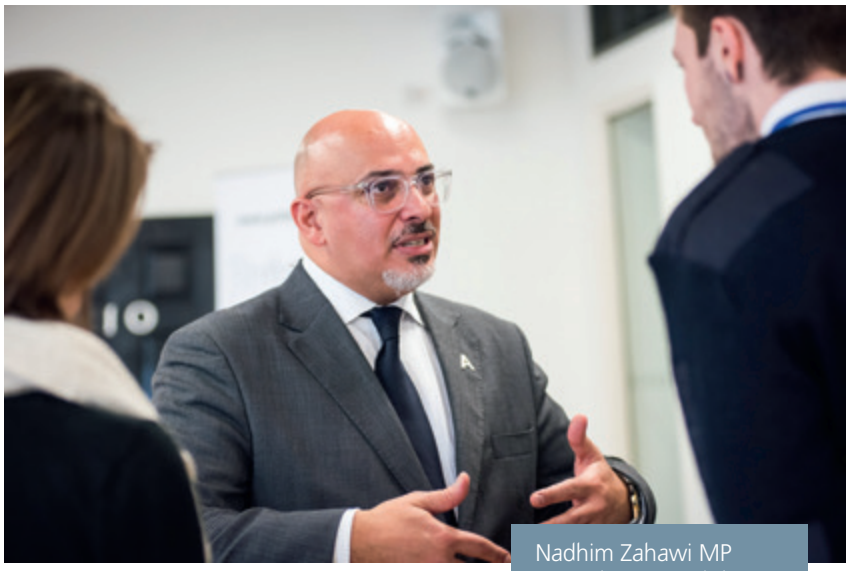
The communities secretary clashed with the Labour MP, Andy Slaughter, who attacked the management record of the local council: "It is an open secret in West London that the administration in Kensington and Chelsea could not run a bath. That is why the residents of North Kensington have had such a raw deal for so long. So when will the secretary of state put country before party and send in the commissioners?"

Mr Javid retorted that Slaughter was a local London MP: "he has an opportunity now to put party politics aside and just do the right thing for his constituents. His constituents are watching him."

President Trump

As recently as January 2016, a number of MPs had gathered in Westminster Hall to debate whether or not Donald Trump should be banned from entering the UK altogether. His comments about Muslims, among others, had led to an online petition for him to be considered a "hate preacher" and therefore banned from British soil. Even those who supported the motion knew there was little chance of such a ban being implemented. But few would have suspected that, just 13 months later, parliament would be discussing the appropriateness of a state visit from President Donald Trump.

One of the first acts of the new US President was to order a blanket ban on people from a list of Middle Eastern countries travelling to the US. In the Commons, the former Labour leader,



Nadhim Zahawi MP strongly criticised the Trump administration's travel ban on certain Muslim countries

President Trump meets with Theresa May in Washington D.C. following his surprise electoral victory

Ed Miliband and Conservative MP Nadhim Zahawi joined forces to ask the speaker for an emergency debate, which was held that day.

Mr Zahawi, born in Iraq to Kurdish parents, arrived in the UK as a nine-year-old refugee from Saddam Hussein's regime. He is now a British citizen, but because he was born in Iraq he believed he came under the Trump ban.

He told MPs his place of birth already meant he had been required to go through an interview at the US embassy to secure the right to travel to America, under rules imposed by President Obama. But the new restrictions were much tougher. "I learned that ability to travel to the United States, a country that I revere so much for its values, for which I have such great affinity, affection and admiration, and to which I have sent both my sons to university, was to be denied to me. I learned that this great nation had put in place measures that would prevent my family and me from travelling, studying and feeling welcome there. I was concerned about the next time I would see my boys (…) my wife and I despaired at the thought that, had one of our sons again been taken as seriously ill as he was last year while at university, we would not be able to go to him when he needed us most."

The US government has since clarified that people with British passports will not be affected by the ban, whatever the country of their birth, but Mr Zahawi still thought the ban was "wholly counterproductive." He described how it was already being used by pro-Islamic State social media accounts as "clear evidence that the USA is seeking to destroy Islam. They have even called it the 'blessed ban'".

Ed Miliband said the debate gave the Commons a chance to send President Trump a clear and united view: "One of the most chilling things (…) was that the accounts of what happened to individuals over the weekend sounded like the results of the actions of a tin-pot dictatorship. They did not sound like what we would expect, or hope for, from the United States (…) the United States has always been our oldest and closest ally, and some will say that this is not a matter for us as long as our citizens are protected. I profoundly disagree (…) Allowing the measure to stand and shrugging our shoulders will amount to complicity with President Trump (…) President Trump is a bully, and the only course of action open to us in relation to his bullying is to stand up and be counted".

Labour's Yvette Cooper, who chairs the Home Affairs Select Committee, was "deeply worried" that the government had already invited the new president to make a state visit to Britain: "it will be not a normal visit by a head of government, but a ceremonial state visit involving our royal family (…) instead of it being a celebration of friendship and shared values and a sign of increased co-operation, it will look like an endorsement of a ban that is so morally wrong and that we should be standing against".

The Conservative, Sir Simon Burns, disagreed. "I think it is absolutely right that the British government continue the work of the prime minister to

build bridges with President Trump so that we can, through engagement, seek to persuade him and to minimise or reduce the danger of his more outrageous policies (…) I believe that very little would be achieved by cancelling a state visit, to which the invitation has already been extended and accepted."

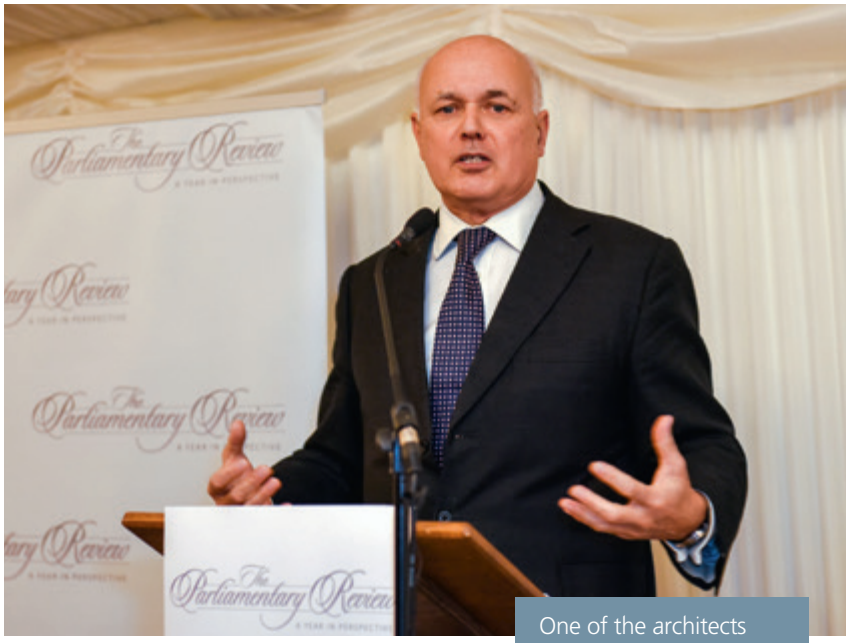
The emergency debate was on a formal motion that MPs had "considered" Donald Trump's travel ban, so no call for a policy change was voted on.

Universal Credit

It was supposed to remove or at least weaken the poverty trap, which keeps people on benefits, because they lose too much of their payments if they get a job. Universal Credit is a new social security system, which replaces six separate benefits, including housing and unemployment benefit, with a single payment, and is configured so that unemployed people should always have an incentive to work.

The new system commanded cross party support, in principle, but as it began to be implemented across the country, many MPs heard from constituents forced to wait six weeks before receiving any money, and who had been left penniless as a result. That was partly because UC is paid monthly, in arrears, to mirror working salaries; although ministers have stressed that claimants can ask for an advance, which then has to be paid back.

When Labour put down an opposition day motion calling for the introduction of UC to be "paused" while changes were made to deal with this and other problems, the result was a highly charged debate with 90 MPs contributing. The shadow work and pensions secretary, Debbie Abrahams, blamed the previous chancellor George Osborne's 2015 budget for many of the problems. It had included cuts to the earnings allowance; how much people could earn before UC support began to be reduced. "For example, a couple with two children claiming housing costs had their work allowances cut from £222 a month to £192 a month. In addition, approximately 900,000 families with more than two children could not receive support for third or subsequent children." She said the government should think again.



One of the architects of UC was former Conservative Leader Iain Duncan Smith

One of the architects of UC was the former Conservative leader, Iain Duncan Smith, who served as work and pensions secretary during the coalition. He said the gradual roll-out was deliberately designed to avoid any repeat of the "grave mistakes" made when the previous Labour administration rolled out its tax credits system in a "big bang", leaving, he said, over 750,000 people with no money at all.

The SNP's Mhairi Black supported the idea behind UC – but added it was

being betrayed by the implementation: "plunging people into debt does not incentivise work; forcing people into hunger does not incentivise work; causing anxiety and distress, and even evicting some families from their homes, does *not* incentivise work."

Some Conservative backbenchers were also worried. Sarah Wollaston, the Conservative chair of the health committee supported the principles of the new system but warned ministers she would vote against the government, because the payment delay was a fundamental flaw which undermined the whole UC concept.

Despite their own concerns about UC, the Northern Ireland DUP MPs would not be lured into voting against the government. Sammy Wilson said his party would abstain: "….not because we do not believe that there are problems, but because we believe that it is better to talk to the government and look for solutions. We will not be used for the purpose of headline-grabbing defeats of government flagship policies."

The motion was pushed to a vote and, with Tory and DUP MPs abstaining, it was passed by 299 to nil. The result triggered a series of points of order to the Speaker, John Bercow, who said ministers would be wise to take notice: "I think it would be respectful to the house if a minister, sooner rather than later, were to come to the house - perhaps after due consideration and collegiate exchange with other members of the government – to give an indication of the government's thinking."

The Second Reading of the EU (Withdrawal) Bill

Shadow Secretary of State for Exiting the European Union, Sir Keir Starmer

Launched with a rare two-day Commons debate, the European Union withdrawal bill was a mission-critical piece of Brexit legislation. It was all about the process, albeit a very important process. The Bill repealed the 1972 European Communities Act, which took the UK into what was then the common market. But at the same time, it transferred 40 years of accumulated EU law into British law.

Without that step, whole areas of law, on issues ranging from employment rights to consumer and environmental protection (by some estimates 70 per cent of UK environmental law is EU-derived) would cease to operate at the moment of leaving. But making that law workable, post Brexit, would require hundreds, perhaps thousands of detailed changes. So the Bill gave ministers the powers to rewrite laws, by what is called "secondary legislation".

In some cases, changes will be straightforward, perhaps replacing some EU Commissioner or regulatory

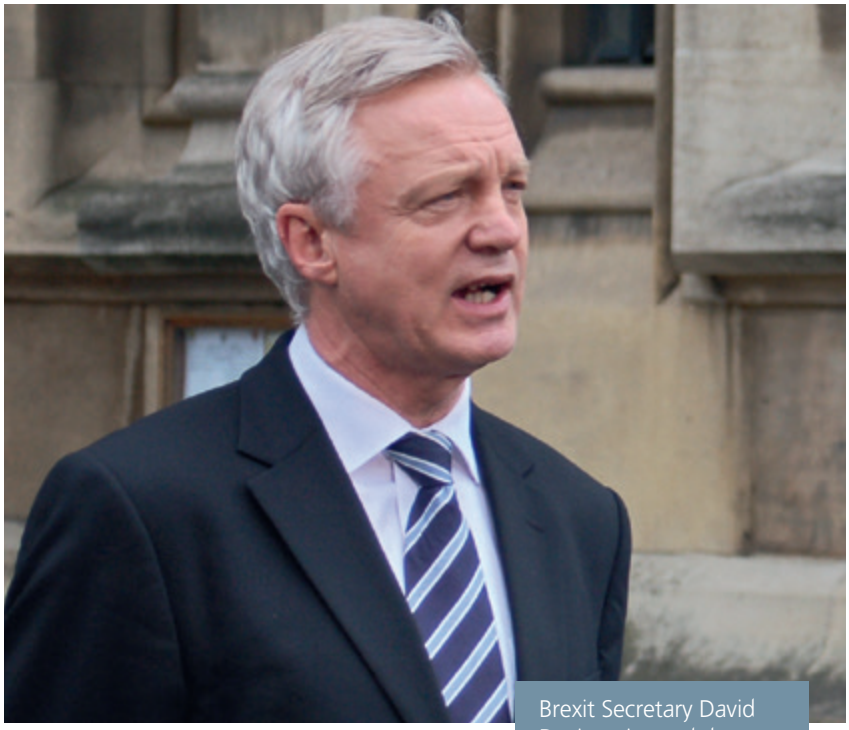
body as a responsible authority with an equivalent British minister or regulator. But other changes might turn out to be much more significant. So even at this second reading debate on the Bill - previously called "the great repeal Bill" - there were concerns across the parties - including, crucially, among Conservative MPs - about the sweeping "Henry VIII powers" it gave ministers to re-write the law.

The Brexit secretary, David Davis, said the Bill was essential to ensure that, on Brexit day, businesses knew where they stood, workers' rights were enshrined and consumers protected. He estimated that up to a thousand pieces of secondary legislation would be needed.

Several MPs feared the powers could be used to bypass parliament and implement important policy changes. The Conservative, Anna Soubry, wanted a mechanism for "triaging" them. Mr Davis retorted that the main aim of the Bill was to maintain existing policy. He warned the opposition that the British people would not forgive them if they sought to delay or derail Brexit.

The pro-Brexit Conservative and former cabinet minister, John Redwood, dismissed the concerns as "synthetic nonsense" because changing the law by statutory instrument, was, by definition, a parliamentary process. But Labour's shadow Brexit secretary, Sir Keir Starmer, said they failed to protect parliamentary sovereignty and allowed ministers to bypass parliament.

He targeted clause 9 of the Bill, which allowed regulations to be made that could do anything that could be done by a full act of parliament: "a true Henry VIII clause. (…) That is as wide as any provision I have ever seen," he said. "What are the limits and safeguards? The regulations may not impose taxation, make retrospective provisions - they are usually a very bad idea - create a criminal offence or amend the human rights act. Everything else is on limits."



Brexit Secretary David Davis estimated that up to a thousand pieces of secondary legislation would be needed

But the Conservative MP, Jacob Rees Mogg argued power was being returned to Westminster: "Is not the fundamental point of this bill that it is better that laws should be made by our government and our parliament than by an unelected EU bureaucracy?"

The former chancellor, Ken Clarke, accepted that the UK was going to leave the EU, and agreed "technical" legislation was needed. However, he thought this bill went much further, warning that he might be prepared to vote against it: "If the government will not move, we may have to force them to go back to the drawing board and try again to produce a bill that is consistent with our parliamentary traditions, (while giving) this house the control that leaders of the Leave campaign kept telling the British public during the referendum campaign they were anxious to see."

A new Industrial Strategy

Business Secretary Greg Clark called the strategy an "unashamedly ambitious vision"

It has been out of fashion for 40 years, but now the concept of an industrial strategy is back in vogue - and the business secretary Greg Clark made it official, with the publication of a white paper setting out how he planned to ensure Britain was at the forefront of a new technological revolution.

He said Britain enjoyed important advantages like a flexible, open economy, a strong research base and respected institutions which underpinned the rule of law, but that weaknesses, especially poor productivity, had to be tackled.

His aim was to make the UK the world's most innovative economy, with a major infrastructure upgrade, good jobs and greater earning power, with a promise to tackle the problem of low-productivity that is holding back wages and living standards.

And with one eye on Conservative colleagues for whom the concept smacked of pre-Thatcherite heresy, he challenged the idea that it was wrong for governments to have industrial strategies at all. But he promised this government would not repeat the mistakes of past versions, by seeking to thwart competition, shield incumbents and protect the status quo.

Instead, he said that the government wanted to seize the opportunities offered by what he called four "grand challenges" identified by leading scientists and technologists: artificial intelligence, clean growth, the future of mobility and meeting the needs of an ageing society. Initiatives in these areas would be supported by investment from a challenge fund, with matching funds from the private sector.

For Labour, Rebecca Long-Bailey dismissed the strategy as "a public relations gimmick, thin on detail, thin on investment and thin on ideas." She said Labour's target to spend 3 per cent of GDP on research and development by 2030 was substantially more ambitious than Mr Clark's target of 2.4 per cent. Meanwhile, revised forecasts for debt had been drawn up, while those for growth, real wages and GDP had been revised down.

The Liberal Democrat leader, Sir Vince Cable, who served as business secretary in the coalition, highlighted the "absolutely catastrophic" fall in apprenticeships following the introduction of the government's apprenticeship levy, which he said had been "appallingly maladministered."

Acknowledgements

Images in this publication have been reproduced courtesy of the following individuals/organisations:

Old Bailey | Flickr | The Old Bailey
The European Commission | Flickr | Andrew Gustar
Chancery Lane | Flickr | James Stringer
Automation | Pixabay | Geralt
Law | Pixabay | CQF-avocat
ECJ | Pixabay | Hpgreusen
Linklaters | The Lawyer
Harvey Weinstein | Flickr | Thomas Hawk
David Davis | Flickr | Jason
David Davis | Gov.uk
Keir Starmer | Flickr | University of Sussex

Westminster Publications is grateful to Mark D'Arcy and Ben Clover for their contributions to this publication.