

## LSB 27 April 2010 – Briefing Paper A

### Anthony Edwards – Senior Partner, TV Edwards LLP

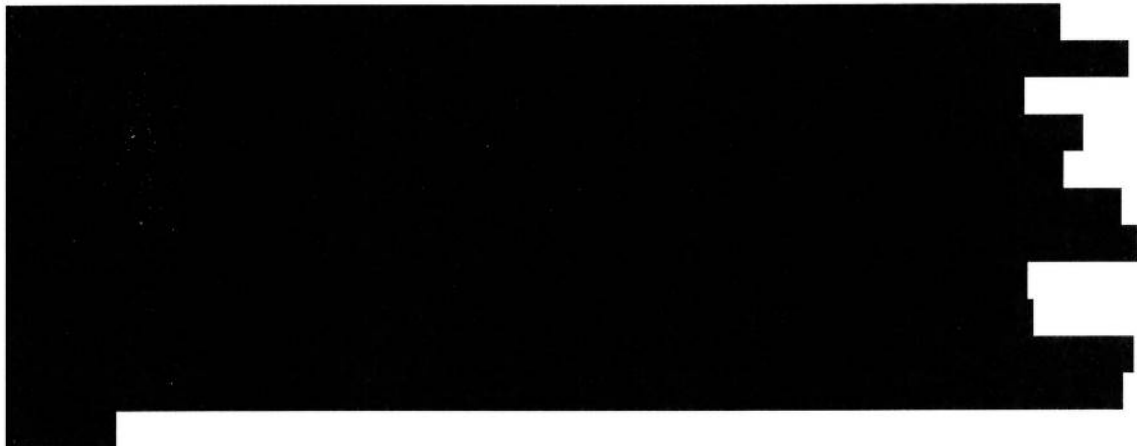
#### Purpose

1. This note covers: (1) the objectives of the session; (2) points that Board Members might wish to highlight; and (3) some possible questions. A biography for Anthony Edwards is also provided (**Annex A**).

#### Background

2. Anthony Edwards, Senior Partner of east London law firm, TV Edwards LLP, has been invited to attend a session of about 50 minutes, both to speak and to participate in a discussion.

3.



#### Objectives

4. The broad objectives of the sessions are:
  - to build our relationship with high profile and influential practitioners;
  - to develop a better understanding of the priorities, opportunities and challenges that lie ahead for criminal law specialists; and
  - to seek Mr Edwards's viewpoints and perspectives about key areas of our work, namely: referral fees; ABS for criminal work (including multi-disciplinary models between solicitors and barristers); and competition, both in terms of his own practice and the profession more widely.

## **Points to make in discussion**

### *ABS and competition*

5. Three key protections are: a test to ensure that non-lawyer owners and managers of an ABS are 'fit and proper'; the introduction of two new roles in ABS (the Head of Legal Practice and Head of Finance and Administration) to ensure compliance with licence requirements; and a widening of the complaints-handling system to deal with complaints from multi-disciplinary practices (i.e. ABS that do not deliver legal services in isolation but instead offer these alongside other services – for example, financial services) and access to the Legal Ombudsman.
6. However, it is worth bearing in mind that the LSB and other legal regulators have a mandate to promote competition which goes beyond preventing market dominance that breaches competition law, and that the LSB and other regulators also have a mandate to ensure access to justice for the consumer. The job of a regulator is not to pro-actively shape the market, but to remove barriers to innovation whilst ensuring consumer protection.
7. These changes will be felt by every legal services provider either directly or indirectly. The lifting of ownership restrictions will mean that, as part of long-term planning, providers will need to think both about how their own businesses are structured and – importantly – how competitors and new entrants to the market might exploit the opportunities to get one step ahead.
8. The overall driver is regulation keeping pace with changes that we have already seen in the environment.

### *Referral fees*

9. We have not expressed an opinion other than to clarify that we need to see the evidence and understand the implications. We have asked the Consumer Panel to investigate referral arrangements and their findings, due to be published in the summer, will inform our approach. The emphasis will be on ensuring the consumer is at the heart of this.

## **Possible questions**

### *Legal Aid and New Business models*

- Cuts in the legal aid budget are inevitable. In a world where politicians are unlikely to be bowed by pressure to increase or even maintain current levels of funding, and where many lawyers have made clear their view that service levels are not capable of being maintained on reduced budgets, what do you think the killer business model is going to be that will a) deliver access to justice b) be profitable and c) meet the needs of clients? And what are the barriers preventing you from offering it?
- Is criminal work a likely early candidate for ABS entrants? Why or why not?

## *Referral Fees*

- Referral fees are loved by some and hated by others. But it does seem as though some business models – and therefore some legal services provision – is only able to exist because of the part they play in funding the system. In light of pressures on public funding, is it really the time to be taking yet more money out of the system?
- Is there a role for referral fees in criminal work?
- In its evidence to the Consumer Panel on the issue of referral fees the Bar Council said its “fundamental objection to referral fees is that they create a distortion of the market which barrister and other advocates compete in a way that is likely to have a negative impact on the lay client.” Do you think that referral fees mean that lawyers do not act in the best interest of clients?

## *State of the market for criminal work*

- Is there any evidence of different classes of clients being differently served?
- Is the market over supplied generally or geographically? Is that best resolved through competition?
- What proportion of crime advocates do both defence and prosecution work? Is this increasing? Why?
- Are solicitor advocates competing with junior bar, senior juniors, or QCs?
- What court rules/processes would you change if you could?
- How does the market vary regionally?
- To what extent do you think the LSB should care about what the Legal Services Commission and/or the Crown Prosecution Service does?
- Do you see your firm ever getting to a stage where it does all of its advocacy in-house?
- Do you see a point where there are only a few big firms left in the criminal advice market? What would be the advantages/disadvantages of this?

**Anthony Edwards, Senior Partner – TV Edwards LLP**



The firm handles in excess of 4500 criminal cases each year. It also has a substantial Family Law team with a small section dealing with Social Welfare and Personal Injury work.

Anthony Edwards qualified as a solicitor in 1974 after taking an LLB with first class honours in the University of Bristol and serving articles with TV Edwards. He has always specialised in criminal law.

He is a duty solicitor still undertaking regular court duties and attendances at the police station. He is a supervisor for the Specialist Fraud Panel and Very High Cost Cases and is a higher courts advocate (criminal courts).

**Professional Bodies**

For 19 years from 1975, Anthony Edwards was a member of the committee of the London Criminal Courts Solicitors Association of which he spent 10 as honorary secretary. He was then president of the Association. In these roles he regularly wrote responses to consultations from government and the Law Commission. He was then honorary president of the Criminal Law Solicitors Association having assisted in the formation of the national body. He spent 11 years on The Law Society's Criminal Law Committee leading for The Law Society on police station work and on disclosure. He assisted in establishing the accreditation standard for police station representatives and gave evidence to the Runciman Royal Commission. He was a founder member of the Legal Action Group.

**Other Committees**

Anthony Edwards has served on almost every level of committee in the criminal justice system and on numerous ad hoc committees including the Farquharson Committee on mode of trial allocation. He has been a member of the then Criminal Justice Consultative Council under Lord Justice Rose and has been a member of the Sentencing Guidelines Council under the chairmanship of the three Lords Chief Justice.

**Legal Aid**

Anthony Edwards has served on local and Regional Duty Solicitor committees and for seven years until 2007 he was the member of the Legal Services Commission with primary responsibility for the Criminal Defence Service. He was professional head of the Public Defender Service and gave formal advice to employees working in that role. He was chair of the Costs Appeals Committee with individual disputes of over £1million, and of the Customer Redress Committee dealing with complaints by

members of the public about the Commission and making recommendations for improvement.

**Other Bodies**

Anthony Edwards is a member of the Council of Justice having served on its Executive Board and Finance Committee. He serves on the Editorial Boards of the Criminal Law Review and of Cordery on Solicitors. He is a member of the Law Commission's Advisory Group on Criminal Law advising on all relevant consultation papers.