

FOR IMMEDIATE RELEASE

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Tracking changes to legal ethics – LSB research suggests the way ahead

The Legal Services Board today publishes a report by a team led by Professor Richard Moorhead of University College, Director of the Centre for Ethics and Law at London, outlining how professional ethics in the legal sector may be tracked over time. The LSB commissioned the research to support the ongoing evaluation of the impact of the Legal Services Act 2007.

The **Designing Ethics Indicators for Legal Services Provision** report investigates how empirical research can be used to track ethics across an increasingly diverse legal services market consisting of a range of different activities and providers both within and outside of the main legal professions.

The report explains the case for taking ethical monitoring more seriously, outlines a series of tools which may assist in monitoring the likelihood of individuals complying with the core ethical obligations of legal services and sets out a proposed programme of work designed to produce detailed data over time.

It argues that this is particularly important at present as the move to outcomes focused regulation in place of the traditional approach of detailed prescriptive rules is leading to an ever sharper focus on the core professional ethics of those supplying legal services.

Chris Kenny, Chief Executive of the Legal Services Board said:

“It’s easy to talk about professional ethics. But the truth is that the integrity of individual practitioners and the ethical infrastructure of their organisations, is crucial for maintaining public confidence in the rule of law as well as for protecting consumers.

Regulators, professional bodies and professionals need to better understand the drivers for ethical behaviour and be able to track changes in a way that goes beyond what the report rightly characterises as the ‘anecdote and argument’ of past discussions.

That's why we welcome the focus on ethics in the Legal Education and Training Review and also welcome this very thorough and imaginative report. It is a sound basis not just for further debate but for solid action to pursue the issues it raises. We look forward to discussing the way ahead with approved regulators and others over the coming months."

Richard Moorhead, Professor of Law and Professional Regulation, Director Centre for Ethics and Law, UCL Laws said:

"There is a growing recognition amongst professional regulators and sophisticated legal service suppliers that properly managing the ethics of their service goes beyond providing codes of conduct and policing complaints.

That the law has not been untouched by the financial and hacking scandals is a reminder of the central public interest in ethical lawyering. Our market for legal services is world leading in many respects, not least market liberalisation. We can and should also evolve cutting edge approaches to professional ethics.

This report shows that better tools can be developed to understand and promote the ethicality of practice."

For further information, please contact our Communications Manager [Vincent McGovern](#) or by calling 020 7271 0068.

Notes for editors:

1. The **Designing Ethics Indicators for Legal Services Provision** report can be found [here](#).
2. The report was commissioned by the Legal Services Board in December 2011. It was designed to draw together academic literature with other sources of information to develop a robust and useable approach to benchmarking professionalism and ethics among providers of reserved legal services.
3. The report was researched and produced by Professor [Richard Moorhead](#) (Centre for Ethics and Law, UCL Faculty of Laws), [Victoria Hinchly](#) (Cardiff University), Professor [Christine Parker](#) (Monash University), Professor [David Kershaw](#) (London School of Economics) and Professor [Soren Holm](#) (Manchester University).
4. The Legal Services Act ("The Act") created the Legal Services Board as a new regulator with responsibility for overseeing the regulation of legal services in England and Wales. The new regulatory regime became active on 1 January 2010.
5. The LSB oversees eight Approved Regulators, which in turn regulate individual lawyers. The Approved Regulators, designated under Part 1 of Schedule 4 of the 2007 Act, are the Law Society, the Bar Council, the Master of the Faculties, the Institute of Legal Executives, the Council for Licensed Conveyancers, the Chartered Institute of Patent Attorneys, the Institute of Trade Mark Attorneys and the Association of Costs Lawyers.
6. In addition, the Institute of Chartered Accountants in Scotland and the Association of Chartered Certified Accountants are listed as Approved Regulators in relation only to reserved probate activities.
7. The legal profession currently consists of some 15,000 barristers, 119,000 solicitors and 12,000 individuals operating in other aspects of the legal profession such as conveyancing. The sector was valued at £24.74 billion per annum (total turnover) in 2009.