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10 Buckingham Palace Road, Westminster, London SW1W 0QP

26<sup>th</sup> June 2009

Dear Sirs

**Response to the Consultation on Regulatory independence**

I am a Council member of the Law Society and a member of its Regulatory Affairs Board. I am also a member of the Professional Matters Committee of the City of Westminster & Holborn Law Society and a past President of that Society.

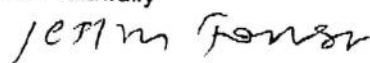
This short response is made by me solely in my personal capacity.

I have had the opportunity of seeing a number of responses that have already been made to you including, in particular, the responses submitted to you today by my colleagues Peter Adams and Sue Nelson, both of whom share with me the representation of the City of Westminster constituency on the Law Society's Council.

I endorse the arguments made by Peter Adams that regulation should be evidence-based and should not rely upon 'avoiding perception'. As Lord Hunt has said (in para 17 of his May 2009 Initial Response of Evidence submitted to his Legal Regulation Review) what needs to merge between regulator and regulated is a "robust, fair and sustainable system, which promotes parity of esteem". Statutory Rules to be made by LSB should, I submit, be drafted accordingly. In this respect I also concur with Lord Hunt's observation (para 18 of his Initial Response) that "the LSB was not established to micro-manage front-line regulation" and "is intended to be far more Olympian than that."

I am also sympathetic to the representations made to you by Sue Nelson that the composition of the LSB should be based on merit and that the balance of representation should follow from that; I do not hold so strongly as Peter Adams that the Board must be led by a lawyer although I echo his reminder that Clementi believed in profession-led representation and that Parliament's will, as expressed in the Legal Services Act (which followed the Clementi Report and the subsequent White Paper), makes no requirement for a non-lawyer majority. I agree with Sue Nelson that the correct balance of the LSB can only be determined by a selection panel that has the full range of candidates from whom to select. I also agree with her that effective regulation of solicitors must be based upon a shared understanding between the regulator and regulated. I strongly agree with her that recent experience has shown that an absence of transparency by the SRA has resulted from a failure to understand the value to the regulator of conducting itself in a manner conducive to enhancing such a shared understanding.

Yours faithfully

  
Jeffrey Forrest