



LINCOLNSHIRE LAW SOCIETY

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LEGAL SERVICES

19 JUN 2009

BOARD

15th June 2009

Dear Sir,

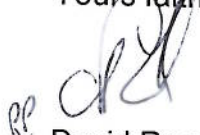
**LINCOLNSHIRE LAW SOCIETY'S RESPONSE TO
THE LEGAL SERVICES BOARD CONSULTATION PAPER**

1. This response is from the Lincolnshire Law Society to the Legal Services Board's consultation paper on internal governance rules required by Section 30 of the Legal Services Act. We do not profess it to be a full consideration of all the issues raised by the consultation paper nor does it attempt to answer all the questions posed.
2. It is the Society's contention that in order for the Legal Services Board to be successful in its aims it needs to embrace the interests of the profession as well as other stake holders. There is a fear that this would be lost in the desire to focus on the interests of the public. Whilst it is essential that the public are fully protected the governance of the legal profession is best dealt with by full and open consultation and constructive engagement with those who know the profession best, namely its members.
3. It is essential that although there is a clear desire to ensure the regulatory arm is not adversely affected by representational interests, the profession needs to be at the heart of all aspects of the provision of and regulation of legal services.

4. It is with some concern that the Society notes the suggestion in the consultation paper that there should be a specific majority of members of the regulatory arm that should be non-solicitors. As it is essential, in order to achieve complete independence, that the solicitors who have a representative function should not also serve on the regulatory arm, the Society sees no reason why there needs to be a majority of non-solicitors. This appears to suggest that the profession cannot be trusted to deal with all the serious issues raised by the Legal Services Act. Provided there is sufficient transparency, regular monitoring and ultimately provision to deal with any adverse issues that arise, there is no reason why solicitors cannot form the majority of members of the regulatory arm or members of appointment panels.
5. The Society accepts the Board's proposal that appointments should be solely based on merit after open competition.
6. Whilst there may be a need for the regulatory arm to be independent of the representative function that is not to say that the profession should not play a crucial role in the regulatory provision. Indeed, regulators approved by Parliament must remain ultimately responsible for overall discharge of the regulatory function. This can be achieved and the public can be confident of its effectiveness, if the whole process is conducted openly.
7. The consultation paper deals with various issues concerning shared services. The Society is of the firm belief there is no reason why they cannot be shared services between the regulatory arm and the representative body. There should be one common goal, the promotion of an independent profession for the benefit of the public, and there makes no sense to have separate 'services' which would ultimately cost the members of the profession significant additional costs. The Law Society, SRA and LSB have the same statutory objectives and if each of them work towards each of the objectives then that will mean triple the cost.
8. The members of the Society are particularly concerned, especially in the present climate, as to the impact on the Practising Certificate fees. Ultimately the profession will have to pay but there is not an open cheque book. Whilst independence of the two sides is important, this does not automatically mean two sets of costs and undoubtedly there would be the possibility of internal savings to make the provision for both sides efficient and effective. The financial cost of the changes must be capable of scrutiny both by the profession and the public to ensure value for money. This does not mean there has to be any compromises on the aims of the Legal Services Act.

9. Whilst shared services would seem sensible, there does need to be a mechanism dealing with any issues that arise and again, that needs to be open to scrutiny.
10. Local solicitors are hard pressed enough in making a living without an over bureaucratic system creating additional costs for all concerned. A transparent system of internal governance will in itself assist the profession in accepting the new regime but would also assist in fostering public confidence in an independent profession which is the ultimate goal. Members of the profession, whether they are based in Lincolnshire or elsewhere, need to be capable of being involved and expressing their views and opinions on an ongoing basis.

Yours faithfully



David Rogerson
President
Lincolnshire Law Society