

## Country Report

### ENGLAND AND WALES

#### The Law Society of England and Wales

The report provides a summary of key developments in the regulatory landscape of the legal services market in England & Wales in 2019 as set out below:

1. Brexit
2. Regulation
3. Professional Indemnity Insurance
4. Legal Technology and AI
5. Access to Justice
6. LawWorks and Pro Bono
7. Diversity
8. Women in Law

#### 1. **Brexit**

##### *Recent developments*

Parliament voted against a motion on the Withdrawal Agreement on Tuesday 15 January. The Prime Minister set out a new amendable motion for Parliament and two amendments were made to the motion on:

- Preventing no deal (although this was not legally binding)
- Support for finding alternative arrangements to the backstop

A new vote will happen in Parliament on 14 February. If this vote does not pass, next steps for the Government include:

- Asking Parliament to reconsider their original rejection of the deal (with an amended motion) again;
- Returning to the negotiating table with the EU with a new offer (although the EU has ruled this out publicly);
- Seeking a second referendum;
- Calling a General Election.

In parallel, the Government has signed and ratified the civil judicial cooperation instruments on Hague Convention 2007 and acceded to the Hague Convention 2005. A number of statutory instruments on civil judicial co-operation and trade in services having been going through Parliament in the last few weeks.

The Government also published the Immigration White Paper and the Immigration and Social Security Co-ordination Bill which will be in Committee Stage in the House of Commons.

##### *Law Society work on no deal*

The government has published a [series of notices](#) on how to prepare for a no-deal Brexit. We have published guidance on the potential effects on our members in the event of a no-deal Brexit in the following areas:

- [Civil and commercial cooperation](#)
- [Data protection](#)
- [Family law](#)
- [Intellectual property](#)
- [Providing legal services in the EU](#)
- [VAT](#)

We have also prepared an extensive overview of the national regulations that apply in each jurisdiction in the EU/EFTA. This can be requested by emailing [international@lawsociety.org.uk](mailto:international@lawsociety.org.uk).

The Law Society forms part of the UK Delegation to the Council of Bars and Law Societies of Europe (CCBE), which recently published extensive guidance on the effect of all Brexit scenarios on practice rights both for [EU lawyers working in the UK](#) and for [UK lawyers working in the EU](#).

### *Law Society position on Withdrawal Agreement and political declaration*

For the following reasons the Law Society has decided that it will not comment on the deal in full and will not give a view to MPs to either vote for or against the deal:

- The meaningful vote is a party-political issue- the Law Society is politically neutral and represents a membership who have a wide range of political views.
- The deal itself is a mixed picture for the Law Society and its members for the following reasons:
  - a. The political declaration does not contain sufficient provisions in the Law Society's key areas including trade in legal services and civil judicial co-operation.
  - b. The draft Withdrawal Agreement does have some positive areas for the Law Society and its members however we do not have a view on some of the more controversial areas such as the Irish 'backstop'.
  - c. We are supportive of the need for a transition period and have been calling for this since January 2017. We are also supportive of a specific mechanism for extension of the transition period if both parties agree.

For legal services there are several positives in the Withdrawal Agreement. The sector is pleased to see:

- Provisions on mutual recognition of professional qualifications and that lawyers can continue to obtain qualifications throughout the transition period.
- Clarity on continued recognition and enforcement of judgments and orders throughout the transition period
- Lawyers continue to have the right to represent a party in proceedings before the CJEU in all stages of proceedings where a case can be brought by or against the UK.
- The automatic transfer of an EU IP right into an equivalent UK right before the end of the transition and the wider provisions on IP.

The Law Society was also particularly pleased to see a mechanism for the extension of the transition period. We are aware of the time it may take for the UK and the EU to negotiate their future relationship and having a clear mechanism set out for extension of the transition is sensible.

In terms of the political declaration, we were pleased to see that it now includes some commitment to judicial co-operation on matrimonial proceedings, parental responsibility and other related matters. However, we continue to be concerned about the lack of reference to civil and commercial co-operation.

The UK Government has made it clear that they will continue to seek the inclusion of civil judicial co-operation (covering civil, commercial and family law) in the future UK-EU relationship. We would urge the UK Government to work with the EU to expand the areas for negotiation in the future framework to including civil and commercial judicial co-operation.

We were pleased to see a reference to professional qualifications, but this only goes some way to giving lawyers the ability to practise in the EU and is not generally the preferred route of lawyers who tend to practise through their home state qualification giving advice in their home state law.

We also remain concerned about the lack of ambition on trade in services. The continued FTA style model and striving to go beyond GATS means that it will be difficult to get a comprehensive deal as FTA's are generally blunt instrument on legal services.

We do have some concerns about the continued focus on regulatory flexibility/autonomy in services in the Government's White Paper.

Whilst for some sectors this flexibility is desirable and may open up trade opportunities outside the EU, it ignores the diversity in the services sector. It is important to note that the applicable regulatory framework will differ depending on the type of services involved.

Unlike financial services, there is no in-depth common rulebook or European-wide regulator in legal services. Instead, legal services remain regulated autonomously by each EU member state, but function based on the principle that an EU lawyer or law firm should be treated as being equal to domestic lawyers and firms.

For legal services, there is no great benefit to maintaining regulatory flexibility when pursuing trade agreements with third countries. Instead, the preservation of the present system should be prioritised, whereby lawyers from EU member states, EEA states, and Switzerland can practise freely across the continent.

#### Law Society position on no deal

In the interests of legal certainty, it is imperative that a no deal scenario is avoided. The UK would become a third country in relation to the EU. It is of paramount importance that an orderly transition to whatever follows UK membership of the EU is achieved. The likely breadth of changes means that citizens and businesses – and indeed EU member states themselves – will need time to familiarise themselves with changes to the system and adapt.

A no deal Brexit would lead to World Trade Organisation (WTO) rules being applied and this would have a significant impact of no deal on the legal services sector. Progress in developing rules on services at the WTO has been slow. A no deal scenario would have a significant impact upon those providing services in EU member states, including legal services.

The EU's own constitutional arrangements will prevent quick deals on internal market issues such as legal services. The EU does not have unlimited power to make trade arrangements. Member states must be involved including in ratifying any trade deal. This means that the national parliaments will be involved and, in some cases, even referendums organised (Ireland and Denmark notably) to ratify the agreement on the new relationship.

Trade in services is an EU competence but will need to be negotiated. This will be a complex negotiation and is likely to take time as simply adopting CETA or South Korea deal does not make sense as they have been negotiated with EU and Canada or South Korea interests in mind. The Lawyers' Directives which set out the current framework for legal services are a mixed competency and would need to be ratified by the EU and its member states.

The current levels of mutual market access allow UK lawyers to service the cross-border needs of businesses and individuals both from satellite offices in the EU and through 'fly-in, fly-out' (FIFO) services from their London office (a daily business practice for many firms). Since this liberalisation, the UK legal services sector has become a major exporter to the EU.

Without these provisions UK lawyers will be treated like other non-EU third country lawyer. Barriers include:

- Greece – non-EU lawyers cannot operate – requalify people/or restructure
- France – does not have a status for foreign lawyers to practise
- Germany – FIFO – there is currently uncertainty within firms on whether lawyers are able to fly-in and fly out of Germany.

- Austria - nationality requirements, meaning one can only be EU/EEA/Swiss national to requalify in/practise host state law
- Spain and Sweden - strict rules prohibiting local lawyers from partnering with non-EU lawyers
- Belgium and Ireland remain more open

We are aware that firms are putting together contingency plans in terms of restructuring as there is still uncertainty about the transition period. Each firm will have a different timescale for triggering these contingency plans to restructure and so are likely to have already begin doing so. We are aware of firms taking the following actions:

- Some people have become Irish solicitors as they hope this will mean that they will be able to have legal professional privilege at an EU level.
- Some firms who do not have an EU presence have opened up offices there.
- Some competition within firms have relocated to Brussels/ some data protection teams moved to UK. This could have an impact on the UK's tax take.
- Relocation – tax issues/partner planning need to be considered.

On civil judicial co-operation, the Government has already committed to accede to the Hague Convention and we welcome this. We would also recommend that the Government seeks to accede to the Lugano Convention, a separate convention that is applied between the EFTA and the EU as this would lead to a wider range of UK judgments being recognised and enforced within the EU. For the Lugano Convention only, the EU will need to be persuaded to ratify it, (as it has exclusive competence in this area). **We would welcome clarification from the Government on whether they plan to accede to the Lugano Convention in a no deal scenario.**

## **2. Regulation**

### *AML OPBAS and Joint Working*

In May 2018, both the SRA and the Law Society were visited by OPBAS, who conducted an in-depth review into the Society's and SRA's supervision of solicitors in England and Wales. They issued recommendations a few months after their visit.

Recommendations to the SRA focused on ensuring that the new AI system they use to assess firms' money laundering risks, considers mitigating procedures that the firm has put into place. OPBAS letter also commented on staffing issues at the SRA.

Recommendations to the Law Society asked us to improve our internal money laundering procedure, put into place a whistleblowing procedure for AML-related reports, formalise training for relevant staff, consolidate AML-related governance and procedural documents into a single, internal AML "action plan" and recruit an additional "lay" perspective to the Money Laundering Task Force.

### *Economic Crime Strategic Board*

The Law Society and the SRA are both members of the new Economic Crime Strategic Board meeting set up recently by the Government. The inaugural meeting of the Board – attended by Paul Philip (SRA) and Paul Tennant (Law Society) - was held on 14 January. The meeting was chaired by the Chancellor and the Home Secretary and attended by the Minister of State for Security. It was joined by around 10 senior representatives from various banks and one representative per the accountancy and real estate sectors.

The meeting sought to foster joint cross-sectoral and public-private thinking on the scale of the economic crime threat and ways to combat it. Two main themes emerged from the meeting:

- a) Participants need to develop methodologies to help the government assess the economic crime threat faced by the UK as a whole;
- b) Participants may need to put thought into ways to streamline and improve how they share intelligence with law enforcement agencies.

The Law Society would like to work more closely with the SRA on determining a suitable methodology for assessing the scale of the threat facing the legal sector.

We are aware that the SRA already have ways of sharing specific intelligence with law enforcement and would like to open a conversation on improving intelligence as well as information-sharing in the legal sector, keeping in mind the constraints of privilege and the dispersed nature of the sector.

Specific intelligence falls broadly within the remit of the SRA. "Information", meaning aggregate outputs from collated intelligence, falls broadly within the remit of the Law Society.

### OPBAS action plan

In May 2018, both the SRA and the Law Society were visited by OPBAS, who conducted an in-depth review into the Society's and SRA's supervision of solicitors in England and Wales. They issued recommendations a few months after their visit.

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Feedback to both the SRA and the Society asked for clarification of the status of the AML advice provided by our Practice Advice Service and the SRA's Ethics Helpline.

The Law Society's action plan was sent to OPBAS in October and proposed ways to tackle the issues identified. Our action plan received neutral but encouraging feedback in December. We are close to having implemented all of OPBAS's recommendations and are now focusing on putting into place a strong whistleblowing procedure. We are drafting an internal and external whistleblowing procedure, with both procedures reminding potential whistleblowers (members of the profession or public) as well as Law Society staff that whistleblowing reports should be made to the SRA or the National Crime Agency in the first instance – the Law Society has no remit to investigate such reports.

### OPBAS fees

At the end of 2018, OPBAS issued a consultation on fees payable to it by professional body supervisors such as the SRA and the Law Society. This consultation followed on from an earlier consultation on fees at the end of 2017. The 2017 consultation led the Law Society to expect an OPBAS fee of around £600,000 per year. The revised consultation issued in 2018 led to an estimate of around £800,000 per year.

The fee will be paid by the Law Society and the SRA jointly. As the largest professional body supervisor across the legal and accountancy sectors, both organisations had expected to receive the largest bill. However, the fee proposed by the latest consultation was greater than expected and there did not seem to be a clear risk or size-based rationale underlying the methodology used by OPBAS to calculate these fees. Following objections to the 2018 proposal by the SRA, the Law Society and two of the largest accountancy bodies, OPBAS have now advised that invoicing will be delayed from the original January date to March to allow them to process professional body supervisors' comments.

### Mayson Review

The regulatory affairs team is currently working on a response to Professor Mayson's review of legal services regulation. This response will develop our policy position and aims to provide valuable insight to both aid and influence the review. The review is reopening the debate over the future of legal services regulation, especially issues such as:

- Clear regulatory objectives – the need to balance between wider public interest, consumer protection and competition.
- Independence – separating regulators from professional bodies.
- Flexibility – replacing or supplementing the current reserved activities to target more effectively activities that carry greater risk.
- Fewer regulators – consolidation of regulators prioritising over risk factors that relate to either consumer or activity rather than types of provider.

- Role of titles – addressing potential duplication and inconsistency of title-based regulation and looking for alternatives, including self-regulation.

In response in December last year the Regulatory Affairs Team organised a session for the Council on the Mayson review. The Council members were asked to discuss three broad themes related to regulatory objectives, reserved activities and professional titles, and to reach a consensus on what the priorities might be, and what the Law Society should look to achieve from publishing a position paper.

We have taken on board the Council's feedback and prepared a draft position paper, which we shared for further comments with the Council and PRAC.

Following the Council's feedback, we will finalise the paper and submit to Professor Mayson in February.

Background:

University College London is currently conducting an independent review of the legal services led by Professor Mayson, due to be completed by early January 2020 with the recommendations being presented to the Ministry of Justice.

The review will be conducted in three stages between October 2018 and January 2020. In the first stage (Autumn 2018), Mayson is calling for submissions to three working papers published in October, seeking views on his assessment of the current regulatory framework and potential solutions for the future.

The review will be supported by an Advisory Panel which includes specialists in regulation and professional ethics, representatives of the legal profession, consumers, business, regulators and parliamentarians, including Dominic Grieve MP and Lord Neuberger.

#### Undertakings

In response to the LSB's investigative report, TLS submitted its response on 30 November 2018. The report covered:

- I. The Law Society will consider and appraise the review that happened last year. These changes have been explained and so there will be some repetition. It will be a qualitative appraisal.
- II. Report covered how rule changes are dealt with. SRA will help in any way they can, although it was agreed that this is a Law Society report, not a joint report.
- III. The Law Society will need to demonstrate how the Appointment process system in works in practice. SRA can help with how this has worked from its perspective.
- IV. This is about the lack of independent chair. It was agreed that on reflection it was more about the impact of this.
- V. The Society will provide minutes of meetings of these bodies over the last 12 months to allow for an objective reading of the content. Further, provide a narrative from the chair of those bodies. On the cultural issue, this relates to behaviours.
- VI. The Law Society has invested extensively in new culture code, and this applies to members as well as staff. Part of the induction process, terms of reference etc, are all geared towards ensuring positive behaviours.

Background:

On 31 May 2018 the Legal Services Board (LSB) published an investigative report into the compliance by the Law Society of its obligations under the LSB's Internal Governance Rules. Leading from the report's findings, the LSB has tasked the Law Society with providing a written report detailing how its governance arrangements with the SRA have operated in the previous 12 months. Its primary focus is on the Society's impact on the SRA's effectiveness.

#### SRA Handbook Reform

While the Law Society does not object to the aim of simplifying the Handbook, we insist that a shorter handbook doesn't mean increased uncertainty for practitioners. The Society has also raised serious concerns about the impact of some of the changes on the profession and its clients. Most importantly, the Society objected to the proposals to allow solicitors to deliver legal services to the public from outside regulated firms and practise on freelance basis, arguing this would severely reduce client protections, increase confusion and consequently reduce overall trust placed in solicitors.

The reasoning in the LSB's decision notice ticks off the various regulatory objectives that they are obliged to consider, but in substance it does not engage with the points the Society made about the risks to the public and consumers.

In particular, how are clients meant to understand the distinction between two people called solicitor? And how is reducing trust in the title solicitor meant to increase the number of people who seek legal advice?

If, as the IGR consultation shows, the LSB wants to be the sole body responsible for regulatory oversight, it is a concern that it is doing this in such a light-touch way.

Given the relatively short lead time between now and April 2019, when the new Handbook comes into force, we are preparing materials to support the profession as it transitions from the current Handbook to the new shorter Handbook, with separate codes of conduct for individuals and firms. However, this work is pending on the SRA publishing guidance on the new rules, e.g. on new practice models (freelancers and solicitors working in unregulated entities, PII requirements etc).

Our intention is to work collaboratively with the SRA to help our members to understand and comply with the new requirements. We hope that the SRA will reciprocate and provide us with further information in a timely manner.

Background:

On 6 November, the Legal Services Board announced that it had approved in full, the SRA's application to revise the SRA Handbook. This was in the face of strong opposition from the Law Society and the Legal Services Consumer Panel, both of whom had highlighted risks to consumers, the public and the profession. For example, the LSB received 130 representations, the majority of which supported the Law Society position.

### **3. Professional Indemnity Insurance**

Recent developments have left us concerned about the decision to implement new PII requirements for freelance solicitors, who will not be required to purchase products at the same level as the SRA's current minimum terms and conditions.

There are concerns around the drafting of the new rule, with discrepancies between insurance requirements for individual lawyers and those working in entities, and the levels to which they can exclude liability. But there are also practical concerns about the absence of insurance products for freelance solicitors, with brokers informing us that it will not be economically viable for them to provide freelancers with the sort of advice that they currently offer firms, which means that many will be forced to purchase products on a take it or leave it basis, and the policies will have many exclusions, making it likely that freelancers will provide the public with services for which they mistakenly believe that they are insured.

It could also be worthwhile reiterating that their broader proposals for PII reform were unsupported by evidence, and risk sacrificing real, existing benefits – in terms of lower overall costs, consistency of cover and consumer protection, the public interest, the reputation of the profession, and efficiency – in exchange for ideologically motivated changes which are unlikely to deliver the promised savings in costs or increased access to justice.

### **4. Technology**

#### LawTech Delivery Panel

The Ministry of Justice has created a new panel to boost the LawTech industry, which you are delighted to be chairing. The ultimate aim of it is to enable the UK to become a world leader in LawTech.

At its core the panel will aim to encourage and support the growth of a thriving LawTech sector, foster innovation across the UK legal services sector, and ensure that the UK remains the destination of choice for legal services related to emerging technologies and English and Welsh law underpins these new technologies.

The Law Tech Delivery Panel is comprised of industry experts and leading figures from Government and the judiciary, who have come together to fuel the UK legal sector's growth and help fulfil its potential. The Panel will:

- Identify barriers to growth and solutions to overcome these, by conducting comparative analysis and national research;
- Draw on the experience of other sectors and identify catalysts for growth;
- Explore ways to foster an environment where new technology can thrive.

The Panel has established six taskforces to tackle challenges in the areas of:

- 1) Regulation
- 2) Ethics
- 3) Commercial dispute resolution
- 4) Education and training
- 5) Investment and funding
- 6) Establishing the UK as the jurisdiction of choice for LawTech

#### Barclays Eagle Lab:

Existing objectives currently under review:

- A. TLS and Barclays partnership to be at the centre of the LawTech ecosystem made up of members, start-ups, government, academia and other strategic partners.
- B. Directly offer our insight, guidance and support to the Lab residents helping companies start-up and scale up, by assisting the design and development of new innovative products.
- C. Develop training and legal education to support members in adopting and embracing new technology whether they work independently, in-house or as part of a firm.
- D. Increase TLS brand relevancy and demonstrate breadth/depth of TLS reach to support conversations with current and new corporate partners.

#### Technology and Law Policy Commission

The Law Society's Public Policy Technology and Law Commission is currently examining the use of algorithms in the justice system in England and Wales and what controls, if any, are needed to protect human rights and trust in the justice system. Testimony gathered across two evidentiary sessions has identified ethical considerations generally being too macro/theoretical. This has meant that ethical guidance lacks practicality for those developing these technologies, mainly data scientists. For the Law Society's work not to replicate work done by other organisations, we are approaching ethics through the lenses of both ethical purpose and ethical use.

The first evidence session in July considered the use of algorithms in the justice system today and how we foresee their future use. This opening session provided us with an insight into the current state of play with regards to the development, sale and use of algorithms in the justice system of England and Wales.

The second session, which Lord Clement-Jones gave evidence to, considered the future of algorithms in the justice system, where we discussed future developments.

The Commission's third and final evidence session was held on 14 February 2019, focusing on the controls, needed to protect human rights and trust in the justice system. The final report is due on the 4<sup>th</sup> of June.

#### Roadshows:

We have roadshow initiative in development which will invite insight and debate on tech with the objectives of:

- A. Delivering targeted insights – related to practical impacts of technology and innovation to our members in the regions;
- B. Providing members regionally with a mechanism by which to engage with the Society on these issues;
- C. Building a better understanding of the information and support needs of our members.

#### Background:

The legal sector has in the past struggled to keep up to date with the adoption of technology. However, lawyers are now reaping the rewards of using technology in the workplace. Many of the benefits were achieved as a result of firms harnessing law tech and have been passed on to their clients in the form of lower fees, greater flexibility and increased transparency.

LawTech remains less mature than other fields of digital disruption, most notably Fintech where funding and regulatory alignment are more advanced. Growth areas of LawTech include legal analytics, legal project management, governance and compliance, and contract management. More established areas include collaboration tools, document management, IP management, and e-billing.

The Law Society has created a technology strategy to:

- Represent the profession's interests in the development of technologies.
- Represent the profession's interests in the legal response to technological development.
- Anticipate change and responding to change to maximise the legal profession.
- Lead the public debate and offer leadership.



- Enable both short term and longer-term commercial revenue.

The Society has partnered with Barclays to create a LawTech incubator to drive and support innovation in the dynamism of the legal services sector.

## **5. Access to Justice**

### Court modernisation

HMCTS has entered the third year of a six-year programme of reform to modernise the courts and tribunals system by creating services that are digital by default and design. The Society is positioning itself as a “critical friend” of the project. We welcome modernisation of the Courts provided the proposals are not driven by austerity measures (access to justice must remain at the heart of the programme) and technology is not implemented unless it has been tested, evaluated and proven to work.

We are engaging regularly at all levels, putting forward the views of our members. We have been consulted on prototypes of the online processes and have been contributing to research HMCTS are undertaking on the “as is” position in many different areas of law and procedure. The Ministry of Justice’s consultation ‘Fit for the future: transforming the court and tribunal estate’ closed in March 2018 and focused on the modernisation work underway in HMCTS, including reforms of the service and proposals for the courts estate.

The Law Society submitted a response to the consultation to highlight our concerns. A summary of our submission is included below:

- a. We understand the need to manage the pressures on courts and tribunals, by taking advantage of the opportunities that technology can provide to deliver a just, proportionate, and accessible system that provides value for money.
- b. Protecting access to justice is integral to the success of the proposed reforms. A system which precludes users from engaging effectively with the courts cannot be considered as a process that delivers justice.
- c. We are concerned that many virtual options and improved technology is not yet available for court users. Many streams are still in a pilot phase and have not been tested with the public. We do not believe it is acceptable to close courts before new technologies have been tested, evaluated and proven to work.
- d. In addition, we are aware that other pilots have not been progressing to the originally anticipated timeframes given by HMCTS, such as for the Online Court pilot.

## **6. LawWorks and Pro Bono**

### LawWorks Background

LawWorks was founded in 1997 and is the operating name of the Solicitors Pro Bono Group. It was established with the support of city law firms and at the time the Law Society did not feel that it was appropriate to support the creation of the organisation beyond a small financial contribution so LawWorks was established as an independent charity. It is a membership organisation, and firms sign up (and pay a graduated amount depending on size of firm) to be members. It has operated out of the National Pro Bono Centre since 2011. However, the lease for the centre is due to expire in 18 months, and the organisations housed in it need to find alternative premises. They have raised informally the suggestion of being housed within the Law Society instead of receiving a grant.

### The Law Society and LawWorks partnership

The Law Society is one of LawWorks' major funders (along with the MOJ, via the LiPs Strategy, and its own Membership Fee).

For the November 2017 – November 2018 financial year the LawWorks grant was reduced by 5% and was awarded for one year instead of the three years they sought. This arrangement was extended for one more year as the level and terms under which the grant is given are being reviewed.

### LawWorks and Advocate

At the end of November 2018, LawWorks and Advocate (formerly the Bar Pro Bono Unit), publicly announced that they were in discussions about a formal partnership. The discussions are at an early stage, and the intention is that by collaborating closely, both charities can maximise their impact by increased effectiveness in supporting volunteer legal professionals and law schools, and the facilitation of greater access to justice.

## The Pro bono Protocol

This was developed under the auspices of the Attorney General's Pro Bono Coordinating Committee and has been endorsed by the Law Society, Bar Council and CILEx. It was developed to promote and support consistently high standards of pro bono work. The Protocol has been agreed to set out the core values of such work and to assist both those who undertake it and their clients. It in no way replaces but rather seeks to build upon the Professional Codes of Conduct.

## The Pro Bono Charter

The Charter is a Statement of Commitment that firms, ABS and in-house teams can sign up to in order to highlight their pro bono work. By becoming Charter signatories, a law firm or organisation is demonstrating its commitment to improving access to justice for those individuals and organisations who have legal needs and are ineligible for legal aid and unable to afford to pay for legal services. Only Charter signatories may run for the Society's Pro Bono Excellence Award, and they receive such benefits as access to additional tools and information, and eligibility for a month's free LawWorks membership.

## The Major Incidents Plan

The Plan is an initiative that the Law Society has been developing to provide processes under which solicitors can respond to major incidents to meet the sudden surge of need for urgent assistance. The Plan includes a public commitment from the Society to provide accurate and timely information on legal issues related to major incidents, and to help recruit, mobilise and coordinate pro bono solicitors as appropriate to the circumstances. It has been approved by PRAC and will be launched to the public and the profession soon.

## **7. Diversity and Inclusion**

### The Law Society's work on diversity and inclusion

The Law Society's flagship initiative is the Diversity and Inclusion Charter which was launched in 2009. It is unique in the legal profession. The Charter enables solicitors' firms to demonstrate their commitment to diversity and inclusion for both employees, clients, and provides structured support to help them improve. It is free to sign up to the Charter. There are now 490 Charter signatories.

We recently started a full-scale review of the charter to make sure it can better support our members in delivering meaningful and impactful change. The review will also consider the option of moving into an accreditation-type system. We aim to relaunch our new Charter/Accreditation in November 2019.

## **8. Women in Leadership in Law**

The Women in Leadership in Law project collate current qualitative and quantitative data on women in the legal profession and the judiciary. Data has and will be collected from:

- The Law Society survey which received almost 8,000 responses.
- Academic literature review.
- To date, 220 roundtables have been held with approximately 3,000 women in all stages of their legal careers. This also included representatives from all top 25 firms.
- For the period January – October 2019, we will be organising 23 IWIL roundtables in 13 jurisdictions.

The roundtables allow for an opportunity to discuss methods of overcoming the barriers to achieving leadership. Senior members of the Law Society have conducted 'male champions for change' roundtables with senior male leaders in law who are committed to implementing tangible actions to accelerate change in their firms and organisations. We hope that they will make public their commitments to stimulate change in the profession.

### Roundtables – Women

- Over 220 roundtables took place since May 2018 both in England and Wales as well as internationally. A total of 22 Presidential women's roundtables (domestic) took place, 160 Member led roundtables, 22 International and 16 'Male champions for change roundtables'

### Roundtables – Men

- Since November 2018, 16 roundtables took place across the jurisdictions to engage with senior men who have the ability to accelerate change in their organisations and a separate toolkit has been developed for this purpose
- The outputs from these discussions will be collated into an anonymous report which will be published for International Women's Day 2019

The findings of our research will be launched on International Women's Day on 8 March and at our International Symposium on 20 and 21 June, respectively. Our international symposium promoting 'The power of gender equality to transform the business of law' is now open for registration. This two-day conference is designed to bring together professionals from across the legal profession and other sectors to identify steps needed and to equip attendees with the tools to achieve gender equality in the workplace, crucial to boost growth, innovation and productivity.

It will also mark the centenary of women being admitted to practice law in the UK and celebrate the successes of women in law globally. We will welcome a range of high-profile speakers including Baroness Hale of Richmond, Helen Pankhurst CBE, Helena Kennedy QC, and The Rt Hon David Gauke MP, Lord Chancellor and Secretary of State for Justice.

#### Background:

As of 2017, the majority of practicing solicitors are women but only represent 28 percent of partners in private practice. This year, the Society has chosen to focus on the empowerment and leadership of women in the profession. Many recent, robust reports from organisations such as McKinsey, and the SRA, confirm the business benefits for equal treatment and gender balance in the workplace. However, evidence suggests that the profession is significantly adrift of achieving this.