

Minutes

Legal Services Consumer Panel Meeting

Date: 27 February 2013

Time: 13:00 – 17:00hrs

Venue: Victoria House, Southampton Row, London WC1B 4AD

Present:

Elisabeth Davies	Chair
Jeff Bell	Member
Graham Corbett	Member (Items 1-8)
Emma Harrison	Member
Karin Woodley	Member
Steve Brooker	Consumer Panel Manager
Harriet Gamper	Consumer Panel Associate
Julie Myers	Legal Services Board
Ramandeep Bhatti	Legal Services Board
Chris Handford	Legal Services Board
Chris Kenny	Legal Services Board (Items 9 and 10)

Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel'). The Chair advised that Neil Wightman and Paul Munden had sent their apologies. Graham Corbett would join the meeting by telephone.

Item 2 – Declarations of interest

2. The Chair advised she attended the APIL Presidents luncheon on 12 February 2013.

Item 3 – Minutes of 28 January meeting

3. The Chair presented the Draft Minutes for the 28 January 2013 meeting.

The Panel approved the Minutes of 28 January 2013.

Item 4 – Matters arising

4. Item 6 – Jeff Bell advised his meeting with Wendy Martin, Programme Director for the National Trading Standards Board, had been cancelled.

5. Item 5 – the Chair advised Frances Harrison had been appointed as the new Panel Member and would formally start her term on 1 March.
6. Item 9 – The Consumer Panel Associate advised some minor amendments had been made to the comparison website standards and an announcement with the SRA would be made shortly.

The Panel noted the matters arising.

Item 5 – Chair’s report

7. The Chair presented her report covering recent meetings.
8. In addition to the written report, the Chair advised:
 - the third Chair’s Blog ‘unreflective consumer fundamentalism’ had gone live on the Panel website.

The Panel noted the Chair’s report.

Item 6 – Members’ update

9. Graham Corbett advised he would be meeting Victoria Phillips, Head of Employment Rights at Thompsons Solicitors.
10. Jeff Bell advised he attended the Panel’s Risk and Regulation seminar on 13 February.

The Panel noted the Members’ update.

Item 7 – Draft Work programme for 2013-14

11. The Consumer Panel Manager presented the Draft Work programme for 2013-14. The Panel welcomed the draft Report and endorsed all three of the narrative strands subject to some minor changes.
12. Karin Woodley agreed to draft a letter to the Chief Executive of Refugee Forum to source funding and ascertain potential for a joint project on asylum.
13. It was confirmed that the Consumer Impact Report (CIR) should be published every two years, but each year this timetable would be reviewed.

The Panel approved the Draft Work Programme subject to comments made.

Item 8 – Choosing and using legal services

14. Karin Woodley presented the paper on choosing and using legal services.
15. Panel members discussed the paper, including:
 - Why is it that consumers trust individual lawyers, but not the whole profession?
 - How can choice improve when consumers are choosing from providers they don’t trust?

- The Panel agreed everything in Phase 2 was correct, but there should be a stronger linkage to consumer trust
 - The report should highlight regulatory remit points more clearly.
16. The Consumer Panel Manager thanked Karin Woodley and Neil Wightman for their input on this report. There would be some small drafting changes before the Panel published the report and it would then be presented to the LSB Board.

The Panel approved the draft Choosing and Using Legal Services report subject to some minor amendments.

Item 9 – LSB perspective

17. The Chair welcomed Chris Kenny, Chief Executive of the Legal Services Board to the Panel.
18. Chris Kenny gave a brief update to the Panel, followed by a discussion with the Panel. Key points included:
- Chris Kenny advised the LSB is under pressure to hold frontline regulators to account, while at the same time being accused of ‘mission creep’. The challenges facing the LSB are tighter and managing these will not be straightforward. Chris Kenny also advised he and the LSB Chairman had met with the Lord Chancellor and this meeting went well.
 - The consumer landscape has become more fragmented and there is not a lot of detailed engagement, therefore the work of the Panel is ever more important.
 - There remains a challenge around the culture of the legal services sector
 - First-tier complaints handling remains a concern and it would be useful to explore lessons from other sectors where improvements have been made.

The Panel noted the update from Chris Kenny.

Item 10 – Cab rank rule

19. The Consumer Panel Associate presented the paper on the cab rank rule.
20. The following points emerged from the discussion:
- The principle of guaranteed representation is vital and there is no room for complacency about this; the question is whether the cab rank rule or some other mechanism is the best means of securing this objective
 - There is some merit in the argument that the rule helps barristers to justify why they must accept any brief even if the person they are representing is accused of the most horrific of crimes. This could also reassure individuals accused of an offence
 - The rule is seriously undermined by the long list of exemptions, in particular the legal aid exemption given that most crime work (where the rule arguably has most value) is funded by legal aid
 - It is not sufficient to rely on equalities laws and similar provisions in codes of conduct. The New York model does not address issues of unpopular clients
 - The rule does not appear to impede specialisation in practice, so the main economic objection to the rule does not seem well-founded
 - The lack of monitoring or data about the rule is concerning

- The issue of whether the rule or some other mechanism should apply to all advocates needs to be considered further

The Panel noted the paper on the Cab-rank rule.

Item 11 – Consultation responses

21. The Consumer Panel Associate presented the paper on consultation responses.

22. The Panel:

- **noted the live ICAEW: Application for practising rights, the live Legal Ombudsman’s draft strategy and business plan consultation and live SRA: Indicative guidance on financial penalties consultation**
- **noted the LSB had written to the Approved Regulators seeking their views around damage based agreements in civil litigation.**

Item 12 – Draft agenda for next meeting – 1 May

23. The Consumer Panel Associate presented the proposed agenda for the 9 May meeting.

The Panel agreed the proposed agenda.

Item 13 – Any other business

24. None.