



Kate Wellington
Costs Lawyer Standards Board
Centurion House
129 Deansgate
Manchester M3 3WR

Sent by email only to enquiries@clsb.info

18 October 2021

Dear Ms Wellington,

Consultation: CLSB Costs Lawyer Competency Statement

The Legal Services Panel welcomes the opportunity to comment on CLSB's cost lawyer competency statement. The Panel appreciates the overall approach of setting out a detailed competency statement to inform all costs lawyers, training providers, consumers and others what the expectations are for newly qualified costs lawyers. We expect some consumers will find this statement very helpful as it informs them what they have a right to expect from any practising costs lawyer. We have considered all the consultation questions and offer our general comments on the competency statement below.

Research

While the Panel notes the variety of sources consulted in the CLSB's research to determine the core competencies of a costs lawyer, it may have been helpful to also engage with some actual consumers of costs lawyers to obtain a clear picture of what consumers want from the costs lawyers they have engaged. This evidence would ensure the consumer perspective is incorporated into the competency statement.

How to use the competency statement

The Panel felt the section explaining how the competency statement document would be used was clear and helpful, especially the diagram on page 4. It would be more useful still if it included a brief explanation of what the various players that are expected to use this document should do if they have concerns that a particular costs lawyer is not operating at the minimum standard of knowledge and skills. Signposting where concerns can be directed will encourage those reading the document to use it and promote a culture of learning where stakeholders in the costs lawyers' community can proactively raise concerns even before a breach of the code of conduct has occurred.

This section could also be improved by clarifying the bullet points on page 3. The minimum standard is set out as a separate element which may make readers believe that it is entirely distinct from the knowledge and skills elements rather than an application of the minimum acceptable level of these knowledge and skills. Page 4 does provide some further clarification with the arrows and explanation of the minimum standard.

Skills

The Panel found the skills section of the competency statement to be particularly useful in defining, explaining the purpose of and fleshing out what each skill looks like in practice. We appreciated that relationship management, including empathy and managing expectations, as well as self-management were treated as separate skills that must be learned and used on a daily basis.

Our 2021 Tracker Survey results show that 10% of consumers who used legal services in the last two years were dissatisfied with the communication they received while their matter was progressing. In addition, 7% of consumers were dissatisfied with the overall level of service they received. Highlighting relationship management and citing consumers as one of the key stakeholder groups whose relationships must be managed promotes a consumer focused profession. We were pleased that frequency and style of communication were emphasized as important components of relationship management. In addition, self-management skills are the first line of defence against lawyers becoming overwhelmed, which can in turn lead to poor performance or ethical failures which can have a devastating effect on consumers.

The Panel is also pleased that effective communication skills include knowing how to be accessible and tailoring communication to a particular audience and is explicitly cited as an important factor in a positive consumer outcome. Overall, the Panel welcomes the CLSB's proactive approach to fostering positive outcomes for consumers by requiring training providers to build these skillsets in potential costs lawyers before they qualify.

Attributes

Finally, the Panel believes outlining positive attributes of how costs lawyers work is extremely useful. While we understand discussion of the list may help newly qualified costs lawyers strive to embody these attributes, as CLSB recognizes, they are an important element of how costs lawyers conduct their duties throughout their career. Accordingly, the Panel would like to see some assessment of these attributes even if not done in a stand alone exercise. Assessors can comment on these attributes in training, especially in oral or practical exercises, in an effort to encourage students to work toward these goals. Some level of assessment will reinforce the importance of the attributes throughout a costs lawyer's career.

Specifically, the Panel would like to see some assessment of a student's ability to respond positively to feedback (being accountable) because this is a necessary ability to become a lifelong learner who maintains ongoing professional competence. The ability to be inclusive is also vital given the lack of diversity in the costs lawyer profession and the low level of change that has occurred over the years. Providing commentary on a person's ability to be inclusive could go a long way toward changing the culture of diversity and inclusion in the costs lawyer community.

As usual, the Panel appreciates the opportunity to provide input from our unique vantage point. We hope you find these comments helpful. Please contact Heidi Evelyn, Consumer Panel Associate (Heidi.Evelyn@legalservicesconsumerpanel.org.uk), with any enquiries.

Yours sincerely,



Sarah Chambers
Chair
Legal Services Consumer Panel