

Minutes of the meeting of the CLLS Professional Rules & Regulation Committee (the Committee) held on Wednesday 22 September 2021 at 4:00pm

Location: Offices of Freshfields Bruckhaus Deringer LLP and by video call

Present:

Clare Wilson (Herbert Smith LLP) (Chair) (**CW**)
Jonathan Kembery (Freshfields Bruckhaus Deringer LLP) (**JAK**)
Tracey Butcher (Mayer Brown) (**TB**)
Mike Pretty (DLA Piper UK LLP) (**MP**)
Jo Douty (Macfarlanes LLP) (**JD**)
Iain Miller (Kingsley Napley LLP) (**IM**)
Julia Adams (Slaughter and May) (**JA**)
Sonya Foulds (Cleary Gottlieb Steen and Hamilton LLP) (**SF**)
Robin Abraham (Clifford Chance LLP) (**RA**)
Daniel Macaluso (Linklaters LLP) (**DM**)
Sarah Boland (Freshfields Bruckhaus Deringer LLP) (Committee Secretary) (**SB**)

Apologies:

Annette Fritze-Shanks (Allen & Overy LLP) (**AFS**)
Fergal Cathie (Clyde & Co LLP) (**FC**)

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1. Minutes and matters arising

1.1 The previous meeting's minutes were accepted as approved.

2. Appointment of new Chair

2.1 It was confirmed that CW had been appointed as new Chair of the Committee from 15 September 2021.

2.2 The Committee congratulated CW and thanked JAK for his exceptional contribution.

3. New members

3.1 The Committee welcomed RA and DM.

4. Solicitors Indemnity Fund (SIF)

- 4.1 JAK summarised that the SIF had been closed to new claims since 2000 but there had been sums remaining in the SIF to provide support to solicitors in respect of closed practices beyond the end of the period for which they were ordinarily insured. There was a six year run off period for usual insurance and the SIF provided help for retired lawyers facing claims which could extend to more than six years after their practices closed.
- 4.2 The SIF had worked very well but the sums remaining in it were now running out. The question was therefore whether it should continue and, if so, how it should be funded. The Law Society was keen for it to be funded by way of a levy on the profession. The SRA was considering options.
- 4.3 A virtual meeting of the SIF working group was taking place on 23 September 2021.
- 4.4 ACTION: CW to report back to the Committee any update at the next meeting.

5. SQE/QWE

- 5.1 CW confirmed that the working group had been established with a mixture of representatives from the Committee and the Training Committee of the CLLS. A draft note had been produced to be sent to the SRA for additional guidance.

6. Lateral hire guidance

- 6.1 JAK confirmed that there was still some work to be done finalising the guidance.

7. Authorisation of Individuals Regulations

- 7.1 JA reflected the fact that the ‘friends and family’ exception for giving advice in a personal capacity appeared to have been removed. In other words, the exception for requiring insurance when solicitors gave advice in certain circumstances outside their ordinary work had been removed. This gave rise to a question of what the notification requirements to the SRA now were for, for example, individuals acting ‘pro bono’ or swearing statutory declarations outside of their ordinary work .
- 7.2 ACTION: JA to invite the SRA to confirm whether the removal of the exception was an unintended error.

8. Economic crime levy

- 8.1 JAK confirmed that there was a meeting of the CLLS and The City UK on 27 September 2021.
- 8.2 ACTION: members of the Committee to pass any points to JAK they would like raised at the meeting.

9. Legal Services Board (LSB)

- 9.1 CW confirmed that the next meeting of the LSB was due to take place on 13 October 2021 considering what continuing competence might comprise in the future.
- 9.2 ACTION: CW to invite a member of the Committee to attend the LSB meeting on 13 October.

Juliet Oliver (General Counsel of the SRA) (JO) and Anthony Armitage (Head of Regulatory Management at the SRA) (AA) joined the meeting at 4.30 pm

- 9.3 JO introduced AA to the Committee and AA summarised his role and outlined proposals to take regulatory management forward at the SRA.
- 9.4 The discussion included proposals for potential future roundtable discussions as well as the SRA's plans for updated guidance – including, for example, on duties in litigation.
- 9.5 JO also confirmed that the SRA was focused on wellbeing in the profession and was undertaking a thematic review on firm culture. Linked to this the SRA was preparing two specific pieces of guidance – the first relating to good practice in developing a healthy working environment and the second with respect to the legal risks of 'getting it wrong'. The essential focus was for the SRA to explain how some issues may engage the SRA from a regulatory rules perspective, recognising that other routes (such as the employment tribunal) should still remain the primary focus for issues regarding treatment in the workplace.
- 9.6 There being no further business, the Chair brought the meeting to an end.