

Public responses to IRLSR Final Report

Legal Services Board

Press release available at: <https://www.legalservicesboard.org.uk/news/our-response-to-professor-maysons-independent-review-of-legal-services-regulation/>; reported by *The Times* (11 June) and *Legal Futures* (12 June).

Matthew Hill, chief executive of the Board, welcomed the publication of the Report and said that it “offers a thoughtful analysis of a complex set of issues”.

Law Society of England & Wales

Press release available at: <https://www.lawsociety.org.uk/news/press-releases/time-for-sector-society-recovery-not-reorganisation/>; reported in *The Times* (11 June), *Law Society Gazette* (11 June), *Legal Futures* (12 June), *Solicitors Journal* (12 June), *New Law Journal* (14 June).

Solicitors Regulation Authority

No press release, but reactions published by *The Times* (11 June) and *Legal Futures* (12 June).

Bar Council

No press release, but reactions published by *The Times* (11 June) and *Legal Futures* (12 June).

Bar Standards Board

No press release, but reactions published by *The Times* (11 June) and *Legal Futures* (12 June).

Council for Licensed Conveyancers

Press release available at: <https://www.clc-uk.org/response-from-the-clc-to-reforming-legal-services-regulation-beyond-the-echo-chambers/>; reported by *Law Society Gazette* (11 June), *Legal Futures* (12 June), *Solicitors Journal* (12 June), *New Law Journal* (14 June).

Chartered Institute of Legal Executives

Press release available at: https://www.cilex.org.uk/media/media_releases/response_from_cilex_to_reforming_legal_services_-_regulation_beyond_the_echo_chambers/; reported by *Law Society Gazette* (11 June), *Legal Futures* (12 June), *Solicitors Journal* (12 June), *New Law Journal* (14 June).

Comment piece by Chris Bones (Chair of the Institute) in *The Times* (25 June): <https://www.thetimes.co.uk/article/self-importance-is-preventing-legal-services-reform-3tjgsvvw5>: “In many ways the ambitions for legal services reforms in the early part of the

century remain undelivered at the heart of the Mayson proposals – the move to a single regulator for all providers regardless of whether they are legally qualified – represents the key to their completion. In the Mayson model, regulation will be differentiated by the degree of risk to the public interest of the work undertaken, not by ease of access to legal representation. Activity-based regulation is a reform that is long overdue and Professor Mayson’s approach would see legal services opened to a wider range of service provider, broadening the options available, creating a more diverse and dynamic market and enhancing consumer choice. Adoption of this model will also allow the regulation of technology delivering legal services, something that is impossible to do at present. If we are able to do this, we can give consumers access to otherwise unaffordable, effective legal support while ensuring they are protected”.

Blog by Chris Bones in Legal Futures (3 July): <https://www.legalfutures.co.uk/blog/time-for-a-new-regulatory-settlement>: The IRLSR Review “needs to support of all those who want to see a market that is opened up to full competition, which we believe is in the best interests of consumers, improving access to justice for all. His core recommendation that regulation should cover all providers of legal services, whether legally qualified or not, is hard to dispute – why should different people providing the same service be subject to different or, in some cases, no regulation? This puts the focus of regulation on what you do, and the risk to the public interest in doing it, rather than with whom you qualified.... This is not the moment for narrow sectional interest to take precedence over the need to complete the work to achieve our shared goals of equity of access to justice and effective legal redress.... In welcoming these proposals for reform, CILEx recognises that there is far more to be gained for society as a whole from engaging constructively with these new and important proposals and much to be lost if perceived self-importance is allowed to stand in the way”.

Association of Costs Lawyers

Press release available at: <https://www.associationofcostslawyers.co.uk/%2fNews/report-only-costs-lawyers-should-be-able-to-conduct-costs-litigation-and-advocacy>; reported in *Legal Futures* (12 June), *New Law Journal* (14 June)

The Association “strongly welcomed the proposals, which form part of a wider blueprint for reform of legal regulation”.

Society of Trust and Estate Practitioners

Press release available here: <https://www.step.org/news/mayson-report-recommends-single-regulator-all-legal-services#gsc.tab=0> (11 June)

The Society said: “We recognise the complexity of the legal services market and the impact which this can have on consumers. While Professor Mayson’s findings are wide-ranging, they set a clear framework for discussions on the future of legal services. We welcome the recognition of the role that STEP and our members play in the delivery of high professional standards and technical competence in the fields of will writing and trust and estate administration.”

The Times

Feature available at (£): https://www.thetimes.co.uk/article/one-watchdog-to-rule-them-all-a-way-out-of-legal-maze-pt7wrrq3?utm_source=newsletter (11 June).

Although mainly a feature on the Report's proposals and immediate reactions to it (as above), the legal editor (Jonathan Ames) also offered this view: "The proposals are likely to win support from practising lawyers and their employers, many of whom consider the existing system labyrinthine and expensive and resent the fact that non-qualified legal service providers are not regulated", and went on to describe the Law Society's reaction as 'surprising'.

The feature also reported the comment of John Gould (solicitor, senior partner of Russell-Cooke, regulation specialist, and member of the Review's advisory panel) that the Report "offers a clear structure which is both strong and flexible. It does this by cutting the Gordian knot tangling the regulation of title and the regulation of activity". (See also below, Other coverage 14).

Competition & Markets Authority

While not a response to the Report itself, the CMA referred to it in its response to the Reforming Regulation Initiative of the Department for Business, Energy and Industrial Strategy. The CMA notes that it will "reassess the case for reform of the regulatory framework (factoring in Professor Mayson's findings) as part of the review that it committed to undertake in the market study final report that is due to take place during the second half of 2020"; see page 37 of the CMA submission, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904990/RRI_CMA_Response_.pdf (July 2020).

The CMA has also announced a three-month review of the progress made since the publication of its 2016 market study: <https://www.gov.uk/cma-cases/review-of-the-legal-services-market-study-in-england-and-wales> (9 September 2020). In carrying out this review, the CMA will "draw upon the findings of the final report by Professor Stephen Mayson", and "assess whether, in principle, the IRLSR recommendations would remedy the redress gap we identified in our market study" as well as "whether we remain of the view that only a wholesale review of the regulatory framework will achieve effective change".

International

The Report drew some comment from organisations in other jurisdictions.

Scottish Legal Complaints Commission

Press release available here: <https://www.scottishlegalcomplaints.org.uk/about-us/news/slcc-initial-comment-on-independent-review-of-legal-services-regulation-final-report/> (11 June)

"Professor Mayson's comprehensive and thoughtful report is a significant and welcome contribution to the debate on legal services reform. Although focused on the different regulatory structures in England and Wales, many of the challenges and principles the report identifies are equally relevant to our context here in Scotland, and its recommendations for improvement are therefore vital reading for the Scottish legal services sector."

“Professor Mayson’s report adds to the growing bank of evidence, including the Scottish Government’s own independent review which in 2018 recommended a single, independent regulator for Scotland. Had the sector supported this, Scotland’s legal sector could already have been leading reform, and benefitting from the opportunity to lead the market. Earlier this year the Competition and Markets Authority again intervened, raising further concerns about regulation and barriers to entry in Scotland. Every report on the sector comes to the same conclusion – that bold reform is long overdue.”

Institute for the Advancement of the American Legal System (IAALS)

Report available here: <https://iaals.du.edu/blog/independent-review-legal-services-regulation-england-and-wales-calls-change> (11 June)

Describes that the Report “contributes to the momentum around new frameworks for regulation”. It notes the Report’s conclusion that the current regulatory approach is dated, and is aimed at issues, problems and assumptions of an era that has passed. It observes that: “Leaders in the U.S. legal profession have reached a similar conclusion, and as the pressure put on the legal system from COVID-19 is increasing, these voices are growing louder. While opponents to regulatory reform – here and in England and Wales – continue to challenge these efforts, it is becoming increasingly difficult to support maintaining a status quo that leaves a majority of legal system users without any help at all.”

Other coverage

1. Edward Fennell's Legal Diary (11 June): <https://edwardfennelllegaleventsdiary450111829.wordpress.com>
2. Law Society of Scotland (11 June): <https://www.lawscot.org.uk/news-and-events/legal-news/english-report-calls-for-all-embracing-legal-regulator/>
3. Chrissie Lightfoot (RobotLawyer LISA) (11 June): <https://www.linkedin.com/feed/update/urn:li:activity:6676777447087738880/>
4. MyScience (11 June): https://www.myscience.org/news/wire/measures_to_address_unregulated_legal_services_will_enhance_consumer_protection-2020-UCL
5. *Today's Conveyancer* (11 June): <https://www.todaysconveyancer.co.uk/main-news/professor-stephen-mayson-review/>
6. *Today's Wills and Probate* (11 June): <https://www.todayswillsandprobate.co.uk/main-news/professor-stephen-mayson-releases-reform-review/>
7. *Inside Conveyancing* (12 June): <https://insideconveyancing.co.uk/news/response-from-the-clc-to-reforming-legal-services-regulation-beyond-the-echo-chambers/>
8. *Scottish Legal News* (12 June): <https://www.scottishlegal.com/article/slcc-backs-english-report-endorsing-mega-regulator-for-legal-services>
9. *New Law Journal* (14 June): [https://www.newLawjournal.co.uk/content/professional-bodies-respond-to-mayson-recommendations](https://www.newlawjournal.co.uk/content/professional-bodies-respond-to-mayson-recommendations)
10. Ciarán Fenton (16 June): <https://ciaranfenton.wordpress.com/2020/06/15/what-should-covid-19-ceos-do-about-the-mayson-report-section-12-4-if-anything/>
11. Jonathan Goldsmith (*Law Society Gazette*) (17 June): <https://www.lawgazette.co.uk/commentary-and-opinion/should-the-unregulated-be-brought-inside-the-tent/5104651.article>: "The Law Society will have to ditch its 'not now' policy ... and come up with a policy soon to influence a change that is now staring us in the face".
12. International Conference of Legal Regulators (23 June): <https://iclr.net/news/mayson-report-final-report-published/>
13. IBB Law (solicitors) (29 June): <https://www.ibblaw.co.uk/insights/blog/wills-accreditation>: "Professor Stephen Mayson has recommended that all Will writers (including solicitors) should be accredited by a professional body as a minimum standard of compliance. This recommendation is welcomed and would go some way to ensuring that people making a Will receive the service that they need".
14. *New Law Journal* (3 July): 'Time for change' (John Gould): "It is a prodigious piece of work ... probably the most comprehensive and reliable review of legal regulation in England and Wales ever undertaken.... The Mayson report ... does something very valuable; it offers a clear structure which is both strong and flexible.... [N]othing previously has come close to proposing a structure which can accommodate all of the objectives without imperilling those things which we rightly as a society value most highly".

15. *New Law Journal* (10 July): “Regulation beyond the echo chambers” who is listening? (Jessica Clay & Lucy Williams); a longer version is available as a blog post at Kingsley Napley: <https://www.kingsleynapley.co.uk/insights/blogs/legal-services-regulation-blog/regulation-beyond-the-echo-chambers-who-is-listening>
16. *New Law Journal* (10 July): ‘Regulation matters: why it’s time to change’ (Chris Bones):
17. Brian Rogers (22 July): ‘The future of regulation’: <https://www.theaccessgroup.com/blog/dlc-future-of-legal-regulation/>
18. Crispin Passmore, *The Times* (23 July): ‘Law Society’s blind opposition to reform must be resisted’: <https://www.thetimes.co.uk/article/law-societys-blind-opposition-to-reform-must-be-resisted-msc73v06t>: “thoughtful, analytical, comprehensive and detailed ... and sets out an attractive route forward.... However, as sensible as it is, the report strives too generously to find a way to keep the Law Society on side with reform.... It is therefore remarkable that the Law Society has responded to the Mayson report so negatively. It was as if senior officials at the society had not read it or recognised quite what it offered.... Mayson has led the way. The Law Society has lost its way.”
A longer version (24 July) is also available as a blog post: ‘Independent review of legal services regulation’: <https://www.passmoreconsulting.co.uk/independent-review-of-legal-services-regulation>
19. Paul Magrath, *The Lawyer* (24 July): “McKenzie Friends: what next?”: <https://www.thelawyer.com/mckenzie-friends-what-next/>