

Mr David W Rivkin
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Dear Mr Rivkin

On behalf of the Legal Services Board (LSB), I am writing to express significant concern about aspects of the draft Report of the IBA Presidential Task Force on the Independence of the Legal Profession, as reported in the media in recent days.

The LSB was established by the will of Parliament, with specific statutory objectives, amongst others, to protect the public interest, support the constitutional principle of the rule of law and to encourage an independent, strong, diverse and effective legal profession.

The independence of the legal profession is at the heart of the rule of law and integral to the protection of the public. Anyone familiar with our work will know that this is a principle we uphold as can be seen in our recently published vision for legislative reform. We therefore read the Presidential Task Force Report hoping that it would accurately comment upon these important issues which we at the LSB work to uphold in all the decisions we make.

However, on reading the draft report we note a number of inaccurate references to our organisation specifically the report conflates the process for appointment of LSB members with the suggestion that there is government control over the actions of the LSB.

At footnote 75 you state: 'The LSB is funded by the Ministry of Justice, and all its members are appointed by the Lord Chancellor, which demonstrates that there is a degree of governmental control.' The inference that the members of the LSB as well as the executive make decisions which are subject to 'governmental control' is entirely misconceived not least because all members of the LSB must perform their duties to meet the statutory objectives referred to above. I hope you will also appreciate that this statement could be interpreted as impugning the integrity of the members of the LSB all of whom take their duty to act in the public interest and to uphold the independence of the legal profession very seriously.

No decision made by the LSB and its executive has ever been at the 'control', behest of or subject to any improper influence whatsoever by the government. Since the statement in your report is false it should be removed from the final report.

I would also add the following observations. First, the LSB is not funded by the Ministry of Justice it is funded by a levy on the approved regulators of the profession, all of whom derive their legitimacy to charge fees to those they regulate from the legislation which also established the LSB, the Legal Services Act 2007. Second, the concept of independent regulation is very strong in the UK. It is a well-accepted principle that while members of the LSB may be appointed by the Lord Chancellor, the appointments process for the members of the LSB takes place under rigorous independent scrutiny, includes judicial representation and is also subject to consultation with the Lord Chief Justice. Moreover, the members of the LSB once appointed take their decisions without fear or favour from government. That is what the LSB does and it is very regrettable that you should suggest otherwise.

I look forward to receiving your confirmation that the statement in the footnote has been removed.

Please note we will be publishing this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Neil Buckley', with a large, sweeping flourish at the end.

Neil Buckley
Chief Executive

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