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Chris Kenny
Chief Executive
Legal Services Board
Victoria House
Southampton Row
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Dear Chris,

This letter contains our comments on the LSB Draft Business Plan. We appreciate that we have missed the deadline (for which our apologies). Despite this, we hope the attached feedback is still of some use.

Our comments:

1. We liked the whole concept of the business plan, and in particular the focus on consumer choice/protection. We think that the draft plan has this element just right.
2. We regret the single-minded focus on lawyers. It is unfortunate that all the non-lawyer providers of legal services are not considered worthy of anything other than the most fleeting of passing references. No one would know from reading the plan that the regulated lawyer groups are already minority providers of legal services to the public/business, whether you calculate by the number of entities or individual practitioners.
3. We would suggest a redefinition of what constitutes the legal services market. To our mind the market is the commercial and not-for-profit delivery of legal services to the public and business. However the plan's lawyer-centric approach has effectively defined it as those legal services offered (and to be offered via ABS) by lawyers and (again via ABS) through lawyers,
4. A message we took from the plan is that the Board has little appetite for interaction with anyone other than long-established groups representing long-established interests (lawyers, academics and consumer bodies like the Consumer Council and Which). In this respect at least, we hope that the plan does not reflect policy. Ideally we would have liked a statement to the effect that the Board acknowledged that the legal services market was very wide and fast developing and that new groups of legal practitioners, practitioner organisations and other relevant stakeholders were coming to being. The statement would also say that the Board would ensure that it had an ongoing dialogue with these groups, if only so that it knew exactly what was happening in the market and could

respond in a timely manner. Further, the statement would ideally say that the Board intended to actively review the market on a regular basis and contact and support such groups on its own initiative where appropriate because the Board recognised that such groups, even if only cumulatively, had an important role to play in consumer satisfaction and, assisting entry to/diversity within, the legal sector.

5. We regret very much that the plan reflects the solicitors' profession's traditional (and self-serving) view of paralegals as mere junior employees, directly supporting solicitors to do their work. We regret that paralegals are placed at the same level of (un)importance as secretaries and HR/marketing staff (see paragraph 17). It worries us deeply that this out-of-date fiction is being perpetuated by the Board despite voluminous evidence to the contrary.

We are not aware of secretaries or HR/marketing staff:

- Providing essential legal services to the public and business
- Operating their own law firms (circa 8,000, up from circa 5,500 just one year ago)
- Being active in the civil justice system, representing clients in courts and tribunals on a daily basis (to the extent that many in society rely upon them for access to justice and members of the judiciary are actively subverting the legislation relating to rights of audience in order to honour that access)
- Becoming increasingly active in the criminal justice system - to the extent that their professional body is making enquiries with the Legal Services Commission about access to legal aid contract work
- Having undertaken cases in the Lords, Court of Appeal and QBD
- Being subject to statutory regulation by the Ministry of Justice/Office of the Immigration Services Commissioner
- Needing professional indemnity insurance
- Being so active in conveyancing transactions that it is a cause for concern with the Land Registry (c.f. paralegals who interact with the Registry so often nowadays that the Registry has felt it necessary to team up with us to produce national competency standards for conveyancing paralegals)
- Undertaking prosecution work in courts for the government
- Forming the backbone of the huge and essential not-for-profit advice sector
- Being a cornerstone of last year's legal aid reforms under which solicitors are intended to become managers, and paralegals intended to be the main providers of legal services under legal aid

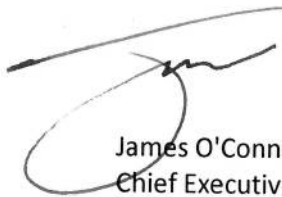
Add to the above:

- That paralegal fee-earners in solicitors' firms already outnumber assistant, associate and consultant solicitors combined

- That more often than not the work being done by paralegals is not "supporting" the lawyers, but working alongside them as independent and autonomous legal practitioners handling their own files
- That with the possible exception of barristers, paralegals do exactly the same work as many lawyers, the only difference being their job title
- That within 5 years there will be more paralegal law firms than there are solicitors' firms. Currently there are circa 8,000 paralegal law firms (this number reached in roughly 7 years) and circa 10,100 solicitors' firms (this number reached in roughly 400 years).
- Within 10 years (at the absolute outside) there will be more paralegal fee-earners in solicitors' firms than there are solicitors (solicitors will be minority providers of legal services in their own firms)

Given the above, we find ourselves at something of a loss to know what paralegals have to do to be recognised as legal practitioners and not automatically lumped in with secretaries and administrators.

Although we have other general comments on the plan, the above are of such serious concern that we feel we ought to focus solely on them.



James O'Connell
Chief Executive