

Tuesday 17 December 2013

LSB responds to the Jeffrey review on independent criminal advocacy

The Legal Services Board (LSB) has provided a submission to the *Review of the Provision of Independent Criminal Advocacy* currently being undertaken by Sir Bill Jeffrey.

In its submission the LSB suggests that:

- many of the long term barriers to the type of businesses barristers can engage in have been recently removed or are in the course of removal
- proposals to remove the remaining few should be progressed on the fastest possible timetable
- professional bodies and training providers should help people affected by falling demand for criminal advocacy to diversify within the professions or exit
- regulators should implement the Quality Assurance Scheme for Advocates (QASA) on the fastest possible timescale*
- There is no evidence of significant problems with the way that the market is operating that would require significant Governmental intervention to remedy.

Chief Executive of the Legal Services Board, Chris Kenny, said:

“The criminal advocacy market is made up of solicitors, barristers and a small number of legal executives. Continued market liberalisation to promote competition between and within each branch of the profession and to allow new business structures is the intervention most likely to result in better value and better quality services.

There is little evidence to suggest that there is any shortage of advocates at any tier of the criminal courts and arguments that such shortages will arise are not persuasive. I don't believe that regulation or broader public policy should be used to protect any particular business model nor that there should be significant Governmental intervention into the operation of the market.

The challenge to the professions is to help advocates diversify their practise into other areas that are busier and/or more remunerative in order to move out of criminal work or supplement their practice. There is significant unmet demand for legal services in many areas, something which would be considered an opportunity in many other sectors of the economy.”

ENDS

For further information, please contact our Communications Manager, [Vincent McGovern](#), on 020 7271 0068.

* See **notes for editors** point 3.

Notes for editors:

1. The LSB's submission to the review of the provision of independent criminal advocacy can be found [here](#).
2. Background information for the review can be found [here](#).
3. Registration for the Quality Assurance Scheme for Advocates (QASA) started in September 2013. The scheme is currently subject to judicial review the outcome of which is due in the new year.
4. The Legal Services Act 2007 (the Act) created the LSB as a new regulator with responsibility for overseeing the regulation of legal services in England and Wales. The new regulatory regime became active on 1 January 2010.
5. The LSB oversees eight approved regulators, which in turn regulate individual lawyers. The approved regulators, designated under Part 1 of Schedule 4 of the 2007 Act, are the Law Society, the Bar Council, the Master of the Faculties, the Chartered Institute of Legal Executives, the Council for Licensed Conveyancers, the Chartered Institute of Patent Attorneys, the Institute of Trade Mark Attorneys and the Association of Costs Lawyers.
6. In addition, the Institute of Chartered Accountants of Scotland and the Association of Chartered Certified Accountants are listed as approved regulators in relation only to reserved probate activities.
7. As at 1 April 2013, the legal profession comprised 126,624 solicitors, 15,335 barristers, 7,947 chartered legal executives and 4,184 other individuals operating in other areas of the legal profession such as conveyancing. The sector is currently valued at £25.49 billion per annum (total turnover in 2010).