



Middlesex Law Society

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Council Membership Committee
The Law Society
113 Chancery Lane
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Dear Chair

Response from Committee of Middlesex Law Society to Discussion Paper on proposals for changing constitution of Council

The work of our members has in the last 10 years been heavily affected by government reforms such as LASPO, court closures, and changes to legal aid and regulation. Member firms have reduced the number of solicitors they employ rather than grow but there remain 1-4 partner firms who maintain local services to their communities but having limited capital to invest are reliant upon leadership and support from the Council of the Law Society and the support that the Society can offer.

Our constituency includes a large number of BAME and women members along with employed solicitors and it is anticipated that some will wish to take up the opportunity for freelance work.

We believe it important that the voice of all parts of a diverse profession should be heard in Council. We do not agree that reducing geographic representation is the route to go and if the number of seats in council cannot be increased to match the growth of numbers in the profession then structures and sub groups should be developed to meet the need for greater engagement in a profession with a collective voice.



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The paper has a mix of proposals and states it wishes to strengthen ties with local societies. However how Chancery Lane will offer that support would need exploring in

much more detail. Our links to Council are important and there is no record of consistent and tangible support from Chancery Lane; the role of relationship managers has changed but appears in the main to market the services that Chancery Lane has to sell.

We have participated in forums for the Greater London constituencies in 2018 and are members of SAALS with neighbour societies to the north west and south. We find the relationship is helpful and with resources could be further developed.

We do not accept the proposal that would prevent any local societies from promoting candidates for election and the proposal to exclude sitting council members and office holders on fixed or arbitrary terms we find unhelpful. They do not appear to be based on any kind of evidence and would run contrary to your stated aims. We believe that continuity and experience should count for a great deal. We do not agree that office holders should be required to leave Council; many do anyway and some do not - that choice should not be taken away.

We agree that any future changes should be aimed to improve engagement with members and produce a Council of a size and competence to be best equipped to set the policy agenda, interface with the Board and all its committees and influence and direct the decision-making processes effectively. We agree the changes must make sense to the Council but they must also make sense to local societies and members. It is not at all clear how the composition of Council is to blame for failings or under performance.

The facts to support the various assertions in the paper need to be presented in full. The improvements that the paper seeks would not flow from the changes to composition of council as described but from our understanding are more likely to flow from other changes to the workings of Chancery Lane.

We have looked at the role of Council Member and would agree far more support is needed than is at present given. Again we would want to see the type of support that is envisaged before supporting any changes to role or spread of seats.

There is rotation of Council seats each year and the turnover of seats and loss of council member experience is an important factor to consider - especially where the governance role of the Council is to set plans for policy and strategy, hold the



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executive to account, to populate committees of Council and also to elect office holders. We do not support the limitation of council members to a maximum of 12

years. That is a limit on every member's right to stand for election. Many council members do not wish to stay in post and those that do can offer valuable experience that benefits the Society and the profession.

We believe that the experience of senior members including former office holders is valuable to meetings of the Council and to the standing of the profession. We do not believe that there are many members who are willing or able to devote the necessary time to learn the workings of the council within a limited term of service. This also goes against the position of MPS or even judges and magistrates who are not subject to re-election

The proposals dismiss any thought of an increase in the size of Council when the population of the profession has close to doubled since 2000 when the number of seats was last increased. We do not agree that 95 seats provides too many members to be efficient in providing a range of views. We understand that consensus usually emerges and that those with diverging views can make them known. Rotation through elections ensures that there are enough council members to undertake a variety of roles and sufficiently experienced and confident to take up positions on committees. Council is also required to be credible to act as an electoral college to elect 3 office holders from its number.

The reduction to 70 seats is proposed to be managed with increased support from Chancery Lane staff. We do not understand how that will work and benefit members and local societies. It has not been made clear in the paper how the allocation of seats would settle after the two rounds of reduction outlined. We do not know what the further reduction would involve and we await clarity on the proposed final balance between geographic, specialist and other community seats.

The underlying rationale for a rebalancing, is stated to be that Council no longer reflects the make up of the profession – that solicitors qualified under 10 years and in house solicitors are underrepresented in the seats they hold in Council. The current system gives rise to a different make up of members in the Council each and we do not agree that any perceived imbalance should be addressed by closing off seats and votes to selected groups

Every member can stand for election in the geographic constituencies. Whether candidates stand depends mostly upon their job and time commitments and whether



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the business and demands of the Council and the services of the Society are relevant to their needs. It is not reasonable to prefer one member's interest over others when

all are at liberty to compete within the current structure; nor as we have said is it reasonable to prevent local based societies from promoting a candidate.

We do not support any right to exclusively nominate or appoint persons to Council seats as every seat should be open to election –in the case of geographic constituency by virtue of residence or place of work whichever the member chooses.

It is not clear from the percentage statistics given what underlying numbers have been considered and whether they include solicitors who do not pay a practice certificate fee but whose name is on the Roll. We would like to see a breakdown of the 145,000 solicitors who are regulated and over 10,000 firms that employ solicitors into the categories selected for the paper.

The constituencies of outer London within the M25 have common interests and cooperation within a regional setting is useful –at present that has been undertaken informally but serving the needs of members would be made more problematic where the overall number of representatives is to be reduced.

The current proposals seem to suggest reducing geographic constituencies from 42 to 22; in London from 17 to 9. We would need to carry out a detailed consultation with our constituents to understand their concerns as they would be divided up between two areas sharing their Council Member in two larger constituencies of West and South West and North and North West. As is well known there are challenges to transport and physical communication within outer London given the radial disposition of roads and rail services.

We would wish to know how many members there would be in each of the two new areas that affect our current membership.

Whilst geographic seats reduce, we note that specialist seats are to be increased from 18 to 23 and community seats from 25 to 32. We believe these increases distort the balance provided by national geographic constituencies and will give rise to a polarised and distorted representation in Council rather than one designed to reflect the broad make up of the electorate and an understanding of shared professional interests.

Election to a geographical seat is more democratic than any other type of seat in that the CM is elected by the local solicitors whereas Division seats are in the main



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nominated from a closed group and in some cases these groups are supported financially by the Society.

We do agree that all seats should be elected directly by ballot of all solicitors in the relevant constituency but closing off membership to Society sponsored groups is problematic.

The Society's governance structure would be weakened by the proposals and we are concerned that the proposals will also weaken the voice of local law societies where different types of practitioner meet to exchange views and form their views in direct contact with a local Council Member. Work types do not necessarily provide a basis for the best form of representation in professional matters. We also believe current structures should not be made more complex where they work well for younger solicitors, women and BAME members alike. Many are comfortable within geographic areas and do not belong to or feel that special groups are necessary to afford them representation and a voice.

We agree that any member who votes should pay a membership fee if they do not pay a PC fee.

We thank you for sharing your initial ideas and it has been useful to explore them but we feel that more detail and data is necessary before proceeding further with the changes as currently mooted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Tevie', enclosed in a thin black rectangular border.

A Tevie
President