

**Commission on Justice in Wales
Oral Evidence Session
22 February 2019**

Present:	Commission members	Secretariat team
<p>Neil Buckley (NB), CEO Legal Services Board</p> <p>Steve Brooker (SB), Head of Policy Development and Research LSB</p> <p>Professor Angela Devereux (AD) (Swansea University LPC)</p> <p>Eilian Williams (EW), Tudur Owen Roberts Glyn & Co</p> <p>Anne Smith (AS), Harrisons Solicitors</p> <p>Alison Stace (AIS), Allington Hughes Solicitors</p>	<p>Simon Davies, Professor Elwen Evans QC Dr Nerys Llewelyn Jones, Juliet Lyon CBE</p>	<p>Andrew Felton, Secretary to the Commission, Chris James Rhys Thomas</p>

Question area: Viability of legal practices in rural and post industrial areas of Wales

- AS: My practice is in mid Wales and in general the practices can be viable in rural Wales but recruitment and retention is an issue. There is a bit of a brain drain and succession planning is difficult. There has been a natural reduction in firms due to age of partners. We have nobody over the age of 55 and our oldest partner is 53. Good infrastructure needs to be available to firms as we struggle with speed of broadband.
- ALS: We have three offices, one in England and two in Wales. We have invested a lot in technology and succession planning. We have a lot of new blood coming through but retention is an issue. We need to engage more with the voluntary sector. We do not get as many referrals from local Citizens Advice (CA). There could be more engagement to build relationship with CA. I agree that investment in infrastructure is important. We still have a criminal legal aid department but there is a significant loss of duty solicitors. A lot of duty solicitors are over 55 years old but we have two young solicitors working in crime. Re-opening courts would be good but this will not happen. The nearest court to Llanrwst is over 30 miles away. Closure of banks is having a negative impact on Llanrwst. Welsh Government could help with these issues and further investment is needed in technology and mediation. I have qualified as a mediator and that should be encouraged. Firms can't afford investment. We spend a lot on research and there should be access to grants to pay for research tools.
- EW: It took me a long time before I realised I was running a business. The younger generation is more in tune that their firm is a business. We are selling legal advice and representation for money. I could have earned more if I had realised that earlier. Like every other business it needs to succeed. Failure means you go out of business. There is a risk of firms going out of business because they don't make money. The high street is under threat and all of this affect the viability of a solicitor's practice. The one thing we have is that we give a personal service. We have a retreat from areas of work that are not profitable. We need to tell clients that CA would do the work for free. The high street solicitor is in a situation of crisis due to the economy in general. Local and Welsh Government need to produce capital to invest in the high street. Solicitor practices normally involve local people. We often give advice for free. I have a partner who knows everyone in Holyhead but also know all their grandmothers. I was told when I started that a good criminal would keep me in business for a while but that is no longer the case.

- AD: I have been involved in the training of solicitors for 25 years. I speak to solicitors in England and Wales. The two things I saw having the biggest impact were fixed fees and the massive change in travelling distances. Some part of the work solicitors do is a public service. If we want people to see this as a good career then good remuneration is needed. Uncertainty is an issue. Fewer people are coming through for accreditation because of uncertainty and there is place for government to manage or prevent uncertainty.
- NB: The Legal Service Board (LSB) has a vision for legal service that everyone can access and trust. We have no specific data on rural Wales but the numbers of providers are declining. Alternative models can assist in access to justice. There are opportunities for firms as they are cheaper and could provide services to people outside their area.

Question area: Increasing competition for work from commoditised practices and alternative providers

- AIS: We now need to advertise fees on the website. This will have a potential negative impact. There hasn't been a negative impact to conveyancing work as people are happy for experienced people to do their work. We find that people want to come to see us and have a personal service. People like bespoke professional input. I am not sure how we would survive if we only had the one rural firm. The alternative providers have not really impacted us. We do a huge amount of pro bono work. We did start a service with Law Works but it became too much as we are a business. We have failed to notice any impact but it helps that we offer a variety of service so one department can help another.
- AS: We have seen people going to a commoditised practice but then come to us. We have seen no reduction on the commoditised products. We use IT and specialist to provide a good and effective service. I agree that lawyers don't see their firms as businesses. A lot of firms do a huge amount of pro bono work. Lawyers don't collaborate a great deal with each other. The type of firms that chose to engage would be the more successful firms. We could get more help from the Law Society or the regulator. When I want something I do not go to Law Society. With the price transparency rules it would have been useful if the Law Society would have given us a pro forma document to fill in. I don't know how a small one partner firm exist.
- AD: Thinking strategically isn't high up of the agenda for firms. They think in a reactive way. Templates would be useful for smaller firms. The necessity of some work to be supported by other work. If your firm is only reliant on public funding then it can't subsidise another area of the firm.
- SB: There are huge pools of unmet legal need. Only 3 in 10 people obtain legal advice when they have a legal issue. There is plenty of potential work. Price transparency is important. Consumers over estimate the cost of legal advice and this is a barrier. The research we do is that price is not the most important factor. The most important factors are reputation, quality and convenience. We want to see a diversity of choice. It is possible for traditional law firms to thrive but they need to embrace technology. Alternative Business Structures are three times more likely to use technology than traditional firms. Providers need to market their services more as at the moment many firms do not market themselves.
- NB: Many firms do not have a strategy on how to deal with technology. There might be a role for the Law Society to assist in this. People may need to think whether the partnership structure is the right way forward to attract young people into the business.
- EW: I would venture to say that the smaller firms will not be there in 10 years. I started off by myself and I have amalgamated. A small firm cannot survive without technology. The small firms do not have a future. We have to be competitive with fees but we can face up to challenges because others do not do the job as good as solicitors. People like to sit down and spend time with you. We need to give whatever time the job requires. We are a profession and we need to act like that. Crime is a good way to bring other work in. People like the personal touch. The Law Society is invisible. I don't know who the local representative is. The professional body needs to have a campaigning role. We need to look at areas of work which we don't do because of the removal of legal aid. There are vast areas of legal work which we

don't do and this can't continue.

Question area: "Two speed law" in Wales

- AIS: I trained through CILEx. We encourage our people to develop. It now takes longer to qualify through CILEx. I was able to do a post graduate course on sustainable leadership. This assisted me greatly. It would have cost the firm £7,000 but with EU funding it cost £2,000. The skills you pick up from these courses assist us. We are members of the Law Management section of the Law Society and this helps us on how to run our business, but all this comes at a cost. It would assist us if the Law Society would be willing to help smaller firms to learn management skills. Funded apprenticeships would benefit. I am a huge advocate for apprenticeship as being a lawyer is a practical job. I would encourage any investment in apprenticeships.
- AS: We are looking for a trainee solicitor and there is nowhere centrally to advertise the job. The links between universities, schools and law firms are not strong. There needs to be something that encourages collaboration between practitioners and universities. The Law Society could help here. We have not had a trainee since 2008. The LPC is very expensive and is on top of the costs of a law degree. There should be a central body that amalgamates all of this.
- AD: People are coming to the profession with a large level of debt. This needs to be remembered. People coming to Wales are less likely to have been sponsored by a firm and will be earning less than counterparts in other areas such as the south east of England. There could be a fund that supports firms to help young solicitors to pay off their debts. We have to think why people decide to work in Wales. People come for various reasons and we need to recognise that. I have helped people who have moved from the city to a completely different practice in Wales. A support for people like that would benefit the legal profession in Wales.
- EW: We are not the only profession that struggles with recruitment. Same is true of medical profession. Some people like the quality of life in rural Wales but in general young Welsh people are attracted to Cardiff and there will always be a gravitational pull towards the capital. If you are in a small rural practice you do struggle if you are against a large firm in a major city as they do the work more often. Volume of work is important and dealing with it effectively. Universities have a lot to offer and they could make their libraries available for law firms. Strategies should be in place to assist partners to step down when they reach a certain age. This is a worthwhile profession but you might not make more than a primary school teacher.
- SB: SRA and BSB are reforming entry routes to profession. We are allowing more diverse firms and structure. We have approved changes to allow freelancers to practice law.

Question area: Support from universities to legal practices in rural and post industrial areas

- AS: Good idea if universities could be legal hubs. We subscribe to practical law and lexis nexus. If there was some sort of access to university resources that would be great for smaller legal firms. Firms could partner up with universities to mentor students. There might be practical difficulties with insurance and regulation but there is potential.
- AIS: CA used to have a legal clinic every week in Wrexham but that has come to an end years ago. Some joined up thinking would assist. I would support co-operation with universities. Universities are facing cuts so they might not be able to commit resources.
- AD: There are a number of initiatives. Law firms could offer a year placement to students during a degree. This takes a lot to set up but it is doable. I deal with a single firm in Cardiff so it is manageable. This benefits the firm and the student. The great thing is that under the new provision the placement would count towards the qualification time. Law clinics also assist in filling gaps in areas and create partnership with firms. We are hoping in Swansea to create a space for firms and have a pop up court. We are not in a rural setting but we are meeting the needs of students and firms and could work with firms from rural areas. Legal teach has a role to play to create access points to smaller firms.
- NB: Several universities have legal clinics. This is another way to increase access to justice.

<p>Question area: Welsh language provision in the justice system</p>
<ul style="list-style-type: none"> • EW: Much depends on geography. If you are in north west Wales or west Wales the majority of people are bilingual. In Caernarfon police station three quarters of the solicitors are bilingual. For a complete service there needs an interest in promoting it and effort to equip offices to have Welsh speaking staff. In the police station people are regularly told they can have a Welsh speaking police officer but they would have to wait. The number of people to be able to function in Welsh has grown and the profession is more bilingual now but the demand to function in Welsh has not grown. In most places in Wales you would be able to find a Welsh speaking profession. • NB: The provision of services in Welsh is important to us. We have a Welsh language scheme. The key issue is whether the SQE will be provided in Welsh. • SB: We have no real evidence on this. • AS: We are able to offer services in Welsh but there we have no support staff that can work in Welsh. • AIS: A lot of our trainee solicitors are Welsh speaking. There is delay if matters are conducted in Welsh. We have a Welsh speaking conveyancer and the demand is there.
<p>Question area: Address the impacts of the rationalisation of courts and tribunals on access to justice</p>
<ul style="list-style-type: none"> • EW: Tribunals are more flexible than the courts. There has not been a strategic programme of closing courts. It was piecemeal. Transport and times are a problem. There is no court between Aberystwyth and Caernarfon. Also police stations are not always manned. Police officers do voluntary interviews because of distances. I can't think of a court with train links. Mold and Caernarfon are not on the line. If you don't have a car it is a problem. There was no strategic thinking. It is part of the diminution of the importance of town. There are no courts in Anglesey or Meirionydd. It was discussed that Llangefni would still be available as a pop up court but this has not happened. Recruiting magistrates in the future will be difficult due to the distance they will be required to travel. • AS: Technology must be a way forward. There can be virtual court rooms but there needs to be investment. We sometimes travel up to three hours to court. • AIS: There is delay in courts hearings and it could be made more efficient. • AD: Practitioners are saying re-open courts and the technology is not good enough for criminal courts. There are many areas of practice where the ability to be with client is important. We need to recognise that technology is not appropriate to all areas. • SB: There is a role for technology but there are also limitations to technology.