



The Costs Lawyer Standards Board, setting and maintaining standards in the profession

Newsletter 8: 9 November 2017

CLSB recognised by the Law Society of Scotland for the purposes of authorised and regulated Costs Lawyer registration as a foreign lawyer in Scotland

Following an application to the Law Society of Scotland (LSS) for registered foreign lawyer status by Simon Murray of DWF LLP, the LSS considered whether it was satisfied that the profession of the Costs Lawyer is “so regulated as to make it appropriate to register the applicant for those purposes” (s60A(4ZA) of the Solicitors (Scotland) Act 1980).

Following extensive consideration, discussion and an assessment against defined criteria, the outcome was that the LSS agreed Costs Lawyers authorised and regulated by the CLSB would qualify to be registered as a foreign lawyer in Scotland by the LSS.

A CLSB regulated Costs Lawyer would be required to satisfy the LSS that they have:

- (i) not less than five years in aggregate of qualifying employment experience; and
- (ii) a Certificate of Good Standing issued by the CLSB (annually) complying with Scottish legislation and practice rules.

Under the new arrangement the CLSB is required to notify the LSS in the event it becomes aware the statements made by the CLSB in the most recent Certificate of Good Standing “would no longer be true if the certificate were to be issued again”. Processes have therefore been implemented at the CLSB to ensure compliance with this requirement.

DWF LLP writes: *“The Costs Lawyer Standards Board has recently been authorised by the Law Society of Scotland as an Approved Regulator under the Solicitors (Scotland) Act 1980, as a result of an application made to the Society by DWF LLP after consultation with the CLSB.*

As a firm with offices in both England and Scotland, DWF LLP is subject to regulations in both jurisdictions which means that new LLP members who are qualified in one jurisdiction have to become 'Registered Foreign Lawyers' in the other. Earlier this year, Simon Murray became a member of DWF LLP. He was approved by the Solicitors Regulation Authority in England & Wales by virtue of being authorised and regulated by the CLSB, an approved regulator under the Legal Services Act 2007.

In Scotland, however, as a Costs Lawyer Simon could only become a Registered Foreign Lawyer if the CLSB became an Approved Regulator, authorised by the Scottish Law Society.

With the assistance of the CLSB, DWF LLP submitted an application with detailed evidence showing that the CLSB met all the regulatory criteria of the Solicitors (Scotland) Act 1980.

The application was approved by the Society's Practising Certificate Sub-Committee on 7 September 2017. Simon has now become the first Costs Lawyer to be a Registered Foreign Lawyer with the Law Society of Scotland."

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