



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

Newsletter to Costs Lawyers 16: 28 January 2019

### **Amended Code of Conduct**

Following an application by the CLSB, on 5 December 2018 the Legal Services Board approved an amendment to the Costs Lawyer Code of Conduct to include a new principle under 1.5:

*You must not:*

- (i) make an unsolicited approach by any means to a private individual (lay person) or to domestic premises (unless a business is being conducted from there) in order to publicise your service as a Costs Lawyer or your business; or*
- (ii) accept referrals from a third party who made an unsolicited approach to the private individual (lay person) being referred.*

### **Consumer complaints: The history**

The primary aim of regulation under the Legal Services Act 2007 is consumer protection. Since 31 October 2011, the profession has proven itself to be of virtually no risk to the consumer. We believe the reasons for this are that Costs Lawyers do not handle client monies and in excess of 94% of their instructions are from an informed professional client (Solicitor).

Over seven years and three months:

#### Conduct complaints

There have been no actionable consumer complaints about the professional conduct of Costs Lawyers to the CLSB. The CLSB has actioned five disciplinary matters as a result of:

- One conduct complaint by an employer about a Costs Lawyer employee.
- Two conduct complaints by Solicitors on the other side of an action.
- Two conduct issues picked up by the CLSB under its supervision arrangements e.g. signing to CPD not achieved, failure to comply with disclosure requirements.

#### Service complaints

There have been only four consumer complaints about service to the Legal Ombudsman.

- One was dismissed.
- One was resolved between the parties.
- Two were concluded by LeO awarding £100 to each complainant.

Despite a sharp business model under which the CLSB has been able to keep the practising certificate fee at £250.00 for eight consecutive years, the cost to the profession of funding regulation under the Legal Services Act (including the Legal Services Board and Legal Ombudsman) during that period has been approximately £1m.

Regulation under the Legal Services Act is comparable to using a sledgehammer to crack a nut. We have long advocated that its “one size fits all” model of regulation is simply not justified for:

- Proven low risk professions.
- Professions who do not handle client monies.

The CLSB regulates the profession based on its risk profile. Despite what you read, the CLSB board maintains that the CLSB is an effective, proportionate and cost-effective regulator.

### **Richard Allen (Costs Lawyer)**

The CLSB welcomed Stephanie McIntosh to the board on 3 December 2018 as a lay Non-Executive Director following the retirement of David Gamble last year. On 24 January 2019, Costs Lawyer Paul McCarthy joined as a non-lay Non-Executive Director following Richard Allen having completed his term in office. The board was very sorry to see Richard leave us. Richard joined the CLSB on 24 January 2011 at the beginning of the CLSB eight-year journey to date. During that time, he has provided steady support and sound judgement. We wish him well for the future.

### **Accredited Costs Lawyer for the purposes of providing CPD**

Should you wish to provide CPD to Costs Lawyers and other legal professionals, accreditation by the CLSB is required. A register of Accredited Costs Lawyers can be located on the home page of the CLSB website at [www.clsb.info](http://www.clsb.info). There are currently 57 accredited Costs Lawyers for this purpose.

Under the CPD table, up to 4 CPD points per calendar year can be claimed for preparing and delivering training on costs law & practice as an accredited Costs Lawyer. The cost of three years accreditation is £100.00, should you wish to apply for accredited Costs Lawyer status please contact us via [enquiries@clsb.info](mailto:enquiries@clsb.info) and we will send you the application form and current rules.

Email: [enquiries@clsb.info](mailto:enquiries@clsb.info)

Phone: 0161 956 8969

Website: [www.clsb.info](http://www.clsb.info)

### **Costs Lawyer Standards Board**

Centurion House, 129 Deansgate, Manchester M3 3WR