

Intro : The text I'm going to comment (up)on is a press article from STEP Journal and was published in September 2017.

As indicated by the title "E&W regulator proposes 'uberisation' of law firms" this article deals with the moves towards the (increasing) liberalisation of the legal services market in England and Wales through a new economic model : ubersisation (of services)

The journalist raises the topical issue of freelancing as a solicitor. The SRA has put forward an array of proposals as part of their consultation entitled « Looking to the future ».

My presentation includes 3 parts.

The first part will be devoted to the meaning and implications of uberisation and the review of existing business structures in the legal market

A second part will examine the characteristics of freelance solicitors

Finally I'll focus on the other SRA proposals

I – Definition of uberisation:

Digitalized / computing platform

Peer-to-peer transactions between clients and providers of services

Characteristics :
- lower costs (elimination of middlemen roles)
- Minimizing distance between clients and providers
- Using your own resources

Current/existing structures:
- law firm (partners)
- Sole practitioner

----> stringent / tighter restrictions on business creation and management + higher costs + higher fees

TRANSITION : Uberisation applied to legal services market

II – Freelance solicitors

Characteristics / requirements : line 3-5- line 21 -23

Pros: line 18-19 line 11-12

Cons / Fears: line 8 + line 25: inexperienced solicitors = less qualified = with poorer results/standards / freelance to escape tighter restrictions/ requirements to establish as sole practitioners

NB : LPCs at different institutions can now differ significantly due to firm-specific training requirements – where a firm prefers all of its future trainees to complete the LPC at a certain provider – and different course lengths.

TRANSITION ----> further proposals to liberalise the retail legal market

III - Looking to the future

- price list + description of the services

Reason = spur competition

(- Solicitors Qualification Exams)

COMMENTARY

(1- What is arguable in the text?)

2- Pros and cons of becoming a freelancer :

Cons : unstable earnings / unpredictable

work is not guaranteed

being on call much of the time

feeling isolated

Pros: -learn how to run a business

- develop skills / exposed to a variety of legal practice areas

- work-life balance

-work on your terms / select your clients

- have another activity / job or business while being a freelancer

BROADER ISSUES:

3- Is increasing flexibility in the legal market a good thing?

- cheaper rate than using traditional law firms

- law firms outsource certain tasks = cheaper / and results in providing a wider range of services / skills / expertise by law firms

- alternative to legal aid / due to less gvt involvement in supporting low-income / poorer families who need legal aid/services = **liberal approach**

---> consequences : towards a fairer system (a gap-closing system) ?

Possible questions by the jury:

What difference is there between a sole practitioner and a freelancer?

Would you rather work in a law firm or as a freelancer? (possible issue : working from home)

Do you approve of the liberalisation of the legal market ?

E&W regulator proposes 'uberisation' of law firms

Thursday, 28 September, 2017 in STEP

Two new consultation documents from the Solicitors Regulation Authority (SRA) propose further drastic reforms of the legal sector in England and Wales.

The SRA wants solicitors to be able to 'freelance', offering reserved legal services to the public without being required to work through an authorised firm or register as sole practitioners.

The proposals follow an initial position paper in November 2015, and a summer 2016 consultation entitled 'Looking to the future'. The SRA insists that it is not seeking to dilute standards, and that public trust in legal providers' ethics, fitness to practise and competence is 'fundamental'. However, it adds that 'trust in solicitors is of limited value if only a privileged few can afford to use them ... only one in ten people use a solicitor or barrister when they have a legal problem, [because of] affordability and a lack of useful information'.

In fact, this week's new proposals go further than last year's, which envisaged that the existing structure of solicitors working through law firms and sole practices would be retained. The SRA now says that 'not allowing the alternative of individual solicitors providing reserved legal services as freelance lawyers might be unnecessarily restricting models of practice'.

For example, individual practitioners, who often face significant costs, could benefit from more flexible ways of providing services and sharing expenses, for example in a chambers-style arrangement, as is standard for barristers.

However, there would still be limitations on such freelance solicitors. They would be required to maintain professional indemnity insurance and to be based in the UK, and would not be allowed to hold clients' funds, except money for fees and disbursements.

The Law Society immediately dismissed the proposals as 'putting vulnerable clients in the hands of inexperienced, unsupervised lawyers'.

A separate SRA consultation document, also published this week, proposes that law firms should publish price lists on their web sites, along with descriptions of the services included in that price, in a set number of areas, including will-drafting, probate, estate administration, and the drafting of lasting powers of attorney (LPAs). This too was criticised by the Law Society, which said it was 'counter-intuitive' to force regulated entities to publish data while leaving unregulated bodies free to ignore the requirement.

Both SRA consultations run from 27 September to 20 December 2017.