

Company number: 04608905

**Costs Lawyer Standards Board Ltd**  
**Wednesday 9 January 2013 at 9.30 am**  
**The Studio, 7 Cannon Street, Birmingham**

**Present:** Graham Aitken (Chair)  
Mike Lockwood  
Richard Allen  
Phil Bellamy  
Marc Brooks

**In attendance:** Lynn Plumbley (Chief Executive)  
Carol Cook (Education Auditor)

**1. Quorum, Apologies & Declarations of Interest**

The Chair declared the meeting quorate, there were no declarations of interest.

**2. Minutes**

The minutes of the meetings held on 3 October, 24 October & 25 October were approved as being a true record for signing, there were no matters arising.

**3. Finance**

The board reviewed and noted the Q4 financial report and was also afforded the opportunity to review the 2012 book keeping record to year end. The board agreed that the financial balance at year end 2012 be left in the main trading account for 2013.

**4. Risk Management**

The risk matrix was reviewed and revised. Lynn advised that stats had been obtained on insurance claims experience which would be presented to the next meeting to establish if they identified further areas of consumer risk.

**5. Lay NED Appointment**

The board was advised two internet adverts had been placed for a new lay NED to replace Mike, whose appointment ends 24 January 2013. The closing date was noted as being 1 February 2013 and that to date approx. 10 applications had been received to date. It was agreed Lynn & Graham would shortlist for interview. Both Marc & Richard advised that subject to availability, one of them would make up the interview panel of three in February.

**6. Chair Appointment**

It was agreed that Graham be offered a further one year letter of engagement in the role of Chair on same terms. Graham indicated verbally his acceptance of this offer.

## **7. ACL Training Audit**

*(Taken as first item of the day)* Carol Cook was welcomed to the meeting. Carol presented her first audit report on the education of Trainee Costs Lawyers. There followed a robust discussion around its outcomes. It was agreed that a working party be formed to discuss and define the curriculum ASAP. The board was advised ACL Training had formed a committee to work on education, its composition and remit was noted. Lynn advised she had attended their first meeting on 4 January and that they seemed focused and committed to the task at hand. Carol was thanked for her report and left the meeting.

## **8. ACL: Approved Study Provider**

The board approved ACL Training as an Authorised Study Provider until 31 January 2014 subject to conditions set around 2012 education audit outcomes.

## **9. Mark of Regulation**

The board was pleased to note uptake of use of the Mark of Regulation under licence.

## **10. On-line Billing Project for Legal Aid Bills**

Correspondence with the LSC was noted. Outcome of the pilot scheme and implications to the profession would continue to be monitored, the risk rating of this risk on the Risk Matrix was revised accordingly.

## **11. Legal Aid Practitioners & the LSC**

The board noted the correspondence entered into with LSC under which CLSB questioned whether it was right that the LSC accepted Legal Aid bills drafted by non-regulated practitioners such as Costs Draftsmen. The board was pleased to note the CEO of the LSC replied that the point raised was *"interesting and merits further consideration and discussion"*. The board was advised a copy of the correspondence had been sent to the Legal Aid Group for them to take this further.

## **12. LSB Report: Approaches to Quality**

The report was noted in particular Appendices A & B. The board discussed actions already being taken by CLSB against suggested regulatory interventions.

## **13. Revised Board Appraisal Policy**

The revised policy was approved for immediate implementation.

## **14. Revised Executive Appraisal Policy**

The revised policy as set out in the HR Handbook was approved for immediate implementation.

## **15. 2013 Practising Certificate Update**

The number of applications received to date was noted. Lynn advised she would now contact those who had not yet submitted their application. A final analysis of numbers would be undertaken at month end.

## **16. LawCare**

The board all agreed this was an excellent support scheme. Lynn advised leaflets on the service had been issued with 2013 practising certificates.

### **17. Block Insurance Policy**

Due to time constraints, this agenda item was deferred until the April board meeting.

### **18. Counsels Advice on Rights Issued**

The advices on various matters raised were noted. It was agreed these would be communicated via articles and the CLSB website during 2013.

### **19. LSB Response to Regulatory Standards Self-Assessment**

The board noted the factual inaccuracy report as submitted to the LSB and the LSB report titled Developing Regulatory Standards that was published in December 2012 following the assessment. A number of the findings of the report were acknowledged and accepted, a plan of works would therefore be developed. CLSB was however concerned at the LSB's continued careless choice of words and its disregard for evidence submitted during the assessment. Further, the board agreed to continue to post only its minutes, not its papers on the CLSB website. This decision was made on the basis CLSB is a limited company and not a statutory body as is the LSB, who despite this, do not post their board papers.

### **20. Feasibility Study on Entity Regulation**

It was agreed that following an analysis of the regulated profession for 2013 at the end of January a plan of work would flow from the report to establish feasibility.

### **21. Conduct Appeal Committee Outcome**

The board was advised that a Conduct Appeal Committee had convened on 20 December 2012 and that after nearly 3 hours deliberation, upheld the original decision of a Conduct Committee in November 2012. The Costs Lawyer has been advised of the outcome.

### **22. Proposed Regulation of Trainees**

The board noted the LSB "warning letter," an inappropriate title in the view of CLSB, and that a response was being formulated for submission before end of January.

### **23. AOB**

- It was noted LeO had received no Costs Lawyer complaints since 31 October 2011.
- The speech of Chris Kenny on 18 October 2012 was noted in particular, in light of their recent report and CLSB's concerns surrounding its alleged findings, the line "*what we need to do and for how long we need to exist, depends ultimately on the performance of the approved regulators .....*"
- It was noted that on 31 October 2012 Lynn had written to the recruitment consultants who advertise in the Costs Lawyer Journal on the difference between a Costs Lawyer and a Law Costs Draftsman.
- The portfolio of business insurances in place for 2013 was noted.
- It was noted that ACL had been requested to put in place provision for providing an ethical question & advice service to its members.
- It was noted that on 3 January 2013 the ACL Council had been formally requested to seek protection of the title Costs Lawyer.

- It was agreed to withhold issuing the guidance note on ATE insurance following clarification as to whether the term “referral fee” had now been legally extended to include ATE insurance.
- The CEO’s updates as contained in Lynn’s report were all noted.
- Consultation papers received and responses were noted.
- Mike Lockwood was thanked by all on the board for his two years of service and was wished well for the future.

**24. Date & Time of Next Meeting**

Wednesday 10 April 2013 @ 10.30am, The Studio, 7 Cannon Street, Birmingham.

There being no further business, the Chair declared the meeting closed.

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Chairman