



NEWSLETTER: 8 February 2013 (Issue 1)

Your New CLSB Newsletter

CLSB is pleased to announce its new Newsletter which we will be issuing direct to your elected email address. Our Newsletter will be issued on a “needs be” basis having regard to what we need to communicate to you. Each issue will be numbered, dated and posted on the CLSB website. The Newsletter will enable CLSB to communicate directly and freely with those it regulates enabling CLSB to set out what it does and why and to alert you on regulatory developments.

CLSB During 2012

CLSB started from a “clean sheet” position in October 2011 and has undertaken a considerable amount of work during 2012 to provide the basis for proportionate and sound regulatory management across the profession. CLSB will continue to build on that foundation during 2013.

2013 Costs Lawyer Register

The register of those Costs Lawyers with a 2013 practising certificate can be located on the CLSB website. Please refer to the Register to check whether a Costs Lawyer you have dealings with is duly authorised by CLSB under the Legal Services Act 2007 to undertake the Reserved Legal Activities of:

- The exercise of a right of audience
- The conduct of litigation
- The administration of oaths

In the event of any misrepresentation, please bring this to the attention of the CLSB. Within the next week CLSB will be posting the 2013 Register of Costs Lawyers (those with a 2013 practising certificate) to all Costs Judges for their reference during the year.

Mark Of Regulation

As you are aware the CLSB introduced the professions new Mark of Regulation (the “Mark”) from 1 January 2013. For all those who have entered into a licence agreement to use the new Mark we would strongly encourage you to use it on the footer of your personal emails and your business cards going forward. The more the mark is used the greater its value across the regulated community. If you have signed and returned the licence and require the mark electronically (JPEG, GIF, PDF format) please email ceo@clsb.info

Diversity Questionnaire

It is a requirement that CLSB undertakes an annual diversity survey of all Costs Lawyers and Trainees. The information received assists CLSB in understanding the profession it regulates. The questionnaire is due to be posted Monday 11 February 2013 with a return date scheduled as being Friday 15 March 2013. We appreciate you are all busy people but we would ask that you take a few minutes of your time to complete and return the form (envelope will be provided, but a stamp will be required). It is a simple tick box questionnaire that should take only minutes. The greater the response, the better the analysis of data that flows from it. Your assistance in partaking is very much appreciated.

Entity Regulation

CLSB commissioned a feasibility report on entity regulation towards the end of 2012 which will be further considered following an analysis of the 2013 Register of Costs Lawyers. CLSB consider that it is by no means a straightforward situation because of the various business structures and employment arrangements across the profession. Suffice it to say the option and cost is being considered and CLSB will update you in future Newsletters on any developments or decisions.

CLSB Application To Regulate Trainee Costs Lawyers Who Practice

CLSB would like to take the opportunity to thank those who contributed to the consultation process. Following the consultations favourable outcome CLSB submitted its application to the Legal Services Board (the "LSB"). In December 2012 the LSB issued an "initial determination" under Schedule 4, Part 3, s21 of the Legal Services Act 2007 using the statutory term "Warning Notice." Under that notice the LSB raised two points and invited CLSB to make further submissions, which it did. CLSB will keep you informed of progress on this matter.

Costs Lawyer Qualification

CLSB is currently working with ACL Training on a review of the three year modular Costs Lawyer qualification.

Costs Lawyer Complaints Filed With Legal Ombudsman (31 October 2011 to date)

You will all be pleased to know that this statistic remains at nil. CLSB view this as clear "outcomes" evidence that the level of service being provided by regulated Costs Lawyers and the regulatory arrangements of CLSB, are sound.

The Legal Services Board (LSB)

In February, CLSB attended an LSB event to input into their draft Business Plan 2013/14. CLSB requested evidence from the LSB of actual benefit from its activities for its annual £5m cost. This request was supported at the meeting by the BSB.

Revised Rules On Legal Ombudsman Complaint Handling

From 1 February 2013 the following revisions will come into effect:

- Financial limits will increase from £30,000 to £50,000.
- Time limits for accepting a complaint will increase to six years from the date of act/omission and three years from the date the complainant should reasonably have known there were grounds for complaint. These time limits will be extended

gradually from 6 October 2010, the date the Legal Ombudsman opened for business. Complaints will continue to be accepted about issues that happened before 6 October 2010 if the complainant only became aware of it after this date.

- The Legal Ombudsman will be able to accept complaints from prospective customers who could reasonably have expected to receive a service or who were unreasonably offered a service they did not want.

The Legal Ombudsman advises they do not anticipate the changes will substantially add to the 75,000 - 80,000 contacts it receives each year. However, it does expect around a 10% increase in the proportion of contacts which will fall within its eligibility criteria. This will inevitably increase the number of full investigations that the Legal Ombudsman carries out.

Change Of Details

Should at any time you change your employer, home address or email address can you please notify CLSB by email at ceo@clsb.info as it is important we have your current contact details on our database and our public domain register is correct, many thanks.

DISCIPLINARY ISSUES

Conduct Committee Hearing: 5 November 2012

Conduct Appeal Committee Outcome: 20 December 2012

On 5 November 2012 a Conduct Committee was convened to hear alleged Code of Conduct and Practising Rule breaches by Costs Lawyer W.

In brief, Costs Lawyer W failed to make required disclosures on their signed Application for Reinstatement and signed Application for a Practising Certificate relating to offences. After robust discussion on the allegations, the evidence before it and after hearing Costs Lawyer W, the Conduct Committee found against Costs Lawyer W on all the alleged code/rule breaches. In brief, the Conduct Committee imposed the following penalties:

- Practising certificate suspended for two years.
- A financial penalty of £1,000 payable within 21 days.
- A fixed costs order in the sum of £1,000 payable within 21 days .

Following an appeal filed by Costs Lawyer W, a Conduct Appeal Committee convened on 20 December 2012. After full consideration of the appeal and all matter before them the Conduct Appeal Committee upheld in full the original decision of the Conduct Committee. In accordance with Disciplinary Rules & Procedures the costs order was increased from £1,000 to £1,500.

Lynn Plumbley
Chief Executive