

Austerity ain't working

Kerry Underwood: The real agenda is to stop ordinary people enforcing their rights



Kerry Underwood is senior partner at Underwoods Solicitors and a course specialist in qualified one-way costs shifting @kerry_underwood kerryunderwood.wordpress.com

A huge number of courts will soon be closed so that the government can flog them to try to hide the fact that austerity ain't working.

It is obvious that this will cause great harm to the social

fabric of the country. Leaving that aside, it also shows a poverty of imagination and aspiration.

Instead of closing the courts and moving to Briggs's online, lawyerless, witnessless, Nuremberg National County Court – here is another plan.

Create far more civil courts, but with all communication to be by email or phone, with no paper to be delivered to courts. This is the case in virtually all states in the US and it works well. There are state-funded booths and staff in shopping malls, etc. to assist those who have no access to computers.

Appropriate local solicitors can be appointed part-time to deal with all interlocutory matters – far better than an unqualified remote legal clerk with little knowledge of the law or the locale.

Hearings should take place locally, but there is no need for a court-only building. Use local council committee rooms or the council's chamber, or the local theatre, or whatever. Hire suited offices as necessary if appropriate.

Recognise there are far more litigants in person who are likely to need advice. Get local solicitors to organise a rota of volunteers. If the reward is having a very local court then they will be up for it. Most high street firms used to volunteer at the Citizens Advice Bureau (CAB).

The CAB took a wrong turn when it obtained green form contracts and started competing with us. We took a wrong turn with remote factory firms that never see clients.

Why would we volunteer? Because most of us are

committed to our local community and it would place us in front of potential clients.

Build courts into new civic centres that would be worthy of their name and establish as and when court facilities such as in the forms of a police station, doctors' surgeries, dentist practices, opticians, and clinics, etc. Public transport to and from centres and car parking availability would transform many communities and in the long term save money, as fewer staff would be needed and many other buildings could be sold off.

Even on an economic basis, court closures make no sense. A quick 'sell the family silver' fix for the government causes everyone else to waste hours travelling to court with a loss in GDP and a likely increase in legal fees.

A refresher in data security



John Michael is CEO of iStorage @iStorage_Ltd www.istorage-uk.com

The new General Data Protection Regulation (GDPR) aims to create strong data protection laws in Europe and is set to replace the outdated patchwork of national rules that have only allowed for small fines in cases of data breach violations. While there are opinions that there is a lot of red tape around the regulations,

it has generally been welcomed as what should be an advanced and all-encompassing data protection framework.

Loss of client data is a major risk to any law firm, and the stakes are only getting higher. Firms already have obligations under the Solicitors Regulation Authority's (SRA) Code of Conduct to keep client information confidential and to maintain effective systems and controls to mitigate risks to confidentiality. In addition to this there are separate obligations under the Data Protection Act (DPA) in relation to the personal data they hold.

In 2018, when the GDPR looks set to replace the DPA, the consequences of failing to protect the personal data of

clients will become much greater. For example, the maximum fine for DPA breaches is currently £500,000, but this will increase to €20m or 4 per cent of global turnover. It will also become mandatory for organisations to report most personal data losses, both to the Information Commissioner's Office and to the affected individuals.

How can your organisation ensure compliance ahead of the new legislation's execution in 2018?

- Update policies: this should demonstrate the new obligations and ensure that any reporting systems are outlined;
- Appoint a data protection officer: this is mandatory for all organisations with more

- than 250 employees;
- Report effectively: a system should be put in place that ensures any breaches of unencrypted data are reported within 72 hours;
- Encrypt everything: defend against a breach by making data unreadable or in an inaccessible state using unbreakable encryption;
- Keep records: data controllers should keep internal records as to how data is processed as evidence and to monitor compliance;
- Obtain written consent: the parent/guardian of any child under the age of 16 should be notified and consent given before processing personal data; and
- Respond quickly: ensure that

YOUNGLAWYER

Non-graduate solicitors: The black sheep of the profession?

Overall, there has been very little positive feedback following the proposed introduction of this self-professed 'competency benchmark', writes **Pippa Allsop**

Furthermore, apparently 65 per cent of single pensioner families do not have cars and 22 per cent of women and 17 per cent of men live in a household without a car.

For many people it will be very difficult to physically get to court.

Locally, St. Albans will have no civil court; I believe that it has had one since the 10th century. In Hemel Hempstead, one of the biggest towns in the country, we have no court of any kind, no 24-hour police station, no maternity unit, no A&E, and no decent sports arena.

Every high-street solicitor could tell us a similar story.

The real agenda is to stop ordinary people enforcing their rights. That must be challenged at all costs, but let us also put forward positive solutions for when this madness ends. **SJ**

any requests from individuals in relation to the handling of their personal data are dealt with efficiently and pro-actively.

Feedback from our legal clients suggests that most data losses arise from human error rather than deliberate contravention or a lack of internal compliance effort. While these will never be completely eliminated, the shift in emphasis to pro-active self-review and analysis is likely to result in fewer data losses over time. The increase in financial risk from the new penalties will also see greater investment in encryption technology and tools to reduce the risks arising from the human element. **SJ**

The Solicitors Regulation Authority's (SRA) proposed 'super exam', the solicitors qualifying examination (SQE), has had a fairly rough reception over the past few months, facing widespread criticism that it is perhaps not quite so 'super' as had been hoped.

Initially, questions were raised over how successful the SQE would actually be in practice in achieving its goals of tackling the issue of diversity in, and removing barriers or improving access to, the legal profession. Many argued that the SQE would actually serve to increase the overall costs involved in becoming a solicitor as opposed to alleviating them.

More recently, a suggestion that barristers and legal executives might not have to sit the SQE if they opted to requalify as solicitors led to many accusing the SRA of sending a confused message, or worse, going back on its initial 'no exemptions' tack.

A further, and fairly brutal, nail in the coffin for the super exam was the City of London Law Society's (CLLS) recent response to the proposals, which declared that even if the SQE was to come into being, it would be 'misleading' to advise any aspiring solicitors that going to university 'is not essential for some legal career options', or put simply, expected by at least the City law firms, if not others too. This announcement clearly

destabilises not only the diversity aspirations the SQE aims to embody, but further seemingly undermines any faith in the purpose of its introduction as a whole.



Several LPC providers have now indicated one way or the other whether they will continue to provide the course

Overall, there has been very little positive feedback following the proposed introduction of this self-professed 'competency benchmark'. Many hard-line critics have argued that opening up access to the profession to non-graduates will devalue the profession's standing. Several legal practice course providers have now indicated one way or the other whether they will continue to offer the course, which will seemingly become redundant if and when the SQE is rolled out. The SRA will be feeding back on the consultation over the summer, so how or whether these criticisms are addressed

head-on remains to be seen.

My feeling is that if it is really impossible to get past the stigma of non-graduates, (for whatever bizarre reason and even for those with improving access and addressing diversity supposedly in mind), then the SQE is likely to result in the two-tier system its critics speculate over.

It is currently difficult enough for employers to make their selection from the vast high-calibre pool of candidates, and the SQE could arguably be another tool these hard-pressed firms use to make the exercise easier, re-shifting the focus in creating a clear graduate/non-graduate distinction.

At present, the diversity issue, as a critically important one, could and should be tackled better at the university stage – thus cutting to the source – resulting in, potentially, much more widespread and therefore positive ramifications. **SJ**



Pippa Allsop is a solicitor at Michelmores
@Pippa_Allsop
www.michelmores.com