

**STRICTLY PRIVATE AND CONFIDENTIAL**

**MINUTES OF THE COUNCIL MEETING OF THE ASSOCIATION OF COSTS LAWYERS  
HELD ON FRIDAY 20 JUNE 2014 AT THE CROWNE PLAZA HOTEL,  
19 NEW BRIDGE STREET, LONDON EC4V 6DB**

PRESENT	Mrs S Nash Mr S Averill	Chairman Treasurer (left at 3.50pm)
(Council)	Mr J Barrett Mr R Connelly (left the meeting at 1pm) Mr R Cook (left at 3.50pm) Mr D Cooper Mr J Lord (joined the meeting at 12noon)	
(Ex-officio)	Mr M Cheng (CEO) Mrs D Pattenden (Operations Manager)	

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The meeting started at 11.am.

**1. Welcome**

The Chairman welcomed all to the meeting and congratulated Robert Cook on his recent appointment to the Council.

**2. Apologies for absence**

Apologies were received from Mrs Green and Mr Kendall.

**3. Minutes of the Council meeting held on 11 April 2014**

The minutes were agreed as being an accurate reflection of the meeting.

**4. Matters arising**

Many of the matters arising were covered in the various reports distributed prior to the meeting. The list was therefore not addressed item by item.

1	CG/MC	Look at implications of legally changing ALCD to ACL. Brought forward. On hold pending future structure of ACL/ACLT being agreed.	
2	PR subcommittee/FK	1. Develop a brochure for the CAB and LeO to inform the public about costs issues. 2. Prepare a simple guide for publication	Carry forward

		<p>on the ACL website regarding the role of a Costs Lawyer and how members of the public can get help with costs issues.</p> <p>FK has a working draft which he will circulate by end April.</p>	
3	PR Committee/FK	Produce an integrated advertising strategy.	Carry forward
4	CG/SN	Draft paper with a proposal for an accelerated route to qualification as a Costs Lawyer.	Carry forward
5	Law Reforms Committee	Consider a mechanism for dealing with the situation where a court has clearly made an error.	
6	<del>{Contractor issue}</del>		
7	<del>{Abuse of title issue}</del>	<del>{Write to two firms regarding unauthorised use of Costs Lawyer title}</del>	Completed.
8	MC	Prepare a governance paper re council members and election procedures. . Agreed that this should include consideration on remuneration of council members.	
9	PR Committee	Review advertising rates for the e-bulletin and Costs Lawyer.	
10	JB	Research providers for training on practice management.- JB has spoken to the Legal Practice Management Organisation and is continuing discussions.	
11	MC	Draft a reply to the email query regarding offering a costs advance facility to solicitors. RC has drafted a reply. Currently with MH who has identified additional issues	
12	MC	Give consideration to how Council members can more actively engage with members	
13	Ops manager	Arrange election of 2 more Council members	Completed. Delete

14	JB & FK	Produce terms of reference for PR committee	
15	MC	Take forward recommendations re future Chairman	Announced. Delete
16	Ops manager	Set up all council members up with designated ACL addresses	
17	MC	Provide standardised templates for debates and decisions	SN asked for DP to send out a copy of the template used for the ops report to all members.
18	{Role specification issue}		
19	SA/JB & FK	Consider position re retired members	MC to review how retired membership status at other legal professional bodies is managed.

## 5. Chairman's Report

**5.1** The Chairman appointed Mr Cook to sit on the Education Committee. Mr Lord will be asked to sit on the PR Committee.

**5.2** In general, any issue which affects how the Council is managed and financed will be dealt with by the Governance and Finance Committee, chaired by Mr Cheng. The Chairman and Mr Averill will also sit on the committee and Roger Mallalieu has agreed to be co-opted. The bye-laws and code of conduct have not been reviewed since 2011 and one of the first tasks of the committee will be to review and revise these.

**5.3** The Chairman asked Council members to respond to the recent CLSB consultation on entity regulation. Council members may submit a personal response (ensuring that it is clear the response is from them as individuals) but the Chairman also asked that a response from the ACL council should be submitted. The close date is 4 July. Mr Connelly will progress this.

**5.4** The Chairman advised that there would also be a Policy Committee. This will look after any outward facing issue to do with law and policy. Mr Connelly and Mr Cooper will form this committee.

**5.5** Mr Cheng said that he felt that the ACL has to develop the benefits of being a member of the Association. Post nominals for example are something which he felt need to be introduced as soon as possible. He suggested that in future ACL should consider a fellowship programme so that it can be proved that a Fellow works at a higher level than an ordinary member. A discussion followed and it was agreed that as long as there was no conflict with the CLSB then the idea was agreed.

**5.6** A number of meetings have been held recently with the National Bar Pro Bono Unit. The Chairman and Mr Cheng are exploring the opportunities for costs lawyers to assist the unit. A trial period with an interim panel of costs lawyers has been discussed.

**(Mr Lord joined the meeting at this point)**

**5.6** The Chairman and Mr Cheng have met recently with the Head of the RCJ Advice Unit. The Unit is facing a deluge of enquiries from litigants in person who are finding it difficult to access specialist costs advice. This is a potential area of work for costs lawyers and they will continue to explore the opportunities.

**5.7** A meeting will be organised for July with the ACL Honorary President and Honorary Vice Presidents to establish how they are able to help promote the Association.

**5.8** Mr Connelly advised that he felt there were opportunities for costs lawyers to become involved when there are costs disputes, the parties are at deadlock and an independent costs lawyer is required. Mr Cheng will consider the opportunities.

**5.9** The Chairman formally welcomed Mr Lord to the Council and advised him that he had been appointed to the PR Committee

**6. Treasurer's Report**

A detailed report was circulated prior to the meeting

**6.1** A request to provide Mr Cheng and the Chairman with company credit cards will be discussed at the first meeting of the Finance Committee.

**7. Law Reform and Policy Committee's Report**

A report was circulated prior to the meeting.

**7.1** Paul Seddon is to be asked to provide a report of the activities of the Legal Aid Group prior to future council meetings.

**7.2** Mr Connelly said that he was aware of how things are going with provisional assessment but has not seen much feedback from members. An online poll of members will be made when the new website is up and running.

**7.3** The Chairman advised that she would like to consider campaigning where there are obvious inconsistencies in the Rules – particularly for example on provisional assessment. She suggested devising a questionnaire based on recent issues raised on the Forum. Mr Barrett will put a survey on survey monkey by the end of July.

**8. Operations Report**

A report was circulated prior to the meeting.

**8.1** It was agreed that a diary would be published. The Chairman will update the forward, the information pages and the useful addresses published in the front of the diary. It was suggested that Lexis are approached to see if they would be interested in advertising in the diary.

**8.2** The Chairman and Mrs Pattenden will visit the Wembley Hilton to assess its suitability as a venue for the 2015 Annual Conference.

**8.3** Suggested speakers so far for the Manchester Conference on 24 October 2014 were discussed.

Agreed rates are:-

£200 ex vat early booking

£250 ex vat standard rate

£300 ex vat non-member rate

It was agreed to advertise externally. The Manchester and Liverpool Law Societies were suggested. Kerry Jack should be able to help with contact details.

The CLSB will be invited to have a stand at the conference. The Chairman will contact them regarding this.

The Chairman would like to find a major sponsor and suggested a networking drinks reception immediately after the conference which would again offer a sponsorship opportunity.

It was agreed that the conference should be videoed and that the staging should be similar to that used at the conference in May. Mrs Pattenden will arrange this.

It was also agreed to use the same style delegate packs and ACL pens which were used at the conference in London.

The Chairman asked all council members to attend the conference and confirmed that accommodation at the hotel would be provided. Members should confirm to Mrs Pattenden if they require a room for the Thursday evening and Friday evening. Richard Parnham should also be offered accommodation for the Thursday night

The Chairman confirmed that there would not be a Legal Aid breakout session.

**8.4** The Chairman stated that she would like ACL to have representation at around 6 University Law School Fairs. Black Letter PR has contacted the Times Education supplement and arranged for ACL to feature in the next issue. Andrew McAulay, who has agreed to co-ordinate the Leeds regional group has also agreed to represent ACL at the Leeds University Fair. Mr Kendall has previously agreed to co-ordinate representation at Fairs. He is also working on producing leaflets and literature to be handed out. Mrs Pattenden will forward details of the Sheffield Fair to Mr Kendall (copy in Mr Barrett).

Mr Averill suggested Cardiff Law School may offer a good opportunity.

**8.5** The question of whether an Affiliate member can have access to the Legal Aid Forum was raised. It was agreed to further consider access when the new website is being specified.

**8.6** Confirmation was sought about the membership year for students on the new course. Currently the membership year for all members runs from Jan 1<sup>st</sup> to Dec 31<sup>st</sup>. Mrs Pattenden advised that running different membership terms was potentially confusing for members and employers and that with the manual systems in place currently, was an administrative burden. However, such a burden would be removed when the new website was up and running, at which point membership renewal would be managed online.

It was agreed that the subscriptions for students on the new course would run from 1<sup>st</sup> September to 31 August.

**8.7** The question of whether indemnity insurance is still a requirement for students was discussed. The Chairman said that whilst students are training, they are not regulated and the issue of indemnity insurance is a regulatory matter. However, there are some trainees who have their own costs companies.

It was agreed that under the current rules, a requirement for insurance could not be imposed but trainees should be advised that they should have appropriate insurance. It was also agreed that the list of trainee costs lawyers should be published on the new website.

**8.8** The Chairman advised that a CPD seminar should be run towards the end of the year for members. It was agreed that this should be half a day – 4 hours CPD hours. This would be a general costs update. 11 – 4pm. It was suggested that it is held on the same day at the M2 compulsory seminar on 5 December if possible.

**8.9** It was agreed that there should be an article in the next Costs Lawyer regarding the use of the ACL logo and reminding members not to use the old green logo, or the post nominal FALCD. Mr Cheng agreed to write a policy statement on the subject. Mrs Pattenden should pass details of those using the logo inappropriately or using FALCD after their name, to Mr Cheng for him to write to them.

***Mr Connelly had a prior engagement and so apologised for having to leave the meeting.***

## **9. Education Committee**

**9.1** A full report was circulated prior to the meeting.

**9.2** Mr Cheng agreed to write a formal letter of thanks to Kirsty Allison for her massive contribution to the development of the new training course.

## **10. PR Committee's Report**

**10.1** A full report was circulated prior to the meeting.

**10.2** It was agreed to send out a copy of the conference supplement together with details of how to subscribe to Costs Lawyer once the new website was live.

~~**10.3** [Stakeholder issue]~~

**10.4** It was agreed that an iPad survey was trialled at the conference in Manchester. All agreed and Mr Barrett will organise this.

**10.5** A proposal from Senior (web development company) was circulated to council members prior to the meeting. Mr Barrett outlined the reasons behind the proposal to appoint Senior as the new website provider.

**10.6** Mr Cheng asked for approval to appoint Senior to redesign the website and a CRM system. All approved.

**10.7** Mr Barrett asked for agreement to enter the planning stage of running webinars with Lexis. All agreed.

**10. Recommendation for VLE Build Supplier**

Mr Barrett advised that under the guidance of Kirsty Allison, Mickey and Mallory have been identified as being the best provider of the platform. Mr Barrett therefore proposed that they were appointed. All council members agreed.

**11. Vision and Strategy for ACL**

Mr Cheng presented his proposed business plan activities for 2014 (circulated prior to the meeting)

The Chairman asked if chartered status could be achieved by 2017, which would coincide with the Association being in existence for 40 years. Mr Cheng felt this would be possible.

**12. Draft Budget for 2014**

The budget (circulated prior to the meeting) was agreed as presented. Chairs of the ACL Council committees were asked to put forward their budget requirements for the next 12 months.

***Mr Cook and Mr Averill apologised for having to leave the meeting early (leaving at 3.50pm)***

~~**13. [Pricing issue]**~~

**14. Code of Conduct**

There is currently no code of conduct for students or members. Mr Cheng suggested that this should be issued with renewal notices. All agreed. Mr Cheng will review the old documents and provide a draft for the new code of conduct.

**15. Any other Business**

There was no other business and the meeting ended at 4.20pm.

**16. Date of Next Meeting**

The next meeting will be held on Friday 29 August. Venue to be confirmed.