

ACL Council July 2015



Minutes

Attending: Sue Nash (SN) Chair, James Barrett (JB) Vice Chair, Jon Lord (JL), Robert Cook (Rck), Robert Connelly (RC), Francis Kendall (FK), David Cooper (DC), Andrew McAulay (AM)

Apologies: Victoria Griffiths and Stephen Averill (SA)

In Attendance: Maurice Cheng (MC) Chief Executive, Claire Green (CG), Diane Pattenden (DP)

Item	Action	By	When
1	The Chair opened the Council meeting at 0930, and welcomed Council and staff		
2	Minutes of May 2015 Council were accepted		
3	Actions arising		
3.1	Look to establish branch in Midlands	FK	Ongoing
3.2	Relationship with RCJ CAB – no progress this period	MC/CG	Ongoing
3.3	Consider opportunities for costs lawyers to be involved and appointed for costs disputes – SN been in touch with Peter Farr, continuing to chase. Discussion around this issue highlighted opposition from some members of the judiciary, and suggestions for other approaches that could be made. To be main agenda item for September Council.	SN	Sep15
3.5	Improvements to Round Table event not discussed with Blackletter, but will be taken into account for next event – possibly around Future Leaders event. JB to progress plans	JB	Sep15
3.6	Proposal on methods to honour members deferred	MC	Sep15
3.7	Student Facebook page to be set up	AH	Sep15
3.6	New ACL website launch postponed to September pending further review of content and administrative functionality	MC/DP	Sep15
3.7	DC advised that [member of judiciary] is prepared to produce an article around costs lawyers attending CCMCs, which may involve specific training, and gathering further support from the judiciary. SN to progress with [members of judiciary].	SN	Sep15
3.8	Plans for increased membership of Council to be progressed	SN/DP	Aug15
4	Midyear Strategic Review		
4.1	Council conducted a review of progress against the 2015 business plan, and reviewed the strategic and regulatory environmental changes that have occurred since the current strategy and business plan were constructed.		
4.2	MC reported that all business plan actions were being worked on and progressing, with the exception of the relationship building with key kindred professional bodies. Two projects were delayed in implementation – the new website (where content writing and technical challenges	JB	

	had caused significant delay), and the launch of a fasttrack qualification programme for prequalified legal professionals (delayed beyond September). MC encouraged committees and executive teams to focus on project delivery, including timelines and budgets, so that business plan actions were delivered according to plan.		
4.3	<p>The environmental review discussion came to the following strategic conclusions:</p> <ul style="list-style-type: none"> • Standard bill drafting was likely to disappear as a significant workstream within five years, however costs related areas such as costs ADR and budgeting/practice management were likely to rise • Fixed recoverable costs were possibly – even likely – to increase in terms of scope and coverage. An ACL Working Party on this issue is due to be formed, and will report on the likely impact of this – but it is clear that the effect of this will be significant • There was a strong call from the membership for increased transparency of decision making by ACL Council, and better engagement with the strategic developments being considered and promoted • The needs of costs firms were developing, and engagement with the needs of large, specialist, and London based firms was a priority • The changes in the legal services market affect all legal professions – the ACL needs more clarity around the future demands of clients on the profession 		
4.4	Council discussed and agreed that the current business plan actions remained valid, and that these should continue. Additional actions and projects were also agreed		
4.5	Employer consultation group: it was agreed that a consultative working group to comprise major and specialist costs firms should be established to advise on the applicability and development of the Costs Lawyer Competency Framework (draft already discussed in outline with the CLSB). Proposal on establishment to be drafted	MC/AM	Sep15
4.6	Council also debated whether the new VLE CPD programme should be made available to non members, and agreed that it should be.		
4.7	Council concluded this midyear review by discussing the resource requirements for each committee area, agreed the allocation of executive staff support, as well as the allocation of two new members of Council. Committee chairs were asked by MC and SN to monitor and ensure that projects and actions were kept on track.		
4.8	SN advised that there are 2 available positions for ordinary council members. It is therefore a good time for current council members to review their position on the various ACL committees. Council members were invited to contact SN if they would like to change the committee they currently sit on.	All	Jul15

5	Changes to bye laws		
5.1	Council reviewed draft amendments to the ACL byelaws, and delegated the finalisation of these to the Finance & Governance (F&G) Committee. Council are asked to forward comments on the draft to JB	All JB/MC	Jul15 Sept15
6	Code of Conduct for members		
6.1	It was agreed that the Code of Conduct for members of the ACL should be reinstated (this was phased out originally on the publication of the CLSB's Code of Conduct), and tasked the F&G Committee with producing an up to date version for publication. Council are asked to forward comments on the draft to JB	All JB/MC	Jul15 Sept15
7	Branch and Special Interest Group protocols		
7.1	Council approved the draft protocols for the establishment of new ACL branches and SIGs, and tasked MC with formulating a template Memorandum of Understanding based on this document	MC	Aug15
8	Policy & Development Officer role		
8.1	The trial appointment of a Policy & Development Officer was reviewed and agreed by Council to be a valuable role to be continued. The recruitment of a PDO as a permanent – at least initially part time – role was agreed for September, and Claire Green was asked to continue as an interim PDO until the recruitment process was concluded. MC will review and formalise the role specification, and DP will promote the role to the membership.	MC/DP	Aug15
9	Fast track qualification for qualified legal professionals		
9.1	SN raised the issue whether this programme should be subject to consultation. Council debated this issue at length, with the two main views being that, on the one side, this might be seen as an unfair advantage for prequalified legal professionals, on the other, that the provision of qualifications appropriate to potential members was an intrinsic part of ACL's objects. It was agreed that once the fast track programme was ready, the programme details would be communicated to the membership, and the reception of this would be evaluated. The Education and PR & Marketing Committees will need to work closely on this communication stage.		
10	ACL ADR Consultation		
10.1	It was agreed that the results of the survey should be published. In the light of the lack of membership support for the scheme, as well as the forthcoming launch of the LeO ADR service, JB proposed that ACL moves on from ADR and considers setting up a mediation accreditation scheme. After considerable discussion it was agreed that the ACL ADR service should be withdrawn.	FK	Aug15
10.2	JB/CG to put together a proposal on ADR accreditation and kite marking for the next council meeting, with FK/JL providing input in terms of communications and promotion	JB/CG FK/JL	Sep15
10.3	JB to communicate results of survey to membership	JB	Aug15

11	Chair's report		
11.1	SN reported on the recent meeting with the CLSB (JB/MC also at the meeting). SN also reported on a recent meeting with the Legal Services Board.		
11.2	The CEO was asked to investigate options on improving the regulation of costs lawyers, as well as the possibilities for recombining the regulation and membership fees for costs lawyers.		
12	Education Committee report		
12.1	AM spoke to the report provided prior to the meeting. FK to ask CL Editor to interview students completing year one of the new qualification programme.	FK	Jul15
13	Student Council report		
13.1	No report was provided by the Student Council. MC to provide guidance to Chair of Student Council on organisation and setting objectives.	MC	Aug15
14	Policy Committee report		
14.1	The report was noted. DC to look into changing the name of the 2007 Statutory Instrument in the name of ALCD to ACL	DC	Sep15
14.2	Query from Liz Love: this query to the rules where a matter is taken out of the portal and allocated to the multi-track. After some discussion it was agreed that CG should further the conversations on this.	CG	Jul15
14.3	Request from [member] for ACL to consider assisting with an appeal. The council discussed the matter but considered it was not appropriate to intervene. DP to advise [member] and ask to be made aware of the outcome. DP also to advise that ACL would like to make members aware of the case and outcome and that a representative may attend the hearing.	DP	Jul15
14.4	Terms of Reference for the Fixed Fees Working Group to be circulated to Council	CG	Jul15
15	Treasurer's report		
15.1	DP advised that a revised copy of the accounts has been received from Alexandra Anthony. She will work through the new reports and forward comments to SA.		
15.2	Council agreed that the following ACL/ACLT apportionment of costs should be advised to the accountants. <ul style="list-style-type: none"> o Costs Lawyer 50/50 o Travelling/subsistence for council meetings should be ACL – other than for example Paul Seddon (LAG), Kirsty Allison (ACLT) and Andrew McAulay (ACLT) o Postage, phone, stationery and photocopying should be 30/70 		
16	Operations report		
16.1	The Operations report was noted.		
16.2	2016 ACL Conference: the two options being considered are Wembley Hilton and the new Southbank Hilton. Both options will be looked into but Wembley are likely to charge considerably more than last year due to football		

	fixtures being held the same weekend as the Conference.		
16.3	DP advised that a flyer and booking form for the Manchester Conference will be enclosed with the July issue of the Costs Lawyer. Several speakers have confirmed but a keynote speaker has yet to be found.	DP	Jul15
16.4	It was discussed and agreed that details of trainees should not be included on the new website or in the diary.		
17	AOB		
17.1	[Member] has asked if the provisional assessment research results could be forwarded to [individual name] The Law Society. All agreed that there was no issue with this. CG to action.	CG	Jul15
18	The meeting concluded at 1710		
19	Date of next meeting: Thursday 24 September 2015		