

**Minutes of the ACL Council Meeting**  
**held on 4 November 2020**  
 by Conference Call



**Council members present:** Claire Green, Chairman (CG), Francis Kendall, Vice Chairman (FK), Stephen Averill (SA), David Cooper (DC), Kris Kilsby (KK), Jack Ridgway (JR), Adam Grant (AG), Natalie Swales (NS), Rachel Wallace (RW)

**Also present:** Diane Pattenden (DP), Head of Operations

The meeting started at 11am

Item	
1	Welcome and apologies CG welcomed all to the meeting.
2	Minutes of the council meeting held on 14 September 2020 Slight revisions were made to the minutes and subject to these, the minutes were approved for publication.
3	Actions arising from the council meeting held on 14 September 2020
3.1	The actions arising were discussed and updated.
3.2	Item 5. Copies of some policies have been provided by Kerry London. It was decided that members should be emailed, as previously agreed. JR to provide the final version of the wording for the email to DP. Discussion took place regarding whether members were asked to provide a copy of their insurance document to the CLSB. DP will ask the CLSB if in house costs lawyers in an SRA regulated organisation have to produce a copy of their insurance policy on renewal of their practising certificate.
3.3	Item 6. DC advised that there was nothing of significance to report on guideline hourly rates and that a further meeting will be held in December.
3.4	Item 9. Responses to two queries from members regarding CPD have not yet been sent. FK will reply.
3.5	Item 22. CG commented there had been little response from members to the request to register to deliver CPD training and that a further request may be made next year if needed.
4	Increasing membership numbers
4.1	Prior to the meeting CG had circulated a draft consultation paper on increasing membership numbers and invited council members to discuss her recommendations.
4.2	AG agreed to make any amendments to the draft following council discussion, to format it as appropriate and circulate it to council members for approval.
4.3	It was agreed that it would be useful to understand why members, over the years, had not renewed. DP confirmed that data is available and that she would provide it to CG. CG advised that she is working on providing further data about costs lawyers who hold a practising certificate but are not members. RW said it would be useful to know how many employers pay for members renewals. DP will identify those who are currently self-funding. AG said that the CLSB collects data each year about those who work in-house and that KW was happy to provide the information to ACL. This information should be

	available in January.
4.4	CG acknowledged that further information was required prior to being able to consult with members. FK said he believed that the key issue was that although the profession was booming 20 or more years ago there has been a natural attrition, due to retirement and to the reduction in students. He added that there was clearly a need to encourage more people to undertake the training qualification course.
4.5	SA and RW both confirmed that they had lapsed their membership in recent years, at the point at which a discount was offered to members working for companies with 5 or more costs lawyer members. SA agreed with FK that there was a need to encourage more people to qualify as costs lawyers.
4.6	FK suggested there was a potential opportunity to work with the CLSB in order to address the number of costs lawyers who hold a practising certificate but are not members of ACL. RW said she believed there was a huge market for non-litigation costs. She felt that most businesses relied on their procurement department to buy in legal services and were not aware of the existence of Costs Lawyers. She suggested a number of ideas including offering training to members about the role of procurement professionals and making members aware of legal costs management software. RW said she felt there was a large market for the skills of costs lawyers that has barely been tapped and that as a professional body ACL should investigate this.
4.7	CG thanked all for their contributions and asked council members for their views on which of her recommendations should be explored further.
4.8	It was unanimously agreed to explore affiliate membership although acknowledged that the market for this is restricted under the ACL bye laws. DC agreed to progress this and will put forward recommendations.
4.9	All agreed that marketing the training course was vital. NS will lead a group to look into this. RW and SA offered their assistance. It was agreed that DP and KA should be included in the group.
4.10	Discussion took place on whether trying to attract non-qualified costs lawyers was an option and if so, whether it should be as a separate organisation or as a category within ACL. All council members voted in favour of investigating opportunities to attract costs draftsmen but agreed that consultation with members was essential. AG /FK and JR will form a working party to consider the options.
4.11	The deadline for submitting the consultation to members was set as the end of November.
4.12	FK said conversations had already taken place with the CLSB regarding incentives for those not currently members to become members. DC questioned whether this would present a conflict of independence. All agreed that there was merit in having a discussion with the CLSB and that CG and FK would take some ideas to them.
<b>5</b>	<b>2021 membership fee</b>
5.1	Discussion on membership fees for 2021 took place and it was unanimously agreed to leave all rates the same as 2020.
<b>6</b>	<b>Education Report</b>
6.1	Discussion took place on whether it would be possible to hold the student exams on 5 December and it was agreed that it should be rescheduled for early in 2021. NS confirmed that there are a small number of students who are scheduled to re-sit the exam in December and need to pass in order to continue with the course next year and explained the implications, under current rules, of delaying the exam to early 2021. NS agreed to ask KA for a proposal.
6.2	NS informed council that KA has asked for clarity regarding the format of the viability report. FK confirmed that it should be the same as last year.

6.3	Following discussion, it was unanimously agreed that training to external parties who were not members of the Association would not be offered. It was agreed that this may be revisited in the future. DP will respond to the individual who enquired and advise that that training is currently under review and whilst it will be revisited at this point in time the Association is not able to consider offering training to individual companies unless all attendees are costs lawyers.
7	<b>Policy Report</b>
7.1	AG reported on a recent policy committee meeting and stated that DC has made a list of policies that ACL should have in place, to be brought to council by the end of 2020. He confirmed he has also had recent conversations with Kate Wellington about the CLSB's requirements going forward and will speak with the LSB regarding their expectations from ACL.
7.2	KK updated council on recent discussions with the ACL Legal Aid Group and Legal Aid Association.
8	<b>PR Report</b>
	FK commented that the ACL social media accounts currently fairly inactive and that he would discuss this with the PR team at a meeting scheduled for 5 November.
10	<b>Operations Report</b>
	DP updated council members on the arrangements for the ACL online seminars being held on 13 November.
11	<b>Any other business</b>
11.1	CG said that 16 people attended the online Yorkshire Regional Group meeting on 3 November and expressed the view that more regional meetings should be encouraged. It was agreed that this would be discussed further at the next council meeting.
11.2	RW raised some questions regarding the use of the ACL forum. FK said that the forum was not a place for council to respond or to get involved in contentious debates. RW will present her ideas for development of the forum at the next council meeting. FK said there was clearly a need to remind members about the forum and its purpose and that he would discuss this with Black letter.
11.3	RW said she had recently been asked by DP, to declare if, as a council member, she needed to declare any conflict of interest and ask for clarification of what should be declared. DC clarified that council members needed to declare if they were involved in any activity that could be construed as being against the interests of the Association for example, if they were engaged in any activity outside of ACL that may affect what ACL is doing.
12	<b>Date of next council meeting</b>
	The next council meeting will be held by conference call at 4 <sup>th</sup> December 11am
	There being no further business the meeting ended at 1.55pm