



# Legal Advice Centre

Creation of a University Teaching Law Firm through the ABS model – Farsighted or Foolhardy?



Lawyers working free for the public good





# Why have a legal advice centre?

- Overall educational benefits of Clinical Legal Education
- Professional ethic and skills based education
- Legal practice as an academic discipline
- Wider educational objectives
- Veblen – ‘a corporation for the cultivation and care of the community’s highest aspirations and ideals’
- Access to justice



# Alternative Business Structure (ABS)

An ABS is a firm where a non-lawyer:

- is a manager of the firm, or
- has an ownership-type interest in the firm

A firm may also be an ABS where another body:

- is a manager of the firm, or
- has an ownership-type interest in the firm

and at least 10 per cent of that body is controlled by non-lawyers.

A non-lawyer is a person who is not authorised under the Legal Services Act 2007 to carry out reserved legal activities.



## Legal Services Act 2007



# Regulatory Issues





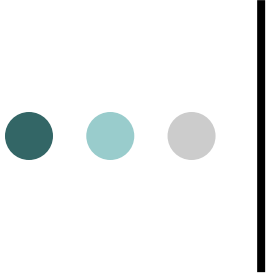
# The “transitional” arrangements

- “special bodies”
  - non commercial/low risk bodies
  - protection immediate ABS licencing
- Will come to an end when...
  - At least one LA has *appropriate arrangements* to licence special bodies, and
  - LSB makes a *recommendation*



# S 106 Legal Services Act

- A special body can
  - Ask LA to modify its licensing rules, and/or
  - Disapply approval requirements relating to ownership
- As of December 2014 no LA with “appropriate arrangements” to license special bodies as ABS vehicles
  - LSB Research on Transitional Arrangements



# LSB Research on Transitional Arrangements

- Uncertainty about arrangements
  - “under review” and “no further work until autumn 2016” plus and additional transitional period
  - Depends on work by LA – SRA reviewing ABS authorisation.
- Impact on the plans for a “teaching law firm”



# Why have a legal advice centre which is an ABS?

- Establishes a ‘law firm’ meaning in this context an ABS
- Regulatory regime in the UK and potential difficulties with s106 Legal Services
- Defines relationship with parent organisation
- Academic discipline of “practice of law”
- Potential for the Centre to develop as an MDP offering both legal and other services
- Enhances our understanding of the regulatory change



# The Vision?

- Fully functioning legal practice
- Credit and non credit bearing
- Partnerships
- Public legal education projects – can include “MOOCs” on aspects which affect individuals
- A respected trusted source of information which promotes access to resources to enable people to better enforce/understand their rights
- Access to justice laboratory
- A resource for the “cultivation and care of (*one of*) the community’s highest aspirations and ideals”

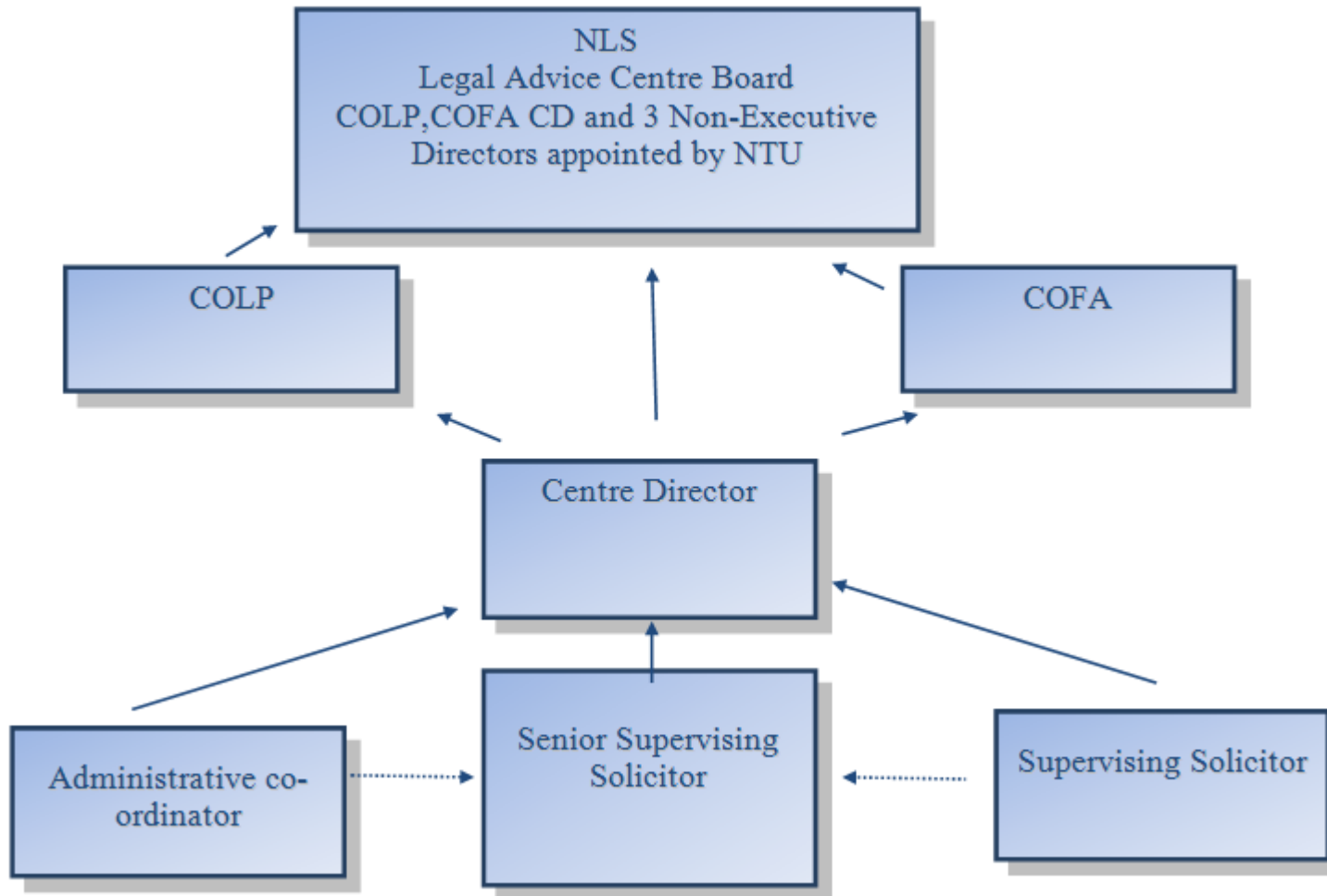




# HOW?



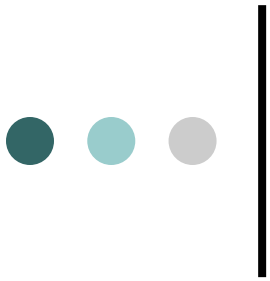
## GOVERNANCE AND SUPERVISION STRUCTURE CHART



- Line management
- Reporting to

- University approval processes
- Instructed lawyers
- Set up the company
- Prepared ABS application
- Iterative process for approval



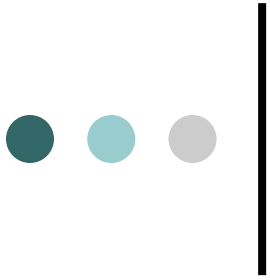


## Pros

- Future proofed
- Innovation
- Reserved activity
- External partnerships
- Perfect way to teach conduct and compliance
- An “MDP” offering other services

## cons

- Cost
- Insurance
- Time
- Regulation



# Q & As