



Institute of Legal Executives

Legal agenda for the Political Parties

April 2010

As the representative and regulatory bodies for 22,000 practicing and trainee Legal Executive lawyers respectively, The Institute of Legal Executives (ILEX) and ILEX Professional Standards (IPS) call for the incoming government to address the following issues and concerns:

1. Protection of title

Unlike most other authorised practitioners, the title 'Legal Executive' is not protected. Currently any person can purport to be a Legal Executive lawyer, regardless of whether they are qualified with ILEX or hold any legal qualifications. In order to protect them, consumers rightly need to be assured that a person who is described as a Legal Executive is qualified in law and practice; has substantial experience of providing legal services; and is regulated, just as they are for those who are stated as a Solicitor or a Barrister. ILEX and IPS will look to the incoming government to support the correct and appropriate use of qualification titles, through the licensing rules, and generally through regulation.

2. Legal aid deserts and the cull of the criminal supplier market

ILEX has serious anxieties about proposals to see the criminal legal aid market restructured so that there are a smaller number of large criminal contracts awarded. Legal Aid is currently the cornerstone of our justice system, providing help and assistance for many of the most vulnerable members of our society. The attacks on the legal aid system risk damaging access to justice for those who don't happen to be able to access a large commercial legal firm, such as those living in rural communities. Moreover, these proposals may have a disproportionate impact on smaller BME firms which provide an important role in serving their community's legal needs.

3. The number of offences that continue to be created by an obligatory criminal justice bill each year

Any incoming Government's must ensure that the craving for an annual Criminal Justice Bill has got to stop. Any incoming government should, except in truly exceptional circumstances, be required to evaluate how existing laws might work better before they can introduce a new Criminal Justice Bill. Over-enthusiastic legislation is a burden on the courts, the legal sector and society as a whole.

4. Proportionate and effective regulation of estate agents

ILEX feels that there should be regulation of estate agents to ensure consumer clarity. We are concerned that a recent ILEX survey found that consumers were not being notified about referral fees. The ILEX report found evidence that indicated a lot of consumers are not being made aware that they are being recommended to a law firm, not because it benefits their transaction, but because of a business arrangement for the payment of fees. ILEX is concerned that these clients being charged more because a fee is exchanging hands. The Office of Fair Trading also raised similar concerns.

5. Any undermining of the Human Rights Act. Access to justice includes human rights.

The European Convention on Human Rights is now enshrined in UK law; however, what it does and does not do should be better promoted to the public. Some of the most fundamental human rights are set out in this Convention. These should not be undermined by any Government or public authority



6. Identity Cards

Should it remain in power, The Labour Government should abandon its very expensive identity card development. This initiative will not provide any greater security against terrorism and will be an additional economic burden that the country can ill-afford.

7. The civil courts have a public, as well as a private role

In a common law jurisdiction, civil litigation takes place not only for the benefit of the individual litigants but also for the benefit of society as a whole. The precedents set out by decided cases allow unknown numbers of non-litigants to regulate their affairs in accordance with the law. Requiring litigants to meet the full cost of cases suggests wrongly that they are of interest only to parties directly concerned.

8. Departmental remits

Lack of clarity between the MoJ and the LSC has contributed to a strained relationship between these two bodies managing the 2.1 billion legal aid budget. ILEX welcomes the MoJ's new proposals but with the following caveat: decision making by the new government agency needs to be at arms length and free of ministerial influence. However, positively we feel that the proposals will stream-lined accountability and a 'one-voice, one-policy' approach.

9. A healthy legal services market and independent professions

A healthily diverse legal service market is good for the consumer and the UK's economy. Access to justice is enhanced by a thriving and diverse market of legal services and professionals offering consumers services that are effective and affordable. This must be safeguarded and enhanced by good quality regulation which seeks to balance the interests of consumers and the independence of the professions. A healthy legal services market is dependent on proportionate regulation which does not impose unnecessary burden on providers or consumers.

ILEX and IPS looks forward to working with the incoming government to create a legal landscape that protects and supports a fair society and ensures that the public are able to in a position to access quality legal advice with confidence.

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- The Institute of Legal Executives (ILEX) is the professional representative body for Legal Executive lawyers and currently has a membership of 22,000 legal practitioners. Press enquiries should contact ILEX Press Office on Telephone: 01234 845 713/712 Fax: 01234 853982 or email: media@ilex.org.uk. Further details on ILEX can be found on our web site, www.ilex.org.uk.
 - ILEX Professional Standards Limited (IPS) is the independent regulator of members of ILEX. It oversees the education, qualification and practice standards of all 22,000 ILEX members and promotes proper standards of professional and personal conduct. IPS was set up in 2008. It is part of the ILEX Group but has its own Board of Directors to ensure its independence. The board comprises four independent members, who are not lawyers, and three professional members who are Legal Executives. It is led by Alan Kershaw, one of the Board's independent members. Further details on IPS can be found at www.ilexstandards.org.uk or call 01234 845770.



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