

Review – John Flood

<http://www.johnflood.com/blog/2015/10/the-law-of-legal-services/>

The market for legal services has changed enormously in the last several years. Regulation, organisation, online delivery and more have altered so as to make the English legal market quite different from most others. I'm not tracing the history of these changes in this post as a large part of this blog has already done this.

Whereas students of change like me avidly follow what's happening through articles, the trade press and conferences and the like, working lawyers are often bemused by the changes taking place around them. For them the regulatory landscape is transformed.

The recent publication of John Gould's book *The Law of Legal Services* (Jordan Publishing; 673pp) will be a mixed relief. The size of the book denotes the growing complexity of legal regulation while simultaneously telling the reader that all she will need to know about the subject.

Gould and his contributors are comprehensive. They start with the regulatory framework, using the Legal Services Act 2007 as the starting point which is followed by the regulators and codes and compliance (chapters 1-3).

Following codes is misconduct and its treatments. There are the types of misconduct—unauthorised practice, overcharging, confidentiality, for example. The ways they are dealt with varies by regulator but each is explained. The last chapter in this section discusses tribunals and the range of sanctions available (chapters 4-6).

The next set of chapters (7-10) are focused on the lawyer-client relationship: the contract, fiduciary duties, lawyers' negligence and compensation. A thorough reading of these ought to prevent any malfeasance by lawyers as there are many examples and cases that indicate both good and bad practice.

The final chapters (11-13) deal with the business of lawyering, which is something lawyers need a good grasp of as regulators are now in the business of monitoring the business aspect since they may have to wind down failing practices.

Lawyers and those working in legal services have a wide range of organisational forms open to them, whether it be partnership or an Alternative Business Structure. For example, we have Gateley's, a law firm partnership, that is now a publicly floated company, LegalZoom, an online deliverer of legal services which is an ABS, as is Riverview, another law business. (I've covered these elsewhere.)

Given this complexity, even though it is not explicitly stated, the consumer of legal services is the centre of the market. It could be a consumer who needs small business advice, property conveyancing, an international takeover, or someone who wants unbundled legal services (i.e. not the whole package but just part). Lawyers' responsibilities and accountabilities therefore must align themselves with clients'/consumers' needs.

This is primarily a book for legal practitioners rather than academics (although they will find it useful as a reference text). It is to be supported by a publisher's website that will upload updates and links to other materials. Practitioners probably should buy a copy or at least know where a library with a copy is located nearby. The law of lawyering now has a reliable and comprehensive repository.