

**Minutes of the meeting of the CLLS Professional Rules & Regulation Committee (the Committee) held on Thursday 20 April 2023 at 12.00 pm**

**Location:** Offices of Herbert Smith Freehills LLP and by video call

**Present:**

Clare Wilson (Herbert Smith LLP) (Chair) (**CW**)

Mike Pretty (DLA Piper UK LLP) (**MP**)

Jo Douty (Macfarlanes LLP) (**JD**)

Iain Miller (Kingsley Napley LLP) (**IM**)

Julia Adams (Slaughter and May) (**JA**)

Robin Abraham (Clifford Chance LLP) (**RA**)

Daniel Macaluso (Linklaters LLP) (**DM**)

Annette Fritze-Shanks (Allen & Overy LLP) (**AFS**)

Fergal Cathie (Clyde & Co LLP) (**FC**)

Sarah Boland (Freshfields Bruckhaus Deringer LLP) (Committee Secretary) (**SB**)

**Apologies:**

Tracey Butcher (Mayer Brown) (**TB**)

Sonya Foulds (Cleary Gottlieb Steen and Hamilton LLP) (**SF**)

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**1. Minutes and matters arising**

1.1 The previous meeting's minutes were accepted as approved.

**2. Law Society Guidance on Climate Change and Legal Sustainability Alliance Charter 1.5**

2.1 The Committee reflected on the guidance issued by the Law Society which was considered to be helpful in framing the issues for firms. The Committee reflected on some of the issues that law firms would need to consider including what was meant by 'climate legal risks' and how the 'duty to disclose' would work in practice.

2.2 The Committee also reflected that Charter 1.5 had been published with some firms having signed up to it and others being supportive of it.

### **3. Failure to prevent fraud proposed offence**

- 3.1 IM confirmed that the economic crime bill had been amended with the introduction of an additional power for the SRA. This was in order to ensure that the SRA had the power to investigate potential money laundering in firms which were not undertaking regulated business.
- 3.2 The Committee agreed that firms should consider this in terms of their policies with respect to identifying and addressing alleged fraud.

### **4. India**

- 4.1 The Committee reflected on the recent changes to the potential ability for firms to practise more broadly in India. The Committee concluded that implementation of the rules were still at a very early stage.

### **5. Bar Council request on information security**

- 5.1 The Committee noted that certain Chambers had sent questionnaires on cyber security practices to certain firms.

### **6. Committee membership**

- 6.1 CW noted that JD was due to retire shortly and that her membership of the Committee would therefore be coming to an end.
- 6.2 The Committee thanked JD for her excellent contribution to the Committee and wished her the very best.
- 6.3 CW invited applications for a new member to fill the vacancy on the Committee.

### **7. Any other business**

- 7.1 The Committee considered the request from Kevin Hart to consider a recent article in The Times newspaper on issues affecting the profession (with a focus on US firms) including work-life balance and law firm culture. The Committee considered the recent guidance from the SRA in this context which seemed to address the themes arising.
- 7.2 The Committee considered the recent decision in *SRA v Daniel Hutchings* and considered the basis of the decision. The Committee reflected that a key consideration in such decisions appeared to be whether there was an imbalance of power which may result in a more serious sanction.
- 7.3 CW noted that the next CLLS/SRA symposium would be taking place on 22 May 2023 with key topics including SLAPPS and economic crime.
- 7.4 CW reminded the Committee that there were vacancies on the Money Laundering Task Force and applications were invited by the end of April 2023.
- 7.5 There being no further business, the Chair brought the meeting to an end.