

Member of the public response to the LSB's consultation on the Draft Business Plan

I am writing in connection with only one aspect of the LSB's Draft Business Plan 2019/20: the framework for continuing assurance of professional competence throughout the careers of lawyers. My contribution to this policy is to relate a story. I recently took a case to the Land Registration Tribunal. Both parties were represented by reputable medium-sized firms of solicitors. We pleaded an error on the Land Registry, whereby our opponents were registered as owners of a parcel of land that was conveyed to us. Our opponents resisted the application on the basis of adverse possession. For 18 months both parties expended great costs on the adverse possession. Prior to the hearing, both parties instructed counsel, and had conferences on site. The matter went to trial, with counsel for both sides still arguing adverse possession. At the final hearing, in July 2018, the judge pointed out discreetly to all the lawyers that an Upper Tribunal decision in 2017 had rendered the arguments about adverse possession irrelevant, and the case was decided purely on paper title. In other words none of the esteemed lawyers were up to date with the law, with the result that almost £100,000 in costs were wasted on irrelevance. Theoretically, this could have happened while lawyers were required to do minimum amounts of relevant CPD, but I think it less likely. My view is that lack of compulsory CPD has made our legal professions worse.