

The Legal Services Board (LSB) hosted an interactive webinar on the State of Legal Services 2020 report and the draft strategy for the sector, which we are currently [consulting on](#). Over 120 individuals interested in the legal services sector attended and contributed to the discussions on addressing the challenges facing the sector.

This note covers the discussion on key themes.

### **Unmet legal need and access to justice**

- Access to justice, legal aid and the and affordability of legal services are key challenges that the legal services sector need to address.
- The level of unmet legal need suggests a mismatch between the 'supply' of legal services to people who need them and the 'demand'.
- There are concerns that cuts to legal aid have increased levels of unmet legal need, and that Covid-19 is further entrenching levels of unmet legal need for vulnerable citizens.
- Vulnerable citizens may require a different outreach approach to other citizens, and there are often overlaps with those who cannot access legal services and those who are digitally excluded. Developing more resources to help bridge this gap can help.
- There was a sense that many of the challenges facing vulnerable citizens in accessing justice remain the same and that these challenges need to be tackled in new ways.
- Public legal education is important in improving access to justice. For example, training community workers on housing rights can help individuals to understand and address their legal problems.
- There were differing views on the role of legal expenses insurance in addressing unmet legal needs. Some participants agreed that it could form part of the solution for some of those with an unmet legal need. Other participants felt that legal expenses insurance had been explored as a potential solution previously.
- There are many projects underway looking to understand and address unmet legal need. Better information sharing on these initiatives and collaboration can help generate cross-sector solutions to unmet legal need.

### **Impacts of Covid-19**

- The impacts of Covid-19 on the sector are continuing to unfold, and there are real concerns about its impacts on the sustainability of the profession. For example, there have been reports that many law firms and chambers will go out of business, with some commentators putting this number at 3000.
- It is important that legal businesses quantify the impacts of Covid-19. There are concerns that segments of the sector are particularly at risk, such as newly qualified lawyers, sole practitioners, high-street firms, and in-house counsel.
- There are concerns that legal professionals are increasingly expected to do more with less, and that this may adversely impact on the well-being and mental health of legal professionals.

## **Public legal education**

- There is a need for better public legal education to ensure that citizens understand the importance of the justice system. This could include increasing its prominence in the school curriculum, and community outreach education programmes.
- There are examples in other jurisdictions, such as Street Law in the US, that England and Wales can learn from.
- There are opportunities for legal professionals, regulators, legal scholars, not-for-profit organisations, and others to collaborate to help embed high standards of public legal education. Not only can this benefit the sector, such as by increasing diversity and inclusion, but it can also benefit wider society, such as by ensuring that society holds legal professionals to high ethical and professional standards.

## **Diversity and inclusion**

- Recruitment, retention and progression are important to increasing diversity and inclusion in the sector. Legal businesses can examine their own policies and practices to help achieve this.
- The barriers to a diverse and inclusive profession include social mobility. This points to a need for genuine and real community engagement so that more people can see the legal profession as a career open to them.
- More information on the multiple routes to qualifying is needed. Similarly, more information on the types of legal professions (beyond the solicitor and barrister professions) is needed.
- Culture and behaviours also need to be addressed if there are to be improved retention, progression and recruitment.
- Traineeships and internships need to be publicly advertised so that there is equal access to opportunities.
- Understanding what has worked to improve diversity and inclusion is important to driving the change that is needed. For example, the public sector has deployed practices, such as job sharing, which have helped increase diversity and inclusion.
- Improving diversity and inclusion in the sector requires a multi-faceted approach, and multiple initiatives should be deployed in parallel to help achieve real and sustainable change.

## **Technology and innovation**

- Technology could help in forging new solutions to reducing unmet legal need, but there are risks of further excluding vulnerable citizens and those with low levels of digital capability. The lack of technology-enabled social justice initiatives suggests that better incentives are needed for these kind of solutions.
- There are many initiatives happening across the sector, and there needs to be better coordination and collaboration to mitigate against variants of the same solution being developed. This requires genuine collaboration and cooperation.
- Consideration needs to be given on how to ensure that those that are 'digitally excluded' are catered for.
- The legal services sector is, by default, incremental in its approach to change. This strategy offers an important opportunity to be ambitious in what needs to change and how that can happen
- Regulators have a role in fostering innovations, such as by using technology themselves, making data available wherever possible, incentivising tech developers to solve sector-wide issues, and endorsing technology where appropriate.
- Regulatory structures can make it difficult for regulators to encourage innovation as they may be limited to considering specific questions, or how specific rules apply to specific technologies.

## Scope of regulation

- The current regulatory framework, as contained in the Legal Services Act 2007, was not designed from the perspective of consumers.
- A single regulator would require primary legislation, which is unlikely to happen in the short term.
- The fact that there are multiple legal services regulators, and because they vary in scale, means that collaboration is essential. Regulators should actively seek out collaborative initiatives.
- Regulators need to be mindful of the role of regulation and how regulatory intervention can address the challenges facing the sector. Many of the challenges facing the legal services sector are structural, and regulation cannot solve them all.

## Links shared during the discussion

- Course for community workers <https://lawforlife.org.uk/blog/fighting-precarious-housing-housing-rights-for-people-with-complex-needs/>
- Legally Disabled research report: <http://legallydisabled.com/>
- <https://lawforlife.org.uk/blog/fighting-precarious-housing-housing-rights-for-people-with-complex-needs/>
- Health justice partnerships: <https://justiceconnect.org.au/our-services/seniors-law/about-hjps/#what-is-HJP>
- <https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/legally-disabled-research-easy-wins-for-disability-inclusion>
- Advicenow: <https://www.advicenow.org.uk/pip-tool>

The [LSB's consultation](#) on a draft strategy for the legal services sector and draft business plan 2021-22 closes on 5 February 2021.