Legal Seminar

Professional Development and Legal Market

18 – 19 February 2017

St Petersburg

The fourth seminar of the project focused on administrative and financial aspects of the work at English law firms and chambers.[1] The team of experienced and competent trainers was this time represented by Robert Brown, Lindsay Scott and David Osborne.

Over 50 Russian lawyers attended the two-day seminar.

Trainers

Lindsay Scott

Chief Executive

Matrix Chambers

Lindsay Scott is responsible for the overall management of Matrix, including the development of client relationships, marketing strategy, human resources, and ensuring our core values inform how we work as an organisation. She works closely with the practice managers to direct and develop the practices of our lawyers. She also has responsibility for the development of individual areas of law. Lindsay attends a number of business development trips across the world as part of her role, and promotes Matrix at conferences and events.

Lindsay has been with Matrix since 2006 and was previously a solicitor.

[1] The project "Raising the professional standards of defence lawyers in Russia"is run in a collaboration between Citizens' Watch International (London) and Legal Training Centre (St. Petersburg) and is funded by the UK's Foreign and Commonwealth Office via its Russia Civil Society Fund.

Robert Brown

Partner

Corker Binning

Robert Brown is a highly respected criminal litigator and advocate with over 30 years' experience of criminal work ranging from high profile fraud and corruption cases to extradition, regulatory and general criminal matters such as road traffic and homicide. He is ranked as a Star Individual in the field of Crime by Chambers 2017 and as a leading individual in Crime in Legal 500 2016. He is the only member of a criminal firm to have been ranked in the Top 10 leading lawyers in the Super Lawyers London 2015 Annual List.

Robert gives much of his time to social commitments and international work. He is President of the British Academy of Forensic Science, a member of the Academic Review Board of the Open University Law Programme, Vice Chairman of the British Russian Law Association and Chair of Citizens' Watch International.

David Osborne

Director

Old Bailey Solicitors

David is the most senior lawyer in the firm and conducts serious cases in the crown court as well as providing advice to companies and individuals facing complex legal problems. He sits as a Recorder (part time judge) in the crown court.

David Osborne worked for many years as a solicitor, providing advice in the police station and representation in the magistrates' court, before taking up practice as an advocate in the crown court. He has taught advocacy, both in the UK and abroad and provided training to lawyers on a variety of legal issues.

The seminar in St Petersburg

When planning the event, its organisers thought that the participants might find the topic less exciting than the previous more practical training sessions where the lawyers could try out their skills in communicating with clients or representing them in court. However, the Russian lawyers were fascinated to learn ‘from the horse’s mouth’ how the work of barristers and solicitors is organised in England and Wales. The topic proved to be even more relevant in the context of the current discussion going on in Russia over the Bar reform; suggestions to change the Russian Code of Practice for advocates; possible changes to come for the legal market in case ‘the advocatory monopoly’ is introduced; and many other burning issues.

St Petersburg, 18 February 2017

Naturally, the English system cannot be transferred into Russia automatically. More important is the approach taken in England and Wales to establish the principles and rules for legal practice and the ways to amend them. The British legal community is an example of a unique and balanced approach enabling practitioners to retain the tradition and ensure a very rational and pragmatic regulation of professional activities. Standard practices may change but solicitors and barristers preserve their professional integrity: they don’t only proclaim the principles but also abide by them on the day-to-day basis.

Law firms and chambers

The seminar started with a detailed description of how various law firms and barristers chambers work in England and Wales. All Russian lawyers are familiar with the division that exists in England and Wales and with the different roles barristers and solicitors play in their relations with clients and courts. This time the lawyers from Britain focused on the ‘inner life’ of the professional legal community.

Robert Brown

Education and professional development

The trainers described typical modes of professional legal training: both the 'linear' model (taking a first degree in law) and the 'non-linear' one (a non-legal degree followed by professional retraining). The participants were struck by the correlation between extremely high costs of legal training and a relatively low percentage of the lawyers who eventually make it to the Bar.

The English system of legal training might at the first glance look like the Russian one (from a law school to an internship to a qualification exam), but the selection process is, in fact, much more rigorous in England, especially for barristers. At the same time, there is a strong intention in the UK to support diversity and fight discrimination in a legal career. This policy is pursued not only by professional bodies but by individual law firms as well. As a result, more and more women, people of diverse ethnicity and persons with disabilities get equal chances to become solicitors and barristers in England and Wales.

The way legal firms operate – in terms of strategic development, management and marketing – can make one envious. Since a significant proportion of Russian participants work as solo practitioners, demonstration of opportunities offered by a law firm or chambers inspired many Russian lawyers to think about teaming up with their colleagues. Law firms specialising in criminal cases only are not typical for Russia. The participants had a chance to learn how these firms operate and to see examples of Corker Binning that works only with private clients and Old Bailey Solicitors where most of the income comes from providing legal aid financed by the government.

A high level of trust and a strong joint motivation to retain the firm's reputation are key for an English law firm. Russian lawyers were eager to find out how cases, costs and earnings are distributed, how the staff are managed, how a firm can prevent a conflict of interest, etc. The trainers answered all these questions in detail sharing their personal experiences and examples.

David Osborne

Another burning topic was professional development of English lawyers after they obtain their solicitor/barrister status. In this regard, the trainers once again demonstrated the advantages of large law firms and chambers that are able to provide regular in-house training, invite experts, conduct joint seminars and workshops with other firms, and train their solicitors or barristers in marketing, financial management, public relations, etc. For example, young barristers are specially trained to establish social contacts and develop networking. Maintaining social contacts with current and potential clients, as well as with colleagues and the media tends to take more and more of the barristers' working time.

A career of an English solicitor or barrister may differ significantly from a career of a Russian lawyer, because in England lawyers can work in other professional fields. English solicitors and barristers can practice medicine, run NGOs, have their own businesses etc. This obviously provides broader opportunities to earn one's income from varied sources and possibly prevents job burnout.

Administration

As medium size and large law firms develop, the role of clerks and managing staff becomes more important. A law firm is run like a business and requires a lot of effort to survive in a highly competitive market. By identifying themselves as providers of legal services, lawyers do not diminish their role as servants of justice. On the contrary, they become even more responsible and careful to keep up their reputation. When comparing the two countries, the participants pointed out that the environment in Russia is significantly different: courts are not independent; the adversarial system is faulty; human rights are not fully ensured; the government constantly threats to interfere into the work of defence lawyers; a solvent demand for legal aid is low and the system of public financing is weak. All these flaws prevent lawyers from self-organising and developing the profession on a sensible and pragmatic basis. In the circumstances, many lawyers are left to survive on their own. However, keeping the English experience in mind, most of the participants said they were keen to improve and develop their profession.

Russian participants

Private fees and legal aid

Financial management was a separate topic at the seminar: The British colleagues provided a step-by-step guide of financial relationships between a client and a law firm, and between a law firm and chambers. General guidelines and tips for registering and processing fees are universal and may be of help for legal practitioners in any jurisdiction. However, the accuracy and thoroughness with which British solicitors and barristers document their contracts with clients featuring every single change in the volume and cost of work, as well as the strict separation of clients' and lawyers' accounts provide an example worth following.

Clients' expectations also tend to get global nowadays. Clients care more about the outcomes of their case and total expenses than hourly fees of their lawyers. Here again, larger law firms prove to be more flexible and provide more options to their clients in terms of fee policies. They can use team work and distribute workload among solicitors or barristers of various levels, as well as provide pro bono legal services funded by the proceeds from well-off clients.

Since in England lawyers' work is seen as provision of legal services, recovering unpaid fees from a client is less problematic. In Russia, this issue is still a matter of heated discussion.

Questions from the audience

Computer technologies

Both participants and experts were keen to discuss modernisation of management, e.g. processing document workflow with the help of new technologies. David Osborne demonstrated a system of electronic proceedings that enables solicitors to work paper-free – all documentation and most of communication is done electronically. This new system has been backed by British judges who played an active part in its development, providing work specifications for software engineers upon considering the needs of all the parties involved in the judicial proceedings.

Data security is a matter of great importance for law firms in England and Wales. For safety purposes, they use internal regulations to manage e-data processing within a firm and external communications.

Advertisement

Publicity is almost a taboo topic for Russian lawyers. Formally, lawyers are forbidden to advertise their activities; however, in fact, they use publicity in different forms. The participants were exited to learn how their British colleagues work with the media and with ranking agencies. It turns out that English lawyers put a lot of their time and effort to get the names of individual practitioners and firms or chambers included into top directories.

Lindsay Scott gave an impressive demonstration of modern tools of information support for barristers at Matrix chambers. Barristers are prepared to contribute significant portions of their revenues to maintain the chambers' image and to promote their legal services in the market.

Lindsay Scott

Besides standard PR tools, such as brochures, websites, social networks and newsletters, Matrix makes use of their analytical skills. Matrix happened to be the only chambers in London that, despite overall optimistic expectations of the Brexit referendum, conducted a thorough legal analysis of possible outcomes of the UK decision to leave the EU. Straight after the referendum result was announced, they sent out a newsletter to their clients with professional comments by their barristers. This way they managed to assert the top level of the chambers and to draw everyone's attention to their work.

The participants had a chance to see a few samples of printed brochures and have a look at the websites of some English law firms and chambers. Several Russian lawyers presented their web-sites, too. Reputation and professional ethics are again a key issue in all matters regarding publicity and information exchange.

Regulatory bodies

The fundamental difference between the ways legal profession is organised in the two countries is this. In Russia, the Federal Bar acts both as a professional association and a regulatory body. In England and Wales, these functions are separated. Law Society is more of a trade-union for solicitors, while SRA is a separate and independent regulatory body. If SRA makes a decision, there is room for appeal. Regulatory bodies are not part of the legal community; they are independent within the executive power. The “trade-union” in its turn protects solicitors’ interests and works to improve the profession. Self-management of the Bar is a very sensitive issue in today’s Russia. British experience is worth considering to analyse pros and cons of such a division.

Breaches of ethical rules

The participants discussed Russian and English cases of violations of ethical norms by barristers and solicitors. Constantly facing ethical dilemmas is something that legal professionals in the UK, Russia or any other country find very similar.

For a practical exercise, the participants were asked to defend a colleague at a disciplinary hearing. This part of training felt extremely relevant as the Russian Bar is currently considering bringing disciplinary proceedings in line with general standards of litigation.

Group work

Certificates

At the end of the training, all participants were presented with certificates of completing the training course “Raising the professional standards of defence lawyers in Russia.”

During the sessions and breaks the participants asked numerous questions. Had the training been longer, there would have been enough questions for several days. We do hope that professional and personal communication between Russian lawyers and British experts will be continued in the future.

Group photo