

# QCs' legal case exposes Law Society tensions

By Michael Peel,  
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An arcane book about lawyers' disciplinary rules has spawned an unusual legal action that highlights growing tensions in the tangled new system for regulating the profession.

The two QCs who wrote the book have asked the High Court to order the Law Society, the solicitors' body, which owns the copyright, to permit them to reprint the key code of conduct for free in another book they have written.

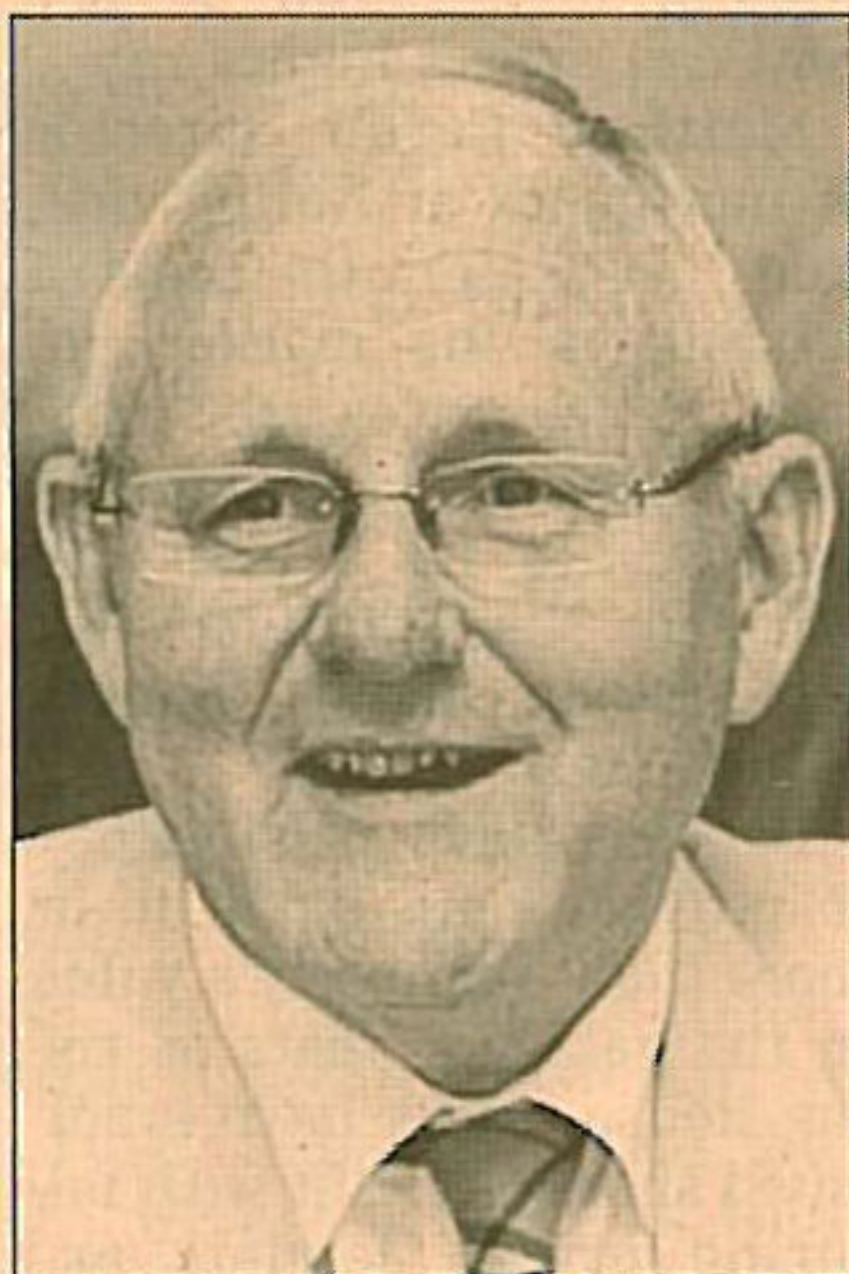
Critics say the case highlights conflicts of interest in the dual regulatory and representative role of the Law Society, which has a duty to publicise the code to its members and a financial interest in selling its own books on the same subject.

David McIntosh, former Law Society president and chair of the City of London Law Society, said the new regulatory structure was "on trial" ahead of government reforms that some fear could lead to even tougher rules.

The lawsuit, launched by

Andrew Hopper and Gregory Treverton-Jones, claims they were granted permission to publish the code of conduct by an official at the Solicitors Regulation Authority, the Law Society's regulatory arm, only for it to be withdrawn by the representative branch.

In response to legal sector reforms aimed at ending potential conflicts of interest, the regulatory and representative arms now operate separately, although both



David McIntosh: the new regulatory system is 'on trial'

are still part of the same organisation.

The QCs applied this week for a summary High Court judgment in their favour.

Desmond Hudson, Law Society chief executive, said the Solicitors Regulation Authority had no power to allow the men to publish the code. He said the code was available for everyone to download for free from the internet. He also denied the Law Society had a duty to allow the men to publish the code, especially as it could use it in its own books.

The case highlights the increased financial and regulatory pressures facing the Law Society under last year's Legal Services Act, which the government says will toughen consumer protection. The act creates a new legal super-regulator, the Legal Services Board, whose members will mostly be non-lawyers and that will oversee self-regulation by solicitors and barristers.

The Solicitors Regulation Authority declined to comment on the QCs' court case.

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