

Sent by email only: Emily Lyn:  
emily.lyn@legalservicesboard.org.uk

Your ref	Direct line	020 7211 8149
Our ref	Fax	
Date 22 March 2010	Email	david.stallibrass@oft.gsi.gov.uk

Dear Emily,

***RE: BSB rules on Public Access Scheme***

Thank you for forwarding the BSB's application for rule change in connection with the Public Access Scheme.

We have considered the application and overall welcome the changes as a step forward to making the legal services market more competitive. However, we view the changes as a cautious step forward and feel that the overall impact of the changes will be decreased by the ban on barristers conducting litigation.

The continued prohibition on barristers conducting litigation

Since the Access to Justice Act 1999, the BSB has had the right to confer rights to conduct litigation on barristers if it so wishes.

The current outright ban on barristers conducting litigation work limits the choice for consumers on who they can instruct in these matters. Where there would be time and cost efficiencies from one person, such as a barrister, conducting both advocacy and litigation, the ban would prevent consumers being able to benefit from lower fees. These efficiencies appear most likely to us in the three areas of law where consumers who do not qualify for legal aid are likely to struggle to pay fees. We therefore envisage that in these areas of family law, immigration, welfare and crime access to services could be



increased where there is scope for dealing with one legal professional only. We would therefore urge the BSB to seriously consider lifting the ban in areas of practice where it would be appropriate to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Stallibrass". The signature is written in a cursive style with a large initial 'D' and a stylized 'S'.

David Stallibrass

Cc: Oliver Hanmer – Bar Standards Board