



Dear Sirs

Your investigation into the functioning of the legal services sector is incredibly necessary, if not long overdue.

I sit on the national policy committee of the Federation of Small Business and I am part of the team responsible for guiding the policy to support almost 200,000 small businesses get the best possible access to justice. I believe that the FSB will provide its own submission, so my comments following are entirely my own and relate to my own personal experiences.

My main unique experience to contribute to your investigation relates to my experience running one of the few lawyer comparison websites to have raised private equity capital. For background, I am a City trained solicitor who has worked most in industry through my career, but I also have a long experience working with technology.

I launched Access Solicitor in 2012 and I have been a fairly lone voice for the past 4 years (albeit with some support from the Legal Service Consumer Panel) for, with partial success, driving legal regulators and other legal industry stakeholders (e.g. Legal Aid Agency and others) to provide improved access to information about lawyers to enable improved client choice and help drive out market inefficiencies. Access Solicitor has also worked with the academic sector both to research consumer decision factors in lawyer selection, and has also employed a team of law students to provide them experience in writing non-legalese information articles to help consumers understand their rights and practical steps to take when they have problems. We have also agreed a trial co-operation with one of the more innovative Citizens Advice branches as well.

I have made submissions to earlier MoJ consultations on the legal regulatory framework and to save duplicating my comments on that I attach my earlier submissions for your information.

Below is a brief summary of some of the lobbying I have undertaken and the barriers that I have personally experienced in seeking to improve access to justice through technological innovation:

- Access to Data – All legal regulators and membership bodies have sought to present uncompetitive barriers to access to data about their legal professional members to maintain the current status quo of the legal marketplace being opaque and devoid of effective competition. For example, the Law Society sought to force the data request into the Freedom of Information Request structure purely to present past case law to avoid disclosure, which I successfully appealed through an independent adjudicator (further details can be provided). Other bodies presented ridiculous barriers based on the Solicitors Act, Data Protection laws and others. Only after lobbying through the Consumer Panel in 2013 did regulators finally, but reluctantly, agree to release member data in excel spreadsheet format during 2014-15. Providing an excel export should be a very quick process so the 1-2 year delay to provide this is completely unjustifiable and this data should now after 4 years be provided comprehensively through API tools. The SRA has still not provided even an excel export of their solicitor membership over 18 months after promising it and almost 3 years after I first requested it. Since this data represents around 85% of all regulated lawyers this failure continues to present a significant barrier to consumers having even the basic information to make lawyer choices. Beyond even this basic information the

key information that also needs to be accessed by clients (either directly from lawyers in an efficient market, or through regulators in an inefficient market) to help them make choices is pricing and prior customer feedback.

- Anti-Competitive Behaviour Damaging Innovation & Market Transparency - Despite the SRA and Law Society failing to provide access to data the same information requested has continued to be presented to the public online through the Law Society's own "Find a Solicitor" service. Over the 3 years since Access Solicitor first requested access to the same data, the Law Society has invested significant amounts into improving the functionality of its Find a Solicitor service and it has invested significant amounts to promote it directly to the public in an effort to prevent other lawyer listing services gaining adequate consumer traction to become commercially viable. Despite all these significant barriers Access Solicitor continues to operate, but raising further finance to drive further innovation is significantly more difficult whilst the legal marketplace continues to present barriers and operate uncompetitively and inefficiently. For example, the Law Society has influenced the withholding of data about solicitors from other lawyer comparison websites so it could commercialise its own Find a Solicitor service without any competition, and by preventing the effective commercialisation of alternative lawyer comparison websites the Law Society has also held back the launch of "comparison" functionality on its own Find a Solicitor service that would benefit clients to the detriment of its solicitor membership who might not be performing to the highest customer service standards and who might be charging excessively and so be at highest risk of consumer complaints. Most legal clients fail to complain effectively because lawyers fail to deal with complaints reasonably, and lawyers fail to adequately signpost clients towards the Legal Ombudsman so the introduction of transparent online services where client feedback can be provided simply and effectively is not seen as in the best interest of many in the legal profession.
- Legal Rules Preventing Access to Justice – I directly lobbied the SRA and the Legal Aid Agency during 2014 to reconsider their current referral fee ban for legal aid work after seeing evidence through Access Solicitor operations that showed clients were being prevented from fully accessing their lawyer of choice. The simple case made is that an absolute ban does not actually achieve the result of protecting the consumer intended, and it eliminates the most financial flexible online marketing option for lawyers which prevents the commercial viability of online choice platforms that in turn prevent improved access to lawyer choice for clients. The SRA did consult on the point in mid-2015 and due to barrister opposition based on various unjustifiable but emotionally charged objections the SRA elected not to make any immediate changes to their rules (despite barrister's own rules providing an immediate and alternative structure different to an absolute referral fee ban that would work effectively in practice). I attach details of my consultation submission on this specific point, and which includes further background about the case I made for why this is bad for competition and consumers.

I have been voicing the benefits of legal technology for years before any academics or other industry stakeholders began to see the direction the industry will naturally travel.

The above is just a small sample of my experiences and how I might be able to contribute to your enquiry.

I look forward to hearing from you, and I'm happy to assist in any way that I can.

Best,
Warren

Warren Smith

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