

ICLR Conference 2018: Trust in Regulation

Conference Agenda

Wednesday 3 October 2018

04.00-06.00 pm Guided walking tour (Optional) (meet Hilton Hotel)

06.00-09.00 pm Welcome reception, Des Indes

Thursday 4 October 2018

08.30-09.00 am Registration, coffee and tea

09.00-09.05 am Welcome remarks, Bart van Tongeren, President of the Netherlands Bar

09.05-09.20 am Keynote speech, Sander Dekker, Minister for Legal Protection, Netherlands

09.20-10.50 am Defining quality and competence in legal services

Moderator: Joan Janssen (Director of Legal Services, Legal Services Regulatory Authority, Ministry of Law, Singapore)

Panellists: Paul Philip (Chief Executive, Solicitors Regulation Authority, United Kingdom), Stephan Göcken (Executive Director, German Federal Bar, Germany), Chas Rampenthal (General Counsel, LegalZoom, United States)

This session will touch upon the way the quality of the profession is benchmarked, assessed or measured. How do different jurisdictions do this (if at all)? For example, do we merely go by the number of complaints received? Are there new “disruptive” tools available such as a “Trip Advisor” type system to rate professionals and what are the downfalls of this? Furthermore, ways will be discussed in which different jurisdictions are seeking to raise the quality of the profession.

10.50-11.00 am Tea break

11.00-12.30 am	Good lawyers making bad decisions: using risk-focused regulation to support the good and prevent the bad	Speakers: Hans Vogels (President, Limburg Bar, The Netherlands), Victoria Rees (Director Professional Responsibility, Nova Scotia Barristers' Society, Canada), Juliet Oliver (General Counsel, Solicitors Regulation Authority, United Kingdom)	This session explores risk factors and indicators of poor and/or unethical client service, and what the regulator can do to proactively identify and address these factors with the goal of minimizing the risk of future harm, in the public interest.
12.30-01.30 pm	Lunch		
01.30-03.00 pm	The Impact of international lawyer organisations on regulation	Moderator: Leny de Groot-van Leeuwen (Professor emeritus Sociology of Law, Radboud University Nijmegen, The Netherlands) Panellists: Ellyn Rosen (Regulation and Global Initiatives Counsel, ABA Center for Professional Responsibility, United States), Margarete Gräfin von Galen (CCBE Vice-President).	This session explores how international lawyer organisations try to influence lawyer regulation and what the effects are. The presentation is partly based on the findings of a study on three organisations, the International Bar Association, the American Bar Association and the Council of Bars and Law Societies of Europe, conducted by prof. Leslie Levin, Prof. Lynn Mather and Prof. Leny de Groot-van Leeuwen. Some activities, accomplishments, and problems faced will be discussed. Do the activities of the organisations have any tangible effect? Or are their actions all simply rhetoric? What happens when these organisations work in the same field and address the same issues? What to do to meet the obstacles?
03.00-03.15 pm	Tea break		
03.15-04.45 pm	Supervision of the legal profession	Speaker: Andrée van Es (Member of the Supervisory Board - Netherlands Bar, The Netherlands) Discussants: Motlatsi Molefe (CEO, Attorneys Fidelity Fund, South Africa) Fiona McLeay (CEO & Commissioner, Victorian Legal Services Board, Australia)	Introduction to the supervision system in the Netherlands followed by a discussion panel on the pros and cons of local versus centralised supervision in different jurisdictions.
04.45-05.00 pm	Wrap-up day 1		

05.30-7.00 pm Drinks, Spaansche Hof
07.00-10.00 pm Conference dinner, Spaansche Hof

Friday 5 October 2018

08.30-09.00 am
09.00-09.10 am Opening day 2

09.10- 11.00 am The legal regulator's role in combating Money Laundering and FATF mutual evaluation

Moderator: Rupert Manhart (Chair Anti-Money Laundering committee, Council of Bars and Law Societies of Europe).
Panellists: Frederica Wilson (Executive Director, Policy and Public Affairs and Deputy CEO, Federation of Law Societies of Canada, Canada) Niels Hupkes (Manager Policy and Regulations, Netherlands Bar, The Netherlands) Ian Messer (Director of Financial Compliance, Law Society of Scotland) John Elliot (Registrar of Solicitors and Director of Regulation, Law Society of Ireland, Ireland) Myles V. Lynk (Professor of Law and the Legal Profession, Arizona State University, United States).

The fourth round of mutual evaluations by the FATF is ongoing and focus on effective tools to combat money laundering. The speakers will share their experience in preparing for and contributing to FATF review. The implementation of the risk-based approach is a challenge and a chance for legal regulators to develop new methods. The session focuses on various approaches in the light of different legal backgrounds.

11.15-12.45 am **Break out 1 -** Transparency and Trust

Speaker: Philip Yelland (Director of Regulation, Law Society of Scotland), Rebecca Marsh (Chief Ombudsman, The Legal Ombudsman, United Kingdom) Neil Buckley (Chief Executive, Legal Services Board, United Kingdom), Michał Masior (Expert in the Institute of Justice, Poland)

To present the challenges presented by the expectation of members of the public who use legal services around the trust in the way in which those services are regulated and the transparency allied to that including the challenges presented in the legal services market around transparency of price.

Break out 2 -
Moving client trust
funds away from
lawyers to third
parties

Moderator: Patricia Schwartz (Office of
Disciplinary Counsel,
Supreme Court of the State of Delaware,
United States) **Panellists:** Nandi Lubbe
(Lecturer, Central University of Technology
in Free State, South Africa) Brian Doherty
(CEO, Legal Services Regulatory Authority,
Ireland) Patrick Dillen (Partner DWL Law
Firm, Belgium), Arjen van Rijn (President,
Local Bar of The Hague, The Netherlands)

This session will explore whether the fiduciary duty to
safeguard client trust funds should be transferred to a third
party. The panel will present various methods of
safeguarding client trust funds utilized by jurisdictions
including privately owned corporate third parties and
centralization of trust funds in law societies. The panel will
examine which methods are working, what factors are
driving a need for change, what are the risks and benefits
of each method, and who will bear the costs and
responsibility for administering the change.

Break out 3 -
Lawyers and
#MeToo - the role
of regulators

Moderator: Mary Ollivier (Executive
Director, New Zealand Law Society, New
Zealand) **Panellists:** Iain Miller, Partner
Kingsley Napley LLP, United Kingdom) Rob
Marrs (Head of Education, Law Society of
Scotland)

This session will bring up sexual harassment in legal
workplaces and the role of the legal regulator for
discussion. It relates to the MeToo# movement. It has
raised a lot of issues as to this being a professional
conduct matter and how to encourage better reporting
given the imbalance of power within a traditional law
firm.

12.45-01.45 pm

Lunch

01.45-03.15 pm

The implications of
New Technology
for the Legal
Market and how
lawyers are using it
now

Moderator: Frans Knüppe (Member
General Council, Netherlands Bar, The
Netherlands) Johan Dolven (CEO, ARAG
Scandinavia, Norway) Riad Khalil
Hassanain (Senior Legal Adviser, German
Federal Bar, Germany) Bas Boris Visser
(Global Head Innovation & Business
Change, Clifford Chance LLP, The
Netherlands) Steve Brooker (Head of
Research and Development, Legal
Services Board, United Kingdom)

This session will include short presentations on how
technology is currently being used in practice in the legal
market. This will be followed by a panel discussion on the
implications of these developments for legal regulators.

03.15-03.30 pm

Tea break

03.30-04.45 pm	The implications of AI for legal regulators	<p>Moderator: Alison Hook (International Adviser, Solicitors Regulation Authority, United Kingdom) Panellists: Crispin Passmore (Executive Director Policy and Education, Solicitors Regulation Authority, United Kingdom), Bridget Gramme (Administrative Director, Center for Public Interest Law, University of San Diego School of Law, United States), Steve Wilson (Founder and Director, Standpoint Decision Support, Canada)</p>	<p>This session will consider how regulators can prepare for the growing use of Artificial Intelligence in legal services. It will look at how regulators can balance potential benefits of AI, whilst ensuring that appropriate protections are in place; how regulators themselves can use AI and what lessons for the regulation of AI might be drawn from other sectors?</p>
04.45-05.00 pm	Wrap-up day 2		
05.00-07.00 pm	Closing drinks reception. Hilton Hotel		