

### Analysis of Responses

This appendix gives a fuller analysis of the responses to the main questions of principle in the consultation document. The tabulations are confined to answers that gave a reasonably definite and unambiguous affirmative or negative response. They do not include answers that were unclear or in qualitative terms.

#### Q.1 Do you agree with the Board's general approach?

	YES	NO
Sole practitioner	3	4
Employed barrister	0	1
Chambers	4	3
Legal organisation	9	5
Consumer body	1	0
Public body	4	0
TOTAL	21	13

#### Q.2 How effective in practice, in your experience, is the "cab-rank" rule in securing for clients the Counsel of their choice?

Strictly, the terms of this question did not admit of a "Yes" or "No" answer. Those responses which indicated an attitude to the cab-rank rule as being broadly supportive of it or not are tabulated below.

	SUPPORTIVE	NOT
Sole practitioner	5	2
Employed barrister	1	0
Chambers	6	1
Other lawyer	1	1
Legal organisation	11	2
Public body	1	2
Member of public	1	0
TOTAL	26	8

#### Q.3 Do you agree that it will not be possible to apply the "cab-rank" rule to barristers practising in ABS or LDP firms?

	YES	NO
Sole practitioner	6	4
Employed barrister	0	1
Chambers*	6	3
Legal organisation	8	4
Public body	3	1
Member of public	1	0
TOTAL	24	13

\* One set of chambers said that some of its members gave an affirmative answer, while others believed that a negative answer was possible; it is included in both totals.

**Q.4 Should the “cab-rank” rule, as set out in paragraph 602 of the Code of Conduct, be abolished as regards barristers who are members of a partnership of barristers?**

	YES	NO
Sole practitioner	5	3
Employed barrister	0	1
Chambers*	4	3
Legal organisation	5	6
Public body	2	1
Member of public	0	1
TOTAL	16	15

\* One set of chambers said that some of its members gave an affirmative answer, while others believed that a negative answer was possible; it is included in both totals.

**Q.5 If the “cab-rank” rule is abolished as regards barristers practising in ABS firms and partnerships, should it also be abolished as regards sole practitioners?**

	YES	NO
Sole practitioner	2	5
Employed barrister	0	1
Chambers	5	3
Legal organisation	2	10
Public body	2	1
Member of public	0	1
TOTAL	11	21

**Q.6 Should the Code of Conduct be revised so as to permit a barrister to supply legal services to the public while acting as manager of an ABS firm?**

	YES	NO
Sole practitioner	4	0
Employed barrister	0	1
Chambers	5	2
Legal organisation	9	5
Public body	5	0
Member of public	1	0
TOTAL	24	8

**Q.7 Should the Code of Conduct be amended to allow barristers to provide legal services to the public while acting as a manager of an LDP?**

	YES	NO
Sole practitioner	4	0
Employed barrister	0	1
Chambers	4	2
Legal organisation	9	5
Public body	5	0
Member of public	1	0
TOTAL	23	8

**Q.8 Should the Code of Conduct be revised so as to permit a barrister to provide legal services to the public while a member of a partnership?**

	YES	NO
Sole practitioner	4	0
Employed barrister	1	0
Chambers	4	4
Legal organisation	5	9
Public body	4	0
Member of public	1	0
TOTAL	19	13

**Q.10 Is the Board right in its view that it should be the prime regulator of the professional conduct in ABS firms of barristers in England and Wales?**

	YES	NO
Sole practitioner	6	0
Employed barrister	1	0
Chambers	3	1
Legal organisation	13	1
Public body	3	1
Member of public	1	0
TOTAL	27	3

**Q.12 Should the Board seek to become a licensed regulator of ABS firms? If so, should it confine that role to the regulation of firms wholly or mainly engaged in the provision of advocacy services, or advocacy services and legal advice, as the arguments above may suggest would be appropriate?**

The breakdown of definite answers to the first part of this question was as follows.

	YES	NO
Sole practitioner	5	2
Employed barrister	0	1
Chambers	3	1
Legal organisation	8	6
Public body	4	0
TOTAL	20	10

To the second it was as follows.

	YES	NO
Sole practitioner	1	2
Chambers	1	1
Legal organisation	3	1
Public body	3	1
TOTAL	8	5

Many of those who answered the first part of this question in the affirmative did not go on to answer the second; and many of those who answered the first part negatively no doubt thought that the second part did not arise.

**Q.13 Do you consider that the Solicitors' Regulation Authority should be the business regulator for all LDPs with solicitor and barrister members?**

	YES	NO
Sole practitioner	0	3
Employed barrister	1	0
Chambers	2	2
Legal organisation	4	7
Public body	1	4
Member of public	1	0
TOTAL	9	16

**Q.14 Do you agree that partnerships of barristers to supply legal services should be permitted?**

	YES	NO
Sole practitioner	4	0
Employed barrister	1	0
Chambers	4	4
Legal organisation	5	7
Public body	5	0
Member of public	1	0
TOTAL	20	11

**Q.15 If partnerships of barristers to supply legal services are permitted, should the activities of such partnerships be restricted to providing the types of service provided by sole practitioners, that is, essentially advisory and advocacy services?**

	YES	NO
Sole practitioner	2	4
Employed barrister	1	0
Chambers	2	3
Legal organisation	7	2
Public body	2	3
TOTAL	14	12

**Q.19 Should the rules about the persons with whom barristers can share the administration of their practice be relaxed?**

	YES	NO
Sole practitioner	3	2
Chambers	4	2
Legal organisation	6	6
Public body	3	1
TOTAL	16	11

**Q.23 Is the Board’s approach set out in paragraph 109-120 in respect of “prohibited work” correct?**

	YES	NO
Sole practitioner	3	3
Employed barrister	1	0
Chambers	3	2
Legal organisation	4	6
Public body	3	0
TOTAL	14	11