

Spotlight: This team wants to advise your firm

By Annabel Tinson | 17 May 2024

This week on *Spotlight*, we laser in on the legal regulatory team (also known as legal professional discipline) at Kingsley Napley.

The market: The Solicitors Regulatory Authority (SRA) has widened its interests considerably in recent years. The MeToo movement has since evolved into concern about culture at law firms, anti-money laundering (AML) has become much more prominent than it was a few years ago, Russia’s invasion of Ukraine forced many to sit up and take notice of sanctions, and the ever-present threat of strategic litigation against public participation (SLAPP) is still very much on the regulator’s agenda.

Firms are reacting to the threats of the modern age and the widening powers of the SRA in real time through the development of risk teams. A decade ago, there were few standalone careers in risk. Now, many firms have large teams that have seen rapid growth in the past decade. For lawyers working in risk, there is a depth and breadth to the practice that wasn’t there before, and the teams show no signs of shrinking. Traditionally, regulators targeted smaller firms first, but recent penalties against large firms like Clyde & Co signal a change and indicate the importance of risk teams in law firms.

As firms move to keep up with and use AI, having clear policies in place could prevent regulatory missteps, and some firms are merging their knowledge teams with their risk teams and actively involving both in a firm’s innovation strategy.

The team: The firm’s legal regulatory team sits within its wider regulatory practice group and comprises three partners, including **Iain Miller**, who heads the team, as well as partners **Julie Norris** and **Jessica Clay**. 15 lawyers support the partners.

Kingsley Napley’s legal regulatory practice: 15 years ago, regulatory work at Kingsley Napley was done by lawyers working out of the criminal law team, and the birth of its regulatory group arose from former partner Nicola Hill and partner John Harding working on a large contract for one client, the Health and Care Professions Council (HCPC). As the work grew, the team became more professionalised and structured, expanding its healthcare offering to, at one point, act for seven of the nine healthcare regulators. It started taking barristers on

secondments and eventually broke away to stand as an independent group at the firm. It expanded into other sectors, like education and built environment, and diversified to not only prosecute – but defend.

The regulatory practice group is now one of the firm’s top three practice groups in terms of size. However, one thing it didn’t have back in 2016 was a legal regulatory specialist, so it hired Bevan Brittan’s Iain Miller (the general editor of the leading textbook on legal services regulation), who had an express vision to grow the defence work in legal services regulation. The firm then hired Jessica Clay in 2019, who spent her years prior as a legal adviser at the SRA and the Legal Services Board (LSB). Julie Norris (one of the original barristers who came to the firm on secondment) joined the pair, transitioning from healthcare and accountancy regulation to the legal regulatory practice. The team now draws on the experience of around 15 additional lawyers.

A large portion of the team’s work is guiding law firms through the process of an SRA investigation, dealing with correspondence on their behalf, and eventually defending a firm in the Solicitors Disciplinary Tribunal (SDT) if it comes to that. It most recently defended Dentons

The majority of Kingsley Napley’s revenue is derived from litigation – but the balance is shifting



Source: *The Lawyer* UK 200

from AML allegations in the SDT, which ended in no sanction for the firm. When the team does litigate, it works with the client to determine systems and processes that could be adapted and improved, and identifies where appropriate admissions need to be made. It seeks to engage with the regulator openly and candidly but also hold it accountable and push back where necessary.

However, the team is not only approached when things go wrong, and it has worked with over half of the top 20 firms in *The Lawyer*’s 2023 City 50 list. Due to the large number of key regulatory developments over the years and a diversifying legal market, it has since branched out into non-contentious work, advising firms on what they need to do to ensure that they’re at the correct standard as

Competitors: Other firms working in the legal professional discipline space include Russell-Cooke, Capsticks, Clyde & Co and Weightmans.

Chambers: The team commonly uses Fountain Court, 4 New Square, QEB Hollis Whiteman, 39 Essex and 11KBW.

Counsel: Key barristers include Fountain Court’s Patricia Robertson KC, Richard Coleman KC, Chloe Carpenter KC, Tim Dutton KC, and Marianne Butler, 4 New Square’s Graham McPherson KC and Ben Hubbell, QEB Hollis Whiteman’s Selva Ramasamy KC, 11KBW’s Heather Emmerson and 39 Essex’s Alexis Hearnden.

far as the SRA is concerned. This ties into the professionalisation of risk teams at law firms, which now desire external legal advice on some issues.