





# Mazur & Stuart v. Charles Russell Speechleys LLP - FOLLOW UP

## Conduct v Support

Further to our previous article on this topic, as referred to and which can be accessed here <https://regulationandcomplianceoffice.co.uk/mazur-stuart-v-charles-russell-speechleys-llp/>, we developed a guide (based on the current limited information available) for firms performing reserved legal services. In doing so, we have identified those activities that firms may consider to be 'conduct' and those which may be considered as 'support'. Please refer to the table below.

Whilst this is not an authoritative list (although our research is based on credible sources), we hope the table will provide firms with sufficient guidance and a starting point to develop a definitive list for deployment within your firm.

At present, all that firms can do is take a 'risk-based approach' and take the action that they consider appropriate, while the industry waits for the regulators to provide more definitive guidance. We do not recommend taking a "wait and see" approach, as firms will want to ensure they take immediate and appropriate action to prevent the commission of a criminal offence by breaching the Legal Services Act 2007.

We also consider it important, when a system allows or there is time recording applicable, that firms clearly set out the following tasks, which will assist in addressing any issues that arise from employees' handling of reserved work, either by a challenge to costs or a potential enquiry from a regulator:

- Who performed the task
- The detail of the task performed
- The hourly rate charged

In terms of documenting the approach, we recommend that a section be added to your firm's Supervision Policy which covers the following areas, with the table below (as adapted by your firm) embedded:

- An explanation of what a reserved legal service is and the relevant section of the Legal Services Act: <https://legalservicesboard.org.uk/enquiries/frequently-asked-questions/reserved-legal-activities>
- Identify the service types that fall into the definition and set out which of the services your firm performs.
- Provide a description of an authorised person and the status they hold.
- Provide a statement of supervision and task allocation, and ensure the authorised person, when allocating tasks, is required to allocate support-only-based tasks.
- Provide guidance on time recording.
- Provide guidance on handling complaints and breaches.
- Identify who to report issues to.
- Identify who to speak to if a person wishes to become 'exempt' as identified in the LSA 2007 and the routes to achieving this.



For firms utilising the RACO Compliance Service, we will discuss the update to your policy, make the agreed-upon amendment, and issue a new policy and guidance note for your staff to be sent out.



**The table of Conduct v Support tasks is as follows:**

| <b>Litigation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>Conduct</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Support</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <ol style="list-style-type: none"> <li>1. Issuing Court Proceedings.</li> <li>2. Serving a claim form.</li> <li>3. Filing applications.</li> <li>4. Filing the particulars of a claim.</li> <li>5. Filing Acknowledgement of Service.</li> <li>6. Filing a Defence, with or without a counterclaim.</li> <li>7. Filing and serving expert evidence.</li> <li>8. Issuing a Notice of Appeal.</li> <li>9. Signing Court Documents.</li> <li>10. Signing Disclosure and Filing of witness statement and other evidence.</li> <li>11. Signing the Certificate of Service.</li> <li>12. Filing a Statement of Costs.</li> <li>13. Undertaking Advocacy.</li> </ol> | <ol style="list-style-type: none"> <li>1. Engaging Clients for instructions.</li> <li>2. Performing Due Diligence.</li> <li>3. Corresponding with the Client and other parties.</li> <li>4. Advising on the merits of a prospective claim.</li> <li>5. Taking a statement from a prospective witness for the approval of the authorised person.</li> <li>6. Sending Letters before Action.</li> <li>7. Drafting particulars of a claim for the approval of the authorised person.</li> <li>8. Drafting Applications for the approval of the authorised person.</li> <li>9. Drafting a Defence, with or without a counterclaim, for the approval of the authorised person.</li> <li>10. Drafting Documents for the approval of the authorised person.</li> <li>11. Drafting Notices for the approval of the authorised person.</li> <li>12. Drafting a Statement of Costs for the approval of the authorised person.</li> <li>13. Preparing for disclosure.</li> <li>14. Preparing Bundles.</li> <li>15. Instruction of Counsel.</li> <li>16. Lodging documents that have been signed by an authorised person.</li> <li>17. Arranging for a process server to effect personal service.</li> <li>18. Liaising with parties regarding the content of court orders.</li> <li>19. Fixing dates for hearings, etc.</li> <li>20. Signing a statement of truth - (Civil Procedure Rules Part 2.3).</li> <li>21. Instructing an expert witness.</li> <li>22. Payments.</li> <li>23. Legal research.</li> <li>24. Assisting with the preparation for trial.</li> <li>25. Assisting with the preparation for appeals.</li> <li>26. Research for the preparation of documents.</li> <li>27. General administrative duties associated with the matter, e.g. photocopying, delivering documents to the court, typing out or printing documents, sitting behind a barrister in court to provide administrative assistance, and arranging appropriate diary entries for time limits.</li> </ol> |



## Conveyancing

| Conduct                                                                                                                                                                                                                                                                                                                                                                                                                            | Support                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <ol style="list-style-type: none"><li>1. Arranging the execution of and submitting an application for the registration of, a transfer deed.</li><li>2. Preparing a deed of charge for a mortgage.</li><li>3. Making an application or lodging a document for registration with the Land Registry.</li><li>4. Preparing other instruments relating to real or personal estate.</li><li>5. Filing answers to Requisitions.</li></ol> | <ol style="list-style-type: none"><li>1. Engaging Clients for instructions.</li><li>2. Due Diligence.</li><li>3. Corresponding with the client and other parties.</li><li>4. Arranging property searches.</li><li>5. Coordinating with estate agents, lenders, and other parties.</li><li>6. General administrative duties.</li><li>7. Preparing for exchange.</li><li>8. Preparing for completion.</li><li>9. Preparing a transfer deed for the approval of the authorised person.</li><li>10. Payments.</li></ol> |

## Rights of Audience

| Conduct                                                                                                                                                                                                                                                              | Support                                                                                                                                                                                                                                                |
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| <ol style="list-style-type: none"><li>1. Filing skeleton arguments.</li><li>2. Appearing in court, to address the court on behalf of a client.</li><li>3. Cross examining witnesses, both expert and lay.</li><li>4. Entering pleas on behalf of a client.</li></ol> | <ol style="list-style-type: none"><li>1. Engaging Clients for instructions.</li><li>2. Corresponding with the Client and other parties.</li><li>3. Note-taking and other administrative tasks.</li><li>4. Assisting with skeleton arguments.</li></ol> |

## Probate Services

| Conduct                                                                                                                                                                                                                                                                                                             | Support                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <ol style="list-style-type: none"><li>1. Finalising and filing:<ul style="list-style-type: none"><li>• The probate application forms</li><li>• The statement of truth</li><li>• Letters of administration</li><li>• Original Will, if available</li><li>• Death Certificate</li><li>• IHT Forms</li></ul></li></ol> | <ol style="list-style-type: none"><li>1. Engaging Clients for instructions.</li><li>2. Performing Due Diligence.</li><li>3. Corresponding with the client and other parties.</li><li>4. Collecting details of the deceased's assets, liabilities, and beneficiaries.</li><li>5. Calculating the total value of the deceased's estate.</li><li>6. Completing the relevant Inheritance Tax forms.</li><li>7. Closing bank accounts.</li><li>8. Selling the property (subject to the above provision re the transfer deed).</li><li>9. Paying off debts.</li><li>10. Drafting an estate account.</li><li>11. Distributing assets to beneficiaries.</li><li>12. Paying fees.</li><li>13. Assisting with the filing of signed documents.</li></ol> |



## Notary Services

| Conduct                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Support                                                                                                                                                                                                                                                       |
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| <p>1. The entire scope of a notary's professional practice is considered a "notarial activity," and under the Legal Services Act 2007 (LSA), "notarial activities" are therefore a reserved legal activity, for example:</p> <ul style="list-style-type: none"><li>• Authenticating documents.</li><li>• Verifying identities and signatures.</li><li>• Witnessing documents as a notary.</li><li>• Attesting to the validity of documents with a seal.</li></ul> | <ol style="list-style-type: none"><li>1. Engaging Clients for instructions.</li><li>2. Performing Due Diligence.</li><li>3. Providing general administrative support to the notary.</li><li>4. Corresponding with the client and any other parties.</li></ol> |

## Administration of Oaths

| Conduct                                                                                                                                                                         | Support                                                                                                                                                                                                                                                                 |
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| <p>1. The administration of oaths involves an individual making a solemn declaration to tell the truth and signing a document or affidavit before an authorised individual.</p> | <ol style="list-style-type: none"><li>1. Engaging Clients for instructions</li><li>2. Performing Due Diligence</li><li>3. Providing general administrative support to a commissioner for oaths</li><li>4. Corresponding with the client and any other parties</li></ol> |

### Next Steps – How We Will Help

We will continue to consider, research, and provide firms with more practical guidance to protect themselves and their staff.

For those firms that utilise our services for regulation and compliance, we will engage directly. For those who are not, you can contact us, and we will assist where possible. Alternatively, you can watch for updates as we issue them.

The seriousness of the issues raised by this case and the overall impact on staff and firms is significant, and any support we can offer is, we hope, welcome.

## Get in Touch

To ask any questions about the Regulation and Compliance Office and how we can support your Law Firm, please call us on [0203 985 8550](tel:02039858550), complete the [online enquiry form](#), or email us [info@regulationandcomplianceoffice.co.uk](mailto:info@regulationandcomplianceoffice.co.uk)