



**LexisNexis**

**The implications of Brexit for legal practice management (2019)**

7<sup>th</sup> May 2019

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**The implication of Brexit for legal practice management (2019)**

The law as stated during this webinar is up to date as of **23<sup>rd</sup> April 2019**

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**Agenda**

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1. Introduction
2. Law firm issues
  - rights of establishment
  - fly in, fly out
  - advising EU based clients on EU law
  - legal professional privilege in relation to EU law advice
  - moving people around
  - GDPR
3. Brexit and types of work
  - Civil Justice Co-operation: disputes including enforcement and jurisdiction clauses
  - use of English law
  - transactions : what is happening and what might happen
  - advice and opportunities

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**Introduction**

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- Where are we now?
- All options from revoking Article 50 to no deal still available
- European elections
- If we leave the EU time line for agreeing future relationship likely to be long
- Dismantling existing legal practice directives gives rise to problems for law firms

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**No Deal  
Withdrawal Agreement  
Political Declaration**

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## Customs Union Single Market

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## Law Firm Issues

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### Existing Framework

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- UK lawyers benefit from a well developed single market in legal services by virtue of various directives. This enables UK lawyers to:
- provide home state (ie English and Welsh, Scottish, Northern Irish) legal services throughout the EU and advise on EU law<sup>1</sup>
- have an office in any EU country advising on home state and EU law<sup>2</sup>
- qualify relatively easily as a lawyer in another EU country<sup>3</sup>

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Rights of Practice and structures

- At least 27 EU regulators
- EU attitudes
- Different approaches

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Fly in Fly out

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Advising EU based clients on EU law

- If Withdrawal Agreement approved current regime will continue until at least the end of the transition period.
- If Withdrawal Agreement not approved and especially if no deal there will be restrictions.
- What areas of practice will be affected?
- The Irish Practising Certificate route.
- But will it work?
- Current state of play.

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Legal Professional Privilege and the EU

- Developed by CJEU through case law.
- Leading case is AM-S Europe Ltd v Commission.
- One condition is that communication is between a client and external independent legal counsel who qualified to practice in an EEA member state.
- The Irish solution – or is it?
- Practice areas most affected.

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GDPR

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Brexit and types of work

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Civil Justice Co-operation

- Withdrawal agreement
- Brussels I(Recast)
- Pre-Brexit judgments
- Lugano
- Common Law – Domestic provisions
- Hague Conventions
- Brussels II

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Use of English Law

- The threat
- The reality – to date
- Drafting and due diligence impact of Brexit so far

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Transactions: what is happening and what might happen

- Uncertainty leading to a slow down – but not just in the UK.
- Where activity happening : Brexit-proof companies, UK HQed international businesses, strategic fits.
- Weight of money may lead to upturn once direction of travel known.
- Longer term risks to UK M&A.

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**Advice and Opportunities**

- Advisory opportunities relatively limited so far, eg. financial services, passporting and immigration.
- This will change at some point and will lead to more work for lawyers in a range of areas such as competition law.
- Law firms will need to think strategically.

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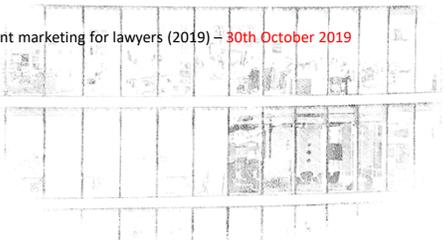
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**Upcoming Legal Practice Management webinars**

- Effective branding for law firms (2019) – 11th June 2019
- Managing mergers, joint ventures and acquisitions (2019) – 22nd July 2019
- Content marketing for lawyers (2019) – 30th October 2019



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**On demand Legal Practice Management webinars**

- Effective complaints management – expires 21<sup>st</sup> February 2020
- Health and safety updated – expires 6<sup>th</sup> June 2020
- Data protection and the GDPR – expires 2<sup>nd</sup> July 2020
- Cybercrime: planning for and addressing the threat – expires 17<sup>th</sup> July 2020
- LinkedIn and social media for law firms – expires 26<sup>th</sup> November 2020
- Equality and diversity – expires 13<sup>th</sup> December 2020
- AI and technology in legal practice (2019) – expires 20<sup>th</sup> February 2021
- Using social media for marketing (2019) – expires 1<sup>st</sup> April 2021

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### Thank you and reminders

- This webinar is designed to help solicitors meet requirements A2 (Maintain competence and legal knowledge) and A4 (Draw on detailed knowledge/understanding) of the SRA's Statement of solicitor competence. You may also use the quiz, which can be accessed via the "Take a quiz" link on the webinar details page, to reinforce your understanding of the webinar content. You should answer 7 out of 10 questions correctly and will have two attempts at the quiz.
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**We hope you've enjoyed this session.**



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