



Photo: Patrick Dransfield

The thing about ...

Simon Davis

Recently, the Law Society of England & Wales president Simon Davis met up with Asian-mena Counsel's Patrick Dransfield and answered a series of questions put to him on behalf of the In-House Community.

When you took up the position of president of the Law Society in July 2019, you articulated the main themes for your office as “promoting the role of solicitors in upholding the rule of law; sustaining an open profession and jurisdiction; and building a top-class in which all solicitors, whether they work in a firm or in-house, offer the best service to their client”. What have been the successes of your tenure? How would you define the legacy you will be passing on to the next Law Society president?

When I first became president it was not uncommon to hear solicitors asking “How is the Law Society relevant to me?” I made it clear that one of my goals by the end of my presidency was for solicitors to be saying instead “What would I do without the Law Society?” Little was I to know that a crisis of terrible proportions would arise which required the Law Society to step forward to keep the wheels of justice turning, the public protected and solicitors supported as they in turn tried to keep the system of justice afloat.

The way in which the Law Society's full-time teams and volunteer members have put their shoulders to the public/professional wheel makes me proud. Without credit being due to me, I am quite sure that large numbers of solicitors now appreciate what the Law Society means for them.

Leaving aside the virus, the Law Society has been very visible in being a resource for government as it seeks to negotiate a Brexit outcome which does not damage unnecessarily the close links which exist between the legal professions in the UK and Europe, and enables the citizens and corporates to choose their own lawyers, and the laws that suit them, and have those choices respected by the UK/Europe. We have also fought the corner of underpaid legal aid practitioners with cash for the first time in 20 years coming into that beleaguered part of the profession. The legacy that I will be passing on to David Greene is one I hope of a thriving and relevant Law Society leading the way in a time of crisis.

Common law, as practised in the UK, has been defined as “less is better” – everything is permitted that is not expressly prohibited by law. The EU’s approach has been defined as “more is best” – to legislate in anticipation of every eventuality. In retrospect wasn’t Brexit – or something akin to Brexit – inevitable given the incompatibility of these legal philosophies?

I do not believe that the difference in legal systems contributed to Brexit, any more than us speaking different languages. I have no doubt that Brexit was our symptom of a worldwide mistrust of globalisation and a desire for greater individual national identity. The challenge now is for the UK and Europe to stand together in the face of this virus and to make sure that Brexit does not hinder the free flow of data, experience and expertise which will be needed to deal with other global challenges coming down the road.

“The future is bright for English law practitioners and indeed bright for the many hundreds of lawyers from overseas who practise in our jurisdiction”

Lawyers, along with other professions, have experienced an erosion of trust since the global financial crisis. In what ways is the Law Society promoting the legal profession to the wider public?

The Law Society has been exceptionally prominent in recent times in a way which demonstrates that the profession is one that puts the interests of clients above our own, ranging from domestic abuse through care in the community to those areas in the country where legal advice “deserts” have emerged due to the unavailability of legal aid in areas such as family and housing. It is never possible to measure success, but the absence of lawyer bashing in the newspapers may be one indicator.

The Criminal Bar Association warned in 2018 that prisons, the police and probation services are “underfunded and in chaos”. Has the situation improved recently?

It has been quite extraordinary how solicitors have continued to go into prisons, police stations and courts at risk to their own health. In a recent announcement by the Lord Chancellor relating to a financial package to improve cashflow, he went out of his way to praise these frontline solicitors. Even before the crisis, I think there had been a political consensus that parts of the legal justice system were financially unsustainable and needed supporting. I hope that recent events will lead to an acceleration in the financial support that these solicitors need to stay in business.

How much of your time has been spent lobbying those with access to power to persuade them to treat the law as a national asset?

It is not so much a question of lobbying, more of spending time with government, regulators and the judiciary visibly acting in the public interest and supporting access to justice. The best way to enhance the reputation of solicitors is for us to demonstrate our worth and value to society.

English & Welsh Law can be considered an international asset also. Is the future bright for English law practitioners?

English is the language of international trade and most lawyers in the world are familiar with the common law. It is the system in English-speaking countries from America to India and from parts of Africa to Singapore. Those who come from civil law jurisdictions will have often studied the common law in England and the US. Familiarity with English and Welsh law is important, as is the knowledge that our courts seek to give effect to the commercial intention of the parties without seeking to introduce terms which the parties have not chosen to include when negotiating freely a contract. The future is bright for English law practitioners and indeed bright for the many hundreds of lawyers from overseas who practise in our jurisdiction, with some 200 overseas firms having offices here.



Simon stands in front of “Field Justice” a painting he commissioned personally for his office from Martin Wade, a former Army solicitor who has turned his talents to painting.

Photo: Patrick Dransfield

“In my experience, solicitors are empathetic worriers, often tough on themselves, perfectionists and good at taking problems from other peoples’ shoulders and putting them on their own”

You spent five years as the recruitment partner at Clifford Chance – would you share your thoughts about the present recruitment policies of private practice law firms? Should this now be entirely the preserve of the HR professional?

When I talk to a range of firms across England and Wales, I do not find that the recruitment policies have changed fundamentally. Firms want bright, ambitious people who understand that their purpose every day when they walk into an office, or work from home, is to do a brilliant job for a client in need and to give them advice which is not academic theorising, but practical advice intending to keep them out of trouble.

What do you think are the most important personal character traits for those currently considering a legal career?

A mind which thinks in structures (ie starts a thought process with A and goes to Z, rather than starts at Z and then flits from G to A and B to Y), a strong sense of service and low sense of self, an ability to make your clients laugh and a personality which prefers to talk about answers rather than “difficulties”.

In a recent poll of junior lawyers in the profession almost half of the respondents said they experienced mental health issues. What can the profession as a whole do to prevent toxic work environments and promote positive work cultures?

In my experience, solicitors are empathetic worriers, often tough on themselves, perfectionists and good at taking problems from other peoples’ shoulders and putting them on their own. Bearing in mind that a solicitor’s life revolves around sorting out other peoples’ problems, day after day, it is no wonder that we experience mental health issues. A positive work culture is one which helps solicitors maintain a sense of perspective, tolerates mistakes and treats each person as an individual with unique personalities and needs. One which encourages everyone to treat others with decency, kindness and humour, whatever their position in the firm or client.

Davis’s professional and academic experience

President of the Law Society of England and Wales, since July 2019

Davis studied Law at Oxford and qualified as a solicitor in 1984. He has been a commercial litigation partner at the London office of Clifford Chance since 1994, having joined the firm in 1982. Davis was the firm’s recruitment partner between 1995 and 2000, and spent two years as President of the London Solicitors’ Litigation Association. Since 2008, Davis has also been a member of the Court of Appeal Mediation Panel.

In 2014, Davis was appointed to conduct an inquiry into the circumstances surrounding the provision of potentially sensitive information to The Telegraph by the Financial Conduct Authority. (the Davis Review).