Model Framework for Developing and Regulating Professionals

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1. Why now

2. Club to State

3. A Good SRO

4. Going Forward
Why this seminar now
2 stages of Development

1. Poor State-Citizen Interface
   - Forms are unfillable
   - Unique practice of each government office
   - Only physical filings
   - Professionals spend time to gain experience in ‘working’ the system.
2 stages of Development

1 Poor State-Citizen Interface
   - Forms are unfillable
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   - Only physical filings
   - Professionals spend time to gain experience in ‘working’ the system.

2 State-Citizen Interface Improves
   - Computerisation
   - Standardisation
   - Internet teaches everyone
   - Consumers start demanding more
   - Professionals face an existential crisis
Responses - Knee Jerk

Knee jerk Responses

- Fight to keep systems closed and inaccessible
- Create more complex systems
- Create non-transparent organisations
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Knee jerk Responses

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Results

- Growing frustration with consumers
- Side-lined by the economy – LPO
- Vicious cycle - Defensive and Unethical behaviour
- Devastating response from the Political establishment - MCI takeover
Why now

Responses - Long term

Long term response

- Pre-empt the crisis
- Re-focus on highest value services
- Align with client interest
- Create a regulatory state (Club - State)

Results

- Long term survival
Club to State

- Clubs are not bad
  - Only good for first level of development

- State
  - More cruel on defaulters
  - More standardised
  - Has clear separation of functions
Features of a State

- Clubs are not bad
  - Only good for first level of development
- State
  - More cruel on defaulters
  - More standardised
  - Has clear separation of functions

Professional organisations are regulators which in turn are mini-states
Good SRO

1. **Legislative Functions:** Making codes of conduct and entry conditions

2. **Executive Functions:** Holding exams as entry barrier and investigating complaints

3. **Judicial Functions:** Disciplining Members
What do we do in India

1. **Legislative Functions**: Sometimes good Sometimes bad
2. **Executive Functions**: Extreme attention on entry barrier at the cost of investigation
3. **Judicial Functions**: Never shown to the public: Seen as a failure of the SRO
A Good SRO
1. Make detailed codes of conduct
2. Make them available to the public
3. Make them readable - FAQ’s, How To’s
4. Provide more information about grievance redress
How to Get a Modern SRO - Executive

1. Study test results to review tests not students
   - Are you getting a bell curve?

2. Do continuing education and not seminars
   - Is continuing education tested at the same level as entry?

3. Do investigation of complaints
   - Are complaints taken efficiently and seriously?
   - Are investigations time bound?
   - Are complainants informed about status?
Impartial and effective judiciary

1. Is the system of addressing complaints fair?
2. UK Law on legal practitioner standard requires the chairman to be non-lawyer
3. Indian proposed law requires chairman to be legal professional

Is there detailed procedure for adjudication?

Is the complainant allowed to participate?

Is it time bound?
Going Forward
Going there

1. A law is required
2. The law has to be very ‘anti-professionals’
3. The corporate standards of the governing body has to be the best
4. Create a system of improving standards
5. Getting transparency
You can find all pending and decided disciplinary action against a lawyer in New York - on their bar website.

In the City itself - 65 disciplinary actions (12 disbarment).

Consumers can see it any time.
Do Nothing - Competitive and regulatory pressures will bring out the best
Thanks