

LSLA NEWSLETTER – FEBRUARY 2022

Welcome to this month's newsletter.

Thank you to everyone who responded to our annual trends survey. Responses from LSLA members to our previous surveys have helped to inform and influence the debate around many of the major changes the legal sector has seen during that time. The results shall be published shortly.

Congratulations to Charlotte Hill, President of the JLSLA, who has been elected to the Law Society Council for Civil Litigation (non-personal injury) and also onto the Civil Justice Committee.

EVENTS and INITIATIVES

CJC Consultation on Proposed Changes to the Pre-Action Protocols

As members may be aware the Civil Justice Council launched a consultation on proposed changes to the pre-action protocols (see <https://www.judiciary.uk/announcements/civil-justice-council-launches-consultation-on-pre-action-protocols/>). The deadline for responses was 21 January 2022.

We submitted a response to that consultation which reflected the views of a range of our member firms. The response emphasised the risk of taking a one-size-fits all approach to litigation and the huge difference between a simple claim in a County Court and a multi-party, multi jurisdiction claim in the Business and Property Courts.

In particular the response flagged that the existing pre-action protocols and practice direction work well and that suggestions such as the requirement to complete a joint stocktake report of the issues which are still in dispute should not be adopted as they will simply serve to increase costs. The response also sought to resist the idea that pre-action steps could be used to replace or truncate steps such as pleadings or disclosure, the introduction of a quasi-pleading process at the pre-action stage was considered particularly undesirable.

Autumn/Winter Lecture Series

The Lecture Series is nearing completion.

Unfortunately our last lecture - “*Professional negligence: A review of recent cases on scope of duty and recoverable loss*” by Michael McLaren QC of Fountain Court - had to take remotely but we hope the last lecture in the series shall take place in person.

On **Thursday 3 March 2022**, Hogan Lovells shall host: “*Competition Litigation: panel discussion*” with Victoria Wakefield QC of Brick Court Chambers, Anthony Maton of Hausfeld LLP, Mark Sansom of Freshfields Bruckhaus Deringer LLP and Elizabeth Jordan of Slaughter and May which shall look at the key tactical battlegrounds for claimants and defendants in group actions.

Further details are on the attached flyer. Attendance is not limited to LSLA members. Anyone can apply for tickets via the website – <https://www.lsla.co.uk/events>. The cost is £20 per event for members and £25 for non-members.

The LSLA lectures will start at 6 p.m.

We also hope to reschedule the talk on “*Material Adverse Effect in a post-pandemic age*” to be presented by Sonia Tolaney QC, Sa’ad Hossain QC, James MacDonald and Tim Goldfarb of One Essex Court as an “in person” event in the near future and will let you know the new date as soon as we can.

Recordings and information from the lectures shall be made available if possible on our website at <https://www.lsla.co.uk/events>. Just scroll down to the bottom of the page and click on “Previous Events”.

Annual General Meeting – Late March 2022

Our AGM and dinner shall take place towards the end of March at Hogan Lovells. Details shall be circulated as soon as available.

New LSLA Website

The LSLA has been working with 18a Productions to update its website, which will have a brand new look and new functionality to make it even easier for our members to find out what is happening at the LSLA and to sign up for our lectures and events. We hope to go live in Spring.

INITIATIVES

Mentoring Programme

Thank you to everyone who has contacted us to take part in the proposed mentoring programme. We are working on developing this to begin early next year and to provide our members with an opportunity to connect and learn from the expertise and experiences of someone outside their firm.

If you would like to be involved in the programme, either as a mentor, a mentee or both, please email Isla@Isla.co.uk to register your interest.

Pro Bono Initiative

Over the years the LSLA has made donations to many charitable organisations including those providing pro bono advice and assistance so we may seek to give back to the profession and encourage engagement.

We are seeking to increase our involvement in this area and promoting opportunities to all our members such as by providing solicitor support for advocates offering pro bono representation, offering legal advice on matters involving human rights, assisting litigants in person and providing advisory work in fields such as corporate governance, intellectual property and employment. To facilitate members' involvement, we have published a list of organisations with which we already have links and which offer pro bono advice and assistance so members may contact them, if they wish, to assist with their work. The list and further details on our pro bono initiative are available on our website www.Isla.co.uk.

The list is not exhaustive. If you have any suggestions for organisations you think should be included on the list please email Isla@Isla.co.uk so our committee may consider including it.

To mark the 20th anniversary of National Pro Bono Week in the UK the LSLA has published details on the National Pro Bono initiatives and its portal of opportunities on the LSLA LinkedIn page. The National Pro Bono Centre Portal can be accessed using the link below and includes opportunities seeking solicitors with commercial / civil litigation experience in particular, as well as remote assignments.

<http://www.nationalprobonocentre.org.uk/pro-bono-week/volunteer-opportunities/>

Disclosure Working Pilot Scheme

The DWP has been extended until 31 December 2022 and amendments are planned to take into consideration the feedback which has been received. We shall keep you apprised.

Witness Statements

As many of our members shall be aware the new Practice Direction on the preparation of witness statements for use at trials in the Business and Property Courts, came into effect earlier this year. Our President Chris Bushell sat on the working group which spent nigh on 3 years reviewing the

old rules and seeking to put in place and foster a culture of best practice to the benefit of witnesses and judges alike.

If you have any feedback to share on the new rules please contact Chris Bushell at Chris.Bushell@hsf.com.

Feedback for Court User Groups

The LSLA sends representatives to both the Chancery and Commercial Court User Groups. Both groups are keen to receive feedback on all aspects of the operation of the relevant courts. If members have comments or concerns they are encouraged to pass them on to the LSLA representatives so that they can be raised at the next user group meeting. This is an opportunity to raise issues directly with the judiciary and court administrator.

For feedback on:

- the Chancery Division Courts please contact: nicholas.heaton@hoganlovells.com or patrick.wheeler@collyerbristow.com
- the Commercial Court please contact: Ed.crosse@simmons-simmons.com
- the Financial List please contact: Chris.Bushell@hsf.com

Feedback for the Law Society

If members have comments or concerns they are encouraged to pass them to Charlotte Hill (Charlotte.Hill@penningtonslaw.com) so that she can raise them at the appropriate time with the relevant Council or Committee.

JUDICIAL APPOINTMENTS COMMISSIONS

If you are considering applying for a judicial appointment, the JAC has published some useful guidelines on the process which can be found at: [Prepare before you apply – Judicial Appointments Commission](#)

PRESS AND PUBLICITY

Former past President, David Greene was quoted in The Telegraph on 15 December 2021 in an article called “*Tearing up the Northern Ireland protocol risks £500m of taxpayers' money*” (see <https://www.telegraph.co.uk/business/2021/12/15/tearing-northern-ireland-protocol-puts-half-billion-pounds-taxpayers/>)

Please remember to respect the publisher's and writer's copyright in the above article.

LINKEDIN AND WEBSITE

You can find out more about the association on our website at <https://www.lsla.co.uk/> and our LinkedIn page at <https://www.linkedin.com/company/london-solicitors-litigation-association/>

THE JUNIOR LSLA

The JLSLA provides:

- Webinars/Seminars designed to offer practical tips on procedural and substantive legal issues commonly faced by junior civil litigators in an interactive and relaxed atmosphere;
- Networking events for members to meet and form contacts in their peer group; and
- E-news on recent and future activity and key developments with the aim of ensuring that the junior perspective is reflected in the LSLA's responses to consultation papers.

The JLSLA is aimed at solicitors of 8 years' PQE and less. Members of the LSLA will automatically become members of the JLSLA if they qualify by year of admission and complete the relevant section of the membership form.

The JLSLA also has firm Champions, who act as the point of contact between the JLSLA committee and their firm.

If you are interested in joining the JLSLA or being the JLSLA Champion for your firm, please contact the JLSLA President, Charlotte Hill at charlotte.hill@penningtonslaw.com.

Join the JLSLA LinkedIn page to receive updates on JLSLA events and initiatives:

<https://www.linkedin.com/company/66587315/>

MEMBERSHIP

The LSLA membership continues to grow and we now have over 3,500 members with in excess of 1,400 members of the JLSLA and 47 corporate members.

EMAIL NOTIFICATIONS

Some of our members say that they are, on occasion, not receiving email notifications for LSLA and Junior LSLA events. We have been advised that such notifications may sometimes be blocked by our members' firm's IT servers, which automatically quarantine emails received from, for example, "donotreply" email addresses.

Should you not be receiving our email notifications, we would advise you to contact your firm's IT team and request that they "whitelist" both donotreply@isla.co.uk and Isla@isla.co.uk.

ONLINE PAYMENTS FOR LSLA EVENTS

When making payments for membership and our events we would kindly request that you quote the correct data to identify the matter to which the payment relates. Incorrect identification often occurs where a firm's accounts team makes a payment to the LSLA as an existing payee, using old order data rather than updating the payment instruction to include the new order number.

Updating payment data to correctly reference the event to which a payment relates would significantly ease the LSLA's administrative burden. Thank you for your continued support and assistance.

LSLA WEBSITE

Our website at <https://www.isla.co.uk/> includes: details of our forthcoming events, copies of the responses we have filed to recent consultations, recent articles and press citing members of the association, and past editions of the newsletter.

You can also join the LSLA via our website as well as sign up for future events on it.

We hope that our website will prove a source of information for members.

We are currently reviewing our website and hope the new website shall go live in Spring.

LIST OF SUPERVISING SOLICITORS

The White Book refers to the LSLA maintaining details of individuals who might be able to act as supervising solicitors for the execution of Search Orders. Our list continues to grow and is updated quarterly. We invite those suitably qualified to provide us with their details, including relevant experience, for inclusion on the list.