

LSLA NEWSLETTER – APRIL 2021

As lockdown eases we hope we shall all be able to see each other in person again soon. However, in the meantime we continue to deal with as much as we can virtually, including our current lecture series details of which are below.

Following the Annual General Meeting last month we should like to

- welcome Louise Dean from the Government Legal Service, John Rogerson of White & Case and Marc Thorley of Baker McKenzie to the committee; and
- thank Charles Balmain, Richard Foss and Stephen Cromie for their work on the committee as they step down from it.

A big thank you also to Gavin Foggo who, after over a decade, hands over the role of Honorary Secretary to Natalie Todd and congratulations to Nick Heaton upon his being elected as vice-president of the LSLA.

EVENTS and INITIATIVES

Lecture Series

Our Winter/Spring Lecture series has already kicked off with three very well attended virtual talks:

- “*Group Litigation in Banking and Financial Services Disputes*” presented by Adrian Beltrami QC, Jonathan Nash QC and Peter de Verneuil Smith QC of 3 Verulam Buildings;
- “*Giving Evidence in a Virtual World*” a forum involving input from Jason Galbraith-Marten QC and Ed Williams QC from Assurety, and Luan de Burgh of De Burgh Group; and
- “What’s New in Privilege? A Round Up For Litigators” from Tamara Oppenheimer QC and Alexander Milner of Fountain Court Chambers

There is still just time to register for “*A view from the Bench*” hosted jointly by the LSLA and JLSLA which takes place on **22 April** and shall feature insight from several solicitors who have become members of the judiciary. Chatham House rules will apply, and the panellists will be expressing their personal views. Register here:

https://penningtonslaw.zoom.us/webinar/register/WN_mEuQ6ewCQEelapBB8mORjg

If you are interested in joining the judiciary read on as there is information below about a current opportunity.

There are two further lectures in May:

- Thursday 6 May 2021, 6pm - “*Problem solved or problems created? The new rule against reflective loss in Sevilleja v Marex Financial Limited*” presented by Anthony de Garr Robinson QC of One Essex Court
Register here:
https://penningtonslaw.zoom.us/webinar/register/WN_wVExNrpCScyQ1IGtBEbAA

- Thursday 27 May 2021, 6pm - *“Bank Transfer Scams: Liability of the victim’s and fraudster’s banks for push payment fraud”* from Adam Kramer QC and Alexia Knight of 3 Verulam Buildings
Register here:
https://penningtonslaw.zoom.us/webinar/register/WN_czY5e_qsQiK8QS-He-pL-A

Further details may be found on the attached flyer.

Response to the CJC’s Consultation Paper on Guideline Hourly Rates

Thanks to Richard Langley and Natalie Todd for their sterling work in putting together the LSLA’s response to the Consultation. Overall, the CJC Working Group’s proposals are a big improvement on the Foskett Committee, and on the current 2010 GHR. A copy of the response can be found on our website at <https://www.lsla.co.uk/node/1001>

Mentoring Programme

The LSLA is developing a mentoring programme to begin later this year to give our members an opportunity to connect and learn from the expertise and experiences of someone outside their firm. If you would be liked to be involved in the programme, either as a mentor, a mentee or both, please email lsla@lsla.co.uk to register your interest.

Junior LSLA

The JLSLA has held its own lectures specifically aimed at more junior members of the profession and including:

- *“High performance lawyers – how to thrive, and not just survive”* – a panel discussion providing insight on the wellbeing of the profession and what is being done to address poor mental health by private practice, the judiciary, The Law Society and others.
- Last month’s seminar: *“Career Progression for Junior Lawyers – successfully finding your feet in the legal world”* – a panel discussion sharing practical tips on how to recognise and manage the challenges that may arise at the outset of a junior lawyer’s career.

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 lsla.co.uk.

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

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 contact Chris.Bushell@hsf.com

Applications Open for Salaried Judge of the Upper Tribunal, Administrative Appeals Chamber

Alison Rowley, current Judge of the Upper Tribunal (AAC) says *“sitting in the Rolls Building, being a judge in a “superior court of record” provides an opportunity to do intellectually challenging and satisfying work. We value our strong sense of collegiality, and working on a salaried part-time basis helps me to maintain a meaningful work-life balance.”*

With UK wide jurisdiction, Salaried Judges of the Upper Tribunal will be assigned the Administrative Appeals Chamber which is one of four chambers. Main duties will be determining applications, case management and determining appeals.

To be eligible for the role applicants need to be a solicitor or barrister with 7 years' legal experience since becoming qualified, have previous judicial experience of 30 sitting days since appointment and be able to provide 5 years of service before retirement.

Details of the eligibility criteria and the selection process for this role, along with selection guidance can be found at <https://apply-prod.web.app/vacancy/DJ8bGf2wXig7wz5u9RyT/>

PRESS AND PUBLICITY

Some of the LSLA and JLSA committee members' recent publicity includes:

- 15 January, Roger Franklin's comments on the Supreme Court's decision in the QBE insurance case appeared in: Law 360, Insurance Times and Australian Financial Review.
- 21 January, New Law Journal featured the result of our survey on litigation trends along with a piece from our president, Chris Bushell (see <https://www.newlawjournal.co.uk/content/litigation-trends-predictions> and [https://www.newLawjournal.co.uk/content/nlj-this-week-litigation-lawyers-look-to-future](https://www.newlawjournal.co.uk/content/nlj-this-week-litigation-lawyers-look-to-future))
- 22 January Edward Fennell's Legal Diary picked up on the LSLA/NLJ survey.
- 25 January, Law Society Gazette, "Let the Buyer beware" by Charlotte Hill (see <https://www.lawgazette.co.uk/practice-points/let-the-buyer-beware/5107099.article>)

- 28 January, New Law Journal “Mediation: Access all Areas” by John Branhall and Francesca Muscutt (see <https://www.newlawjournal.co.uk/content/access-all-areas--37611>)
- 2 February, The Times, comments from Roger Franklin appeared in an article concerning insurers being accused of delaying covid payments for business interruption policies (see <https://www.thetimes.co.uk/article/insurers-accused-of-delaying-covid-payouts-for-business-interruption-policies-275p0jshp>)
- 9 February, City AM featured comments from Natalie Todd on Arcadia’s staff gearing up for legal action (see <https://www.cityam.com/arcadia-staff-gear-up-for-legal-action-against-philip-greens-retail-empire/>)
- 22 February, City AM again had comments from Natalie Todd and Chris Bushell, this time on the topic of class actions (see <https://www.cityam.com/businesses-should-be-wary-of-class-action-lawsuits-as-groundbreaking-shell-decision-has-global-reach/>)
- 25 February, CEO featured further comments from Chris on the same topic (see <https://ceo-insight.com/in-focus/class-actions-in-england-and-wales-what-are-the-risks-and-are-they-increasing/>)
- 26 February, The Accountant contained an article by Mary Young and Katie Allard about the Supreme Court’s decision on the business interruption insurance test case
- 15 March, Law Society Gazette, Georgina Squire considered the recent change to trial witness statements (see <https://www.lawgazette.co.uk/practice-points/witness-statements-changing-the-culture/5107752.article>)
- 17 March, New Law Journal “*Corporate Transactions under Scrutiny*” by Sophia Purkis and Judith Davidge (see [https://www.newLawjournal.co.uk/content/corporate-transactions-under-scrutiny](https://www.newlawjournal.co.uk/content/corporate-transactions-under-scrutiny))
- 17 March, Modern Law, picked up on the LSLA/NLJ survey in its article about How Firms can encourage employees to have a better work/life balance (see <https://www.modernlawmagazine.com/>)
- 17 March, Legal Week “*Dispute Resolution Post Brexit - How Important is Lugano*” by Chris Bushell, Anna Pertoldi and Maura McIntosh (see <https://www.law.com/international-edition/2021/03/17/dispute-resolution-post-brexit-how-important-is-lugano/>)
- 19 March, Legal Week, “*Covid and the Mindful Business Charter – All Change of more of the Same?*” by Charlotte Hill (see <https://www.law.com/international-edition/2021/03/19/covid-and-the-mindful-business-charter-all-change-or-more-of-the-same/>)
- 8 April, lawcareers.net “*Mental Health A call to the Leaders of the Legal Profession*” by Elizabeth Mason (see <https://www.lawcareers.net/Explore/LCNSays/Mental-health-a-call-to-the-leaders-of-the-legal-profession>)
- 13 April, City AM featured comments from Roger Franklin in its article entitled “*Bunga Bunga owners sues AXA Insurance over business interruption cover*” (see <https://www.cityam.com/bunga-bunga-owner-sues-axa-insurance-over-business-interruption-cover/>)

- 19 April, Law Society Gazette, “Lockdown’s lessons for Practising Law” by Susanne Buergi (see <https://www.lawgazette.co.uk/practice-points/lockdowns-lessons-for-practising-law/5108162.article>)

Please remember to respect the publisher’s and writer’s copyright in the above articles.

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:

- 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 nearly 3,500 members with over 1,400 members of the JLSLA and 40 corporate members.

Corporate membership can offer a real saving to firms. Essentially, for £500 a firm with corporate membership can register an unlimited number of litigation solicitors working for it in London as members. Please contact Ceri Morgan at ceri.morgan@hsf.com if you would like further information or to take out corporate membership.

Otherwise, you can join the LSLA by visiting our website at <https://www.lsla.co.uk>. If you are 8 years PQE or less you will automatically become a member of the JLSLA if you input your year of admission when completing your online membership application.

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@lsla.co.uk and lsla@lsla.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.lsla.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. Please let us know if you have any comments on it.

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.