

LSLA NEWSLETTER – DECEMBER 2021

Season's greetings to all our members.

This month's newsletter contains details of our recent and future activities as well as of the forthcoming Law Society's Council Elections in which you might be interested.

Also, don't forget to complete our **annual trends survey**. The deadline is 31 December 2021. 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. Please take a few minutes to complete this year's survey using the link below.

Help us make litigators' views count - <https://www.surveymonkey.co.uk/r/NM6W8LD>

The JLSLA is delighted to announce that three new members have joined the JLSLA Committee to help advance its initiatives for junior litigators. Many congratulations to Edward Irwin of Peters & Peters, Emily Joss of Russell Cooke and Hugo Costa Liziario of Penningtons Manches Cooper LLP.

EVENTS and INITIATIVES

Annual Dinner – 25 November 2021

Our flagship black-tie event took place at the Law Society Hall in Chancery Lane, WC2.

Sir David Green CB QC, formerly Director of the Serious Fraud Office, delivered an interesting speech as did our president, Chris Bushell, who announced our annual trends survey and encouraged members to complete it so their views could be shared.

Autumn/Winter Lecture Series

The Lecture Series is well underway and has been well attended with members also taking the opportunity to catch up with colleagues for drinks after the event.

- “Bitcoin, blockchain and fintech: Litigation in the new world” by Chloe Carpenter QC and Nik Yeo of Fountain Court took place on Tuesday 30 November 2021, at Hogan Lovells International LLP. This session looked at the impact of cryptocurrencies and technology on disputes and as a practice area.
- On Thursday 9 December 2021, members of the Disclosure Working Group (Sir Robin Knowles CBE, Chief Master Marsh and Ed Crosse of Simmons & Simmons) provided an overview of the recent changes and explained the thinking behind those changes to the Disclosure Pilot Scheme which came into force on 1 November 2021.

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”.

There are three lectures still to take place. Given the current uncertainty about physical attendance at events, we shall let you know shortly whether these are to continue at Hogan Lovells or remotely.

- Thursday 13 January 2022, “Material Adverse Effect in a post-pandemic age” from Sonia Tolaney QC, Sa'ad Hossain QC, James MacDonald and Tim Goldfarb of One Essex Court which addresses the landmark Commercial Court judgment in *Travelport & Ors v WEX, Inc* ([2020] EWHC 2670 (Comm)) concerning whether the effects of the Covid-19 pandemic were a Material Adverse Effect entitling the Defendant, WEX, not to proceed with its widely publicised €1.7bn acquisition of two substantial e-payments companies.

- Wednesday 26 January 2022, “Professional negligence: A review of recent cases on scope of duty and recoverable loss” by Michael McLaren QC of Fountain Court at Hogan Lovells International LLP.
- Thursday 3 March 2022, “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. Our events usually sell out, so please apply early.

The LSLA lectures will start at 6 p.m.

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 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.

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.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.

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

LAW SOCIETY COUNCIL ELECTIONS NOMINATIONS FOR THE CIVIL LITIGATION (NON-PERSONAL INJURY) AND 6-12 YEAR PQE SEATS.

Two seats on the Law Society's Council will be coming up for election early next year: **The Civil Litigation and 6-12 Year PQE seats**. This is a great opportunity for interested candidates to put themselves forward for election and thereby help support the Society in the great work that it undertakes. LSLA Committee Member, David Green, was a longstanding Council Member and former President of the Law Society, along with Ed Crosse as one of four current representatives on the Council for the City of London.

If you would like to put yourself forward, you will need to submit your nomination by **midday on 5 January 2022**. Click [here](#) for more information.

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

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

- 5 November 2021, Legal Futures' article "Solicitors must "redouble" pro bono efforts in face of increased inequality" featured comments from John Rogerson (see <https://www.legalfutures.co.uk/latest-news/solicitors-must-redouble-pro-bono-efforts-in-face-of-increased-inequality>)
- 10 November 2021, Legal Futures' article "Supreme Court strikes down £3bn Google data protection claim had comments from David Greene (see

<https://www.legalfutures.co.uk/latest-news/supreme-court-strikes-down-3bn-google-data-protection-claim>)

- 10 November 2021, Law Society Gazette's feature "Supreme court shut the door on Google claim, but 'left it ajar' for others" contained comments from David Greene (see <https://www.lawgazette.co.uk/news/supreme-court-shut-the-door-on-google-claim-but-left-it-ajar-for-others/5110480.article>)
- 26 November 2021, New Law Journal, "Freezing injunctions in the Caribbean" by Lois Horne (see <https://www.newlawjournal.co.uk/content/freezing-injunctions-in-the-caribbean>)
- 29 November 2021, Law Society Gazette, "The justice wars: Denning strikes back" by Richard Langley (see <https://edition.pagesuite-professional.co.uk/html5/reader/production/default.aspx?pubname=&edid=973fbff6-6863-42dc-9fe1-521003fb47f1&pnum=25>)
- 6 December 2021, Law Society Gazette, "Time for UK firms to ramp up pro bono" by John Rogerson (see <https://edition.pagesuite-professional.co.uk/html5/reader/production/default.aspx?pubname=&edid=676e194c-9130-407f-8317-7e0d69df1ce7>)

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:

- 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@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.

We are currently reviewing our website and hope the new website shall go live early next year.

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.