

LSLA NEWSLETTER – APRIL 2018

Dear Member,

Here is our latest news introducing our new President, Julian Acratopulo, and extending thanks to former president, Ed Crosse. We also provide details about some of our future and past events and activities. Details of our Summery Lecture Series are set out below.

We are seeking feedback on any experiences you might have had with the Commercial Court's Shorter and Flexible Trials Scheme and invite you to let us know your views.

WELCOME AND THANK YOU

As those who attended the AGM and dinner last month will know Ed Crosse's term as President has now come to an end and Julian Acratopulo has taken over as our new President.

We thank Ed for all his hard work, particularly focussing on the possible effects of Brexit and in relation to disclosure. Julian is Head of the International Commercial Group at Clifford Chance where he works on a wide range of contentious matters including general corporate, commercial and financial litigation and global regulatory investigations.

Patrick Wheeler has retired as Treasurer and Richard Langley will now assume the role. We thank Patrick and his firm, Collyer Bristow, for the all the work they have put into the role.

Likewise Leigh Callaway's term as President of the JLSLA has also finished and he has been replaced by Natalie Osafo of Slaughter and May. Thanks to Leigh for guiding the JLSLA through another couple of successful years.

Details of our current officers and committee members may be found at <https://www.lsla.co.uk/current-officers> and those of the JLSLA are at <https://www.lsla.co.uk/junior/junior-lsla-committee>.

FUTURE EVENTS

Summer Lecture Series

We are delighted to announce details of our next lecture series.

- **6 June 2018** "*Reflections on the UK Supreme Court*" delivered by Lord Neuberger of One Essex Court. Lord Neuberger will discuss the challenges currently facing the judiciary and reflect on his time in the Supreme Court.
- **11 June 2018** "*Dishonesty: recent developments*" from Christopher Pymont QC and Siward Atkins of Maitland Chambers who will be exploring the meaning of dishonesty and its significance following the recent decisions of *Ivey v Genting Casinos* [2018] and *Wingate & Evans v SRA* [2018].
- **10 July 2018** "*Pursuing Fraudsters – What's the Point?*" by Graham Chapman QC and Shail Patel of 4 New Square who will provide an up to date analysis of recent developments and trends in the Business and Property Courts, in relation to remedies, relief and enforcement in commercial fraud litigation.
- **18 July 2018** "*Recovery of compensatory, restitutionary and negotiating damages in commercial cases: implications of the Supreme Court's judgment in Morris-Garner v One Step*" from Craig Orr QC of One Essex Court reviewing the nature and basis for the award of restitutionary and negotiating damages (aka Wrotham Park damages) as alternatives to ordinary compensatory damages and the likely impact of *Morris-Garner v One Step* upon commercial cases.

A flyer with further details and an application form for tickets is attached. Our lectures are usually sold out, so please apply early.

The lectures on 6 June 2018 and on 10 July 2018 will be held at Herbert Smith Freehills LLP; that on 11 June 2018 will take place at Slaughter and May and the lecture on 18 July 2018 will be held at Simmons & Simmons LLP. The events will start at 6.00pm and will last approximately one hour, to include a period for questions at the end, and will be followed by drinks.

PAST EVENTS

AGM and Dinner – 15 March 2018

Our AGM and dinner took place at Hogan Lovells last month. The Rt Hon Mr Justice Robin Knowles CBE was our speaker and, as usual as the speech was subject to the Chatham House rule, we cannot report upon its content.

JLSLA Spring Seminar – ADR – There is another Way – 27 February 2018

Chaired by Leigh Callaway the panel consisted of: Mike Pilgrem, FTI Consulting, Nikki Edwards and William Ingram Hill both of Temple Bright & Pacificus Mediation who explored topics ranging from the benefits and pitfalls of ADR (whether mediation, expert determinations or otherwise) for both clients and their solicitors; how to approach settlement discussions; the role of experts in negotiations; and the current proposals arising from the recent CJC report.

Disclosure Working Group Roadshows

Our former President, Ed Crosse and committee members Caroline Field and David Owen have taken part in several events over the last month to seek feedback and discuss the proposed amendments. The roadshows in which they participated have now come to an end and we await details of how and when the proposals will come into force.

SHORTER AND FLEXIBLE TRIALS SCHEME (“SFTS”)

Several of our members have used the SFTS and with some success. In order that we may provide informed and constructive feedback to the Court before the pilot ends later this year, we are inviting members to share their experiences. If you have feedback please contact Georgina Squire at Georgina.Squire@rklp.co.uk.

Georgina reported on her experiences in our last newsletter and endorses the SFTS as being “*an example of litigation conducted by adults*” as the court made use of its powers to limit disclosure and deal flexibly with the dispute to meet the parties’ needs. She says that the last claim she handled, *First Names and Anr v IFG*, concerned the interpretation of an indemnity in a sale and purchase agreement. This was a case recently concluded under the scheme in favour of the claimants which featured very streamlined directions and a 3 day trial. The disclosure was limited to a few documents by the claimant, none by the defendant, there were a couple of witness statements, but no witnesses called to give evidence and the Court concentrated on legal argument and the assistance of experts for both parties, who attended trial and gave evidence to the Judge, including hot tubbing. The SFTS drove that case to a very speedy solution, resolving the key issue in dispute and thereby assisting the parties’ business needs.

ACCESS TO JUSTICE FOUNDATION

For those of you interested in providing pro bono advice and assistance to litigants, and in case you have not heard of it, we introduce the Access to Justice Foundation (**AtJF**) which is a grant making charity committed to improving access to justice for the most vulnerable people in our society.

To ensure its funds are maintained and maximised the AtJF seeks to claim its costs as any litigant would at the end of an application, trial or appeal and under s194 of the Legal Services Act 2007 pro bono costs must be paid to the AtJF.

If your firm is providing or investigating the possibility of providing pro bono work, <http://www.atjf.org.uk/pro-bono-costs-orders.html> sets out the steps in the process to claim back costs and a more detailed FAQ may be found at http://www.atjf.org.uk/uploads/4/1/8/1/41811233/150819_full_guidance_landscape.pdf which provides suggested wording for engagement letters, draft orders and statement of costs and the process for recovery once an order has been made.

The AtJF is always happy to hear from potential supporters. Please contact Clare Carter, Head of Development at clarecarter@atjf.org.uk to discuss any aspect of the Foundation’s work, including other ways in which you can support it.

RECENT PRESS AND PUBLICITY

The LSLA and members of its committee has recently received the following press coverage:

- 22 February 2018, Lawyer2B contained comments from Charlotte Hill as to how Brexit might affect arbitrations.
- 26 February 2018, Law Society Gazette, "Shorter Trials Scheme deserves to become a routine Feature of Dispute Resolution" by Georgina Squire (see <http://edition.pagesuite-professional.co.uk/Launch.aspx?EID=35a06ee2-8f2e-4b64-9e1d-15eb7c08ad23>)
- 12 March 2018, Law Society Gazette, "*Positive Reaction to call for Dishonesty Definition*" included comments by Richard Foss (see <https://www.lawgazette.co.uk/law/positive-reaction-to-call-for-dishonesty-definition/5065208.article>)
- 19-23 March various publications reported on the appointment of Julian Acratopulo as our president (see <https://www.newlawjournal.co.uk/content/IsLA-announces-new-president>; <https://www.litigationfutures.com/news/witness-statements-next-target-for-reform-predicts-new-IsLA-president>; <https://www.thetimes.co.uk/article/leaving-chambers-m9s9362nc>)
- 9 April 2018 "*Artificial Intelligence in the Courtroom*" by Damian Taylor and Natalie Osafo (<https://www.lawgazette.co.uk/practice-points/artificial-intelligence-in-the-courtroom/5065545.article>)
- 12 April 2018, CDR reported on the appointment of Julian Acratopulo as the association's new president (see <https://www.cdr-news.com/categories/disputes/8121-a-changing-of-the-guard>)
- 19 April 2018, New Law Journal, Julian Acratopulo explored the uncertainty surrounding Brexit (see [https://www.newLawjournal.co.uk/content/brexit-uncertainty-persists](https://www.newlawjournal.co.uk/content/brexit-uncertainty-persists))

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.

THE JUNIOR LSLA

Junior LSLA Members Survey

Many thanks to our members for participating in the JLSLA Members Survey. Your views are hugely important to the organisation and we will build upon the feedback received over the coming year.

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 JSLA 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, Natalie Osafo at Natalie.Osafo@SlaughterandMay.com.

The JLSLA can also be contacted via their LinkedIn profile at http://www.linkedin.com/groups/Junior-London-Solicitors-Litigation-Association-4438638/about?trk=anet ug_grppro.

MEMBERSHIP

The LSLA is delighted to announce that the Association now has over 2,400 members, including 974 members of the JLSLA and 31 corporate member firms.

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 Chris Bushell at chris.bushell@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 <http://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.

Members are also welcome to join the LSLA LinkedIn group at <https://www.linkedin.com/groups/4545696>

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 <http://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.