

## LSLA NEWSLETTER – FEBRUARY 2018

Dear Member,

Welcome to our latest newsletter which contains information about future events and reports on some of our recent activities. We are also seeking feedback on any experiences you might have had with the Commercial Court's Shorter and Flexible Trials Scheme and report on some of our experiences.

### FUTURE EVENTS

#### AGM and Dinner – 15 March 2018

Our AGM shall take place at Hogan Lovells and be followed by an informal dinner. We are delighted to announce that this year the Rt Hon Mr Justice Robin Knowles CBE will be our speaker and, as usual at this event, the speech is subject to the Chatham House rule.

Tickets (costing £50) are selling out fast for the dinner and limited to 4 per firm so hurry to book yours on our website or using the attached form to avoid missing out.

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

Chaired by Leigh Callaway the panel will consist of: Mike Pilgrem, FTI Consulting, Nikki Edwards and William Ingram Hill both of Temple Bright & Pacificus Mediation who will explore 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.

**Tickets for our lecture series and the JLSLA Seminars** are not limited to members and may be purchased via the website or using the attached form.

#### Disclosure Working Group Roadshows

The LSLA is taking an active role in the consultation process for the proposed new rules on disclosure. Our 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.

Please do provide comments on the proposals via the LSLA subcommittee on disclosure, which is led by Caroline Field ([cfield@foxlawyers.com](mailto:cfield@foxlawyers.com)).

Future roadshows/Open Forum Meetings involving LSLA committee members include:

- Cardiff Court Users on 20 February 2018 by Ed Crosse with The Hon Mr Justice Birss
- London B&PC Disclosure Forum 21 February 2018

### PAST EVENTS

#### LSLA Autumn / Winter Lecture Series 2017/18

Our lecture series came to an end with an illuminating talk on 1 February by Ben Elkington QC and Hele Evans of 4 New Square entitled "*SAAMCO comes of age - where is it now and where is it going?*"

Details of our Spring/Summer Lecture Series will be sent out soon.

#### 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@rkllp.co.uk](mailto:Georgina.Squire@rkllp.co.uk).

Georgina reports on her experiences 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.

## **CONSULTATIONS**

At the end of last year we submitted our response to the questions raised in the CJC's ADR Working Group's Interim Report. You can find a copy of our submissions at <https://www.lsla.co.uk/node/739>

We continue to seek members' views on the proposed amendments to the disclosure rules.

## **RECENT PRESS AND PUBLICITY**

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

- 19 January 2018, New Law Journal, "*Opt-out Still Alive Despite Early Setbacks*" by Chris Owen (see <https://www.lsla.co.uk/node/751>)
- 19 January 2018, New Law Journal, "*Law Versus Reality on Solicitors' Bills*" by Graham Huntley (see <https://www.newlawjournal.co.uk/content/law-versus-reality-solicitors-bills>)
- 19 January 2018, New Law Journal, comment by Ed Crosse in an article entitled "*Gauke's first week*" (see [https://www.newLawjournal.co.uk/content/gaukes-first-week](https://www.newlawjournal.co.uk/content/gaukes-first-week))
- 20 January 2018, New Law Journal, comment by Ed Crosse in "*Disclosure have your say*" (see <https://www.newLawjournal.co.uk/content/disclosure-reform-have-your-say>)
- 22 January 2018, New Law Journal included comments by Ed Crosse in an article called "*No Choice but to Engage over Disclosure*" (see <https://www.lawgazette.co.uk/news/no-choice-but-to-engage-over-disclosure/5064455.article>)
- 31 January 2018, CDR, comment by Ed Crosse in "*Disclosure under Scrutiny as Reforms Loom*" (see <https://www.cdr-news.com/categories/simmons-and-simmons/7918-disclosure-under-scrutiny-as-reform-looms-large>)
- 14 February 2018, Lawyer2B, "*Illegally obtained Evidence: what can Lawyers use in Court?*" by Richard Byam-Cook (see <https://l2b.thelawyer.com/illegally-obtained-evidence-lawyers/>)

## **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](mailto:donotreply@lsla.co.uk) and [lsla@lsla.co.uk](mailto:lsla@lsla.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.

### **Junior LSLA Committee Positions**

Thank you to everyone who applied to join the Committee. The existing JLSLA committee is considering the applications and shall conduct a vote to choose the successful candidates. We will notify you either way by Wednesday, 28 February 2018.

### **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, Leigh Callaway at [lcallaway@fladgate.com](mailto:lcallaway@fladgate.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\\_uq\\_grpro](http://www.linkedin.com/groups/Junior-London-Solicitors-Litigation-Association-4438638/about?trk=anet_uq_grpro).

## **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](mailto: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.