

## **LSLA NEWSLETTER – SEPTEMBER 2020**

Welcome back to a new court year. We hope all our members, their friends and families are staying safe and well.

Things have slowed but the Association's work continues as we explain below.

### **Congratulations**

We have new Presidents of the LSLA, Chris Bushell, and JLSLA, Charlotte Hill. Chris is a partner at Herbert Smith Freehills and Charlotte a senior associate at Pennington Manches Cooper.

### **Thank you and Welcome**

We thank Jo Davies for all the hard work and enthusiasm she has put into her work as our administrator and welcome Emma Hill and Jo Luxton who are taking her place.

Also joining the committee, as the City of London Law Society representative is Lois Horne from Macfarlanes and Natalie Osafo who moves from the JLSLA to the main committee of the LSLA.

## **EVENTS**

### **125 year Commercial Court seminar, in association with London International Disputes Week and Opus 2 – 7 September 2020**

The LSLA was well represented with speakers at the 125 Commercial Court seminar earlier this month with Chris Bushell (our current President), Ed Crosse (a former President) and Natalie Osafo (former president of the JLSLA) all speaking at the virtual event.

### **Annual Dinner – 25 November 2020 - Postponed but look out for a virtual alternative**

The annual dinner has been postponed but we are looking into holding an alternative virtual event on 25 November so keep your diaries free and look out for further details.

### **Future Virtual Events**

We are exploring various options for virtual/socially distanced events for later this year and shall let you know when further information is available.

## **COURT PRACTICE**

### **Disclosure Pilot Scheme**

Ed Crosse and Natalie Osafo spoke at the 125 CC seminar on 7 September to give an update on the Pilot after 19 months. You can watch that session at: [www.cc125seminar.com](http://www.cc125seminar.com). We understand that the results of the Disclosure Working Group's proposals for interim changes to the Practice Direction and Disclosure Review Document will be published in the next week or so. The proposals are likely to be placed before the Civil Procedure Rule Committee in October for review and approval.

### **Witness Statements Working Group**

As those of you who attended the 125 CC seminar on 7 September will already know, the proposed new practice direction and best practice appendix were made available to attendees and discussed at the event (including by LSLA president, Chris Bushell), including the 'controversial' proposal that witness statements contain a list of the documents which had been shown to the witness. The proposals are likely to be published generally later this year once reviewed by the BPC Board.

## **Guideline Hourly Rates**

The CJC has set up a working group to conduct an evidence-based review of the basis and amount of the guideline hourly rates and to make recommendations accordingly. The working group is seeking feedback from practitioners of the outcome of costs assessments. A copy of the form may be found at <https://forms.office.com/Pages/ResponsePage.aspx?id=V0U-chcv7UOecfG-sIPIRtOHTIHF0jtlk6mE8FARggxUQ1pLOVIMUzVZRIIMMDNOU0NXUUZVSEgySi4u>

## **VIRTUAL HEARINGS**

Many of us have found that remote and virtual hearings are working remarkably well. Indeed they are rumoured to be likely to continue even after social distancing restrictions are removed.

We shall be canvassing views from members on this topic in an upcoming survey in the next few weeks.

On 2 September 2020, the Judicial Committee of the Academy of Experts (Chaired by Lord Saville) published [Guidance on Giving Remote Evidence](#). Based on feedback from expert witness and judges the Guide provides some useful insight to giving evidence by video link or virtually.

## **PRO BONO INITIATIVE**

Our pro-bono initiative continues. 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 [Isla.co.uk](http://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](mailto:Isla@Isla.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](mailto:nicholas.heaton@hoganlovells.com) or [patrick.wheeler@collyerbristow.com](mailto:patrick.wheeler@collyerbristow.com)

For feedback on the Commercial Court please contact: [Ed.crosse@simmons-simmons.com](mailto:Ed.crosse@simmons-simmons.com)

## **PRESS AND PUBLICITY**

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

- 14 February 2020, Practical Law, "Sham Litigation and Money Laundering in the English Courts" by Jason Woodland (see <https://uk.practicallaw.thomsonreuters.com/Document/I3069e1454f1a11eaaadfea82903531a62/View/FullText.html>)
- 20 February 2020, New Law Journal, "The Disclosure Pilot Scheme: A Smooth take off" by Georgina Squire (see <https://www.newlawjournal.co.uk/content/the-disclosure-pilot-scheme-a-smooth-take-off->)
- 24 February 2020, Law Society Gazette, "Clarity on "dominant purpose" test" by Georgina Squire and Helen Pamely (see <https://www.lawgazette.co.uk/practice-points/clarity-on-dominant-purpose-test/5103170.article>)
- 16 March 2020, CEDR new story about Chris Bushell succeeding Julian Acratopulo as President of the LSLS (see <https://iclg.com/cdr/people-and-firms/10888-chris-bushell-succeeds-julian-acratopulo-as-lsla-president>)
- 19 March 2020, The Times' The Brief also commented upon Chris Bushell's appointment as President (see <http://nuk-tnl-deck-email.s3.amazonaws.com/213/febb75eccd1101d84a2aa5eb87859ce0.html>)
- 30 March 2020, New Law Journal "Covid 19: Remote Courts worldwide" feature comment from Chris Bushell (see [https://www.newLawjournal.co.uk/content/covid-19-remote-courts-worldwide](https://www.newlawjournal.co.uk/content/covid-19-remote-courts-worldwide))
- 19 April 2020 New Law Journal contained a profile of Chris Bushell (see <https://www.newLawjournal.co.uk/content/nlj-profile-chris-bushell>)
- 10 April 2020, Law Society Gazette, "Remote Hearings during the Covid 19 Crisis" by Nicholas Heaton and Susanne Buerger (see <https://www.lawgazette.co.uk/practice-points/remote-hearings-during-the-covid-19-crisis/5103900.article>)
- 1 May 2020 Litigation Futures' contained comment from Chris Bushell that "Litigation will rebound" (see <https://www.litigationfutures.com/news/litigation-will-rebound-new-lsla-president-predicts>)
- 11 May 2020, Law Society Gazette, "Guideline hourly rate in a post-covid world by Richard Langley (see <https://www.lawgazette.co.uk/practice-points/guideline-hourly-rates-in-a-post-covid-world/5104208.article>)
- 8 June 2020, Law Society Gazette "Burning Bridges: Restrictive Covenants and LLPs" by Caroline Field (see <https://edition.pagesuite-professional.co.uk/html5/reader/production/default.aspx?pubname=&edid=9bdb8abf-a6be-4bac-b7fe-244244ca1897>)
- 7 July 2020, Legal Week, "Brexit: What Now and What Next" by David Greene (see <https://www.law.com/international-edition/2020/07/07/brexit-what-now-and-what-next/>)
- 22 July 2020, New Law Journal, "Litigating through Lockdown" quoting Chris Bushell, David Greene and Charlotte Hill (see <https://www.newLawjournal.co.uk/content/litigating-through-lockdown>)

- 24 July 2020, Legal Week, “Should Remote Court Hearings be the Default” by Mary Young (see <https://www.law.com/international-edition/2020/07/24/should-remote-court-hearings-be-the-default/> )
- 27 July 2020, Law Society Gazette, “ODR but not as we know it” by Nikki Edwards
- 27 July 2020, Legal Futures, Diversity without Inclusion is mere Tokenism” by Mary Young and Richard Foss (see <https://www.legalfutures.co.uk/blog/diversity-without-inclusivity-is-mere-tokenism>)
- 20 August 2020, Global Legal Post, “Business Courts bolstered by Pandemic Pragmatism as Remote Hearings Rise” by John McElroy (see <https://www.globallegalpost.com/big-stories/business-courts-bolstered-by-pandemic-pragmatism-as-remote-hearings-rise-13180161/>)

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### **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](mailto: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 3,200 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](mailto: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.