

LSLA

Welcome to this month's newsletter which reports on some of our recent events and those which are happening in the future, such as our ever popular Annual Dinner and Autumn Lecture Series.

The New Law Journal has published the results of the survey we undertook of members' views of the impact of the Jackson reforms. In this newsletter we look at some of those findings and announce the winners amongst those who took part of a copy of Cook on Costs 2013.

We are also calling upon members to respond to the CJC's on-line survey to gather evidence so that it can make recommendations to the Master of the Rolls concerning the guideline hourly rates. Details can be found below.

FUTURE EVENTS

Annual Dinner – 27 November 2013

Our black tie Annual Dinner will take place at the Law Society. This year our speakers are Mr Justice Cooke (Judge in charge of the Commercial Court) and John Finnemore, the comedy writer and actor, who appears regularly on and contributes to Radio 4 for such programmes as "Cabin Pressure" and "The Now Show".

The dinner offers members and their guests the opportunity to meet and discuss topical issues with each other. As well as enjoying a three course dinner with wine, guests will be entertained by singer songwriter Ali Sephton on piano.

Tickets cost £95 per person and there are still a few left. Further details and an application form for tickets are attached.

Autumn Lecture Series

Our lecture series is about to begin. Those planned are:

- **Wednesday 6 November 2013** at Herbert Smith Freehills
"Freezing Orders and Company Assets" Jeffrey Chapman QC – Fountain Court
- **Monday 11 November 2013** at Hogan Lovells
"Human Rights in Commercial Litigation – Do They Matter?" Jonathan Crow QC – 4 Stone Buildings
- **Tuesday 19 November 2013** at Herbert Smith Freehills
"Documentary Evidence – An Update" Charles Hollander QC – Brick Court
- **Wednesday 11 December 2013 at Hogan Lovells**
"Relief From Forfeiture – A New Lease of Life?" Kenneth MacLean QC – One Essex Court

Attendance is not limited to LSLA members. Anyone can apply for tickets and the lectures count for CPD purposes. Tickets cost £20 per event or £70 for all four (non-members £25 or

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£90). Further details and an application form are attached. Our lectures are usually sold out, so please apply early.

The lectures by Jeffrey Chapman QC and Charles Hollander QC on Wednesday 6 November and Tuesday 19 November respectively will be held at the Auditorium at Herbert Smith Freehills, Exchange House, Primrose Street, London EC2A 2HS. The lectures by Jonathan Crow QC and Kenneth MacLean QC on Monday 11 November and Wednesday 11 December respectively will be held at the Auditorium at Hogan Lovells, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG. The lectures will start at 6.00pm and will last approximately an hour to include a period for questions at the end and will be followed by drinks.

RECENT EVENTS

Solicitors' Journal Live – 9 October 2013

The Solicitors' Journal held its second conference at the Emirates Stadium featuring two days of a number of different "streams" dealing with various legal disciplines as well as law firm management.

Following our success at the March event, the LSLA was again invited to provide speakers for the litigation stream. Patrick Wheeler spoke on the new case management provisions and Francesca Kaye addressed the costs management rules and recent cases. Graham Huntley and David Greene then reprised their celebrated "double act" with an updated review of litigation funding from the solicitor's perspective, thus providing a very welcome balance to the presentations given by funding companies with which many of us are familiar.

The sessions were well received with a lively exchange of questions which followed each one showing both the extent of interest in the subject matter and the broad range of legal backgrounds represented at the event. The initial feedback from the Solicitors' Journal indicates that it is likely to hold further conferences next year and that they will invite the LSLA to provide a panel of speakers again.

JLSLA Seminar – 15 October 2013

The JLSLA held another popular seminar this time entitled "*How to...make friends and influence clients*", which featured speakers from Lloyds Banking Group, ITV and Morgan Stanley. The seminar provided an informative insight into what clients really want from their legal advisers.

JLSLA Autumn Bash – 23 October 2013

The JLSLA Autumn Bash was another resounding success. A champagne reception was followed by a 3-course meal and grand piano entertainment with requests for songs being taken on the night.

LSLA/New Law Journal Survey of LSLA Members' Views of the Impact of the Jackson Reforms

The NLJ has announced the results of the poll we undertook in association with it.

The survey revealed widespread concerns about increasing costs and that DBAs have not been taken up by the vast majority of firms. A resounding 93% of those who responded thought the reforms had done nothing to improve access to justice and nearly 60% felt the new rules on disclosure would increase costs.

LSLA President, Francesca Kaye, said "*This joint survey with New Law Journal confirms some of our early misgivings about how well the changes would serve access to justice. We were concerned in April that some of the rules and regulations had been rushed through and poorly drafted. A clear example is the concern surrounding the lack of clarity in the DBA*

regulations. Despite the indication that the Regulations would be reviewed it is little wonder that litigators have stayed well clear in the meantime. This has definitely been a case of more haste, less speed.”

You can see the NLJ's article about the survey at <http://www.newlawjournal.co.uk/nlj/content/litigation-trends-survey-jackson-effect>. There is no charge but those wishing to download the PDF will be asked to complete a simple form before being able to access it.

A big thank you to everyone who responded to the survey. We offered four people picked at random from those who replied a copy of Cook on Costs 2013 Jackson Review Supplement. The lucky winners are:

- Alfred Church of Osborne Clarke
- Jeremy Harris of Solomon Taylor & Shaw
- Robert Wheal of White & Case
- Sarah Towler of Russell-Cooke

New JLSLA President

Nikki Edwards has now completed her two year term as President of the JLSLA. We thank her for the work she has put into establishing and representing the JLSLA. Caroline Field has taken over the mantle of President and we look forward to working with her in the future.

CONSULTATION PAPERS

CJC – Review of Guideline Hourly Rates

In order to make recommendations to the Master of the Rolls early next year, the CJC is conducting an evidence-based review of the guideline hourly rates and how they need to be updated.

Members of the LSLA committee have had a couple of meetings with members of the CJC costs sub-committee to discuss the rates. Past-President of the LSLA David Greene has also joined the sub-committee.

The sub-committee has launched an online survey of firms which opened at the beginning of this month to gather evidence to present to the Master of the Rolls.

Members are urged to respond to the survey. As the Courts take an increasing role in costs management it is vital that the guideline hourly rates should reflect commercial reality.

To see details of and to complete the on-line survey go to <http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/working-parties/costs-committee>. It closes on Friday 29 November 2013.

Chancery Modernisation Review

Lord Justice Briggs' provisional report on modernisation of the Chancery Division has been published.

Lord Justice Briggs released a statement saying that the report's *“main finding is that the Chancery Division provides a high quality, flexible and specialist service to its thousands of court users, but that there is work to be done to ensure that it continues to do so for many years to come. The report proposes changes in culture that needs to be embraced by judges, lawyers, court staff and court users alike if this goal is to be achieved in these challenging times. It makes over 100 detailed recommendations. The report is provisional in every sense. Nothing is set in stone. There is now to be a three month period of consultation before a final report is written.”*

To see a full copy of the report and of Lord Justice Briggs' statement go to <http://www.judiciary.gov.uk/publications-and-reports/CMR>.

The LSLA has submitted a response.

MOJ Consultation – Judicial Review: Proposals for Further Reform

“The consultation exercise [sought] views on proposals in a number of key areas:

- *how the courts deal with minor procedural defects that would have made no difference to the final decision;*
- *a number of measures to rebalance the system of financial incentives so that those involved have a proportionate interest in the costs of the case...;*
- *speeding up appeals to the Supreme Court in important cases; and*
- *a new specialist “planning chamber” for challenges relating to major developments to be taken only by expert judges using streamlined processes. This builds on the “planning fast-track” process implemented in July 2013.*

“The consultation exercise also explore[d] the potential for reform in these areas:

- *the test for standing (ie who is able to bring a judicial review);*
- *local authorities’ abilities to challenge nationally significant infrastructure projects;*
- *whether it is appropriate to provide legal aid for certain statutory challenges under the Town and Country Planning Act 1990.*
- *the use of JR to resolve disputes relating to the public sector equality duty and whether there are suitable alternatives.”*

For further details see <https://consult.justice.gov.uk/digital-communications/judicial-review-reform>. We have submitted a response.

MOJ Consultation – Costs Protection in Defamation and Privacy Claims

The consultation proposed means based protection for parties from the costs they might have to pay the other side in litigation along similar lines to the qualified one-way costs shifting rules which now apply to personal injury and other claims introduced by the Jackson reforms.

The government proposes to introduce the new costs protection regime by amendment to the CPR in April 2014 at the same time as fully implementing no-win-no-fee reforms.

See <https://consult.justice.gov.uk/digital-communications/costs-protection-in-defamation-and-privacy-claims> for further details. We are finalising our response.

LSLA – RECENT PRESS

Since our last newsletter committee members of the LSLA have appeared in and written articles for several publications including:

- 30 September, The Law Society Gazette, “Commercial Mediation: Resolution Revolution” included comments from immediate past president, Seamus Smyth (see <http://www.lawgazette.co.uk/law/commercial-mediation-resolution-revolution/5037884.article>)
 - 7 October, The Law Society Gazette, Francesca Kaye commented in the Jackson reforms in an article entitled “Jackson’s civil justice reforms: the verdict is in” (see <http://www.lawgazette.co.uk/practice/jacksons-civil-justice-reforms-the-verdict-is-in/5038038.article>)
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- 15 October, Solicitors Journal, “Withdrawal Symptoms: When Funders Pull Out” by Francesca Kaye (see <http://www.solicitorsjournal.com/commercial/company/withdrawal-symptoms-when-funders-pull-out>)
- 30 October, New Law Journal, “Litigation Trends – The Jackson Effect, The Revolutionary Road” includes comments on the Jackson reforms from Francesca Kaye, Seamus Smyth, Graham Huntley, David Greene, Georgina Squire and Sophia Purkis (see <http://www.newlawjournal.co.uk/nlj/content/litigation-trends-survey-jackson-effect>)
- 31 October, The Times and Litigation Futures picked up on and reported on the NLJ/LSLA survey finding (see <http://www.thetimes.co.uk/tto/law/article3908760.ece> and <http://www.litigationfutures.com/news/first-verdict-jackson-litigators-give-thumbs>)

LSLA MEMBERSHIP

We have written to members requesting payment of subscriptions for 2013. The form for any new members who wish to join is attached (and can also be used by any existing member for payment of their subscription for 2013). If you are 8 years PQE or less you will automatically become a member of the JLSLA if you complete the section of the application form identifying your year of admission.

The LSLA is now offering corporate membership to firms, and we have written to firms who would be likely to benefit from such a membership explaining how it works. 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 Julian Copeman on julian.copeman@hsf.com if you would like to take out corporate membership.

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.

LSLA WEBSITE

We propose to launch our new website in the near future. In the meantime, please bear with us whilst it is rebuilt.

LSLA on Twitter and LinkedIn

Once our website is up and running we hope to be able to provide feeds to our Twitter and LinkedIn addresses.

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 (copy attached). 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, Caroline Field, at cfield@foxlawyers.com.

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