

DEVON & SOMERSET LAW SOCIETY
CONTENTIOUS BUSINESS SUB-COMMITTEE MINUTES

Thursday 21st September 2023 at 4:00pm via ZOOM

PRESENT

Chris Tagg (*Chair*), Nicola Hall, Cara Hough, Martin Laver, Hannah Pettifer, Liz Kendall (*Mediation Panel Member*), Nigel Porter, Chris Wills & Kelly Baker (*Executive Administrator*).

Chris welcomed Hanah and Nicola.

1. APOLOGIES AND MINUTES

Apologies were received from Ian Brown, Thomas Glover, Imran Khodabocus, Peter Lewis & Tony Steiner (*DASLS Chief Executive*),

The Minutes of 15th June 2023 meeting having been circulated and approved: [Click here](#)

2. MATTERS ARISING

Criminal Practice

Need for Criminal Law Representation

Tony has provided Chris with a couple of contacts to reach out to. Chris is still looking at building new relations in this area as we desperately need to reconnect and have a representative going forward. Chris has also circulated the email from the Law Society regarding meeting the Chair of the Criminal Legal Aid Advisory Board (CLAAB), Deborah Taylor to his colleagues and tried to drum up some interest for the sub-committee.

Civil Litigation Practice

- Fixed Recoverable Costs - Chris Wills

Chris has previously circulated a note on this topic. He attended the DASLS webinar with Andrew McLoughlin this morning regarding the changes coming in to place on the 1st October. He highly recommended the notes and has asked Kelly to circulate them to the sub-committee. Chris feels that issues need to be flagged up as early as possible! There is also another consultation to extend the fixed regime after April 2024 which people need to be aware of.

- Users' Groups in Somerset – c/o Cara Hough

Nothing to report, meeting is coming up.

- County Societies' Group Civil Litigation Discussion Group

Nothing to report, there hasn't been a recent meeting.

- Plymouth and Torquay Civil Court Users' Group

Nothing to report. Chris will keep liaising with them.

HMCTS continue to issue their weekly operational [summary](#) on courts and tribunals.

Family Practice

- Family Court Users' Group MS Teams c/o Imran Khodabocus & Natalie Pouya – not present

- County Societies' Group Family Law Discussion Group c/o Imran Khodabocus – not present
Update provided:

- 1) *Taunton family court is going to be closed soon for renovation work – cases are being shipped out to Worle, Yeovil and Taunton Magistrates*
- 2) *The latest DFJ (Somerset bulletin – circulated separately). It provides info on how public law cases are dealt with in Somerset (i.e use of the online portal which has been in place for a while now); what type of court orders need to be sent to the Court by practitioners etc.*

Mediation Services by DASLS Mediation Panel c/o Liz Kendall

Liz reported that since our last meeting on 15th June they have received nine enquiries. Five have proceeded and settled, two are waiting for results and one settled prior to mediation and two which are in the process waiting for dates. This is really good in a short space of time. Liz has visited Nash & Co and they are now referring cases. Some also come over from DASLS and Every's. There are also 3 other

referring solicitors now. Liz is trying to encourage more small claims and will be updating the website and pricing scale shortly.

It was asked if many of the mediations take place virtually. Liz can make enquiries but reported that property/land cases are generally done onsite. Unpaid invoices type cases can take place on line, but it does depend on the location of the parties and the type of mediation. High court chancery of 150k, it is a mixed bag and are generally from fast track claims. Chris feels that it should be noted that the introduction of fixed costs later in the year could have an impact.

3. MEDICAL RECORDS

Chris reported he has tracked down the lady from the Medical Legal Group, Tracey Elliot, a lecturer in law at the University of Leicester. She is keen to get the Group up and running again even though she is based in Leicester. It was suggested at the last meeting we host/affiliate enabling Medical Legal to have access to recourses and a level infrastructure they can call on, Chris put it out the group for their opinion. Liz wondered if there is another area within DASLS to pick this up. Chris felt it should be dealt with under our brand. Liz has offered to help with this due to her previous contacts and involvement with the Group. Kelly to discuss with Tony and subsequently liaise with Liz.

Chris has had a discussion with Rhianna Platt, the information manager at the RD&E Hospital. She is the person from who all the medical records come and is responsible for the protection of the records. She would be delighted to talk to us. Chris feels that she isn't really aware of what we do with the records once we have requested/received them. Chris feels that as a default you should receive all the medical records so that you can fully review all of the data and decide what is relevant to the case. They are operating a new online system called Epic. Everything before Epic has been printed off and stored, a terrible system which contributes to the delays. How do we progress this so that we may receive the medical records in less than 9 months. Rhianna is an expert in data compliance and protection. Liz mentioned that in a previous meeting we asked if this was just an issue in the south west. Liz reported that she has spoken with her contacts in London who have confirmed there is a delay nationally and also liaised with two firms in the Bristol area. The also reporting delays nationally, over 200 days from date of request. It was agreed that it is more than just a national issue with medical records but with data. Nigel reported that it could be fatal to the claim if they are unable to meet the requirements due to these delays and thinks that we should explain to Rhianna what we are looking to achieve from her presentation with an aim for a cooperative agreement that both parties can rely on going forward. Liz wondered if she could contact Mass APIL and FOI to see if there is any work already being done on this.

Chris has written to Ben Bradshaw who reported back that he is aware of the problem. He wrote to the RD&E to expedite a request and the records arrived within 24 hours, but this can't work for every medical record requested. It was asked whether the matter should this be escalated to the Department of Health? Are there things that we can do to try and break the log jam and assist the RD&E? It was suggested that we pay for a contractor and help with funding, this isn't a new problem. Chris will put something together. It was agreed it would be better if Rhianna presented just to the sub-committee with part of the process to bring us together in a more cooperative way. The £50 request fee seems to have disappeared, but it was generally considered that it is worth paying a fee if it speeds up the process.

4. FUTURE ENGAGEMENT EVENTS

Chris has made contact with Professor Richard Moorhead, who specialises in legal ethics at Exeter University. He has been involved with the Post Office litigation case and has agreed to come and speak to the sub committee. It was suggested this could this be a wide invitation list, probably in the form of a lecture with a Q&A. We would need a second speaker in order to run the event, perhaps a member from the Judiciary who would be available to talk about the fixed costs issues. Kelly will raise this with Tony. It was agreed we would aim for a date for March 2024, and Chris is keen to try and run this away from Exeter, perhaps in their Crewkerne office or another location in Somerset.

5. ANY OTHER BUSINESS

No other business.

6. DATE, TIME AND FORMAT OF NEXT MEETING

January 2024 to fit around Rihanna via ZOOM. Chris to make contact and update Kelly with her availability.

The meeting closed at 4.55pm

Circulated by email on: 26/09/2023