

DEVON & SOMERSET LAW SOCIETY
CONTENTIOUS BUSINESS SUB-COMMITTEE MINUTES
Tuesday 18th June 2024 at 4:00pm via ZOOM

PRESENT

Tony Steiner (*DASLS Chief Executive & Acting Chair*), Ian Brown, Nicola Hall, Cara Hough, Liz Kendall (*Mediation Panel Member*), Martin Laver, Kelly Baker (*Executive Administrator*),

Peter Lewis attempted to join but was prevented from doing so due to technical issues.

1. APOLOGIES & MEMBERSHIP:

Apologies received from Imran Khodabocus, Karen Osborn, Hannah Pettifer and Rebecca Wood.

Tony shared the sad news of the passing of Chris Wills last month. Chris was a valued and active member of the Sub Committee for a number of years. He asked that his outstanding contribution be noted in the minutes.

Chris Tagg has stepped down as Chair and retired from the Sub Committee. He has recently moved from Every's to Dunn & Baker.

Cara Hough had put herself forward as Chair and Nicola Hall as Vice-Chair and their appointments were duly confirmed by the meeting. Tony handed the meeting over to Cara.

The Minutes of 26th March 2024 meeting having been circulated were approved. No comments or amendments.

2. FORMAT & PURPOSE OF FUTURE MEETINGS

a) Member Details

As new Chair and Vice Chair, Cara and Nicola want to engage with other Sub Committee members about the purpose and future format of these meetings and what everyone wants out of them going forward. Cara asked everyone present to confirm which area of law they work in and what their hopes and aims are:

Nicola Hall, Solicitor at Stephens Scown, works in property litigation and has a background in general civil litigation, including personal injury and landlord tenant disputes. She has been a member of the Sub Committee for a couple of years. Nicola wants the Sub Committee to come together to discuss current situations and have a safe space to provide a support network and where possible, implement change where needed.

Martin Laver, Partner and Solicitor at Tozers, where he has been for many years. Currently works in commercial litigation and also contentious trusts and probate, including some High Court work. He wants this to be a space for sharing issues that have a wide impact on litigators and give them a voice and opportunity to feed in to the Main Committee and make representations for things where change is suggested. Martin used the SRA as an example.

Ian Brown, Partner at Trowers & Hamblins. Specialises in personal injury, accidents abroad and travel insurance issues, in particular insurance disputes and animal Act cases with disputes covering horses and dogs. Ian concurs with Martin and feels the Sub Committee gives him a focus for the work he is doing and a safe space for sharing. Supporting other DASLS members is key. Even though we all work for different firms it is not about competing but about being a forum for liaising and effecting change with local courts and the SRA.

Liz Kendal is a DASLS Mediator and is based at Every's as their business development manager, and sometimes as a litigation executive. Liz has worked in civil litigation and personal injury. Liz joined the

Sub Committee when the DASLS Mediation Sub Committee was disbanded. Liz is in agreement with the above sentiments and would like the Sub Committee to be more powerful as a platform for the area that we represent and a tool for reporting back to the Law Society Council and Committee. She feels we could be more dynamic and involved with current issues and be prepared to take concerns forward to the SRA. We need to make members aware that they can feed their concerns in to us and that we are listening and they are represented.

Cara Hough is on gardening leave from IDR Law until 21 June 2024. Thereafter Cara will be taking the summer off and starting a new role as Partner at Irwin Mitchell as a contentious probate and trust lawyer in September. Cara has been a member of DASLS for a number of years.

Cara thanked everyone for their thoughts and concluded that everyone seems to want to achieve the same thing and posed the question "What change would we actually want to see"? Cara asking everyone to consider this question and come ready to discuss at the next meeting. Therefore - **please can everyone have a think about this and forward your responses to Kelly** for inclusion in the Agenda as a discussion item at the next meeting.

b) Objectives

This will be covered by items listed below.

3. MATTERS ARISING

a) Criminal Practice

- Need for Criminal Law Representation

The committee were informed that Stephen Forsey from Amicus Law has identified a newly qualified criminal solicitor that he will put forward. Details to follow, **Kelly will chase** this up. Rebecca Wood from the Sub Committee has also put herself forward as a possible criminal representative.

b) Civil Litigation Practice

- Fixed Recoverable Costs

Cara updated the Sub Committee on the Fixed Recoverable Costs which came into effect on 1st October 2023. It was discussed whether DASLS members may benefit from a training course on this subject. Tony advised we have a costs seminar on the 9th October 2024 (am) at Exeter Racecourse. The speaker is Colin Campbell from Kain Knight Ltd. [Fixed Recoverable Costs Rules and Costs Update - 9 October with Colin Campbell | Devon & Somerset Law Society \(dasls.com\)](#) – **Please forward this link to your colleagues.** It was further discussed that subject to responses and feedback, we may do a separate webinar specifically on fixed recoverable costs with Andrew McCloughan.

Martin asked if anyone has got any on at the moment and come across any immediate issues? No one present did. **Cara asked any members not present to feedback to Kelly on this if appropriate, and suggested committee members seek feedback from their colleagues.** This will allow us to identify any common problems and areas of concerns being encountered by our members.

- Users' Groups in Somerset & Bristol

Not aware of any Court user meetings taking place in Somerset.

Bristol Chancery Court Users group have met. **Cara will provide the minutes**, but noting key points that came up relate to listing appointments and hearing waiting times. It being noted that Bristol has a four month wait for any hearings over an hour, and London Court is experiencing significantly longer delays.

- Plymouth and Torquay Civil Court Users' Group

No-one was aware if these have met.

- County Societies' Group Civil Litigation Discussion Group

Tony advised everyone who makes up the County Societies Group, Surrey, Kent, Newcastle, Leicestershire, Cheshire & North Wales and ourselves. The group was formed so we could talk with other large proactive local law societies around the country. Historically the group had been very active and formed some subgroups, eg. civil litigation. This has been a good group of six or so representatives who come together to discuss current issues. Chris Wills previously attended these and so a new representative is requested. **If anyone on the Sub Committee would like to be considered for this role, please let Tony know. Tony to confirm the date of the next meeting.**

There is also a County Societies Family Group which it is noted Imran may be getting involved with.

HMCTS continue to issue their weekly operational summary on courts and tribunals.

c) Family Practice

- Family Court Users' Group - Imran Khodabocus, not present but providing a written update ahead of the meeting:

- The Court User meetings have not been taking place;
- Taunton Court is still undergoing work so family matters are being transferred to Worle / Yeovil and the Magistrates Court in Taunton;
- There are increased delays in Devon as Judicial sitting time has been squeezed;
- With the summer holidays coming up everyone should consider getting applications in promptly, due to holidays etc;
- Court fees have changed (also for civil matters), see [EX50 updated list here](#).

- County Societies' Group Family Law Discussion Group - Imran Khodabocus, not present but providing a written update ahead of the meeting that the meetings have not been taking place.

d) Mediation Services by DASLS Mediation Panel - Liz Kendall

Since our last meeting, the panel has had four mediations with one in the pipeline. Liz mentioned the change which took place on the 22nd May, being any small claims brought in after this date being subject to mandatory mediation. There are cost implications with this as the Court will provide a free service. The DASLS website has been updated.

Liz advised they do get referrals from firms in Exeter and Plymouth but don't receive many from the Somerset area. Liz confirmed that DASLS Mediators undertake both face to face and virtual mediations, which extends the coverage throughout England and Wales. Members are asked to consider and forward on details to colleagues with such a need. See the mediation panel details below:

[Mediation | DASLS | Devon & Somerset Law Society](#)

4. CONSULTATIONS & PROCEDURAL UPDATE

a) Medical Records Update

Liz has agreed to pick this up from Chris Tagg but there has been no progress yet. Liz confirmed this is still a problem and the current wait is about 7 months. Liz has been in touch with MASS who are happy to work with us on this. Ian advised the delays are nationwide due to a number of factors including under resourcing, post GDPR and hospitals not having the ability to charge for providing these records for litigation purposes. This is causing problems pursuing personal injury claims. Liz commented that previous conversations with the NHS was that they were not aware or understood the urgency of these requests and perhaps we should try and educate them, perhaps on line, but a meeting would be a good place to start. **Liz will chase up a meeting with Rhianon Platt at Exeter Hospital** to see if she is still willing to engage with us and see what her view and will feed back. Cara suggested this is a topic that could be raised at the CSG.

b) SRA Pre Consultation on Client Account & Approval of Legal Business

<https://www.sra.org.uk/sra/news/press/consumer-protection-review-launched/>

This was discussed at the Main Committee Meeting last week. Noting this is in very early stages with initial feedback being gathered ahead of a formal consultation. However, it was noted that the suggestion of the potential removal of the client account and new ways of assessing and approving mergers and firm take overs was concerning.

It was agreed therefore that this would be an issue that as a Sub Committee we would consider and feedback into the Main Committee. Responses need to be with the SRA by 1st July. **If anyone has any comments, please feedback to Kelly and Tony.** Tony noting that there is a draft Law Society official response which the Main Committee and CSG will be looking at. It was suggested at the Main Committee that the more responses they receive the better as there is concern that one large/joint response could be overlooked. **Martin will review the Law Society response and put his comments forward to represent the Sub Committee views.**

5. FUTURE ENGAGEMENT EVENTS

Cara had a discussion with the Chair of the Property & Private Client Sub Committee last week who advised their Sub Committee meet in person once a year. Tony is encouraging all of the Sub Committees to do this. It was therefore noted that it may be pleasant to have a summer face to face and a December event. This is open to discussion, along with event suggestions. **The committee are therefore asked to consider this ahead of the next meeting ready for discussion.**

6. ANY OTHER BUSINESS

Cara mentioned that DASLS are undertaking a feedback survey at the moment and urged everyone to complete the survey. Tony mentioned to Ian that he will be in touch to discuss his feedback. Tony's aim is to make the Society work better and harder for our members. Tony advised there will be an analysis report from the feedback which will be published to the membership, but so far, the feedback received has been very productive.

The Main Committee have been approached by the Bristol Law Society Pro Bono Group. They are looking to extend their remit into Devon and Somerset. Cara has put herself forward to attend their next meeting to understand better what they are hoping to achieve and whether this is something we want to be involved with. **Cara will feedback to the Main Committee and the next CB meeting.** Cara asked if any other Sub Committee members undertake any pro bono work. Martin commented on that they do not run a whole case for free, but will spend some time with new enquiries to point people in the right direction.

Tony added there is a new incoming head of law at Exeter University and there are a number of things DASLS hope to engage with them on, including their Law Clinic and pro bono work. Tony is in touch with Natasha Bellinger and Kim McDonald. **Tony will pick this up and report back at the next meeting.** Liz advised the mediation panel work alongside Sue Prince at the university. Ian has a link with the University as well and they also support the Law Clinic as part of their social impact commitment and run pro bono cases from start to finish where they can.

Cara mentioned the DASLS v JLD rounders and asked people to sign up for the DASLS team, if they can. **Kelly will send a link** with the minutes.

Cara also mentioned the updated DASLS website. We now have a "Our Committees and Groups" page and would be grateful for some text for the Contentious Business page. **Cara will give this some thought.**

7. DATE, TIME AND FORMAT OF NEXT MEETING

Tuesday 24th September at 4:00pm via ZOOM.

The meeting closed at 5.05pm
Circulated by email on: ??/06/2024