

DEVON & SOMERSET LAW SOCIETY
CONTENTIOUS BUSINESS SUB-COMMITTEE MINUTES

Tuesday 26th March 2024 at 4:00pm via ZOOM

PRESENT

Tony Steiner (*DASLS Chief Executive & Acting Chair*), Ian Brown, Thomas Glover, Nicola Hall, Cara Hough, Liz Kendall (*Mediation Panel Member*), Imran Khodabocus, Karen Osborne, Hannah Pettifer & Kelly Baker (*Executive Administrator*)

1. APOLOGIES: Peter Lewis, Chris Tagg (*Chair*) & Chris Wills

2. CHAIR & MEMBERSHIP OF THE SUB COMMITTEE

Tony agreed to Chair this meeting as a one off and advised the Sub Committee that our Chair is away and we do not know if he will be returning and our Vice Chair is also on long term absence due to illness. Tony asked if there were any volunteers for either of these roles. Cara advised that she may be interested but she will have to update us once she has moved to her new firm in September. Tom advised that he is in the same position. Tony has left it open for people to have a think about it and feels this is an opportunity to move the Sub Committee forward. Kelly will send out the job description with the minutes. Everyone present confirmed they were happy to continue as a member of the Sub Committee.

3. MINUTES The Minutes of 15th June 2023 meeting having been circulated were approved.

4. MATTERS ARISING

a) Criminal Practice

- Need for Criminal Law Representation

We are still looking for someone to represent criminal defence on the Sub Committee. Tony has spoken with Rebecca Wood, a former President in Plymouth and is a Plymouth practitioner to see if she may be interested in our meetings, she is very passionate about the duty solicitor scheme and all that goes with it. Hannah advised she is in Barnstable and deals with Council prosecutions, not defence. They have recently moved over to a new contract for accessing the Court arrangements. This is a period of transition and things are taking time, for example, 20 minutes to get through on the phone and all email addresses have changed. Hannah advised Baileys Law attend the duties list, but not every week and sometimes Rod Ball and Jen Law from Slee Blackwell appear but there aren't any Barnstable duty solicitors, they are all doing private cases. Tony mentioned the heat maps produced by the Law Society which highlights our area as an area in need. The Law Society are looking into this ongoing issue.

b) Civil Litigation Practice

- Fixed Recoverable Costs – Chris Wills not present

These different levels of recoverable costs have now come into effect. Cara would look into this and any feedback for the next meeting. Tony is looking at running a course on this topic.

- Users' Groups in Somerset & Bristol – Cara Hough

Cara hasn't been invited to anything for Somerset since COVID. The Bristol Chancery Group met yesterday but Cara was unable to attend. She will circulate the minutes once they are ready.

- Plymouth and Torquay Civil Court Users' Group

Nicola noted that she is not aware of any civil user groups or family groups in Exeter or Plymouth at the moment. Imran advised he hasn't been told of any family ones coming up. There seems to be some turbulence with the Court arena in Torquay, Exeter etc. There is quite a significant cut in the judicial sitting time due to a reduced Court budget, therefore Courts can't assign resources to deputies or recorders.

- County Societies' Group Civil Litigation Discussion Group – Chris Wills not present

This is a very active group of civil litigators which Chris Wills has been part of and covers Cheshire, North Wales, Kent, Surrey and Newcastle. We will need to find a replacement for Chris. This is one of the few groups that has had some traction and discussions around the country on all things civil. If anyone would like to join the next meeting, please let Tony know.

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

c) Family Practice

- Family Court Users' Group MS Teams - Imran Khodabocus

In the care sphere, there are no more listings to final hearings anymore, this is to try and unblock the system which puts more pressure on advocates and professionals to make things settle within the existing timetable. Still experience significant delays within private law. Cafcass are still having problems allocating cases to family court advisers and guardian work. They are seeing an increased number of litigants in person and generally the number of more complex cases has risen significantly. Court fees are also set to rise from the 1st April.

Thomas advised there has been an issue with pension valuations for divorce cases. Statements are not being issued and this could result in a divorce backlog. Tony will make some enquiries around this and suggested this is an issue that could be presented to local MP's

Cara added that with the civil litigation work she is doing, most courts are now running at 17 weeks to progress court correspondence. This is impacting on things such as filing an acknowledgement of service to say that you are acting, the Court won't have you on record for that period of time, so they won't talk to you which is causing some real issues. This alongside the delays with private registry there are no end of problems. It was noted that probate is currently taking at least 3 months. Tony advised the Law Society have picked this issue up. Tony suggested, with all these types of issues if members can produce anonymous case studies highlighting where your clients have experienced these issues and been badly affected, the Law Society would be interested in receiving this information. Their public relations team who also do the Parliamentary Liaison needs real case evidence for lobbying. Any documented front-line issues will help them make their case. We should also consider lobbying our local MP's.

- County Societies' Group Family Law Discussion Group - Imran Khodabocus

Imran advised this group doesn't meet at present. Imran advised his firm has carried out a piece of work anonymously. They collated anonymous example cases, frustrations for the Plymouth Court where cases are vacated for some arbitrary reason and shared this with the Court manager. Tony requested Imran share this with Tony and he will forward on to Chancery Lane.

d) Mediation Services by DASLS Mediation Panel - Liz Kendall

Liz reported on cases since Christmas. There have been two mediations, one TOLATA and one contested probate. They are also getting regular work from a Plymouth law firm and enquiries from the CMC website. Liz recently attended the University of Exeter Law School with Sue Prince to help with the mediation lecture for their mediation unit. It's been a little quiet. There is also a mediation tomorrow.

3. MEDICAL RECORDS

Tony advised this had been left with Chris Tagg but it seems to have come to a halt. Tony has previously been in touch with Rhiannon Platt at Head of Information Governance & Data Protection Officer at Royal Devon University Healthcare NHS Trust. Liz will pick this up again, Rhiannon had previously agreed to come and talk to us. Karen advised the waiting time with the RDE is 7 months and this now includes the North Devon Trust as they have merged. Liz advised she has also been in contact with MASS who were happy to pick this issue up with us and raise an alert. Liz also happy to check in with Gay Cherryson at Everys on the current waiting time and we can then report to membership, maybe others would be interested in attended to see what she has to say? Karen recalled that Nigel had liaised with his local MP, Ben Bradshaw for a single case. Liz is often in contact with Ben and is happy to pick this up.

4. FUTURE ENGAGEMENT EVENTS

Tony suggested we need to think about what this committee is for and aiming to achieve and where do we go next and how we become more effective and engaging. We almost really need a relaunch to make the most of the good group of people we have on the Sub Committee. Tony asked if the group should be split down into the practice areas, but it was felt that keeping everyone together would be best. It was agreed the meetings need to be quarterly to keep the momentum and we do need to be more active. It was agreed the next 3 – 6 months should focus on a rebrand and the medical record issues by which time we will be in a better position to discuss where we take the Sub Committee.

5. ANY OTHER BUSINESS

No other business.

6. DATE, TIME AND FORMAT OF NEXT MEETING

Thursday 6th June at 4:00pm via ZOOM followed by an in person meeting in Autumn
The meeting closed at 4.40pm