

DEVON & SOMERSET LAW SOCIETY
CONTENTIOUS BUSINESS SUB-COMMITTEE MINUTES
Tuesday 24th September 2024 at 4:00pm via ZOOM

PRESENT

Cara Hough (*Chair*), Ian Brown, Nicola Hall (*Vice-Chair*), Liz Kendall (*Mediation Panel Member*), Imran Khodabocus, Martin Laver, Tony Steiner (*DASLS Chief Executive*), Kelly Baker (*Executive Administrator*).

1. APOLOGIES & MINUTES:

- a) Apologies received from Jane Couch and Hannah Pettifer
- b) Minutes from the previous meeting on 18 June 2024 were circulated following that meeting, no amendments or comments were made. The link was sent with the Agenda, but it didn't work so Kelly will send them again with these minutes. Minutes were approved subject to any feedback once re circulated.

2. MATTERS ARISING

a) Criminal Practice

- *Need for Criminal Law Representation*
We still don't have a representative. Kelly will ask Stephen Forsey if the person he previously identified would still be interested in joining the Sub Committee even though he has moved to Bristol.

b) Civil Litigation Practice

- *Fixed Recoverable Costs*
Cara mentioned the DASLS Costs Seminar on the 9 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 \(dasls.com\)](#)
No one had any comments or experiences they wanted to report back on these changes.
- *Bristol Business & Property Court User group*
Next meeting is in November so there will be an update at our December meeting.
- *User Groups in Somerset*
Nothing to report
- *Plymouth and Torquay Civil Court Users' Group*
Nothing to report. Imran confirmed it's all gone very quiet. Cara suggested that we each touch base with the clerks we previously heard from to see if there is a nationwide stop on user group meetings or whether something is being done that we can feed back on to members. It was noted by Cara there is lots going on at present and the Courts are probably feeling a little overwhelmed, but these relationships are important and if any opportunities come up, please do attend.
- *County Societies' Group Civil Litigation Discussion Group*
Tony reminded everyone who makes up the County Societies Group, Surrey, Kent, Newcastle, Leicestershire, Cheshire & North Wales and us. The civil litigation subgroup was always very active and we need to rejuvenate this, they are keen to get it going again. There is a CSG meeting next week for the main group which will be focusing on lobbying at Westminster. Tony clarified there are two separate sub groups, one for Civil Litigation and one for family. Chris Wills sat on the Civil Litigation Group, which was very active, and we do need a replacement from the Sub Committee to take on this role. Cara asked if there were any minutes available that could be circulated so we can see if it's something anyone wants to put themselves forward. Tony advised these were round table type of virtual meetings and that provided a great information sharing opportunity, he isn't aware of any minutes. Martin attended County Societies Civil Litigation Group some time ago and

will be happy to attend these going forward. Nicola is happy to step in if Martin is unavailable. Tony will liaise with Martin and provide contact details from the various counties. Martin may well have to take the lead and drive this forward.

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

c) Family Practice

- *Family Court Users' Group*

Imran caught up with a Judge last week. Taunton is still essentially separated as there is no Court at Shire Hall in Taunton between the Magistrates Court at St John's Road and Yeovil with cases before HHJ Skellorn being in Wirral. This is probably going to be the case for the next couple of months, possibly into next year. Taunton and Somerset are quite well catered for with Judicial staff. Devon is really lacking in Judges due to budget issues. Imran noting that we are heading into the Christmas season, which is always very busy as Judicial time is at a premium. Noted therefore to take this as a warning to colleagues to get urgent applications in asap.

There haven't been any user group meetings in Devon or Somerset for some time, so we are just going by what we are being told by the Judiciary. Imran also advised there is now a national call centre, you need to make your enquiries via them. This is part of a cost cutting exercise and will eventually cover all of the UK. Cara advised most of the Courts and the Civil section have gone over to this as well. Expect long on hold wait times and when you do get through they can't always answer your questions. They will only put you through to a Court if you have a hearing there within the next 24 hours or an urgent situation. This can be very frustrating and can have an impact on client expenses and can increase costs for time spent waiting. Cara suggested we contact barristers as they would have a better knowledge of what's happening in the Courts and asked Imran if he could look into what is happening in the family loop across Devon and Somerset. Imran confirmed the District Judges have advised there are budgetary cuts and there have been meetings regarding this and has resulted in less recorders and DDJ's and have to rely on full time Judges who are already having to cover what should have been ear marked for someone else. Cara reported at the last Bristol BPC meeting they were trying to allocate more diary space to Judges for emergency applications, so depending on the type of work, it can be beneficial issuing in Bristol.

- *County Societies' Group Family Law Discussion Group*
Nothing to report, they have not met.

d) Mediation Services by DASLS Mediation Panel

Liz reported it has been a quiet period over the Summer. There are three in the pipeline, one mediation fast track case this week, carried over from June to September and two other fast-track cases ongoing. The fast-track cases are recommended by the District Judge at the allocation stage. It's good to know the Judges are recommending us, one recently came through from Judge Priddis, things are looking good. Nothing much on small claims at the moment, this still needs to bed in with the Court process of their mediation scheme. Cara asked if we could provide any additional support. Liz suggested it would be good if more local law firms instructed us for cases, there are a couple of regular firms but it would be great to expand this. Liz briefly explained the process, which can be tricky and can take a few weeks once both parties are on board. It would be great if we can simplify and speed this up.

3. CONSULTATIONS & PROCEDURAL UPDATE

a) Medical Records Update

Liz has Chris Tagg's notes on this from last year. Rhiannon Platt, Head of Governance and Information at RD&E has previously confirmed she is more than happy to meet with us. It was clear from the notes that she didn't really understand the reasons behind why lawyers request medical records. It was noted that at the time of Chris speaking to her, they were in receipt of 9000 requests. She is keen to see if we can make life easier on both sides. The coordinators at MASS are also very keen to meet and look into this for us. Liz previously touched based with colleagues in London and Manchester and law firms in those

areas are also experiencing the same difficulties, this is a larger issue than just the RD&E. Our next meeting is meant to be in person, perhaps we could run this as a hybrid so these contacts could join us. Let's try and get this booked in for the next meeting.

b) SRA Pre Consultation Protection Review Update

<https://www.sra.org.uk/home/hot-topics/consumer-protection-review/>

Cara briefly outlined this issue. Martin recently attended the SRA Consumer Protection Review and reported that we effectively agreed to commend the Law Societies comments and response to this. We are currently waiting for the SRA formal consultation to take place. Martin will feedback as soon as there is something to report. Stephen Forsey, DASLS Presidents attended a meeting last week with the Legal Services Board. He reported back to the Main Committee meeting that it was a very positive meeting.

4. FUTURE ENGAGEMENT EVENTS

Cara asked everyone to make a note of the following events:

- Admission Ceremony, 2 October at the Guildhall, Exeter. HHJ Tim Walsh will be in attendance.
- Autumn Somerset Dinner on the 8 November at the Somerset County Cricket Club, Taunton. Guest speaker is The High Sheriff of Somerset, Mr Rob Beckley. This is now open for bookings, contact Kelly.
- Tony updated on the Joint Meeting with Resolution on the 15 October. This was proposed by Ian Walker and so far, we have had a very good response. It's a joint meeting with the Law Society to look at what they are doing about family law legal aid rates. Richard Miller from Chancery Lane will be attending, and we hope to also have someone from their press team.
- December Event. Cara would like to do something in person in December, potentially this will include Rhiannon to discuss medical records but is also keen to replicate the event we did two years ago, which was hosted by Everys and became a joint event. Please have a think about what would involve more members with this committee.

5. LEARNING & DEVELOPMENT OPPORTUNITIES

a) DASLS & St John's Chambers Contentious Probate Update – 26 September 2024

b) Property Law Conference – 9 October 2024

6. ANY OTHER BUSINESS

a) Exeter University Update

Tony reported he has been talking at length with the University on various topics. They have expressed an interest in being involved with next years annual awards dinner. Their current focus is around Law Tech. We have a roundtable event coming up on this and also another looking at SQE and training in the profession.

Tony mentioned the Hamlin Lecture, Prof Richard Moorhead, from Exeter University is speaking at this free event. He is involved with the Post Office scandal. Tony will be attending and encourages everybody to attend.

b) DASLS Website "Our Committees and Groups" Page, content required

A discussion took place around the Webpage. It was agreed we would have a meet the committee section, Cara and Nicola will send photos and synopsis. If anyone would like to be added, please send to Cara. Cara suggested a newsfeed, but these will already be included in the main webpage. We will start by getting a landing page up and go from there.

c) Bristol Law Society Pro Bono Group Feedback

Cara attended the West of England Pro Bono quarterly meeting on 3 September 2024 via Teams. Their footprint is now Bristol, Bath, Gloucester, Worcester, Somerset, North Somerset and Wiltshire, and DASLS were invited along to this meeting as a local stakeholder. The main takeaways were that they had been invited to create a Pro Bono guide to be used by the government and national pro bono services. They are looking to release this during pro bono week, which is the first week in November. Anyone in our region

who wants to feed into that or wants to note that they provide pro bono services should get in touch with them (details below).

Equally, anyone providing pro bono services in our region who want to join future meetings and/or receive updates should contact them. Cara has agreed to continue to attend these meetings with a view to feeding back into DASLS.

During national pro bono week they will be hosting a number of events, including seminars, panels and talks etc. It is expected that more details will follow on this. As to other events throughout the year, they take part in Legal Walks and hold thanks and recognition events, which also offer pro bono lawyers the chance to enter into awards categories.

Contact details for anyone wanting to join the group or feed into the pro bono guide should contact Zoe Green at TLT Solicitors (zoe.green@tlt.com).

d) Consideration of McKenzie Friend regulation / advertisement

Tony reported on an advert that we have been alerted to by one of our members about a McKenzie Friend, who's website claims them to be as good as a solicitor but cheaper. The person who reported it to us wanted to make sure we are aware of this individual should we feel we need to raise it with trading standards. This issue was considered but deemed no action was necessary at this time. For those who did not have details of the person in question, it was agreed Kelly would share the link.

7. DATE, TIME AND FORMAT OF NEXT MEETING

Next meeting: 12 December 2024.

Liz will see if Rhiannon is available on this date to join us and we will go from there. 3:00pm was suggested, either at Everyys or Tozers in Exeter. Liz and Martin will make enquiries, Kelly will co-ordinate. Cara suggested we could open up the second half of the meeting as a meet and greet.

The meeting closed at 4.55pm

Circulated by email on: 14/10/2024