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17 APRIL 2026

The Law Society

Gazette

Signs of the times

Ministers are determined to preserve their anti-terrorism powers. Will the courts support them?

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Devolution conundrum

Labour's predicted meltdown in the May elections ought to be of more than passing interest to solicitors. Reform, which is set to make huge gains, has pledged to take a wrecking ball to the Blair-era infrastructure of legal regulation and hand the job of superintendence back to the Law Society.

The polls will give a clearer signal of whether Nigel Farage's party is on course to form the next Westminster government. Psephologists will be reading the runes especially closely this time, given recent signs that support for Reform has plateaued.

In Wales, the ramifications may be more immediate. According to a poll published on Wednesday by the *Telegraph*, Labour will lose control of the Senedd, in which it has held a majority since the inception of the Welsh parliament in 1999. Plaid Cymru is expected to emerge as the largest party, with Labour pushed into third behind Reform.

This matters. Or could matter. One of Plaid's flagship policies is to resurrect the push for devolution of justice and policing, both of which remain largely reserved to Westminster.

'The evidence is unequivocal: justice and policing should be devolved to Wales, as they are in Scotland and Northern Ireland,' says Plaid's manifesto. 'Ongoing policing reforms and the scrapping of Police and Crime Commissioners by the UK Government provide new impetus, and we will pursue full devolution with the urgency this deserves.'

The party's early programme includes bringing forward early a Welsh Tribunals Bill (unfinished business from the current session) and introducing the Level 7 legal apprenticeships that Wales continues to be peculiarly denied. Constitutionally, these reforms would be within its remit.

Seven years have elapsed since the landmark Thomas Commission report which recommended that Cardiff wrest full control of justice policy and funding from London. Since then, deadlock – more or less. The Conservatives were never going to agree. Keir Starmer's Labour has also evinced no interest, despite the enthusiastic advocacy of former Labour counsel general for Wales Mick Antoniw.

I am no student of Welsh politics but rapid progress on devolving justice seems unlikely, even if Plaid could cobble together a coalition in favour. Aside from the electoral maths, the commission's 78-point reform plan was never costed.

Where's the money?

Paul Rogerson

Paul Rogerson
Editor-in-chief

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Photo: Alamy

Sarah Sackman: cases would not be returned to magistrates' courts

Battle joined on jury curb bill

Monidipa Fouzder

The government has spent the week batting away proposed amendments to the Courts and Tribunals Bill that would have watered down its plans to curb jury trials as part of wider efforts to cut the Crown court backlog.

But an important amendment on specialist rape courts – a Labour manifesto commitment – had yet to be voted on as the *Gazette* went to press.

The public bill committee met this week to commence line-by-line scrutiny of the legislation and debate various amendments tabled by MPs opposing the proposed restrictions on jury trials. So far, the government has retained the first two clauses of the bill, which remove the rights to elect a jury trial and to object to a venue, after nine committee members voted in favour of retaining them as currently drafted. Six voted against.

The committee debated but had yet to vote on an amendment that would prevent the reforms applying to cases currently awaiting trial.

Urging MPs to vote against the amendment, courts minister Sarah Sackman said cases would not be returned to magistrates' courts where defendants had elected for trial in the Crown court.

Sackman said the application of 'procedural changes' to existing cases is consistent with long-standing legal practice, as seen with judge-only trials for jury tampering under the Criminal Justice Act 2003.

The committee has yet to vote on an amendment tabled by Labour MPs Charlotte Nichols and Stella Creasy on specialist courts for sexual offences and domestic abuse cases. Rebel Labour MPs believe specialist courts and Crown court efficiency measures would render curbs on jury trials unnecessary.

Even if the government defeats the amendments, it remains unclear how many MPs will vote for the bill following its third reading in the Commons. The bill passed its second reading by 304 votes to 203. No votes were recorded for 88 Labour MPs.

The government could also struggle to get its jury reforms through the Lords. While the Parliament Act provides for the will of the elected chamber to prevail, peers could rely on the convention that this does not apply to non-manifesto measures.

City funding for LawCare

Gazette staff

The City of London Law Society (CLLS), the City of London Solicitors' Company (CLSC) and LawCare have announced a three-year strategic partnership combining sustained funding with sector-wide engagement to support those working across the legal profession.

The CLLS will contribute £10,000 a year from 2026 to 2028, with the CLSC committing £5,000 a year over the same period. Together, this represents a combined investment of £45,000 into LawCare's work, supporting individuals across the legal sector and strengthening the evidence base around working practices and pressures in the profession.

At the core of the partnership is a joint commitment to LawCare's 25 Club, which brings together organisations committed to supporting mental health, improving working practices and ensuring that those working in law are able to access support when needed.

The partnership also establishes a programme of practical engagement across the City legal community. This will include joint events, the integration of LawCare into senior forums, and the development of co-badged insights reflecting the lived experience of those working in the profession.

High-volume litigation funder placed into administration

John Hyde

One of the key funders of the high-volume claims industry has gone into administration.

A notice in the London Gazette stated that BV Corporate Recovery & Insolvency Services was appointed earlier this month to handle the affairs of Fenchurch Legal.

Lowry Trading, a company owned by a family trust fund, applied to the court for an order to appoint an administrator.

Fenchurch Legal told the *Gazette* last week it intended to contest the application, but the appointment was subsequently confirmed. There has been no further comment.

The funder has been a key figure in the emergence of high-volume firms running thousands of housing disrepair, financial mis-selling and *Plevin* PPI claims. It provides loans for between 12 and 18 months to cover disbursement funding and working capital requirements.

Its business model was to fund small-ticket claims at high volumes to spread the risk across multiple cases and case types.

Fenchurch was owed significant sums by the collapsed north-west firms Nicholson Jones Sutton Solicitors and McDermott Smith. The funder was running with net liabilities of almost £567,000 at the end date of its 2024 accounts.

Founder Louisa Klouda and Jerry Yanover remain as directors, according to Companies House records.

Fenchurch Legal's issues reflect wider struggles in the claims market, where some firms have built huge caseloads but not necessarily turned these into profit-making businesses.

A week in 60 seconds

16 April
The government has opened a **consultation on measures in the Employment Rights Act that will prevent misuse of non-disclosure agreements** in cases of workplace harassment and discrimination. The consultation will consider the conditions for an NDA to be valid.

15 April
Sarah Rapson, chief executive of the Solicitors Regulation Authority, said she is open to talks on creating a single complaints-handler amid concerns that clients are confused by the current system. People are unsure whether they should go to the SRA or to legal ombudsman when they are unhappy with their lawyer, Rapson told the Commons justice committee. The SRA handles conduct complaints and the ombudsman complaints about service.

14 April
The use of artificial intelligence to generate criminal court transcripts is to be tested, the Ministry of Justice announced. In the research **HM Courts & Tribunals Service will trial the accuracy of its in-house developed system, Justice Transcribe,** in recording Crown court proceedings. If successful, the scheme will allow victims of crime to receive machine-generated transcripts for free rather than having to pay hundreds – or even thousands – of pounds for commercial services, the MoJ said.

Birmingham Law Society urged the SRA to stop policing matters that can be dealt with by law firms or the courts – such as bullying and sexual misconduct. Too often the regulator has been perceived as a 'draconian organisation lacking understanding or empathy for hard working legal professionals,' it said in a letter to SRA CEO Sarah Rapson.

A claims management company supplying law firms with car finance claims has been ordered to **stop using unauthorised clips of Martin Lewis in its advertisements.** The Financial Conduct Authority said Conclusive Financial Ltd, which trades as PCP Refunds, should take down any ads showing edited clips of the TV personality and founder of the Money Saving Expert website.

13 April
The government's plan to cut the multi-billion-pound clinical negligence costs bill will be revealed this autumn, the Treasury disclosed. According to the department's response to the Public Accounts Committee report on clinical negligence, **the government accepts the basic premise that the Department of Health and Social Care has failed to tackle rising costs despite repeated warnings.** The Treasury said it will write to the committee by this autumn to set out the case for change and outline its workplan.

The scale of the crisis in legally aided advice in Wales was graphically illustrated by the latest report from a charity providing volunteer advice clinics. **LawWorks Cymru's Impact Report 2024-25 shows that 3,400 enquiries were made to its network in 2024, an 81% increase since 2020.**

The Law Society published guidance for solicitors practising litigation in the wake of last month's landmark Court of Appeal ruling in *Mazur*. **The new practice note explains how law firms can ensure only authorised persons conduct litigation**, while also seeking to help solicitors understand which tasks unauthorised team members can undertake in their own right. (Legal Update, p20.)

The partners of London firm Ashurst and US outfit Perkins Coie have voted 'overwhelmingly' in favour of a proposed merger. Ashurst Perkins Coie will be a 'globally integrated firm with combined revenues of approximately US$2.8 billion', the pair said.

Money saving expert: FCA ordered claims firm to stop using images of Martin Lewis in its ads

10 April
Bar pupils who attended Oxbridge are 15 times more likely than others to obtain financial awards of £60,000 or more, according to the Bar Council's annual pupil survey. For the first time this year, pupils were asked about their university education.

To read all these stories and more in full, see lawgazette.co.uk/news

Mesothelioma – Public Notice re tracing of insurers

7 April 2026

Notice is hereby given that an individual who historically worked for the following entities during the date ranges specified has been diagnosed with mesothelioma:

1. October 1967 to 1972 – McFee & Cubbon Ltd and/or C.C. McFee Limited of PO Box 237, Peregrine House, Peel Road, Douglas, IM99 1SU, Isle of Man;
2. October 1967 to 1972 – J.J. McArd & Son (Builders) Limited and/or J.J.M. Limited of Church Road, Port Erin;
3. 1972 to 1974 - David Callister Plumbing (address unknown); and
4. 1985 to 1992 – Ronaldsway Aircraft Company Limited of Ronaldsway Aircraft Building, Ballasalla, Isle of Man.

It is believed that the disease may have been caused by exposure to asbestos during the course of their employment with one or all of the aforementioned employers.

Despite enquiries, it has not been possible to identify liability insurers for the aforementioned employers during the date ranges identified. The purpose of this notice therefore is to request any insurer, broker, or any other person or entity who may have provided or arranged Employers' Liability insurance for the above employers, or anyone who has any information which may assist in identifying such insurers, to contact the undersigned as soon as possible.

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Let the good times roll

Fee income and profits continue to soar, this year's benchmarking survey shows. Solicitors are clearly getting better at running their businesses

Paul Rogerson

Some 121 law firms with a combined income of £1.2bn took part in this year's Law Society Financial Benchmarking Survey. That is a representative sample, but there is a caveat. Firms that volunteer their data are more than casually interested in how best to conduct legal business. It is safe to assume they are relatively well run.

This needs to be borne in mind when contemplating the blizzard of buoyant statistics that follows – as does the fact that the sample varies from year to year. One is not comparing like with like.

That said, the numbers are impressive. Perhaps the most eye-catching is an 11.2% rise in median fee income, the biggest increase reported for at least 17 years.

Median profit per equity partner is up 13%. That does not quite match last year's 21%, but is still the second-largest rise since 2014 if one excludes the Covid era outlier of 2021 (+39%).

One question will already have suggested itself to readers who take an interest in law firm finances. How much of the sustained profit boon is attributable to pocketing the interest on client money? Inconveniently, given what came later, last year's survey showed that interest on client money turbocharged partner profits while organic growth flatlined. In 2025, total interest receipts soared 150% from £28m in 2023 to £69.5m, an average of nearly £500,000 per law firm surveyed.

That has changed. Last year, median PEP rose just 1.2% when interest receipts were excluded. This year, the equivalent figure is 10.5%. Firms appearing to be heeding advice to wean themselves off what has proved a lucrative income stream since interest rates started to rise in 2022.

Total interest income did rise again this year, but by just 11%, far less than previously.

No one is pretending however that it will not hurt the sector if the government presses ahead with plans to seize the interest that law firms earn from client money. Hundreds of responses were dispatched to the government's ongoing consultation. I understand that we are highly unlikely to see white (or indeed black) smoke from the Ministry of Justice until after the May elections.

Some 85% of respondent firms reported fee growth in 2026, with 55% posting double-digit growth. Rises were recorded across all regions and work types. Conveyancing income rose by a median 27% as the residential property market rebounded.

If the MoJ is to squeeze earnings by seizing interest, there remains scope for law firms to mitigate its impact. Chargeable hours per fee-earner climbed from 752 in 2025 to 807, but against a notional industry standard of 1,000-1,200 hours the sector can hardly boast of its outstanding productivity. As one attendee at the survey's launch on Tuesday observed drily: 'I'd be asking fee-earners working a 35-hour week what they are doing during the three or four hours a day they are not charging for their services.'

There are other encouraging signs that firms are getting better at financial hygiene. Median lockup is down from 146 days last year to 134, a notable reduction following years of stasis. And there are still easy wins to be had, such as getting bills sent out promptly and ensuring fee-earners bill throughout the month rather than just once. Every day taken off lockup frees up £30,000 of cash. The billing habit must be ingrained.

What else stands out? The cost of professional indemnity insurance as a proportion of fee income has fallen for the first time in seven years, confirming the endurance of a soft PII market. But the cost of IT – more than 4% – is on the up, as firms address the challenge of exploiting artificial intelligence.

The good times look set to continue to roll, notwithstanding the vexed issue of interest receipts. Looking ahead, the firms that took part this year predict a median rise in fee income of 4.8% in the current period.

Mark Evans, president of the Law Society, commented: 'Despite ongoing external uncertainty and an increased need to invest in new technology, law firms are seeing strong growth. The legal sector remains healthy and resilient. Solicitors continue to support clients, businesses and communities while heavily contributing to the UK's economy. With the right support and investment, England and Wales can continue to lead the world as a renowned legal centre.'

> **Despite ongoing external uncertainty and an increased need to invest in new technology, law firms are seeing strong growth. The legal sector remains healthy and resilient**
>
> *Mark Evans, president, Law Society*

- *The Financial Benchmarking Survey 2026 provides an overview of the financial performance of the legal sector. It is written and produced by the legal team of accountancy firm Hazlewoods LLP for the Law Society Leadership and Management Section and sponsored by Lloyds Bank Commercial Banking*

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‘Like Nazi Germany’

President Trump’s efforts to ‘dismantle the independent bar’ are meeting fierce resistance as a critical court date looms

Eduardo Reyes

In another sign that the US justice system’s independence is in a stress position, the most eye-catching adornment of the Department of Justice’s main building this Spring is not the Stars and Stripes fluttering in a breeze bearing petals from Washington DC’s famous cherry blossoms. It is a three-storey-high banner bearing president Donald Trump’s face above the legend: ‘Make America Safe Again’.

On 14 May, the DoJ’s lawyers will be in the Court of Appeals for the District of Columbia for oral arguments in the grouped cases of four law firms which were the subject of executive orders last year (*Jenner v Department of Justice*).

Following the executive orders, each of the quartet (Perkins Coie, Jenner & Block, WilmerHale and Susman Godfrey) won federal court injunctions against the orders, first as temporary restraining orders, then as full judgments permanently blocking them.

Trump’s orders posed an existential threat to the targeted firms. They would have meant the withdrawal of security clearances for all the firm’s personnel, effecting a bar on entering federal government buildings, including the premises of regulators and courts. The orders required private businesses with government contracts to report on and terminate instructions to the law firms or lose their government contracts. And they labelled the target firms’ DEI policies illegal, barring federal agencies and businesses with government contracts from hiring their staff.

Each order represented what the firms affected view as unprecedented interference in a private business by federal government. But law firms in particular can lean on numerous constitutional protections against such retaliatory actions.

The restraining orders and judgments that nullified Trump’s orders were excoriating. DoJ’s filing to the appeal court signals a tactical shift.

The department’s approach is being read as an admission that a comprehensive victory is not on the cards for Trump. Instead, a partial win is sought. The submission asks the court to examine each element of the executive orders separately.

The DoJ’s brief argues that the president has the constitutional powers to deal with threats to national security and racial discrimination in the legal profession. ‘The president wants some of the provisions to take effect even if others are enjoined,’ its brief says.

Between 30 March and 2 April, 14 amicus briefs were filed in support of the four firms. Such briefs are provided to the court by non-parties to assist with an understanding of a case’s context.

The American Bar Association (ABA) argues against ‘starkly unconstitutional sanctions on firms… that represent clients and positions adverse to the Administration’. Citing the constitution’s First Amendment, it says that ‘the [executive orders] reflect an attempt to suppress speech and cannot be sustained’.

One brief is signed by 595 law professors. Another, by ‘1,224 Law Students and 50 Law Student Organizations’, says the executive orders ‘represent government reprisal’ and that: ‘Left alone, the orders will erode the legal profession’s independence and the rule of law that the legal profession serves.’

The Law Society and Bar Council are among 21 European bar associations named in an amicus brief, which states: ‘In sum, courts across jurisdictions have converged on a common understanding: lawyers must be free from improper governmental interference to fulfil their role as guardians of justice. Compromising that independence not only threatens individual rights but also damages public confidence, undermines the legitimacy of democratic institutions, and jeopardizes the rule of law itself.’

‘History offers stark lessons,’ it notes elsewhere. ‘In Nazi Germany, dismantling the independent bar was an early step in subordinating the legal system to the regime. More recently, a troubling pattern of interference with the profession has emerged in other regions. For instance, in Russia, Turkey, China, and Hong Kong, as well as in European countries such as Poland.’

Independent organisation Lawyers for Lawyers, meanwhile, which seeks to defend ‘lawyers at risk’, stated: ‘Set out in multiple instruments, including the United Nations’ landmark Basic Principles on the Role of Lawyers, a universal consensus has developed that recognizes the indispensable role of lawyers safeguarding democracy and the rule of law.’

For law firms which faced the threat of an executive order, but avoided that outcome by coming to terms with the White House (including by promising $40m-$125m in pro bono work), there has been no neat Faustian pact. Such deals have caused tension within international partnerships, generating practical as well as moral objections. Firms are committing to axe diversity commitments and initiatives in the US, but must comply in the UK and EU with requirements including mandatory gender pay gap reporting, and professional rules on upholding diversity and equality.

More immediately, are the firms that arguably capitulated to Trump on a collision course with the ABA? Writing for Bloomberg, Seattle University legal academic Seth Katsuyo Endo argues the ABA’s rule of professional conduct ‘prohibits law firms from promising pro bono work to avoid White House sanctions’.

Membership of the ABA is voluntary and it is not a regulator; but its model code of conduct is as an industry standard in most US states.

> **A universal consensus has developed that recognizes the indispensable role of lawyers safeguarding democracy and the rule of law**
>
> *Lawyers for Lawyers*

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Law Society Gazette, 18 April 2016
QS chief steps down in brand rethink
The strategy expert hired to turn around the fortunes of the QualitySolicitors network is leaving his post as chief executive after just over two years. QS said it is now established as a 'leading legal services website'.

27 April 2006
Co-op Group move into legal services
The Co-operative Group is to launch a legal services business that will be available to its 1.5 million members. While current law prevents the Co-op from offering legal services to non-members, the plan is to offer them directly to the public as soon as the liberalisation of the market comes into force.

24 April 1996
Education shake-up
Proposals for the most radical shake-up of legal training for 25 years are to be unveiled by the Lord Chancellor's Advisory Committee. The proposals are expected to include a single qualification for all law students and a reduction in the training contract to one year or even six months.

23 April 1986
Towards a legal electronic network?
By supporting Network for Law, the Law Society has provided an electronic communications service for those in the profession. Together with British Telecom, the Society is developing 'value-added' facilities for the electronic mail and telex base.

28 April 1976
Human rights
In an address to the International Press Institute, the Home Secretary, the Rt Hon Roy Jenkins MP, said that the real danger was that we in this country would 'remain complacently indifferent to serious defects in our system' from the point of view of protection of human rights.

April 1966
Financing litigation
The proposals by a committee of justice in its report *Trial of Motor Accident Cases* include the institution of an independent, non-profit-making organisation to finance litigation on a contingency fee basis.

Empty seats in the Commons

Thousands of clients of SSB Law, PM Law et cetera have been left out of pocket in recent months after firms went bust with their regulators standing by, seemingly impotent. So one might expect a modicum of interest from parliamentarians in holding to account the suits who are supposed to keep law firms on the straight and narrow.

But the majority of the Commons justice committee clearly had better things to do on Tuesday afternoon than interrogate leaders of the Legal Services Board and Solicitors Regulation Authority. Just four MPs bothered to show up – plus chair Andy Slaughter – and one left halfway through. Poor show.

The extent of the committee's interest was evident from the off, when LSB chair Monisha Shah had to point out that her name badge wrongly called her 'Dr'. Shah was not troubled anyway, leaving chief executive Richard Orpin to face the music.

Orpin had that irritating habit of thanking the MPs for their questions, no matter how hostile. It is a well-established technique for uselessly disposing of the committee's time. But Conservative member Sir Ashley Fox brushed aside the pleasantries to declare the LSB itself a waste of time.

'Do you actually add anything to this?' he asked. Orpin gamely pointed out that the LSB holds regulators to account and takes enforcement action when required. 'What do you add?' batted back Fox. Orpin waffled about scrutinising frontline regulators and making statements of policy.

'That is nothing the Ministry [of Justice] couldn't do,' replied Fox, unassuaged. The super-regulator, he suggested, could be replaced by the MoJ keeping a general eye on things.

Slaughter joined in the mauling, saying the current regulatory system was 'so complicated that nobody dares to try to unravel it'. The assessments of the LSB were so bad that 'if these were Tripadviser reviews they would be one-star'. Arf!

'I am working on the basis there will be a Legal Services Board going forward,' muttered Orpin, bleakly. *Obiter* wonders when we would start to notice if there were not.

Expect a junior minister to take the (white) heat

This week's announcement that HMCTS is to test the ability of its home-grown AI software to generate transcripts of Crown court proceedings generated quite a bit of comment. Some, admittedly, was of the 'What could possibly go wrong?' variety. But other comments were more positive. After all, the idea has been kicking around for the best part of a decade: initially, the aim was to produce 'good enough' rough transcripts for data analysis.

Since then, thanks to large language models, the technology has advanced by leaps and bounds. And with it the enthusiasm of justice ministers. In fact, there seems to be a bit of competition over who will seize the agenda. Last year, it was Lord Timpson announcing the 'AI Action Plan for Justice'. Earlier this year, the lord chancellor (or deputy PM as he prefers to be known) chose a Microsoft event of all places to announce his court reforms (presumably to endow a Wilsonian white heat to the more regressive aspects).

And this week courts minister Sarah Sackman grabbed the chance to present free AI transcripts as a breakthrough for victims of crime.

Of course, we are still at an early stage. First of all, we need to prove the technology works – crime victims won't be happy with 'good enough'. Then there are tricky questions about who will have access to the transcripts database: Palantir? Or AI companies developing robot counsel? We suspect that fielding these issues will be shunted on to the most junior member of the ministerial team.

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The Law Society

Joshua Rozenberg
Columnist

Ministers hold the line on Palestine Action

Should we feel any sympathy for the 500 or so protesters who were arrested in Trafalgar Square at the weekend? They had been warned by the police that it was an offence to display signs supporting a banned terrorist group, in this case Palestine Action.

Their protest had been organised by a campaign group called Defend our Juries. So perhaps they thought they were opposing the government's planned reforms. But the charge they face, under section 13 of the Terrorism Act 2000, has never been tried by a jury.

The protest group said it had been advised by its solicitors Hodge Jones & Allen that any arrests would be unlawful. That was because the High Court had upheld a challenge by Palestine Action to its proscription on 13 February.

But Dame Victoria Sharp said in court that 'Palestine Action remains proscribed until further order'. And the High Court announced on 25 February that its order lifting the ban on Palestine Action would be 'stayed pending determination of the [home secretary's] appeal to the Court of Appeal'. So publicly supporting Palestine Action remains an offence.

Shabana Mahmood's appeal has been expedited and will be heard later this month. Her lawyers are expected to remind the appeal judges that Huda Ammori, who co-founded Palestine Action, was unable to satisfy the court that it was a non-violent organisation engaged in peaceful protest.

'At its core', said the judges, 'Palestine Action is an organisation that promotes its political cause through criminality and encouragement of criminality. A very small number of its actions have amounted to terrorist action.'

But the High Court allowed Ammori's challenge on two grounds. The first was that the home secretary had breached her own policy. This says she may proscribe an organisation if she believes it is concerned in terrorism and it is proportionate to do so.

The proportionality test caused the court some difficulty. Mahmood's predecessor Yvette Cooper had been advised that proscribing Palestine Action would provide

> **Future defendants would argue that terrorism proscription was disproportionate when the same outcome could be achieved through designation as an extreme protest group**

'significant disruptive benefits beyond the current policing powers' because it would allow members and supporters to be arrested. But that, said the court, was not consistent with the home secretary's published policy. So the ban had to be quashed.

'This conclusion may appear to rest on a very narrow basis,' Sharp and her colleagues conceded. 'The home secretary had, after all, formed the belief that Palestine Action is an organisation concerned in terrorism and in these proceedings the claimant does not challenge that decision.'

However, the judges continued, 'this conclusion is a direct and necessary consequence of the policy the home secretary has applied to the exercise of her discretion to proscribe such organisations.'

The court then dealt with Ammori's claim that proscription of Palestine Action restricted its supporters' human rights.

'Considering in the round the evidence available to the home secretary when the decision to proscribe was made', Sharp concluded, 'the nature and scale of Palestine Action's activities, so far as they comprise acts of terrorism, has not yet reached the level, scale and persistence that would justify the application of the criminal law measures that are the consequence of proscription and the very significant interference with convention rights consequent on those measures.'

In other words, Palestine Action had organised only a small number of terrorist acts and there was no justification for criminalising people holding up signs.

Though this was never said, perhaps the court's unspoken justification for this rather shaky legal reasoning was that it would avoid the pressure on the criminal justice system from some 3,300 potential prosecutions. But the Crown Prosecution Service believes it is up to the challenge. And it is under no obligation to prosecute everyone arrested.

I suspect the Court of Appeal will be more sympathetic to the home secretary's concern that the earlier ruling, if allowed to stand, would make it more difficult for ministers to ban other terrorist organisations in the future.

And that is the reason MPs overturned a well-meaning but risky compromise on Tuesday. A House of Lords amendment to the Crime and Policing Bill would have allowed ministers to ban 'extreme criminal protest groups' that intended to commit serious offences for political purposes. The reform was proposed last month by Lord Walney, who served as Boris Johnson's independent adviser on political violence and disruption. He said it would 'avoid the controversy of people being arrested for holding up signs'.

But Jonathan Hall KC, the government's independent reviewer of terrorism laws, advised ministers that Walney's amendment risked 'undermining the proscription power which has been an important mainstay of UK terrorism legislation'. Future defendants would argue that terrorism proscription was disproportionate when the same outcome could be achieved through designation as an extreme protest group.

Ministers are clearly determined to preserve their anti-terrorism powers. Let us see if the courts decide to support them.

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FT brand will benefit from 'lawfare' fight

Dominic Ponsford
Press Gazette, *13 April*

The *Financial Times* has won a major victory for press freedom.

Three years after the *FT*, along with Tortoise Media, published allegations that banker Crispin Odey had sexually assaulted multiple women [which he strongly denies], he has dropped a £79m claim for damages.

The case hinged on the public interest defence. The *FT* was able to prove that it was reporting responsibly on a matter that served the public good.

This will have involved a huge amount of work prior to publication ensuring that facts and testimony were checked, rechecked and faithfully logged, and ensuring Odey had ample time to respond.

This case underlines the fact that, in the UK, only the biggest and most resolute news organisations can risk giving a voice to employees who are the alleged victims of powerful colleagues. Both cases cost millions to defend and will have been a major distraction for investigative journalist teams tied up with legal queries and disclosure requests.

In cash terms, the return for the *FT* for its Odey story will be hard to justify [following] years of distracting lawfare.

But I suspect that this legal fight will pay out in the long run as an investment in the brand.

Suppression of Palestine Action is 'brutal'

Interview with UN special rapporteur Francesca Albanese
The Guardian, *14 April*

Albanese describes the government's suppression of Palestine Action as 'brutal' and the prime minister as a 'monster' for arguing in 2023 that Israel 'has the right' to cut off electricity and gas to Gaza: 'You're not a human rights person at all if you say such a monstrosity. And the university that gave you your law degree should take it away.'

In June 2025, Albanese published a report titled *From Economy of Occupation to Economy of Genocide*, which showed how many of the world's corporations had investments linked to Israel's occupation of Palestinian territories.

When I canvassed others in the international human rights field on their views of Albanese, I found great admiration for her commitment and impact, caveated in a few cases by regret that she has mixed the language of the dispassionate lawyer with the passionate rhetoric of a political campaigner. This makes her an easier target for those defending war crimes, the doubters argued.

My mention of these criticisms draws a flash of anger. 'Why can't I express a political view? Everything that is being done is political. The way human rights are not respected is political. But we are used to thinking in silos, so I need to stay in my silo?'

The MoJ's ILCA scheme is not fit for purpose

Mark Evans
President, the Law Society,
lawgazette.co.uk

The government's proposals [for] an Interest on Lawyers' Client Accounts Scheme (ILCA) amount to nothing more than a crude sector-specific tax on clients of legal services.

The SRA makes clear that client money belongs to clients. Interest is client money, and while in some circumstances firms can retain some interest and use it towards lowering the cost of delivering services, they must account for a fair sum to clients and be clear about their interest policy to clients.

The scheme means the government will be using client money as an unreliable source of revenue to address general budget shortfalls instead of budgeting properly for an effective justice system.

The justice system is a core public service that benefits everyone, and it is fair that we all contribute to its funding through general taxation, just as we do for the healthcare system, rather than expecting patients to pay more.

Solicitors already make a substantial contribution to the justice system, and imposing proposals that single out solicitors' firms and their clients sets an unfair precedent, especially as the legal sector contributed an estimated £38bn to the UK economy in 2024, around 1.5% of total gross value added. The MoJ's ILCA scheme is not fit for purpose.

The Law Society Gazette

BELOW THE LINE

'Oxbridge graduates 15 times more likely to receive top pupillage awards'

Reader comments, lawgazette.co.uk, 10 April

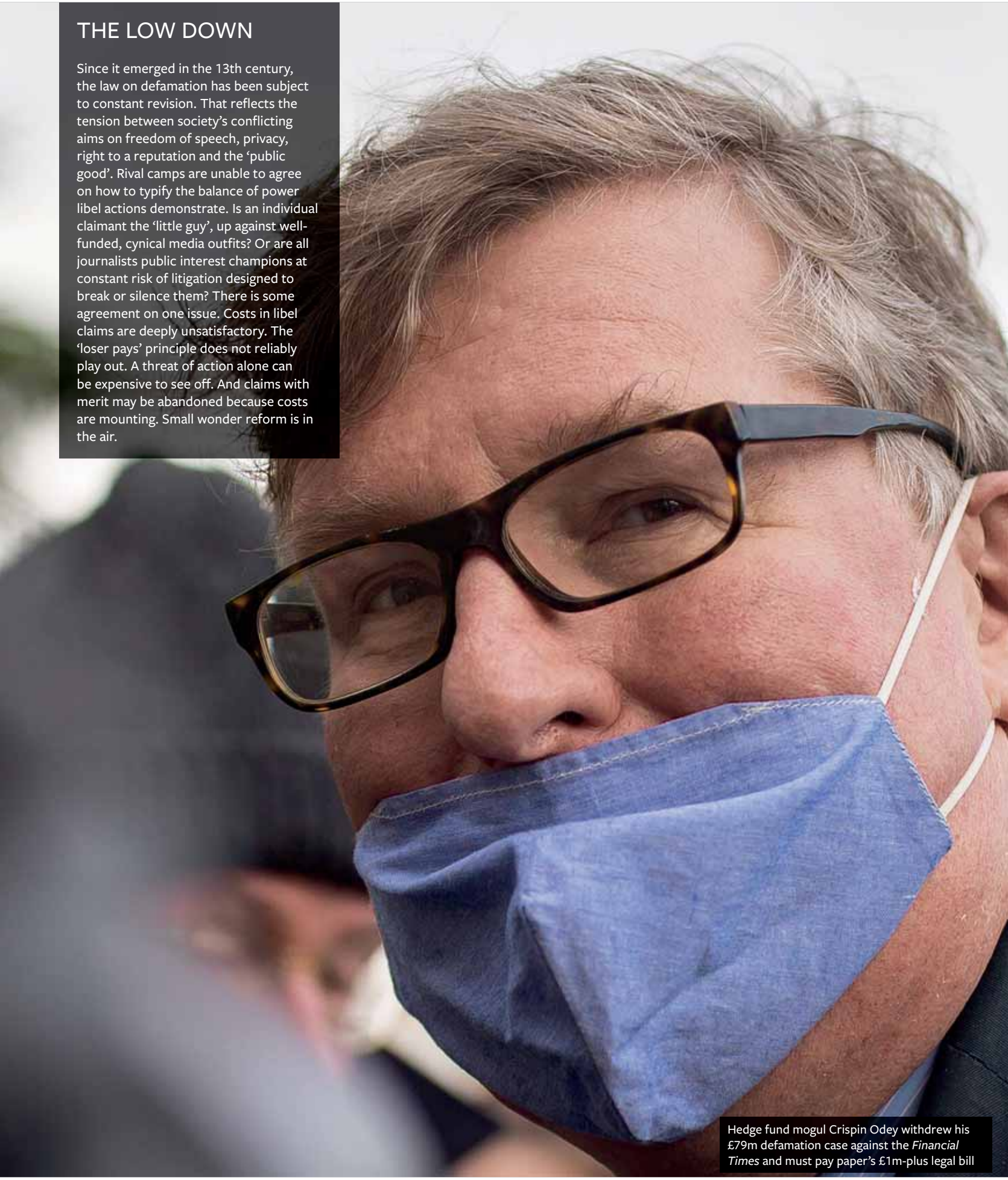
'To suggest that simply because someone hasn't had X work experience, or hasn't received Y grades, or hasn't been shown how to do Z on an application form, means they are a less capable candidate to be a barrister smacks of being entirely removed from reality. Anyone with a natural ability with key barrister attributes (e.g. effective debating, quickly assimilating information and spotting issues, spontaneous rebuttal etc) has the potential, with quality training, to be a capable and successful practitioner. Of course, grades and work experience can be a good indicator of academic ability and commitment to the bar, but we cannot place so much reliance on this when we are so aware of how unlevel the playing field is between candidates, often through no fault of their own'

'There's no particular measure of what is "good enough" except the perception of what is good enough and that becomes fulfilled through being perceived to be good enough. It's self-fulfilling. Welcome to the class system'

'I was the training principal in two City firms and it is quite difficult to be sure about the talents of candidates in the longer term. Oxbridge candidates were usually a bit more polished, not always as confident as one might expect. The best candidate I recall was red-brick, had a 2.2, and had the most common sense of all the candidates I saw: they thrived. Sticking to Oxbridge candidates rather narrows the field'

THE LOW DOWN

Since it emerged in the 13th century, the law on defamation has been subject to constant revision. That reflects the tension between society's conflicting aims on freedom of speech, privacy, right to a reputation and the 'public good'. Rival camps are unable to agree on how to typify the balance of power libel actions demonstrate. Is an individual claimant the 'little guy', up against well-funded, cynical media outfits? Or are all journalists public interest champions at constant risk of litigation designed to break or silence them? There is some agreement on one issue. Costs in libel claims are deeply unsatisfactory. The 'loser pays' principle does not reliably play out. A threat of action alone can be expensive to see off. And claims with merit may be abandoned because costs are mounting. Small wonder reform is in the air.



Hedge fund mogul Crispin Odey withdrew his £79m defamation case against the *Financial Times* and must pay paper's £1m-plus legal bill

The Defamation Act 2013 tilted the law away from claimants but many lawyers believe it did not go far enough, reports **Sian Harrison**. London remains the world's libel capital

A TOWN CALLED SUE

Madison Marriage was on maternity leave almost two years ago when she received the news every journalist dreads – her work was at the centre of a libel action. Along with colleagues at the *Financial Times*, she had investigated former hedge fund mogul Crispin Odey and he was now bringing a record £79m defamation claim over reports of sexual misconduct allegations from 20 women.

Last week, while still strongly denying any wrongdoing, Odey withdrew his case three months ahead of trial. His lawyers said he had been 'forced to accept' that the *FT* was likely to successfully defend its journalism as being in the public interest, even though he believed he would have demonstrated at trial that he is 'not the violent predator he was presented as being in the articles'. The response from the *FT*'s editor, Roula Khalaf, was stark: 'The *FT* was always confident in its reporting. This is a case that should never have been brought.'

Odey's climbdown will of course have come as a relief to many, not least the 15 women who would have had to go to the High Court in London and repeat their evidence in the full glare of publicity. The reporting team, the legal team and all at the *FT* tasked with fending off this whale of a claim will also, no doubt, permit themselves a brief exhale.

Yet, even before reaching trial, the news outfit had racked up seven-figure costs. This is easily done in a high-stakes defamation case, with such a huge damages bill looming and a large volume of disclosure.

Odey is now liable for those costs, as well as his own, and one would expect the *FT* will be able to recover them. However, recovery is not guaranteed in such cases. *The Guardian*, for instance, is unlikely to ever see much of the £3m that actor Noel Clarke was ordered to pay last year, following his failed libel claim against the newspaper, as he was declared bankrupt in December.

Former *Guardian* editorial legal director Gill Phillips is resolute in her belief that the huge costs involved in libel cases have a 'serious chilling effect' on journalism and are seriously disproportionate to the damages that might be awarded. *The Guardian*'s total costs were 'significantly in excess of £6m' and the trial judge, Mrs Justice Steyn, said they had been increased by the conduct of Clarke and his legal team, after her finding that he was 'not a credible or reliable witness'.

Phillips, now an editorial consultant, says: 'Only well-resourced, well-insured or extremely brave publishers can afford to take the sort of financial risks involved in publishing this sort of legitimate public interest story.'

History lessons

Defamation – libel in writing, slander in speech – is a complex area of law and therefore strikes fear into the heart of most journalists. While investigative types become somewhat inured to the rhythm of legal threats, for the rest of us a legal letter stings and causes sleepless nights.

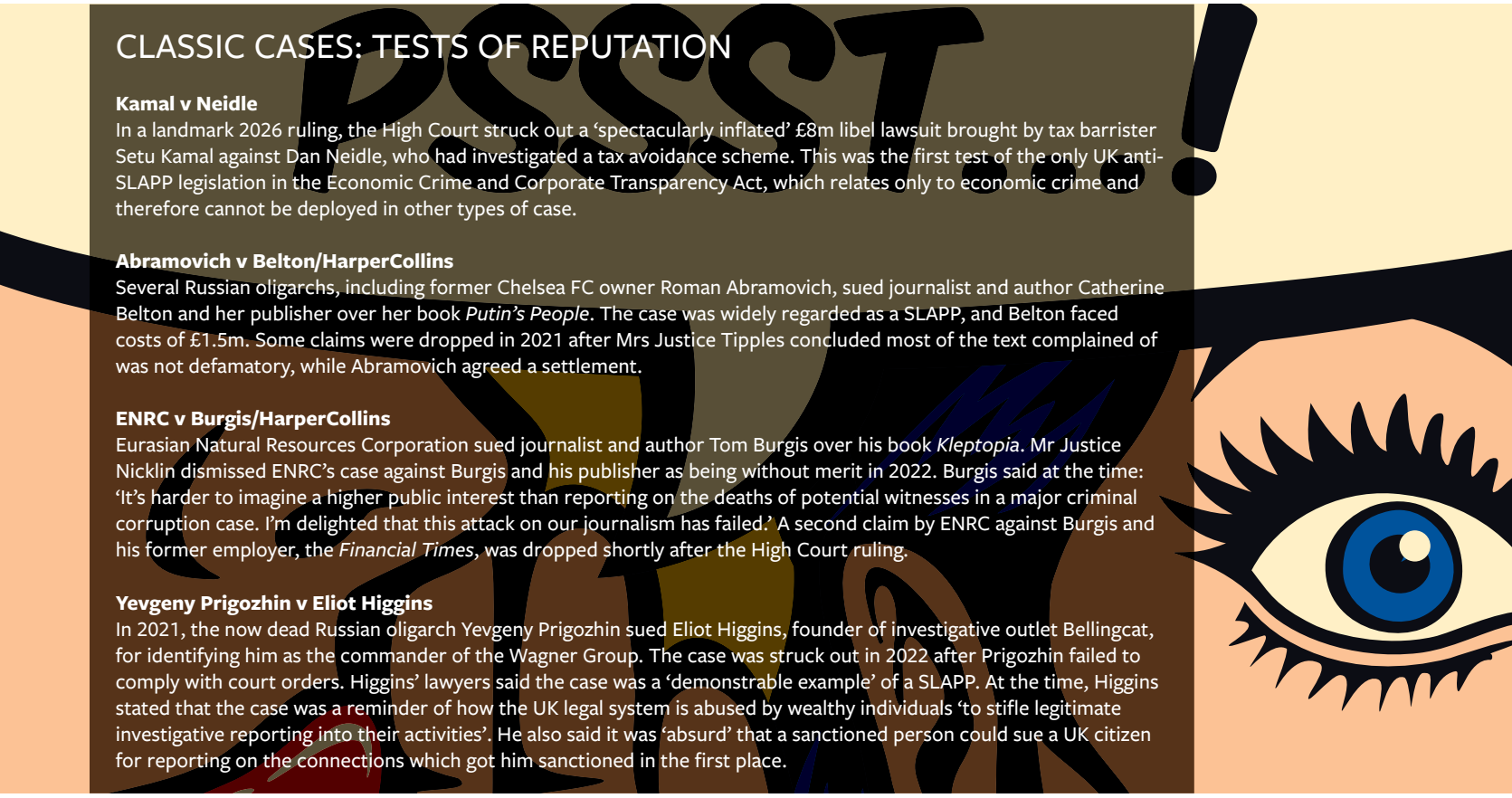
Yet in a world where 'content' is consumed 24 hours a day and lives as long as it remains online, the ability to protect one's reputation and seek remedy when it is impugned continues to be of the utmost importance – especially as everyone now has the ability to publish at their fingertips. There can be few more stubborn stains upon a person's character than the sort of allegations levelled against Odey and Clarke. It is only right claimants are able to correct inaccurate and unfair reports about them, preferably in the most swift and cost-effective way possible.

Trials take their toll. One only has to recall the dramatic collapse and dash to hospital of actress Gillian Taylforth as she and her partner Geoff Knights lost their case against *The Sun*. A jury (in the days when juries heard libel trials) found in favour of the tabloid over a story about the couple engaging in what would no doubt be described as a 'romp' in their Range Rover off the A1 in Hertfordshire.

The spectacle of a high-profile libel trial, with every twist and turn reported in full detail over many weeks, protected by absolute privilege, is often far more damaging for the claimant than the original libel. This is one factor which has seen a shift towards more pre-publication handling of defamation complaints; and the rise of reputation management.

The balance for the courts (and the law itself) to strike is one that draws the line correctly between a person's right to defend their reputation and freedom of expression – including the public's right to know about wrongdoing, especially by those with power and wealth.

The origins of English defamation law stretch back to the 13th century, with the crime of *scandalum magnatum* (insulting peers of the realm) established in 1275. In what is believed to be the first criminal libel case, tried in the Star Chamber under



CLASSIC CASES: TESTS OF REPUTATION

Kamal v Neidle
In a landmark 2026 ruling, the High Court struck out a 'spectacularly inflated' £8m libel lawsuit brought by tax barrister Setu Kamal against Dan Neidle, who had investigated a tax avoidance scheme. This was the first test of the only UK anti-SLAPP legislation in the Economic Crime and Corporate Transparency Act, which relates only to economic crime and therefore cannot be deployed in other types of case.

Abramovich v Belton/HarperCollins
Several Russian oligarchs, including former Chelsea FC owner Roman Abramovich, sued journalist and author Catherine Belton and her publisher over her book *Putin's People*. The case was widely regarded as a SLAPP, and Belton faced costs of £1.5m. Some claims were dropped in 2021 after Mrs Justice Tipples concluded most of the text complained of was not defamatory, while Abramovich agreed a settlement.

ENRC v Burgis/HarperCollins
Eurasian Natural Resources Corporation sued journalist and author Tom Burgis over his book *Kleptopia*. Mr Justice Nicklin dismissed ENRC's case against Burgis and his publisher as being without merit in 2022. Burgis said at the time: 'It's harder to imagine a higher public interest than reporting on the deaths of potential witnesses in a major criminal corruption case. I'm delighted that this attack on our journalism has failed.' A second claim by ENRC against Burgis and his former employer, the *Financial Times*, was dropped shortly after the High Court ruling.

Yevgeny Prigozhin v Eliot Higgins
In 2021, the now dead Russian oligarch Yevgeny Prigozhin sued Eliot Higgins, founder of investigative outlet Bellingcat, for identifying him as the commander of the Wagner Group. The case was struck out in 2022 after Prigozhin failed to comply with court orders. Higgins' lawyers said the case was a 'demonstrable example' of a SLAPP. At the time, Higgins stated that the case was a reminder of how the UK legal system is abused by wealthy individuals 'to stifle legitimate investigative reporting into their activities'. He also said it was 'absurd' that a sanctioned person could sue a UK citizen for reporting on the connections which got him sanctioned in the first place.

James I, Sir Edward Coke said: 'A person's good name … ought to be more precious to him than his life.'

Since first being codified in the 19th century, defamation law has been updated every few decades. The current legislation, the Defamation Act 2013, was a response to criticism of London's increasingly negative reputation as the 'libel capital of the world'. The act introduced a raft of measures designed to make the defence of defamation claims easier – including the 'serious harm' hurdle claimants must overcome.

In spite of this, and the bill's relatively young age, there are growing calls for reform which stem from defamation becoming synonymous with a certain type of lawfare – the SLAPP.

SLAPPs – Strategic Lawsuits Against Public Participation – are notoriously difficult to characterise, but are generally seen as abusive litigation by a well-funded party against one with fewer resources at their disposal.

The Solicitors Regulation Authority defines SLAPPs as 'an alleged misuse of the legal system, and the bringing or threatening of proceedings, in order to harass or intimidate … thereby discouraging scrutiny of matters in the public interest'.

It is easy to see, therefore, why defamation has become such a vehicle for this type of action – especially as the burden of proof remains with the defendant, unlike in other areas of law.

In the first test of the only anti-SLAPP legislation in England and Wales, which is contained in the Economic Crime and Corporate Transparency Act 2023, former tax lawyer turned journalist Dan Neidle saw off a defamation claim brought by barrister Setu Kamal. Mrs Justice Collins Rice struck out the claim and declared the case a SLAPP last month. Yet Neidle complained publicly that, even having avoided a trial, his costs were approaching £150,000 (although he hopes to recover these from Kamal).

Slapping back

In Neidle's view, the substantive law is fine, but the problem lies in procedure and costs. 'Most people when faced with Kamal's libel threat would have made the rational decision to back down,' he says. 'Who would risk six months of their life and £146,000 on a small story not many people cared about? The test shows that libel law is broken: it makes rational people stay silent even when they know they're speaking the truth. That's an indefensible outcome.'

The campaign for the government to widen the scope of anti-SLAPP legislation gathered pace following Neidle's win. The UK Anti-SLAPP Coalition co-chairs said his case proves there is a need for a SLAPPs law but that what is currently in place is 'not sufficient'.

In a statement, they added: 'It is important to emphasise that not everyone is in Dan's position to defend such a case – both in terms of time and money. Those who find themselves targeted for speaking out in the public interest – on any subject matter – need to have the confidence that they can fully defend themselves, with a robust but straightforward mechanism in place to protect them from potential SLAPPs.'

Just this week Pia Sarma, *The Times*' editorial legal director and chair of the Media Lawyers Association, wrote in the newspaper that 'weaponising the law to stifle public discourse has to stop'.

Joshi Herrmann, founder and editor of Mill Media – a series of hyperlocal sites and newsletters across the UK, including the *Manchester Mill* – implored readers to join the campaign for reform by emailing their MPs. In his newsletter, Herrmann said: 'Our ongoing cases will end up costing us around £100,000, or even more if they drag on in the months ahead. We are confident of winning both of them, but much less confident about recouping those costs from the claimants suing us. That's the crux of the problem with the legal system as it stands: it's incredibly expensive to defend even the flimsiest of claims.'

Neidle and Herrmann are among 120 other voices, including journalists, lawyers, and academics, to call on the government for robust anti-SLAPP legislation in a recent open letter.

On the other side of the scales are ordinary members of the public whose lives have been affected by press intrusion or

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> Only well-resourced, well-insured or extremely brave publishers can afford to take the sort of financial risks involved in publishing this sort of legitimate public interest story
>
> *Gill Phillips, former Guardian editorial legal director*

ITV football commentator Eni Aluko was awarded more than £300,000 in damages and legal costs after suing Joey Barton over his online posts

misreporting. Campaigners have recently urged the government to hold the second part of the Leveson Inquiry and believe it remains too difficult to get an effective remedy for a complaint.

There are also deplorable cases of online abuse which cross the line into defamation and cause serious damage when coming from accounts with large follower counts.

The recent win by football pundit Eni Aluko against Joey Barton over his online posts about her came after what her lawyers described as 'a deliberately targeted public campaign of vilification'.

'While there can be no doubt that some defamation claims are ill-founded, and occasionally even abusive in nature, that is true of all types of legal claim, and the court has various powers to strike out such claims and sanction those who bring them,' says Max Campbell, a partner at Brett Wilson.

'There is simply no evidence to support the suggestion made by some, that the UK has an endemic problem with wealthy and powerful individuals using defamation claims to silence journalists,' Wilson adds. 'It is true that the costs of litigation can sometimes be prohibitive, but again, that is true in most areas of litigation, and in defamation cases it is often the defendant publisher which has the far greater resources.'

While Campbell's view that publishers are often the better resourced may be true of some outlets, new publishers, like Herrmann, say they are at greater risk given their size and more investigative nature.

Creating fear

Natalie McEvoy, head of content clearance at ClearDraft, says these smaller independent publishers 'feel the chill of legal threat hanging over their copy on a daily basis.

'Even the most diligent, responsible publisher preparing a story of clear and obvious public interest can find themselves facing substantial, often unrecoverable, legal costs if a subject challenges an article,' she says. 'This is the case even if it is struck out at a preliminary stage. For example, one publisher recently bore the cost of preparing for two hearings where the claimant did not appear, burning irreplaceable time and significant money in defending their journalism, and then the claim was struck out. These are funds and manpower which are then unavailable for important investigations and following new leads.

'Some say that the Defamation Act 2013 tilted the balance in UK libel law away from claimants, but it didn't go far enough. London is still the libel capital of the world, thanks to our punitive costs system and a SLAPP culture that hasn't been properly checked.'

It remains to be seen how the government will attempt to balance all of these issues in any proposed legislation included in the King's Speech on 13 May. But in a landscape which is changing by the day, given the rapid development of artificial intelligence, the fragmentation of media and rise of influencer culture – plus an explosion of lawfare across the world – it seems certain that doing nothing is not an option.

Sian Harrison is a freelance journalist and co-editor of McNae's Essential Law For Journalists

£79m
Hedge fund manager Crispin Odey's claim against the *FT*, which he discontinued

£150,000
Lawyer Dan Neidle's legal costs in an unsuccessful defamation claim brought by barrister Setu Kamal

1275
First known defamation case in England, which was tried in the Star Chamber

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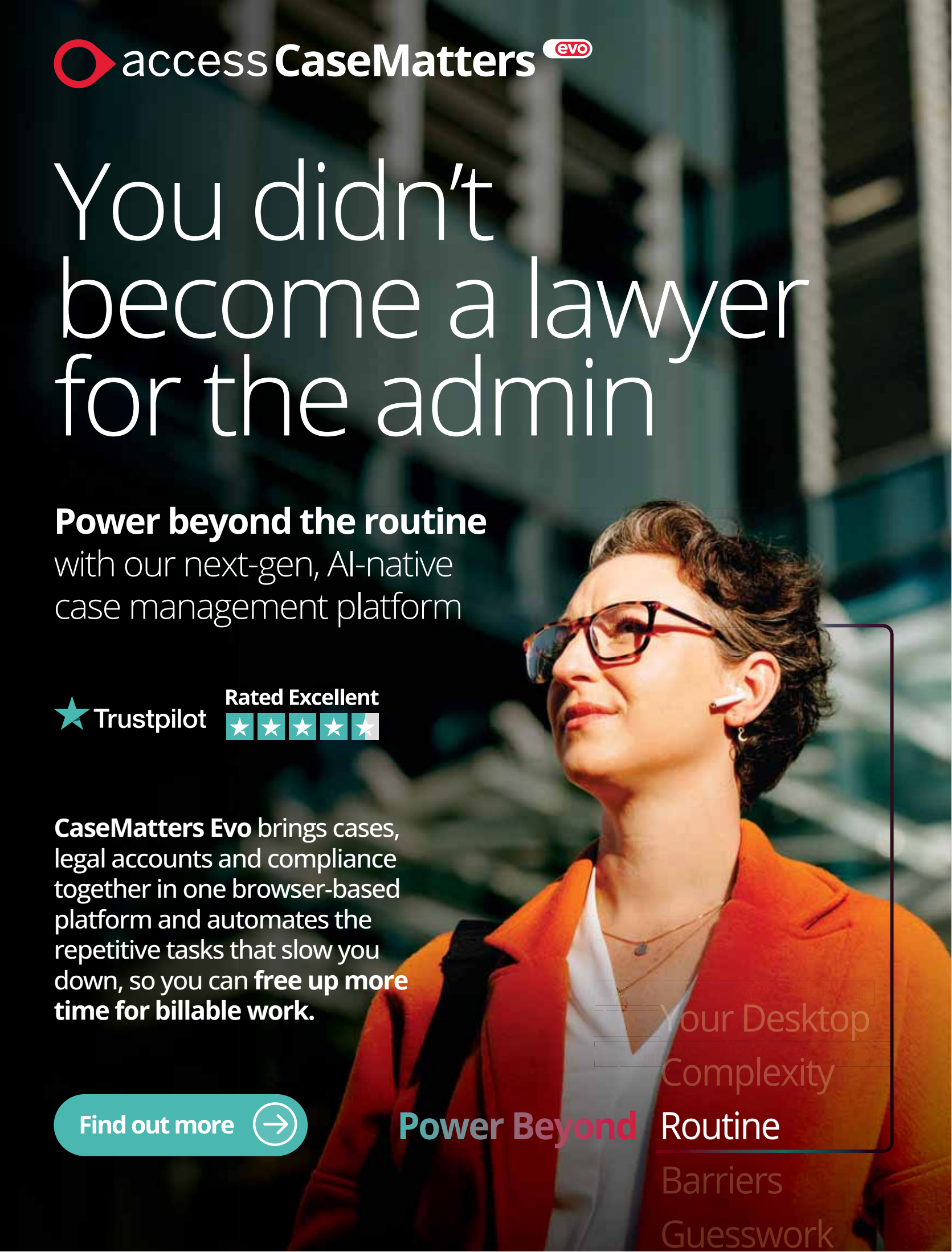

Conduct of litigation

Vicky Lankester, Brett Wilson

Court gives clarity on delegation in *Mazur*

The Court of Appeal has overturned a High Court ruling that had threatened to unsettle long-established models of supervised legal work. In *Julia Mazur & Ors v CILEX & Ors* [2026] EWCA Civ 369, the court held that unauthorised staff do not 'carry on the conduct of litigation' merely by performing tasks that fall within the statutory definition, provided they act under the supervision of an authorised person.

The decision reinstates a pragmatic understanding of how litigation is conducted and provides welcome reassurance to organisations that rely heavily on supervised unauthorised caseworkers, including those delivering publicly funded services where staffing structures are constrained.

The Legal Services Act 2007 (LSA) reserves certain activities to authorised persons, including the 'conduct of litigation'. It does not expressly address whether unauthorised individuals may perform litigation tasks under supervision, though it has long been assumed they can, with trainee solicitors, paralegals, caseworkers and administrative staff routinely undertaking litigation-related work under a supervising solicitor's responsibility.

That settled understanding was thrown into doubt by the High Court's decision in *Julia Mazur and anor v Charles Russell Speechlys* LLP [2025] EWHC 2341 (KB), in which Mr Justice Sheldon held that an unauthorised person who performs tasks falling within the statutory definition is themselves 'carrying on' litigation, even if acting under supervision. The ruling prompted widespread concern, appearing to criminalise routine delegation and cast doubt on the operating models of law centres and legal aid practices.

The Court of Appeal's starting point was linguistic: 'conduct of litigation' refers to tasks to be undertaken; 'carry on' denotes the direction and control of, and responsibility for, those tasks. Responsibility, the court held, is the decisive factor. An unauthorised individual who performs litigation work under the direction of an authorised person does not assume responsibility and therefore does not 'carry on' the reserved activity.

This interpretation reflects the statutory purpose, recognising that parliament legislated against a backdrop of common supervised delegation, without intending to disrupt it or remove solicitors' responsibility.

The court also noted that the distinction drawn by the High Court between (a) assisting or supporting and (b) conducting litigation under supervision was not correct. An unauthorised person is allowed to act for and on behalf of an authorised individual so as to conduct litigation, provided they are appropriately supervised by the authorised individual.

A key aspect of the judgment is its explicit recognition of the operating models used by law centres and legal aid practices, which rely on unauthorised caseworkers supervised by authorised individuals. The High Court's approach would have rendered such models unlawful.

The Court of Appeal's decision restores certainty. Provided that appropriate supervision and controls are in place, the use of unregulated staff remains compatible with the LSA. This is particularly important in areas such as immigration, housing and criminal defence, where the volume of work and the financial constraints of legal aid make delegation indispensable.

The judgment also places renewed emphasis on the quality of supervision. Authorised individuals remain professionally accountable for all delegated work. The SRA's Code of Conduct requires solicitors to ensure that those they supervise are competent and that the level of oversight is appropriate to the nature of the work and the experience of the individual.

In high-volume environments, this is challenging. The Court of Appeal's decision may prompt regulators to revisit guidance on what constitutes adequate supervision, particularly where unregulated staff undertake substantial casework. Firms and law centres would be well advised to review their supervision structures, training arrangements and audit processes to ensure they can demonstrate effective oversight.

The Law Society this week issued an updated practice note following this ruling, recommending that solicitors and firms ensure their processes and records demonstrate that authorised persons retain responsibility for tasks delegated to unauthorised persons.

Ultimately, it is the responsibility of the authorised individual to establish appropriate arrangements to properly direct, and manage supervision and control of unauthorised persons when they are carrying out tasks in litigation. What is appropriate will depend on the circumstances, including:

1. The complexity and nature of the work itself;
2. The experience, competence and capacity of the unauthorised individual; and
3. The availability of alternative means of support.

The Law Society advises that the authorised individual should have sufficient relevant experience and competence to supervise effectively.

The judgment arrives amid wider debate about the regulation of legal services. CILEX's intervention reflects its ongoing efforts to clarify the scope of its members' rights and the boundaries of reserved activities, highlighting tensions between a statutory framework that reserves certain activities to authorised persons and a modern legal services market in which unregulated providers play an increasingly prominent role.

While the Court of Appeal's decision does not resolve those broader questions, it reaffirms a fundamental principle: regulation must reflect the realities of legal practice. Supervised delegation is not a loophole or a regulatory blind spot; it is a cornerstone of how litigation is conducted.

For practitioners, the message is twofold. First, the established model of supervised work remains lawful and effective. Second, the responsibility borne by authorised individuals is as significant as ever. Supervision is not a formality; it is a professional obligation that must be exercised with care and accountability. Regulators will be expecting supervision to be properly evidenced, and not just a 'tick-box' exercise.

Vicky Lankester is an associate in the criminal and regulatory team at Brett Wilson

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Family

Billal Malik, Demstone Chambers

Children Act proceedings and immigration

Family court proceedings involving children – Children Act proceedings – are complex enough, but where a parent's immigration status depends on maintaining a relationship with a child, a distinct problem arises at the intersection of family and immigration law.

Family courts are not always equipped to assess the consequences of the immigration legal process, while the immigration tribunal can lack the knowledge of family court nuances to evaluate parental relationships. The jurisdictions are thus disconnected. This results in outcomes that are unfair to foreign parents and detrimental to children's welfare.

A common scenario is a foreign parent entering the UK as the spouse of a British citizen or settled person. The relationship later breaks down and the foreign parent's immigration status is subsequently revoked. Where there is a British child, the foreign parent's primary route to remaining in the UK will usually depend on demonstrating a relationship with the child.

Section 117B(6) of the Nationality, Immigration and Asylum Act 2002 (and equivalent provisions in the UK Immigration Rules) permit a foreign parent to remain in the UK if they can show a 'genuine and subsisting parental relationship' with a British child. In *Secretary of State for the Home Department v AB (Jamaica) and Anor* [2019] EWCA Civ 661, the Court of Appeal held that the existence of such a relationship would 'depend on an assessment by the relevant court or tribunal of the facts of the particular case before it'. The exercise, in the court's view, was 'a highly fact-sensitive one'. Under this flexible approach, a parental relationship may be found to exist despite very limited or even no direct contact. However, this approach is not always applied.

The Home Office approach is very 'black and white'. The latest Home Office *Family Policy* guidance states that 'the applicant must prove they have direct access in person to the child'. This approach often steers tribunal judges towards a more binary assessment, turning entirely on 'direct contact or no contact'.

In the family court, the starting point is section 1 of the Children Act 1989. This provides that the child's welfare is the paramount consideration. Any application for contact must be determined through this lens. Applying the principle is not straightforward. Section 1(3) contains what is often called a 'statutory checklist' of matters that the court must consider, such as the child's wishes and feelings; their needs; and any harm they could suffer. These checklist factors do not always fit with the immigration law requirement to evidence a 'genuine and subsisting parental relationship'. As a result, foreign parents face distinct problems.

Foreign parents often face allegations that they are only seeking contact with the child to gain immigration status. Such allegations oversimplify the legal reality: the parent has no choice but to seek contact if they wish to remain in the UK, and no choice but to remain in the UK if they wish to have contact. Family courts often readily accept that the contact application is driven by the foreign parent's immigration status.

Children Act proceedings do not always produce finality. A foreign parent might be refused contact in a particular set of proceedings; however, they can often reapply successfully in the future. This might be because they need to complete a domestic abuse awareness course to mitigate the risk of harm to the child before contact can progress. Alternatively, the court might deem that a child does not wish to have contact at that particular time, but acknowledge that the child might be open to future contact. In such scenarios, the 'end' of the Children Act proceedings is not really the end of the parental relationship. Despite this, the immigration tribunal tends to take a narrow view and treat the absence of a contact order as determinative. This collapses an evolving parental relationship into a single procedural outcome, from which further problems flow.

An unsuccessful appeal often creates financial pressures and thus impedes access to legal representation. Initially, a foreign parent holding a spouse visa has the right to work. Provided that they submit any appeal against an adverse Home Office decision in time, a foreign parent in an appeal process usually holds leave to remain extended by statute (section 3C of the Immigration Act 1971). The end of the appeal process often means that the parent loses the extended status and thus also the right to work. This inevitably leads to financial distress and means that the foreign parent is unable to pay for legal assistance in any subsequent application in the family court or immigration tribunal. The parent must also conduct any future proceedings, fearful that they might be removed from the UK during the proceedings.

If the foreign parent is removed from the UK, then it becomes extremely difficult, if not practically impossible, for them to re-enter the UK to participate in proceedings.

Furthermore, the foreign parent's removal from the UK is likely to result in a complete loss of contact for the remainder of the child's minority. One might expect that the family court would grapple directly with this possibility when assessing the child's welfare. However, the court's response is usually that the foreign parent's immigration status falls outside its remit. This approach ignores the real-world consequences for the child's long-term relationship with the parent.

These problems arise frequently in family and immigration proceedings. They create a particular disadvantage for children whose applying parent is subject to immigration control because the opportunity to rebuild relationships through future proceedings is impeded.

Family practitioners representing foreign parents must be careful to ensure that immigration consequences, including the impact of complete loss of contact following removal, are set out clearly to the court. Similarly, immigration practitioners should highlight to the immigration tribunal that procedural outcomes in family proceedings are not necessarily final determinations of parental relationships. Judges in both jurisdictions would benefit from targeted cross-disciplinary training. Greater alignment between the two jurisdictions would lead to fairer treatment of foreign parents, more realistic assessments of parental relationships and, ultimately, better outcomes for children.

Billal Malik is a family law barrister at Demstone Chambers, London

Climate law and policy

Jenni Ramos and Emily Morison

Every lawyer is a nature lawyer

Lawyers have always needed commercial awareness to understand their clients' business context. Nature literacy is now fundamental to that professional competency. That is why the modular design of the International Bar Association's (IBA) Nature-Intelligent Legal Services series (tinyurl.com/nsk4d8ex) provides a menu of starting points for busy practitioners. The IBA's vision is for legal services providers to be the advisers that clients can turn to when navigating the nature-positive transition.

In the early 2020s, growing recognition of the impact of the climate crisis on legal practice gave rise to the notion that 'every lawyer is a climate lawyer'. Bar associations around the globe, including the IBA, issued public statements encouraging lawyers to take a climate-conscious approach to legal practice. Lawyers collaborating with The Chancery Lane Project explored avenues for addressing climate-related risks through contract clauses. In the UK, the Law Society's 2021 Climate Change Resolution urged solicitors to provide competent advice on climate-related legal risks, followed by its 2023 guidance that climate change may engage the duty of solicitors to warn clients in certain contexts. This inspired member firms of Legal Charter 1.5 to create a toolkit to classify client matters for climate impact.

Simultaneously, the world began waking up to the escalating impacts of nature-related financial risk. Following the adoption of the 2022 Kunming-Montreal Global Biodiversity Framework, the Taskforce on Nature-related Financial Disclosures (TNFD) published its 2023 framework to help businesses and investors assess and report on nature-related risks and opportunities. In the World Economic Forum (WEF) *Global Risks Report*, biodiversity loss and ecosystem collapse has ranked in the top four long-term global risks every year since 2020, holding second place in 2025 and 2026. The 200 signatories of the Finance for Biodiversity Pledge (managing over €23tn in assets) have committed to disclosing nature-related impacts. The WEF and PwC have estimated that over half of the world's GDP is moderately or highly dependent on ecosystem services. Moreover, the UK 2026 National Security Assessment recognises that nature loss is a national security risk, as well as a systemic risk to industry.

Nature's relevance for the legal profession was spotlighted by the Commonwealth and Climate Law Initiative 2022 report on nature-related risk and directors' duties and independent legal opinions, published in Australia, the UK and Canada. Nature-related risk is highly material to directors' duties to exercise care and promote the success of the company. Nature loss creates foreseeable, quantifiable risks to supply chains, asset values and returns that boards can no longer treat as remote or unmanageable.

Despite these developments, recognition of the relevance of nature-related risk to legal practice remains nascent. Such risks are commonly perceived as compliance or environmental law issues, rather than relevant to corporate, commercial or financial law advice. Many law firms are early in their journey toward integrating climate into their core work. They do not feel ready yet to consider nature-related risks, particularly in light of uncertainty surrounding European sustainability regulations and a lack of mandatory nature-related risk reporting or due diligence in most jurisdictions.

However, the relevance of nature-related risks to commercial clients far exceeds regulatory compliance concerns: physical risks from water scarcity affect manufacturing operations; deforestation drives supply chain disruption; and soil degradation triggers commodity price volatility. Investor Erika Hombert described this gap as a 'black elephant', a looming systemic threat that is highly visible but treated as though it were improbable and unforeseeable. As she put it: 'Nature is not adjacent to the economy, it is the substrate of it'.

Enter the IBA with the Nature-Intelligent Legal Services series, developed as a collaborative effort with Jenni and several IBA committees, supported by the IBA Legal Policy & Research Unit. As Wangui Kaniaru (co-chair of the IBA Law Firm Management Committee ESG Subcommittee) and Els Reynaers (co-chair of the IBA Environment, Health and Safety Law Committee), said: 'All businesses, including law firms, depend on services provided by nature as sources of value, either directly or through their supply chains. Meanwhile, we know that many business activities are adversely impacting nature, for example through contributing to climate change, pollution or over-exploitation of ecosystems. These impacts and dependencies on nature create risks for organisations and their value chains.' They can also create legal issues which lawyers may help clients to address.

The three-part series gives legal professionals the tools to move from awareness to action: understanding their clients' nature exposure; identifying where to focus; and knowing how to embed nature considerations into the advice and contracts they are already delivering. The Business Case Guide explains why legal service providers should engage, examining nature-related risks, opportunities and the competitive advantages to those who act early. The Nature-Intelligent Legal Services Toolkit enables client assessment of sectoral nature exposure and governance maturity, supporting strategic portfolio analysis across a firm's client base. The Nature-Intelligent Legal Advisory and Clause Guide provides starting points for embedding nature considerations into advice and contracts across practice areas. These range from procurement and financial agreements to construction and employment contracts, with case studies drawn from real TNFD disclosures, universal clauses and a library of clause ideas.

As James Cameron, senior adviser at Arden Climate Law and Policy, observed: 'This is a hugely valuable endeavour. Thoroughly researched, clearly articulated and professionally presented, this series will help lawyers and decision-makers bound by law to properly value nature and natural systems in their work.'

Jenni Ramos is a corporate and nature lawyer and Emily Morison projects officer, IBA Environment, Health and Safety Law Committee

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Clinical negligence

Dr Carolina Stamboulid

A scientist's question for the Lock review

I am not a medical negligence lawyer. I do not work in health policy and I have no view or say on the structure of legal costs, the design of ADR frameworks or the mechanics of how claims should be processed.

I am a scientist. My work involves going back to the original research that underpins expert opinions in medico-legal and insurance cases, and looking at something quite specific: does the original study – its design, population and limitations – align with the specific question the case needs it to answer?

This is not the same job as the expert witness. Expert witnesses provide clinical opinions drawn from training, experience and their understanding of the literature. That is skilled, essential work, and nothing in this article is intended to question it. What I do sits underneath that: examining the research itself, in its full methodological detail, to see whether it is capable of bearing the evidential weight being placed on it. It is a different discipline, not a competing one. And that is the only perspective from which this article is written.

It was a conversation with a medical negligence solicitor that started me thinking about this. Over coffee, he mentioned the Lock review and the pressure building for faster, less adversarial resolution. He spoke about it with a mix of relief and concern. Relief that the system might finally change; concern about what might get lost in the process. One point he raised has stayed in my mind. It was about what happens when there is less room to challenge an expert report that does not quite hold up. 'If everything's moving faster,' he said, 'there's just less chance to really dig into the papers.'

This is a legitimate concern worth dwelling upon.

The case for reforming clinical negligence resolution in England has been made convincingly and from all sides - by patients, clinicians, lawyers and policymakers. The David Lock KC review, commissioned as part of the NHS 10-Year Plan, represents the most serious attempt in a generation to address a system that is widely agreed to be too slow, expensive and adversarial. The direction of travel seems to have been welcomed by most.

I ask a practical question from outside the legal debate: as the system is redesigned, could this be an opportunity to give scientific evidence a more defined role in the process?

A different kind of question

Expert witnesses engage with research as part of forming their opinions. A good expert understands the literature in their field, knows which studies carry weight and draws on that knowledge alongside clinical experience when advising on a case. That is exactly what they are instructed to do and it is demanding, skilled work.

But there is a practical reality worth acknowledging. In a typical case, an expert may cite multiple studies across a broad evidence base, while simultaneously applying clinical judgement to the specific facts of the case, responding to the opposing expert and working within tight timeframes. The depth of methodological scrutiny that each individual paper receives – its study design, inclusion criteria, statistical approach, confounding variables and whether its limitations qualify the headline conclusion – is inevitably shaped by how much one person can reasonably do within those constraints.

This is not a criticism of experts; it is an observation about workload. We are asking one role to do two different things at once: form a clinical opinion and provide granular methodological analysis of the research supporting it. Both matter and both take time. And in practice, the clinical opinion – which is what the expert is primarily instructed to provide – will rightly take priority.

Reform gives us the chance to ask whether there is value in supporting that process with a dedicated step for examining the research base at the methodological level. Not as a challenge to the expert's conclusions, but as a complementary layer of analysis that strengthens the evidential foundation on which they are building.

Why look at methodology at all?

If an expert opinion is grounded in the literature, it can feel intuitive that the methodology is already 'in there'. Often it is. The difficulty is that in medico-legal reasoning, the literature is frequently being asked a more specific question than the original study was designed to answer.

That gap is not a failure of the research or the expert's reasoning; it is a consequence of using population-level evidence to answer individual, case-specific questions.

Methodological review is not about criticising experts or rerunning peer review. It is about identifying the inferential limits of the particular studies being relied upon: what the design can support, what it cannot and where general findings are being stretched into patient-specific conclusions.

That matters because many of the pressure points in contested causation are not clinical disagreements, they are scope disagreements: association versus causation, average effect versus individual probability, generalisability across populations and the impact of confounding or selection bias. These are not abstract academic issues; they determine how much weight a particular study can carry in the reasoning chain.

In a faster system, early positions carry more weight. The earlier the evidential foundation is clarified, the less time and cost are later spent debating what a study 'really shows'.

Faster resolution makes this more relevant, not less

In a faster system, there is less time to interrogate whether the studies cited in an expert opinion were designed to answer the specific question the case requires. There is less opportunity to identify if general findings are being applied to individual contexts where the fit is not straightforward.

This is not an argument against faster resolution. It is an argument for being explicit about where the scientific evidence review sits in a reformed process.

If scrutiny of the research base is treated as something that happens later, as a consequence of adversarial challenge, then a faster process simply reduces the likelihood that it happens at all. But if methodological review is built in as an early, routine step, it supports faster resolution by narrowing the scope for later disagreement about what the science can and cannot show.

An expert whose opinion rests on research that has been examined for methodological 'fit' is in a stronger position, not a weaker one. And where the research does not fully align with the question being asked, identifying that early allows it to be addressed constructively, before it becomes a point of dispute that slows the process down.

Mediation depends on the quality of the evidence going in

Greater use of mediation and early resolution is a likely feature of reform, with clear advantages: it is less adversarial, less costly and often less distressing. Mediation is designed to reach an agreement, not to test evidence. That makes the quality of the evidence entering the process more important.

Expert opinions set the evidential starting point for mediated negotiations. If the research underpinning those opinions has been examined at the methodological level before mediation begins, all parties can proceed with greater confidence that the foundations of their argument are solid.

Independent scientific evidence review at this stage would strengthen mediation rather than complicate it. It would support expert opinions where the research is strong and surface any limitations early, when they can be addressed constructively rather than emerging later as points of contention.

Lower-value claims will benefit most

Reform discussions have rightly focused on lower-value claims, where legal costs frequently outstrip compensation. Streamlined resolution of these cases makes clear sense.

But lower-value claims are not necessarily simpler in their scientific content. A claim involving delayed diagnosis, a disputed treatment pathway or an adverse outcome following a routine procedure may involve the same methodological questions as a high-value case, the same reliance on observational studies, the same gap between population-level findings and individual-level causation.

Expert witnesses working on these cases face the same intellectual demands but often within tighter timeframes and with fewer resources. A focused assessment of whether the cited research relied upon fits the claim could be built into streamlined pathways without undermining speed or cost-effectiveness.

This would also give expert witnesses working under time pressure an additional layer of support: confirmation that the research they are relying on has been independently examined. And it would give solicitors and their clients greater confidence in the evidential foundation of the case, whichever side they are on.

What this could look like in practice

This is not a call for additional steps, but for using reform to place scientific evidence review more deliberately within the process. That could include:

- **Evidence review at the pre-negotiation stage.** Before mediation or early resolution begins, an independent assessment of the research base is conducted, not to second-guess the expert opinion but to confirm that the studies being cited are methodologically capable of supporting the conclusions being drawn from them.
- **Support for expert witnesses.** Providing experts with an independent review of the key literature before or alongside their instruction – helping them identify where the research is strong, where there are gaps and where the methodology may not quite match the question they are being asked to answer. Think of it as a resource, not oversight.
- **A proportionate model for lower-value claims.** Focused scientific evidence review that can be delivered efficiently, examining the key studies relied upon and identifying any methodological gaps, without the cost and delay of full adversarial analysis.
- **Recognition that faster resolution increases the importance of getting the evidence right first time.** In a system with fewer opportunities to revisit the evidence later, the quality of the initial evidence base matters more, not less. Building in early review is not an additional cost; it is an investment in getting outcomes right at the point where it is simplest to do so.

The question worth asking

Expert witnesses do essential, skilled work. Solicitors build cases with care and diligence. But the research that underpins both – the studies, the methods, the populations, the limitations – is a separate layer that benefits from its own kind of analysis.

A reformed system can build that in. Not as a check on anyone's work but as a strengthening foundation. That would be good for experts, good for solicitors and good for the people whose outcomes depend on getting the science right.

Dr Carolina Stamboulid is a scientific evidence analyst and founder of Episteme Scientific Consulting

Family

Polly Atkins, Hunters Law

Quiet divorce – beware the silent treatment

The terms 'quiet divorce' and 'silent divorce' have recently gone viral. So, what is a quiet divorce? No single, commonly agreed definition exists. Instead, commentators emphasise different elements. Taken together, they characterise quiet divorce as a couple who check out of a relationship without actually separating. They might still share a home, finances, social obligations, even holidays, but emotionally, they have retreated from the usual intimacies of a long-term relationship to lead parallel lives that are routinely separate.

Many media articles present quiet divorce as a positive choice that is both appealing and efficient. Perceived upsides include:

- **Tax efficiency and financial stability:** for some couples, staying married preserves certain tax benefits and/or avoids financial arrangements that would become more burdensome after divorce. This is particularly germane in cases involving dynastic assets or family businesses.
- **Emotional neutrality:** many of those in mid-life choose quiet divorcing because they are simply 'done' with conflict and prefer peace over constant negotiation. Commentators suggest that a quiet divorce offers control without confrontation.
- **Benefits to children:** some couples believe that maintaining a household structure – even if the relationship has run its course – avoids emotional upheaval and preserves stability for their children.
- **Anonymity:** high-profile cases often feature a desire to avoid scrutiny and publicity.

In essence, quiet divorcing is sold as a middle way: bypass the legal system, prevent upheaval, avoid dating apps and keep the house.

But a quiet divorce can also be problematic. The superficial promise of calm ignores unforeseen legal and emotional problems – particularly if one or both parties meet someone new and the couple ultimately divorces.

Following years of a quiet divorce, determining appropriate financial arrangements becomes much more complicated. In cases where a couple's wealth exceeds their needs, assets accumulated 'during the marriage' are generally shared equally on divorce; those generated after separation are not.

The date of separation can therefore have a significant impact on how assets are divided. Couples who have quietly divorced, but whose lives and finances remain interlinked, might not be considered 'separated' for these purposes, introducing additional complexity and potential conflict. Because every situation turns on its own facts, the question of when separation occurred could be heavily contested.

The position on death also demands careful consideration. Tax advantages may arise if a couple chooses to leave assets to each other on death, but matters become more complicated if they do not. Although free to make wills bequeathing their assets as they wish, a spouse has far greater rights to challenge a will than a former spouse. A quietly divorced couple may not, therefore, have the certainty they anticipate about what happens to their assets on death.

There may also be emotional consequences to a quiet divorce. The couple may have different understandings and expectations of their situation. Children, often far more aware of changing dynamics than parents realise, can be left confused and uncertain.

Quiet divorcing might feel peaceful, but, rooted in emotional disengagement, it is often avoidance dressed up as pragmatism. Disengagement seldom resolves issues – it merely postpones them.

Invariably, a transparent constructive divorce is clearer, cleaner and fairer – legally, emotionally and financially.

To minimise acrimony and avoid the sustained limbo that a quiet divorce evokes, there are constructive options:

- **One lawyer, one couple** (such as my own firm's Resolve model): enables couples to work with one legal professional to reach a balanced, fair agreement without adversarial litigation.
- **Mediation or collaborative practice:** encourages communication and agreement-building while avoiding court conflict. Each person can still have their own lawyer.
- **Arbitration:** offers a privatised court process, ensuring confidentiality and privacy, and avoids delay in court proceedings.
- **Other contractual arrangements:** a separation agreement is capable of setting boundaries, living arrangements, financial commitments, and parenting structures – without finalising a legal divorce immediately. This option preserves clarity and civility without the legal status of divorce, for example if tax considerations are important. Although rare (and usually adopted for religious, cultural or personal reasons), judicial separation proceedings are also possible for a couple who wish to separate but remain married. A party seeking judicial separation can apply for most (but not all) of the same financial orders as a party seeking a divorce.

A family therapist or divorce consultant can also help to minimise tension and develop constructive post-separation communication skills, which can be especially important with children and where a co-parenting relationship is paramount.

Advocated as a harmonious choice, quiet divorcing offers a future without any slammed doors, late-night suitcase stuffing or emotional outbursts. But that assumes that the alternative risks all of those things. It does not have to.

Quiet divorcing may feel like a gentle solution, but it can create grey zones that make future conflict more likely, not less. When a relationship ends, clarity, communication and structure are kinder and healthier for the family than quiet withdrawal.

Whether through mediation, one couple, one lawyer models, or well-drafted separation agreements, a marriage can be ended or redefined in a way that remains peaceful – without becoming passive and creating elephant traps.

Polly Atkins is a senior associate at Hunters Law, London

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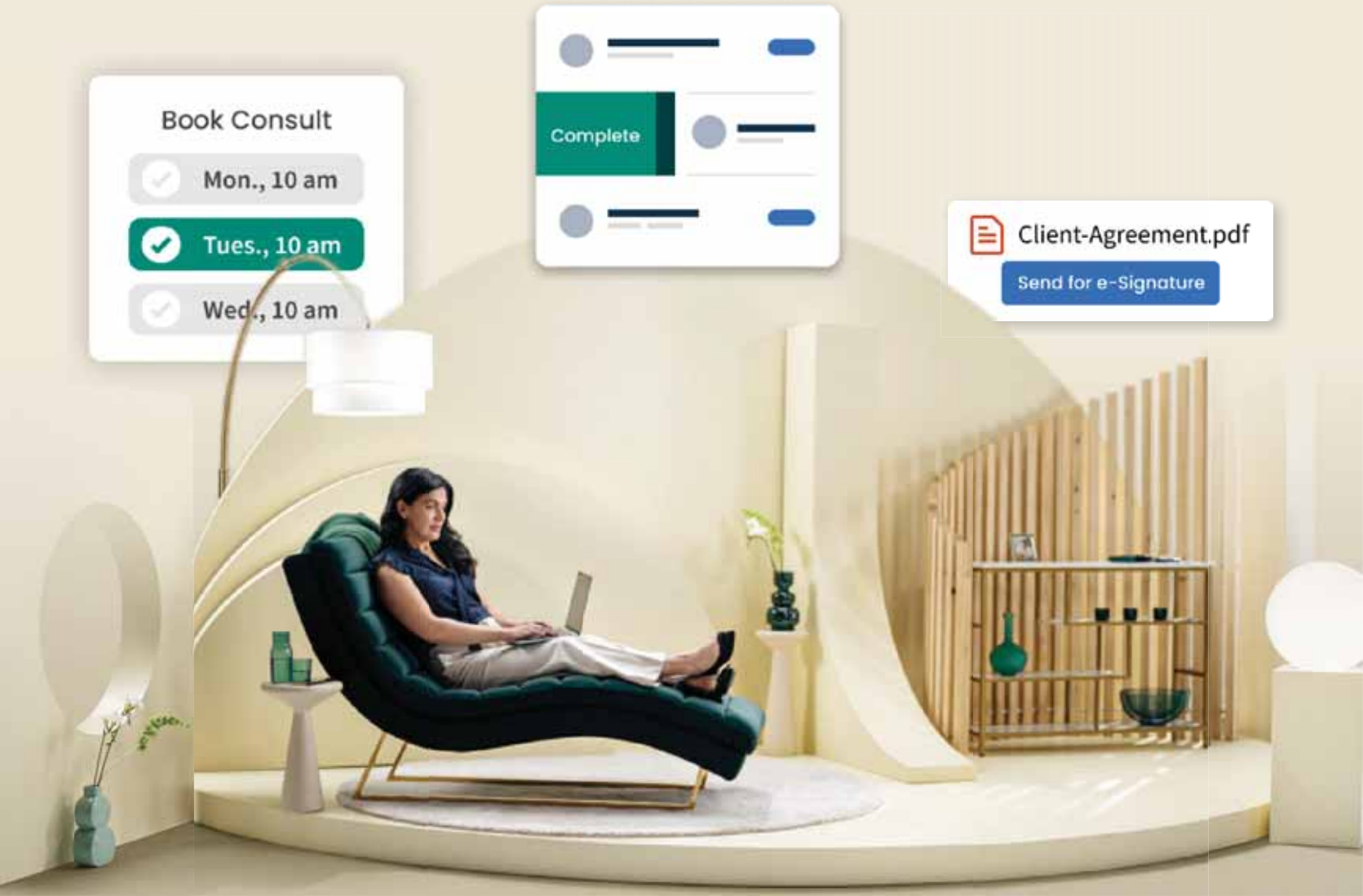

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Decisions and interventions

Decisions filed recently with the Law Society (which may be subject to appeal)

Michelle Niaz

Application 12767-2025

Admitted 2015

Hearing 22 January 2026

Reasons 6 February 2026

The SDT ordered that the respondent should be suspended from practice for nine months from 22 January 2026. Upon the expiry of the suspension the respondent was made subject to the following conditions imposed by the SDT: that she might not (i) practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a freelance solicitor; or as a solicitor in an unregulated organisation; (ii) be a partner or member of a limited liability partnership, legal disciplinary practice or alternative business structure or other authorised or recognised body; (iii) be a head of legal practice/compliance officer for legal practice or a head of finance and administration/compliance officer for finance and administration; (iv) hold client money; (v) be a signatory on any client account; or (vi) work as a solicitor other than in employment approved by the SRA, with liberty to either party to apply to the SDT to vary those conditions.

While in practice as a solicitor between 18 January 2020 and 1 September 2023, the respondent had practised as a sole practitioner without authorisation, thereby breaching regulation 10.1 of the SRA Authorisation of Individuals Regulations; paragraphs 5.4 and 7.1 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019; and principles 2 and 5 of the SRA Principles 2019.

Between 18 January 2020 and 1 September 2023, she had held client monies when she was not working in an authorised body, thereby breaching rule 4.3 of the code and principles 2 and 5.

Between June 2016 and 1 September 2023, she had failed to maintain proper accounting records in that she had failed to (i) carry out reconciliations every five weeks; and (ii) complete accountant's reports as required, thereby acting in breach of rules 32A.1 and 29.12 of the Solicitors Accounts Rules 2011; principles 2, 4 and 6 of the SRA Principles 2011; rules 8.3 and 12.1 of the SRA Accounts Rules 2019; paragraph 4.2 of the Code for Solicitors; and principles 2, 5 and 7.

The parties had invited the SDT to deal with the allegations against the respondent in accordance with the statement of agreed facts and proposed outcome annexed to the judgment.

The SDT had reviewed all the material before it and was satisfied on the balance of probabilities that the respondent's admissions had been properly made.

Her culpability was high. Clients had been placed at risk as a result of her misconduct.

A suspension for nine months, along with practising conditions that would take effect after the period of suspension had concluded, represented an appropriate and proportionate sanction that was commensurate with the misconduct.

The respondent was ordered to pay costs of £22,140.

Sohail Bashir

Application 12786-2025

Admitted 2008

Hearing 22 January 2026

Reasons 10 February 2026

The SDT ordered that the respondent should be struck off the roll.

While in practice as a solicitor the respondent had, on 15 February 2020, (i) distributed an indecent photograph, namely one category B video, of a child, contrary to sections 1(1)(b) and 6 of the Protection of Children Act 1978; and (ii) had in his possession three extreme pornographic images, which portrayed, in an explicit and realistic way, a person performing an act of intercourse with a live animal, namely a dog, which were grossly offensive, disgusting or otherwise of an obscene character and a reasonable person looking at the image would think that any such person or animal was real, contrary to sections 63(1), 7(d) and 67(3) of the Criminal Justice and Immigration Act 2008. He had thereby breached principles 2 and 5 of the SRA Principles 2019.

On 25 July 2024, at the Crown Court at Bolton, the respondent received the following sentence: six months' imprisonment suspended for two years; required to register with the police for seven years; subject to a sexual harm prevention order for seven years, the terms of that order to include the prohibition of contact with a child under 16 years of age via electronic means, and possessing or using any computer or storage device which is capable of storing digital images with[out] the consent of the police; required to attend rehabilitation activities up to maximum of 30 days; 180 hours unpaid work, to be carried out within 12 months from the date of the sentence.

The applicant relied on the respondent's convictions on 8 May 2024 of the offences listed above as evidence that the respondent was guilty of each offence and relied upon the findings of fact upon which those convictions were based as proof of those facts. The respondent had admitted all the allegations.

The parties had invited the SDT to deal with the allegations against the respondent in accordance with a statement of agreed facts and proposed outcome annexed to the judgment.

The SDT had reviewed all the material before it and was satisfied on the balance of probabilities that the respondent's admissions had been properly made.

Within the sphere of regulatory and disciplinary conduct, there could be no mitigation to minimise the harm caused. The respondent's misconduct could only be viewed as extremely serious and no sanction less than a strike-off would be sufficient to protect the public and the reputation of the profession.

The respondent was ordered to pay costs of £2,680.

Malcolm John Colin Mackillop

Application 12769-2025

Admitted 1975

Hearing 20 January 2026

Reasons 2 February 2026

The SDT ordered that the respondent should be struck off the roll.

On 8 December 2021, the respondent had misled Santander by informing it that completion was taking place on 15 December 2021 and by altering the date of completion on the Certificate of Title to 15 December 2021, in circumstances where completion had already taken place on 15 October 2021. He had thereby breached principles 2, 4 and 5 of the SRA Principles 2019 and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLS (the Code for Solicitors).

On 28 April 2023, he had provided inaccurate and misleading information on the

firm's professional indemnity insurance proposal form for 2023/4. He had thereby breached principles 2, 4 and 5 and paragraph 1.4 of the SRA Code .

The parties had invited the SDT to deal with the allegations against the respondent in accordance with the statement of agreed facts and outcome annexed to the judgment. The parties submitted that the outcome proposed was consistent with the SDT's guidance note on sanctions.

The SDT had reviewed all the material before it and was satisfied on the balance of probabilities that the respondent's admissions had been properly made.

The SDT had determined, as the admitted misconduct was serious and of the highest level, and considering the dishonesty, deliberate misconduct and concealment of wrongdoing, that the only appropriate and proportionate sanction was to strike the respondent off the roll. It had not found that there were any exceptional circumstances that would justify a lesser sanction. Accordingly, the SDT approved the sanction proposed by the parties.

The respondent was ordered to pay costs of £14,923.

Alexander David Edmund Hayes Gallagher

Application 12772-2025

Admitted 2016

Hearing 22 January 2026

Reasons 4 February 2026

The SDT ordered that the respondent should be struck off the roll.

While in practice as a self-employed advocate instructed by LPC Law, on 8 August 2023, the respondent had created an attendance note which he knew or ought to have known was misleading as it contained an inaccurate account of his attendance at a court hearing on 7 August 2023. In doing so, he had breached principles 2, 4 and 5, and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

In his correspondence, the respondent had stated that his intention had not been to mislead. The SDT did not accept that assertion. The firm had suffered reputational damage with a longstanding client as a result of the respondent's actions. It had also waived the costs it had incurred for the hearing. The SDT noted that the underlying lay client had not suffered any financial loss as a result of the respondent's conduct.

His conduct was aggravated by his proven dishonesty, which was deliberate and calculated. While it was a single episode of brief duration in an otherwise unblemished career, and the respondent had made full and frank admissions to the firm and during the investigation, those were mitigating circumstances but did not amount to exceptional circumstances in line with the residual exceptional circumstances category referred to in the case of *Sharma*.

In view of the serious nature of the misconduct, in that it involved dishonesty, the only appropriate and proportionate sanction was to strike the respondent's name from the roll.

The respondent was ordered to pay costs of £9,419.

Chinyere Inyama

Application 12814-2025

Admitted 1993

Hearing 26 January 2026

Reasons 29 January 2026

The SDT ordered that the respondent should be struck off the roll.

While employed as a senior coroner for the west London coroner area, on 9 November 2021, the respondent had provided inaccurate or misleading information to the Chief Coroner's Office (CCO) about the seriousness of allegations made against him by Nottinghamshire Police. He had thereby breached principles 2, 4 and 5 of the SRA Principles 2019 and paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs.

He had deliberately sought to mislead the CCO as to the serious nature of the allegations that were under investigation by describing allegations of serious sexual assault as 'touching up'.

The respondent was motivated by his desire to minimise and underplay the allegations, given their serious nature and his embarrassment. His actions had been spontaneous. The respondent was an extremely experienced solicitor and a member of the judiciary at a senior level who was fully aware of his obligations.

The respondent had caused significant harm to the reputation of the profession. His conduct was aggravated by his proven dishonesty, and while spontaneous, it had been deliberate and calculated. He had made a conscious decision to underplay the seriousness of the allegations.

In mitigation, it was a single episode of brief duration. The respondent had self-reported the matter.

The respondent had submitted that striking him off the roll would be disproportionate. However, while it had been a one-off episode, it was an instance of dishonesty from a senior judicial officeholder. The nature and extent of his dishonesty, together with his high level of culpability, outweighed his personal difficulties and personal mitigation.

Accordingly, there were no circumstances sufficient to bring him in line with the residual exceptional circumstances category referred to in the case of *Sharma*. In view of the serious nature of the misconduct, the only appropriate and proportionate sanction was to strike the respondent off the roll.

The respondent was ordered to pay costs of £15,000.

Eden Vale Solicitors

On Tuesday 31 March, the SRA intervened into Eden Vale Solicitors, formerly at The Lansdowne Building, 2 Lansdowne Road, Croydon CR9 2ER.

The ground for intervention was:

- It was necessary to intervene to protect the interests of clients or former clients, the interests of beneficiaries of any trust of which the firm is or was a trustee, or the interests of the beneficiaries of any trust of which a person who is or was a manager or employee of the firm is or was a trustee in that person's capacity as a manager or employee (paragraph 32(1)(e) of Schedule 2 to the Administration of Justice Act 1985).

Hilda Amoo-Gottfried's practising certificate has not been suspended by reason of the intervention.

Chris Evans of Lester Aldridge LLP, Russell House, Oxford Road, Bournemouth BH8 8EX (tel: 01202 786 341; email: interventions@la-law.com) has been appointed as intervention agent.

D Goldsmith & Co Solicitors T/A DGR Law

On 7 April, the adjudicator resolved to intervene into the above-named sole practice of David John Goldsmith at the firm, based at Angel House, 7 High Street, Marlborough SN8 1AA.

The grounds for intervention were:

- Goldsmith had failed to comply with the rules – paragraph 1(1)(c) of Schedule 1 to the Solicitors Act 1974 (as amended).
- It was necessary to intervene to protect the interests of the clients of Goldsmith – paragraph 1(1)(m) of Schedule 1 to the Solicitors Act 1974 (as amended).

Chris Evans of Lester Aldridge LLP, Russell House, Oxford Road, Bournemouth BH8 8EX (tel: 01202 786341; email: interventions@la-law.com) has been appointed to act as the Society's agent. The first date of attendance was 9 April 2026.

Goldsmith's current practising certificate has been suspended as a result of the intervention.

Career advice

David Pester, TLT

What I have learned from 40 years of practice

I was recently asked by a graduate apprentice what I had learned about a career in the legal sector and what advice I could offer from my almost 40 years of experience. A good deal of luck, timing and fortune have informed my career choices, often shaped by factors beyond my control. But how you react to those changes is within scope.

I count myself incredibly fortunate to have remained at one firm from trainee to partner. That may sound unambitious to some. I also acknowledge that there is absolutely nothing wrong with a career moving from firm to firm, and in some cases, such moves are essential. However, I have had an equally rewarding experience by not moving and have been lucky to help shape our firm.

Despite remaining at one firm, my career has been one of change, adapting to new circumstances and, to an extent, good fortune. I have also had the benefit of working alongside many talented and insightful people, both within the firm and outside it, including clients who helped or supported me along the way.

I have always said that I have worked within several different versions of a firm. During my career, the firm I joined evolved and changed significantly, in part a reflection of the legal sector over that time.

The firm I joined as a trainee in the late 1980s was a general practice with several branch offices in and around Bristol. In the 1990s, that firm moved into one central location in Bristol. That version focused more on commercial law while remaining connected to its legacy and new clients. Then at the end of the 1990s, we merged with another similar-sized firm to become a combined organisation of 20 partners and 180 staff. I was one of the founding partners of that new firm.

At the merger, we all bought into creating something new as a product of the best of both firms. We hoped the outcome of the combination would be greater than the sum of those parts. I recall one local competitor saying: 'If they think by doing that [merger] it will make a difference, they are very mistaken.' I owe that person a consultancy fee because it doubled our resolve to succeed. So, for nearly 20 years, I became managing partner and, along with everyone at TLT, we began to shape that new firm.

Over the past 25 years, TLT has grown to 1,800 people and a revenue rapidly approaching £200m without a significant merger. The firm operates as a national commercial legal practice with a focus on key sectors, based in seven locations in major cities across the UK, with a growing international reach. Others have done similar and been equally successful. Some firms that did not adapt or were unlucky with timing no longer exist.

There are no guarantees, but you can improve the chance of success by adapting and recognising the external forces at play and by listening to clients. Over my near 40 years, there have been major corrections in the economy, political change and regulatory shift. Each of those moments presented opportunity as well as threat.

Being in a growing and progressive environment with sound values has been a critical factor. In my experience, you need to be in a firm with opportunities if you want to succeed. At the same time, being clear about the values an organisation lives by is vital. Retaining and enhancing those values as an organisation grows can be difficult. However hard it is, you must work at it. It remains part of what you are and why people will choose to work with you.

So, my advice is always consider: am I in the right environment to be as successful as I can be? Do the values of the organisation and the people in it align with my own? Will my influence count? Will I be able to take opportunities to help shape the firm I am part of? In short, am I in the right place?

If you remain open-minded and highly adaptable, you will increase your chances of being successful. Be authentic about your values, work with as many people from as diverse backgrounds as possible, and always learn to listen to those within and outside the firm.

Much has been written over the past 40 years about the future demise of legal practice as a business model. So far, history has proved that death to be mostly overstated. Yes, it is a heavily fragmented and mature market. Differentiation is difficult at all market points, but not impossible for those with creativity.

The pace of change is accelerating. New ways of working and technology offer both success and disruption.

That does not mean you cannot be successful. It does mean that you need to work out what you want to be famous for and have a clear plan of execution. Size does not necessarily limit your capacity for success as an organisation, but it may limit the number of areas in which you can be successful. The same is true of your own career. Be deliberate and curious, and spot those lucky moments because they sometimes come along when you least expect.

David Pester was managing partner of TLT from 2000-2020, and subsequently TLT's head of strategic growth

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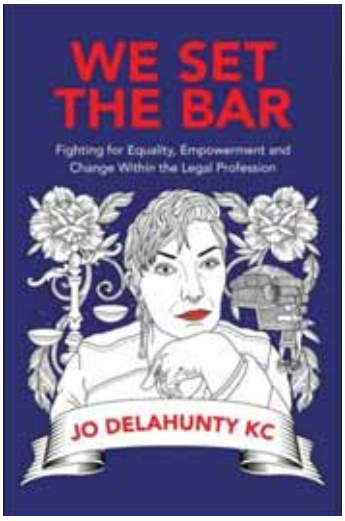
FREE FOR LAW FIRMS

A wake-up call to arms

We Set the Bar: Fighting for Equality, Empowerment and Change within the Legal Profession

Jo Delahunty
£19.99, Bristol University Press

★★★★★



Jo Delahunty's new book does exactly what the title says: addresses standards of conduct and behaviour at the bar (and the legal profession generally) by reference to the issues named in the subtitle – equality, empowerment and change. The word 'fighting' in the subtitle indicates that change is needed and will be resisted. The 'We' embraces those who have worked for reform, as well as future campaigners.

'Who is this book for?' Delahunty asks. 'It's for my colleagues, it's for my power masters, it's for the general public, it's for the young who we need to come into our profession to take it forward and be its champions for the future.' With its stories of inequality and abuse at the bar, alongside coverage of the facts and figures, the book functions as a reference point as well as a wake-up call – even a call to arms – for lawyers already in practice at every level.

Delahunty – 40 years a barrister, 20 a silk – is the daughter of a working-class single mother from north London. Her mother was an inspiration, having risen from the factory floor to become PA to the most senior solicitor in a City firm, and one of the first women in the country to be approved for a sole mortgage on the basis of her own salary. Young Jo attended the local comprehensive school, where teachers recognised her intelligence but tried to contain her brash confidence. The story of how she got into Oxford, on her own merits but encouraged and facilitated by Ruth Deech (Baroness Deech KC), is testament to Delahunty's determination, as well as Deech's generosity and judgement. Delahunty describes her motives for becoming a lawyer, her ignorance of the barriers she would face and her naivety about the likelihood of achieving her aims. But she also makes it clear that she did get there and has remained true to her mission. Delahunty does legal aid child protection work – not the most glamorous of specialisms, nor the most remunerative – but, as she shows, one of the most rewarding and valuable.

From the start, the book puts human faces on the stark statistics of inequality of access to the bar. It celebrates those who, like Delahunty, 'set the bar' by reaching out to those who might never consider the profession, let alone be encouraged to enter it. The book acknowledges 'personal champions' and role models and also tells the stories (with permission) of other entrants into law from non-standard backgrounds or through non-standard routes. Acknowledging that most people have really no idea of 'what a barrister's life is like', Delahunty fills us in, with a focus on the codes that govern barrister conduct, all the better to shine a light on the infractions of those codes described in later sections.

A central chapter deals with Power and Patronage – that is, the relationship between senior and junior members of chambers, and the role played in this relationship by 'gender, sexuality, class and colour'. Instances of bullying and harassment suffered by Delahunty and others, including the assumption by senior men that their female juniors will have sex with them (indeed, will only progress in their career if they do), are detailed unflinchingly. What is striking about these accounts is that Delahunty does not hesitate to name the perpetrators and (again, with permission) their victims. For those who thought that, after several inquiries and reports, this feature of a barrister's life was a thing of the past, Delahunty provides a section called 'There are still bastards out there'. The next chapter shows that power is also exerted inside the courtroom and she calls out abusive judges – and their inadequate censure.

A chapter devoted to progression at the bar offers a potted history of women's admission. For all that 50% of barristers are now female, it will surprise no one that they are clustered at the bottom of the pyramid and more likely than men to leave the profession early, for reasons we all know but may find hard to believe still exist. The added value of this book lies in detailed information about existing initiatives to tackle injustice and discrimination, and a template for what can be done, including the role that male lawyers can play. The reluctant admission of women to the Garrick Club (a club to which many male lawyers belong) is used as an example to show that rules may be changed, women may be admitted, but other means will then be found to contain and exclude us, unless we keep fighting.

A chapter on diversity goes much further than the usual brief discussion of 'LGBT' and the race to encompass the experiences of neurodiverse lawyers and, again, what can be done to welcome and facilitate everyone's contribution. Finally, Delahunty returns to the challenges of her own work – not least the underfunding and undervaluing of legal aid, not to speak of anything intended to help women. She asks, 'Is it worth it?', and her answer comes as no surprise. This book should inspire readers to make informed decisions about what they want to do.

Hard-hitting as it is, this is also a very engaging book, like the author herself. It sometimes makes for grim reading, but it still manages to entertain. It is part memoir, part academic study, part state-of-the-art report, part advice book and, taken as a whole, a political text.

This should be required reading for all aspiring lawyers, female or male. It is only by educating the next generation that we will be able to shift legal men's easy assumption of privilege and entitlement. Change will not happen without professional will.

Rosemary Auchmuty is professor of law emerita at the University of Reading

Pitch battles

Sports Law and Society: Rules of the Game (2nd edition)

Michael E. Jones
£28.99, Bloomsbury
★★★☆☆

While this book is aimed at an American audience, there are nonetheless subjects covered which are of wider interest.

Chapter 3, entitled 'Breaking Barriers: Gender Equity and Title IX in Sports', covers many of the legal aspects of the fight for equity and equality for female athletes. Even if US legislation is not applicable elsewhere, the principles and arguments discussed are universal. The chapter becomes somewhat confused, however, since the author does not rigorously separate sex and gender, and instead conflates quite distinct arguments. Categories such as weight, age, disability and performance-enhancing drugs have nothing to do with personal identity – one cannot 'identify' into or out of boxing weight classes, the Paralympics or senior-age tournaments. Some feminist academics argue that the same applies to the sex category.

Other chapters of general interest include Chapter 4, on global sports governance, the Olympics and Paralympics; Chapter 7 on intellectual property and privacy; and Chapter 8 on managing risk and liability. Risk and liability in sport pose interesting conundrums concerning consent to injury on the field, or in training (the author cites one case of death by heatstroke during a training camp as a particularly vivid example). Why should a negligent or deliberate act be given a free legal pass because it occurs on the field as opposed to after the match? The author mentions concussion injuries (p251), which are much better understood now than when many sports were developed, with serious implications for organisers should long-term neurological damage be found to be significantly more common for players than the general population.

Chapter 9 considers Data and AI, while the concluding Chapter 10 is concerned with 'The Future of Sports: Legal, Ethical and Environmental Dimensions'. It shows how sport cannot remain a self-contained activity free from societal issues – CO_2 emissions from large-scale professional events, for example, threaten the long-term viability of some well-established international sporting events.

This book features many intellectually stimulating points.

James Wilson is the author of Court and Bowled: Tales of Cricket and the Law

Contemporary challenge as old as the Garden of Eden

Making Amends for Historic Wrongs: Reparative Justice and the Problem of the Past

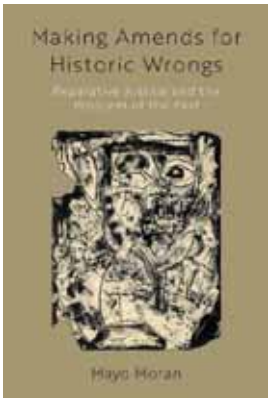
Mayo Moran
£25.99, Oxford University Press
★★★★★

I do not recommend you read this book; I implore you. When you are packing for your holidays, please leave out the novel and include this.

Injustice has been with us since the serpent in the Garden of Eden did not get due process, never mind a fair trial. Why does it repeat with endless ingenious-to-crude variations?

History warns us that as often as not, the greater the scale of the injustice, the greater the tendency to forget. Similarly, the more the personal hurt, the greater the desire for vengeance. Henry V murdered his prisoners after Agincourt, a war crime on a par with any committed by the Wehrmacht. What do we remember? His heroic speech and his own untimely death. The long-lasting consequences of the current war in and around the Middle East are likely to be vengeance, pure and applied.

This book, which is deliberately written in non-technical terms, gives an overview of major injustices, such as the Holocaust, and more minor ones, such as the Benin Bronzes. It charts the dramatic change in attitude initially brought about by the Nuremberg criminal trials and the subsequent realisation that the law and its offshoots could be used to right other wrongs that had always been thought beyond the reach of victims and their advocates. We now have civil claims, truth and reconciliation commissions, and a much greater governmental and judicial desire to find solutions as well as the occasional prosecution. We also still have lawyers fighting



tenaciously to protect their morally unworthy defendant clients. Most of us will admire their efforts while being encouraged by their failures.

One of the great benefits of the common law is that it has seeded in other fields and another is that the new plants send their own seeds back to us. This book originated in Canada, but its message is universal and its example is a tribute to the common law and its lawyers. The messages are at least as significant and some are as profound as they come.

The format comprises an introductory overview and then case studies covering specific incidents. The detail is necessary and sufficient for its purpose – and memorable. This is not a textbook, though it applies textbook standards as far as possible. The range is from the likes of the first German genocide – in south-west Africa in the early years of the 20th century – to the restoration of Oscar Wilde's library card to his grandson.

A word of caution. Although the arguments of perpetrators and their supporters are mentioned, the fair-minded reader might need to put rather more effort into seeing their point of view than that of the victims.

Michael Freeman is a retired Shropshire solicitor

my Legal Life

Simon Bassett, RWK Goodman

SHAGGY DOG STORY

Interview with Monidipa Fouzder

Simon Bassett recently **celebrated the 30th anniversary of his starting out as a newly qualified 'fresh-faced' solicitor** by posting a photo on LinkedIn of his office in 1996 – no computer, no mobile phone and a paper diary. 'Bliss!' he jokes. 'It's scary how quickly the time goes.'

Simon trained at Madge Lloyd & Gibson in Gloucester as an articled clerk. But he hadn't set out to be a lawyer: 'I left school after O-levels to join the army.' **Simon planned to attend Sandhurst Military Academy to become a Royal Engineer.** 'I got quite good exam results and they said, "Why don't you do some A-levels?".' The army didn't mind what A-levels he did. 'I picked A-levels that were available because I left it quite late. One was law. I ended up being taught by a part-time solicitor. She was passionate and enjoyed it so much – a great teacher. I thought, "Maybe this is the career for me". I got my law degree. I managed to get a training contract. It went from there.'

Simon didn't specialise in family law immediately. **He was asked to run one of RWK Goodman's offices after a partner was made a judge.** The partner was 'a traditional lawyer who used to do everything' – corporate and commercial, employment, family and personal injury – so Simon took over a mixed caseload.

'Look at my journey. I didn't intend to be a lawyer. I didn't intend to be a family lawyer.' **He believes a notable difference between now and 30 years ago is the requirement to specialise early.** 'Even now, you have bespoke training contracts and you can just do one area.' But he believes that doing other areas of law and matters 'slightly outside your comfort zone' builds confidence and skills.

Simon eventually moved into family law, a specialism he has developed for more than 20 years. **He believes the most fundamental change in the family law landscape is standardisation.** The Family Procedure Rules came into force in 2011, providing a new code of procedure governing family proceedings. Before that, he explains, solicitors had different ways of doing things such as disclosure. However, Simon was already used to standardisation. He started his career doing personal injury work and the Civil Procedure Rules, 'which are effectively the same thing', were introduced in 1999. An 'efficiency statement' in 2022 introduced further standardisation in family proceedings. 'You've got standard documents, so it's harder to overlook things. You've got standard orders. It's so much easier.'

> "I remember going down the M20 dressed as Scooby-Doo in a car converted as the Mystery Machine with four other lawyers

What changes does Simon predict in the next 20-30 years? **Simon notes that many litigants in person are already using AI.** He foresees court orders telling litigants in person that they are not allowed to put documents into AI, given that AI is 'open source' and they risk breaching their duty of confidentiality.

Asked about memorable career moments, Simon **cites acting during his training contract for two globally notorious serial killers.** The international press took an interest. 'Looking back, it helped me to develop confidence, resilience and self-reliance. At the time, it was really scary and regularly kept me up at night. But it helps me recognise when junior staff are taking on too much responsibility.'

He also recalls **dressing up as Scooby-Doo for a charity road race from Oxfordshire to northern France.** Simon's team decided to turn their car into the Mystery Machine (original version pictured). 'I remember going down the M20 dressed as Scooby-Doo in a car converted as the Mystery Machine with four other lawyers. You've got senior partners in their respective firms dressed up as the cast of Scooby-Doo. Really sensible people. We overtook a police car and saw police officers crying with laughter.' The event raised over £1m. 'You cannot take yourself too seriously, particularly as a family lawyer – it's tough.'

Simon Bassett is head of the family law team and lead partner in London and Oxford at RWK Goodman

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