

## The City of London Law Society: Litigation Committee (the “Committee”)

Minutes of a meeting of the Committee held at 17.00 on 3 July 2024 virtually and at Macfarlanes LLP, 20 Cursitor street, EC4A 1LT.

### ATTENDEES

- Lois Horne (Macfarlanes LLP) (Chair)
- Angela Dinsdale-Gill (Hogan Lovells LLP);
- Daniel Spendlove (Signature Litigation);
- James Levy (Ashurst LLP);
- Jan-Jaap Baer (Travers Smith LLP);
- Julian Copeman (Herbert Smith Freehills LLP);
- Kevin Hart (CLLS);
- Mark Lim (Lewis Silkin);
- Patrick Boylan (Simmons & Simmons LLP);
- Richard Dickman (Pinsent Masons LLP);
- Richard Jeens (Slaughter and May).

### MATTERS ARISING

#### 1 *Previous meeting minutes*

- 1.1 Members confirmed that the minutes of the previous meeting were approved. The Chair confirmed they would be circulated to the Members after the meeting.

#### 2 *Consultations*

- 2.1 The Chair noted that the Committee had actively participated in consultations including on the issues of non-party access to court documents, and proposals in respect of ADR. The Chair thanked the members for their engagement and feedback, and noted that the responses had been sent to Kevin Hart (CLLS) for onwards distribution.

#### 3 *COMBAR terms*

- 3.1 Mark Lim reported to the Committee on the current draft in circulation:

3.1.1 the drafting was almost in agreed form, but for the issue of GDPR and data protection;

3.1.2 there had been recent calls (including in the last two weeks) with the drafting team to discuss some additional drafting to cover off the concern;

3.1.3 the draft had been shared with the COMBAR team for consideration, and it was expected that COMBAR would nominate one of their group to close off any outstanding issues;

3.1.4 Mark Lim would update the Committee once COMBAR have reverted.

- 3.2 The Chair acknowledged the effort being exerted by Mr Lim and the team progressing the drafting, and noted that, as the Committee had reviewed the data protection provision twice, the Committee hoped to confirm its agreement in short order after receipt of COMBAR's response.

#### 4 *CLF pro bono event*

- 4.1 The Chair thanked the Members for supporting the CLF pro bono event held at the Royal Courts of Justice on 24 April 2024, and invited the Members to provide any feedback, or any views as to whether the Committee should support the same (or other similar) initiatives in the future.

- 4.2 The Members acknowledged that the event was very successful, and that CLLS' support had clearly assisted in raising awareness. It was suggested that, in the future, the Committee may consider coalescing its support on one organisation, to maximise any impact the support would offer. It was also noted that such support could be coordinated with the wider CLLS, to ensure that effort would not be duplicated.
- 4.3 The Members agreed to invite suggestions for any organisations or events for the Committee to consider offering such support, and to add to the agenda for the Committee's next meeting the consideration of those suggestions.
- 5 *AI sub-committee*
- 5.1 James Levy (who had volunteered to act as a liaison to the CLLS AI sub-committee) reported to the Committee on recent developments. It was noted that the CLLS AI Sub-committee had identified four areas as being of interest to Litigation Practitioners (and other practice areas):
- 5.1.1 Insurance provisions for law firms / claims against law firms resulting from unintended consequences of using AI.
- 5.1.2 AI products that practitioners are currently using, or are considering using, and a possible alignment on common practices between practitioners (to avoid disputes as to which products / guidelines should be adopted).
- 5.1.3 Privilege and unintended consequences of privileged material being input into large language models.
- 5.1.4 AI impact on the practice of law and legal education, and opening room for practitioners to become more technically capable in the use of AI.
- 5.2 The Members were informed that the AI Committee had invited representatives both from the Law Society and SRA to participate in the meetings. James Levy agreed to continue attending the meetings on behalf of the Committee.
- 5.3 The Members noted that the Committee could very usefully contribute to the wider discussion on those issues, which were also considered by the Courts / Judiciary to help assist the smoother conduct of litigation.
- 5.4 The Members noted that the proposal to seek to reach alignment on the common practices in respect of the use of AI would not be dissimilar to past efforts to align on the approach to disclosure. The Members agreed that the AI sub-Committee could pro-actively discuss current practices employed by various Members, and set forth proposals for the Committee to consider – for example, on parameters as to the use of AI in disclosure exercises, practices to ensure protection of privilege / confidentiality of materials, regulation of cost, and compliance with regulatory requirements.
- 5.5 The Members agreed that James Levy would be appointed as Chair of the AI sub-Committee. James Levy invited Members to confirm whether they wished to join the Sub-Committee. The Members also agreed to consider whether any AI specialists from their respective firms could usefully contribute to the discussions to be held within the sub-Committee.
- 6 *Committee LinkedIn Page*
- 6.1 Jan-Jaap Baer, who had been nominated to manage the Committee's LinkedIn Page, reported to the Committee that the LinkedIn page was not yet live. The Members were invited to offer their views on the content which should be promoted on the Committee's page. Options discussed included links to other CLLS content, law firm content (potentially authored by Members), comments on recent judgments, and ethical issues affecting litigation practitioners.
- 6.2 The Members agreed that the content to be promoted on LinkedIn should be in line with the Committee's "mission" statement – being a representative of all the voices in litigation

departments across the City. The Members agreed that the Page should not be used to promote opinion content, on which the various Committee members may not be aligned.

- 6.3 The Members agreed that the Committee would continue to promote content on its work (including the consultations in which it was partaking, and the results of those consultations). The Members also agreed that, after the page was operational, the Committee may consider topics of broader “thought leadership” that it may be prepared to promote.

## 7 *Foreign Process Service*

- 7.1 The Chair noted that a working group had been assembled (outside the remit of the CLLS) which was considering the amelioration of the Foreign Process Service. It was noted that some Members had heard of substantial delays with service of documents through the Foreign Process Service, but none of its Members had personal experience of those issues.

## 8 *Court Users Groups*

- 8.1 The Chair invited Members to confirm whether they were assigned to, and were taking part in meetings of, a particular court users group. It was agreed that:

- 8.1.1 Mark Lim would seek to join the Commercial Users Group, which were known to hold regular meetings;

- 8.1.2 the Chair would investigate whether the Chancery Court and Court of Appeals users group continued to hold regular meeting and, if so, seek volunteer attendees from the Members; and

- 8.1.3 minutes of the relevant users group meetings would be disseminated to the Members once received.

## 9 *AOB.*

- 9.1 The Members agreed that the following meeting of the Committee would be held in the autumn months.