

MOVERS & SHAKERS

[THIS WEEK'S] STAR MOVE



Tomorrow's president today

Kishan Mangat has been announced as the new president of Tomorrow's Forum of Insurance Lawyers (TFOIL), the branch of FOIL which represents defendant insurance lawyers with fewer than five years' post-qualification experience.

Kishan, a solicitor at DWF and previously TFOIL's communications officer, succeeds Browne Jacobson's Mukesh Kainth, who has held the role of president since November 2016. Kishan's particular expertise within the insurance arena is catastrophic injury claims, including road traffic accidents and product liability. She also offers niche specialisation in brain injury and amputation cases.

Chief executive of FOIL Laurence Besemer said: 'It is a pleasure to see Kishan take the reins as president of TFOIL. Her unique experience will enable her to bring a lot to the role, working closely with the rest of the TFOIL committee.'

Funds & gains

Reed Smith LLP has welcomed new partner **Bronwen Jones** to its London office. She is a fund finance specialist who has joined Reed Smith's financial industry group, after 14 years at Macfarlanes where she was previously the head of investment fund finance. Financial industry group chair Edward Estrada commented: 'Bronwen is an

extremely talented lawyer who has played a pivotal role in the development of the funds finance market in Europe. Her experience and background make her a perfect fit for our finance practice.'

Homegrown talent

Essex firm Birkett Long has announced the promotions of three trainees to fully qualified

solicitors, all three having climbed the ranks within the firm. **Jess Elwell**, **Molly Frankham** and **Rachel Leech** started out as paralegals, before undertaking training seats over a period of 18 months, and finally qualifying as solicitors together. Jess will be joining the wills, trusts and probate team within the firm's Chelmsford office, while Molly and Rachel will both

be based in Colchester, in the dispute resolution department and the Court of Protection and inheritance disputes team, respectively.

Old friends & new

Boutique firm GQ Employment Law, which in May 2017 merged with global employment firm Littler, has announced the hiring of **Natasha Adom** and **Mark Callaghan**. Natasha has rejoined GQ as senior counsel, after previously spending two years as a GQ senior associate from 2015 to 2017, while Mark has moved from CMS to GQ as a senior associate.

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THE JACKSON LEGACY

A Jackson survival guide: six months on

Orders, rules and directions are to be strictly adhered to. Applications for relief from sanctions are governed by a revised CPR 3.9 which, says Jackson LJ, 'is intended to be a stricter test limiting the cases in which it will be appropriate for the court to grant relief from sanctions'. Early decisions from the High Court bench demonstrate how robust the new approach is.

In judicial training this year the bench was encouraged to get tough on default. Edwards-Stuart J on May 22 gave a judgment in *Venumum Property Investments Ltd v Space Architecture Ltd and others* [2013] EWHC 1242 (TCC). An application was made for

permission to extend time for service of particulars of claim. Due to an innocent and unfortunate misunderstanding it was erroneously thought that one could serve particulars 14 days after the claim form. Not so. The long-stop deadline is four months after the issue of the claim form (see CPR 7.4 (2) and 7.5 (1)). The extension was refused.

The new CPR 3.9 dealing with relief from sanctions has chopped down the previous nine-point checklist. It was the declared intention of Sir Rupert to bring about change. That is why the new test obliges the court on an application for relief to explicitly consider the need for orders to be obeyed and for litigation to

be conducted efficiently and at proportionate cost. Note there is no longer any reference to prejudice or merits.

A much stricter regime now operates and in *Venumum* the judge applied it. For the sake of completeness it should be pointed out that the claimant was still left with another eight defendants to pursue and the judge plainly thought the case against the relevant defendant was flimsy, which would embolden him to chuck the claim out anyway. Nevertheless, be warned. A hard new approach is with us.

Inform!

At the outset make it clear in writing to your client, whichever party they might be, that matters

must be handled with alacrity. The failure to abide by deadlines could mean that your client's case will never be heard. When considering an expert ask them to confirm that they can deliver their report within the time specified. One is required to serve upon experts copies of any court order which could affect them. They must be monitored. The Supreme Court decision in *Jones v Kaney* [2011] UKSC 13 establishing that experts in litigation do not enjoy immunity from suit, may well encourage a judge to be unforgiving. The innocent client will have a potential remedy for loss as against his bungling expert.

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