



**Informing Progress - Shaping the Future**

## **FOIL Update 10th October 2025**



### **Mazur – the story so far**

There is perhaps an irony in the fact that a claim involving litigants in person has triggered the latest shockwave in the legal service market. This brief update aims to bring you up to speed on the fallout from the High Court decision in *Mazur and Stuart v Charles Russell Speechlys LLP* [2025] EWHC 2341 (KB) and to offer an overview of FOIL's subsequent response.

#### **Impact of the decision**

The judgment of Sheldon J has generated extensive media coverage and a significant degree of concern across the legal services community. It has triggered an urgent need for early clarification from the relevant regulators to assist stakeholders in navigating the difference between conducting and supporting litigation.

There is considerable uncertainty and worry about the possible threat of sanctions and market disruption. There is the potential threat of top-down regulatory or criminal sanctions for firms (and those persons managing them), and bottom-up uncertainty for those individuals working for these law firms.

There is also a pervasive risk that existing litigation could be adversely affected by the trigger of *Mazur* – whether from satellite legal disputes to a slowdown of litigation activity. For consumers, there may be a risk that any changes in staffing arrangements within law firms could have an impact on the overarching cost of legal services with adverse consequences for access to justice.

#### **Nothing to see**

The SRA published a very short statement in response to the judgment on 1 October 2025. In essence, the SRA's position appears to be that judgment represents no change in the law and effectively there is nothing to see. The SRA reiterates their guidance on 'Effective Supervision' from

2022 with the inference that not much has changed in the wider practising environments since it was issued. Effectively the SRA statement shifts responsibility to those who are the subject of regulation.

The SRA's view on the legal position is not a universally held one and, in any event, the SRA statement skirts over the fact that its own position/advice has changed over time and within the course of the Mazur litigation. There is also the difficulty of reconciling the SRA's current position with various provisions in the Civil Procedure Rules amongst other things.

Irrespective of whether the Mazur case reinterprets or merely restates the law, there is no doubt that the landscape for conducting litigation and implementing effective supervision has changed in several respects since the Legal Services Act 2007 was enacted. First, there has been the introduction of the Damages Claims and Online Civil Money Claims portals and the significant expansion of their functionality since 2022. Members have been reporting from the outset that the design features of these platforms and the lack of sandbox training environments present significant training and supervision dilemmas for firms and individual practitioners. Secondly, we cannot ignore the seismic changes that were triggered by the Covid pandemic in the way that lawyers and other professionals work and continue to do so. Indeed, the interaction between hybrid and digital working on third party platforms warrants further attention. Thirdly, there has been significant consolidation in certain parts of the legal services market since 2007. This has had an impact on the size of law firms and the make-up of their staff. This much was acknowledged in the earlier judgment by HHJ Simpkins in the *Mazur* case. Finally, members and the regulators should be acutely aware of their EDI obligations and the benefits that a diverse and inclusive legal services market will bring for consumers and wider society.

### **Stakeholder engagement**

Since FOIL met with its members last week, we have been actively engaging with a range of stakeholders including the Legal Services Board, ABI, APIL, ACSO and the Law Society. There is a degree of consensus across the legal services community about the risks of escalation. There is also some reticence on the part of stakeholders (1) to draw attention to their own structural practices and (2) opening up the existing scope of reserved activities, for fear of unleashing a wave of unintended consequences. The market is already deeply conscious of the potential impact that AI technology is having and will have in the not-so-distant future.

### **The Legal Services Board**

The LSB issued a short statement on 3 October 2025. They are to meet with legal regulators for the purposes of (1) establishing what action has been taken before and following the judgment and (2) ensuring that effective guidance is in place for law firms and legal professionals conducting or supporting litigation. FOIL has written to the chair of the LSB to urge the Board for early and consistent clarification from the regulators, including guidance that will assist firms and individual staff in navigating the difference between conducting and supporting litigation. We have invited them to meet with FOIL to discuss and learn about our members concerns arising from this judgment and the regulatory responses to date.

### **Next steps**

FOIL has set up a working group to address the fallout of the decision, and the group will be meeting next Thursday (16<sup>th</sup>) to discuss developments and actions.

Members have already identified the importance of (1) reviewing historic systems/structures and (2) documenting decisions around delegation of tasks and responsibilities/supervision on individual case

files. Much will turn on the ability of firms to evidence their ways of working and the ability to address matters of substance over form. The key will be in demonstrating that an authorised person, as a matter of fact, has responsibility and exercises some degree of professional judgment over each litigated case. This may involve identifying key steps in terms of starting, defending or progressing litigation before the courts and managing the overall strategy for it. Subject to further clarification/guidance, firms may want to review whether their historic systems and structures exposed clients to actual harm or an unreasonable degree of the risk of harm.

FOIL will report back in the next few weeks as the story continues to unfold!

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