FOIL
FORUM OF INSURANCE LAWYERS
the VOICE of FOIL
Informing Progress - Shaping the Future

Special Edition

Dispute Resolution - Beyond the Courtroom

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Future Editions

If you are interested in contributing material to a future edition of the Voice, please contact info@foil.org.uk

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In this Edition

Welcome to the August 2026 edition

Stratos Gatzouris (DWF and Editor in Chief)
Jeffrey Wale (FOIL Technical Director and Assistant Editor)

Welcome to the August edition of the Voice, focusing on the theme of dispute resolution beyond the courtroom. We start with the FOIL President, Bridget Tatham (Browne Jacobson) discussing the implementation of compulsory small claims mediation and the important human dimensions of dispute resolution.

Tim Wallis of Trust Mediation offers a broad perspective on the ADR landscape and makes the point that the relevant comparison or choice is not always between mediation and trial, but the type of resolution mechanism that will be the most appropriate in any given case.

Nicola Cohen and Dominic Stanton from the Academy of Experts examine how experts can contribute effectively to ADR processes and the need for clarity around an expert's role.

Willie Pienaar and Matt Curries (Nuvalaw) suggest that courts are deliberately building in jeopardy for parties around litigation regarded as unnecessary, to direct and encourage dispute resolution behaviours.

We have an article by Leeann Chamberlain from Verisk Claims - a new FOIL sponsor - exploring pending developments for dispute resolution in the credit hire space.

We also have articles from the ADR SFT and Steven Brownlee on the small claims' mediation and MOJ/OIC portal frameworks. In respect of compulsory mediation, there remain concerns regarding the lack of visible sanctions for non-engagement, the inconsistency of mediator engagement and the timing of mediations before evidence exchange.

Ling Ong and Jacqui Bickerton (Weightmans) make important points about the FCA's consumer duty and client interests, arguing that adversarial litigation may not always represent the most commercially or reputationally effective response to a dispute.

Cathal O'Neill (Carson McDowell) highlights how ongoing policy reform in Northern Ireland treats mediation and ADR as important components of access to justice.

Richard Martin of the Mindful Business Charter considers mental health issues in the legal profession, plus we have a report on the Stronger Together FOIL event. We also have three articles from Tomorrow's FOIL team, an operations update plus a spotlight on Nuvalaw, a trade and industry partner.

For those still interested in reading about the *Mazur* litigation, you can access the Legal Services Board's final report at the following link. Suffice to say, the front-line law regulators still have work to do in terms of supporting and guiding those firms and individuals subject to regulation.

Finally, we give notice of the next FOIL AGM and President's Conference on Tuesday 24 November 2026. We hope that you enjoy reading all the articles and look forward to receiving your ideas for the next edition of the Voice. Once again, many thanks to Ian Thornhill for his work on this edition.

Stratos and Jeff

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The President's Page

Bridget Tatham (Browne Jacobson & FOIL President)

Resolving Disputes Beyond the Courtroom: A Path to Better Outcomes?

The Landscape of ADR

The most widely used forms of ADR include:

- **Mediation** — usually a voluntary, confidential process in which a neutral third party facilitates dialogue between the parties, helping them identify common ground and reach a mutually acceptable settlement.
- **Arbitration** — a more structured process in which a neutral arbitrator hears the parties' cases and makes a binding or non-binding determination.
- **Negotiation** — direct dialogue between the parties or their legal representatives, frequently the first step before any formal process is engaged. A step we as insurance lawyers are very familiar with.

Why It Matters

The common justifications for those advocating the use of ADR, mandatory or otherwise are well documented. We are told that it tends to be faster and less expensive than litigation. Proceedings are generally confidential, which protects commercial and personal reputations. Parties retain greater control over the outcome, rather than handing that 'control' to a judge.

And we are now well used to being encouraged to mediate. Pre-action protocols encourage parties to consider settlement before proceedings are issued, and directions orders include the requirement to consider settlement, whilst judges will often raise the prospect of mediation at case management hearings. Failure to engage meaningfully with ADR may have costs consequences at the conclusion of the case.

Perhaps the most significant recent development in this space is the introduction of mandatory mediation for small claims in England and Wales. From October 2023, parties to small claims — those valued at up to £10,000 — have been required to attend a free, one-hour mediation session provided by HMCTS's Small Claims Mediation Service before their case can be listed for a hearing. The relevant amendments to the Civil Procedure Rules marked a genuine shift in policy: for the first time, mediation ceased to be merely encouraged and became a compulsory step in the litigation process for a significant category of dispute.

The Ministry of Justice's rationale was straightforward. Small claims make up the overwhelming majority of civil litigation in the County Court. Requiring parties to engage with mediation before a hearing date is allocated is intended to reduce the burden on an already stretched court system, deliver faster outcomes for litigants, and — critically

— spare individuals the stress and cost of a courtroom, experience that it is argued may often be disproportionate to the value of the claim.

This was followed in July 2025 with the expansion of the OCMC and compulsory mediation for all RTA claims excluding personal injury.

The MOJ intention is clear that it views this as a meaningful step towards a broader cultural shift: one in which mediation is the norm rather than the exception, and in which access to justice is measured not only by access to a courtroom. Where will expansion go next?

What remains to be seen is whether the policy is delivering on those ambitions in practice. An impact report evaluating the mandatory small claims mediation scheme is anticipated. Key questions will include: What proportion of cases are settling at mediation? Are parties genuinely engaging with the process, or are sessions being treated as a procedural hurdle to clear on the way to a hearing? Are there particular categories of dispute, or particular types of litigants, for whom mandatory mediation is working less well? And — perhaps most importantly — are the savings in time, cost, and court resource being felt by all stakeholders? Or is it an unnecessary additional step in the post litigation space?

The answers will shape the broader debate about how far mandatory ADR should extend into other tracks and areas of civil litigation. If the evidence is positive, it may lend considerable momentum to those who argue for a more systemic embedding of mediation into the justice system.

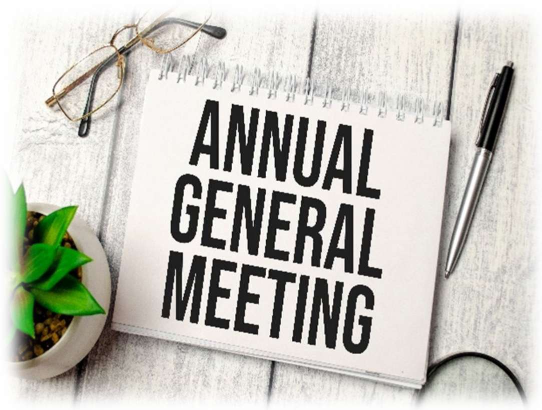
The Human Dimension: Dispute Resolution and Wellbeing

From the perspective of a defendant insurance lawyer, it is easy to view litigation through a purely technical lens — coverage positions, liability exposure, quantum, costs budgets. Insurers are, after all, sophisticated commercial entities. But that framing may risk obscuring something important: insureds are not abstract entities. Whether the insured is a sole trader, an SME, or a large corporate, there are human beings behind every claim file: the claims handler fielding the notification, the manager asked to give a witness statement, the director whose decision is being scrutinised, the employee whose conduct is at the centre of proceedings. The size of the organisation may change the scale, but not that fundamental reality.

Litigation places a burden on those people that is easy to underestimate from the outside. Being involved in legal proceedings — even as a defendant with the comfort of insurance cover in place — is rarely a neutral experience. The demands of disclosure, the preparation of witness evidence, the uncertainty of outcome, and the sheer duration of proceedings all carry a human cost. For an individual employee asked to revisit events from years earlier, or a business owner watching a dispute consume management time and attention, that cost can be significant.

For defendant insurance lawyers, advising an insurer well means more than managing indemnity spend — it means advising on the full picture, including the impact of the litigation process on the insured and the individuals within it. Recommending ADR where it is appropriate is not a sign of weakness in the defence position; it is a recognition that the interests of the insured — the real people behind the policy — may be best served by resolution that is timely, proportionate, and as painless as possible.

As the legal profession continues to engage more seriously with questions of mental health and wellbeing, that conversation cannot be limited to the wellbeing of lawyers themselves. It must extend to the clients we serve — and, in the insurance world, that means looking past the policy and seeing the people it protects.



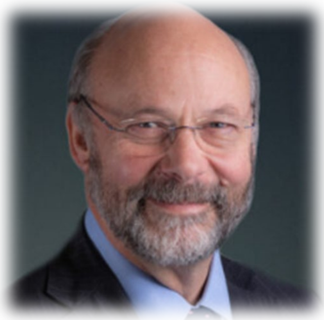
Notice of the FOIL Annual General Meeting and President's Conference

The FOIL AGM will be held in London on **Tuesday 24 November 2026.** This will be followed by the President's Conference.

Please provide nominations for election to the national committee to the FOIL secretary Stratos Gatzouris via sarah.higgs@foil.org.uk or send by post to 1 Esher Close, Basingstoke, Hampshire, RG22 6JP. The closing date for nominations in respect of qualifying persons for Officers of the Association is 25 August 2026**.**

If you would like to attend, please register using the following links:
AGM and President's Conference

Dispute Resolution Beyond the Courtroom



Tim Wallis (Trust Mediation)

Why ADR matters for FOIL members

Alternative dispute resolution should now be on the radar of every lawyer handling personal injury and other insurance-related claims. This article reviews how claims have traditionally been resolved, what mediation can add, and why recent procedural and technological developments are likely to make ADR increasingly relevant.

I write as a mediator and ADR provider, a former litigator and a former FOIL president. My starting point is familiar: most insurance disputes are resolved without a trial. Some cases plainly need judicial determination, and the proportion of claims reaching trial varies by claim type, but the great majority settle, are withdrawn or conclude by another route. The work is therefore often better described by Marc Galanter's term "litigotiation": negotiating claims in the shadow of the courtroom.

Traditional methods remain effective

Insurance lawyers have long resolved claims through direct negotiation, Part 36 offers, telephone discussions, video meetings, joint settlement meetings and round-table meetings. These are tried and tested methods. Their success is one reason why some practitioners have seen little need to add mediation to an already effective process. The uptake of mediation has nevertheless varied markedly between sectors. Professional indemnity, construction and commercial practitioners adopted it relatively early. Clinical negligence has also seen substantial activity, particularly since NHS Resolution established its mediation scheme in 2016.

Personal injury practice has generally moved more cautiously. That caution is understandable. Lawyers and insurers may reasonably ask whether mediation will add value, whether it duplicates work already undertaken, and whether its cost is proportionate. In my experience, however, those questions are best answered case by case rather than by assuming that mediation is either routinely necessary or routinely unnecessary.

There are already areas in which mediation has proved especially useful. Multi-party claims are an obvious example, because a neutral can help manage several relationships, insurance positions and contribution issues. Stress-at-work claims may also benefit where personal, relational or reputational concerns sit alongside legal analysis. Some judges have routinely made orders staying personal injury claims for mediation. In the cases referred to Trust Mediation following such orders, the claims settled either on the day or shortly afterwards.

Clinical negligence provides a further illustration. In Trust Mediation's experience, more than half of these mediations now take place before proceedings, and about 80% result in settlement or withdrawal. That experience cannot simply be applied to every insurance portfolio, but it suggests that early mediation has the potential to produce significant savings in legal cost, management time and claims duration.

What mediation may add

The relevant comparison is not mediation versus trial. It is often mediation versus direct negotiation or a joint settlement meeting. A JSM may be entirely sufficient. Mediation may add value where the parties need a more structured process, where communication has become difficult, where several parties or insurers are involved, where early settlement is a priority for one or more parties in a case of some complexity, where there are psychological elements or where the apparent gap between the parties cannot be explained solely by different views of liability, causation and quantum.

Consider a claim in which the claimant's schedule values the case at £10X and the defendant's counter-schedule at £2X. Both figures may be supported by respectable analysis, yet the gap may be hundreds of thousands of pounds or more. A settlement meeting may bridge it through an offer and counter-offer process (adversarial bargaining). In mediation, that process may still occur, but private discussions with an experienced neutral can also test:

- the assumptions underlying each valuation;
- the parties' actual objectives and priorities;
- the value placed on early resolution;
- the claimant's need to be heard, achieve closure or address other personal concerns;
- the parties' appetite for disclosure, expert evidence and trial;
- management time, opportunity cost and reputational effects;
- strategic issues between lawyers, insurers and repeat participants;
- possible overconfidence or anchoring; and

- the practicality and enforceability of settlement terms.

Any one of these matters may unlock an impasse. The mediator's contribution is not to replace legal analysis or the lawyers' judgment, but to create a process in which the parties can examine the whole dispute, including considerations that may not fit neatly into pleadings, schedules or Part 36 calculations.

The direction of travel

Recent developments make it increasingly difficult to treat ADR as peripheral. In *Churchill v Merthyr Tydfil County Borough Council* [2023] EWCA Civ 1416, the Court of Appeal confirmed that courts may lawfully order parties to engage in a non-court-based dispute resolution process, provided the order does not impair the essence of the right to a judicial hearing and is proportionate. Amendments effective from 1 October 2024 then integrated ADR more expressly into the overriding objective, case-management powers and costs framework. (Courts and Tribunals Judiciary)

The Civil Justice Council's review of Pre-Action Protocols has also recommended a stronger and more consistent focus on dispute resolution before proceedings. Those recommendations have not all been implemented, so prediction should be cautious, but the policy direction is clear. (Courts and Tribunals Judiciary)

Mediation is already an integrated, required step for many defended money claims worth up to £10,000. HMCTS reported that monthly small-claims mediations rose from about 1,900 in March 2024 to more than 8,000 in March 2026. This does not establish that the same model will suit personal injury claims, but it demonstrates the scale at which court-connected mediation can operate. (GOV.UK)
Other developments are also relevant:

- time-limited online mediation may offer a proportionate option for some fast-track and intermediate-track claims;
- neutral evaluation can provide an independent view on likely outcomes or defined issues;
- mediation in which mediators may express opinions, predictions or recommendations (evaluative mediation) may suit parties who specifically want that input;
- arbitration, including online arbitration, may offer a binding and proportionate determination in suitable lower-value disputes; and
- online dispute resolution platforms, increasingly supported by artificial intelligence, may help parties move between negotiation, mediation, evaluation and adjudication.

The likely future is therefore not the replacement of litigation or established settlement methods by mediation. It is a broader dispute-resolution system in which lawyers and insurers select from a range of processes, sometimes combining them and moving from one to another as the claim develops.

A practical response

Insurance lawyers need not become enthusiastic adopters of every new process. A more useful response is to develop criteria for identifying cases in which mediation or another process may improve the prospects of an earlier, better-informed or more economical resolution.

Questions might include: Is there a multi-party or contribution problem? Has negotiation stalled despite adequate information? Are non-monetary concerns affecting the claim? Is there a large valuation gap driven by different assumptions? Would a neutral help the parties test risk confidentially? Could an online or time-limited process be proportionate?

Not every suggested development will occur in the form or at the pace currently anticipated. Traditional negotiation, Part 36 offers and JSMs will remain central. The direction of travel is nevertheless clear: ADR and online dispute resolution are becoming more closely integrated into civil justice. For those leading dispute resolution departments, advising insurers or developing their own practice, the opportunity is to consider deliberately where these processes can complement methods that already work well.

The expert beyond the courtroom: making technical evidence work in ADR


Nicola Cohen & Dominic Stanton (The Academy of Experts)

In Brief

Experts can help promote settlement when technical uncertainty, rather than legal principle, keeps insurance disputes apart.

This article examines how experts can contribute effectively to ADR, how lawyers should define and protect their role, and how that role differs between processes such as mediation and expert determination, helping to reduce cost, delay and risk.

Dispute resolution is no longer organised around a simple choice between settlement and trial. The Civil Procedure Rules now place alternative dispute resolution (ADR) within the overriding objective and expressly include ordering or encouraging parties to use it as part of active case management. For insurance lawyers, this is less a revolution than an acceleration. FOIL has itself described the joint settlement meeting as the preferred form of ADR in much of the general insurance work its members handle, with the great majority of claims settling before trial. What is changing is the need to select and design the right process earlier.

Experts can be central to that process. In insurance disputes, the obstacle to settlement is often not the absence of commercial appetite but uncertainty about a technical issue: causation, the extent of damage, repair methodology, medical prognosis, professional standards, business interruption, valuation or quantum. Used well, an expert can help to reduce that uncertainty. Used badly, the expert can entrench positions, increase cost and arrive at the ADR process carrying all the baggage of a trial that may never take place.

The first question: what role is the expert performing?

Before an expert gets involved in any ADR process, the legal team should decide which role the expert is being asked to perform. The distinction - independent expert or expert advisor - is fundamental.

An independent expert witness instructed in existing or contemplated proceedings remains subject to the duties applicable to that appointment. Under CPR Part 35, the expert's overriding duty is to help the court on matters within their expertise, and that duty overrides any obligation to the instructing party. An expert adviser or 'shadow expert', by contrast, advises the client and legal team but is not being put forward to give independent evidence.

The Academy of Experts' (TAE) guidance, Experts Participating in Commercial Mediation, emphasises that an independent expert attending a mediation does not acquire an overriding duty to assist the mediator. Nevertheless, if that expert may continue in the litigation, nothing done in the mediation should compromise their independence or their ability to give the same objective opinion afterwards.

That distinction should be made explicit in the instructions and in any pre-mediation discussions. Calling someone an 'expert' is not enough. The team should know whether the individual is there to explain an existing opinion, test assumptions, advise privately on risk, engage with another expert or determine an issue. Each function carries different boundaries.

Experts in mediation: clarify, do not advocate

Mediation allows the parties to explore outcomes that a court could not order and to take account of commercial, reputational and human considerations. The expert's contribution is narrower but often decisive: to make the technical issues intelligible and to identify which disagreements genuinely affect value.

For defendant insurance lawyers, the most useful expert at a mediation is rarely the one who simply repeats the conclusions of a report. The greater value lies in explaining the reasoning, identifying the key assumptions, and showing how the answer changes when an assumption changes. A loss may depend on alternative repair schemes; a business interruption calculation on the counterfactual trading scenario; a clinical claim on competing causal pathways; or a professional negligence claim on both breach and the consequences of the alleged error. A concise analysis of those variables can give the insurer a more reliable settlement range and help the mediator understand why the parties remain apart.

Good preparation should therefore include:

- agreement on whether the mediation is facilitative, evaluative or part of a hybrid process;
- a clear definition of the expert's attendance, including whether they are required throughout, for a particular session or only on call;
- identification of the few technical points that materially affect settlement;

- confirmation of what documents and information may be used or shared; and
- an agreed approach to any expert-to-expert discussion.

The expert should also know who may hear what. A private caucus can expose an expert to without prejudice communications, negotiating strategy or new technical material. The difficulty falls principally on the expert. A lawyer may continue to act after a failed mediation while remaining unable, subject to limited exceptions, to refer at trial to offers, concessions or other protected communications. An expert who is to give evidence cannot compartmentalise relevant technical information so readily. Practice Direction 35 requires experts to consider all material facts and to disclose the substance of the facts and instructions material to their opinion. If something learned in mediation changes or undermines the expert's view, the expert cannot honestly give the former opinion as though it had not been learned. Yet the expert may also be unable to reveal the protected communication on which the changed view depends. The solution may be to place the underlying fact or document before the expert outside the mediation, with the parties' agreement; otherwise, the expert may need to qualify the opinion or cease acting. Selective attendance, or the use of a separate advisory expert, can avoid that conflict.

Most importantly, an expert witness should not be asked to become an advocate or negotiator. Experts may explain why an opinion has moved because of new evidence, and they may provide additional context in identifying a defensible range. They should not alter an opinion merely to help bridge the gap. The settlement belongs to the party; the professional opinion belongs to the expert.

A focused meeting between experts can be particularly productive. It may reveal that the apparent gulf rests on terminology, different factual instructions or one disputed assumption. But the status of the discussion and any resulting note must be settled in advance. Is it wholly without prejudice, or will agreed technical matters be recorded in an open joint statement that can narrow later proceedings? Ambiguity on that point creates avoidable risk.

Expert determination: asking the expert to decide

Mediation uses expertise to assist negotiation. Expert determination uses expertise to produce a decision.

In expert determination, the parties appoint an independent subject-matter expert to determine a defined question. The decision is binding because the parties have agreed that it will be. TAE identifies the process as particularly suitable for valuation and technical disputes, including contract performance, questions of specification or defect, and insurance wording issues.

That makes it potentially attractive in insurance-related disputes where a discrete issue is blocking resolution. Examples might include the appropriate valuation methodology, the reasonable cost of a remedial scheme, the allocation of a loss between periods, whether equipment meets a contractual specification, or a technical question arising under a policy or commercial agreement.

It is not, however, simply a cheaper trial. Its effectiveness depends on defining the task with precision. The parties and their lawyers should address:

- the exact question or questions to be determined;

- the expert determiner’s jurisdiction and subject-matter expertise;
- the material the determiner may consider and whether further enquiries may be made;
- whether the process will be documents-only or include a meeting, inspection or hearing;
- whether reasons are required;
- the timetable, fees and allocation of costs; and
- confidentiality and the use of the determination.

The quality of the question is often more important than the quantity of evidence. A broadly framed request to decide ‘the dispute’ risks importing legal, factual and technical issues beyond the determiner’s intended remit. A tightly framed question can unlock the rest of the case.

Expert determination can also form part of a hybrid process. The parties may refer one technical or valuation issue for determination and then mediate the remaining questions with that uncertainty removed. Conversely, a mediation may identify the single point that prevents agreement and lead the parties to appoint an expert determiner afterwards. For insurers managing multi-party or technically dense claims, that modular approach can be more proportionate than forcing every issue through the same procedure.

Choosing the process, not merely the forum

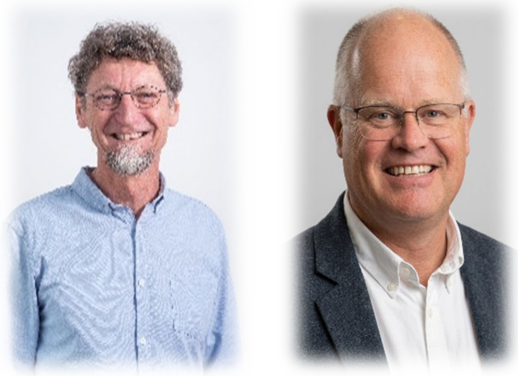
Other processes are also available that use expertise differently. In early neutral evaluation, for example, an expert or legally qualified neutral may give a non-binding assessment to reset unrealistic expectations. In arbitration, party-appointed experts usually perform an evidential role broadly comparable to litigation, subject to the tribunal’s rules. In adjudication, the timetable and statutory or contractual framework may require a much faster and more compressed expert exercise.

The practical lesson is that lawyers should not start with the expert report and ask how it can be carried into ADR. They should start with the obstacle to resolution and ask what expert function would remove or reduce it.

For insurance lawyers, that means involving claims handlers and decision-makers early. The expert’s work should correspond with the information needed for liability assessment, reserving and settlement authority, while preserving the integrity of any evidence that may later be required. Proportionality matters: a short sensitivity analysis or expert discussion may produce more settlement value than yet another full report.

Beyond the courtroom, the expert remains valuable not because they can recreate the witness box in a conference room, but because they can convert technical uncertainty into a form the parties can use. The best result may be a clearer negotiation, a narrowed dispute or a binding answer to one carefully chosen question. In each case, success begins by defining the expert’s role before the process begins.

The jeopardy the courts are building



Willie Pienaar (Chief Executive Officer of Nuvalaw) and Matt Currie (advisor to Nuvalaw)

In *Northamber v Genee World*, the Court of Appeal penalised a party in costs not for refusing mediation, but for ignoring the offer altogether. Silence, the Court held, was itself unreasonable – and it carried a price.

The decision is best read not in isolation but as part of a pattern. In *Churchill v Merthyr Tydfil*, the Court of Appeal confirmed that judges can order parties into ADR, not merely encourage it. The Civil Procedure Rules were amended in October 2024 to codify that position: courts must now actively manage cases towards ADR, may order parties to engage in it, and have explicit power to reflect a refusal in costs. And in *DKH Retail v City Football Group*, a judge ordered mediation at the pre-trial review – after most of the preparation costs had already been sunk. The case settled.

Taken together, these decisions show the courts doing something quite deliberate: building jeopardy around litigation they regard as unnecessary. The message is that there are costly consequences to litigating cases that did not need to be litigated – and the jeopardy falls on both sides of a claim, not only the party that issues.

It does not matter which side of a claim a solicitor sits on: every client now needs an ADR strategy as part of its litigation strategy. For defence firms in particular, this changes the nature of the job. Advising insurer clients on ADR is no longer an optional extra to the defence brief; it is becoming a core competence. The question clients will increasingly put to their panel firms is not "can you fight this?" but "can you run a credible ADR strategy – and evidence it if we end up before a judge?"

What does credible look like? Three things. Engagement must be documented: a record of every offer, response and deadline, rather than a trail of unanswered correspondence. It must be time-bound: structured windows for negotiation, not open-ended exchanges that drift for months. And it must carry a binding fallback: where genuine negotiation fails, a route to a final decision without joining the queue for a court listing. Structured claims resolution platforms exist to make engagement of exactly this kind demonstrable.

The economics point the same way. On small claims and fast track work, the cost of fighting a claim is routinely disproportionate to its value. Disputes that take 18 to 30 months through the courts can conclude in around four months through a structured process, with average resolution on some claim types measured in days rather than weeks. For an insurer, that means earlier reserve release and lower handling cost. For the advising firm, it means a client kept out of avoidable jeopardy.

There is a protective dimension too. A genuine attempt at ADR, properly documented, protects a client even where the other side declines to engage. If the matter proceeds to court, the record demonstrates good faith, with the silent or obstructive party facing the kind of order made in *Northamber*. Nor is the value only defensive. The party that proposes ADR first puts its opponent to a choice – engage or carry the costs risk of refusing. For defendant firms, that makes a well-timed offer of ADR a proactive instrument, not merely a protective step.

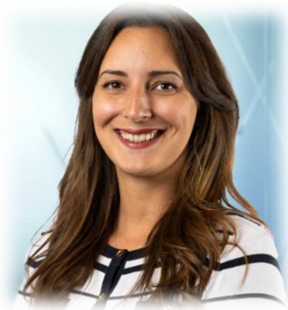
The obvious objection deserves a direct answer. If more claims resolve without proceedings, defence firms handle fewer proceedings – and litigation has long been the foundation of defendant practice. But the shift under way is not from litigation to nothing; it is from litigation as the default to litigation as the reserved instrument for cases that genuinely require a court ruling. That repositions the defence firm as strategic adviser: the practice that helps its clients decide which route serves them, rather than the one that processes every claim down the same track. The volume of work does not disappear but changes shape. And it rewards the firms equipped to advise on it.

None of this requires a prediction about how aggressively the courts will use their new powers. The direction is already clear enough to act on. The firms that build ADR literacy now – in their advice, their processes and their evidence trail – will shape how their clients engage. The rest will find themselves explaining, after a costs order, why the offer went unanswered.

The party in *Northamber* did not lose ground because its case was weak. It lost ground because it stayed silent. Before long, the same will be said of advisers.

A Word from our Sponsor

Dispute resolution comes to the credit hire space



Leeann Chamberlain (Head of Market Strategy - Verisk Claims UK&I)

<u>In Brief</u>

The arrival of Alternative Dispute Resolution in the GTA credit hire space is a reminder of how much clear, well-presented claim information really matters.

Since the 1980s, insurers and credit hire organisations have relied on voluntary protocols, most notably the General Terms of Agreement (GTA), to manage credit hire disputes around daily rates, hire duration, and ancillary charges. The aim was a motor claims process with less friction, fewer trips to court and reduced costs.

Those intentions have only ever been partly realised. Differing interpretations, lack of adherence, and points of contention the protocols never quite addressed meant disputes kept surfacing. With claims automatically falling outside the GTA 61 days after the invoice is presented, the default route to settlement beyond that point has been common law consideration and, too often, litigation.

A protocol that keeps evolving

The GTA protocols have undergone a series of successive updates intended to address areas of frequent contention and give both sides a clearer standard to work to. The maximum daily rates are now reviewed independently each year. The latest review, effective from 1st July, drew on more than 16 million vehicle-group pricing data points tracking a full year of market movement. Alongside this sits tighter new-claim reporting requirements, clarity on guidance around mitigation, and revisions to how Late Payment Penalties (LPPs) are valued and applied. Together they form part of the wider 'GTA2' framework, designed to reduce friction and accelerate earlier resolution.

Following an initial ADR pilot in 2025 that returned encouraging results, phase 2 of the GTA ADR scheme is due to begin in September 2026. Phase 2 introduces binding arbitration for its voluntary GTA members for credit hire invoices under £10,000 that remain unresolved after 61 days. Rather than letting claims drop out of the framework and enter the County Court, ADR is designed to keep them inside the GTA to be resolved by resolution specialists.

The civil justice system is straining under increasing backlogs, with County Court claims now taking over 50 weeks on average to resolve, up from 31.6 weeks in 2015. An online, industry-led resolution route would ease the pressure and settles contentious cases more quickly and efficiently. Crucially, ADR between subscribers also avoids the motorists involved facing detailed financial disclosure and court attendance, resulting in a better experience for consumers.

The industry need for ADR

Credit hire remains one of the most contentious areas in motor claims, with costs driving much of the tension. The average credit hire claim has risen from around £1,600 across 2014 to 2021 to more than £2,000 from 2022 onwards, driven partly by daily-rate inflation and longer hire durations, as increasingly complex vehicle technology lengthens repairs and supply-chain pressures compound the delays.

Verisk's data shows that while fewer than 2% of GTA cases end up in litigation, more than 80% of claims settled within the framework are still subject to adjustment from the presented invoiced values before they settle. In the first half of 2025 alone, Verisk estimates the industry spent the equivalent of more than 15 years simply processing credit hire invoices — reviewing, negotiating and settling them.

"That's not 15 years of full-time work; that's 15 calendar years", says Leeann Chamberlain, Head of Market Strategy for Verisk Claims UK&I.

"If we can get to a place where disputes are reduced, and those that remain are resolved quickly and consistently, we will free up the industry to focus on the areas where human expertise really matters."

Changing behaviours through ADR

Part of what makes ADR effective is that the financial consequences now cut both ways. Previously, penalties only applied to the insurer and were incurred for late payment regardless of whether the invoice presented was reasonable in the first place.

Under ADR, a penalty can now attach to either party depending on how they behaved before the case reached ADR. If the ADR agrees with an offer the insurer made in good time, the settlement is reduced by 10% and the hire company pays the ADR fee. Conversely, where an insurer fails to make a reasonable offer in good time and ADR upholds the hire company's invoiced figure, a 20% uplift is applied to the settlement, and the insurer meets the arbitration fee. Clear incentives of this kind should encourage both parties to engage proactively and in good faith, to ensure appropriate settlement figures are reached consistently.

Why clear information will decide ADR's success

Verisk's proprietary dual-sided claims management platform, verify™, has been chosen to host GTA ADR, building on its long-established role handling liability ADR between insurers on subrogated claims. It streamlines the settlement journey by simplifying case preparation, supporting negotiation, and enabling seamless referral to ADR for cases meeting the agreed criteria.

"Technology and scalability are not the issue – it's consistency and behaviours that matter" says Chamberlain.

Timely, consistent decisions depend on both parties setting out their position clearly and backing it with accessible, transparent claim information. Improvements such as enhanced new claims advice and payment-pack requirements, introduced to give each side fuller information from the outset, facilitate exactly that. These features will enable ADR to deliver on its objectives – as well as potentially avoiding the need for it in the first place.

"Success will be measured by how quickly the industry can negate the need for ADR through improved behaviours and engagement" Chamberlain notes.

What this means for legal professionals

For lawyers, many lower-value disputes will now be resolved through the online ADR portal. However, litigation will remain the route for cases that fall out of scope: higher-value claims, fraud allegations, multi-vehicle incidents and linked injury litigation. This allows legal expertise and resources to be concentrated where it adds the most value, rather than being taken up by high-volume, low-value claims.

This further incentivises the case for early disclosure, as between roughly half to 60% of credit hire litigation settles only once disclosure has taken place, which is after both sides have already incurred additional costs. Whether through ADR or a strengthened pre-action approach, it is important to ensure the correct information is provided early in the claims lifecycle to remove the risk of avoidable disputes.

A pivotal moment

With Phase 2 due to launch in September 2026, the industry will be watching closely. For many, it is the best opportunity in decades to ease the long-standing tensions in credit hire and build a better system provided both sides are willing to engage and bring clear information to the table.

Learn more about Verisk's verify™ solution and Motor Consultancy services at [Verisk | Leading source of information about insurance risk]

Verisk™

Mandatory Mediation

FOIL ADR Sector Focus Team

It has been two years since it first became mandatory to mediate a specified small money claim in the county court. Following a 2021 report from the CJC, concluding that mandatory mediation was not a breach of Article 6 of the EHRC and was therefore lawful, the MOJ published its own consultation on increasing the use of mediation in July 2022, and in its response confirmed that parties in Part 7 claims under £10,000 would be obliged to mediate as part of the standard court process. The new regime was launched in May 2024 for most money claims. In November 2024, the regime was extended to money claims issued in the OCMC and, from July 2025, non-injury RTA small claims in the OCMC were included.

At its Open Meeting in May this year, the CPRC reported that the new regime had been effective, with good settlement rates. The feedback to FOIL has also been fairly positive, even for claim types thought difficult to mediate, such as credit hire (although it is, of course, early days). There have been complaints at the administration of the system: the wait for mediation has grown to eight weeks in some cases; and for some claims the listing window for the telephone mediation has been extended to four hours, causing some diary management concerns, but the regime itself appears to have bedded down without major complaint. The pilot was due to end in May but was extended earlier this year to 6 April 2027. On present performance, it seems likely to become a permanent feature of the civil justice system.

So, what further changes can be expected? When setting out its proposals for small claims in 2023, the MOJ was already anticipating an extension of the regime to higher value claims in the county court and to claims worth over £25k. The CPRC reported in May that the MOJ was undertaking a huge project to prepare an impact report on mandatory mediation. If the government were looking for support for greater use of ADR, the CJC's 2023 report into the role of Pre-Action Protocols proposed the mandating of some form of dispute resolution process before proceedings can be issued, proposals that are awaiting government attention.

There has been a significant shift over the past 15 years towards alternative methods of dispute resolution, with the introduction of the Claims Portal, the OIC, increased use of JSMs and mediation – both voluntary and mandatory. For a government needing to improve the delivery of civil justice, with little expectation that department budgets will be significantly increased, requiring more parties to mediate their disputes before they reach court may prove an attractive and cost-effective option.

Assessing Efficiency and Access to Justice: Have Pre-action Portals Delivered on Their Promise?

Steven Brownlee (FOIL Technical Author)

In Brief

Pre-action portals are at the centre of the UK civil justice system's approach to the efficient resolution of low-value personal injury claims. Introduced following Lord Woolf's justice reforms in 1999, they encourage early information exchange and dispute resolution without litigation.

Digitisation has helped to embed this model for different claim types, from the MoJ Claims Portal to services like the OIC. While portals have been successful in managing claim volumes and costs, questions remain about accessibility and the claimant experience, particularly when portals are aiming to reduce the reliance on legal representation.

Designed to streamline the exchange of information between claimants and compensators before proceedings are issued, pre-action portals sit at the centre of how low-value personal injury claims move through the English and Welsh civil justice system. Having evolved into fully digital end-to-end systems, their purpose is to encourage early settlement and reduce legal costs, and, in the case of the Official Injury Claim (OIC) service, create the opportunity for claimants who might otherwise never bring a claim to do so.

Now, five years on from the whiplash reforms that created the OIC portal, and with the Ministry of Justice (MoJ) conducting a post-implementation review (PIR) of the whole programme, it is perhaps a timely opportunity to take stock of what pre-action portals were intended to achieve, and to what degree they have been successful in meeting their objective.

The Purpose of Pre-action Portals

The underlying purpose of portals is to front-load the secure exchange of liability decisions, medical evidence, and settlement offers into a structured process so that only genuinely contested or high-value claims need to be litigated in court. The Claims Portal, operated by Claims Portal Ltd under the MoJ's Pre-Action Protocols, has long performed this function for employers' liability, public liability and lower-value RTA claims that fall outside the OIC's scope. Acting as the centralised digital gateway, it delivers a common electronic architecture through which claim notification forms, responses, and offers are exchanged, with fixed recoverable costs applied to each stage.

The thinking behind the OIC portal was more ambitious when the Motor Insurers' Bureau (MIB) launched it on behalf of the MoJ in 2021 alongside the Whiplash Injury Regulations. It was designed specifically to handle low-value RTA-related personal injury claims valued up to £5,000, following the increase in the small claims track limit from £1,000. Notably, the OIC portal was built to give ordinary motorists the tools to bring, negotiate, and settle a straightforward whiplash claim themselves without legal representation. Through supporting with a fixed compensation tariff and free guidance, claimants could avoid instructing a solicitor for what should, in theory, be a simple claim.

Have they been a Success?

On the whole, the Claims Portal has been implemented successfully and remains the standard route for employers' liability, public liability, and non-OIC RTA claims, with fixed-cost portal operation now the norm. Generally accepted as a practical necessity for modernising the justice system, any criticism of the Claims Portal focuses on operational friction rather than any fundamental question over whether the model works. Frustrations around claimant accessibility, cumbersome manual processes, slow case progression, and the shrinking of the available market for RTAs available to law firms are among the most frequently voiced.

Regarding the OIC portal, MIB's own operational data shows that claim volumes have fallen substantially since the reforms took effect, and where claims proceed smoothly through the portal, resolution can be markedly quicker and cheaper than the pre-reform fast-track alternative. There is also evidence that, for straightforward tariff-only injuries, unrepresented claimants have gone on to agree settlements broadly comparable to those achieved by represented claimants. This suggests the underlying compensation mechanism itself is not putting those who use the portal as intended at any disadvantage.

Conversely, the principal criticism that the significant majority of claimants remain legally represented has persisted, with the suggestion that digital portals often remain too complex or intimidating for claimants. Publicly available data and stakeholder submissions continue to put the proportion of represented claimants at around nine in ten, a figure that has barely moved since the portal's early days, despite it having been expressly built for self-representation.

The Justice Select Committee has flagged this as raising serious questions about the accessibility and user-friendliness of the process. In addition, stakeholder groups have pointed to similar root causes: low public awareness, an aversion among claimants to pursue compensation without professional support, and continuing friction in the system itself, including latency at various claim stages and delays in liability decisions. Although MIB and the MoJ have made incremental fixes, including automatic closure of claims left inactive after set periods, the fundamental representation gap has not materially shifted.

The growth of ‘non-tariff’ or mixed injuries claimed alongside whiplash injuries also serves as an emerging challenge that sits outside the OIC portal's original design. As the tariff only fixes compensation for whiplash and any associated minor psychological injury, claims involving additional injuries can carry damages which are assessed under ordinary common law principles, a distinction that was first confirmed by the Court of Appeal's decision in *Rabot v Hassam [2024]*.

Insurer bodies and defendant lawyers have observed a rise in the pursuit of these additional heads of damage, alongside a rise in claims ‘layering’, where multiple heads of loss are bundled together to increase the overall claim value. Whether this reflects a genuine change in the nature of injuries, or a market response to controlled tariff compensation remains an area of debate, but it complicates any straightforward evaluation on the reforms' success in controlling both claim numbers and cost.

The Post-implementation Review

Against this background, the MoJ launched its long-anticipated post-implementation review (PIR) of the Whiplash Reform Programme, publishing a call for evidence in October 2025 that closed in December 2025. The review is intentionally broad in scope, covering five core areas: Part 1 of the Civil Liability Act 2018, the Whiplash Injury Regulations 2021, the RTA Small Claims Protocol, Practice Direction 27B and the operation of the OIC portal itself.

Notably, the MoJ has confirmed that the level of the tariff is out of scope, having already been reviewed in 2024, though the broader impact of the tariff on claimants and the system remains under consideration. The stated purpose of the review is to assess whether the reforms have achieved their original aims of reducing the number and cost of whiplash claims, disincentivising baseless claims, ensuring proportionate compensation and, perhaps most importantly, maintaining claimant choice and access to justice.

FOIL responded to the call for evidence, drawing on the direct experience of its members in handling volume RTA claims arising from the reforms. As the only representative body speaking for solicitors acting for defendants in this area, FOIL's contribution reflects a perspective that is often under-represented, with claimant-side and consumer voices tending to be more dominant in the commentary surrounding OIC.

FOIL's evidence is based on the practical, day-to-day experience of members, and its long-standing engagement with the whiplash reform agenda, including its prior evidence to the Justice Select Committee and response to the 2024 statutory tariff review, means it is well placed to comment on how the system has established itself operationally and whether efforts to improve OIC would perhaps better be focused on implementation and awareness rather than the underlying policy design.

Outstanding Questions

The PIR represents the first comprehensive look at the whole reform programme since its introduction, and its conclusions could shape the next phase of portal design. For insurance lawyers, the PIR presents questions regarding whether the reforms and OIC address the non-tariff injury and claims layering issues that members continue to report, the persistent representation gap, and whether access to justice has been diminished.

Pre-action portals, and the OIC in particular, were always going to be judged against the ambitious brief of making the civil justice system genuinely navigable without a lawyer. On the evidence gathered so far, that goal remains only partially realised. Will the PIR's findings, due later in 2026, deliver the kind of practical, evidence-led adjustments FOIL and others have called for, or simply confirm the status quo? The answer to this question will go a long way in shaping the ongoing development of pre-action portals and the future of low-value personal injury claims handling.

The New Dispute Resolution Landscape: Efficiency, Fairness and Early Intervention

Ling Ong (Partner & London Market FOIL President), Jacqui Bickerton (Market Affairs Specialist) – Weightmans

Why should we be looking beyond litigation?

For decades, litigation has been regarded as the default mechanism for resolving disputes. However, a combination of rising legal costs, increasing court delays, and changing customer expectations is driving a significant shift towards alternative dispute resolution (ADR) and other forms of early dispute management. The question is no longer whether disputes should be resolved outside the courtroom, but how best to identify, manage and resolve them before formal proceedings become necessary.

The changing dispute resolution landscape

The civil justice system is facing ongoing pressures. Backlogs within the courts, increasing litigation costs and judicial encouragement of alternative methods of dispute resolution have created strong incentives for parties to explore settlement opportunities at an earlier stage.

At the same time, the UK's regulatory environment places greater emphasis on delivering fair customer outcomes. The Financial Conduct Authority's Consumer Duty has reinforced expectations that insurers and those carrying out regulated activities for retail customers in UK financial services markets should resolve issues promptly, avoid foreseeable harm and demonstrate that client interests sit at the centre of decision-making. As a result, adversarial litigation may not always represent the most commercially or reputationally effective response to a dispute.

Early intervention and proactive claims handling

One of the most effective ways to avoid costly litigation is to identify disputes at their earliest stages. Claims handlers are often best placed to recognise signs that a disagreement could escalate into formal proceedings.

Warning indicators may include repeated complaints or challenges to liability decisions, escalating correspondence from claimant representatives and significant disagreements regarding quantum.

Early assessment allows parties to evaluate legal exposure, establish realistic reserve levels and consider commercial settlement opportunities before costs become entrenched.

Mediation

Mediation has evolved from an alternative process to a mainstream dispute resolution tool. The process allows parties to engage with an independent mediator who facilitates discussions aimed at achieving a negotiated settlement. Unlike a judge, the mediator does not impose an outcome but assists parties in finding common ground.

Mediation offers several advantages including reduced legal spend, faster resolution times and greater confidentiality. Mediation is also flexible and provides an opportunity for creative settlement options to be explored.

Recent judicial developments have also signalled greater support for mediation and other ADR processes. Courts increasingly expect parties to engage constructively in settlement discussions and may take account of unreasonable refusals when considering costs.

Neutral evaluation and expert determination

Not every dispute requires a full mediation process. Neutral evaluation provides parties with an independent assessment of the strengths and weaknesses of their positions, often helping to narrow issues and encourage settlement.

Similarly, expert determination can provide a practical solution where disputes centre on technical or specialist questions. This is especially relevant in areas such as construction defects, cyber incidents and healthcare and clinical issues. By obtaining an authoritative view at an early stage, parties can often avoid lengthy and expensive litigation over highly technical matters.

Arbitration and sector-specific resolution models

Arbitration continues to play an important role in many commercial insurance sectors, particularly where international exposures exist. Compared with court proceedings, arbitration may offer procedural flexibility, greater privacy (and less risk of reputational damage), industry-specific expertise, and easier enforcement of awards internationally.

As global risks become more complex, including cyber incidents, climate-related losses and multinational liability claims, arbitration may become increasingly attractive for resolving high-value disputes spanning multiple jurisdictions.

It is advisable to continue monitoring the emergence of sector-specific dispute mechanisms, particularly in areas such as autonomous vehicles, data protection, healthcare and environmental liability, where traditional litigation models may prove less efficient.

Digital dispute resolution

Technology is also reshaping how disputes are managed. Virtual mediations, online settlement platforms and digital case management systems are becoming standard features of modern dispute resolution. These tools can reduce costs, accelerate negotiations and facilitate engagement between parties located in different jurisdictions.

Artificial intelligence is beginning to assist with claims triage, liability analysis, document review, litigation forecasting and settlement modelling. While human judgement remains critical, these technologies can help parties identify cases suitable for early resolution and improve decision-making consistency across cases.

Reputational and customer considerations

The financial cost of litigation is only one consideration. High-profile disputes may generate negative publicity, regulatory interest and client dissatisfaction. In a market where client experience increasingly influences brand value, prolonged legal battles may undermine wider business objectives.

Alternative dispute resolution provides opportunities to demonstrate fairness, transparency and responsiveness. This can be particularly important in sensitive claims involving vulnerable clients, healthcare issues, catastrophic injuries or emerging risks where legal precedent remains uncertain.
A reputation for resolving disputes efficiently and fairly may ultimately prove as valuable as achieving a favourable judgment.

Preparing for the future

The trend towards dispute resolution beyond the courtroom is likely to accelerate. Courts continue to encourage ADR, regulators expect firms to deliver good customer outcomes, and economic pressures demand greater efficiency in claims management.

It is time to begin embedding dispute identification processes within claims teams. The development of clear ADR strategies and escalation frameworks should be in hand. Training teams to recognise settlement opportunities is crucial as it monitoring legal and regulatory developments affecting dispute resolution.

Conclusion

Litigation will remain necessary for certain disputes, particularly where legal precedent, fraud concerns or complex liability issues are involved. However, parties that rely solely on courtroom resolution risk increased costs, longer claim lifecycles and greater reputational exposure.

The most successful practitioners will increasingly view dispute resolution as a continuum rather than a single event, deploying mediation, neutral evaluation, arbitration, expert determination and technology-enabled solutions at the most appropriate stage of the claim. In doing so, they can reduce costs, improve client outcomes and achieve faster, more predictable resolutions in an increasingly complex risk environment.

Beyond the Courtroom: Access to Justice and the Growing Role of ADR in Northern Ireland

Cathal O'Neill (Carson McDowell LLP and Chair of FOIL NI)

Access to Justice as the Organising Principle

The Department of Justice's *Enabling Access to Justice* reform programme is a central policy development for dispute resolution in Northern Ireland. Its Delivery Plan was published for consultation by Justice Minister Naomi Long on 30 January 2025, with the consultation running until 27 March 2025. The programme aims to make justice delivery fairer, more proportionate, more responsive and more citizen centred. Its five themes; improving access to justice, ensuring appropriate quality services, securing value, managing public funds and strengthening oversight illustrate that reform is not confined to legal aid administration. It also concerns how disputes should be resolved at the earliest appropriate stage.

ADR Is No Longer Peripheral

The consultation treats mediation and alternative dispute resolution as important components of access to justice. It recognises that users may be supported through information, advice, mediation, online resolution tools, courts and representation. It also makes clear that remedies need not be delivered solely through court proceedings. In some cases, litigation may exacerbate users' difficulties, which is why the programme identifies early resolution, procedural reform and the avoidance of unnecessary delay and disproportionate litigation costs as important parts of the case for change.

That framing is significant. ADR is not presented as a soft alternative to "real" justice, but as one of the ways in which justice can become more accessible, proportionate and less adversarial. The Department's stated intention to build the evidence base for ADR, reduce cost and lessen the impact of adversarial processes gives practitioners, insurers and claims professionals a clear signal: settlement pathways will increasingly be assessed by whether they deliver practical, timely and fair outcomes, not simply by whether they avoid trial.

The Northern Ireland Landscape

Northern Ireland already has an established ADR infrastructure. The Civil and Family Justice Review led by Lord Justice Gillen expressly included mediation, other ADR mechanisms and online dispute resolution among the areas identified for reform. In the High Court, Order 1 Part III of the Rules of the

Court of Judicature (Northern Ireland) 1980 permits the court to make case management orders designed to facilitate ADR, including adjournments where appropriate.

Commercial practice in Northern Ireland already makes use of mediation, adjudication, expert determination, early neutral evaluation and without-prejudice negotiation. Mediation is generally understood as a voluntary, private and non-binding process directed towards negotiated settlement. For insurance-related civil disputes, this is particularly important. Many claims already resolve by negotiation, but the access-to-justice agenda is likely to encourage earlier, more structured resolution.

Implications for Practitioners

For solicitors and counsel, the practical shift will be to move from litigation management alone to broader resolution strategy. Practitioners should be prepared to advise not only on prospects and quantum, but also on timing: when pleadings, disclosure, expert evidence or liability admissions make mediation meaningful. Although the court rules already support ADR adjournments and timetable flexibility, applications must be planned carefully. Practitioners should check the applicable time limits under Order 1 Part III before seeking an ADR adjournment close to listing.

The opportunity is to reduce delay, cost and acrimony. The risk is premature ADR before the parties have adequate evidence, authority or client understanding. Representatives will therefore need to preserve privilege and confidentiality, prepare focused mediation papers, and document reasonable ADR proposals or refusals in case conduct later becomes relevant to costs, timetable directions or case management.

Implications for Insurers and Claims Professionals

For insurers, the consultation aligns with familiar claims objectives: early triage, proportionate spend and resolution at the right value. The 2026 legal aid engagement papers, issued under the same reform programme, widened the debate to include scope, merits and value for money. The consultation and proposals raise questions about lower-value injury claims, possible claims portals and whether some claims can be resolved through mechanisms other than full legally aided representation.

Stronger ADR pathways could support earlier reserving clarity, reduced defence spend and improved policyholder or plaintiff outcomes. However, safeguards remain essential. Vulnerable plaintiffs, power imbalances, limitation issues, fraud concerns, complex causation and the need for binding outcomes may still justify court determination.

Conclusion

Northern Ireland's access to justice consultation and ongoing reforms should be read as a dispute resolution agenda by the Department of Justice, not merely as a funding review. Its core message is that courts remain essential, but they are not always the only, or best, route to justice. For practitioners, insurers and claims professionals, the practical task will be to identify the appropriate forum, at the appropriate time, for the particular dispute.

Diversity, Equity and Inclusion (DEI)

Mental health in the legal profession

Richard Martin (CEO of the Mindful Business Charter)

The author is a former law firm partner whose employment law practice encompassed dispute resolution. In 2011 he experienced severe mental illness and is now the CEO of the Mindful Business Charter, a charitable community of employer organisations looking to tackle the unnecessary sources of stress in the ways we work. He is also a coach and a mental health first aid instructor and serves on the IBA Professional Wellbeing Commission.

The context

It is a fact that lawyers experience poor wellbeing at levels far greater than the population at large. Studies around the world have been showing this for decades. More recently the IBA in 2021 published a landmark report (IBA 2021 Report) based on survey data across the profession and from around the world. Among a range of findings, using a well-respected World Health Organisation index, it found that the average lawyer's overall wellbeing was at a level where they should be seeking a psychological assessment.

In 2023, my own organisation, the Mindful Business Charter, published a White Paper (MBC White Paper) bringing together the wealth of data from around the world. "Highlights" include lawyers experiencing anxiety issues at almost twice the rate of the general population, and lawyers experiencing suicidal thoughts at twice the rate too, and being far more likely than other people to cite work related issues as being part of the cause.

In 2025, in the UK, Lawcare produced its second Life in the Law report which continued the worrying narrative. Overall wellbeing scores were lower still than those in the 2021 IBA report. Risk of burnout was high. A third of respondents were thinking about leaving the profession entirely while a majority were thinking about leaving their jobs in the next 5 years.

Why we should all be bothered

This matters. Behind each piece of data are real people who are human beings with friends and loved ones. And to be clear, this data is not about other people in other organisations and other jurisdictions – this is likely to reflect the people in your team and your organisation. So, there is a human element. But there is also a societal importance and a cold commercial one too. To perform well as a lawyer, you need to be well. Our cognitive functioning is impaired under stress for example. Society and commerce depend on an effective, functioning, well legal profession, which right now, plainly, is lacking. There is also a huge amount of data showing that poor wellbeing hits the bottom line of our businesses, and better wellbeing improves that bottom line – for more information on that take a look at The business case for wellbeing.

What's behind the issue?

How to explain the data? It cannot be that this level of suffering compared to the population at large can be explained away by the law attracting people who are at inherently greater risk of experiencing mental illness. The IBA report suggested that there are three factors at play – the personality traits of lawyers, the nature of legal practice and the culture in which we work. Yes, the legal profession may have more than its fair share of anxious, over-achieving people pleasers, but that is as much because of what happens to people as they develop in the profession as it is about the people entering law school.

Lawyers tend to deal with high pressure, high value work and go from matter to matter without reprieve. Sometimes their work will involve challenging material, family breakdown, violent crime, injury and so on. Without effective management of the impact this takes its toll. We cannot do much to change the nature of the work, and it is indeed that sort of work and challenge that attracts a lot of people to the profession and keeps them motivated. Even if we cannot do much to change it, we might, however, reflect on it as a factor that needs to be born in mind.

Finally, there is the culture in which we work, ever increasing targets for output, ever increasing expectations of turn around time, the perception at least of ever increasing client demands, all of it in a world that offers the possibility of 24/7 connectivity and also which is changing so fast in ways that appear to threaten the very fabric of the profession.

Is there a solution?

So, what to do? We could do nothing of course but that feels indefensible in the context of a profession in which people are getting hurt and are dying. It is our profession and we are clever people and so surely the responsibility to sort things out should rest, at least in part, with us.

We could try the various supports and interventions that employers have traditionally employed – resilience training, Employee Assistance Programmes, yoga, fresh fruit and so on. Some of the Apps you can get these days are wonderfully flash and come with a suitably high price tag. So, they must work right? Well, the truth is that much of this has little, if any, effect. To use an analogy, you can give me all the swimming lessons you like and put up as many signs as you have room for warning of the dangers of deep water, but, if you keep throwing me overboard at sea, I will drown eventually and it won't be my fault for not being sufficiently resilient.

Our focus needs to be on the workplace not the worker

Research has shown for some time now that if you really want to address workplace mental illness then you need to look at the causes – yes look after the people who get hurt but at the same time try to stop then getting hurt in the first place.

There are multiple different ways in which we can approach this in the legal profession, but one example is how we go about dispute resolution, which will form a part of many insurance lawyers' caseloads. Litigation, or other methods of resolving disputes, is adversarial and stressful in its own right – so rather than making that worse by how we go about it, we could look to reduce the stress involved, and in doing so we might just do our jobs a little better.

A different approach to dispute resolution?

In 2023, with all of this in mind, we produced our Litigation and Dispute Resolution Guidance along with a working group of senior dispute resolution lawyers. Having identified some of the behaviours we wanted to address, we spelt out a number of principles that seemed uncontentious and yet often overlooked:

1, Although necessarily adversarial, litigation need not preclude cooperation.

2. Our overriding duty is to the proper administration of justice, not our client and certainly not making life as unpleasant as we can for the lawyer acting on the other side.

3. Our job is to be dispassionate and objective – the dispute is not ours and we are there to aid resolution not hinder it.

4. The lawyer on the other side, and other professionals involved, are human beings who are probably honest, probably doing their best job and with a life outside of their work.

5. There is a difference between our intent and our impact, and also between the impact we may experience from others and their intent.

6. One can have a robust strategy to litigation without needing aggressive conduct.

7. Taking time to reflect will often help reduce the risk of an amygdala driven response adding to the existing tension and stress.

8. We have a collective responsibility for how litigation is conducted and the ability to create a better culture around it.

We then applied these principles to the poor behaviours we wanted to address, such as serving our opponent late on a Friday with the express intent of ruining their weekend, or that letter accusing our opponent of all manner of professional misconduct. We also opened the idea of a conversation with your opponent early on in a dispute to discuss (and hopefully agree) how you each wanted to conduct the matter and to treat each other and be treated. We also included very practical suggestions – if a directions order provides for something to be done on a Friday, when, inevitably, we slip, we are immediately into working on the weekend. So why not provide for things to be done on a Wednesday so that when we slip, we are still in the working week.

I am not going to pretend that the guidelines changed the nature of dispute resolution over night, but our hope is that they will be part of a gradual change in attitudes and behaviour. We owe it to ourselves to reduce the stress we experience but we also owe it to our clients given that when we are stressed the quality of our work is reduced, along with our efficiency and productivity.

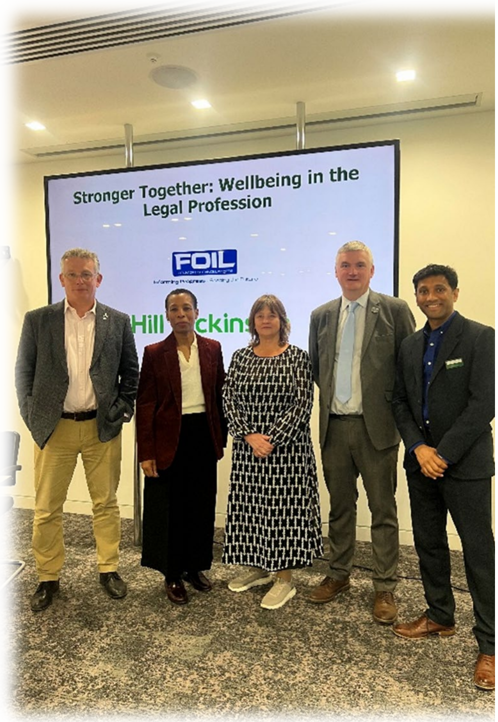
Start small and local

But if changing the way we interact with external people seems too big an initial ask, we can start with ourselves and think about how we might be causing ourselves stress (constantly checking emails, not effectively managing our calendar etc) or how we interact with our team (those unnecessary late night emails, the dreaded reply all to say thank you and so on). Once we have seen how small changes can have an impact, we might then expand our horizons and challenge how we run our meetings or the lack of guard rails around holiday time.

The starting point for all of this though is to think about (and give permission to talk about) what causes you and the people and around you stress. The issues in your team may be different to those in another team so begin the conversation locally and see where that takes you.

Our working world is too often too stressful for our own wellbeing and for the quality of our work. It doesn’t need to be like that, but change requires people to act and that begins with each of us.

Stronger Together: Wellbeing in the Legal Profession



Introduced by FOIL President Bridget Tatham, FOIL's recent wellbeing event, hosted by Hill Dickinson in London, brought together leading figures from across the legal sector to address the growing wellbeing crisis within the legal profession.

Mark Evans, President of The Law Society, opened discussions by painting a picture of a fast-paced profession defined by intense pressure, and a culture that prioritises client commitment over self-care. Mark highlighted that resilience is essential for a sustained career in law, yet the profession's personal toll is consistently underestimated.

The Law Society's 2025-28 Corporate Strategy places responsible business at its centre, with a commitment to building a profession that is diverse, inclusive, and sustainable. Mark also drew attention to Legal Runner, a social running community he founded, as a practical example of peer support in action, with the initiative supporting LawCare, which is one of FOIL's 2025/26 charity partners.

Next, Richard Martin, CEO of The Mindful Business Charter, brought both his professional expertise and personal experience to the discussion. Drawing on his own mental health journey during a career in senior partnership roles, he made the case for structural change rather than relying on individual resilience alone. The Mindful Business Charter provides organisations with a framework built around four practical pillars: openness and respect; smart meetings and communication; respecting rest periods; and mindful delegation. Together, these can help businesses remove unnecessary stress in the workplace. Richard also underlined the financial impacts of mental health, noting that the cost in terms of absenteeism and presenteeism runs to tens of millions annually, exceeding 10% of total staffing costs.

Elizabeth Rimmer, CEO of LawCare, then highlighted how differences in the expectations between experienced practitioners and Gen Z professionals are driving a fundamental shift in workplace culture. She then outlined compelling statistics from the charity's *Life in the Law 2025* survey, illustrating that 60% of respondents reported poor mental health, 50% had experienced anxiety in the past year, and 32% were considering leaving the profession entirely within five years. Elizabeth concluded by drawing attention to the support LawCare provides to all workers across the legal sector, and with demand for its services continuing to grow, new supporters are always welcome.

The event was brought to a close with a Q&A session, facilitated by Rohana Abeywardana of Hill Dickinson and including Hannah Brierley of Clyde & Co, during which practical leadership behaviours, the roots of unnecessary stress, and the gap between psychological safety in aspiration and in practice were among the topics discussed. Key themes included the power of visible role-modelling by senior leaders, the importance of pushing back respectfully on unrealistic expectations, and the need for cultural change that moves from awareness to embedded, everyday action. The time has come for the industry to convert good intentions into meaningful, lasting commitment to ensure the wellbeing of everyone working within it.

For the full version of the event write up, you can access it here - [Stronger Together: Wellbeing in the Legal Profession - Forum of Insurance Lawyers (FOIL)]

TOMORROW'S FOIL
FORUM OF INSURANCE LAWYERS

Informing Progress - Shaping the Future

Olivia McGuigan, Tomorrow's FOIL President (DWF)

Since our last update in May, the Tomorrow's FOIL Executive Group has continued to work on developing new and exciting ways of creating connections, enhancing learning opportunities for those already working within the industry, and encouraging those considering a career in insurance law to join the profession.

One of the most notable highlights of the past few months was our Summer Social, held in June at Weightmans London office. The event was a success, with an estimated 50-60 attendees. The informal and relaxed event proved to be the ideal setting for insurance professionals to meet, network, and build valuable connections.

The evening featured summer-themed food and drinks, alongside a quiz that added an element of fun and friendly competition (we work in insurance law after all!). The positive feedback received from this event has reinforced how valuable informal networking opportunities such as this can be, and the Executive Group is already exploring plans to repeat the event next year.

On a personal note, it was particularly rewarding to meet not only new connections and colleagues but also members of the FOIL network in person. Whilst virtual events remain an important tool in today's climate, I am sure I am not alone in my view that there is no substitute for face-to-face interaction when it comes to building relationships and creating an environment for both new connections and new ideas to emerge.

Looking ahead to the coming months, we are developing a number of ideas for events. As the insurance industry continues to adapt to changing legal, technological, and commercial landscapes, we are keen to ensure that Tomorrow's FOIL remains a platform which can offer useful and practical guidance for career development.

A key area we are continually reviewing and exploring, more so recently, is how we can introduce more people to Tomorrow's FOIL and increase engagement with those who wish to get involved. Social media is proving to be an increasingly powerful tool in this regard.

As part of this strategy, we have launched a new Instagram account, and we are keen to focus on growing our social media presence. Our aim is to broaden our reach, engage with young professionals, students, and aspiring insurance lawyers, and showcase the opportunities available through the Tomorrow's FOIL network.

Please feel free to follow our Instagram account via the following link – Instagram

We look forward to building on the current momentum in the coming months.

Tomorrow's FOIL Summer Social @ Weightmans

Litigants in Person: Experiences and Top Tips

Prepared by a Tomorrow's FOIL member

Dealing with Litigants in Person (LiP) of course, by nature, involves a different approach than if you were dealing with another lawyer. The legal industry is seeing a huge rise in the number of Litigants in Person which has practical implications for those dealing with them and this article is designed to provide some tips and tricks for this situation.

Litigants in Person should not be seen as 'problematic' and stereotyped. Many litigants in person may well have some sort of law background whether that be through previous employment history or academically.

It is important to start the litigation process with a litigant in person with a clear approach. Introduce who you are, who you are acting for and try to avoid any legal jargon where possible. Without being condescending, the approach I take with Litigants in Person is a rather cautious one and I assume that they are, understandably, unfamiliar with the litigation process and take every step to explain what stage we are at and what is required.

With the ever growing use of AI, it is also important to consider that Litigants in Person will likely use AI to help them prepare any formal responses or documents and so therefore, even if they reply to you with a detailed response, do not assume that they have necessarily written this all themselves and consider that they may have had some AI input. The dangers with an AI written response are if any case law is used in their responses, this may be incorrect and there are more and more examples where AI has recited incorrect or made-up case law. It is worth politely asking the individual for the underlying source of the reference.

Whilst I mention about taking the opportunity to explain things to a litigant in person, it is also equally as important that you do not cross the line into advice giving. Litigants in person often ask questions that could cross that boundary and whilst you are empathetic to their situation, you must take the opportunity on a regular basis to remind them that they should seek legal advice if they are unsure about anything, particularly as well if they are having to consider any sort of settlement offer.

I suppose, in essence, the key takeaways are:

- Start your journey with a Litigant in Person with transparency and simplicity. Make it clear to the individual about your role in the claim and how things will take place.

- Ensure that you maintain boundaries, you may find that they contact you outside of the normal work-hours. Make it clear that you work hours are 9am-5pm for example and that any communication will be dealt within a reasonable timeframe.

- Try to avoid being accused of intimidation when explaining things to Litigants in Person. They will sometimes feel intimidated by the formality of the wording you use and may perceive your communication to be threatening, even if that is not the intention.

- Trust goes a long way. If Litigants in Person feel they can trust you and that you are not trying to take advantage of their situation, it becomes easier to build an open, productive relationship throughout the course of the litigation.

Building Careers in Law

Looking Beyond the Horizon: Reflection on Two Years in Insurance

Jersey Tambue – DWF and Tomorrow's FOIL

In September, I will be leaving DWF's Insurance Professional Support Lawyer (PSL) team to begin the next step of my solicitor apprenticeship where I will spend the next year in a new practice area within the firm. As I prepare to move on, I have found myself reflecting on what has undoubtedly been one of the most formative, rewarding, and influential periods of my professional life so far.

When I joined the team nearly two years ago at age 18, I was at the very beginning of my legal career. Like many apprentices, I arrived with enthusiasm, curiosity, and a willingness to learn, but with limited exposure to both the legal profession and the insurance industry. Insurance law was a world I knew nothing about, and the idea of joining a team of highly experienced lawyers whose collective expertise spanned multiple insurance sectors was, understandably, intimidating.

Looking back now, it is remarkable how much can change in two years.

What became apparent to me early on was that PSL work offers a unique vantage point from which to view the insurance industry. Rather than focusing exclusively on one practice area, the role has provided me with exposure to an incredible breadth of topics and sectors. On any given day, I might be researching various legal developments across sectors such as aesthetics, exploring the implications of artificial intelligence, or preparing legal updates on professional indemnity risks.

As someone who is naturally curious and enjoys understanding how different pieces fit together, this breadth was one of the aspects of the role that I enjoyed most. Insurance is fundamentally about understanding and managing risk, and that means it is connected to developments occurring across society, business, technology, and government. The work often requires you to look beyond immediate events and consider their wider implications, in other words “looking beyond the horizon”.

Looking beyond the horizon has encouraged me to think more strategically, to identify patterns and trends, and to consider how emerging developments might influence legal and commercial decision-making in the future. These are skills that I know will continue to benefit me throughout my career, regardless of where my qualification journey ultimately takes me.

Over time, I moved from asking basic questions about the structure of the insurance market to confidently discussing and researching legal and regulatory developments with colleagues. The responsibility I was trusted with grew alongside my confidence, allowing me to make increasingly meaningful contributions to the team's work. From horizon-scanning emerging risks and analysing developments in artificial intelligence in various professions to researching niche areas of law and preparing awareness updates for colleagues across the business, I have had the opportunity to explore a remarkable range of topics. This breadth of work has not only deepened my understanding of insurance but has also strengthened my ability to translate complex issues into practical and accessible insights for others whilst developing my research, drafting and analytical skills.

Furthermore, one of the defining features of my experience has been the support and encouragement I have received from colleagues. Like many apprentices entering a profession for the first time, I occasionally questioned whether I belonged in such an experienced environment. However, those feelings were quickly dispelled due to the culture that surrounded me. My colleagues consistently demonstrated patience, generosity and a genuine commitment to helping me succeed, investing heavily in my knowledge and development.

Alongside my core PSL responsibilities, I have had the opportunity to contribute to a wide variety of initiatives across the firm and the wider insurance community.

One of the most enjoyable aspects of my apprenticeship has been the chance to engage with others who are considering or beginning their own legal careers. Throughout my time in the team, I have spoken at schools, universities, and careers events, sharing my experiences as a solicitor apprentice and helping to raise awareness of alternative routes into the profession. Having entered law through the apprenticeship pathway, I understand how valuable it can be to hear directly from someone who has recently started the process themselves; if sharing my experiences has encouraged even a handful of people to explore opportunities they might otherwise have overlooked, I consider that time very well spent.

My involvement with Tomorrow's FOIL has also been a particularly rewarding part of my journey. Through committee work, events, and discussions with peers from across the insurance market, I have had the opportunity to engage with professionals from a wide range of organisations and backgrounds. I have consistently encountered individuals who are generous with their time, keen to share their experiences and genuinely invested in developing the next generation of insurance professionals.

These experiences have broadened my understanding of the insurance sector considerably. They have provided insight into the perspectives of insurers, brokers, and lawyers across the market, while also allowing me to build connections with individuals at various stages of their careers.

Over the past two years, I have developed a genuine appreciation for the industry and the people who work within it. As I move into the next chapter of my apprenticeship, I do so with immense gratitude. Gratitude to the colleagues who invested in my development, to the insurance professionals who shared their knowledge and experiences, and to FOIL and Tomorrow's FOIL, who have helped shape my journey.

When I joined the Insurance PSL team, I hoped to learn about insurance law. What I gained was far more valuable: a thriving professional community, a supportive team, skills that will stay with me throughout my career, and an area of practice that challenged and inspired me.

So, while September marks the end of my Insurance PSL seat, I am certain the professional relationships, opportunities and lessons that have come will remain with me throughout my career. Insurance was my introduction to legal practice, and I have no doubt it will continue to be part of my professional story for many years to come.

Operations Update

Ian Thornhill (FOIL Operations Manager)

Social Media Growth and Sector Engagement

FOIL's LinkedIn presence continues to grow steadily across all accounts. The main FOIL page has now surpassed 1,500 followers, demonstrating sustained interest from both the legal and insurance communities. Tomorrow's FOIL is also gaining momentum and now stands at 107 followers, while the London Market account has reached 102, reflecting strong engagement across our specialist networks.

Recent Events

Tomorrow's FOIL Summer Social – Weightmans, London

Tomorrow's FOIL recently held its Summer Social at Weightmans' London office, bringing together early-career professionals and experienced practitioners from across the sector. The event was very well attended and had a warm, collaborative atmosphere that encouraged meaningful conversations between newer members of the profession and established lawyers, clients, and insurance specialists.

Attendees enjoyed informal networking, summer-themed refreshments, and a light-hearted picture quiz that helped set a relaxed tone throughout the evening. FOIL extends its thanks to Weightmans — and especially Camelia Nesari — for hosting and providing such a welcoming environment. Planning is already underway for the next Tomorrow's FOIL event, which will be a panel discussion on building careers in law, scheduled for late October or early November.

Potholes: A Deep Dive into Britain's Favourite Road Hazard – Sheffield

In July, FOIL delivered an in-person session at Kennedys in Sheffield, marking a brand-new location for us and one that was extremely well received. The event attracted 50 attendees from insurers, law firms, and local authorities, achieving a 72% attendance rate against registrations. Kennedys provided excellent hospitality, and feedback from participants was strongly positive. A full write-up of the session is now available on the FOIL website.

Medical Products: Claims, Coverage, and Emerging Technologies – DWF

This event, held in May, offered a detailed exploration of developments in medical product claims and emerging technologies. The speakers were highly engaging, and recordings of all sessions are now available on the FOIL website for members who wish to revisit the content.

Forthcoming Events

FOIL will host "Beyond the Touchline: Navigating Liability in a Bigger, Faster Sports World" on 17 September at 39 Essex Chambers. On 15 September, FOIL and AIRMIC will hold a Dublin City Networking Event at the Law Society of Ireland. Additional events for October and November are currently being discussed, with further details to follow soon.

SFT Updates

A refreshed update on SFT availability was circulated last week following recent rebranding across several SFTs. FOIL also held the inaugural meeting of the new Travel SFT, reflecting growing interest in topical and emerging subjects.

A full list of current SFT vacancies is available on the FOIL website, and members can register their interest by contacting info@foil.org.uk or visiting the Vacancies page here.

Vacancies - Forum of Insurance Lawyers (FOIL)

Welcome

FOIL is pleased to welcome two new firms to the FOIL Community.

Verisk join as Sponsor, and **Somek & Associates**, join us as Trade and Industry Partner.

FOLLOW US ON SOCIAL MEDIA

FOIL LinkedIn

https://www.linkedin.com/company/42371801

Tomorrow's FOIL

https://www.linkedin.com/company/102496791

London Market FOIL

https://www.linkedin.com/company/107723975

Register on our website

If you're not already getting FOIL news and event invitations, now's the perfect time to register and join our community

https://www.foil.org.uk/join/register/

Trade and Industry Spotlight

nuvalaw

Nuvalaw runs Interact, an online platform that resolves disputed RTA claims in days rather than months – through structured negotiation and, where needed, binding arbitration under the Arbitration Act 1996.

The platform covers personal injury, credit hire and subrogation claims. Protocols are pre-agreed between the parties, with defined windows for offers and responses. Every step is logged and timestamped, giving both sides a complete record of ADR engagement – increasingly valuable as the courts sharpen the costs consequences of unreasonable refusal.

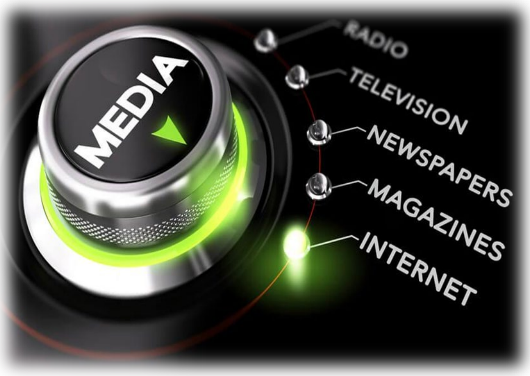
Where negotiation does not settle a claim, arbitration delivers a binding award in a matter of days, enforceable as a court judgment, at a saving to insurers in the region of 70% per litigated claim. Arbitrators are independent of both parties, with judicial experience of deciding RTA claims.

Nuvalaw works under pre-agreed protocols with insurers representing around half of the UK motor market, and with several of the largest personal injury firms by claims volume.

Nuvalaw | Transform your claims management and dispute resolution process

FOIL in the Media

(May – July 2026)



FOIL members regularly contribute to external media publications. Here are the contributions from the last quarter:

Natalie Larnder, FOIL Member, of Keoghs, discusses how the legal and insurance framework surrounding autonomous vehicles is still taking shape in **Insurance Day**. (1 May 2026)

Comments from **Richard Humphreys, FOIL Member, of DWF,** were featured in **Law360** in response to developments in the FCA's redress scheme for motor finance claims. (1 May 2026)

FOIL was mentioned in a piece in **Insurance Edge** about the launch of a new pilot scheme to improve how claims are handled when vehicles hit buildings. (5 May 2026) **FOIL** was also mentioned in a piece in **Insurance Business**, also on the topic of the new pilot scheme. (5 May 2026)

Lauren France, FOIL Member, of DWF, delved into the rise of AI-enabled fraud in **Insurance Post**. (5 May 2026)

Paul Wainwright, Fraud SFT, of Browne Jacobson, explored the ramifications of the Companies House data breach in **Insurance Post**. (6 May 2026)

Comments from **Alexandra Pearson, Travel SFT, of Clyde & Co** were featured in **Insurance Post** discussing the legal and insurance implications of serious onboard medical outbreaks on international cruise voyages, following the cruise ship hantavirus outbreak. (8 May 2026)

William Balfry, Motor SFT, of DWF, explained how rising uninsurance premiums and increasing cost pressures on drivers were leading to record number of uninsured cars being seized on UK roads in **Fleet World**. (11 May 2026)

Comments from **Jeffrey Wale, FOIL Technical Director,** were featured in **Insurance Edge** and the **Solicitor's Journal** in response to the announcement in the King's Speech on the Hillsborough Law and the Duty of Candour. (13 and 15 May 2026)

Alexandra Pearson, Travel SFT, of Clyde & Co explored the legal and insurance implications of the hantavirus outbreak on cruise ships for internal cruise voyages in **Solicitors Journal**. (19 May 2026)

Comments from **Emma Fuller, Motor SFT, of DAC Beachcroft**, were featured in **Insurance Edge** on the rise of "ghost brokers" targeting young drivers with fake car insurance policies. (20 May 2026) and **Insurance Business** (4 June 2026)

Michael McCabe, FOIL Member, of DAC Beachcroft, discussed the regulatory uncertainty surrounding e-scooters and its impact on insurers and claims in **Law Society Gazette**. (22 May 2026)

Alexandra Pearson, Travel SFT, of Clyde & Co, explored the aftermath of the hantavirus outbreak on an international cruise ship, where she discussed the legal and insurance implications of serious onboard medical outbreaks on international cruise voyages in **Insurance Day**. (10 June 2026)

Jeffrey Wale, FOIL Technical Director, outlined concerns about the non-party document access pilot for the principle of open justice in the **New Law Journal**. (12 June 2026)

Emma Fuller, Motor SFT, of DAC Beachcroft, and **Sarah Cartlidge, Motor SFT, of Weightmans,** discussed the implications of the news that nearly 160,000 uninsured cars were seized on the UK's roads last year in **Insurance Post.** (23 June 2026)

Comments from **Fiona McEwan, Employer Liability SFT, of Clyde & Co**, were featured in **Insurance Times** exploring the risk of employer liability claims caused by heat-related illnesses during heatwaves. (24 June 2026) and **Insurance Day**. (3 July 2026)

John Pain, FOIL Member, of Kennedys, was interviewed in **Insurance Day** where he discussed how the risk landscape surrounding major sporting events, like this summer's World Cup, has changed dramatically in recent years. (30 June 2026)

Comments from **Richard Humphreys, FOIL Member, of DWF,** were featured in **Law360** in response to developments in the FCA's motor finance redress scheme. (10 July 2026)

James Arrowsmith, ADR SFT, of Browne Jacobson, and **Berhard Maier, FOIL Member, of Browne Jacobson,** explored the implications of a landmark ruling which found Meta and Google liable for designing social media platforms which were harmful to young people in **Law Society Gazette**. (17 July 2026)

Are you interested in writing for the VOICE?

We rely on contributions from our members, sponsors, trade partners, and others to produce each issue of the Voice. We are also interested in learning what subjects or themes you would like to see covered in the future.

If you are interested in contributing material to a future edition of the Voice or have any ideas for content, please feel free to contact info@foil.org.uk or any of the editors.

Many thanks.

THE FOIL EDITORIAL TEAM

Thanks again to our Sponsors