

TeCSA

TECHNOLOGY AND CONSTRUCTION SOLICITORS ASSOCIATION

www.tecsa.org.uk

Chairman's Report 2015

This is the Annual Report of TeCSA covering the 12 months since last year's AGM on 20 November 2014 for the year to 26 November 2015.

Officers and Committee

During this period the Officers of TeCSA have been:

Chairman: Simon Tolson
Secretary: Julia Court
Treasurer and Membership Secretary: Ann Levin
Social Secretary: Dominic Helps

Hon. President: James Hudson

In addition to the Officers, the Members of the Committee have comprised (alphabetically listed by surname):

Mr Adrian Bell
Ms Sally Davies
Mr Kevin Forsyth
Mr William Gard
Mr Andrew Hibbert
Mr Christopher Hill
Ms Caroline Pope
Ms Suzanne Reeves
Ms Fiona Reilly
Mr Matthew E Smith
Mr Steven Williams

Our co-opted members of the Committee have been:

Mr Simon Hall.
Ms Sue Ryan
Ms Stacy Sinclair

TeCSA is very grateful for their huge support throughout the year.

With effect from the AGM this year, 26 November 2015, and after five years in office I step down as Chairman of TeCSA. William Gard of Burges Salmon takes my place and will serve until at least November 2016. Will is a chartered civil engineer as well as a solicitor, a practising arbitrator and adjudicator and has over 25 years' infrastructure projects experience. I wish him all the very best and know for sure he will lead TeCSA admirably.

I must record that with effect from the AGM Ann Levin steps down as TeCSA's esteemed Treasurer and Membership Secretary; she has given five faithful, excellent and most proficient years in office. We thank Ann for all her very hard work and having this year lead TeCSA through a high expenditure 25th TeCSA anniversary year, she leaves as Treasurer with TeCSA's finances in far ruder health than

Honorary President: James Hudson

Chairman: Simon Tolson, Fenwick Elliott LLP, Aldwych House, 71-91 Aldwych, London WC2B 4HN, Tel: 020 7421 1986

Secretary: Julia Court, S J Berwin LLP, 10 Queen Street Place, London EC4R 1BE, Tel: 020 7111 2411

Treasurer and Membership Secretary: Ann Levin, Herbert Smith Freehills LLP, Exchange House, Primrose Street, London EC2A 2HS, Tel: 020 7466 3521

James Hudson, K&L Gates, One New Change, London, EC4M 9AF, Tel: 020 7648 9000

Social Secretary: Dominic Helps, Corbett & Co, George House, 2 Claremont Road, Teddington, TW11 8DG, Tel: 020 8614 6200

when she took over a TeCSA in less ebullient mood. Matthew E Smith of K&L Gates takes over as Treasurer and Caroline Pope as Membership Secretary.

Membership

Thanks to Matthew E Smith and Ann Levin our paid up Membership stands at 200, in the last year we have attracted 27 new members and 13 have renewed their vows and been reinstated (170 last year).

In addition, having previously relaxed the previous 5 year rule we have this year demonstrably taken steps (at the AGM) to allow younger qualified solicitors to join TeCSA Membership and Stacy Sinclair will now lead and run events for these 10 year or less qualified (known as “_10s”).

The drivers behind the proposed changes are:

- The current wording was putting them off as they didn't feel they qualified to apply;
- we wanted to encourage these young lawyers to join,
- that we were an organisation that was taken seriously so we didn't need to be seen to be imposing an overly strict entry requirement to effectively restrict our membership to senior lawyers who run cases but to all qualified solicitors who specialist in our field,
- that having a young membership of keen construction specialists was something we wanted to encourages,
- hence the amendments we proposed.

The Committee has decided there are some changes needed to make the Constitution reflect our more liberal and appropriate/modern criteria for entry. At the AGM the proposals made for modifying Paragraphs 4 and 5 were agreed as below:

- ~~~~~
- 4 Solicitors eligible for membership shall be those:-
 - (i) who are eligible to hold a current Practising Certificate;
 - (ii) who have applied for membership in the form prescribed by the Membership Committee from time to time;
 - (iii) who have satisfied the Membership Committee of a close connection with proceedings in the Technology and Construction Court, comparable proceedings or related non-contentious legal activity. The Membership Committee shall have full discretion in each case to determine whether each applicant has a sufficiently close such connection; and
 - (iv) who, following such approval, have been elected by the Committee.
 - 5 Solicitors practising in Scotland, Northern Ireland or the Republic of Ireland, Solicitors of the Supreme Court of England and Wales practising outside that jurisdiction and lawyers practising in other jurisdictions shall be eligible for associate membership of the Association where they have satisfied the Membership Committee that they have equivalent close such connection and, following such approval, they have been elected by the Committee. The Membership Committee shall have full discretion in each case to determine whether each applicant has equivalent close such connection. Associate members shall be entitled to attend general meetings but shall not be entitled to vote at such meetings, stand for election to the Committee or to propose or second applicants for full membership.

The change

For those concerned TeCSA maybe over watering down standards of entry, please note we will operate a gateway, the words, “the Membership Committee shall have full discretion in each

case..." whether they are satisfied the applicant solicitor has "a close connection with proceedings in the Technology and Construction Court, comparable proceedings or related non-contentious legal activity".

Consequently, the Membership Form has consequentially been updated. It now makes clear that any member who has been qualified for 10 years or less is automatically included as a member of the 'TeCSA 10s' aka '_10s' as well and will receive TeCSA information and updates from time to time. Therefore, we are creating a new designation but not a new class of Membership. _10s will still be full Members.

Now I turn to the main business of the year.

The last 12 months have been a particularly busy period for TeCSA and the following is just a brief summary of its activities.

1. Adjudication

TeCSA is an Approved Nominating Body under the HGCRA, and the TeCSA Adjudication Rules are in widespread use in construction contracts throughout the UK.

In a typical year, TeCSA nominates adjudicators in disputes worth over £40m. TeCSA adjudicators are able to deal with a wide range of disputes in the engineering and technology industries as well as the full range of construction disputes. In 2014 alone, TeCSA adjudicators were appointed to decide complex disputes ranging from the design of offshore wind turbines to disputes regarding the redevelopment of a power station site.

This year we re-energised the benefits of the Adjudication Service and TeCSA Adjudication Rules in a new push emphasising four things to know about the TeCSA Adjudication Service, namely:

1. The breadth of its multidisciplinary panel of adjudicators ensures that the right individual with the appropriate expertise will be nominated;
2. In all cases nominations are made by senior lawyers with extensive adjudication experience who are well aware of the issues that can arise concerning selection of adjudicators and of the steps that need to be taken to ensure that nominations are effective;
3. The TeCSA Adjudication Rules contain unique features designed to make the adjudication process work more smoothly and to ensure that the cost of the process for the parties is kept as reasonable as possible; and
4. If you are involved in the drafting and negotiation of contracts, the easiest way of ensuring that the TeCSA Adjudication Service will apply to any disputes that may arise is simply to incorporate the TeCSA Adjudication Rules.



Our Panel is accessible on this link: <http://www.tecsa.org.uk/accredited-panel-adjudicators>

The TeCSA Adjudication Service on the website at <http://www.tecsa.org.uk/tecsa-adjudication-service>

In the last 12 months, we have made 20 November 2014 to 20 November 2015 we nominated 70 Adjudicators (79 last year), so a c13% drop on last year. Of those nominations, one case settled, one case was suspended and two had to resign.

Last year I reported TeCSA's Adjudication Service had been revised in May 2014 following constructive feedback from Members and users. We then also took steps to deal with an unwelcome trend by a minority of some applicants who sought to exclude named Adjudicators without proffering a bona fide reason why such persons should not be nominated or giving questionable reasons concerning alleged conflicts of interest that did not bear closer scrutiny¹, we also made changes in CPD requirements; and an amendment to the nomination form. TeCSA continues to advance its Continuing Professional Development and vetting regime for the Panel ensuring our Adjudicators are amongst the best trained and suited by experience, knowledge and background. That work continues through our Adjudication Sub-committee. The current round of interviews is now in session for 2015.

No one can renew his or her adjudication panel membership until submittal of a satisfactory CPD return and then at least every 5 years pending periodic assessment - pass the board.

Initiatives

This year our drive has been to address improper behaviour and poor ethical standards in adjudication.

Those of you who attended the TeCSA Adjudication Conference in November last year will recall that one of the topics raised from the floor was the incidence of unacceptable and oppressive behaviour from parties' representatives during the adjudication process. Indeed, that topic has attracted considerable attention at recent industry seminars, conferences and in the construction press.

At last year's Adjudication Conference, we gave a commitment to look into these issues with a view to taking whatever action we might see, on reflection, to be appropriate. The possibilities canvassed at the time included, for instance, production of a code of conduct and guidance for adjudicators on the subject.

The central recommendation from the Sub-Committee was that before any firm conclusions could be drawn and any positive action taken, TeCSA needed to establish whether our Panel members collectively consider that a problem does in fact exist and, if so, what the actual nature of that problem is.

The first stage of that process was a concise questionnaire prepared by the Sub-Committee on 'SurveyMonkey' in July. The purpose of that questionnaire was to ensure that, in taking this initiative forward, one of the paramount considerations was to be the collective experience of our Panel members as a whole. That was duly run and data collected.

TeCSA's Adjudication Sub-Committee completed its review of this question and reported back to the Committee with its initial recommendations over the summer. What has become clear is that, although, some people do consider that unacceptable conduct of party representatives is a real problem with adjudication these days, that view is by no means unanimous, many consider that it is important that parties' representatives should not be shackled in challenging what they consider to be mishandling of the process by adjudicators.



¹ As recently exemplified in *Eurocom Ltd v Siemens Plc* [2014] EWHC 3710 (TCC) (07 November 2014).

At the Adjudication Conference today, the results were publicised.

I will share this with you here, of the question asking about threats to report the adjudicator to the nominating body and/or your professional body, our respondents said:

a) threats to report the adjudicator to the nominating body and/or your professional body		% of Respondents	Number of Respondents
never		40.91%	18
rarely		56.82%	25
quite often		2.27%	1

Of threats not to pay the adjudicator's fees and expenses:

c) threats not to pay the adjudicator's fees and expenses		% of Respondents	Number of Respondents
never		22.73%	10
rarely		56.82%	25
quite often		20.45%	9

Of bullying or deliberately disruptive conduct:

h) bullying or deliberately disruptive conduct		% of Respondents	Number of Respondents
never		41.86%	18
rarely		51.16%	22
quite often		6.98%	3
frequently		0.00%	0
Number of respondents			43

So one can get a feel for the fact such behaviour happens but it is the exception for the most part in TeCSA Adjudications, but it is clear other ANBs have more serious problems with this issue.

A further piece of exciting news is, for the first time, the appointment of an Adjudication Panel Working Group representing both the non-lawyer elements of the Panel and in-house lawyers who represent one of the Panel's most frequent users.

The purpose of this Working Group is twofold. Firstly, it should ensure that what happens with the Adjudication Service going forward would be decided with the benefit of proper feedback from the full spectrum of our Panel members, all disciplines. Secondly, it will involve the Panel membership in working out how best to promote the excellent service that it has to offer and this will generate more appointments.

The first task of the Working Group, the membership of which comprises Suber Akther, Robin Orme and Peter Collie, will be to assist the Adjudication Subcommittee in interpreting the outcome of the above survey and in considering what action should flow from it. This includes consideration as to whether the Adjudication Service should contain a further appendix to help adjudicators and parties when dealing with inappropriate conduct. Watch this space as they say.

TeCSA is excited about these developments, adjudication faces a challenging time ahead like all forms of dispute resolution process and we all need to work together to ensure that we are best placed to meet that challenge.

Panel

As for the Panel, it currently comprises of 76 Adjudicators. Amongst these, and taking into account those who are dual qualified (of which we have quite a number, hence if you do your maths there are 81 in the table below), we have these discipline areas:

Practicing Solicitor ^[1] (co or main discipline)	38
Practicing Barrister ^[2] (co or main discipline)	9
Chartered Quantity Surveyors (co or main discipline)	24
Chartered Architects (co or main discipline)	2
Chartered Civil Engineers (co or main discipline)	8

Appointments

The procedure for appointments should be transparent as it can in a voluntary service. Some ask what happens. Essentially a rota is operated into which are uploaded in surname alphabetical order 10 names at a time, and invitations are sent to those 10 names by email (fax is no longer used). Of the positive responses, I then from our records record against each respondent their last effective nomination, and proceed to nominate the person who has not received a nomination for the longest period.

If an express discipline is requested by an Applicant, such as asking for a chartered architect, which is a small class on the Panel, we will seek to nominate such an Adjudicator if available on the Panel. Alternatively, if a TeCSA Panel Adjudicator is dealing with a series of disputes between the same parties under the same contract, then that person will usually be re-nominated.

The Rota is only wholly disapplied where an applicant seeks a nomination of a contract named adjudicator or by joint party agreement request for a named adjudicator. Otherwise the TeCSA 'Rota' operates.

There are not that many referrals to go round, one a year is the most to be ordinarily expected.

Adjudication Conference

We held today our 2015 Annual Adjudication Conference at the offices of CMS Cameron McKenna LLP, with our Keynote Speaker the 'new' TCC '5th' Judge on the block, The Honourable Mr Justice Fraser will updated us all on the latest workings of the TCC. Our themes were obviously "Unacceptable conduct in adjudication" and "The role of Experts in Adjudication". Our guest speakers are Robin Orme, Murray Armes and Suber Akther, but big thanks in anticipation to Julia Court, Andrew Hibbert, and Will Gard.

2. Pre Action Protocol²

TeCSA has long established itself as an important body to consult and initiate studies; it has always been highly active in consultations on new law affecting the construction industry and disputes with it. This includes everything from lobbying when the HGCR bill was progressing through the House, the LDEDCA in 2011 after it and European legislation planned to have effect upon the industry of our clients in construction and its allied branches.

^[1] 39 No Solicitors (some dual qualified)

^[2] 4 No are practicing Barristers (some dual qualified)

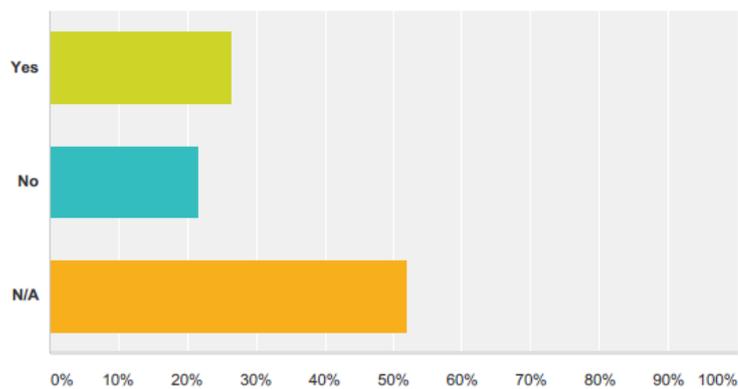
² Pre-Action Protocol for Construction and Engineering Disputes ("the Protocol")

In July 2013 TeCSA responded to the Civil Procedure Rules Committee’s (CPRC) consultation into the future application of mandatory cost budgeting and management within the specialist civil courts.

In June 2014, TeCSA in unison with TECBAR ran a very successful Survey Monkey³ on the Jackson Reforms and the Pre-Action Protocol and we provided the results of this survey to the official HM Courts and Tribunals Service, as a result of the invitation from the Master of the Rolls to the Bar Council and Law Society. Three of the questions in that survey asked about the Pre-Action Protocol; whether respondents had subsequent to the Jackson reforms succeeded in having significant pre action costs approved at their first CMC cost budget stage, we also asked has your approach to compliance with the pre-action protocol changed over the past couple of years? The broad answer appeared to be it had not. See below graphically.

Q16 Have you succeeded in having significant pre-action costs approved for the purposes of a cost budget?

Answered: 79 Skipped: 8

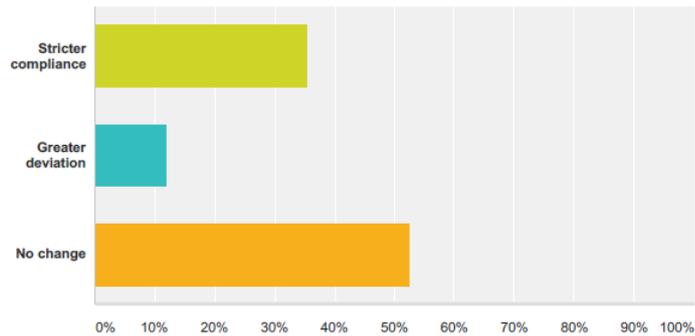


Answer Choices	Responses
Yes	26.58% 21
No	21.52% 17
N/A	51.90% 41
Total	79

³ <http://www.surveymonkey.com/s/K62LCXN>

Q31 Has your approach to compliance with the pre-action protocol changed over the past couple of years?

Answered: 76 Skipped: 11

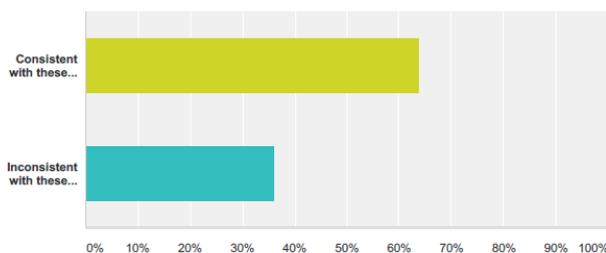


Answer Choices	Responses
Stricter compliance	35.53% 27
Greater deviation	11.84% 9
No change	52.63% 40
Total	76

The third of the Pre-Action Protocol questions we asked last year concerned the key objectives of the Pre-Action Protocol. We reminded respondents these were to (i) to encourage the exchange of early and full information about the prospective legal claim (ii) to enable parties to avoid litigation by agreeing a settlement before proceedings and (iii) to support the efficient management of proceedings where litigation cannot be avoided. We asked whether respondents considered the policy considerations that underpin the Jackson reforms were consistent or inconsistent with this. 64% of respondents considered the policy behind the Jackson reforms were consistent with the Pre-Action Protocol. Which was what TeCSA understood to be the TCC Judges' view too.

Q32 The key objectives of the Pre-Action Protocol are (i) to encourage the exchange of early and full information about the prospective legal claim (ii) to enable parties to avoid litigation by agreeing a settlement before proceedings and (iii) to support the efficient management of proceedings where litigation cannot be avoided. Do you consider the policy considerations that underpin the Jackson reforms are:

Answered: 72 Skipped: 15



Answer Choices	Responses
Consistent with these objectives?	63.89% 46
Inconsistent with these objectives?	36.11% 26
Total	72

However, this spring via information received (as they say) it became clear to TeCSA that the Civil Procedure Rule Committee were planning to either scrap or to possibly make voluntary the Pre-Action Protocol. As TeCSA had previously been part of working party set up by the TCC to look into changes to it (started by Jackson J in October 2005 and with further consultations through to 2011), TeCSA decided it must carry out its own seminal research to see what you Members and our clients, the punters thought of it. TeCSA recognised it was very important that they canvas opinion on the protocol widely via a cross section of leaders of the construction industry to make our findings balanced and informative.

TeCSA invited and then retained Acuigen Ltd to carry out the research, they being members of the Market Research Society, and who abide by the MRS Code of Conduct, to report on industry views and help TeCSA to determine opinions.

The project was split into three tracks.

In tracks 1 and 2 a list of law firms was sourced from Legal 500 and Chambers and Partners (with appropriate consents). These records were appraised by the TeCSA litigation subcommittee (on which I sit) who confirmed firms suitability, and then added to the list some additional law firms and legal consultants specialising in this sector.

Track 3 consisted of commercial organisations (major main contractors, major subcontractors⁴, consultants⁵ and insurers).

Summary of the interview sample approach

Track 1 research

A list of 95 law firms providing services to the construction sector was compiled, and a senior lead contact for each firm was identified by the TeCSA project team. Each firm was asked to complete an excel spreadsheet providing information about their use of the PAP over the past 3 years.

Track 2 research

Most of the 95 law firms identified in Track 1 were ranked by either Legal 500 or Chambers and Partners on a tier scale of 1 (high) to 5 (low), from which Acuigen used these rankings to calculate an average ranking. Firms with no appropriate Legal 500 or Chambers and Partners ranking received a tier ranking of 5.

Track 3 research

A list of 39 organisations representing consultants, contractors, employers and sub-contractors from the construction and engineering field were identified by the TeCSA project team as being capable of providing an informed opinion.

Table 3 below shows how different types of organisation were grouped.

Type of Organisation	Type of party
Cladding	Sub-contractors
Concrete Frame	Sub-contractors
Demolition	Sub-contractors
Fit Out	Sub-contractors
M&E	Sub-contractors
Piling	Sub-contractors
Scaffolders	Sub-contractors

⁴ Cladding, concrete frame, demolition, fit out, M&E, piling, scaffolding,

⁵ Architects, consulting engineers, quantity surveyors.

Type of Organisation	Type of party
Top Clients	Employers
Quantity Surveyors, Consulting Engineers & Architects	Consultants
Contractors	Contractors

Most importantly, TeCSA plans to publish the results of the detailed survey that came in today in draft in the couple of few weeks.

However, I can give you this high level summary, which shows the PAP is still performing a valuable role, and constructive proposals for tweaking it have been received:

- 1 The importance and the effectiveness of the key objectives of the PAP:
 - 98% thought that it important that the PAP enables parties to avoid litigation by agreeing a settlement of the claim before commencement of proceedings (only 68% agreed that the PAP was effective in doing this).
 - 48% thought that it important that the PAP supports the efficient management of proceedings where litigation cannot be avoided, 32% agreed that the PAP was effective in doing this.
- 2 95% of respondents thought that the PAP was a valuable pre-action mechanism.
 - Law firms said: it encourages parties to consider their dispute, it promotes settlement, narrows issues, promotes communication and saves costs.
 - Construction clients said: it encourages early considerations of the issues, prevents litigation, promotes communication, provides structure, saves time/cost
- 3 87% of respondents thought that the PAP was creating access to justice (13% think it was acting as a barrier).
- 4 82% of respondents felt that the PAP remains up to date with the needs of pre-litigious processes.

TeCSA will publish a full analysis shortly and share the full results with the TCC Judges.

3. e-Disclosure

In 2013, TeCSA⁶ promulgated and delivered⁷ an e-Disclosure Protocol that to our great pride the TCC 'adopted' at the start of last year, see Sections 5 and 11 of the TCC Guide⁸. Feedback from TCC User meetings and through the three meetings of the TCC E-disclosure Protocol Working Group confirmed the need for continuing guidance on best practice and an update to the Protocol, its Guideline Notes and Guide to e-disclosure is now just finalised and will be going on to the website.

On 9 January 2015, Version 0.2 of the eDisclosure Protocol and Guidelines was launched and the link is to be here <http://www.tecsa.org.uk/e-disclosure>.

⁶ In unison with TECBAR and the Society of Computers and the Law (SCL)

⁷ With valuable input from TECBAR and The Society of Computers and the Law.

⁸ HMCT, Second Edition, 3rd revision, with effect from 3 March 2014; Costs and Case management and the first CMC; <http://www.justice.gov.uk/downloads/courts/tech-court/tec-con-court-guide.pdf>

On 10 June 2015, TeCSA held an 'eDisclosure in Practice Update Seminar' at Nabarro's new lecture suite. The theme was very much training by lawyers for lawyers. We held a panel session on the engagement of Third Party Service Providers (a law firm's perspective and a service provider's perspective), scoping of disclosure, harvesting of data with a great panel session on common disclosure problems.

The background to the seminar was cases such as (i) *West African Gas Pipeline v Willbros* that struck fear into the legal community over failure to provide documentation from certain custodians, poor redaction policy produced by a manual review and abysmal lack of de-duplication; (ii) *Al-Sweady*⁹ which had also drawn attention to the obligations of solicitors and failure for no good reason during a lengthy period to carry out critically important and obviously highly relevant searches and the finding such failure constituted a serious breach of their duty to give proper disclosure.

Lord Justice Jackson also reminded us in his cost review of *the "... problem is accentuated because relatively few solicitors and even fewer barristers really understand how to undertake eDisclosure in an effective way."*

We did our best to provide TeCSA members with guidance and training on eDisclosure to raise understanding of what is required in practice to meet eDisclosure obligations under the CPR and often-similar arbitration procedures. Many tips on how best to manage the practical and technical complexities of the process etc.

TeCSA has created <http://www.tecsa.org.uk/e-disclosure> to provide an on-going repository of knowhow on eDisclosure for TCC Users and to assist less experienced practitioners in particular but also, we hope, to provide the latest tips and tricks for those who are more experienced. TeCSA encourages members to contribute constructive and informative material for the page so that eDisclosure practice becomes more streamlined and cost effective for the benefit of clients and lawyers alike.

The TeCSA e-disclosure toolkit for practitioners contains the following documents:

- Introduction
- E-disclosure protocol.
- Guidelines to the e-disclosure protocol.
- Guide to e-disclosure, which serves as a user's manual designed to materially assist the practitioner in all aspects of managing the process. It also includes an analysis of the various vendors and the services that they offer.

4. Social and sporting

This year's TeCSA celebrated 25 years of its being. A Champagne Summer Party was held at the magnificent Sky Gardens at 20 Fenchurch Street on 20 May 2015 attended by the great and the good in the construction and legal world. Most of the TCC Judges that could attend attended. 350 plus in all and the weather was glorious. Well done to Dominic Helps and Sally Davies for the huge planning behind it.

⁹ *R (on the application of Al-Sweady and Others) v The Secretary of State for the Defence.*



Cricket - Hudson Ashes

The Hudson Ashes, which are stored in a charming urn commissioned by Atkin Chambers, were fiercely fought over by TeCSA and TECBAR at their annual cricket match on 16 July 2015 at University College School's ground in Hampstead.

TeCSA unfortunately lost the laurels to TECBAR this year (thank you again to Martin Bowdery QC and for all the behind scenes organising) entitling TECBAR to lift the *TCC 20:20 Cricket Challenge Trophy* and gain bragging rights this year, TeCSA having won last year and the year before.

The match was enthralling, and only resolved with the penultimate ball when TECBAR's captain and number 11, William Webb (Keating Chambers), struck a boundary with a cover drive off Jonathan Stone (Mayer Brown) that TeCSA's fielders could only admire as the ball rocketed to the fence, thereby ensuring TECBAR's victory for only the first time this century.

The final over came with TECBAR requiring six runs, and TeCSA requiring one wicket, with David Thomas QC and William Webb (both of Keating Chambers) at the crease. Jonathan Stone (Mayer Brown), who had bowled magnificently during TECBAR's innings, had the unenviable task of bowling at the death. His first four balls conceded one boundary; and then with only two balls left, William Webb struck the winning runs.

It was a fantastic ending to a great match, played with enthusiasm, skill and humour in equal measures. The game was very well umpired by the teams' respective chairmen of selectors/team managers, Martin Bowdery (Atkin Chambers) and Dominic Helps (Corbett & Co), who had organised what was, yet again, a great event.

The 'Hudson Ashes' will be bestowed on TECBAR at the Annual Dinner tonight!

Annual Dinner

Last year, Dominic Helps our Social Secretary reported that 187 people had signed up to the Dinner at the Institute of Chartered Engineers in Great George Street, which was fractionally more than the year before. At the Annual Dinner this year we return to the National Liberal Club, this year our guest speaker will be entertainer and ballroom dancer Anton du Beke. I am sure more humour than last year's more sombre speaker Brian Moore.

On behalf of the rest of the Committee, I extend a big thank you to both Dominic Helps and Sally Davies for all their hard work in planning and organising these events.



Mr Helps

5. Marshal Scheme

TeCSA continues to coordinate a Marshal Scheme whereby trainees and junior solicitors are able to sit with a TCC Judge in a Court hearing for a week to gain insight and experience.

In 2015, we have placed 4 Marshals (this compares with 10 last year) with another scheduled for w/c 16 November 2015. As something of a sign of the times, with TCC volumes way down on past years, we had 4 places cancelled by the Court due to no TCC work during the allocated week and one very late cancellation by a proposed Marshal, which we could not reallocate. The waiting list is strong.

The scheme remains extremely popular and has been well supported by the TCC Judges when the cases are there. A huge thank you to Will Gard and his assistant Richard Adams for helping make this system so accessible.

6. Committee Elections and rules 14 and 15

Rule 9 of the Constitution provides in each Annual General Meeting one third (or as near one third as may be) of the elected members shall retire, but with the right to offer themselves for re-election. The members to retire shall be those who have been longest on the Committee since election or re-election, ties (unless otherwise agreed) to be determined by lot.

In accordance with the Constitution, four elected members of the Committee are required to resign and to stand for re-election if they wish.

On 28 October 2015 notice was given that the Annual General Meeting of TeCSA would be held on 26 November 2015 at One Whitehall Place, Westminster, London, SW1A at 6.30 pm, notice was also given that there will be an election of members to the Committee.

The election was held for two weeks between 11 November and 25 November when members of TeCSA voted on who should be elected to the Committee - by secret ballot. The results were made known at the AGM.

There were four places on the Committee to fill for elected members.

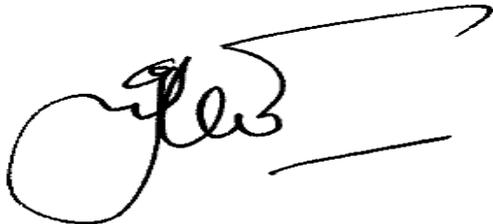
Ann Levin, Sue Ryan and Steven Williams have all indicated that they would wish to stand for election. Kevin Forsyth despite huge support has decided not to re-stand, and we thank him for his most valuable contribution to TeCSA on various initiatives.

That left Steven Williams as the currently elected member of the Committee due for re-election, Ann Levin although standing down from her Officer position as Treasurer of TeCSA declared she would stand for an elected position and Sue Ryan, who has been co-opted to the Committee, would also like to stand for an elected position.

Andrew James a Partner of Harrison Clark Rickerbys also stood.

I am delighted that Ann Levin, Steven Williams, Sue Ryan and Andrew James were all elected on to Committee as announced at the AGM.

There are no Officer elections this year. Myself (Simon Tolson) and Ann Levin decided to retire as Chairman and Treasurer respectively. In accordance with the Constitution, the Committee has appointed William Gard to take over the position of Chairman and Matthew Smith as our new Treasurer. These appointments take effect from the AGM for the remainder of the term until at least next year's Officer Elections. William Gard and Matthew Smith will accordingly retire as elected members of the Committee. My best wishes to both of them.

A handwritten signature in black ink, appearing to read 'Simon Tolson', with a large, sweeping flourish extending to the right.

Simon Tolson
Chairman

26 November 2015

Honorary President: James Hudson

Chairman: Simon Tolson, Fenwick Elliott LLP, Aldwych House, 71-91 Aldwych, London WC2B 4HN, Tel: 020 7421 1986

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