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Get it off your chest – round up of other key issues

Coronavirus.

There is one issue so much more important than the others that in my four minutes I will concentrate only on that. Our world, the world, has been dominated this year by the Coronavirus outbreak, which although tragic for those who have suffered illness and death and challenging financially for solicitors and barristers alike, has thrown up some thought provoking issues.

1. Time and quality of life improved for many – see slides. Global warming carbon emissions in the UK reduced by 5% - (albeit for 1.5 degree target we need 7.5%.)
2. The use of technology and in particular virtual courts, virtual conferences, saving of significant time by scrapping the commute and the schleps to courts across the country. Most practitioners and judges seem to have got the hang of this – different platforms including Skype for business, Zoom, Lifesize and others. CVP is the new Family court platform, being rolled out at present, and which is intended to provide an industry norm going forward.
3. The big question is whether c19 has accelerated what would have happened within the next few years / woken up Sleeping Beauty, and what will happen when the crisis is over. Do we need expensive business premises any more? Do our clients need or want them? Can barristers justify their own rooms in Chambers – ditto some solicitors' firms? Will the City commercial property market collapse?
4. Many cases are entirely suitable for remote work – directions hearings, consent hearings, many if not most first appointments, some FDR's, obviously some final hearings and arbitrations.
5. Does working from home an unmitigated pleasure or can it create domestic tension as many have suggested – are family lawyers about to experience a tsunami of clients exhausted and ready for divorce after 3 months of enforced togetherness? Are we likely to tire of our new-found freedoms – is our essentially social nature likely to grow bored of home life and crave the company to be derived from Chambers or solicitors' offices badinage?
6. Time will tell.
7. Myerson – is C19 a Barder event, in that capital lump sum orders made between about January 2019 and 2020 stand a chance of being overturned on a late (out of time) appeal? Was the pandemic reasonably foreseeable – in the way that the stock market crash of 2008 was (according to Thorpe LJ) both foreseeable and an example of the natural rise and fall of the world's financial markets?

8. I would argue that – unless you are going to accept that people (Chinese or otherwise) eating wild animals is foreseeably likely to create a pandemic – this virus in its scale and impact (and an individual's inability to prevent or avoid it) does have the scope to avoid the Myerson trap and be considered a true Barder event. The businessman or woman whose business has been closed down by the Government and gone broke post final order surely has a case to make. A detailed reading of Myerson is necessary to appreciate the significant differences of fact in that case from the theoretical applicant just referred to; as always it will be fact-specific.

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