

HERBERT SMITH FREEHILLS LAWYERS RUPERT LEWIS AND MAURA MCINTOSH TALK WITNESS STATEMENTS, AHEAD OF LONDON INTERNATIONAL DISPUTES WEEK 2021

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News

Herbert Smith Freehills Partner Rupert Lewis and Professional Support Consultant Maura McIntosh are set to be involved in London International Disputes Week (LIDW) 2021, speaking at an event co-hosted with One Essex Court.

They will take part in a panel session called 'The new regime for trial witness statements: what to watch out for' on 12 May, 2021. The panel will outline the new rules on trial witness statements, introduced from 6 April 2021 by Practice Direction 57AC of the CPR, and discuss their practical implications for commercial litigation. It will consider the challenges the new rules present, from the perspective of the judge, counsel, solicitor and client.

To register for the event, please click [here](#).

LIDW, which is set to take place virtually from 10 - 14 May 2021, will bring together legal practitioners from around the world to celebrate the heritage of London as a disputes centre and to consider the future of global dispute resolution.

Herbert Smith Freehills is a proud founding member of this important event and has joined forces with more than 50 other firms, barristers' chambers, academics, legal commentators and dispute resolution organisations to help launch the week.

In the lead-up to the event, Rupert and Maura answer some questions some key issues related to the new witness statement regime.

What are the main changes brought about by the witness evidence reforms?

As well as codifying existing best practice for the preparation of trial witness statements, the reforms introduce significant new requirements, including a requirement to list the documents to which the witness has referred, or been referred, for the purpose of providing the evidence set out in the statement. For important disputed matters of fact, the statement must state how well the witness recalls the matter in question and indicate whether, and if so how and when, that recollection has been refreshed by reviewing documents. There is also a new requirement for both the witness and the party's legal representative to provide formal confirmation of compliance with the new rules.

Why are these reforms important and why were they introduced?

In general terms, the reforms are aimed at improving witness evidence by reducing the potential for a witness's recollections to be influenced or overwritten by the process of taking the statement, and refocusing witness evidence on the areas where it is actually needed – rather than the detailed recitation of and commentary on the documents which had become all too common.

What are the implications for commercial parties?

It is essential for parties to litigation in the Business and Property Courts, and their legal advisers, to get to grips with the new requirements. A failure to comply could have serious consequences, including the potential for all or part of a witness statement to be struck out, or for the court to place less weight on the evidence in question, as well as costs penalties being imposed.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



RUPERT LEWIS



MAURA MCINTOSH

PARTNER, HEAD OF
BANKING LITIGATION,
LONDON
+44 20 7466 2517
Rupert.Lewis@hsf.com

PROFESSIONAL
SUPPORT
CONSULTANT,
LONDON
+44 20 7466 2608
Maura.McIntosh@hsf.com

MEDIA CONTACT

For further information on this news article, please contact:

**CORINNE MCPARTLAND,
COMMUNICATIONS LEAD**

LONDON

Tel: +44 20 7466 2057

Mob: +44 7912 394 304

Email: corinne.mcpartland@hsf.com