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THE BUNDLE

Deo Volente Solicitors Newsletter

deo volente solicitors LLP

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Is AI the future for law firms?

The world of AI (Artificial Intelligence) is forever changing. Whilst most sectors adapt quickly to AI technologies, some are slower than others to conform to new methods of practice.

The legal sector is taking big steps into bringing AI into the workplace. In fact, over half of corporate law firms are expected to use AI systems to review and analyze contracts by next year (2020). In the US 47% firms say it is likely they will implement such systems in the following year (Law Society, 2019). Kira Systems is a popular example of successful AI practice. Kira works by identifying and extracting text in contracts to help lawyers better analyze their agreements. Documents can be uploaded and exported through the system making it fast and easily accessible.

Despite AI's efficiency, compliance with data privacy legislation is said to be the main reason for 55% of current firms adapting to the change since these systems are regularly updated. Another benefit of AI is its ability to identify inconsistencies within written (digital) agreements and manage and merge acquisitions more efficiently. However, there are a few misconceptions with AI. Some believe the AI system will work right away without assistance which isn't the case. AI still needs to be carefully monitored by team members (who should also be trained to use AI effectively). Training to use AI in the workplace may initially be time-consuming but overall will make the lives of the corporate lawyers a little easier.

The worst (and probably irrational) fear is that AI will eventually replace the human lawyer but until we see Robocop in the courtroom, we can put any worries at ease.

resolution first for family law

The Law Society your solicitor qualified to answer

The Law Society Accredited Conveyancing Quality

What will a No-Deal Brexit do to International Litigation?

What would a no-deal Brexit do to litigation? Well for starters it would change the whole justice system. If the UK leaves with a no-deal Brexit before March 2019 then the current justice system would no longer be part of the EU's civil judicial cooperation framework. This will affect the choice of law and jurisdiction clauses that involve parties based in the EU and also the assets of losing parties.

With international litigation issues such as which country will hear the case, which country's law will determine the procedure governing the legal proceedings and how judgements obtained in one country will be recognised and enforced in other countries must be carefully determined.
For countries in the EU these issues are determined in accordance with the rules set out in the International Conventions and EU Regulations which (at present) apply to the UK because of its EU membership.

In the event of a no-deal Brexit, however, the EU regulations that operate based on the current reciprocity will no longer apply to the UK. This is of course until the UK becomes a signatory in its own right and re-joins the Convention.

There has been suggestion that the bilateral enforcement treaties between the UK and members of the EU such as Germany, France, Austria and Italy during the period 1934 – 1969 could be revived to produce an alternative for recognition and enforcement. However, this has not yet been confirmed. Therefore, parties have been advised to include a clear and structured choice of law and jurisdiction clauses in their contracts to provide certainty.

The EU rules on recognition and enforcement of judgements under the Recast Brussels Regulation do not extend to arbitration therefore is likely to be used as a preferred choice for many as the New York Convention 1958, to which over 150 countries – including the EU member states are signatories. This will continue to apply to the UK even with a no-deal scenario.

Where possible parties should consider this option for resolving disputes and include arbitration clauses in their contracts. Those that do not allow for arbitration will need to commence proceedings before 29th March 2019.

Parties with existing litigation against EU parties may wish to speed up any litigation or final judgements in order to take advantage of the automatic recognition and enforcement mechanism that is available under the current Recast Brussels Regulation.

The current uncertainty regarding the position with respect to recognition and enforcement of judgements could make England a less desirable forum for litigation in the short term. However, the UK leaving the EU is unlikely to diminish from the primary reasons commercial parties choose the English courts. This is because London especially has been favoured for many years and its reputation of its high courts for quality, as well as its status as a global financial centre ensure that the city will continue to stand ahead and above other European countries despite the outcome to come.

Brexit on Immigration

For information on how we can help you please visit

www.dvsolicitors.com/immigration

No-Deal

In the event the UK leaves the EU in a no deal scenario, the UK will not be bound by the implementation period arrangements agreed with the EU and set out in the draft Withdrawal Agreement. Instead, we will seek to end free movement as soon as possible through the Immigration and Social Security Co-ordination (EU Withdrawal) Bill introduced to Parliament on 20 December. The Bill, once enacted, will repeal the Immigration (European Economic Area) Regulations 2016, which currently implement free movement in UK law.

Resident EU Citizens

EU citizens and their family members already resident in the UK by 29 March 2019 will be welcome to stay. If there is no deal, they will have until 31 December 2020 to apply to the EU Settlement Scheme to protect their status.

Ending Free Movement

Once free movement has ended from 30 March 20191, EU citizens and their family members arriving in the UK will be admitted under UK immigration rules and will require permission (leave to enter or remain). Unlike EU free movement, this will not be a rights-based system so those who do not hold valid immigration permission to be in the UK will be here unlawfully and may be liable to enforcement action. This is a crucial difference between UK immigration law and EU free movement law, which does not require permission from the Home Office for a person to be here lawfully.

Visiting the UK

Arrangements for tourists and business visitors will not look any different. Although the underlying legal framework will change, EU citizens coming for short visits will be able to enter the UK as they can now, and stay for up to three months from each entry.

Crossing the border

Ensuring a frictionless border from day one will be a priority. Therefore, EU citizens will continue to be able to enter the UK as now, using e-gates when travelling on a biometric passport. They will also be able to enter the UK for short-term visits without a visa.

Until 31 December 2020, EU citizens will be able to enter the UK by showing either a valid national identity card or a passport.

Applying for permission to stay

EU citizens who wish to stay longer than three months will need to apply to the Home Office for leave to remain within three months of arrival. Subject to identity, criminality and security checks, leave to remain will be granted for 36 months which will include permission to work and study.

This will be non-extendable, temporary leave so those who wish to stay longer-term will need to apply in due course under the future border and immigration system arrangements.

Call us today on 01234 350 244 or book an appointment with us online at www.dvsolicitors.com/book-online

Source: www.gov.uk/government

Good news for Visit Visa Refusals

Immigration Department

Many people apply to visit the UK, whether it be to visit family members in the UK, for tourism or to attend events which they have personally been invited to.

Unfortunately, it is very common for such applications to be refused by the Home Office. Furthermore, a refusal of a visit visa does not attract a right of appeal or a right to administrative review. The only avenue available to Applicants who have had a visit visa application refused is to challenge the decision by way of Judicial Review.

Here at DV Solicitors we have a dedicated team of legal professionals who specialize in Judicial Review and can assist with a refusal of a visit visa application.

One such example which we would like to share is a recent successful challenge to a Home Office decision to refuse our clients application for a visit visa to the UK in order to attend their graduation ceremony. Our client who is a national of Pakistan had successfully completed his Law degree at the University of London via independent study from abroad.

To reward him for his hard work, the University of London invited him to attend his graduation ceremony in early March.

Our client submitted three applications to the Home Office to visit the UK so that he can attend his graduation ceremony. Sadly, the Home Office refused his applications.

With time of the essence and given that our client risked missing out on a once in a lifetime opportunity, we issued Judicial Review proceedings via form T483 on an expedited basis to the Upper Tribunal for urgent consideration. Meticulous grounds for Judicial Review were drafted by our Trainee Solicitor Khurshid Ali which compelled the Government Legal Department and the Home Office to concede their decision and issue our client with a visit visa for the UK.

Our client was contacted by the Home Office via email 4 days after proceedings were issued in order for him to present his passport so that the visa could be implemented. This was a remarkable result given firstly what was at stake for our client and secondly the fact that we were able to get the Home Office to reverse the decision within 4 days from issuing Judicial Review proceedings on an urgent expedited basis.

NEED HELP FROM THE EXPERTS?

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Out of Credit

Litigation Department

Our client 'Ms SA' booked an appointment wanting advice in relation to her Tax Credit Entitlement which was terminated by the HMRC. Ms SA claimed Tax Credit on the basis that she was separated from her Husband at the time of applying.

In late July 2018 Ms SA received correspondence from HMRC informing her that she is no longer entitled to Tax Credit due to the misrepresentation at the time of applying for Tax Credit and as a result was demanded to pay back the overpaid Tax Credit in the region of £15,000.

HMRC based this decision on the fact that Ms SA was married and was not separated under a court or separated in circumstances that were likely to be permanent under Section 3(5)(a)(ii) Tax Credit Act 2002.

Ms SA instructed DV Solicitor, Natassia Khilkevich, requesting for assistance in this matter. Nastassia Khilkevich submitted an appeal on behalf of Ms SA to the HMRC highlighting the flaws and inadequacy in dealing with Ms SA's case.

Grounds of appeal were lodged at first instance emphasising the incorrect approach taken by the HMRC in determining Ms SA's matter.

The grounds of Appeal presented in this matter were that the HMRC applied the wrong legal test in determining whether Ms SA was single or residing with her husband.

In addition, it was put to HMRC that investigative work carried out to formulate a conclusion regarding the status of Ms SA and her husband was not carried out adequately or did not take into consideration the account of the husband and placed little or no weight to his explanation.

HMRC did not allow a fair opportunity for Ms SA to comment and did not give sufficient reasons for disbelieving Ms SA's account.

Within 3 months a positive outcome was sent to Nastassia Khilkevich at our office by HMRC accepting the Grounds of Appeal and reinstating Ms SA's Tax Credit. With this, Ms SA did not need to pay anything back to HMRC.

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NEED HELP FROM THE EXPERTS?

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