



QBE European Operations

21 October 2025

Guidance Note on the *Mazur* Ruling

Mazur & Anor v Charles Russell Speechlys LLP [2025] EWHC 2341 (KB)

This article is an update to our initial guidance of 30-Sep which was shared on request only. There has since been three further weeks of commentary and status updates which this latest version considers. The focus is on risk management and practical steps which law firms may wish to consider.

Every now and again a Court ruling disrupts the status quo of what has been accepted practice for years, even decades: the Virgin Media pension ruling; the Harcus Sinclair decision on Undertakings given by LLPs; etc. Sometimes they are nothing more than a 'storm in a teacup' but occasionally there are massive repercussions until an Authority steps in to clarify, appeal, or overturn the decision to address the law of unintended consequences. The case of *Mazur & Anor v Charles Russell Speechlys LLP* [2025] EWHC 2341 (KB), appears to be in a class all of its own as it sends law firms into disarray, changing their operating models, reassigning cases, and considering the future role of its unauthorised staff and the commercial viability of their operating models.

Justice Sheldon ruled that: "*LSA 2007 makes no provision for unauthorised people to carry out litigation under supervision. Therefore, people who are not themselves authorised to conduct litigation can only support authorised individuals to conduct litigation, rather than conducting litigation themselves under the supervision of an authorised individual.*" This appears to be at odds with what has developed as accepted practice, particularly in high-volume litigation arenas such as debt recovery and housing litigation. The ruling was hammered home with a stark reminder that "*If a person carries on a reserved legal activity without being entitled to do so, this is a criminal offence.*"

Given the potentially serious consequences for firms getting this wrong, which could include regulatory scrutiny and the issue of (lack of) authorisation being raised during litigation, as was the case in *Mazur* itself, it is important that firms take steps to ensure that they mitigate the potential impact of this judgment.

Understanding what is meant by 'conduct of litigation' and what constitutes support activities will be pivotal to ensuring compliance, and there is now a plethora of commentary and guidance attempting to distinguish between the two and identifying what actions fall into which camp. The latest guidance from the Law Society ([Mazur and the conduct of litigation](#), 16-October) appears to pour oil on troubled waters as it:

- highlights the wide range of work that unauthorised staff can undertake as support activities without overstepping the boundary of what is permissible
- confirms that the conduct of proceedings by a non-authorised person does not automatically nullify the proceedings or any of the activities in question
- discourages firms from "straying into improper use of satellite litigation to attempt to influence another party's behaviour or the progress of litigation." (as) "The SRA may consider this to be misconduct"

Whilst most commentary recommends that delineation of tasks be defined to assist with case management and ensure compliance going forward, what Authorities do appear to agree on, is that a list of permissible and prohibited actions is not in itself adequate. The assessment of whether litigation is being conducted will be case-specific, fact-sensitive, and governed by 'substance-over-form'. Those principles dictate that it will be a more nuanced question of fact and degree and require holistic consideration of what is genuinely happening in practice in terms of the controlling mind and responsibility taken for the steps deemed to be conduct of litigation.

A definitive guide endorsed by all relevant regulators and the Legal Services Board can't come soon enough. The LSB met with all relevant approved regulators on 09 October 2025 and stated that although the ruling does not change the legal framework, it had "[prompted discussion about how the reserved legal activity of conducting litigation has been interpreted and applied](#)". It acknowledged that legal professionals now need clear and accurate information but stressed that all regulated individuals must work within their authorised scope of practice. In response, Law Society President, Mark Evans, pushed for the guidance to be available quickly so that members can review and adapt as necessary.

Commentary and further guidance will continue to flourish over the next few weeks and months, but firms need to take decisions rapidly to stay on the right side of what is deemed legal whilst the situation is still unclear. The steps which follow focus on the practical considerations in terms of risk management controls both now and for the longer term, but new authoritative guidance should be monitored and acted upon as appropriate. Specific queries could be referred to the SRA's professional ethics helpline (as they recommend), but it is likely to be busy. The SRA is recommending that specific queries be referred to the Professional Ethics Helpline.

1. Risk Assessment

Whilst the criminal penalties and regulatory sanctions may be foremost in people's minds, there are numerous risks to consider because of this judgment:

- **Compliance Risk (legal and regulatory):** The potential for criminal charges against both individuals and firms has already been noted. For regulatory non-compliance, consider all litigation personnel employed without practice rights, the scope of work they have been doing, and how they are supervised to date. It may be that a clear delineation has always operated between support tasks and actual conduct of litigation, so no action is needed. It becomes greyer though where more experienced non-authorised lawyers have increased the scope of their activities to the extent that current or past matters could be deemed non-compliant under this latest ruling. High-level factors considered by *Mazur* can be used to make this assessment including: "the way that important decisions in the case are taken; who drafts or specifically approves formal documents; the degree of direction from the authorised person; evidence as to who is taking specific responsibility for formal steps or, in general terms, who is conducting the case". A blanket judgment may be possible to assess risk at high level prior to individual file reviews and to determine if cases need to be transferred to an authorised litigator to ensure they are conducted legally and whether compliance breaches may need to be notified (see point 2).
- **Financial Risk:** It is easy to see (as in the *Mazur* case itself) that opponents could object to non-authorised personnel handling a litigation matter against them. If a challenge is successful, it could result in firms being unable to recover the costs incurred - whether that is on long running large cases where a lot of time can be invested before any payment is received, and/or lots of small amounts are buried in volume matters. What were previously viewed as reliable debtor amounts may have to be downgraded, so impacting the balance sheet. Depending on cash reserves, this could rapidly turn into liquidity risk if cash expected to flow in at regular intervals can no longer be relied on. Overdrafts or cash calls may be needed until things settle down.
- **Litigation Risk:** Regardless of whether completed cases were successful or not, some businesses may see this as an opportunity to pursue litigation against fellow professionals on the basis that cases are being, or have been, conducted by unauthorised staff. Clients may wish to revisit old matters which did not achieve the desired outcome – their awareness raised by firms' own communications, or promotions by law firms, claims companies, or third-party litigation funders. The latest Law Society guidance may have a dampening effect on these aspirations.
- **Strategic Risk:** For those in volume litigation especially, questions on the commercial viability of current operating and pricing models will probably be asked. If practice rights for relevant staff can be attained quickly, without a large increase in fees to cover extra costs and any losses arising in the interim, then this may be less concerning. Teams of unqualified staff being led by unqualified supervisors could face the most difficulty. Some calming of investors may be needed if they cannot fathom the quirks of the profession and how one Judge's ruling can turn a whole business model on its head and jeopardise their investment.
- **Reputational risk:** This may become an issue due to complaints and adverse media coverage, and firms will need to decide whether to get on the front foot or take a reactive stance. Keep an eye on online reviews and monitor community sentiment to assess the need for action.

The judgment is now one month old and has had a considerable destabilising effect across the whole profession. This is a rapidly developing risk which should be monitored frequently for the promised guidance by the regulatory community. A list of current authoritative guidance is provided at the end of this article. It is hoped that formal guidance endorsed by all regulatory stakeholders will provide a steadying influence so that the various risks listed can be better qualified and actions shaped accordingly.

2. Notifications and Communications

Firms will need to consider what notifications are appropriate having reference to the stakeholder guidance on reporting of incidents and acting to remediate - whilst all the while bearing in mind the direction on handling own-interest conflicts. This is a tricky area to navigate, so if in doubt, specialist regulatory legal advice should be sought.

Regulatory breaches

Firms will need to assess whether breaches on individual files or across whole caseloads need to be reported. Both live and closed matters should be considered, and historical records could be extensive. A key factor in assessing the seriousness of a breach is its systemic and repeated nature. How the regulators will respond to self-reports for breaches highlighted by *Mazur* will become apparent over the coming months. Explicit guidance from regulators on whether to report these matters or not would also be helpful. In the meantime, we are seeing some firms self-report and others seem to be adopting a 'wait-and-see' approach.

Client Communications

Where a change of personnel is necessary, client care letters and retainer agreements will need updating to advise of the authorised person with overall responsibility. Any communication along these lines is likely to result in queries and concerns, so a reassuring tone and premise about structural changes in teams and case handling will be needed. It is important to note that simply saying the matter is led by a partner or other qualified person is not adequate to fulfil the test of whether other individuals involved are conducting the litigation which could still be the case if they are still the controlling mind on the case.

Firms should also consider SRA guidance on putting matters right when things go wrong and own interest conflicts. Both codes of conduct demand that *"You are honest and open with clients if things go wrong, and if a client suffers loss or harm as a result you put matters right (if possible) and explain fully and promptly what has happened and the likely impact..."* This applies to both former and current clients and firms will need to consider how they demonstrate that loss or harm was not suffered because a matter was conducted by an unauthorised individual, albeit under supervision.

Court Communications

In theory, it may be possible to apply to the Court to re-file/serve documents which were signed by an unauthorised individual (albeit note that the CPR regime does not reflect the LSA).

Insurance Notifications

We appreciate that the *Mazur* decision has caused considerable confusion across the legal profession, and this will be a worrying time for many. We suggest that firms continue to liaise with their Professional Indemnity Insurance brokers regarding any concerns arising from impact of the decision and their notification obligations under their PII policies.

3. Current and future cases

Remediation

A full review of all live cases will be necessary to ringfence the problem and establish who has been conducting litigation based on the current definitions available. A range of guidance is provided at the end of this article - many of which distinguish between conduct and support functions. The latest publication from the Law Society issued 16 October 2025 [Mazur and the conduct of litigation](#) highlights the wide range of work that unauthorised staff can actually undertake without overstepping the mark.

To reiterate though, the judgment will be case specific and hence all files will need to be audited individually to consider the evidence. Keep review records, the evidence considered, findings, decisions made as to each matter's compliance status, and both remediation and reporting actions agreed and progressed.

There is of course potential for completed cases to also be in breach, but it may be possible to assess the likelihood of this based on the findings of the live file audit so that more specific reviews can be narrowed down and/or a general breach reported and expected actions sought from the regulator, bearing in mind that this is a profession-wide issue. Closed cases that were lost could be susceptible to challenge and client reports should be considered as in point 2. SRA guidance on that subject would be welcomed soonest, but in the interim firms are being encouraged to refer to its [Supervision Guidance \(Nov-2022\)](#) and to contact the Professional Ethics helpline.

Corrective Action

To prevent breaches in future, clarity will be essential as to which steps are permissible for unauthorised staff, and which must be completed by the authorised person with responsibility for oversight. It is recommended that existing checklists such as litigation progress trackers or file management checklists are reviewed and updated to differentiate clearly between conduct and support steps so that each step can be signed off by the right person. The checklists should show clearly which are:

- i) unqualified support tasks - clerical or mechanical functions
- ii) qualified elements - formal steps required in the conduct of litigation and/or which require professional judgment to be exercised
- iii) subdivisions within steps where it is possible for much of the work to be carried out by unauthorised personnel but a review and sign off is needed by someone authorised to conduct litigation.

Attendance notes and time records should match up to those steps – unauthorised staff might refer to advising, drafting, researching, collating, proofing, and preparing for review, and the supervisor would talk more to reviewing, amending, and approving with corresponding sign off on official documents. The time taken should reflect professional consideration and not purely the addition of a signature. To the extent that electronic workflows can be amended to support this differentiation, extra fields might be added and control gates included so that only specific individuals can sign off key stages recognised as conduct of litigation.

Preventive Measures

Whilst this issue has arisen in the context of civil litigation, firms should consider how it might also apply to family and criminal litigation if these are areas it practices in. Some commentary suggests that the problem may even extend to other reserved activities, so they too may need consideration although there are specific exemptions which relate to conveyancing and will-drafting for instance.

In this case, preventive measures relating to the misinterpretation of the rules will need to be a joint effort from the approved regulators and representative bodies. The [LSB's Statement on Mazur 13 October 2025](#) stressed the importance of that collaboration to ensure a consistent approach, and promised to examine *"how approved regulators and regulatory bodies ensured that information on conducting litigation was accurate and reliable. Our review will help us all learn lessons and maintain clarity and confidence in the regulatory framework"*.

4. Supervision and Responsibilities

The adjustments referred to process management described in point 3 may also dictate the need for changes in supervision processes and structures overall as there is a vast difference to supervising an individual and their overall matter list perhaps reviewing only problem cases with them occasionally, compared to having active involvement and oversight on all matters.

Documents which define roles and responsibilities will need to be reviewed and updated where necessary, this should include:

- client care letters, service level agreements, terms of business and any other forms of contract
- job descriptions and potentially employment contracts for all unauthorised staff
- supervision policies and procedures
- precedent forms / signatures
- relevant handbooks / training guides.

5. Awareness and Education

To support the above exercise, training on the subject should be provided to both educate and reassure. CILEx is planning webinars (10 and 17 November), as are some barristers' chambers. In-house training might include:

- background to the issue explaining the law and the misunderstanding about supervision
- delineation agreed between conduct and support activities ensuring supervisors understand what activities can be delegated and that support staff understand activities that are not permissible
- new ways of working to achieve client goals and changes to process flows – both manual and electronic
- the documents that have been updated, making clear what has been superseded and should not be used
- the criminal, regulatory, disciplinary and other risks of breaching boundaries (see point 1).

6. Qualification of Unauthorised Staff

Anyone that has been conducting litigation without practice rights and wants to continue, either independently or under supervision, should apply without delay. The LSB has received an application from CILEx Regulation Limited (CLR) to enable its members to obtain standalone practice rights and advises that it will prioritise the application. In its [statement of 08 October \(Mazur update plus next steps\)](#), CLR has committed to recruiting extra resources to deal with an increase in demand and to streamlining the process as far as possible.

7. Recruitment

When hiring new litigation personnel, firms may want to verify that practice rights are already held or are in the process of being obtained, unless the plan is for the new recruit to provide support only initially and perhaps train on the job and qualify later. Induction training for new recruits will need to cover the training detailed in point 5.

8. Future Monitoring

In addition to active oversight on all litigation files to ensure only permissible activities are undertaken by unauthorised staff, the firm's independent file review system can be employed to provide separate assurance that delineation of conduct and support activities is being maintained correctly and consistently over time. Revisions to file review checklists will be needed to ensure this becomes a normal part of regular checks, and/or a thematic review can be conducted after an agreed period. Consideration of time recording and attendance notes should be included in these exercises to ensure activity descriptions correspond to agreed permissions.

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In summary, the Mazur ruling has declared that when it comes to conducting litigation, individual authorisation is not up for negotiation. Restructuring at infrastructure, process, and review levels to ensure compliance with the legal and regulatory requirements will be essential for firms that have permitted non-authorized staff to stray outside of permissible support activities.

Work to identify non-compliant matters, and where necessary, to remediate and report on those non-compliances could be extensive and could impact future handling and fees that can be charged. The potential for disputes over defects and costs can't be ignored, either individually as opponents look to probe technical failings on current matters, or from bulk litigation as specialist firms look to this finding as a revenue stream on both current and historical cases. Some difficult decisions will need to be taken in a short time frame, and our recommendation to seek specialist regulatory assistance can't be emphasised enough.

Authoritative Guidance

- [Bar Standards Board Conducting-Litigation.pdf](#)
- [CILEx Regulation Revised-Interim-CRL-guidance-the-conduct-of-litigation-v3.pdf](#)
- [CILEx FAQ: Mazur v Charles Russell Speechlys](#)
- [Rules & Practice Directions – Civil Procedure Rules – Justice UK](#)
- [SRA | Effective supervision | Solicitors Regulation Authority](#)
- [Mazur and the conduct of litigation | The Law Society](#)

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