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New Practice note

Mazur and the conduct of litigation

This practice note provides advice on how solicitors, law firms and legal businesses can make sure that only those authorised to do so carry on the conduct of litigation, following the High Court judgment in *Mazur v Charles Russell Speechlys*. It also helps you to understand what activities non-authorised team members can carry out to provide support to authorised individuals, in their own right and/or under supervision.

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For the purposes of the [Legal Services Act 2007 \(LSA 2007\)](#), the conduct of litigation is a 'reserved legal activity'.

This means that a person must be authorised by the Solicitors Regulation Authority (SRA) (or other approved legal regulator) to conduct litigation.

A person who is not authorised cannot carry on the conduct of litigation; notwithstanding that they are an employee or manager of an authorised firm and/or working under the supervision of an authorised person.

The definition of the conduct of litigation is narrow and limited to formal steps in proceedings. For example, the issuing, filing and serving of applications and statements of case.

Much of the work involved in litigation can nonetheless be carried out by non-authorised staff – either as it does not amount to the reserved activity of the conduct of litigation or as it falls within their role assisting an authorised person.

This will include activities that take place prior to proceedings being initiated. It will also generally include matters such as:

- the giving of general legal advice
- drafting pleadings, particulars of claim, applications and correspondence
- proofing witnesses
- drafting statements, and
- signing a statement of truth

When considering who is responsible for the conduct of litigation this will be a question of fact and degree in each case.

A finding that a person has carried out the conduct of litigation can therefore arise from a single action, such as issuing a claim form, or a series of actions taken together and in light of their actual role.

Solicitors and firms will therefore wish to make sure their processes and records demonstrate that appropriately authorised persons are exercising their professional responsibility for the key formal steps and strategic decisions in connection with proceedings initiated before the courts.

'Tick-box' oversight from an authorised person will not be sufficient.

This practice note is the Law Society's view of good practice in this area, and is not legal advice. For more information, see the [legal status](#).

1. Introduction

1.1 Who should read this practice note?

This practice note should be read by any of the following, practising in the field of litigation:

- any solicitor in legal practice or employed as an in-house solicitor in England and Wales
- any trainee solicitor or employee of a solicitor, law firm or legal business
- any law firm or legal business

1.2 What is the issue?

The judgment of [Mazur & Stuart v Charles Russell Speechlys LLP \[2025\] EWHC 2341 \(KB\)](#), considered whether a non-authorised person is entitled to conduct litigation under the supervision of an authorised person.

The "conduct of litigation" is one of the six activities reserved under [section 13\(2\) LSA 2007](#) to persons (individuals and bodies) who are either authorised by an approved legal regulator, or exempt, under the LSA 2007.

The *Mazur* judgment held that:

- non-authorised persons cannot carry on the reserved legal activity of the conduct of litigation simply by virtue of being an employee of an authorised firm. Both the firm and the individual carrying on the activity must be authorised
- a non-authorised person cannot carry out the conduct of litigation under the supervision of an authorised person
- a non-authorised person can, however, support an authorised person in undertaking the conduct of litigation

This practice note provides advice on how you can make sure that only those authorised to do so carry on the conduct of litigation.

It also helps you to understand those activities that non-authorised team members can carry out to provide support to authorised individuals, as well as those they can carry out in their own right and/or under supervision.

2. What is litigation?

The conduct of litigation is defined in [section 12](#) and [Schedule 2 paragraph 4\(1\)](#) LSA 2007 to comprise:

- a. the issuing of proceedings before any court in England and Wales
- b. the commencement, prosecution and defence of such proceedings, and
- c. the performance of any ancillary functions in relation to such proceedings (such as entering appearances to actions)

This therefore includes steps taken in proceedings initiated before the:

- Supreme Court
- Court of Appeal: Civil and Criminal Division
- High Court: Kings Bench Division, Chancery Division, and Family Division
- Crown court, county court, magistrates' court, Court of Protection and Family Court

In addition, [section 207 LSA 2007](#) defines this to include proceedings before certain tribunals. This covers:

- the Upper Tribunal (which handles appeals through tribunals within its Administrative Appeals Chamber; Tax and Chancery Chamber; Immigration and Asylum Chamber; and Land Chamber)
- the First-tier Tribunal (which includes the tribunals within the War Pensions and Armed Forces Compensation Chamber; Social Entitlement Chamber; Health Education and Social Care Chamber (including, amongst others, Mental Health Tribunals); General Regulatory Chamber; Tax Chamber; Immigration and Asylum Chamber and Property Chamber)

It does not cover the Employment Tribunal and Employment Appeal Tribunal. The Solicitors Disciplinary Tribunal and other similar regulatory and disciplinary tribunals are also not covered.

- a statutory inquiry (within the meaning of the Tribunals and Inquiries Act 1992)
- a court-martial, or ecclesiastical court (including the Court of Faculties)

By analogy, this is likely also to include the Coroners Courts.

3. Who is authorised to conduct litigation?

The right to conduct litigation is reserved to any person authorised to conduct litigation by an approved legal regulator under the LSA 2007 ([section 18](#)).

This will include solicitors who are on the roll and hold a practising certificate granted by the SRA (so long as they have no restrictions in place which prevent them from doing so).

It will also include other qualified lawyers such as:

- costs lawyers (in relation to legal costs), and
- chartered legal executives, barristers and patent/trademark attorneys (but in each case only where they have the relevant practising rights)

This will also include:

- bodies authorised by the SRA to provide legal services (recognised bodies, licensed bodies or recognised sole practices)
- certain other bodies – for example, CILEX-authorized firms where run by a member with the relevant practice rights

Both the firm and the individual carrying on the activity must be authorised: if a person carries on a reserved activity when they are not entitled to do so, they may be found guilty of a criminal offence.

The LSA 2007 makes it an offence for an employee to carry on a reserved activity when unauthorised, irrespective of whether their employer is authorised ([section 16](#)).

This position is reflected in rule 5.3 of the [SRA Authorisation Rules](#), which states:

“An authorised body may only carry on a reserved legal activity through a person who is entitled to do so”.

4. What does and does not fall within the reserved activity of the conduct of litigation?

The statutory definition relates solely to steps taken in proceedings initiated before the courts.

This will not cover activities that take place prior to issue and which do not involve any contact with the court ([Heron Bros Ltd v Central Bedfordshire Council \(No 2\) \[2015\] EWHC 1009 \(TCC\)](#) (obiter)). For example:

- advising on the merits, or drafting particulars of claim, or
- pre-action correspondence or other steps taken with the intention of settling without bringing proceedings

This would also include providing advice and assistance at the police station, which takes place prior to criminal proceedings (although [other accreditation requirements may apply](#)).

When it comes to determining what is covered, the leading authority is *Agassi v Robinson (Inspector of Taxes) (Costs)* [2006] 1 WLR.

This confirmed that the statutory definition must be interpreted narrowly, because a breach is a criminal offence, and that the ancillary (or subordinate) tasks covered will be limited to formal steps in the proceedings.

In practical terms this will include, for example, issuing, filing and serving applications and statements of case.

However, a distinction can be made between those formal steps and administrative – or “purely clerical or mechanical” – tasks.

This means that activities such as photocopying, preparing bundles and arranging conferences with counsel are not covered.

This was considered in [Ndole Assets Ltd v Designer M&E Services UK Ltd \[2018\] EWCA Civ 2865](#), which distinguished the formal delivery of documents (an administrative task) and the role a solicitor carries out taking legal responsibility for their service (which was found to be the conduct of litigation).

Certain tasks such as giving legal advice (Agassi), taking a statement from a witness, or dealing with correspondence from the other party, will not generally be included.

However, this will be a question of fact and degree in each case, focusing on the actual role of the person in question and the actual activity undertaken. This is a matter of substance, not form (Ndole).

A finding that a person has carried out the conduct of litigation can therefore arise from a single action, such as issuing a claim form, or a series of actions which when taken together show that in substance they are responsible for the conduct of the litigation.

In [Baxter v Doble \[2023\] EWHC 486 \(KB\)](#), the “tipping point” to performing conduct of litigation flowed from the fact that the non-authorised individual had done:

“everything...in relation to the proceedings that a solicitor or other authorised person would have done. They gave full-service assistance...including drafting all of the documents required to comply with formal requirements, giving instructions to counsel, making a payment to court, corresponding with the other side, and ensuring that all procedural steps complied with the CPR.”

In [Ellis v Ministry of Justice \[2018\] EWCA Civ 2686](#), Mr Ellis was found to have carried out a range of activities which constituted the conduct of litigation – including serving documents, filing documents at court, giving assistance to people at court hearings and giving his address as an address for service – in circumstances where he acted as the driver behind vexatious and meritless claims).

4.1 Relation with exemptions and other reserved activities

The LSA 2007 intended to preserve the status quo, and to maintain rights ([Schedule 2 paragraph 4\(2\)](#)) that were in existence before it came into force.

It also sets out exemptions in [Schedule 3](#). A non-authorised person may nonetheless carry out the conduct of litigation in relation to any proceedings if they have:

- been granted by a court the right to conduct litigation in relation to those proceedings, or
- a right to conduct litigation in relation to those proceedings granted by or under any enactment

This latter exemption includes, for example, rights granted to conduct proceedings before the magistrates’ court to individuals authorised under section 223(1) of the Local Government Act 1972, or section 39 of the Health and Safety Act 1974.

You will want to consider carefully any specific statutory permissions or other approvals that apply to your work, especially in the context of regulated activity for example as an immigration adviser, and any accreditation schemes.

The activity of “preparing an instrument relating to court proceedings in England and Wales” falls within the definition of “reserved instrument activities” under the LSA 2007.

To the extent that carrying on this activity also fall within the conduct of litigation, this can be done under the direction and supervision of an authorised individual (where this is done by an employee or fellow employee of the authorised individual, or fellow employee/manager within an authorised body).

Rights of audience (the right to appear before and address a court, including the right to call and examine witnesses) are dealt with separately under the LSA 2007.

The authorisations required for those appearing before the court and those carrying on the conduct of the litigation will need therefore to be considered separately.

It is, however, worth noting that any person whose work is to assist in the conduct of litigation and is acting under the supervision of an authorised person who can conduct litigation, is entitled to appear in chambers hearings in the County Court and High Court.

4.1.1 Exclusions for reserved family proceedings

These exemptions do not apply to certain family court proceedings:

- certain family court proceedings relating to international family law disputes , and
- before a single lay magistrate or bench of lay magistrates (Schedule 3(1)(7) LSA 2007 and [Schedule 10, Part 2, para 98\(1\) Crime and Courts Act 2013](#))

Advice is being taken on the reserved family proceedings that are specifically excluded, and further guidance will follow.

5. What can be done by a non-authorised person?

Much of the work involved in litigation can nonetheless be carried out by non-authorised staff – either as it doesn’t amount to the reserved activity of the conduct of litigation or as it falls within their role assisting an authorised person.

The SRA’s submissions to the court in *Mazur* confirm that a non-authorised person can help with litigation to a significant degree, including with activities such as:

- drafting pleadings, particulars of claim, applications and correspondence
- proofing witnesses
- drafting statements, and
- signing a statement of truth

Whether an authorised person is carrying out the relevant task with support or assistance (as opposed to this being carried out by the non-authorised person under supervision) depends on whether they have “assumed responsibility” for the task and exercise “professional judgement” in respect of it.

Mazur highlights a few high-level factors to take into account such as:

“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”.

This means that tasks can be delegated, and this can be specific or general (with non-authorised staff working to guides or protocols) so long as:

- there is an authorised person responsible for each matter
- the work is actively supervised in line with wider regulatory obligations, and
- the key decisions and formal steps in the proceedings are escalated to the authorised person, who exercises their professional judgement in relation to them

You may want to take specific advice on how this applies to your practice, particularly where your work involves specialist proceedings.

5.1 How this might work in a civil case: example

However, the following acts as an illustrative example of how this might work in a civil case:

Non-authorised person undertakes pre-action activity, prepares appropriate documentation and drafts the claim form and particulars of claim.

Authorised person applies their professional judgement to the decision whether to proceed with commencing the claim, having regard to their obligations to the court.

The authorised person will need to be able to show they have signed off the approach in the pleadings, not just signed off the document itself without applying their mind to the contents.

Those non-authorised individuals permitted under the Civil Procedure Rules (22.1 and 2.3) to sign a statement of case would be permitted to do so.

(*O'Connor v Bar Standards Board* [2012] EWHC considered that this did not comprise the conduct of litigation in the context of the changing roles of self-employed barristers.)

Authorised person takes responsibility for sending the claim form for issue and serving the document. It would be sufficient for there to be a clear record on file that this step was approved by the authorised person, and for a non-authorised person to take the mechanical step of uploading the document online, or delivering the document, as appropriate.

Similar arrangements apply for handling the defence, and any applications, submissions or documents filed with the court.

The non-authorised person can be involved in the preparation of the underlying documents, but an authorised person must apply their professional judgement to the documents and the decision to file or serve.

Correspondence with the court should generally be signed off by the authorised person (*JK v MK* [2020] EWFC 2).

Where this involves simply submitting information electronically, the authorised person can be assisted with this mechanical task but should record on the file that they have approved the submission.

The non-authorised person can be involved in handling ongoing matters including:

- correspondence
- instructions to counsel
- giving advice
- preparing documents
- gathering evidence
- taking and preparing witness statements
- instructing experts
- dealing with disclosure, and
- similar matters

However, matters relevant to the formal stages in the proceedings (for example, the decision to settle a claim and withdraw proceedings) should be escalated for approval or directed by an authorised person.

The same is the case for directions given to advocates or the content of instructions which impact steps in connection with the proceedings.

5.2 How this might work in family litigation: example

The same principles apply in relation to family litigation:

In the case of decree proceedings, if the firm is conducting the litigation, the authorised person will make the decision to issue an application for divorce, and to apply for the conditional and final order.

However, if the substance of the service the firm is providing is to assist a client acting in person to obtain their divorce, but not conducting the litigation themselves, that assistance can be provided by an unauthorised individual, subject to usual professional supervision.

A non-authorised person will seek to negotiate arrangements for children and finances.

The authorised person will make any decision to make or defend an application, and whether to make or accept settlement offers where proceedings are underway.

The unauthorised person will support them by taking instructions, drafting statements and applications, and the mechanics of transmitting documents to the court.

5.3 How this might work in criminal proceedings: example

Similar principles apply in criminal proceedings, as follows:

Non-authorised person undertakes pre-action activity, including attending at police station, gathering the evidence and drafting the court documents.

Whilst a barrister may lead the work for the defence, with the support of non-authorised individuals, formal steps in the proceedings will need to be carried on by a person with litigation practice rights.

If the barrister is not authorised to conduct litigation, then another authorised individual will need to take responsibility for those steps.

Steps a non-authorised person might undertake to support the authorised person could include:

- taking proofs of evidence from the client and witnesses
- instructing expert witnesses
- analysing served evidence and the schedule of unused materials
- compiling a defence jury bundle
- instructing counsel, and
- drafting a response to a Proceeds of Crime Act or Serious Crime Prevention Order application

While a non-authorised person may draft a defence case statement, and a certificate of trial readiness, the filing of these documents at court is likely to be considered the conduct of litigation and should be done only at the direction of an authorised person.

Similarly, applications during the course of a case, such as for bail, to exclude evidence under section 78 of the Police and Criminal Evidence Act 1984, or to adduce bad character evidence, may be drafted by counsel or by a non-authorised person supporting an authorised litigator, but should be filed only at the direction of the authorised person.

The authorised person will need to be able to show they have signed off the approach, not just documents, and taken responsibility for the service/filing of any applications; albeit that a non-authorised person can take the mechanical step of uploading or delivering documents.

Matters relevant to the formal stages in the proceedings (for example, the decision as to plea) should be escalated for approval or directed by an authorised person.

The same is the case for directions given to advocates or the content of instructions which impact steps in connection with the proceedings.

If you are involved in initiating proceedings: an authorised person will need to take responsibility for laying the information before the magistrates' court and serving the summons or requisition/charge, initial details of prosecution case, or similar, as appropriate.

Similar arrangements apply for handling any applications, submissions or documents filed with the court, and, as with defence work above, ongoing work in bringing the prosecution.

5.4 Practical steps firms can take

Practical steps that firms can take towards compliance with the rules, include:

- reviewing policies and procedures to make sure these document the steps involved in your litigation processes and who carries each of these out
- making sure that an authorised person is involved in each matter. Check that the practising rights of the authorised person include the conduct of litigation and that they have the relevant technical skills and competences for the litigation in question
- making sure that those key formal trigger points which amount to the conduct of litigation are the responsibility of the authorised person. Document decision-making to demonstrate the professional judgement applied to these steps in the proceedings
- training all staff involved in your litigation processes on the policies and procedures to be followed and the reasons for them and have suitable supervision and review processes in place to make sure that the policies and procedures are being followed in practice

6. Consequences of breach

It is a criminal offence under the LSA 2007 to carry on the conduct of litigation yourself if you are not entitled to do so, or through an employee or manager who is not themselves entitled to do so ([section 14](#) and [section 16](#) respectively).

In either case, this could result in imprisonment or a fine, or both. This may also amount to contempt of court.

It is a defence to the former to show that you did not know and could not reasonably have been expected to know, that the offence was being committed; and to the latter to show that you took all reasonable precautions and exercised all due diligence to avoid committing the offence.

Acting without authorisation will also comprise a breach of your regulatory obligations and may result in disciplinary action.

You should make sure you are familiar with the SRA's guidance and [enforcement strategy](#).

If you identify a potential breach, you should take prompt action to:

- review and correct the position
- understand and address any impacts this has had on the handling of clients' cases, and
- consider and document carefully whether the breach is serious and needs to be reported

In [Media Protection Services Ltd v Andrew Crawford, Christine Crawford](#), the court found that the consequence of laying an information in breach of the prohibition was that the prosecution could not proceed because there had been no lawful laying of the information.

However, the conduct of proceedings by a non-authorised person does not automatically nullify the proceedings or any of the activities in question.

The case of *Ndole* highlighted that, rather, criminal and regulatory sanctions were the intended consequences of the statutory scheme.

Whilst the courts might decide to set these aside on the individual facts, this was considered to be unlikely in *Ndole* for several reasons, including that the acts were done in good faith.

The draconian impact, where this had no relevance to the merits of the case, was also raised.

A similar position was taken in *Mazur* in which the judge declined to strike out the claim as an abuse of process, commenting that whether or not the lodging of the initial claim had been tainted, the issue had been rectified and to do so would cause real prejudice to the respondent.

Given this indication by the courts, particularly in the cases relating to civil proceedings, you should be careful not to behave in a way that risks straying into improper use of satellite litigation to attempt to influence another party's behaviour or the progress of the litigation.

The SRA may consider this to be misconduct.

7. More information

7.1 Legal Services Board review

On 1 October 2025, the Legal Services Board announced it would undertake a [regulatory review following the Mazur ruling](#).

The review aims to establish:

- what happened in the past, and
- how approved regulators and regulatory bodies ensured that information on conducting litigation was accurate and reliable

The LSB review will help identify possible lessons to maintain clarity and confidence in the regulatory framework.

Legal status

Practice notes represent the Law Society's view of good practice in a particular area. They are not intended to be the only standard of good practice that solicitors can follow. You are not required to follow them but doing so will make it easier to account to oversight bodies for your actions.

Practice notes are not legal advice, and do not necessarily provide a defence to complaints of misconduct or poor service. While we have taken care to ensure that they are accurate, up to date and useful, we will not accept any legal liability in relation to them.

For queries or comments on this practice note contact our [Practice Advice Service](#).

SRA Principles

There are seven mandatory principles in the [SRA Standards and Regulations](#) which apply to all aspects of practice. The principles apply to all authorised individuals (solicitors, registered European lawyers and registered foreign lawyers), authorised firms and their managers and employees, and to the delivery of regulated services within licensed bodies.

Terminology

Must – a requirement in legislation or a requirement of a principle, rule, regulation or other mandatory provision in the SRA Standards and Regulations. You must comply, unless there are specific exemptions or defences provided for in relevant legislation or regulations.

Should – outside of a regulatory context, good practice, in our view, for most situations. In the case of the SRA Standards and Regulations, a non-mandatory provision, such as may be set out in notes or guidance.

These may not be the only means of complying with legislative or regulatory requirements and there may be situations where the suggested route is not the best route to meet the needs of a particular client. However, if you do not follow the suggested route, you should be able to justify to oversight bodies why your alternative approach is appropriate, either for your practice, or in the particular retainer.

May – an option for meeting your obligations or running your practice. Other options may be available and which option you choose is determined by the nature of the individual practice, client or retainer. You may be required to justify why this was an appropriate option to oversight bodies.

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