

THE UNAUTHORISED PERSONS PROBLEM

Metadata, Accountability & the Fight for Public Confidence in UK Law

On 31 March 2026, the Court of Appeal handed down its judgment in *Mazur & Stuart v Charles Russell Speechlys LLP & Others* [2026] EWCA Civ 369, establishing a framework for when unauthorised persons may perform litigation tasks - provided an authorised person retains responsibility and puts in place proper supervision.

We agree with the original High Court position: **only authorised persons should conduct litigation**. The Court of Appeal framework raises an urgent and unanswered question - what does supervision actually mean, and how is it verified?

THE NURSE AND SURGEON QUESTION

Will we next allow nurses to perform surgery on patients, as long as the surgeon "pops in now and then"?

If not, then why should we accept a paralegal or unqualified person conducting the substance of litigation - drafting arguments, managing evidence, advising clients - simply because a partner is nominally listed as responsible?

The public expects that when they instruct a law firm, **qualified, authorised individuals are doing the work**. The Court of Appeal judgment does not adequately protect that expectation.

THE PROBLEM: SUPERVISION WITHOUT STRUCTURE

The Court of Appeal confirmed that delegation requires "*proper direction, management supervision and control*" - but left the details to regulators. Without a defined, verifiable standard, "**supervision**" becomes whatever a law firm partner chooses it to mean.

Before any bill involving unauthorised work is accepted, courts, regulators and clients must demand concrete answers to three questions:

- **Who** supervised each task - name, seniority and authorisation status?
- **When** did supervision occur - date, time and duration?
- **What** was reviewed - which documents or decisions were checked by the authorised person?

THE SOLUTION: METADATA ANALYSIS

In today's digital legal environment, every document carries metadata. Word files, emails, case management systems and billing software all record **who created, edited and approved every piece of work - and when**. This data cannot be fabricated after the fact.

If a bill is being asked to be paid by a law firm, metadata reports should be the first requirement - and the courts need to see them.

Metadata analysis can reveal - in seconds - the full chain of who worked on a file, the volume of work done by each person, and whether any authorised person meaningfully reviewed the work before it was submitted or billed. **There is no place to hide in metadata.**

CASE EXAMPLE: THE IRWIN MITCHELL BILLING RECORDS

In the matter involving Ian Rush against Irwin Mitchell, documented billing records raise serious questions about the authorisation chain at every stage.

The records show an unauthorised person accounting for approximately **90 hours of work** on the file - while the supervising partner records just **2 hours**. There is no structured record of what the partner reviewed, what was approved, or at what stage the authorised person was meaningfully involved.

A partner saying they supervised is not evidence of supervision. **Metadata showing what they reviewed, when, and for how long - is.**

If Irwin Mitchell cannot produce metadata demonstrating a proper authorisation chain for every task billed, the bill itself is unenforceable under the Court of Appeal's own framework.

WHAT WE ARE CALLING FOR

- **Reject the Court of Appeal framework as insufficient** without mandatory regulatory standards defining lawful supervision - with specifics, not generalities.
- **Require metadata reports** as standard disclosure in any billing dispute or costs assessment involving work by an unauthorised person.
- **Establish a chain of authorisation standard:** every task billed must be accompanied by a record of which authorised person reviewed it, their seniority, and when.
- **Support the Legal Services sector** in challenging any appeal of the original High Court position that only authorised persons should conduct litigation.
- **Build public confidence** by making supervision transparent, verifiable and subject to independent scrutiny - not left to a partner's word.

REFERENCE: THE LAW SOCIETY POSITION

The Law Society has stated that the Court of Appeal judgment "*provides an outline framework for those involved in litigation to use in assessing whether supervision is adequate and lawful*" and "*confirms the continuing importance of supervision being in place, which will require further regulatory guidance.*"

We welcome the acknowledgement that further guidance is needed. We submit that such guidance must be built on verifiable data - not professional assurances.

Source: The Law Society - Mazur v Charles Russell Speechlys: what it means for litigators (13 Apr 2026) - lawsociety.org.uk

The courts exist to build public confidence in the rule of law.
Supervision without evidence is not supervision. It is assumption.
We will not accept a bill - or a judgment - built on assumption.

This document is prepared in connection with ongoing proceedings and advocacy relating to unauthorised persons in legal practice. All case references are to publicly available judgments.