

# IR9 Briefing Note

Using our own case findings to investigate public-purse exposure, legal billing, and the use of unauthorised personnel in high-volume negligence and public-authority litigation

**Purpose.** This briefing explains how our own litigation findings led us to investigate wider public reporting around the same law-firm environment, including NHS and police-related negligence and misconduct claims. It sets out our position that AI-assisted scrutiny can help identify excessive billing, poor supervision, and the use of individuals who may not have had proper entitlement or oversight for reserved legal work.

## Executive summary

- Our concern did not start as a public-policy project. It began with irregularities we say we observed in our own case: questions over supervision, signing, authority, and whether certain steps were being taken by the right people in the right way.
- Those findings prompted us to look outward. We then encountered public material showing the enormous scale of negligence and public-authority litigation linked to the NHS and police, and the very substantial legal-cost burden carried ultimately by the public purse.
- The public data are striking. NHS Resolution reported that in 2023/24 it paid £545 million in claimant legal costs and £169 million in NHS legal costs, alongside £2.107 billion in damages. Public reporting on 2024/25 stated claimant legal costs rose further to £621 million and defence legal costs to £181 million.
- Our position is not that every use of non-qualified staff is unlawful. Following the Court of Appeal decision in Mazur, unauthorised staff may perform litigation work under proper direction, management, supervision and control. The key issue is whether supervision was real, documented, competent and lawful in the specific case.
- We therefore propose an AI-led recovery and audit model: identify files involving questionable billing or weak supervision; test whether any reserved activities were carried out without proper entitlement; quantify tainted costs; and pursue recovery wherever the evidence justifies it.

## How our case led us here

In our own proceedings, we believe we came across patterns that raised serious concerns: documents and procedural steps associated with people whose status, authority or supervision required much closer scrutiny. That experience changed our focus. It suggested that what looks at first like a case-specific irregularity may, in some instances, point to a larger structural problem about process, delegation and billing discipline.

From there, we investigated public material concerning the same law-firm environment and its role in claims touching public bodies. We found a major public conversation around negligence claims against the NHS, actions against police forces, and the legal-cost consequences of litigation ecosystems in which very

large volumes of work are processed over long periods.

The issue for us is not whether injured claimants should be compensated. They should. The question is whether the legal system is also tolerating inefficiency, inflated cost build-up, poor supervision and procedural shortcuts that unnecessarily drain money from frontline public services.

## Why the financial scale matters

Source / year	What was reported	Value
NHS Resolution 2023/24	Claimant legal costs paid	£545m
NHS Resolution 2023/24	NHS legal costs paid	£169m
NHS Resolution 2023/24	Damages paid to claimants	£2.107bn
Law Gazette on 2024/25	Claimant legal costs	£621m
Law Gazette on 2024/25	Defence legal costs	£181m
Irwin Mitchell FY25	Total revenue	£329.3m

These figures do not establish wrongdoing by any single firm. They do, however, show why public-purse scrutiny matters. Once annual legal costs reach the high hundreds of millions across claimant and defence spend, even modest percentages of overbilling, avoidable process, or unlawful delegation would represent material sums.

## The legal lens: supervision, entitlement and reserved work

- **Reserved legal activities matter.** Rights of audience and the conduct of litigation are regulated activities under the Legal Services Act 2007.
- **Mazur changed the framing.** The Court of Appeal clarified that unauthorised individuals may carry out litigation work under proper supervision by an authorised person. This makes evidence of actual supervision central.
- **The core risk remains.** If somebody undertook a reserved act without entitlement, or if the supervising solicitor did not in truth direct, manage and control the work, there may be grounds to challenge the validity of steps taken, the recoverability of costs, or the propriety of fees charged.
- **Billing and supervision are connected.** A file can be financially inflated not only by hourly rates, but also by unnecessary hand-offs, duplicated attendance, defective work needing repair, and procedural acts taken by people who should not have taken them unsupervised.

## Our proposed AI recovery model

1. **File triage.** Use AI to flag high-cost files, unusual signatories, repeated adjournments, and questionable hearing attendance.
2. **Supervision audit.** Extract names, roles, signatures and chronology to test whether supervision is actually evidenced on the file.
3. **Reserved-work check.** Compare key procedural acts against entitlement and supervision records to identify possible challenges.
4. **Billing analytics.** Detect duplication, block-billing, excessive reviews and corrective rework to quantify inefficiency or overcharging.

**5. Recovery route.** Map findings to detailed assessment, costs challenge, negligence analysis, insurer notice or regulatory referral, depending on the evidence.

**Strategic point.** We are not arguing against compensation for genuine victims. We are arguing for forensic scrutiny of how litigation is staffed, supervised and billed when the counterparty is the public purse. AI can now inspect billing narratives, file chronology, procedural acts and representative status at a scale that manual review often could not achieve cost-effectively.

## What we want to achieve

Our objective is straightforward: recover as much money as the evidence lawfully supports back to the public purse. That includes challenging fees that should never have been charged, costs that should never have been recovered, and procedural work that may have been defective because the wrong people carried it out, or did so without proper supervision.

A mature programme would combine legal analysis, data science and case-by-case evidence preservation. It would be cautious, specific and fair. But it would also be ambitious: when public institutions face rising negligence and misconduct costs, the system owes taxpayers more than trust. It owes them auditability.

## Source note and caution

This document is written as a position paper based on our findings, concerns and subsequent review of public materials. It does not assert that every use of non-qualified personnel is unlawful, nor that any particular law firm is liable in any given case without file-specific evidence.

Key public sources reviewed for this note include: NHS Resolution annual report and accounts 2023/24; NHS Resolution annual statistics 2024/25; Law Gazette reporting on 2024/25 NHS clinical-negligence costs; the Legal Services Act 2007; Law Society and SRA materials following the Court of Appeal decision in Mazur; and Irwin Mitchell financial reporting for FY25.

Prepared for advocacy, strategy and investigative planning purposes.