

Newly Qualified Solicitors' Celebration



LIVERPOOL LAW



Prizewinners 2017/18

**Making sense of the
PI Reforms**

**Meet Chris Topping, Vice President
of Liverpool Law Society**

**Interview with Stephen Burrows Esq DL,
The High Sheriff of Merseyside**



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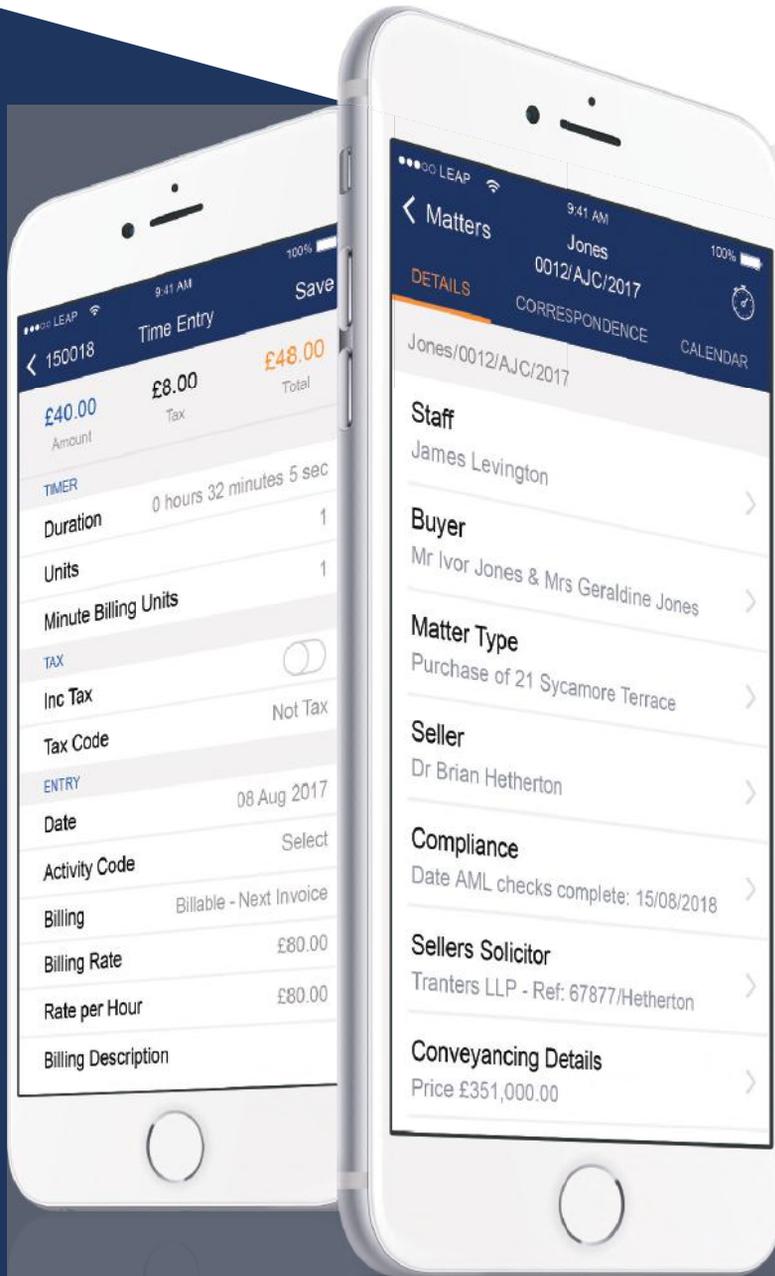
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February 2018

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Liverpool Law Needs YOU!

Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

All members' contributions to Liverpool Law are warmly welcomed. Please send your article (and photo captions where possible) or request for further information, or assistance to the editor at editor@liverpoollawsociety.org.uk

Photographs should be provided in the highest resolution possible to ensure a good reproduction.

The views and opinions expressed in Liverpool Law are those of the individual contributed and not those of the Liverpool Law Society.

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Welcome to our February edition.

I hope that even the most ardent traditionalists amongst you managed to navigate the first wholly digital version of the magazine, and are ready for the next! We have a very full edition for you this month, which is one of the advantages that the digital platform gives us, so there's plenty to read about in these pages. Please do let us have your feedback on the magazine, so we can continue to ensure it is relevant and reflects what our members want to see.

In the editorial committee meetings we have been discussing what would make interesting content. We would like to hear about your firms, particularly those we don't hear from often. We'd like to be able to share details about your history and structure, your people and their hobbies and interests as well as their legal achievements, and whether your firm has been involved in any ground-breaking or newsworthy cases, or specialises in any particular work, particularly if that is of the unusual variety. Sharing that information helps us all know what's going on within the local legal community, and what expertise we have amongst us, and could, of course, lead to referrals. So it's always worth sharing! Liverpool Law Society represents members from 235 firms and we only really hear about a small group of them, so please do let us know more about you.

For the least few years we have featured a charity in the magazine every month. If you work with or are involved with a particular charity, then that might be a great opportunity for them to be featured, to help them reach a wider audience, and even maybe for them to attract more support from our members and their firms.

Welcome to the February 2018 edition of Liverpool Law

Was anyone else, like me, captivated by "A House Through Time" on BBC2 recently? Everyone seemed to be talking about it – so if you missed it, it's definitely worth catching up with, for a fascinating glimpse into Liverpool's social history as well as some great views of the City. If you did watch it, you'll probably be interested in reading some interesting background about how the programme was researched on page 36.

We have plenty of events to look forward to in the next few months, but I would take this opportunity to highlight the Conkerton Lecture on 15th March. We are delighted that the Master of the Rolls is keen to come and speak to the lawyers of Liverpool, and we need to show him what great strength there is in the profession in this City, so would ask you please to attend if you can. This highly prestigious event only takes place every two years, and is free, so there is absolutely no excuse not to be there.

Don't forget to send in your reviews too! Films, restaurants, shows, gigs, books, whatever you are interested in. You never know, you could win a bottle of wine.....

You can send all of the above – contributions, feedback, reviews and more, to editor@liverpoollawsociety.org.uk – and I look forward to hearing from you! I hope you enjoy our February edition.

Alison Lobb
Editor
editor@liverpoollawsociety.org.uk

Editorial Committee Dates

Monday 12th February
Monday 15th March
Monday 9th April
Monday 14th May
Monday 11th June
Monday 9th July
Monday 13th August
Monday 10th September
Monday 8th October
Monday 12th November
Monday 10th December

All meetings start at 1pm

Diary Dates

12 - 16 Feb	NWLST - National Great Legal Bake
Wed 28 Feb	Management Conference
Fri 9 March	Directors' Meeting with Liverpool City Region MPs
Wed 14 March	Costs Conference
Thu 15 March	Conkerton Lecture by Sir Terence Etherton MR
Thu 22 March	Merseyside JLD and LLS Quiz night
Wed 25 April	Public Child Law Conference
Sat 28 April	It's a Knock-out Competition

Content Deadlines 2018

23RD FEB
29TH MAR
13TH APRIL
28TH MAY
28TH JUNE
27TH JULY
23RD AUG
26TH OCT
23RD NOV

President's Mentions

The latest news from the President, Nina Ferris

February is here already! The excesses of December are a distant memory and the gloomy days of January are over. New Year's resolutions may have dissipated to a distant memory, but there are organisations making changes. The Government for one! We have a new Lord Chancellor who, for the first time ever, is a solicitor. It remains to be seen whether that is a good or a bad thing. He will at least understand the importance of the Rule of Law, although some believe his voting history on matters such as access to justice could mean that parts of the legal system may be betrayed by one of its own. Time will tell.

With spring on the horizon it is a good time for our own organisations to look at what we can do better. We at LLS have recently been involved with the Fair City Forum, a group of leaders from the public, private, voluntary, community, faith and not for profit sectors. The Forum is led by Councillor Jane Corbett, the Mayoral lead for fairness and tackling poverty in Liverpool and the Bishop of Liverpool. It is one limb of the City Council's "strong and fair city" strategy.

The vision is to create a strong city built on fairness by tackling poverty, addressing its root causes and growing the economy inclusively to create in Liverpool a more equal society that works better for everyone. If that seems like a bold vision - it is. It is certainly a "big thing" and one which can, on the face, of it seem impossible to deliver but everyone, including us, can do their bit. For businesses and employers that "bit" is encouraging inclusive and sustainable growth. How we do it can be informed by the values which have been championed by Blueprint for Better Business (www.blueprintforbusiness.org), a charity set up to help organisations find their purpose to become sustainable. Blueprint has worked with very large organisations such as Vodafone and smaller organisations as well.

The Fair City Forum with the help of Blueprint wants to develop what has been called a "place based approach to purpose driven business". If that sounds too much like management jargon, a simple explanation is that it is businesses and employers in this city seeing themselves as part of the solution to delivering that inclusive and sustainable growth to the economy.

The five principles set out by Blueprint are that businesses are: honest and fair with customers and suppliers; being a good citizen, which includes providing access to opportunities to the less privileged and making a full and fair contribution to society; a responsible and responsive employer; a guardian for future generations by investing in developing skills and knowledge to produce a sustainable business; and having a purpose which delivers long term sustainable performance.

The Fair City Policy Statement (<http://councillors.liverpool.gov.uk/documents/s218207/Appendix%201%20-%20Fair%20City%20Policy%20Statement.pdf>) details some of the gaping inequalities within our city region. If we can use our influence to change that even marginally, life will be better for everyone.

I would encourage all of our members to consider the principles of purpose driven business when looking at your own firm's strategy, and we at LLS will do the same. We have discussed in the Forum ways in which the various sectors can work together or even various branches within that sector can work together to make Liverpool a fairer city for all and any ideas about how we can collaborate are warmly welcomed.

The Council acknowledges that there are no quick fixes to many of the



One of things I have mentioned previously is how we, the legal community in Liverpool, can differentiate ourselves to make Liverpool the first choice place to do business. If collaboration to make the city a fair, ethical and inclusive place to do business is what differentiates us and draws people, businesses and development here, there cannot, in my view, be anything bad in that.

complex challenges it faces, but says progress will be made through being innovative, collaborative and ambitious – qualities that our members are not short of. One of things I have mentioned previously is how we, the legal community in Liverpool, can differentiate ourselves to make Liverpool the first choice place to do business. If collaboration to make the city a fair, ethical and inclusive place to do business is what differentiates us and draws people, businesses and development here, there cannot, in my view, be anything bad in that.

I leave you with that thought and hope you enjoy some of the insights from our February edition of Liverpool Law.

Meet the Vice President

Chris Topping of the Jackson Lees Group was elected Vice President of Liverpool Law Society in December 2017. Former Chair of the Access to Justice Sub-Committee, he talks to Julia Baskerville about his career in the law and the year ahead...

Born and raised in Southport, Chris came to Liverpool as a trainee solicitor via the University of Sheffield and whilst Chris studied for his law degree, the miners' strike was centre stage in that city. He says "This was really a defining time for me and my fellow students who could see the injustice of striking miners in Sheffield city centre being forced to collect money in buckets to feed their families and this fuelled my politicisation and interest in social welfare law."

Chris went to the College of Law in Chester for his Part IIs and started looking for a firm to join as a trainee. He says "There were just a small number of firms in Liverpool that offered a range of social welfare law and I was offered a position with Jackson & Canter, and Andrew Holroyd was my principal."

Chris heads up the Actions against the Police department, which has developed a national reputation for dealing with complaints and claims of Police malpractice and he is recognised in the Chambers Guide as one of the leading solicitors in the country in this area of work.

Since the early 1990s Chris has undertaken many cases against the Police and says that over the years the types of cases change. He says "Some years ago there was a spate of cases relating to police cautions. We took some of these cases to the High Court and this created changes to the system of cautioning."

Chris's other notable cases include Keegan -v- United Kingdom in which the European Court made it clear that Article 8 of the European Convention on Human Rights needed to be at the forefront of Police thinking before people's homes were raided and also the case of Aru -v- Chief Constable of Merseyside Police which defined the routes of appeal in judicial review proceedings.

Chris joined the Liverpool Law Society Access to Justice Sub-Committee, which was formed in 2011 by the then President, Steve Cornforth. Chris then took over as Chair of the Committee and has organised a number of events, including the 'Mind the Gap' Conference on legal aid and the Joint Forum on Access to Advice for the local free legal advice sector, other not-for-profit organisations, local authorities, practitioners in private practice and members of the judiciary.

Chris was also named Human Rights Lawyer of the Year at the Law Society Excellence Awards in 2016.

Chris says that Liverpool Law Society continues to be relevant and feels that over the past few years it has become much more integrated into the Liverpool business community. He adds "We listen to our members and act on those soundings. We also have a very effective lobbying function and have fostered up strong relationships with local MPs and councillors and with the local universities such as the University of Liverpool and John Moores."

As Vice President, Chris sees his role as one of supporting Nina Ferris, the President and essentially learning the ropes. He says that he hopes to be able to get a wider view on the profession, not just those working in legal aid or social welfare law.



Chris Topping

Chris is married to Kathryn and they have three 'grown up' sons, Matthew, Sam and Josh.

In his "spare time" Chris is a lay reader at Christ Church Toxteth Park, and also currently the chair of the Mossley Hill Cricket Club, but doesn't play as much as often as he used to. Wife Kathryn is a keen gardener and Chris says he is currently undergoing an apprenticeship in gardening, assisting with the labouring.

20 INTERNATIONAL 18 BUSINESS FESTIVAL

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Meet the New Directors of Liverpool Law Society



**Alum Ullah
Armstrongs**

Alum Ullah is a solicitor at Armstrongs Solicitors, where he specialises in litigation, in particular credit hire and personal injury. Alum trained at Silverbeck Rymer and qualified in 2007.

He was an associate solicitor with Scott Rees and was employed there between 2010 and 2015 before moving to SGI Legal.

Alum joined the General Committee of Liverpool Law Society in November 2017, but has been a member of the civil litigation committee for the past 12 months.

Alum lives in Formby, is married, and has two girls, aged 2 and 7. He says most of his spare time is spent with his family. He enjoys reading and plays badminton, but recently gave up playing football and had taken up crown green bowling, which he enjoys and has won a number of competitions. He adds: "I tagged along with a colleague and always assumed it was an older persons' sport, but I took to it immediately and have had some success in local competitions."

Alum is also a Parent Governor at Freshfield Primary School.



**Nicola Harris
MSB**

Nicola Harris joined MSB Solicitors as a trainee solicitor in 2005 and qualified as a Solicitor in 2007. She became a partner in March 2017 and works in MSB's matrimonial department.

Nicola specialises in child law, public law and domestic violence and has experience in child abduction matters and is Resolution accredited and a member of the Law Society Childrens Panel. Nicola also represents parents in care proceedings involving the Local Authority.

Nicola also regularly undertakes work for victims of domestic violence and harassment, as well as finding time to provide free legal advice at Wavertree Citizens Advice Bureau and at Blackburne House, a womens' educational and support charity based in Liverpool city centre.

Nicola has been a member of Liverpool Law Society since qualification and joined the General Committee in November 2017.

As the parent of two children aged 2 and 3 Nicola says she has little spare time, but enjoys spending time with her family and socialising with friends.

General Committee (GC) – Meeting with Councillors

The first of 2018's two meetings between GC members and Local Authority representatives was held at Helix on 18 January. A range of GC members with various portfolios discussed topics with Cllr Jane Corbett (Liverpool), Cllr Emily Spurrell (Liverpool) and Cllr John Stockton (Halton).

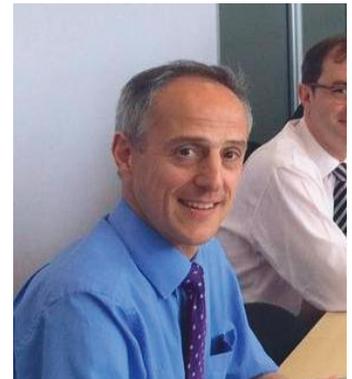
There was little new relevant Government-proposed legislation on which to brief the Councillors outside the area of Brexit Bills being taken through the current Parliamentary session. There are two Bills which I noted for local authority purposes, and also which might be of interest to practitioners.

Those two mentioned were the secure Tenancies (Victims of Abuse) Bill, which will affect Tenancy conditions for abused people, and the Data Protection Bill. The latter Bill - which covers the processing of information plus the Information Commissioner's functions and a code of conduct for direct marketing - is in addition to the General Data Protection Regulations which will come into force on 25 May 2018.

A variety of issues were raised by the three Councillors. Cllr Spurrell confirmed that she is also the Deputy Police and Crime Commissioner, and outlined the PCC's role in setting the budget plus policy objectives for Merseyside Police as well as the role's victim support work and consultation with the public.

Cllr Stockton highlighted the severe long leasehold covenants experienced by many people who had bought newly constructed homes in recent years. The discussion included recognition that conveyancers acting for long leasehold buyers need to investigate and advise fully on the Covenants which could apply to buyers.

Cllr Corbett updated the GC on the City Mayor's Hardship Fund, and Fair City policy for good business practice which is a concept which legal practices could in due course adopt as a mark of their ethical base.



Jeremy Myers

Access to Justice and to legal advice remains a hot topic. Chris Topping and Steve Cornforth confirmed that the Government's LASPO review results are awaited.

On conveyancing and related matters for new buildings, Cllr Corbett also highlighted two issues. First, the fabric of new homes and the fact that the Consumer Protection Act 2015 does not apply to such purchases. Second, Conveyancing practitioners might need to be aware of the concept of Fractional Investment, raised by Cllr Corbett and its place within Planning guidance.

Access to Justice and to legal advice remains a hot topic. Chris Topping and Steve Cornforth confirmed that the Government's LASPO review results are awaited. This is an appropriate point at which to mention that Liverpool University's School of Law and Social Justice is seeking evidence of problems in individuals being able to access advice. Practitioners should contact the School's Dr James Organ if they want to take part and submit evidence.

The next meeting is scheduled for Thursday 12 July 2018. As ever, members are very welcome to contact the office with suggestions for topics to raise with the Councillors.

**Jeremy Myers
LLS Parliamentary Liaison
Officer**

News from the Sub-Committees

Email: committees@liverpoollawsociety.org.uk for further information

Family Law

13th December 2017

This was the first meeting which was chaired by our new Family Chair Emma Palmer of MSB Solicitors. The meeting was very well attended which is common place for the Family Sub-Committee.

The meeting covered the usual standing items sharing useful updated information from the various committees that meet at Court. It was agreed that Emma is to circulate updating information to members of the committee which is thought to be useful and included (Emma as I missed the first part of the meeting I can't recall all of the items that are to be circulated to the committee and would be grateful if you could just insert this from the minutes to the write up).

There were members that were willing to attend the various future committee meetings that are to be held at Court and are invaluable for the committee as they identify the key issues and areas of concern for the local practitioner within the local Courts.

We were informed of useful training that is to be provided by Resolution nationally on line from the New Year which will be a more interactive experience and for which one of our committee members Dev Choudhary has had an active involvement in providing the voice over for the same.

There were also expressions of interest for new members to join the committee and such membership is always welcome particularly across those practices that are currently unrepresented on the committee with well-established family practices.

Adele Schofield
Past Chair

Employment Law

The committee met at lunch time on the 23 January 2018 at Liverpool Law Society.

Lindsey Knowles of Kirwans Solicitors presided over her first meeting as the newly installed Chair of the Employment Law sub-committee. Lindsey was welcomed by all the present members and looks forward to the year ahead.

The main topic of the meeting was the two key events coming up this year, namely, the Employment Judges Forum and the annual Employment Law Conference.

The Judges' forum will take place on 6 June 2018, commencing at 17:30. The forum is an excellent opportunity to ask questions of the Liverpool Employment Tribunal Judges' and hear their views on a variety of topics; not always legal! There will be a drinks reception before and after the forum to allow networking and an opportunity to chat with the Judges'. This really is a great event and the committee encourages all who can to attend. If anyone has any questions they would like to put to the Judges' then please send them through to Lindsey at Lknowles@kirwans.co.uk. The Judges' will also take ad-hoc questions at the event.

The Employment Law Conference will take place on 17 October 2018, commencing at 09:30 and will be a whole day training event. The

Conference is always well attended and really offers a diverse range of speakers covering up to date topical areas of Employment Law. The committee are keen to hear from anyone who has suggestions of any particular speakers or topics which they would like to see on the Conference Agenda. Again, please email Lindsey with any suggestions which you may have.

The committee noted and discussed concerns with the Employment Tribunal and its current resources. Several members commented that Preliminary Hearings are regularly being cancelled at short notice and urgent applications are not being dealt with swiftly, due to a significant backlog. It was noted that both issues can result in cost to both clients and their representatives. These issues will be brought up by the committee's representatives at the Employment Tribunal User Group.

It was agreed that the committee will experiment with a morning meeting, in the hope it would encourage and enable more members to attend. Lindsey, along with the other committee members, would welcome any employment law practitioners either in private practice or in-house, who would like to join the committee. It is an excellent opportunity for professional networking, discussing practice areas and getting involved in the employment law events which are put on by the Society. If you are interested in joining the committee please email Lindsey on Lknowles@kirwans.co.uk.

The next meeting will take place on 24 April 2018.

Chris Hayes
MSB Solicitors.

Non-Contentious

Unfortunately, the speaker for our December meeting cancelled at the last minute owing to ill health. In his absence we had a wide ranging discussion. These are the notes from our meeting.

Lasting Powers of Attorney, their use and abuse particularly considering the recent ITV edition of Dispatches which looked at relatives using LPAs to misappropriate funds for their own benefit. Discuss instructions and preferences which can be included such as an enabling provision to allow discretionary management investment and sight of wills, bearing in mind the recent practice note regarding the same. The comments made by recently retired Court of Protection Judge Denzil Lush re preference to deputyship cf. LPA. Discussed gifting and best interest decisions. Discussed storage of LPAs whether at office or if original is given to the donor client. Donor to inform GP etc that a Health and welfare LPA has been made and registered.

It would be useful for there to be an open forum to discuss LPAs and the Chair will see if this can be dovetailed onto Helen Clarke spring elderly client update. (Since the meeting I can confirm that this has been arranged and will take place directly after Helen's training).

Discussed organ donation, in the news that there is to be a consultation re deemed consent. No agreement and views ranged widely, from a dead body not needing the organs which may be of great benefit to very ill people and therefore the greater good dictates that there should be a presumption that a person has consented unless they have opted out. On the other side, the harvesting of organs without express consent was considered fundamentally wrong. There was general agreement that if a person has signed up as a Donor, the bereaved family should not be able to over rule the deceased. Donation should be discussed in families. No firm represented on the

committee carried any leaflets or information in packs and this was felt better to lie with GPs.

Training

Duncan Bailey had attended a LLS course on the family investment company which was very good and could be extended into a half day and use a worked example. Discussion that this is a cross between private client and commercial. Precedents are rare. A form of articles of association was not available.

Mr Bailey also reported on the second limb of the course on common reporting standards and whilst this had been interesting, there was a lack of useful and practical information.

There was a general discussion regarding business Lasting Powers of Attorney and the relationship with Articles and shareholder agreements.

Angela Hesketh reported that the residential conference would be in September 18 and she planned on being actively involved. Mrs Hesketh raised current issues in residential property including the proposed changes to long leaseholds, commonhold reform, SDLT, regulation of managing agents. There is a consultation which closes on 17th December and Mrs Hesketh stated that she would be pleased to complete the standard responses for possible submission via the LLS. Time is clearly short.

Chair thanked all who attended.

Next meeting 15th February 18.

Naomi Pinder, Chair
Catherine Higgins Law

It's a Knockout!! Who will come out top in the charity contest??

In the years in between Legal Awards we try to hold a social event that brings as many of our members together as we can. With the diary already filling up with dinners such as the Liverpool Professionals Dinner and events for the IBF we have decided to do something a bit different this year. We are holding an It's a Knockout Event on **Saturday 28th April at Merseyside Police Sports and Social Club, Riversdale Road, Liverpool.**

The event will support two local charities: Clatterbridge Cancer Charity - helping to transform Cancer care across Merseyside; and KIND - helping children across Merseyside cope with the effects of disadvantage and poverty.

There's nothing like a bit of friendly competition, so we are asking members to get together colleagues, friends and family into teams of up to ten ready to face battle against a whole load of inflatable obstacles to see who in the legal and professional services sector will come out on top.

Teams can register now and pay a deposit of £150. We are asking teams to raise a minimum of £500 per team with the balance paid on 27th April. After the costs of staging the event, all proceeds will go to the two charities. There will be prizes for the teams that raise the most money and the team that gets the most points on the day.

I would also encourage teams to get their cheer squads together and come down on the day to support these fantastic causes and have a great time as there will be entertainment as the show goes on. More details to come over social media, but secure your places now as they are sure to fill up fast!

To book visit www.liverpoollawsociety.org.uk/social-events

In House Lawyers welcomed at inaugural meeting'

The inaugural meeting of the new In House Committee of the Society took place on the 16th January at the Society Headquarters.

Despite the January weather there was a good turnout of in house lawyers and supportive main committee members.

The purpose of the meeting was to ask for volunteers to join the new Committee to drive this new in house initiative forward and the response from the attendees was very enthusiastic with many wanting to join this new committee.

Alexandra Cardenas, Head of Public Affairs and Campaigns from The Law Society Headquarters, travelled up from London to support the launch and gave a very interesting talk on the impact of Brexit and the recent Cabinet changes. We were told that English Law and jurisdiction is still favoured but that Germany, France and Ireland are competing hard for the work post Brexit.



The In House Committee will be following up on this new initiative with meetings to put together a list of events and matters of interest tailored to the in house community. Details will be published in future editions of Liverpool Law.

Martyn Rodmel
Chair



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What a wonderful Evening - A Celebration of Newly Qualified Solicitors



Last Thursday, I shared the joy and celebration of the young people who have been admitted to the profession in the last twelve months. The event was held at the White Star Grand Hotel at 30 James Street, the hall was very imposing if not on the cool side of warm; sponsorship was provided generously by Unoccupied Direct - <http://www.unoccupieddirect.co.uk/>

The hope and optimism of the newly qualified was infectious. They have worked so hard and have incurred student and other significant debt to study for the GDL and/ or LPC in order to qualify. Some have worked for years as para-legals, waiting patiently for their chance of a training contract. Their motivation is high and I love to hear their hopes and dreams and say "Well done!"

I met and chatted with new solicitors from the larger firms in Liverpool and Chester. I tried to impart some tips and wisdom acquired through 30 years of practise. The legal profession is a big umbrella and covers everything from crime to high commercial work. There is something for everyone but at the end of the day it is first and foremost being an Officer of the Court and adhering to the highest standards of honesty and integrity. This is what sets us apart.

There was an interesting address by the impressively uniformed High Sheriff of Merseyside Mr Stephen Burrows Esq DL. Mr Burrows described his varied role in connection with royal visits, working with the police and visiting schools in Liverpool where children are living in impoverished circumstances, where they are cold and hungry. The schools have become responsible not only for education but are also providing food and shoes for the children. This is shocking.

Our President Ms Nina Ferris made a warm speech of welcome to our new solicitors and emphasised the importance of being involved in the Liverpool Law Society. The presentation of the certificates and prizes then followed, group photos and lots of beaming smiles.

An event filled with joy, these young people are a credit to the profession. They are starting a new chapter on their journey of life in the law and deserve our congratulations and continuing support and encouragement for the future.

Naomi Pinder
Chair of the Non-Contentious Sub Committee
Catherine Higgins Law, Woolton



**Sally Woolston of Unoccupied Direct and
Nina Ferris**



Ali Hough, MJLD chair and Nina Ferris



NQs and guests



Members and guests



Members and guests



**Prize-winners for academic achievement
and all-round contribution to local legal
profession**



**Nina Ferris and Stephen Burrows Esq DL,
High Sheriff of Merseyside**



Members and guests

Interview with the High Sheriff

Stephen Burrows DL, the High Sheriff of Merseyside and Chairman of Brabners presented the Newly Qualified Solicitors with their certificates at the ceremony last month. Stephen talks to Julia Baskerville about his career in banking and the role of the High Sheriff

Stephen Burrows' career in banking started in a small branch of the Royal Bank of Scotland in Glasgow, where he was the junior clerk, or the 'office boy'. Stephen says that his father had encouraged him to go into banking, although he just wanted to be a footballer and had little interest in a 'career'. As the junior his roles included lighting the Manager's coal fire in the morning, making tea, and on Monday he would take the teller's stilleto shoes to the cobblers to be re-heeled after a weekend of dancing.

After 18 months, a 'blue envelope' arrived in the branch, which was an indication that someone was to be transferred. This one was for Stephen and he transferred to a much larger branch in the city centre with almost 50 staff. Three weeks into the job and Stephen had a meeting with the manager who told him in no uncertain terms that he needed to buckle down and start studying for his banker's exams. Stephen says "I really didn't like this man, but I also wanted to prove him wrong." After months of hand writing Standing Orders and other mundane tasks whilst studying in the evening Stephen qualified as a banker and his career path began to take shape, moving from branch to branch.

In 1975 Stephen was called into the office by the Manager and asked if he would like to move to Houston. Stephen presumed that the Manager was referring to a small village in Renfrewshire. It was only when the Manager kept referring to the heat that Stephen realised it was Houston, Texas. Stephen says that the furthest he had been prior to this was Lytham St Annes and asked if he could consider the offer over the weekend and discuss this with his wife Gillian. On the Monday, Stephen agreed and within four weeks they were

travelling to Texas, where his role was to identify gas and oil companies and to secure their banking business. Stephen says it was a wonderful opportunity and the family enjoyed their time in the South. Three years later Stephen moved to New York to open a new branch. He says "It was a very exciting time for the whole family, we were members of country clubs and became immersed in the social scene of the banking community." Whilst in New York Stephen was a Vice President and Member of the Board of Directors of the British American Chamber of Commerce and on the Board of the Institute of Foreign Bankers.

Each year a 'Highland Games' was held in Central Park and an actor or celebrity was appointed as "Chieftan". As a Scotsman Stephen was asked to escort the Chieftan and turned up at the appointed time at The Pierre Hotel in New York. Entering the room he found Charlton Heston sporting a kilt, and asking "Well Stephen, how do I look?". Stephen's response was "Great, but you have it on back to front" and then duly assisted in turning the kilt so the pleats were at the back.

Stephen remained in the USA for 11 years and on his return moved to Manchester as an Assistant General Manager and then onto Liverpool where he held the position of Regional Corporate Director and made his home on the Wirral where he still lives.

In 2001 Stephen retired from the Royal Bank of Scotland and joined Brabners as Chairman.

Stephen became a Deputy Lieutenant of Merseyside in 2014 and was appointed High Sheriff in April 2017. The Office of High Sheriff is an independent, non-political Royal appointment for a single year. The origins of the Office date back to Saxon times,

when the 'Shire Reeve' was responsible to the King for the maintenance of law and order within the Shire, or County and for the collection and return of taxes due to the Crown.

There have been High Sheriffs for at least 1000 years. Originally they were royal officials appointed to enforce the King's interests. By the 1300s the power of the Sheriffs was lessened but they still issued writs, organised Court sittings and executing sentences.

Since 1399, when The Duchy of Lancaster became associated with the Crown, reigning monarchs have appointed the High Sheriff of Lancashire. As a result of the Local Government Act 1972, the Duchy now appoints High Sheriffs in Lancashire, Merseyside and Greater Manchester. Today, The Queen 'pricks' the names of the three High Sheriffs 'on the Lites' (on the list) with a bodkin, in the presence of the Chancellor of the Duchy of Lancaster.

Stephen says the role is steeped in tradition, which is reflected in the uniform which includes a sword and spurs - dating back to the days when the only mode of transport was the horse.

Part of Stephen's role is to welcome and entertain High Court Judges and has sat on the Bench as an observer. This aspect of the role of High Sheriff to care for the Judges dates back hundreds of years. He has also spent time with the "blues" - the Police, Fire Brigade, the Ambulance Service and the Prison Service. Stephen recently spent a very eventful night in a squad car as the police responded to a number of drug-related stabbings.

Stephen has also visited a number of schools in Liverpool and was horrified to discover how



Stephen Burrows

many pupils come to school without eating and how teachers and staff were having to provide breakfast before classes started.

One of Stephen's main roles is to offer encouragement and support to the voluntary sector and give awards to individuals within voluntary groups for their contributions to charity and helping those in need. Stephen says "I find it amazing to see how much effort is put into helping those less fortunate by these volunteers and it is an honour for me to make presentations to these individuals."

Stephen is also the Honorary Consul for Latvia and is a member of the International Cotton Association.

Stephen is a member of Caldby Golf Club and also enjoys football, rugby and theatre. He and Gillian have two daughters and four grandchildren.

Making sense of PI Reforms

It is now over two years since George Osborne stunned the PI sector by announcing a new round of PI reforms in the Autumn Statement of 2015, supposedly to combat fraud and reduce motor premiums by £50-60 per policy. Astonishingly, throughout the intervening period, no responsible MoJ Minister has been directly cross-examined on the rationale and evidence base for the proposed reforms. That changed on 16 January 2018. Though having witnessed the spectacle of the Justice Select Committee putting the MoJ's Lord Keen of Elie through his paces, it is perhaps understandable why it has previously been avoided.

The encounter was highly revealing, but without being enlightening. It was novel to hear, yet depressingly familiar. Perhaps most of all, it was a damning indictment of departmental policy that seeks to effectively deny legal representation to hundreds of thousands of honest claimants every year.

It was clear to anyone who viewed the hearing that despite numerous consultations, inquiries, taskforces, stakeholder meetings, roundtables, conferences, correspondence and every other form of communication available, the MoJ still has little or no evidence of the supposed problems with which they seek to justify the reforms and more worryingly, few solutions about how to tackle some of the problems that they will create. Some of the views expressed by the Minister are entirely outdated or discredited.

When asked to justify his claim that "most" claims are fraudulent, he offered no evidence. The likely greater role for CMCs following the reforms is "not of itself a bad thing". BTE insurance to fund legal representation may go up (becoming unaffordable to most), but they can still pay for it out of damages. Or they can visit their local Citizens Advice Bureau. The BTE market could be replaced by "good" CMCs, apparently unconcerned that claimants will be driven into the hands of money-driven, uninsured, unscrupulous CMCs. The legal process will be fully accessible to LIPs, as it's not that complicated. There is no evidence that there will be an increase in inequality of arms, although the Transport Select Committee wrote to him on precisely this point last year, highlighting its evidence from its 2013 inquiry.

As Jason Tripp of Coplus, an LEI provider, said in earlier evidence to the Committee, the reforms are a "one-size-fits-all approach" and "were the reforms to go ahead and legal cost recovery to be removed for 95% of personal injury claims, it would cast doubt over the ability of legal expenses providers to use expert legal representation as the standard service in personal injury claims." Mrs Justice Simler, a member of the Civil Executive Team of the judiciary for England and Wales said: "We were concerned by the absence of any evidence to support the assumption that the portal could or would be redesigned to accommodate litigants in person, either at all or in as efficient and effective a manner as it currently operates."

It was clear from the evidence session that the MoJ believe that a reconstituted Portal will successfully guide LIPs through the legal process. They cannot as yet explain how it will work, when the system will be fit for purpose and appear to be against piloting it prior to launch.

The supposed savings for insurers translating to a £50-60 reduction in motor premiums has tumbled down to nothing, and is now translated as premiums will not rise quite as much as they might have. Insurers are still waking up to the fact that their customers will still require advice and assistance in the event of an accident, whether for an injury or non-injury.

In summary, no-one outside the Ministry of Justice believes that "most" claims are fraudulent. Most, but not all, insurers and defendant solicitors still think the reforms are broadly a good idea, although not without consequences, but claimant solicitors, the



Donna Scully

trade unions, at least one LEI provider and the senior judiciary have serious concerns about the detrimental impacts caused by the reforms. Absolutely no-one thinks it is a good idea to encourage a re-vitalised CMC market to act as 'advisers' to LIP claimants, apart from CMCs themselves – and MoJ Ministers. An already confusing world just got a little bit more difficult to comprehend.

**Donna Scully, Director
Carpenters**

The Liverpool Law Society Prizes 2017/18

Presentation of Prizes

Prizes are awarded for achievement in professional examinations based on the results of the Legal Practice Course at the Liverpool John Moores University and for the second time from BPP. This year there were no nominees from the University of Law in Chester

The name of the original prizes are retained, even though they are no longer awarded according to the terms that were originally laid down. They are now funded by Liverpool Law Society through its charitable funds.

Each prizewinner receives a copy of the renowned work, 'A Century of Liverpool Lawyers', published by the Society, together with a cheque for £100.00.

Prizewinner	Prize	Firm
Harriet Clayton	Rupert Bremner	DLA
Andrew Nicoll	Atkinson	DWF
Danny Greenland	Enoch Harvey	Brabners
Kathryn Byrne	Timpron Martin	Woodward

A further two Liverpool Law Society Prizes are awarded.

The E. Rex Makin Prize is awarded to the youngest Solicitor to be admitted to the roll in the Liverpool constituency. The winner this year is Ms Ceri Jones of Russell and Russell Solicitors. Her prize is a cheque for £50 and a copy of 'A Century of Liverpool Lawyers'.

The Muir Matthews Prize is awarded to a young/trainee solicitor in Liverpool who is judged to have made the largest contribution on an all round basis. The winner is Mr Ali Hough who is working with DWF. His prize is also a cheque for £50 and a copy of 'A Century of Liverpool Lawyers'.

European Court of Justice examines the scope of compulsory motor insurance

In this article, Alistair Kinley, director of policy and government affairs at BLM reviews two recent and significant European cases which clarify aspects of compulsory motor insurance. Part 1 deals with the distinction, for insurance purposes, between “use” of a vehicle as a means of transport and its use as a machine. Part 2 deals with the geographic element of “use”, which the ECJ addressed in a Spanish case and which has resonance with the “road or other public place” aspect of the insurance provisions of the Road Traffic Act 1998.

Motor insurance and mobile machinery: Rodrigues de Andrade (C-514/16)

In *Vnuk v Zararovalnica* (C-162/13) some three years ago, the European Court of Justice somewhat controversially decided that an accident caused by driving a tractor in a private farmyard fell within the scope of compulsory motor insurance required by Directive 2009/103/EC, the Codified Motor Insurance Directive (MID). In December 2017 it had to consider, in *Rodrigues de Andrade*, whether serious bodily injury to agricultural workers caused by the rolling over of a stationary unoccupied tractor, the engine of which was operating only to spray herbicide, should also come within the Directive?

The tractor which caused the incident back in 2006 in the *Rodrigues* case was static and being used as a machine to spray herbicide in a vineyard. The vibration of the engine, and it being sited on terrain wet from heavy rainfall that day, caused a landslip. The tractor toppled down the terraced vineyard and injured three workers and killed a fourth, Mr Rodrigues's wife. The Portuguese courts referred the circumstances to the European Court and asked if they came within the scope of the compulsory cover required by the MID as understood in the light of its decision in *Vnuk*?

The wide interpretation in *Vnuk* that compulsory motor insurance is necessary for “any use of a vehicle that is consistent with the normal function of that vehicle” might have been thought to

indicate a particular outcome in this latest case. But, on 28 November 2017, the ECJ held that the incident in *Rodrigues* did not fall within compulsory motor insurance. The tractor was not being used as a vehicle: it was being used as a machine.

The court drew a distinction with *Vnuk* on the basis that “use of a vehicle”, which the MID required to be insured, “covers any use of a vehicle as a means of transport” (emphasis added). The tractor in *Vnuk* was being driven to transport hay for storage.

The European Commission and the Governments of six Member States, including those of the UK and Ireland, had made written representations to the court before its decision in *Rodrigues*. Although this may have had no obvious bearing on the ultimate outcome - and the distinction with *Vnuk* is justifiable given the differing facts - it is nonetheless indicative of the level of interest in this issue. *Vnuk* itself gave rise to concerns about the unintended consequences of the wide approach of the Court to interpreting the scope of the MID, and the Commission's REFIT review of the MID over summer 2017 offered a very recent opportunity for those concerns to be repeated and re-emphasised.

It is not clear where *Rodrigues* leaves the overall debate about the scope of MID and compulsory motor insurance, particularly in the UK. It is certainly to be welcomed that the Court has adopted a pragmatic approach to the MID rather than further developing the expansionist view it showed in *Vnuk*. The decision in *Rodrigues* should operate to

reinforce “tools of the trade” exclusions in UK motor policies, which apply to dual use mobile machinery - such as road-legal tractors and mobile cranes - when they are being used as machines.

Rodrigues definitely does not resolve all of the unintended consequences of *Vnuk*, but we can now add an important qualifier to the decision in *Vnuk* that motor insurance is legally required for “any use of a vehicle that is consistent with the normal function of that vehicle ... as a means of transport” - with the last phrase here being taken from *Rodrigues*.

European Court of Justice decision in Núñez Torreiro (C-334/16)

On 20 December 2017 the ECJ published its judgment in this reference from Spain. Sr Núñez Torreiro was injured when the all-terrain military vehicle in which he was a passenger overturned during an exercise inside a restricted military area. The key question was whether Spanish legislation could exclude these circumstances from the scope of compulsory cover as required by the Motor Insurance Directive? The advice of the Advocate General, given in June 2017, was that it could not.

The Court decided to follow the AG's opinion. It found that the military vehicle fell within the definition of motor vehicle in the Directive and hence its use, as a vehicle (see *Rodrigues de Andrade*, in part 1 above) and consistent with its normal function (see *Vnuk*) must be subject to compulsory insurance.



Alistair Kinley

National legislation could not derogate from the compulsory insurance obligation in the Directive other than as permitted by Article 5 (i.e. either by type of vehicle or in respect of certain legal persons, often Government agencies). No relevant derogations had been put in place. The Court therefore held that reliance on the Spanish legal provision that sought to restrict motor insurance cover to use on “public and private roads or terrain suitable for use by motor vehicles” was precluded by the proper interpretation of the Directive.

The decision is not at all surprising, given the well-known effects of *Vnuk* and given the AG's earlier opinion. The effective striking down of the Spanish provision above probably serves to reinforce the incompatibility of the Road Traffic Act 1988's broadly similar restriction of compulsory motor insurance to use of vehicles on “a road or other public place”; a point which was expressly conceded by the Department of Transport in the RoadPeace judicial review.

The European Court was also asked by the Spanish referring court if compulsory insurance, as required by Article 3 of the Directive, may be understood to exclude uses of vehicles such as in motor sport, for industrial or agricultural purposes, or in ports or airports, from the scope of compulsory insurance? The Court however simply refused to answer this question on the grounds that it was hypothetical and had no bearing on the actual facts of the case.

Conclusion

These decisions may be helpful in that they offer further clarity at precisely the time when the European Commission is very likely to be finalising its options on the scope of compulsory motor insurance in the context of its REFIT review of many aspects of the Motor Insurance Directive (MID).

Vnuk rendered the Road Traffic Act 1988 incompatible with the MID, a point which was conceded by the Government in the judicial review by RoadPeace of the legislation in which judgment was given in November 2017. The Government noted in its submissions in this JR that the European Commission was examining the whole area as part of its REFIT review of the Motor Insurance Directive.

We would expect the Commission to publish its views and recommendations following the REFIT review some time in the first quarter of 2018. Thus, with the European legislation (the MID) potentially subject to some changes in the medium because of REFIT, the UK Government might not think it appropriate to change domestic motor insurance legislation just at the moment: it may prefer to wait and see what comes of REFIT.

In the bigger picture, such a 'wait and see' approach in this narrow field might be regarded by the Government as politically expedient to the extent that it may tend to reinforce the perception that the UK Government is not going to be seen to bend to any new European requirements as it looks to take the country out of membership of the EU.

HM Land Registry: Opening our conveyancer data

By Andrew Robertson
Head of Customer Policy
HM Land Registry

To become the world's leading land registry for an open approach to data is one of HM Land Registry's ambitions, as we laid out in our recent Business Strategy.

We are working towards publishing a wide variety of data in high quality and accessible formats to enable it to be used by anyone with an interest in land registration information. We hope this will support the growing digital economy and add to the nation's land and property geospatial intelligence.

A recent Law Society Gazette article termed this particular approach to data as opening the way for 'Compare the conveyancer'. In our Business Strategy, we set out how we are looking at publishing our conveyancer data to provide citizens with the real picture on how well their conveyancer is performing, and to enable those same conveyancers to track their relative performance. In this post, I want to set out how and why we are looking at opening up the data.

Who we are working with: high volume customers

We have started sending a monthly workbook to the 500 customers who send us the highest volume of applications. These are the customers who we plan to list in our conveyancing data and so it was important for us to keep them up to date about their applications and how we could work together to improve these applications to make sure they are processed simply and without delay. The workbook may also help them identify what we can do better for them.

Why we will be doing this: providing greater transparency

We hold a rich variety of publishable data that would be of benefit to other government departments, our customers and citizens alike. We have committed to making all our publishable data accessible and to work closely with our main partners and the industry in doing so. This is part of our aim to make conveyancing simpler, faster and cheaper for everyone.

We are working on different areas to achieve this aim. Right now, however, holding us back is the amount of requisitions we send; more than 5,000 each day! A requisition is a request for further information or action that we have had to send conveyancers before their applications can be completed. The work we do with conveyancers to improve the registration process is a high priority for us and we need to be more consistent with how and when we tell our customers about the requisitions we send.

Our plans for greater transparency are part of our wider commitment to the rest of government (as set out in the Housing White Paper: Fixing our broken housing market) to support development and financial stability and to improve the competitive markets for citizens in their everyday life. This is

part of how we are supporting the Government's Industrial Strategy but also part of how we can work with the Competitions and Market Authority (the CMA) to provide greater transparency in this market. The CMA has concluded that there is not enough information available on price, quality, and service to help those who need legal support to choose the best option. We have been involved in discussions with the regulators and membership bodies in the legal sector about what part the data we hold can play.

How we will do this: working with the sector

In order to provide citizens with the comparative information about conveyancers that we have committed to, we are looking at publishing our data showing how many registration applications conveyancers have sent us, and how many requisitions we have had to send back in reply, in order to process these applications.

We are currently working with the legal and conveyancing sectors to understand their views about our proposal to publish this data in 2018.

We are currently planning to publish:

- a downloadable comma separated value (CSV) file which could name the 500 customers who sent us the highest volume of applications (year to date) and show the percentage of the applications they sent us which needed further work before we could process them; and
- a chart that tracks the data mentioned above for the top 50 customers by volume of applications sent.

What we can do: being more consistent

There are things we need to improve which are as important as conveyancers improving what they do. We know we need to be more consistent with when and how we raise requisitions with our customers. To help address this, we are training our caseworkers to increase their use of standard forms of requisition.

There will always be occasions where our caseworkers need to send 'free-format' requisitions that cannot be easily categorised and we currently do that in about 25% of cases. This is too high, given that many of the requisitions we raise are on the same overall issues. Fewer free-format applications will give us better data that will help us become more consistent about when we raise requisitions, and customers will receive clearer information about the action they need to take.

While conveyancers are still responsible for completing applications with due care and attention, we can help them improve by giving them better data and advice, and a more consistent service. So this is not just about conveyancers improving the quality of their applications; we need to improve too, and by working together to do better across the board we can help make conveyancing simpler, faster and cheaper for all of us.

Sexual Harassment and the Law

The Equality and Human Rights Commission have kindly permitted Liverpool Law to reproduce their guidance on sexual harassment and the law. With the recent sexual harassment cases in the media, this may provide firms with information on how to protect their staff, formulate a policy and deal with allegations...

What is sexual harassment?

Sexual harassment occurs when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:

- violating someone's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual harassment is unlawful under the Equality Act 2010.

Unwanted conduct of a sexual nature Includes a wide range of behaviour, such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life, and discussing your own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing
- criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.

An individual can experience unwanted conduct from someone of the same or different sex.

The recipient of the behaviour decides whether or not it is unwanted.

Unwanted conduct can be one-off. It does not need to be repeated to constitute sexual harassment.

Unwanted conduct does not need to be directed at a person. It can be witnessed or overheard.

It does not matter whether the conduct is acceptable to others or is common in the person's work environment.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted.

Sexual conduct that has been welcomed in the past can become unwanted.

Purpose or effect

If unwanted conduct is intended to violate a person's dignity or create an offensive environment, it does not matter whether it has that effect on the person.

If unwanted conduct is not intended to cause distress, it can still have the effect of violating a person's dignity or creating an offensive environment.

Violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment Whether or not unwanted sexual conduct violates a person's dignity or creates an offensive environment, depends on the victim's perspective and whether their reaction is reasonable in all the circumstances.

People have different reactions to sexual conduct. Behaviour that might appear harmless to one person can be more serious to another.

Factors that affect the creation of an offensive environment include the relative power, seniority, age, race and cultural background of the people involved.

Examples of sexual harassment

- A person imitates a sexual act at work that makes a colleague feel degraded.
- An employer asks one of his workers if the worker is having sex with his boyfriend, which intimidates and humiliates him.
- A hotel manager propositions one of his workers. She rejects his advances and he then refuses her a promotion.
- An employer displays a screensaver of a topless woman, which creates an offensive environment for other workers.
- A man overhears a female colleague being subjected to sexually abusive language, and this causes him offence.
- A manager puts his hand up his assistant's skirt during the office Christmas party.
- An employee has had a relationship with his boss. When the employee ends the relationship, his boss spreads rumours about his sexual preferences at work.
- A shop assistant is repeatedly subjected to comments about her appearance by a customer. The shop owner does not take any steps to prevent the situation from happening again.

Employers' obligations

You have a duty of care to protect your workers and you will be legally liable for sexual harassment in the workplace if you have not taken reasonable steps to prevent it.

Sexual harassment is prohibited in all workplace contexts and related activities, including at office functions and parties, on training courses and at conferences. Sexual harassment can be perpetrated by other workers and non-workers, including contractors, agency staff, clients or customers.

There are no minimum requirements you can rely upon to demonstrate that you have taken reasonable steps to protect your workers, but all employers will be expected to have in place:

- an anti-harassment policy that is communicated to workers and is effectively implemented, monitored and reviewed
- an appropriate procedure for reporting harassment, protecting victims of harassment and taking action if harassment occurs.

What should an anti-harassment policy contain?

The essential elements of an anti-harassment policy include:

- a commitment to a zero-tolerance approach to sexual harassment
- a statement that sexual harassment is unlawful
- a clear definition of sexual harassment with examples relevant to the employer's working environment
- defined reporting channels for staff who wish to report harassment
- a range of approaches for dealing with harassment from

- informal resolution to formal disciplinary process
- a range of appropriate consequences and sanctions if harassment occurs
- a prohibition on victimisation or retaliation against a complainant
- information about support and advice services.

How should the policy be implemented?

Implementation of anti-harassment policies is crucial to the creation of a safe and positive workplace environment. If a policy is not properly implemented, you are likely to be liable for failing to take reasonable steps to prevent harassment.

Effective implementation of an anti-harassment policy includes:

- anti-harassment training for all staff and the opportunity for ongoing reflection in the workplace
- verbal communication of the policy during staff induction
- discussion and reinforcement of the policy at staff meetings or through your usual line management processes
- translation of the policy for a linguistically diverse workforce if necessary
- evaluation of harassment in the workplace through regular staff surveys on dignity at work where these are in place.

How should sexual harassment complaints be handled?

You can choose to deal with sexual harassment complaints through your existing grievance policy or through your anti-harassment policy. However, you should be aware that complaints of sexual harassment are often very sensitive and complex. Anybody dealing with sexual harassment complaints should receive specialist training.

The grievance process should:

- address any complaint in a fair and timely manner
- provide the opportunity for quick and informal resolution of less serious complaints
- set out the investigation process in detail

- state that disciplinary action up to and including dismissal may be taken under your disciplinary procedure if a complaint of sexual harassment is upheld
- state that the alleged perpetrator may be suspended during the investigation as a precaution for the protection of the complainant or to prevent interference in the investigation
- ensure the confidentiality of employees, subject to any requirement to involve external agencies
- respect the principles of procedural fairness
- offer formal support to the complainant, including counselling in serious cases
- give a guarantee that the complainant will not be disadvantaged by making the complaint
- make adjustments to enable the complainant to participate in the disciplinary process without fear of victimisation.

Criminal behaviour

There can be an overlap between behaviour that constitutes sexual harassment and criminal offences, including sexual assault, indecent exposure, stalking and offensive communications.

If you believe that a criminal offence may have been committed, you should advise the victim to report the matter to the police as soon as possible and give them appropriate support. In cases where the police are involved, you should liaise with the police regarding the disciplinary process and take advice on how to conduct a fair process.

If you believe there is an ongoing risk of serious harm to an individual, you should contact the police themselves and inform the victim that you have done so.

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Contacts

This publication and related equality and human rights resources are available on our website: www.equalityhumanrights.com.

Website www.equalityadvisoryservice.com



Cohabitation Law & Practice with Safda Mahmood

on Friday 16th March, 1.30pm - 4.15pm

The course will consider the various factors surrounding advising cohabitants in family law matters.

The developments in this significant area of law will be considered with emphasis of the leading case law and statutory provisions.

The topics covered will include the following:

- Joint Tenancies and Tenancies in Common
- Resulting and Constructive Trusts
- Trusts of Land and Appointment of Trustees Act 1996 – Applications
- Estoppel
- Drafting and Procedure
- Civil Procedure Rules
- Practice following *Stack v. Dowden*, *Kernott v. Jones* and *Barnes v. Phillips*
- Schedule 1 Children Act Applications
- Case law Update
- Compliance with Court Directions and Procedure

Competencies covered: B **Level:** Intermediate

Venue: Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L3 9NY

For more information or to book, [click here](#)



Financial Order: Law & Practice

with Safda Mahmood

on Friday 16th March, 10am - 12.45pm

The course will consider the various factors surrounding financial orders (previously known as ancillary relief) and the developments in the case law and statutory provisions.

It will be of benefit to those delegates who seek to be aware of the current themes and developments surrounding this area of law.

The topics covered will include the following:

- Charman and subsequent Cases
- Short Marriages and High Wealth Cases
- Periodical Payments
- Inheritance and Gifts
- Cohabitation Cases
- Conduct Arguments
- Nuptial Agreements
- Maintenance Pending Suit
- Disclosure
- Bankruptcy and Financial Orders
- Amendments to Family Procedure Rules 2010
- Key aspects surrounding Procedure



Competencies covered: B **Level:** Intermediate

For more information or to book, [click here](#)

Venue: Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

Charity Spotlight



Merseyside Youth Association

Merseyside Youth Association (MYA) is a youth work charity that creates positive and lasting change in the lives of young people.

We do this by providing stimulating and inspirational environments that support young people's personal, social, and emotional development. We do this because it matters.

As Chief Executive of MYA, I have had the privilege to see my organisation grow over the past year, with MYA projects recognised nationally as exemplars of best practice and achieving myriad Social Impact outcomes, including:

- 4476 displayed improved Confidence outcomes
- 2990 improved their Physical activity
- 3501 young people increased their Skills outcomes
- 1406 young people increase their Creativity outcomes;
- 1353 young people increased their Employability outcomes;

In a time of political and social turmoil, it is more important than ever to provide young people with accessible and meaningful activities that enable them to create positive and lasting change in their lives.

Despite a backdrop of uncertainty about the future of European funding and continued austerity measures, MYA has worked tirelessly this year to strengthen its projects and develop plans to sustain our services.

I am proud of what my team has helped young people to achieve this year. I am proud of MYA's outcomes and our proven ability to support young people with multiple and complex needs.

Moreover, I am proud because to us these outcomes are not numbers on a page but real people, with real lives being changed and real futures created in front of our eyes.

The new year begins with the news that we have achieved the Investors in People Gold Standard, in recognition of our commitment to staff's wellbeing and development, and our staff's embodiment of MYA's defining values.

We would like to thank all our partners, funders and supporters and most importantly all of our young people, who, quite simply, make our work worthwhile.

For further information contact:
Gill Bainbridge, Chief Executive
Merseyside Youth Association
Tel: 0151 702 0700 (switchboard for general enquiries)
Email: [General enquiries admin@mya.org.uk](mailto:General_enquiries_admin@mya.org.uk)
Website: www.mya.org.uk

Guiding and supporting specialist property lawyers with tailored regulation

The Council for Licensed Conveyancers (CLC) was established in 1985 to foster competition and innovation in the conveyancing market. We regulated specialist conveyancers and probate lawyers.

In doing so, we have always looked to be a proactive regulator in anticipating and monitoring the issues that affect the licensed conveyancing community. We work closely with all our licence holders and we listen to what they say, helping them to achieve the right outcomes for consumers.

Today, we are still helping legal businesses to thrive by finding new ways to meet changing customer expectation. Our aim is to support firms to achieve compliance and to accommodate different ways of working wherever we can.

The CLC regulates firms of all types and sizes, and has always looked to promote high regulatory standards. For example, each CLC Practice is allocated a Regulatory Supervision Manager (RSM) whose role is to guide them in all regulatory and compliance issues.

We always advise firms looking to transfer to CLC regulation, to discuss their plans with us at an early stage, so that we can give them guidance about the best way to take their application forward and help them understand whether CLC regulation is right for their firm. This is just as important for established firms looking to move between regulators as it is for start-ups just entering the market.

We are working with an increasing number of firms considering a transfer into CLC regulation, especially now that the requirement that a firm transferring to another regulator should take out run-off professional indemnity insurance cover has been removed.

It is clear from our discussions with those we currently regulate - as well as lawyers considering transferring their practices into CLC regulation - that our model of specialist regulation is hugely appreciated, with three quarters of licensed conveyancers stating that the CLC provides value for money and supports them in developing their businesses. For example, in 2017 we increased online protection for CLC firms and their clients by establishing a secure badge scheme, which significantly reduces the risk of impersonation online through cloned or copied websites.

Over the last 30 years, the CLC's regulation of specialist conveyancing and probate lawyers has delivered high standards of consumer protection and supported innovation in the delivery of legal services.

If you are thinking of becoming a CLC regulated Practice then please visit: <http://www.Clc-uk.org/newfirms> or, should you wish to outline your Practice's requirements, whatever your business model, then we will be more than happy to meet with you, or to discuss your proposals over the telephone. For an initial contact please email Licensing@clc-uk.org

To find out more about CLC regulation then please visit:
<http://www.conveyancer.org.uk/Regulation-by-CLC.aspx> where you will find more helpful information, including how to qualify as a CLC Lawyer:
<http://www.conveyancer.org.uk/trainee-lawyer.aspx>.

Meet the regulator of specialist conveyancers

To find out more about how our experience as a specialist regulator of conveyancing and probate could help your legal business to thrive, why not visit the CLC Stand at the LAW 2018 event at the Lowry Hotel in Manchester on the 16th May and 17th October 2018.

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www.clc-uk.org/Changing-Regulators or call 020 7250 8465

Strong rise in revenues and profits as Brabners names new Managing Partner

Brabners LLP, the leading North West law firm, said demand for its services was driving double digit growth in the current financial year, after the firm advised on a number of high profile projects.

The firm said that like-for-like revenues* in its last financial year** grew to £29.2m (2016: £28.6m) and fee income had grown in the last nine months, with strong momentum across all of its core service areas. Total profit*** in the last financial year also grew to £9.6m (2016: £9.4m).

With net assets of £11.0m, the firm said its financial strength would enable it to continue investing in talent and clients to support its vision of being the leading independent, regional legal practice.

Its teams have led a number of major deals in recent months, including advising technology company Gas Tag in securing private equity investment from Waterland Private Equity, the first completed by Waterland's

UK team, and advising Peel Land and Property on its agreement with Everton Football Club to lease land for its proposed new stadium at Bramley Moore Dock, Liverpool Waters.

The firm also announced that Nik White has been appointed Managing Partner with effect from 1st May later this year. A member of Brabners' management board, Nik qualified with the firm in 1997 and is head of its Commercial department. He will replace Mark Brandwood who has served in the role for nine years and will continue as a corporate partner and head of the Corporate department in the firm's Manchester office.

Mr Brandwood said: "We've built excellent momentum across the entire firm over the last 18 months. This means we can continue to invest in expanding our capabilities for the benefit of our clients, underpinned by exceptional talent, service and technology."

He added: "We've spent the last

year developing some of the best specialist legal and sector teams right here in the North West. Looking ahead to 2018, we're ideally placed to help guide clients through their complex legal challenges, supporting them in realising their ambitions by capitalising on opportunities for growth and development. Nik has played a key role in helping to shape our identity and culture and I know I'm passing the mantle on to a talented leader who will continue to guide the business forward, building on what has already been achieved."

Speaking about his appointment, Nik White added: "This is a hugely exciting time for the firm and our people. The North West region has incredible potential, full of talent, innovation and determination to succeed. As one of the region's leading law firms, we're keen to play our part in helping to fulfill that potential. I am passionate about supporting our people and clients and am really looking forward to leading Brabners and driving the firm's success."



Nik White

International award for Quinn Barrow

Following an assessment by an independent organisation, Quinn Barrow LLP has been successful in achieving BS EN ISO 9001: 2015 Certification. This internationally adopted Certification is recognised as the global benchmark for quality management systems.

The award recognises Quinn Barrow's commitment to an exceptional quality of service and customer focus as well as compliance. It is generally accepted that organisations who achieve certification to ISO 9001 : 2015 are at the forefront of their respective disciplines.

Cathy Blackall who is the Compliance Officer for Legal Practice (CoLP) and Lexcel Senior Responsible Officer for Quinn Barrow commented "We have always been proud of the service we offer our clients. Now with the award of ISO 9001: 2015, this has been confirmed by outside experts who are used to assessing companies on a daily basis in a wide variety of professions. We are delighted this has been recognised with a formal award"

Phil Harrington, who undertook the assessment for CQS (Certified Quality Systems) Ltd, paid particular tribute to "the commitment from management and the investment in people and training that enables Quinn Barrow to provide an efficient service to their customers."

Paul Barrow, Senior Partner said, "This award of ISO 9001 :2015, along with our Lexel and CQS accreditations show the on-going commitment by all of the Quinn Barrow team to the highest standard of customer service. I would like to thank Cathy Blackall for all her efforts in securing this further benchmark."

Liverpool Law Society

2018 Costs Conference

Wednesday 14th March 2018, 9.30am - 4.40pm

We are delighted that this conference has an excellent line up of speakers, who will provide sessions on all the latest issues within the main areas of costs litigation – don't miss out, book today!

Chaired by:
District Judge Jenkinson, Regional Costs Judge

<p>Electronic Billing Guy Platt-Higgins, Law Costing Limited</p> <p>Enforcing an agreed costs order: options and pitfalls Adam Burrell, BLM</p> <p>Part 36, Portals, FRC and Proportionality David Pilling, Liverpool Civil Law Chambers</p>	<p>Retainers, bills, costs and clients Andrew Hogan, Ropewalks Chambers</p> <p>Reforms Professor Dominic Regan</p> <p>Cost Management Professor Dominic Regan</p>
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This Conference is kindly sponsored by:

For more information or to book, [click here](#)

James Hatton appointed District Judge

It has been announced by the Judicial Appointments Commission that James Hatton, a Criminal Law Solicitor with Broudie Jackson Canter, has been appointed as a full-time District Judge (Magistrates' Courts).

James has a wealth of experience, practising criminal law for over 14 years, and was appointed as a Deputy District Judge in 2012 at the age of 32, one of the youngest appointments of this nature. Now appointed on a full time basis, we wish him all the best for his future endeavours.

Of the announcement, James commented: "Whilst I am delighted to have been appointed, I have thoroughly enjoyed my time at Broudie Jackson Canter and wish this great firm well for the future."

Head of Crime and Prison Law at Broudie Jackson Canter, Esther Leach, also commented: "We are absolutely delighted for James and extremely proud of his achievement – our loss is a massive gain to the judiciary!"



James Hatton

Carpenters joins the Insurance Fraud Bureau (IFB) as an affiliate member

We are delighted to announce that Carpenters has joined the IFB's affiliate membership programme, which was launched in 2017. Affiliate membership will enhance Carpenters insurer services and enable the business to work more closely with the IFB on countering fraud, sharing data, enable access to fraud intelligence alerts and allow us to formally contribute to cross-industry investigations being conducted by the IFB.

Donna Scully, Director at Carpenters, said: "Having worked with the IFB on identifying effective policies to combat fraud for some time, affiliate membership will enable us to collaborate ever closer, share data and intelligence and more actively contribute to the industry fight against the ever-changing face of fraud in the claims market. With further changes ahead and a likely increase in fraudulent behaviour, it is essential that the sector breaks down traditional barriers and unites to fight fraudsters."

General Data Protection Rules

The 25th May 2018 is a date etched in everyone's mind in relation to the biggest changes in data protection law for nearly 20 years. This is the date when the General Data Protection Regulations (GDPR) come into force. If your firm handles personal data you need to ensure you don't fall foul of the requirements of the GDPR. The GDPR will have some impact on every business including law firms. There are steps you should be taking now to be ready so how are your preparations for the GDPR coming along?

There are many decisions to be made and things to put in place. Will you need a data protection officer? Have you completed a data audit? Do you have contracts in place with all of your processors? Have you got consent to use data or are you processing under another lawful basis and have you got written records? Would you be able to report a data breach to the ICO within 72 hours? Have you trained your staff? How will you show compliance with the new Accountability principle?

The Information Commissioners Office (ICO) have released lots of information and guidance on their website. If you are the person who has day to day responsibility for data protection have a go at completing their 'Getting ready for the GDPR checklist' which will help you to start preparing.

If we don't get this right the penalties for non-compliance are can be very high.

If you want to know more about GDPR and the requirements book your place now on our GDPR training on Tuesday 17th April 2018. See: www.liverpoollawsociety.org.uk/legal-events/general-data-protection-rules-o

Training Seat Exchange

Liverpool Law Society has a Trainee Seat Exchange service. The purpose is to assist member firms and member in-house legal departments interchange trainees. The aim is to provide more training contracts on Merseyside and beyond by facilitating an exchange between firms and in-house departments who may otherwise find it difficult to offer their trainees the requisite number of seats in both contentious and non-contentious work.

The Training Seat Exchange, which is open only to members of Liverpool Law Society, is a free, online service. Details of what seat a member firm can offer and what seat they are seeking appears. The exchange must be discussed and agreed between each member firm on an individual basis.

If you would like to appear on the list, please complete our online form at www.liverpoollawsociety.org.uk/training-seat-exchange-form and the Society will be in touch with you.

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Pro Bono Help Desk for Litigants in Person at Liverpool Family Court

In June 2017 the Liverpool Law Clinic at the University of Liverpool piloted a pro bono advice service for litigants in person at the Liverpool Family Court. Following the successful pilot the Liverpool Law Clinic ran the Help Desk at Liverpool Family Court every Thursday from 12th October to 7th December. The service is aimed at litigants in person in child arrangements cases. The project is run by Lucy Yeatman, in-house solicitor and family law specialist at the Liverpool Law Clinic. Lucy joined the University of Liverpool in September 2016. Litigants are offered a half hour appointment with a specialist family law solicitor prior to the hearing, with follow up advice immediately after the hearing if needed. Solicitors are assisted by trained law students who:

- Liaise with the ushers
- Take basic details from clients to run conflict checks
- Take notes in the advice session
- Wait with clients before they go into court
- Attend the hearing in a McKenzie friend support role
- Write a letter (under supervision) after the hearing, explaining the relevant law and summarising the advice given. Letters often include statement templates.

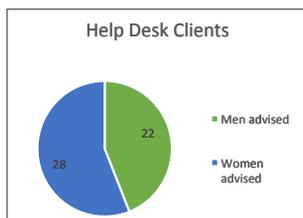
"Lucy Yeatman was so kind to me as at times I became very emotional, probably with sheer frustration at the whole situation I have found myself in."

"Thank you for all your help, it has been tremendously useful as I have been representing myself, which is very daunting and extremely intimidating."
Client feedback

The Help Desk runs on Thursdays to reach the maximum number of litigants at first hearings. Liverpool Family Court normally has 15 FHDRAs (first hearings in child arrangement cases) listed on a Thursday.

The Court sends all litigants a publicity leaflet about the service along with other papers about their hearing. Litigants can contact the Liverpool Law Clinic in advance of the hearing date to arrange an appointment or can simply drop-in on the day. The Help Desk is based next to the ushers' desk in the Court building.

In total Help Desk advised and supported **50 litigants in person over 9 weeks**. The vast majority of these were seen without prior appointment. Only two clients had received legal advice about the proceedings prior to coming to court on the day of the first hearing.



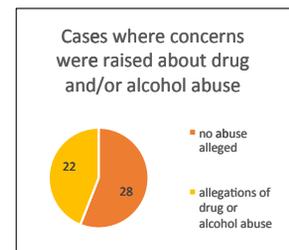
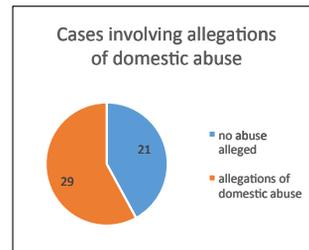
"A totally unexpected gesture of good will is how I see your services and I felt a lot more at ease and confident going into court."
Client feedback

The majority of cases involved one or more of the following issues:

- Allegations of domestic abuse
- Concerns about one or both party's mental health
- Allegations of drug or alcohol abuse

Most clients were very anxious about the proceedings and about what was expected of them. Many had clearly not read any of the

documents sent to them prior to the hearing and some had not brought any paperwork to court with them. Many of the clients were extremely vulnerable and a small number were eligible for legal aid, but had not realised this. Those clients were referred to solicitors following the hearing. The Law Clinic assisted one client to make a successful application for exceptional case funding.



The project was observed by Mavis McLean CBE from the Department of Social Policy and Intervention, University of Oxford who commented as follows: "I visited the Liverpool Law Clinic in November last year, as part of my research into the development of new ways of accessing help in family matters post LASPO for those with limited resources. I was most impressed by the way Ms Yeatman, in her role as both solicitor and academic, has brought together her provision of legal advice for litigants in person on FHDRA days with the work of her group of well trained and skilfully prepared students who were able to support anxious parents through the court experience. The students' contribution was carefully monitored by Ms Yeatman, and appeared to be valued highly by parents and to be helpful to the court. It may also encourage these young lawyers to develop an interest in family law, with an appreciation of the need for pro bono activity"

All of the students working on the project are law undergraduates. They receive training throughout the time they are involved with the project and are closely supervised at court. The students have grown in confidence and have shown real concern for the clients and their welfare.

This is what the students have said:

Future Development:

The Law Clinic is currently only able to offer the Help Desk in term time and has committed to running the service again in 2018 from:

- 12th February to 15th March
- 12th April to 3rd May
- 14th June to 12th July

A number of solicitors from firms in Liverpool have now agreed to volunteer at the Help Desk and the Law Clinic aims to gradually increase this pool to increase capacity and extend the service.

Liverpool Law Clinic is running a new family law advice service at the Clinic. Clients from the Help Desk will be able to attend the Clinic for an appointment with a solicitor either to get help drafting a statement or for advice once a s7 report has been received.

If you would like to know more about this project or if you are a family lawyer and would like to volunteer to help support the project please contact Lucy Yeatman at the Liverpool Law Clinic, lucy.yeatman@liv.ac.uk or 0151 794 5782. We also run a Family Law Advice Clinic on Wednesday mornings in term time. This is an appointment only Clinic offering a free 30 minute appointment. We are actively seeking family lawyers to support both projects.

DAVE JOHN BS

DAVE JOHN BS

KNOCKOUT ROADSHOW

CALLING ALL LEGAL & PROFESSIONAL SECTOR FIRMS ARE YOU UP FOR A CHALLENGE?

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Knockout Roadshow is a mixture of race games and games that require skill and judgement at the end of the inflatables to gain points. Some of the games that await you are: Bungeeing, Throwing, Building, Scrambling, Challenging, Bouncing, Balancing, Jumping, Singing, Dancing, Splashing, Conquering, Testing, Skill and Judgement.

After costs all proceeds from entry fees and sponsorship will be donated to The Clatterbridge Cancer Charity and KIND

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£500 minimum per team to enter

Up to 10 people per team

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Please note all bookings are subject to the Society's terms and conditions, visit www.liverpoollawsociety.org.uk/general-terms-and-conditions for details. Liverpool Law Society is registered in England and Wales, Company Number 00004302.

Council Member's Report

Update from Charlie Jones

A very Happy New Year to every reader. I hope 2018 is a good one for and you and brings to you and yours health and happiness, fun and laughter, and success.

We have been given a Christmas present by the Prime Minister, in the form of a Lord Chancellor who is.....a Lawyer, and not only a Lawyer, a some time Solicitor. Welcome David Gauke. It is a pity that it is the sixth Lord Chancellor in 6 years, which seems to reflect the importance Government attaches to the law and the quality of our profession. However, it is a start. You are very welcome and hopefully you will appreciate the 'value added' we, as solicitors offer. I am never quite sure nowadays whether or not the Lord Chancellor is in fact the Lord Chancellor or the Secretary of State for Justice. I do hope that David has some understanding of the contribution this profession makes to society. It is interesting that Mrs Gauke is a professional support Lawyer, specialising in corporate tax. I hope he does not think that being a Lawyer is all about tax law!

As I mentioned in the last issue, I did not make the December council meeting. However, opposite is the summary following that meeting from which you will be able to observe what went on and what was discussed. There was a lot of discussion about the new Board. There was also a discussion about how best we communicate with our constituents, how to get feedback prior to council meetings and how to give feedback after council meetings. It might surprise you, but a lot of council members feel that they are not doing their job properly but, at that same time, for a council member to do his or her job well it is important to get input from constituents. Please therefore do not hesitate in contacting me to make suggestions. I do not mind criticism. (Constructive) Criticism usually helps and makes a better product. Robert Bourns, Past President, and by all accounts a very successful President of the Law Society has been voted in as the new Board

Chair. At the time of writing, elections are taking place to that new Board, and there are 3 elected places and 13 applicants! I understand that the new Board will be meeting in February, and I will let you know what develops after that.

For my part, I have been elected to the new committee to be known as MOC which is short for the Membership and Operations Committee. At one stage it was going to be called the MOB – Membership and Operations Board, but MOB sounded a bit gangster like!

I will report back to you when we have had our first meeting, but at the moment, we are having the last meetings of what has been known as a Membership Board.

The SRA of course press on with changes. In particular, there are changes to the rule book governing solicitors which, in the view of the Society, put consumers at risk and undermine trust in legal services. Two different levels of solicitor will be created. As Joe Egan said in December 'The SRA is ploughing ahead with proposed changes to its handbook and that would see different solicitors subject to different regulations depending on where they practice. People hire solicitors when they are facing some very stressful situations, such as marriage breakdown or bereavement. It will heap additional pressure if they have to verify the regulatory arrangements for the solicitor before they instruct them'.

Further, it is a clear that a new tier of solicitors working in unregulated outfits would not have the same insurance, would not pay into the compensation fund and wouldn't inevitably afford their clients legal professional privilege. These are key areas of our profession. This is a concern.

The Law Society has had success and there has been a boost for justice for victims of domestic violence after a legal aid rule change. The number of

domestic abuse victims able to access free legal advice is set to increase after the Government relented on excessively strict evidence for rules introduced in 2013. The changes came into effect at the beginning of 2018, and the Law Society has been campaigning for some time and should take credit: as ever, credit where credit is due.

The Society has also taken the bold step, on 25 January, of issuing proceedings against the MOJ to challenge a decision to implement further cuts to legal aid. Joe Egan: 'As we have said before, justice is under threat and it is with great regret we are having to take this step. However, we are resolute'. From what I can make out, the Government received 1,005 responses to the consultation on this subject, almost all entirely against the proposals. I often wonder what definition government (of whatever political persuasion) puts on the word 'consultation'. All governments seem to ignore the responses.

Believe it or not, a Council Meeting is going to take place outside of.....London! A definite first. The March Council Meeting will take place in Manchester. The President, Joe Egan, is primarily responsible for this, and it is something many have said they thought they would never see. It will be interesting to see how successful the meeting is, and it will be interesting to see how many Council Members from the South East/London travel to Manchester. If it is a success, I would hope that we might have a Council Meeting in Liverpool some time in the future.

The change of Lord Chancellor/Secretary of State for Justice seems to make no difference to the progress of the apparent reforms, and Justice Minister Lord Keen of Elie on 16 January set out the Government's agenda for Personal Injury Reforms. There are investigations ongoing, however, and MPs on the Justice



Many 'of an age' will say that junior Lawyers have it easy nowadays but I do not agree. 30 to 40 years ago targets were not a word often used in a Solicitor's office, certainly outside of the magic circle. The profession was a lot more laissez faire. Nowadays, new entrants are told a target in a first week and that word dominates their life. Of course new entrants should be made aware of the need for targets, house keeping and business focus, but they should be nurtured, and their well being monitored.

Committee want to analyse the Government's case for increasing the small claims limit to £5,000 for RTA claims and £2,000 for all other personal injury claims. Secondary legislation is required, expected to be alongside the Civil Liability Bill. Strange to think that the Civil Liability Bill was first mooted as long ago as November 2015 when the current Editor of the Evening Standard, George Osborne, was still in power!

You may well have all noted that there has been considerable concern expressed recently about stress within our profession, and not least amongst our junior Lawyers. In my view this is a very real problem, and entrants to our profession are being put under pressure that is bordering on unreasonable. Many 'of an age' will say that junior Lawyers have it easy nowadays but I do not agree. 30 to 40 years ago targets were not a word often used in a Solicitor's office, certainly outside of the magic circle. The profession was a lot more laissez faire. Nowadays, new entrants are told a target in a first week and that word dominates their life. Of course new entrants should be made aware of the need for targets, house keeping and business focus, but they should be nurtured, and their well being monitored. The recent case in the SDT is a good example. As a result of this, junior Lawyers are being quizzed over mental health, yet I believe this should apply to all Lawyers. We should all watch out in our offices for our colleagues who may be suffering. The fact remains that many will not 'own up' if they are under stress. They are afraid of being pigeon holed. This cannot be right. Our profession is a profession and we should look out for an after each other. Keep your eyes open!

Interesting to hear a judge sound off recently about a contempt warning of the solicitors on dishonest claims, in a case where he found 9 claimants guilty of contempt of court, in November 2017. As a foot note to the case, the Judge opened a discussion out to the representatives of dishonest claimants, although he stressed he made no findings in this particular case. In order for us a profession to show case our professionalism in the eyes of the public, we should, in my view, investigate all evidence that is given to us by clients before presenting it to the court.

That's it for now. As I have said above, I can only operate effectively if I have input from YOU. Please let me have your views. As I say, I do not mind if you disagree with me. I might not agree with you! But at least we can have a discussion and debate!

Charlie Jones:
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Co Council member for Merseyside and District.
DD 0151 242 7919.
Charlie.jones@weightmans.com

Law Society Council meeting summary: 7 December 2017

Changes to governance for 2018

Council received another update on progress to implementing the new Law Society Board and its two main supporting committees (Policy and Regulatory Affairs Committee, and Membership and Operations Committee) in early 2018 – the Board by the end of February, and the Committees by the end of March. Council approved the selection committee's recommendation that Robert Bourns, past president, should be appointed as Board Chair. Other external recruitment was under way, and elections among Council members for some places on the Board and committees would commence shortly. Council formally approved the changes to the Society's General Regulations which were required to set up the new Board and the Committees; once the new arrangements are fully in place, there will be a further consolidation of changes in Q1 of 2018. Council also heard a brief update on the ongoing work to consider the functions, shape and representativeness of Council itself. Proposals were still in development following feedback at the previous Council meeting, and discussions were being held with a number of Law Society communities and other interested parties.

Lobbying on Brexit

The Society's involvement in briefing MPs on the second reading and committee stage of the EU (Withdrawal) Bill was reported to Council. This focused on the Society's main concerns which related to the impact of the bill on citizens' rights and on devolution, and its compatibility with transitional arrangements. The Society had submitted written evidence to two parliamentary committees on these matters, and held meetings with several key stakeholders. It had also been active in a number of Government industry/sector groups including the Brexit Law Committee and the Professional Business Services Council's Mutual Market Access Group. The Law Societies' Brussels office had also organised a series of meetings with MEPs and law firms.

International engagement

Council noted that the Society had been represented at the International Bar Association annual conference, attending a round-table with law firms organised by Lord Keen, as well as speaking on panels covering topics including pro bono, global legal markets, enhancing the presence of female talent in law firms, and the balance between migration, international security, rule of law and terrorism. The Society had also attended the Union Internationale des Avocats (UIA) annual congress in Toronto. President Joe Egan spoke on the disciplinary rules that should apply to lawyers working under mobility rules. At the end of November, the Society hosted the second round-table on

women in the law, championed and chaired by vice president Christina Blacklaws, at which the strategy for the international programme on women in the law was presented and agreed.

Support to the profession

Council was pleased to note that, following extensive lobbying by the Law Society and others, HMCTS had announced the deferral of the Flexible Opening Hours pilot, to allow further engagement with court users as well as a further tender process to secure an independent evaluator. The Law Society had also been making submissions to HMRC on a number of matters including the proposed penalties for 'enablers' of tax avoidance. Council was also updated on the work of the relationship management team, a group of staff with four main areas of focus: regional activities, engagement with local law societies, gaining insights from member feedback, and a 'joined up' approach to member engagement. Council also noted the creation of a Law Society Quality and Standards in Education Committee to provide expert oversight of all aspects of quality and standards associated with the Society's education, training and accreditations. Another matter of note was that, during Pro Bono week in November, the 54 founder signatories of the Pro Bono Charter launched by the Law Society in 2016 had been invited to a forum to discuss the next twelve months of the Charter.

Council approved a refresh of the Society's logo to ensure that it remained fit for purpose in the digital age. This would be rolled out during 2018.

President's report

The President made his half-yearly report to Council. Among matters highlighted was extensive engagement with political and non-political stakeholders both over the party conference seasons and in regular meetings with ministers and opposition spokespeople. There had also been active engagement with the judiciary, including a meeting with the new President of the Supreme Court, and the new Lord Chief Justice at whose swearing-in the President spoke on access to justice covering topics including court fees, criminal legal aid, and the courts modernisation programme. The President reported good progress on the 'pride in the profession' campaign, by way of the Global Legal Centre, attendance at several international conferences, and a busy programme of engagement domestically with local law societies and others.

Support for the Legal Community

LawCare is the charity that supports and promotes good mental health and wellbeing in the legal community throughout the UK and Ireland.

Our mission is to help the legal community, their staff and families, with any personal or professional issue that may be affecting their mental health and wellbeing. Our support spans the entire legal life, from student to training, through to practice and retirement.

We are striving for a community where anyone who may be facing a personal or professional difficulty that is affecting their mental health and wellbeing understands how to seek help, without fear of stigma. We want the legal community to know what help is available to them, and how to access it.

We understand life in the law. If you need someone to talk to, you can call us on our free, independent, and confidential helpline. Calls are answered by trained staff and volunteers, all of whom have experience of working in the legal sector. We offer empathetic support for work, emotional, health and financial problems, and we can signpost callers to specialist support where appropriate.

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Your software swap checklist: Read before you leap!

By Julian Bryan, Managing Director, Quill

Considering changing software suppliers?

If, for whatever reason, software change is essential, we've compiled five questions to ask yourself and prospective suppliers to help you really assess your options and carefully research the marketplace before you switch over.

The preparatory stage of your software swap project necessitates watching software demonstrations, meeting key personnel, reading contractual documents, including terms and conditions, asking this series of probing questions then evaluating your combined results.

As an evolving profession, it's easy to see why law firms upgrade their systems from time to time. You may expand or contract in size, adjust your area specialisms, accommodate new legislation and reform, merge or separate, face ever-more-demanding clients or maybe you simply made the wrong technology choice in the first place and support from your existing supplier is poor.

Software purchase isn't a straightforward decision because there's an inevitable time investment on your part as you roll out new systems. Your new supplier can, of course, ease this process by assisting you throughout implementation, data transfer and end user training. This is a major contributory factor to any successful conversion.

Selecting the right technology partner, then, is paramount, particularly as this is possibly the beginning of a long-lasting working relationship between your two businesses. If your legacy IT infrastructure is ill suited to your current and future requirements, it's time to tackle those tricky software decisions.

When it comes to the all-important questioning phase, here are the five questions:-

1. Are you happy with the system's legal accounts and compliance capabilities?

Accounting functionality should be easy to use by fee earners, cashiers and managers alike, in order to

simplify logging of expenses, billing, posting of e-chits, monetary transfers, bank reconciliations, supplier payments, financial reporting and other accounts-related tasks. A single system for client and office accounts is much preferable, otherwise you'll be constantly toggling between applications and wasting valuable (potentially chargeable) time in the process.

Compliant accounts management is dependent upon accuracy and due diligence. Search for a package that comes with an in-built warning system, automatic anomaly reports, AML scanning, identity verification, conflict checking and other risk management tools so that compliance with the SRA Accounts Rules, CLC Accounts Code and Scottish Accounts Rules is assured.

2. Have you established your exit strategy if your software choice doesn't work out?

Contracts are occasionally outgrown. Check under what types of circumstances the contract can be terminated, specified notice period and what happens post-termination. For example, your supplier should act as the custodian, not owner, of your data and documents. Ensure everything's exportable upon migration, and that formats and names are preserved.

Thereafter, your supplier should delete from their stores, otherwise you'll fall foul of data protection rules. With imminent Data Protection Bill and GDPR laws coming into force this May, your duties in this respect are more onerous than ever before. Heavier too are the fines imposed for non-compliance. Your supplier must follow the right procedures in safeguarding your valuable data.

3. Does your potential software supplier belong to the Legal Software Suppliers Association (LSSA)?

The LSSA is the UK body for legal systems developers and vendors whose aim is to set and maintain professional standards within the sector and manage areas of mutual interest between solicitors,

legislative bodies, government agencies and software houses.

As such, member firms are bound by the LSSA's strict rules and code of practice. For you, this provides a guarantee of the highest quality software and highest standards of service.

4. Can you speak with a real human being on the phone for help and support?

Will you be dealing with an actual person when you become an end user? Sometimes there's no substitute for being able to pick up the phone and speak with someone who understands what you're going through and can rectify your dilemma.

Consider time zones, standard support hours and availability of extended out-of-hours support. What promises are made within SLAs with regards to system uptime, monitoring, maintenance and service responsiveness? These metrics provide your business continuity and disaster recovery plans.

For those busy periods during which phone interaction just isn't possible, of course, email, fax and online chat options are important too. It's highly likely you'll utilise all these communication methods as time progresses.

5. What's in the contract and can you digest at length before signing?

It's the small print that often causes problems. Look at assigned liabilities, responsibilities and disclaimers. Don't be rushed into signing contracts without having been given sufficient time to read and analyse first. If your supplier is forcefully requesting your signature, and you feel pressured to commit against your will, alarm bells should be ringing.

Contracts signed in haste often lead to disappointment and / or surprise, escalating costs. There's a justifiable reason why contracts are lengthy documents. It's a legally binding agreement between you and your supplier. Insist on having the necessary time to pore over the content of your contract, and only

sign when you feel ready and comfortable doing so.

To conclude, by following this plan, you'll find out exactly what being a client will feel like, both in terms of software usability and staff interaction, as well as what happens should you later decide to cancel your subscription.

While this is certainly a good starting point to your software swap, it's by no means an exhaustive list. There are other pressing questions to ask, not least regarding cyber security measures, data centre credibility, industry track record and live reference sites.



Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill is the UK's largest privately owned legal software and outsourced legal cashing provider with 40 years' experience supplying outsourced services, legal accounts and practice management software to the legal profession. To contact the Quill team, call 0161 236 2910 or email info@quill.co.uk.



Charity and CSR Matters



Welcome to the February Charity and CSR page. This month we feature Maxwell Hodge who have chosen Ronald McDonald House in Alder Hey as their charity of the year and have already raised £1,000 for this very worthy cause.

I'm currently on maternity leave, but please continue to send in your Charity and CSR events, I'm sure many law firms have great plans to support local charities in 2018.

Send your submissions j.baskerville@jbaskerville.co.uk who will then forward them on to me.

Thank you in advance.
Jennifer Powell
Solicitor
Weightmans

Maxwell Hodge makes Ronald McDonald House Alder Hey their Charity of the Year

One of Liverpool's longest established independent Solicitors, Maxwell Hodge, has chosen Ronald McDonald House Alder Hey, Liverpool as their charity of the year.

Ronald McDonald House Alder Hey, affectionately known as 'Mac House', is a special caring home where families of seriously ill children receiving treatment at Alder Hey Children's Hospital can stay, without charge, for the duration of their child's stay in hospital.

The House is a registered Charity and is funded entirely by voluntary contributions. Since opening in 1993, Mac House has helped over 15,000 families many of who are not from Liverpool. The cost of accommodating a family for one night is approximately £25 and the annual running costs of the House amount to £600,000. Specially designed, the House provides family bedrooms, spacious common sitting areas, galley kitchens, television rooms, playrooms and laundry facilities for up to 84 families.

Director, Claire Banks, from Maxwell Hodge Solicitors, recently attended at Mac House to present a cheque for £1,000.00 to their House Director, Wendy Carson.

Claire Banks said "This facility, so close to Alder Hey Hospital, is invaluable to the families of the children who need the care of the hospital. It relies entirely on donations to exist. Having viewed the facility and heard, first hand, how Mac House is helping in such difficult circumstances it was felt that Maxwell Hodge should try and do something to support it. We are proud to be fund raising for this charity."

Over the next 12 months, Maxwell Hodge aim to raise at least £3,500 for this amazing charity. Throughout the year, they will be looking at ways to raise as much money as possible. Recently Maxwell Hodge held a Christmas Charity Quiz Night, raising over £1,500.

Gillian Wilson, Fundraising Manager at Mac House said "We are absolutely delighted with the amount raised on the Christmas Charity Quiz Night and look forward to the next event. It was a great night and a great start to our partnership with Maxwell Hodge Solicitors."

Staff from Maxwell Hodge Solicitors also participated in the Christmas Jumper Day on the 15th December when further funds were raised for the charity. Events will be organised for 2018.



L-R: Claire Banks, Director from Maxwell Hodge Solicitors and Wendy Carson, House Director from Ronald McDonald House Alder Hey

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9am - 7:30pm WEEKDAYS

10am - 4pm WEEKENDS AND BANK HOLIDAYS

THE GREAT LEGAL BAKE



12th - 16th February 2018

What is the Great Legal Bake?

The Great Legal Bake is a fantastic event which brings together the local legal and advice communities to celebrate the work of the entire profession in enabling access to justice for all. Also, it doesn't hurt that there are some pretty tasty cakes involved too! Last year, £33,000 was raised nationally, with over 250 organisations getting involved. We would love to #raisemoredough this year with your help!

Along with our other events, it is a way of promoting the work of charities which offer free legal advice and support to vulnerable people otherwise denied access to the legal system and the legal profession, whose support of the sector is vital. As the number of people desperately in need of free legal help rises, funding for free advice services is being continuously cut.

This lack of funding has meant some organisations have had to merge, stretching tight resources even further. Many have ceased to provide services altogether, leaving whole communities with almost no access to advice if they are unable to afford legal fees.

How to get involved?

Will you act as Bake Coordinator and register your firm to take part, or if not, could you find someone who might be able to? Anyone can get involved, it doesn't matter if you are a local firm, chambers, advice agency or just someone who loves to eat baked goods, all that matters is that you are dedicated to raising money for the provision of free legal advice throughout the North West. Don't love cake? Not a problem. Not all bakes have to be cakes, savoury snacks are just as welcome!

There is no registration fee.

1. Please complete the short registration form (contact us at events@nwlst.org.uk if you have any issues).
2. We will provide all the materials you need to hold a successful bake sale! Check out our website for posters, email footers, bunting and even price labels!
3. Get baking (and eating of course!) Our handy bake

guide containing top tips for holding a successful bake sale can be found here. Also, don't forget to send us pictures of your tasty treats after the bake (although no doubt they will make us really hungry!)

Thank you in advance for your help – we rely on your support to keep access to justice for all a reality.

Laura Cassidy
Fundraising and Development Manager,
The North West Legal Support Trust

PS: Remember, if you are...

- a) a legal advice agency 100% of the funds you raise can be kept by your charity!
- b) a law firm or chambers you can raise 50% for your favourite legal advice charity and 50% for the NWLST by telling us which partner agency you want to raise for.

The NWLST would like to thank our sponsors The Law Society of England and Wales for helping us make this event possible with support from The Access to Justice Foundation.

www.nwlst.org.uk



Training Room



Meeting Room



Both Rooms



Venue Hire

Liverpool Law Society's premises are **fully equipped** with modern technology. **Complimentary WiFi** access is included. The Society is situated in the heart of Liverpool's commercial business district, and is well-connected to the train and road network. The Society is a two minute walk from Moorfields train station (Old Hall Street exit) and there are several NCP car parks nearby.

At Liverpool Law Society we can offer:

Professional working environment
Refreshments

Lunch ordering service
Audio Visual equipment

*Room capacity and daily hire rates:	Classroom Style	Boardroom Style	Theatre Style
Training Room Members £150+VAT Non-Members £175+VAT	32	20	60
Meeting Room Members £100+VAT Non-Members £125+VAT	12	12	20
Both Rooms Members £250+VAT Non-Members £275+VAT	44	32	60

*Monday to Friday, 9.00am to 5.00pm. Additional charges apply for evening events.
Enquiries: roomhire@liverpoollawsociety.org.uk Tel: 0151 236 6998 Ext 33
Liverpool Law Society, Second Floor, Helix, Edmund Street, Liverpool, L3 9NY

Conveyancer's Guide to Easements, Access & Services

with Richard Snape

on Wednesday 21st February, 1.30pm-4.45pm

This is obviously a fundamental area in relation to all forms of conveyancing.

The course aims to look at some of the major issues and how problems may be solved.

Topics covered include:

- Vehicle access rights
- Access across open space
- Intensification of use
- Public rights of way and adoption of highways
- Services and wayleaves
- Maintenance of rights and private roads
- Adoption of Sewers: Implications and Section 104 Water Industry Act 1991 and changes in late 2012/2013
- Insurance implications

Satisfying Competency Statement Section: B: Technical Legal Practice

Sponsored by:



For more information or to book, [click here](#)

Venue: Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

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Terms:

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The Credit bundle is non-refundable Offer excludes the Children Panel Qualification 3 day course & limited events when specified Any supporting materials will only be issued to those who have booked on courses which they have unavoidably been unable to attend

The Society retains the right to cancel or alter the date of courses

Subject to our usual [terms & conditions](#).

Those who book events but do not attend and don't provide notice of cancellation will have the appropriate credit allocation applied.

To see more information, [Click here](#)



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Technology: friend or foe of the conveyancing lawyer?

As conveyancing professionals know, the document and data heavy processes involved can be slow and laborious. Often, information is received in a similar way to the property chains that clients are in, with frustrating delays caused by people failing to respond in a timely manner. And, in an age when so much information is available at the touch of a button, it is understandable that clients might get impatient. Most of us would agree that more efficient methods are needed and, as a result, in recent years there has been a surge in the number of companies providing technology specifically tailored to the needs of conveyancers, for example by enabling faster and increasingly sophisticated property searches. So, given that the technology exists, can we assume that firms are making the most of it? Not according to a recent survey by PwC, which found that only 11% of the UK's top 100 law firms were utilising the latest technology such as big data or predictive analytics. However, awareness is certainly increasing: Reuters' analysis revealed a 48.4% rise in new legal services patents globally, indicating that while there is a way to go, law firms everywhere are certainly beginning to invest in legal tech. For example, Eddie Goldsmith,

partner at Liverpool-based conveyancing specialists GW Legal, says, "Goldsmith Williams has always prided itself in providing the most efficient, tech-savvy processes for our B2B and B2C clients alike. We are a modern practice, as I believe we have clearly demonstrated through our innovative, paperless and constantly accessible legal case management system GWlive."

It's clear that firms need to revolutionise to meet clients' growing expectations and compete. But why are so many reluctant to embrace this technology when it would free them up to concentrate on real add-value work, such as providing strategic advice? One reason might be the perceived risk to jobs. However, rather than seeing technology as a threat, firms should recognise its potential to help them grow and actually increase headcount. Conveyancers sit on a wealth of data: if you can analyse this properly and capture its value, you can offer more comprehensive consulting services. Matt Taylor, a partner at Clifford Chance, agrees. At a recent roundtable hosted by news resource Legal Futures, he predicted that the shape of law firms will change and "move towards the consultant side" of the

property transaction as a result of embracing technology and data. For example, international firm DWF, whose founding office is in Liverpool, offers consultancy services alongside its real estate legal provision and was named as one of Europe's most innovative legal advisers by The Financial Times.

The law firms of the future will be staffed and shaped differently. They will almost certainly start to move towards the consultancy side and develop teams which are more technical. It's important not to underestimate how quickly we will see these changes: very fast developments in technology could mean more traditional companies fail to keep pace and struggle to remain relevant to their clients. Businesses should be planning strategically, with a view to creating a team of lawyers and those providing technical expertise – such as data scientists or programmers – working closely together. The firms that keep



abreast of technological changes and staff their teams accordingly are the ones that will reap the commercial rewards.

Lynn Sedgwick is managing director of Clayton Legal, the leading legal recruitment specialist. For more information contact Lynn on ls@clayton-legal.co.uk or call 01772 259121



The 2018 Management Conference: Moving Your Legal Business Forward

Wednesday 28th February, 9.30am - 4pm

Suitable for: practice managers, managing partners, heads of HR & finance, CEOs and those with management responsibilities

Chair: Joanna Kingston-Davies

The need to innovate in legal services before solicitors are left behind

Andrew Gregory

The evolving risks faced by law firms and how PII should be considered as part of a wider picture

Phil Edwards

Excellence in customer service

Michael Lynch

Qualifying as a Solicitor: the future

Keith Harper

Apprenticeships

Emma Tegerdine

Making your firm more resilient as we navigate Brexit

Andrew Otterburn

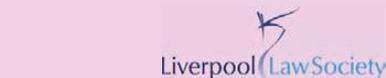
Doing business after Brexit

Helen Tse MBE

For more information or to book, [click here](#)



Kindly sponsored by



Private Client Tax Planning Update with John Bunker

on Wednesday 7th March 2018, 9.30am - 12.45pm

Covering:

Trust Register: following the frustrating delayed introduction of TRS, what does this mean for practice?

Do trusts in wills and settlements, and letters of wishes, need re-thinking re beneficiaries included? What about existing trusts?

Drafting wills to maximise RNRB - one year on from introduction

Latest developments on BPR and APR, planning to achieve "mainly trading" and avoid "excepted assets"

DOTAS and IHT: any developments?

Responding to any significant private client tax changes in the November 2017 Budget and Finance Bill 2018

Venue: Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

For more information or to book, [click here](#)

Document sharing in the modern law firm

Gone are the days of lawyers having to carry heavy briefcases and large folders full of documents. Technology has enabled lawyers and their clients to share and collaborate across multiple documents with single handheld devices such as tablets or laptops.

FOR THE CLIENT

As clients become more adept at using cloud technology and increasingly reliant on it, law firms are expected to offer a quicker more efficient service as standard. In addition, as clients express a wish for their documents to be handled sensitively and securely, the market demand for this readily available technology is making it a necessity rather than a choice for legal practices to provide up-to-date document sharing technology to their clients.

In 2017, the inaugural year of LawConnect, the document sharing system, over 63,000 documents were shared with clients by more than 800 law firms. This is a clear indication that law firms are adopting the technology offered within the LEAP practice management solution.

Part of the attraction to clients in using systems such as LawConnect is that they can expect better document security and version control than email can offer. Also, lawyers and clients can collaborate in real-time by storing, sharing, reviewing and refining documents. No matter what the size of the file – the process is simple – documents can be instantly accessed from anywhere at any time by the client and from any web-enabled device.

FOR YOUR FEE-EARNERS

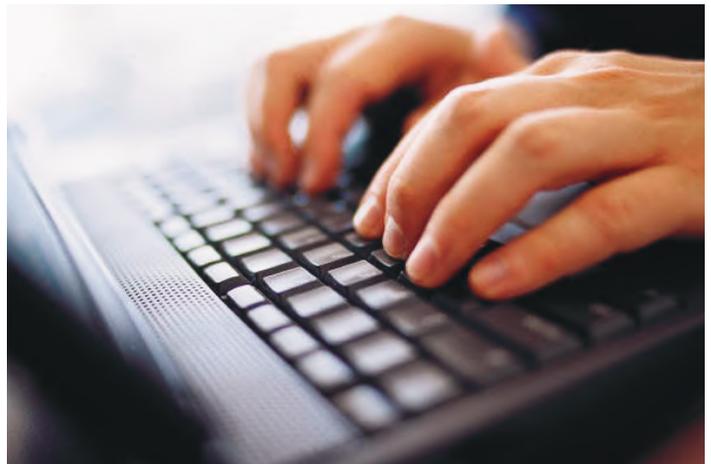
Solicitors are also starting to demand shared document technology because of the added benefits it can bring to a legal practice. Feature-rich technology enables a lawyer to see if a client has viewed a document, access shared documents instantly and revoke access to documents if necessary.

Offering clients instant access to their documents and case files means that all parties can locate the latest version quickly and review, collaborate and respond accordingly. An additional benefit to using LawConnect is the system integrates seamlessly with LEAP's legal practice management platform. Lawyers can share documents directly from within the electronic matter.

LEAP UK's CEO Peter Baverstock comments: "LawConnect is a simple yet safe legal document management system. We are delighted that it is being so widely used by the legal market and we have heard of many instances of End Users recommending LawConnect to their lawyers."

Andrew Nuttall of Adlington Law Limited comments: "LEAP is constantly improving its system and you get regular updates of all changes, one recent addition at no extra cost was LawConnect which allows you to share documents to all your customers and suppliers within seconds of producing a letter/fax or PDF document. This is very useful if we require our client to sign documents and return them the same day. It is quicker than using the postal system and awaiting the return of important documents."

The simple fact is that if law firms don't offer this technology, clients will go elsewhere, even if that means to the competition. Document sharing is now a key driver for a client base and not something that can just be ignored.



About LEAP UK

LEAP is the cloud legal software solution for small to mid-sized law firms wishing to become more efficient, more flexible and profitable. It allows everyone in a small law firm to work naturally using a single integrated system that enables them to do more work with the same number of people. The smartphone app allows lawyers to work whilst on the move, and includes innovative features such as time recording mobile phone calls directly into a matter. LEAP is a global company, originating in Australia where it is the dominant provider of legal software for small law firms. The firm is the largest privately owned small law firm software provider in the world and there are more than 6,000 firms using LEAP software. In the UK LEAP has offices in London, Manchester, Belfast, Bridgend and Edinburgh.


 Liverpool Law Society

Restrictive Covenants, Overage and Conditional Contracts with Richard Snape

on Wednesday, 21st February, 9.30am - 12.45pm

Restrictive covenants continue to cause problems on a regular basis and overage clauses are coming very much back into fashion.

The course aims to look at some of the issues involved.

Topics include:

- Enforceability of restrictive covenants against third parties
- Remedies for breach of restrictive covenants
- Enforceability of overage clauses
- The trigger event
- Case law on interpretation
- Enforceability of conditional contracts
- Recent case law on conditional contracts
- Lock-out agreements

Satisfying Competency Statement Section: B:Technical Legal Practice

Venue: Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L3 9NY

For more information or to book, [click here](#)

News from the



For those not partaking in 'dry January', and following on from the success of last year's event, the MJLD kicked off 2018 with a classic wine tasting experience at Veeno on Castle Street, kindly sponsored by Hays Recruitment.

On the evening of 18th January, our members were expertly guided through the tasting process of 6 delicious wines, each accompanied by a selection of nibbles and antipasti.

The night also featured a raffle giving our members a chance to win a free trip back to Veeno for 2 for more wine tasting. Once again, this was an extremely popular event, and we would like to thank all of our members for joining us.

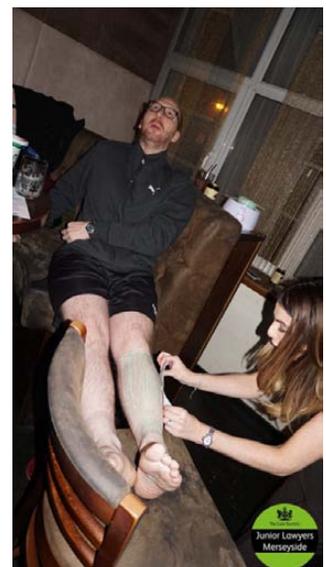
Please keep an eye out for our future events coming up over the coming months, including Mowgli in February and the annual, fiercely contested Liverpool Law Society vs MJLD Quiz on 22 March at Revolution on Matthew Street.

In December 2017, the MJLD held its first ever Open Mic Night at The Attic Bar, which featured a number of brilliant local acts whilst also giving our members the chance to get up and sing! The event was free for anybody to attend and specifically focussed on raising money for our nominated charity, Clatterbridge Hospital. The night also featured our Chair, Ali Hough, Vice-Chair, Mike Fagan, and Education Representative, Andrew Ball, having their leg's waxed to help raise even more money for Clatterbridge! Ouch! We were able to raise well



over £200 on the night, and we would like to thank all of our performers for helping such a worthwhile cause.

Thanks to events like these, we are delighted to announce that in December 2017, the MJLD became the first team to raise £1,000 in our nominated charity's Corporate Challenge! We are very proud to have done so, amongst fierce competition, and we would again like to thank our Committee, our members and those who have kindly donated all of whom have helped us raise this total.



** General Data Protection Rules **

with Jo Morris
on Tuesday 17th April, 10am - 4.30pm (lunch provided)

The 25 May 2018 is a very important date for your diary in relation to data protection.

The new GDPR was passed in May 2016 which means that the new obligations and procedures must be in place by 25 May 2018

This course will help to guide you through the changes looking at both the Data Protection Act and the GDPR considering the following:

- The SRA Handbook and Code of Conduct in relation to Data Protection
- Change comparison
- What have you done so far to prepare for the new regulations
- Action plan for moving forward
- The ICO and the Article 29 Working Party

For more information or to book, [click here](#)

Venue: Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

News from the



Women Lawyers
Merseyside

Gin Tasting Event

Thank you to everyone who attended our gin tasting event on 2nd February at Jenever.

We know a lot of people were doing 'Dry January' so having the event a couple of days after it had ended must have done the trick as the event sold out within minutes! And who doesn't love gin tasting, especially on a Friday when you don't have to worry about suffering in work the next day?!

Everyone got the opportunity to try a number of different gins and the staff at Jenever were very knowledgeable!

We have received some great feedback about the event itself and the venue and we hope everyone who went had a fantastic night.

Annual Quiz

Following on from the success of previous years we will be holding our annual quiz again in March 2018.

Keep an eye on our social media for details!

#womenscareerswednesday

We are all successful women in business and we want everyone to have the opportunity to tell people a little bit about what they do and how they have got to where they are today.

We have a "5 Minutes with..." feature on our website which is essentially a few questions and answers from women in the legal profession. This will be featured on our Twitter account each Wednesday with the hashtag #womenscareerswednesday.

If you would like to be featured or you know someone who you think should be featured then please email our Chair Kathryn King (Kathryn.King@eadsolicitors.co.uk).

@MerseysideWLD Womens Lawyers Division – Merseyside

W: www.wldmerseyside.co.uk

General: merseysidewld@gmail.com

Events: wldevent@gmail.com

Membership: wldmembership@gmail.com



Winning Package Holiday Claims with Nicky Carter

on Thursday 1st March, 12pm - 3.15pm

The topics covered will include amongst others, the following:

When do the Regulations Apply?

- Basic five elements
- Local Standards? *Lougheed v On The Beach Ltd [2014] EWCA Civ 1538*, *Japp v Virgin Holidays Ltd [2013] EWCA Civ 1371*
- Statutory defences and contributory negligence

Athens Convention?

Breach of the implied condition in the Supply of Goods and Services Act 1982 s.4(2) that goods supplied under a contract should be of satisfactory quality

- *Wood v TUI Travel PLC (t/a First Choice) [2017] EWCA Civ 1*

Food poisoning

- Evidence
- Causation
- Credibility

Diving – in and swimming

- *Volenti*
- *Contributory negligence*

Activities

Investigation

Causation

Experts

Procedure

- *Jurisdiction- Winrow v Hemphill & Anor. [2014] EWHC 3164 (QB)*
- *Rome II*

Costs regime-QUOWCS application *Wagenaar v Weekend Travel Ltd t/a Ski Weekend [2014] EWCA Civ 1105, [2014] All ER (D) 24 (Aug)*

Venue: Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L3 9NY

To see more information or to book, [click here](#)



Elderly Client Update

with Helen Clarke on Tuesday 20th February, 10am - 1pm

After this session, delegates should have increased their knowledge and understanding, including potential problems and pitfalls and where appropriate practical solutions in the following areas:

- Elderly client case law including assessment of testamentary capacity, undue influence and statutory wills
- Consideration of the pitfalls and problems of taking instructions remotely including the regulatory obligations for solicitors
- Financial Abuse case study – can you “protect” your elderly client?
- The new Law Society/STEP/SRA guidance about releasing copies of Wills to attorneys
- Awareness of recent guidance and news from OPG
- Increased their knowledge of deprivation of assets under the Care Act 2014

Awareness of relative's occupational rights /carer's equitable interest in family home when care is being delivered at home

For more information or to book, [click here](#)

Venue: Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

Anglia Research traces residents of Liverpool terrace for 'A House Through Time'



Anglia Research, one of the UK's leading probate genealogy and legal research companies, was invited by the award-winning TV production company, Twenty Twenty Television, to work on its latest BBC2 production, A House Through Time, presented by the BAFTA winning historian, David Olusoga.

Imogen Benneworth, a case manager at Anglia Research's Southport office, was involved with the project from the outset, spending hours at Liverpool Archives compiling a timeline of the residents of 62 Falkner Street and developing their family trees.

The BBC said: "Through the prism of one single terraced house in Liverpool, this series tells a story of Britain from the 1840s to the present day - a period of seismic social change.

"In the first episode of this series David follows the stories of the first inhabitants of the house... how the house came to be built as a merchant's residence by a canny property developer at a time when Liverpool was one of the great trading ports of the British Empire.

"He then uncovers the story of the very first tenant, a customs clerk with a taste for fine furniture and the high life, and explores what happened to his lavish lifestyle when the money dried up."

Imogen said: "Twenty Twenty Television approached Anglia Research to see if we could help identify a street in the city in which they could build a historical documentary looking at the lives of the inhabitants over the years. I suggested Falkner Street, off Hope Street, in the area which has now come to be known as the Georgian Quarter and reflects the rise, decline and regeneration of the city over the decades."

She adds "As someone who was brought up on Merseyside and who now works from Anglia Research's north-west office in Southport, I have always been fascinated by the history of Liverpool, once considered the 'second city of the British Empire'.

Liverpool's growth parallels the rise of empire, maritime adventure, commerce and the transatlantic slave trade, now commemorated in the city's International Slavery Museum. Its story is one of rapid economic growth and prosperity and then a slow decline to the nadir of the Toxteth Riots in the 1980s, followed by rebirth and regeneration. Today it is one of the top tourist attractions in the UK.

Liverpool's history is very much reflected in the stories we discovered about one house in the city's Georgian Quarter in the shadow of the imposing Anglican cathedral on Upper Duke Street."

The producers chose 62 Falkner Street and Imogen, along with other researchers, continued to look into the lives of the families who had lived there from the first resident, Richard Glenton, a clerk for HM Customs at The Custom House to the current owner, Gaynor Evans.

David Olusoga commented: "The extremes of Liverpool's story are reflected in the lives of the occupants of 62 Falkner Street. They span the social spectrum, from the well-to-do Victorian gentlemen to the families who huddled together in single rooms during the decades after the second world war when the house degenerated into a tenement slum."

Imogen said: "The research work was fascinating. Tracing families is what we do on a daily basis but this had an extra dimension to it because it gave me an opportunity to step into the lives and the stories of the people who called it their home."

Anglia Research is a probate genealogy and legal research company, employing more accredited genealogists and legally qualified staff than any other probate research company in the UK.

Liverpool's growth parallels the rise of empire, maritime adventure, commerce and the transatlantic slave trade, now commemorated in the city's International Slavery Museum. Its story is one of rapid economic growth and prosperity and then a slow decline to the nadir of the Toxteth Riots in the 1980s, followed by rebirth and regeneration.

Film Review

Ellie Finnigan of Brabners reviews her visit to the Odeon to see "The Last Jedi"

I saw the new Star Wars movie, "The Last Jedi", on 14th December. To say that I'm a Geek is an understatement. My husband booked tickets for us within a day of Odeon releasing the dates and I had the physical tickets printed off and in the "safe" place by the end of October. Amazingly enough I managed to find the tickets and to have them with me when I went to the cinema.

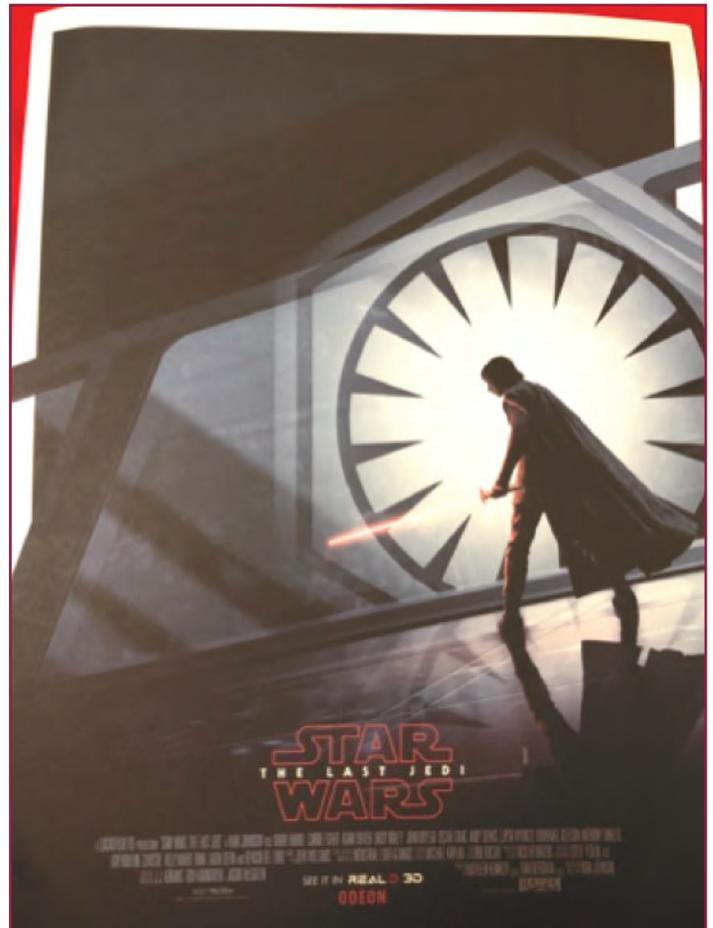
We'd booked seats in the Gallery for the 6pm showing. When we got to the cinema the foyer was pretty quiet. We got straight through past the person you need to show tickets to and took the lift up to the Gallery floor. If you've not been to one of Odeon's Gallery's before then the concept is pretty much the same as an airport lounge. You pay to get in (the cost being more than a normal ticket), are able to use the "exclusive" bar area for an hour before the show and get to have unlimited soft drinks, popcorn & nachos. Going straight from work meant that I'd only had time to drink some tomato soup which meant that "tea" consisted of some Quality Street chocolates, some popcorn and then inevitable bag of sweets that I'd managed to smuggle into the cinema (shhhh!).

The cinema wanted people to leave reviews on their website and were offering Star Wars posters as the incentive. Of course, I wanted to posters before the film so that I could pick which of the available posters I was going to take home. To get the poster you had to show the end screen of the survey so I tried to go through it as quickly as possible – I may have fluffed the survey results slightly but hey ho... I now have two lovely posters brightening up the wardrobe door in my spare room. I also used the asking nicely trick and got to choose two of the three posters. Hurrah!

The seats in the gallery are lovely as they are in pairs and you can lift the arm in between to have a snuggle with your partner. For once we managed to book the two seats on the same sofa thing rather than effectively being next to each other but on different sofas. We were in the front of the Gallery row and I'd gone out to get extra popcorn. I forgot that I'm crap at balancing things and so ended up losing the top layer of popcorn onto the next seat along when I'd tried to put it on the arm of my chair. Whoops! No one was sitting there yet so I quickly brushed all of the popcorn onto the floor and denied all knowledge. The couple next to me sat down and the girlfriend didn't realise that the partition wall thing between the Gallery area and the back row of the normal cinema screening was slanted – she put her popcorn on there while she was getting settled and gravity took over. The end result was a floor very covered in popcorn and I am someone who likes to talk & laugh with strangers. I did own up to the existing popcorn that I'd dropped on the floor too.

I won't write anything about the film itself as I am horrendous for spoilers. However, I will say that I loved BB8 from "The Force Awakens" and I wasn't disappointed with the screen time that he got in this second outing. It's very easy for me to connect with those types of characters in films – which led to me getting told to be quiet by my husband after I squealed possibly too loudly. I can't help it that Chewbacca and Porgs just make me want to jump & down.

I was so happy after the last scene had been on screen and when the credits started to roll that I forgot how to put my coat on. The end result was me having one arm in my coat, the other arm just dangling and my husband having to help me get my coat on properly before we went into the open air and the lovely British weather.



Don't forget to submit your reviews You could win a bottle of wine or prosecco

All you need to do is write a review of a movie, gig, festival, book, concert, play, album or favourite box set and each month one will be rewarded with their choice of a bottle of prosecco, red or white wine, very kindly supplied by R&H Fine Wines of 12 Queen Ave (just off Castle Street) Liverpool.



Send your entries to
editor@liverpoollawsociety.org.uk

Regulation Update

The latest regulation news from Michelle Garlick of Weightmans LLP



The past month has been fairly quiet in the solicitor regulatory field as far as the SRA is concerned although the SDT has been pretty busy with some interesting reported cases.

SRA issues Warning Notice Highlighting Risk Factors in Personal Injury Claims

The SRA has issued a revised Warning Notice to firms who handle personal injury work and take referrals from third parties. The Warning Notice follows a thematic review conducted by the SRA - The Quality of Legal Services in the Personal Injury Sector which was published in December. The review identified a number of concerns including firms not identifying or obtaining instructions directly from clients, settling claims without adducing medical evidence, entering into referral agreements which breach LASPO and bringing claims without the knowledge of their purported client. It also recommends that firms put greater emphasis on training and supervising their staff to ensure compliance.

Copies of the Warning Notice and review can be found here and is a must-read for all those handling PI claims
<http://www.sra.org.uk/sra/news/press/personal-injury-review-warning-2017.page>

Decrease in Unauthorised Businesses Bringing Holiday Sickness Claims

Six months following the announcement that the Government intends on introducing fixed recoverable costs for holiday sickness claims, the Claims Management Regulator (CMR) has confirmed a decrease in unauthorised business handling such claims following their investigations into these companies. The CMR confirmed they received approximately 200 complaints in three months regarding holiday sickness claims which acted as a catalyst to improve their focus.

The CMR was assisted in their investigations by the SRA which has been sharing knowledge in respect of solicitors who are suspected of malpractice. All firms dealing with such cases will need to be familiar with the warning notice issued by the SRA towards the end of last year.

SDT Decisions

The SDT has been busy recently and January has seen several high profile decisions published from which lessons can be learnt.

The Tribunal showed sympathy to a junior lawyer, Sovani Ramona James, due to her being recently qualified, inadequately supervised, under a significant amount of pressure and an increased chargeable hours target giving rise to a culture of fear at firm McMillan Williams. The Tribunal heard Ms James had backdated correspondence at a time when her stress levels were at a point where she was losing weight and hair.

It was established that whilst the admitted dishonesty would usually attract a strike off sanction, the circumstances of her case were exceptional and she should be able to continue her career. She received a two-year ban, suspended for three years and ordered to pay £9,511 costs.

In contrast, a young 2PQE solicitor, Kate Sanderson, was struck off

and ordered to pay £9,000 in costs for fabricating insurance documents in order to increase her client's cover. Ms Sanderson denied all the allegations and that she did not create any false documents or act dishonestly, however, the Tribunal established her actions were dishonest and that no honest solicitor would fabricate documents, letters and attendance notes so as to conceal an omission. The first of these two cases cast the law firm employer in a very poor light with the SDT heavily criticising it for its culture, the "toxic" working conditions and pressure placed on the junior lawyer without consideration of her mental health. This should be a warning to all firms. The reputational impact for the firm is not to be underestimated and in the future, the SRA might well seek to discipline firms as well as the individual solicitor involved in such circumstances.

Another solicitor has been struck off for taking money from vulnerable clients whilst acting as their deputy. This follows the Stephen John Acres case reported in last month's edition, again involving theft from vulnerable clients. If you deal with vulnerable clients/have a Court of Protection department, it is worth checking your policies and procedures carefully and carrying out an audit to ensure that vulnerable clients are being properly looked after.

We also saw a solicitor Paul Dumbleton struck off for failing to pay a significant amount of counsel's fees/other unpaid disbursements which had fallen due, thus propping up his office account and clearly acting in breach of the Accounts Rules. In this case, there was a clear and deliberate instruction to the finance team not to pay certain fees over to the third parties and which the Tribunal understandably found was dishonest.

Another approved regulator/competition

We will be seeing more competition again from accountants targeting legal work following the decision by the LSB to approve the Association of Chartered Certified Accountants (ACCA) to regulate probate work.

And last month also saw the first solicitor practice choosing the BSB over the SRA as its regulator describing the BSB as more "practical and proportionate". Will we see more regulator shopping in the future, I wonder?

And finally, I was pleased to see that the Legal Services Consumer Panel (LSCP) has warned the SRA in its response to the SRA's consultation on the second phase of its reforms to the Handbook that the reforms would "compound existing complexities" and could further confuse consumers. This has been the message that the Law Society has been sending to the SRA for some time now. It will be interesting to see if the SRA takes any notice.

Michelle Garlick
Weightmans LLP

S Code	Date	Time	February 2018	Speaker
S4079	20th	10-1	Elderly Client Update	Helen Clarke
S4024	21st	9.30-12.45	Restrictive Covenants, Overage and Conditional Contracts	Richard Snape
S4025	21st	1.30-4.45	Conveyancer's Guide to Easements, Access and Services	Richard Snape
S4131	27th	1.30-4.45	Employment Law Update	Professor Dominic Regan
S4004	28th	9.30-4	Management Conference 2018: Moving Your Legal Business Forward	Various

S Code	Date	Time	March 2018	Speaker
S4095	1st	12-3.15	Winning Package Holiday Claims	Nicky Carter
S4116	7th	9.30-12.45	Private Client Tax Planning Update	John Bunker
S3993	14th	9.30-4.40	The 2018 Costs Conference	Various
S4084	16th	10-12.45	Financial Order: Law & Practice	Safda Mahmood
S4085	16th	1.30-4.15	Cohabitation Law Practice	Safda Mahmood
S4045	20th	9.30-12.45	Road traffic law for Criminal Practitioners: a practical guide	Colin Beaumont
S4046	20th	1.30-4.45	The Duty Solicitor at the Police Station	Colin Beaumont
S4020	21st	9.30-12.45	Selling land to developers	Peta Dollar
S4021	21st	1.30-4.45	Mixed Use & Residential Tenants Rights	Peta Dollar
S4113	23rd	1.30-4.45	Personal Insolvency: A Practical Guide	Chris Beanland

For full details & to book, visit: www.liverpoollawsociety.org.uk

Conkerton Memorial Lecture

The Master of the Rolls, The Right Honourable Sir Terence Etherton



will present the 11th Conkerton Memorial Lecture on Thursday,
15th March 2018 at 5.30 for 6.15pm at Liverpool Town Hall, L2 3SW

on **Civil Justice Reform after Jackson**

**The Master of the Rolls is the Head of Civil Justice
and the second most senior judge in England and Wales.**

In January 2001 Sir Terence Etherton was appointed a High Court Judge, becoming Lord Justice of Appeal in 2008 and Chancellor of the High Court in 2013. Shortly after being appointed Master of the Rolls in October 2016, Sir Terence was one of the three judges forming the divisional court of the High Court in proceedings concerning the use of the royal prerogative for the issue of notification in accordance with Article 50 of the Treaty on European Union (the Lisbon Treaty) (*Santos and Miller, Applicants -v- Secretary of State for Exiting the European Union, Respondent*).

Prior to becoming a judge, he had competed on the British sabre fencing team and qualified for the 1980 Moscow Olympics. He boycotted the Games in response to the USSR's invasion of Afghanistan.

This event is free to attend and open to all members of the legal profession and students of law, be it undergraduates or those on LPC or GDL courses.

For enquiries or to book a place/places please [click here](#).

Please note all bookings are subject to the Society's terms and conditions, visit www.liverpoollawsociety.org.uk/general-terms-and-conditions for details. Liverpool Law Society is a company limited by guarantee, registered in England and Wales, Company Number 00004302.

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PROCLAIM DEVELOPER

LIVERPOOL

A law firm in East Liverpool is looking for an experienced Proclaim Developer to join their IT Team. You must have 4+ years experience. Salary, up to £45,000.

Contact Grace Bolton: g.bolton@clayton-legal.co.uk

RESIDENTIAL CONVEYANCER

LIVERPOOL

An established, successful and growing High-street Practice, is looking for a Residential Conveyancer. The role will consist of dealing with the Sales and Purchase from initiation to completion and manage a caseload of Residential matters. Must have a minimum 2 years PQE.

Contact Dannie Moore: d.moore@clayton-legal.co.uk

INDUSTRIAL DISEASE SOLICITOR

LIVERPOOL

My client is a national law firm specialising in Personal Injury and Clinical Negligence claims. You will be conducting a variety of Industrial Disease cases and you will be responsible for successfully running cases through to issue proceedings through to settlement. You will be proficient in drafting key documents including Schedules of Loss.

Contact Leanne Taylor: l.taylor@clayton-legal.co.uk

FAMILY SOLICITOR

BIRKENHEAD

A specialist Multi-Service law firm, is seeking to appoint a Family Solicitor to deal with a mixture of Legal Aid and Private Funded work. The successful applicant will have Care experience. Applications also welcome from NQ+ Solicitors.

Contact Lauren Connors: l.connors@clayton-legal.co.uk

LITIGATION SUPERVISOR

LIVERPOOL

My client, is looking for a Litigation Supervisor to manage a team of Fee Earners, to ensure they meet their KPI's, monitoring case progression and reporting all to management. You are required to have at least 5 years experience within Litigation and a minimum of 3 years Management/team leader experience.

Contact Leanne Taylor: l.taylor@clayton-legal.co.uk

COMMERCIAL CONVEYANCER

LIVERPOOL

My client is a reputable and established Law Firm based in Liverpool City Centre. They are seeking to appoint an experienced Commercial Conveyancer to manage a caseload of Commercial files from start to finish. The role will appeal to an experienced Conveyancer who will have at least 3 years experience in a similar role.

Contact Dannie Moore: d.moore@clayton-legal.co.uk

COSTS DRAFTSMAN

LIVERPOOL

Based in Liverpool City Centre, this position is with an in-house firm. You will ideally have 3 years previous Costs experience dealing with Personal Injury, Clinical Injury and also Family Law.

Contact Matthew Walwyn: m.walwyn@clayton-legal.co.uk

SENIOR LITIGATION EXECUTIVE

LIVERPOOL

My client, is a claimant firm looking for a Senior Litigator. You will have experience of managing a caseload of litigated claims and cases which have exited the RTAS portal. A minimum of 2 years experience with thorough understanding of the CPR. The role will offer exposure to higher value and multi-track matters.

Contact Leanne Taylor: l.taylor@clayton-legal.co.uk

SOLICITOR ADVOCATE

NEWTON-LE-WILLOWS

My client is a specialist Personal Injury law firm. You will be a Solicitor Advocate with a minimum of 5 years PQE. You will manage a case load of files which include Stage 3, Applications, Trials and Disposals. You will be a confident individual with strong technical knowledge of RTA claims and strong Advocacy skills.

Contact Leanne Taylor: l.taylor@clayton-legal.co.uk

PRIVATE CLIENT SOLICITOR

LIVERPOOL

A long established and well-respected law firm, is seeking to appoint a Private Client Solicitor join their accredited Family Department. The successful applicant will be a Qualified Private Client Solicitor with 1-5 Years PQE and have Trust experience.

Contact Lauren Connors: l.connors@clayton-legal.co.uk

CONSTRUCTION SOLICITOR

LIVERPOOL

An award winning International law firm, is seeking to appoint an experienced Construction Solicitor. The role will involve dealing with a wider range of construction matters covering Construction & Engineering contracts, Drafting & Negotiating building contracts and carrying out due diligence. You will also have experience of undertaking Dispute Resolution work.

Contact Leanne Taylor: l.taylor@clayton-legal.co.uk

PLANNING/ENVIRONMENT SOLICITOR

LIVERPOOL

Our client, a Legal 500 firm, are seeking to appoint a Planning/Environmental Solicitor (NQ-3 Years PQE). The role will involve handling your own caseload covering: Water Law, Contaminated Land and Climate Change. The successful candidate will be experienced within either the Environmental or Planning Sector.

Contact Dannie Moore: d.moore@clayton-legal.co.uk



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