

Liverpool Law

The Magazine for the legal sector
in Merseyside and the North West



Conservative
Conference Fringe
Meeting



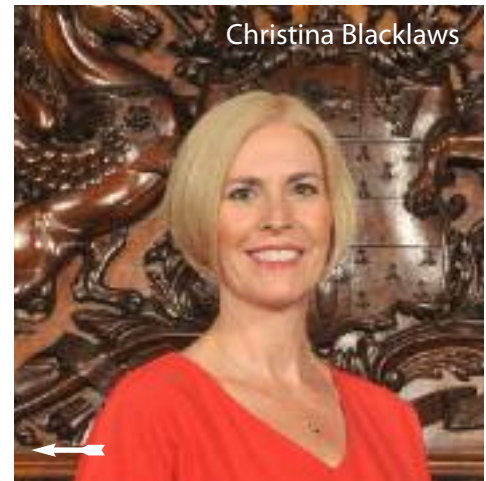
The Liverpool
Legal Walk



Launch of new
In-House
Sub Committee



Meet
Christina Blacklaws,
the Vice President
of the Law Society



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Welcome

to the November edition of Liverpool Law

It's difficult to believe that November is now upon us. That rather depressing time of year when we move towards travelling to work in the dark and then back home again, in the dark. There are some who have said they feel they remain in the dark when in work, but that's another story!

It has been relatively quiet out there in the legal world following the end of the summer vacation period and it does appear that a significant part of the Government's time is being taken up attempting to progress Brexit, meaning other issues are undoubtedly moving a little more slowly than the Government and any other interested parties perhaps might have hoped. I have little doubt though that things are progressing in the background and no doubt those developments will come to the fore over the months ahead.

As always, this edition is full of some very interesting articles as well as the regular features and thanks once again to all of this month's contributors whose efforts really are appreciated. In short, without them we have no magazine, so please help them out and feel free to submit any views, reports, articles or reviews for consideration. With the latter in mind, congratulations this month to Julia Baskerville for her review of "Hurray for the Riff Raff" which wins this month's bottle of wine courtesy of our sponsor R&H Fine Wines of Castle Street Liverpool. As a complete aside, I had a little dive into the world of the Riff Raff, well worth a listen so thank you for the heads up Julia!

I should also at this point both mention and say congratulations to Zoe Gascoyne who has won Solicitor of the Year at Law Society Excellence Awards. We will



report on this in a little more detail in our next edition.

In other news as they say, Tranmere still appear to be struggling with life in The National League after last years excellent effort. They currently lie 15th after 16 games, so a third of the way into the season. On the positive side they did have a run of four games unbeaten of late and despite their struggle only remain 6 points of the play off positions and 12 points off top. With 30 games to go anything can happen, so keep the faith!

Meanwhile, news from Boston is rather mixed. The Red Sox did hold on to win the American League East by two games but sadly carried their end of season struggles into the play offs and lost 3 games to 1 to the Houston Astros in the American League "semi-final". The Astros did however go on to beat the New York Yankees in a 4 games to 3 thriller of a final to advance to the World Series where they will face the winners of the National League (No not the one Tranmere are in – I know, it's confusing), the Los Angeles Dodgers. Should be a good one and might be all over by the time you read this, but don't worry, I'll let you know the outcome if you don't get to see it!

Until next time, enjoy this edition and stay safe.

Peter Holland
Editor
editor@liverpoollawsociety.org.uk

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 contributor and not those of the Liverpool Law Society.

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Charity spotlight...



We asked Rae Brooke, the newly appointed CEX of the Community Foundation for Merseyside, to give us an introduction to a best kept secret!

Who is the Community Foundation for Merseyside?

The Community Foundation for Merseyside is an independent charity, part of a network of 46 UK Community Foundations, which promotes local giving to address local disadvantage.

Helping corporates, high net worth individuals and funders support their community, the Foundation offers a wealth of experience, knowledge, expertise and bespoke advice to ensure that charitable giving has the greatest impact where it is most needed.

Since 1999 we have distributed in excess of £40 million to charities and community groups in Merseyside. Our knowledge of the sector allows us to find and reach charities in our community, including lesser-known charities operating at grass roots, ensuring charitable awards create lasting change.

What do the Community Foundations for Merseyside do?

The Community Foundation for Merseyside helps build stronger communities together.

We help individuals, families, companies, charitable trusts, public sector bodies and organisations such as Comic Relief, the Big Lottery Fund and British Red Cross connect, support and invest in Merseyside's communities through charitable giving.

Providing sound management, due diligence and administration support services to make charitable giving easy, tax-efficient and robust. We offer clients independent and professional advice on charitable giving, linking them to exceptional charities that are seeking funding.

Our ultimate vision is to drive as much investment into the voluntary and community sector of Merseyside to enrich the lives of people and grow stronger communities together. We do this via:

Trust transfers

We work together with professional advisors to assist clients with trust transfers, moving the funds into another endowed fund with modern and applicable objects. Our work in revitalising dormant or ineffective trusts is acknowledged by the Charity Commission.

Endowment funds

Capital is invested and the income earned is awarded annually in charitable donations, achieving a long-lasting impact for the community. We hold approximately £15 million in endowment.

Leaving a legacy

We help create a unique and lasting legacy for the community which reflects an individual's personal wishes. We address both the practical and emotional considerations sensitively.

Private and bespoke service

We provide the opportunity to set up a stand-alone charitable fund or foundation for personal, family or corporate charitable giving aims.

Who do we work with?

Companies and individuals such as Hill Dickinson, Jamie Carragher, Liverpool ONE, Comic Relief and Santander, trust us with their charitable giving.

Additionally, we work with inspirational individuals - talented, committed, local, unsung heroes, who deliver a wide range of much needed support within our local community.

If you would like further information on how the Community Foundation for Merseyside might assist you or your clients please contact

Rae Brooke
Rae.brooke@cflm.email
07515 328162
www.cfmerseyside.org.uk

President's Mentions

Well well well what a month – non- stop thoroughly enjoying it tho`

Following on from the exhilarating walk in the Peckforton Hills in September I hot-footed down to Birmingham for the Joint V meeting with Nina & Sarah. It is interesting to note that all four of our partners have the same problems with the various agencies around the country, the authorities and Government not accepting or even trying to understand the problems of the vulnerable and the difficulties that we lawyers experience in running our practices. As always the civil servants clothed & protected by their masters and paying lip service to the regulations. No one prepared to take responsibility. The old adage from such jobsworth "if you do not make a decision then you never make mistakes" and the old chestnut "you should learn to side step the problem" in other words pass the buck.

We in private practice can never work like that - civil servants would not last five minutes in business.

We discussed membership of local

Societies and I hope that you have all filled in the questionnaire we sent out - the results of which over the next month we will analyse and report back. We would still welcome your feedback on any issue event or comment, please make use of the modern technology to tell us what you think.

We also considered how we can help any individual or firm who for a number of reasons find themselves in difficulty, and are currently working on possibility of setting up a directory of individuals or firms who may be able to help on a strict confidential basis. If anyone has any ideas then please feed them through to me @ Helix so I can consider how best to progress. Any problem is better shared and if discussed confidentially may provide a solution, we all have problems throughout life & business and it is in the interests of the profession if matters are considered before they become critical. I am hoping to discuss matters further with Joint V and others out of the area to come to some arrangement to provide assistance.

We discussed current legislation and

the oncoming changes being forced upon us by the SRA – deregulation – not popular and likely to cause considerable difficulties not least for the profession but more particularly for the clients. We are all supporting the National Society and Joe Egan has prepared a response to try to avert disaster so far as regulations are concerned.

We would also like to help the smaller rural societies and I attended the first North-West Forum kindly hosted by Weightmans when Joe Egan spoke fondly of the Lancashire area he comes from and still practises in Bolton. I would ask anyone in the more rural areas of South Lancs/Cheshire/Merseyside/North Wales and beyond to contact us and see if we can help with training/networking/advice/guidance and general assistance. With the modern technology it is so much easier and the world is very much smaller.

I was pleased to be invited to the Jackson Lees launch and congratulate them on their achievements not least with Elkan Abrahamson's hard work with Hillsborough. There is a movement to have Hillsborough Law recognised and hopefully made into law to force everyone to take responsibility for their actions – jobsworth look out !

Good news is that at the recent Finance and Policy meeting the directors are able to confirm that this Society is progressing and provided a surplus for the first time in many years - without having to raise subscriptions. Well done to all my officers/staff and Treasurer Philip Rooney in particular. The move to more efficient offices was clearly an excellent decision. We must not be complacent however and we are always looking for improvements. We are looking to provide more and improved training more social & networking opportunities and seeking sponsorship from worthy partners.

Can I take this opportunity to thank all the sponsors who are widely

recognised in this magazine and the leaflets covering all events, without these sponsors we could not operate to the high standard currently being maintained, many thanks to all.

I was honoured to pay tribute to Lord Justice Sir Henry Globe Queens Counsel at his valedictory occasion in Court 4-1 on 27th October at QEII my regular haunt these days. Henry, who is to retire in November, has had a wonderful career in the law particularly in Liverpool where he was Recorder of Liverpool for 9 years rising to the High Court in 2011. I believe my contribution went down well and I was proud to represent the Society and all Merseyside Solicitors in such illustrious company.

Shortly after, that evening "my angels" (Nina, Alison & Sarah) & I hosted the Managing Partners Dinner at the Double Tree by Hilton Hotel sponsored by RBS and I believe from the feedback we received was once again an excellent event. This has now become an annual event and it was suggested that we have more such meetings maybe on a half yearly or quarterly basis – your views please?

I have been wined & dined by the Insurance Brokers Association (BIBA) at the Hilton Hotel deep in the heart of old Liverpool and more recently Royal Institute of Chartered Surveyors (RICS) at the Titanic Hotel, a wonderful venue, formally a bonded Warehouse seeped in the tradition of Liverpool as a leading port. I thank both organisations for their hospitality and wish them well for the future. I was able to meet and make many new friends. It is heartening to see how strong Liverpool Law Society and lawyers in the city are considered.

Perhaps one of the most enjoyable occasions was my invite to the opening of the New Legal Year at Westminster Abbey, following an enlightening dinner the previous evening at Chancery Lane where I was able to meet many of the



John Ballam centre, with Jon Hainey (left), President of Manchester Law Society and Bill Barton, President of Leeds Law Society

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Diary Dates

Thu 9 Nov	Annual Dinner
Wed 22 Nov	Legal Cashiers' and Managers' Conference
Mon 27 Nov	Annual General Meeting
Wed 6 Dec	Occupational Disease Conference
Wed 13 Dec	Commercial Litigation Conference

Photographs for Liverpool Law

If any member has photographs of Merseyside or surrounding areas and would like them to be featured on future front covers of Liverpool Law, please email editor@liverpoollawsociety.org.uk.

Conservative Conference Fringe Meeting

On 2nd October, I took up the opportunity to represent LLS at a Fringe Meeting at the Conservative Party Conference in Manchester. It was jointly hosted by the Society of Conservative Lawyers, the Law Society and the Bar Council.

After a networking session of introductory drinks, the speakers were introduced by Robert Buckland, QC. The main contribution was by David Lidington, Lord Chancellor and Justice Secretary, fresh from that morning's Judges' Service and Breakfast – attended by John

Ballam – surveyed the civil and criminal justice scene.

The Lord Chancellor highlighted three issues. First, the Government's planning for the circumstances of Brexit, including by reference to UK adherence to the Lugano Convention as it would be a non-EU State, for civil Judicial co-operation. Second, accessibility of Justice through digital means and the LASPO review. Third, addressing issues in the penal system including mentally-unwell prisoners and the enhancement of rehabilitation.

There were then two further

contributions. Andrew Langdon, QC, Bar Council Chairman. He emphasised concerns about provisions of the Withdrawal from the EU Bill, reiterated the need for progress in the Legal Aid review under the LASPO Act, and referred to the current level of civil Court Fees as a deterrent to accessing Justice.

The North West's own Joe Egan, national President of the Law Society was the concluding speaker. He emphasised the importance of the Solicitors' profession as a proportion of Gross Domestic Product and its export of services to help the balance of payments and therefore the need for mutual market access after Brexit, also emphasising that 380,000 people are employed in the sector in England and Wales.

I hope that this summary provides a flavour of the significant attendances at the event and the width of subjects highlighted by and to the Government.

Jeremy Myers
LLS Parliamentary Liaison
Officer



Jeremy Myers and David Lydington MP, the Lord Chancellor

President's Mentions continued...

Lawyers from the world who had travelled from such places as Australia, Malaysia Hong Kong Canada and further. There was a moving speech from a Turkish Lawyer who told us of the plight of Lawyers there who had been arrested & imprisoned merely for doing their job as Lawyers by defending the individual against the state – and we thought we had problems. We raised a toast to absent friends.

This together with the moving service when all the great & good of the profession gathered at Westminster Abbey with nibbles in the Palace of Westminster demonstrated to me the importance of British Legal System – the rule of Law and the integrity and independence of us the Lawyers – long may it continue. I was able to meet again at Liverpool Anglican Cathedral on 15th October again a very moving experience in a wonderful setting. The service is for Her Majesty's Judges and all involved in the law to attend and acknowledge a higher authority than themselves and recognised by all faiths as a merciful Judge. I would certainly recommend attendance in the future it is an occasion for all religions and for those who do not believe in the Almighty but seek justice in the world. An enlightening and moving experience.

I walked with the Lord Mayor of Liverpool and about 140 colleagues the 5K on 3rd October to raise funds for the North West Legal Support Trust, a worthy cause trying to fund advice centres – to fill the gap. Thanks to all who attended and resulted in our friend Sinbad (actor, Michael Starke) saying that he admired us Lawyers who had in the passed received bad press – at least someone likes us!

On 5th October I was able to persuade many to venture across the water to that magnificent Town Hall

in Hamilton Square for an enlightening networking luncheon and excellent talk from David Williams of Cammell Laird which showed how successful that shipbuilding company is and leading the world apparently employing mainly local people.

Finally I was pleased that the Law School of the University of Liverpool hosted the Opening of the Legal Year at the School of Arts Library in Abercromby Square. I was joined by the Leader of the Northern Circuit Michael Hayton Q.C., and met with many students who are wanting to become lawyers. I thank Debbie Morris for her assistance once again.

Well there you have it I am not sitting on my hands but spreading the word and raising the profile of Liverpool Law Society, I am now going to have a lie down before jetting off to Bristol/ Birmingham and back to the Titanic.

Please keep in touch I would welcome your views and would remind you that we want more people on the committee. Please nominate yourself or a trusted friend to join the committee and enjoy some part of the occasions I mention and to discuss and plan for the future of your Society. The AGM is fast approaching please save the date. Please save the date, Monday 27th November at 1pm at Liverpool Law Society.

My best wishes to you all

John Ballam
Your President
Birkenhead

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Managing Partners' Dinner

The Managing Partners' Dinner has become an annual fixture and is one of the best ways that we have for finding out what LLS can do for its members from those managing the firms in our region.

It is also a great opportunity for Managing Partners to talk freely about issues facing their firms and share with each other any ideas and best practice, as well as just catching up with other senior lawyers in a relaxed atmosphere.

Despite it being a miserable night, 18 partners came to the Doubletree for an interesting evening. This year member firms were represented at the dinner from the largest to the smallest firms and with all practice areas and disciplines. There was lively debate and engaging conversation. It was interesting to note that despite some of the differences, the issues that we face can be similar, and that is where LLS can help, whether it is lobbying the SRA or MPs on regulatory issues or having a local strategy or helpline for firms that need advice.

One of the themes that emerged this year was a growing concern for what we can do to help firms that are struggling financially so that the situation where a firm

simply shuts its doors does not arise. It was suggested that there could be a confidential listening and support service for firms who think they may be getting into trouble to speak to and be signposted to appropriate advice. We are looking at setting up a scheme with the other Joint V societies so advice could be sought outside the city to preserve confidentiality.

Another issue was what we are doing to promote Liverpool and to encourage legal talent to stay here. This linked with how we can be more relevant and encourage full participation from our membership. We are taking this on board and have been conducting our membership survey. We will also be working with the Universities, other professional societies and the International Business Festival to promote our city and region as a centre of legal excellence.

There were also ideas and discussion about what kind of social events LLS should be holding for different members. We do try to accommodate these ideas and if there are any more, we are always happy to hear them.

Nina Ferris
Vice President

News from the Sub-Committees

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

Non Contentious Sub Committee

Making a Will

Law Commission Consultation Paper 231
Looking at chapter 6, Electronic Wills

The Law Commission Paper (the Paper) has included this topic because of the increasing prevalence of digital technology and questions whether and how it may be applied in relation to wills.

The use of digital technology in the preparation of a physical will is accepted, otherwise we would return ultimately to the days of Scribes but I find the concept of a purely digital will with no physical form difficult to accept.

As an individual, I use technology but I am not an expert and I am sceptical about its reliability. In my personal experience, I can cite numerous instances when technology has not functioned adequately such as computers freezing, data lost, also Government IT projects failing and problems with public bodies such as HMRC.

I identify and appreciate my scepticism, suspicion and bias against digital technology and this is why I am writing this article to open the debate and to enable myself (and possibly other like minded individuals) to be challenged.

I must start from the beginning. What is the purpose of a will? Ah, there are a number of purposes but the primary purpose is to create a legally binding means of transmitting a person's assets after their death. It is a wonderfully creative yet potentially devastating document because its consequences are immense but it only comes into effect after death, at a time when its contents and motives cannot be explained. In this sense, a will is a unique legal instrument.

In summary, the Paper works from the basis that technology is widely used and therefore the "intuitive next step" is to develop the capacity to execute wills electronically and make use of fully electronic wills. I challenge this on the basis that just because something is done, it does not necessarily mean that it is good and should be developed. The analogy of lemmings jumping over the cliff comes to mind. I regard digital technology as an aid, not as an end in itself.

However, I know that digital technology is used in commercial law and I understand it works well. However, the purpose of commercial law is to facilitate commerce and I expect that digital communication is the norm rather than physical paper communication. On the other hand the purpose of wills is to control devolution and management of assets in the private sphere. A will is a unilateral document which again distinguishes it from a commercial contract. It is made in the present but to come into effect in the future. The convenience and norms of commerce should not be a controlling factor.

The changes discussed in the Paper seek to facilitate and encourage people to make wills. There is an acceptance that assets can devolve through numerous means separate and apart from a will such as jointly held assets, nominations and trusts. There are intestacy rules applying in the absence of a valid will.

I agree that people should make wills to create certainty after death. However, the serious nature of a will should not be devalued at the altar of modernity and convenience. There are many ways people can be prompted by the State to make a will, for instance providing information when a person attains 18; gets married or civil partnered or registers a birth. These are journey points where the State and individual coincide. There are no significant cost implications to the public purse. Note that there is a statement on a decree absolute to this effect.

I note that will writing is unregulated. This debate has been argued, supported by the Law Commission but the protection of individuals was lost at the political altar of consumer choice. I do not intend to reiterate the arguments.

The protection of people making wills is of primary concern. The Paper recognises this issue and has regard to the issues surrounding

vulnerability, undue influence and fraud. Making wills for clients at a distance is an established service offered by some solicitors. I have written about the issues before and the risks can be high. Litigation in relation to wills is increasing exponentially.

The State movement towards digital-by-default is moving in a tidal fashion. In the related area of Lasting Powers of Attorney, the rules to protect the donor have been relaxed. An independent person has to certify that the donor has capacity to make the document and is free from undue pressure. I have long argued (including the formal submission I prepared on behalf of the LLS) that the certificate provider should be a solicitor or a doctor but the Government decided this protection was not necessary. There is a definite move to trying to make the LPA a digital only document. This is a prime example of the sacrifice of individual protection to digitisation and convenience.

I am concerned that the matters discussed form the basis to Government thinking and the Paper's assumption regarding the use of digital technology. It appears to be digital-led and not guided by carefully crafted and ever developing legal principles. Society is aging and there are more vulnerable people with assets such as money and property. I think that the law should seek to protect individuals in the context of the framework for enabling the devolution of assets on death.

I could expand almost endlessly on these areas but it might become tedious. In summary, the Paper proposes provisionally that an enabling power should be introduced to allow wills executed electronically as valid through secondary legislation. The power should be neutral regarding the form such wills should take, this would be decided at the time of the secondary legislation. The power should be exercised when the form of the electronic will provides sufficient protection for testator against fraud and undue influence.

I am uneasy about this but I seek members' views. The Law Commission consultation paper 231 is a brilliant document and considers law reform in the context of the existing law. Many of the proposals are sensible. Electronic wills is just one chapter of fourteen.

I will be preparing a response on behalf of the LLS which must be submitted before 10th November.



Many thanks,

Naomi Pinder,
Chair of the non contentious committee

<https://www.lawcom.gov.uk/project/wills/#wills-consultation>

Family Business Sub Committee

We held our usual Family Business Sub-Committee meeting on Monday 16th October 2017. All of our usual standing items were covered including sharing information from minutes of meetings that had taken place at the Court including one meeting where it had been noted that local McKenzie Friends were charging £2150 for a conference and £2260 for attending at Court.

We also discussed at the meeting a local charity called The Haven Project Liverpool which supports families in the Liverpool City Council area who find themselves involved in public law care proceedings. They offer practical support to assist those families that are often isolated in understanding the Court process and in supporting them in attending Court hearings and significant

meetings and assessments that they are required to attend. The project though is only small and as with most small charities struggle with funding and funding streams. They are currently looking for ideas and contacts to assist with funding for the project and would welcome support around this.

It was also confirmed that Adele Schofield the current Chair of the committee is no longer going to continue in the role and is passing the role to Emma Plamer, partner at Messrs MSB. The committee was well-attended again but as ever we are always looking to welcome new solicitor members and should you be interested please feel free to attend our next committee meeting which is on Wednesday 13th December 2017.

In House Sub Committee

New committee launched for in-house counsel



Liverpool Law Society is delighted to announce the creation of a new sub-committee tailored to the needs of in-house lawyers. Martyn Rodmell, Group Legal Counsel at Princes Ltd. and a director of Liverpool Law Society will chair the committee.

The purpose of the committee is to offer members of in-house teams a forum to come together regularly, up to 4 times a year, to exchange ideas and information amongst peers, discuss best practice, contribute ideas to Liverpool Law Society's training programme, arrange ad hoc events for in-house lawyers and respond to relevant consultation papers. It is proposed the committee meetings will be held over a working lunch (sandwiches provided) at Liverpool Law Society's offices located in the Commercial District area of Liverpool.

To celebrate the new committee, a launch event will be held on Tuesday, 16th January 2018 with a guest speaker Alexandra Cardenas, the Head of Public Affairs and Campaigns at The Law Society. Alexandra will talk about Brexit and her team's work with the government and it will be followed by a Q&A session. There will be drinks and nibbles to allow for networking after the presentations.

If you are interested in joining the In-House Sub-Committee and would like to attend the launch event, please email committees@liverpoollawsociety.org.uk with your name, position, and firm and a couple of lines about your work.

Speaker Biography: Alexandra Cardenas is Head of Public Affairs and Campaigns at the Law Society of England and Wales – her team manages the organisation's relationships with parliament and government, including the organisation's work and engagement on Brexit and the legal services sector. She is a dual qualified solicitor in England and Wales (2014), and in Colombia (2004). Prior to the Society, she led national and international campaigns in Macmillan Cancer Support and Animal Defenders International which achieved legislative change. For over four years she practised as a Human Rights Lawyer litigating in cases before the Inter-American Commission of Human Rights and the UN Human Rights Committee. She was also an associate for a medium size law firm practising corporate and commercial law.

New members sought for Regulatory Committee

Liverpool Law Society's specialist Regulatory Committee is looking for new members. This committee does not just look at regulatory matters, but also policy issues and matters that concern the future of the profession. It meets on an ad hoc basis, usually driven by the release of consultation papers on legal professional topics from such bodies as the SRA. Committee members are also encouraged to keep the wider membership of the Society informed of regulatory issues through articles in the monthly magazine 'Liverpool Law'.

Meetings usually take place for an hour or so over lunchtime at Liverpool Law Society's offices.

If you are interested in becoming a member of this committee and are a member of Liverpool Law Society, please email committees@liverpoollawsociety.org.uk

The Law Society President addresses first Regional Forum in Liverpool

Weightmans in Liverpool kindly hosted The Law Society's first Regional Forum on 25 September.

Joe Egan President of The Law Society addressed a group of representatives from Local Law Societies (including John Ballam, Sarah Poblete and Steven Zdolny from Liverpool Law Society). Other attendees included special interest groups such as Junior lawyers, Women's lawyers and the Black Solicitors Network North and Council and Committee members from Cheshire and Liverpool.

The discussion covered the President's priorities for the year and included The Law Society's governance review and plans to modernise The Law Society, the brand of solicitor and the relationship with the SRA.

The Regional Forums broadens the ANWLS Association of North West Local Law Societies idea and aims to be a platform for networking and a more representative collective voice for the profession in the North West.

As the North West is such a large area, going forward there will also be a Greater Manchester forum on 17 November and another for groups up in Lancaster and Cumbria in April 2018.

Stephen Zdolny
Riverview Law



Legal 500

In next month's edition of Liverpool Law we will be featuring the Legal 500. If you or your firm has been recognised by the Legal 500, and wish to be included, then please send a short article, no longer than 250 words and a photograph.

Send to editor@liverpoollawsociety.org.uk

The deadline is 13th November

Meet the Vice President of the Law Society

Christina Blacklaws talks to Julia Baskerville about her career in the law, the current challenges facing the legal profession and her themes for 2018...

Christina Blacklaws studied Jurisprudence at Oxford before joining JB Wheatley, a community law firm in London where she qualified as a solicitor in 1991. Christina specialised in family and childcare work and in 2006 set up the family law practice Blacklaws Davis LLP.

Blacklaws Davis LLP was a hybrid law firm with nine high street offices, but also had 50 self employed or freelance lawyers and became one of the largest specialist family law firms in the country. The firm merged with London-firm TV Edwards LLP in 2011 and Christina was a senior member partner and responsible for the firm's business development before joining the Co-operative Legal Services (CLS).

Christina was engaged by CLS to launch their family law division. Christina, with her colleagues, set up a nationwide law department, which included a full range of fixed costs and a consistent quality service. They also developed a number of self-help tools for clients including web chats, YouTube presentations and Twitter feeds. Once the family law division was established and operating successfully, Christina was appointed Director of Policy for CLS and was responsible for business development and strategy.

Christina moved to top 100 firm, Cripps LLP as chief operating officer and is now their Director of Innovation.

Christina has many years

experience in family law and she was chair of the Law Society's Family Law Committee and is a current member of the Family Justice Council. She says that family law has undergone enormous changes since she qualified and the biggest impact has been the reduction of legal aid which has impacted family law firms and departments and, of course, their clients. In addition society has changed, the way people live has changed. Christina adds, "The law needs to reflect the world in which we live and the structure of families has moved on significantly. One thing that hasn't changed is the law relating to co-habiting couples and the Government really needs to introduce legislation. There are over 5 million people in the UK in long-term co-habiting relationships, who have few legal rights and there have been great miscarriages of justice. The Law Society have been battling for many years on this issue, but there is a lack of will by the Government to introduce legislation to protect these individuals."

Christina joined the Council of the Law Society in 2002 and is the representative for the Women Lawyer's Division. She has been a member of the Regulatory Affairs Board and chaired the Legal Affairs and Policy Board. She became Vice President of the Law Society in July.

Christina says that there are numerous challenges for both the Law Society and the profession. One of the most significant of these is the SRA Handbook. Christina says, "Yet again we have serious concerns about the SRA proposals. Firstly the SRA propose that a newly qualified solicitor will be able to set up their own firm as soon as they qualify. Currently the rule is three years after qualification and after management training. When solicitors qualify, they have the support and guidance of experienced practitioners. If this proposal were to be implemented



there could be very junior and inexperienced solicitors giving unsupervised legal advice. The proposals to allow solicitors to work as solicitors in completely unregulated businesses is not good for the solicitors' brand and will essentially create a 2-tier profession. The Law Society prides itself on the excellence of the profession and when I have spoken to solicitors up and down the country they are aghast at this suggestion." A range of further proposals can only, the Law Society asserts, put consumers at risk and undermine trust in legal services. A proposed new tier of solicitors would, under SRA proposals, work in unregulated entities and the Society believes these practitioners wouldn't have to have the same professional indemnity insurance as other solicitors, wouldn't pay into the solicitors compensation fund and wouldn't inevitably afford their clients legal professional privilege (LPP). A further new class of solicitor would freelance, with neither a firm over their head nor the badge of sole practitioner. These changes risk serious damage to the solicitor brand, the Law Society asserts.

Access to Justice is a constant challenge for the Law Society, the profession and society.



Ensuring added value in estate administration and planning with John Bunker

on Thursday 7th December, 1.45pm - 4.45pm

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- How to administer estates most effectively, to use the tax planning options available especially with RNRB & to avoid the tax traps
- Appropriations – the crucial legal & tax aspects
- SDLT: what steps might save the extra 3% charge
- Valuations of property, chattels & investments: changes of value post Death – gains and losses on property & investments
- Interaction of IHT loss relief & CGT; CGT on executors & individuals
- Income Tax of administration period; timing of distributions & Income Tax planning
- Deeds of Variation: The key tax issues when varying an estate – IHT, CGT & Income Tax, including planning to maximise use of RNRB
- Gifts to Charities - including using Deeds of Variation to reduce IHT to 36%

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

Christina says “We have had repeated cuts to the legal aid budget, and the introduction of LASPO in 2012 hit many practitioners and more importantly vulnerable clients. Those areas particularly affected are housing, family law and social welfare issues.” Earlier this year the Law Society published a report “LASPO - four years on” which highlights the very real damage that the legislation has created in terms of Access to Justice. Christina adds “There is very little legal aid available for civil cases and for those who are eligible for funding, they are finding it increasingly difficult to get the assistance they need in their locality. This has had a huge impact on society. We know that early intervention in these cases by an expert solicitor is crucial to prevent problems escalating.”

And of course, there is Brexit. Christina says that the decision to leave the European Union has and will continue to create huge challenges for our society. She says that in the run up to the Referendum in June 2016, and as the Brexit negotiations continue, the Law Society has been fully engaged with the Government and has lobbied on behalf of the profession. Christina says that civil justice co-operation throughout the European Union is absolutely crucial for citizens of the UK and to remove this would be catastrophic. She adds, “The Government has listened to the Society and agree that if the system of civil justice co-operation is working then it should be retained, or at the very minimum replaced with something very similar.” Likewise, the Law Society want to see the UK Government work with the EU in the areas of criminal justice and security, in particular the “European Arrest Warrant” scheme. Christina adds, “This is paramount for the security and protection of our citizens.”

Currently many UK law firms have offices throughout the EU and solicitors are able to work in European law firms without restriction. Christina wants to ensure that firms and individuals are still able to do this without barriers or restrictions, but adds that she is quietly confident that this will be retained.

Still on the theme of Brexit, the Law Society has just launched a new campaign “The Global Legal Centre”. The video campaign, featuring voxpops from senior legal figures, aims to promote England and Wales as a world centre for legal excellence. Christina says, “We have a wealth of legal experts which we want to shout about and tell the rest of the world that we are certainly open for business.”

Christina will take over as President of the Law Society in July 2018, and has already given careful consideration to her themes and ambitions for her year in office. Firstly Christina wants to highlight and celebrate the pro bono work done by solicitors and emphasise the huge contribution the profession makes to society despite the cuts to legal aid. She adds “Over the past 3 years the profession has undertaken over 2.5 million hours of pro bono work, equating to approximately £600M work. The incredible response from the profession to the recent attacks in Manchester and London, and the Grenfell Tower fire illustrate this, and we need to celebrate this.”

The diversity of the profession will also feature in Christina’s plans, “In terms of diversity there is no room for complacency. The legal profession needs to reflect the society it serves. The profession is almost 50% female and 15% are from BAME backgrounds, but at a senior level these figures are much lower and the Law Society is trying to assist firms to address this.” “Women in leadership” will also be part of this diversity issue as well as looking at Artificial Intelligence and using technology. Christina hopes that the Law Society can help firms make informed decisions about technology.

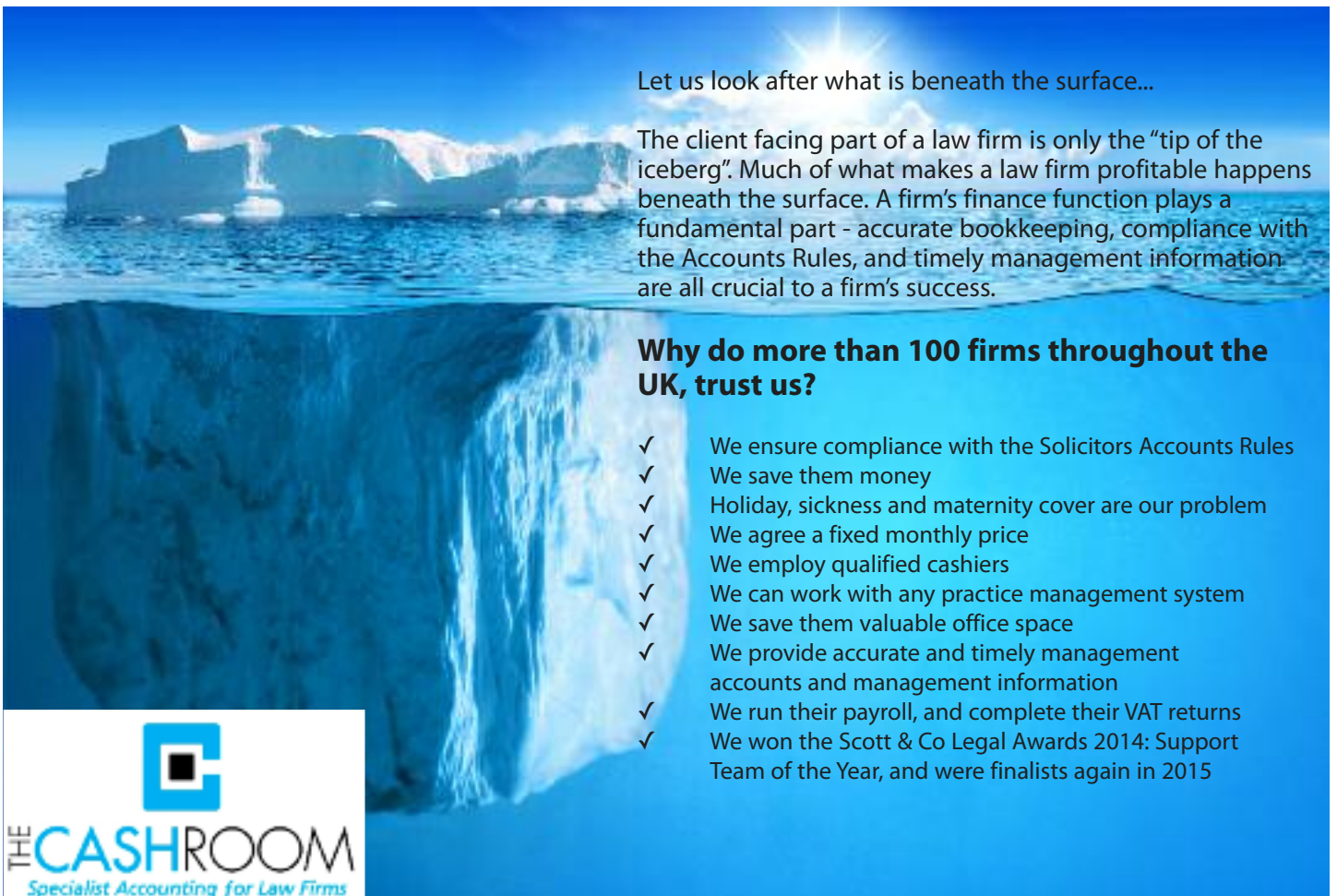
Clearly the Law Society and the profession are facing numerous challenges to the practice of the law, none more challenging than the new world outside of the European Union. However Christina concludes, “We need to look at the opportunities that present themselves and seek augmentation rather than replacement.”

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Escape the ordinary: a rough guide to lawyers wishing to help their clients achieve their dream of a holiday to a non-convention country and take their children with them

By **Ginnette Fitzharris**

Pakistan is not a signatory to the HCCH Convention on the Civil Aspects of International Child Abduction 1980 ("the Hague Convention"). Neither is India or Bangladesh. Similarly, Nigeria is not a signatory nor is Algeria. The UAE is not a signatory. There are many others but these countries crop up time and again as destinations parents wish to go to for weddings or to see family, or even for a holiday – and they want to take their children too.

All is well so long as both parents agree that the trip is a good idea. However, if one parent objects to the children travelling to one of these destinations (or to any other jurisdiction which does not recognise the Hague Convention), life can become very difficult indeed.

So what can we do as lawyers to assist and make passage as painless as possible?

The first thing your client should know is how expensive the whole thing is likely to be and that permission for leave to remove children outside of the UK, even temporarily, will not be accomplished in one hearing. On average, cases I have been involved in have 3 hearings. A first appointment, an Issues Resolution Hearing (IRH) and then a final hearing – although, if the evidence is unequivocal, it is much more likely to agree matters at IRH.

Apart from legal costs, there will also be an expert to be paid for and there may be a requirement to provide a lump sum (for reasons explained below) which will not be insignificant.

The second thing is how long the matter is likely to take. In my experience, Courts use their best endeavours to assist if there is a deadline to meet, such as a wedding, but in general it would be wise to allow at least three months between application and final decision. Of course, matters may be shortened considerably if at the first hearing all relevant directions are set out with supporting CV's re experts.

The Law:

When deciding whether or not to allow a parent to take a child to a non-convention country the

overriding consideration for the Court is whether the making of the order granting permission is in the best interests of the child. The Court must be positively satisfied that the advantages to the child of visiting the relevant country outweigh any risks to the child's welfare which the visit may entail. (Re A [2014] 1FLR 643 Patten LJ).

Therefore, the Court must assess the risk of abducting the child and must assess the magnitude of the risk if it actually occurs and the parent fails to return with the child.

The court is obliged to consider any safeguards that can be put in place to mitigate the risk of retention in the first place and to secure the child's return in the event that the worst case scenario occurs and the child is not returned.

Please note that the onus is on the parent seeking permission to satisfy the court that it is in the child's best interests to go on the proposed trip ie the benefit outweighs the risk. The objecting parent does not have to prove that abduction is likely. Indeed, a court may be of the view that the risk of abduction is small but the magnitude of the consequence of abduction is so great that the risk outweighs the benefit.

Case law is clear that if the court has any doubt about the return of the child and / or the legal remedies available to assist in securing the return of the child in the event he or she is not returned, the court should err on the side of caution and refuse to make the order.

Practical Steps:

Which court?

There is nothing prohibiting a District Judge from hearing an application for temporary removal of a child to a non Hague Convention country. However, most courts will allocate to a Circuit Judge or even a High Court Judge. In my experience, the more senior the Judge, the more likely the Court is to take a more robust view of "risk" and it is helpful to ask for the matter to be allocated to at least a Circuit Judge.

Which expert?

The court must be satisfied that in

the event your client does not return from the desired country with the child, the remaining parent has a realistic chance of getting the child home.

Therefore, the court will need to understand the legal remedies in the suggested destination available to the remaining parent, how long it will take to access them and how much all that will cost. This varies considerably between jurisdictions and often matters such as whether the child and the remaining parent has dual nationality or nationality for the suggested destination or not makes a difference.

Choose the expert wisely – the court has to be appraised of legal remedies – Independent Social Workers, CAF/CASS and Consultants in "Overseas and Cultural Socio-Legal Practices" (yes, I was not sure what that is either!) will not do. You need a Lawyer and preferably one who lives and practises in the desired destination or who has considerable experience of working in that jurisdiction.

The court does not have to direct expert evidence, but if the court declines to do so and decides to proceed in the absence of such, then very clear reasons are required to justify such a course. (Patten LJ in Re A [2014] 1FLR 643) It is difficult to see how a court can properly weigh up the risks and safeguards without having such evidence on how the safeguards may be implemented and I have never encountered any difficulty in persuading a court to obtain some.

Make sure you comply with Part 25 of the FPR 2010 and have your application ready for the first hearing.

Who pays for it? The expert should be on joint instruction ideally and the cost split. Certainly that would be my starting point. However, as expert evidence is essential, if the other side will not or cannot pay, the cost of the instruction may have to fall on the applicant.

The effect of the evidence

The court will attach significant weight to the expert evidence.

By way of example, in the case of Re M and K (Temporary Leave to Remove to Non-convention Country) [2015] EWFC B229 the



court gave permission to Mother to take the parties 8 and 6 year old children to a wedding in Malaysia. The father had objected arguing that Mother (who was Malaysian) may not return with the children.

The court had expert evidence from a solicitor of the High Court in Malaysia who reported that the children would be recognised as British Nationals in Malaysia and that dual nationality did not exist as a concept in Malaysia. This meant that when the children's visa's expired (after 3 months) they could not remain in the jurisdiction legally. Malaysian courts were likely to take the view that the children were UK residents if any application to return was made in Malaysia and send the children back to the UK. The cost of doing this was estimated to be £10,000 and that Father would not have to be physically present in Malaysia to pursue his claim.

The court assessed the risk of Mother remaining in Malaysia after the wedding to be low (she was well settled in the UK). The court asked her to provide a lump sum of £5,000 as surety prior to her travelling to Malaysia. This would be given to Father to assist him with funding any litigation to get the children home if Mother failed to return. Subject to this the court gave permission to Mother to go to Malaysia.

Conversely in the case of C v K [2014] EWHC 4125 (Fam) Mr Justice Cobb refused Mother permission to take the parties children age 5 and 3 to Algeria. The court had the benefit of expert evidence from an Algerian Advocate as to the law in Algeria and was told that the civil code in Algeria was construed in accordance with the tenets of Muslim faith. Mother had been

granted a divorce in Algeria on the basis of Kholu'u (father accepting divorce in return for a compensation payment) and Mother had been awarded sole and exclusive guardianship of the children within the divorce proceedings. Therefore, she was able to determine the place and residence of where she and the children should live. In Algeria, the father would not be entitled to interfere in Mother's decision and if she argued that she wished to remain in Algeria as it is a better place to bring up children in the Islamic faith, any Algerian Court would be very unlikely to interfere. Further, the court in Algeria would be very likely to disregard any Order made in an English Court as it would be seen as a foreign jurisdiction interfering with the issue of divorce which had already been determined in Algeria.

Accordingly, the court considered that if Mother decided to stay in Algeria (and as an aside, Mr Justice Cobb assessed this as being a "clear and identifiable risk") there was little Father could do about it. He declined to give Mother permission.

The role of CAFCASS

The court does not have to involve CAFCASS unless there is a reason for it and that reason may be to obtain wishes and feelings of the subject children. Beyond that, it is difficult to see what their role could be. As stated previously, CAFCASS cannot provide the

expertise needed to assist the court in this very difficult balancing exercise.

Is it worth it?

The cost of attending a loved one's wedding or visiting a close relative who is ill is often calculated in emotional terms on the part of our clients. However, there is a cash cost too and clients need to be aware of this as soon as possible. We can minimise costs if we are organised and have researched the right expert and relevant safeguards and have all that information to hand at the first hearing along with a part 25 application. They must be encouraged to find a lump sum to offer as surety as soon as possible. Matters are much more likely to settle at IRH one way or the other if the evidence available is powerful and practically, the client can actually provide a lump sum and meet any other likely requirements.

Useful case law

Re DS (Removal from the Jurisdiction) 2010 1 FLR 576 (for a useful guide to suggested safeguards available)
 Re A [2014] 1 FLR 643 (Leading Authority)
 Re K (Removal fro the Jurisdiction: Practice) [1999] 1FLR 1084
 Re M (A child) [2010] EWCA Civ 888

Ginnette Fitzharris
St Johns' Buildings
LLS members

University of Liverpool hosts Drinks Reception

Tuesday 10th October 2017 saw Liverpool Law Society and University of Liverpool School of Law and Social Justice hold an evening drinks reception at the University. The event was held to celebrate the start of the new academic and legal year and was kindly sponsored by University of Liverpool.

The event took place in the impressive surroundings of the School of Arts Library in Abercromby Square and was well attended by current students and staff from the university, members of the Northern Circuit and Liverpool Law Society and the Merseyside JLD.

It was my first visit to The University of Liverpool and Abercromby Square and I was not disappointed.

Professor Debra Morris opened the speeches by sharing with us the law school's successes over the last year and the exciting plans for a new school of law and social justice building on campus.

Our current President, John Ballam joined us for the evening and as well as giving us the latest news from the Society, provided us with the interesting history of the chain worn by all Liverpool Law Society presidents, which was very fitting within the surroundings of Abercromby Square.

The final speaker of the evening was the leader of the Northern Circuit, Michael Hayton QC, who gave us an insight into the world of a QC. Michael spoke about the importance of links to the North West when applying for pupillage outside of London and of the increasing number of women in the profession achieving top positions within the legal sphere.

The evening was thoroughly enjoyable and a great event to mark the start of the new academic and legal year.

Moya Rogan
Husband Forwood Morgan



Family Investment Companies & Update on CRS

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with Robin McGhee & Deborah Clark

Tuesday, 5th December
 10am - 12.45pm

Family Investment Companies
 Deborah Clark

- * How they are used for tax planning
- * Share capital options
- * Anti-avoidance issues
- * Managing control

Update on CRS -
 Is it doing what is said it would on the tin?
 Robin McGhee

- * Recap on who's in and who's out
- * Summary of reporting requirements
- * Impact of CRS on trustees

In conjunction with:



"Dr. Tribe's Vignettes of Liverpool Legal History"

(5) Lord Shawcross QC – A Liverpool Labour Legal Luminary

Introduction

Sir Shortly Floorcross, as his contemporaries in the House of Commons sometimes jokingly referred to him, was otherwise known successively as William Hartley Shawcross, Sir Hartley Shawcross KC, and finally, Lord Shawcross QC PC (4th February 1902 - 10th July 2003). This Labour politician and barrister makes up the subject matter of our fifth vignette of Liverpool legal history. Shawcross was a direct contemporary of the subject matter of the fourth vignette column, the Earl of Kilmuir, and as with Kilmuir we also examine why Shawcross chose to practice in Liverpool. We will also explore the competitive relationship between the two men and argue why ultimately the Earl of Kilmuir's legacy outshines that of Lord Shawcross QC.

(1) Itinerant Beginnings

Shawcross was born in Germany, where his father was a Professor of English literature at Giessen University. Professor Shawcross, a fluent linguist, was a graduate of University College, Oxford and a leading scholar on Goethe and Schiller as well as the editor of Coleridge's *Biographica Literaria*. As Bryant has noted the inspiration for Shawcross' Christian name almost certainly came from Samuel Taylor Coleridge's son, Hartley Coleridge.

Following a move to England, the young Hartley Shawcross was educated at Dulwich College where he also excelled in languages. In later life he became a Governor of the school. Following school, he went on to read French at Geneva University during a gap year. He did not graduate in the traditional sense as a young man but he did however receive nine honorary degrees in later life, perhaps more than making up for his early decision not to go to University as a young man. This still rankled many years later. In later life he observed:

"...I made one of the many mistakes of a misspent youth. I should have gone on to Oxford...I believe I would have benefited greatly from three years at my father's old college. But I was in a hurry and felt that it was better to commence a directly vocational training than to spend time at Oxford. It was a mistake that I have deeply regretted since, for I now realize how much I have missed in life through not having had the advantage of a university education: residence in a university seems to me now a marvellous introduction to a civilised life."

Medicine or the Bar presented themselves as the obvious choice

for this vocational focus. After initially choosing medicine Shawcross swapped to law following a conversation with Herbert Morrison, Labour politician and sometime Foreign Secretary. Morrison advised that joining the Bar was the best course of action for any fledgling politician wishing to go into Parliament.

Like a number of Liverpool men before him he entered the Honourable Society of Gray's Inn in 1924. He passed his Bar finals with top marks in 1925 with the best paper in Criminal Law and the top first with a Certificate of Honour in the Bar Final. The University of Liverpool currently has a very strong connection with Malaysia with some 150 or so Malaysian students reading for their LL.B. degrees here at the University of Liverpool. It is therefore pleasing to note that the young Shawcross supported his early year at the Bar by "coaching Malay princes for the bar examinations, one of whom became the first prime minister of Malaysia [Tunku Abdul Rahman]" May these links with the far East continue for another 92 years! This also perhaps sowed the seeds for his future teaching activity in Liverpool. During this formative period at the Bar Shawcross lived with his first wife, Alberta Rosita Shyvers (see below), and an "enormous St Bernard dog" in a small flat in Elm Gardens, Chelsea. Unfortunately, posterity does not recall the name of the animal.

In addition to excelling in his legal work at Gray's Inn Shawcross also seems to have excelled in teasing the then David Maxwell Fyfe, a contemporary and the subject matter of the last vignette. Shawcross recounts how on Grand nights he would frequently challenge other members of the Inn but that he focused a great deal on Maxwell Fyfe. Shawcross continues: "He was a man entirely lacking any sense of humour and invariably wore black pin-striped trousers. 'Mr Senior, sir' I would stand up and say, 'I deeply regret to have to draw your attention to a grave breach of the ancient traditions of our House. There is present tonight a Mr Maxwell, also calling himself Mr Fyfe, or Maxwell & Fyfe Ltd, or whatever. The name is of no significance but what will I fear, shock you as it has shocked me is that he has had the temerity, the rashness, nay the effrontery to come here tonight wearing white trousers with a black stripe. I submit that he should be severely fined.'" Invariably the charge was proved and Maxwell-Fyfe paid the fine of a bottle of

wine.

In 1927 Shawcross moved to Liverpool. In addition to his practice at the Bar, he was also appointed as a part-time "Lecturer in Jurisprudence and other subjects" at the University of Liverpool. This was not his first brush with the possibility of an academic career. Shawcross struggled in the first three years of his practice in London. Upon making the Benchers of Gray's Inn aware that he might have to reluctantly switch to an academic career, Lord Birkenhead was himself responsible for recommending Shawcross for an appointment to teach law at Christ Church, Oxford. Their paths had first crossed when Shawcross spoke for the students at a dinner to celebrate Birkenhead's Earldom. Shawcross did not take up the appointment as it was full-time.

In obtaining the University of Liverpool post Shawcross beat off some stiff competition, including a future President of the International Court of Justice in the Hague. That another Gray's Inn Bencher was chairman of the selection committee, in addition to being the Chancellor of the County Palatine of Lancaster, has been remarked upon by Shawcross himself. At the same time that Hartley Shawcross was appointed to the Law School at the University of Liverpool, his father was appointed to a lectureship in English literature in the University of Liverpool. This proved to be convenient for living arrangement purposes, particularly for the latter, who had recently become a widower. Despite voting against his appointment the then Dean of the Law School, Professor Raleigh Batt, became lifelong friends with Shawcross junior.

On his University of Liverpool appointment one commentator has opined, "It was odd that he should obtain this post considering that he had no university degree himself." This may have reflected one precursor to the modern student evaluation process. Bryant goes on, "I hope he will not mind me saying so but we found him to be the dullest of lecturers or perhaps it was the subjects that were dull [Roman Law and Private International Law] I am afraid that very little attention was paid...[students] used to idle their time playing shove-halfpenny on the desk which brought forth testy comments from Mr Shawcross" No such lack of concentration or indiscipline would be tolerated in the modern University! Shawcross'



association with the University would continue until at least 1942, when he was embroiled in a number of heated exchanges regarding the development of the law curriculum. In response to a committee paper advocating a wider and more liberal approach to law teaching within the University Shawcross responded that this proposal would, "diminish the utility of the Law School to the profession and through the profession to the community." Ultimately the University's Senate and Council were victorious and the curriculum was widened in line with the original proposals.

Shawcross joined Maxwell Fyfe's chambers in Harrington Street in late 1927. Shawcross joined the Northern circuit in the same year. This was, "a formidable step, for the Northern Circuit was then – as indeed it always has been – very strong." His first case was at the Liverpool Court of Passage (the Court is the subject matter of a future vignette) involving a parrot that was previously owned by Shawcross' Chinese client. Judgment was given for his client. Bryce has provided a vivid depiction of Shawcross in these early Liverpool years:

"Three years [Maxwell Fyfe's] junior but very much his contemporary at the Liverpool bar was Hartley Shawcross, as unlikely a socialist barrister as one could imagine, handsome, elegant, well dressed and with a voice to match. Shawcross vied with Fyfe for the more lucrative Liverpool briefs. Each was successful and together they dominated the Liverpool bar."

1933 was a noteworthy year for Shawcross as he became head of Chambers at 43 Castle Street. Amongst the other tenants was Rose Heilbron, the subject matter of the next vignette and the first woman to be appointed a full time judge. 1939 saw Shawcross become a King's Counsel and become a Master of the Bench of the Honourable Society of Gray's Inn. Of his character and life style one

biographer has noted that:

"His lifestyle was that of a champagne socialist. He enjoyed the benefits of an apartment in London, a country house (Friston Place, a grade one listed building in Sussex), a yacht (his hobby was sailing), two cars, horses, nannies, and staff, and described his existence with a degree of meiosis as 'not living in a particularly modest way'"

Shawcross married three times. Unfortunately, all three relationships were touched by difficulty. His first wife, Alberta Rosita Shyvers, was a chronic invalid who died of a self-inflicted sleeping pill overdose in 1943 whilst a resident at the Adelphi Hotel, Liverpool. She had been living there whilst her husband was Regional Commissioner for the North West. No.5 Region during the Second World War and based in Manchester. As Shawcross was later to observe, "She sacrificed her own life for my future...part of me died with her."

His second wife, Joan Winfield Mather, who he had married in 1944 and who was the dedicatee of his 1995 memoir, tragically died in a riding accident in 1974. This is not unlike the experience of the Earl of Hailsham. Mary, his wife of 34 years and mother of their five children, died in a riding accident in Australia whilst they were on a speaking tour. The Earl of Kilmuir was also touched by great tragedy. His third daughter died following a cycling accident. Happiness did however come in the shape of three children from Shawcross' second marriage. His third marriage, which his family opposed, came in April 1997 and took place in Gibraltar, when he married Susanne Monique Huiskamp. Leisure hours would find Shawcross pottering around in a sailboat or out riding.

(2) Judicial Activity and Relations between Shawcross and the Earl of Kilmuir

If the Earl of Birkenhead and the Earl of Kilmuir's judicial contributions to the development of English and Welsh law can be characterised as scant then the contributions of Shawcross can be said to be very minimal. He did sit in a judicial capacity, albeit more in the honorific sense. In 1941 he was appointed as an assistant chairman of east Sussex quarter sessions. That same year he became Recorder of Salford. A post he held until 1945. Finally, 1946 saw Shawcross become Recorder of Kingston upon Thames. This was not unacceptably pluralism (as Lord Birkenhead's publication activity potentially was) but an accepted practice during the period. He held the Recordership post until 1951. There is a long held convention that this Recordership is held by Attorney-General of the day and indeed Shawcross had been appointed Attorney-General on the

4th August 1945 following his successful candidacy for the St Helen's constituency in the General Election of July 1945. Prior to this Shawcross had been approached by both Conservative (Wirral constituencies) and Labour (West Birkenhead) party members regarding potential candidature for those seats.

(3) Work as Attorney-General and Stunted Progression?

As was noted in the previous column the Earl of Kilmuir (then Sir David Maxwell Fyfe KC) conducted the lion's share of the British prosecution team's work at the Nuremberg trials of the Nazi war criminals, together with Elwyn Jones, a future Lord Chancellor. Shawcross, as Attorney-General, did however give the opening and closing speeches, portions of which can be viewed to this day on popular media sites such as YouTube.

It has been said of Shawcross that he was "widely recognised as the finest advocate of his generation." If that was the case why was such important prosecution work (Nuremberg) left to supposedly less talented advocates? Those talents, we are told, were instead allowed to shine in the domestic context. The short answer is that Shawcross was pre-occupied with his Parliamentary work and could not afford the time commitment that was required by the Nuremberg prosecutions. As Attorney-General Shawcross brought treason prosecutions against William Joyce and John Amery. He was also involved in the espionage prosecutions of Alan Nunn May and Klaus Fuchs and with the prosecution of John George Haigh, the "Acid bath murderer."

Beloff has noted that Shawcross, "declined the chance to become Lord Chief Justice in 1946, and Master of the Rolls in 1949." Despite being a favourite of the incumbent Lord Chief Justice, Lord Goddard. The Woolsack was also potentially within his reach, at least in his own view. One contemporary commentator noted: "I had the impression that the only person Hartley thought would have been suitable as Lord Chancellor in this lifetime was himself." As readers of this column will know, historically career progression from Solicitor-General to Attorney-General to Lord Chancellor has long held multiple precedent with, inter alia, Egerton, Bacon, Littleton, Finch, Birkenhead, and Kilmuir moving along this path. As Holdsworth has noted the Attorney-Generalship starts, "the highroad of preferment to the Woolsack." Burke referred to the Law Officer positions as providing successful lawyers with somewhere to rest "a short space in the Commons' on their way to judicial preferment."

Shawcross was chairman of the Bar Council from 1954 to 1957. He became Treasurer of Gray's Inn in 1954. He was elevated to the peerage with a barony, "the lowest form of peerage life" on 14th February 1959. His family had been armigerous since the fourteenth century.

(4) The Commercial Years

The previous two vignettes on the Liverpool Lord Chancellors (FE Smith and David Maxwell Fyfe) demonstrated how retired legal luminaries could go on, with varying degrees of success, to forge "retirement" careers in business. Lord Shawcross was no exception. After giving up the Bar and politics in 1958 aged 55 Lord Shawcross took appointments as the chairman of Thames Television Ltd (1969-1974) and directorships at Hawker Siddley, Ford, Shell Petroleum and Rank Hovis McDougall.

At first blush one may have assumed that this switch in career had monetary motivations at its core. However, one biographer seems to suggest that the growing complexity of the law away from the general principles of the 1920s and 1930s towards increased complication sits behind Shawcross' decision to give up the Bar. Reflecting on advocates' ability to present effectively and stay the course through these changes, Bryson reflects that, "Lord Shawcross is one [advocate] who didn't."

Conclusion

Investigating the life of Lord Shawcross QC gives one the feeling of investigating a life that by coincidence, pressure of work, or other distractions, never quite reached the peak which his contemporaries seemed to achieve or which his own early promise suggested was in the offing. Topping out as a baron silk is no mean achievement of course, but the path trod by his contemporaries as Attorney-General usually ended with high judicial office by convention. Shawcross did not follow that route. Indeed, when his chance to shine in that office came, he largely delegated the task to

others (Nuremberg). We are told that the other great legal offices, Master of the Rolls and Lord Chief Justice, were offered to him. These he also declined. As Beloff has noted Shawcross had, "a career of both brilliant achievement and unfulfilled promise...he could fairly be described as the 'nearly man' of British law..." Leaving aside the question of what "British Law" is (surely "English and Welsh" law?) Beloff seems to have hit the nail on the head with this description.

As with Birkenhead and Kilmuir artistic memorials abound commemorating the life and work of Shawcross. The National Portrait Gallery (NPG) holds a number of photographs of Shawcross as well as a double portrait with his wife. There are also pencil and chalk drawings, a lithograph and a bromide print of Shawcross in the NPG collection. The University of Sussex have an oil painting of Shawcross that was executed by Organ in 1986. This commemorates the role Shawcross played as Chancellor of the University between 1965 and 1985.

Investigations to date have not revealed any artistic work in Shawcross' memory in Liverpool. His long legal links to the City, his law lecturing at the University, and his tenure as a Member of Parliament for a Liverpool constituency, as well as the office of Attorney-General, all point towards the notion that this lacuna should be plugged.

In the next vignette we will turn our attention to Dame Rose Heilbron – arguably the greatest of Liverpool's legal luminaries.

Dr. John Tribe

World Mental Health Day, October 2017

Dr. Tribe is a Senior Lecturer in Law at the School of Law and Social Justice, University of Liverpool & an Academic Associate at Exchange Chambers. Email: j.tribe@liverpool.ac.uk Twitter: @TribeBankruptcy. Please email the author for a footnote version of this and previous columns.

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Clinical Negligence: Causation, Case Law Update and Costs Reform

with David Pilling

& Professor Dominic Regan

Tuesday 28th November, 9.30am - 12.45 pm

Covering:

Causation and Case Law Update (to include):

- Causation in light of Rich v Hull & East Yorkshire, Sido John v Central Manchester and Williams v Bermuda Hospitals
- Burden of proof: Barnett v Medway Hospitals
- Duty of care: Darnley v Croydon Hospitals
- Consent: Webster v Burton Hospitals

Costs and Other NHS Reform:

- Department of Health and Lord Justice Jackson costs reform
- Budgeting in light of Merrix and Harrison
- Proportionality

Maximising Damages & Costs

with Professor Dominic Regan

Thursday 28th November,
1.30pm - 4.45pm

Issues include:

- Mitigation
- The burden of proof
- Inadequate documentation
- Witness statements
- Expert evidence
- Res Ipsa Liquitor
- Effective correspondence!
- Coping with proportionality
- Spoilation

Venue for both seminars:

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

Business Networking Lunch – 5 October 2017



As I was walking up the grand staircase of the Birkenhead Town Hall I could not stop admiring the beautiful workmanship. As a property solicitor I

have always been interested in architecture and appreciate that buildings are not built this way anymore: completed in 1887, it was constructed using Scottish Granite and sandstone from the local quarry at Storeton. I am glad the Liverpool Law Society continue choosing this location for its Annual Business Networking Lunch. My first event was in 2005 when I was a trainee solicitor and it was a great opportunity to meet trainees from the other firms, to speak to qualified solicitors and related professionals such as accountants, software developers and costs specialists as well as listen to an invited speaker.

This event is one of the very few that promotes unity for Merseyside professionals by gathering both Wirral and Liverpool individuals and businesses. I am pleased to report that the profile of the event remains the same but this year's chosen speaker was truly outstanding. We were privileged to immerse ourselves into the world of Cammell Laird. David Williams, the Director at Cammell Laird, captivated the audience with his passionate presentation. We learned about the rich history of the company; it's past, current and planned future projects; it's contribution to the national and local economy, amazing innovation in ship building and influence on the local community. In just

over 10 years the company will be celebrating 200 years in business and it has certainly changed over the years. It is currently rapidly expanding as a cutting edge engineering services specialist providing services and products for both civil and military sectors, including advances in the alternative energy sector. And all of this without losing its true values of delivering excellent quality products and looking after its people. The most well known current project is a new state-of-the-art polar research ship that will be named after Sir David Attenborough.

John Ballam, the President of the Liverpool Law Society provided the customary welcome speech and closing question time which gave opportunity for David Williams to give more information about the work with the local communities and the company's apprentice scheme as well as explanation of what it takes to win an order.

Following the speech we were given an opportunity to continue networking and to ask David Williams further questions. This has been the best Annual Lunch event that I have attended and I am excited to see all the new events coming from the Liverpool Law Society.

Nadya Makarova
Property Solicitor
Brown Turner Ross



The guests



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David Williams

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Morecrofts celebrates record-breaking Merseyside Independent Business Awards

Morecrofts Solicitors hosted its fifth Merseyside Independent Business Awards last week, with Southport-based Inciner8 taking home the overall prize.

The awards were established by Morecrofts in 2013 to celebrate the firm's 200th anniversary as an independent law firm and their aim is to showcase the achievements of the city region's many entrepreneurs and business owners.

This year's ceremony was a sell-out, with 500 guests attending a glittering event at Liverpool's Rum Warehouse, where a total of 15 awards were handed out on the night. The number of nominations received this year was also at a record high.

Inciner8, which manufactures thermal waste treatment and incinerator technology, won the Trades & Manufacturing Business award and was also named as the overall Merseyside Independent Business of the Year, drawing particular praise for their export achievements.

Accountancy firm BW Macfarlane also recorded a double success, winning the Business & Professional Services award while managing partner Peter Taaffe was named Independent Businessperson of the Year.

This year's Merseyside Independent Business Awards, now in their fifth year and headline sponsored by Liverpool BID Company, attracted the highest-ever number of nominations and the awards ceremony itself sold out in advance.

Alison Lobb, managing partner of Morecrofts Solicitors, said: "The calibre and volume of entries for this year's MIB Awards surpassed all



previous years, so every shortlisted nominee should feel very proud of what they've achieved. "The region is a hotbed for independent business talent and it's important that we may continue to honour their successes through these awards.

"Inciner8 is a very worthy winner of the main award and its achievements serve as an example of what can be accomplished when a local independent business is innovative and determined to maximise market opportunities."

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Legal Costs Update

Paul Fulcher of The Legal Costs Experts offers advice on costs issues...

Costs Budgets

The latest update to the Civil Procedure Rules will introduce important changes to the Costs Management and Detailed Assessment Procedure in respect of proceedings issued on or after 6 April 2016. The changes are quite dramatic in certain circumstances with amendments to the procedure, and the Precedent documents in both areas.

Preparing a Costs Budget is no easy task and can take a considerable amount of time, as each item of work needs to be assigned to an appropriate phase. That is the main reason for using a Costs Draftsman so your time can be spent dealing with your caseload.

In addition the costs of initially completing the Precedent H (max £1000.00 or 1% of the budget), and all other recoverable costs of the budgeting and costs management process (not exceeding 2%) of the approved or agreed budget is payable by the opponent, so it costs you nothing.

The changes are as follows.

- CPR 3.13 (1) Budgets in claims valued at £50,000 or more are to be filed 21 days before the first case management conference.
- CPR 3.13 (1) Budgets in claims valued at less than £50,000, are to be filed with the Directions Questionnaire.
- CPR 3 PD3E (c) In cases where a party's budgeted costs do not exceed £25,000 or the value of the claim as stated on the claim form is less than £50,000, the parties must only use the first page of Precedent H.
- CPR 3.13 (2) All parties will be required to file an agreed Budget discussion report (Precedent R) no later than 7 days before the first CMC setting out the figures that are agreed and a summary of disputes.
- CPR 3.12 (c) Claims made by or on behalf of a child (under 18) are exempt from costs budgeting (exemption continues to apply after the child reaches the age of majority unless otherwise ordered).
- Where the Claimant has a limited or severely impaired life expectancy (5 years or less remaining) the court will ordinarily dis-apply cost management under section II of Part 3 (CPR 3 PD3E 2(b)).
- Any party may apply to the court if it considers that another party is behaving oppressively in seeking to cause the applicant to spend money disproportionately on costs and the court will grant such relief as may be appropriate.
- CPR 47 PD 47 5.8(8) In instances where there is a CMO approving Budgets, or costs Budgets are agreed, the Bill must be divided into separate parts so as to distinguish between the costs claimed for each phase of the last approved or agreed budget, and within each part the Bill must distinguish between incurred and estimated costs.
- The format of form Precedent H has been revised and from 6th April 2016 must be used for ALL claims irrespective of whether they were issued before or after that date. The revised form Precedent H, together with the Precedent H Guidance Notes and form Precedent R can be found by following this link <https://www.justice.gov.uk/courts/procedure-rules/civil>

Time Recording

Maximising time recording – from inception to conclusion of a claim, for example where a lower grade fee earner meets with conducting fee earner say during a conference and tasks are split. You need to properly capture time for reviewing the file before the conference, the time spent for both fee earners during the conference, time spent considering and discussing an action plan post conference, and for preparing the notes.

You cannot charge for letters in, but you can charge for reviews and consideration following that letter.

If you fail to record time we can estimate the time within the bill, but estimated time raises objections in bill of costs, citing *Brush v Bower Cotton* [1993] 1WLR 1328 when Defendants rely on the passage that states that “only in unusual cases will any substantial allowance be made for unrecorded time.”

I once had a case at Assessment and the DJ said “Mr Fulcher if you Client cannot be bothered to record time then I cannot be bothered to allow it”, this reduced the bill by 60% and we lost having to pay the opponent £3k in assessment costs, in addition to the reduced bill and having to pay them back some of the interim payment they had made. is inappropriate or another form of settlement offer is more attractive.

Paul Fulcher



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5 reasons to outsource your payroll

By Julian Bryan, Managing Director, Quill

The clock is ticking for UK employers who haven't yet gone live with auto enrolment workplace pensions. The Pensions Regulator is now routinely publishing details of employers who've been ordered to pay fines for ignoring new pension rules.

If you're not compliant already, now's the time to act. However, if you're battling to get to grips with auto enrolment, there's never been a better time to outsource the increasingly burdensome payroll function. Here are five reasons why:-

1. Auto enrolment applies to everyone

Even if you employ just one person, you're still obliged to provide a workplace pension. It's the law. Whether you're a small, medium or large-sized business, you have a legal requirement to comply by your allocated staging date. Go to www.thepensionsregulator.gov.uk/employers/staging-date.aspx to find out your date.

2. Punishments are enforced

Just as with any breaches of the law, there are punishments for non-compliance. The Pensions Regulator issues financial penalties ranging from £400 fixed penalty notices right up to £50,000 civil penalties for companies failing to engage with auto enrolment or pay contributions due.

And it's not just the financial cost, although this is obviously deterrent enough. The negative publicity surrounding your unlawful activity may cause irreparable damage to your professional reputation. As a legal service provider, this is extremely embarrassing. Even worse, you may lose clients as their trust in you becomes questionable and, as a result, they begin to conduct their legal affairs elsewhere with one of your competitors.

3. Managing work-based pensions is demanding and complicated

Even before your staging date arrives, there's a lot to do. This includes assessing your workforce to see who's eligible, choosing a pension scheme and communicating with your staff regarding their options.

One of your earliest decisions relates to the individual pay components which determine your employees' qualifying earnings, for example overtime, commission and bonuses. It's up to you to make a reasonable judgement as to whether each element fits within the definition of qualifying earnings.

Even when you've reached your staging date, your responsibilities don't end there. Employees must be re-assessed, contributions recalculated, opt-ins added, opt-outs removed with refunds given each payroll cycle. Not forgetting general record keeping and reporting which is part-and-parcel of maintaining a clear audit trail of transactions. It's a mammoth task and one which needs tackled every few weeks ad infinitum.

4. Selecting a pension provider is a difficult decision

Pension providers are all different. With no restrictions on charges, some providers apply additional administration costs. Providers' benefits, such as range of investment options and web-based software support, vary drastically too.

Your choice of pension provider will influence the costs to your

business of auto enrolment as well as determine the administrative processes involved. So, the small print matters and needs to be carefully checked, compared and questioned before you sign on the dotted line.

5. There are other payroll duties to manage

Your payroll clerk has all his/her existing responsibilities to take care of too, ie. your employees' salaries. After all, at the end of each month, your employees have to get paid.

On a standalone basis, payroll management can be a full time job, covering salary processing, SMP, SPP and PAYE payments, payslip production, in-year and year-end reporting, as stipulated by ever-changing HMRC legislation. A heavier workload resulting from the introduction of auto enrolment pensions and, suddenly, the role assumes unmanageable proportions.

As a Bacs-authorized bureau, we're permitted to perform your payroll function on your behalf, including transferring money from your business bank account directly into your employees' bank accounts to pay their monthly salaries, thus significantly lightening the load on you.

Hopefully by now you've gained a better understanding of what's demanded by auto enrolment. You may also have come to the conclusion that you simply don't have the capacity to cope in house with your already-stretched human resources. In which case, our Quill Payroll outsourcing service is an increasingly appealing option.

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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 outsourced legal cashing provider with 40 years' experience supplying outsourced services and software to the legal profession.



Litigating Commercial Contract Disputes with Helen Swaffield

on Thursday 16th November, 9.30am - 4.45pm (lunch included)

This is a highly practical course which focuses on the opportunities and risks occurring in every day commercial contracts which underpin most civil disputes, making it a must for private practitioners and In-House lawyers whether negotiating, drafting or litigating on contract and commercial matters.

Topics covered include:

- Drafting clauses to manage risk identification and avoidance
- Contracting on your terms (not theirs)
- Breach and termination: redefining the test after *Vallilas*
- Third parties and non-contractual remedies
- Limit of liability "surgery" direct or indirect loss after *Elvanite*
- Liquidated damages after *Cavendish*
- Remedies and no waiver clauses
- Post Jackson ADR clause review (escalation or mediation)
- Early tactical correspondence after changes to the CPR
- The settlement agreement
- International disputes and changes to the Jurisdiction Regulation

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



Occupational Disease Conference

Wednesday 6th December 2017 9.30am - 3.30pm

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

ACCREDITED BY APIL TRAINING (5 CPD)

Sessions include:

Expert Evidence: The Range of Opinion and the Right Tool for the Job
David Boyle, Deans Court Chambers

An update on asbestos-related lung and pleural disease – a medical expert's perspective
Dr John Corless, Wirral University Teaching Hospital

The changing face of asbestosis exposure
Martin Stear, Workplace Environment Solutions Ltd

Update on low level asbestos exposure cases: the post-Williams' picture
Daniel Easton, Leigh Day

Strategies for developing work in Occupational Disease
Steve Cornforth, SC Consultancy

Handling Deafness Claims
Lisa Fletcher & Elizabeth Wilson-Lagan, Hill Dickinson

Update on Limitation
Ruvena Khan, Zenith Chambers

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Paul Bibby to retire as managing partner of MSB Solicitors

Liverpool law firm boss Paul Bibby is retiring as managing partner of fast-growing MSB Solicitors with partner Emma Carey set to take over.

Paul, who joined co-founder Sean Sexton in 1989, will step down from the top job and retire from the partnership in March but will remain with the firm in an advisory role.

Emma, who has been a partner since 2005, is head of MSB's family department and her specialties include divorce, financial disputes, children issues including care proceedings, co-habitation disputes and domestic violence.

Having grown the team from just one to now more than 30, Emma has also secured national award nominations for the family team and was instrumental in the firm's appointment to the International Child Abduction and Contact Panel for the UK – one of only 40 firms in the country.

Paul Bibby leaves the firm, which has three offices in the city, on a high after a record-breaking financial year with revenues smashing through the £5m barrier for the first time and soaring by 16%. In the last few months it has also relocated to a new headquarters at 4 St Paul's Square.

In the summer MSB was named Business of the Year at the City of Liverpool Business Awards 2017 - the latest in a string of accolades. It can also claim to be one of the most progressive professional firms in the UK. Around 80% of its 100-strong team are women, as are half of its 14 partners.

Mr Bibby said: "I'm immensely proud of what we have built here at MSB - I believe we are rightly recognised as one of the most dynamic law firms in the region. We are open, honest and transparent with our clients. They appreciate that and it is why they keep coming back to use time and time again.

"We take a similar approach with our staff and in turn they respond with a fantastic work-rate and an innovative and imaginative approach to their jobs. They are all fantastic brand ambassadors for MSB.

"Emma Carey's professional reputation in the city could not be higher - she is both a brilliant lawyer and an astute businesswoman who I have no doubt will take MSB to even greater heights."

Emma added: "MSB is an amazing place to work - the team has a real family feel to it. I'm so proud to have earned the opportunity to take on the role of managing partner.

"We have a string of achievements at the firm and, with the support of everyone here, I believe I can build on the legacy created by Paul and Sean."



Paul Bibby and Emma Carey

SRA approves Riverview Law to offer technology training seat

Applications open for 2018 Training Contracts

Riverview Law, the innovative legal managed services, projects and technology business, is delighted to have secured SRA approval to include a technology services seat of up to 6 months as part of its training contract programme.

This is another first for one of the leading disrupters in the legal market, which won the 'Innovation in Technology and Data Analytics' award at The Financial Times Innovative Lawyers Europe Awards and the 'Most innovative client-facing technology' at The Lawyer Business Leadership Awards last year.

Karl Chapman, CEO of Riverview Law said: "We are thrilled to be able to offer a technology services training seat as part of our Training Contract Programme. Technology is impacting every sector of the economy and legal is not immune. We are delighted that the SRA has adopted a flexible approach that enables us to educate future lawyers in how technology can assist them, our customers and the law generally."

Since launching training scheme in 2014 13 team members have successfully completed the training

contract programme. This includes those who were awarded the first 7 training contracts in 2014 and 6 from the 2015 cohort.

The training contract scheme at Riverview Law is highly prized as it includes great experience working directly for FTSE 100 customers. Riverview Law was pleased to win four categories in the Lex 100 2016/17 Trainee Survey. The Lex 100 review states 'Trainees explain that Riverview Law is 'different from a traditional law firm' as 'the culture of the business is that of an In-house environment'.'

Steven Zdolny, Director of Legal Services and COLP at Riverview Law said: "We are incredibly proud to have offered 13 training contracts to Riverview Law team members over the past 4 years. We invest heavily in the training and development of our team to ensure that everyone is able to grow their talent and fulfil their potential within the business. Since launch we have grown rapidly and as we continue to win blue chip customers it's key for us to continue to recruit, train and develop the Riverview Law team."

Anyone interested in a career at Riverview Law can find out more via the careers page www.riverviewlaw.com

Excello Law acts for Baltic Creative CIC in Baltic Triangle commercial property purchase

Liverpool Law Firm of the Year, Excello Law, acted for Baltic Creative CIC in the recently-completed purchase of an historic 19th century docklands storehouse in the Baltic Triangle, Liverpool. The four- storey, red brick warehouse, located at 61-65 Norfolk Street, and adjoining two-storey building on Simpson Street have been acquired from Liverpool City Council on a 125 year long lease.

Heather Summers of Excello Law has been lead legal adviser on a number of third sector capital projects and was the lynchpin for six other legal teams involved in the deal, as well as the reorganisation of existing security: "This was a very complex transaction, that has taken over 18 months to complete and involved six legal teams working on the acquisition and finance. The purchase, and subsequent restoration, will deliver a world-leading space for creative and digital businesses."

Currently in a poor state of disrepair, Baltic Creative will undertake a 10-month restoration programme to sensitively refurbish the buildings and create a further 17,000 sq.ft of flexible modern workspace to develop the Baltic Triangle's first digital technology hub. Once established, the scheme will support around 30 companies and 150 full-time jobs.

The scheme will feature a variety of different sized studios alongside collaborative breakout areas, meeting rooms and co-working space. The ground floor will also include a public café with events space and outdoor green area.

Baltic Creative CIC has secured £2.6m investment from The Charity Bank and European Regional Development Fund in order to deliver the scheme, which will start on site in November 2017 and is expected to be ready to let by September 2018.

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Council Member's Report

The latest news from Charlie Jones, Council Member for Merseyside

In my last article I was able to start on a congratulatory note, relating that the MOJ had backed down with the pilot trial for extending court opening times. Perhaps on this occasion it is also possible for me to start on a congratulatory note for The Law Society, because it seems that our collective representations to Lord Justice Jackson has resulted in him backing down somewhat in his reforms with regard to fixed costs. He seems to be listening to what we say. This must represent progress!

On the basis that people listen to what we say, I would urge you all to attend the meeting in Liverpool on 13 November at Liverpool Law Society for the SRA Round Table, at which the thorny issue of the new handbook will be discussed, and hopefully debated. The Society's view of this way forward, as advertised by the SRA is not wholly supportive. I would not be wholly supportive either, and it is important that we all attend and hear what the SRA have to say and, if we have views, to ensure those views are heard. Based on what has been achieved recently, perhaps people are (at last) listening to what our profession says!

In the same vein, you may have recently heard that the Law Society is developing an education strategy with regard to future education and identifying a way forward in that respect. This is not an attempt to muscle in on local law societies, and steal their clients. It goes deeper than that. There is concern as to the manner in which solicitors are being trained, both while they are studying law, whilst they are doing their 'professional examinations', when they are training and when they become solicitors. There is concern that the SRA are letting standards slip. There is concern that the proposed (by the SRA) solicitor's qualifying examination (SQE) will alter the way solicitors qualify, lower the standard, and affect our reputation, both nationally and internationally. The Law Society is keen to ensure that our very high reputation, and the global

reputation of the solicitor brand, remains.

I attended a Civil Justice Committee meeting on 19 September. We discussed small claims and whiplash, known more generally as the Civil Liability Bill. No-one is clear as to when it is going to be enacted. The Government has so much on its plate at the moment with Brexit, that it seems Brexit may (and certainly should) take precedence. When the Government gets around to finalising details with regards to the Civil Liability Bill is anybody's guess. Much the same might apply with regard to the ongoing discussions with regard to the discount rate. The only certainty is that at some stage the discount rate will change. The question is when.

Interesting to hear politicians, who have for some time used the bashing of our profession as an easy vote catcher, now court our profession. Baroness Hayter, at the Labour Party Conference, told the Society of Labour Lawyers "Please think forward looking. As we begin to see whats going through the Lords, please keep us briefed and help us to do the job we need to do?" Are the times a changin' ? What a pity she did not tell Mr Blair that prior to Clementi.

Let me ask you a quick question. How many solicitors have been appointed Prime Minister? (There have been plenty of Barristers!). The answer is of course just the one.

That person was David Lloyd George who became Prime Minister of Ireland, England, Wales and Scotland in 1916. No other solicitor has managed to achieve that high appointment. The Society has now dedicated a room to him at 113 Chancery Lane, a room which used to be the Council Chamber many years ago. It is an honour that is well overdue. I was delighted to be able to attend a small ceremony on 26 September when the room was dedicated to him. I was also pleased to be able to take along DLG's Great Great Grandson, Alex Brown, who is from North

Wales and whose family I know. It was pleasing to hear him say good things about Lawyers!

Solicitors and appointments remind me of another important topic and that is solicitor appointments as Judges. Many of you may know that there has recently been an appointment to the Appeal Court of a Solicitor Judge, namely Lord Justice Hickinbottom. He is an unusual Appeal Court Judge. Not only through being a solicitor, but also being a Walsall FC supporter! He is just one of a handful of solicitor Judges to have made it to the Court of Appeal. He encourages others, but does point out that it is very difficult to persuade firms to release partners (and indeed other fee earners) for part time sitting which they must do as a precursor to any appointment.

The other point of course is that by the time at, say, 55, they are released from their firms, it is unlikely that they would want to start a completely new career. So, if we are to bleat about there not being enough solicitor Judges, we as a profession must address that and encourage those who want to do so, to take appointments early on in careers, otherwise success and seniority in the Judicial profession will never be achieved.

So that is about all for this month. There is a Council meeting at the end of October so there will be more to report on next month. Can I leave you with a further exhortation to attend the SRA Round Table on 13 November. Let me leave you with a quote from our President, Joe Egan,

'Under the guise of improving access to legal advice, the SRA is proposing changes to its handbook that can only put consumers at risk and undermine trust in legal services. We are gravely concerned the SRA is ploughing ahead with proposals that would see solicitors subject to entirely different regulations depending on where they practice. The Regulator has failed to think through the implications for consumer protection nor has it proposed



adequate safeguard. A new tier of solicitors, working in unregulated outfits, would not have to have the same insurance, would not have to pay into the Solicitor's Compensation Fund and would not inevitably afford their client's legal professional privilege. A further new class of solicitor would freelance, with neither a firm over their head nor the badge of a sole practitioner.'

If the SRAs wishes come about, and things go pear-shaped, who will get the blame, and have to pick up the pieces? The Government? No Chance. The LSB?.....Not Likely. The SRA?.....Get Real. Noit is clear who will pick up the pieces. The Legal Profession, that has been so successful for so many years!

Is that what you want? If not, or even if you are just concerned (which I hope you are), see you on 13 November! Anything else, get in touch. And see you at the LLS Dinner, at The Hilton this year, NOT the usual place, so don't make the schoolperson error !!

Charlie Jones
Partner
Weightmans LLP.
Co Council member Merseyside and District.
01512427919.
Charlie.jones@weightmans.com

Flexible working in Law Firms

With numerous studies revealing that flexible working can help to reduce absenteeism, increase productivity and enhance employee engagement, it is somewhat surprising that some businesses are still slow to embrace it. Despite this, however, increasing numbers of employers in the legal sector appear to be taking steps to roll out flexible arrangements for their staff in a bid to not only attract and retain key talent, but also increase productivity. So what are savvy firms doing and what does it mean at a time when the war for talent is raging?

One player that is truly embracing flexible working is DWF which is now a 'fully agile' firm and has even received recognition for enhancing its workstyle policy to encourage agile, flexible, home and mobile working. Elsewhere, two London based firms have been running truly innovative strategies dubbed the ultra-agile working trend. Mischoon De Reya's managing partner announced last year that its staff could work as many or as few days in the office as they want (on top of being able to take unlimited holiday) and Schillings has been swift to follow with its agile working scheme. At Schillings, all fixed desks have been eliminated in favour of a 'desk booking system' that allows staff to book a spot for a specific day a week.

With firms increasingly embracing the agile working model, it's perhaps time for those that are yet to implement any form of flexibility to follow in the footsteps of those that are getting it so right. And this is particularly important given the positive impact such policies can have on attraction and retention. Kevin Gold of Mischoon De Reya believes that firms that utilise these models can foster greater gender balance and encourage female talent to return to the profession – something that can't be argued with. After all, the legal sector has long been associated with losing top talent to the 'motherhood penalty' many females have experienced.

Aside from increasing diversity within the profession, a recent study by Grass Roots, which revealed that 49% of employees claimed that flexible working arrangements and work-life balance are their most valuable

benefit, demonstrates the role that agile policies can have on attraction. Furthermore, the same study found that 84% of all respondents indicated that their benefit package was important in keeping them in the current role. These figures speak for themselves – not only does flexible working help employers attract a diverse range of talent, but they also – and crucially – help retain them. At a time when skill shortages are rife and firms are increasingly having to compete for top talent, flexible working can't be ignored.

While the immediate future is full of uncertainty with factors such as Brexit causing widespread trepidation, what is certain is that agile working is only going to gain pace. The firms that truly embrace it, will come out on top in the mighty war for talent.



Lynn Sedgwick is Managing Director of specialist recruiter, Clayton Legal.

For more information visit www.clayton-legal.co.uk or call 01772 259 121



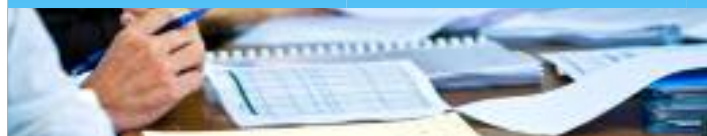
Legal Cashiers & Managers Conference

Wednesday 22nd November 2017 9.30am - 3.40pm

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

This conference is suitable for: Cashiers, COFA's, Practice Managers, Solicitors, Finance Directors & Accountants

FREE to Training Season Ticket Holders or 2 Corporate Training Credits



Chair opens ~ Jo Morris

Challenging Headwinds or a perfect storm

Paul McCluskey, Lloyds Bank

SRA Accounts Rules: high risk areas and controls

Karen Hain, Moore & Smalley Accountants

Complaints Handling Overview

Kathryn Stone & Simon Tunnicliffe, LeO

Online crime: The bad news and the good news

Helen Williams, TITAN

VAT for Legal Accounting - Compliance and VAT Inspections

Darren Whelan

A year of change

Jo Morris

Chair closes



Clinical Negligence: Causation, Case Law Update and Costs Reform

with David Pilling & Professor Dominic Regan

Tuesday 28th November, 9.30am - 12.45 pm

Covering:

Causation and Case Law Update (to include):

- Causation in light of Rich v Hull & East Yorkshire, Sido John v Central Manchester and Williams v Bermuda Hospitals
- Burden of proof: Barnett v Medway Hospitals
- Duty of care: Darnley v Croydon Hospitals
- Consent: Webster v Burton Hospitals

Costs and Other NHS Reform:

- Department of Health and Lord Justice Jackson costs reform
- Budgeting in light of Merrix and Harrison
- Proportionality
- Pre-Action Protocol reform

VENUE: Liverpool Law Society, 2nd Floor Helix, Edmund Street,

Liverpool, L3 9NY



PI Liability Update 2017

with Nicky Carter

on Thursday, 23rd
November, 12 - 3.15pm

An update on the significant recent developments in liability in all the key PI practice areas

In particular:

- Employers Liability - ***Kennedy v Cordia (Services) LLP Supreme Court [2016] UKSC 6;***
- Vicarious Liability Update- ***Mohamud v Wm Morrison Supermarkets PLC Supreme Court 02 March 2016 [2016] UKSC 11***
- RTA-apportionment and contributory negligence
- Occupiers Liability – latest developments for lawful visitors - ***English Heritage v Taylor EWCA 2016 - Duty to warn***

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



Building Regulations & Planning Permission Update for Conveyancers

with Richard Snape

Wednesday, 15th November

1.30pm - 4.45pm

Building regulations continues to be a major area in relation to conveyancing & planning permission has changed significantly in the recent years.

Topics covered include:-

- Building regulations enforcement periods
- The CML Lenders Handbook
- Specific current areas of interest in relation to building regulations
- Gas safe regulations changes
- Planning enforcement periods
- Changes to permitted development
- Community infrastructure levy; the latest
- General Permitted Development Order 2015
- Housing and Planning Act 2016 Pre-commencement planning conditions

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



Conveyancers Guide to Spotting Fraud & Cyber Crime 2017

with Richard Snape

Wednesday, 15th November

9.30am - 12.45pm

The course aims to look at the various issues involved and recent developments and case law, in particular the case of *Dreamvar v Mischon de Reya*.

Topics include:

- Law Society Practice Guide on money laundering
- Land Registry evidence of identity
- SRA Warning Card on bogus law firms
- Recent case law on mortgage fraud
- Seller's solicitors liability to the purchaser in the light of the cases *R Purrusing v A'Court and P & P Properties v Owen White & Catlin & Anor*
- Mortgage fraud and money laundering
- General guidance on cyber crime
- The Fourth EU Money Laundering Directive for implementation in July 2017
The implications of *Dreamvar v Mischon de Reya*

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

Hurray for 'Hurray for the Riff Raff' at East Village Arts Centre

New Orleans-based band "Hurray for the Riff Raff" appeared at the East Village Arts Centre on 18th October. The five piece band is led by Alynda Segarra.

Born and raised in the Bronx, Alynda left home at 17 and travelled across the US, eventually landing in New Orleans where she busked in the French Quarter.

Eventually she formed Hurray for the Riff Raff, releasing their first album in 2007. Their new album "The Navigator", goes back to Alynda's Puerto Rican roots.

The set at the Arts Centre was based mainly around the new album and has a much rockier, bluesy feel to their previous work. I saw the band in New Orleans a few years ago and they have changed their style in this time. I would have described their music as being slightly folk, Americana, bluegrass and a touch of Dixie, but now has almost a punk-like delivery and sound, political observations with a little bit of a Puerto Rican vibe thrown in.

Alynda is a very charismatic performer, her voice can change from one moment to the next and has amazing energy. She engaged the crowd from the very beginning and was clearly delighted to be in Liverpool, describing having spent the day visiting the tourist spots.

This was a great uplifting gig and if you have an opportunity to see "Hurray for the Riff Raff" go - you won't be disappointed. The cost of the ticket - £12.50, the best value in Liverpool I would say!

Julia Baskerville



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



The essential practical guide for the Money Laundering Regulatory Officer

with Joanne Morris on Friday 1st December, 9.30am - 12.45 pm

The course will cover:

- The appointment of the MLRO
- Job description - what does the role cover
- The Money Laundering Regulations 2017:
- Risk assessment requirements
- Changes made to due diligence
- Capturing of client information
- Identifying the source of funds and wealth
- The extended definition of a PEP
- Beneficial owners
- Record keeping
- MLR2017 and Data Protection
- Training – who, what, when and how
- Reporting to the NCA – what to report and how to complete a SAR
- Penalties for getting it wrong
- Template documents – what records should you be keeping
- The future – 5MLD

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



The essential practical guide for the Data Protection Officer

with Joanne Morris Friday, 1st December, 9.30am - 12.45 pm

This practical course is for anyone already in the DPO role looking to update and refresh their knowledge or for people taking up or thinking about taking up this important role.

The course will include:

- Data Protection Act 1998 and the General Data Protection Regulations
- The Information Commissioners Office (ICO)
- The appointment of the Data Protection Officer (DPO)
- What are the responsibilities of the DPO
- Policies, registers and procedures – what do you have already and what will you need
- The DPO will have many hats to wear – what professional qualities should you have
- Dealing with data subjects rights including subject access requests
- Involvement in the Data Protection Impact Assessments (DPIA)
- Auditing – what is involved
- Training for all staff
- The recording and reporting of breaches
- The costs of getting it wrong!

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

Charity and CSR Matters

Hi everyone,

I can't believe it is November already! We've had an exciting month with lots of entries. In particular, we had the annual legal walk with over 150 participants. I've had to do a separate column with all of the great photos, so make sure you take time to review those.

Please keep your entries coming to me at Jennifer.powell@weightmans.com. The monthly deadline is around the 14th of every month. Articles should aim to be 400 words with a logo and photographs where possible. Any queries please just ask. Many thanks

Jennifer Powell
Solicitor
Weightmans



Jackson Lees set to brace the cold

On Friday 10 November, a team from the Jackson Lees Group will be sleeping out at the home of Everton Football Club, Goodison Park, to raise funds for Everton in the Community and heighten awareness of homelessness.

A team of 17, including Brian Cullen (Chief Executive), Joanna Kingston-Davies (Chief Operating Officer), Lance Flor (Chief Financial Officer) and fellow board member Chris Topping, will be spending the whole night sleeping out on the stands. Established in 1988, Everton in the Community is the official charity of Everton Football Club. The charity delivers a wide range of programmes to promote health, education, social inclusion and equality of opportunity to over 30,000 participants every year across Merseyside and North Wales. Everton in the Community is widely regarded as one of the leading football club community programmes in the country.

This is the second year that Jackson Lees have taken part in the "Goodison Sleep Out". In 2016 Chris Topping was joined by colleagues Darren Carter and Mike Davis who together raised over £1,500. All three are doing the challenge again this year and have inspired a further 14 colleagues to join them and attempt to beat the fundraising target of £2,500.

Chris said "There is no way that you could say that the Sleep Out is an enjoyable experience. It is a sobering reminder that we can sleep in the cold out of choice, a choice that others do not have. Helping in a small way to the amazing work Everton in the Community do with the most vulnerable members of our city is a privilege. We are



From Everton FC (Left to Right) – Dominic Calvert-Lewin and two members of Everton's Under 23 Squad Bassala Sambou & Antonee Robinson

delighted to be involved with the charity because we know that our efforts to raise funds will enable them to make a massive difference to people's lives."

Amanda Chatterton from Everton in the Community added "It's a really challenging event so we are extremely grateful that Jackson Lees are coming together and giving up their evening in support of young children on the brink of homelessness. As part of the Home is Where the Heart is Campaign, we urge people to sponsor the Jackson Lees team who are sleeping out, it's such a worthy cause and with your support we can help more young people. "

A JustGiving page has been setup
www.justgiving.com/fundraising/jackson-lees-group.



L to R– Chris Topping, Darren Carter & Mike Davis.

Your Legal Friend completes Charity Fun Run



15 representatives from Your Legal Friend, including friends and family, took part in Merseyside's messiest powdered paint run, Splash Dash, on 23 September at Sefton Park.

The team has so far raised £840 in the name of Claire House Children's Hospice which helps seriously and terminally ill children live life to the full. The hospice helps families smile again when life couldn't get any tougher.

Competitors in the Splash Dash ran, skipped and danced along the five-kilometre course whilst being covered from head to toe in powdered paint. The charity's flagship event has helped raise over £250,000 over the previous five years.

Mark Pearson, Events Manager at Claire House, said: "The Splash Dash is a fun way for the people of Merseyside to get involved in supporting the work we do.

"It's a fantastic help when organisations such as Your Legal Friend take part and we had a great day."

Rachael Payne, a Trainee Solicitor who co-ordinated Your Legal Friend's participation, added: "Our team here love the opportunity to support local charities, particularly in events such as this!

"We're determined to raise as much as we can for Claire House in aid of the great work that they do in helping vulnerable young people and their families."

Entering the Splash Dash is the latest fundraising activity undertaken by Your Legal Friend where employees recently raised over £2,700 for Stick 'n' Step, a local charity that works with children and young people with cerebral palsy.

If you would like to sponsor Your Legal Friend's charity efforts in the Claire House Children's Hospice Splash Dash, you can still donate here:

<https://www.justgiving.com/fundraising/2020legalsplashdash>



Hill Dickinson test their limits

On 9 September 2017, members of Hill Dickinson's Commercial Litigation team in Liverpool took part in Born Survivor, a gruelling 10km military obstacle course at Lowther Castle in the Lake District to raise money for charity.

The course, said to have been designed by ex-Royal Marine Commandos to "test you to the limit", comprised obstacles including "the Blitz" (a 16ft wall with no ropes or ladders), "Punishment Hill" (a steep hill scramble in the mud) and "the Constrictor" (crawling through narrow tunnels and then mud covered in barbed wire). Through rain, mud and rivers they ran, crawled and swam, all in aid of a local boy named Luke in need of specialist treatment and physiotherapy at Alder Hey Hospital.

Luke was born 13 weeks premature and, at the age of two, was diagnosed with brain damage and, thereafter, cerebral palsy. Luke has intense tightness in his lower legs and, without the treatment not available on the NHS, is likely to become wheel chair bound. The team raised just under £2,000 for the charity.

Very well done to all those involved!



Access to Justice Foundation

As part of National Pro Bono Week (6-11 November), the Access to Justice Foundation have two events taking place. On Monday 6th November from 12.30-2.00pm, they are holding a live Webinar on Pro Bono Costs Orders, introduced by Chris Topping (Access to Justice Committee) and presented by Toby Brown (ATJF Trustee). Tickets are available from the Liverpool Law Society website and are free of charge.

They are also holding the National Great Legal Quiz on Wednesday 8th November 2017 and are looking for people across the country to organise a quiz night, large or small, in a location of your choice (the local favourite pub or your office, even at home!) and help raise funds for a local legal advice charity in your area to help support free legal advice for those who otherwise couldn't afford access to justice. Questions will be provided (there's no knowledge of law needed!), as well as scoring sheets and posters to promote your quiz night so you just need to find a venue, a quiz master and decide how to raise your funds. Just remember, everyone across the country will be taking part with the same questions, so no sharing of answers on social media please!

If you are interested you can find out more at <http://mlst.weebly.com/great-legal-quiz-2017.html> and sign up here <http://www.lsteventregistration.org.uk/mlst-great-legal-quiz.html>

The Liverpool Legal Walk

On Tuesday 3 October lawyers, solicitors and barristers from all over Liverpool joined together to complete the North West Legal Support Trust (NWLST) Legal Walk 2017.

NWLST provides free legal advice to the poorest and most vulnerable people in our community, particularly since the removal of a large portion of legal aid in 2013.

The charity supports those who are working for less than the minimum wage, people who have been trafficked into the country, those suffering with disabilities or families living in terrible housing conditions, to name but a few. NWLST provide access to justice to those needing it the most.

The sponsored event was heavily attended, with teams submitted from all over Merseyside braving the cold for a 5k walk around Liverpool city centre in order to raise much needed funds for this incredible charity. Even local actor Michael Starke (best known as 'Sinbad' from Brookside) attended to support the troops!

The walk was followed by a much-needed drink in Hus on Tithebarn street, with speeches from the Lord Mayor, organisers and a raffle!

So far, the walk has raised over £2,000 – well done to all of those involved.

Rebecca Driffield
Trainee Solicitor
Weightmans LLP



Newly Qualified Solicitor & Barrister Celebration



The White Star Grand Hall,

30 James Street, Liverpool, L2 7PQ

on **Thursday 25th January 2018** at 6.00pm for 6.30pm

Liverpool Law Society would like to invite Newly Qualified Solicitors and Barristers from the Liverpool City Region and surrounding area who qualified during 2017 to celebrate the launch of their career in the legal profession.

There will be a complimentary drink on arrival and a selection of canapes with the opportunity to meet more experienced, local practitioners.

The Newly Qualifieds will be presented with a certificate of congratulations from
Mr Stephen Burrows Esq DL, The High Sheriff of Merseyside

Members of the Merseyside JLD are also invited to come along to meet and network with senior solicitors, partners and members of Liverpool Law Society.

This event is free to attend.

To book, or for further information please visit
www.liverpoollawsociety.org.uk/social-events/forthcoming

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2017 to 31st May 2018
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that take place between
these dates.



For an application form,
please contact:

cpdevents@liverpoollawsociety.org.uk



Corporate Update

with Chris Beanland

on Friday 24th November,
1.30pm - 4.45pm

This course provides practitioners
with a practical update on
corporate law developments over
the last year.

The course is aimed at both
contentious and
non-contentious lawyers and will
give attendees practical pointers
to use in their practice.

The course will cover:

- Whether membership of a secured unfunded benefit scheme amounted to a substantial property transaction: Granada Group plc v Law Debenture Trust Corp [2016] EWCA Civ 1289
- Transactions with directors, buy back of shares, directors' duties, transactions defrauding creditors: Dickinson v NAL Realisations Ltd [2017] EWHC 28
- Share splitting to attempt to defeat scheme of arrangement: Re Dee Valley Water Ltd [2017] EWHC 184
- Share transfers and s.127 Insolvency Act 1986: Akers v Samba Financial Group Ltd [2017] UKSC 6 3433
- Liability of lawyers under SAAMCO principle on corporate matters: BPE Solicitors v Hughes [2017] UKSC 21

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



Fixed Costs 2017

with Nicky Carter

Friday, 17th November
12pm—3.15pm

**A seminar examining
all things Fixed Costs
from Portal Exits to
Exceptions**

Covering:

- Fixed costs within the Portals
- Costs on Exit
 - * PAD Application Costs
 - * PART 36 AND FIXED COSTS
 - * Table 6B- Stage?
- Exceptions
- Advocacy Fees Mendes v Hochtief (UK) Construction Ltd 2016
- The Future: Lord Jackson's Proposals

Venue:

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

S Code	Date	Time	NOVEMBER 2017	Speaker
S3863	15th	9.30-12.45	Spotting Fraud & Cyber Crime 2017	Richard Snape
S3864	15th	1.30-4.45	Building Regulations & Planning	Richard Snape
S3961	16th	9.30-4.45	Litigating Commercial Contract Disputes	Helen Swaffield
S3946	17th	12-3.15	Fixed Costs	Nicky Carter
S4078	21st	2-4	Death in Paradise (well, Spain & France): Administrating Deaths Abroad	Antonio Guillen & John Kitching
S4007	22nd	9.30-3.40	Legal Cashiers & Managers Conference	Various
S3951	23rd	12-3.15	2017 PI Liability Update	Nicky Carter
S3855	24th	1.30-4.45	Corporate Update	Chris Beanland
S4017	28th	9.30-12.45	Clinical Negligence: Causation, Case Law Update and Costs Reform	David Pilling & Professor Dominic Regan
S4021	28th	1.30-4.45	Maximising damages and costs	Professor Dominic Regan
S3870	29th	1.30-4.45	Tricky Commercial Lease Problems & their solutions	Richard Snape

S Code	Date	Time	December 2017	Speaker
S3881	1st	9.30-12.45	The essential practical guide for the Money Laundering Regulatory Officer	Jo Morris
S4118	1st	1.30-4.45	The essential practical guide for the Data Protection Officer	Jo Morris
S4110	5th	10-12.45	Family Investment Companies & Update on CRS in conjunction with STEP Liverpool	Deborah Clark & Robin McGhee
S4006	6th	9.30-3.30	Occupational Disease Conference *Accredited by APIL Training*	Various
S4112	7th	1.45-4.45	Ensuring added value in estate administration and planning	John Bunker
S3989	13th	9.30 - 4.15	Commercial Litigation Conference	Various

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

News from the MJLD



Red Door Rooftop Event

On the 28 September we held our first event of the 2017-2018 committee year at Red Door on Berry Street, very kindly sponsored by Thornton Legal. This was a great way to start the new year and to enjoy the last bit of summer which we did with a great turnout from our members.

The event included pizza, drinks and a few hotly contested rounds of beer pong! We raised a whopping £320 for our chosen charity, Clatterbridge thanks to the hard work of our Fundraising Representatives and the generosity of our members. As you know, the MJLD have signed up to take part in the Clatterbridge Corporate Challenge in which we have 6 months to turn £50 into a minimum of £1000, and hopefully much, much more! We are calling on all of our members to get involved in our fundraising events throughout the year and to come up with as many ideas as possible so that we can raise as much money as possible for Clatterbridge towards their "Let's Build Project".



Charity Runs

HellRunner

Our Vice-Chairman, Mike Fagan completed HellRunner at Delamere Forest on Saturday 14 October! This was a fantastic effort by Mike and provided a further opportunity to raise money for Clatterbridge's "Let's Build Project" and the MJLD's Corporate Challenge.

Scouse 5k

Only a day later, alongside Mike, our Chairman Ali, Fundraisers Lydia and Hannah and Social Representative Katie all took part in the Scouse 5k on Sunday 15 October to raise even more money for Clatterbridge! (Yes, that is 2 runs in 2 days for Mike!)

To date, the MJLD have raised over £800 of our £6000 target! A great effort and start of the Committee Year!



News from the WLD



Fancy doing a little bit of Christmas shopping next month or just treating yourself to a pamper?

The WLD would love to invite you to their beauty night at Beauty Bazaar, Harvey Nichols on Thursday 30 November 2017 at 6pm kindly sponsored by MSB Solicitors.

Tickets cost £14 for members and £25 for non-members.

Be sure to reserve your place early by e-mailing wldevent@gmail.com.

Your place will then be confirmed on payment to the following account:

Account number: 50192791
Sort Code: 20 51 01
(Please quote your name as reference.)

If you or your firm are not already a member and would like to join, you can become a member of the WLD using the membership forms on our website at <http://www.wldmerseyside.co.uk/index.htm> or by e-mailing kirstie.bork@eadsolicitors.co.uk.

We look forward to seeing you there!



AN EVENING WITH BEAUTY BAZAAR, HARVEY NICHOLS

Discover industry tips and techniques from the best of brands at Beauty Bazaar, Harvey Nichols ahead of the party season

Your evening will start with bespoke cocktails and drinks on the WOW Bar before enjoying beauty masterclasses and expert gifting advice from leading luxury names in makeup, skincare and fragrance

THURSDAY 30 NOVEMBER 2017
6PM - 8.30PM

Tickets £14 for members, £25 for non-members

For more information please email wldevent@gmail.com



BEAUTY BAZAAR
MAGNETS AND BRANDES 11 BELLA 100111 1001



Liverpool Law Society

Commercial Litigation Conference

Wednesday 13th December 2017, 9.30am - 4.30pm

Liverpool Law Society, 2nd Floor Helix, Edmund Street, Liverpool, L2 9NY

<p>Welcome address HHJ Graham Wood QC</p> <p>New Proposals/Developments Paul Brant</p> <p>Expert Evidence Stephanie Cumming</p> <p>Remedies for Breach of Tenant's Covenants in Commercial Leases Simon Booth</p> <p>The Business and Property Court: What is it? HHJ David Hodge QC</p>	<p>The County Court Money Claims Centre and Commercial Litigation: An Update Martin Huddleston & Richard Seddon, CCMCC</p> <p>Instructing Counsel Alexander Williams</p> <p>On-line Dispute Resolution Stewart McCulloch & Gareth Cutts</p> <p style="text-align: center;">CCMCC Q&A</p> <p>Closing address HHJ Graham Wood QC</p>
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Liverpool Law Society

Tricky Commercial Lease Problems & their solutions

with Richard Snape
Wednesday, 29th November
1.30am - 4.45pm

The course aims to look at some frequently met commercial lease issues and future problems and how to deal with them.

Topics covered include:

- Landlord and Tenant Act 1954 issues and when the Act applies
- Lease license distinction
- Other types of security for occupiers including communications equipment
- Energy performance issues in the light of the Energy Act 2011
- Alienation alteration and user covenants
- Obtaining commercial lease documentation

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

Liverpool Law Society

Death in Paradise (well, Spain & France): Administrating Deaths Abroad

with Antonio Guillen & John Kitching

on Tuesday 21st November, 2pm - 4pm

This course will give delegates some basic notions on how Wills, Probate and taxation work in France and Spain and how this will affect their clients with assets in those Jurisdictions.

Covering:

- Brussels IV
- Applicable law to British owning property in Spain and France
- Types of Wills i.e. Spanish and UK/ French and UK
- Administration of estates
- Tax
- Brief comment on the effect of Brexit

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

Regulation Update

The latest regulation news from Michelle Garlick of Weightmans LLP



The theme for this month is consultations. We have known that it was coming and we now have 2 major consultations released which make essential reading. These are not just for compliance “boffins” like me! They will impact on every single one of us so please take the time to review them. If you are hooked, and want to know more, then read on!

As you will be aware from previous columns, the SRA is committed to simplifying and shortening its handbook which sets out the standards it expects solicitors and firms to meet and the rules they should follow as part of its wider Looking to the Future programme.

The first phase of consultation to create a simpler code of conduct and accounts rules has been finalised and they are now consulting on the second phase.

The proposed changes include:

- Removal of early character and suitability checks on students and trainees;
- Simplifying the rules for “freelance solicitors”, allowing a solicitor to provide reserved legal services, in certain circumstances, on a freelance basis to the public to simplify the current situation where there is a complex series of exemptions for solicitors wanting to work in areas such as certain insurance services, law centres and pro bono work.
- Transitional arrangements for the introduction of the Solicitors Qualifying Examination (SQE);
- A revision to the SRA’s enforcement policy to provide more clarity on considerations of the SRA before enforcement and taking into account intent, harm caused, patterns of behaviour, vulnerability of the client, seniority of the solicitor, and any remedial action taken.

The focus of the consultation is to ensure the Handbook is more concentrated on maintaining the high standards of the profession whilst removing those rules which are too restrictive and add unnecessary costs.

Paul Philip, SRA Chief Executive said: *“This is a simpler Handbook with a sharp focus on what matters – high professional standards and appropriate public protections.*

“Pages of complex bureaucracy do not benefit anybody. Our approach rightly puts the onus on professional judgement and ethics. Most solicitors do a good job and earn the trust people place in them. But a small minority do not. Our enforcement policy makes clear when and how we will act if things go wrong. It is essential that both the public and the profession can have confidence that we hold solicitors to account and act in a fair way.”

Looking to the Future: better information, more choice

This consultation proposes changes requiring the legal profession to provide better information on price and quality of service with the aim of encouraging the public to compare legal services across the marketplace and to facilitate a good choice of appropriate legal services.

The SRA proposals include:

- the requirement for firms to publish their price for services and a description of the services they offer. This requirement will be limited initially to a select number of legal services such as conveyancing, wills and probate, family, employment tribunal and personal injury and will require firms to publish the required information on their website.
- the requirement for firms to publish data on the first-tier complaints they receive and their areas of practice. This information will also be made available to re-publishers, such as online comparison sites.
- firms to make information on SRA regulatory protections available - including introducing a mandatory digital badge that verifies that a firm is regulated by the SRA.

In addition, the SRA is proposing to build a digital register to hold key regulatory data about SRA regulated solicitors and firms and make it available to the public. This can also be used for solicitors to benchmark their services against other legal service providers.

Will this improve access to justice and the unmet legal need for lay clients and SMEs that the SRA and Competition and Markets Authority are so keen to promote or might it potentially increase the risk of confusion/hidden costs?

Both consultations run until 20 December 2017 so please come along to the meetings and/or provide us with your feedback so that as full a response can be given to the SRA. Further information can be found at www.sra.org.uk/consultations.

Crack Down on Tax Evasion

The Criminal Finances Act came into effect on 30 September. Firms can now be liable for the acts of their employees or agents should they facilitate tax evasion. It is now possible to be liable for failing to prevent acts of employees even if senior management do not know about them.

It is therefore essential to have procedures in place to avoid assisting tax evasion as well as ongoing monitoring of such procedures.

Organisations prosecuted under the Act are faced with unlimited fines and potential associated reputational damage and enquiry by the SRA.

The Criminal Finances Act coincides with a SRA warning notice issued at the end of September in light of their concerns about firms facilitating aggressive tax avoidance schemes.

A copy of the SRA warning notice can be found on their website and the Compli team at Weightmans has produced a draft policy and risk assessment for sale at discounted rates. To apply for it, please go to <https://compli.weightmans.com/criminalfinancesact/>

AML Draft Guidance Note produced by Law Society

A draft guidance note covering the new Anti-Money Laundering Regulations which came into force at the end of June has been released by the law society. Whilst it still awaits approval from the Treasury, firms need to be working through the detail now if not done already and ensure that they have the necessary risk assessments and training in place. The Compli team is already helping firms with revising their policies and procedures so contact us should you need any further help with this. The link to the Law society note is here <http://www.lawsociety.org.uk/policy-campaigns/articles/draft-anti-money-laundering-guidance/>

Leigh Day Findings released

The SDT’s findings in the high profile defeat of the SRA by Leigh Day have been released and makes very interesting reading. The time for lodging an appeal runs for 21 days from full Findings so it will be interesting to see whether the SRA decides to appeal or not.

That’s all there is time for this month, folks. I hope to see as many of you as possible at the consultation meetings shortly.

**Michelle Garlick
Weightmans LLP**



RECRUITING TALENT, BUILDING THE FUTURE

FAMILY SOLICITOR

ORMSKIRK

A village practice is looking to expand their Family team with an additional Solicitor to run Private funded cases.

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

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An award-winning Law Firm in Liverpool is seeking a Proclaim Developer. You must have 18+ month experience working with either Solcase or Proclaim.

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

LAW COSTS DRAFTSMAN

LIVERPOOL

A Legal Costs Firm based in Merseyside are seeking to appoint a Law Costs Draftsman/ Costs Lawyer to deal with high value multi track costs; You will have a minimum of 4 Years experience and will have mainly dealt with claimant costs.

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

TEAM LEADER PI DEPARTMENT

MERSEYSIDE

My client has a rapidly expanding department and is looking for a forward thinking team leader to manage a small but growing team, experience of daily workload and managing systems and KPIs are essential

Contact Simon Scott: s.scott@clayton-legal.co.uk

PERSONAL INJURY

LIVERPOOL

A thriving PI firm based in Liverpool are looking for a number of RTA Fee Earners. Post will consist of litigated and quantum files, great salary, benefits and bonus.

Contact Simon Scott: s.scott@clayton-legal.co.uk

COMMERCIAL CONVEYANCER

LIVERPOOL

My client is a reputable and established Law Firm based just outside of Liverpool city Centre. The firm offers an excellent modern, friendly working environment. They are further expanding their team of conveyancers and they now seek to appoint an experienced Commercial Conveyancer to manage a caseload of Commercial files from start to finish. You will have at least 5 years experience and have worked in a similar role.

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

PRIVATE CLIENT

CHESTER

A large Legal 500 is looking to recruit an additional Private Client Solicitor for their established team.

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

FAMILY SOLICITOR

LIVERPOOL

A multi sited Law firm is looking to recruit a head of department to cover their Liverpool office, previous management experience is essential.

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

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You will be conducting a variety of Asbestos cases and you will also be responsible for successfully running cases through to issue of proceedings, using the RCJ specialist Asbestos lists, through to trial and/or settlement, salary up to £40,000.

Contact Simon Scott: s.scott@clayton-legal.co.uk

CLINICAL NEGLIGENCE SOLICITOR

MERSEYSIDE

You will be responsible for conducting a claimant caseload of mixed value clinical negligence files. You will have a minimum of 1 years PQE and will demonstrate excellent technical knowledge.

Contact Simon Scott: s.scott@clayton-legal.co.uk

SENIOR PROPERTY SOLICITOR

LIVERPOOL

A accredited firm is seeking a Qualified Solicitor with a minimum of 3 Years PQE within Property and ideally possess previous experience of handling a mixed caseload.

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

COMMERCIAL PROPERTY

LIVERPOOL

Our client, a Legal 500 firm are seeking to appoint a Commercial Property Solicitor with 1-5 years PQE to join their Housing & Regeneration Department in Liverpool City Centre. The role will involve handling your own varied caseload of Commercial Property, consisting of Acquisitions & Disposals, Property Development and New Build. You will have experience of Housing & Regeneration matters.

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



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