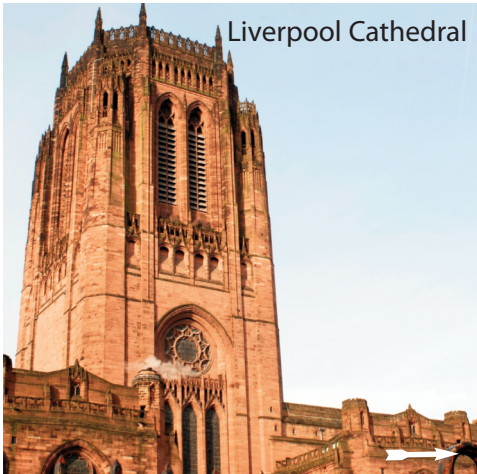


# Liverpool Law

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



Service to mark  
the Opening of  
the Legal Year



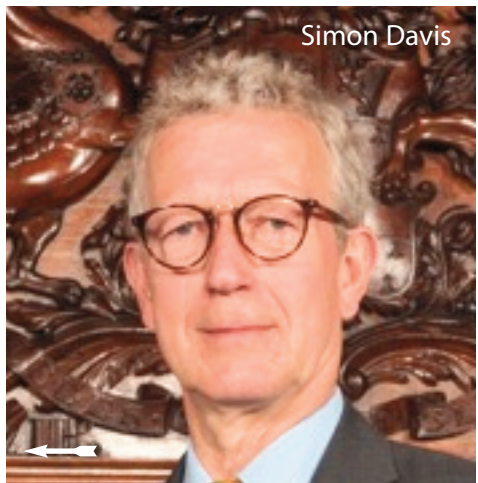
Bermans announce  
record results



Shortlist for Law  
Society  
Excellence  
Awards



Meet Simon  
Davis, DVP of  
the Law Society



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# Welcome

## to the September edition of Liverpool Law

Another month and and the summer holiday season is almost at an end!

Those have been some significant recent developments in the legal arena that will no doubt begin to evolve in terms of impact over the next few months, notably Lord Justice Jackson's report on the extension of fixed recoverable costs and proposed schemes linked to that, the Office of Public Guardian confirming fees have been "overcharged" and perhaps most notably in the immediate future, the Supreme Courts declaration that employment tribunal fees in effect prevent access to justice and as such are illegal.

The latter ruling and its impact will need to progress quickly and it will also be interesting to see if that principle is extended into other fee related areas in the county court and indeed its impact on thoughts around access to justice generally. There will no doubt be a few article around progress in the next edition.

Thanks as always to our contributors to this edition, it really is appreciated and as I always say, this is your magazine, so please keep them coming! A couple of notable mentions this month, firstly to Tom Sutherland who wins this month's prize for his review and also to Matt Smith. Matt has been a regular contributor to this magazine in relation to Charity and CSR pages and I would like to place on record from all of us here our thanks for his efforts and articles. That have always been informative and interesting. Matt is moving on to the Equality and Human Rights



Commission in Manchester and we wish him every success. We also welcome on board Jennifer Powell who is now taking over that role.

Onto other matters. Sadly the start to the football season has not been as hoped for! Tranmere currently sit 14th after 4 games but it's a marathon not a sprint as they say and brighter times are no doubt ahead! Meanwhile, on the eastern coast of the US, the Red Sox currently hold a 4 game lead over the New York Yankees with just 52 games to go... As I type a 3 game series against the Yankees looms so it could all change. I'll keep you posted.

I should add that if you are fortunate enough to be in New York and want to take in a game, don't go to see the Yankees, not because I don't like them (!), but because the Met's stadium is located in a far more interesting position which means if you get bored with the game, you can watch the planes for La Guardia airport which go past you more frequently than the pitches!

Until next month

**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 contributed and not those of the Liverpool Law Society.

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## Editorial Committee Dates 2017

04/08/2017 AT 13:00  
01/09/2017 AT 13:00  
06/10/2017 AT 13:00  
03/11/2017 AT 13.00  
01/12/2017 AT 13.00

## Deadlines 2017

14TH AUG FOR SEP  
18TH SEP FOR OCT  
16TH OCT FOR NOV  
13TH NOV FOR DEC

# Charity spotlight...



**Ykids is a children's charity based in Bootle working in some of the UK's most deprived communities**

**Our vision is for the transformation of Bootle through its young people.** We have a passion to see lives changed and young people given the best chances and opportunities. We commit to young people long term and 30% of our staff were once children in our projects.

### Our objectives:

- build emotionally resilient young people
- help young people to gain skills and reach their full potential
- raise aspirations for their future

We divide our work into 6 main areas :-

**1. Relational Youth and children's and family work**  
Delivering dynamic and innovative projects targeting those who are disaffected, at risk and or disadvantaged. Our family link worker supports families in crisis and distress.

**2. Community** - we deliver social action projects, have an award winning community garden, a family support project, and put on large and small scale events to promote community cohesion and pride. We also deliver an annual awards event, 'the Believe Awards', recognising young heroes from across the region.

**3. Schools** - Supporting schools through extracurricular activities, lessons, workshops, mentoring, relationship building, work with disaffected young people, and sign post them into our projects for additional support

**4. Enterprise** - North Perk is our social enterprise café whose purpose is to employ young people far from the job market and we have a small Bee keeping enterprise being developed by Young people.

**5. Training** - We invest in young people, offering, apprenticeships, placements, an intern programme and accredited training.

**6. Faith** - We support local churches to develop effective community outreach programmes  
We are about to move into a new building in Bootle helping us to expand our projects and activities and help even more young people and families.

There are multiple ways that people can get involved or show their support from becoming a volunteer on one of our many projects to sharing your skills at an event or sponsoring a bee ( £3 a month) Companies can support our annual Believe Awards event (www.thebelieveawards.co.uk) or pitch in for a corporate team building day helping us in our community garden, with our building refurbishment or pitting their wits against 70 teenagers in our annual scavenger hunt.

**For more information about how you can support, donate, sponsor a bee or volunteer please go to our website: www.ykids.co.uk or contact clairemorgans@ykids.co.uk Tel: 0151 9339130**



# President's Mentions

**Hello everyone, just got back from a restful holiday in the Isle of Wight. Yes I took the ticket to Ryde, a nostalgic trip for Brenda & I. We then cruised through the New Forrest and Cotswolds admiring this beautiful Country of ours and if it wasn't for the weather we would no doubt always take our holidays in U.K. Yes it was a sunshine & showers holiday and needless to say no need for the sun cream.**

I was impressed however with the garlic farm on I.O.W. – they are selling garlic to the French ! Just up the road a vineyard produces a palatable red also stealing the market from the French – so who needs the EU? We were also able to find some excellent restaurants and I had my annual dip in the sea - so all was well, now back to the grindstone.

It has been quiet @ Helix but plans are under way for consultation on membership and we would welcome your views given all the changes taking place. We are also pursuing pro bono ideas and pressing the powers that be on changes in the law. We have the Joint V meeting coming up in September and again I would like your input as to how we can improve the service to you and your staff to enable you to be even more efficient.

Equally what are your needs for training? Please take time to look at the plans and courses set out in this edition and please also provide feedback and ideas for future courses, do not forget the advantages of corporate benefits and the season ticket.

I notice that some undergraduates from Cambridge say that a "Chatbot" can predict the

outcome of cases far better and quicker than lawyers and they are saying it can analyse users' legal problems !!

Well I can never predict the jury's decision let alone the Magistrates decisions, so how a computer can help I do not know. Sometimes they create bigger problems than they solve. How can they replace the human – face to face advice whether it is via video links or in person? I always like to test the client and see how they react.

Maybe in time we will all be taken over by computers but not just yet. There are going to be loads of cases coming from driverless cars I am sure – who will be to blame ? It is good to see that we have a woman as the Head of the Supreme Court, someone we know well and gave the Conkerton Lecture a few years ago.

Lady Hale is now the Head of the Supreme Court the first lady congratulations to her. I am told that there are more women joining both the bar & solicitors profession than men at present - so look out chaps.

Lady Hale follows on from Lord Neuberger who has also graced us with his presence. So we must have some influence? We also have many High Court Judges and leading Circuit Judges who all cut their teeth in Liverpool, so watch this space! Liverpool is the place to be !

This brings me smoothly on to Sir Brian Leveson, President of the Queen's Bench Division who will be addressing us at the Annual Dinner on 9th November. Sir Brian is a local lad made good. He was born and educated in Liverpool and thence to Oxford

University where he made his name at the Oxford Union cutting his teeth no doubt in the debates.

Returning to Liverpool he practised here for many years before taking Silk. He prosecuted in many famous cases including the Rosemary West case and locally he prosecuted Ken Dodd, the comic who upset the inland revenue. I recall his exploits in Manchester when he successfully prosecuted the Strangeway Riots case. He then went onto the Bench and then became a High Court Judge. In 2011 he was asked by the then Prime Minister David Cameron to Chair the investigation into the newspaper scandals - The Leveson Enquiry. He produced, in a very short space of time, what everyone described as an excellent report and we all hoped that the Government would use it and improve the situation.

Clearly the Government did not like the conclusion as nothing seems to have been done. Once again Government ignoring the Judges and lawyers in general.

I am looking forward to his speech and would recommend you book early as there are limited places and tickets are going fast. We also have Max Steinburg providing an update on the commercial world in Liverpool - so please join me at the Hilton at the heart of old Liverpool.

Please do not forget the Luncheon at Birkenhead Town Hall on 5th October and Legal Walk on the 3rd October.

We are also joining with Chester & North Wales with the Walk on hopefully a sunny Saturday in September- 16th to be precise around the delightful countryside



in Cheshire starting at Beeston Castle - 4 miles - bring the family and friends - we will end up for lunch at a local Inn.

We are always looking for members who wish to join the Sub-Committees and also the General Committee - this Society I your Society please let us know if you have any ideas for us to explore or if you wish to take an active role. Please contact Sarah @ Helix on [sarahpoblete@liverpoollawsociety.org.uk](mailto:sarahpoblete@liverpoollawsociety.org.uk)

Well that's all for now, trust you all had a good summer holiday period and now fit and ready for the long haul to Christmas. Don't forget to contact us via Twitter, Facebook & LinkedIn as well as the old fashioned ways please.

**John Ballam**  
**Your President.**

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## Diary Dates

Wed 13 Sept	Residential Property Conference
Sat 16 Sept	Sandstone Trail Walk with Cheshire & North Wales Law Society
Wed 27 Sept	Family Finance Conference
Wed 27 Sept	Private Dinner for Managing Partners
Tue 3 Oct	Liverpool Legal Walk
Thu 5 Oct	Business Networking Lunch with David Williams from Cammell Laird
Tue 10 Oct	Social with University of Liverpool celebrating new legal & academic years
Sun 15 Oct	Service to mark the beginning of the New Legal Year
Wed 18 Oct	Employment Law Conference
Thu 2 Nov	In-House Committee launch
Thu 9 Nov	Annual Dinner



## Liverpool Law Society wants your views

Liverpool Law Society is about to embark on a consultation with members on changes to its membership categories. The consultation is in response to the significant changes to the structure of law firms over recent years. The aim of the consultation is to ensure that the Society has a robust and sustainable future, fully engaged with the widest possible constituency of professionals involved in the law.

The consultation is due to be launched on 18 September so look out for an email asking for your views. Every member's response will count so please do take part. There will be a prize draw into which every respondent's name will be entered.

If you do not receive the email for any reason and wish to participate, please contact Sarah Poblete (sarahpoblete@liverpoollawsociety.org.uk) at the Society's office and she will send you a further copy. The consultation will close on 17 October.

**Philip Rooney**  
Hon Treasurer

## 15th October 2017: Service to mark the beginning of the Legal Year

The High Sheriff of Merseyside, Stephen Burrows DL has invited you to:

**A Service to mark the beginning of the Legal Year**  
10.30am Sunday 15th October 2017  
Liverpool Cathedral, St James Mount, Liverpool, L1 7AZ  
The theme of the service for this year is 'Justice in the Community'

University students/youth groups from across Merseyside region are particularly encouraged to join this special service and they will be given the opportunity to meet the various members of the judicial system over light refreshments afterwards.

Her Majesty the Queen, at her coronation, promised to serve her people and to ensure justice was delivered in the Kingdom. Following her example, once a year, for one hour, Her Majesty's Judges and others attend the Cathedral and by so doing acknowledge a higher authority than themselves, one recognised by all faiths as a merciful Judge.

The Address will challenge all present as to the meaning of true justice and will urge all to consider how it might be worked out in the communities which we serve.

Although the Cathedral service is a specifically Christian one, those of other faiths and none are very warmly welcomed.



## Your Society: please consider standing for election at the 2017 AGM

### Your local Law Society

Full members of the Society will be receiving an email in October inviting you to nominate a member of the Society to become a director at the AGM in November. We would like to have a Committee which is as representative as possible of the wide membership the Society encompasses. All members of the Society are eligible for election to the General Committee, but only Full Members can vote in the election, either in person or by proxy. You must be nominated by three members of the Society and serve a three-year term.

The nomination form must be completed and returned to the Society's offices by 5.00pm on Friday 27th October 2017.

Becoming a director and member of General Committee is an opportunity to shape the future of one of the most active local Law Societies in England and Wales. You will make professional contacts and friends, learn from other's best practice and work shoulder to shoulder with other legal professionals, regardless of status and seniority.

The General Committee consists of up to 27 members, who each serve a three-year term. Every year, nine members of the General Committee retire by rotation at the AGM: up to five of those due to retire may be nominated by the Committee for re-election, and the others are not eligible for re-election until the next AGM.

Elections will take place at the Society's Annual General Meeting to be held at 1.00pm on Monday, 27th November 2017 at the Society's offices at Helix. If you would like further information about the Committee please visit

<http://www.liverpoollawsociety.org.uk/about-the-society/committees> or email [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk) with your query or request.

### Liverpool Law Society training offer

#### **The 2017/18 Training Season Ticket**

The Training Season Ticket has gone from strength to strength. It enables members to obtain an UNLIMITED amount of training with us for ONLY £380 per person, plus vat.

The events they attend must take place between 1st June and 31st May. Firms must name the individual taking up the offer as it is non-transferable.

The delegate can then attend an UNLIMITED amount of training events during this period, including our specialist conferences.

**THIS IS A MEMBERS ONLY OFFER**

**visit:** [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)

# News from the Sub-Committees

*Email: [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk) for further information*

## Employment Law

**The LLS Employment Law Committee is comprised of a range of employment law practitioners from the region and meets every few months over lunch to discuss key developments in employment law practice, engage in national consultation exercises about proposed changes to employment law, practice and procedure and exchange views on practice.**

The latest meeting of the Committee on 25 July 2017 was a busy affair and kicked off with a discussion about the arrangements for the annual employment law conference organised by the Committee. This year's conference will be taking place on Wednesday 18 October 2017 and includes a range of presentations from top speakers that so far looks set to include sessions on immigration and compliance issues for employers, tactical use of data subject access requests, conducting judicial mediation, commercial drafting for employment lawyers, developments in employment status, and a focus on apprenticeships. The conference not only offers a chance to gain technical know-how from leaders in their field, but also provides a forum for practitioners to exchange views on their own practice. A competitive rate is offered to those who wish to attend and group discounts may be available. Those interested in attending can find further details on the LLS website and, as places are limited, are encouraged to book early to avoid disappointment!

Next on the agenda for the committee was a round-up of the feedback presented at recent regional and national Employment Tribunal User Groups. The feedback from these user groups gives a useful insight into the operation of the Tribunals and provides an opportunity for practitioners to support the Tribunals to deliver an effective service. Useful pointers on trends and potential developments in Tribunal procedure are often offered and allows attendees an inside track on the latest news.

The Committee then moved on to discuss a judicial consultation issued by the Presidents of the Employment Tribunals on a proposal to uprate the bands for damages to injury to feeling and psychiatric injuries awarded by the Tribunals. The proposal, in brief, suggests an annual uprating in line with the Retail Prices Index following a number of case law developments in this area over recent years. The Committee intends to respond to the consultation and is generally supportive of the principle, although there were some concerns around ensuring the level bands for damages proposed remained proportionate to damages awarded in other forums.

The meeting rounded off with a discussion about members' views on practice. As the committee is comprised of a range of practitioners from a broad scope of firms and in-house organisations, it provides a useful opportunity to discuss views on developing trends and practice points.

**Sophie Fulwell, Bermans**  
Employment Law Committee Member

## Criminal Practice

**This was a well attended meeting with updates and reports from other committees**

The magistrates listing review was high on the agenda. It was reported that the workload for Mersey-Cheshire has increased year on year and figures show that the bulk of work in June was higher than Greater Manchester. The Judicial Business Group are looking at ways to use the current courts more effectively and plan to have a consultation paper by the end of July and a 4-6 week consultation period before implementing changes in October 2017. There are no plans to change the start and finish times of the court working day. Despite the increase in the workload, Merseyside-Cheshire Magistrates Courts has a 50% effective trial rate with the national average being below that figure. Also, Merseyside-Cheshire probation service has exceeded the target of 35%-45% and are providing 75% pre-sentence reports.

The new initiative to expedite committals for sentence with a two day turnaround was mentioned. It was conceded by that it is possible to bring the timeframe forward and 14 days was suggested as the minimum time required in order for there to be an effective hearing. For the time being the 28 day turnaround will remain in place.

The Court Users Committee also met on 27.07.17 and reported as follows:-

Listing prison video link PTPH hearings for defendants at HMP Altcourse continues to be problematic. This is due to the prison allocating 20/25 minutes during the morning list with 11.20am being the time slot allocated to Liverpool Crown Court. Defence solicitors should notify the court if a guilty plea is anticipated at the PTPH and the defendant is at HMP Altcourse.

Any guilty plea or likely guilty plea should be identified to the court in advance of the hearing. If a guilty plea is indicated after the case has been sent to the crown court, the defence must e mail case progression who will refer the request to the judge for approval. The probation service require and hour from when the case is adjourned in order to prepare a stand down report. If a defendant decides to enter a plea of guilty on the morning of the PTPH, the defence are advised to inform the court clerk before the case is called on in order for the judge to consider and approve.

With regard to case progression, Liverpool Crown Court's performance is the most efficient in the country with the least number of aborted trials and guilty plea and sentence at the first hearing.

Discussions took place regarding the merits of Chester Crown Court having 5 actual courtrooms as opposed to currently having 4 at Chester and 1 at Warrington. Warrington will be used only for magistrates court. There are proposals that Warrington could still be utilised for appeals and / or HSE cases as often these require no dock officer.

### Training/Conferences:

Liverpool Law Society runs a full, year-round legal training programme and currently there is a corporate member training offer for 2017/2018 saving up to 30%.

Date of the next meeting Thursday 28th September 2017 at 4.00pm.



## Liverpool Law Society members shortlisted in Excellence Awards

Last month the Law Society announced the shortlist for the Excellence Awards 2017. National law firms, Excello Law and DLA Piper were shortlisted and both have regional offices in Liverpool.

Zoe Gascoyne of Liverpool firm Quinn Melville has been shortlisted for the prestigious Solicitor of the Year Award.

Zoe is a specialist in criminal law and is a regulatory advocate. She is qualified as a Duty Solicitor and has Higher Rights of Audience (All Courts). Zoe is the current Chair of the Criminal Law Solicitors Association (CLSA). She has already served for two years and has been asked by the organisation to remain as Chair for a further 12 months. Zoe is also the Law Society's Chief Assessor for the Criminal Law Accreditation Scheme (CLAS) and is the firm's COLP.

Zoe has always practised in Liverpool, and has been a partner at Quinn Melville for the past 2 and a half years specialising in advocacy and case preparation. Zoe appears at Courts around the North West on a regular basis. She says "I am passionate about my work and feel very strongly about the cases I take on, which is one of the reasons that I enjoy advocacy in the Magistrates Court and the Youth Court."

Zoe is married and lives on the Wirral. She has an eight year old son and twin girls who are six.

Zoe says she is both honoured and pleased to have been shortlisted for Solicitor of the Year. She says "It isn't often that criminal solicitors are recognised in private practice awards, so I am obviously delighted, but more importantly I see my role as speaking up for people who can't speak up for themselves.

Zoe was also the winner of the Liverpool Law Society Criminal Lawyer Award earlier this year and was shortlisted for the Law Society Gazette's Legal Personality of the Year in 2016. She has been is also a Legal Aid Lawyer of the Year finalist for 2016 and 2017.

Joe Egan, President of the Law Society said "To be shortlisted for the Excellence Awards is an achievement to be proud of. The awards showcase the first-rate work and dedication of the profession to their clients and the wider community, and is one of the most rewarding and memorable days in the legal calendar."

The finalists for the prestigious awards are selected by a panel of experts from within and beyond the profession, and demonstrate the expertise and values shared by solicitors working across England and Wales, from small local practices and in-house teams, to international City firms.

The winners will be announced at the awards ceremony on Thursday 19 October at the Hilton Park Lane, London.



Zoe receiving the Criminal Law Award from John Ballam at the Liverpool Legal Awards in May 2017

## Beeston and Peckforton Castles Walk- Sandstone Trail- 16th September 2017

### Joint Cheshire and North Wales and Liverpool Law Society Family Walk

A 4 mile circular trail taking in two beautiful castles set within the sandstone hills of Cheshire. The walk starts from Beeston Castle, the ruins of a 13th century castle and sits high upon a sandstone crag. The route heads out across farmland to circle Peckforton Castle, a 19th-century country house. The journey takes you along one section of the sandstone trail, and along the quiet woodland path through the Peckforton estate.

The walk has a few climbs and descents most of which are fairly gentle, but there is one set of fairly steep woodland steps which are a bit of a challenge to negotiate. Approximate time 1.5 to 2 hours.

Walk commences from the pay-and-display car park opposite the entrance to Beeston Castle, on Church Lane in Beeston, near Tarporley - approximate postcode CW6 9TX

Attendees are to arrive at the car park at 10-30 for an 11 am start. Please bring suitable footwear and clothing and plenty of water.

A pub lunch will be arranged at a suitable venue once numbers are confirmed.

Please email [ron.davison@gamlins.co.uk](mailto:ron.davison@gamlins.co.uk) to book no later than 2nd September 2017

Families welcome

Training & CPD

## Family Finance Conference

Wednesday 27th September 2017, 9.30am - 4.15pm

DWF, 5 St Pauls Square, Old Hall Street, Liverpool, L3 9AE

This year's substantial training event for solicitors, barristers and other practitioners involved with family law. The conference will round up key developments in law & practice, providing an opportunity to hear directly from some first class speakers.

08.10 - 8.30 Registration/Refreshments	12.30 - 1.30 Juniorisation Exercises and traps - Charles Hale QC
08.30 - 8.40 Chairperson opens - Deborah Judge Baker	1.30 - 2.30 Lunch
08.40 - 10.20 Pre-litigation Agreements: A Practical Guide - Angela Baker	2.30 - 3.15 Press reports of financial remedy proceedings - Chris Vogelstein QC
10.20 - 11.15 General Update - Gary Harrison QC	3.15 - 4.00 What's the fix anyway? Reflections on a career in family law - Peter Duckworth
11.15 - 11.30 Refreshments	4.00 - 4.15 Chairperson's summary - Deborah Judge Baker
11.30 - 12.30 International Update: Brexit and the rest of the news - Tim Scott QC	

This event is free to 2017/2018 Training Season Ticket Holders

# Business and Property Court Launch

On 11th July I attended the Business and Property Court (BPC) launch in Manchester. The launch was attended by the Sir Geoffrey Vos, Chancellor of the High Court, Mr Justice Norris, The Vice Chancellor of the County Palatine of Lancaster and many other senior High Court Judges, advocates and Court users of the Manchester Civil Justice Centre.

The BPC is the new name for the Chancery Division of the High Court and will be live on 2nd October 2017. There is also one in Birmingham and Leeds, with more information on Newcastle and Liverpool to follow.

The BPC has been created with a view to simplifying archaic Court procedures to attract more international litigation as fewer contacts refer to the exclusive jurisdiction of England and Wales. Matters will no longer be referred to as Chancery business.

When a case is issued in the High Court you will need to select that you wish it to be heard in the BPC. You will then need to select from the 10 sub-divisions which include financial irregularity, competition, probate and trusts etc. Within some of those sub-divisions there are further sub-divisions.

Historically cases had to be issued in London to have them heard by the appropriate Judge

however cases will be issued in the Court relevant to the dispute with the appropriate Judge ready to hear them. The idea is that a construction dispute at a building site in Manchester will be heard in Manchester. The Judge will be allocated at an early stage so they hear all case management not just final hearing. It is also hoped that the Court process will be a lot quicker as not everything will have to go through London.

In addition the High Court is going paperless, like the Rolls Building is already, and all documents will need to be uploaded on to their system, however this will not be live until Spring 2018. Once live you will not be able to file anything other than via CE filing. Which itself has its advantages as you received an electronic acknowledgement to confirm receipt to documents.

There is a practice direction about the BPC and the sub divisions coming out in the next few weeks however, it is the Claimant's responsibility to ensure the correct Court is selected and if the case is being heard in the wrong Court this may result in the case being struck out Judges have advised.

**Danielle Blaylock**  
Chartered Legal Executive  
MSB Solicitors



**Liverpool Law Society**

## Property Disputes: Disputes & Ownership

with Robert Sterling & Arron Walthall

on Tuesday 19th September, 3pm - 4.30pm

This seminar will cover 2 topics: the availability of Injunctions in property disputes & questions of ownership in cases involving cohabitation.

The first half of the seminar, presented by Robert Sterling, will address when the Court is likely to award an injunction and when it is likely to award damages in lieu in the context of claims involving trespass to land or infringement of property rights, such as easements and restrictive covenants. It will analyse recent case law, including the leading case of *Lawrence v Fen Tigers Ltd* [2014] AC 822 and consider whether legislative developments have the potential to change the test's application.

The second half, presented by Arron Walthall, will focus on the common intention constructive trust in cases where unmarried couples dispute the extent of their respective proprietary interests in the family home. It will consider the legal test set out in the landmark cases of *Stack v Dowden* [2007] 2 AC 432 and *Jones v Kernott* [2012] 1 AC 776 before analysing how the Courts have applied the test on subsequent occasions. It will also briefly discuss the test's wider application in claims involving commercial property and insolvency.

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

**Liverpool Law Society**

## \*\*SAVE THE DATE\*\*

Wednesday 18th October, 9.30am - 4.30pm

for the Annual

### Employment Law Conference 2017

*Sessions confirmed so far:*

- How to Conduct Judicial Mediation ~ Simon Gorton QC
- Subject Access Requests: tactical uses in employment cases ~ David Flood
- Status ~ Tom Linden QC
- Immigration, Compliance Issues for employers and Brexit ~ Elaine McEroy & Mandy Higgins
- Apprenticeships: what employers need to know ~ Emma Tegedine
- A Round-up of what's coming up ~ Nicky Benson

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

To see more info or to book, visit [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)



# Meet Simon Davis

## The Deputy Vice President of the Law Society

Inspired by a television diet including *Crown Court*, the *Paper Chase* and *LA Law*, I joined what was then Clifford Turner in 1982 and for the first year believed that I had made a serious error of judgement. My personal assessments after the first two seats in transactional departments were poor. I found that every time I tried to draft clauses in Share Purchase Agreements or Leases I would find ways to get round my own drafting, with the clauses becoming long and labyrinthine and my stress levels going through the roof.

After a year of this torture, I was sent to our Paris office for a fresh start. My career was saved. Within a matter of weeks I was asked to liaise between our litigators in Hong Kong and a French client who was being sued for trade mark infringement. As I read the affidavits and pleadings I felt goosebumps of excitement and discovered quite quickly that I was a born litigator, with a mind which could pick holes in anything. This sole "talent" had made me a self-destructer, not selector, in our transactional groups.

What this taught me was that a career in the law has something for everyone, so long as you are lucky enough to find an aspect of the law you are good at and enjoy. I am often asked in this context whether I would recommend someone now becoming a solicitor. My answer is always "Absolutely". Because solicitors are everywhere, sorting out people's problems, using modern technology, arguing in court, resolving and negotiating seemingly intractable issues, wrestling with intellectually challenging conundrums and above all else, providing a service. And although solicitors firms today have to be run like businesses i.e. efficiently and profitably, this does not mean that they treat their clients as "customers". In my own experience, the desire to provide a top class service to "clients" is what binds all solicitors, large or small, external or in-house.

My concern that reforms proposed by the Ministry of Justice were having consequences, possibly unintended ones, on the profession and our underlying clients, led me in 2002 to join the Civil Justice Committee of the Law Society, with a view to at least trying to achieve that the proposed reforms reduce complexity and expense, rather than add to them. There I met two Council Members, Mike Williams from Cambridgeshire and Nigel Day from Manchester, whose obvious sense of duty, combined with humour, inspired me to join the Council in 2004.

Amusingly, when I joined, the reputation of the Law Society was that it had no interest in the City, or at least so I thought, because on arrival at the Council, member after member told me that the Law Society was only interested in the City.



The reality as I have found over so many years is that the Law Society is actually interested only in ensuring that the solicitors profession is given the freedom to provide a professional, high calibre service to its clients, making sure that solicitors are not hamstrung along the way by lack of funding, by ill-conceived reform or by the rubbishing of the solicitor brand by politicians.

What I also found is that the Law Society covers so much ground, making representations now to Government on Brexit to protect practitioners rights, opening markets to remove protectionist barriers abroad, fighting legal aid cuts, making our legal system accessible to all, that it sometimes finds it hard to demonstrate to every member its relevance and relentless benefit to the profession and its clients.

This is why I have become Deputy Vice President and my mission is to work with the Law Society staff, with local Law Societies, with relationship teams, with the SRA, with Government, with the public, and with solicitors, all to ensure that solicitors are allowed to get on with what they do best: representing clients, upholding the rule of law, in the public interest, and that we do not become just one kind of provider of legal services. We are solicitors of the Supreme Court of England and Wales, regulated, qualified, insured, diverse, and, in a word, professionals.

**Simon Davis**  
Deputy Vice President of the Law Society  
Clifford Chance

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

## (3) FE Smith, the Earl of Birkenhead – Part B: Common Law Contribution and a Statue in Liverpool?

Welcome to my third column exploring various aspects of the history of law in and around Liverpool. In this column we will continue to explore the life and work of the first of our Liverpool Lord Chancellors, Frederick Edwin (FE) Smith, later the first Earl of Birkenhead GCSI PC KC (12th July 1872 – 30th September 1930 - pictured). In the last column we examined his life and career and tested a thesis that proposed that he was relatively over-indebted towards the end of his life. In this column we will finalise our treatment of FE Smith by examining his contribution to the development of the common law. It is argued that his impact was not as comprehensive as some have argued and that any substantial law reform activity undertaken by him took place through legislative work and influence. The treatment of FE Smith concludes by arguing that the time is now ripe to erect a statue to his memory in Liverpool, perhaps outside St George's Hall.

### (1) FE Smith's opinions in the House of Lords

FE Smith's tenure on the Woolsack was relatively short lived (10 January 1919 to the 19 October 1922). It also commenced with a breach of etiquette as he sat on an appeal before he had been made a member of the House of Lords. As noted in the May column this was remedied with a meteoric rise through the peerage. His relatively early death also ensured that his term as a Lord of Appeal in Ordinary, or Law Lord, was also relatively brief in terms of contributions to the development of English and Welsh law through the common law. As noted in the May column Lord Birkenhead became Lord High Chancellor of England on the 2 February 1919. He first sat in the House of Lords in a judicial capacity on the 24 March 1919. His last appearance as a Law Lord appears to have been on the 12 February 1926, although his speech was delivered by Lord Atkinson. His name is attributed to some cases in which he does not appear to have given a speech, or where other Law Lords note his absence. He also gave judgment at first instance whilst Lord Chancellor.

In terms of his contribution one biographer has noted that, "His judgments were greatly admired." This contention can be queried on two grounds. First, Lord of Appeals in Ordinary delivered "opinions" or "speeches" not judgments. These opinions were read to the Chamber of the House of Lords who heard the various Law Lords views as opinions. The second is, who were the opinions admired by? His biographer goes on "...he routed his critics by rising to the challenge of the woolsack: he proved an outstanding lord chancellor, both as judge and as law reformer." Underhill has made a similar claim, citing Haldane and Birkenhead as, "...the outstanding Chancellors of the century." Is this an accurate summary of FE Smith's time as a judge?

If FE Smith did have a major impact on the law it was certainly through legislation. He is credited with piloting through the Infanticide Act 1922 and having a substantial role to play in the passage of the Law of Property Act 1925, as well as influencing such diverse areas as wounding with intent within criminal law, and elements of family law. He also apparently sat in, "a large number of complex commercial cases." Is this commercial law engagement borne out by the record?

The name of FE Smith, or more accurately the Earl of Birkenhead or Lord Birkenhead, is to be found in eighty-six House of Lords official law reports. The term "Birkenhead" was used to search speeches between 1915 and 1935 so as to exclude speeches by, inter alia, the Lord Nichols of Birkenhead, the subject matter of a future vignette column. Although Lord Birkenhead's name appears in the panel of eight-six decisions, as noted above, he does not deliver speeches in all of the cases. For example in *McElistrim v Ballymacelligott Co-Operative Agricultural and Dairy Society, Limited* which is notable

for including Serjeant Sullivan KC, the last of the Serjeants at Law, FE Smith sat as Lord Chancellor in the case and was present on 24 March 1919 but only Lords Atkinson, Parmoor and Shaw gave speeches. Similarly, in *Weinberger; v. Inglis and Others*, FE Smith is present in the House of Lords as Lord Chancellor on the 7 April 1919 but only Lord Buckmaster, Lord Atkinson, Lord Parmoor, and Lord Wrenbury delivered speeches.

It is a different story in *Owners Of S.S. Melanie v. Owners Of S.S. San Onofre* when on the 15 May 1919 Lord Birkenhead L.C. gives the only opinion. Viscount Cave, Lord Buckmaster and Lord Phillimore concurred and dismissed the appeal. However, the opinion is only 15 lines long.

Lord Birkenhead gives a much longer opinion in *Les Affréteurs Réunis Société Anonyme Appellants; v Leopold Walford (London), Limited Respondents* a case concerning charter parties, a subject that had occupied FE Smith's earlier professional practice. We see Lord Birkenhead active again with a substantial opinion in *Harries Appellant; v Crawford and Others*.

Using the data set of eighty-six case law references his judicial contribution can be broken down as follows:

**Figure One: Lord Birkenhead's opinions in the House of Lords**

Substantive Opinions	Concurring Opinions	FE appears on the panel but no contribution	Other	Total
67	4	11	4	86

In terms of the subject matter of Lord Birkenhead's cases this is relatively wide and varied as one might expect from a Law Lord sitting over a six-year period. Over the course of 203, 572 words Lord Birkenhead's speeches range over a diverse range of topics including, inter alia, income tax, insurance, health and safety at work, insolvency, family law, shipping and salvage, bills of lading, security and many other topics. This includes Privy Council composite judgments, even if not delivered by Lord Birkenhead, but where he was present on the panel.

When the eighty-six judgments are viewed through the prism of a word cloud we can see the following results:

**Figure Two: Word Cloud of Lord Birkenhead's opinions**



Other than company or provisions, ship and agreement figure prominently. These terms seem to support the commercial law contribution arguments mentioned above.

The space confines of this column do not allow a further comparison of Lord Birkenhead's judicial activity as compared to his contemporaneous Lords of Appeal in Ordinary or his predecessor and successor Lord Chancellors, respectively Viscount Finlay and Viscount



Cave. Further analysis of the areas of law that make up the subject matter of his speeches could fruitfully be done to see if the commercial concentration point is in fact correct.

If the second thesis under consideration in this series of columns is correct, i.e. that FE Smith's contribution as a judge was small, there are a number of potential reasons for this. First, it has been argued that he spent some of his time as a judge sitting at first instance in divorce hearings to clear the backlog of business in those courts. The second reason is that he spent a majority of his time on Government business, including piloting through the legislation mentioned above. The third reason is that he was distracted by his publication activity thus supporting the first thesis under discussion in the May column, namely that he was attempting to publish his way out of impecuniosity.

## (2) A Statue of FE Smith outside St George's Hall, Liverpool?

As Campbell notes there are likenesses of FE Smith that have been produced in various mediums. These have included: oils, watercolours, ink caricature, drawings, lithographs, and by way of caricature. These are housed variously at the National Portrait Gallery (at least six likenesses), Wadham College, Oxford, the Barber Institute of Fine Arts, Birmingham, and finally in the Honourable Society of Gray's Inn, London.

In terms of physical representations in solid form there is a bronze bust of FE Smith by C Sheridan that resides in Gray's Inn, London. This was produced in 1924. The Oxford Union also has a bust of FE Smith.

There are also various other physical objects that have been used to commemorate the life of the Earl of Birkenhead, such as the Loving Cup at the Honourable Society of Gray's Inn. Commenting on the Society's Birkenhead memorial scheme in the Society's GRAYA magazine in 1933 the editor noted that, "the response to the appeal has been instantaneous and widespread, and indicates both the esteem and affection with which the memory of Lord Birkenhead is preserved in Hall..."

However, as far as the author can currently ascertain there are no full size large statues of the first Earl of Birkenhead in existence, despite his undoubted prominence in historical, political and legal terms.

In the last two columns we have only touched the surface of FE Smith's contribution to national and legal life. His connection to Liverpool is well-known and of significant length. Much like the recent erection of a statue of Muhammad Ali, a man with a much more tenuous connection to the City, perhaps it is now time to erect a statue of the first Earl of Birkenhead at a prominent legal and political locations within the City. This could be outside St' George's Hall or more temporary in nature, for example, on the McKeown Rice Exhibition space on Jamaica Street.

As with the bronze statue of Mohamed Ali, named 'The Greatest', it would be fantastic if the commission was also local. Artist Andrew Edwards created "The Greatest" and it was struck at the Castle Fine Arts Foundry which has a Liverpool workshop on Bridgewater street.

## Conclusion

Further archival and other work is required to test the first main contention in the previous column, namely, that the 1st Earl of Birkenhead engaged in a sustained period of writing and publishing to alleviate his impecunious position.

The second area under examination is more easily borne out, namely, that FE Smith's contribution as a Law Lord was small. It could be said that his untimely death contributed to the paucity and that in time he would have contributed more. That his interests lay elsewhere, and in the political sphere, seems to be more likely. Or was writing a diversion? Was FE Smith's contribution as Lord Chancellor and a Lord of Appeal in Ordinary reduced because he was spending too much time writing to escape an impoverished position?

On May 9th May 1919 FE Smith gave a speech at his Gray's Inn. This was at a House Dinner organised by way of celebration as a result of FE Smith's elevation to the Woolsack. FE Smith, then also

Treasurer of the Inn, opined that, "...legal luminaries, believe me, are transient and undistinguished phantoms." The body of work that FE Smith left behind, both literary and legal, as well as his political and legislative contributions, will continue to ensure that his name and legacy continues to be a solid presence in Liverpool and the wider legal and political world. Perhaps a statue outside St' George's Hall may stand as a testament to the Earl of Birkenhead's life and contribution. A ball park quote from Castle Fine Arts Foundry in Oswestry, who created the Beatles' statues on Pier Head, puts the cost at between £20,000 and £30,000. Time for a crowdfunding webpage perhaps or some Liverpool Law Society fund raising activity! When Gray's Inn announced the Loving Cup memorial in 1933, referred to above, "subscriptions were received by practically every post. Not only from those practicing in the Temple, but from others parts also of the Kingdom, cheques and postal orders poured in, and it was quickly evident that the total amount to be subscribed would far exceed the somewhat modest sum which those who started the scheme originally had in mind." The subscribers included, "nearly three hundred names...six King's Counsel, six Members of Parliament, and a number of officers of the army and navy and doctors, whilst the Metropolitan Police Bench is represented by two magistrates." But most importantly for the readers of this magazine: "Members of the local Liverpool Bar, to which Lord Birkenhead was first attached, figure largely in the list." Will modern members and their solicitor colleagues respond in a similar manner?

In the next column we will consider the life and work of the next Liverpool Lord Chancellor, namely, the Earl of Kilmuir, or as he was known in his Liverpool practice days – David Maxwell-Fyfe.

**Dr. John Tribe**

**St. Swithun's Day, July, 2017 (and it was raining!)**

*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.*

# Liverpool Attorneys

A number of photographs have been donated to Liverpool Law Society by the family of the late Peter Howell Williams who was President of the Society in 1980-1. His family have sent them as a gift in case they may not only be of interest to local legal historians but also of use as a historical record. On the reverse side of each is the name of the practitioner and where appropriate post held. However, if members have more information, then please submit to the Editor for future publication.



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**Attorney (Mullen & Peel)**

**Lived 4 St James Road**

**Keir Anderson**

**Attorney**

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## Growth prompts new hire at Paul Crowley & Co solicitors

Paul Crowley & Co solicitors has bolstered its crime department with the appointment of Lyndsay Clark.

The Liverpool-based firm, which has offices in Anfield and the city centre, has appointed Lyndsay Clark to its growing specialist motor offence team.

With extensive knowledge in road traffic legalisation and personal injury, Lyndsay brings a wealth of experience to the firm. Lyndsay is police station accredited and also acts as Duty Solicitor at both the Liverpool and South Sefton Magistrates Court.

The Motor Offence department at Paul Crowley & Co has seen significant growth, in particular due to the recent changes in the law and much stricter penalties. The team deals with all motor offence matters from speeding right through to causing death by dangerous driving.

The firm's continued growth follows a raft of new appointments to the property, clinical negligence and personal injury teams within the last twelve months.



Senior partner, Paul Crowley, says: "We are pleased to welcome Lyndsay to our crime department, and I am confident that she will be a great addition to the growing motor offence team."

Lyndsay adds: "I am delighted to be joining the team at Paul Crowley & Co. With many new driving laws introduced in 2017, including tougher speeding fines and changes to child car seat regulations, it's really important that the public know their rights and seek expert legal advice. "I'm looking forward to working with the motor offence team and delivering expert advice and representation for our clients."

## Excello Law wins COLBA 17 Legal Firm of the Year

Excello Law has won the City of Liverpool Business Award 2017 for Legal Firm of the Year reflecting the dynamic success and growth achieved by the team across the North West over the last few years.

Excello opened its Liverpool office in 2015, followed by Chester earlier this year, and has now built a team of 18 lawyers in the region providing a full range of commercial law services, with a core focus on corporate, commercial property, intellectual property, litigation, sports and environment, as well as private client and family law.

With a portfolio of both local and national clients, including one of the region's largest Costa franchisees The Optimum Group, commercial property developers Iliad Group, Royal Court Theatre, LEAF independent tea shops and bars, and Merseyside Society for Deaf People, the award recognises Excello's increasing profile across the Liverpool City Region.

George Bisnought, managing director of Excello Law, commented: "The COLBA is fantastic recognition for our team in Liverpool and across the wider region. We are delighted that our contribution to supporting the economic growth of the area has been recognised and look forward to continuing our partnerships with businesses across the City."

As a national, new-model firm, Excello Law was one of the first law firms in the UK to pioneer true agile working. The model reduces overhead costs and uses leading-edge technology to give freedom to lawyers and provide better value to clients, creating a pioneering step-change in the delivery of legal services.

## Kirwans develops in-house talent with four new training contracts

A law firm celebrating its 70th anniversary this year has awarded four of its legal clerks training contracts in a bid to nurture a new generation of solicitors.

Kirwans, which is one of the oldest legal firms in the region and has offices in Liverpool, Wirral and Southport, has provided contracts to employees across the Private Client, Crime and Family departments.

Carl Nadim, Amanda York, Gabrielle Kitchen and Hannah Bibby have joined Annie Thomas, who was awarded a training contract last year, in securing places on the highly contested scheme, with the potential to become qualified solicitors within Kirwans.

They follow in the footsteps of colleagues including criminal solicitor Thomas Hanlon, who qualified this year after completing his training contract with the firm, associate solicitor Danielle Hughes who trained and qualified with the organisation and partner Claire Currie, who began her legal career as a Kirwans' trainee.

Managing partner David Kirwan said: "Just as it's important to reflect on all that Kirwans has achieved as we mark our 70th year, it is also vital that we continue to plan for the future so that we can continue to offer our clients the quality service they expect from us. Our new trainees are a vital part of that planning."

"It is a joy to see these well-deserving internal candidates achieve this incredible next step in their career, and I look forward to seeing their progress as they work alongside senior colleagues in a wide range of areas over the next two years."



Newly appointed trainees Carl Nadim, Amanda York, Gabrielle Kitchen and Hannah Bibby

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## Law Firm strengthens with new Director of Operations



**Tony Pope**

**Birkenhead-based law firm Your Legal Friend has further strengthened its senior management team with the appointment of a new Director of Operations.**

Tony Pope joins the company having gained extensive commercial experience across various sectors, most recently spending 8 years as Chief Financial Officer at Antony Hodari Legal Services Group.

In his previous role, Pope led the £3m acquisition of the Paul Rooney Partnership. He also had significant operational and financial involvement in one of the largest ongoing UK civil litigation cases (the 'Kenyan Emergency Group Litigation'), which involves around 40,000 claims against the British Government for alleged human rights abuses in the 1950s and 1960s.

Pope will sit on both the Strategic Team and the Senior Leadership Team at Your Legal Friend, and have responsibility for Operations, HR, Accounts, IT and Compliance, overseeing 97 members of staff.

Colin Gibson, Chief Executive Officer at Your Legal Friend, said: "Tony is a key hire for us as he has senior operational, commercial and financial experience gained across a number of sectors, including personal injury.

"He's consistently demonstrated his ability to develop optimal processes and the right working environment to support growth and client service levels."

Tony Pope, Director of Operations, added: "Your Legal Friend has a fantastic reputation and has made great strides in diversifying into specialist areas of litigation such as clinical negligence and group claims. My role will focus on ensuring every aspect of this well respected law firm works effectively for the benefit of clients and employees.

"It's a great opportunity to join a growing organisation and to work alongside a successful, highly professional team."

Founded in 1983, Birkenhead-based Your Legal Friend offers a range of legal services and advice to the victims of personal injury and negligence. It employs 250 people and has supported around 200,000 clients over the last 30 years.

## Bermans announce highest turnover in firms' history with revenues of over £5m

North West law firm Bermans has announced record financial results for the third consecutive year with the firm reporting an increase in turnover from £5.14M to £5.3M for the financial year ending 30th June 2017.

The firm has made a number of key appointments and internal promotions over the past 12 months, as well as securing some significant new clients and completing on some major deals, all of which have contributed to these financial results.

The employment team has continued working with Handelsbanken Northern UK Region and the commercial department has worked with jewellers, Boodles, in providing the terms of business, website user terms and privacy policy for the launch of its new website. The property team has been active in the hotel sector for a number of clients including acting on the acquisition of The Stonecross Manor, Kendal, The Wild Pheasant Hotel, Llangollen and The Regency Hotel, Cheltenham as well as the sale of The Comfort Inn, Middleton.

Senior recruits to the firm include Partners Andrew Koffman to the litigation team and Anton Stirrett to the corporate team. Internally, the firm has promoted Jon Davage to head of corporate and Guy Pattison, to partner in the firm's property team. Fergal O'Cleirigh, head of property and finance director said: "Jon has shown energy and enthusiasm for all aspects of the business and is constantly looking for ways to improve our offering, we look forward to him playing a key role in the development of our Manchester office." In respect of Guy, he added, "Guy has made a significant contribution since joining the firm in 2006, not only in terms of his fee earning but also practice development and in the supervision of others."

Fergal O'Cleirigh adds "The wealth of experience and skills injected into the firm through recent promotions and newly appointed team members will be significant in our ongoing commitment in providing excellent service to our clients and also to the continued growth of Bermans. We intend to build on what we have achieved and continue to develop with strategic acquisitions and offerings."

Bermans is a full commercial law firm with offices in Liverpool and Manchester and are credited as a top tier firm in the Legal 500 for debt recovery and ranked in the London listing for Finance in the asset based lending specialism of the Legal 500 Directory.



**Fergal O'Cleirigh**

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# Managing your law firm's reputational risk

**As Benjamin Franklin once said, it takes many good deeds to build a good reputation and one bad one to lose it - as a few jewellers, airlines, car manufacturers, newspapers and banks have discovered in recent times.**

At this year's Airmic Conference, the annual hoedown for the UK's risk managers, large corporates were discussing how they are now supplementing their five-year business plans with five-minute business plans. After all, armed with a smartphone and a Twitter account, we're all journalists now and it only takes one individual to expose a serious corporate ball-dropping for a long-standing, reputable brand to be instantly trashed.

Law firms are, of course, just like any other business and face the same issue. As we all know, there is only so much disaster recovery and business continuity planning a firm can do, as events have a habit of circumventing even the best of them. Minimisation rather than elimination remains the only realistic goal.

So, what can law firm leaders do to minimise reputational risk and the damage that can flow from a reputation impacting event?

As you return to your desk after the holiday season, here is a **REPUTATIONAL RISK CHECKLIST** that highlights some things that you might want to double-check are on your firm's risk register and management agenda with a view to minimising your firm's exposure.

**1. INSURANCE** Quite rightly, law firms spend days fretting about professional indemnity insurance, but what about management liability insurance (also known as directors' & officers' liability insurance or D&O)? This cover is designed to protect senior individuals (including directors, officers, managers, partners, members and compliance officers) from loss resulting from claims or proceedings for alleged 'wrongful acts' in the discharge of their management functions. Importantly, it includes a level of funding for legal and other costs to enable individuals properly to defend themselves. This financial firepower can prove critical in protecting an individual's reputation and, ultimately, the reputation of their law firm. Cyber liability insurance and crime & fidelity liability insurance can also be valuable in compensating firms in respect of loss arising from cyber-attacks and fraud, enabling them to limit reputational damage by getting back up and running quickly and maintaining financial stability. As usual with insurance, the devil is in the detail so it is wise to use an insurance broker with genuine legal sector expertise to advise on and place these policies for your firm.

**2. DATA PROTECTION** As you will no doubt be aware, the new General Data Protection Regulations come into force on 25 May 2018 and the regulator will be looking for a few law firm scalps to make sure everyone sits up and takes notice of the new regime. Someone needs to be given lead responsibility for preparing your firm for these new rules as data breaches are set to become even more eye watering costly and the inevitable public exposure is never good for a firm's reputation. It is also worth reviewing your contracts with the service providers with whom you share relevant data to ensure their compliance too.

**3. CONTINUING COMPETENCE** Or in my case, continuing incompetence. Professional negligence lawyers are rubbing their hands at the prospect of the disclosure of training records in claims against fellow lawyers. Don't let it be one of your lawyers who hits the headlines. Make sure your systems and controls for the 'new' continuing competence regime are up to scratch and your lawyers properly understand their own training responsibilities.

**4. MONEY LAUNDERING** I've washed a few fivers in my jeans pocket over the years but this is more about the new Money Laundering Regulations 2017 coming down the track. Make sure

someone is on this case and tracking what needs to be done to adapt your policies, systems and controls. Money laundering breaches, however unintentional, tend to become public and undermine confidence in the individuals and firms concerned.

**5. SOCIAL MEDIA** Social media ceased being new media a long time ago so, if you haven't done so recently, now might be an appropriate time to dust off your email and social media policies and refresh your staff training and enforcement procedures. Oblivion is just a click away. Gosh, I must still be in holiday mood as I'm not usually this cheerful.

**6. STAKEHOLDERS** Maintaining the confidence and support of the firm's key stakeholders is one of the prime responsibilities of any law firm leader, be they owners, managers, regulators, employees, introducers, investors, bankers, accountants, insurers, brokers or service providers. Having stakeholders who speak positively about the firm (whether you are in the room or not) is a massively important part of managing and enhancing a firm's reputation. No pressure then!

**7. DIVERSITY AND EQUALITY** No doubt you watch the news.

**8. HORIZON SCANNING** Whilst not strictly a reputational risk, finding yourself in the wrong segment of the legal marketplace or outflanked by a new entrant can leave you feeling exposed. Keep your eyes peeled, your strategic head on and surround yourself with advisers who are at the forefront of legal sector innovation.



© Nigel Wallis, O'Connors LLP. O'Connors is a Liverpool and London-based law firm that blends corporate, commercial, insurance and regulatory knowledge in advising all types of businesses operating in and around the legal sector on start-ups, structures, regulation, funding, mergers, acquisitions and disposals, contracts and insurance. The firm offers fixed-price half-day sessions with its legal sector team for those law firm leaders wanting to review their strategic options as well as fixed-price COLP support contracts. For further information, please contact Nigel Wallis, Pamela Rafiq or Mark O'Connor via [www.oconnorsllp.co.uk](http://www.oconnorsllp.co.uk).



# Business Networking Lunch



**12.30pm - 2.00pm on Thursday 5th October 2017**

At Birkenhead Town Hall, Hamilton Square, Wirral, CH41 5BR

The ticket price of £20.00 + vat includes a drink on arrival, a finger buffet and tea & coffee.

**Join us on 5th October to renew and strengthen your existing network by growing your contacts across the legal sector, and the wider professional and business network.**

The Society is delighted to announce the guest speaker at the Lunch is

## David Williams

### Business Development Director, Cammell Laird

David Williams has over twenty years' experience in marine and heavy engineering services. Today Cammell Laird is rapidly expanding as a cutting edge engineering services specialist. It has continued to develop its capability in the marine sector, and is a world leader specialising in military ship refit, commercial ship repair, upgrade and conversion and shipbuilding. The company is also working in the civil nuclear sector. David will provide an update on the latest news from Cammell Laird and about the prospects for Wirral and Merseyside generally.

The lunch will be in the Assembly Hall on the top floor of the Birkenhead Town Hall building. Hamilton Square is one of the finest Georgian Squares in the country, designed 1825 by Scottish architect James Gillespie Graham, and has the most Grade I listed buildings outside of London (after Trafalgar Square).

We look forward to seeing you there.

**Book online now at:**

[www.liverpoollawsociety.org.uk/social-events/business-networking-lunch](http://www.liverpoollawsociety.org.uk/social-events/business-networking-lunch)

For further information, please contact [socialevents@liverpoollawsociety.org.uk](mailto:socialevents@liverpoollawsociety.org.uk)

## Do your clients need a SPANISH WILL for their assets in Spain?

**Let's work together to ensure that your client's assets in Spain will be transferred according to their wishes.**

It is quite likely that you will have one or two clients with assets in Spain and when it is time to deal with their estates, the probate in Spain could be a source of uncertainty or a source of conflict if there is not a Spanish Will in place. We can help you and your clients to avoid delays when dealing with cross-border estates between UK- Spain.

As you are aware, the European Regulation on Succession (EU) No 650/2012 started to create effects on 17th August 2015 (its rules are applicable to the succession of persons who die on or after 17 August 2015). The EU Regulation was ratified by Spain but not by the United Kingdom. However, English nationals can still take advantage of one of its important points which is to opt for their national law in a Will.

One of the main changes that the EU Regulation introduced is the fact that the connecting factor on applicable law has changed from Nationality to Habitual Residence. (Please note that the EU Regulation does not contemplate the concept of "domicile" that on

the other hand, does not exist under Spanish law). This will help us to solve disputes on applicable law in cross border estates UK-Spain.

We should distinguish between British citizens living in Spain and British citizens living in the UK with assets in Spain.

In both circumstances, we would suggest drafting a Spanish Will along with the English Will. It will help your clients to avoid intestate successions in Spain which would turn the probate process in Spain time-consuming and complicated.

At that point, it is important that both you, as their advisor on the English side, and the Spanish lawyer, work collaboratively to ensure that the Spanish Will applies only to the Spanish assets by choosing the national law, and ensuring that none of the wills revokes each other.

A Spanish Will can be signed either in Spain in front of a Spanish Notary or in the UK, complying with certain formalities of a UK will and certain formalities of a Spanish will, which if drafted by the right professional would be easier for your clients.

A Notarial Will Signed in Spain,

requires to be signed before a Notary Public, no witnesses are required and should preferably be drafted in two languages unless a translator is present. Finally, the Will should be registered with the Wills Registry, as in Spain, when a person dies we can ask for a last Will certificate that will show us when the last will was signed, before which Notary and in which date.

If your client opts to sign a Spanish Will in the UK, it should preferably be drafted in two languages, with one or two witnesses (depending if it is signed in England or Wales or in Scotland) and it should be preferably signed before a Public Notary and legalized with the apostille of The Hague Convention. Finally, the Will should be registered with the Wills Registry in Spain.

Does your client really need a Will specific for Spain? It is not compulsory but advisable. As mentioned above, it helps to avoid potential conflicts of law, allows to focus on the tax side of each jurisdiction, speeds the administration process, and last but not least avoids interpretation problems.

In terms of IHT in Spain (which is



payable by the beneficiary, and not the estate), it should be noted that in Spain there are different tax laws applying depending on the location of the assets (Autonomous Regions).

If you have clients with assets in Spain we would strongly recommend them contacting a Spanish lawyer, with some knowledge of the laws in the UK, to advise on the different types of wills, tax consequences and practicalities of each will, specially now in the verge of an exit from the European Union.

**Claudia Font & Antonio Guillen**  
Spanish Lawyers at **gunnercooke llp**

## Why artificial intelligence is gaining pace in the legal profession and shouldn't be feared

While artificial intelligence has been widely adopted in many industries, the legal sector has only started to realise its benefits over the past few years. And even then, this advanced technology was the sole preserve of firms with vast resources – and deep pockets – but that all appears to be about to change. Firms in the region are increasingly realising the benefits that artificial intelligence presents to their practice. In fact Riverview Law has a partnership with Liverpool University to leverage the institution's artificial intelligence expertise, demonstrating that the use of technology is gaining pace.

So what are the benefits that AI presents the legal profession? And should, as the media suggests, lawyers be fearful that the robots will soon replace their jobs?

Fortunately for Liverpool based legal professionals, a recent analysis conducted by our team here at Clayton Legal, revealed that most SME firms both

recognise the importance of the use of AI, regard it as an opportunity to be embraced and do not feel threatened by its impact on their business. In fact, one of the respondents to our research project, Andrew Kwan – solicitor advocate at Clear Law – commented, "This approach allows us some advantages including being agile within a changing legal market. Therefore I can see the utilisation of AI as being an opportunity to deliver greater value to clients, both individuals and businesses, by removing some of the administrative elements of the process."

And it's not only senior professionals who are experiencing this optimism. Miriam Khan – a junior colleague of Khan at Clear Law, made the point that AI and human skill sets should complement each other rather than take opposing sides, "The profound purpose of AI is to save the need for time, cost and energy on manual labour and

increase efficiency. Why do a job that a computer can do for you?" Clearly then, there appears to be a consensus that the use of AI can offer firms the chance to provide their clients a better service whilst also saving time. But what about the much hyped threat that technology poses to jobs? Our opinion is that while artificial intelligence is certainly arriving at a rapid pace, it really isn't something to be feared. You only have to look at firms – such as Clifford Chance and Linklaters – that have been using AI for some time, to see that its use is very much about driving efficiencies, rather than eradicating jobs. Artificial intelligence is becoming a priority for legal firms and the smaller practices that we spoke to are also hoping to generate higher fees and ensure that processes can be and will be outsourced to machines.

For employers, this has huge benefits but it also offers their people more interesting work, making the workplace a more

satisfying place to be in, in a marketplace where retention is key. For legal professionals at all levels, the introduction of AI represents an opportunity to develop new skills, and for those who are open to change, to increase their value in the marketplace. The interpersonal and technological skills required to adapt to the new AI infused working environment are likely to bring benefits to all that choose to engage with them. Rather than replacing jobs, then, AI offers professionals the chance to diversify and learn new skills. It seems clear that, while technology can replace many tasks, what it certainly can't do is replace the human element. And as Andrew Kwan told us, 'I do not see AI removing the elements where you are a compassionate human. You can't remove this from a process and expect a great result for your client' which sums up this sentiment very well.

**For more information, or to speak to Clayton Legal about your recruitment needs, contact Lynn Sedgwick on 01772 259 121 or visit [www.clayton-legal.co.uk](http://www.clayton-legal.co.uk)**





# Annual Dinner 2017

Thursday 9th  
November 2017

6.45pm for  
7.30pm

## Guest Speakers

**Sir Brian Leveson**

President of the Queen's Bench Division

&

**Max Steinberg CBE**

Chief Executive Liverpool Vision

Hilton Hotel,  
3 Thomas Steers Way,  
Liverpool,  
L1 8LW

Includes a welcome drink on arrival followed by a three course meal, speeches and music.

A table of 10 is £750.00 + VAT (£900 inc vat) Individual reservations £75.00 + VAT (£90 + vat)  
Limited tickets available for Merseyside Junior Lawyers Division members for  
£40 + VAT (£48 inc. vat) per person

Dress code: Black tie



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# Council Member's Report

## The latest news from Charlie Jones, Council Member for Merseyside

Many of you will have read in the recent Gazette on line on 16 August 2017 that the Consumer Watchdog has warned the SRA to be 'realistic' about how full an understanding people are likely to have of the risks associated with further measures to free up the legal services market. Dr Jane Martin said the move has the potential to increase competition and flexibility in the market. I point to the word 'potential.' It certainly does have that potentially, but, as Dr Martin cautioned, consumers will be exposed to greater risk of detriment in exchange for increased flexibility and wider access. Dr Martin has called for the SRA to come forward with evidence to justify any major reduction in consumer protection. She says 'the widening of access proposed by the SRA comes with substantial risk to consumers. Consumers can suffer significant financial loss as a consequent of errors, omissions, negligence and fraud. The requirement for solicitors to have PII, and to contribute to a compensation fund offers crucial reassurance and peace of mind to consumers'. Well done Dr Martin. This is what the Law Society have been saying for some time about the apparent relaxation by the SRA of standards which for very many years our profession have considered fundamental and a key part of the service we provide. Perhaps now others will realise that our submissions in relation to other concerns, for example regulation generally and the super exam envisaged by the SRA, are very real.

There has also been much chat in the press recently about the flexible courts. The Society has been vocal on this. For my part, I think a certain amount of flexibility in court times is a good idea, although people must be given sufficient time to prepare, particularly those who may have difficulty due to caring, parenting, and other responsibilities, who simply cannot work outside normal office hours at all. Time will also be required for firms to plan and conduct real impact assessments, (something the Government and SRA are renowned for not doing), because it may require overtime payments. For my part, what will make the court system more efficient is not flexible courts but more efficient courts. There are some courts around the country where if your claim ends up there (and I do civil

work) it is 'lost' for a considerable period of time. There can be no justification for this. Efficiency should start at the top. One pays to seek justice. Value for money should be provided by the court process. Robbing Peter to pay Paul achieves nothing.

There has been, as you will be aware, a great victory in relation to Tribunal fees, an issue in respect of which the Society has been campaigning for some time. The Supreme Court has decided that the hiking fees in relation to employment tribunal work was unlawful. As Joe Egan, the President of the Law Society has said, 'this decision is a triumph for access to justice, and a resounding blow against attempts to treat justice as a commodity rather than the right it is'. The Supreme Court has vindicated the Law Society view (and a view shared by many others) and restored access to justice for those mistreated in the work place. Will the Government realise this in relation to other work types? I would not bother watching this space too much!

The Law Society Excellence Awards shortlist has recently been published. Very many congratulations to our very own Zoe Gascoigne, of Quinn Melville (and the Criminal Law Solicitors' Association), who has been nominated in the category of 'Solicitor of the Year - Private Practice'. This is a great achievement by Zoe and I wish her well. She so deserves it. She has worked incredibly hard over the last few years in relation to the very hard time criminal lawyers have had. It is recognition for her hard work and the leading part Liverpool criminal lawyers have played in that campaign. Looking down the list of nominees, many congratulations to Duncan Lewis Solicitors, who have nominations in Pro Bono, Junior Lawyer and Woman Lawyer of the Year. Duncan Lewis is a nationwide practice with an office in Liverpool. Congratulations also to Hillyer McKeown, who are nominated in Excellence in Marketing and Communications. Apologies to anyone in our area who I have not identified from the nomination lists. Good luck to all nominated. Despite local lawyers being nominated, there still seems to be a pre-ponderance for South Eastern and Southern nominations!

There has been another victory for

solicitors in that Lord Justice Jackson has reneged somewhat on his draconian intentions with regard to fixed recoverable costs. He unveiled his proposals at Chancery Lane on 2 August saying 'you cannot just slap fixed recoverable costs regime onto existing procedures'. He also said 'there was a very substantial divergence of opinion, on whether fixed costs should be applied to cases outside the existing fast track'. He accepted the force of the point made by the Law Society and the Bar Council that where recoverable costs are to be fixed, procedures will also need to be fixed. This is another victory for the Law Society who has been saying for sometime that a one size fits all process is not appropriate.

Solicitors are starring in the field of Pro Bono, as you would expect. The atrocities in Manchester and London and the disastrous fire at Grenfell Tower that resulted in many solicitors coming forward and offering their services pro bono to those that had been so drastically affected by these events. Of course, it should be remembered that pro bono is not a substitute for legal aid. Also, it should be remembered that pro bono services are every bit as stringent and risk conscious as any other work a solicitor does which may be attracting payment. The standard work provided by the solicitor is required to be just as stringent. The solicitor's insurance policy still exists if pro bono work goes wrong. Never let it be said that we are doing things on the cheap. It may not cost the client, but it does cost the firm.

I attended the Membership Board Away Day on 9 August in London. There is a summary on this event on the page opposite.

The Society are putting together an education strategy going forwards, and this strategy is being led by Peter Liver, who is the Executive Director or Membership Services. Of course, Liverpool Law Society has a substantial interest in education, both training and learning strategy, and have every right to have concerns. Peter has very kindly volunteered to come up to Liverpool and discuss the Society's strategy with Sarah and Jo in early September. His visit will be much looked forward to.

I have said in previous reports that I encourage you all to get involved in the committee process in



relation to specific work types at Chancery Lane. I encourage you once more to do this. It is a real opportunity to make an influential contribution at the core of what the Society does, in a way that really affects the quality of our profession.

The governance group, of which I have been a part as a member of the Implementation Board, have just about reached their final conclusions. A report will be going before Council for the mid September Council Meeting and I therefore hope to be able to advise in a fuller fashion by mid September, and that you should have some further news in relation to this topic by the beginning of October. Suffice to say at this stage, progress is being made and it looks likely that we will have a workable and more user friendly governance model, and it is important that Paul Tennant, who was the acting CEO and is now the full time CEO, has been involved in those discussions. There have also been other members of the executive involved, and this has been very helpful in promoting a constructive dialogue in discussion.

I hope you have had a good summer (was there really a summer?) and have managed to get a holiday.

As ever, if you have any queries or would like to discuss any part of this report or any other aspects of Law Society matters, please do not hesitate to get in touch.

**Charlie Jones: Co Council Member Merseyside and District.**  
01512427919.  
Charlie.jones@weightmans.com



# Membership Board Away Day summary

**The Board met for their away day on 9 August 2017. The away day was steered by Nicholas Gurney-Champion as Chair, and Peter Liver as Executive Director of Membership Services. The Board discussed the issues below and guided the required next steps.**

## Education and Learning Strategy

The proposal put forward to the Board largely developed a strategic offer for the Law Society's Education, Learning and Training services. It built on the agreed strategic direction approved by senior Council members and the Leadership team in 2017. The strategic offer has been developed through consultations with a range of senior representatives from the legal and education sectors. Consultations are still ongoing, with further sessions being held with Membership Board, Education and training committee, Junior Lawyers Division and Council in August and September. It was absolute that the Law Society would not alienate Local Law Society's, and will invite LLS for their views in due time. The Quality Assurance framework has now been developed for the Education and Learning Programme, and the primary focus will revolve around on re-enforcing the solicitor brand, finding endorsements for the strategy and working with new partners.

## Membership Offer

The Board discussed the Law Society brand, which for the moment remains positive, however there will be a need to better articulate a compelling and comprehensible member offer. There are currently over 150 products, services and activities on offer but they are not codified or coherently articulated. The Law Society has undertaken significant research in the past for membership needs. It was evident that any new member offer must gain traction and directly inform the design of the operating model to ensure strong alignment and ability to deliver. There were three overall outcomes that solicitors seek namely career companion, practice excellence and informed source. Each of these is a foundational outcome, rooted in the representation and promotion aspect of the Society's work, this will be known as the common core. The Board focused on the need to engage with potential future members e.g. Law students, paralegals and

LPC students. It was emphasised that the Law Society should be the central hub for solicitors needing career advice.

## Find a Solicitor development(FAS)

Traffic to FAS had increased by 67% since 2014, in early 2014 visits to FAS were around 360,000, now the visits are over 600,000 per month. Nearly 60% of FAS visitors are returning visitors, virtually all solicitors were looking up other solicitors and finding solicitors with other areas of specialism they don't practise in so that they can refer work to them. The awareness of FAS used is high, 96% are aware that members of the public use FAS to find a solicitor or an organisation who may be able to handle their legal problem, and 93% are aware that members of the public use FAS to validate a solicitor or organisation is bona fide. The Board were presented with questions on how to improve the service of FAS, suggestions included putting up more content, to be more visible in search engines, and being able to provide feedback. All observations were noted and the Board would be provided with a further update in their September meeting.

## Law Society Events

Currently the events team manage approximately 370 events each year. Commercial events are held for both members and external stakeholders with revenue being generated through ticket sales and fees from event sponsors. Non-commercial Law Society events are funded by the practicing certificate fees paid by solicitor firms or individuals and are held to support either the Law Society's Section member offer or the strategic objectives of Represent, Promote and Support. Commercial events are 23% of the total number of events run and include AML/MLRO, annual conferences and master classes. Non-commercial events make up 14% of the events which are Advocacy training, Admissions, Excellence Awards. Internal events are 63% of the events, and are free they include events such as, thought leadership, continuing competence, update or corporate events. The Board agreed to view these events in further detail, and to develop a mapping of all event activities to ensure the distribution of events is balanced.



## Handling Noise Induced Hearing Loss Claims

with Nicky Carter

Thursday, 21st September

12noon - 3.15pm

**This seminar will get you up to speed on all you need to know to handle cases profitably and efficiently in this specialized and fast moving area**

### Looking at:

- **The Regulatory regime,**
- **Understanding the expert evidence**
- **Causation issues**
- **Limitation Issues Johnson v Ministry of Defence [2012] EWCA Civ 1505;**
  - ◊ **S.14 knowledge**
  - ◊ **Platt**
  - ◊ **S.33 discretion**
- **Disability**
- **Applicable Cost Regime**
  - ◊ **Success Fees**
- **Experts Aldred v Cortaulks Northern Textiles Ltd County Court (Liverpool) 02 November 2012**
  - ◊ **Selection**
  - ◊ **Questions**
  - ◊ **Meetings**

Venue:

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

Liverpool Law Society

## The Billing of Crown Court work

with Colin Beaumont

on Friday, 15th September,  
1.30am - 4.45pm



Satisfying Competency Statement

Section D – Apply good business practice (a, b, c and d)

For full details & to book, visit:

[www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)

Venue: Liverpool Law Society,  
2nd Floor, Heix,

# Book Review: '100 Days of Solitude' by Daphne Kapsali

by Thomas Sutherland, Canter Levin & Berg

Like most of us, I often wonder what it would be like to be less busy. A life where you could wake up and not be able to name at least 10 things that need doing that day, whether at home or work. For the majority of readers, that feeling only truly comes when on holiday (and maybe Christmas – albeit I know a lot of people who are busier during the Christmas period than at work!)

The fascinating thing about this book, and why I think it would be fitting to be read by lawyers, is that it contains the tale of someone who actively chased solitude. I.e. no phones ringing, no commuting, no place to be. Not only that but, to make sure she kept to her vow, she stayed in a small house up a mountain in a small, relatively uninhabited Greek island.

And so started her 100 days of solitude. To be clear, she didn't actively set out to avoid people. Rather, she interacts with the various individuals on the island (mainly her distant neighbours, the post office staff and, increasingly throughout her 100 days, the island's cats).

Whilst the premise of the book may sound extreme, the author is extremely honest about the path to her decision, her varied emotions during each day and the various stages of fear, self-doubt and, ultimately, contentment (albeit with a nagging sense that she needed more companionship).

For me, the moral of the book is to make more time to pause and reflect on life – i.e. focusing on the memories you're making and embracing good times rather than simply rushing through life and being distracted by the bad points.

Whilst it was fascinating to read the author's account, I could certainly not manage 100 days of solitude; in fact, I think I'd struggle with 100 hours of solitude! In the end, the book made me appreciate the fact that life is varied and that's for the better.

Well recommended – 4 stars (out of 5)

**Tom Sutherland, Employment Solicitor,  
Canter Levin & Berg**

Let us look after what is beneath the surface...

The client facing part of a law firm is only the "tip of the iceberg". Much of what makes a law firm profitable happens beneath the surface. A firm's finance function plays a fundamental part - accurate bookkeeping, compliance with the Accounts Rules, and timely management information are all crucial to a firm's success.

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- ✓ We can work with any practice management system
- ✓ We save them valuable office space
- ✓ We provide accurate and timely management accounts and management information
- ✓ We run their payroll, and complete their VAT returns
- ✓ We won the Scott & Co Legal Awards 2014: Support Team of the Year, and were finalists again in 2015



For more information, visit [www.thecashroom.co.uk](http://www.thecashroom.co.uk) or for a confidential chat contact Alex Holt at [Alex.Holt@thecashroom.co.uk](mailto:Alex.Holt@thecashroom.co.uk) or call 0330 3322 520



# 20 stories high youth theatre

Review by Carol Maginn, Coordinator,  
The Live Law Project

The Florence Institute, 'the Florrie', is a beautifully restored Victorian building set on Mill Street. It's also, as it turns out, a great performance space.

On a Friday evening, with torrential rain falling outside, 20 Stories High Youth Theatre delivered an evening of great theatre to a capacity audience. The large, diverse cast presented a series of interlinking stories, loosely connected by the theme of 'Time.' The set, composed of a simple set of boxes, served both individual and ensemble performers well. The performances were faultless, and segued and merged seamlessly into each other.

And the stories were absorbing: an older brother trying to look after his two siblings while their mother is ill; a fostered boy approaching his 18th birthday, and a first meeting with his real father; a young mother caught in an



increasingly abusive relationship with her baby's father, musings on attraction, life, and time, and music that ranged from the sweet and reflective to the exuberantly funky.

It was worth getting wet for. 20 Stories High is an ambitious theatre company based here in Liverpool, and well worth keeping an eye on.



**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.

Please give it a go!

Send your entries to  
[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

And here is Glensys Hunt collecting her bottle of wine from R & H Fine Wines after her review of *The Everyman* was published in the August edition of *Liverpool Law*.



Liverpool Law Society

## Employers' Liability Update

with Nicky Carter

Thursday, 14th September

12noon - 3.15pm

- Application of Regs - s.69 Enterprise Act 2013
- Breach of Statutory Duty
- Review Recent Case Law
- CDM Regulations 2016
- Work at Height Regs
- Contributory Negligence
- Vicarious Liability
- Trends
- Admissions of Liability

Venue:

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

# Charity and CSR Matters

Hello and TTFN! By the time you read this, I will have departed the Liverpool law scene and will be headed towards a new chapter in my career in Manchester via a couple of weeks' holiday. Many thanks for all your contributions to this page over the past couple of years. I've really enjoyed reading about all the good

that you have been up to. Please welcome my colleague Jennifer Powell who will be taking on these pages from next month and who will make a brilliant job of it (much as she does a brilliant job of everything else). You can read all about her below. You can e-mail us at [contactus@liverpoollawsociety.org.uk](mailto:contactus@liverpoollawsociety.org.uk)



## Meet Jennifer Powell

*Jennifer Powell will take over the editing of the Charity and CSR pages from the next edition. Here, Jennifer introduces herself to Liverpool Law readers and gives us an idea of what these pages will bring to you in future...*

Firstly thank you to Matt for keeping us all up to speed on charitable events in the Liverpool legal sector, as well as voluntary and pro bono opportunities. I only hope I can do half as good a job as he has.

To do this I will need your help, as I'm coming to the role blind really. Whilst I have been on the Weightmans CSR committee for the past few years and organised my own charity/fundraising events, I have very few connections with other firms or charitable organisations. This clearly needs to change, so to anyone reading this please get in touch with me at [jennifer.powell@weightmans.com](mailto:jennifer.powell@weightmans.com)

I've organised my fair share of events, most recently I was involved in Yummy's Scouse Christmas. On Christmas Day with the help of an army of volunteers we were able to give a lovely Christmas dinner, company, entertainment and even a gift to the homeless and those in need. The support behind this event was overwhelming and we had many law firms involved. I will be helping to organise again this year, so keep an eye out how to get involved. It would also be nice to replicate the collaboration between firms to support a cause. In our



competitive market it is easy to lose sight of the strength we can have in working together. I've already been set the task of assisting smaller firms and organisations with their CSR and charity activities. I'm pleased with this as it is something I am actually able to talk about (rather than any of the serious legal stuff I probably should know more about!).

However, this made me realise that I take for granted the support my firm gives me. So again, to any smaller firms, or even individuals looking to get involved in some activities but not really knowing where to start, get in touch and we will see what we can do together.

Thank you for taking the time to read this and I look forward to hearing from you all in future.

## LCVS Trustee Recruitment

**LCVS are recruiting five new trustees and would like someone from a local law firm to be amongst the new intake. Can you help?**

LCVS was founded in 1909, when the Lord Mayor of Liverpool, called a meeting with Liverpool's vast network of charities to discuss creating a body that would help them co-operate with one another and with the public authorities.

Over the years that have followed, the organisation has developed and changed its name several times:

- Liverpool Council of Social Service was adopted in 1933 as the organisation had developed into a charitable trust corporation
- Liverpool Council for Voluntary Service was added to this name in 1974 in uniformity with the national CVS movement
- Liverpool Charity and Voluntary Services was taken in 2005 to move to a single name, encapsulating the organisation's purpose and retaining the CVS abbreviation. This remains the organisation's registered charity name
- LCVS | United Way was adopted in 2010, as the organisation incorporated local charity United Way UK and became part of the United Way Worldwide movement
- The abbreviated name was changed back to LCVS in 2015, with the United Way co-branding used with our corporate clients as this strapline: LCVS is the United Way in Liverpool

LCVS works with organisations across the City (and occasionally wider) to ensure that we support the voluntary sector, and our public and private sector partners, and the people they work with, increasingly working in collaboration towards common aims. Due to the imminent retirement of several long standing Trustees LCVS is seeking to recruit 5 new Trustees to help us develop and move the organisation forward in these challenging and exciting times.

Trustees will need to commit to 6 Trustee meetings a year and serve on one of our governance committees (Grants Committee, Investment Committee etc), which meet 4 times a year. We are looking for resilient individuals who are prepared to represent the organisation alongside a committed leadership and management team. Interested candidates should have an interest in promoting and developing services within the City utilizing the unique talents of the voluntary sector. In particular we would welcome applications from people who work within a local Law firm, from people with a creative Digital background, a marketing background or experience of running a medium to large Charity.

**For an informal discussion please contact:**

**Heather Akehurst – [heather.akehurst@openawards.org.uk](mailto:heather.akehurst@openawards.org.uk) Tel: 0151 494 2072**



## Your Legal Friend Raises Over £3,200 for Stick 'n' Step.

Staff from Birkenhead based firm, Your Legal Friend, have raised more than £3,200 for Stick 'n' Step, by completing races at this year's Chester Dragon Boat Festival and climbing Mount Snowdon.

Stick 'n' Step is a local charity that works with children and young people with cerebral palsy in the North West and North Wales.

The money raised could pay for a child to attend Stick 'n' Step's specialist centre for one term, enable them to take 30 children and their families on a day trip to mingle and make friends and provide ten one-to-one education sessions.

The sessions are delivered from the centre in Wirral, and allow each child with cerebral palsy to reach their potential confidence, mobility and independence.

Your Legal Friend's fundraising was part of Stick 'n' Step's 50/50 challenge which sees the charity provide businesses with £50 to kick start creative and fun money-raising efforts.

Hettie Miles, Fundraiser, from Stick 'n' Step said: "We are delighted with the amount raised by the team at Your Legal Friend



which will make a significant difference to so many youngsters and their families.

"We rely heavily on kind-hearted firms and individuals to raise vital funds that allow us to carry out our important work across the North West and Wales. On behalf of all of the staff and the people who use our service I'd like to thank everyone who participated."

Julia Bond, HR Adviser at Your Legal Friend, added: "We regularly undertake fundraising activity and try to get involved with organisations in the local area. The challenges we chose this year have been tough but the amount raised has made it all worthwhile. Stick 'n' Step do a fantastic job and I'm sure that we'll be supporting them again in the future."

## Brabners pledges support to North West Children's Hospices

Brabners has named three children's hospices from across the North West as its chosen charities for 2017-18.

Over the next 12 months, the firm's employees will take part in a variety of fundraising events to raise more than £20,000 for Claire House (Wirral), Derian House (Chorley) and Francis House (Didsbury), aiming to beat last year's total.

The three hospices offer a lifeline to hundreds of families across the North West who are faced with the news that their child is terminally ill. They provide specialist nursing care and emotional support to children with life-limiting or life-threatening illnesses.

The fundraising activities kicked off on Friday 30th June with the firm's annual Charity Challenge in the Lake District. The event saw teams of employees, clients, friends and family pitted against each other in a series of challenges, including kayaking on Derwent Water lake, a 29-mile bike ride and a 10-mile hike across the Wainwright Mountains.

The event has so far raised £2,907, with the final total expected to reach more than £4,000.

The firm plans to raise funds through a variety of events throughout the year. This includes the return of the 'Big Idea', an apprentice-style contest involving teams from each of the firm's offices competing against

each other to raise money for charity.

Mark Brandwood, managing partner at Brabners, said: "It's essential that we give back to the communities in which we live and work and these hospices are delivering invaluable care right on our doorstep.

"Children's hospices across the country are challenged with finding the funding they need to deliver such an important service, so choosing to support these organisations this year was an easy decision. With a number of fundraising events planned we're looking forward to raising as much money as possible for such a good cause."

Beth Pochin, Corporate Fundraiser at Claire House Children's Hospice, said: "Brabners offer such amazing commitment to their chosen charities, and we are thrilled that they have chosen to support Claire House, Derian House and Francis House this year. Their support will make a huge difference to local children and families who are going through the toughest of times, helping them to create special memories to cherish."

The charities were chosen by Brabners' employees following a vote. The firm has a dedicated charity committee which will organise various fundraising events over the next 18 months to raise money for the three children's hospices.

Last year, Brabners raised more than £20,000 for national homelessness

Liverpool Law Society

### Professional Negligence Claims Against Lawyers in PI Cases

with Steve Cornforth

Tuesday, 26th September

9.30am - 1.30pm

This course will focus on how to effectively bring claims against lawyers when things go wrong in Personal Injury cases – in Clinical Negligence and Disease.

This will include:

- Screening of cases
- Developing a case lead
- Why do things go wrong? (Missing Deadlines, CPR, Under Settlement, Fatal Claims etc)
- Limitation in Professional Negligence
- Quantum – the Last Chance Saleen!
- Pre Action Protocols

The course is aimed at those who wish to develop this work. It should also be useful for those who want to develop strategies to minimize the risk of negligence claims.

Venue:

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



## The Billing of Police Station & Magistrates' Court work

with Colin Beaumont

Friday, 15th September

9.30am - 12.45pm



The new crime Contracts came into force on the 1st April 2017 and the amendments made by the new Contracts will be covered during this course.

For full details of what will be covered & to book, visit:

[www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)

Satisfying Competency Statement Section D – Apply good business practice (a, b, c and d).

### Venue:

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



## Corporate Member Training Offer 2017/18

*Helping your staff to remain competent*

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Any training event up to 3 hours in duration is 1 credit, anything over 3 hours up to one day is 2 credits, including our full day conferences.

Offer valid from 1st June 2017 to 31st May 2018 for LLS events that take place between these dates.



For an application form, please contact:

[cpdevents@liverpoollawsociety.org.uk](mailto:cpdevents@liverpoollawsociety.org.uk)



## A Whistle Stop Introductory Guide of the Coroners' Court

with Ana Samuel

Friday, 29th September

3pm - 4.30pm

**This seminar will provide delegates with a basic understanding of the Coronial process.**

**The session will cover the basics in respect of:**

- **Duty to investigate**
- **Scope of investigation (inc Article 2)**
- **Jury**
- **Process and Procedure**
- **Medical cause of death**
- **Conclusions**
- **Reports to Prevent Future Deaths**

### Venue:

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



S Code	Date	Time	September 2017	Speaker
3924	15th	9.30-12.45	The Billing of Police Station and Magistrates' Court work	Colin Beaumont
3925	15th	1.30-4.45	The Billing of Crown Court work	Colin Beaumont
4004	19th	3-4.30	Property Disputes-Injunction or Damages in lieu?	Robert Stirling & Aaron Walthall
3944	21st	12-3.15	Handling Noise Induced Hearing Loss Claims: An Introduction	Nicky Carter
3877	22nd	9.30-12.45	An introduction to 4MLD and the Money Laundering Regulations 2017	Jo Morris
3976	22nd	1.30-4.45	SRA Accounts Rules for Fee Earners	Jo Morris
3949	28th	9.30-1	Professional Negligence Claims Against Lawyers in PI Cases	Steve Cornforth
3988	27th	9.30-4.45	<b>The Family Finance Conference 2017</b>	Various
3949	28th	12-3.15	Masterclass in Surveillance Evidence in Personal Injury Claims	Nicky Carter
3912	29th	3-4.30	A Whistle Stop Tour of the Coroners Court	Anna Samuel

S Code	Date	Time	October 2017	Speaker
S3983	3rd	10-4.30	Fixed Costs with Kerry Underwood	Kerry Underwood
S4102	4th	9.30-12.45	The Golden Rules of Civil Litigation	Professor Dominic Regan
S4103	4th	1.30-4.45	2017 Costs Update	Professor Dominic Regan
S4074	11th	9.30-12.45	NIHL 2017: An update for experienced lawyers	Steve Cornforth
S4104	11th	2-3.30	Holiday Claims: Sun, Sea & Setbacks	Tom Goodhead
S3950	12th	12-3.15	Fatal Accident Claims	Nicky Carter
S3926	13th	9.30-12.45	Exemptions Problems & Pitfalls	Richard Snape
S3927	13th	1.30-4.45	New build Issues 2017 including Starter Homes and other forms of affordable housing	Richard Snape
S3961	16th	9.30-4.45	Litigating Commercial Contract Disputes	Helen Scaffield
S4008	18th	9.30-4.30	<b>The Employment Law Conference 2017</b>	Various
S3904	19th	1.30-4.45	Autumn Criminal Law Update	Anthony Edwards
S4013	20th	9.30-4.45	<b>**NEW**</b> The Complete Legal Aid Supervisor	Vicky Ling

For full details & to book, visit [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)

# MJLD 2016/17 A Year in Review

**We have now reached the end of another successful year for the MJLD and its members. The committee members have again excelled themselves by organising a fantastic calendar of events for our members to enjoy, and it is now a good opportunity to look back at how much we have fitted into the past twelve months...**

After a hugely successful masquerade ball at the Titanic Hotel in April 2016, a new committee was elected. The new committee year got off to a strong start with Laura Mullin (Emerald Law), Jack Roberts (DLA Piper LLP) and Lydia Durkin (DWF LLP) organising our rooftop drinks and pizza event in September, held at the Red Door and kindly sponsored by Law Costings Ltd. This was the MJLD's first outside drinks event for a very long time, and thankfully the gamble with the weather paid off! Our sponsorship representatives, Katie Corless (Slater Gordon Solutions) and Fern Gibson (DWF LLP) organised a visit from a representative from the MJLD's nominated charity for 2016-17, Crisis, who gave a short talk on the work done by the charity, and how important and gratefully received our efforts and donations would be throughout the coming year.

As we entered the autumn months, we held an informative real ale tasting evening at Black Lodge Brewery in October, kindly sponsored by Thornton Legal. Here, members got to enjoy a selection of six different real ales. Perhaps thankfully, the samples were not full pints, so there weren't too many fuzzy heads the next day!

In November, a number of our members attended a Shiverpool tour, following the success of the same event the previous year. This year's event was so well attended, that we were able to book – and fill – Shiverpool's ghost bus – which was terrorised by an array of gruesome characters as it made its way around the city. Anakin Seal kept with their tradition of kindly sponsoring our Halloween event, and for those that survived the bus tour, there were drinks in Ma Boyle's to round off the evening.

Later in November, we organised another successful wine tasting event, kindly sponsored by Sacco Mann. This was shortly followed by a Christmas quiz in December, at the recently opened Hus. This event, kindly sponsored by BCL Legal was so well attended that the venue ran out of chairs within 20 minutes, so it was standing room only for many people!

As 2017 began, our events continued in quick succession. We held a gin tasting evening in February at the Underground Gin Society, kindly sponsored by Hays Legal. We also held a charity rum tasting evening in Man's Ruin in March, again sponsored by BCL Legal. Later that month, we held our annual MJLD v Liverpool Law Society quiz night, this year sponsored by Sacco Mann, where John Ballam, President of Liverpool Law Society led his troops to victory for a third successive year. This was shortly followed by a prosecco tasting evening in April, at The Chancery, again sponsored by Hays Legal.

This year's annual charity ball took place in May, and was held at the DoubleTree by Hilton on Dale Street. The event was an overwhelming success with over 130 attendees walking along the red carpet at our Hollywood themed event. This event saw the return of the MJLD Star award; this year divided into three separate awards to recognise the diversity of MJLD members. John Kemp of Weightmans LLP was acknowledged as Star Paralegal of 2017, Laura Mullin as Star Trainee Solicitor of 2017 and Rosie Spencer of DWF LLP as Star Solicitor of 2017. These are three very deserving winners. A massive thank you to Kingsley, University of Law and St James's Place Wealth Management for their generous sponsorship of this event, without which it would have been impossible to host the event that we did.

This year we have raised £2,445.66 for Crisis, which is a fantastic amount. Many thanks to Fern and Katie for their fundraising efforts throughout the year.

When looking back at the number of events we have held, it is hard to see how anyone fitted in going to work! But we did, and this year we received notification of upcoming great changes to routes into the profession which will have lasting effects on our members for many years to come. Our national representative, Nicola Wilding, DLA Piper LLP, has attended a number of meetings at the Law Society in London, to discuss the implementation of the upcoming Solicitors' Qualifying Exam (SQE). Nicola has done a fantastic job of representing our members' views to the national junior lawyers division; and this is a prime example of why engaging with your local junior lawyers division is so important. It is unclear exactly what the impact of SQE will be and if and how it will affect routes to qualification; but as further information is confirmed, the MJLD will share this with its members to ensure they have the best understanding of the new qualification process as is possible.

The new committee has now been elected for 2017-18. I have made the decision to stand down as chairman, after two years in the role and after three years on the committee as a whole. Being a part of the MJLD has given me a fantastic opportunity to learn about the variety of work which is carried out in our local area and to meet a wide range of our diverse membership. It is something I would encourage everyone to participate in – whether that be joining the committee itself or attending the events.

The MJLD has grown significantly in my three years on the committee. I do not take any personal credit for this, as each year the committee has worked together as a team to provide our members with support, opportunities to network and opportunities to learn. The number of sponsors who want to work with the MJLD has increased; with many sponsors now wanting to sponsor multiple events throughout the year. The attendance at events has similarly increased. Our gin tasting and wine tasting evening sold out within minutes. We have also built a stronger connection with Liverpool Law Society, engaging with the more experienced members of our profession. Events such as the Night of the Nebulae event in January (kindly organised by LLS themselves) and the MJLD v LLS quiz are now amongst our most popular events. The support of Emlyn Williams of Weightmans LLP, Alison Lobb of Morecrofts LLP and now John Ballam of FPH Law has been greatly appreciated in building this link, and I am hopeful that it continues going forward.

It is too easy for people to look at MJLD events as simply opportunities to come along and enjoy free drinks; but that is not true. The MJLD provides a support network to its members. It provides chances for interaction with people from different types of firms and who do different types of work. We celebrate each other's successes. We assist with mentoring schemes to students, paralegals and trainee solicitors who are taking their first steps in our profession. We are connected with the national Law Society. The MJLD's work is not only when we host social events, but throughout the year and in a variety of different forms.

Finally, I wish Ali and the new committee the best of luck in their new roles, and hope that they enjoy their time on the committee as much as I have. A huge thank you to my friends and colleagues at Weightmans LLP who have supported me throughout my time on the committee. And now, for me, it's off to find the next exciting challenge!

**Richard Burrows**  
**Chairman of Merseyside Junior Lawyers Division, 2015-17**



# News from the WLD



## Free talk - Insight from a District Judge and other Legal Professionals

The Merseyside Women Lawyers are proud to announce their first educational talk. The date is yet to be confirmed but we intend for it to be hosted towards the end of September, so make sure to keep your eyes peeled.

This free event will offer a wide range of opportunities for paralegals trying to create new and unique ways to enter the legal world to solicitors and barristers looking to grow not only within the legal world but also within education. So far we have confirmed a District Judge who will talk us through a new initiative to get solicitors and barristers engaging on the path to becoming a Judge. Also a Head of a Department from a Local University shedding some light on how we can use our legal knowledge to venture into new paths. We also have a solicitor who is going to talk to us about how our attitude can affect our work life.

There will also be the opportunity to network and enjoy a few nibbles and a glass of fizz!

@MerseysideWLD Womens Lawyers Division – Merseyside W:  
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 General: [merseysidewld@gmail.com](mailto:merseysidewld@gmail.com)  
 Events: [wldevent@gmail.com](mailto:wldevent@gmail.com)  
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Liverpool Law School



## Liverpool Law Society and the Liverpool Law School

Invite you to join us for an evening drinks reception at the University of Liverpool on

**Tuesday 10<sup>th</sup> October 6pm – 8pm**

to celebrate the start of the new academic and legal year

Venue: School of the Arts Library room 115, 23 Abercromby Square L69 7ZG

This event is open to all members of Liverpool Law Society, Merseyside Junior Lawyers' Division and the Northern Circuit  
 The event is free of charge: RSVP by [registering your attendance here](#).

For further information please email: [slsjmret@liverpool.ac.uk](mailto:slsjmret@liverpool.ac.uk)

# Regulation Update

## The latest regulation news from Michelle Garlick of Weightmans LLP



I've just got back from holiday in Italy where the highest temperature we recorded in our hire car was 48 degrees (C)! Even the Italians were complaining it was too hot so there was no hope for me. Believe it or not, I even started to miss the good old Manchester rain! So let's look at what's hot on the regulatory scene this month....

### Cyber - Continuing the trend

The trend over the last few months has very much been focused on cybercrime and the risks posed by electronic data. This month is no different with the SRA reporting a record number of cyber thefts from law firms in the first quarter of the year, with property moves being the main target.

The SRA reportedly received more than double the amount of reports in the first quarter of this year compared to last year, with the amount stolen tripling to over £3.2 million. Around three quarters of reports involved email hacking (where criminals amend emails and modify bank details) and almost half of reports involved house moves. Other targets included inheritance money and firms' own money.

Paul Philip, SRA Chief Executive, said that *'The threats of criminals using IT to steal client's funds is an increasing problem. It is important that law firms develop a culture where cyber security is treated as a serious priority'*.

I cannot stress enough the importance of having proper policies and procedures in place to address cybercrime, increase security and reduce risk. Your PII insurers will undoubtedly be asking you about this on your next renewal form – will you be able to give them the comfort that you are taking all steps necessary to avoid falling victim to an attack?

### Lessons to learn from disciplinary findings this month include:

- **Crossing the professional boundary (Allan Hudson)** - a former consultant of London based firm Howard Kennedy, fined £1,500 and ordered to pay £300 costs for lending £30,000 to clients before acting on their behalf. Hudson is said to have loaned £30,000 to a couple, whom he described as long-standing clients, with no written agreement and based solely on an understanding that the money would be paid back following a re-mortgage of their home.

Following the loan, Hudson was asked to act for the couple's parents in the sale of their property and he subsequently asked whether his loan could be repaid through a premium being paid for the grant of a lease. This was agreed and a form of authority signed by the parents provided.

The SRA noted that Hudson had not verified the authority with the parents and he later admitted to acting where he stood to benefit from the proceeds of a transaction as well as in a situation where there was a clear potential for conflict. It was held that he had not taken sufficient steps to obtain the parents' consent and had failed to ensure that his client had authority to give instructions.

In mitigation, Hudson said that he had trusted his clients enough to personally lend them the £30,000 and had not considered the parents to be vulnerable.

- **Misuse of client funds (Lynne Muscroft)** - A partner struck off after admitting to 'deliberately' misleading her clients and defendant solicitors by making a series of improper payments from client accounts, spanning over a period of 10 years. One such matter included a file where she settled a personal injury claim for £5,000 without instructions, whilst telling the client that it had settled for over £60,000 and then paying the fictitious damages from unrelated client accounts. She agreed to being struck off the roll of solicitors, as well being ordered to pay costs in the sum of £17,438.

- **Taking instructions from someone other than client (Simon Keith Proddow)** – conveyancing solicitor rebuked and fined £2,000 and £600 costs for dealing with the daughter of the owner of a property being sold without ever meeting the seller or speaking to him over the telephone. It later transpired that the seller had a lasting power of attorney in place naming his son as his attorney.

- **Lying to client and backdating a document avoids referral to SDT for 'exceptional' circumstances (Thomas Giddings)** - a divorce lawyer told his client during a divorce case in 2016 that a letter had been sent to the court outlining his wishes, when no letter had actually been sent. When the client asked for a copy, Giddings created and then backdated a letter. Giddings admitted what he had done within hours and was accordingly reported to the SRA. The SRA took into account the fact that Giddings had reportedly been experiencing serious personal issues that affected his state of mind. It was also noted that this was an isolated incident with no impact on the client or the case, and that Giddings had never before been the subject of disciplinary action. The SRA fined Giddings £2,000 and ordered him to pay £1,350 in costs.

We have seen many examples of solicitors being struck off for lying to clients and backdating letters etc so I can only assume that there really were some exceptional circumstances involved here.

### Overt overturn of Intervention application rejected

The firm of Neumans which was intervened in by the SRA following a referral by the Court of Appeal to the SRA and DPP came before the High Court recently when it applied to overturn the intervention. The firm "vehemently" denied any suggestion that there was any form of dishonesty or agreement to unlawfully obtain funds from the public purse but Newey J concluded that the risks of withdrawing the intervention outweighed those of continuing it, notwithstanding the serious consequences of allowing the intervention to continue.

Continuing with the theme of interventions, the SRA has said that it can't explain why there has been an increase in the number of interventions recently. In the 5 months between January and May 2017, the number of interventions were twice the number for the same period last year but Paul Philip was unable to give any reason for this. He was quoted as saying that the SRA's caseload had become more complicated with more cases being referred to the SDT and that the SRA was keeping a "watching brief" on the rise in interventions. I cannot help but question whether, if the SRA's caseload has indeed become more complicated with more cases proceeding to SDT, it was sensible for the SRA to reduce its solicitor panel down to just one firm?

### Personal Injury CMC numbers fall

The MOJ has recently reported that the turnover of Personal injury CMCs has fallen 41% in the past two years to £182m as has the number of CMCs (down by 23%). The report has also highlighted the MOJ's focus on those CMCs who have entered into a damages based agreement with the client with many of them failing to fully comply with the Damages Based Agreement Regulations 2013. It also identified the increase in holiday sickness claims activity and has set up a dedicated unit with a view to auditing CMCs focussing on such claims.

**Michelle Garlick  
Weightmans LLP**





## BUILDING FUTURES, BY RECRUITING LEGAL PROFESSIONAL TALENT

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**LIVERPOOL**

A Liverpool practice is looking to recruit a head of department for their busy Family Team, management skill would be an advantage.

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A thriving PI firm in Liverpool is looking for a number of Claimant RTA Fee Earners. The post will consist of solely litigated files arising out of RTA, great benefits and progression.

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A Law Firm based in Merseyside is looking to appoint an IT Support assistant. You must have experience working with Proclaim to be considered.

Contact Grace Bolton: [g.bolton@clayton-legal.co.uk](mailto:g.bolton@clayton-legal.co.uk)

### **LAW COSTS DRAFTSMAN**

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An experienced Law Costs Draftsman is sought by a well-established national firm. This young and dynamic Costs consultancy is looking for a Law Costs Draftsman with a minimum of 3 years experience dealing with own caseload of claimant costs files. You must draft Bills/Schedules of Costs and Points of Replies and be a proficient negotiator.

Contact Matt Walwyn: [m.walwyn@clayton-legal.co.uk](mailto:m.walwyn@clayton-legal.co.uk)

### **SENIOR PROPERTY SOLICITOR**

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An accredited firm based in Liverpool City Centre are seeking to appoint a Senior Property Solicitor to join their Property department. The successful applicant will be a Qualified Solicitor with a minimum of 3 Years PQE. The role will involve handling your own caseload of Residential Property & Commercial Property matters, dealing with; Sales & Purchases & Leases on behalf of small businesses from Instruction to Post Completion.

Contact Dannie Moore: [d.moore@clayton-legal.co.uk](mailto:d.moore@clayton-legal.co.uk)

### **PRIVATE CLIENT**

**LIVERPOOL**

A medium sized law firm is looking to expand one of their Liverpool offices with an additional Private Client Solicitor. Ideally 1-5 years PQE with trust experience.

Contact Lauren Connors: [lc@clayton-legal.co.uk](mailto:lc@clayton-legal.co.uk)

### **EMPLOYMENT SOLICITOR**

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A friendly and reputable Law Firm is looking for a Proclaim Developer. You must have a minimum of 2 years experience in a similar Proclaim Development role.

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### **LAW COSTS LAWYER**

**LIVERPOOL**

A superb new opportunity for a Law Costs Consultancy is looking to appoint a Law Costs Draftsman/Costs Lawyer with a minimum of 2 years experience dealing with civil and commercial Costs files (claimant or defendant). The successful candidate will carry demonstrable experience of drafting formal Bills of Costs, Points of Dispute and Replies.

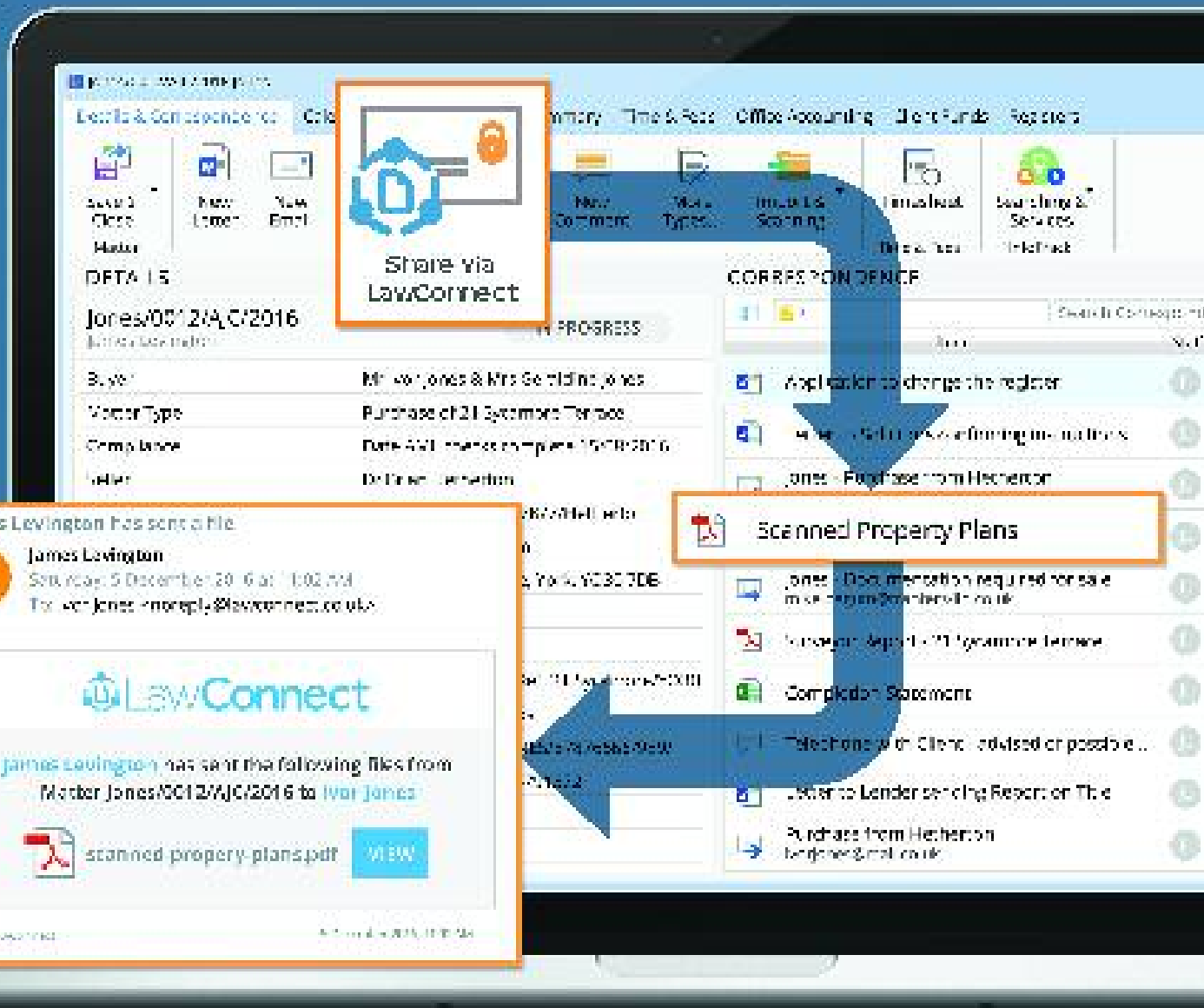
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### **COMMERCIAL PROPERTY SOLICITOR**

**FORMBY**

A long established law firm is seeking to appoint a Commercial Property Solicitor. This is an excellent opportunity for an experienced Commercial Property Solicitor to deal with a variety of matters such as; Acquisitions & Disposals, Lease Negotiation, Commercial Mortgages, Planning Applications and Dilapidations on behalf of a variety of clients from Property Developers & Investors, SME's and Corporations.

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