

LIVERPOOL LAW

**Liverpool Law Society
Annual Dinner**

**Law Society
Excellence Awards**

**Liverpool Solicitors
and WW1**

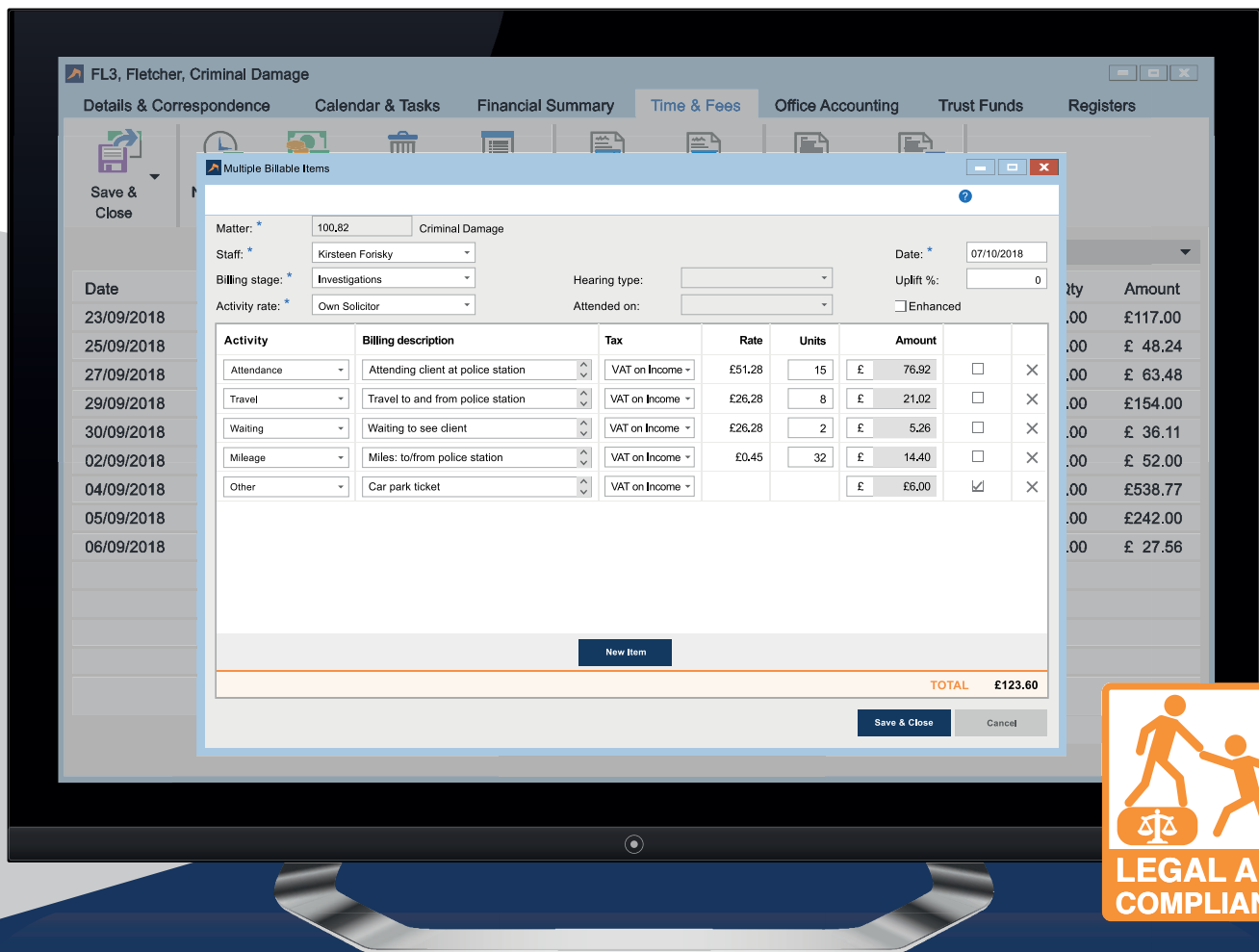
Walking with Giants

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Walk 2018**

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November 2018

CONTENTS



5



7



14



49



30



44

5. News from the President, Nina Ferris

6. Helix Highlights

7. Parliamentary News

8 & 9. Liverpool Law Society Annual Dinner

10 & 11. Conference News

12 & 13. Leadership and the Law: Gaynor Williams

14 & 15. Liverpool firms shine at Law Society Excellence Awards

24 & 25. Routes to Qualification

28 & 29. Movers and Shakers

30. News from the Julie Johnson, Chair of the Liverpool Commercial BID

34 & 35. Liverpool Lawyers and WW1

44. Council Member Update from Charlie Jones

46 & 47. Charity and CSR News

48 & 49. The Liverpool Legal Walk

Cover photo:
President and her guests Ms Nina Ferris, President; His Honour Judge David Hodge QC; High Sherriff Mr Peter Woods; Lord Mayor, Councillor Christine Banks; His Honour Judge Clement Goldstone QC; Mr Andy Cooke, QPM; Her Honour Judge Margaret de Haas QC; Lord Lieutenant Mr Mark Blundell; Mr Paul Smith;

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Liverpool Law Needs YOU!

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

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

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

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

Published by

Baskerville Publications Limited

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Blackburn Road
Bolton
BL1 7PN
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Welcome to what is the largest ever edition of Liverpool Law. A good thing its no longer in print as it might be a little hefty to carry around.....

The highlight of the Liverpool Law Society year is of course our annual dinner and it was great to see so many of you there. Congratulations to our President and Vice President, Nina and Chris for a spectacular event and their inspiring speeches, and of course well done to the team at Helix who manage to organise such a brilliant event year after year. We have published a selection of photos of the night so have fun spotting yourself - and if you're not in these pages you'll find plenty more on the LLS website.

Quite apart from the dinner, there is a wide variety of articles to read this month and I am quite amazed by the amount of different subjects we cover, so hopefully there is something for everyone. (If not, why not let us know what you would like to see or maybe write something yourself?). From costs budgeting and Housing Law to history and architecture and all stops in between!

Thank you to Gaynor Williams from Bennett Williams for her Managing Partner interview this month. We would love to hear from Managing Partners (or their equivalents) from all types, sizes and shapes of firms within our region so please do get in touch if you would like to contribute.

There's also a chance to hear from some of the more junior members of our profession about their

experiences and we'd like to hear more from them too, so again please do get in touch.

We've got a fascinating piece from Richard Burrows giving us the insider's view on the Giant Spectacular, and sticking with Giants, our featured charity this month is Walking with Giants, a local charity supporting children with primordial dwarfism. I was blown away to meet with them and some of their families from all over the world, a while ago, and see the amazing work they do, and the inspirational Sue Connerty, founder of the charity, quite deservedly was awarded the accolade of Merseyside Woman of the Year in June this year.

Otherwise, in the month when we commemorate the centenary of the end of World War 1 we've got a fascinating article about Liverpool Lawyers who served, so many of whom of course didn't come home; and it's humbling to read that and take time to remember the sacrifice they made for us.

Finally from me (I really should just let you read all this for yourselves, shouldn't I?) congratulations to our local firms who were successful at the Law Society Excellence Awards, and to those who were shortlisted too. It was a brilliant showcase for our local profession and they did us proud!

Until next time.....Happy reading.....

Alison

Alison Lobb
editor@liverpoollawsociety.org.uk

Editorial Committee Dates

Tuesday 20th November
Thursday 6th December

All meetings start at 1pm

Diary Dates

Wed 14 November
Wed 21 November

Mon 26 November
Wed 5 December
Thu 24 January
Fri 25 January

Clinical Negligence Conference
Conference for Legal Cashiers & Managers
AGM
Occupational Disease Conference
Newly qualified celebration
Event to mark 100 years of Women in the Law

Content Deadlines 2018/19

23RD NOV
14TH DEC
25TH JAN
22ND FEB
25TH MARCH

President's Mentions

The latest news from the President, Nina Ferris

By the time this is out the big night of my presidential year will have come and gone and I will be in the last few weeks of my presidency, which is a little sad. People have said it will fly by but it still doesn't prepare you for how fast the time passes and before long it's time to hand over the baton and hope you have left the Society in a better place than when you took over.

Time has passed particularly quickly this last month as I have taken the jewel around the country spreading the word of how fantastic Liverpool lawyers are. First stop was the opening of the new legal year with dinner at Middle Temple and the service the following day at Westminster Abbey. It was great to be invited to such an event and to be part of the pomp and pageantry. The dinner preceding the service was a fantastic opportunity to talk to leaders of various international bar societies about their experiences and issues that lawyers in their jurisdictions face. From the worries in Brazil of a new



President that may not be in favour of improving their human rights records to the Bar Councils of USA and Canada who have their own issues to deal with.

Following that I was in Birmingham for their bicentenary gala dinner which was a lavish affair with a menu designed by a Michelin star chef and dancing until the small hours. Then off to Bristol for their legal awards.

With a couple of stops in Liverpool in between for the Legal Walk and the University of Liverpool social it's been a busy month. It was fantastic to be invited to the Liverpool Legal service at the Anglican Cathedral as well to hear from James Timpson who spoke about how we all could be a little kinder.

Whilst I do feel like it's been non-stop, every minute has been enjoyable and an opportunity to spread the word about LLS. It's something that I will miss - particularly taking the jewel with me everywhere!

Nina Ferris
President



Nina Ferris and HHJ Goldstone QC



**HHJ Goldstone QC, HHJ Potter and
HH Tony Ensor past president of LLS**

Photographs by Ray Farley

Sponsored by



Helix Highlights

Launch of Legal Awards 2019

We are pleased to announce our Legal Awards are returning in May 2019. Open to all members of Liverpool Law Society, these awards celebrate all the excellent work that is done in and around the Liverpool City Region. The Awards are open to enter now via self-nomination or nomination of an individual, team or firm that is deserving of the recognition by peers. There are 14 categories to choose from and the entries close at midday on Monday, 18 February. There is an independent panel of judges who are:

Professor Warren Barr has been teaching law at Liverpool Law School, University of Liverpool since September 1997 and assumed the post of Head of Department on 1 September 2017. His research interests include charity law, social housing and property law, on which he has published extensively and presented numerous conference and seminar papers.

Ms Lesley Martin-Wright, Chief Executive of Knowsley Chamber of Commerce since 2010. Her work includes delivering proactive business support and guidance to new, growing and established businesses. In September 2015, she was appointed Head of Business Growth at Knowsley Council. Ms Martin-Wright is a non-executive Director of the Merseyside Special Investment Fund.

His Honour Judge Graham Wood QC is the Designated

Civil Judge for Cheshire and Merseyside. Graham was called to the Bar in 1979 and took Silk in 2002. He sits as a Deputy High Court Judge. Formerly, a member of Exchange Chambers in Liverpool, and also 3 Paper Buildings in London, Graham's practice since taking Silk in 2002 was predominantly in crime, serious personal injury and public law. Among his wider experience he can count co-editing the 4th and 5th editions of Bingham's Negligence Cases, and being a Legal Assessor to the General Dental Council and the General Medical Council, a Mental Health Tribunal Judge and Deputy Chancellor to the dioceses of Liverpool and Chester.

Liverpool Law Society prides itself on ensuring each time the Awards occur that the judging panel is entirely independent from the Society's board. No director of the Society nor staff member is involved in the judging of the Awards. For the 2019 Legal Awards, the panel will be chaired by **Ms Glenys Hunt**. The judging panel chair is non-voting. Glenys was President of Liverpool Law Society in 2013-14. She was formerly a solicitor specialising in clinical negligence and personal injury work and now a post graduate researcher at Liverpool University working in the field of medical law and ethics.

Take a look at the website to find out more and to enter the awards

Collaboration

In other news, I met with Claire

Delahunty, Liverpool City Region Local Enterprise Partnership last month. The LEP are putting on a breakfast event on 7 February 2019 to look at the impact of AI and related technologies on jobs, based on a PwC report (link embedded). They asked if we could participate in the panel discussion. Liverpool Law Society's Joint Honorary Secretary and Director of Legal Services at EY Riverview Law, Steven Zdolny, has agreed to take part.

Aimed at SMEs, this breakfast event will provide an opportunity to engage and tackle some of the myths and accept that this is not a future maybe but it's here now. There was talk about a survey of local firms to see how many are looking at AI and related tech applications so watch this space and please take part. Your input is invaluable.

Specialist knowledge and specialist committees

There are a number of specialist committees which are looking for new joiners to cover areas of expertise which are missing or under-represented. This includes property, company and commercial lawyers for the Non Contentious Business Committee; costs, industrial disease and those with a property background for Civil Litigation and more members for both Regulatory and the In House Committees. All members of specialist committees should be members of Liverpool Law Society. To express an interest or find out more, please email committees@liverpoollawsociety.org.uk



Sarah Poblete
CEO

Finally, the Society's AGM takes place on Monday, 26 November where the formal business of the Society is conducted and where new directors are elected to the main committee, the General Committee. Full members will shortly be receiving an email with the documents and RSVP request for this meeting at which the President will present her report for her year of office. It would be good to see more members at the AGM.

Until next month,

Sarah

Sarah Poblete
CEO
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The Labour Conference Fringe

About seventy-five people filled a meeting room of the Hilton Liverpool on Tuesday 25 September at an event organised jointly by the Society of Labour lawyers, Bar Council, Law Society and the lobbying organisation, Justice. My role was to observe and I hope to give you a flavour of the event.

Shadow Attorney General Baroness Chakrabarti, national Bar Council Chairman Andrew Walker, national Law Society Vice President Simon Davis and Jodie Blackstock of Justice composed a stellar line-up to debate current legal issues and their political context.

The opening speech was by Lady Chakrabarti, who stressed opposition to the degree of judicial functions proposed to be delegated to civil servants, and

the extension of. My understanding was that a revival of Legal Aid would be along new lines for the 21st Century rather than repeating previous provisions.

Simon Davis spoke about Court closures and the growth in litigants in person due to lack of Legal Aid. He recognised that online administration of Justice was coming, but indicated that it should be part of a holistic approach to the modernisation of the process such as with computer reading of disclosed documents. There was also an emphasis that the merits of the English Jurisdiction, as one of choice, should not be lost through Brexit.

Wrapping up the discussion, Jodie Blackstock highlighted concerns about the digital

reforms, which in principle she appeared to welcome. The key points were that for digital justice to work, it had to be effective from the commencement to conclusion of litigation, and that detrital exclusion of those not online should not take place. Jodie added points concerning how there should be little jargon in the administration of justice, for lay people especially as regards on-line justice.

Questions were then put to the panel. They ranged from Solicitors asking about Magistrates Court's process and also Labour's tactics over the Civil Liability Bill, to non-lawyers who were concerned about the political issues. The meeting was a good example of how the two branches of the Profession engage with the main political parties in developing and



Jeremy Myers

attempting to influence the national debate and the Parliamentary process.

Jeremy Myers
Parliamentary Liaison Officer

Members of Parliament - October Meeting

The second of this year's liaison meetings between General Committee and our Parliamentary representatives was held on Friday 09 October. We were pleased to welcome the return of an established regular, Justin Madders, MP for Ellesmere Port and Neston. Dan Carden, MP for Liverpool Walton, had hoped to attend but was unable to join us. Justin is a Solicitor and whilst this facilitates our communication, our meeting did not lose the wider political context.

Our President, Nina Ferris, in the chair, welcomed Sarah Mansfield - a past Director of LLS - and Michael Sandys from LLS's Non-Contentious Committee. They briefed the meeting on Law Commission proposals for electronic signatures, in the absence of their Chairperson, Naomi Pinder. The essential concern was that vulnerable people should be protected from fraud risks, particularly in the case of Lasting Powers of Attorney. Justin recognised that the proposal was a long way from being introduced as a Bill, and he noted the point for future consideration if legislation is proposed.

The Civil Liability Bill, concerning soft tissue injury and the Small Claims track remit, was one of the main legislative items which I mentioned. Justin confirmed that that as it reaches its final Commons stages, attempts to amend would be made. The extent of non-Judicial authority to make decisions was an issue to which I referred under the Courts and Tribunals (Judiciary and Functions of Staff) Bill. Another Bill which was mentioned to Justin, and which he will monitor should be significant for many of our clients, is Karen Buck MP's private member's Bill to strengthen Landlords' covenants: Homes (Fitness for Human Habitation) Bill. It has Government support so is likely to be enacted. Housing solicitors need to prepare for its consequences.

The Leasehold Reform Bill, a private Member's Bill induced by Justin Madders, was a prime topic of discussion. The Housing Select Committee is looking at this Bill, which Justin indicated is intended to raise the issue of oppressive Leaseholds and to streamline the enfranchisement process. Charlie Jones added that solicitors need to review Leasehold provisions very carefully so as to advise house buyers about potential restrictions and liabilities.

Access to Justice remains a vital area of political dispute in these days of limited Legal Aid provision. Chris Topping, Vice President, referred to the national Law Society's response to the Government LASPO Review. Chris highlighted how Liverpool University had carried out research for the Equality and Human Rights Commission, and he noted that means-tested Benefits do not always lead to a grant of Legal Aid on the financial merits.

Another aspect of Liverpool University's activity in the political sphere was raised. Dan Carden's office has been involved in Liverpool University's scheme for law students to assist in MPs' offices in providing advice to constituents. James Mannouch noted how this might be extended for his University of Law students in Chester, linking this with those living in the constituency of Justin Madders, who commented on how Dan Carden had spoken positively about the scheme.

Brexit naturally required a mention. Justin doubted that the Parliamentary arithmetic would allow approval of any deal which the Government might present to the House of Commons. On a practical note, he mentioned how the Government is introducing many Statutory Instruments to regulate EU-related areas for when the UK leaves on 29 March 2019.

Justin's main concern for the notice of practitioners related to pre-Hearing delays. Constituents were telling him of the length of time during which they were having to wait for Employment Tribunals' hearings to take place.

Our next meeting with LLS is fixed for 08 March 2019, twenty-one days before Brexit. We shall continue to circulate the Minutes to all MP's in the LLS area, and to look at the legal practicalities of life for their constituents both inside and outside the Brexit context.

Jeremy Myers
Parliamentary Liaison Officer



The President with members of the Joint V law societies

Annual Dinner 2018

On 1st November Liverpool Law Society's President Nina Ferris hosted the 191st Annual Dinner. It was a sell-out event. Over 300 members and guests arrived at the spectacular surroundings of Cunard House in Cunard building for the event which has long been the highlight of the Society's social calendar.

The President welcomed members and their guests, hosted presidents and chair people of professional associations, including members of the Joint V local Law Societies, Belfast and Dublin associations, members of the judiciary and civic dignitaries.

The Dinner is an opportunity for old friends and colleagues to catch up, for new entrants to the market to introduce themselves and for all of our members to celebrate the city region's vibrant legal profession. Members and guests heard the speech prepared by the Chancellor of the High Court, Sir Geoffrey Vos who was unfortunately unable to attend the Dinner due to a medical emergency. HHJ Hodge QC kindly stepped in to relay the Chancellor's message to the legal fraternity in Liverpool. The Chancellor's speech championed the law as one of our greatest exports, and he believes there will be opportunities after Brexit for the legal community to excel in fintech, regtech and blockchain around the globe.

The room also heard from the President who reflected on the

innovation by her predecessors over the years and looking ahead wishes the Society and its members to continue to strive "harder, better, faster, stronger". Nina gave the 'battle cry for constant improvement...it carries on through the new technology and the threats to the rule of law and the integrity of our professions".

As well as thanking the three sponsors of the evening **Midshire**, **SearchFlow** and **SpeechWrite Digital**, the Vice President of Liverpool Law Society spoke on the theme of justice. Chris appealed to all present to give their backing and support to the Legal Education Foundation who have awarded a Justice First Fellowship to a candidate in social welfare law who will soon be starting at the Merseyside Law Centre. The toast to the Society was given by Paul Smith, Executive Director of Liverpool Biennial who gave a thought-provoking talk comparing the world of the arts with the law, remarking on the synergies between the two spheres.

The President's chosen charities for the event were the Clatterbridge Cancer Centre and KIND. The thanks of the Society go to all those who made donations to these two excellent causes. The total raised including gift aid will be announced soon, please keep an eye on our website and social media channels.

To view more photos of the Annual Dinner, [click here](#).



Simpson Millar



Bermans



Jackson Lees



Carpenters



BLM



The President with Hill Dickinson



President and Stuart Carruthers, Midshire



Weightmans



Merseyside JLD and University of Liverpool students



Brabners

Liverpool Law Society Family Finance Conference

The Conference was held on 26.09.2018 at the offices of Liverpool Law Society. As always, it was a great success and attended by 40+ delegates from varying firms and backgrounds.

His Honour Judge Greensmith kindly accepted the invitation to Chair the Conference. HHJ Greensmith is new to The Family Court at Liverpool so it was an ideal opportunity for him to meet local practitioners and vice versa. Throughout the Conference he provided his thoughts and ideas about the subject matters covered and also gave some insight as to things to come at The Family Court at Liverpool in the future.

Now to the speakers:-

- Charles Eastwood (St Johns Buildings Chambers) – Charles' topic of choice was "Protecting your client from the impact of a bankrupt spouse: the legal framework". Charles' talk was a very useful one as it covered issues which sadly are raising their heads more and more often in financial matters arising on Divorce.
- Nicholas Ryan (7 Harrington Street Chambers) – Nicholas' topic was "Examining Kerman and Akhmedova". Nicholas' talk covered the minefield of privilege and certainly gave me some food for thought.
- Lynsey Cade-Davies (29 Bedford Row Chambers) – Lynsey's topic of choice was "Post Buehrlen v Buehrlen (2017) EWCH 364 when can you use an expert for evidence on earning capacity?". This was an




L-R Lynsey Cade-Davies, Nick Ryan, Charles Eastwood, HHJ Greensmith & Joe Switalski

enlightening talk particularly as I (and likely many others) had not before considered using an expert in relation to earning capacity.

- Joe Switalski (29 Bedford Row Chambers) – Joe's topic of choice was "Interim Sale of the Family Home". Joe's was a really interesting talk as it covered a hot topic and answered some tricky questions often asked by client's at the initial meeting.
- Martyn Bennett (Oriol Chambers) – Martyn's topic of choice was "Costs in financial remedy proceedings and the demise of the Calderbank: Good or bad?". This talk highlighted the historic use of Calderbank offers set against the new costs regime. It certainly made me realise how much I miss the older days of Calderbank.
- Samantha Hillas (St John Buildings Chambers) – Sam's topic of choice was "Schedule 1 Children Act 1989: A practical guide". Sam's talk was the last of the day. Despite this, Sam managed to keep her audience engaged with her unique style and approach as well as giving top practical tips for conducting these difficult applications.

The Chair and all speakers were really well received by the attendees and were mainly available throughout the afternoon for questions or discussion. I look forward to attending the Liverpool Law Society Family Finance Conference 2019 (Wednesday 25th September).

Sarah McCarthy (FCILEx) at Hill Dickinson LLP




Current Stamp Duty Land Tax Issues and Changes
with Richard Snape
on Tuesday 27th November, 9.30am - 12.45pm

SDLT continues to cause major problems for conveyancers.
The course aims to look at some of the frequently met problems and also updates on recent developments.

Topics covered include:

- SDLT additional dwellings
- Linked transactions
- SDLT and rent
- Debt as consideration
- Part exchange
- SDLT relief
- SDLT and contingent consideration
- Avoidance schemes
- Land Transaction Tax in Wales which replaced SDLT on 1st April 2018
- First time buyer relief

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Competencies covered: B Technical Legal Knowledge

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

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

Employment Law Conference

It was my pleasure to chair the annual Employment Law Conference which took place on 17th October at Liverpool Law Society. This year was a sell out event which I'm sure was to a large extent down to the excellent programme of speakers lined up for this full day event.

The year 2018 has been a busy in the field of Employment Law. The removal of Employment Tribunal fees in July 2017 saw the number of Employment Tribunal cases rocket. Ministry of Justice (MOJ) published in September 2018 the quarterly statistics for April to June 2018 which showed that the number of single claims had more than doubled and is up by 165% compared to the same quarter in 2017.

Multiple claims have increased by 344% compared to the same quarter in 2017. The feel at the conference was that this significant increase in the number of cases is now certainly filtering down to all practitioners both those acting for claimants and respondents.

The last year has seen a number of notable points in Employment Law. GDPR came into force in May 2018 and is undeniably the biggest reform of Data Protection Privacy Law in over two decades. The deadline for gender pay gap reporting was upon us in April 2018. There have also been changes to the taxation on all notice pay under Settlement Agreements irrespective of whether the notice is contractual or non-contractual. The national minimum and national living wage saw the largest increase in a decade. There has also been a notable significant jump in the statutory cap on a weeks pay from £489.00 to £508.00 per week. As with many lawyers across the board, employment lawyers also have the uncertainty of what life will be like after Brexit. The government has recently published a technical notice on work place rights in the event of a no deal Brexit. The notice states that there will be minimal change to the UK legislation derived from EU Law and existing employment rights would not be changed - only time will tell.

In addition to the changes above, there have been many interesting developments within case law during 2018. As always, this years' conference gave an excellent opportunity for all those attending to get fully up to date.

James Boyd, Head of Employment at Kings Chambers, joined us for the first time speaking at a conference and gave an excellent practical session on Whistle Blowing. James was the barrister in one of the leading Whistle Blowing cases (Fecitt Vs NHS Manchester) which went to the court of appeal and led in part to the changing of the Whistle Blowing legislation.

Michael Hibbs who is the head of Employment Law at Shakespeare Martineau joined us again and was this time speaking on the topical area of Employment Status and the continuing ramifications of the Taylor review. Michael's presentation gave many useful practice points and insightful tips for when advising employers and employees alike in navigating the law around whether somebody is genuinely self-employed or in fact a worker/employee.

Michael Duggan QC a barrister from Littleton Chambers who has written ten books on Employment Law gave an invaluable presentation in relation to Restrictive Covenants giving his expert view on how to draft the perfect restrictive covenant and dealing with the recent Tillman case which has sent shockwaves through those who deal with and advise on restrictive covenants.

Following lunch which was provided at The Law Society we had three more varied and detailed topics with Kate Steel from the Commercial Litigation team in Hill Dickinson LLP presenting about how to deal with team moves focusing on applying for interim injunctions and expedited trials.

Martin Mensah and David Campion from Atlantic Chambers tackled with style the hefty topic of the Employment Law Update dealing with all the latest cutting edge case law developments in Employment Law in 2018 and between them gave a very engaging and interesting presentation on the key cases of the year.

The final slot of the day went to Employment Judge Kendrick Horne who with the aid of examples from Henry VIII, Game of Thrones and F1 set out an analysis of a number of decisions in relation to identifying the correct decision makers in Discrimination, Unfair Dismissal and Detriment Claims addressing many practical issues and giving an useful and interesting point of view as an Employment Judge hearing such cases.

I would like to offer my sincere thanks to all of our speakers and to the team at Liverpool



Law Society for making the conference such a success. Also thanks of course to all of those who attended. With delegate feedback on the day of "A great event as always. High Profile speakers, a packed agenda and plenty of learning points to take away" I look forward to hopefully another sell out employment conference next year!

**Lindsey Knowles
Kirwans**



Leadership and the Law

Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, Gaynor Williams, partner at Bennett Williams gives an insight into her role...

Briefly describe your role as Managing /Senior Partner.

My role as managing partner involves me overseeing all aspects of day-to-day operations in the practice. As we are a small firm I do not delegate any of my duties and so the 'buck stops with me'. Time management is crucial and I am fortunate to have worked in law firms throughout Merseyside, who provided me with the skills to cope with multiple roles and challenges. I am a practising Solicitor and I have a varied case load, ranging from standard debt recovery small claims, to large value complex litigation. As a result, I have day to day contact with my clients and I have learnt that, ultimately, people like to deal with people. This is why I regularly attend networking events, both within the legal profession, with Liverpool law Society, and outside of it. I have many other 'hats' in my management role, I am also COFA, which can be very time consuming, and my roles vary from checking our accounting and finances, renewing our insurance, renewing practising certificates/subscriptions, to ensuring the firm is up to date with any changes to rules and regulations. I also assist with HR, and I am involved with the supervision and training of our trainee. I have many roles within the business but I am also aware of the importance of a 'work life' balance.

What do you like the most about your role?

I enjoy the relationships that I have with my clients because we built our client base from 'scratch', so every new client is like a 'reward' to us. We act for various sizes of clients, and we never take any client for granted. It is very satisfying to be recommended by a client, and we are lucky to have built a client base all over the UK. We receive regular contact from new clients who are seeking our services through 'word of mouth', and it is a testimony to our devotion to customer service. I am always considering new opportunities to progress the business and plan for the future, and I was very pleased to win a tender this year to provide debt recovery to a client in Wiltshire. This was particularly rewarding when you consider the larger firms we compete with. It is good to know that we, as a small firm from the Wirral, can compete with law firms throughout UK.

What are the biggest challenges?

I find it challenging to ensure that I, and the firm, are up to date with all of the changes to rules and regulations. At the same time as allocating time to reviewing and updating policies and procedures, I am conscious that I need to look ahead, and be aware of, what is 'in the pipeline'. Unfortunately some changes are made with little notice being given, such as the changes to the Court fees in March 2016, which increased Court fees considerably and introduced court fees of 4 - 5% of the value of a debt for claims exceeding £10,000.00. We have always offered a fixed fee service for debt recovery, and published our prices online. With just 24 hours' notice of the increase in fees we had to review our policies and prices, contact clients who were about to issue claims, and quickly adapt to the changes. With the continued changes to costs, legal aid, and court closures, it can feel like the ground is constantly moving and shifting beneath our feet. Although I do not practice in the areas most affected by changes and cutbacks, I can still see the effects of the cutbacks, and how access to justice is being limited. There are now very few agencies offering free legal advice, and the demand exceeds the supply. As a result, there are far more litigants in person trying to deal with claims that they should really be getting help with. As a lawyer I do try my best to explain to litigants in person, in layman's terms, what the procedures are, and why we are doing what we do. This can create more work, and costs,

Gaynor Williams
Partner
Bennett Williams
Solicitors



because litigants in person are often (understandably), reluctant to accept guidance from an opponent's Solicitor. This is a challenge that is not going to go away because more people are dealing with their own claims due to them not being able to afford legal advice. This is why I support the Law Society's Early Legal Advice campaign.

What aspects of your firm are you most proud of?

I am proud that we are a small firm that has been a success despite the economic climate, and changes within the legal profession over the years. I am always proud and indebted to the people who supported the firm at the outset, just 6 years ago. They believed in us, despite our doors opening in the middle of the 'credit crunch'. These people and organisations continue to support us today and include clients, friends, family and other lawyers. One of our 'oldest' clients offered to support our fledgling business, and sent us some debts to 'see how we would do'. I am happy to say that they remain one of our most valued and loyal clients today. I am also proud that, despite growing our client base, we have never compromised our service and we have never received a complaint about it (I hope I am not tempting fate here). We also made a decision, at the outset, that we would employ local people in the community. We did just that, and employed someone who was not a university graduate, but a local young lady who had just finished her A levels, and was interested in a career in law. It is very rewarding to see someone's confidence grow, and to help progress their career in law.

Where do you see the firm in 10 years from now?

This was a question I pondered for a while because no one knows for sure what challenges we will face in the next 10 years. Based on our

I am proud that we are a small firm that has been a success despite the economic climate, and changes within the legal profession over the years. I am always proud and indebted to the people who supported the firm at the outset, just 6 years ago. They believed in us, despite our doors opening in the middle of the 'credit crunch'.

very first business plan, I had hoped to be a millionaire by now! Joking aside, I would be happy if the firm continued to be a success, and employed some more local people. With the changes to the costs rules, and the reduction in legal aid cases, a number of law firms are considering diversifying or merging with other law firms. Our areas in law, being debt recovery and commercial litigation, have 'weathered the storm', so far, but I expect that there will continue to be challenges, and that all areas of law will be eventually be affected. I also imagine that the legal landscape will change a lot in 10 years, and that technology will continue to have a major role in our practices, and in the Courts. Regardless of what happens in the next 10 years, I would like the firm to continue to have a reputation for providing the very best service for a fixed fee.

What career advice would you give to those starting out in a legal career?

My advice to people starting a career in law would be that it helps to love the law. Law appealed to me at a very early age but I did not pursue it until after I was married with my first child. I found the law to be empowering, interesting and ever changing. I do think that students need to have hunger and passion in law to help them succeed, especially when they are faced with such competition. I learn something new every day and, to me, this is what makes practising law interesting. I would urge students to make as many friends as they can along the way, because they can shape your future. I am very lucky to have made some very good friends who practice in different law firms and 'in house' throughout UK. I really enjoy catching up with them and, quite often, 'picking their brains'. In addition to having friends and peers, the people you meet as your career progresses, can often disappear and then reappear many years later, to offer some sound advice or a new opportunity. I have seen this happen a number of times in my career. In any profession there must be mutual respect, and I like the quote "be nice to people on the way up, because you will meet them on the way down". I know how hard it is for people to start out in law, I started out as a mature student without any experience in law or practice. If you are keen to practice law then do not give up, keep at it, and finish what you started.

Trainee Legal Executive awarded national St John Ambulance Award



Merseyside and Wirral Solicitors, Maxwell Hodge, nominated Adam French, a trainee Legal Executive at their Maghull branch, for the Workplace Hero category of the St John Ambulance Everyday Heroes Awards after he had successfully performed CPR on a gentleman who had suffered a cardiac arrest whilst visiting their office. The gentleman's surgeon confirmed that Adam's fast response had most definitely saved his life and prevented him from suffering brain damage.

Adam reached the final stages of the award process and, on Monday 24th September 2018, had the pleasure of attending the prestigious St John Ambulance Everyday Heroes Awards Evening held at London Bankside Hilton Hotel, where he was presented with his Workplace Hero Award. This event celebrates both organisations and individuals for their contributions to First Aid.

Adam reported "I don't think I could have ever foreseen that my actions would lead to me to attend such a prestigious event surrounded by some remarkable individuals, celebrities and people who were wearing so many medals that I'm surprised they were able to maintain their balance!"

The event showcased some incredible achievements and really highlighted the importance of First Aid training. Throughout the evening, Adam heard some extraordinary, and sometimes emotional, stories, ranging from a St John Ambulance veteran who helped set up a volunteer First Responder Scheme in his community, to a 15-year-old girl who tended to the victim of a violent crime. Adam was extremely delighted to have been nominated for such an award and said he felt honoured to be included amongst those receiving theirs, although did say he was left feeling unworthy.

Adam reported "It just goes to show how, even a few short moments, can have a dramatic life-changing effect".

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Clinical Negligence Conference

Wednesday 14th November 2018, 9.30am - 4.30pm
Liverpool Law Society, 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY

A must-attend training event for solicitors, barristers & other practitioners involved with clinical negligence litigation. It will round-up key developments in law & practice, providing an opportunity to hear directly from some excellent speakers. This conference will also include The Supreme Court ruling in *Darley v Croydon Health Services NHS Trust* - a very significant decision for all clinical negligence practitioners.

<p>9.10 - 9.30 Registration & refreshments</p> <p>9.30 - 9.40 Chairperson's opening address - <i>Hilary Graham Wood QC</i></p> <p>9.40 - 10.15 Expert Evidence: Avoiding Perils and Pitfalls - <i>Rebecca Sutton</i></p> <ul style="list-style-type: none"> Selecting the right expert Providing proper instructions How to deal with a change of opinion <p>10.15 - 11.00 Anatomy presumed, liability assumed? Cholecystectomy bile duct injury, can it be defended? - <i>Professor Giovanni Positano</i></p> <ul style="list-style-type: none"> Cholecystectomy: one of the commonest General Surgical operations in England Gallbladder, bile duct, liver - all connected! Long-term life-threatening complications of accidental divide/damage Defending successfully? <p>11.00 - 11.15 Refreshment Break</p> <p>11.15 - 12.30 Causation & consent - <i>David Pilling</i></p> <ul style="list-style-type: none"> Causation and material contribution: Is it time to clear out "the hornet's nest"? Consent: "What would you have done if he had told you there was a 1 in 10,000 risk?" General Case Law Update <i>Darley v Croydon</i> <p>12.30 - 1.15 Lunch</p>	<p>1.15 - 2.00 Medical Negligence in Ilizarov Surgery - <i>Simon Royat</i></p> <ul style="list-style-type: none"> Concepts & applications of the Ilizarov Apparatus Related circular fixators Common features in Ilizarov negligence cases <p>2.00 - 2.45 Costs in clinical negligence cases - <i>Professor Dominic Regan</i></p> <p>The expense of investigating potential claims can be significant. Complexity can mean that some allegations fail to be established. This talk will review the key authorities relevant to costs in this area.</p> <ul style="list-style-type: none"> The obligation to plan at the outset Costs after partial success The impact of ADR activity Offers to settle When are costs disproportionate? <p>2.45 - 3.00 Refreshments</p> <p>3.00 - 3.45 Proposals for Reforms - <i>Professor Dominic Regan</i></p> <p>The latest on reform proposals will be considered.</p> <ul style="list-style-type: none"> How will the Jackson fixed costs model apply to clinical negligence? The 2018 ADR review (which the speaker is advising upon) Capping compensation? A new discount rate When a winning claimant should lose part of their costs <p>3.45 - 4.30 Common issues in ante-natal care/labour - <i>Dr Claire Tower</i></p> <ul style="list-style-type: none"> Elective caesarean without medical indication Fetal growth screening Ctg in labour Fetal medicine <p>4.30 Chair summary & close</p>
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Law Society Excellence Awards

Merseyside firms' were celebrating last month after winning the coveted Law Society Excellence Awards.

Escalate, the innovative scheme devised by **Bermans** to assist SME's took the **Excellence in Business Development Award**. Escalate helps SMEs to achieve a prompt settlement to a wide range of commercial disputes, with fixed fees payable only on a successful outcome and no upfront costs.

The Law Society Excellence Award completes a unique grand slam of major awards for Escalate, which was also named 'Innovation of the Year' at the British Accountancy Awards and 'Best Collaboration Initiative' at the Lawyer Awards.

Nick Harvey, managing director of Escalate, said: "We're all incredibly proud to have been recognised by both the legal and accountancy professions in three major areas: innovation, collaboration and business development.

"Completing this grand slam is a unique achievement – nobody else has won a hat-trick of awards across the main professional services disciplines in 12 months – and a reflection of the genuinely pioneering approach that we've developed.

"This is backed up by the demand that we're seeing from businesses for the Escalate process – we're already helping clients to recover more than £40 million that is locked up in commercial disputes and, through our ever-expanding network of partners.

There are plans to take Escalate on a nationwide roadshow in winter 2018 and into 2019, with the first successful event recently being held for around 80 construction professionals at the Greater Manchester Chamber of Commerce.

Frodsham firm Rowlinsons were awarded the **Excellence in Private Client Award**. Managing Director, Andrew Graves said "Receiving this award is a fantastic reflection on our Private Client Team and the services that they provide to our expanding client base. Over the last 12 months the Department has realised significant growth with a number of new starters, the opening of a second office, an expansion of our service offering, investment in staff training, the formation of strategic alliances and investment in the local community with a number of charity based initiatives. Expertise remains at the core of our offering and we remain fully committed to our Law Society accreditations whilst also making our services more accessible to our client base with further initiatives such as extended opening hours, free initial consultations, free will reviews, fixed and transparent pricing and home visits. The combined effect of these initiatives has set us apart from the competition, putting the Department at the forefront of Private Client work in our region".

Alexandra Hatchman the Chief Operating Officer at **Fletchers Solicitors** won the **Excellence in Managing Practice Award**. Alexandra has over 10 years' experience as a senior executive, specialising in running and transforming large retail operations. Fletchers Solicitors has offices based in Southport and Manchester and specialises in serious injury and accident claims. Alexandra said "I am delighted to win this award and would like to accept it on behalf of the whole organisation. Over the past few years we have implemented a series of changes that have successfully driven the organisation forward.

"This would not have been possible without the talented team I have the privilege of leading, and without the trust put in us by "Fletcherians" who have willingly supported us.

This award is for everyone at Fletchers, and also for our Customers who drive us to be the best we can be in order to serve them."

Merseyside firm Bennett Williams were also celebrating after being Highly Commended in the Equality and Diversity category. The firm was launched just six years ago. Gaynor Williams said "We were delighted to be commended for Excellence in Equality and Diversity at the Law Society Excellence Awards 2018. Equality and Diversity is very important in the current economic and political climate, and we are proud to be part of the legal profession in England and Wales that has a strong ethos of 'opportunity for all'.

We were very grateful, as a small law firm, to be recognised for our efforts to allow individuals from all profiles and backgrounds an opportunity to study and succeed in law."



The Escalate Team - Mark Osgood, Nick Harvey & Chris Clay, winners of the Business & Development Award with Christina Blacklaws and Mishal Husain
Photo courtesy of The Law Society



Andrew Graves (second from right) with the team from Rowlinsons, winners of the Private Client Award and Christina Blacklaws and Mishal Husain
Photo courtesy of The Law Society



Award sponsor, Christina Blacklaws, Alexandra Hatchman and Mishal Husain
Photo courtesy of The Law Society



Rebecca Roscoe, a trainee legal executive, Gaynor Williams and her daughter Lauren Williams
Photo courtesy of The Law Society



Insolvency Update

with Chris Beanland on Friday 16th November, 1.30pm - 4.15pm

This course provides practitioners with a practical update on insolvency law developments over the last year. The course is aimed at both contentious and non-contentious lawyers and will give attendees practical pointers to use in their practice.

The course will cover:

The new Practice Direction Insolvency Proceedings 2018
Refusal to order security for costs against insolvent claimant where order would stifle a genuine claim
Administrator's power to sell property free from security
Interaction between Insolvency Rules and CPR
No unfair harm when administrator refused to assign claim
Can a bankruptcy petition proceed if only one of joint creditors wishes to pursue it?
Effect of failure to file respondent's notice under CPR 52.13(2)(b) in bankruptcy proceedings
Conditional annulment of bankruptcy petition
Bankrupt's status a litigant in person insufficient to waive failure to comply with rules

Core Competencies: A2, A3, A4, A5, B3, B4, B6, B7 and D3

FOR MORE INFORMATION OR TO BOOK, [CLICK HERE](#)

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



Conference for Legal Cashiers & Managers

Wednesday 21st November 2018 9.30am - 1.30pm

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

9.15 - 9.30	Registration
9.30 - 9.40	Welcome & introduction ~ Jo Morris, Chairperson
9.40 - 10.20	Identifying and Managing Financial Risk ~ Sara Hutton, Sara Hutton Consulting Ltd
	Importance of relevant & regular financial reporting Best practices in working capital management Appropriate funding for your firm Other risk areas which impact financial stability such as: Indemnity claims Cyber-crime and other types of fraud
10.20 - 11.00	Your Cash-room acting as a 'fee earner' ~ Paul McCluskey, Lloyds Bank
	This session will explore 3 key initiatives which can effectively help the cash-room contribute to the income of a legal practice: Generating an income from client money management Using bank debt in the appropriate way Dodging the cyber-crime 'bullet'
11.00 - 11.15	Refreshments
11.15 - 12.00	Improving controls in your finance team & an introduction to the updated SRA Accounts Rules ~ Karen Hain, Moore & Smalley
	Month end reconciliations - looking for red flags Transfers - asking the right questions Back ups - data and staff SRA Accounts Rules - what we expect to see, and how will this impact on finance team
12.00 - 12.45	GDPR: "how's it going?" ~ Shazia Zamir, Teal
	Statutory Obligations - GDPR headlines Applying the rules - a practical approach What firms have focused on before and after 25th May Dealing with SARs Dealing with a data breach
12.45 - 1.30	SRA Risk Outlook ~ Jo Morris, Jo Morris Training and Consultancy
	The SRA Outlook 2018/19 - What is it? Priority risks for the finance department: Cyber security Information security including confidentiality and GDPR Investment schemes Money laundering Protecting client money Compliance training to cover these risks The costs of getting it wrong
1.30	Summary & close

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Justice First Fellowship

The Legal Education Foundation (LEF) has set up a Fellowship scheme, the Justice First Fellowship (JFF). The scheme is a response to the Foundation's concern over the lack of training contracts in social welfare law and the question this begs of 'where is the next generation of specialist going to come from?'

The JFF scheme's vision is to support the next generation of leaders in the sector. By January 2019, 68 Fellows will have been appointed across the UK. Its first two cohorts graduated in 2017 and 2018 and all of them have secured jobs, the majority as social welfare solicitors in their original host organisations, with others moving into posts in other firms, civil society organisations and the courts

The scheme has three parts. Fellows:-

1. Complete a two year fully-funded training contract in a specialist social welfare agency;
2. Develop and deliver a project that advances access to justice;
3. Receive additional training, support and development activities to learn the wider skills they will need to establish effective careers in this area of law.

Supporting the JFF in the Liverpool City Region

So far, the Foundation has not funded any Fellowships in Merseyside. However, the LEF has just announced that it will partially fund a Justice First Fellow at Merseyside Law Centre from January 2019. This is a very exciting opportunity both for local aspiring lawyers wishing to practice in social welfare law and, most importantly, for people in Liverpool who are in need of high quality legal advice in those areas.

Liverpool Law Society is looking to local firms, chambers and others in the legal sector to contribute financially towards the costs of training a lawyer in social welfare law.

Would you be willing to support the exciting new initiative in partnership with the Legal Education Foundation to fund a social welfare trainee at Merseyside Law Centre under the Justice First Fellowship Scheme?

It costs £80,000 over two years to fund a Fellow. Liverpool is a hugely



Birmingham JFFs, John Hughes then president & Sue Bent, CEO, Central England Law Centre

generous city. We look after those who are most vulnerable. Can we as the Liverpool legal community make a contribution which will have a lasting impact? Could we in Liverpool come together collectively to help fund this initiative?

We want to raise £25,000 (£12,500 per year for the two years of the training contract).

A similar model was adopted in Birmingham and Bristol to fund Fellows there (two in Birmingham and one in Bristol) and we understand from the LEF that this arrangement was extremely rewarding not only to the trainees and to the Birmingham Community Law Centre and Bristol and Avon Law Centre respectively which hosted the trainees, but also to the firms that offered their support. Linden Thomas, Vice-President of Birmingham Law Society and Chair of the Pro Bono Committee says:

"In 2016, Birmingham Law Society helped to secure financial support from five local firms to fund the appointment of Justice First Fellows at Central England Law Centre. Eversheds Sutherland, Gowling WLG, Hogan Lovells, Mills & Reeve and Shakespeare Martineau, each committed to make a financial contribution towards the annual cost of the Fellows' training contracts. Since the Fellows started their training contracts in January 2017, the firms have also provided support in kind, for example, by inviting the Fellows to join their trainees for training sessions. Deep cuts to the legal aid budget in recent years mean that it is no exaggeration to say that without the Justice First Fellowships, more vulnerable people in our city would be left to their own devices to navigate complex areas of law. We are delighted that our member firms have chosen to support such a key initiative in the ongoing struggle to enable access to justice."

Liverpool Law Society's Access to Justice Committee has committed to support this initiative. How can you help?

The
Legal
Education
Foundation

If you would like to learn more or to pledge your support, please contact Sarah Poblete at sarah@liverpoollawsociety.org.uk

Cybersecurity and scam prevention

The legal sector is at significant risk of cybercrime, cyber attacks and scams, partly because of the sensitive data and significant monies held by law firms.

62 per cent of law firms reported a cyber attack in 2015, a 17 per cent increase on the previous year. Four per cent of all data security incidents reported in 2015/16 related to solicitors and barristers.

Click [here](#) for guidance and support from The Law Society and external organisations which helps firms understand and mitigate cybersecurity threats.

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An Evening Drinks Reception at the University of Liverpool

The School of Law and Social Justice at the University of Liverpool hosted an evening drinks reception this month to celebrate the start of the new legal and academic years.

The event was held in the School of Law Library at 23 Abercromby Square. Although smaller than the main Sydney Jones library close by, the long, wood-panelled room in a converted Georgian townhouse provided the perfect back drop for an evening of wine, nibbles and networking. F E Smith himself would have been quite at home.

Professor Debra Morris, Dean of the University of Liverpool's School of Law and Social Justice, opened the speeches with a warm welcome to all. She addressed the attendees on the particular challenges posed to both students and academics due to recent changes in the profession. Key concerns include the impact of Brexit on academic funding and the uncertainty for students surrounding the on-going saga of the SQE.

On a brighter note, Professor Morris reported that construction works on new facilities for the School of Law and Social Justice are progressing well and plans for students to occupy the new building by next year are still on track. The new building will replace the existing Cypress Building for Law and Social Justice between Abercromby Square and Myrtle Street.

Next Carol Draycott, Dean of the University of Law Programme at the University of Liverpool, introduced the University of Law's new LPC programme to the city. The programme, currently running with approximately 75 students, involves students and academics from the



University of Law teaching and studying the LPC on the University of Liverpool's campus. The joint programme is a welcome addition to the city after the closure of BPP's Liverpool outpost over the summer.

Finally, our President, Nina Ferris, gave a few words on the changes in the profession. She thanked the School of Law and Social Justice for their hospitality and thanked all the attendees, including members of the profession, academics, students, the current chair and vice-chair of the Merseyside Junior Lawyers Division and the immediate past president of the Liverpool Law Society, John Ballam for making the event a success. The President closed her speech by noting the value of such events to promote on-going close relations between practitioners and academics in the city, relationships which are surely only to become more valuable as the profession moves to address the upcoming challenges it faces.

The night ended, as all good events do, with some more wine, nibbles and networking.

Danny Greenland
National and Educational Representative,
Merseyside Junior Lawyers' Division

Liverpool Law Society

LEGAL AWARDS 2019

**Liverpool Law Society is delighted to announce
the return of the Legal Awards in 2019.**

The Awards:

- recognise and celebrate the achievements of our member law firms, legal departments and individuals
- bring together the region's legal community
- culminate in a fabulous presentation evening

Information & to nominate

Judging Panel

The Awards are open to members of Liverpool Law Society, however anyone can nominate an individual, team or firm and you can self-nominate. In-house lawyers as well as those in private practice and the public sector can take part.

Entries close at midday on Monday 18th February 2019.

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Please note all bookings are subject to the Society's terms and conditions, visit www.liverpoollawsociety.org.uk/terms-and-conditions for details. Liverpool Law Society is registered in England and Wales, Company Number 00004302. Registered Office 2nd Floor, Helix, Edmund Street, Liverpool, L3 9NY. DX 14100 Liverpool 1.

Costs Budgets

Philip Nam, our newest member of the Civil Litigation Sub-Committee provides us with a useful guide to Costs Budgeting



Costs Budgets apply to all Part 7 Multi-Track cases except:

- (r.3.12.1)
- a) where the claim is commenced on or after 22nd April 2014 and the amount of money claimed as stated on the claim form is £10 million or more; or
 - (b) where the claim is commenced on or after 22nd April 2014 and is for a monetary claim which is not quantified or not fully quantified or is for a non-monetary claim and in any such case the claim form contains a statement that the claim is valued at £10 million or more; or
 - (c) where in proceedings commenced on or after 6th April 2016 a claim is made by or on behalf of a person under the age of 18 (a child) (and on a child reaching majority this exception will continue to apply unless the court otherwise orders); or
 - (d) where the proceeding are the subject of fixed costs or scale costs; or
 - (e) the court otherwise orders.

The purpose of costs management is to enable the Court to manage the costs to be incurred by the parties to any proceedings so as to further the overriding objective (r.3.12.2). Of course, the overriding objective is to enable the court to deal with cases justly and at proportionate costs. By its very nature, the Court will set budgets with proportionality in mind.

Rule 3.13(1) states that parties (except litigants-in-person) must file and exchange budgets

- (a) where the stated value of the claim on the claim form is less than £50,000, with their directions questionnaires; or
- (b) in any other case, not later than 21 days before the first case management conference.

Rule 3.14 states:

Unless the court otherwise orders, any party which fails to file a budget despite being required to do so will be treated as having filed a budget comprising only the applicable court fees.

The Costs Budget referred to is in Precedent H (this can be found in Annex A of Practice Direction 3E). The Budget typically comprises of 7 pages; a front page which summarises the costs incurred for each phase of the case and; the costs estimated (to be incurred) from the date of the budget until the end of the case. The remaining 6 pages provide a breakdown of costs and disbursements incurred; and details of the costs and disbursements (to be incurred), for the 10 phases (and 2 contingencies). For each phase, there is also a section called 'assumptions'.

When preparing the budget, parties should not include VAT, additional liabilities or post settlement costs. As to the contents of each phase, there are guidance notes contained at Annex B of PD3E.

Paragraph 6 PD 3E states:

- (a) Unless the court otherwise orders, a budget must be in the form of Precedent H annexed to this Practice Direction. It must be in landscape format with an easily legible typeface. In substantial cases, the court may direct that budgets be limited initially to part only of the proceedings and subsequently extended to cover the whole proceedings. A budget must be dated and verified by a statement of truth signed by a senior legal representative of the party.
- (b) Parties must follow the Precedent H Guidance Note in all respects.
- (c) In cases where a party's budgeted costs do not exceed £25,000 or the value of the claim as stated on the claim form is less than £50,000, the parties must only use the first page of Precedent H.

When do Incurred Costs End and when Does Estimated Costs Begin?

Common sense would tell us that when preparing the budget, the incurred costs recorded in the budget will be up to the date of the budget and the estimated costs shall begin from the day after the budget. However, as we all know it could be months (or as in the case of *Ali v Channel 5* a year) between the date of the budget and the CCMC.

CPR PD3E 7.4 states that as part of the costs management process, the

court may not approve costs incurred before the date of any costs management hearing. The ordinary reading of this paragraph suggests that incurred costs should run up to the date of the CCMC and not in fact up to the date of the budget. This was considered further by Chief Master Marsh in *Sharp v Blank and Others* [2017] EWHC 3390 (Ch) wherein the Chief Master acknowledged that the literal reading of paragraph 7.4 was "impossible to implement". He noted by way of example that by the point of the CCMC, the budgets will be at least 3 weeks out of date (based on the requirement to file and serve at least 21 days before the CCMC) and the estimated costs of the CCMC itself will have been incurred by the time of the hearing.

In the case of *Various Claimants v MGN Limited* [2018] EWHC 1244 the Chief Master put the above into practice. This was a case where one of the Claimants served a budget showing incurred costs as they stood in January 2018. In the run up to the CCMC in May 2018, he served a further budget, showing the incurred costs up to May 2018. The first budget showed that £82,000.00 had been incurred in respect of disclosure by January 2018 and a further £98,000.00 was sought for future work. The revised budget showed that the Claimant had by then spent £197,000.00. The entirety of future costs in the updated budget related to an application for specific disclosure which was considered inappropriate and moved to a contingency, leaving nothing for future costs, but knowledge in the mind of the Court that the Claimant had already spent £197,000.00. The Court continued its budgeting exercise on the basis of the January budget and reduced future costs sought therein to £75,000.00.

This meant that the Claimant could not, without good reason, recover the full £197,000 but could only recover a maximum £157,000 for that phase, despite already spending an additional £40,000.00.

What happens if I fail to file a budget on time?

In accordance with Rule 3.14, the defaulting party will be treated as having filed a budget comprising only of applicable Court Fees. This is what happened in the case of *Mitchell v News Group Newspapers Ltd* [2013] EWCA Civ 1537. However, many commentators on that case incorrectly reported that the whole budget (including incurred costs) would be limited to Court Fees which was not the case. If Mitchell won the claim, he would still be able to recover, following an assessment, the incurred costs (suggested to be a 7-figure sum).

Of course, if you are in such a predicament, an urgent application should be made for relief from sanction ensuring that reference is made to the three-limb test in *Denton v TH White Ltd* [2014] EWCA Civ 906 and Rule 3.9. The application must be made promptly. Naturally there is no clear definition of prompt in the rules but in *Oak Cash & Carry Ltd v British Gas Trading* [2016] EWCA Civ 153 it was held that the delay of one-month was too long.

Notwithstanding the above, there is a potential saving grace (in the event that no relief is obtained and a party is restricted to Court fees) found in Rule 36.23. This Rule provides that where a party makes a good Part 36 Offer, they can recover 50% of their costs which ordinarily would have been restricted to Court Fees. This was confirmed in the case of *Ali v Channel 5 Broadcast Ltd* [2018] EWHC 840 (Ch).

Discussing the Budget

Rule 3.13(2) states that where a party has filed a costs budget, all other parties, not being litigants in person must file an agreed budget discussion report no later than 7 days before the hearing. A budget discussion report exists for this purpose and parties are encouraged to use the Precedent R Budget Discussion Report which is annexed to Practice Direction 3E.

The report must set out the figures which are agreed for each phase; the figures which are not agreed for each phase; and a brief summary of the grounds of dispute.

Parties are encouraged to try and agree budgets before the CCMC in order to save time and therefore, negotiations should take place as early as

possible upon receipt of the served budget.

After a Costs Management Order – applying to amend

At the CCMC (or at any other time) the Court may make a Costs Management Order ["CMO"]. The CMO will record the extent to which the budgeted costs are agreed or if not agreed, the Court's approved figures and, if incurred costs are agreed, they will record that agreement too.

Once a CMO has been made, it is extremely important that fee earners track the amount of work they are doing against the approved or agreed budget and the CMO as any over spend will highly likely be unrecoverable (see *Various Claimants v MGN*).

However, if there comes a point where you find that you are likely to overspend (or underspend) then you should ensure that you seek, early, an agreement or the Court's approval for a revised budget. The procedure for doing so is found in PD3E 7.6 which states:

Each party shall revise its budget in respect of future costs upwards or downwards, if significant developments in the litigation warrant such revisions. Such amended budgets shall be submitted to the other parties for agreement. In default of agreement, the amended budgets shall be submitted to the court, together with a note of (a) the changes made and the reasons for those changes and (b) the objections of any other party. The court may approve, vary or disapprove the revisions, having regard to any significant developments which have occurred since the date when the previous budget was approved or agreed.

What is (or is not) a significant development? I guess this will be objective. In the case of *Churchill v Boot* (22/04/2016), the claim had doubled in size since the CMO, the trial had been delayed and there had been additional disclosure. Following which, the Claimant had made an application to vary the budget. On appeal, the Judge held:

- He was not satisfied that there had been significant developments.
- The increased value of the claim did not mean that there would be higher costs (Also see *May v Wavell*). The parties already had permission to call the relevant experts.
- The additional disclosure was clearly foreseeable when the costs budget was set.
- An adjournment could potentially be a significant development. However on the facts of this case it was not.
- The master had exercised his discretion appropriately there were no grounds to interfere with the exercise of that discretion.

At settlement

When it comes to settling the claim, if you have an approved or agreed costs budget then you should always ensure that as part of any settlement (whether by way of Consent or at Trial), you seek provision for a payment on account of costs. The relevant rule concerning payment on account is Rule 44.2(8) which reads:

Where the court orders a party to pay costs subject to detailed assessment, it will order that party to pay a reasonable sum on account of costs, unless there is good reason not to do so.

With reference to your budget, you should always request a payment on account especially with regards to those costs that you have now spent since the budget and settlement because those costs will have already been deemed proportionate and the Court will not depart from an agreed or approved budget unless satisfied that there is good reason to do so. In the case of *Thomas Pink Ltd v Victoria's Secret UK Ltd* [2014] EWHC 3258 (Ch) the Court ordered the payment on account to be 90% of the costs that were 'to be incurred' as a payment on account. In addition, they further ordered a sum of approximately 50% of the 'incurred' costs in line with the decision in *Mars UK Ltd v Teknowledge Ltd* [1999] EWHC 226 (Pat). Most recently in *Cleveland Bridge v Sarens (UK) Ltd* [2018] 2 Costs LR 333 the Court awarded 90% of the 'budgeted' costs and 70% of the pre-budget (incurred) costs.

Costs Assessment

Rule 3.18 says:

In any case where a costs management order has been made, when assessing costs on the standard basis, the court will –

- have regard to the receiving party's last approved or agreed budgeted costs for each phase of the proceedings;
- not depart from such approved or agreed budgeted costs unless satisfied that there is good reason to do so; and
- take into account any comments made pursuant to rule 3.15(4) or paragraph 7.4 of Practice Direction 3E and recorded on the face of the order.

For the incurred costs (pre-budget), these costs will go through the usual assessment procedure and if there have been any comments made pursuant to Rule 3.15(4) or paragraph 7.4 of Practice Direction 3E, they will be taken into consideration.

For the budgeted costs, the Court will not depart from the approved or agreed budget unless they are satisfied that there is a good reason. What that effectively means is, if your actual costs incurred for that phase do not exceed the budget that was approved or agreed, you will likely be awarded those costs in full because those costs will already have been deemed reasonable and proportionate.

What should be noted is that this rule only applies to costs being assessed on the standard basis. So if there is an order for indemnity costs (whether that arises from a good Part 36 Offer or otherwise), the rule does not apply and the Court will not be bound by any costs budgets.

In terms of preparation of the Bill, for all costs that were incurred from the 6th April 2018, you should ensure that these costs are recorded in the new electronic bill of costs (Precedent S). For any costs before that date, they can also be included in the new electronic bill or, the old style paper (Victoria) bill. If you do have pre-6th April 2018 costs, and you do choose to use the paper bill, you must also ensure that a Precedent Q is also prepared to show the comparison between the (approved or agreed) budget and the bill. If you are using the electronic bill, the Precedent Q is integrated into the Precedent S and no separate document is required.

Good Reason

So what is good reason? Authorities on this topic are limited. However that is not surprising for as Davies LJ observed in *Harrison v University Hospitals Coventry and Warwickshire NHS Trust* [2017] EWCA Civ 792:

"As to what will constitute "good reason" in any given case I think it much better not to seek to proffer any further, necessarily generalised, guidance or examples. The matter can safely be left to the individual appraisal and evaluation of costs judges by reference to the circumstances of each individual case." Para.44

In other words, each case and each decision will be fact specific. Obviously, some "good reason" departures from the budget are obvious, e.g. where a budgeted contingency does not arise or whether a claim is resolved before a specific phase has commenced (and so the indemnity principle applies as no cost has been spent on that phase). Beyond these, counsel of caution must be to seek prospective variation under PD 3E paragraph 7.6 whenever it is appropriate, rather than to run the gauntlet of arguing "good reason" at assessment. Further comments made by Davis LJ in *Harrison* reinforce this:

"Where there is a proposed departure from budget – be it upwards or downwards – the court on a detailed assessment is empowered to sanction such a departure if it is satisfied that there is good reason for doing so. That of course is a significant fetter on the court having an unrestricted discretion: it is deliberately designed to be so. Costs judges should therefore be expected not to adopt a lax or overindulgent approach to the need to find "good reason": if only because to do so would tend to subvert one of the principal purposes of costs budgeting and thence the overriding objective." Para.44

Good reason was discussed in the case of *Jallow v MOD* [2018] EWHC B7 (Costs) wherein Master Rowley considered the amount of settlement and hourly rates. He held that the fact an action settles for less than the amount claimed is not a good reason to cut the budget. A claim pleaded at £300,000 settled for £90,000. There were a variety of quantum scenarios and absent of evidence of wilful exaggeration, the budget remained sound. In relation to hourly rates, he had reduced the hourly rates in relation to the pre-budget costs and the Defendants argued that that was "good reason" to depart from the Claimant's approved budget. The Master disagreed and the reduction in hourly rates for the pre-budget costs was not to be read across so as to disturb the budget.

Costs of preparing and discussing the budget
Practice Direction 3E Paragraph 7.2 states:

Save in exceptional circumstances—

- the recoverable costs of initially completing Precedent H shall not exceed the higher of £1,000 or 1% of the total of the incurred costs (as agreed or allowed on assessment) and the budgeted costs (agreed or approved); and
- all other recoverable costs of the budgeting and costs management process shall not exceed 2% of the total of the incurred costs (as agreed or allowed on assessment) and the budgeted (agreed or approved) costs.

"Two Nil for Justice....."

A few months ago I represented a friend of mine pro bono at a non-city centre local County Court. I have not named it unless the Ministry of Justice realise its still open!

It was memorable for two reasons. First, there was a suspicious package bomb scare and an evacuation; which is always a bit exciting. Secondly I was able to get the Court to order 'sensible' terms. I was always confident that that would be achieved and tried to reassure my friend as best I could.

I have acted on behalf of Defendants in similar circumstances on numerous occasions over the years. Experience has taught me that District Judges do not want to evict anyone if they can at all avoid doing so. They all appear very stern and fierce but usually will make that 'sensible' order I was talking about above.

I was able to explain to the Court on behalf of my friend that the arrears had arisen whilst he had

been out of work, but he was now working again and was able to make the mortgage payments once more and make a contribution off the arrears. So a happy ending, but nonetheless still extremely stressful for him and his family I am sure. By way of an aside, it was very stressful for me too with it being my friend. I think I felt a similar amount of relief when as I walking out of the Court precinct as he did.

The most noticeable thing about that day was how busy the Court was. I had not seen anything like that in a County Court for many years. It was rammed. Every seat and meeting room was occupied by people. Some obviously had lawyers with them but many did not.

The penny soon dropped with me that the reason that it was so busy was because this was the day that the Court dealt exclusively with possession and eviction proceedings for both mortgage and rent arrears. I looked at the Court list and it

had reams and reams of names on it – which I found really depressing.

BUT, what was more depressing was the fact that as many people as there was in the Court precinct who had attended that day, significantly more had failed to attend.

In these circumstances, as reluctant as District Judges may be they are simply left with no choice but to make orders for possession and eviction in the absence of a Defendant. More recently I acted for a tenant in Vernon Street (still trying to keep the Ministry of Justice guessing) who had possession proceedings served against her for £2500.00 rent arrears. I actually got the Court to strike out the claim and award me costs – I hear you ask what compelling Court of Appeal authority did I rely upon or silky advocacy skills did I employ to persuade the Court - ironically bearing mind what I have just said above, I succeeded because the landlord had failed to show up.

I should say that in this case I was always confident, after visiting my client's house that I would have been able defeat those proceedings regardless by bringing a counterclaim because of the magnitude of the disrepair in her home. Part of me what disappointed that the landlord



did not attend because I had spent the previous day preparing draft Defence and Counterclaim and directions.

I consider both cases as little victories for justice 'Two nil'back of the net !

George McLoughlin is a specialist Housing Disrepair Solicitor and Head of Housing at Curtis Law. He is member of the Liverpool Law Society Civil Litigation Committee; and a member of The Chartered Institute of Environmental Health.

*I can be contacted at
George.mcloughlin@curtislaw.co.uk*

The above views represent my own and do not necessarily represent the views of Curtis Law LLP



Conveyancing Quality Scheme (CQS) To Lexcel (Version 6.1)

with Tracy Thompson

on Tuesday 4th December, 9.30am- 12:45pm

This course is specifically designed for firms who are CQS accredited but who are seeking external support and guidance to identify and interpret the remaining requirements of the Lexcel standard whilst gaining practical experience of how to develop and implement those requirements.

Attending this course will equip you with the in depth practical and technical expertise needed to successfully and swiftly implement policies and procedures to allow you to proceed to assessment.

This course will cover the following:

- CQS Core Practice Management Standard review
- How the Lexcel scheme operates
- How Lexcel overlaps with other quality standards
- Dealing with internal objections and managing change effectively
- Key requirements of the seven sections of the standard
- How to demonstrate compliance to the assessor in each requirement of the standard
- Common problem areas
- Preparing for assessment
- Surviving the assessment

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

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


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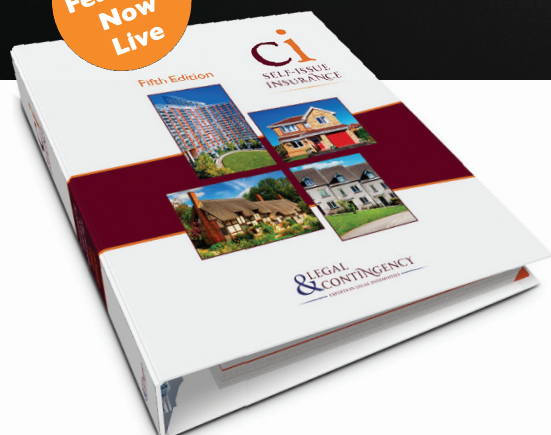
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Routes to Qualification

In this edition, we hear from a number of junior members of the profession about their experiences...



Hannah Bickley
Legal Executive
Broudie Jackson Canter

I am currently a Legal Executive in the Family department at Broudie Jackson Canter. I qualified as a Chartered Legal Executive in February 2018 and became Chair of the MJLD in September 2018.

I started my route into law at 16 when I chose to take Law as one of my A-Levels and immediately fell in love. It was during my studies that I first learnt of the CILEX route to qualification and I loved the prospect of obtaining first-hand experience by working in the profession whilst I studied.

I commenced my CILEX training course at The Law Academy in Liverpool in the September 2012. I attended the college twice per week between 6pm-8pm and secured my first job in the profession in the November. This was in a small personal injury firm in the city centre and was a bit different to what I do now. Despite this, my love for the job began here and I gained invaluable skills and experience that you can only get by working in the industry. I completed my Level 3 which is the first part of the qualification

by the summer of 2014.

CILEX works by splitting the vocation and the academic elements. After completing by Level 3, I had to complete the final academic stage spread over 2 years. You get a choice at this stage of which subjects you want to study; I chose the Law of Tort, Civil Litigation, Land Law and Family Law.

Through the academic element of family law, I felt that I wanted to help people and make a difference to their lives. This prompted my move to Broudie Jackson Canter's family department in the January 2017. My role initially was a paralegal assisting the fee earners in the department. This gave me insight into the role of a family lawyer and the pressure that comes with the job. I also saw client's lives change as a result of the work and support that had been provided to them which affirmed my love for the area of law.

I completed my academic study of the CILEX course in the summer of 2016. I still had to undertake my year of qualifying employment during this period and had to build up a portfolio of work to demonstrate what I had learnt from the experience. The portfolio can be a bit of a grind but there's ultimately a good feeling when your work is signed off by your peers!

My portfolio and admission in to CILEX was approved in February 2018. I'm now specialising in representing parents and family members in children law matters. This includes the occasions when social services are involved with a family and when there are disagreements in relation to children between parents. I also help victims of domestic abuse

by obtaining non molestation orders to protect them.

During my time completing my CILEX and working alongside qualified members of the profession, I gained invaluable knowledge and skills that I feel can only be obtained whilst working in the industry. I would not hesitate recommending this route to qualification and also The Law Academy to anyone who is seeking to qualify and I'm always happy to have a chat with anyone at MJLD events about this route.



David Tarttelin
Paralegal
MSB Solicitors

A training contract with a major firm is the number one priority for every third-year law student and so, inevitably, competition is fierce.

Failure to land one quickly, particularly if your peers appear to be making headway, can quickly lead to frustration and disillusionment. However, establishing a career in the law isn't a race and sometimes being patient and seeking an alternative route can be the smart thing to do.

In September this year, I started my training contract with MSB Solicitors in Liverpool - and I could not be happier about that - and felt I was bringing much more than just a good degree and youthful enthusiasm.

Deep end

Two years ago I decided to take on a role as a paralegal in the property team at MSB and the real experience I have gained in that time has been invaluable.

I was literally thrown in at the deep end. When I started, my team were in the midst of two 100+ unit developments completing and it was simply a case of rolling my sleeves up and getting stuck in.

There wasn't much time to get used to the job and I had to learn quickly. Some people may not enjoy that, but I think that being pulled out of your comfort zone and forced to pick things up quickly is the best way to learn new skills.

Hugely empowering

Working within a small team means there are fewer staff and so a lot of the time it is all-hands-on-deck. There are no hiding places even for the most junior members of the team and you will be expected to take on important responsibilities.

This was both scary and hugely empowering. Being able to work on my own initiative and take ownership of key tasks forms part of a wider skillset that I am going to need time and time again throughout my legal career. Becoming a paralegal is a fantastic way of overcoming one of the biggest obstacles faced by law graduates looking

to get their big break - firms often won't give you a chance unless you already have experience. So how do you get that in the first place?

I was able to do the odd week here and there with various law firms during the summers between my studies, but I still didn't feel anywhere near prepared enough to tackle a training contract head on, nor would I have been.

First-hand

Working as a paralegal prior to training as a solicitor means you get the chance to see first-hand how a law firm operates, from the office juniors and the way post is handled, to the partners running different departments and everything in between.

You also get a chance to know the people you could be working for and with. You may not necessarily end up training with the firm that you are working with as a paralegal, but the contacts you make and the relationships you build could be invaluable later on in your career.

Most graduates have no idea what it's like to even have a full-time job, let alone know the ins and outs of a law firm. Getting some hard core experience as a paralegal is a sure fire way of getting just that.

Set of skills

A paralegal role at a medium sized firm pays less and doesn't carry the same prestige as a contract with a larger firm. However, to me, they are short term and shallow considerations.

I want a long and rewarding career in the law and I wouldn't swap the last two years for anything. They have equipped me with a powerful set of skills and a wealth of experience that any graduate would give their right arm for.

MSB's newly elected managing partner, Emma Carey, also began her career as a paralegal. Over her career she has established herself as one of the country's leading family lawyers.

So if you are a third-year law student or recent graduate struggling to find work in the legal sector, then I would definitely recommend giving the paralegal route serious consideration.



Jordan Coulter
Paralegal
Weightmans LLP

Having received straight As at A-Level there was an expectation that I would have went to University and I had my place to study Law at a Russell Group University but I just wasn't sure about whether this was right for me and being the first year to fall victim to the rise in tuition fees which seems a now distance memory I did not want to invest all that money into something I wasn't 100% sure about. I deferred my place and took a year out so I could consider where I was going in life. I got a part time job in Retail and knew very quickly that was not for me!

During this time I was helping a family member out with a job search including Apprenticeships and very quickly I became to realise my ignorance to this route. I discovered that apprenticeships were available in those non-traditional areas such as Accountancy, Auditing and even Marketing! I then came across an advertisement for Higher Legal Apprentice at Weightmans LLP which was a brand new route into the legal profession with Weightmans LLP being the first firm in the country to invest in this new opportunity. I applied for the vacancy, had an interview and

thankfully was successful becoming not only the firm's first legal apprentice but the country's first legal apprentice.

I started on 24 June 2013 in the Employment and Pensions team and after 1 year transferred to our Disease team where I became a Paralegal after my first period of apprenticeship training came to an end. I continued my studies through the Chartered Institute of Legal Executives and with the introduction of the Apprenticeship Levy in 2015 enrolled onto the new Level 6 CILEX Trailblazer apprenticeship. After this, I then applied for an internal vacancy in our Regulatory department which I was successful. My role now involves assisting to prepare matters for healthcare inquests as well as defending practitioners who are being investigated by the General Medical Council.

Further to my job role, I am also an Apprentice Ambassador for the North West Young Apprentice Ambassador Network (NW YAAN) and have been involved in many external

events celebrating apprenticeships including; invitation from the Minister for Skills to meet and discuss apprenticeships, speaking at conferences and even co-hosting the Regional and National Apprenticeship Awards 2017 to an audience of over 800 at the Grosvenor Hotel, Mayfair. I was recently awarded NW Degree Apprentice of the Year and will progress to the National Finals on 28 November 2018.

My apprenticeship and experience has taught me a lot about Law and I am most definitely confident I made the decision to take up an Apprenticeship rather than the academic route because of all the hands on experience I have had which will put me in great stead for when I qualify next year. I also would have been the first in my family to go to University however, I am more proud to say I am the first in my family to take up and complete an Apprenticeship.



5 Tricky Areas in Conveyancing

with Richard Snape

on Tuesday 27th November, 1.30pm - 4.45pm

The course aims to look at five very topical and dangerous areas for the conveyancer, highlight the problems and suggest the solutions

Topics covered include:

- Over-calculating SDLT on additional dwellings
- Ground rent issues including mortgage company requirements
- Problems with lease extensions
- Problems enforcing positive covenants, especially issues in relation to estate rent charges
- Standard and additional enquiries, including in relation to fraud and how to respond

Competencies covered: B Technical Legal Knowledge

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

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

Legal Technology Training Seat - Top Five Do's And Don'ts

In October 2017, the SRA gave its approval for Riverview Law to include, as part of the firm's formal trainee solicitor training contract programme, a seat in its Technology department, a department exclusively focused on configuring and implementing legal technology platforms for its customers. This was the very first of its kind anywhere in the country, and twelve months later, Victoria Adeyemi, trainee solicitor at EY Riverview Law, became the very first trainee solicitor in the country to complete a Technology training seat. Below are her reflections on her Legal Technology Training Seat:

In writing the 'Summary' part of my trainee record, I realised that I have gained so much from completing a seat in the Technology team. The opportunity to participate in customer projects has improved my communication and team working skills. In shadowing implementation managers and attending customer meetings, I have picked up various project management skills. Ultimately, my key achievement as a trainee within the Technology department is learning to move away from my comfort zone and get involved in tasks I usually would not have volunteered to do. So, after completing six months as a trainee in the Technology department, here are my top five do's and don'ts for getting the most out of such a trainee seat!

Do be clear on your objectives

A seat in the technology department is exciting but also challenging because for most trainees it will be unfamiliar territory. However, the journey can be made easier if you are fully clear on your objectives and your development needs. I've learnt that the best way to approach this is to have a meeting with your trainee supervisor/line manager to discuss their vision for you on the seat and what they expect you to achieve. Once you are clear on what is expected from you on the seat, it will become easier to plan how you are going to tackle each objective.

Essentially, as a trainee in the technology department, you should be creative and flexible in the way you approach the tasks and engagements that you are involved in.

Don't expect to only develop legal skills

Due to the wide range of opportunities available on the technology team, you will get involved in projects and engagements which will give you the opportunity to develop a broader range of skills. Personally, a significant skill that I picked up is project management from attending meetings with customers and shadowing the implementation of projects from the project kick off stage to the business as usual stage.

Although the skills that you develop on the technology seat are not purely classed as 'legal' skills, they can be applied directly to the work done in legal departments; for instance, at kick-off sessions, we listen to and ask questions of the customer in order to collaboratively agree on how the Kim software platform will be configured to create a solution for the customer. Remember, that the aim for both the legal team and the technology team is to deliver a service to the customer. Therefore, as well as picking up bespoke skills such as configuration skills you will also build on your communication skills, drafting skills, the ability to manage expectations and many transferrable customer service skills.

Do manage your time

You will find that your work days are not as structured as they may have been in a legal department where you handled your own caseload. Therefore, it is important to manage your time well so that

you can balance assisting on different projects with completing other trainee tasks that you may have.

The technology team can become very busy based on project stages. Be ready and willing to be a flexible resource for the team so that you can assist on projects during the busy times. I found that a beneficial use of my time was to familiarise myself with the various functionality aspects of the Kim platform so that I could easily assist on projects when required.

On the technology team, there were opportunities to get involved in a wide range of tasks, such as attending customer meetings, configurations, customer demonstrations, drafting new policies and several more. Managing your time well allows you to take advantage of such opportunities so that you gain more from your seat.

Don't be afraid to ask questions

As clichéd as this sounds, it is the best advice that a trainee could follow in the technology department. I immediately noticed that the technology team members have been working on the Kim platform for so long that they tended to use jargons and briefly explained really important information. To approach this issue, I ensured that I started asking the right questions during the briefing sessions and asked for clarification in relation to jargons or areas of the tasks that I did not understand.

Additionally, you should ensure that you make issues/mistakes known to the team quickly. The technology team members at EY Riverview Law were always happy to assist and answer questions. I've learnt that it is usually very easy to reverse or fix an issue with a configuration on Kim; all I had to do was make the issue known to an experienced team member and I could then implement the best way forward.

Do work collaboratively with all members of the team

Clearly, all the usual professional skills that are expected from a trainee will apply during your seat in the technology department, so make sure that you are enthusiastic and willing to assist the team in any way that is required of you.

Think of the ways in which you can make an impact in the technology team. During my seat, I was asked to contribute to some of the team's new processes and I did this by drawing on my knowledge and experiences from other departments that I have worked on. I also used my initiative on tasks that were allocated to me and contributed my own ideas to particular projects.

As part of working collaboratively with the team, you should follow the team processes and ensure that you attend team meetings. I found that team meetings were important for receiving updates on the status of various projects and finding out about upcoming opportunities. Being aware of project statuses allowed me to offer assistance so that I can widen my skills and increase my value to the team.

You should also be ready to integrate with the team. In the past six months, I have worked with a team of hardworking people who also have a really good sense of humour. My experience on the team was greatly improved as I built social relationships with the team members.

Overall, it was a privilege being given such an exciting opportunity as technology is playing an increasingly important part in the efficient delivery of legal services.

Newly Qualified Solicitor, Filex & Pupil Barrister Celebration

The White Star Grand Hall,
30 James Street, Liverpool, L2 7PQ

on **Thursday 24th January 2019** at 6.00pm for 6.30pm

Liverpool Law Society would like to invite Newly Qualified Solicitors, Barristers and Fellows from CILEx from the Liverpool City Region and surrounding area who qualified during 2018 to celebrate the launch of their career in the legal profession.

All those qualifying will be presented with a certificate of congratulations from

His Honour Judge Goldstone QC,
The Recorder of Liverpool

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

This event is free to attend.

Information & to book

**The local legal community:
professional...proficient...passionate...**

Brabners bolsters charity sector support

Leading independent legal practice Brabners has strengthened its specialist charity practice with the appointment of partner Robert Nieri.

Robert has more than 14 years' experience in charity law and specialises in governance, commercial agreements, risk management, fundraising and dispute resolution. He joins from Freeths, where he was national head of charities.

A Legal 500-recommended lawyer, Robert supports a broad range of charity and not-for-profit clients across the UK. This has included advising organisations such as the RSPB, Blue Cross, the British Psychological Society and the Woodland Trust.

Stephen Claus, head of charity at Brabners, said: "Charities are facing a period of unprecedented change. From GDPR to the new rules around automatic disqualification, there are a myriad of challenges facing the sector and we're seeing increased demand as organisations look to navigate these choppy waters.

"To ensure we continue to provide the highest quality service and have the capacity to meet this demand, it's vital that

we invest in our team. Robert is a specialist with a skill-set that is rare to find in the North West. His expertise will add significant strength to our practice and enable us to consolidate our service in Manchester. This puts us in an even stronger position to support the needs of charities in the North West and further afield."

Robert added: "Brabners' charity team is the only practice in the North West with experts specialising full-time in charity law. The team is regarded as one of the best in its field, with a broad client base and national focus. I'm looking forward to hitting the ground running and working closely with Stephen and the team as we continue to support the needs of our charity clients across the UK."

Brabners is independently recognised as the leading charities and not-for-profit practice in the North West. The team provides a full suite of services and supports clients including the Coal Industry Social Welfare Organisation, Shaw Trust, Liverpool School of Tropical Medicine, Professional Footballers' Association (PFA), National Football Museum, North West Air Ambulance and Autism Initiatives.

MLP Law Consolidate Year of Growth with 39% Increase in Turnover

MLP Law has announced impressive revenue figures to round off 12 months of growth. The firm, which has 4 offices in the North West, has revealed turnover figures of £2.5 million in the 12 months to the end of August, up 39% on 2017's fee income of £1.8 million.

The figures come following what has been a period of significant development for the firm. In June 2017, the firm announced a deal which saw them acquire WH Lill; taking on its partners and staff, bringing the firm's overall headcount up to 46.

Known for their focus on the tech and digital sector, alongside a specialism in healthcare and hospitality, MLP Law started life in Altrincham before adding further offices in Lymm and Media City, before recently relocating their Liverpool office to Mann Island earlier in the year.

Stephen Attree, Managing Partner of MLP Law, commented:

"The past 12 months have been very busy - for all the right reasons. It's now been over a year since the acquisition of WH Lill and our larger team of fee earners and support staff have worked together well to continue and improve our levels of client service. Rather than standing still, the acquisition has given us further impetus to grow."

"Starting with offering both Business Immigration and Construction Law as new services in the firm. In adding these two new service areas, we are well-placed to offer a solid rounded Commercial Law service to both new and existing clients."

Stephen adds; "Our new Liverpool office at Mann Island is proving a big hit; with both staff and clients loving the location in the vibrant heart of Liverpool's famous Docks. With further growth plans in place for the coming 12 months, we are looking to add a further 5 commercial fee earners to the team. It's an exciting time to work at MLP Law."

The firm also recently celebrated after attaining a number of rankings in the Legal 500, along with an award win for the LawNet team of the year.



L-R - Stephen Claus, Robert Nieri, Robert White and Nik White



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www.liverpoollawsociety.org.uk

Successful trainees secure solicitor positions at leading Birkenhead law firm

Birkenhead-based Your Legal Friend has promoted two trainee solicitors who successfully completed the firm's industry-leading Learning and Development programme.

Gurdeep Singh and Catherine Donnelly became fully fledged Solicitors after working on a wide range of cases across the firms Clinical Negligence, Personal Injury, Professional Negligence and Accidents and Illnesses Abroad departments.

They undertook the programme, which is registered under the Solicitors Regulation Authority (SRA) Training Regulations 2014, after completing their Legal Practice Course (LPC).

Singh, who has been with Your Legal Friend since 2016, has joined the Clinical Negligence Department, working on a variety of cases including misdiagnosed illnesses and injuries.

Donnelly has been promoted to the Professional Negligence Department, which supports clients who have suffered financial loss due to property, legal or financial experts failing in their duty of care.

Alison Saul, Head of Personal Injury and Training Principal at Your Legal Friend, said: "We invest significant time and resources to ensure all trainee solicitors get the experience needed to excel for the benefit of our clients.

"We adhere to the highest standards, so our learning and development programme needs to be exceptional. It includes regular education and training programmes so that trainees maintain a detailed understanding of changes to legislation and case law.

"Congratulations to Gurdeep and Catherine who have worked hard and will no doubt go on to have long and successful careers."

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 over 200 people and has supported around 200,000 clients over the last 35 years.



Catherine Donnelly and Gurdeep Singh

Morecrofts invests in Knowsley with new Prescot office



Morecrofts Solicitors has announced plans to open a new office in Prescot town centre.

The new space on Warrington Road, adjacent to Prescot Town Hall, will offer the firm's full range of award-winning legal services, including family law, conveyancing, employment and commercial law. It is due to open its doors in early November and will become Morecrofts' sixth location in the Liverpool city region alongside Crosby, Woolton, Allerton, Wirral and Liverpool city centre. The firm and its partners have received several high-profile awards in recent years and Morecrofts was shortlisted in the national Law Society Excellence Awards 2018.

Alison Lobb, managing partner at Morecrofts Solicitors, said: "We have developed a number of strong client and professional relationships with Knowsley in recent years, including with Knowsley Council and the Chamber of Commerce, so it feels like a natural next step to invest in the borough and establish a permanent presence here. We are committed to working with Knowsley businesses wherever possible, beginning with the development of the office itself."

David Parr, finance partner at the firm, said: "Having grown up in Prescot, it gives me enormous pleasure to return here to open our latest office. Prescot is a busy, ambitious town with big plans for the future and we have found an excellent location from which to serve local clients and grow our business together."

Lesley Martin-Wright, chief executive of Knowsley Chamber of Commerce, said: "Over a long period of time, Morecrofts has demonstrated its commitment to Knowsley, whether it's through their senior team members giving their time as trustees or board members of local not-for-profit organisations or supporting local businesses to take part in the Merseyside Independent Business Awards, which Morecrofts organises.

"Their decision to invest in Knowsley and open a new office in Prescot is another vote of confidence in the future of Knowsley and what we hope to achieve here."

Liverpool BID Company

The latest update from Julie Johnson, Chair of the Commercial District BID

In September, Liverpool BID Company, in partnership with The BID Foundation, welcomed BIDs from across the country to converge in Liverpool for the third Big City BIDs Conference.

Taking place at the British Music Experience at the Pier Head, along with our chief executive, Bill Addy, it was a great honour to host the event and a fantastic opportunity to be able to show off our UNESCO World Heritage Waterfront to delegates.

The Big City BIDs Conference is a great platform for BIDs to discuss important topics, share their experiences and build stronger national alliances - an objective which is at the core of Liverpool BID Company. On this occasion the conference was centered around four key themes

- The role of BIDs and the delivery of destination management organisations (DMOs)
- Culture and the arts - how BIDs are breathing life into cities and maintaining a balanced strategy
- Board governance and developing effective practices
- The evolution of BIDs and their role on environment and safety management in city centres

Keynote speaker at the event was Lisa Nandy MP, who in one of her various roles as co-founder of the think-tank Centre for Towns, works to explore social, economic and demographic dynamics in towns across the UK. Lisa's extensive knowledge on the subject was fascinating to hear and addressed many of the issues on the day's agenda.

From the start, Liverpool BID Company has been part of the leading group of 27 BIDs across the UK that developed The BID Foundation - a coalition of BIDs and the Institute of Place Management at Manchester Metropolitan University, which was created to elevate standards, create a powerful voice for the industry and provide practical support to those that work in Business Improvement Districts.

Importantly, The BID Foundation provides a national platform for our BID levy players - giving them a voice on policy, regeneration and creating an opportunity to share best practice. When we work together, and not in isolation, we can do so much more in improving our city centres for both businesses and visitors alike.

Julie Johnson
Chair of Commercial District BID
E-mail : info@liverpoolbidcompany.com



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Regional Press Awards 2017**



**Alastair Machray
Editor in Chief**



**Michelle Helsby
Head of Partnerships**



**Mark Thomas
City Region
Business Reporter**

Morecrofts toasts record MIB Awards 2018

Morecrofts Solicitors is celebrating following another highly successful Merseyside Independent Business Awards.

Suites Hotel & Spa in Knowsley scooped a total of three prizes at this year's awards, which are organised and hosted by Morecrofts and sponsored by Liverpool BID Company. The four-star venue was named overall Merseyside Independent Business of the Year and also won the Best Employer and Best Place to Stay awards.

This year's other winners, announced at a glittering ceremony at the Titanic Rum Warehouse, included MgMaStudio architecture, which won the Professional Services award, and the Everyman & Playhouse, which collected the Culture & Tourism award.

Baltic Triangle favourite Ghetto Golf was named Best Start-Up and popular South Liverpool eatery Belzan was named Restaurant of the Year.

Easy Tots, which has successfully created a range of baby feeding accessories, won Retailer of the Year, White Wolf Yoga & Kitchen won the Health & Beauty Business category and the Digital & Technology award went to Cattington.

Rachael Forshaw, chief executive of Sovereign Transport Services, was named Businessperson of the Year, while the Trades & Manufacturing award went to St Helens-based glass manufacturer Universal Arches. The Best Creative Business award went to education provider hi-impact consultancy, while Bootle-based CNC Robotics took home the special Judges' Award.



Alison Lobb, managing partner at Morecrofts Solicitors, said: "Suites Hotel & Spa is arguably one of Merseyside's best kept secrets but its quality and continued success has been reflected in such a large haul of awards this year.

"The MIB Awards exists to shine a light into every corner of the independent business community and this year certainly hit the mark, with record numbers of entries from across Merseyside.

"It was another incredible spent night celebrating some of the brightest independent businesses this region has to offer and my huge congratulations go to every nominee and winner."

The Modern Slavery Act 2015 a Public Law view

The Modern Slavery Act 2015 was enacted to make provision about slavery, servitude and forced or compulsory labour, and human trafficking. This included the provision for the protection of victims.

Whilst many firms may consider the legislation in relation to their criminal and personal injury departments, this article aims to highlight the public law issues which may arise.

The Act provides at s40 for the appointment of an Independent Anti-Slavery Commissioner. Under Schedule 3 of the Act, the following Public Authorities are under a duty to co-operate with the Commissioner:-

- Law enforcement and border security
- Local government
- Health bodies
- Regulators

Local Authorities and Police play an important role in identifying and assisting victims of human trafficking and modern slavery. In

particular, the Local Government Association and the Commissioner have published guidance to Local Authorities – "Modern Slavery: A Council Guide".

The Guide is a reminder to Local Authorities of their key duties and best practices to be followed. Pursuant to s43 of the Act, the Commissioner can request that a public body, so including Local Authorities and the Police, cooperates in any way that the Commissioner considers necessary for the purposes of carrying out its functions. Per s52 of the Act, a public authority must identify, and notify the Secretary of State or other public authority (e.g. the National Referral Mechanism) of child victims and consenting adult victims of modern slavery, and non-consenting or uncontactable potential adult victims.

The Guidance suggests monitoring officers at each local authority, incorporation Human Rights due diligence with supply

chains, establishing shared awareness and common goals with suppliers and having a central collation of information. There are also proposals for collaboration with other Local Authorities and organisations tasked with tackling modern slavery.

Strictly, a Local Authority is a corporate body and, if they have a turnover of at least £36million, they will therefore fall within the requirements of s54 of the Act to publish the steps they have taken to ensure human trafficking and slavery does not occur within their organisation or supply chain.

In any event, the Modern Slavery (Transparency in Supply Chains) Bill seeks to amend the Act to include public authorities. Those lawyers involved in public law cases will need to be live to public authorities failing in their statutory duties, as well as falling short of the Guidance referred to above.

I can see that this will lead to



Judicial Review and claims for damages for breach of Human Rights for any of those victims let down.

Where such cases are against public authorities then legal aid may be available to the prospective Claimants, depending on means and merits.

Phillip Coburn,
Associate Solicitor,
MSB Solicitors.



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Liverpool Lawyers and World War I

This month the world commemorates 100 years since the end of WWI. During the conflict there were 16 million deaths and 20 million wounded ranking it among the deadliest conflicts in human history. Julia Baskerville looks at the sacrifices made by Liverpool solicitors and clerks...

At the beginning of 1914, the British Army had around 710,000 men including reserves, of which around 80,000 were regular troops ready for war. By the end of World War I almost 1 in 4 of the total male population of the United Kingdom of Great Britain and Ireland had joined up.

However, recruitment drives by the War Office called on the nation to join the ranks and many solicitors joined up. The majority of Liverpool solicitors joined the King's Liverpool Regiment which was stationed at Seaforth at the outbreak of war, moving in August 1914 to Hightown.

The King's Regiment (Liverpool) was one of the oldest infantry regiments of the British Army, having been formed in 1685 and numbered as the 8th (The King's) Regiment of Foot in 1751. In the First World War, the regiment contributed dozens of battalions to the Western Front, Salonika, and the North West Frontier. The Regiment lost 13,795 men during the Great War.

These additional regiments were formed as part of Lord Kitchener's appeal for an initial 100,000 men volunteers in 1914. They were often referred to as "Pals" regiments as they were predominantly composed of work colleagues.

The minutes from a meeting held at Liverpool Law Society in 1918, reported:

The Roll of Honour which has been brought up to date, now contains the names of 79 Members of the Society, 45 Solicitor-Managing Clerks, 70 Articled Clerks, 3 Bar Students and 425 General Clerks had served, bringing the total of those who are now serving or who have served with the Forces since the beginning of the War to 622.

The Committee with profound sorrow have to record the deaths of the following since the issue of the last Report:

Killed in Action

Major Peter Wright (member of the Society) awarded the M.C.
Lieutenant W. Ashcroft (a member of the Society)
2nd Lieut O. Morris Jones (Solicitor Managing Clerk with E.H. Cooke)
Sergeant-Major H. Dickinson (Clerk with H.J. Davis & Co)
Bombardier A. Porter (Clerk with Ayrton & Radcliffe)
Driver William Fletcher (Clerk with Artro Morris & Co)
Signaller L. Coghlan (Clerk with Quiggin & Son)
Private Leo Conway (Clerk with Lightbound, Owen & Co)
Private Hugh Davies (Clerk in Office of Birkenhead County Court)
Sergeant J. Tilley (Clerk with Batesons & Co)
Corporal H. W. Barnett (Clerk with E. H. Cooke)
Lance-Corporal J. Kirby (Clerk with Kennedy & Glover)
Private A Hibbins (Clerk with Cornish & Forfar)
Private Ernest Parry (Clerk in Office of Birkenhead County Court)
Private H.J. Wilson (Clerk in Office of Liverpool County Court)

Died of Wounds:

Captain J.B. Lockett (Clerk articled with Evans, Lockett & Co)
2nd Lieutenant K. Bonsey (Clerk articled with Oliver Jones, Billson & Co)
2nd Lieutenant Callum C.M. Bell (Clerk with H.H. Bell)

Several others are missing, are prisoners of war, or have been wounded.



The King's Liverpool Regiment, April 1916

The following members had been awarded medals:

Bar to Distinguished Service Order

Lieutenant Col J. B McKaig D.S.O. (Solicitor-managing Clerk with Weightman, Pedder & Co)
Capt A.D. Derviche-Jones (Solicitor-Managing Clerk with Watson, Atkinson & Hyde)

Companions of the Distinguished Service Order

Major F. C. Gregory (a member of the Society)
Major G. C. Scrimgeour M.C. and Bar (Solicitor of Office of Sir Harcourt E Clare, Preston)

Bar to Military Cross

Lieutenant (acting Captain) J Watson Cook M.C. (Clerk articled with W. Ainsworth Cook)

Military Cross

Major J. P. Ward (a Member of the Society)
Captain H.F.A. le Mesurier (Solicitor Managing Clerk with Hill Dickinson & Co)
Lieutenant C.G.R Hill (Clerk articled with E.L. Biddlecombe)
Lieutenant J.R. Mallalieu (Clerk articled with Watson, Atkinson & Hyde)
Lieutenant T.R. Morton (Clerk with Brown, Brown & Quayle)
2nd Lieut John G Hopwood (Clerk articled with P.C. Kelly)

Military Medal

Sergeant J. Pinnington (Clerk with Brown, Brown & Quayle)
Lance-Corporal A.E.R Henstridge (Clerk with J.J. Cockshott)

Croix de Geurre

G. Garner Smith Esq (a member of the Society)

Aside from the records held by Liverpool Law Society (Many Committee minutes and records were lost when the Law Library was destroyed by a fire in 1944), military records reveal that a number of Liverpool solicitors and clerks were awarded medals and Mentioned in Despatches. (The Mention in Despatches for a Soldier is a commendation for an act of gallantry or service).

Joe Roberts, one of the founding partners of Percy Hughes & Roberts served in France, firstly with the Inns of Court Regiment and later with the Royal Horse Artillery. He saw action in France and was mentioned in Despatches. He left the army as Captain Adjutant and when the war was over found a position as an assistant solicitor with J & W H Sale in Derby, later founding Percy Hughes & Roberts in Birkenhead.

A name that was synonymous with Liverpool during the war years was Rutherford. The firm of Rutherfords (which later merged with Weightmans) had four Rutherfords; Sir William Watson Rutherford, Hugo, Laurence and Charles. Hugo served in the 14th Battalion of the King's Liverpool Regiment and was wounded in Salonica in 1918. He was elected a Member of Parliament in 1931. Laurence joined the 7th Battalion, was wounded in France and later served as a Staff Officer at Western Command in Chester. He was President of Liverpool Law Society 1951/52.

Captain Hubert F A Le Mesurier of Hill Dickinson was awarded the Military Cross. He had been reported missing, before it was discovered he was a prisoner of war. He is mentioned in a historical document held by Hill Dickinson entitled "Captain Geoffrey's history".

Here it is thought fit to record that at this time the Solicitor of the Port of London Authority and the Solicitor of the Mersey Docks & Harbour Board, the two largest Port Authorities in the United Kingdom, each had been articled and subsequently an Assistant Solicitor with - and one Ronald Henry Bransbury a partner in - the firm. The other Hubert Francis Augustine LeMesurier M.C. had been articled with the firm (Admitted April 1919) having passed his Final Examination in October 1914 and immediately thereafter served in the Army with distinction being awarded the M.C. and being severely wounded and taken prisoner of war in 1918 and demobilised with the rank of Major, and then rejoined the firm as Assistant Solicitor until appointed in 1923 Assistant Solicitor to the Port of London Authority

Weightman, Pedder & Weightman saw a number of their staff and solicitors enlisting. John Weightman, the only son of founding partner, William Arthur Weightman (President of Liverpool Law Society from 1899 - 1900), joined the Royal Marines in 1914 and served with the Royal Naval Division. He was killed near Cape Helles, Gallipoli on 4th June 1915.

Also from Weightman, Pedder & Weightman was Managing Clerk, John Bickerton McKaig. He joined the 6th Battalion of the King's Liverpool Regiment in 1914. He was promoted to Lieutenant Colonel in 1916 and commanded the 6th Rifle Battalion in France and Belgium until the end of the war.

He was mentioned in Despatches four times and awarded the D.S.O. (Distinguished Service Order) and Bar. The Order was established for rewarding individual instances of meritorious or distinguished service in war. It was a military order and usually given for distinguished services during active operations against the enemy.

Alongside is a transcription of the war diary for 6th Battalion, King's Liverpool Regiment, led by J B McKaig. He went on to become President of Liverpool Law Society from 1940-41. He was also Chairman of the Territorial Army and Air Force Association of the County of Lancaster (West).

Another President of Liverpool Law Society, Benjamin Arkle (1941-42), joined the 10th Battalion of the King's Liverpool Regiment at the start of the war and was later promoted to Captain.

Julia Baskerville

Note: I first wrote this article in 2014. Some of the information was gleaned from records held by Liverpool Law Society and online forces records. For those interested the Law Society Library in Chancery Lane has a full record of solicitors who served in WW1.

6th Battalion, King's Liverpool Regiment War Diary: 8th November 1918

In the early morning it was noticed that the enemy were abnormally quiet. Small patrols were immediately sent out on both Company points. These patrols reported that the enemy had withdrawn from his former outpost positions. Three strong patrols were then sent forward with objectives on the ESCAUT. These patrols pushed forward boldly and in spite of slight opposition in the north had by 0700 reached their objective. Orders were then issued for the whole Battalion to move forward to the east of ERE by 0830. Battalion HQ moved to ERE and then on to Tournai. Lieutenant-Colonel JB McKaig DSO entered Tournai on the heels of the patrols at 0745 and was received by the Burgomaster.

All ranks met with a most enthusiastic reception from the populace. The enemy were located as holding the east bank of the ESCAUT and the Battalion pushed forward and occupied positions as near to the west bank as possible. The enemy was active with machine guns which swept all approaches to the ESCAUT. The inhabitants of Tournai rendered considerable assistance to the troops by pointing out the positions of some of these machine guns. Troops on the left now commenced to enter Tournai and as soon as a sufficient number had arrived troops of 6 KLR were withdrawn from the positions they were holding inside the town and these positions taken over by troops of 74 Division.

Orders were received about 1000 that the Battalion would cross the ESCAUT that night and preparations were immediately commenced. Men were given as much rest as possible and the hours of daylight were fully employed in reconnoitring approaches and selecting suitable crossing places. Companies during the afternoon moved to positions immediately south of Tournai to be in readiness for the crossing when the plan had been definitely decided on. The enemy continued to be active with his machine guns and also shelled Tournai with 50-100 4.2s causing some casualties. Preparations for the crossing continued and it was decided to attempt the crossing at 2300. Major GG Blackledge MC established an advanced report centre at the scene of operations and took command of the enterprise on the spot. C Company and HQ details carried up the light bridge and three collapsible boats. At 2300 the enemy was abnormally quiet and the crossing was commenced. No opposition was encountered and before dawn A, B and D Companies were on the east side of the ESCAUT and had established a strong bridgehead position. The first troops to cross were ferried across in the collapsible boats, then a pontoon bridge was thrown across by the Royal Engineers. By dawn the operation was completed. Our advanced troops had pushed forward two kilometres east of the ESCAUT without encountering opposition. Casualties in the whole advance 1 Other Rank killed [ie Rfn Harrison] and 6 Other Ranks wounded.



**Insignia of the
King's Liverpool
Regiment**

The Liverpool Law Clinic

The Liverpool Law Clinic at the University of Liverpool is a legal practice with six lawyers that provides pro bono legal services in a variety of areas, including child arrangements, social care, education and immigration.

One of the newest projects see students help parents of children with Special Educational Needs and/or social care problems in a unique project taking place at Alder Hey Children's Hospital in Liverpool.

In recognition that many carers with disabled children have frequent hospital appointments we decided to take the legal advice to parents, rather than asking the parents to come to us. Our appointments, therefore, normally take place at Alder Hey Children's Hospital.

Following the appointment, together with approximately four other students from the team and under the supervision of their lecturer, the students research the law and draft a letter of advice to send to the client. We describe this letter as a "road map", so that the clients we see in the Clinic can get the most benefit from our one-off advice service model. The students learn a new area of law entirely in this problem-based learning model and must be able to explain it to their clients in clear, straightforward terms. The motivation of having a real client and being able to see how the law can "make a difference" means that the level of commitment to the project is excellent.

At first we anticipated that we would see a mix of clients with issues around support packages from local authorities and issues with education, but overwhelmingly our clients are coming to us with education cases. We see many types of problem – from school exclusions to difficulty obtaining a statutory plan for a child with SEN.

The Clinic is not competitive with our colleagues in Liverpool firms; we seek to reach clients who are not in scope or otherwise eligible for Legal Aid and who cannot pay privately for services. We work alongside our colleagues in practice to complement the work in the Legal Aid sector.

Our observation is that most people just do not know whether they are entitled to free legal advice. Where we see clients with social care issues for which Legal Aid is available, and we consider that further advice is needed, we provide initial advice and refer cases to an appropriate firm. Whilst Legal Aid is available for certain SEN cases, it is limited and there are no Legal Aid providers in Merseyside. In fact, currently there are only two providers in the whole country.

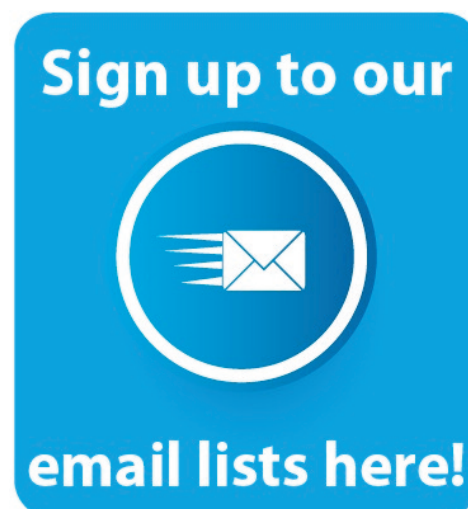
We are, therefore, the only source of free legal advice in the area for SEN issues. As our primary purpose is to educate our students what we can do is limited. We see clients in term time only and we can provide advice to a limited number of people who need it, though we are always looking for ways to expand our service. Other services available at the Clinic are:

- 1) The Liverpool Law Clinic Helpdesk which provides free and confidential legal advice and support at the First Hearing Dispute Resolution Appointments (FHDR) in child arrangements cases. The project offers services at the Liverpool Family Court on Thursdays in term-time (most weeks between October and May). We can see clients on the day of their FHDR on a first come first served basis, or clients can arrange an appointment in advance through the Clinic.
- 2) Projects in international protection and immigration law. We will give advice on fresh asylum claims, refugee family reunion, statelessness claims, registration/naturalisation, extension of stay and EEA free movement advice. Please contact the Clinic or signpost clients to our webpage as above.

To refer clients or discuss any of the projects, please contact us on Clinic@liverpool.ac.uk. Clients may be signposted to: www.liverpool.ac.uk/law/liverpool-law-clinic/.

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Liverpool Law Society

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Future Climate Info (FCI) has teamed up with Terrafirma to deliver the most comprehensive package yet of environmental risk data, protection and support for homebuyers.

Available now, the all-new Premium Plus CON29M combines Future Climate Info's Premium residential environmental search, with Terrafirma's new official CON29M coal mining search, which has been approved by The Law Society.

We caught up with **Geoff Offen, Managing Director, FCI** and **Tom Backhouse, CEO at Terrafirma** on what this new partnership means for environmental searches for conveyancing

Why did you join forces to create a new report?

Tom Backhouse: We share a clear vision about wanting to innovate and positively disrupt property information in a market that has grown rather stale in recent years. Conveyancers have begun to justifiably view lengthy desktop reports as something of a chore, concerned that if they referred to anything other than the risk assessment on the front page, they may be at risk at giving the wrong advice to their client.

FCI reports are brief, clear and contain some innovative datasets that consumers are rightly concerned about and want to know more about before they buy.

This is in line with our approach on coal mining risk – we wanted to change the way we identify, assess, manage and resolve the risks the ground poses. The public understand these risks more now, so we wanted to deliver user friendly data backed by expertise when they need it.

What's different about this report?

Geoff Offen: It was important to ensure that even with all the extra features, the report did not become a doorstop! This would fall into the old habits that have plagued environmental reports. Less is more in terms of pages, but not in terms of support and guidance.

Not only are there now full risk assessments for both contaminated land and coal mining risk, but also a postcode specific assessment of subsidence risk from our partners at Property Assure, as well as a rating of insurability on flood risk from leading consultants JBA. These four key areas can dramatically affect both insurance cover and lender security, crucial in the property transaction.

This combination really is a complete search. For homebuyers concerned about the changing neighbourhood we include details of major energy and infrastructure projects, and we also have high resolution data on air quality – a far more immediate concern for individuals and families concerned about their health.

How does the report help the due diligence process for conveyancers and their clients?

Tom Backhouse: It is about having as many clear, relevant answers as possible in one concise document. The Premium Plus CON29M Report does this for homebuyers concerned about mining risk in their area, but do not want to shell out on numerous reports that could overlap each other.

With risk assessments for contaminated land, subsidence, flood and coal mining risk, conveyancers can ensure improved client satisfaction with a more efficient search ordering process that captures as many risks with the fewest number of searches.

This is backed by expert support from both FCI and Terrafirma for more interpretation, insurance and indemnity protections for peace of mind, as well as access to other investigative services to keep the transaction moving.

Tell me more about the risk assessment approach

Tom Backhouse: The new report meets new Law Society guidance on deep and shallow coal mining hazards, as well as contaminated land risk assessment. In addition, there are two further assessments to give homebuyers greater peace of mind for flood insurability and natural subsidence. It is a unique meeting place for a great team of experts in their own disciplines.

Our coal mining risk assessment is built on market-recognised and trusted professional opinions signed off by the Law Society, answering important questions around susceptibility, impact on property value and on the lending process.

The mining geologists at Terrafirma interpret the data even if there are no obvious mining features present, utilising all official Coal Authority data for each of the 11 questions on the CON29M. Our professional opinion ensures that the risk of reporting on coal mining activity is transferred from the conveyancer to the experts at Terrafirma.



Geoff Offen



Tom Backhouse

Geoff Offen: We look at all the data but only report the risks that are relevant and, since accuracy is just as important, we were the first environmental report to use Land Registry to define the property boundary accurately. So, we have already defined a high level of accuracy and "real world" view for the degree of risk exposure, backed by our expert interpretation.

We are proud of our self-learning system, the results of all the checks we make based on further information are incorporated to the system, and this means far fewer recommendations for Further Action - minimising time spent dealing with the issues and eliminating the need to make unnecessary repeated investigations.

What can homebuyers do if something shows up in the report?

Geoff Offen: Since we are working accurately and ensuring that only relevant risks are reported, we are absolutely minimising the amount of "further action" responses on a contaminated land and flood risk assessments.

But reporting a potential risk doesn't mean everything has to stop. We offer a further free follow up risk assessment should more information become available that will reduce the risk, and if the risk can be resolved the report is readily converted to a Pass.

We haven't just stopped at refining environmental searches. If, after all our best endeavours, a risk remains, we offer affordable contaminated land insurance options from CLS Risk Solutions, as well as a great value forensic flood risk review service from JBA Consulting. A lot of properties are classed as high flood risk, whereas the risk data may be the best available, the JBA experts reduce or resolve the risk in some 50% of cases.

What do you think will drive homebuyers' concerns about environmental risk into the future?

Tom Backhouse: For me, it is about harnessing the power of technology. Our expert risk assessment is built on a significant investment in machine learning, but this doesn't mean a computer just regurgitating the answer. It means accurately filtering potential hazards, so that time can be spent where it is needed the most, on properties where there is a complex mix of geological and man-made factors.

Climate change is driving a greater awareness to what is happening below the ground, as we have seen with the rapid expansion of sinkholes from past shallow mines. This trend will continue, as more of our mining legacy is revealed as these cavities continue to collapse.

Geoff Offen: Conveyancers will continue to advise on liabilities from contaminated land based on prevailing guidance. Clients on the other hand are also very focused on the more pressing realities of issues like flooding, changes in their neighbourhood and how air quality could affect their long term health.

Climate change will have long term implications on where homebuyers choose to purchase, as decisions are now made to live in a property for decades, not the short term. Innovative data businesses and conveyancers will need to ensure they are keeping up with clients changing needs and how to protect them from evolving risks.

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Report Details

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Some County, TEST

Grid Reference:
E: 428818 | N: 423719

Report Reference:
CombinedTest3

Requested by:
slim jim (test)

Date:
05/09/2018

Report ID:
1000105535

Subject Site

Professional Opinion

1. TERRAFIRMA OFFICIAL CON29M	FURTHER ACTION
<small>Identified coal mining activity:</small> 1.01 Past underground coal mining 1.04 Shafts and adits (mine entries)	
2. ENVIRONMENTAL	PASS
<small>No further recommendations</small>	
3. FLOOD	PASS
<small>No further recommendations</small>	
4. GROUND STABILITY	PASS
<small>No further recommendations</small>	
5. ENERGY & INFRASTRUCTURE	PASS
<small>Consideration(s):</small> 5.20 Power Stations 5.23 Solar Farms	

Air Quality Index: Some Polluted Areas (See 1.25)

This page should always be read in conjunction with the full report. The Professional Opinion indicates the potential risks and any other potential issues associated with the property. The results should be disclosed to client and/or lender and/or insurer as appropriate.

A 'Pass' is given if no potential property specific risk has been identified.

A 'Pass with Considerations' is given where there are potential hazards in the locality to bear in mind, or if there are features nearby which some clients might consider could affect them.

A 'Further Action' is given if there is a potential property specific risk and a further action is advised.

In the event of a request to review the Professional Opinion based on additional information, or if there are any technical queries, the professional advisor who ordered the report should contact us at info@futureclimateinfo.com, or call us on 01732 755 180.

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CON29M	Environmental	Ground Stability ⁽²⁾	Energy+Infrastructure ⁽²⁾	Flooding ⁽²⁾
Terra Firma CON29M Includes nearby subsidence claims, previously only available at additional cost from The Coal Authority.	Professional Indemnity Cover £10 million Professional Indemnity Insurance. Can be relied upon by the professional parties involved in the property transaction, including the first purchasers and their advisers, and the first purchaser's lender.	Loss of Value Insurance Covers any change in Coal Authority data (Up to £50,000 for the lifetime of the property ownership).	Cheshire Brine Indemnity Policy £50,000 inclusive Cheshire Brine Indemnity Cover: for the lifetime of ownership when the property is within the Cheshire Brine Compensation District.	

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⁽¹⁾ RRP for residential properties less than 15 hectares.

⁽²⁾ These data modules can be purchased as stand-alone products. Commercial reports are also available.

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You are warmly invited to the

Annual Lawyers' Carol Service



at 6.00pm on Monday 17th December 2018

**Liverpool Parish Church, Old Churchyard, Chapel Street,
Liverpool, L2 8TZ**

Led by: Sir Mark Hedley

Speaker: Ian Miller, a barrister for fifteen years doing civil work with a London chambers and has now started training to be an Anglican minister

Music from: Formby Brass Band together with lessons and carols

All those connected with the practice, administration or study of the law (and their friends and families) are most welcome.

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What difference does half a degree make?

Half a degree rise in temperature seems a tiny amount to be concerned about, but it will make a massive difference in the future security and safety of our planet according to the IPCC report published in early October. The Intergovernmental Panel on Climate Change (IPCC) assembled ninety-one authors and review editors from 40 countries to prepare this response to the invitation issued by the UN Framework Convention on Climate Change when it adopted the Paris Agreement in 2015. Paris COP21 marked a turning point in climate change understanding and global commitments: for the first time 195 nations signed a commitment to take significant, dramatic action to reduce global warming by agreeing to hold

"the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels".

What is the IPCC and why does the report matter?

Established in 1988 by the UN Environment Programme and the World Meteorological Organisation it was set up to provide policy makers and governments with regular scientific assessments concerning the implications and risks of climate change. The IPCC also offers adaptation and mitigation strategies to its 195 member states.

Why I am telling you all this? Because, as lawyers and practitioners you know that facts and evidence matter and that we cannot make national and international policy based on hunches, hearsay and unfounded beliefs. Because when it comes to global warming those of us who are not scientists by training and profession need to listen to experts and accept their judgements. The IPCC assesses thousands of scientific papers that are published every year, identifying where there is agreement or differences of opinion in the scientific community and where further research is needed.

In recent months our public discourse and debate has become ever more divisive and confrontational. The dismissal of 'experts' and expert opinions does nothing to help. The leadership of the UN in this arena is paramount and we need to hear and heed what they are telling us.

What does the IPCC report say?

The report runs to many hundreds of pages so I am not going to attempt to explain it all – there is an excellent summary for policy makers available on the website <http://www.ipcc.ch/report/sr15/> – but in essence it has one clear message. We need to limit any increase in global warming to 1.5°C or below, if we allow it to creep up by an extra half a degree to 2°C there will be cataclysmic impacts. As Panmoa Zhai, Co-Chair IPCC Working Group 1 said at the launch of the report in Incheon on 8 October: *"We are already seeing the consequences of 1°C of global warming through more extreme weather, rising sea levels and diminishing Arctic sea ice among other changes."*

That half a degree matters enormously – it makes the difference between a rise in sea level of 10cm. A summer in the Arctic Ocean free of sea ice would occur once in a century at 1.5°C but at least once in every decade at 2°C. The coral reefs already hard hit and likely to decline at between 70-90% at 1.5°C would be almost totally lost (up to 99%) at the higher temperature.

The report states that *"climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C and the impacts of between 1.5°C and 2°C. These differences include increases in: mean temperature in most land and ocean regions, hot extremes in most inhabited regions, heavy precipitation in several regions and the probability of drought and precipitation deficits in some regions"*.

If Arctic ice and coral reefs, feel a long way away just think about this year here in the UK. Three years on from Paris and one very hot summer later we can see for ourselves just how great the need is to take immediate, long term action to halt the rise in the earth's temperature.

We can see the impact on our weather – longer hotter drier summers, more volatile events in terms of hurricanes, storms and tornadoes. It isn't just the weather effects we will have to contend with, ecosystem damage affects food production and security, it affects livelihoods and migration patterns, human rights and justice. If you haven't seen it the IBA 2014



photograph by Jim Haywood

report on 'Achieving Justice and Human Rights in an Era of Climate Disruption' makes a compelling if troubling read.

At a global level the report finds that limiting global warming to 1.5°C requires rapid and far reaching transitions in the way we use land, energy, industry, buildings, transport and cities. The good news is that there already measures in place in many countries to tackle the challenge but far too little is being done to address this unprecedented global crisis. Global solutions are the responsibility of government and policy makers but we all have a role to play and there are actions we can take today that will make a difference.

Plastic recycling and waste caught everyone's imagination earlier this year and launched a huge campaign of localised action which proves it can be done. So what should we do?

The first step is to talk about it with friends, colleagues, clients, relatives. Become a climate change champion in your own immediate environment. The power of the plastic campaign was that everyone was talking about it. Challenge those around you to see if they know about the IPCC and the 1.5°C issue.

Step two is to review what you do in your home and working life that could be different – how can you adapt and alter simple things from your daily commute, school run, shopping trip, client visit to reduce emissions. This doesn't mean buying an electric car – although that would be great – it can be something as simple as making fewer car-based journeys. Can you set up a car share scheme for your office? Can you lobby your local council for more bike routes or bus services? Can you persuade other businesses you share a building with or an office complex to pool resources and set up minibuses for getting staff into and out of work? Simple cost-effective carbon reducing measures on transport will help.

It isn't just transport but office habits that need adaption – in this column we've already talked about turning down heating, switching off lights and monitors, reducing energy use in and outside the office. But we need to do more, and we need to do it now. We can all lobby the government locally and nationally to take action but we also need to set an example by changing our own behaviours. If we don't make that personal, local as well as global commitment to the 1.5°C the future for the planet and our children looks bleak.

Amanda Carpenter is CEO of Achill Management a sustainability consultancy offering support, advice and practical solutions to businesses. She is also the presenter of Planet Pod the regular podcast on environmental issues. Achill Management can be found at www.achillmanagement.com



The IPCC report can be found at <http://www.ipcc.ch/report/sr15/>

16:47

Tuesday, 3 April



3m ago

Boss, The

Are we going to make the deadline?

Earlier Today



28m ago

Leslie

Are we still on for later? xxx



57m ago

Boss, The

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Council Member's Report

Update from Charlie Jones

I recently attended a meeting organised by Liverpool Law Society for local MP's, which is a periodical meeting that your Society organises so that there can be a constructive discussion with local MP's in relation to issues which affect Merseyside and District, and our profession, and MP's can assist: if they want to.

These meetings have been going on for some time and can be of great benefit. Indeed, they have resulted in questions being put in the House of Commons as suggested by Liverpool Law Society. It was therefore disappointing that only one MP turned up to this meeting. Very many thanks to Justin Madders for doing so. We had a very interesting discussion with him about many issues, not least the issues surrounding Leasehold Reform in respect of which he is trying to put through a Private Member's Bill, and, at the very least, raise awareness on the subject. I thought more MP's would turn up, at this important time. It is just after Party Political Conference 'season' and this would have been a good as time as any for MP's to impress upon our profession how much they support it. The Labour Party recently indicated that they were going to give greater funding to legal centres. It would have been good if more people had turned up from that party to explain more. So, very many thanks to Justin. I hope you can persuade more of your colleagues to attend next time. I know that MPs are very busy, but curiously,so are we!

Many of you will have no doubt seen that the (unsuccessful) result of the SRA's appeal in relation to the case they lost against Leigh Day, in a decision made by the SDT. One wonders what the cost of that appeal was. Of course it would be funded by...us! Without analysing the detail of the case, it would seem that the SRA appealed due to dissatisfaction on the part of the SRA with the Tribunal's decision. In almost all material aspects, the

court said, the SRA's challenge was on the basis of primary fact and the assessment of whether those facts could determine whether there was professional misconduct. No errors of law material to the SDT's conclusion had been cited by the SRA. It seems to me quite a serious state of affairs if that is the basis upon which the appeal was made.

One might have disagreed with the initial judgment, but it seems to have been a sound judgment. It is a pity that the profession's money has been squandered in such a way.

This is of course the same SRA that is currently considering plans to reduce the minimum level of insurance cover a firm must have. The proposal seems to be to reduce cover from between £2 million and £3 million to between £500,000 and £1 million, a move which the SRA hopes will increase competition and reduce premiums. The maximum pay out from the Solicitor's Compensation Fund would also be cut from £2 million to £500,000. The Law Society has highlighted fears that this could undermine consumer protection and the maintaining of standards. President Christina Blacklaws has said 'the SRA appears to be pursuing a deregulatory agenda based on flawed premises and at the expense of protection for consumers. Overall, it is perhaps understandable that there is concern, going forwards, for our profession, if it is to be subjected to regulation by the SRA without any checks or balances at all (ie, without an overarching regulator of the SRA).'

I note that judges are getting a pay rise. I understand this is to boost morale, and due to concern about the standard of applicants (Perhaps they should appoint more solicitors!). I notice, also, that the Judiciary is to receive support before, during, and after proceedings, where the Judiciary have to hear traumatic cases. I wonder will our profession ever get a bonus for dealing with cases which involve similar trauma.

Dealing with such cases can and does cause stress, angst, and it is very hard to leave such cases in the office when one goes home to one's family. However, I rather doubt there will be any support for our profession. There never is!

Sir Geoffrey Vos was due to speak at Liverpool Law Society Annual Dinner. Unfortunately he was unable to attend and HHJ Hodge QC stepped in. He spoke on the opportunities offered by utilising technology in the law.

At a recent session on the Tech Revolution, co-moderated by Law Society President Christina Blacklaws, Sir Geoffrey Vos said 'If we work with the technology revolution rather than against it, we can improve the quality of service and reduce the costs of legal advice. There are risks, but we can minimise their adverse affect. Young people will no longer accept that legal advice is one of the only things they cannot obtain instantly or the next day with a few taps on their smart phone....We can use technology to cut out manual processes without reducing the quality of advice. Clients will need mechanisms that show if the advice has come from a human lawyer or it is machine based'.

Vos also dismissed fears that technology will over commercialise the profession by making lawyers inadequately client centred. We might not agree with what he says, but we have to address it and accept it. The world is changing. The fact remains that without a high standard of technology, solicitor firms will not be able to compete in the market.

It seems that the Civil Liability Bill, which seeks to reform the claimant's process for whiplash claims for injuries lasting up to 2 years resulting from road traffic accidents, and to make changes to the way in which the personal injury discount rate, applied to lump sum awards of damages for future loss is set, has passed the final hurdle in the Commons.



The third reading was approved by a majority of 56 votes. The bill now proceeds to consideration of amendments and Royal assent. I will be interested to see what real changes this legislation makes going forward, other than blocking out a large percentage of people from the famous 'Clapham Omnibus' from being able to claim compensation that they deserve. I have a funny feeling that in approximately 5 years time this Bill will be viewed as a disaster and it will fall through.

By the time you this I hope that I will have seen many of you at the Liverpool Law Society dinner on 1 November. I have little doubt it will be a fine affair, at new premises and lead by our excellent President Nina Ferris. In the meantime, well done to Rowlinsons and Bennett Williams for doing very well at The Law Society Excellence Awards, and indeed to my own colleague at Weightmans, Jennifer Powell, who was shortlisted in the Junior Lawyer of the Year Award. To anyone I have omitted who did well, I congratulate you too. Great to see local success. As usual, if anyone has anything they want to discuss please do not hesitate to get in touch.

**Charlie Jones. Partner.
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Relationship Management



Update from the North Team

Update from the Relationship Management Team North

This month we thought we would give you a round-up of what the north team have been doing during October and some of the events we have planned up to Christmas and early in the New Year.

Black History Month celebration in Manchester

We held a highly successful Black History Month celebration at Freshfields in Manchester with the BSN North. The event took the form of a panel discussion on diversity in the legal profession. The event attracted over 80 students, junior lawyers and solicitors.

Ethics Roundtables in Yorkshire

We held two successful Ethics roundtables in conjunction with Sheffield and Leeds Local Law Societies. The discussions were led by Paul Wilson, Head of Regulatory Affairs at the Law Society, with expert academic input from Joan Loughrey, Professor of Law, University of Leeds. We had a good mix of attendees from local law societies, in house, different size firms and local law schools.

We discussed topics ranging from owning up to mistakes through to how lawyers can retain the trust of the public in the current environment.

Regional Forums and Lunches

We are heading out at the very end of October to regional lunches and forums in Newcastle and Liverpool.

Excellence Awards – Our winners and highly commended across the North

We joined our North members at the Excellence Awards Dinner on 17 October for a wonderful evening of celebration. Congratulations to those highly commended and winners from Manchester, Liverpool, Newcastle and Yorkshire.

The winners and highly commended were: Bermans, Crater Law Solicitors LLP, Bennett Williams Solicitors, Ben Hoare Bell LLP, gunnercooke, Hugh Jones Solicitors, Irwin Mitchell, Rowlinsons Solicitors, LawBid, Alexandra Hatchman of Fletchers Solicitors, Ayesha Nayyar and Rachel Roche.

Looking ahead – some key events

Women Returners Events – 14 November in Manchester and 15 November in Leeds

The Law Society is delighted to partner with Women Returners and leading legal employers to launch Law Returners, a 6-month cross-company returnship programme based in Manchester, Leeds and surrounding areas. The programme is targeted at experienced legal professionals who have had an extended career break of at least 12 months, and who are looking to return to work. Places are limited, to

find out more information about Law Returners and to book your space visit <http://wrpn.womenreturners.com/law-returners/>

Women in Leadership in Law Roundtables for Men – 29 & 30 November in Leeds, Liverpool and Manchester

Following the successful Women in Law Roundtables, we are planning similar roundtables for men in late November/early December in Leeds, Manchester and Liverpool. If you are interested in attending, please contact one of the RM Team as soon as possible.

Greater Manchester Regional Forum.

We are planning Regional Forums for Local Law Societies, Council and Committee members and other stakeholder groups across the North West

Greater Manchester (February 2019 date and venue TBC)

Please contact one of the RM Team if you would like to attend any of the Regional Forums or if you have any questions about any of the above.

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Twitter @LawSocNorthWest @LawSocYorksNE
Join our North LinkedIn group at
<https://www.linkedin.com/groups/12003211>

Charity and CSR Matters



Hi everyone,

The count down for Christmas is officially on! If you've already started your shopping please spare a thought to those less fortunate and add an extra small gift into your basket. If you contact me I'll happily collect from you and ensure it is wrapped and distributed to those in need.

I had the pleasure of attending the Legal Walk this year and it was a lovely evening for all. It was great to have such a good turn out, please get all your sponsorship money in asap so we know the final sum raised.

I was happy to see Rowlinsons win their award and Bennett Williams receive Highly Commended at the Law Society Excellence Awards. I didn't win my award, but in all honesty I would have voted for those that did. There is some truly unbelievable work going on out there!

Happy shopping.

Jennifer Powell
Solicitor
Weightmans

Maxwell Hodge raise further funds for local charity

On Wednesday 26th September 2018, Maxwell Hodge held their final fundraising event to raise further funds for their Charity of the Year, Ronald McDonald House, Alder Hey, Liverpool, an independent charity affectionately known as "Mac House". The event, "Simply Women Together", was held in the impressive Atrium at the The Suites Hotel in Knowsley.

The cost of accommodating a family for one night at Mac House is approximately £25, and the annual running costs of the House amount to £600,000. Maxwell Hodge set their fundraising target for the year at £3,500.

Having held events throughout 2017/2018 to raise funds for Mac House, Maxwell Hodge decided that, as 2018 was a special year, marking 100 years since some women were given the right to vote, they wanted to mark this, deciding to host a ladies' only charity event.

Following a welcome drink, Claire Banks, Company Director at Maxwell Hodge gave her opening speech, which was followed by Gillian Wilson, Fundraising Manager at Mac House who talked about the work Mac House do, the costs of running the charity and how the money raised by Maxwell Hodge from the evening's event and previous events, will assist in the running of the charity.

The room was tastefully decorated and guests were invited to browse at the many stalls positioned around the room. Guests were able to purchase clothes from Jessie & Co, beautiful cakes from Critchley's Cupcakes and handcrafted jewellery from Gemini Gems. Nicola Holland, a Body Shop At Home Consultant also had a large display of products for sale. Michala Leyland of "Wood for the Trees" very kindly had a stall, along with the Suites Hotel who offered a range of Decleor beauty and spa products for sale. Maxwell Hodge also had a stall displaying a range of promotional items.

Guests were then entertained by two of Maxwell Hodge's employees, Chloe French and Darren White, who gave some wonderful renditions of songs from Nat King Cole, Frank Sinatra, Adele and Ella Henderson, whilst drinks and canapés were served.

Following this, Louise Gillespie of Jessie & Co presented a fashion show showing casing a range of beautiful clothes from her autumn and winter collection.

Towards the end of the evening, an Auction and Raffle were held. Maxwell Hodge had received some amazing prizes which had been kindly donated by various businesses throughout Knowsley and Liverpool.

It was a wonderful event, which was thoroughly enjoyed by all who attended. Maxwell Hodge raised in excess of £1,600 from this. Gillian Wilson, Fundraising Manager at Mac House reported "We really cannot thank Maxwell Hodge enough for all the fundraising they have done during this year. They have smashed their target, raising over £4,800 for



L-R: Jane Reid (Marketing Assistant), Claire Banks (Company Director), Gillian Wilson (Fundraising Manager)

us, which will make a huge difference to families staying in Mac House. This figure equates to 192 families having a room for the night - how brilliant is that. To end the partnership with such a beautiful event was the icing on the cake. Thank you so much Maxwell Hodge"

Maxwell Hodge would like to thank everyone who attended and helped out at the event, all their stallholders who kindly gave up their time to attend and help make the evening a huge success. They would also like to thank Kingfisher Design & Print, who not only donated a prize for their raffle, but very kindly printed all invitations, posters and banner free of charge.

Claire Banks, Company Director at Maxwell Hodge, reported "We have been so pleased to be part of fundraising for Mac House this year. We wish the charity continued success in the future."

It's wellies and waterproofs for Hill Dickinson's executive team

On Monday 15 October, Hill Dickinson's executive team started their week in wellies and waterproofs when they volunteered at The Inclusion Network CIC based in Bootle.

The Inclusion Network, which runs a foodbank, several youth clubs and other community projects, had previously been funded by the Hill Dickinson Foundation, which awarded a grant of over £4,000 for a community garden and allotment project. Following the creation of the space, the executive team took on some serious gardening (digging a long trench!) to allow for a greenhouse to be installed.

The following day also saw the firm's HR and development team lend a hand at painting and decorating at The Rhys Jones Community Centre, which has also been funded by the firm's Foundation.



At Hill Dickinson, all colleagues are given up to two volunteering days per year to support a good cause. Not only did colleagues carry out some much needed work, the volunteering provided fantastic team building opportunities for both teams.



Occupational Disease Conference

Wednesday 5th December 2018 9.30am - 3.15pm

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

Don't miss out on your chance to attend this annual event, described by a previous attendee as "the best quality conference I have attended, striking a great balance in terms of technical content v/s practical claims handling advice"

9.10 – 9.30 Registration	12.00 – 12.45 "Now I know..." Some Aspects of the Law on Limitation as it affects Disease Litigation – Andrew Pickering
9.30 – 9.35 Welcome & opening address – District Judge Lee Jenkinson	
9.35 – 10.15 Case Law Updates in Disease 2018 – Annie Fraser-Armstrong & Neil Burke	Significant Injury under Section 14 Actual and constructive knowledge Evidential cogency and prejudice under Section 33 The relevance of proportionality and the size of the claim Some recent cases
Dishonesty in Limitation QOCS and Multiple Defendants Contribution claims between insurers in Mesothelioma claims Reduction in Hourly Rate not a good reason to depart from budget Forum shopping in Asbestos claims	12.45 – 1.30 Lunch
10.15 – 11.00 Controversies in the diagnosis and quantification of noise-induced hearing loss remain – Mr Zeiloun	1.30 – 2.15 Asbestosis- Exposure and liability issues – Pragma and Associates
Common areas of disagreement in the diagnosis Limitations of pure tone audiometry and CERA testing LCB 2015 application and limitations in practice Is there a place for speech-to-noise ratio testing?	Helsinki criteria in the context of asbestosis Development of knowledge Future incidence Dose assessment methodology Uncertainties in dose assessment Evidence in the context of dose assessment Dose assessment worked examples
11.00 – 11.15 Refreshments	2.15 – 3.00 Establishing Liability in Work Related Upper Limb Disorder cases (HAVS/RSI) – Gary Reynolds
11.15 – 12.00 Using guidelines for diagnosis and quantification of noise-induced hearing loss (NIHL) – Professor Mark Lutman	What to look for Establishing breach of duty Establishing causation Engineering and medical evidence Quantum Limitation
Use of guidelines in NIHL cases has become almost standard now, leading to greater consistency among experts and shorter (cheaper) reports Guidelines are there to assist experts but not to restrict opinion in individual cases Acceptance of guidelines offers possibilities for computer-assisted diagnosis and quantification, with potential further cost savings or earlier settlement/discontinuance of claims	3.00 – 3.15 Closing comments – District Judge Lee Jenkinson

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The Society retains the right to cancel or alter the date of courses
Subject to our usual [terms & conditions](#).

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

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



The Liverpool Legal Walk

This is the time of year when lawyers are seen walking the streets of towns and cities across the country. In fact, it is not just lawyers. In Liverpool we saw local politicians, advice workers and concerned citizens walking with solicitors, barristers and judges. The lead walkers included the Lord Mayor, the High Sheriff, President of Liverpool Law Society together with the Chairs of the Women's Lawyers Group and the Junior Lawyers Group.

As we walked past one family near the Pier Head I heard someone say – 'I don't know what that's all about.' So what is it all about? It is about Access to Justice for all.

The primary purpose of the walk is to raise funds for the North West Legal Support Trust. The Trust provides grants to agencies which offer free legal advice and help to those in greatest need. The need for these agencies has grown dramatically since drastic cuts to legal aid funding have seen thousands deprived of the right to legal advice unless they have the money to pay for it. You would expect this need to be met by society. But it isn't, by a long distance. So the burden falls onto the third sector. The money raised via the walks helps many places to keep their doors open. My first proper job as a lawyer was at the Vauxhall Law Centre in Liverpool. That is one organisation which has stayed open following support from the trust.

There is more to the walks than just fundraising. They present a great opportunity for lawyers and others concerned with justice, to make a statement that it is important. As one leading judge said at the end of

the walk; 'You can have all the human rights in the world but they mean nothing without the means to enforce them'

The walks are also an occasion when hard working lawyers can let their hair down and bring some humour to the streets. So we had walkers dressed as the Titanic and Yellow Submarine posing with George and Ringo, scouse celebrities and hair curlers! This year's Liverpool Legal Walk was the best so far in so many different ways.

But the main reason we walk in cities across the land is to show that access to justice is an important right. There are not many votes in justice. She is not missed until she is needed. There are those who refuse to be silent until this is addressed. And their numbers are growing buy the day.

Steve Cornforth

The North West Legal Support Trust and the Access to Justice Foundation are pleased to announce that the Liverpool Legal Walk has raised around £4,000 so far and they hope the final total will be closer to about £6,000. It really does make a difference to promoting access to justice causes across the community. Thank you to all the walkers who took part. Most online fundraising pages from the teams that took part are still open including the staff and directors team from Liverpool Law Society. If you would like to donate to the LLS team please [click here](#)

Lead Walkers

Millie Hayden - WLD chair, Hannah Bickley-MJLD chair, The High Sheriff of Merseyside, Peter Woods Esq DL, Nina Ferris - President of Liverpool Law Society, The Lord Mayor of Liverpool, Cllr Christine Banks and The Hon. Mr Justice Dove





Team Liverpool Law Society



Students from the University of Chester Law School



Team Carpenters, complete with curlers!



Team Ken, Ricky and our Cilla



Team Gregory Abrams Davidson



Titanic and Yellow Submarine with George and Ringo



Team Jackson Lees



Clare Davies of Carpenters collecting the prize for the most "Scouse" photo award



Walking With Giants

Between 5 and 7 October 2018, Liverpool and the Wirral were paid a third and final visit by three larger than life guests who took over Liverpool city centre and New Brighton, bringing a staggering 1.3 million visitors to the local area.

It had been over four years since Royal de Luxe had last brought their Giant friends to Liverpool. For their latest visit they brought Little Boy Giant, Big Giant and Xolo the dog for a performance entitled "Liverpool's Dream". The event was funded locally, and whilst Royal de Luxe bring a number of performers with them from their theatre company, the performance cannot take place without local volunteers to not only operate the Giants themselves, but to ensure the safety of the thousands of people who line the streets and roads to watch as the Giants march on.

The volunteers are called "Benevols". Having seen an advert in the Liverpool Echo asking for people to apply to participate as Benevols, I was one of over 500 people who responded and was ultimately selected to be one of approximately 150 people who would work across the weekend of the Giants' visit.

I was allocated to work alongside Little Boy Giant and Xolo, and after a brief training session at Cammell Laird the week before (where Big Giant was in hiding and an Arriva bus was waiting to be sawn in half to display outside Lime Street station), I was ready to walk with the Giants. There were around 70 of us working alongside Little Boy Giant and Xolo, and our role was to create a "bubble" around the two figures, ensuring that the Lilliputians (who operated the Giants) had sufficient space around each Giant to pull the many levers and pulleys that they needed to, to animate each puppet.

To create the bubble, we used red and white hazard tape. Whilst carrying tape for three days does not sound like the most exciting of jobs, it allowed myself and the other Benevols to have an unobscured view of the Giants in action and also to interact with the people lining the streets who were fascinated by what they were watching. Carrying the tape was not without its problems. Xolo the dog would spontaneously run without any warning, and the Benevols working close to him would need to run to catch up with him, and ensure that the bubble was extended. The tape would also snap if it stretched too far, so on plenty of occasions there were people frantically running around with new rolls of hazard tape to ensure that the Giants continued to operate without any disturbance to the performance.

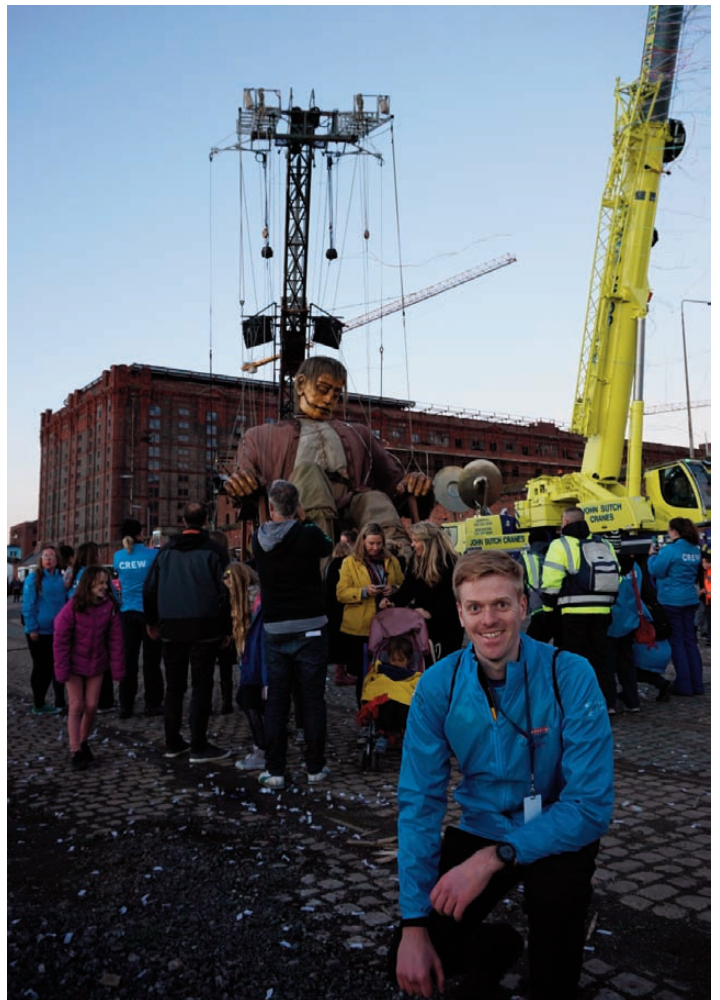
Liverpool loves the Giants as much as the Giants love Liverpool. On our final lunch break, at HMS Eaglet, Jean-Luc Courcault, creator of

the Giants, joined us and was treated by many of the other Benevols as a celebrity. People were queuing not only for photographs with him, but to thank him for bringing his creations to Liverpool not just on this occasion, but three times altogether over the past decade. The impact that these Giants have had on Liverpool is immense. I was able to speak with a number of spectators whilst the Giants stopped to perform scenes. I met people who had travelled across the country and even the world to attend this event. One lady lived in London, and had been asked by her mum who lived in Preston to travel up to Liverpool and take photographs of the giants as her mum had broken her leg and could not go herself. There were also hundreds of school children who were spending the afternoon lining the roads into Princes Park, who were overwhelmed with the excitement of the Giants walking around in such a lifelike and realistic way. The appeal of these Giants was across all generations.

Events like this are amazing for both the Wirral and Liverpool. On the Saturday we spent hours battling through the crowds to get Little Boy Giant and Xolo down the Strand. At one point we had to stop the Giants as they simply could not get through. When I got home and saw the photographs that had been taken earlier that day, and could see the sea of people that had filled the Strand, I could see why we had such difficulty (and also why when I was asking people to take a step back they didn't seem to be listening to me – they had nowhere to move to!). I can think of very few (if any) events that would draw such crowds again.

But Liverpool and the Wirral did themselves proud. Snapping hazard tape aside, the event went off without a hitch. People visiting Liverpool could see the city for what it is – a cultural hive of activity which can host some of the largest events in the world. Many of the spectators thanked the Benevols as they went around for helping to put on the event. People were so grateful to have had the opportunity to have been a part of what had happened. When the Giants left on the Sunday, there was a sense that the party was over. The roads were opened up to traffic again, and the city centre quietened down again. But events like this will be remembered for many years to come. There will undoubtedly be other large events in Liverpool again. On this occasion the Giants made national news (one of my colleagues even spotted me during one segment on ITN news!), and that allowed people across the county to see what a great place we are so lucky to live and work in.

**Richard Burrows
Weightmans LLP**



News from the



Our Charity of the Year – “Chasing The Stigma”

This term the MJLD committee are supporting the amazing Liverpool based mental health charity, Chasing the Stigma.

The charity aims to remove unnecessary stigmas attached to mental illness by sharing experiences to normalise and humanise the topic. It aims to create a narrative to get everyone talking about mental health. Founder, comedian and writer, Jake Mills created the charity as a result of his own battles with depression. It began with Jake opening up about his own experiences on social media. His story then went viral and was shared with millions of people world-wide.

Over the coming term the MJLD will be organising events to raise money to help Chasing the Stigma to continue to grow and do the life-changing work they do.

Congratulations to all the winners of these amazing prizes and a huge thank you from the MJLD to everyone who came along. We managed to raise £125.00 for Chasing the Stigma. Special thanks to Jake from Chasing the Stigma and Georgia from Chadwick Nott for their speeches at the event. The MJLD loved meeting everyone who attended and look forward to meeting even more new faces at our next event...

MJLD Food and Drink Event

The next MJLD event is scheduled for Thursday 15th November 2018.

All member are invited to join us for mouth-watering food & drinks at Heritage on Castle Street. In addition to food & drinks the MJLD will also be hosting a very special guest speaker...

More details will be forwarded to MJLD members in due course so keep an eye on you inboxes.



Red Door Event

The MJLD hosted its first social of the year at Red Door on Berry Street on 2 October 2018. The event was kindly sponsored by Chadwick Nott and existing and new members enjoyed free pizza and drink on the rooftop bar.

Raffle prizes were also up for grabs including: 2x tickets to Maggie May the Musical including meals at Liverpool's Royal Court, 10x tickets to the Sounds Familiar Quiz at Camp & Furnace, 1x free game at Breakout Liverpool for a team of 2-5 people, Mezze for two at Bakchich, Lash Treatment.



Training Seat Exchange

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

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

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

News from the



Finance & Prosecco with Wesleyan

On 27th September 2018 the MWLD hosted a Finance & Prosecco evening with Wesleyan. The feedback from the event has been fantastic. Thank you to everyone who attended, and a huge thank you to Wesleyan for sponsoring the event and to Brabners LLP for providing the venue, hot drinks and hospitality. Guests enjoyed glasses of prosecco and delicious food whilst Wesleyan delivered an excellent presentation on effective financial management for female lawyers.



Wesleyan highlighted specific issues affecting female lawyers' finances such as the gender pay gap within the legal profession, the lack of women in senior positions, and women being more likely to take career breaks. Despite 100 years of women in law, full-time female legal professionals earn 17% less than their male colleagues and, although there are more female lawyers, the proportion of female partners is still below 20% across the top 50 firms. One of the most alarming figures for attendees was that at retirement, women's pension pots are on average around three times smaller than men's.

Wesleyan's understanding of the legal profession and career paths of lawyers means that Wesleyan (who are endorsed by The Law Society of England and Wales) are able to give helpful information on mortgages (apparently lawyers are sought after by banks for mortgage lending!), life and critical illness cover, pension planning, and saving.

For those who were unable to attend the event, fear not! Wesleyan can arrange a no obligation one-to-one personal financial review, either on your own or with your partner (if your finances are interlinked), during which they will tailor their advice to your circumstances and map out your future goals and help put sustainable plans in place.

Finally, congratulations go to Gemma Holden who won a £50 John Lewis gift card in the Wesleyan draw, and Amy Davies and Kirstie Bork who each took home a bottle of prosecco in the MWLD draw.

Legal Walk

The annual Liverpool Legal Walk took place on 9th October. There was a fantastic turn out this year from organisations all over the region. The WLD supported the walk and had an enjoyable evening seeing the sights of Liverpool and finished it off with a well deserved drink at HUS. Thank you to NWLST for organising such an enjoyable evening in support of a worthwhile cause.

What's Coming Up?!

Our next event is our annual beauty event hosted by Harvey Nichols on 30th November 2018.

Keep an eye out on our website and social media for further details about our events. The WLD are continuing to update their website with various content including a "5 minutes with..." every Wednesday. In September and October 2018 we had 5 minutes with Cathy Fielding, Partner at EAD Part of Simpson Millar LLP and Clare Marsh, Property Litigation Solicitors at Weightmans.

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wldevent@gmail.com



Charity Spotlight



WALKING WITH GIANTS FOUNDATION
CHARITY NO: 1123246



“ **Helping Individuals And Families Affected By Primordial Dwarfism Reach Their Potential**
Today They Are Acorns - Tomorrow With Your Support - They Will Be Oaks ”



The Walking With Giants Foundation is a UK registered charity (charity registration number 1123246) based in Liverpool that supports individuals and their families affected by Primordial Dwarfism here in the UK and around the world.

Primordial Dwarfism is a unique and very rare form of extreme proportionate short stature. There are less than 500 individuals in the world affected by Primordial Dwarfism. Many of the individuals with this form of dwarfism are referred to as the ‘smallest people in the world’. The average height a person with Primordial Dwarfism will reach is 2 feet 10 inches, some will not grow more than 3 feet 7 inches, some are no taller than 2 feet tall. Many will become an adult in age, however they will never be bigger than a very young child (and weigh just as much, if not a lot less).

Being affected by Primordial Dwarfism means the world can be a difficult place to live in, socially, physically and environmentally, especially as the world is built for individuals over 5 feet tall. With determination and support, they can overcome the hurdles they face in a world not made for them.

Along with this restricted height comes complex medical problems and restricted life expectancy. Sadly individuals affected by Primordial Dwarfism are mainly children due to the limited life expectancy. There are less than 50 known adults affected by Primordial Dwarfism. From birth they suffer from fatal aneurysms, cancerous brain tumours, rare types of leukaemia, low immunities and cardiac and respiratory problems, simple ailments that affect us could be fatal to these individuals affected by Primordial Dwarfism.

The Walking With Giants Foundation is not government funded and we rely on support from the general public and organisations to help us support these individuals and their families.

The Charity's main aims are:

Facilitate research into the causes of Primordial Dwarfism and the complex life threatening medical issues.

Raise awareness amongst the general public, medical professions, support services and other interested parties.

Facilitate family support meetings to highlight life issues, concerns and remove the isolation families feels.

Identify those with Primordial Dwarfism and bring them into contact with other families and specialists.

Hold a yearly international event to bring families together to celebrate life and allow them to meet experts from around the world.

Provide trips out and events during the annual convention and also breaks for families needing respite.

Source out and financially assist with specialist equipment, toys, custom made clothes, costumes and furniture.

Create opportunities to allow individuals affected by Primordial Dwarfism to reach their full potential in life.

www.walkingwithgiants.org - enquiries@walkingwithgiants.org

www.facebook.com/walkingwithgiantsfoundation - www.twitter.com/wwgf_official

Tel: 0151 526 0134 - Po Box 85, Maghull, Liverpool, England, L31 6WW

Merseyside Landmarks

Continuing our series of articles looking at a number of Merseysides magnificent buildings and architecture. This month we take a look at The Cunard Building, which hosted Liverpool Law Society's Annual Dinner on 1st November.

One of the Three Graces (along with the Liver Building and the Port of Liverpool Building) The Cunard Building is a Grade II listed building, built between 1914 and 1917 and is part of Liverpool's UNESCO designated World Heritage Mercantile City.

The building was home to the Cunard Line until the 1960s. The Line commissioned the building of their new headquarters on the former St Georges Dock and was designed by architects William Edward Willink and Philip Coldwell Thicknesse. The Building was designed in an Italian Renaissance and Greek Revival style, and was based loosely on the style of the Farnese Palace in Rome.

The shipping company was founded in 1839 by Samuel Cunard, a shipowner from Halifax, Nova Scotia after he was awarded the first British transatlantic steamship mail contract. The company was known as the British and North American Royal Mail Steam-Packet Company, later changing its name to the Cunard Steamship Company. The first paddle steamer to cross the Atlantic to Halifax, Nova Scotia was the 'Unicorn' in May 1840.



The Lusitania

Cunard also built the Lusitania, Mauretania and the Carpathia* which were launched in 1907. They were the largest and fastest ships in the world and provided a weekly service from Liverpool to New York. Tragically the Lusitania was lost during WW1. In May 1915, the liner was near Kinsale in southern Ireland when she was torpedoed by the German submarine U-20. The Lusitania sank in under twenty minutes with the loss of 1191 lives.

The lower floors of the Cunard Building were used for for cruise liner passengers, including separate waiting rooms for first, second and third class passengers, luggage room and a booking hall. The top floors of the building housed the designers and the administration of the Line. During the Second World War, the sub-basement level of the Cunard Building was used as an air raid shelter for workers in the building and also for those from adjacent premises. The basement levels also served as the central Air Raid Precautions headquarters for Liverpool during the war.

At the side of the Cunard Building is the War Memorial which was built memory of the building's employees who died during both World Wars. The monument consists of a large bronze statue that sits atop a Doric style column, which is itself raised above the ground by a pedestal base. The statue was sculpted by Henry Alfred Pegram, an exponent of the New Sculpture movement. The Latin inscription on reads "pro patria", or, "for one's country".

In 1960 the Cunard Line moved its headquarters to Southampton and in 1965 the building was awarded Grade II* listed building status. In 1969 it was sold to Prudential. Liverpool City Council acquired the premises in 2014 and it is occupied by council staff but some sections are rented out to a variety of other organisations, including Lloyds Register and the Merseyside Rehabilitation Centre. Liverpool Law Society held its Annual Dinner in Cunard House, operated by Signature Living, who also run the 30 James Street Hotel, the old headquarters of the White Star Line Shipping Company.

In 2015 the Cunard Building provided the backdrop to the "Three Queens, One Magnificent City" which saw the 'Queen Mary 2', 'Queen Victoria' and 'Queen Elizabeth' sail up the River Mersey into Liverpool for Cunard's 175th anniversary.

Julia Baskerville

* Coincidentally I live across the road from the childhood home of the Sir Arthur Henry Rostron in Bolton who was the Captain of the Carpathia which was sent to rescue the survivors of the Titanic in 1912, which is marked with a Blue Plaque. He was eventually made Commander of the Cunard Fleet.



In 1934 the Cunard Steamship Company merged with the White Star Line and the company were provided with loans from the British Government to stay ahead of the increasing competition from the Italian, French and German shipping companies. The loans were used to complete work on the 'Queen Mary' and to build another ship, the 'Queen Elizabeth'. By the mid-1950s, Cunard were operating 12 ships to the United States and Canada.

One of the reasons cited for the success of the Cunard Line was its safety record. Other transatlantic lines failed after major accidents. The British and American Line collapsed after the 'SS President' sunk in a gale with the loss of 136 lives and the Great Western Steamship Company similarly failed after the 'Great Britain' ran aground at Dundrum Bay in County Down because of a navigation error. The ships were inspected regularly and Cunard's orders to its masters were, *"Your ship is loaded, take her; speed is nothing, follow your own road, deliver her safe, bring her back safe – safety is all that is required."*

The seafaring world was a superstitious one and it is said that the ship's Masters in the Cunard Building faced away from the River Mersey as it was considered unlucky, *"Watch a ship out of sight, and you will never see her again"*. Other superstitions included never changing a ship's name, no whistling on board (which was thought to bring wind), no bananas, no women or Priests, no redheads and most bizarrely, sailors believed that if the ship's cat licked its fur against the grain it meant a hailstorm was coming; if it sneezed, rain was on the way; and if it was frisky, the wind would soon blow!

Regulation Update

The latest regulation news from Michelle Garlick of Weightmans LLP



I hope those of you who have been able to get away over the half-term break have had a good time? So far this year, flights to/from my three holiday destinations have been either cancelled, re-routed or delayed for so long as to enable us to claim compensation (over 8 hours on our recent trip to Seville) so we haven't had the best of luck! It got me thinking though about the customer service. I can accept that occasionally there may be technical problems which mean that the plane can't fly or a replacement plane needs to be found which causes delay. What influences me about whether I will use the airline again is how they deal with those situations – do they inform the customers as soon as they are able to or do they leave you to guess that something might not be quite right when you arrive at the gate to board and there is no plane? Do they keep the customers up to date with information? Do they provide details about how to claim and deal with the claim promptly and fairly?

The same applies to how law firms deal with issues – no firm is perfect and problems will arise but its how you deal with them that will determine whether the client will feel able to use your services again. In a world of growing competition, this is fundamental to a firm's success.

Anyway, rant over. Here is an update on developments over the past month or so.

Transparency Guidance issued by SRA

Ahead of the new price transparency rules coming into effect in December, the SRA has issued guidance regarding price and service information to be made available on firms' websites. The guidance provides templates and best practice tips on publishing user friendly price and service information. As reported in previous updates, under the new rules, all regulated law firms carrying out certain work types will be required to proactively publish information on prices they charge and what these include. In addition, firms must also provide typical timescales for all quoted services and staff credentials. All of this information must be in an easily identifiable location on the firm's website.

Interestingly, and unhelpfully, nowhere in the guidance does it state the date that these rules come into effect but having made enquiries at the SRA, we have been informed that this will be on 2 December so there is not much time left to get your house (and websites!) in order.

Standard of Proof in SDT Proceedings

The proposed adoption of the civil standard of proof in SDT proceedings has enjoyed strong support from the SRA and Legal Services Board with significant push back from the Law Society. The Law Society has freshly stated their opposition in response to the

SDT's consultation. In support of their position they cited the SRA's prosecution rate, stating that the SRA enjoys the "highest prosecution success rate of any regulator we have found" citing the 96% conviction rate in 2016 as case in point. They stated that by virtue of the "draconian nature" of the SDT's powers, it is only proper that it is "sure of the facts in all cases" before striking off or indefinitely suspending a solicitor. They also bolstered their opposition to the proposal by discussing the very real consequences (both personally and financially) of being prosecuted by the SDT. In contrast, the SRA called for panels of a lay majority when sitting on SDT proceedings with the aim of supporting public confidence and removing the perception of a structural bias in favour of solicitors. They also repeated their support for the move away from the criminal burden of proof.

Insurance Distribution Directive

The SRA has published rules and accompanying guidance for dealing with the new Insurance Distribution Directive ("IDD") which came into effect on 1 October. The new set of rules will require firms engaging in insurance distribution to change the way that they work. The IDD replaces the Insurance Mediation Directive and those most affected are firms working in personal injury, conveyancing or probate. With the genesis of this regulation comes a new compliance role, the Insurance Distribution Officer, responsible for ensuring the firms compliance with the IDD. If you need help in complying with these new rules, please do not hesitate to get in touch.

Calls for Compliance Officer Protection

The Law Society has urged the SRA to provide specific protection for compliance officers who report their solicitors to the regulator. In responding to the SRA's consultation on the clarity of the reporting threshold, Chancery Lane asked the SRA to reinstate a requirement from a previous incarnation of the Code of Conduct which stated "you must not victimise a person for reporting your conduct to the SRA". Whilst perhaps most obviously addressing workplace harassment this would also prevent solicitors reported to the SRA from seeking legal redress if the allegations were in actuality unfounded.

Indemnity Insurance Renewal Date Sparks Rush of Mergers

The 1 October renewal date for indemnity insurance has sparked a rush of mergers and acquisitions being announced. I hope those of you who have a 1 October renewal date managed to secure a favourable premium but if you would have liked it to be better, then now is the time to think about what you can do to improve your risk profile. If you need any help in identifying the gaps, managing the risks and/or implementing improvements, do get in touch.

Disciplinary News

SRA loses Leigh day appeal

The most expensive and longest running ever disciplinary case between the SRA and Leigh Day solicitors has again been in the news with the SRA's appeal of the decision acquitting the respondents being dismissed.

Solicitor struck off following conviction for Income Tax fraud Dianna Lee who was handed a 2 year prison sentence in 2016 and was told she was "wholly unsuitable to be a solicitor" has now been struck off.

Ms Lee was found to have falsified information on her 2009 and 2010 income tax returns to over-claim tax repayments totalling £37,000. She did this by, amongst other fraudulent activities, fabricating invoices, letters and an employment contract to support her claims.

Even though it was found that Ms Lee had been suffering gravely from mental health issues for upwards of 20 years and one of the psychiatrists suggested Ms Lee was close to requiring compulsory detention for treatment concluded that it had to strike off Ms Lee. They stated that "Allowing (her) name to remain on the roll would have a significantly detrimental effect on the public confidence in the reputation of the legal profession."

"Dishonest as it could get" solicitor struck off

A solicitor whose conduct described by the SDT as "about as dishonest as it could get" has been struck off.

The tribunal found that Neil Adrian Aiston was in urgent need of

funds as he was facing an intervention into his firm. He persuaded a longstanding vulnerable client to make an unsecured loan of £175,000 to another client. In fact this money, unbeknownst to the vulnerable client, was to go back to the solicitor to fill a hole in his own client account. The £175,000 was never repaid and a claim by the second client is now with the Solicitors Compensation Fund.

Solicitor fined for ignoring money laundering duties

A solicitor who recklessly exposed his firm to the risk of money laundering has been fined £12,500 and costs of £9,100 by the SDT.

The tribunal heard that Amit Kumar Manibhai Patel only became aware that his firm had received seven payments from a third party, worth over £300,000, after he was contacted by the police. Mr Patel admitted failing to make the relevant enquiries about the source of funds and the identity of the payer, whom he did not know. He also admitted failing to have sufficient regard to his duties under the MLR and the SRA's warning notices on money laundering.

The tribunal found that Mr Patel's culpability was high, as he was "directly responsible for ensuring money laundering compliance" as the sole principle COLP and COFA for the firm and that his conduct risked his firm's client account "being abused for money laundering purposes".

That's all for this month – by the time the next edition comes round, we should know the LSB's decision on the SRA's proposed new Handbook so watch this space!

Michelle Garlick
Weightmans LLP

Liverpool Law Society

Training Room



Meeting Room



Both Rooms



Venue Hire

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

At Liverpool Law Society we can offer:

Professional working environment
Refreshments

Lunch ordering service
Audio Visual equipment

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

*Monday to Friday, 9.00am to 5.00pm. Additional charges apply for evening events.

Enquiries: roomhire@liverpoollawsociety.org.uk Tel: 0151 236 6998 Ext 33
Liverpool Law Society, Second Floor, Helix, Edmund Street, Liverpool, L3 9NY

Dealing with Sleep Problems

The third in a series of articles by LawCare, highlighting some of the mental health issues which can affect anyone. This month they offer advice on how to get enough sleep...

Stress can be a major cause of sleep problems. Addressing stress may help, but for some people there is no obvious reason why they are unable to get a good night's sleep. They may have trouble falling asleep, staying asleep, or wake up too early in the morning, feeling unrefreshed. Lack of sleep can make you feel exhausted and irritable, and unable to concentrate on simple tasks.

Research has shown that after people sleep, they tend to retain information and perform better on memory tasks. Our bodies require long periods of sleep in order to restore and rejuvenate, to grow muscle, repair tissue, and synthesise hormones. It may also help the subconscious to process the day's events. About two in three people experience occasional difficulty sleeping, and one in three experiences chronic problems. How much sleep we need also varies with the individual.

Why do we have problems sleeping?

Sleep problems are more common in women and in people over sixty, and may have several causes.

Snoring

Snoring is more likely to cause sleep problems for the partner or family. In some cases, losing weight can alleviate the problem. In addition, snorers should avoid alcohol and heavy meals before bedtime, and sleep on their side.

Restless Leg Syndrome

In this frustrating condition the legs feel tingly, and the individual has the urge to move them. Cutting out caffeine and alcohol, having a warm bath and massaging the legs before bedtime can help, as can iron supplements.

Depression or Anxiety

Poor sleep can be a symptom of depression or anxiety. If disrupted sleep is accompanied by an inability to find pleasure in hobbies or friends, lack of motivation or thoughts of self-harm, it is very important that you see your GP immediately.

Sleep disorders

Disorders such as narcolepsy (falling asleep during the day), sleep apnoea (blocked airway during sleep causing repeated sudden waking), and sleep parasomnias (abnormal movements, behaviors, emotions, perceptions or dreams) are relatively rare. See your GP if you are affected by these conditions.

Ten Tips for Better Sleep

1. Don't worry about not sleeping or label yourself with a condition
Don't tell yourself you have a sleep problem, which could create a self-fulfilling prophecy.

2. Keep a sleep log

People often underestimate the amount of sleep they actually get. It may not be as bad as you imagined. Some fitness trackers will monitor sleep, and you should also factor in any sleep you've had during the day.

3. Go to bed at a regular time

Decide what time you want to get up, and go to bed about eight hours before that.

4. Make your bedroom a sleep conducive environment

Your bedroom should be cool and dark, and your bed should be comfortable and supportive. Keep electronics out of the bedroom, although white noise or gentle music may help.

5. Get regular exercise

Research shows that exercise improves sleep and helps sleep disorders such as insomnia.

6. Manage your stress levels.

The more stressed you are, the harder you'll find it to switch off and get to sleep. Read our stress factsheet for tips on dealing with stress.

7. Have a wind down routine

Excessive amounts of caffeine, alcohol, rich food, physical or mental activity near bedtime will be counterproductive. Have an evening routine which is conducive to going to bed and involves relaxation and enjoyment for an hour or so. Ensuring you are prepared for the next day can help you to relax.

8. Clear your head

Get into the practice of quietening the mind at bedtime. The golden rule is that there should be "No thinking allowed" in the bedroom. All thinking should be done elsewhere, or in your office.

9. Practice Mind Mechanics

Keep a notebook by the bed to note down any thoughts which occur, and deal with them the following day. Replace those thoughts with visualisation of somewhere peaceful and relaxing. You could also look into mindfulness or meditation which can help you to sleep.

10. If you wake up in the night

When we wake up at night it is generally for a reason, often because we need to go to the toilet, so just get up and go. During this short period of semi wakefulness, don't allow your mind to start thinking.

Medication

Sleeping pills are most effective when used sparingly and for a short period of time, or "as needed" rather than on a daily basis. Many types have side-effects, and they should always be used with supervision by a GP, and only when everything else has failed.

Benzodiazepines: The oldest class of sleep medications and classed as sedative hypnotics. They are also used to treat anxiety disorders, and are known to be addictive.

Non-benzodiazepines: Almost as effective as benzodiazepines, but without some of the drawbacks, although side effects may include morning grogginess, headaches and rebound insomnia.

Circadin: Only for the over-55s, it contains melatonin, the hormone which regulates the circadian rhythm. It can be used for up to three weeks.

Anti-histamines: Anyone with allergies will know that anti-histamines make you drowsy. For this reason, most over-the-counter sleep remedies, such as Nytol, are based on anti-histamines.

Herbal Remedies: Herbal remedies which some people believe can help include lemon balm, lavender, St. John's Wort and camomile tea.

Counselling: A Harvard Medical School study showed that Cognitive Behavioural Therapy (CBT) was more effective than sleeping pills in aiding sleep. Relaxation techniques, including mindfulness, meditation, prayer, breathing exercises and hypnosis, can also be beneficial.

Contact us

Call LawCare's free, independent, confidential helpline on 0800 279 6888 for immediate support or visit www.lawcare.org.uk

Thanks to Tony Hackett at www.thesleepwellmethod.co.uk for his help with this factsheet.

S Code	Date	Time	November 2018	Speaker
S4068/9	6th	10-4	The essential guide to the SRA Risk Outlook 2018/19	Jo Morris
S4212	7th	1.30-4	The future of conveyancing – the view from the specialist property regulator	Sheila Kumar
S4094	14th	9.30-4	Clinical Negligence Conference Accredited by APIL Training	various
S4114	16th	9.30-12.45	Contract & Commercial Update	Chris Beanland
S4109	16th	1.30-4.45	Insolvency Update	Chris Beanland
S4000	21st	9.30-1.30	Conference for Legal Cashiers & Managers	various
S4241	23rd	2-4	Construction Law: procurement, procedure and	David Fearon
S4038	27th	9.30-12.45	Stamp Duty Land Tax	Richard Snape
S4039	27th	1.30-4.45	5 Tricky Areas in Conveyancing	Richard Snape

S Code	Date	Time	December 2018	Speaker
S4223	4th	9.30-12.45	Conveyancing Quality Scheme (CQS) To Lexcel (Version 6.1) - Taking the Final Steps	Tracy Thompson
S4001	5th	9.30—3.15	Occupational Disease Conference	Various

S Code	Date	Time	January 2019	Speaker
S4227	15th & 16th	9.30-4.45	**NEW** Introduction to Residential Property Law – Certificated 2 day Course	Ian Quayle
S4200	18th	1.30-4.30	Directors' Duties and Shareholder Remedies	Chris Beanland
S4246	22nd	9.30-12.45	Practice & Procedure in the Adults Magistrates Court	Colin Beaumont
S4247	22nd	1.30-4.30	Practice & Procedure in the Youth Court	Colin Beaumont
S4167	23rd	9.30-12.45	Conveyancing Update	Richard Snape
S4168	23rd	1.30-4.30	Commercial Property Update	Richard Snape
S4206	29th	10-12	An overview of Whistleblowing in Employment	Emma Tegerdine
S4207	29th	1-3	Advising on employment law issues in corporate transactions	Emma Tegerdine



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