

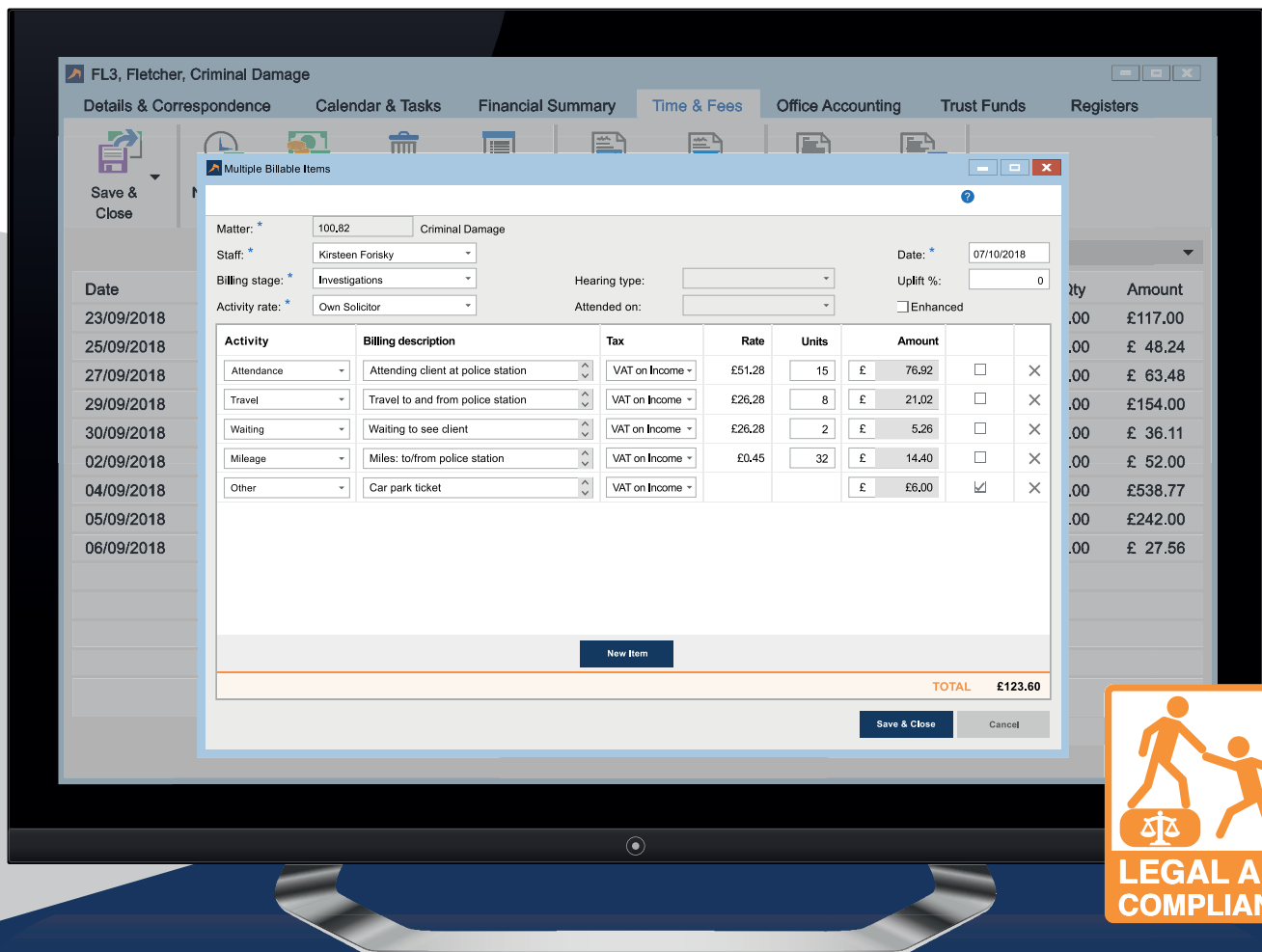
LIVERPOOL LAW



President's Review of the Year



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December 2018

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Liverpool Law Needs YOU!

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

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

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

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Welcome to the December edition of Liverpool Law. We've got another packed issue for you this month and now it IS December it's OK to finally mention Christmas!

I don't know about the rest of you but most years I look forward to things quietening down a bit in December, however this year several people have already mentioned to me that there doesn't seem to be any sign of that happening. December seems to be a fairly packed month too – so don't forget to tell us about what you and your firm are up to, and then hopefully everyone can have a chance to have a proper break at the end of the month and recharge their batteries. I look forward to seeing lots of you at the Christian Lawyers Carol Service on 17th December, which marks the start of Christmas week.

On 26th November the Liverpool Law Society AGM took place and it was great to see plenty of people there to hear about the last 12 months and what the directors of Liverpool Law Society need to have in mind for the future. I am sure you will all agree with me in saying that Nina has had a fabulous year as our President and I for one am very proud to have had her represent my interests locally and nationally during that time. Congratulations to her for an amazing, hardworking year, and also to those who were newly elected, or re-elected to the general committee. For those of you who couldn't make it to the AGM Nina has kindly shared her speech which is printed on pages 8 & 9. Our new committee takes office and our new President is inaugurated at the General Committee meeting on 11th December.

Welcome to the December 2018 edition of Liverpool Law

Thank you to all those who have contributed this month. We have several interesting articles about law and practice, which is good to see, and please do keep sending those in, as well as your firm's news and updates. Thank you also to John Schorah from Weightmans for being the subject of Leadership and the Law this month – don't forget if you are a Managing Partner, CEO or equivalent and would like to feature in that column then please do get in touch – we are looking for insights from leaders of all types, sizes and shapes of firms within our region.

We've also got updates from two of our specialist committees, Non-contentious business and Employment – if you want to know more or join those committees do get in touch with the staff at Helix. Also, if you have a charity which we have not featured in our Charity focus, maybe the charity your firm are supporting or one which is close to your heart for other reasons, then do put us in touch with them, we always like to spread the word about good causes and help them attract support.

Until next time.....Happy reading..... And whatever you are doing, have a wonderful peaceful and happy Christmas!

Alison

Alison Lobb
editor@liverpoollawsociety.org.uk

Editorial Committee Dates

Thursday 6th December

All meetings start at 1pm

Diary Dates

| | |
|------------------|--|
| Thurs 17 January | LLS Directors' meeting with LCR Local Authority councillors |
| Thurs 24 January | Newly qualified solicitors, CILEx fellows and pupil barristers celebration |
| Fri 25 January | Event to mark 100 years of Women in the Law |
| Mon 18 February | Legal Awards entries deadline at 12pm. |
| Weds 6 February | Pathways to the Legal Profession |
| Thurs 7 February | Family Law Judges Forum |
| Tues 26 February | Housing Disrepair Conference |
| Fri 8 March | LLS Directors' meeting with MPs |
| Weds 13 March | Costs Conference |
| Weds 27 March | Innovation Conference |
| Fri 17 May | Legal Awards black tie dinner & ceremony |

Content Deadlines 2018/19

14TH DEC
25TH JAN
22ND FEB
25TH MARCH
25TH APRIL

President's Mentions

The latest news from the President, Nina Ferris

This is my final column and I have mixed feelings. In some ways I will be glad to go back to real life but I will miss being your President. I have been inspired and humbled in equal measure at almost every event I have attended on your behalf. I have met some wonderful people, eaten some wonderful cheesecake and learned many things.

So here, in no particular order, are twelve things – some serious, some more trivial - that I have learned over the last twelve months.

YOU DON'T KNOW WHAT YOU DON'T KNOW until you lose the MJLD v LLS Quiz for the first time in trivia history. The Emlyn Williams shield of knowledge went to the MJLD team from 2020 Legal and I duly hung my head in shame.

THE PROVINCIALS ARE COMING Local Law Societies are working together across the country, in larger groups like the Joint V and in smaller local groups to benefit the profession as a whole and make sure that its not just the large London firms that are looked after when it comes to representation. I am amazed at the enthusiasm that comes from every local president that I have met and at the diversity in the ranks of local law society officers.

ONE GOOD DEED apparently deserves another. Our charity and CSR pages have been full this year with our members giving time, money, completing challenges or taking part in events including our own It's a Knockout in April and of course the Liverpool Legal Walk. The legal community in Liverpool is extremely generous and not only in terms of their charity work. The work that is done by our members in terms of promoting access to justice from supporting law centres and law clinics to helping raise awareness of what is fair in this city is extensive. LLS has become a living wage employer and is committed to the fair city policies and we continue to work to try to persuade the government of the failure of LASPO.

JUDGES ♥ LIVERPOOL We have had several visits this year from senior judiciary including the master of the Rolls' visit to give the Conkerton Memorial Lecture, the Chancellor and Vice Chancellor of the High Court for the opening of the new business and property court in Liverpool and Lord Leveson and the senior High Court Judges in the region for the opening of the new legal year as well as the regional employment tribunal judges for the forum at Helix. They have all commented on the warm welcome they receive from the legal community.

CRIME DOESN'T PAY My eyes were opened at the launch of the young legal aid lawyers social mobility study. The lack of funding for criminal legal aid in particular, but also for other areas, means that young lawyers despite having a passion for the area of law are simply not able to afford to pursue a career in many legal aid practices. This is a time bomb in term of representation as it is likely that in the near future there will be no new criminal practitioners to take over the mantle. It has been exacerbated by the disputes this year between the government and criminal advocates. It is a real threat access to justice and the rule of law and one which we must work towards overcoming.

BE EXCELLENT TO EACH OTHER – or just be excellent. Looking back through the pages of Liverpool Law over the last 12 months it is fantastic to see how many of our members and firms have been nominated for and won awards locally and nationally for their expertise. Culminating in the best showing ever from the region at the Law Society Excellence Awards. I always knew that we had great members, and those firms are getting the recognition they deserve.

REGULATION REGULATION REGULATION. OR NOT. It seems our beloved SRA is determined to sacrifice regulation and client protection for the sake of competition. With the proposals for lower compulsory PII thresholds and for solicitors to practice out of unregulated entities there is a danger of a two tier profession emerging. I am still waiting to hear how the proposals promote confidence in the profession and the rule of law.

GIRLS JUST WANNA ... be lawyers. We are coming up to the centenary of the admission of women to the legal professions. Women now make up 61% of new entrants each year and for the first time were in the majority of practising certificate holders throughout the whole solicitors' profession. We took part in several round tables organised by the national Law Society to feed into their report to be launched in spring next year. Although we are on the road to equality there is still work to do though in terms of representation of women at senior levels and in terms of representation of BAME, LGBTQ and disabled lawyers at all levels.

THE FUTURE IS BRIGHT Every time I have come across young or aspiring lawyers I have been amazed at the level of enthusiasm that there still is for the law. From the pathways event attended by over 150 pupils who asked insightful questions about entry to the profession to events with the Universities and of course our relationship with the fantastic MJLD which goes from strength to strength, I



believe that the emerging talent that we have in this city means that the legal community will go from strength to strength. I only hope that our firms can retain those young lawyers here in the city.

RISE OF THE MACHINES I have read with interest the various columns this year regarding the development of legal technology. It is clear that there is an appetite in the Liverpool City Region to do more, we need to connect those interested parties together. A good start has been made and the LEP are looking to promote this sector further. The best technology enhances our practices and the service we can give to clients – don't be afraid of it!

BE KIND. I was astounded at the statistics about the amount of calls LawCare, the mental health and wellbeing charity for the legal community, were taking from lawyers at the beginning of their careers. I was also disheartened to read the case of SRA v James and although the solicitors conduct was dishonest, hearing about the toxic, bullying culture of her firm really did make me wonder why the management were not being punished to the same extent. Wellbeing is high up the agenda and rightly so – there is no reason why legal professionals cannot be kinder to each other. The legal sustainability alliance has also shown us this year that we can be kinder to the planet by taking up some of their tips to reduce waste.

MY PRECIOUS – Everyone wants to see the jewel. As the months have gone by I am

continued on page 7

Helix Highlights

Pathways to the Legal Profession 2019

Work has begun on putting together the programme and speakers for what will be the 5th annual 'Pathways to the Legal Profession' event aimed at year 12 students. Invitations are sent to schools and colleges across Merseyside to attend this free event run by Liverpool Law Society. It enables students to hear about the different entry routes into the law and is a way by which Liverpool Law Society can encourage wider participation and diversity in the legal profession. I am pleased to say we once again have the support of the University of Liverpool, Liverpool John Moores University, the University of Law, Hill Dickinson, CILEx and it is kindly sponsored by Slater & Gordon. This event could not happen without all their support.

We usually have over 130 students and teachers attending from 20+ schools and we very much hope these numbers will be matched in 2019.

Collaboration

In other news, last month I met with Rich Smith, the Business Engagement Manager at the Liverpool & Sefton Chambers of Commerce. As many members will know, the Chambers of Commerce offer Liverpool Law Society corporate members a free affiliate membership of the Chambers. For details of the affiliate membership scheme please [click here](#). It was a useful meeting. We are looking at how our two organisations might work more closely together in 2019 for your benefit so watch this space.

Training seat exchange

Liverpool Law Society offers a

Trainee Seat Exchange noticeboard free to members as a way of assisting member firms interchange trainees. The aim is to provide more training contracts on Merseyside and beyond by facilitating an exchange between firms who may otherwise find it difficult to offer their trainees the requisite number of seats in both contentious and non-contentious work. Currently there is a trainee from MerseyTravel looking for a seat in criminal or civil, and there is a possibility of them offering a corporate seat. For details and to make an enquiry please [click here](#).

Legal Awards 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. For further information and to enter the awards, please [click here](#)

Finally, may I take this opportunity to wish you all a happy festive season and the very best for 2019.

Until the New Year,

Sarah

Sarah Poblete
CEO

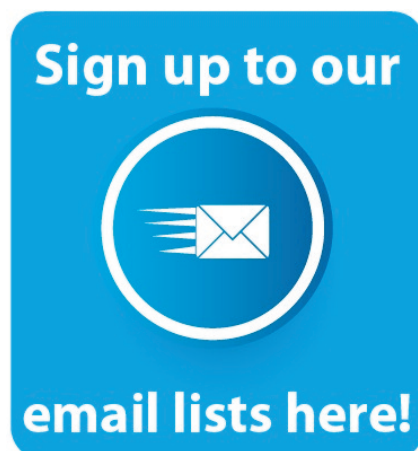
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CEO

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President's Mentions continued...

becoming ever more Gollum-like at the thought of handing over the jewel. It is an honour to wear a piece of history whenever I am representing LLS and its reputation as the most impressive local law society jewel precedes it. That's not to say I haven't been a little jealous at seeing some of the other paraphernalia of office that others get. Feathered tricorne hats, spurs, golden fur lined cloaks... unfortunately I have not persuaded the treasurer that we should have any other ceremonial dress. But I am determined to wield the sword of Lodz before the year is out!

And there it is. I look forward to reading the next President's columns over the course of 2019 and seeing what the next year has in store for our fabulous Society.

A final reminder that the lawyers carol service will take place on Monday 17th Dec at St Nicks and you and yours are all invited. Thank you again, and have a wonderful Christmas and New Year.

Nina Ferris
President

Sponsored by



Clinical Negligence Conference

Last month we held a Clinical Negligence Conference, which was accredited by APIL Training and very kindly chaired by HHJ Graham Wood QC.

The day began with Rebecca Sutton who discussed 'Expert Evidence: avoiding perils and pitfalls' followed by Professor Graeme Poston who provide the session 'Anatomy presumed, liability assumed? Cholecystectomy bile duct injury, can it be defended? After a short refreshment break David Pilling covered 'Causation & Consent'. Taking us up to lunch time, when delegates, speakers and sponsors then had the opportunity to network, whilst enjoying a light lunch.

The afternoon opened with Simon Royston who kindly provided a 'Medical Negligence in Ilizarov' session. He was followed by Professor Dominic Regan who covered both 'Costs in Clinical Negligence Cases' then after refreshments 'Proposals for Reforms'.

The last session of the day was from Dr Claire Tower who discussed 'Common issues in ante-natal care/labour'.

Thanks to all those who attended the event and of course the willingness and co-operation of all the excellent speakers.

Jo Downey
Director of Education & Training, Liverpool Law Society.



**Rebecca Sutton, Professor Graeme Poston,
HHJ Graham Wood QC & David Pilling**

Conference for Legal Cashiers & Managers



Paul McCluskey

On 21st November we held our annual Conference for Legal Cashiers & Managers. Having had such an extensive programme of related events throughout the year, we decided for 2018 it should be a half day event.

Sessions began with 'Identifying and Managing Financial Risk' with Sara Hutton, followed by 'Your cash room acting as a fee earner' with Paul McCluskey from sponsors Lloyds Bank.

Delegates then enjoyed coffee and pastries before Karen Hain from sponsors MHA Moore and Smalley covered 'Improving controls in your finance team & an introduction to the updated SRA Accounts Rules'. 'GDPR: How's it going' was provided by Shazia Zamir before the last session of the day from Jo Morris – who also kindly chaired the event, covering 'SRA Risk Outlook'.

Thanks again to sponsors Lloyds Bank and MHA Moore and Smalley to all those who attended the event and of course the willingness and co-operation of all the excellent speakers.

Jo Downey
Director of Education & Training,
Liverpool Law Society.



**Karen Hain, Paul McCluskey, Jo Morris &
Sara Hutton**

Liverpool Law Society's AGM

The Liverpool Law Society AGM took place on Monday 26th November 2018. Members and guests gathered and mingled over a light lunch before the President opened formal proceedings of the 191st AGM.

The election of the vacancies on the 2018/19 General Committee took place during the meeting. Many people don't realise that LLS is a company limited by guarantee and those elected become directors of that company with the associated duties owed by virtue of that position. The committee consists of between 14 and 27 directors and they must retire by rotation every three years with up to five being nominated for re-election.

This year three new committee members were elected – Amelia Hayden from Brabners, Ms Nadya Makarova from Brown Turner Ross and Ms Jennifer Powell from Weightmans. The President congratulated them and welcomed them to the General Committee.

Other formal business includes the approval of the accounts laid before the members. The Treasurer, David Tournafond delivered his report and said that the focus over the past year had remained on strengthening the Society's finances. David paid tribute to his predecessor Philip Rooney and the strategies he implemented during his time as Hon. Treasurer. In other news, David reported that the Society had examined its insurances and increased the breadth of cover to reflect current risks, staff and directors received anti-bribery training and had become a Living Wage Employer.

The President, Nina Ferris, then delivered her address, a copy of which appears below:

"I should be used to standing up and speaking to a crowd of lawyers now but let me tell you this doesn't get any easier. And when you know it's going to be printed out and out in the Society's records for posterity there is an extra bit of pressure to say something "Presidential".

I can't let this opportunity pass without formally thanking both the committee, particularly the officers and the chairs of the subcommittees who keep the wheels turning and keep people engaged. I also have to thank the staff at Liverpool Law Society, Sarah, Liz, Jo, Kimberly and Anne who work tirelessly to promote the society and to make sure that the books balance at the end of the year by putting on the events and training that so many of our members value. Thank you all.

We are entering an uncertain but exciting time for Liverpool, but there is clearly a buzz about our city and its ability to compete with the other large commercial centres outside of London. The baseline report and strategic priorities produced by Professional Liverpool and the Liverpool City Region LEP recently has found that the professional and Business Services sector, of which legal is a large part, is one of the most important sectors in the Liverpool City Region supporting 107,000 jobs in 12,000 companies and generates more than £8 billion in Gross Value Added – the largest sector in terms of GVA.

Growth in the sector is strong, business numbers are up 41% between 2010 and 2017, and this is reflected in the legal sector. We have seen new entrants to the legal and professional services market in Liverpool over the last 12 months on a scale that has not been seen for a long time. We have seen longstanding members change and evolve and it is up to the society to make sure that we continue to service the needs of those members old, new and evolving.

I am acutely aware that I am custodian of this Society and as such I did want to make sure that this year we built on what previous presidents have done so that the Society is in good shape and so that the next president and those after him can continue to build and improve to make sure that the society stays vibrant and relevant and continues to



Nina Ferris

be a lynchpin of the professional and business community in Liverpool.

To that end, I was also aware that I had a mandate to look at modernising the Society where it was needed (if it was needed) to make sure that its aims and its focus aligned with the modern state of the profession and the firms and organisations that our members practice in. That included looking at what we are here for in the first place and resulted in us publishing our vision and values, which I will repeat again here for posterity and so that future members can check whether we have continued to do things in the way that we agreed they should be done.

Our vision for Liverpool Law Society is of a modern, inclusive, professional organisation to represent, support and promote the practice of law in the Liverpool City Region. We do this by supporting and promoting members, lobbying on a wide variety of issues to local and national government and agencies, offering a year-round programme of legal training, networking and social events, undertaking charitable activities, promoting the practice of law in our region, attracting and retaining talent and clients in our region and championing access to justice for all.

We endeavour to make sure that our values are at the heart of all of the activities that we undertake. Those are: Integrity – doing the right thing in the right way; Promoting Community – shared ideals through shared history; and Respect – for each other, our clients and the rule of law. We believe that if we can keep those values at the heart of everything we do, the society and its members will be the richer for it.

The Society, solicitors and all those that practice law continue to face challenges. If I tell you that in preparing for this address, I read the AGM reports and addresses from 2008, 1998, 1968 and 1918, I don't think you would believe what challenges came from which year. You might however find it heartening, as I did to see that our values were reflected then in the challenges that were faced and overcome and can be used where those challenges are coming around again.

Challenges come around and continue to come around. The Society and its members survive and prosper because we are adaptable, we know when to change, we know how to change and we know when to stand against it. Most of the time – and I will come back to that shortly.



David Tournafond, Nina Ferris, Chris Topping, Julie O'Hare and Steven Zdolyn

One of the addresses had the theme of change and innovation. A word that I have said before, we think was invented by our generation. It talked of collaboration between the firms of the city and the city council to make sure that a back log of work being undertaken on compulsory acquisitions could be cleared so that the council could get the land and the public could get their money. It kept public faith in the system. Something perhaps akin to the work that we are doing now with law centres and the mayoral programme for fairness to make sure that access to justice is preserved in areas where funding is not always available. It also talked of radical proposals for reform to the way that solicitors qualify and to the way that solicitors may be asked to specialise resulting in firms becoming larger, more diverse and perhaps having to be regulated in different ways. That was no recent report, it came out of the 1968 report, a time that most would think was a part of a different world. But the challenges were not ones that we would not recognise.

Another president spoke about protecting the reputation of the profession and the fact that the "fat cat" accusation is damaging to the profession and to respect for the law itself. He said that we must improve the understanding of the public about what we do and the contribution that we make. It is disappointing that this was in 1998 and we still suffer from that reputation. It appears to me that this is something that we really do need to address and in a different way. We have maybe suffered from trying to get the public's attention over and again in the same way but expecting different results. I am hopeful that campaigns at a national level – particularly around access to advice and the protection of rights - will change the perception of lawyers, but we need to do it more on a local level. I would encourage all members to talk openly about how you help, that we are not all in it for ourselves, that we are a community and we support the wider community and to promote each other when there is good news.

In 2008 there was mention again of access to justice but also of our links with the National Law Society. This is a relationship that has blossomed and as part of the Joint Five, we do have a stronger voice in lobbying for change at a national level. That is something that we must continue to do. Whilst it may often seem that we are fighting a losing battle and that the SRA will implement change however damaging we may believe it to be, we must continue to make our voice heard. Our practice and regulatory committees continue to do fantastic work and have responded to over 30 consultations from the SRA, the Law Commission and government on topics as wide ranging as domestic abuse, reforms to the court estate, employment status, electronic execution of documents and internal governance. Most of these have a common theme and that is that we are trying to make sure that reforms that do take place are for the better and assist our clients and the wider public to uphold the rule of law.

This is where I have to take a slightly controversial approach and say that sometimes we may need to listen to an alternative approach perhaps from non-lawyers to enable us to change for the better. We need to be open to suggestions for change that may be for the better

and not simply close ranks if we don't like the sound of something. Sometimes change is proposed that we as lawyers do not like. It threatens the status quo, our way of doing things, but sometimes that is good. Sometimes with hindsight we look back and say "yes that was a good thing and we needed it to happen to make things better".

I take us back to 1918. The armistice was signed shortly before the report of the Society was printed. It was a time of enormous upheaval and uncertainty. It was unclear what the future would hold for the country, for the economy and therefore for lawyers. This Society along with other local law societies and the national council of the law society were lobbying for protections that would ensure that the rule of law was maintained. But there was one change that they were not prepared to put their name to. The Solicitors (Qualification of Women) Bill had been put to Parliament in 1917 by Lord Buckmaster, but failed to pass. It was resurrected in 1918 and succeeded in the House of Lords but was not proceeded with in the commons. On both occasions the Bill was opposed by the committee of the Liverpool Law Society, the Council of the Law Society and the Associated Provincial Law Societies.

In other words, very few lawyers were voting for this change. I have no doubt that it was because they were heavily engaged in the technical debate about whether a woman could in fact be a "person" within the meaning of the Solicitors Act 1843 and there was substantial precedent that clearly said that a woman was not a "person". So other, non-lawyers must have swelled the tide that finally got the Sex Disqualification (Removal) Act 1919 passed.

I appreciate that this was a unique set of circumstances asking for a fundamental change, but we should consider whenever changes to our profession are put to us, whether there is an alternative point of view that may carry some weight. Future members of our profession may judge us harshly for not having the foresight to make sweeping changes for the better.

I would hope that we have made progress in the intervening years. Although, having attended several round tables looking at how far women in the law have come and the challenges still faced, it is clear that there is work to be done, not just for women but for diversity in general. The profession needs role models and it needs real role models, not a superwoman or someone who has given up everything else to succeed. We need role models who can show that you can succeed in the law without giving up what it means to be yourself. We also need a few Lord Buckmasters to help force doors open and champion change to make our profession and by extension our Society more diverse and representative.

I believe that we have some of those role models within our membership and already on our committee. I thank the committee members for their support this year and would encourage others to join and be a part of this great community. I would encourage you to hold out those role models and celebrate them so that we can showcase to the future of our society what it means to be a part of the practice of law here in Liverpool.

We are again facing a time of huge uncertainty and upheaval, however we should be hopeful. Our predecessors in this society have faced these challenges before and not just survived, but thrived. There is no reason why Liverpool lawyers and this Society cannot make an opportunity out of this change by coming together to promote our city and the law and to create a great Society for future generations of lawyers."

The AGM is also a time to say thank you – to the President, to the directors and officers and to the LLS staff who work hard to make sure all of the society's events, services and benefits can be provided.

If you have an interest in shaping the profession, having a say on matters that affect lawyers and their businesses locally and nationally and promoting Liverpool lawyers, you should consider getting involved, perhaps by joining one of the specialist committees at Liverpool Law Society. You can find out more on our website [here](http://www.liverpoollawsociety.org.uk)

News from the Sub Committees

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

Employment Law Sub-Committee

The Employment Law Committee last met on 23rd October 2018 for a breakfast meeting (any meeting which starts with coffee, bacon sandwiches and pastries are good in my book). If the breakfast treats weren't enough to tempt attendees, we were once again kindly joined by Martin Mensah from Atlantic Chambers who gave another engaging and interesting presentation this time on the recent Supreme Court decision in *Lee v Ashers Baking Company Ltd (Ashers)* [2018] UKSC 49. In the so-called 'gay cake' case judges found in favour on appeal, that there was no discrimination on grounds of sexual orientation when a Belfast bakery, Ashers, run by evangelical Christians had refused to make a cake for Mr Lee, a gay man, emblazoned with the message "Support Gay Marriage" featuring the Sesame Street puppets Bert & Ernie.

Martin pointed out the importance of this case being in Northern Ireland. Mr Lee supports the campaign to legalise same-sex marriage in Northern Ireland. He wanted to take the cake to a private function organised by campaigners for same sex marriage in Northern Ireland marking International Day against Homophobia.

The judgment, delivered after the Supreme's Court's first hearing in Northern Ireland in May, reversed the earlier decision in Belfast county court and a Court of Appeal ruling that the company discriminated against Mr Lee on the grounds of sexual orientation.

The five justices of the Supreme Court – Lady Hale, Lord Mance, Lord Kerr, Lord Hodge and Lady Black – found the bakery did not refuse to fulfil Mr Lee's order because of his sexual orientation and therefore there was no discrimination on those grounds. The judges added that the business relationship between Mr Lee and Ashers did not involve people being refused jobs or services because of their religious faith.

Interesting quotes from the Judgment included Lady Hale "It is deeply humiliating, and an affront to human dignity, to deny someone a service because of that person's race, gender, disability, sexual orientation or any of the other protected personal characteristics. But that is not what happened in this case and it does the project of equal treatment no favours to seek to extend it beyond its proper scope."

Freedom of expression, as guaranteed by article 10 of the European convention on human rights, includes the right "not to express an opinion which one does not hold", Hale added. "This court has held that nobody should be forced to have or express a political opinion in which he does not believe," she said.

"The bakers could not refuse to supply their goods to Mr Lee because he was a gay man or supported gay marriage, but that is quite different from obliging them to supply a cake iced with a message with which they profoundly disagreed".

On another point on the case human rights campaigner Peter Tatchell, has said: "This verdict is a victory for freedom of expression. As well as meaning that Ashers cannot be legally forced to aid the promotion of same-sex marriage, it also means that gay bakers cannot be compelled by law to decorate cakes with anti-gay marriage slogans. "Although I profoundly disagree with Ashers' opposition to marriage equality, in a free society neither they nor

anyone else should be forced to facilitate a political idea that they oppose. The ruling does not permit anyone to discriminate against LGBT people. Such discrimination rightly remains unlawful."

Martin facilitated an interesting and practical discussion between committee members around whether we agreed with the judgement or not. Certainly the judgement has been seen as a surprise by most – both in the committee and generally among commentators. The fact that the case was in Northern Ireland, the only part of the UK or Ireland where same-sex marriage is outlawed, is thought to have played a strong part in the decision.

We moved on to consider any particular points members wanted to be fed back to the Tribunal User group. The Committee really does provide an excellent opportunity to feedback directly to the Tribunal any issues members are having in dealing with the Tribunal on a day to day basis. The consensus was that members are experiencing a significant delay in listings for cases over 1 day while the Tribunal continues to deal with the significant increase in cases.

An interesting discussion took place on a couple of matters in practice with the Committee once again being a valuable open forum to discuss with fellow practitioners any tricky areas members are experiencing and benefit from the shared combined experience of the group.

A consultation paper (HMRC) Employment Law Hearing Structures has been referred to the Committee for consideration with a closing date of 11th January 2019. We have arranged to get together on 29th November to get stuck in to this meaty and far reaching consultation paper in order to prepare a response on behalf of the Employment Committee of LLS. I will feedback in due course on the views we put together.

We all agreed that our quarterly Committee meetings will continue to take place as breakfast meetings at 8:30am – 9:30am in 2019 and I thank the staff of LLS for making this possible. We are yet to set the dates of the meetings for 2019 but I will confirm these in due course. On behalf of the Committee I offer a warm invite to any readers and members of LLS practising in Employment Law who are not members of the Committee to come along and get involved.



**Lindsey Knowles,
Kirwans,
Chair of Employment Law
Committee**

Non-Contentious Business Sub-Committee

Thursday 18 October 2018

We had a good meeting and discussed a variety of different issues relating to this sub-committee. I hope this summary gives a flavour of the areas we covered.

We discussed training and trying to identify dynamic speakers for seminars and the conferences- both private client and residential conveyancing. Jo Downey (LLS) confirmed the various offers which make LLS even better value for training especially the corporate offer and the season ticket.

We agreed that the LLS website is very good and more user friendly after the changes made earlier in the year. Jo also went over the social media channels and encouraged everyone to utilise this to increase awareness.

There are a number of hot topics and this is an extract of the relevant part of the minutes (thank you to Sarah Mansfield for doing these)

a) electronic execution of docs and Naomi drew the attention of the committee to a new consultation currently dealing with such issues. This new consultation will include Lasting Power of Attorneys (LPAs) for the first time and in the view of the Committee increases the risk of undue influence and other possibly fraudulent acts as it appears the aim is to remove solicitors and simply make the application an online application. This loses the link to a professional ensuring capacity is present and the reasons for the application are legitimate. Naomi made reference to an email from Ed Turner which raised his objections to the consultation changes and a short discussion took place. It was agreed that Sarah Mansfield and Michael Sandys will attend the meeting with MPs scheduled at LLS for Friday 19 October and raise specific points such as risk of undue influence, lack of protection to the person giving the power and the risk of abuse of the process. There was a concern over legitimate witnesses and an undermining of controls to prevent.

b) SRA requirements disclosure that must be public on websites by 2 December displaying prices and timescales – in particular residential conveyancing, con-contentious probate, debt recovery and licencing.

c) New Death Notification Service intended for non-lawyers and lawyers. The DNS is the contact point for some banks etc signing up to the scheme and it is meant to prevent multiple letters going out, as they inform all the relevant organisations such as RBS, Lloyds, NatWest, Barclays, HSBC, Nationwide etc but when tried by Naomi it didn't work. Requested all those who can to try it out and report back as it may have been teething issues.

d) Next time we will cover the case of SRA v Piers Matthew – relating to issues arising out of substantial legacies left to a solicitor executor.

e) Digital Local Land Charges Register – link to Liverpool but not to specific properties causes some issues unless careful consideration given to info inputted, otherwise gives off strange replies and can cost more as a result.

The next meeting is on Thursday 13 December at LLS at 13.00 hrs. if you would like to join us, please contact Ann Murphy at LLS, annmurphy@liverpoollawsociety.org.uk

Naomi Pinder
Chair



Liverpool Law Society

Conveyancing Update

with Richard Snape

on Wednesday 23rd January, 9.30am - 12.45pm

Conveyancing continues to undergo major changes and the course will aim to look at the most important changes and their effect on the conveyancer. In particular, ground rents are a cause for major concern and the Court of Appeal's decision in *Mishcon de Reya* is of extreme importance.

Topics covered include:

Court of Appeal decision in *Mishcon de Reya* and its consequences
New SRA and Law Society guidance on Money Laundering 2018
Law Society and Land Registry guidance on fraud and interim guidance in the light of *Mishcon de Reya*
Ground rent issues
Estate rentcharge issues in particular when reporting to lender
Japanese knotweed case law and its implications
VAT on searches
Responses to enquiries including compliance with the Protocol
Stamp Duty Land Tax and additional dwellings including changes made by the Finance Act 2018
First time buyer relief
Houses in multiple occupation including changes coming into force on 1st October 2018

Competencies: B Technical Legal Knowledge

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

Liverpool Law Society

Deeds of Variation

with Richard Oughton

on Friday 1st February,
3.15 - 4.30pm

A general guide to the law and practice on Deeds of Variation and related Inheritance Tax reliefs, with particular emphasis on:

Requirements and Non-requirements

Recent Developments, both statutory and in case-law
Drafting

Competencies: A1a, A4a&b, B2b&c & B4a, b, c, d

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

Leadership and the Law

Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, John Schorah, Managing Partner of Weightmans gives an insight into his role...

John became Weightmans' Managing Partner in 2013 and was re-elected in 2015 until 2019. Prior to that, he was Weightmans' Commercial Director for 6 years, overseeing the 300% growth in that part of the business during that time. John joined the firm having been a CEO of a listed public company in the entertainment industry.

During his time on Weightmans' board, John has overseen numerous firm acquisitions, opening of new offices, overhauled the partnership remuneration structure and seen the firm's overall revenues rise from £43.8m in 2007 to almost £100m in 2018.

1. Briefly describe your role as Managing Partner

My job is to ensure that Weightmans is a sustainable, thriving, progressive and dynamic commercial organisation. The role of Managing Partner is a key leadership position and has a significant impact on the culture and values of the firm – it is effectively the Chief Executive of the company who is answerable to the equity members as well as to the LLP. You are expected to lead by example and ensure that the role and contribution of all partners is both aligned with the firm's culture and values and is as beneficial as possible for the firm. I am responsible for ensuring that our strategy is fit for purpose - overseeing our plans and devising an organisational design that can deliver that strategy.

2. What do you like the most about your role?

I am very privileged to have had this role; there are few jobs that are so varied in dealing with so many aspects of the business internally and externally. You genuinely get to meet a wide variety of interesting people, listening to the challenges they have in running their business, and it is this variety which makes the job so interesting and rewarding. Within any 24 hours you can find yourself moving from tackling some real challenges in one moment, to discussing some really exciting opportunities in the next.

3. What are the biggest challenges?

Finding the balance in the partnership model, between long term investment needs and maximising short term profit, is a key challenge. Another is change. We all have to embrace change but constantly adapting to a rapidly changing business environment can be hard. We ask a lot from our people with regards to change, and we know it isn't easy.

4. What aspects of your firm are you the most proud of?

I am proud of our staff and all they achieve, and this year we were awarded the Top Employer Award by the Top Employers Institute for the eleventh year in a row, which really demonstrates our commitment to our teams and their development. Our client net promoter scores are currently double the average industry benchmarks too, which is a remarkable achievement.



John Schorah
Managing Partner, Weightmans

5. Where do you see the firm 10 years from now?

I guess we will be following the pack and growing beyond international reach - to interplanetary expansion with offices in Jupiter, Venus and Mars...

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

Black letter law will always be important but try to develop a broader skill base that reaches beyond being a legal subject matter expert. Always immerse yourself in client needs but remember - those who are driving success in legal businesses of the future will need also need skills in digital analysis and cognitive problem solving.

Liverpool Law Society

LEGAL AWARDS 2019

There are **14 Awards** to be won at the 2019 Legal Awards so why don't you and your firm take the time to shine...don't forget you have to be in it, to win it! The awards recognise the inspirational individuals, teams and firms in the region's legal sector.

Why enter the awards?

- Receive recognition for your hard work and successes
- Promote your business
- Acknowledge your team

Information & to nominate

Judging Panel

The Awards are open to members of Liverpool Law Society. 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.



Charity trustees and Chief Executives

New rules on automatic disqualification

"A Trustee's term of office as such automatically terminates if he or she is disqualified under the Charities Act from acting as a charity trustee" – or words to that effect – is a common provision in the trust deeds, constitutions and articles of association of charities.

But in what circumstances does this clause apply? On 1 August 2018, new rules came into force that extended the circumstances in which a charity trustee will be disqualified but also, extended the application of the automatic disqualification rules beyond the board of trustees.

This article examines the changes that have been made and offers some guidance as to the steps charities should take to ensure compliance.

Extending the disqualifying reasons

Prior to 1 August, section 178 of the Charities Act 2011 disqualified a person from acting as a trustee of a charity if they had an unspent conviction for an offence involving dishonesty or deception (section 178(a) – Case A).

In addition to this, section 178 listed five other cases where a person would be disqualified – Cases B to F – including where a person was adjudged bankrupt (Case B), had entered in arrangements with creditors (Case C), where a person had been removed from charity trusteeship by a Charity Commission order (Case D) and where a person is disqualified under the Company Directors Disqualification Act 1986 (Case F).

The new rules (originally set out in the Charities (Protection and Social Investment) Act 2016) have introduced a range of additional convictions that will disqualify a charity trustee, including:

- A range of terrorism offences;
- A money laundering offence under the Proceeds of Crime Act 2002;
- A bribery offence (under the

Bribery Act 2010);

- Offences of misconduct in a public office, perjury or perverting the course of justice;
- Contravening a Charity Commission order made under section 76 of the Charities Act 2011.

In addition to this, a person will also be disqualified if they are subject to the notification requirements of Part 2 (sections 80 to 136ZD) of the Sexual Offences Act 2003 – that is, someone whose name has been placed on the sex offenders register). This applies even if the offence is spent.

Further offences in relation to attempting, aiding or abetting the above mentioned offences will also result in disqualification and, the rules around bankruptcy, arrangements with creditors and removal by Charity Commission order continue to apply. Section 178 of the Charities Act 2011 should now be read alongside section 178A for the full range of reasons.

Extending the application

The extension of the disqualifying reasons might cause some surprise, but only to the extent that the new offences – terrorism offences for example – have only this year become grounds for automatic disqualification.

Perhaps the most significant change however is the extension of the automatic disqualification rules to those *"holding an office or employment in the charity with senior management functions"* (section 178(3) of the Charities Act 2011).

So who might this apply to?

The first point to make is that the application of the rules relates to a person's function, not their job title. Section 178(4)(a) states that an office or employment is a senior management function if it relates to the management of the charity, and the person holding that office or exercising that function is not responsible for it to another officer or employee (other than a charity

trustee or trustee for the charity).

Section 178(4)(b) extends this further to an office or function that involves control over money.

Clearly, the Chief Executive or Chief Finance Officer of a charity will be in the frame but it is possible that charities might find these rules extending to others. Large charities might split their operations on a regional basis with regional directors being equally responsible to the trustees for the day to day running of the charity. The new rules could apply to these regional directors.

A small charity on the other hand might employ a single Development Officer. This job title might not indicate that it is a managerial position, but if the person concerned has authority and responsibility for the day to day control and operation of the charity and the position is the most senior managerial position below the trustees, this too is likely to be caught by the new rules.

Steps to take

A charity trustee or senior manager who continues to act whilst disqualified will, in most cases, be committing a criminal offence. Conviction may lead to a fine, imprisonment or both. In the case of senior managers, acting whilst disqualified might also result in them having to repay any money received from the charity during the period they were disqualified.

Charities should therefore ensure that steps are taken to identify whether any trustees are affected by the extension of the disqualifying reasons as well as identifying the roles affected by the application to those carrying out senior management functions.

As a minimum, charities should ensure that trustees and senior managers are aware of the changes and that they have confirmed in writing that they are not disqualified as a result. However, a charity's activities



Graeme Hughes

(i.e. what it does, who it works with, where it works, etc) will determine the extent of the steps that a charity should take.

Independent checks can be carried out via a range of publicly available sources, including the Individual Insolvency Register, the register of disqualified directors and the register of persons who have been removed as a charity trustee. Criminal records can, of course, be obtained via the Disclosure and Barring Service (DBS) and where an office or post is eligible for a standard or enhanced DBS check, a check should be carried out to the fullest possible extent.

Charities should also review their recruitment procedures in order to ensure that appropriate checks are carried out on future employees taking up senior management functions as well as conducting checks on existing post-holders so as to ensure that they are not subject to disqualification. Existing contracts of employment with senior managers should also be considered and advice may need to be taken on varying their terms.

Waivers

Trustees or senior managers have the right to apply to the Charity Commission for a waiver from disqualification under section 181 of the Charities Act 2011.

The Charity Commission makes a decision about each waiver application on a case by case basis and the Commission will

make its decision based on what is in the best interests of the charity or charities covered by the waiver application, whilst also taking into account the risk of damage to public trust and confidence in a charity or charities.

There are some circumstances where a waiver is not possible, but if granted, a waiver brings a person's disqualification to an end in respect of either a named charity or charities, a class of charities with a shared characteristic or all charities – the extent of the waiver will depend on the nature of the application that has been made.

The coming into force of the new rules on 1 August 2018 was accompanied by new Charity Commission guidance and attempts to ensure that all charities were aware of the changes. We have however encountered a number of charities to whom the new rules have come as a surprise even after their implementation and so it is recommended that practitioners advising charities ensure that charity trustees understand the new rules.

Graeme Hughes

Graeme Hughes is an Associate Solicitor in the Charities and Social Enterprise Department at Brabners LLP. If you would like to discuss any of the points raised in this article or you have any questions concerning the new automatic disqualification rules or charity law generally please do not hesitate to contact Graeme on 0151 600 3079 or graeme.hughes@brabners.com.

LJMU's Legal Advice Centre relaunched

LJMU's Legal Advice Centre (LAC) recently reopened for the academic year, involving 120 students and 24 solicitor volunteers. The LAC has delivered close to £0.5M worth of legal advice to the local community since it was established in 2014.

Our relaunch event was held on 1st November 2018 in Blackburne House, with a fantastic turnout from our student and solicitor volunteers, as well as our colleagues from the third sector. Our panel speakers – HHJ Wood QC, Haley Farrell of Broudie Jackson Canter, Alan Kelly of Vauxhall Law Centre and Professor Joe Sim of LJMU – each spoke about their experience of dealing with unrepresented litigants and shared their views about the ways in which future lawyers can, and should, participate in pro bono work and what that means for their professional identity. The LAC is immensely fortunate to operate in a city where the goodwill of the local judiciary, profession and third sector provides so much support for those unable to afford legal advice, as well as for law students forming their



professional identities and profiles at a challenging time.

For more information about the LAC, the clinics we offer and how to get involved, please visit our new website: <https://www.ljmu.ac.uk/about-us/faculties/faculty-of-arts-professional-and-social-studies/school-of-law/legal-advice-centre> or contact Rachel Stalker, Senior Lecturer and LAC coordinator: r.stalker@ljmu.ac.uk.



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Liverpool Law Society
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*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
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Reviewing the 2018 Eighth CEDR Mediation Audit

by Joseph Mulrooney

The 2018 Eighth CEDR Mediation Audit has been released. In gathering the data CEDR received responses from 336 mediators. Their report states that this represents over 50% of the individual membership of the Civil Mediation Council. I'm a mediator and member of the CMC.

The aim of the survey was to assess how the mediation market, and attitudes towards mediation, have changed between 2016 – 2018. The aim of this article is to provide a brief review of the report, and to pull out some information that I feel might be of interest.

Mediation Marketplace

The 2018 Eighth CEDR Mediation Audit report finds that approximately 12,000 mediations take place each year in England and Wales. This represents an increase of 20% since 2016. The report confirms that direct ad hoc mediation referrals have stabilised since 2016, but the use of mediation schemes has risen by 45% since 2016 and now accounts for some 4500 mediations annually. Finally, the report confirms that 85% of all non-scheme commercial mediations are referred to just 200 mediators nationally.

Mediator Experience

Of the 336 mediators who responded to the survey, they could be split into 3 categories:-

- 62% = Advanced Mediators – described as 'reasonably' or 'very' experienced as lead mediator (up from 54% in 2016)
- 19% = Intermediates – described as having 'some' or 'limited' lead mediator experience (down from 22% in 2016)
- 19% = Novices – described as being qualified but having no experience as lead mediator. (down from 24% in 2016)

Mediator Diversity

- The average age of the female mediator has increased by one year to 51, whilst the average age of the male mediator has increased from 57 to 59.
- 35% of respondents to the survey were female (no change from 2016).

- 10% of respondents described themselves as black, Asian and minority ethnic.
- 49% of respondents were from the legal profession (up from 43% in 2016).
- 5% of mediators reported a disability
- 2% of mediators identified themselves as lesbian, gay or bisexual

Mediator Fees

The report finds that the average fee for a one-day mediation for the less experienced mediator is £1512.00 (down from £1545.00 in 2016), whilst the average for more experienced mediators is £3627.00 (down from £4500.00 in 2016).

Breaking down the figures in more detail, 44.6% of the average mediator fee for a one-day mediation was between £501.00 – £2000.00 (up from 34.8% in 2016). The next highest category was £2001.00 – £2500.00 which covered 18.2%. Pro bono work has reduced from 10.4% in 2016 to 3.1% in 2018 – I think this may reflect an increasing appreciation of the mediation process by those professions which engage it.

Mediator Characteristics

CEDR also surveyed lawyers to find what factors were most important in determining which mediator they would appoint. I set out below the top 5 in 2018 and, for comparison, the top 5 as they were in 2016:-

2016

1. Professional experience – experience & status
2. Professional reputation – mediation style
3. Sector experience
4. Fee levels
5. Professional background/qualifications

2018

1. Availability
2. Professional reputation – experience & status
3. Sector experience
4. Fee levels
5. Professional reputation – mediation style

Interestingly, in the 2018 CEDR Mediation Audit, 'Availability' has returned as the most important factor for an instructing solicitor in 2018, as it was in 2014. This might reflect closer relationships between solicitors and individual mediators who are able to work more closely together

Mediation Success Rate

Between 2016 – 2018, the overall success rate of civil and commercial mediation has increased to 89% (up from 86% in 2016), and the breakdown of this figure has changed slightly.

The proportion of cases that settle on the day of mediation has increased to 74% (from 67% in 2016), but the proportion of cases which settle shortly after mediation has fallen to 15% (from 19% in 2016).

The CEDR Mediation Audit report also finds that the work of a mediator for each mediation is now an average of 16.3 hours' work – a decrease of 2.3 hours compared with 2016.

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.

Mediator Performance

83% of civil and commercial mediators were rated by lawyers as performing 'quite well' or 'very well' (up from 81% in 2016). 4% were rated as performing less than adequately (down from 5% in 2016).

Mediator Style

The report found that whilst mediators still typically begin a mediation in a facilitative style they do tend to move towards a more evaluative approach when the process gets stuck.

Mediation Contribution Statistics

The report makes the following observations:-

- Ignoring mega-cases, the total value of mediated cases each year has increased from £10.5bn in 2016 to £11.5bn in 2018.
- Since 1990, when civil & commercial mediation was effectively launched in the UK, the total value of mediated cases is now almost £110bn (up from £85bn in 2016).
- By resolving disputes more quickly using mediation rather than going to court, commercial mediation is expected to save British business approximately £3bn each year in wasted management time, damaged relationships, lost productivity, and legal fees (up from £2.8bn per year in 2016).
- Since 1990 mediation has brought about savings of £28.5bn (up from £22.6bn in 2016).

In producing the above savings, the aggregate fee income value of the commercial mediation profession is now £30m (up from £26.5m in 2016).

Changes & Trends

25% of mediators reported a resistance, largely driven by lawyers, to joint sessions at the beginning of a mediation. However, a number found that joint sessions later in the day are becoming more common. Both lawyers and mediators noted that the quality of mediation bundles have declined and are being supplied to the mediator later than before.

Future Outlook

In terms of identified growth areas, the most common responses were:-

- commercial mediation
- workplace mediation
- professional negligence
- personal injury
- probate

Mediator Advice

Mediators were also asked what piece of advice they would like to give to participants if they were able to do so. Of the 150 responses, these were the most common:-

- Prepare for the day – not only by thinking about your needs and expectations but also doing the same thing thinking about your opponents. Read Getting Past No. Arrive early. Check the parking.
- Being in the right does not bring anybody closer to a mutually beneficial position.
- Reflect on the offer you are making to the other party – if this offer was put to you how would you feel? Is the offer realistic?
- Do more preparation! Come to the mediation with a properly executed risk assessment and a realistic range of acceptable outcomes, based on needs rather than just regurgitating a position that has already been stated in correspondence, pleadings and the position statement (which is frequently itself a rehash of the pleadings).
- I always want to tell very senior lawyers to try to take their own emotion out of the process – it isn't about them, it's about their client!

Solicitor Caseloads

Interestingly, the 2018 Eighth CEDR Mediation Audit asked lawyers to breakdown how their cases from the previous 12 months had settled. 45% of cases were reported to have been settled via mediation. The next highest form of settlement was via negotiated settlement before issue of court proceedings (24%), and then negotiated settlement – after issue of court proceedings (12%). Unsurprisingly, only 4% of cases settled at trial.

My Thoughts

The 2018 Eighth CEDR Mediation Audit shows that the mediation market continues to mature – schemes are becoming more widely used and may be part of the reason for the slight fall in mediation average fees.

The market for direct mediation referrals continues to be dominated by a small group of experienced mediators, but that group is growing. The CJC have previously consulted on the feasibility of making mediation mandatory. Further information is awaited but if a decision to make mediation mandatory is taken, then the entire market could change swiftly.

What isn't in doubt is the effectiveness and quality of the mediation process, and the overall quality of mediators in England and Wales. Accounting for 45% of settled cases, mediation appears to be an important tool for the average lawyer to call upon.

I'm happy to discuss mediation so feel free to get in touch.

Joseph Mulrooney

Mediatelegal is a panel of 10 expert mediators, offering national and international coverage. Mediatelegal is accredited to provide mediation services by both the Ministry of Justice and the Civil Mediation Council. www.mediatelegal.co.uk



Commercial Property Update

with Richard Snape
on Wednesday 23rd January, 1.30 - 4.30pm

Commercial Property has undergone major changes within the last 2 years. In particular, the last year has seen some very important case law and regulatory changes. The course aims to look at these changes.

Topics covered include:

- Recent commercial lease case law including break clauses, dilapidations and the Landlord and Tenant Act 1954
- Legionnaires Disease Reports
- Recent Village Green case law
- Leasehold minimum energy performance standard as of 2018
- The Electronic Communications Code 2017
- Assets of Community Value in the light of Banner Homes v St Albans
- The 3rd Edition Standard Commercial Property Conditions
- New 2018 CPSE Enquiries
- Recent case law on business rates and empty properties
- Recent case law on assets of community value

Competencies: B Technical Legal Knowledge

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

Resolution Merseyside

The dangers of relying on CETVs for pension offsetting

George Mathieson of Mathieson Consulting Ltd gave a valuable insight in to pension valuations in divorce. George explained that there has been a significant increase in claims made against solicitors in relation to pension offsetting orders. Essentially George confirmed that the pension CEV so frequently relied upon by family lawyers can be very misleading – in the case of money purchase pensions (personal and self-invested personal pensions, and the majority of company schemes such as Standard Life) the CEV is a matter of fact; however in the case of defined benefit/final salary schemes (mostly large company, public sector or career average earning schemes) they are a matter of opinion – and that opinion can vary significantly between experts.

For example on the face of it, spouses may have equal CETVs – one with a money purchase pension, and the other with a final salary pension. However although the CEV is equal, the actual income production from each pension could be very different.

It is often the case that where one spouse has a significantly higher pension than the other, there is an offsetting exercise whereby the party with the lesser pension will receive a higher share of the capital assets. However on inspection, despite the large disparity in CETVs, the schemes income productions could be equal.

In one example a pension yielding income of £35,000 per annum in 2016 was allocated a CEV of £796,657. In the following year, the pension had an income yield of £35,420 per annum (a growth of 1.2%) and yet was given a CEV of £1,162,453 – a 45.6% increase on the previous capital value allocated.

Whilst these examples are concerning, it is unnecessary for expert pension advice to be sought in every financial remedy case. If both parties have the same age and retirement age and both possess money purchase pensions, a report is unlikely to be necessary. Likewise if the parties are young, it does arguably become too

speculative to perform exercises attempting to gauge annual pension income provisions in the very distant. If the funds are of a fairly low value, then a report is likely to be disproportionate.

Although an expert report is not crucial to every case, the misleading nature of CETVs is something for all family lawyers to remain conscious of in every matter – the design of the Forms E encourages reliance upon CETVs but evidently we ought to be alert to the risk of offsetting on the basis of these values only. It is important that family lawyers cease to consider pension provisions as a capital asset (based on a potentially highly inaccurate CEV figure) and instead consider them to be exactly what they are, i.e. an income producing vehicle.

This was a very insightful talk and the notes are available for circulation should anybody who was not present wish to receive them.

No-Fault Divorce (Finally!) on the Horizon

Following on from George Mathieson was a positive update from Nigel Shepherd (Head of Family Law at Mills & Reeve and former National Chair of Resolution) on the progress of the no-fault divorce campaign. Nigel has rallied for divorce reform via Resolution for over 20 years and is therefore delighted to report that following the controversial *Owens v Owens* judgement in July of this year, a consultation is currently before the government and reform now looks to be tantalisingly close – clearly the hard work of Resolution has finally paid off. The consultation period closes on 10 December and any and all members of the public are able to complete an online survey to assist in providing the general view about the new statute.

The AGM was the last event for Merseyside Resolution this year until the fun re-commences on Thursday 21 February 2019 for our annual charity quiz, which will be held at City Wine Bar – the event is sure to be a sell-out and so tickets should be booked well in advance to avoid disappointment.

On behalf of the Resolution committee I would like to wish everyone a Merry Christmas and a Happy New Year.

Antonia Williamson,
Brabners LLP



2019 Charity Smartphone Quiz!

The world-famous (ish) Merseyside Resolution annual charity quiz returns with an all-new format

Thursday 21 February 2019 6pm
City Wine Bar, Old Hall Street

£10 per person entry – max 6 per team
Bring your own smartphone!

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Difficult decisions: the standard of proof in the SDT

In July 2018 the Solicitors Disciplinary Tribunal ("SDT") launched a consultation that asked whether it should change its rules to allow for the civil standard to be applied to cases it hears. At present, where the SDT is acting in a fact-finding capacity, cases are tested to the criminal standard of proof.

The debate on which standard is appropriate to regulatory decisions boils down to a balancing act between the risk to the public and the risk to individual solicitors. Is it in the public interest for a solicitor be exiled from the profession if it is more likely than not that they have done something sufficiently wrong to warrant it, but where there is still reasonable doubt? To put it a different way, does the need to protect the public demand that a solicitor is sent out of the profession where the SDT thinks the solicitor has probably done something seriously wrong, but isn't sure? Arguably, this is putting it in overly broad terms and so it is worth looking at the situation in closer detail, to better understand the implications.

Shifting sands

For more than a decade, the mood has been trending towards the adoption of the civil rather than the criminal standard of proof in regulatory decision-making. By 2010 and in the wake of the Shipman Inquiry, medical regulators that had been applying the criminal standard made the move to the civil standard. From 2010 onwards, the SRA started to use its newly enhanced disciplinary powers and opted to use the civil standard, enshrining its approach in the SRA Disciplinary Procedure Rules 2011.

In the absence of a specific written rule to follow, the SDT has looked to the common law to guide its approach; the courts have variously indicated that:

- they could not "envisage any body of professional men sitting in judgment on a colleague who would be content to condemn on a mere balance of probabilities";
- "where what is alleged is tantamount to a criminal offence, the tribunal should apply the criminal standard of proof, that is to say proof to the point where they feel sure that the charges are proved or, put in another way, proof beyond reasonable doubt";
- "the criminal standard of proof is the correct standard to be applied in all disciplinary proceedings concerning the legal profession, their lordships entertain no doubt"

These decisions demonstrate how the precise test has shown itself to be somewhat elusive. The shapeshifting standard has resulted in some forming the view that a sliding scale approach is appropriate, where the seriousness of the conduct and/or the outcomes dictate the height of the evidential hurdle to be overcome.

Since those decisions, Lady Hale held in a case relating to care proceedings that: *"There are some proceedings, though civil in form, whose nature is such that it is appropriate to apply the criminal standard of proof."* She stated that care proceedings are not of that nature, because *"They are not there to punish or to deter anyone"*, before adding that *"Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied in determining the facts. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies."* Lady Hale's comments seem to lay waste to the idea of a sliding scale standard of proof, but do leave open the possibility that the criminal standard of proof applies to regulatory proceedings. This is because, in the legal regulatory context, sanctions serve punitive and deterrent purposes, even if the primary aim of legal services regulation is to protect the public. In terms of the balance of probabilities test, Lady Hale seems to be saying that it involves a



Emma Walker

decision about the version of events that more probably took place, taking into account the inherent probabilities of the events having happened.

Looking to Europe, authorities from the European Court of Human Rights indicate that under Article 6 of the European Convention on Human Rights, professional conduct cases can qualify as a criminal complaint where a charge could result in the accused being struck off.

Ripe for reconsideration

At the end of 2016, Leggatt J indicated in a judgment on a matter on appeal from the SDT, where the latter was performing its review rather than its adjudication role, that he agreed with counsel for the SRA that *"the present situation in which the Tribunal, when acting as a primary fact-finder applies a different standard of proof from that which the SRA applies when carrying out that role is unsatisfactory and illogical."* He continued:

"I also see considerable force in the point that the climate and approach to professional regulation and discipline have changed since Re A Solicitor was decided. Persuasive as his submissions were, however, I would decline the invitation to express a concluded view on the question in the present case. To do so would require us to decide whether a previous decision of this court and a decision of the Privy Council should not now be followed. Those authorities do seem to me ripe for reconsideration. But not in a case where the Tribunal was not undertaking a primary fact-finding role so that the question of what

standard of proof is appropriate in that situation does not arise. In these circumstances, any views that we express on the point could only amount to obiter dicta and would have no binding force. As the former President of the Queen's Bench Division, Sir Anthony May, said when rejecting a previous attempt by [counsel] on behalf of the SRA to argue this point in a case where it did not affect the decision: "The court is not in the business of conducting academic seminars, because decisions which develop the law need to do so in cases where the point at issues matters." See Richards v The Law Society [2009] EWHC 2087 (Admin), para 21."

Looking at the case law then, it seems there is a basis in law for saying the criminal standard applies in disciplinary proceedings, but that there has also been a call for the approach to be reviewed.

Diverging destinies?

A little over six months after Leggatt J gave judgment in the High Court, the Bar Standards Board ("BSB") consulted on the standard of proof to be applied in its misconduct hearings. On publishing its response to the BSB's consultation, the SDT's President, Edward Nally, stated that:

"The SDT will remain the master of its own destiny in this debate. Its membership will do what it believes to be right in a rational, informed, evidence-based manner. The SDT will lead on the issue of the standard of proof applied in its proceedings on its own terms and in its own time and will not be distracted by the sometimes ill-informed rhetoric of others. The SDT is watching the BSB consultation with interest, recognising that the Bar's tribunal is a smaller body than the SDT with different issues."

The BSB has subsequently announced its decision to change the standard of proof and that from 1 April 2019, disciplinary proceedings for professional misconduct of those it regulates, will be subject to the civil standard of proof. Time will tell how the SDT has interpreted the BSB's decision and what decision it will arrive at for itself.

A matter of mechanics

Whatever decision is made by the SDT about the standard of proof, perhaps a more pertinent matter to consider is how decisions are actually arrived at, both by the regulator and later by the tribunal. Some have queried whether the standard of proof really makes a difference to a decision on the facts and, logically, that must be right where the facts are not in dispute. Digging deeper then, the actual mechanics of how the facts are arrived at are significant, which is why some have highlighted the importance of the forensic investigation stage and of there being a coherently articulated prosecution. Applying the Lady Hale approach considered above, where the fact-finder arrives at a decision about the version of events that more probably took place, taking into account the inherent probabilities, it is self-evident that the ability of the accused to understand what they are alleged to have done and to comprehensibly explain their conduct, will inform that evaluation process.

Once a decision is made about the facts, what matters next is the extent to which the conduct transgresses the standards of the profession and, where that has taken place, a decision as to the appropriate sanction for the behaviour. At the most severe end of the spectrum is the sanction to strike a solicitor off the Roll; an area of conduct where this frequently comes into focus, is in relation to dishonesty. This is because when the SDT makes a finding of dishonesty, the usual penalty is for the individual to be struck off the Roll, unless there are "exceptional circumstances".

A case of circumstances

What constitutes "exceptional circumstances" has been receiving scrutiny in the courts over the last few weeks. Appearing in the High Court on 31 October, counsel for the SRA argued that broadening the meaning of "exceptional circumstances" would make it difficult ever to strike a solicitor off the Roll when they were found to have acted dishonestly, saying: *"There is nothing unique about a solicitor suffering from stress at work. It is very sad but it is a fact of life... Solicitors must*

be able to conduct themselves honestly whatever is going on in their personal lives or with their health. The reputation of the profession demands no less." Can it really be right that any broadening of the meaning of "exceptional circumstances" will make it difficult to ever strike a solicitor from the Roll for dishonesty? Does the reputation of the profession really require such an inflexible stance and could it undermine rather than command the trust and respect of the public? Should it be accepted as a "fact of life" that solicitors are simply expected to endure stress at work?

In its judgment on the case, published on 13 November 2018, the High Court decided that in each of the three cases it was reviewing, the SDT had failed to carry out the balancing exercise it needed to carry out correctly, in order to decide whether exceptional circumstances justified a sanction short of strike-off, where each tribunal had made findings of dishonesty. Lord Justice Flaux explained:

"when the SDT came in each case to its evaluation of whether there were exceptional circumstances justifying a lesser sanction, it did not focus on those critical questions of the nature and extent of the dishonesty and degree of culpability and engage in the balancing exercise which the evaluation requires between those critical questions on the one hand and matters such as personal mitigation, health issues and working conditions on the other. Had it done so, it should have concluded that in none of these cases could the dishonesty be said to be momentary."

The significance of the judgment is that where a finding of dishonesty is made, neither mental health issues (specifically stress or depression) nor pressure of work or extreme working conditions (whether coupled with stress or depression, or not), can amount to exceptional circumstances justifying a sanction short of strike-off. Something more is needed to amount to exceptional circumstances, something that relates to the dishonesty itself, that is, the nature, scope and extent of the dishonesty; whether it was momentary, of benefit to the solicitor and whether it had an adverse impact on others. The precise elements that need to be balanced to decide if exceptional circumstances apply will be fact-specific. The judgment also points out that, in applying the Ivey dishonesty test, the SDT had to make findings about the actual states of mind of the respondents whose cases it heard. In the three cases the High Court was reviewing, the SDT had made findings that despite their mental health issues, each respondent knew the difference between honesty and dishonesty and they knew that what they done was dishonest.

When you consider the life-changing implications of a dishonesty finding for the individual, it is little wonder the criminal standard is considered by some, as the more appropriate hurdle. In deciding whether the criminal standard should be maintained, or its rules should be changed to allow for the civil standard to be applied, the SDT will need to balance the interests of the public and solicitors. In light of this latest judicial pronouncement reiterating the consequences of a finding of dishonesty, the decision the SDT needs to make seems all the more stark.

Emma Walker
Leigh Day

Emma Walker is an Associate Solicitor at Leigh Day, working in the firm's Regulatory & Disciplinary team. For over 3 ½ years, Emma worked as part of the team responding to the SRA's investigation and prosecution of Leigh Day.

In September 2018, Leigh Day launched its own Regulatory & Disciplinary team, in order to advise and support others with their compliance, regulatory and disciplinary needs. Emma forms part of that team.

Read the team's insights and updates online, via Twitter, or on LinkedIn.

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MSB acquires specialist social housing practice Knox Ellis

Liverpool law firm, MSB, is pushing forward with its rapid growth strategy announcing the acquisition of Widnes-based practice Knox Ellis, a UK leader in advising the social housing sector.

The move will take the number of employees at MSB to 135, and the firm will be looking to recruit new lawyers and assistants in its commercial and social housing departments in the coming months.

'Extremely professional'

Founded by Tom Knox and Sarah Ellis, Knox Ellis acts for private registered providers of social housing and local authorities on a range of leasehold and housing management, estate and asset management, and anti-social behaviour matters.

In the latest Legal 500, the definitive guide to the best lawyers and law firms in the country, the team at Knox Ellis was described as "extremely professional and customer focused" and "leave no stone unturned in achieving positive outcomes".

They bring with them a number of key clients in the sector, including Wythenshawe Community Housing Group, One Manchester and Plus Dane; as well as contracts across the North West worth a combined £750K. They are on target to hit £1m in

turnover in the next financial year.

Perfect fit

MSB is looking to increase its presence in the social housing sector and managing partner, Emma Carey, said the acquisition offered the "perfect fit".

She explained: "In the past few years we have grown significantly and last year we passed the £5m turnover barrier for the first time. Our growth has been steady and organic, and we've seen exponential growth in our family and property teams. Now we are committed to expanding our commercial offer, both in terms of services and resource. This acquisition is a key part of that strategy and has been some time in the making.

"Knox Ellis have developed a fantastic reputation acting for social landlords across the UK, but predominantly in the North of England.

"I'm thrilled to welcome Tom, Sarah and the rest of the team to the fold at MSB and I'm confident this joining of our two firms will pay huge dividends in the near future."

Key clients

Knox Ellis has 20 key clients and represent some of the largest registered providers in Manchester with a combined

housing stock of approximately 50,000, as well as leading providers in Merseyside including Magenta Living and Plus Dane. It's team of two in-house barristers, four solicitors and support staff will work closely with MSB's existing commercial and property teams.

Tom Knox said: "Sarah and I are very excited to join MSB – a firm with whom our vision and values are completely aligned.

"We will be continuing to build one of the most experienced and committed social housing teams in the North West, with the added benefit of increased resource and know-how. It means we can offer a complete service to registered providers to meet all of their needs. It is a hugely positive and welcome development that will present significant prospects for both our organisations."

Liverpool-based Donoghue Solicitors leads the way with Cyber Essentials accreditation

Donoghue Solicitors was recently awarded Cyber Essentials accreditation, becoming one of the first law firms in Merseyside to do so. The award certifies the firm's commitment to cyber security.

Cyber Essentials is the UK's cyber security assurance scheme. The National Cyber Security Centre, a division of Government Communications Headquarters (GCHQ), created and manages it. The scheme helps organisations adopt good practice on information security and protect against cyber-attacks. It can also help meet GDPR obligations.

Organisations must prove compliance in five areas of security and technical controls. These are:

1. Boundary Firewalls and Internet Gateways
2. Secure Configuration
3. Access Control
4. Malware Protection
5. Patch Management.

Kevin Donoghue, director of the Hatton Garden, Liverpool-based solicitors, explained the accreditation process. "It involved a review of our entire IT system, policies and procedures, as well as adopting the latest technology," he said. "We only applied for accreditation once we had completed all steps. An external Certifying Body appointed by the government vetted and approved our



Kevin Donoghue

submission. I am proud to say that we passed the certification process at the first attempt."

Mr Donoghue recommends the Cyber Essentials scheme to fellow Liverpool Law Society members. "It was worth it, despite the time, money, and staff resources we invested," he said. "To date, fewer than 2% of law firms nationwide have earned Cyber Essentials accreditation. Cyber risks are changing, and attacks are getting more sophisticated every day. Getting accredited shows our commitment to protecting clients' sensitive and personal information. This gives Donoghue Solicitors a competitive advantage in an increasingly online world."



Tom Knox of Knox Ellis and MSB managing partner, Emma Carey

Broudie Jackson Canter launches new Inquests and Inquiries Practice

Liverpool-based law firm Broudie Jackson Canter, part of the Jackson Lees Group, has launched a new practice specialising in Inquests and Inquiries – led by high-profile human rights lawyer Leanne Devine.

The firm, which specialises in civil liberties and social welfare, represented families in the Hillsborough disaster, and has launched the new practice to secure justice for people whose loved ones have died in custody or in state detention.

Leanne Devine has over 20 years' experience working in law and will lead the highly experienced team. She specialises in inquests related to Article 2 (the Right to Life) of the European Convention on Human Rights and has worked on a number of high-profile cases including representing bereaved families during the Hillsborough Disaster inquest from 2013 to 2016.

Leanne said: "We're delighted to be consolidating the firm's deep experience and expertise in inquest law with the launch of this new practice, which will provide people who have lost a loved one with access to specialist legal support when they need it most."

"Broudie Jackson Canter is renowned for our work in human rights and the firm is continuing to grow and thrive, bolstered by our outstanding reputation and the results we are able to deliver for our clients."

The new team draws on decades of experience working with people who have lost loved ones in police custody, state detention, and while sectioned – either voluntarily or under the care of Mental Health Services.

It includes experienced solicitor Nicola Brook, who has a background in Criminal Defence specialising in serious and complex crimes. Nicola has worked on cases including Hillsborough and is currently working on the investigations into the Birmingham Pub Bombings and the MEN Arena attack.

High profile human rights solicitor Elkan Abrahamson, who led the firm's investigation into Hillsborough and also acts for families involved in the Birmingham Pub Bombings Inquest and The



Lauren Bailey, Alice Stevens, Leanne Devine, Nicola Brook, Jenny Fraser, Paige Jones

Manchester Arena Bombings Inquest will also be part of the new Inquests and Inquiries team.

"As a firm, we are passionate about securing justice for people who have been bereaved in circumstances involving the state. As individuals challenging the establishment, our clients are often at their most vulnerable and in vital need of expert legal support and advice to understand their rights and the rights of the loved ones they have lost."

"Our team includes highly-experienced expert solicitors who have worked on some of Europe's biggest human rights cases – but one thing we have in common is our deeply-held commitment and passion for seeking justice for people who may feel they have exhausted all their options and have nowhere to turn," Leanne added.

The Jackson Lees Group is made up of Broudie Jackson Canter and Jackson Lees. The Group has over 260 employees across six offices in Merseyside and Manchester and is experiencing sustained growth.

Maxwell Hodge Solicitors appoint new Company Director

Maxwell Hodge Solicitors, which has eight offices across Merseyside and the Wirral, is delighted to announce the appointment of Kristina Stoddern as Company Director. The company, who have been established for over 150 years, already have four Directors on their Board.

Kristina, who is based at the company's Aintree office, commenced her employment with Maxwell Hodge in Aug 2005. She qualified as a Solicitor shortly thereafter in Sept 2005 and, in 2012, was appointed Leader of its "Disputes and Litigation", and "Personal Injury", Teams. Kristina has always enjoyed working within a Team and has endeavoured to ensure her clients are given the best quality of service possible, believing that a client's experience should be nothing but the highest.

More recently, Kristina has assisted the company with its business development, a role she has thoroughly enjoyed, and feels the next step as a Company Director is a natural progression.

On her appointment as Company Director, Kristina reported "I was delighted to be offered the opportunity to join the Board of Directors at Maxwell Hodge. I have worked in the practice since qualifying as a solicitor and have worked my way up the ranks. I am excited to assist the Board in taking the business forward and couldn't ask for a better team of fellow Directors and Staff around me."

Simon Leyland, Chief Executive Officer and Company Director,



L-R: Directors – Kristina Stoddern, Michael Danby, Denise Scoular, Simon Leyland (CEO) and Claire Banks

reported "The Board of Maxwell Hodge are delighted to welcome Kristina as a Director and Shareholder of the Company. We look forward to the energy and enthusiasm we know she will bring to the management of Maxwell Hodge."

Hill Dickinson appoints Jonathan Brown as Chairman

Leading commercial law firm Hill Dickinson has today announced the appointment of Jonathan Brown as Non-Executive Chairman with effect from 1 November 2018.

Having been with the firm for eight years, Jonathan brings to the role over 25 years' of commercial and corporate experience, working with a variety of clients both in the UK and internationally on a wide range of matters, specialising in corporate finance and M & A transactions. Jonathan has also extensive experience as a Non-Executive Director and Board Adviser.

Jonathan succeeds David Wareing who has been a Senior Partner and Chairman of the firm since 2011.

During that time David has led the firm through successful responses to the changing markets in which it operates. Now benefiting from the implementation of a comprehensive growth strategy, the firm is very much focused on partnering with clients to deliver commercial solutions in a wide range of specialist markets.

Jonathan is currently head of the Liverpool Corporate Team and was elected as Chairman by the partners of Hill Dickinson.

Speaking on the appointment, CEO Peter Jackson said: 'Hill Dickinson has been fortunate to have had benefit of David Wareing's counsel, guidance and commitment as Senior Partner and more recently Chairman, and we thank him sincerely for his service. David will continue to head the firm's Marine Business Group.'

'I am delighted to be able to welcome Jonathan to the role and I am very confident that the firm is well placed to grow and realise our vision for in the future.'



Jonathan Brown



AI Survey for Liverpool City Region

There is a survey for local Professional & Business Sector firms to help Liverpool LEP & partners understand the adoption and opportunity of artificial intelligence in Liverpool City Region. It has 10 questions and will take less than 3 minutes to complete. It will allow us to better understand the planning, implementation and use of artificial intelligence and related tech in local PBS firms.

<https://www.surveymonkey.co.uk/r/F8XG5NG>

Solicitors Firm Sees 65% Increase in Deals as Companies Move into the North West

A North West law firm has reported a 65% increase in deals across the region's SME's over the last 12 months. MLP Law has seen the number of deals they have acted for increase significantly over the 12 months to September 2018 compared to the same period ending in 2017.

The firm saw an increase across all types of transactions, but particularly in Management Buy Outs and a trend of Employee Owned Companies. The number of deals the firm's six-strong corporate and commercial team acted on ranged across all sectors, however the tech, digital, hospitality and engineering sectors were particularly active during the 12 month period. As well as a number of deals taking place between North West companies, the firm has also reported a growing number of businesses from outside the region moving in.

Stephen Attree, Managing Director at MLP Law said: "The deals market has been slowly picking up pace over the past two to three years but we've noticed this accelerate over the last 12 months.

"We've particularly seen transactions pick up at the smaller end of the SME scale – with several deals in the £2 - £5 million bracket.

"The trend for businesses either buying into or buying out companies in the region has been one we've been interested to observe. The North West is a great place both to live and to do business and it seems a growing number of companies are recognising this."

The figures come following a busy period for the Altrincham-based firm, which itself has been involved in a transaction over the last 18 months. In June 2017, MLP Law announced a deal which saw them acquire WH Lill; taking on its partners and staff and bringing the firm's overall headcount up to 46.

Having recently added two new solicitors to their commercial department, MLP is looking to further bolster its team to support growth plans over the coming 12 months.

Known for their specialism in the tech, digital, healthcare and hospitality sectors, MLP Law has four offices across the North West – in Altrincham, Liverpool, Lymm, and Media City.

Morecrofts retain quality mark

Morecrofts have retained Lexcel accreditation for the 17th year.

The accreditation, which is backed by The National Law Society, sees select legal firms recognised for excellence in practice management, risk management, staff compliance and financial procedures.

Morecrofts was one of the first law firms in the country to receive the accreditation when it was first launched in 2002.

Business operations partner Julie Johnson said: "Achieving the Lexcel mark of approval with outstanding feedback every year is a great achievement. It is a reflection of how hard all our teams at Morecrofts work to ensure we are handling client's cases with the utmost confidence and to the highest possible standards.

"Lexcel is a quality mark of high importance to us, as it shows that Morecrofts continues to lead the way as an outstanding firm."

Kash Mahmood shares his views on the Race, Religion, Culture and the Children Act 1989

Introduction

Since the 16th century, Lady Justice has often been depicted wearing a blindfold. The blindfold represents impartiality and to apply the law fairly and justly. However, Justice should not only be done but it should be seen to be done.

Those from a BAME (black, Asian minority ethnic) background who have gone through the family Justice system argue that justice cannot be done when those that assess, represent and ultimately judge the family are not from similar backgrounds.

So should Lady Justice blindfold be removed to see the world as she really is?

Diversity

Population diversity in the UK is as wide as it has ever been. British history is full of diverse people living in our lands. From the invaders of the Romans and Vikings to the immigration workers of the 60s and 70s.

The race riots of the 80s reinforced not only the differences but the problems we as a society had in dealing with such issues. It's no coincidence that the Children Act was designed in the 80s and deals with one of the issues of the time and in this article I look at how race, religion and culture affected our community and the laws on the law relating to children.

In the 1990s, Britain's population grew by 4%. 73% of this growth was due to minority ethnic groups, and from 80s to 90s there was an increase of 34 percent. The most recent Census in 2011 highlights that in England and Wales of a population of nearly 65 million, 80 per cent of the population were white British.

Asian (Pakistani, Indian, Bangladeshi, other) 'groups' made up 6.8 per cent of the population; black groups 3.4 per cent; Chinese groups 0.7 per cent, Arab groups 0.4 per cent and other groups 0.6 per cent. To put it into context in 2001, 8 per cent of the UK population belonged to a non-white ethnic where as you can see today it is 20 per cent

Race Religion or Culture

The first question is what is the difference between Race Religion and Culture.

Race has many definitions, and some may say is an outdated concept when dealing with the modern world, not that it isn't relevant but that classification of people into categories defined by race is unnecessary.

As a noun it can be an arbitrary classification of modern humans. It is its arbitrary sense then we need to consider the importance of Race in context of religion and culture. Can you have religion and culture without race? Surely race is intrinsically based upon culture or is it the other way around. My point being is that whether you call it race or culture, or use both, is not the point. It is the understand of what the words mean, is important. For that I suggest we look at the other two. Religion and culture are easily recognised. Religion is based upon a specific fundamental set of beliefs and practices which in the main religions are set down in holy books. Culture however is the behaviours and beliefs characteristic of a particular group.

There is a certain cross over because of the word beliefs and that is why this concept is hard to differentiate. Culture often occurs over a generation or so where the practices of a certain group of people become the norm. Most people consider a narrow-minded view of culture as tribes and how they live their lives. Whilst that may be true, it is also true of any society that has certain behaviours. Can we call the antics of the right wing fanatics, or the current problems where people are drawn to Syria to fight a holy war, as culture?

But an important question is why do we need to differentiate between the two?

One person's religion is another person's culture and can be just as important. But just as the example above, we are tolerant of others religion and beliefs but not fanaticism, even if they call it culture or, probably more correctly, a cult.

Section 1 of the Children Act 1989, often called the welfare test makes no particular reference to race, religion and culture but this is considered under section 1 (3)(d) Background and any other characteristic.

The point is that whether a characteristic or background (as set out in the Children Act) is a race, religion or culture, makes no difference. The importance is that we recognise that characteristic for what it is, important. That is why the Act didn't define characteristic or background any further nor to include race religion and culture.

So where do we go

The issue is now we know what not to look for, we can look for the issues that matter. The family's characteristic or background is based upon their upbringing.

It is vital that any tribunal, advisors and Cafcass officer is aware of that upbringing. The difficulty is that despite that population diversity, the diversity is not reflected in Family Justice, in particular the Judges, lawyers and Cafcass officers.

From my own profession and the Latest Law Society Diversity data: There has been an increase in the proportion of black, Asian and minority ethnic (BAME) lawyers working in law firms, now one in five lawyers. This is up 7%, from 14% in 2014 to 21% in 2017.

Christians form the largest proportion of all lawyers at 51% . Those who had no religion or belief (including those reporting as atheists) form the second largest group at 30%, up from 29% in 2014.

The next largest faith group is Muslim up from 5% in 2014 to 8% in 2017. The remaining faith groups are 3% for Jewish and Hindu groups, 2% for Sikh and other faith groups and 1% for Buddhist.

From the 80s onwards to the 21st century, those migratory families started to have children and those children had the difficult time of being born in England to immigrants. They were neither British or their parents' culture. They were stuck in between. They were brought up as British because they lived here, but also not British by their parents who wanted their children to retain their heritage. Those children had a 50-50 identity crisis.

What was difficult to impose on those children was British culture when they had parents forcing their own. There is no one solution.

The other issue is that even when there are professionals available who can provide valuable insight, they are being ignored.

Magistrates who sit are ensured there not just male or females so why not also consider ethnic diversity. Even as I have mentioned that the numbers are low, then should we look at positive discrimination so that where cases are brought before the tribunal which clearly have ethnicity issues then there should be a representative available, or positively promoted. Prior and in the 70s the large migration population either had no children or brought their children with them. The culture and identity was vital to them living in Britain at that time. The children were also imbedded in that culture

So I suggest we need to be the eyes for Lady Justice. Ensure that Justice is seen to be done, not in our eyes, but of those who we represent, assess and judge.

Kash Mahmood
Solicitor
SolicitorHelp.com

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:
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Liverpool BID Company

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

It is with great excitement that I announce that we will shortly be appointing some new members to the Liverpool BID Company Commercial District BID operating board - meaning we will enter 2019 with some new faces who all share in our vision to improve Liverpool city centre for the benefit of our levy payers, employees and visitors. Commercial District BID incorporates the area in and around Castle Street, Old Hall Street and St Paul's Square.

I am delighted to say that we had a substantial number of applications from a variety of sectors within the Commercial District BID and beyond. The successful applicants will join the current board members at the January meeting together with the newly-appointed deputy chair, Sean Keyes, from Sutcliffe, and a dedicated BID team led by our chief executive, Bill Addy.

In the Commercial District BID, in which I became chair earlier this year, our levy payers continue to see the huge benefits brought by the additional services provided by the BID Street Rangers and the BID Safety Partnership initiatives, in which we work closely with our partners at Liverpool City Council and Merseyside Police. The BID Street Rangers launched this year in response to the needs of the BID levy payers, who called for additional street cleansing and maintenance across the BID areas. Their success relies on strong footfall and an environment fit to trade, and this investment helps meet that demand. The rangers have also become a familiar, friendly face among our levy payers.

Exciting art and animation - including the unveiling of the Liverpool Plinth back in April, Celebrating Castle Street and Food & Drink Week, the Christmas decorations - including supporting the Christmas trees in St Paul's Square and Exchange Flags and the Christmas lights on the trees throughout the area - we continue to encourage more visitors into the area. This forms part of our place-making strategy to raise the profile of the Commercial District within a city region context, as a destination to visit, live, work and invest in by working with our levy payers and organisations in the city such as Liverpool Biennial and Marketing Liverpool. We also continue to facilitate support for businesses within the district, with an emphasis on business growth and employee wellbeing initiatives and training.

We are half way through the current Commercial District BID term which ends in 2021 and it is great to see how our £3.5 masterplan set out in the 2016-2021 Business Plan becoming a reality.



We are half way through the current Commercial District BID term which ends in 2021 and it is great to see how our £3.5 masterplan set out in the 2016-2021 Business Plan becoming a reality. In 2019 we will continue to capitalise on the good work already done, continue to support our levy payers, across the wide range of sectors that we represent, and help safeguard the future growth of the district through our involvement in the Commercial District SRF (Spatial Regeneration Framework), which aims to attract investment into the area and improve its connectivity with other key developments across the city region, including Liverpool Waters.

I should also mention our sister BID - Retail & Leisure BID - and its triumphant Ballot win in the summer, when 66% of our levy payers voted yes for a fourth BID term, to operate until 2023. This was a huge vote of confidence in the ongoing work the BID does to improve our city centre.

To find out more about what Liverpool BID Company does please visit www.liverpoolbidcompany.com

And join us on social media: Twitter - @LpoolBIDcompany / Facebook - LiverpoolBIDCompany / Instagram - LiverpoolBIDCompany / LinkedIn - Liverpool BID Company

Julie Johnson
Chair of Commercial District BID, delivered by Liverpool BID Company, and BID executive board member



How your clients can get an “EU Visa” to stay, live and work in Spain, and therefore have free movement across the Schengen area through property investment in Spain

As Brexit approaches, there are more and more British citizens who are thinking about applying for an EU Passport. Those with Irish or Continental ancestors are applying for EU passports to ensure that they can remain in the EU. However, there is another way to have free movement within Europe that may prove of interest for your clients who may be also looking at investing in property in Spain.

Spain launched in September 2013 the “Golden Visa” program to attract foreign investors.

The investment can be through a) Spanish public debt (€2,000,000), b) shares of Spanish Companies (€1,000,000); c) shares and deposits in Spanish banking financial institutions (€1,000,000); d) entrepreneurial projects in Spain (considered to be of general interest) and finally, e) through investment in real estate (from €500,000 onwards). What is a Golden Visa in a real estate transaction?

This is a residence Visa for non-European investors acquired by the purchase of a Spanish property (€500,000 per investor). It offers the possibility to reside and work in Spain for one year, after which the investor can apply for Residence Permission for two years, and 5 years renewal successively. The interesting thing is that it does not require to reside in Spain and there is no need to live permanently in Spain while holding the Visa.

Which are the advantages?

Apart from the right to live and work in Spain (which means security and wealth benefits established in European countries and even the possibility to set up a business under the European economy) it also

gives the applicant free movement across the Schengen area.

Golden Visa benefits also apply to spouses (and unmarried partners), children under 18 and children over 18 and ascendants, if there are evidences that they are dependent of the investor.

Furthermore, in case the applicant decides to live permanently in Spain, after ten years it would be possible for the applicant to obtain Spanish nationality and therefore Spanish passport (conditions apply) Which are the main requirements?

- Legal entry or presence in the country at the time of making the application.
- Legal Age (over 18 years old)
- Have a public or private medical insurance with an insurance company that operates in Spain.
- Have enough financial resources for the applicant and the family (around 2,200€/month per investor plus 550€/month per relatives)
- Have a NIE number (Spanish Tax Number) which can be obtained from Spain or in the UK.
- Invest in a Spanish property with a minimum value of €500,000€ free of charges, liens and encumbrances.
- Other requirements may apply such as absence of criminal records, etc

This program has had an incredible acceptance and popularity: since 2013 around two thousand Golden Visas have been granted after property purchases in Spain.

If you have clients that may be interested in this program, we would recommend contacting a Spanish Lawyer in the UK for advice to 1) analyse their circumstances and inform you or your client if a Golden Visa can be obtained; 2) assist you with the property transaction and NIE application and finally, 3) assist your client with the application.



Claudia Font & Antonio Guillen
Partners at gunnercooke and co-
founders of Spanish Desk
In collaboration with Paula
Rodriguez, intern assistant at
gunnercooke

claudia.font@gunnercooke.com
www.gunnercooke.com

Winner, Large Law Firm of the Year at The Law Society Excellence Awards 2018



****NEW** Family Judges Forum 2019**

with HHJ de Haas QC, HHJ Greensmith & DJ O'Neill
on Thursday 7th February, 5.30pm - 7pm

Liverpool Law Society is hosting a Family Law Judges' Forum where solicitors, barristers and associates can put their questions to: **HHJ Margaret de Haas QC, HHJ Andrew Greensmith and DJ Philip O'Neill**

This is a unique opportunity to interact informally with the judiciary. Solicitors and barristers are invited to submit questions in advance, in writing, to the Society's Family Law Specialist Committee. These will be forwarded to the judiciary so they may fully consider the questions and prepare responses. If there is time on the evening, Judges may also answer some ad-hoc questions too.

The closing date for the receipt of questions is 18.01.19.

The Judges' Forum will last for approximately 1.5 hours.

Refreshments will be available on arrival from 5pm the Forum will start at 5.30pm, attendees are then encouraged to network informally post event (refreshments will again be available).

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

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



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- ✓ Free photo of one of your partners/associates in the UIA Directory
- ✓ 50% discount on all advertising in the UIA Directory
- ✓ Licence to use the UIA logo on all your firm's digital and physical marketing collateral
- ✓ Recognition as supporter of UIA IROL (Institute of Rule of Law)
- ✓ 10 copies of the UIA magazine *Juriste International*
- ✓ 10 copies of the UIA Directory



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Why Quill's software development team invests heavily in Interactive Documents

By Julian Bryan, Managing Director, Quill

The legal profession is never static. With always-evolving legislation, increasingly demanding clients and growing numbers of aggressive competitors, change is never far afoot. To thrive in such challenging conditions, law firms rely more than ever before upon technology.

One constant thread in this sea of change is the written word. You see, the law is all about the written word. Every single task performed by a solicitor involves the written word in some form. Law firms are document-intensive by nature and every fee earner is a content factory generating document after document as they progress through live matters, be it a client care letter sent to a new customer, completion statement in a commercial conveyancing matter, divorce petition for a matrimonial case, last will and testament for a private client or anything in between.

It thus follows that the primary role of technology is to help legal practices manage the written word effectively. Software's role is to apply as much automation as possible to generating, storing, transmitting and finding the written word including time recording throughout each of these stages. Speed and accuracy are absolutely essential.

The quicker and easier it is to produce, save, share and locate this expanding library of documents, the better for everyone, from the lawyer who can concentrate on client-facing work thereby boosting earning capacity to the compliance officer who can plan for business continuity thereby meeting Code of Conduct obligations.

Because of this, no legal software supplier can afford to be complacent about development. At Quill, software development is something we take really seriously and invest considerable resources in doing. We have 12 dedicated employees in our software development team. Led by our IT Director, **Richard Salt**, it's their responsibility to research new technologies and industry trends then develop our applications in order to keep Quill at the forefront of innovation and enable our clients to control the written word to the best of their ability.

Our R&D staff understand the pressures faced by today's law firms and continually enhance our Interactive Cloud and Interactive Documents software – comprising **case management, legal accounts and document management features** – to empower them to work more efficiently, save administration time, spend longer earning fees, reduce operating costs and a whole raft of other benefits which drive both greater productivity (so your clients are happy!) and profitability (so your partners and investors are happy too!).

With regards to the written word, Interactive Documents – our intuitive document management module – provides tight integration between Interactive, Word and Outlook – called our Add-Ins – which allows you to spend your working day in familiar Microsoft applications with full links to Interactive's database, templates and document store. Technology that constantly advances is a must-have tool for

any forward-thinking law firm. Not only because of the productivity advantages delivered, but also for safety reasons. Without ongoing security patches and bug fixes, you're vulnerable to the rising volumes of threats from hackers and cybercriminals whose sole purpose it is to disrupt (even ruin) your business. Software development, then, is a future-proofing promise that, whatever changes and challenges come your way, your software supplier's got your back.

At its core, our Interactive Documents gives unique integration between Interactive Cloud, Word and Outlook saving users re-entering data as a key, but by no means only, benefit. But more recently a myriad of new features have been introduced to Interactive Documents and we're going to describe just a few of them here.

We've created conversion to PDF and attachment as PDF functionality. As you'll no doubt know, PDF is a secure file format. Documents of this type can't be edited by recipients. In Interactive, it's a one button task; job done.

Using the Interactive Add-Ins in Outlook makes tasks such as this really straightforward. By simply hitting the 'New Quill Email' then 'Attach From Quill' buttons located in the top toolbar of Outlook, single or multiple documents can be attached as PDFs even if you haven't previously converted files to PDF format. At this point, you haven't formally logged in to Interactive itself either; you're using the well-known Microsoft interface instead which you're at liberty to do all day long, should you please.

We've established an entire series of document and precedent templates comprising everything from credit control letters and identification forms to requests to extend time and receipt of money acknowledgements. These templates are supplied as standard with Interactive Documents. You can also choose to set up your own bespoke templates, link to merge fields in Interactive then auto-populate content direct from your database.

In the same vein, popular forms packs can be purchased too as an optional extra. Linked closely to Interactive, these forms offer even more auto-database population for documents related to each of the common steps in particular matters.

This has to be one of the biggest draws of document management software – the ability to generate documents and letters in minutes. Where Interactive Documents is concerned, the same applies to emails. Ready-made email templates allow emails to be written, recipients selected from handy drop-down lists, documents attached and the entire communication saved straight back to case effortlessly, all from within Outlook itself.

In fact, you can even now do so from within Word. Auto-email the document you've been working on directly to the client, opposition, expert witness or any combination without switching between systems.

Integrated attendance notes are another enhancement. Either

when saving a just-completed document, receiving a document or later, the notes field permits the addition of attendance notes – that's a description of discussions, meetings or events that have taken place – relating to that specific document.

There are two main advantages of attendance notes. One, the important notes are logged both for future reference and to support your accompanying time record so there's no chance of forgetting further down the line. Two, entering your attendance notes as you go along saves you an extra task and negates the need for double billing which assists with client satisfaction.

Time recording generally is worth a mention. Our overhauled Interactive Documents lets you make time entries at various touchpoints when writing, uploading or dispatching case-related documentation and correspondence. With the ability to perform these stages quickly, you can record more units of time than the task has actually taken to bill clients appropriately for actions completed and boost chargeable time in the process. In other words, do less and earn more.

These are just a few of many improvements to Interactive Documents. To refer to some others, you can set up calendar events from Word and Outlook with reminders to ensure defined milestones are met; maintain a full audit trail with version-control-stamped documents; assign colours, labels and preview before opening to locate the right documents with ease; access your cloud-stored documents from anywhere with an internet connection to become more mobile; tailor sub folders to your preferences so Interactive mirrors how you work; store unlimited quantities of documents, emails and images without taking up valuable space on your own servers; protect your vital records with industrial-strength security measures and in-built disaster recovery planning; and much, much more besides.

The combination of these multiple features means you can run your legal practice competitively, with minimum support staff, at low cost. A 'Lite' version of Interactive Documents is provided as part of your Interactive licence fee. Alternatively, an advanced 'Professional' version is charged at just £17 per user per month for full integration with the Microsoft Office suite. Exploit our heavy financial investment in Interactive Documents without breaking your bank. The written word; sorted.



Julian Bryan joined Quill as Managing Director in 2012 and is also the Chair of the Legal Software Suppliers Association. Quill is the UK's largest outsourced legal cashiering provider with 40 years' experience supplying outsourcing services and software to the legal profession.

QUILL
INTERACTIVE

Practice & Procedure in the Adults' Magistrates' Court with Colin Beaumont

on Tuesday 22nd January, 10am - 12.45pm

This course will cover the very latest practice and procedural points in the Adult Court.

The following items are merely a sample of that which will be covered:

Advising the client at the first listing of the case in relation to credit following the publication of the 'Reduction in sentence for an early Guilty Plea' document published by the Sentencing Council and effective from the 1st June 2017
The 2 circumstances in which the Magistrates' are asked to consider mandatory minimum sentences in their Court
The important case of Dougall and the CPS [2018] EWHC 1367 (Admin)
New Guidelines concerning Bladed Articles and Offensive Weapons – effective from the 1st June 2018
Re-openings under Section 142 of the Magistrates' Courts Act 1980 and the interesting case of The Queen on the application of Lucy Poskitt and Reading Magistrates' Court [2018] EW HC 984 (Admin)

Competencies: A1 (a) – (e), A4 (a) (b), A5 (a) – (e), B1 (a) – (c), B5 (a) – (h), C1 (d)

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

Practice & Procedure in the Youth Court

with Colin Beaumont

on Tuesday 22nd January, 1.30 - 4.30pm

This course will cover the very latest practice and procedural points in the Youth Court.

The following items are merely a sample of that which will be covered:

Advising the client at the first listing of the case in relation to credit following the publication of the 'Reduction in sentence for an early Guilty Plea' document published by the Sentencing Council and effective from the 1st June 2017
The 2 circumstances in which the Magistrates' are asked to consider mandatory minimum sentences in the Youth Court
New Guidelines concerning the Sentencing of Children and Young People issued by the Sentencing Council and operative from the 1st June 2017
New Guidelines concerning Bladed Articles and Offensive Weapons – effective from the 1st June 2018
The practice and procedure now of a Grave Crime in the Youth Court

Competencies: A1 (a) – (e), A4 (a) (b), A5 (a) – (e), B1 (a) – (c), B5 (a) – (h), C1 (d)

For further details or to book, [click here](#)



Sinking Feeling: What are the risks with coal mining subsidence?

A new study has highlighted the extent of coal mining risk to residential and commercial properties and how they still exert a dangerous and hidden influence below our feet.

Supporting the launch of the new Premium Plus CON29M Report from Future Climate Info, data partners Terraforma have undertaken some compelling analysis which shows why conveyancers must continue to take mining searches seriously in affected areas.

The infographic (above) shows that almost a third of buildings (29%) in the UK are underlain by coal mines. This has translated to approximately £40 million of damages paid out to properties in the last decade that have been affected by subsidence in these areas. And this pattern of subsidence varies wildly, with increasing attention being paid to the role of sinkholes from previously unrecorded mines.

Coal mining has taken two forms – Deep and Shallow Mining. Much of the UK's deep mining activity took place at the beginning of the last century and has, in general, been better regulated, recorded and remediated. This has resulted in a wide range of subsidence impacts after closure of the workings, as well as ongoing management of those mines affected by gas emissions and rising water.

To the homeowner, while subsidence will affect their enjoyment of the home, the good news is that there should generally be little impact on insurance costs and excesses.

The Coal Authority has an unlimited liability on remediating collapsed shafts and adits from coal mining, since it was created in 1994. In some parts of East Nottinghamshire, over 75% of the properties in a village have at least one subsidence claim on title. These are ongoing, with damage claims of over £9 million paid out to homeowners in 2016 and 2017.

Hidden Risk, Close Encounters

But the real culprit is shallow mining. The main problem is that most of these much older workings were unrecorded, in terms of their location, their depth and the angle at which they were worked. Because they were informal, they were easier to start, meaning that they are also prolific. Our data partner, Terraforma, state that over 1.5 million properties are situated above recorded shallow mining works and a further 1.25 million buildings could be situated above suspected shallow mining.

The first time anyone is likely to know they are there is when a sinkhole opens up. Every year, more than 500 of these coal mining sinkholes appear across the UK, from the valleys of South Wales to the suburbs of Newcastle and their impact can be devastating to home and business owners alike.

Developers often neglected the potential for shallow mining to cause future ground movement and damage when properties were built, typically between the 1970s and 1990s. It is in these estates that mining-related sinkholes most often occur.

But new builds today are also getting caught up in this hidden shallow mining legacy. In 2018, the Coal Authority will pay its largest ever damage claim out to homeowners on the Bayfield Estate in West Allotment, Newcastle.

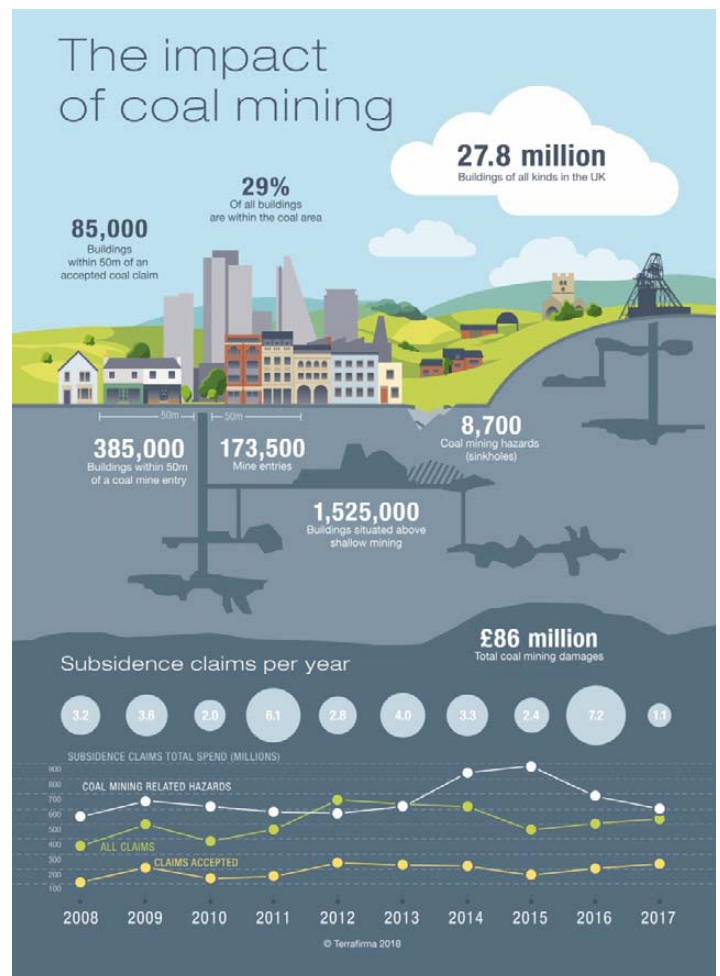
Families were originally evacuated in June 2016 and then permanently relocated in January 2017 after severe mining subsidence damage initially threatened five properties, later extending to a further 15 properties. In January 2017, five houses on the estate were demolished, with a further 10 scheduled for demolition, costing £95,000, with a total housing development loss of value of around £3 million.

These shallow mine workings were not documented by The Coal Authority and the risks were not evident during preliminary due diligence when the land was originally purchased or later when the houses were constructed.

Opening the Property Value Chasm

Mine entries are vertical (shaft) or horizontal (adit) entrances to underground mines. They are numerous, poorly documented and often unreliably capped. There are some 172,000 recorded coal mine entries, but there could be the same or more that were unrecorded or badly filled. It is likely that this would cause a highly localised hole rather than widespread impact to foundations, but still represents a potential health and safety hazard in a garden or yard.

More importantly though, it's the public perception of a nearby mine entry that



could have the biggest material effect – and this means the value to the property or the inability to sell it once purchased.

According to Terraforma, surveyors have estimated the following reduction in property values due to mine entries (even without subsidence) in the last 30 years:

- An uncapped or unfilled mine entry recorded close or on the property could impact value by up to up to 30%.
- An uncapped/unfilled mine entry adjacent to a property could impact property value up to 20%.
- A capped/filled mine entry recorded within or under a property, may impact value up to 10%.
- A capped/filled mine entry recorded adjacent to a property, may impact value up to 5%.

Will it affect your Client?

To better understand these risks, a new breed of CON29M report, such as the Premium Plus CON29M available from Future Climate Info, now offers a clear, professional opinion for lenders, conveyancers and homeowners alike. It may be that the risk is minimal and the opinion can give all parties confidence. It may reveal hidden risk and an influence that you want to head off before exchange.

Fully compliant and Law Society Approved, it is backed by Coal Authority data and interpretation of coal mining risk by Terraforma and Environmental risk assessment from Future Climate Info - The Premium Plus CON29M is the definitive combined environmental and coal mining search for conveyancers.

For more information on Future Climate Info's Premium Plus CON29M report contact us on 01732 755 180 or email us at info@futureclimateinfo.com

A powerful combination of full environmental & coal mining risk

- One complete search
- Saves time & money
- Simple product choice
- Clear & concise
- Fewer 'Further Actions'
- Next steps guidance
- Innovative solutions
- Expert customer service

Premium Plus CON29M
CON29M | Environmental | Flood | Ground Stability | Energy & Infrastructure

Report Details

Address:
5, Some Street, Some Town,
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 |
| <p>Identified coal mining activity:</p> <ul style="list-style-type: none"> 1.01 Past underground coal mining 1.04 Shafts and adits (mine entries) | |
| 2. ENVIRONMENTAL | PASS |
| <p>No further recommendations</p> | |
| 3. FLOOD | PASS |
| <p>No further recommendations</p> | |
| 4. GROUND STABILITY | PASS |
| <p>No further recommendations</p> | |
| 5. ENERGY & INFRASTRUCTURE | PASS |
| <p>Consideration(s):</p> <ul style="list-style-type: none"> 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.

Assessed by:

FCI Risk Tools

www.futureclimateinfo.com/team

Regulated by RICS

If you require assistance, please contact your Search Provider or alternatively contact FCI directly with your Report ID. Tel 01732 755 180 | Email: info@futureclimateinfo.com | Web: www.futureclimateinfo.com

Premium Plus CON29M

From £80 + VAT⁽¹⁾

Contains all of the information from the Premium report, including data on Energy & infrastructure, Environmental, Flood, Ground Stability and now includes the all-new CON29M 2018.

| 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. | |

For more information on FCI's suite of products, visit:

www.futureclimateinfo.com, call +44 (0)1732 755 180 or email info@futureclimateinfo.com



(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.

Regulated by RICS

Have yourself a very Green Christmas ... but don't spare the chocolate

By the time this edition of Liverpool Law hits your inbox Christmas will be just around the corner and all the usual pre-Christmas hype and panic will be in full swing. I am a fully paid up Christmas fan – I love it. I love the lights in the streets, the trees bedecked with baubles, chocolate advent calendars and the OTT Christmas adverts. However, as a committed environmentalist I have always tried to make my festivities joyful and sustainable – although not always with total success. There was the year that all my presents were wrapped in newspaper and bound with old scraps of knitting wool (not a good look) and then the Sound of Music inspired now infamous brown paper with potato print wrapping tied up with string which failed to achieve the boho look I had envisaged. Not to mention the home-made crackers which went phut rather than bang - lets gloss over and move on.

A Green Christmas doesn't have to be glitter and sparkle free. There are lots of ways to reduce your carbon impact that will probably not even be noticed by the resident Christmas elf and will save you money and stress and hopefully safeguard your wellbeing as well as the planet.

But before I share my top tips on a low carbon Christmas, it is worth taking a moment or two to reflect on why not entering the full on seasonal binge of shopping and waste is a good idea.

The Xmas waste mountain grows every year: according to the Huffington Post this year we will throw away the equivalent of 3.3million Emperor penguins weight in plastic packaging that won't be recycled – an eye watering 114,000 tonnes.

If you wanted to cover Brighton and Hove or Sunderland or Swansea in wrapping paper you would need 88 square kms worth or the amount of paper that will be wrapped around and then torn off our presents this year.

The UK uses 300,000 tonnes of card packaging at Christmas - the equivalent weight of two million reindeer.

250 tonnes of Christmas trees are thrown away which could be shredded and used for compost.

It's not just wrapping and decorations that get wasted. Food has its own terrifying set of stats and nestling at the heart of them are the dreaded Christmas sprouts. I fess up now I have never liked brussel sprouts no matter how you disguise them or in what form you dish them up – they are banished from my festive table but it seems I am not alone. A quarter of the population claim to hate them as much as I do yet we harvest a third of our yearly crop just for Christmas Day. I have nothing against farmers who grow them or diners who like them but for those who are on the sprout fence do the decent thing and don't contribute to the waste pile of these little green demons which each year generates enough kWh to power an average home for 3 years! I rest my case.

It doesn't stop there – ReFood estimate that food waste from Turkey (1,315 tonnes) would generate over 23 years of power for our average house while Mince Pies would contribute 6 years and Christmas pudding over a year. I think the message is clear – if you don't like it and you won't eat it don't buy it. If you can't bear not to pop one in your shopping basket then think about gifting them to someone else.

Why not have a reverse Advent Calendar – for the 24 days of Advent you put a gift in a box and then donate that box to a homeless or refugee shelter or a foodbank. So don't put Christmas pudding makers out of business just gift your pudding ahead of time to someone else. If you want to make your gifts food related and get them out in time for Christmas Day you may have to cheat and do 2 gifts a day so you get a chance to give your calendar's worth to the foodbank or shelter in good time. The Trussell Trust (<https://www.trusselltrust.org/>) can point you in the right direction.

Reducing waste food is only part of the answer – there are lots of things you can do to be more sustainable and still have fun. So here are my top tips for a happy holiday.

Before the avalanche of presents arrives encourage your family to do some upcycling – ask the kids to have a clear out and take unused toys, books, gifts or clothes to a charity shop well ahead of Christmas – they may find a new home and make someone a lovely present.

Think about the embedded carbon and the lifecycle of your gifts – maybe a



voucher for an outing or a visit will have a lower footprint and be less wasteful. Adoption of a wild place, or animal, or sponsoring a tree in an English woodland (via The Woodland Trust) all make great alternative presents. You could even adopt a Cairngorm Reindeer in Britain's only free roaming reindeer herd (<http://www.cairngormreindeer.co.uk/adopt/>).

Artificial or real – the Tree Debate rages. I am a real tree person but I make sure it gets chipped and recycled. A really good artificial tree will last you for years and after 10 years it is carbon neutral. One alternative is some willow or similar branches with a small set of fairy lights wound in them – they take up less room, don't drop needless and wont require lots of expensive baubles.

Wrapping – if brown paper is not for you then why not use reusable cotton bags for bigger items spruced up with some ribbon. If you do choose paper avoid metallic or foil than can't be recycled.

Home-made cracker kits are now widely available (with proper bangs) so you could choose those and put in a gift that someone will really use and enjoy rather than the plastic novelty false moustache. Another option are crackers with games and quizzes – our racing Penguins are heading for a fourth outing having once escaped from a cracker set. Best of all you could fill your crackers with delicious fair trade chocolate saving both the rainforest and ensuring large smiles all round – the best kind of green Christmas is one with a bit of brown in it (the darker the better in my case).

Home made gifts are always lovely to receive but lots of us don't have the time or opportunity to make jam or preserves. One alternative is to buy local produce from the farmers market, farm shop or local traders if you get the chance. The jams and chutneys may be more expensive but these presents will have a smaller carbon footprint, will support a local business and are more likely to be sustainably sourced and produced.

A sustainable Christmas also means looking out for your wellbeing and Mind, the mental health charity, recommend that we follow some of their advice to stay well and happy over the holiday. This includes taking time out for yourself, playing games as an alternative to staring at an electronic devices and best of all getting out in the fresh air. Take a walk and try and catch the Christmas Full Moon – it won't happen again on 25th December for 19 years.

So wherever you are and whatever you do this year, all the Planet Pod and Achill Management team wish you a safe Happy Christmas and sustainable New Year !

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



Liverpool Law has now been online for 12 editions and this has had a substantial impact on the planet...



We have saved 1
tonne of paper,
equivalent to 19
trees



We have saved 87,935
litres of water

CO2

We have saved 6.36
tonnes of CO2

This is equivalent to:

Taking 1.5 cars off the road for a whole year and enough
energy to power the average home for 6 months



Thank you to TBL Services for calculating the information.

Latest Update from the Council of the Law Society

The Law Society is the representative body for solicitors in England and Wales. The Society negotiates on behalf of the profession, lobbies regulators, Government and others and has a public interest role in working for reform of the law

Council met in Chancery Lane on 26 September for the first meeting of the 2018-19 season, under the presidency, for the first time, of Christina Blacklaws. Council welcomed several new members attending their first Council meeting following elections earlier in the year. It also congratulated Sara Chandler following her election as chair of the Equality, Diversity and Inclusion Committee.

Christina tweeted a picture of Council from the chamber with the message "Delighted and a little nervous to chair my first council meeting. Your council members give up huge amounts of time to devote themselves to the governance and the policy development of our profession. We don't see enough of them so here they are! #solicitors #publicinterest"

The new president is taking the opportunity to make some changes to how Council conducts its business, with the aim of giving Council more

opportunity to scan the horizon on behalf of the profession and debate major issues of policy. She is also keen to encourage networking among Council members and between Council members and the staff of the Society as part of the Society's work to act as one team for the benefit of the members it serves.

Influencing for impact – policy debate and legal interventions

Council spent some time 'in committee' – with the formal rules of business relaxed to permit a more interactive debate – discussing the Law Society's policy priorities. Inevitably, Brexit continued to loom large, with a clear view from Council of the dangers of a non-negotiated Brexit and the importance of continuing to press for a negotiated settlement that would ensure the protection of the Law Society's priorities in the interests of the profession and the public. Council also heard about the Society's continuing work in terms of events, round tables, briefings and case studies.

A number of successful legal interventions were reported to Council. Firstly, the Law Society's successful judicial review in relation to changes in the Litigation Graduated Fees

Scheme (LGFS) – which would have substantially reduced the 'cap' on pages of prosecution evidence the reading of which can be charged for – which received widespread coverage. Secondly the Law Society had provided litigation support to the Law Centres Network (LCN) claim for judicial review of the proposed changes to the Housing Possession Court Duty Scheme which would have introduced larger scheme areas and price-competitive tendering. This challenge was also successful, and the matter has been remitted to the Lord Chancellor for re-consideration. In a third legal success, the Law Society had intervened in the case of ENRC v SFO as part of our ongoing campaign to protect legal professional privilege, and the Court of Appeal's judgment delivered earlier in September had been favourable.

On the wider policy agenda, Council discussed the Law Society's role in dealing with regulatory issues including the SRA's handbook reforms, transparency proposals, the solicitors' qualifying examination, and the forthcoming changes to the internal governance rules; civil justice including clinical negligence and civil liabilities; access to justice, including legal aid support, the condition of

court premises, and the pro bono charter; technology and innovation in the law, including the role of artificial intelligence in the law, the work of the public policy commission of criminal justice and humans rights, and GDPR and cyber security; and the Law Society's continuing work on the role of the profession, for example in the context of the UN General Principles, and legal professional privilege. A planned series of policy discussions will follow.

Practice excellence and career companion – supporting the profession

Council also had a highly engaged discussion of options for enhancing the Law Society's offer to the profession in terms of education and learning, including mentoring, career coaching, and personal development. With warm support from Council for the business case for this, the details are now under active development and this is part of the business plan for 2018-19.

Council were also updated on a review of the Society's Diversity and Inclusion Charter which is currently under way. The Society's Divisions and a range of stakeholders are already engaged in the review. Piloting a new approach to the Charter,



designed to help firms of all sizes meet their obligations and tackle diversity within all levels of the profession will begin in 2019.

Promoting the profession

The Society's campaign to promote the profession as honest and honourable, approachable and accessible, experts in their field, client focused, delivering value for clients and adding value to society was also highlighted following an advertising campaign on busses, trains and social media. The campaign features our members. Council were shown some of our latest advertising during their lunch break. You can see more by clicking the "for the public" button on our Law Society homepage.

Ongoing programmes of work include continuing the solicitor brand campaign to promote the benefits to clients of using solicitors; the global legal centre campaign to protect the

position of the Law of England and Wales internationally post-Brexit, the Women in Leadership in Law campaign, personally sponsored by the president, which aims to increase gender equality in the profession; and the Society's work on technology and the law.

It was also noted that the Society has received overwhelmingly positive coverage in the press and broadcast media. Broadcast media coverage has been a priority and has doubled this year. Keeping the Society and our views in the spotlight supports our lobbying and influencing as well as promoting the profession.

Keeping members informed Council heard about the new publication 'Your professional body – the value of membership', which sets out the key components of the work we do to promote the profession, influence for impact, keep members up to

date, support practice excellence and support members at every stage of their career. This is available on line and is now sent in hard copy to every new member along with a welcome note from the president. Copies are available from corporatecommunications@lasociety.org.uk.

Efficient and effective – planning for the future

Council spent time at this meeting considering future plans and budgets for the Law Society, including formal approval of the final budgets for the Law Society and the SRA for 2018-19 following detailed scrutiny by the relevant boards.

The business plan agreed by Council for the Law Society draws on input from the successful Council strategy weekend earlier in the year, setting a number of priorities focused on the efficient and effective delivery of services to

our members. This includes planned improvements to the way the Law Society manages and uses data about its members, the creation of an enhanced online experience for our members, streamlining the management of the accreditation process and enhancements to Law Society telephony to make it more flexible and user-friendly. Council also agreed to progress plans to refurbish 113 Chancery Lane and to market 114 Chancery Lane for rental. Refurbishment work will enable more efficient use of the central London premises and create revenue from the vacated building. This will not impact on our member areas such as the Library, Reading Room and newly refurbished 113 Restaurant.

The next meeting of Council is scheduled for 5 December.

Liverpool Law Society

Developments in Domestic Abuse Law & Procedure 2019

with Safda Mahmood on Friday 25th January, 10am—4pm (lunch included)

This course will provide a good round up of the different law and major changes, so as to provide a comprehensive update on domestic violence legislation and case law.

The topics covered will include amongst others, the following:

- Domestic Abuse - What protection is available?
- Family Law Act 1996 - Nuts and bolts
- Drafting Orders and Without Notice Orders - What has changed?
- Enforcement - What has changed?
- Changes brought about through the Domestic Violence, Crimes and Victims Act 2004
- Law and practice surrounding Forced Marriage Cases
- Changes to Protection from Harassment Cases

Competencies: B & C

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

Liverpool Law Society

Advising on Employment Law Issues in Corporate Transactions

with Emma Tegerdine on Tuesday 29th January, 1 - 3pm

This course is aimed at employment law specialists who occasionally or regularly provide corporate support and wish to learn more about this area.

What this course will cover:

- Asset sales v share sales
- The key aspects of TUPE
- Consideration of key case law on TUPE, including a review of the ECJ's recent decision in the Colino Siguena case on the resumption of activities after a 5 month gap
- Impact of the GDPR
- Common issues which arise during due diligence, including:
 - employment status issues
 - failure to carry out right to work checks
 - changes to terms and conditions
 - historical holiday pay claims
 - enforceability of restrictive covenants post-transfer

Competencies: A2, A4, A5, B3, B4, B6 & B7

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

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



Relationship Management



Update from the North Team

The Solicitors Qualifying Exam – An Overview by Alan East, Chair, Education and Training Committee

This month, we thought we would share with you an overview of the new Solicitors Qualifying Exam prepared by Alan East, the Chair of the Law Society's Education and Training Committee. The full SQE overview is available on the Law Society's website [here](#).

If you have any further questions, please email educationandtraining@lawsociety.org.uk

Introduction

The Solicitors Qualifying Exam (SQE) is set to be the biggest shake up of legal education and training in many years, replacing current routes to entry and introducing two stages of centralised assessments.

These will set the standard for entry to the profession and will sit alongside requirements for a degree level qualification, two-years of qualifying work experience and a character and suitability test.

Whilst there is much that the Solicitors Regulatory Authority (SRA) is still developing, particularly in the detail of the scheme, there are also many points that have been finalised and approved by the Legal Services Board.

The Law Society has put together a straight forward, informative guide to the SQE to enable stakeholders to look at what they can do to prepare for its introduction. It is important that those affected begin thinking about how the SQE may impact on them and/or their business and consider any changes they may need to make.

This document contains the facts. They have been checked by the SRA for accuracy and they represent a comprehensive round-up of everything we currently know.

Key points to consider

The development of the SQE is a long process, which we are only part-way through. More information on key aspects - the assessment detail and finalised costs in particular - will be forthcoming as the assessments are developed and the SRA complete further work. This document will be updated as further information is made available.

- The SRA announced at the start of November that the date of implementation has been moved to September 2021. This gives aspiring solicitors, employers, providers of legal education and other organisations offering

training more time to decide what they wish to do and to prepare for this change.

- The Law Society is keen for the SRA to take the time it needs to get the SQE right as the SQE is of fundamental importance to the profession and to everyone seeking legal advice. If more time is needed to ensure that the SRA have made all necessary checks on the assessments and that the profession and education providers have been given adequate time to prepare, then deferring the introduction is a sensible step.

- The provisional assessment fees also announced by the SRA in early November, of between £3,000 - £4,500 for both SQE1 and SQE2 stages, represent a great deal of money. There are currently no funding mechanisms available to provide loans for the SQE assessments, so any fees will have to be self-funded by candidates or firms, which would disadvantage students with less financial means.

- In the current system candidates can get a loan to take the Legal Practice Course (LPC), so whilst it is more expensive than the new fees proposed, it does not represent a financial barrier in the same way. A similar solution must be found for the SQE so that all candidates, regardless of background, can qualify as a solicitor. It should also be noted that these fees are for the assessments only, and do not account for any fees associated with preparatory courses that many aspiring solicitors may wish to utilise.

- The Law Society has been representing the profession's views as the SQE policy has been created and continues to engage with the profession, and with the SRA on behalf of the profession, as the assessments are developed.

- The Law Society is also supporting the profession with this change by providing clear information and taking forward any comments it receives. Maintaining high professional standards and ensuring the diversity of the solicitors' profession have been top priorities for the Law Society from the very start of the SQE process. We want to enable potential entrants to the profession to make informed choices about which route may be best form and we hope this overview is valuable to schools, universities and careers advisers.



Alan East

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.

Drinks and mince pies in the foyer afterwards!

Charity and CSR Matters



Hi everyone,

Christmas is upon us and I hope you all have lovely plans set for the festive occasion. If, however, you find yourself at a loose end then now is the time to take action. You can sign up to volunteer somewhere local, or if that's not your cup of tea you can befriend that elderly neighbour you often notice in the street and see if they are in need of some company.

This month's edition is very much focused on homelessness. Jackson Lees have taken part in a sleep out to raise funds and awareness of the issue and Carpenters are launching their #rucksack appeal. If you feel this is something your business can help with please get in touch.

I am also continuing my efforts at Weightmans with the Christmas gift donation. I am arranging for some small packages to be delivered to Labre House for the homeless guests to open on Christmas morning. These are basic packages of new underwear, deodorant and some chocolates. It's not much really is it- but that thought and effort will hopefully put a smile on their faces. The gifts of smelly sets and chocolates will also go to those who are alone and vulnerable on Christmas Day, as well as the families and children in hostels. If you would like to help please get in touch with me.

Homelessness is not just an issue in the winter, it is an ongoing horrific issue which can affect any one of us at any time. Should anything unexpected or drastic happen and you don't have savings, it is only a couple of months before things would get difficult. It is in the winter, however, that we seem to pay a lot more attention to the issue. We feel the cold and read about the deaths on the streets and can't help but be upset by this. If you do notice anyone on the streets in the cold, please contact the Whitechapel Centre's 'Always room inside' team on 0300 123 2041 or email N2NO@whitechapelcentre.co.uk

On a brighter note, I hope you all have a lovely break. Switch the phones off, don't check your emails and actually relax- if only for a day or two!

Have a lovely Christmas everyone.

Jennifer Powell
Solicitor
Weightmans

Carpenters #RucksackAppeal

Carpenters will once again be taking part in this year's #RucksackAppeal! This will be Carpenters third year of taking part and they plan on this being their biggest yet! Each year they buy a number of rucksacks which they send out to their teams across all offices, for them to fill as much as possible. They have bought 40 rucksacks this year and hope to fill them all! They are giving teams the following shopping lists:

Clothing:

New underwear
New socks
Hat, scarves & gloves
Waterproofs
Sleeping bag
Small pop up tent

Toiletries:

Toothbrush & toothpaste
Shower gel
Deodorant/ Wipes
Hairbrush/ Comb
Sanitary items
Lip balm
Tissues
Wash cloth
Toilet bag

Food items:

Chocolate/ sweets
Crisps
Cereal bars
Packet soups
Drinks
Other non-perishable snacks

Other items:

Food voucher
Small gift
Christmas card
Torch
Flask
Water bottle
Tobacco, papers & lighter

If you or your company would like to take part in this year's #RucksackAppeal but you are unsure of where to start, then please get in touch and Carpenters will give you as much information as they can. Send them a message on Twitter (@CarpentersGroup) or drop them an email (Tina – chrh@carpenters-law.co.uk) and join them in the #RucksackAppeal!

Liverpool Law Society



We are delighted to announce a magnificent £2,359 was raised at this month's Annual Dinner for Clatterbridge Cancer Charity and KIND. Thank you for your donations which will help both charities enormously.



Jackson Lees sleep out

On Friday 16th November, 25 Jackson Lees employees took part in a mass sleep-out at Goodison Park. It was their third year participating in the Everton in the Community (EitC) event, which aims to generate awareness of homelessness and raise money to help combat the growing issue in the local area. Their involvement is part of the ongoing work they do to 'Make a Positive Difference' to their clients lives and the wider community.

Whilst they are proud to have been involved in this event from the beginning, Jackson Lees are most proud of their Housing & Social Welfare team who have dedicated over 20 years to supporting vulnerable people, when the government and council have failed to do so.

The homeless problem in Liverpool is worsening, in January this year the Liverpool Echo reported a fivefold increase in the number of people sleeping rough on the streets of Merseyside since the Conservative party came into power. If you, or someone you know, are at risk of becoming homeless Jackson Lees can help force the council to house you in suitable accommodation. On the worsening homeless crisis Nina Patel, Head of Jackson Lees Housing & Social Welfare department, comments: "We represent tenants exclusively and also deal with issues of homelessness. Legal Aid is still available to help individuals challenge councils who do not comply with their legal obligation of duty of care. This however, is becoming increasingly difficult due to government welfare cuts as vulnerable people now have little-to-no access to legal advice.

It is important to remember that there is no one face of homelessness, we help people from all walks of life because of the many factors that can cause someone to lose their home."

BBC News reported on 22nd October that Joe Anderson, Mayor of Liverpool, has called for rough sleepers to be protected by law, classifying attacks on them as a hate crime. It goes without saying that people on the streets need protection, but does this really tackle the issue? Nina says: "We need to stop deflecting away from the real issue and our action to be preventative. Introducing fines, forcing people into hostels and focusing on attacks is missing the point: they should not be there in the first place. We need to challenge the government over their persistent welfare cuts and call for more funding in areas such as housing, mental health and welfare to support the most vulnerable people in our society. EitC are doing amazing things to support young and vulnerable people in Liverpool it really is inspiring..."

The Goodison Sleep Out was part of a wider campaign named 'Home is Where the Heart is' that aims to prevent young people from ending up on the street. Last year Jackson Lees raised £4000 and their efforts contributed towards buying a house that gives young, vulnerable

people a place to stay with the care and support of EitC staff.

Looking forward it is difficult to remain optimistic as government cuts to public funding and legal aid show no sign of stopping. However, with organisations like Everton in the Community and passionate solicitors like Nina fighting for the right to a secure and decent home, we remain hopeful that homelessness will soon be a thing of the past. At the time of drafting the team had raised an amazing £3,745. If you would like to donate you can do so here:

www.justgiving.com/fundraising/jackson-lees-group-sleepout2018

Liverpool Law Society

Introduction to Residential Property Law – Certificated 2 day Course

with Ian Quayle

on 15th & 16th January, 9.30am - 4.45pm
(lunch provided on both days)

This course has been designed specifically for support staff, new employees and qualified staff new to residential conveyancing or wishing to change their specialisation.

It is intensive requiring delegates to attend both days.

It is designed with the following aims:

- To explain key land law principles sitting behind the residential conveyancing process examining residential leasehold and freehold conveyancing
- To introduce the Conveyancing Protocol and the various steps within the residential conveyancing procedure
- To introduce residential conveyancing forms and documentation and basic drafting issues including TA forms, Contracts, Transfers, and Land Registry Forms
- To explain relevant Land Registry procedure
- To identify relevant issues surrounding client care and professional conduct
- To examine what can go wrong and how negligence claims arise

Competencies: A1/A2/A3/A4/A5, B2/B3/B4B6/B4 and C1 & C2

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

News from the

Heritage Food & Drinks Review

The MJLD hosted our second social on 15 November 2018 at Heritage, following the success of our first social at Red Door in October. There was another amazing turnout and MJLD members new and old were able to network, socialise and share some great food!



In addition to the delicious sit down meal and drinks, members were treated to an informative speech from David Kirk, Owner at DK Psychotherapy and Roy Owen, Teacher of Psychology at Birkenhead Sixth Form College. The MJLD would like to thank our guest speakers for taking the time to come and discuss the important issues surrounding mental health.

The MJLD would also like to thank MSB Solicitors for very kindly sponsoring this event.

The MJLD would also like to thank all of our wonderful members for making this another amazing night. We are already looking forward to meeting you at the next one!



Our Next Event – Christmas Jumper Drinks 13th December 2018 - 6-9pm

To get into the festive spirit, the MJLD are inviting you to put on your best/worst Christmas jumper for some drinks and networking at XOXO, 15 Victoria Street, L2 5QS. There'll be 2 free drinks for the first 70 people to arrive.

The event will be kindly sponsored by G2 Legal who will also be giving away a bottle of champagne to the winner of the "Best Christmas Jumper".

We will kindly ask our members to donate a minimum of £2.50 at the door of the event as an entry fee. All proceeds from this event will go straight to our chosen charity of the year, Chasing the Stigma and we are excited to see as many of you there as possible for this fantastic event to raise money for charity.

If you are interested in attending, please email sarahmcguinness@msbsolicitors.co.uk. You will not need an email confirmation to attend the event.



Liverpool Law Society

Directors' Duties and Shareholder Remedies

with Chris Beanland
on Friday 18th January, 1.30 - 4.30pm

This course is aimed at both corporate lawyers and litigators who would like an overview/ refresher on these linked topics.

The course will cover:

- Types of director: de jure, de facto and shadow directors
- Powers of directors including authority to bind the company
- Directors' duties
- Directors' duties and restrictions on directors including remedies for breach
- Statutory restrictions on directors (substantial property transactions, service contracts, loans to directors and payments for loss of office)
- Unfair prejudice claims under s.994 Companies Act 2006
- Derivative claims
- Disqualification of directors
- Shareholder rights

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

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

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

100 Years of Women in Law Celebration

We are excited to announce our greatly anticipated 100 Years of Women in Law celebration! 2019 will be the centenary of a landmark piece of legislation that classified women as 'persons' under the then Solicitors Act and enabled female professionals to practice!

Join us on Friday 25th January 2019 at 6pm in The Lodge, The Club House, Liverpool One to celebrate the success of women in our profession over 100 years and to look forward to the next 100 years.

There will be welcome drinks, food, speeches from some leading women from all walks of the legal sector, followed by a party and live music.

To reserve your place please visit the Eventbrite link below. Feel free to welcome all your colleagues and circulate around any individuals or firms who you think would want to celebrate with us. MWLD members will receive a reduced ticket price of £15 (up to a limit of 10 people from one firm holding a corporate membership), otherwise tickets are only £20.

<https://www.eventbrite.co.uk/e/celebrating-100-years-of-women-in-law-merseyside-women-lawyers-division-tickets-52347877912?aff=eprofsaved>

We can't wait to see you there!



History of Legal Ladies of Liverpool

As part of our celebrations for the centenary event in 2019, we and the national Law Society want to know about the work of the ladies in your firms over the past 100 years to help build a history of the legal ladies of Liverpool. Email into merseysidewld@gmail.com and tell us the following that apply to you:

- When was your organisation established? Tell us a bit about you.
- When did you hire your first female staff member? What role did she hold?
- What year did your organisation recruit its first female trainee/equivalent?
- What year did you firm have its first female associate/equivalent?
- What year was the first female trainee taken on as a solicitor? What area did she qualify in?
- What year did you promote the first woman to senior associate/equivalent?
- What year did you promote your first woman partner/equivalent?
- What year did you recruit in your first woman partner?
- What year did you promote a woman to the management board?
- What year did you have a female managing partner/company secretary/general counsel?
- What year did you have a female senior partner/equivalent?
- Who was your first female business owner and when did this take place?
- What year did you have a female head of office (regional or HQ)?
- What year did one of your female lawyers become a Queen's Counsel/Judge/Magistrate/Commissioner?
- Which of your female legal professionals have received accolades for services to the law? What was the accolade, why did the individual(s) receive them and when?
- Tell us about other 'female firsts' in your organisation if they are not covered by one of the questions above.

Go take a look at <https://first100years.org.uk/> who celebrate women in the legal profession by raising awareness of their history and to inspire future generations of female lawyers.

What's Coming Up?!

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.

Twitter
Facebook
Website
Email

@MerseysideWLD
Womens Lawyers Division – Merseyside
www.wldmerseyside.co.uk
merseysidewld@gmail.com



Reviews...

This month we have a number of reviews. Thanks to Lindsey Knowles, Tom Sutherland and Charlie Jones for their contributions

Can you Breakout?

Earlier this month I arranged a surprise birthday event for a close friend of mine and as part of the evening we took on the challenge to Breakout at Liverpool's real life escape room game! Located at 7-11 Sir Thomas Street, Liverpool, in teams of 2-5 you have 60 minutes to escape a locked room using only the power of your brain! Think cryptic crystal maze, but you are not alone in the room, you have a longer time limit and alas winning does not bring with it the opportunity to grab notes in a crystal shaped wind machine!

When booking you select the room you want to escape from. Each room is a different game and has a unique theme and story. The rooms range from The Heist, Shipwrecked, Classified, Sabotage, The Detective and The Facility to name a few. Each have a difficulty rating and a back ground story of what you are going to face.

As a group of 10 we split into 2 teams of 5 selecting The Facility and Vacancy as both were 4/5 difficulty rating rooms and both had a horror kind of theme (although not scary at all and I am a wimp at those kind of things)! The inter-competition between our teams was on with us both wanting to beat the time of the other in breaking out! However, that soon turned in to just wanting to escape at all never mind getting a good time!

I was on The Facility room team and the first thing that happened was a member of our team was 'kidnapped' and we had to first get her out before then trying to escape the whole room. The back story for our room was "You arrive at an unknown location for a once in a lifetime opportunity; a conference held by the critically acclaimed, Dr. Andrews. His work is widely known throughout the research circles, but he has remained hidden in the shadows for years. What you don't know, is that Dr. Andrews has gone mad, creating a string of tests that have gone disastrously wrong. He has brought you here for his final

experiment. You have one hour to escape his maze of trick and games, before a deadly virus kills you all"!!

Once locked in you have to hunt out and solve numerous cryptic clues, riddles and puzzles making use of the props in the room in order to get the codes for padlocks to eventually escape (or not)!. Unless you have a cryptic solving kind of mind (which I do not) it is really hard!! There is a screen where your room assistant will send texts giving you clues to try to direct you if you are really not getting anywhere! That happened quite a lot to us! The digital ticking down clock keeps you on track with the time left.

Needless to say that sadly we did not Breakout I am writing this review still locked inside The Facility!! Thankfully not – once the 60 minutes is up the game is over and your room assistant comes in to show you what you didn't manage to solve. Our designated room assistant kindly said she thought we were about 10 minutes off breaking out – seeing what we still had to solve I seriously doubt that!! Our other team tackled The Vacancy and to their great delight (and boasting) did Breakout!! They did have the benefit of having one of the best cryptic quiz solvers I know on their team so it was inevitable!! We all have our own special set of skills!

All in all Breakout Liverpool really was something different and we all had a lot of fun. It could make a great team night for colleagues as well as with friends and family. I would highly recommend you give it a try and see if you can Breakout!!

Lindsey Knowles
Kirwans

Still Alice

The Liverpool Playhouse
7 November 2018

Alice is just fifty when she finds that she is in a downward spiral, increasingly disorientated and forgetful. A University Professor, wife and mother of two, she has books to write, places to see, grandchildren to meet. But she is diagnosed with early onset Alzheimers disease and this is set to change her life- and her relationship with her family and the world – forever. Losing her yesterdays, living for each day, her short term memory is hanging by a frayed thread. But she is Still Alice.

That is the introduction to the book Still Alice, by Lisa Genova, in which she explores the condition that is Alzheimers, which is a condition, seemingly to me, on the increase. When I was young, older people got old, and perhaps went dotty, or lost their marbles, but now the condition is not only identified clearly but named, and seems to be getting commoner.

The book was followed by a film, and now there is a play. And a powerful play it is. It runs in one act for 90 minutes, and the action is fast as it illustrates Alice's frightening deterioration.



Sharon Small, in the title role, highlights for us the need to draw on her resilience and remain independent as long as possible, with her husband, daughter and son trying to come to terms with the changing family situation. I felt that part of the Doctor was very interestingly played: explaining what is happening in such a situation must be very hard, and perhaps makes some of the decisions we have to make as lawyers considerably less stressful by comparison!!

Eva Pope plays the part of Alice's alter ego – her past, and continually harking back to the past, and thereby highlighting the inner turmoil that Alice, and of course her family, are going through. It is an interesting part. At times it is quite annoying, but that simply seems to underline the dilemma and indeed awfulness of what is occurring.

The action covers a 3 year period. The set starts off full and contains all the things you would expect to find in a home. As the action proceeds the set becomes sparser, reflecting the extent to which Alice's mind is deteriorating. At the end there is Alice and her husband in stage. One person is the same person that we saw at the beginning of the play. The other is a changed person, and, to coin a phrase, a 'shadow' of her former self.

It was a great play, well acted and dealing with a condition that could afflict any of us, or indeed our nearest and dearest, and yet there is comparatively little known about the causes, let alone a cure: perhaps that is the most frightening thing. As Tom, Alice's son says: 'There will probably be a cure by the time our kids need it'. Will there?

You can contribute to research: www.Lisagenova.com

Charlie Jones
Partner

"The Friends" box set



When I was studying my LPC, I found that short breaks helped breach the gaps between assignments, online lectures, textbook reading and coursework. However, the perils of BBC iPlayer were obvious as many of my favourite shows were 60 minutes long and, if there is something I can't do easily, it is stop right in the middle of an enthralling show. Even if I managed it, half the time you'd be sitting there trying to work and ignore your mind wondering what happened next!

The solution? Obtaining a FRIENDS box set at Christmas. Each episode is 20 minutes long and, largely, has a new storyline each episode. It appeared to be the equivalent of comfort food or a cosy pair of slippers in comparison to the more formal presentation of BBC dramas, documentaries and so on.

As most would, I dived in at Episode 1, Season 1 and, over the next 5 months, waited each of the 236 episodes in order. Ironically enough,

my box set finished 2 days before the final exam and, in so doing, it served its primary purpose!

So why bring it up now? Well, in recent months, FRIENDS has been released on Netflix and many people are exploring the 90s (and 2000s) New York drama anew. This has made headlines, particularly on social media, as people fresh to the series find some of its 20 year old jokes and storylines dated and overly reliant on gender stereotyping, whereas old fans see that as a sign of the times and acknowledge that it wouldn't be made the same if made now.

Let's tackle the criticism first. Yes, the series has some 'uncomfortable' episodes and jokes: the repeated jokes about Ross 'having married a lesbian' and the storyline centred purely around having a 'male nanny' being weird (rightfully) haven't aged well at all. But, let's put it in context slightly. Watched any of the Carry On films recently? So, so much more painful... Overall, the series acts as a time capsule. One in which the characters only get mobile phones towards the later seasons (earlier seasons see pagers (remember them?) or, shock horror, having to ring landline numbers) and New York acts as its own little cultural universe with all the 90s fashions ready and present.

The best thing about the show, and the reason for its popularity, is hinted at by its title: simply put, it is a show about a set of six friends. Yes, there are side characters (a special call out for Janice here) but, overall, you live to see six friends mature from early 20s to early 30s and do their best to avoid the next largely inevitable phase in their lives, namely having children and having to consider moving away from New York.

It's a fate familiar to most: going from youthful exuberance within groups of friends to having serious relationships and/or focusing on a new family. What makes the show special is that you feel, especially if you go through the box set at a rate of one or two per day, that you are going through that journey with them.

As a summary then, would the show be made the same way now? Nope. Is that part of the reason why it feels like a time capsule (equivalent to watching 1970s Doctor Who) and marvelling at how far away the 1990s feel? Absolutely!

Well recommended – 4 stars (out of 5)

Tom Sutherland,
Employment Solicitor
Canter Levin & Berg

Don't forget to submit your reviews

You could win a bottle of wine or prosecco



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

Send your entries to editor@liverpoollawsociety.org.uk

LawCare

Supporting the Legal Community

MENTAL HEALTH MATTERS AT WORK

The Organisation for Economic Cooperation and Development estimates that the cost of mental health issues such as stress, depression and anxiety costs the UK economy £70 billion each year.

There is a strong proven business case for organisations to promote good physical and mental health for all staff. It leads to greater productivity, better morale, better retention of staff, and reduced sickness absence.

Research by Mind, the UK mental health charity, shows that more than 1 in 5 people will call in sick rather than admit to a mental health issue, and over 3 out of 10 people feel they can't talk to their manager. Interestingly, the research also shows that over half of employers would like to do more about staff wellbeing, but don't know how.

Here are some tips on how organisations can start to create a culture that encourages people to be open and honest about their mental health, and to access the support they may need.

PROMOTE A CULTURE OF ACCEPTANCE

Get commitment from senior leaders, this sends a clear message that staff mental health and wellbeing matters – colleagues take cues from how leaders behave

Staff need to know that their mental health is important and that being open about it will lead to support, not discrimination

Develop clear policies about mental health and wellbeing, make sure these are implemented and communicated to everyone

Challenge the stigma that surrounds mental health by signing the Time to Change Employer Pledge (www.time-to-change.org.uk). It demonstrates commitment to change how we all think and act about mental health in the workplace

Look after others

Tips for good mental health and wellbeing at work

ENCOURAGE A BETTER WORK / LIFE BALANCE

Sustained pressure and a poor work/life balance can quickly lead to stress and burnout, reducing staff performance and morale

Monitor workloads to ensure staff are coping and not feeling under excessive pressure

Flexible working benefits both organisations and staff, organisations benefit from increased morale, commitment, productivity and reduced sickness absence – staff feel better able to balance the demands on them from different aspects of their lives

Flexible working can be an important intervention to prevent mental health problems from getting worse and leading to absence – it can also support a phased return to work after a period of absence

Senior leaders and managers can be positive role models for healthier work habits and can encourage staff by leading by example, such as taking lunch breaks and working healthy hours

RAISE AWARENESS

Embed mental health in inductions and training – staff will then understand how mental health is managed within the organisation and what support is available

Make sure the staff handbook/intranet site includes information about mental health policies and the support provided by the organisation

Invite a speaker to talk about mental health during a mental health or diversity event – the lived experience can help to break down stigma and stereotypes

Communication is key: use existing communication channels – staff meetings, blogs, factsheets, top tips, web links, FAQs, posters, noticeboards, staff newsletters

Encourage mental health champions – people at all levels talking openly about mental health sends a clear message that staff will get support and that a mental health issue is no barrier to career development

PROVIDE LEARNING AND DEVELOPMENT

Staff need to feel valued and supported and that their work is meaningful – foster a positive culture that values all staff by investing in their skills and development, this builds the trust and integrity essential to maintain commitment and productivity levels

Good line management can help manage and prevent stress – help staff who manage others to develop good people management skills

Consider training line managers in how to spot the early signs of mental ill health and how to respond, let staff know that there are people available who are trained to help

SIGNPOST TO SUPPORT

Early intervention can stop problems from escalating. Mind (www.mind.org.uk) Rethink Mental Illness (www.rethink.org) and Mental Health First Aid England (www.mhfaengland.org) all have helpful resources and offer training

If your organisation offers counselling services or Employee Assistance Programmes, ensure all staff know about them and how to access them

Ensure staff know about LawCare and the support available

Call our free, independent, confidential Helpline on **0800 279 6888** or go to **www.lawcare.org.uk**

Charity Spotlight

The Joseph Lappin Centre

The Joseph Lappin Centre (JLC) is a community hub based in Old Swan which provides a wide range of services and delivers a diverse programme of activities within the local community. Opened in March 2013 and named in honour of a local young man who was tragically killed in 2008 as a result of knife crime and denied the opportunity to achieve his ambitions.

JLC aims to provide opportunities for residents of all ages to reach their potential, fulfil their ambitions and enjoy life. JLC is home to several organisations including Merseyside Expanding Horizons, Deaf Active, Out of This World Nursery, Priority Youth, Slimming World, Joe's Diner- onsite café and Duke of Lancaster Detachment-the army cadet section that Joseph was part of for several years. It is a regular meeting place for numerous other organisations, all of which offer help and advice for people at different stages in their lives.

The building is over 100 years old and requires investment to carry out essential refurbishments, in order for us to continue to serve our community. It is often joked that it is colder inside than outside, especially during the winter months!! However, despite this, we still deliver high quality activities/ services at an affordable price to try to ensure that residents and families on low income can participate. These services include: youth provision, a variety of fitness activities, 3G astro pitch, employment and business start- up advice.

We are a lifeline for some residents who are struggling financially, providing Christmas hampers, theatre trips, luncheons, child care (particularly during school holidays) and subsidised activities to both alleviate their immediate stresses and target social isolation. Thanks to funding from the Mayoral Hardship Fund, the Centre is equipped with computers and offers IT training free of charge. We hope to offer a Welfare /Debt Advice once funding is secured.

Our sole income comes from tenants rent and that generated through room/hall hire. We have a small team of volunteers who receive training opportunities and those looking for work are given support and guidance. One of our volunteers was at a very low point in his life when he joined us and is quite open about the fact that his involvement at JLC was a turning point in his life. He now delivers weekly fitness class for older residents, the proceeds of which he donates to JLC and he has since secured a job with one of the organisations based here.

Throughout the year we celebrate with our community, for example a Christmas Grotto enabling all children to visit Santa and receive a gift . Every June, The Joseph Lappin Festival is held in a Doric Park (near to JLC). This is a fantastic example of the community coming together to support a local organisation and raises valuable funding to ensure the continuation of services and activities. This year was the 10th Anniversary of Joseph's death and it also serves as a reminder of how knife crime can devastate families and communities.

For more information visit www.thejosephlappincentre.com



THE
JOSEPH LAPPIN
CENTRE
2013

Regulation Update

The latest regulation news from Michelle Garlick of Weightmans LLP



Welcome to the final regulatory update for 2018. Where has the year gone?! This will actually be the last update I will write for a year as I am very proud to be taking on the role of Manchester Law Society President for 2019. But don't worry, with such a busy regulatory year ahead, my colleagues in the Compli team at Weightmans will be co-writing the monthly update so we will continue to keep you up to date with developments.

Here is an update from the past month or so:

Price transparency & digital badge confirmation

It has now been confirmed that the SRA's new transparency rules are set to come into effect on 6th December 20, not 2nd December as I reported (based on information we had been given by the SRA) last month.

This also coincides with the date by which firms must make their complaints procedure available online and the availability of the SRA digital badge. It is hoped that the use of the badge will highlight the fact that the firm is regulated and the protection that this regulation brings to website visitors. The digital badge is expected to become a mandatory requirement by Spring 2019.

Legal Services Board approves new SRA Handbook in full

In spite of strong opposition from the Law Society and Legal Services Consumer Panel, the Legal Services Board (LSB) has now approved in full the proposed new SRA Handbook. As you may know from previous updates, the intention is to introduce a new set of principles, 2 new codes of conduct (one for solicitors and the other for firms), new SRA Accounts Rules and overall a reduced in size Handbook focussing much more on ethics and less on prescriptive rules.

The LSB's approval also included the controversial proposal allowing solicitors to provide unreserved legal services to the public from unregulated businesses. The LSB acknowledged that this change presents "some risk to the regulatory objectives", as there will be fewer consumer protections for clients of such services as well as "potentially contributing to greater complexity for consumers". However, the LSB's view is that the benefits of the proposal outweigh the risks with reference to the regulatory objectives and public interest as a whole.

In its submission to the LSB in response to such objections, the SRA contended that the new transparency rules (as mentioned above) would help to ensure that consumers do have the correct information and support to help them make informed decisions regarding providers of legal services.

The SRA provided assurances regarding the monitoring and

evaluation of the impact of these changes upon consumers which the LSB admitted had a significant impact upon their full approval of the new Handbook. It does of course remain to be seen what those monitoring and evaluation processes will entail.

Another controversial change ushered in by the new Handbook is the facilitation of freelancers to provide reserved legal services without being authorised as an entity. They will need three years' experience, as well as adequate professional indemnity insurance for all their legal work. However, they will not be able to hold client money or employ people.

The Compli team will be on the road next year providing face to face training and workshops on the new Codes, what it means for you and your staff so do get in touch if you wish to discuss how we can help embed the new handbook, ethics and principles in your firm.

High Court overturns SDT decisions in stress cases

Last month, the High Court ruled that Sovani James, Peter Naylor and Esteddar Macgregor should be struck off the roll. In doing so they overturned the SDT's decision to impose suspended sentences on the three individuals for their admitted dishonesty. In giving his judgment, Lord Justice Flaux stated that "Pressure of work or of working conditions cannot ever justify dishonesty by a solicitor" and pressure of work even considered in conjunction with stress or depression could not amount to the exceptional circumstances required to avoid a strike off". These high profile cases have received widespread attention across the legal profession and has highlighted issues faced by solicitors working in high pressured environments, especially with reference to mental health and has raised concerns regarding wellbeing within the profession.

Technical Notice of the implications of a 'no deal' Brexit

Dare I say the word "Brexit"?! The government has published a 'Technical Note' covering how professions and services will be regulated in the event of a no deal Brexit, including plans for the legal sector. This notice does not however attempt to deal with the issues surrounding European lawyer's right to practice in the UK following our exit from the EU. In October the SRA released a statement in respect of the notice, stating their commitment to working with the government to understand the impacts of Brexit and ensure that any regulatory changes are managed "as smoothly and effectively as possible".

The SRA has also attempted to summarise the impact of a 'no deal' EU exit upon the circa 700 RELs (Registered European Lawyers) whom they regulate. I won't set this out here but those affected will no doubt be able to locate the summary on the SRA website.

The SRA has also warned the Department for International Trade

against agreeing to 'mutual recognition' of overseas legal qualifications in its post Brexit trade negotiations. In their response to the department's consultation on its approach to Free Trade Agreements, the SRA stated that recognition of professional qualifications should be assessed on a case by case basis rather than based on reciprocity and that this would be essential in protecting consumer interests. The regulator stressed a need to balance the advantages of an open and competitive legal services market with the needs for legal practitioners to be sufficiently competent to practice as a solicitor in England and Wales. They suggested a test based upon the sufficient similarity in content and standard of overseas qualifications.

Lawyers in firing line of Home Office's serious crime strategy

In their launch of the serious and organised crime strategy the Home Office has set its sights on lawyers as "key facilitators" of serious organised crime and "important part" of the remedy. The strategy recognises that professionals such as lawyers and accountants are instrumental in the prevention of organised crime but may be complicit, negligent or unwittingly enabling the facilitation of money laundering practices. The Home Office has pledged to work together with HM Treasury to better understand the role of professionals in integrating illicit funds into the UK and global banking systems and developing effective interventions.

Speaking to The Guardian the Security and Economic Crime Minister (Ben Wallace) restated the Home Office's commitment to prosecuting proactive professional enablers and described them as being "at the front of our queue as much as the actual nominals of the organised crime groups" and that the department would do everything in its power to bring prosecutions against such individuals.

Also, at the Law Society's AML and Financial Crime Conference, Executive Director of the SRA, Crispin Passmore (who also recently announced that he will be leaving the SRA at the end of the year) warned that firms can expect no let up in scrutiny on this issue from the regulator and announced that next year the SRA will concentrate on trust and company issues as well as conveyancing. He warned: 'It's not enough just to tick the [compliance] boxes: we're looking at you really knowing who your client is, where their money comes from and that you understand the risk.'

SRA will not to appeal Leigh Day decision

The SRA's chief executive, Paul Philip, has confirmed that it will not appeal the dismissal of its prosecution of Leigh Day. In doing so, Philip refused to reveal how much the SRA had spent in bringing the case before the SDT and subsequently appealing to the High Court. This action constitutes the longest and most expensive prosecution ever undertaken by the regulator, with the High Court noting that costs had become "simply enormous – deep into seven figures". A detailed assessment of the Leigh Day's costs in the appeal has yet to be conducted.

Increase in SDT hearings expected in 2019

The SDT is expecting an increase in disciplinary hearings in 2019 following a surge in sexual misconduct allegations against solicitors. In its application to the LSB for an increased budget for 2019, the SDT confirms that the SRA has identified a "significantly increased forecast" of cases likely to go to the SDT, going from 138 to 180 next year plus an additional 25 relating to sexual harassment. This follows on from the #MeToo campaign and the related issue of NDAs. The increase in sexual harassment allegations is clearly concerning and as we are fast approaching Christmas party season, this will hopefully serve as a timely reminder!

Barrister reprimanded and fined for drunken behaviour at Bar Mess event

And if the warning above isn't enough, a barrister, Robert Kearney, has been fined £1,000 and reprimanded for his drunken behaviour towards a pupil at a Bar Mess event. The tribunal found that he sat uncomfortably close to one of the pupils who he had never met before, put an arm round him and engaged in "excessively physical and unwanted contact". He was also found to have made statements or directed questions to the pupil which were "uncomfortable, hostile and intimidating".


Swearing at the SRA leads to strike off

And finally, Luke Stephen Venton, aged 39, has had his career ended by the SDT after being struck off for venting his anger at the SRA in a foul-mouthed email attack on his regulator. Having been given a fine and rebuke for convictions for drink-driving, possession of cannabis and possession of a knife in a public place and for failing to inform the SRA of the first two convictions, he told the SRA "You can stick your adjudication invoice up you're [sic] ****. The rants and swearing continued (I am not going to repeat them here!) and extended also to former employers in what the SDT described as an 'offensive, insulting and threatening' way, causing harm to the recipients. The SDT determined that the seriousness of the misconduct was at the highest level, such that a lesser sanction than strike-off was inappropriate.

Clearly not the way to talk to your regulator!

That just leaves me to wish you all a very happy and peaceful Christmas.

Michelle Garlick
Weightmans LLP



An Overview of Whistleblowing in Employment

with Emma Tegerdine

on Tuesday 29th January, 10am - 12pm

This course covers some of the tricky issues around whistleblowing. It considers case law and the impact of recent developments, including the Court of Appeal's decision in *Chesterton Global Ltd v Nurmohamed* in which it was confirmed that a disclosure may be in the public interest even if it includes a "private interest" element.

What this course will cover:

- Who is protected?
- What is a "qualifying disclosure"?
- The public interest test, including the impact of *Chesterton Global Ltd v Nurmohamed*
- What constitutes a "reasonable belief"?
- Who must a protected disclosure be made to?
- Confidentiality issues
- Detriment and dismissal claims
- Who is liable?

Competencies: A2, A4, A5, B3, B4, B6 & B7

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

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

Merseyside Landmarks

Continuing our series of articles looking at a number of Merseyside's magnificent buildings and architecture. This month we take a look at Speke Hall and its legends...

Speke Hall is one of the best examples of a wood-framed wattle-and-daub Tudor manor house in Speke and is a Grade 1 listed building.

The construction of the manor house began in 1530 under the ownership of Sir William Norris and incorporated a number of other buildings on the site. The Great Hall was the first part to be completed in 1530 with the addition of the Great Parlour in 1531. The oak frame of the building rests on a sandstone based and the timbers are filled with wattle and daub.



The Norris Family were Roman Catholics and the house was built during the Reformation and the manor house incorporated a priest hole and a special observation hole built into a chimney in a bedroom to allow the occupant to see the approach to the house to warn the priest that people were coming.

Sir William was the Sheriff of Lancashire from 1544-45 and enjoyed the favour of the 3rd Earl of Derby, a dominant authority in Liverpool affairs. He had joined the Earl and his men against the northern rebels in 1536 and was a member of his council in 1555. He also attended the examination of the Protestant martyr George Marsh in 1555. Marsh, from Deane in Bolton had converted to protestantism and preached around the towns of Lancashire.

After the interrogation, legend has it that Marsh was so angry that he stamped his foot so hard that it left an imprint on the stone flag at the foot of the steps. The flag with the footprint was thrown into a nearby stream, but this caused such disturbing poltergeist activity that it was retrieved and put back in its place and that the footprint, which is now protected by a metal grille, is said to become bloody on the day of his anniversary.

George Marsh was taken to the gaol at Northgate, Chester and stood trial for heresy. He refused to convert to Roman Catholicism and was executed in April 1555 on the north side of the road in Boughton, close to Chester. He burned to death at the stake with hot tar dripping on to his head from a barrel above. After his death his ashes were collected by his friends and buried in Saint Giles' Cemetery. George Marsh is included in John Fox's 'Book of Martyrs'.

After William's death in 1568, Speke Hall was passed on to his sons and grandsons. Thomas Norris inherited the house in 1651 and was the first head of the family to convert to protestantism, yet was still regarded as a Royalist. At the end of the Civil War the Norris estates were confiscated by Parliament and not returned to the Norris family until 1662.



Thomas Norris went on to become Whig MP for Liverpool from 1688 to 1690 and again from 1690 to 1695. His brother William then succeeded him and held the seat until 1701.

Speke Hall remained in the hand of the Norris family until Mary Norris married Sir Sidney Beauclerk in 1736. Liverpool merchant Richard Watt, purchased the house and estate from the Beauclerks in 1795 and this was passed down through the Watt family until Miss Adelaide Watt who died in 1921. In 1943 Speke Hall was given to the National Trust but was administered by Merseyside County Council who carried out a programme of maintenance and restoration. The National Trust took on full responsibility for Speke Hall in 1986.

The National Trust now run a variety of events and workshops at Speke Hall and building has been renovated and now houses the shop, restaurant and reception. The laundry has been converted into the education room and the dairy contains interpretation material.

The gardens at Speke Hall date from the 1850s and the courtyard of the main building are two ancient yew trees, male and female, called 'Adam' and 'Eve'. They are estimated to be at least 500 years old.

Considered to be one of the most haunted buildings in the North West, Speke Hall was featured an episode of 'Most Haunted' which was broadcast in October 2009.

Local legends report that there are several ghosts who refuse to leave the mansion. Dark shadows are often seen floating around the Great Hall, a dark shadow is often seen in the Blue Room and visitors have reported whisperings of "get out", the sound of children crying and eerie footsteps.

The Tapestry Room is also said to be haunted by the ghost of Mary Norris. As the legend goes, she is said to have thrown the couples' young son out of the window into the waters of moat. Mary then threw herself out of the window. Since then her ghost has been seen in the Tapestry Room, gliding across the floor, before disappearing into the walls.

For those interested, Speke Hall is hosting traditional Victorian Christmas weekends in December; complete with carol singers, mince pies and a visit from Father Christmas, (pre-booking required) and watch out for the ghosts!

Julia Baskerville

| 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 |
| S4183 | 25th | 10-4 | Developments in Domestic Abuse: Law & Procedure | Safda Mahmood |
| 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 |
| S4215 | 30th | 3-4 | Making Tax Digital | Jenni Christy |

| S Code | Date | Time | February 2019 | Speaker |
|---------------|-------------|-------------|--|---|
| S4271 | 1st | 3.30-4.30 | Deeds of Variation | Richard Oughton |
| S4233 | 5th | 9.30-12.45 | Commercial Leases Masterclass | Ian Quayle |
| S4236 | 5th | 1.30-4.45 | Costs in the Criminal Courts with Anthony Edwards | Anthony Edwards |
| S4184 | 6th | 10-4 | Stand and Deliver! Conducting Effective Advocacy in Child Care Cases | Safda Mahmood |
| S4266 | 7th | 5.30-7 | Family Judges Forum | HHJ de Hass, QC, HHJ Greensmith & DJ O'Neil |
| S4272 | 8th | 2-3 | Intellectual Property Online | Sarah Jameson |
| S4273 | 8th | 3.15-4.15 | Agency and Dishonest Assistance in a Commercial Context | Arron Walthall |
| S4201 | 12th | 1.30-4.30 | Practical Contract Law | Chris Beanland |
| S4231 | 13th | 9.30-4.30 | The Complete Legal Aid Supervisor | Vicky Ling |
| S4211 | 26th | 9.30-3 | **NEW** Housing Disrepair Conference | Various |

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