

# LiverpoolLaw

February 2019

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



## James Benson

Obituary for James Benson, past President of Liverpool Law Society and Editor of Liverpool Law.



## Leadership and the Law

Donna Scully of Carpenters talks to Liverpool Law



## 100 Years of Women in Law

A celebration of Women in the Law organised by the WLD



## Newly Qualified Lawyers celebration

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# February 2019

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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](mailto: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 February 2019 edition of Liverpool Law

Hi everyone,

Welcome to the February edition of Liverpool Law and my first as Editor. I will admit I am a little nervous taking over from the amazing Alison Lobb, so I hope you will all help the editorial committee to keep this magazine the way you want it.

It is a magazine for the legal community and so we need to work together to keep it fresh and relevant to our readers. If you have any ideas, events, success stories, promotions etc we want to hear from you. The deadlines are all detailed below. I appreciate in our busy lives it can be difficult to find the time to write these articles, especially for the smaller firms who don't have a dedicated PR team, but we would like to hear from everyone about what you are all up to and how we as your Society can assist.

Speaking of success stories, congratulations to everyone shortlisted for the Northern Power Women Awards. I'm pleased to see Liverpool has not only women but men (well, one man!) shortlisted too. It was also great to see men and women at the MWLD event to mark 100 years of women in the Law. I know from the Law Society Excellence Awards there was controversy over why there are still female specific awards when there are higher numbers of women in the Law, but it seems we still have some glass ceilings to smash through. With the support of our male colleagues I'm confident of this change and I understand that the feedback from the mens round table events has been positive. More of these events are taking place this year so keep an eye out and get involved if you can.

Thank you to everyone who has contributed to this edition, special thanks to Naomi Pinder who submitted an impressive 3 articles! We also have a couple of articles on AI, how to get your house in order and what you need to know. There are some hot issues in the legal arena at the minute with the changes to online divorces, probate fees and LASPO, to name but a few.

I hope you enjoy the read and look forward to meeting as many of you as I can.

Many thanks

**Jennifer Powell**  
Solicitor  
Weightmans



**Jennifer Powell**  
Editor

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## Editorial Committee Dates

All meetings start at 1pm

Tuesday 19th Feb  
Tuesday 19th March  
Tuesday 16th April  
Tuesday 21st May  
Tuesday 18th June  
Tuesday 16th July  
Tuesday 20th August  
Tuesday 17th September  
Tuesday 15th October  
Tuesday 19th November  
Tuesday 17th December

## Diary Dates

Monday 18 February	Legal Awards entries deadline at 12pm.
Tuesday 26 February	Housing Disrepair Conference
Friday 8 March	LLS Directors' meeting with MPs
Wednesday 13 March	Costs Conference
25th Feb – 1st Mar	Great Legal Bake (Organised by NWLST)
Thursday 21 March	Merseyside JLD and LLS Legal Quiz night
Wednesday 27 March	Innovation in Law Firms
Wednesday 3 April	Public Child Law Conference
Wednesday 30 April	Commercial Property Conference
Tuesday 14 May	Private Client Conference in conjunction with STEP Liverpool
Friday 17 May	Legal Awards black tie dinner & ceremony
Tuesday 11 June	Liverpool Legal Walk (organised by NWLST)
Wednesday 12 June	Personal Injury Conference

## Deadlines 2019

22nd February  
25th March  
25th April  
28th May  
26th June  
22nd July  
22nd August  
25th September  
25th October  
25th November



**The latest news from Chris Topping,  
the President of Liverpool Law  
Society...**



# President's Mentions

Sitting down to start writing this column on the night of the Brexit vote in Parliament feels very apt – whatever the outcome it is clear that we are living in a time that will see huge changes.

There are some who do not like change because they are happy to do things as they have always done them and find that having to alter practices is an uncomfortable experience. To an extent I am one of them! My colleagues often encouraging me to do things differently and to enter the twenty first century!

I am anticipating that the next twelve months is going to be a time of change in our profession as well as the nation. We cannot afford to get stuck in the mind-set that just because things have always been done one way there is no other way. Our profession has a reputation for being slow on the uptake and conservative when it comes to change. The world in which we live is not the same as it was 20, 10 or even 5 years ago and increasingly change is a constant feature of life in the legal profession.

This struck me quite forcibly at our welcome evening for newly qualified lawyers at the end of January. Those who are qualifying now are doing so in a time where the practice of law is undergoing a revolution. The age of instant communication has radically altered the way in which we interact with clients and there is clearly more to come. We will need to work in new and agile ways as the development of AI (Artificial Intelligence) moves ahead. Those newly qualified lawyers will be at the cutting edge of a revolution in the way in which we deliver legal services. It is not just for the young though.

On 27th March we will holding an Innovation Conference looking at the way in which technology will alter and enhance what we do. The Conference is a must for everyone involved in the practice of law because as one Past President of this Society

puts it “we all need to embrace the uses of technology otherwise we won’t exist”.

However some changes take longer than they should to bring about. I was delighted to be at the Women Lawyer’s Division event at the end of last month to celebrate 100 Years of Women in the Law. It was a great celebration of the role of women in the profession and a reminder that it is too easy to take for granted changes that others worked for and just how hard it was to begin to remove sexual inequality. (I was horrified to learn that Liverpool Law Society Committee had opposed admitting women to the profession when it was proposed in 1917 – how times have changed since then!)

It is a sad indictment that even now we are still in need of change.

There is a mountain to climb before we see women equally represented at senior levels in our biggest firms but it is fantastic that, as you will read elsewhere in Liverpool Law, five of our members have been nominated for Northern Power Women awards.

Change is often a challenge, but one which we need to evaluate and embrace so that our profession remains relevant to the age in which we live. None of us would want to be remembered as those who hindered progress or perpetuated inequality.

Now there is something to ponder – each member of Liverpool Law Society as an agent of change... what will your contribution be?

**Chris Topping**  
President

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# News from the Sub-Committees

## Non Contentious

### Non Contentious Business Committee Meeting 13th December 2018.

I present a modified set of the minutes for you, there are a surprising number of changes afoot in the world of Probate, unanimous concern is expressed that changes may be implemented without proper thought and are being instigated by non-lawyers who don't understand the underlying nature of importance of the legal rules developed over generations and that the drive for change may be digitisation and cost cutting and subsidising the Justice System which is collapsing due to Government cuts.

GDPR has extensive ramifications which were discussed, including the uncertainty and the lack of careful thought about how it would impact upon private client areas and the extensive and personal information received by solicitors on a daily basis.

A number of new solicitors have joined us over the last year and this has reinvigorated the committee. The December discussion was excellent and everyone felt able to participate which I value. I thank all taking part over the last year for their efforts and contributions, I note that a number of solicitors travel a significant distance to join us.

It is crucial for experienced practitioners to make time to get involved so that we can shape our profession for the future, sometimes I think that it is even a case of retaining our "profession" and not seeing it as another "industry".

#### Modified Minutes

1. Extensive discussion regarding the changes to the procedure re application for the Grant of Representation and the replacement of the Oaths with statements of Truth. Noting the precedent produced and distributed by LDPR and placed on the LLS website. The Will no longer needs to be marked. There is a warning on the Statement of Truth warning the deliberate dishonesty can result in criminal proceedings for fraud. The signature does not need to be witnessed.

2. It was commented that the Statement of Truth devalues the truth cf. the Oath.

3. Issues which would have been addressed in a separate affidavit of plight and condition can possibly be included in the Statement, to avoid a mix of Statements and affidavits.

4. Concern expressed that the safeguards regarding Wills may be eroded by the reduction in the procedural requirements. It was noted that various asset holders eg banks and life companies will release funds without the production of a Will and to the wrong person.

5. There is a system of voluntary Will registration with Certainty and a system with the Probate Registry but the latter system is not generally known about.

6. LLS is contacted by lay persons looking for Wills. If the firm has closed, the location of the Will can be traced through LLS records. The name of the original firm is required.

7. There is a drive towards digitalisation of certain legal procedures and there is a trial for on line probate for lay persons and divorce. The use of the portal. There has been no consultation with the profession, to the best of the committee's knowledge, the Chair had tried to contribute but the offer had not even been acknowledged. It was noted that the decision makers are not lawyers and do not exhibit understanding of the relevant issues.

8. Extensive discussion regarding GDPR, complying with the regs re data storage, correct disclosure and to be obtained legitimately. There are special issues re private client especially as we collect a lot of personal information in connection with Wills. There are issues re contacting beneficiaries and the privacy notice they should receive.

9. There were various exemptions under the old data regs which do not appear in the new regs re trustees and attorneys. The omission is unhelpful.

10. The right to be forgotten was discussed.

11. It was noted that trustees and attorneys act in a personal capacity.

12. The GDPR are complex and everyone is doing their best to manage data in accordance with the regs and in their clients' best interests.

13. The case of Paull v Paull was discussed with emphasis on the solicitor's duty to spell out the nature of the transaction to a party to a transfer, in this case father to son, the need to spell out simply the danger to the transferor's loss of security.

14. It was noted that a third party cannot be forced to obtain separate legal advice, the solicitor could refuse to act or a big print disclaimer can be written on the letter. This is used in the matrimonial context and is important as many people don't have a solicitor because of the cost.

15. Jo reported re the training and the Residential Property conference.

**Next meeting 28th February.**

**Note the following meetings for 2019 are 18th April, 20th June, 17th October and 12th December**

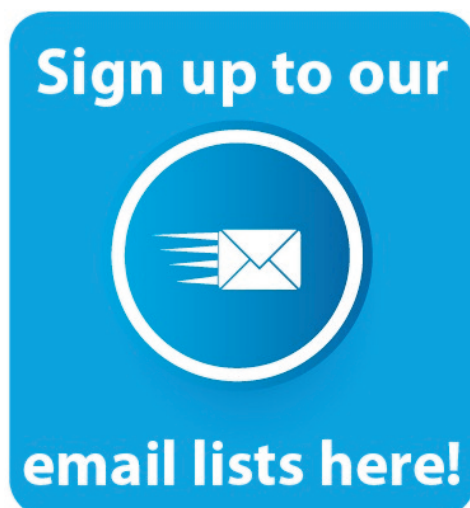
**Naomi Pinder**

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# Helix Highlights

Liverpool Law Society works with a number of professional membership and economic organisations across the region, looking to collaborate on initiatives, aims and goals that we share. In this month's column, the focus is on the Liverpool LEP.

## Working with Liverpool City Region Local Enterprise Partnership

In late January, I attended the Liverpool City Region Professional and Business Services Skills for Growth Action Plan Launch. At this event the Liverpool City Region Combined Authority outlined the *Skills for Growth Action Plan* and the challenges facing the Professional and Business Services sector. There was an extremely interesting Q&A panel session with five apprentices, two from Hill Dickinson, one from Weightmans, one from Grant Thornton and one from Beaufort Financial. This is part of the Liverpool LEP's 2018 Professional & Business Sector Baseline Report and Strategic Priorities in which Liverpool Law Society is referenced (on page iv), looking to promote the professional & business sector, and foster skills and retention of legal talent in the region.

Later this month, a director of Liverpool Law Society and Director of Legal Services at EY Riverview Law, Steven Zdolny, is speaking at the Liverpool LEP's *Artificial Intelligence (AI) – What does it mean for your business?* For further details and to book your place at this event, please see <https://www.liverpoollep.org/events/the-impact-of-ai/>

## Local Growth Hub – managed by the Liverpool LEP

The Local Growth Hub is a place for businesses in the Liverpool City Region to find the right advice and support that can help them grow. The LEP's aim is to help entrepreneurs, SMEs and Scale-up companies flourish by increasing the awareness of the public and private sector support available across the Liverpool City Region. 6000 businesses were helped by the Local Growth Hub in 2017 with practical business support. You/your company can register to be listed as an advisor on the site – see [here](#).

## Sponsor meetings/new sponsors

I am pleased to report that the Society enjoys good level of sponsorship support which enables the Society to offer the range of activities and events that we do. In the last month or so, I am delighted to have welcomed on board **Currency Index, JLT Group, Kin Probate, Lloyds Bank, Mediate Legal, Rathbones, Red Office, Stewart Title, Temple Legal Protection** and **The University of Law**. We value the relationship we have with sponsors and enjoy long-standing relationships with many of them.

## James Benson

I am sad to report the passing of Liverpool Law Society President 2003-2004 James Benson, known to many in the legal community. I attended his funeral on 3<sup>rd</sup> January on behalf of the Society. He was for nearly four years editor of this magazine (May 1997 – December 2001). There is an obituary in this edition and we have reproduced one of his editor columns of 'Liverpool Law' from August 1997.

## Legal Awards 2019 – last call for entries – deadline is midday, Monday 18 February 2019.

These awards celebrate all the excellent work that is done in and around the Liverpool City Region but only come round once every two years so we hope many members will take this opportunity to showcase the work that is done by North West firms. Entries for the 14 award categories close at midday on Monday, 18 February. For further information and to enter the awards, please click [here](#)

## Until next month,

Sarah

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CEO

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**Sarah Poblete**  
CEO

# Obituary: James Benson

James (Jim) Benson, who died on the 18th of December, was admitted as a solicitor in 1979. He worked for M.J.Ross & Co and at Irving Benson. He opened his own practice (James Benson & Co) in 1984. He was a sole practitioner and remained one until he retired in 2017.

He established a reputation for competent and compelling advocacy.

His submissions were delivered in an unexplained transatlantic accent. How someone born on Scottie Rd sounded like Donald Sutherland is a mystery we will never know the answer to.

As his practice developed, it was clear that Jim had a talent for dealing with a range of offences but particularly serious and complex crime. He had a rapport with clients and they repaid him with great loyalty and respect. At his funeral, several of his clients attended to pay their respects.

Jim held a strong belief that our profession added value to society. He considered that our professional and ethical values should be upheld and protected. His conduct reflected this and he expected the same from others.

In time, he became the person that others would go to for an opinion on professional or ethical problems. He was generous with his time and advice.

It was natural that he became involved in the politics of law. He was elected to the committee of the Liverpool Law Society as Treasurer. He was the editor of this magazine. He became the chair of the Criminal Practice Committee.

In the former role his editorials were a mixture of the absurd and the profound. Some were reproduced (with comment) in the Law Society Gazette. (for an example Google 'Hurray for President Benson Law Society Gazette').

In the latter, he transformed the role of that group so that it was proactive in the consultations and negotiations with the Legal Aid Agency (LAA). Our voice was one that was listened to and influenced other local societies around the country.

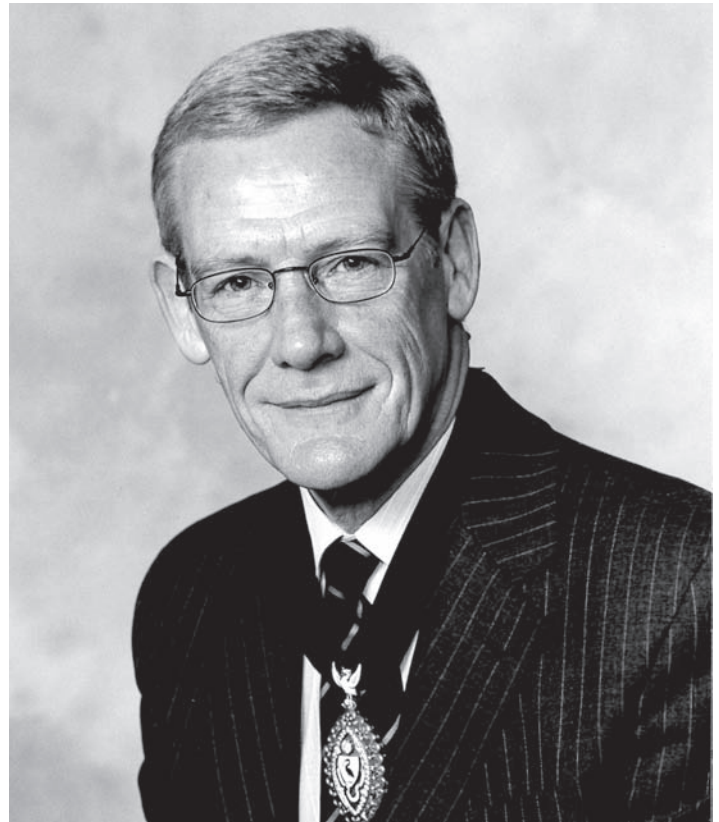
In 2003 he became President of the Society. He undertook those duties with the diligence and energy that one would expect from him. At the same time he maintained his own case load and managed his firm with the support of his excellent staff.

After his year in office he returned to practice full time.

In 2007, he was instructed by the lead defendant in the Rhys Jones case. Jim's firm did not have the necessary accreditation to comply with the contracting regime that applied to that case. He declined to withdraw from the case. This bought him into direct conflict with the LAA. The position was eventually resolved in Jim's favour.

It was not just about payment. Jim insisted that the client had a right to the lawyers of his choice (within reason) and this should not be abrogated by the arbitrary imposition of cost cutting measures. He was prepared to put everything he had built up at risk to make his point.

Jim kept his private life private. That will be respected here.



All of his advocacy, writings and conversations were interwoven with examples of his wicked sense of humour.

When making a bail application for a client charged with theft of bananas, Jim was asked how many months in prison the client could expect.

His reply was 'Fyffe'

He contributed greatly to the profession in this city and it was a joy to have met him.

**Kieran Fielding**  
**David Phillips & Partners Solicitors**



**James Benson was Editor of Liverpool Law from May 1997 until December 2001. Below is James' Editorial from August 1997, which illustrates how very little has changed for legal aid lawyers**

# Reading with the Enemy

Like many I routinely work on Sunday, generally at the office and not entirely out of choice. Those files which seem impenetrably difficult during the week become accessible with embarrassing ease on the Sabbath. If the start is early enough and the labour sufficiently intensive Mondays become tolerable and a sense of control prevails until about 3.00pm. During the balance of the week one becomes the fox again, topically speaking.

The only permitted intrusion in this weekly regime is the rapid perusal of the Sunday Times. Certain portions can be immediately cast aside. The Appointments Section thankfully fulfils no immediate need. The Financial Section induces a sense of inferiority and is a constant reminder of the likely inadequacy of one's income just immediately prior to death. Most of the rest is best left for reading in the week when excess of intellectual effort sometimes drives one to gravitate to the supercilious nonsense that generally can be found there.

So, it's the front section only that can be considered without too much loss of prime productive time. Issue 9019 – 6th July for example revealed that Cherie Blair's haircut was a mere snip at £2000 during her Denver trip with hubby for the G7 conference. Enough you might think to have anyone choke on their croissant. Her hairdresser intriguingly names Suard (play about with this name – it may become relevant later) bills out at £69.50 for a cut and finish. I am about to start my day at £44.75 per hour for cut and thrust.

Where is this all leading? It is simply this, if one is careful one can often find within the pages of this section the continuing story of the Sunday Times campaign against Legal Aid Lawyers. On one particular dismal Sunday morning I found a further episode entitled 'Revealed: How to Milk the System'. The Sunday Times had decided to approach solicitors with

potential but fictitious claims to test reaction and determine the extent to which Legal Practices would be prepared to pursue the claim and apply for Legal Aid. Three cases were quoted, and Roger Smith the Director of the Legal Action Group described each as 'absurd'. According to the Sunday Times the Legal Action Group campaigns for better access to justice. Interestingly two of the three victim firms were from Merseyside. I don't recall the Sunday Times directions his venom against the Legal Aid Board on any previous occasion despite knowing as it must that it is the Board who decide on merits after all. Indeed Richard Collins (The Board's Planning Manager) when asked about the three quoted examples no doubt with relief and happy detachment indicated solicitors had a duty to weed out cases without merit. Solicitors should not just apply for Legal Aid 'willy nilly'.

Are any of you out there applying for Legal Aid willy nilly.

I would be pleased to receive reactions to this journalistic activity and the article generated from it. A copy of the article is available and in this instance I recommend you read it without hesitation.

For my part I am no litigator merely a humble criminal lawyer. When the day dawns that I am accused of applying for Legal Aid willy nilly because perhaps it should have been clear to me that my client was guilty will approximately be the day I cease to practice. At least then I would have no interest in the pontifications of the Sunday Times.

What concerns me peripherally is the misuse of the concept of confidentiality such experiments involve.

Advisors be they political, legal or clerical should not be provoked into guarded conduct. To abuse this convention to make the aimless and misleading points contained within this article was unfortunate. I trust the Practices involved have submitted invoices covering the wastage of their time.

Now about my claim against the Sunday Times for trivialising the true purpose of life on earth by persistently and negligently publishing the banalities of Tara Barmy-Bonkington.

**James Benson**  
Editor



## Society's meetings with Liverpool City Region Local Authority Councils facilitates university student placement schemes

Liverpool Law Society directors have been hosting twice-yearly meetings with Halton, Knowsley, Liverpool, Sefton, St Helens, Wirral and Neston councillors since 2011 as part of the Society's active lobbying and representation role. The Society also has close links with the local universities, often cross-promoting events, issuing speaker invitations and encouraging participation via our Access to Justice Committee, Joint Forum on Access to Advice and In House Lawyers Committee.

It is thanks to these links built up over the years that the Society can inform and encourage participation in such initiatives as the university student placement schemes. The two schemes are outlined below:

### University of Liverpool

*The School of Law and Social Justice at the University of Liverpool started a new Access to Justice module in 2018 that includes student placements. It is hoped students are able to gain experience of and contribute to services that relate to Access to Justice. We already have a number of placements set up in third sector agencies, such as Citizens Advice, but would be interested to hear about any opportunities in local authorities or MP offices.*

*Citizens Advice Wirral provide placements for example. We are looking to expand the scheme further in the future.*

*The work could include Cllrs arranging for students to work with them on representing Ward residents and Cllrs arranging for students to work in Local Authority Legal and or Planning Departments.*

### The University of Law

*We have around 330 students here at Chester, all studying law. These are divided into LLB (the law degree), GDL (the law degree conversion course) and LPC (the final course students will take before training to become a solicitor). By far the largest cohort is LPC, and it is these students who would be put forward to assist a local authority.*

*We send students off to assist in a variety of organisations providing access to justice, for example: Cheshire, Halton and Warrington Race Equality Centre; Alzheimer's Society; National Centre for Domestic Violence; Personal Support Unit.*

*Some of these organisations operate out of local authorities (for example, Wrexham Council's 'Second Voice Advocacy Project', and Chester Council's 'Domestic Abuse and Family safety Unit') and the students make real contribution to their services whilst enhancing their own CVs.*

Liverpool Law Society will continue to work alongside colleagues and contacts in the public sector and higher education establishments for the benefit of a strong local legal sector, assisting with access to justice and with the aim of retaining talent in the North West.

## Invitation to participate in the International FinTech Forum, Liverpool

12 February 2019

Invest Liverpool are working with FinTech North who, since their inception in 2016, have hosted 27 events across the North of England, attracting in excess of 2,000 delegates from over 500 different companies, as well as speakers drawn across 15 different countries. In 2018, speakers included the Financial Conduct Authority, Innovate Finance, Northern Powerhouse Partnership, First Direct, CYBG, Bupa, Barclays, North Invest, Squire Patton Boggs, as well as universities, investors and multiple regional, national and international FinTech innovators. Invest Liverpool are keen to encourage interaction with Legal firms based here in the city region.

<https://www.eventbrite.co.uk/e/fintech-north-international-fintech-forum-liverpool-tickets-54760757901>

The visit this year will take place on the 12 February 2019, with the 24 FinTech companies taking part in a morning event at The Titanic Hotel. As part of this event, there is a two-way pitching session whereby local companies will be able to pitch their ideas and opportunities for potential collaboration, highlighting the solutions or technologies they are looking to acquire (it's not just Financial, as other Professional and Business Services technologies will feature too). The travelling FinTechs (see detailed list of attendees [here](#)) will have expertise in:

- **Data & Analytics**
- **Artificial Intelligence**
- **Data Security**
- **Authentication / KYC**

- **Banking**
- **Lending**
- **Savings / Investments**
- **Risk Management**
- **Capital Management**

We believe that this will be an unmissable event for companies looking to develop relationships, ideas and knowledge of Tech, with plenty of time for discussion and networking. This event looks to build upon some of the collaboration and research already taking place between technologists and Legal firms, notably some of the work coming out of the University of Liverpool.

Please do let me know if this of interest to you – it would be great to have some legal businesses pitch on the day!

Best regards

**Thomas Alsop**  
Investment Officer

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# Meeting the Councillors

The various Authorities of the Liverpool City region were well represented when General Committee members met Councillors on 17 January. This also included Authorities on both sides of the River Mersey. They were Councillors Clare Carragher (Sefton), Jane Corbett (Liverpool), Peter Lloyd-Jones (Halton), John Stockton (Halton) and Stephen Williams (Wirral).

A highlight was the presentation on Universal Credit by Heather Brent (Chief Officer) and Jacqueline Large (Senior Universal Credit Support Adviser) from Citizens Advice (CA) Liverpool. They were able to provide vital practical details about how CA is able at present to advise UC recipients on Digital Support and Personal Budget Support skills, which Solicitors and Councillors might be able to refer those who consult them.

The CA officers also highlighted how they can assist recipients with other key tasks to enable UC to be paid to them. There is a National Phone Number, Webchats, plus help with guiding recipients unfamiliar with e-mail and with opening a Bank Account.

Criminal practitioners might want to note an issue raised by Cllr Carragher. The Councillor identified how payments of Fines are deducted from Benefits received by convicted individuals, and how a Payment Card scheme can be utilised across the six City Region authorities on this matter.

LLS President Chris Topping summarised Access to Justice topic. He confirmed that the Government's reply to the LASPO Review is awaited. Cllr Carragher summarised the campaigning undertaken for LASPO reform by Merseyside MP's Peter Dowd and Bill Esterson, who have collaborated with Opposition spokesman Lord Bach.

In a week when Brexit and the Confidence Vote drama grabbed the headlines, it was necessary to look at more prosaic but still vital legislation. There were various Acts passed since the last meeting which I saw as Local Authority issues. Practitioners might also want to note the enactment of the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, which increases liability for owners, and the Non-Domestic Rating (Nursery Grounds) Act 2018 which contains exemptions.

For completeness, I mentioned the passing of the Civil Liability Act 2018. Its provisions about soft-tissue (Whiplash) injuries and extension of Small Claims jurisdiction are topics which had been discussed with Councillors in previous meetings.

There was also mention of the Homes (Fitness for Human Habitation) Act 2018, which I had highlighted during its passage and which affects Landlords' covenants. Unusually, the latter was a Private Members Bill which made it to the Statute Book.

At the time of writing, another Private Member's Bill - introduced by Justin Madders (MP for Ellesmere Port and Neston) - was due for its Second Reading debate on 25 January. The Leasehold Reform Bill refers to enfranchisement and seeks to reduce onerous liabilities on leaseholders.

Conveyancing practitioners may recall that Fractional Investment is an issue of concern to the Councillors, as well as to buyers who pay substantial sums in advance of construction being completed. Cllr Corbett explained that the City Council's Scrutiny Panel was considering how this topic should be addressed in the Authority's next Growth Plan.

By the time of our next meeting - fixed for Thursday 11 July - another set of Local Authority elections will have taken place. LLS will endeavour to make



**Jeremy Myers**  
**Parliamentary Liaison Officer**

contact with some of the new Councillors to see if they can attend, and as always, suggested topics from LLS members would be very welcome in advance.

**Jeremy Myers**  
**Parliamentary Liaison Officer**

## Past President of Liverpool Law Society awarded MBE

Roger Arden was awarded an MBE in the New Year Honours List for services to the Community in Liverpool.

His practice was Gamon Arden & Co. established in 1880 by his grandfather. He held the Offices of Registrar of the Diocese and Legal Secretary to the Bishop of Liverpool for over 40 years. He was also Chapter Clerk to Liverpool Cathedral. In this role he was a member of a small Chapter group driven by the vision of the then Dean to develop a nine acre bomb site in front of the Cathedral, derelict since the end of the war. The project was to provide 160 affordable homes and accommodation for 450 students: at a challenging time in Liverpool's history this helped pave the way for wider regeneration in the City post 2000.

Roger served on the Liverpool Law Society Committee and various sub committees for over ten years becoming President in 1988. He also served on the Legal



**Roger Arden MBE**

Advisory Commission of the Church of England. He was a Governor for many years of two Liverpool Schools. He was a trustee of numerous local Charities and on the Board of two Housing Associations, one of which honoured and amused him by calling a 44 unit sheltered housing development in the north of the City Roger Arden Court!

## Society holds career information event for 16-17 year olds

Liverpool Law Society directors are hosting the fifth annual "Pathways to the Legal Profession" event on Wednesday, 6th February 2019. This event is open to all Year 12 students at schools and colleges on Merseyside. We are expecting about 130 students from 15+ schools to attend.

The purpose of the event is to explain to the young people the various methods of becoming a solicitor via the traditional graduate route, the CILEX route, and the apprenticeship route, and also how to become a barrister. For further information, please click here.

Kindly sponsored by



# 100 Years of Women in Law Celebration

We started off 2019 celebrating the 100th Anniversary of female professionals being able to practice in the UK. Our Centenary event was held at The Lodge, The Clubhouse, Liverpool One on 25th January 2019 where guests were welcomed with a glass of bubbly.

We enjoyed speeches from our Chair Millie Hayden, Nina Ferris of Hill Dickinson and past-President of the Law Society, Chris Topping of Brodie Jackson Canter and the current President of the Liverpool Law Society at the beginning of the evening. There was a small interlude where guests enjoyed canapes and filled up on their drinks. The speeches continued with HHJ Christine Bispham, a family Circuit Judge, and Nik White, Managing Partner of Brabners Conveyancing Data Services, and 7 Harrington Street Chambers. finished the speeches via a pre-recorded video.

A presentation was played throughout the evening showing the history of leading Merseyside legal ladies, and the history of many of the firms from the region, showing their progress in equality and the individuals they are most proud of.

Following the speeches we were treated to live music whilst hot food was served and the bubbly kept on flowing. To finish the night, guests collected their commemorative phone holder as a keepsake.

We would like thank The Clubhouse for hosting a wonderful evening from start to finish and we would also like to give a big thank you to our sponsors, Brabners, Hill Dickinson, Mason Owen, Conveyancing Data Services, and 7 Harrington Street Chambers.



**Nina Ferris**



**HHJ Christine Bispham**



**Millie Hayden, HHJ Christine Bispham and Nina Ferris**



## Charity

Help for Heroes is MWLD's current charity and in aid to raising money for this wonderful charity, our committee member Kirstie Bork is doing a 15,000ft tandem skydive on 27th April 2019! We have the charity table set up at all of our events and Kirstie has set up a justgiving page if you would like to sponsor her <https://www.justgiving.com/fundraising/kirstie-bork1>

## What's Coming Up?

Our next event is a Gin and Beer Tasting at Love Land Brewery on 28th February 2019. Tickets will be on Eventbrite shortly. £15 members / £20 non-members. We look forward to seeing you there!

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...". In December 2018 we had 5 minutes with Nicola Hardy, Senior Associate Solicitor at Simpson Millar LLP.

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**Womens Lawyers Division – Merseyside**  
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# THE LIVERPOOL LEGAL WALK

## Moving towards Access to Justice for all The Liverpool Legal Walk – SAVE THE DATE

On Tuesday 11th June 2019 at 6pm, groups from across Merseyside will be taking part in a 5km sponsored walk to help raise funds for local legal advice charities that help the most vulnerable and disadvantaged individuals across society. The Liverpool Legal Walk is an annual event that has continuously celebrated the work of the legal profession and advice sector in protecting individual rights and ensuring access to justice for all.

The work that NWLST does impacts a wide range of independent charities across Merseyside and Alan Kelly from the Vauxhall Community Law Centre emphasised the importance of this support after the 2018 Liverpool Legal Walk:

“If it wasn't for funds received from the North West Legal Support Trust and the Access to Justice Foundation the Law Centre would have become insolvent about 3 years ago and it would have closed. The cuts in public funding to advice centres can be illustrated by the fact that in 2011 100% of our funding came from Legal Aid and the Local Authority. This year that figure is 0% (zero). We now rely on charitable donations and fundraising.”

The Liverpool Legal Walk is one of 40 similar annual events taking place across the country. The NWLST forms part of a network of Legal Support Trusts across the country that work with the Access to Justice Foundation (ATJF) to facilitate access to specialist legal advice for those who



desperately need it. They provide free legal help to people facing problems such as homelessness, debt, employment, family issues, mental health problems, discrimination and injustice. The ATJF raises funds and distributes them to organisations that help these people in need access legal aid.

As always, this year's Liverpool Legal Walk is supported by the Liverpool Law Society and the President of the Law Society, Chris Topping will be taking part in this year's walk to help raise money to provide legal advice for those who cannot afford it. In 2018, over £4,000 was raised by teams of walkers across law firms, barrister chambers and the voluntary sector and this year we are wanting even more sign ups and more money raised to support this valuable cause!

**For more information about the NWLST and to register a team for this important and rewarding event, be sure to check out the Trust's website at <http://www.nwlst.org.uk/>,**

**and don't forget to also visit <http://www.atjf.org.uk/> to find out more about how you can help those hugely in need of greater legal access!**



# Newly Qualified Lawyers Celebration



On 24th January, LLS and MJLD members came together at 30 James Street to celebrate the hard work and achievements of all lawyers who qualified in Liverpool during 2018.

The new lawyers and their guests were welcomed by President of the Liverpool Law Society Chris Topping who urged them to become active members of their local law society, it being a place where they can find a sense of belonging and common purpose. He also urged all those present to remind their more senior colleagues that just because something has always been done a certain way does not mean it is the best way and to be the catalyst for change for the better.

Hannah Bickley, Chair of the Merseyside Junior Lawyers Division, herself celebrating qualification, noted that all those present had got there through grit, hard work and determination in an increasingly competitive legal market.

HHJ Goldstone QC the Recorder of Liverpool was there to offer some sage advice and present the certificates. He also encouraged the new lawyers to be active in the Society which he said enjoyed a stellar reputation throughout the country and they should be proud to be a part of it. He also reminded them that although the period of qualification is over, the hard work really starts now!

It is right that the achievements and hard work of our new lawyers are recognised by us as a society, but also that they are given the opportunity to celebrate and network with peers and members from other firms. At the beginning of your career, you can never have too many connections that you can turn to for advice or inspiration.

It was also notable that in this year that marks a century since women

were allowed to practise as lawyers, the newly qualifieds were overwhelmingly women. I am hopeful, given their confidence and ability that we have some star leaders of the future within this group. HHJ Goldstone QC also gave out the awards from the Society: Rupert Bremner and Atkinson prizes are awarded to a person with a training contract in Liverpool for achievement in professional examinations based on the results of the Legal Practice Course at the University of Law in Chester and Liverpool, and the Liverpool John Moores University.

The prize-winners for 2018 were Elle Mackenzie from Hill Dickinson, winner of the Rupert Bremner prize, Bee Gebhardt from Merseyside Fire and Rescue, winner of the Atkinson prize. The awards are now funded by Liverpool Law Society through its charitable funds and each prize winner received a copy of 'A Century of Liverpool Lawyers', together with a cheque for £100.00.

The E. Rex Makin Prize is awarded to the youngest Solicitor to be admitted to the roll in the Liverpool constituency. The winner this year was Katie Oakes of Hill Dickinson LLP. The Muir Matthews Prize is awarded to a young or trainee solicitor in Liverpool who is judged to have made the largest contribution on an all-round basis. The winner was Michael Fagan of Broudie Jackson Canter who has worked tirelessly with the MJLD. Both of these winners received a cheque for £50 and a copy of 'A Century of Liverpool Lawyers'.

**Nina Ferris**  
Immediate Past President





**HHJ Goldstone and Chris Topping with the prizewinners Elle Mackenzie, Bee Gebhardt, Kate Oakes and Michael Fagan**



**Hannah Bickley,  
Chair of the Merseyside Junior Lawyers Division**



**Chris Topping and HHJ Goldstone**



# Leadership and the Law

**Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, Donna Scully, Director of Carpenters Solicitors gives an insight into her role...**

## **Briefly describe your role as Joint Owner/Director.**

John founded Carpenters in 1994 and I joined in 1997. We grew and ran it together for nearly 20 years before bringing in a CEO and a Board to run it. It had grown very big and diverse so we felt it needed to become more corporate and we could offer more if we stepped back a bit and look at strategy rather than being consumed by the day to day running of the business. This has enabled me to do other things I enjoy too like writing (Twitter!), public speaking, charitable work and spending more time with my twin boys.

## **What do you like the most about your role?**

I like that I have a better work/life balance now and I have time to think. I also like that I have time to look not only at Carpenters but the industry as a whole and to try to get involved to shape things politically and practically.

## **What are the biggest challenges?**

I look at challenges in terms of the business and the industry. There is the constant challenge as you grow to make sure you stick to your original ethos, you continue to deliver quality and to look after your staff. You have to innovate too and not stand still. What more can you offer to your clients? Can you do that more efficiently? Quality and service are paramount to me but I am happy to be open-minded and forward-thinking in terms of how that's delivered. I embrace new technology and ideas but not at the cost of service. That price is too high.

In terms of the industry, the Whiplash reforms really worry me. I have written extensively about my concerns about how they could actually make things worse. I hope I am wrong.

## **What aspects of your firm are you most proud of?**

For starters I never thought it would be so big. We are over 1000 staff now over 7 sites, most on Merseyside still, but all around the UK. I am proud that we have a reputation for quality and being ethical. John and I made a conscious decision from the outset that we would not only provide a quality personal service to clients but that we would try really hard to do that professionally without cutting corners or breaking the rules. We have stuck to our guns on this and the Board continue to follow that ethos.

I am also very proud of our staff and their amazing social conscience. The charitable stuff they do year in, year out staggers me and makes me very proud. They have made a real difference to a lot of very needy people.

Finally, we've managed to build the firm in a diverse way better reflecting our society and customers. 58% of our total workforce are women, 50% of Carpenters' Executive board are female, 61% of our Operations Board are women and across the business 59% of managers and team leaders at Carpenters are women.

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

Goodness 10 years! More of the same really. Stick to the ethos, innovate, adapt and stay successful, I hope! I may be going to work in a driverless car by then.....



**Donna Scully**  
**Director of Carpenters**

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

Only choose law if you care, you want to make a difference and you enjoy it. It's a people/service industry so that will help. That really old boring one too, hard work. It can really pay off and be down to earth. Lawyers need to be approachable, pragmatic and understanding. If you have those qualities, you should go far. Think outside the box too and be yourself!

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# Northern Power Women Awards

The Legal community in Merseyside have illustrated the strength and innovation of the local legal community with five solicitors being shortlisted for the Northern Power Women Awards.

Alison Lobb, managing Partner of Morecrofts, Emma Carey, managing partner of MSB Solicitors and Nik White MSB managing partner have all been shortlisted in the Transformational Leader category.

Alison Lobb, Managing Partner of Morecrofts told Liverpool Law "I am delighted to have been named in the shortlist for Transformational Leader. The Northern Power Women organisation are doing great things in championing not only women but businesses in the region.

"I am also delighted that my Partner at Morecrofts, Julie Waring has been invited to join the Power List, which celebrates women who challenge the norm and ensure that everyone they work with recognise the benefit of having a gender-balanced workplace. Each year only 50 people are invited to join.

"At Morecrofts we champion all of our people, regardless of their gender, age, sexuality or race. The fact we have far more female partners compared to males though, shows testament to our investment in empowering women"

Nik White of Brabners is the only male to be shortlisted. He said "I'm really humbled and honored (and delighted!) to have been shortlisted in the Transformational Leader category at the forthcoming Northern Power Women awards (although I'm not quite sure what to make of being the only male among the eight shortlisted finalists!) I'm trying to use the platform that being a Managing Partner of a law firm gives me to act as a vocal and visible male champion for change as part of a broader ED&I agenda which forms part of the transformational change which we are driving at

Brabners."

Nik added "This is a nice little boost at the start of the New Year and pleasing recognition for the leadership team here at Brabners."

Emma Carey who was appointed Managing Partner of MSB Solicitors last year commented " Since I joined MSB in 1999, it has gone through significant transformation. I was the first female Trainee, Solicitor , Partner and now Managing Partner. I am extremely proud that we are an equal gender partnership; a firm that has been responsible for the training of some of Liverpool's amazing female lawyers .

I believe that as a lawyer I have a duty to promote access to justice and as a business women I have an obligation to promote social and economic justice, something that can only be achieved by a steadfast commitment to inclusion and diversity. I have embedded these principles in MSB."

Haley Farrell, Head of Family Law at Broudie Jackson Canter is shortlisted in the Mentor category. Haley was involved in setting up a mentoring scheme within her firm and also mentors colleagues and students on both a formal and informal basis. She said "I am overwhelmed, humbled and delighted to have been shortlisted for mentor of the year alongside such inspirational women. Good luck to all those shortlisted!"

Jennifer Powell, the new Editor of Liverpool Law and solicitor at Weightmans was selected in the One to Watch category. Jennifer commented: "I'm really happy to be shortlisted for this Northern Power Woman award. I'm at the beginning of my career so to be highlighted as 'One to Watch' is very encouraging.

"There are some amazing people involved, demonstrating the work and talent in our region. Good luck to everyone, fingers crossed!"

Julie Waring, a partner



**Nik White**



**Emma Carey**



**Alison Lobb**



**Haley Farrell**



**Julie Waring**



**Jennifer Powell**

specialises in divorce law at Morecrofts, has also been included on the 2019 Power List. The Power Lists celebrates women who challenge the norm and ensure that everyone they work with recognise the benefit of having a gender-balanced workplace. Each year only 50 people are invited to join.

Julie said: "Being invited to join such an amazing group of women is inspiring and I am both honoured and delighted.

"Morecrofts is spearheading development not only for women in the law, but also any woman forging a career. I'm in great company."

The awards ceremony, sponsored by Manchester Airports Group, takes place at Manchester Central Convention Complex on Monday, March 18.

# 2019 Costs Conference

**Wednesday 13th March 2019 9.30am - 4.55pm (lunch provided)**

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

9.10 – 9.30	Registration
9.30 – 9.35	<b>Chair opens ~ District Judge Jenkinson, Regional Costs Judge</b>
9.35 – 10.15	<b>Solicitor and client costs update ~ Robin Dunne, Hardwicke Law Chambers</b> <ul style="list-style-type: none"> <li>• New case law</li> <li>• Decisions on disclosure of documents</li> <li>• 100% success fee in PI cases</li> <li>• The interim bill issues</li> </ul>
10.15 – 11.15	<b>Misconduct in costs proceedings under CPR part 44.11 ~ Michelle Fanneran, Complete Counsel</b> <ul style="list-style-type: none"> <li>• The sort of conduct that will be classified as unreasonable or improper under 44.11</li> <li>• The range of sanctions open to the Court and the Court's readiness to use them</li> <li>• The importance of ensuring every aspect of a budget or bill is accurate before signing it</li> <li>• A reminder that Solicitors remain responsible for the actions and inactions of their agents, including costs draftsmen</li> </ul>
11.15 – 11.30	Refreshments
11.30 – 12.45	<b>Costs budgeting, ATE post-LASPO and hourly rates: General Update ~ Kerry Underwood</b> <ul style="list-style-type: none"> <li>• Costs budgeting caselaw update</li> <li>• ATE – how to and how not to challenge</li> <li>• Hourly rates – when and how guidelines rates are departed from</li> </ul>
12.45 – 1.30	Lunch
1.30 – 2.15	<b>Mock Detailed Assessment with the Electronic Bill ~ Shaman Kapoor, Matthew Waszak &amp; James Laughland, Temple Garden Chambers</b> Demonstrating some of the mechanics of the electronic bill in the context of a mock detailed assessment. One Barrister will act as the Costs Judge & each of the other two playing the paying party & receiving party. It should provide a valuable insight as to what lies ahead at the detailed assessment hearing.
2.15 – 3.30	<b>Part 36 Update ~ Kerry Underwood</b> <ul style="list-style-type: none"> <li>• Part 36 offers on Day One</li> <li>• Late acceptance</li> <li>• Recent case law</li> <li>• Interplay with extension of fixed costs</li> </ul>
3.30 – 3.45	Refreshments
3.45 – 4.45	<b>QWOCS &amp; Extension of fixed costs ~ Kerry Underwood</b> <b>QOCS</b> <ul style="list-style-type: none"> <li>• The exceptions</li> <li>• Discontinuance</li> <li>• Counterclaimants</li> <li>• Recent case law</li> </ul> <b>Extension of Fixed Costs</b> <ul style="list-style-type: none"> <li>• What is covered</li> <li>• The figures</li> <li>• Tactics</li> <li>• Planning for it now</li> </ul>
4.45 – 4.55	Summary & close ~ District Judge Jenkinson

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# Junior Lawyers Division - Resilience & Wellbeing Survey 2019

To ascertain the extent of the levels of stress and mental ill-health among junior lawyers, the JLD are conducting a Resilience & Wellbeing Survey. For the purposes of the survey, a junior lawyer is a paralegal who has obtained their LPC, a trainee solicitor or a junior lawyer with up to five years' post qualification experience. Please do pass on the survey to any junior lawyer colleagues and contacts you have. The survey can be accessed here. The survey closes at the end of February 2019

## Background

As part of its agenda for the last three years, the executive committee of JLD has been focusing on supporting junior lawyers experiencing mental ill-health and high levels of stress at work and raising awareness of these issues in the legal profession.

## Surveys

To ascertain the extent of the levels of stress and mental ill-health among junior lawyers, the JLD conducted its first survey in 2017 which received over 200 responses. The 2017 survey found that more than 90% of junior lawyers experienced stress in their role with 26% of those experiencing severe/extreme levels of stress. More than 25% of junior lawyers stated that they had experienced mental ill-health in the last month (whether formally diagnosed or not). It was clear to the JLD that high levels of stress and mental ill-health affected the majority of its members (specifically, paralegals (who have obtained their LPC), trainee solicitors and solicitor up to five years' qualified).

The JLD ran its resilience and wellbeing survey again in 2018 and it received nearly 1,000 responses. The overall figures in relation to stress remained the same as in 2017, however, the proportion of men regularly reporting either severe or extreme levels of stress increased from 20% to 26%. In 2018, high workload and client demands and expectations were the most commonly selected causes of stress, whereas high workload and ineffective management were the most common causes in 2017.

In relation to mental ill-health, more than 38% of junior lawyers stated they had experienced mental ill-health in the last month (whether formally diagnosed or not), an increase of almost 13% from the 2017 survey. The largest change was in relation to trainees, 19% reported experiencing mental ill-health in the last month in the 2017 survey compared to 38% in 2018. You can read the survey results report for 2017 & 2018 surveys here.

## Guidance for best practice for supporting resilience and wellbeing in the workplace

To support employers in meeting some of these challenges, the JLD developed best practice guidance aimed at reducing stigma and fostering positive mental health. The guidance is designed to give

**In next month's edition we will be including a feature on Mental Health issues. We would like to hear from firms on how they are helping staff to deal with day-to-day stress and other mental health issues.**

**To get involved please email  
editor@liverpoollawsociety.org.uk**



employers ideas on how to build a successful wellbeing strategy for their organisation. The guidance focuses on three core pillars (1) support; (2) education and training; and (3) culture; to enable organisational change. You can view the guidance here.

## Roundtables

The JLD has hosted two roundtable events with law firms to promote mentally healthy workplaces. These roundtable events involve a discussion on the recommendations in the guidance. As part of the discussion, law firms are encouraged to share their best practice and positive/negative experiences of running initiatives internally. By giving firms an opportunity to speak openly about their wellbeing strategies and what they are doing (under Chatham House rules), it helps give ideas to other firms who are still in the process of planning their own strategies. The next roundtable is taking place on 5 March 2019 and do let us know if you would like more information or to attend.

If you've got any questions about the above, please do not hesitate to get in touch with us.

Kind regards

**Kayleigh Leonie & Laura Ubero**  
**Law Society Council Members for solicitors 0-5 years' PQE**  
**kayleigh@tandonhildebrand.com**

## Don't forget to submit your reviews

**You could win a bottle of wine or prosecco**



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**Send your entries to editor@liverpoollawsociety.org.uk**

# Thoughts Regarding the Proposed Increases in Probate Fees from April 2019

There were proposed increases in the fees charged to apply for Probate which were shelved when Mrs May called the snap general election and they have returned, in a slightly amended form.

To summarise the position, at the moment there is a flat fee of £155 paid to HMCTS when a solicitor applies for Probate, this includes the grant issued when a person dies intestate. If a lay person applies, there is a flat fee of £215. The fees apply to estates valued at over £5,000.

The proposed increases are as follows:-

Estates valued at less than £50,000 would be exempt from paying any fee.

Estates valued at £50,000 - £300,000, fee £250, increase £35

Estates valued at £301,000 - £500,000, fee £750, increase £535

Estates valued at £501,000 - £1M, fee £2,500, increase £2,285

Estates valued at £1M - £1.6M, fee £4,000, increase £3,785

Estates valued at £1.6M - £2M, fee £5,000, increase £4,785

Estates valued at more than £2M, fee £6,000, increase £5,785

It must be noted that the fees are paid before Probate is granted.

Furthermore, the exemptions which apply to Inheritance Tax do not apply, primarily charitable and spousal exemptions.

The increases are less draconian than the previous proposals but are still significant.

The argument will be familiar, the Ministry of Justice has been starved of resources in real terms since LASPO and the MOJ needs money and this is a means to an end. It is an easy way of collecting a stealth tax on the estates of the deceased.

I opposed the original proposals and I oppose these. I agree that the Justice system is chronically underfunded and that the cuts are now undermining the Rule of Law. I heard Lord Neuberger arguing this on Radio 4 recently and Lord Thomas has argued in a similar vein that the consequences of the cuts weren't thought through adequately and carefully. The cuts since 2010 have exceeded 40% and are more than for any other Government department. Originally 80% of the population qualified for Legal Aid, this declined to 45% in the early 90s and 20 % now. The miscarriages of justice and inequities of the family court resulting from the cuts are completely unacceptable. We may be familiar with the human consequences which were highlighted in a brilliant two day in-depth analysis in the Guardian (27th and 28th December 18).

We have in our current President Chris Topping, a solicitor who is and always has been dedicated to access to justice and the use of the law as a tool to help the those who are disadvantaged and we all really need to get on board with this belief. It must be a reality and not an evaporating vision.

The proposed increases in the Probate fees are set against this background. I don't know how much they would raise and when Probate is required is not always black and white, for example, some banks and insurance companies will pay out upto £50,000 without requiring Probate. In summary, the proposed increases are not an answer to restoring the cuts.

There needs to be a discussion about the effect the cuts are having and as a society what we value and what we are willing to pay for through taxes and what our priorities are. As more people become involved in MOJ issues, awareness will increase of the importance of funding the system which underpins the enforcement of the Rule of Law.

The Conservative MP Nigel Evans was featured in the Guardian's analysis. He was accused falsely of rape and sexual abuse, terrible



crimes. He spent all of his savings on his defence, some £130,000 (many people just don't have access to this amount of money). He was not guilty but only recovered a tiny proportion of his costs, a result of LASPO. Mr Evans stated that he had supported the cuts and LASPO when it was passed in 2012 but his personal experience has shown him the human consequences and he now believes that the cuts are wrong.

Many people think it "could never happen to them", that it's all about some one else, someone on the other side of the road. I think that life is always on a knife's edge and it's very easy to be accused of a crime, marriage to breakdown or even for the level of what is deemed acceptable to change, for instance in relation to the compromise agreements entered into by both parties following a dismissal.

In private client law, there is a debate about tax schemes which are lawful but not morally acceptable. I have argued that what is deemed to moral lacks the certainty and predictability which is a foundation to the Rule of Law. For example, take a husband and a wife, the husband is a higher rate tax payer, the wife is a basic rate tax payer, they put their savings into her name. Most people would think this was common sense but actually the sole purpose is to avoid paying higher rate tax. So then the question is, is it morally acceptable and views on this question will differ.

In summary, I consider that the answer to the MOJ cuts and the link to the proposed Probate fee increase is specious.

On another and rather lighter note, this time between Christmas and New Year is to be valued, for me it involves a time of reflection and thought and to write.

I wish you all a very happy and healthy New Year and let's really use our legal talents and experience to benefit our community.

**Naomi Pinder**



# Safekeeping of Wills at the Probate Registry and Related Matters

There is no compulsory registration system for Wills made in England and Wales. It is a subject which has been debated on numerous occasions. At the moment there is a voluntary registration system through Certainty National Will Register which is a profit-making business endorsed by the Law Society.

I don't think that any voluntary system can address the problems as it cannot guarantee at all that a person hasn't made a Will or indeed, that the Will which may have been registered with Certainty is the person's last Will.

The problem following a person's death relates to whether or not they have made a valid Will and if so, the location of the Will. It is essential that a testator's executors know that they have made a Will and its location, they don't need to know the dispositive clauses although it would be useful to know about the type of funeral the person wants. The information regarding a funeral can be recorded in a separate document and changed without needing to change a Will. It should be noted that a person's funeral wishes are not mandatory, even if contained in a Will.

I have thought that a compulsory system may conflict with a person's testamentary freedom, for example the will could be changed close to death and the register not updated and then a conflict would arise. However, I grow increasingly concerned about the fragility of Wills and the apparent ease at which they can be ignored by accident or by deliberate action.

I am not alone when I come across an increasing number of incidences when assets are released on the basis of a death certificate or even a phone call. The Will is not even requested to be produced. One well known banking group will release up to £50,000 without Probate. Remember that the next of kin may not be the executors or beneficiaries of the estate, for example there may be a second marriage and the testator's children may be his or her chosen executors and the estate held in trust for the second spouse for life and then to the children of the first marriage.

Certain insurance companies will release the proceeds of life policies on the basis of a phone call reciting the details of the death certificate. I have just had a case where the money was released to the mistress of the deceased instead of the lawful widow. I pointed this out to the company who then made a second payment to the widow.

I think that the basic problem is that the people dealing with the payments have no basic knowledge of the law of succession in situations of intestacy and the nature and consequences of leaving a valid Will. Probate is seen increasingly as an administrative issue instead of a legal issue. There is a serious move towards on line applications for Probate and we have now dispensed with the need to swear an Oath which exhibits the Will.

I am not aware of any meaningful (or otherwise) consultation with the profession about the new system. I tried to find out who was making the decisions about the changes and they are not lawyers, I sent an email to offer my input in my capacity as an experienced solicitor and Chair of the NCB. I didn't receive an acknowledgement. People go to a lot of trouble to make their Will. It is a unique document which speaks from the grave and it is truly the person's Last Will and Testament. It is incredibly important that it is acknowledged and respected.

There is a little known system whereby a Will and its codicils can be deposited at the central Probate Registry, there is a procedure to follow and a charge of £20.

The procedure is at, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718882/pa7-eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718882/pa7-eng.pdf)

I don't think that any voluntary system of registration can address the problems as it cannot guarantee at all that a person hasn't made a Will or indeed, that the Will which may have been registered with Certainty is the person's last Will.

I think that there are more reasons than ever for a compulsory registration system to provide testators with confidence that their Will will be respected after death. However, there also needs to be a lot more training of asset holders regarding how to deal correctly with the legalities of Probate.

There are a lot of changes afoot in the world of Probate and I am concerned that they are being driven by a cost cutting and data-based narrative instead of a careful narrative based on the Rule of Law.

**Naomi Pinder**

## Agency and Dishonest Assistance in a Commercial Context

with Arron Walthall

on Friday 8th February, 3.15 - 4.15pm

- An analysis of when commercial parties will be found to be liable in equity for dishonest or knowing receipt and the scope of agency in a commercial context
- Looking at the recent decision of *UBS AG v Kommunale Wasserwerke Leipzig GmbH* [2017] EWCA Civ 1567 which considers each of these issues along with the broader concept of fiduciary relationships

**Competencies:** A2(d), A4(a) & A4(b)

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

# Let's not make conveyancing cheaper!

Lately HM Land Registry have issued a series of press releases to announce several developments on their side, all of which are focused on reviewing and improving the conveyancing process through technology. They have also put out a charter demonstrating their commitment to improving the conveyancing process through innovation and delivering on customer needs, all of which has come from the "Digital Street" strategy launched last year.

All positive news which the property sector will welcome. However, one aspect of their outline struck me as fundamentally wrong. That was the call to make conveyancing cheaper. It's unlikely there is anyone in the property sector, from conveyancers to home-movers, that can argue with the sentiment of making the process faster and simpler, but we certainly shouldn't be making conveyancing "cheaper" because placing the utmost importance on price and making certain products or services cheap, we inherently devalue it.

A classic example of this is DFS sofas. They have had great success in the past by running an annual campaign at Christmas time that focuses on their big sale. For the first time in many years, this year they have focused the advertising on emotion instead, a far cry from their usual price driven messaging. Unfortunately, previous advertising has built a perception that they cannot move away from. That is an expectation they have an annual sale that is worth waiting for and it's going to take many years to change their perception, if at all. Customers of DFS have been accustomed to a particular price point and know that they can rely on DFS to provide it. To retrain a consumer from a perceiving value based on cost, to instead trying to convey perceived value is incredibly difficult.

Using this price driven message, DFS have only managed to devalue what they deliver (usually in time for Christmas). It's price over quality. Placing emphasis only on price also means that comparisons between other companies will always be based on this factor, disregarding the level of quality, service or experience – even if these are excellent.

Recently, Customers 2020 report demonstrated clearly that consumers are changing. They are now prioritising experience above the product or price of the product with the view that by 2020 experience will be the key differentiator. This will be regardless of industry. So to focus a service based industry such as conveyancing on price now, would be doing a disservice to those working in it for the future.

So, while I cannot argue that HM Land Registry have their heart in the right place in terms of bettering the conveyancing process by making information more conveniently served, faster and easier, they should not be suggesting it is made cheaper. This would only serve to cheapen the expertise of the industry, and by placing importance on driving down the cost between conveyancers creating a race to the bottom – and at what cost to both the solicitor and the client?

**Adam Bullion,**  
**GM of Marketing - InfoTrack**

## Buy to Let for Conveyancers

with Richard Snape

on Friday 1st March, 9.30am - 12.45pm

The buy to let market is amongst the growth areas in conveyancing today. The course looks at some of the issues both in relation to the client and the mortgage company in particular, the SDLT changes of April 2016.

### Topics covered include:

- Changes to SDLT
- The Deregulation Act 2015
- The Housing and Planning Act 2015
- Reporting to the lender
- Buy to Let in the light of the SRA Handbook
- Houses in multiple occupation
- Licensing of HMO's and changes to licensing of HMO's as of 1st October 2018
- Planning issues and change of use
- Obtaining documentation
- Minimum energy performance standards as of April 2018 and its retrospective effect
- Gas Safe Regulations which have major implications for the buy to let market.
- Other regulatory provisions and residency checks
- Renting properties in Wales
- Proposed fundamental changes security of tenure

**Competencies:** B Technical Legal Knowledge

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

## Conveyancers Guide to Fraud & Cyber Crime in the light of Mishcon de Reya

with Richard Snape on Friday 1st March, 1.30 - 4.30pm

The course aims to look at the various issues involved and recent developments and case law, in particular *Dreamvar v Mishcon de Reya* has now been heard by the Court of Appeal and held that buyers and sellers conveyancers may be liable in breach of trust.

### Topics covered include:

- The implications of *Dreamvar v Mishcon de Reya* and liability of buyers and sellers conveyancers
- Law Society Practice Guide on money laundering from September 2017
- Land Registry evidence of identity
- SRA Warning Card on bogus law firms
- Recent case law on mortgage fraud
- Mortgage fraud and money laundering
- General guidance on cyber crime
- Conflicts of Interest
- Money Laundering Regulations 2017, the guidance for which was produced in May 2018
- The Law Society guidance on *Mishcon de Reya*
- How to respond to fraud enquiries

**Competencies:** B Technical Legal Knowledge

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

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



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# Consultation on Leasehold Enfranchisement

In December 2017, The Ministry of Housing, Communities and Local Government ("MHCLG") Thirteenth Programme of Law Reform included a project on residential leasehold and Commonhold reform. This consultation has arisen following Government focus on Leasehold and whether the current law is unfair to leaseholders and to a lesser extent, landlords. This is driven in part by ongoing and prominent policy debate with much media interest in the growing number of leasehold properties including high and escalating ground rents, with a particular concern about the imposition of ground rents which double at periodic intervals (generally ten years) during the term of a lease, making the properties unmortgageable.

Leasehold does not provide outright ownership. On the one hand, the owners are home owners, with some of the benefits such as a financial stake in the home; but on the other hand, they have a landlord who maintains some control over their use of their home, and who will ultimately take back the home on the expiry of the lease. Leaseholders have a right to extend their lease which provides them with longer-term security in their home and goes some way to overcoming the problem of owning a wasting asset, thus protecting the value of their asset.

Leaseholders of houses have a right to purchase their freehold, and leaseholders of flats have a right, acting with the other leaseholders in their building, to purchase the freehold of their block. Freehold acquisition provides leaseholders with the same advantages as a lease extension but also allows leaseholders to gain control of their property from an external landlord. Some purchasers may not understand what leasehold ownership involves, or if they do, often have no choice over the form of ownership, particularly if buying a flat. As a consequence, legislation has been enacted that gives leaseholders "enfranchisement rights".

There are good reasons, under the current law, why flats are sold on a leasehold basis, but the reasons for selling houses on a leasehold basis are less apparent. To maintain a leasehold estate may be a reason, but not in all cases and it can simply be to provide an income stream for landlords.

It is true to say Enfranchisement is currently an inconsistent, disjointed and unclear process which in some cases creates undesirable incentive structures. The current system has numerous anomalies and unintended consequences resulting from piecemeal changes to the law over time. The current legislation thus creates uncertainty and unnecessary scope for further litigation. The complexity of the process gives rise to high legal costs, and the complexity of valuation gives rise to significant valuation costs. Both sets of costs can be disproportionate to, or in some cases exceed, the property value.

It is hoped that this Consultation will provide a comprehensive review of enfranchisement with a view to improving the position of leaseholders as consumers. The proposals aim to rationalise, streamline and expand the existing enfranchisement rights and to improve the procedure for claiming enfranchisement rights. Valuation, in this Consultation refers to calculating the price to be paid, separate from any professional costs incurred. This new process intended to cover both England and Wales (subject to Consultation responses), and where possible provide a uniform set of recommendations suitable for both England and Wales.

## Proposed Enfranchisement Rights

A new, coherent and streamlined regime is proposed, no longer relying on the distinction between houses and flats:

- a universal right to a lease extension which is available to all leaseholders, whether they own a house or flat ("the right to a lease extension");
- a right for leaseholders to acquire the freehold of a building individually, or of building or estate collectively ("individual freehold acquisition" and "collective freehold acquisition"); and
- a new right for leaseholders who did not participate in a previous collective freehold acquisition to do so at a later date (the "right to participate").

All existing enfranchisement rights are retained under the proposed regime, but in streamlined form. That includes retaining the possibility of a leaseholder of a house extending the lease and to ensure that consumer choice is maintained, whilst providing that the lease extension is on more favourable terms than under the current law.

All leaseholders who qualify for a lease extension would have a uniform right to a lease extension, as often as they so wish, at a nominal ground rent. Consultees' views requested as to the appropriate length of that lease extension, for example, be 125 or 250 years.

An extended lease would be on the same terms as the existing lease, except where either party elects to adopt non-contentious modernised terms drawn from a prescribed list. That would remove scope for unfavourable terms to be added to a lease during the enfranchisement process.

The Commission is seeking consultees' views on whether leaseholders should acquire the freehold subject to the rights and obligations that applied to the freehold prior to its acquisition, or on terms that reflect the rights and obligations contained in the existing lease or leases. Additional terms may only be added if the leaseholder decides that they ought to be, and these terms will be drawn from a prescribed list of non-contentious, modernised terms.

In relation to collective freehold acquisitions, it is proposed that the rights and obligations that applied to the freehold prior to the



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**Competencies:** A2b, B1a&c, B3a, B6a, C1a-d & C2a,c&d

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exercise of enfranchisement rights should continue once the freehold has been acquired. It is proposed that the landlord and the leaseholders should only be able to add additional covenants to that conveyance from a prescribed list.

Where the landlord does retain surrounding land, there are certain circumstances in which ongoing obligations should continue following the freehold acquisition. However, retaining these obligations may not simply mean replicating the terms of the existing lease and alternative considerations are proposed such as choosing covenants only from a prescribed list.

In relation to individual freehold acquisitions the Commission are seeking consultees' views on whether the leaseholder should acquire the freehold on terms replicating those set out in the existing lease (where there is no estate management scheme in place) or whether the terms should be drawn from a prescribed list of appropriate covenants.

In relation to collective freehold acquisitions, views are sought as to whether the freehold should be acquired on terms that replicate the terms set out in their existing leases (where there is no estate management scheme in place), but only in so far as those terms relate to the landlord's retained land, or, alternatively, only on terms drawn from a prescribed list.

In respect of collective freehold acquisition: all acquisitions (save in limited circumstances) would be carried out by a nominee purchaser which is a company limited by guarantee. The right would not be limited to leaseholders in a single block of flats.

It would also be possible for leaseholders on an estate comprising multiple buildings – whether those buildings are houses or blocks of flats or a combination of the two – to purchase the entire estate collectively (referred to as "estate enfranchisement"). Participating leaseholders would be able to require the landlord to take a leaseback of any parts of the property being acquired (other than commonparts) which are not let to the participating leaseholders. Such parts would include residential units which have not been let on long leases, residential units which are let on long leases but to non-participating leaseholders, and non-residential units.

The effect of this proposal would be to reduce the cost of the enfranchisement since the participating leaseholders would not have to obtain finance to cover the costs that are attributable to parts of the premises that are not owned by the participating leaseholders; and the right would be available only where the building or estate in question has not been the subject of a prior collective freehold acquisition within the last five years. While a new collective freehold acquisition will not be possible in that period, leaseholders who did not participate will be able to join the previous collective freehold acquisition through the new right to participate

Leaseholders who did not participate at the time of the collective freehold acquisition should be able, subsequently, to purchase a share of the freehold interest held by those who did participate. Called "the right to participate."

The main areas being considered are:

### 1. Who will be entitled to exercise enfranchisement rights?

Replacement of the current two-track approach to the question of availability of enfranchisement rights (which requires premises to be categorised as a "house" or "flat") with a single set of criteria (based around the new concept of a "residential unit", which can be applied to any leasehold premises). This is intended to overcome the difficulties encountered in the current law in determining whether a building is a house. This criteria will include a new two-part process, firstly to establish whether enfranchisement is possible and secondly, whether there is an additional ability to acquire the freehold, either individually or collectively.

The abolition of qualifying criteria based on financial limits – both the low rent test and other financial limitations based on historic rateable values, to make the process easier to understand, and practically workable, with extension of the 25% limit on non-



residential use (which currently applies only to collective freehold acquisition claims) to all freehold acquisition claims, to ensure that the new scheme is coherent and standardised.

Shared ownership leaseholders have the right to extend the lease of their house or flat, but not the right to acquire the freehold of their house or participate in a collective enfranchisement of their block of flats prior to having staircased their lease to 100%.

### 2. How should enfranchisement rights be exercised?

It is proposed to introduce a single procedure that would apply regardless of the enfranchisement right being claimed. This proposed procedure would provide for standard forms, removal of the ability to be inadvertently caught out by unfair deadlines and provision of a right to leaseholders to withdraw notices (not currently permitted)

An important change will be to transfer responsibility to Tribunals only which will limit the ability to claim costs as there will no involvement by the County Court. This area is likely to attract many objections, particularly from landlords.

### 3. Who should be entitled to exercise enfranchisement rights?

It is proposed to introduce a single codified and standardised procedure applicable regardless of the enfranchisement right being claimed and the type of property. This will benefit house owners more than flat owners and bring both properties in line. Any initial reasons why a flat or house should be treated differently do not seem to have any weight when considering the needs of owners/leaseholders.

### 4. What should it cost to enfranchise?

The focus is to offer two options for the costs of the process;

- The adoption of a simple formula.
- Options based on current valuation methodology.

It will ultimately be a matter for Government to make the political determination of what those components will be as their inclusion or non-inclusion will affect how premiums are calculated.

An online calculator is proposed to support valuation. The human rights implications of each of these options will need to be examined. A simple formula may be difficult to justify in all cases, as the resulting premium may be very low relative to the value of the interest of the landlord being acquired. It may, however, be possible to identify a category of properties in respect of which a simple formula would be appropriate.

Overall the proposals will go some way to improving a complex and expensive process but the removal of the ability to claim costs other than within the limited circumstances of Tribunal costs claims in all cases, will cause issues, but will mean that both parties will need to act reasonably to prevent costs escalating which will no longer be paid by the other side. This will also mean that the intention to have landlords acting under one lead, if more than one landlord, with a statutory obligation to act "reasonably" and with "due skill and care", will be implicated more effectively.

**Sarah Mansfield**  
Civil Litigation Committee

# "DICTATING THE PACE OF CHANGE"

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## New tech white paper - How law firms can ensure they keep pace with technological advances

SpeechWrite Digital has released a white paper for the legal profession entitled Dictating the Pace of Change. Containing a foreword by James Turner, President of the Birmingham Law Society (of which SpeechWrite is a sponsor) and insights from Gateley plc and Aaron & Partners, the paper outlines the extent to which the UK legal market is starting to keep pace with technological advances, and how law firms can take advantage of these in order to optimise their practice and remain competitive.

"Chief executives, senior partners, directors and members will benefit from an introduction to the technology involved and analysis of where future developments will take us." James Turner (President of the Birmingham Law Society & Senior Partners at Tuckers Solicitors).

### The rise of the mega law firm – and the 'virtual' firm

The past 20 years has seen the rise of the mega law firm, with a growing number of practices going public. The most notable, to date, being regional firm Knights Group, which broke records for the largest-ever UK law firm listing, being valued at £103.5m.

This special report analyses the changes successful law firms have made, and will need to continue to make, in order to remain competitive and relevant: firms such as Knights Group, which became the fifth UK law firm to float in June 2018. It also outlines what steps IT delivery managers have taken to secure better collaboration both internally and with clients, while ensuring cyber security.

### Steps towards becoming tech-savvy

With clients becoming increasingly tech-savvy, the report looks at ways legal firms can meet in-house teams halfway. It also highlights the 'weapons' every law firm should have at their disposal if they are to keep up with their competitors.

Cloud computing, for example, is one of the easiest changes to implement. Allowing for more agile working and the ability to keep in touch with clients while on the move, this is already revolutionising the way parties communicate with the court in criminal cases, according to James Turner. Additionally, the report demonstrates how subscription based models allow firms to avoid the cost of hosting these types of infrastructures internally. Such systems are also infinitely scalable – organically growing as a firm grows.

The report also explores how implementing a hybrid solution,

combining on-site and cloud-based solutions, can allow users to pick and choose between applications. In fact, Nick Thornton, IT Specialist at top 200 firm Aaron & Partners LLP, sees this as the future, as it offers both resilience and flexibility (borne out by a 2017 poll which showed that cloud adoption rates in the UK have risen by 83% since 2010).

Digital tools, such as voice recognition and digital dictation systems, have also taken off, replacing analogue formats, thanks to providing almost unlimited storage capacity, clearer playback, editing options and additional transcription services if required. Such systems also provide greater mobility, allowing for ad hoc dictation by lawyers when they are out of the office. Furthermore, they can be accessed and shared remotely.

The latest generation of digital dictation solutions is also explored within the report. These devices are currently freeing up even more fee-earner time – allowing them to dictate from any device, send in real time and even track and edit remotely; eliminating the need for transcribers to type up copy.

### The how's and why's

The report also explores the main barriers to legal firms' adoption of technological advancements (including security concerns, historical under-investment and cost concerns) and focuses on how these can be overcome. For example, SpeechWrite 360 has been proved to significantly reduce a firm's workflow and dictation costs, while the AWS cloud infrastructure is now the most powerful, flexible and secure cloud-computing environment available – even used by the UK's Ministry of Justice.

### Meeting the future head-on

As new technologies continue to be adopted by law firms, the Law Society predicts a rise in automated legal service functions, which could see output per person grow from the current average 1.2% per annum, to 2.4% within the next decade. And when you factor in that, in the last five years alone, the number of solicitors has grown by 15,000, it's clear to see that there is going to be an increased pressure on productivity; and firms will need to find new and innovative ways to stay ahead of the game.

### How to get the report

The full white paper can be downloaded online. [Click here](#) to download.





# Regulation Update



**Danielle Best  
Weightmans LLP**

## The latest regulation news from Danielle Best of Weightmans LLP

**In last month's first update of 2019 we looked at what the year may have in store for us. I'm sure everyone is now fully back into the swing of things – the world of risk and compliance most certainly is! Here's a summary of what's been happening in the regulatory world in the past month:**

### Civil Liability Bill

The impact of the Civil Liability Bill, whilst likely not to come into force until April 2020, will mean that personal injury (PI) firms will need to take stock of the impact that the reforms will have on their business and financial stability. It appears that some law firms are already planning for the reforms and the PI market is beginning to contract. Leading claims management company National Accident Helpline (NAHL) has recently issued a profit warning stating "The personal injury division has seen an ongoing decline in panel law firm demand as a result of the forthcoming regulatory changes" and long-established north-west PI law firm Camps is beginning to run down its practice in favour of selling it, partly due to anticipated discounts to the value of WIP that would likely be demanded from potential buyers in light of the looming reforms.

### Who owns the file?

There can be confusion when a client or former client requests their file, and in the past it was common for the whole file to be provided on request. Lawyers are now more aware that the client does not own and is not entitled to all of the documents that may be on their file, but determining who owns which parts of the file can still be a source of uncertainty. The Law Society issued guidance on 16

January 2019 aimed at bringing all of the information on this subject into one document. A must read for those who consider requests for files on an increasingly regular basis!

### NDA's

The #MeToo movement of last year helped to put the use of Non-disclosure Agreements (NDAs) by law firms under the spotlight and resulted in the SRA issuing a Warning Notice in March 2018. The Law Society has followed up with guidance in January 2019. Both make essential reading at a time when law firms are facing record numbers of sexual harassment claims which are set to inundate the SRA in 2019. The latest guidance focusses on NDAs designed to prevent disclosure of conduct or other circumstances which have led to the end of a workplace relationship. It confirms that the duty to act in a client's best interests is subject to the duty to the court and to the administration of justice and, where these principles come into conflict, the principle that best serves the public interest takes precedence. A client's best interests or desires are therefore not the paramount consideration for those preparing NDAs and it is important to remember that clauses which seek to prevent the reporting of any criminal offence are legally unenforceable and could lead to disciplinary action.

### Lack of transparency

Since March 2017 members of the public and media have not been allowed to attend SRA board meetings. At the time, Jane Malcolm, executive director of external affairs, stressed that "We need and want to have full engagement with the public. We are very conscious the

*public were not attending the public board meetings. We will be going out and making sure the board meets directly with the public so they can have conversations directly."* But apparently this has not been sufficient. In January 2019, the Legal Services Board (LSB) published its findings in relation to all eight legal regulators. It found that the SRA is 'not sufficiently transparent' in terms of how it communicates decisions made by its board or executive and directed the SRA to take some steps to address its concerns.

The LSB also raised concerns and identified areas for improvement in relation to the SRA's approach to ensuring the continuing competence of solicitor advocates and the accessibility and accuracy of the SRA's register of solicitors, particularly in relation to disciplinary records.

Over to the SRA – watch this space!

### SRA advises on Artificial Intelligence (AI)

The SRA has been largely positive about AI in a paper published on technology and legal services, the hope being that it may free up solicitors from lower-level work and help firms to reduce costs. But the SRA has warned that firms must be able to explain automated decisions and that AI systems will need to be carefully trained and monitored similar "to that of introducing and supervising a trainee". Firms will need a "structured quality assurance programme" for their systems which should be tested before being rolled out. Whilst confirming that firms cannot outsource their responsibilities to clients by using third-party software, it also stated that regulatory action is unlikely



*"where the firm did everything it reasonably could to assure itself that the system was appropriate and to prevent any issues arising". So, if you are using or thinking about using AI, the key is to ensure that you have robust testing and policies and procedures in place.*

## Reports from the SDT

A solicitor specialising in personal injury who *"improperly attempted"* to influence a doctor by attending a medical examination of his client in the role of a translator has been struck off. The SDT also found that Younus Desai had tried to improperly influence an investigation into this behaviour conducted by the SRA, by seeking to influence his former law firm partner to provide an inaccurate account of the episode. The tribunal found this to be a dishonest attempt to conceal details of his actions.

Continuing the theme of dishonest solicitors, Bina Maistry has been struck off after it was found that she misled a judge into thinking that she was appearing in court as instructed counsel rather than acting for a client. At a hearing in 2015, Maistry, a solicitor-advocate, stated that she had been instructed in the case, implied that someone had prepared a bundle for her and did not correct the judge when she was referred to as counsel. Maistry told the SDT that she was very nervous having arrived late for the hearing and having to persuade the court to allow it to go ahead after initially threatening her client with a wasted costs order. Whilst Maistry admitted failing to correct the judge's impression that she was counsel, she stated that it was not deliberate, she was given little time to speak and believed that the judge would have read the slip that she had passed to the usher which confirmed that she was a solicitor-advocate. The SDT found that she had acted dishonestly during the course of the hearing. There were other findings relating to Maistry's credibility including a finding that she had falsely created attendance notes in an attempt to blame someone else for her own shortcomings.

We all know that falsifying documents and improperly influencing experts are very serious matters and I'm sure it would never cross our minds to behave in this way, so perhaps the most practical lesson we can take from these decisions is not to get swept up in the moment during hearings and allow assumptions to go uncorrected!

The case against Sandia Kumari Pamma continued the trend of mental health being a factor in disciplinary proceedings. Pamma was working as a consultant at a national law firm when she faked a sick note for her unsuspecting client in order to try to delay a hearing because she was not up to speed with the case. A psychologist determined that she had suffered from a depressive episode at the time and was not fit to work. Surprisingly, she avoided being struck off after the SDT found that her judgment had been impaired. This is one of a growing number of cases which underlines the need for firms to review their culture, policies and procedures to create a productive and healthy working environment and support for their employees.

Finally, a matter that affects us all is the need to have robust AML procedures in place. This was again demonstrated by the SDT when Khalid Mohammed Sharif was landed with an £85,000 bill for fines and costs for failing to carry out adequate client due diligence which would have identified his clients as politically exposed persons.

**Danielle Best**  
Associate  
Weightmans LLP



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# Britishness under the radar

The decision to Brexit saw our rights as British Citizens expounded as an intrinsic motive to leave. Whatever your views, it appears we all value our 'Britishness'. In Claudia Font's article in the December edition of The Liverpool Law, an option for continued smooth movement is to consider residence rights in another EU country.

A residence visa in another EU country may provide a temporary solution for cross-border movement. It may not result in a desirable permanent solution. If the long-term plan might include acquiring dual citizenship, then you would have to choose carefully and fully understand the long-term consequences.

Currently, the UK government and 27 other countries in the EU have provisions for depriving an individual of their citizenship under various conditions. A staggering 12 EU countries have provision for the loss of citizenship if an individual voluntarily acquires the citizenship of another country. Perhaps surprisingly they include Spain, Germany, and Ireland. Germany makes an exception for dual citizenship of another EU member state. Leaving the EU without a deal on the 31st March 2019 will have potentially serious consequences. The German government has *'Brexit-Übergangsgesetz'*, draft German legislation that would provide certainty during the transition period within the draft Withdrawal Agreement. The problem is this requires the German government to pass the legislation and with no withdrawal agreement there is no deal. Further, it may not cover all dual citizens.

In Spain, if one seeks to acquire Spanish citizenship by naturalisation an applicant must renounce their former nationality. This has left many thousands of British citizens in Spain facing this dilemma; significant for those residents who wish to continue to take advantage of the UK rights. There have been reports in the media of a surge in UK citizens acquiring the nationality of one of 18 of the 28 member states and reports of 13,141 individuals

in just 2017 alone, compared with only 1,826 in 20151.

UK law permits dual citizenship. The deprivation of citizenship in the UK has received some publicity in the last few years. The concept of banishing citizens who do not adhere to society's core values is not new. Acquiring the citizenship of another EU state may bring unintended consequences.

In simple terms, any dual national may be deprived if the Home Secretary determines it is 'conducive to the public good'. For those who are naturalised/registered British citizens if the Home Secretary "is satisfied" a person obtained their citizenship through 'fraud, false representations or concealment of a material fact'.

For those who are naturalised the Home Secretary 'considers deprivation is conducive to the public good because the person conducted themselves in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory' and 'has a reasonable belief' a person is able to become a national of another country or territory'.

See *Pham v Secretary of State for the Home Department*2 Mr P was a naturalised British citizen convicted of terrorist offences and deprived of his British citizenship; even though left effectively stateless. As he was serving a life sentence in America the court didn't explore what the UK government would have actually done with him as a stateless person present in the UK.

The definition of what is conducive to the public good is "in the public interest on the grounds of involvement in terrorism, serious organised crime, war crimes or unacceptable behaviours"3

In my own practice, serious organised crime has included participating in sex grooming gangs, organised drug enterprises and legal fraud; 'Unacceptable behaviours' has a definition4 in the context of the exclusion of foreign nationals.

*"whether in the UK or abroad", "who uses any means or medium including writing, producing, publishing or distributing material, public speaking including preaching, running a website, using a position of responsibility such as a teacher, community or youth leader to express views which: foment (provoke), justify or glorify terrorist violence in furtherance of particular beliefs, seek to provoke others to terrorist acts, foment other serious criminal activity or seek to provoke others to serious criminal acts, foster hatred which might lead to inter-community violence in the UK."*

The list of unacceptable behaviours is indicative rather than exhaustive. Importantly, past conduct alone can meet the test. In 2015 two US citizens were prevented from entering the UK because their views fell within "unacceptable behaviours". They were said to "excite controversy and are regarded by some, perhaps by many, as Islamophobic"5. Whilst an exclusion decision, it appears to have potential applicability determining the scope of 'unacceptable behaviours'.

What is clear is at present British born citizens cannot be deprived of their citizenship if left stateless. British born citizens who obtained the citizenship of one of the 18 EU states can. Britishness it seems can be lost!

**Lorraine Mensah**  
Complete Counsel



**Lorraine Mensah**  
Complete Counsel

1 BBC News 30.06.2018 "Surge in Britons getting another EU nationality"  
2 [2018] EWCA Civ 2064  
3 UKVI Nationality Instructions, v1 ch55 'Deprivation (section 40) and nullity, 10.09.2015  
4 Exclusions from the UK, Version 2.0 Home office guidance. 11.09.2018  
5 Geller and anor [2015] EWCA Civ 45

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

of Wednesday 3rd April, 9.30am - 4.30pm

For our 2019 Public Child Law Conference

To be chaired by Her Honour Judge de Haas QC

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## Top Commercial Property Partner joins the MLP Law team

A leading North West property lawyer has joined MLP Law to head up the firm's multi-disciplinary Real Estate & Built Environment team. Stephen Chalcraft has joined the Altrincham-based firm as a Partner to help drive growth in the real estate and built environment sector.

Chalcraft has over 25 years of commercial property experience and has particular expertise in structuring and delivering large and complex public/private real estate led development projects in the housing, higher education and public sector. In addition to having held senior positions in some of the UK's leading law firms, Stephen has also held voluntary positions at Pro-Manchester, the Greater Manchester Chamber of Commerce and the North Western & Lancashire Chamber of Commerce.

In 2015, Stephen was elected an honorary member of the Royal Institution of Chartered Surveyors in recognition of his property regeneration work.

Chalcraft will work across MLP Law's 4 North West office locations, delivering advice on all aspects of the law relating to commercial property, development and regeneration and property joint ventures.

Stephen Attree, Managing Partner at MLP Law commented: "Stephen has an excellent and well-earned reputation not only in the property sector, but the Manchester legal scene as a whole. 2018 was a brilliant year for the firm and with Stephen joining us, we feel like we are starting 2019 on a high."

MLP Law has experienced a strong period of growth over the last 18 months, starting with the acquisition of WH Lill – a deal that brought the firm's total headcount up to 46. Having since opened a new office at Mann Island in Liverpool, and added a further 3 fee earners to the team, the firm is well on-track to meet its growth plans by 2020.

Stephen Chalcraft, Partner and Head of Real Estate & Built Environment said: "I was attracted to MLP Law for its highly professional reputation and vibrant atmosphere. It's also in a great geographical location and is ideally placed to attract good quality clients and legal staff who no longer want the aggravation of the City Centre. The firm is on an unmistakable growth curve – and I'm really excited to be part of it."

For more information, visit [www.mlplaw.co.uk](http://www.mlplaw.co.uk)



**Stephen Chalcraft**

### Practical Contract Law

with Chris Beanland

on Tuesday 12th February, 1.30pm - 4.30pm

**This course gives practitioners a reminder of basic contractual principles.**

**It will concentrate on issues that practitioners may encounter in day to day practice.**

Including:

- Formation of contract (including 'agreements to agree' and subject to contract arrangements)
- Implied terms
- Excluding liability
- Terminating contracts: principles and pitfalls
- Damages (including agreed damages and penalties)
- Execution of contracts
- How courts construe contracts

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

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

### The Complete Legal Aid Supervisor

with Vicky Ling

on Wednesday 13th February,  
9.30am - 4.45pm (lunch included)

**This course covers everything supervisors need to know.**

**It will qualify a new supervisor who hasn't supervised before under Standard Contract Specification requirements for both the Civil/Family Standard Contract 2018 and Crime Standard Contract 2017.**

**It is also a useful refresher for experienced supervisors.**

**You will learn about:**

- Latest developments in legal aid
- Relevant SQM and Lexcel provisions
- SRA Competence Statement requirements for supervision
- How supervisors qualify and maintain status
- What supervisors need to look for in file reviews
- The main types of legal aid audit, including Contract Manager visits and peer review
- An intro to the inter-personal skills needed; listening & feedback
- Different approaches to supervision
- Finding the time to supervise

**Competencies:** A3, C1 & C3

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



# Brabners strengthens Construction Team with three senior appointments

Leading independent legal practice, Brabners, has bolstered its construction practice with three senior appointments. Elspeth Christie and Sarah Nunnery-Jones join the firm as partner and senior associate respectively, while Eleanor Stirrett has been promoted to the role of partner.

The appointments are another key step in Brabners' drive to capitalise on the continuing strength of the property and construction market. A series of senior hires announced in the last 12 months, including the appointment of head of real estate Paul Firth, has seen the firm's real estate team grow to more than 100 people across its three offices.

Elspeth Christie has over 15 years' experience, and previously led the non-contentious construction team at DLA Piper in Liverpool, where she was recognised by the firm as one of 2018's 'Inspirational Women in Real Estate'. She will be joined at Brabners next month by Sarah Nunnery-Jones, having spent four years working together at DLA Piper.

Eleanor Stirrett has been promoted to partner after three years at Brabners. She advises a variety of clients including developers, funders, housing associations, educational institutions, local authorities and contractors. She is also actively involved in the Forum for the Built Environment and currently holds the position of secretary for its Liverpool branch.

Paul Firth, head of real estate at Brabners, said: "The property and construction market continues to thrive. Helped in the North West, in particular, by a real focus on strengthening the region's infrastructure and economy. Bolstering our real estate practice with the specialist knowledge and experience that Elspeth, Eleanor and Sarah bring is another example of our commitment to delivering outstanding service to our clients. It is also extremely rewarding for the team as a whole to be able to attract and welcome new talent, while also



**L-R Nik White, Eleanor Stirrett, Elspeth Christie & Robert White**

recognising and promoting talent from within."

Nik White, managing partner of Brabners, added: "Building our real estate practice remains a key pillar in our firm-wide growth strategy and is a key part of our ambition to be the region's leading independent legal practice. I look forward to seeing that part of the firm flourish as the team continues to build its market presence both in the North West and across the UK."



## Intellectual Property Online

with Sarah Jameson

on Friday 8th February, 2pm - 3pm

**An exploration of the trend in EU law towards greater protection for rights holders and what this may mean for UK law post Brexit.**

- Stichting Brein v Ziggo BV(C-610/15)
- Concept of communication to the public
- Domestic case law
- Advice to both rights holders and potential infringers
- How best to manage their rights in the digital world

**Competencies:** A2,4&5 and B1-6

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



## Conversion to Family Law & Practice Certificate

with Safda Mahmood

on Wednesday 27th February,  
10am - 4pm (lunch included)

**The course will be of benefit to those delegates who seek to put the theory of family law into practice.**

**It will be of assistance to those who are new to this area of law and those who want a refresher.**

The areas to be covered are:

- Essential Skills and Managing Client Expectations
- Marital Breakdown – Divorce, Dissolution and (Judicial) Separation
- Funding Family Law Cases, and Drafting Essential Documents
- Financial Orders and other forms of Financial Remedy
- Assisting Unmarried Parties and Remedies available
- Orders for Personal Protection (Non Molestation and Occupation Orders)
- Children Proceedings – Disputes between individuals
- Local Authority Applications, Care Orders and Processes

**Competencies:** B & C

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

# Homes (Fitness for Human Habitation) Act 2018

The Homes (Fitness for Human Habitation) Act 2018 was enacted on 20th December 2018 and is set to come in to force on 20th March 2019.

The purpose of the Act is to amend the Landlord and Tenant Act 1985 to require that residential rented accommodation for private and social housing tenants is provided and maintained in a state of fitness for human habitation; and for connected purposes. This will relate to residential tenancies of less than seven years in length.

The benefit of the Act for social tenants is that it effectively creates a tool forcing local authorities to carry out repairs. Previous legislation was not generally enforced by local authorities against social housing providers, and certainly not against themselves for council housing.

For private tenants, unless they wanted to and/or were able to engage a surveyor to comment on the condition of their rented property, they had to rely upon their relevant local authority who perhaps did not have the means and resources to inspect every problem and enforce repairing obligations.

Whilst the Landlord and Tenant Act 1985 already provided for homes to be fit for human habitation, the new Act incorporates hazards enshrined within the Housing Health and Safety Rating System, adding them to the nine original fitness categories.

A property will be unfit for habitation if there are serious defects with:

- Repair
- Stability
- Freedom from damp
- Internal arrangement
- Natural lighting
- Ventilation
- Water supply
- Drainage and sanitary conveniences
- Facilities for preparation and cooking of food and for the disposal of waste water.

The house shall be regarded as unfit for human habitation if, and only if, it is so far defective in one or more of the above areas which is not reasonably suitable in that condition.

The landlord is not obliged to:

- Rebuild or reinstate a destroyed building
- Put right unfitness the tenant is responsible for causing
- Carry out works which are the responsibility of a superior landlord, or for which they cannot obtain third-party consent

Those landlords who already fulfil their legal obligations should not face any problems by the changes. It was also supported by the Residential Landlords Association and National Landlords Association.

**Phillip Coburn**  
**MSB Solicitors**



Liverpool Law Society

**\*\*LAST FEW PLACES\*\***

## Housing Disrepair Conference

**Tuesday 26th February 2019 9.30am - 3pm**

**VENUE:** Malmaison Hotel, 7 William Jessop Way, Liverpool, L3 1QZ.

Sessions include:

### **Housing Disrepair: A round-up of case law**

Josephine Morton & Catherine Fearon, Brabners

### **The Pre-Action Protocol for Housing Disrepair Cases: key issues and pitfalls for tenants, landlords and lawyers**

Paul Burns, Exchange Chambers

### **Tips for Tenants**

Nina Patel & Jonathan Davidson, Broudie Jackson Canter

### **A surveyor's eye view!**

David Walter, Restoration Design Partnership

### **What is happening in the future which could impact disrepair claims**

Sian Evans, Weightmans

### **Specific Performance and Injunctions**

Chris Larkin, 4-5 Gray's Inn Square

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# Hill Dickinson partner and trustee of local youth charity facility welcomes the Duke and Duchess of Sussex to Birkenhead

Hill Dickinson corporate partner Matt Noon yesterday was part of the group that welcomed the Duke and Duchess of Sussex to The Hive Wirral Youth Zone in Birkenhead.

The youth zone provides a safe environment and enables young people to raise their aspirations and confidence to create a happier and healthier generation. Matt is a trustee and sits on The Hive's board.

Matt joined other trustees, young members of the facility and staff in being introduced to the royal couple.

The Duke and Duchess were given a tour of the purpose built facility, established by the national charity OnSide Youth Zones, which opened 18 months ago.

Hill Dickinson is a patron of The Hive and has supported them for the past three years through the firm's corporate responsibility program.

The royal visit included a performance from the centre's junior dance troupe and a number of activities and workshops. The Duke and Duchess first visited Hamilton Square to view a new sculpture erected to mark the 100th anniversary of Wilfred Owen's death, and then to Number 7, a Feeding Birkenhead citizen's supermarket and community café, to open the new premises.

They then visited Tomorrow's Women Wirral, an organisation that supports women in vulnerable circumstances before visiting The Hive.

Prince Harry spoke out about the closure of youth clubs, saying: 'When every single youth club and youth service is being closed down, they've just started something here. The more we can build these the better – especially for you guys.'

Matt said: 'It's fantastic to have supported this facility since day one – The Hive has had an incredible impact on Birkenhead and the surrounding areas, providing young people with a safe place to go after school, and in turn develop a host of additional experiences and skills.'

It is also a great example of the public and private sector working together successfully for the greater good. Hill Dickinson and myself are proud to be able to offer our continued support to The Hive and delighted that the royal visit has recognised the benefit to the community the youth zone has.



Liverpool Law Society

## Successful Feedback Conversations

(Internal management skills focus)

with PCA Law on Tuesday 5th March, 1.30 - 4.45pm

### A highly-practical skills masterclass that will support professionals:

- Compliment their excellent technical skills (the What) with a practical set of relationship skills (the How) that creates the trusted adviser relationship and differentiates the client experience
- Understand commerciality as a practical set of relationship tools – employ advanced questioning and listening skills to generate personal chemistry and discover what the client is looking to Achieve, Fix or Avoid, and the concerns that keep them awake at night
- Use simple practical tools to quickly and actively build high levels of trust, and move into the role of a change agent that helps clients achieve their outcomes
- Comfortably deal with challenging questions or objections, and articulate the value of your insights and experience in a concise, engaging and memorable way

**Competencies:** A2b, B1a&c, B6a, C1a-d&g & C3a&g

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

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

# Petersfields gains complete back-up from Quill

Long-time Quill client, Petersfields LLP, utilises the full range of software and outsourcing services from its trusted supplier. Subscribing to Interactive for case management and document management, Pinpoint for outsourced cashiering and Payroll for outsourced payroll and pension management, Quill provides a complete back office support structure for the busy twin-site law firm.

Nick Timmings, Partner at Petersfields, comments: "By relying on Quill for all our main software and service needs, we have one monthly payment, one point of contact and one primary store of our electronic files. It's so convenient and so much easier to run our business in this totally integrated way."

In terms of Interactive, Petersfields was first introduced to Quill's software by way of a printed software guide and they now use Interactive for case management with add-on links to Microsoft Word and Outlook for advanced document management capabilities.

"We've created a library of template documents in Interactive, available to all staff, for each of the common stages within our area specialisms," explains Nick. "Enhanced by cloud access, this allows employees based at both Cambridge and Haverhill to progress matters from either office, at home or on the move. With staff routinely moving between locations and occasionally working remotely, Quill gives us the technology platform necessary to operate in this truly flexible manner."

"Having been aware of security breaches affecting some cloud solution companies, it was vital to ensure that our data would be completely secure. We know Interactive is safe. Of equal importance is the integration with Microsoft Office so that everything – emails included – is captured and stored within our matter files. Post is scanned onto the system too. Interactive literally hosts hundreds of our documents."

The benefits of Interactive's comprehensive digital storage facility are manifested not only in remote working capabilities and cybersecurity, but also in substantial reductions in hard copy filing.

"Our policy is to put every piece of paperwork onto Interactive," continues Nick. "Sometimes this is a manual process involving scanning of inbound correspondence and other times it's automatic because Interactive detects emails displaying the case reference and automatically files correctly. We avoid printing documents as much as possible and have destroyed lots of paper records. We do still maintain off-site storage, as dictated by legal requirements, but overall our storage requirements are now smaller than before. In the old days, we'd sometimes have to retrieve documents from storage when preparing court bundles which inevitably took time. Now we can find and print documents straight from Interactive. It's instant and takes a fraction of the time it used to."

In addition to Quill's software suite, Petersfields receives outsourced cashiering and payroll support from its one-stop-shop provider.

"With Pinpoint, there's always someone covering our accounts and we're always compliant with regulatory guidelines," concludes Nick. "These are likely to be the two biggest headaches of any law firm operating an in-house cashiering function whereas we don't even have to think about it. The same applies to payroll. There are none of the usual concerns about staff absence or compliance."

"The latter – compliance – is a big issue in relation to payroll. The introduction of automatic enrolment pension reform impacted every single company regardless of size. With Quill's payroll service, we simply set up our pension scheme with Nest then authorised our Quill payroll clerk to do the rest. Quill sorts out our pension contributions and advises of any changes to these, assuring absolute compliance with stringent pension rules throughout."

Quill is the UK's largest outsourced cashiering provider to legal



Nick Timmings

practices as well as outsourced bookkeeping, payroll and typing supplier to businesses within any industry type. In addition to its outsourcing services, Quill offers legal accounts, practice and document management software to independent solicitors and multi-disciplinary law firms.

At the heart of its company values is a total commitment to continual service and software development, and maintaining exceptionally high standards of client support and training, which is why Quill is the first choice for many new and established companies and over 8,000 users.

Quill's committed to its ongoing corporate social responsibility programme which has led to thousands of pounds being donated to charity and earned the esteemed accolade 'Employer of the Year 2016' by the Multiple Sclerosis Society.

**For more information, please contact:**

**Julian Bryan**  
Managing Director  
Quill  
Tel: 0161 236 2910  
Email: [j.bryan@quill.co.uk](mailto:j.bryan@quill.co.uk)  
Web: [www.quill.co.uk](http://www.quill.co.uk)



**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.**





Liverpool Law Society

# LEGAL AWARDS 2019

**\*\* NOMINATION DEADLINE \*\***

**\*\*MIDDAY MONDAY 18TH FEBRUARY\*\***

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! The awards recognise the inspirational individuals, teams and firms in the region's legal sector and offer firms the chance to showcase the excellent legal work happening in the Liverpool City Region.

Winners of Liverpool Law Society's Legal Awards have the option of choosing to be passported to the longlist of the Law Society's Excellence Awards taking place in October 2019—if the category coincides with one from the Law Society's Awards.

#### 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.

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# Liverpool BID Company

## Our regular update from Julie Johnson, Chair of the Commercial District BID

Liverpool BID Company is once again collaborating with Liverpool Parish Church, also known as St Nick's, and city gallery and art organisation, dot-art, to bring an exciting new piece of art to The Liverpool Plinth. Located at the side of the church overlooking Chapel Street and the city's UNESCO World Heritage waterfront, the Plinth is in the heart of the Commercial District BID.

The new sculpture will replace last year's winning sculpture, Gold Lamé, by Tony Heaton, which I know from speaking to businesses in the area, will be sorely missed. It has certainly brought a smile and a little humour to the area over the past 12 months.

The good news is that artists from across the north of England now have the chance to display their own work on the Plinth for the next year - which is a wonderful opportunity for someone who is looking to make a name for themselves in the art world. The Plinth is in a prime location on Liverpool's world famous skyline - and is one of the first things cruise passengers will see when stepping off the many ships we are set to welcome this year.

Importantly, the project forms part of one of the pledges in the BID's business plan for Commercial District BID - to create a Public Art Strategy that will serve to enrich the experience of those visiting and working in the area, and create the right environment for our levy paying businesses to grow and prosper.

The unveiling of the new piece of art is scheduled for spring 2019 - so not long to wait - and artists are asked to submit existing work for consideration before the closing date on Thursday, March 28. The winner will also receive an additional £1,000 prize!

For more information, please visit [dot-art.co.uk/the-liverpool-plinth-2019](http://dot-art.co.uk/the-liverpool-plinth-2019), email [gallery@dot-art.com](mailto:gallery@dot-art.com) or call 0345 017 6660.

**Julie Johnson, partner at Morecrofts Solicitors and chair of Liverpool BID Company's Commercial District BID operating board**



### Liverpool BID Company

Liverpool BID Company is a private, not-for-profit organisation, representing the interests of 1,500 levy paying businesses in Liverpool city centre, across two BIDs (Business Improvement Districts) - Retail & Leisure BID and Commercial District BID.

The aim of Liverpool BID Company is to:

- Bring added value to levy payers and build on the core services already provided by Liverpool City Council and Merseyside Police
- Ensure both BID areas are clean and secure for businesses and visitors, and have the right environment for the private sector to succeed - whether a retailer, restaurant owner, or legal and financial service
- Work with the city and charities to tackle street dwellers
- Drive footfall and develop activity where needed
- Champion the voice of the levy payers it represents, pushing forward their agendas and making things happen

The Liverpool BID areas cover some of the most iconic locations in Liverpool city centre:

- The eclectic and diverse independents of Bold Street
- The thriving restaurant and hotel scene of Castle Street

### Contact

0151 703 2399  
[info@liverpoolbidcompany.com](mailto:info@liverpoolbidcompany.com)  
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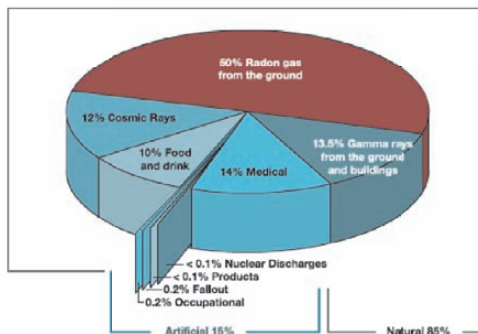
# Radon: Removing a Killer from the House

**Radon is a naturally occurring radioactive gas that can affect properties across the UK, not just in the South West like many imagine. Chris Taylor, Commercial Director at Future Climate Info, takes a look at what it is, the risks and impacts on buildings and how even if it is discovered, that the property transaction can be stay on track.**

## What is Radon? Why is it a Concern?

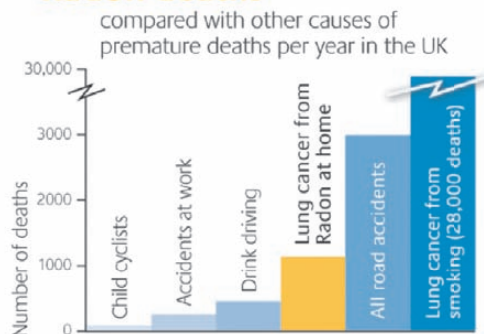
Radon gas is formed when uranium in the soil and rocks beneath us decays. When it escapes to the open air, it quickly dissipates, but if it rises into a building, it can become trapped and build to dangerous concentrations.

Public Health England says that radon is the second largest cause of lung cancer in the UK, causing over 1,100 deaths each year. The risk from radon is higher if the person is an ex-smoker and significantly greater for current smokers. It causes more deaths than drink driving and is the source of half of all of our background radiation.



We are all exposed to radiation from natural and man-made sources. Just 20 Bq m<sup>-3</sup> (the average radon level in UK homes) gives us half our exposure to radiation from all sources. Higher radon levels give higher exposures: that is why it is important to find out the levels in your home and in your school or workplace.

## Radon deaths



Images and information courtesy of Public Health England

## Where is Radon found in the UK?

Radon concentrations vary even in prone areas based on the underlying geology and different amounts of uranium present in the soil and rock.

The latest Public Health England data on concentrations debunks the myth that Radon is just a problem in Devon and Cornwall. It isn't - it is nationwide - following many hilly and mountainous areas, including the Cotswolds, Peak District and Pennines. There are also local hotspots in Surrey, Hampshire and Dorset. Where more than 1% of properties will contain high levels of radon are classed as radon Affected Areas.

## How is Radon Measured?

Average radon levels in the open air are approximately 4 Bq/m<sup>3</sup> across the UK. The average radon level inside UK homes is 20 Bq/m<sup>3</sup>. While there is no known "safe" level of radon, the current advice from Public Health England is that "for levels below 100 Bq/m<sup>3</sup>, your individual risk remains relatively low and not a cause for concern. However, the risk increases as the radon level increases."

In 2010, the Health Protection Agency (now part of Public Health England)

began advising that households with radon levels over 100 Bq/m<sup>3</sup> should "strongly consider" taking remedial action.

## What are the Risks from Radon to Humans?

Radon enters a property typically by advection - the movement of the gas from the soil to the lowest point of pressure, which is usually inside a building. It can infiltrate through cracks in the foundations and gaps around service pipes.

A property with a basement is considered to be at 'higher risk' of containing elevated levels of radon, because it will have several surface areas in contact with the soil through which the gas can access.

## How can Radon Risk be reduced?

Radon levels can be reduced by carrying out remedial works to the property. The two most common methods are either the installation of a positive pressure fan inside the property or the excavation of a small hole beneath the property (called a radon sump) that is connected to an exhaust pipe and fan on the outside of the building. If a property has a basement, pressurising a physical membrane may be a better solution.

In a property transaction, it is essential to verify whether the vendor has carried out any radon testing and if so, request to see a copy of the results report. If testing has not been carried out, it would be a sensible precaution to do this, especially

As radon levels fluctuate constantly, the longer the test period the more accurate the result. Short-term screening tests where the detectors are left in place for 10 days can give a good indication

## Keeping Transactions Moving: The Radon Bond

In the same way that property prices are negotiated in a sale should structural or damp issues be found, so the same applies to radon.

The Radon Association says that typical remedial costs can range from £800 for a simple measure and a single retrofit sump system may cost between £1000.00 and £2000.00.

Rather than this cost get in the way of the sale, a potential and lesser known option available to homebuyers is a Radon Bond, whereby an agreed amount of money can be put aside to enable prolonged testing and remedial works if determined necessary.

This agreed amount is held (for example by a Solicitor) and depending on the outcome is either passed onto the seller (if no remedial works are required) or used to carry out remedial works if necessary by the buyer (with the seller receiving any leftover amount).

It would be enough to cover the cost of a typical radon remediation system and typically around £2500. Both parties would sign a contract that stipulates how the bond will work.

The bond's life must also be realistic. The Radon Association recommends three months should be allowed for the completion of remediation work with a buffer built in for the transaction ahead of this.

In this way, the transaction does not need to get held up and effective measures can be introduced at an early stage of occupation.

## Is your client affected?

So, understanding if your client needs to be prepared to consider the impact of radon on their purchase, including any adaptations to the property, is an important first step ahead within the property searches.

Public Health England has a website that allows you to search for whether the postcode is affected by Radon. However, the data is held at low resolution 1km grids. Environmental risk report data, such as that provided by Future Climate Info, provides a higher resolution with data from the British Geological Survey. This provides a more accurate representation of the potential risk of exposure to Radon.

This accounts for local hotspots which can make all the difference in terms of further testing and negotiation.

**For more information on Future Climate Info's environmental risk reports and radon data, contact us on 01732 755180 or email us at [info@futureclimateinfo.com](mailto: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
<small>Identified coal mining activity:</small> 1.01 Past underground coal mining 1.04 Shafts and adits (mine entries)	
2. ENVIRONMENTAL	PASS
<small>No further recommendations</small>	
3. FLOOD	PASS
<small>No further recommendations</small>	
4. GROUND STABILITY	PASS
<small>No further recommendations</small>	
5. ENERGY & INFRASTRUCTURE	PASS
<small>Consideration(s):</small> 5.20 Power Stations 5.23 Solar Farms	

**Air Quality Index: Some Polluted Areas (See 1.25)**  

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

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

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

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

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

Assessed by:

[www.futureclimateinfo.com/team](http://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](mailto:info@futureclimateinfo.com) | Web: [www.futureclimateinfo.com](http://www.futureclimateinfo.com)

## Premium Plus CON29M

From £80 + VAT<sup>(1)</sup>

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 <sup>(2)</sup>	Energy+Infrastructure <sup>(2)</sup>	Flooding <sup>(2)</sup>
<b>Terra Firma CON29M</b> Includes nearby subsidence claims, previously only available at additional cost from The Coal Authority.	<b>Professional Indemnity Cover</b> £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.	<b>Loss of Value Insurance</b> Covers any change in Coal Authority data (Up to £50,000 for the lifetime of the property ownership).	<b>Cheshire Brine Indemnity Policy</b> £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](http://www.futureclimateinfo.com), call +44 (0)1732 755 180 or email [info@futureclimateinfo.com](mailto:info@futureclimateinfo.com)



<sup>(1)</sup> RRP for residential properties less than 15 hectares.

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

Regulated by RICS

# Adapt and thrive – don't do a Churchill

I'd like to start this article with a pat on the back, a round of applause, a huge cheer – we all deserve it as we have made it through January, past Blue Monday – officially the gloomiest day of the year – into February. That alone is an achievement. But just surviving isn't enough, we need to thrive, to be healthy, resilient and hopefully happy at work. Yet how to do that?

I think we need to start with some myth busting.

The first is 'Blue Monday' itself - allegedly the product of a mathematical formula from a university professor, in which he calculated the date of this depressing day as the third Monday in January using a combination of weather, debt (the arrival of credit card bills) time passed since Christmas, low levels of motivation and failing New Year's resolutions. It was all, in fact, a PR stunt by Sky Travel back in 2005 and the formula was nonsense.

If getting past Blue Monday is less of an achievement, what about surviving the challenge of the purportedly ancient Chinese curse 'may you live in interesting times'? This is trotted out in virtually every article one reads about the current uncertain political and economic situation. Yup, you guessed it, the Chinese curse is a myth as well. Some say it comes from the British Ambassador to China in 1936 who quotes it in his memoir, while others suggest it is an adaption of the Chinese expression "Better to be a dog in a peaceful time, than to be a human in a chaotic (warring) period" from a short story of 1627 by Feng Menglong. Whatever its origin, it has become shorthand for saying there are troubles ahead but we need to tough them out.

## 'KBO'

The point to both of these myth busts is that if, as individuals and organisations, we are to thrive rather than survive we need to pay attention to the detail of our lives, to the stresses and strains that ourselves, our colleagues and our employees are under. It is not enough to palm them off with a platitude, to suggest that the answer to pressure is to adopt a Churchillian like approach and KBO ("keep bugging on"). It is this dogged, head down approach that leads not to success but to burn out, poor health (both mental and physical) and often to poor decision making.

## What we need is resilience.

Resilience is not another word for obstinacy or sticking it out at all costs. It is not, as Dr Carole Pemberton; academic, author and expert in resilience coaching, says an "armour you put on" instead "it is our adaptive capacity in response to change". Resilience is our ability to listen, to respond and if necessary to change course when you are hit



by disruption in the workplace. Law firms are well known for their high pressure, high stress cultures and the demands that some firms make of employees to work longer and longer hours, to take on more strain in return for ever high rewards is not sustainable. It may work in the short term but it doesn't ensure long term organisational success. For organisations to thrive they need to adapt, and to support their employees to adapt as well. This means taking account of family and life pressures, creating more balanced workplaces that are flexible, allow different work patterns (such as agile working or job sharing) and to accept that piling on the work doesn't lead to improved performance.

So, if your new resolution has already been broken -be that cutting back on booze, taking up running, meeting copy deadlines! - then don't beat yourself up. Take a step back, take a breath, be kind to yourself and say I will adapt and change and allow myself a break before trying to develop a new habit or behaviour. While you are at it, take a look round the office and see if there is a colleague who may need to take some time out to cope with the challenging times we are undoubtedly living through, and instead of taking a Churchillian approach, take them out for a coffee.

**For more on resilience and good mental health at work listen to "Planet Pod talks Healthy Workplaces" [www.planetpod.com](http://www.planetpod.com)**

**Amanda Carpenter is host of Planet Pod and CEO Achill Management**







## Relationship Management



## Update from the North Team

# Spotlight feature: Simon Davis, Law Society Vice President

**For this month's profile, the Relationship Management Team in the north caught up with Simon Davis, the Vice-President of the Law Society. His presidency will start in July 2019.**

Simon is a commercial, litigation Partner at Clifford Chance, a global corporate law firm across five continents. Their UK offices are in London and Newcastle.

Simon Davis has more than 30 years' experience in representing financial clients in major commercial and regulatory disputes, often with an international element.

**As incoming President in July this year, I asked him how he saw the Law Society in five years' time?**

He sees the society as thriving over the next few years as a voice for the profession, in the public interest. He also sees it as acting as a clearing house to the profession for ideas, expertise and experience.

A further role is as a thought leader and career partner for all areas of the profession in England and Wales, whether in private practice, in-house, local or global.

One of Simon's key presidential themes is working collaboratively with Local Law Societies.

**I asked him what three things he felt he could do as President to support Local Law Societies.**

He told me

- ensure that they are part of one unified network, adding value to our Members in co-ordination with the national Law Society.

- exchange ideas and opportunities.
- promote their existence and value.

**Finally, on a lighter note, I asked Simon what character from history he would be and why?**

He said, Charles Darwin, English naturalist, geologist and biologist, because he led the most extraordinary and influential life.



# Council Member's Report

First of all, a very Happy New Year to all. I hope all readers, and everybody else, had an enjoyable Christmas and New Year and that you are all fortified for the challenges that face us in 2019 and I hope that it is a very successful year for you and yours.

There is quite a lot going on within the Law Society and within our profession. I have been to London in January for a Membership Committee Meeting, and there is a Council meeting in February which unfortunately, I will miss because I will be on holiday.

I find it very interesting to get the Gazette on line because it gives me an opportunity to catch upon with the headlines, of which there have been many recently.

One particular of interest (in fact several headlines) concerns the SRA. First of all, is it not amazing that the SRA had been able to invest such vast sums of our money on a failed prosecution of Leigh Day, and thereafter, spend an enormous amount on a failed Appeal. If one was running a firm on that basis, one would have to account to the client. Of course, we are the client. We are paying the SRA's costs. The SRA does not have its own funds, save for those which come from our practicing certificates. I understand that the Society is therefore investigating the basis upon which the action was brought in the first place and the basis upon which the Appeal was made. Like any reasonable client, we should be entitled to know what we get (or do not get) for our money, but of course, thanks to the Legal Services Act the SRA appears to be wholly autonomous on everything it does, and particularly when things go wrong.

At least the SRA have listened to what we have had to say about the minimum PI cover. Plans to reform the Professional Indemnity Insurance market, and in particular an attempt to reduce the minimal cover from £2 million to £500,000, have been put on the back burner. Mr Philip says that the SRA 'has prioritised the issue of the Compensation Fund'. I would hope that Mr Philip has for once listened to common sense. The SRA's argument that reducing the minimum cover could help reduce insurance costs for some firms, encouraging businesses to enter the legal sector and lead to lower prices for consumers is entirely and completely misconceived. Our profession is what it is because it is a Gold Standard. The consumer gets good service and if things go wrong the consumer is properly compensated. Cheap does not necessarily mean good. The cost of legal services should be competitive. If it is, the consumer will employ the solicitor. If the cost is not competitive the consumer will not so employ but if it goes wrong, the consumer must be compensated.

The Gazette has focused on the question of mental health measures for junior lawyers, and junior lawyers have demanded answers on what firms are doing to improve employee wellbeing and an attempt to tackle strain caused by stress at work. The JLD has started collecting Practitioner's experiences asking what firms do by way of specific measures. Kayleigh Leonie, Law Society Council Member for junior lawyers said 'junior lawyers are under pressure to prove themselves to their employers, either to be awarded a much sought after training position, or to be offered a newly qualified role at the end of it. It is a concern of the JLD that many junior lawyers feel unable to raise issues with their employers when they are struggling to cope with the pressures of



their role'. I have said before that I believe junior lawyers are under much more pressure than ever we were in our day.....! Back in the day' ( Ugh ! ) KPI's, targets, chargeable hours just did not happen. There was much more of a 'manana' approach and it 'will all come out in the wash'. Nowadays, junior lawyers seem to get washed every day, if not every hour! Are junior lawyers less resilient? No, in my view, senior lawyers are more demanding. They want to continue living the high life and have a PEP as it always was, at a time when hourly rates are going down and our profession is under attack from all quarters. Those that suffer are the junior lawyers, not the senior ones.

It is interesting, if not bizarre, that the Government, by way of Lucy Fraser, says that 'starting in January, we will work with you, the Criminal Defence profession, to gather the necessary evidence as part of this robust and wide ranging review. The contribution of the leadership and wider profession of the AGFS has been invaluable thus far and I look forward to building on this close co-operation. The amended AGFS is the first step in a larger process to reform. We want to ensure that criminal defence remains a sustainable and attractive career, and that individuals continue to have access to justice' Why are the Government only now looking into why there is a real threat to the criminal defence profession?

The Law Society has been saying for ages that this threat exists. Governments ( of whatever colour ) have not listened. As usual, it



is a classic example of not listening to the profession at the material time and not doing impact assessments before making cuts. This does not relate just to the present Government, it relates to previous Governments.

It was therefore interesting to read in the Gazette, 14 January 2019, that Lord Falconer (you may remember him, he was the Chancellor when Blair was in Government, and together with Blair was heavily responsible for the disastrous Legal Services Act), 'this devastation of legal aid was made easier for the Tory lead coalition Government by the attempts of previous labour Lord Chancellors, including myself, to control a budget that was, as we saw it, rising too fast. It was a mistake to go so hard on the offensive and seeking to get that budget under control'. In short, they did not do an impact assessment. They acted. They did not think. They did not do an impact assessment with regards to the Legal Services Act either and our profession were too sleepy to take issue. Woe is us!

How has it been for you since the GDPR came into force? Not much changed? Be warned. I suggest you read Frank Maher in relation to GDPR in the 14th January 2019 of the Gazette and there is likely to be a further kick back with our friends the SRA. As Frank says 'we should expect action from the ICO on the more egregious cases but if that happens, it will not be the end of the matter, as the Solicitor's Regulation Authority will doubt this feel bound to act as well'.

It is disappointing to see so few of our profession make QC. The numbers seem to be going down, rather than up. It is to be hoped that the Society will be able to press for more solicitor QC's. It should not be the sole privilege of the Barristerial classes. They might think they are better on their feet (and that in fact is in any event debatable) but the real work in preparing a case and doing

proper law is often done while sitting down and taking a broader, more balanced view of the world.

Finally, as you will know the President's aims this year include encouraging firms to tech up, and also celebrating 100 years of women being able to be in our profession and also creating a conversation to investigate why there are not more women in the boardroom. We had a great meeting for men to discuss this issue (which is very real) at Liverpool Law Society at the end of November facilitated by Paul Tenant, CEO of TLS. There was a celebration of 100 years of women in the law in Liverpool on 25 January. As I have said often, the law is a better place for having women in it, and the public at large is better served. Here's to the last 100 years. Let's hope change continues. My hope is that change is evidenced by a better appreciation of what lawyers do for the public. I hope it does not take another 100 years for people to realise this, because one day they will. Like a motor car.....you take it for granted until you do not have use of it!

As ever, if you have anything you want to discuss with me, please do not hesitate to get in touch. I therefore look forward to hearing from you.

**Charlie Jones**  
**Partner Weightmans LLP.**  
**Co Council Member Liverpool and District.**  
**0151 242 7919. [charlie.jones@weightmans.com](mailto:charlie.jones@weightmans.com)**



## PI Case Law & Procedure Update

with Jeffry Zindani on Friday 8th March, 1.30 - 4.30pm

**This seminar will guide you through a number of important developments over the past 12 months for personal injury lawyers & look at some hot topics for practitioners.**

**It will look at not only case law guidance but practical tips & insights, to tactics used by insurers and defendants.**

Including the following:

- Civil Liability Bill - Where Are We Now?
- Overcharging: The End of the 100% Success Fee Model?
- Claims Portal and Fixed Recoverable Costs: Court of Appeal Guidance
- Fundamental Dishonesty: Latest Case Law and Tips
- Qualified One-Way Costs Shifting- Practice and Procedure
- Service Issues: Avoiding Procedural Death
- CPR Round Up, Including CPR 36 Cases, Experts, Relief from Sanctions
- Costs Update: Recent Cases on Proportionality and Costs Budgeting

**Competencies: A2**

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

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



## **\*\*NEW\*\* Innovation in Law Firms**

on Wednesday 27th March,  
 9.30am - 1.30pm (refreshments provided)

**Aimed at:** Senior / Managing Partners, Chief Executives, Practice & HR Managers, Heads of Departments, Business Development Managers and any professionals involved in strategy forming for their firms.

**To be chaired by Michelle Helsby of Liverpool City Region Business Post & with sessions from:**

**Stuart Whittle, Business Services & Innovation Director, Weightmans LLP**

**Sue Grindrod, Chief Executive, Royal Albert Dock**

**Karl Chapman, Legal Operations & Technology, Riverview EY**

**Darryl Cooke, Partner, Gunner Cooke**

**Sponsored by:**



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

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

# Charity Spotlight

## An Hour for Others

An Hour For others (AHFO) came about 5 years ago, I had been working in a factory for 3 years and spent all my time complaining about the world I was seeing around me, it seemed to be endless violence, hatred, poverty, illness, greed, corruption. Nobody seemed to care and I was constantly posting on social media about how bad everything was and how people needed to change. One night I woke up at 4am and it just hit me, I realised if I wanted to see a better world then I needed to change myself first, the world I dreamt of was one where we all help each other and live peacefully and actually cared. I then thought what it was I could do, being a qualified painter & decorator from leaving school I thought right I'm going to help elderly people or families living in poverty and give a few hours of my time free of charge helping to decorate bedrooms or living rooms. I soon realised how this idea could involve every single person giving back their time and expertise to help those less fortunate and in turn creating a better little world.

Around that time I met my partner Gill who loved the concept and told me to leave the factory and do a bit of my own painting but get AHFO set up and running. For over 4 years we have run AHFO alongside our own jobs, Gill being an accountant and have helped hundreds of families in Liverpool and beyond. We have ended up being a platform where kind hearted people offer what it is they can to help, we've decorated scores of homes and community centres, sent families on caravan breaks and to football games and concerts VIP style, we have made Christmas special for hundreds of local people, we opened a hub in Anfield and run health and wellbeing groups people who find it hard to give their time or skill donate an hour of their wage to help us carry on. There is so much happening it is having the effect I always wanted it to have. We get emails from all over the world asking how it can be set up there. We haven't even started yet. We want our children to live in a world free from fear, hatred and violence but each and everyone of us have a big part to play.

Everyone of us can give something to help create a better City. In 2019 we will be refurbishing bedrooms of families or elderly people, mental and physical health suffers greatly with poor living conditions. We will be running childrens groups and kids football sessions, the groups could end in scholarships at local dance, gymnastic and boxing acadmys. Health and well being sessions involving yoga, PT, mindfulness, chefs and nutritionists educating people and working on all aspects of mental and physical health. We will help 3 or 4 local grassroots community groups over the year in their centres with 'action days; involving many volunteers.



Many people offer monthly donations to help our cause, tickets for football games and concerts are donated, short breaks in B&B's, caravans and hotels across Britain have been offered to those less fortunate.

Anybody who feels they have something to offer in ways of time, skills, fundraising, resources etc which could help a person or family in genuine need we would love to hear from. This is Community and great things can happen when we all chip in.

**Kevin Morland and Gillian Watkins**

**Email: [gill@anhourforothers.co.uk](mailto:gill@anhourforothers.co.uk) for more information**





# Merseyside Landmarks

## This month we take a look at the Chinatown Arch as the celebration for the Chinese New Year begins on 5th February welcoming in the Year of the Pig...

Chinatown in Liverpool is home to one of the oldest Chinese communities in the UK. The original Chinatown was located close to the docks, but heavy bombing during WWII destroyed much of the area and the community relocated to the Nelson Street area, close to Liverpool Cathedral. At the heart of Chinatown stands the Arch. Plans for the Arch began in 1992 as part of the regeneration of the city centre. The design for the Arch was decided by upon by the Chinese community who ran a competition.

Construction of the Arch began in 1999 by craftsmen from Shanghai, which is one of Liverpool's twin cities. Work on the Arch was completed in 2000 at a cost of £700,000. The Liverpool Chinatown Arch is 13.5 metres tall and is the largest in Europe and the second largest in the world outside China. The Arch has 200 hand carved dragons which symbolise good fortune between Liverpool and Shanghai. The words "Zhong Guo Cheng" "Chinatown" is engraved on the centre of the Arch in traditional Chinese script. The streets of Chinatown are decorated with Chinese-style lanterns and all street signs are written in both English and Chinese.

The first Chinese people arrived in Liverpool in the 1830s when they arrived at the docks to trade goods of cotton and silk. More Chinese immigrants came to Liverpool in the 1860s after the establishment of the Blue Funnel Shipping Line which developed trading links between Liverpool, Shanghai and Hong Kong to import tea, silks and cotton. The Company employed many Chinese sailors and Chinatown slowly developed as businesses were established to provide food and other goods to the sailors.

By the start of WWII there were almost 20,000 Chinese sailors in Liverpool. In 1942 they demanded equal pay to that of white sailors and pay equal to that of white mariners. They went on strike which lasted for over four months. Branded troublemakers, the sailors were blacklisted, had their pay cut and offered one-way tickets back to China.

This month the Chinese community will say goodbye to the Year of the Dog and welcome in the Year of the Pig. According to Chinese astrology each year belongs to a zodiac animal which has a twelve year cycle. Years of the Pig include 1935, 1947, 1959, 1971, 1983, 1995, 2007, 2019, and 2031. Those born in the Year of the Pig are said to be "diligent, compassionate, and generous. They have great



concentration: once they set a goal, they will devote all their energy to achieving it. Though Pigs rarely seek help from others, they will not refuse to give others a hand. Pigs never suspect trickery, so they are easily fooled. Pigs are relatively calm when facing trouble. No matter how difficult the problems are Pigs encounter, they can handle things properly and carefully. They have a great sense of responsibility to finish what they are engaged in."

### Liverpool's Chinese New Year festivities will take place over three days and includes:

From 7pm to 7.45pm on February 8 and 9, there will be lion dancing and Chinese influenced street theatre in and around the arch, which will build up to a unique projection and pyrotechnic show at the arch, and on surrounding buildings.

Sunday, February 10 will see the usual traditional celebrations take place, which last year attracted around 25,000 people. They include a number of street and stage performances, family workshops, a fairground, parades, firecracker displays and of course the popular Chinese market on George Street selling gifts, souvenirs and mouth-watering Chinese food.

Chinese arch street entertainment, the lumiere and pyrotechnic show will also take place on Sunday, February 10 from 6pm.

The family friendly activities will start from 11.30am and take place in and around Great George Square and Nelson Street. The event will end at 6.45pm.

For more information on the festivities visit <https://www.visitliverpool.com/whats-on/chinese-new-year-p389191>

**Julia Baskerville**





# News from the MJLD

## Our Next Event – Wine Tasting at Veeeno

We are kicking off 2019 in style and will be hosting our first event of the 2019 at Veeeno on Castle Street, Liverpool! Kindly Sponsored by G2 Legal, the evening will include wine tasting, networking and chance to celebrate the new year with new friends!



## National Junior Lawyers Division Forum for Prospective Trainees

The MJLD is pleased to announce that it will be hosting the National Junior Lawyers Division Forum for Prospective Trainees! The event, which will be hosted in conjunction with the National JLD, is aimed at 3rd year law students, GDL students, LPC students and those seeking a training contract across the country. The event is currently scheduled to place on Saturday 9 February 2019 between 10am-4.30pm at Liverpool John Moores University. This event is FREE to attend but booking is required. To book or for further information please visit [www.lawsociety.org.uk/juniorlawyers](http://www.lawsociety.org.uk/juniorlawyers).



a Judge or know of anyone in your firm who may want to take part, please email [nationalspeedmoot@gmail.com](mailto:nationalspeedmoot@gmail.com).



## Save the Date – MJLD Black Tie Charity Ball 2019

The MJLD Black Tie Charity Ball 2019 is due to take place on 25 May 2019 from 6.30pm until late at 30 James Street, Albion House, Liverpool, L2 7PQ. The event already looks set to be one of the highlights of the year! There will be a drinks reception where guests will enjoy a welcome drink before guests will be invited to take their seats for a fabulous 3-course meal and half a bottle of wine (per person). There will be speeches from the Chair of the MJLD Hannah Bickley, the President of the Liverpool Law Society Chris Topping and a representative from our Charity of the Year – Chasing the Stigma. Entertainment after the dinner will be from the incredible Northern Lights, who are a singer, violinist, sax and DJ! To register your interest please email [sarahmcguinness@msbsolicitors.co.uk](mailto:sarahmcguinness@msbsolicitors.co.uk).



## Invitation to Judge the National Speed Mooting Competition

The National Speed Mooting Competition is back and the organising committee are currently looking for judges for this year's competition! Now in its 7th year, the competition comprises a full day of knockout moot rounds followed by a final held at the end of the day. The competition will be held at Liverpool Hope University on Saturday 23 March 2019 between 9am-6pm. If you are interested in helping out as



<b>S Code</b>	<b>Date</b>	<b>Time</b>	<b>February 2019</b>	<b>Speaker</b>
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	<b>**NEW**</b> Housing Disrepair Conference	Various
S4261	27th	10-4	Conversion to Family Law & Practice Certificate	Safda Mahmood

<b>S Code</b>	<b>Date</b>	<b>Time</b>	<b>March 2019</b>	<b>Speaker</b>
S4256	1st	9.30-12.45	Buy to Let for Conveyancers	Richard Snape
S4257	1st	1.30-4.45	Conveyancers Guide to Fraud & Cyber Crime in the light of Mishcon de Reya	Richard Snape
S4276	5th	9.30-12.45	Building Trusted Relationships (External client skills focus)	Matt, PCA
S4277	5th	1.30-4.45	Successful Feedback Conversations (Internal management skills focus)	Matt, PCA
S4281	8th	1.30-4.30	PI Case Law & Procedure Update	Jeffry Zindani
S4147	13th	9.30– 4.55	2019 Costs Conference Accredited by APIL Training	various
S2185	15th	10-12.45	Financial Orders: Law & Practice	Safda Mahmood
S4262	15th	1.30-4.15	Cohabitation: Law Practice	Safda Mahmood
S4274	19th	2-3	Commercial Lease Quirks	Sarah Jameson
S4275	19th	3.15-4.15	Retaliatory Eviction	Aaron Walthall
S4237	20th	1.30-4.45	Representing the Mentally Disordered	Anthony Edwards
S4268	22nd	10-4	Ultimate Contract Law Update	Helen Swaffield
S4284	27th	9.30-1.30	Innovation in Law Firms	various
S4280	29th	1.30-4.30	Employment Law Update	Professor Dominic Regan

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

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