

Liverpool Law

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



One of the biggest legal claims ever filed in a British court will be heard in Liverpool not London



Leadership and the Law

Harris Pogust of SPG Law talks to Liverpool Law



Mental Health

Elizabeth Rimmer CEO of LawCare offers advice on how to promote wellbeing in law firms...



Liverpool Law Society Past Presidents' Lunch 2019



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Cover photo:
Past Presidents' Lunch
Photo by Ray Farley



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

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

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

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Welcome to the May 2019 edition of Liverpool Law



Jennifer Powell
Editor

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This edition is a sad one for me as it is the final contribution from my colleague, and dear friend, Charlie Jones as he sets off on his retirement.

I first met Charlie when I was at Liverpool John Moores University and Charlie was President of Liverpool Law Society. We were both judging the National Negotiation finals and got chatting. I was struggling to get any work experience at the time, due to a lack of legal experience nonetheless (!) and Charlie gave me the opportunity to write an article for this very magazine.

We stayed in touch (well, I don't think I gave him much choice!) and Charlie helped secure my paralegal post at Weightmans, supported me in my training contract applications and even helped guide me on the best teams to train and ultimately work in. Charlie has been there for me when I have had personal tragedy and I honestly don't know how I would have got through some things without him.

One thing I have tried to do is to help those looking to join the profession with guidance and support, as I was fortunate enough to receive from Charlie. I'm not as wise or as witty as he is, but I hope I'm just as encouraging and helpful to those struggling to get a foot in the door. When you're a student starting out it is hard to see the wood from the trees, what to include on your CV and applications, where to even start looking for what law firms you would like to join and what to do to make you stand out from the other thousands applying with the exact same exam results as you. We all need someone like Charlie in our lives so give that a thought next time someone asks you for advice.

Charlie has always encouraged me to get involved in charitable initiatives and to give something back. We have organised everything from frock swaps, race nights, Charlie's memorable spray tan sponsor event, a 10k 'run' I would rather forget and a car wash event I'm sure he would rather forget (which resulted in him defending a damages claim we received for a scratched car!).

To now be sat writing this article as Editor, I cannot help but feel things have come full circle. It was with Charlie's encouragement I joined the editorial committee a couple of years ago to edit the CSR pages and I recently took up the Editor post with his support- I have a lot to thank him for both personally and professionally and will continue to do so when I seek his help in future- there is no escape sorry CJ!

These are just some of my memories with Charlie, I'm sure you will all have your own, so please join me in wishing this wonderful man many happy and healthy years of retirement. On behalf of Liverpool Law Society and Weightmans thank you for your many years of hard work and plenty of laughter along the way.

Jennifer Powell
Solicitor
Weightmans

Editorial Committee Dates

All meetings start at 1pm

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

Tuesday 14 May Private Client Conference in conjunction with STEP Liverpool
Friday 17 May Legal Awards
Wednesday 22 May Compliance Conference
Tuesday 11 June Liverpool Legal Walk (organised by NWLST)
Wednesday 12 June Personal Injury Conference
Fri/Sat 14 – 15 June Presidents' and Secretaries' Conference 2019
Tuesday 18 June Private Child Law Conference
Friday 5 July Conference for In House Lawyers
Thursday 11 July Directors' meeting with Liverpool City Region councillors
Thursday 11 July Professionals' Dinner in conjunction with the Chartered Institute for Securities & Investment
Wednesday 11 Sept Residential Property Conference

Deadlines 2019

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

Stress

The topic of the last month seems to have been stress!!

Two important surveys were published in April which highlight just how stressful the legal profession is. The first undertaken by an insurer found that the legal profession is the second most stressed occupation in the country and that Liverpool comes 12th in the list of most stressed cities.

<https://www.protectivity.com/stress-in-the-uk/>

Of course statistics can be used to prove anything, famously "there are lies, damn lies and statistics"!

However what we must never lose sight of is that stress is real and affects real people – those behind the statistics.

The other survey from the Law Society's Junior Lawyer Division reflects this very clearly and there are some truly harrowing findings. The summary of the report says

"Around half of respondents said that they had experienced mental-ill health (whether formally diagnosed or not) in the month before completing the survey and under 20% of those individuals had made their employer aware of it. As a result of mental ill-health, one in fifteen respondents stated that they had experienced suicidal thoughts, 74% reported disrupted sleep and just under 60% report a negative impact on their physical health (feeling sick, chest pains). Over 87% felt that their employer could do more to provide help, guidance and support in relation to mental health in the workplace."

<http://communities.lawsociety.org.uk/junior-lawyers/news/jld-resilience-and-wellbeing-survey-report-2019/5067323.fullarticle>

Last year the Junior Lawyers Division produced some guidance to help firms tackle this issue

<http://communities.lawsociety.org.uk/Uploads/d/d/n/Supporting-resilience-and-wellbeing-in-the-workplace.PDF>

The guidance rewards re-reading. No one is immune from the pressures that this profession brings to bear and no one should be alone in trying to cope with it. The Liverpool Law Society is always ready and willing to help anyone to access support – just get in touch.

Personally one of my great stress relievers is sport – most Saturdays Kathryn, my wife, and I aim to be at our local ParkRun rather than at the desk. If you don't know about ParkRun it is a free 5km timed run which takes place in hundreds of locations across the country. Locally we have runs in Princes Park, Croxteth Park, Crosby, Southport, Birkenhead Park. There will be one near you! It is amazing what a benefit it brings to join in with hundreds of other people to enjoy the outdoors – ParkRun is for everyone regardless of ability, free and staffed entirely by volunteers.

Looking Ahead

There is a lot happening over the next month or so. By the time you read this I will have delivered my "state of the Liverpool Law Society report" to the past presidents. They are always keen to make sure that things are in good order so let's hope they weren't disappointed! A report from Emlyn Williams appears later in this edition.

The Joint V law societies (us, Manchester, Bristol, Leeds and Birmingham) meet in May to discuss the latest issues and challenges we face. We will be discussing issues including the Law Society's Skills Academy and Litigants In Person. If there are issues that concern you then let me know so I can flag them up.

We are really looking forward to celebrating the outstanding work of the legal profession in Liverpool at our Awards evening on 17th May. If you have not booked your ticket then please do so as soon as possible as we are selling them fast! It promises to be a great evening hosted by Roger Johnson from BBC North West Tonight.

I hope that many of you are already signed up for the Liverpool Legal Walk on 11th June but if not then please do so. There is more information about the North West Legal Support Trust in this edition of Liverpool Law.

**Chris Topping
President**

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Helix Highlights

New starter

I am pleased to say that Jordan Ryder joined the staff of Liverpool Law Society last month, as a maternity leave replacement for Kimberley Doherty. In his own words.... "Having recently started my post at Liverpool Law Society the team has been amazing helping me settle in. I will be succeeding Kimberley as an Accounts Assistant for the Society. As part of this role I will be assisting the Deputy CEO, Liz Weeks, with the day to day running of the accounts together with membership updates. In addition to this I assist our Director of Education, Jo Downey, with several tasks such as; the administration of seminar and conference bookings, and producing marketing materials.

I completed my Accounting & Finance degree at Liverpool John Moores University which cemented my love for the city and passion for business. Whilst completing my studies I

worked at the Echo Arena which taught me resilience in stressful situations and gave me the confidence to go forward and follow my dreams of managing people's finances. In my spare time I enjoy everything football, from watching to playing it on a weekend. In addition to this I love to explore new places and both I and my girlfriend Chloe have made a pact for us to travel to somewhere different at least once a month, of which our latest expedition was Chester Zoo, which was a world of its own!"

We are delighted Jordan has joined the team and wish him well during his time with us. Likewise, we wish Kimberley the best as she goes on maternity leave in a few weeks' time. She will be much missed by all of us in Helix!

Legal Awards 2019

Final touches are being made for the Legal Awards dinner and ceremony that is taking

place on 17 May at the Rum Warehouse. It is sure to be a good night with 300 members and guests expected at the event.

The shortlist for the 2019 Legal Awards is available to view **here**. Thank you to all the member firms who have taken part and congratulations to those shortlisted. These awards celebrate all the excellent work that is done in and around the Liverpool City Region.

TLS President & Secretaries Conference

Next month, the President and I will be attending this two day event in Chancery Lane, London. The programme looks to be interesting and of value to Liverpool Law Society, with sessions on attracting alternative membership, current and future policy development, diversity and inclusion, technology and local law society management and social media for law societies.

We hope to make new contacts from local law societies all over England and Wales and exchange information and useful hints and tips with our peers.

I am always keen to hear from members, readers and delegates so do please get in touch with any queries or comments you may have

**Until next month,
Sarah**

**Sarah Poblete
CEO
sarah@liverpoollawsociety.org.uk
0151 236 6998 Ext 30**



**Sarah Poblete
CEO**



Jordan Ryder

Enewsletter Sign Up

Subscribe to our email mailing lists to keep up to date with the latest news, legal training programme and other events from Liverpool Law Society.

Sign up here



Liverpool Law Golf Society

Phil Sheard of Brabners has accepted the nomination of Captain for the 2019 season.

The annual members competition for the Cunliffe Cup and Harold Christian Jones scratch up and the Jack Rycroft tankard will take place on Thursday 23rd May at Wallasey Golf Club.

The annual match against the Crown Prosecution Service is at Wrexham Golf Club on Monday 1st July.

The annual match against the accountants is scheduled for Monday 9th September at a venue to be fixed.

The tripartite gold involving Belfast and Dublin Law Societies will take place on Thursday 20th June in Dublin. Following our successful trip last year to Belfast we have been invited back on Thursday 2nd May by the Belfast solicitors.

Finally, the annual pairs competition will take place on a Sunday towards the end of September at Childwall Golf Club, the exact date to be confirmed in due course.

Membership of the Society is free and open to all members of the legal profession.

For further details please contact Brian Lawlor email brianlawlor628@gmail.com or by phone 0151 924 6391.



Getting your costs right

with Professor Dominic Regan



on Tuesday 21st May, 9.30am - 12.45pm

The aim of this talk is to identify the various elements in costs that can sometimes be overlooked as well as looking at legitimate methods of enhancing recovery

- Why your budget is so crucial
- Big payments on account
- The 2018 Part 36 decisions you need to know
- The various ways of getting indemnity costs
- Coping with proportionality arguments
- When are fixed costs coming?
- Part 44.11 explained

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

****NEW****



Conference for In House Lawyers

on Friday 5th July, 9.30am - 2.30pm (lunch included)

Aimed at General Counsel or in-house lawyers (lawyers in commerce or industry, financial services sector, the not-for-profit sector, a trade union or local government)

To be chaired by Lesley Martin-Wright & with sessions:

Drafting contracts: lessons from recent case law
~ Chris Beanland

Compliance Issues ~ Shazia Zamir

Employment Law: what's new? ~ Lindsey Knowles

Stakeholder relationships: Dealing with Conflict ~ PCA Law

Brexit: where are we now? ~ Alexandra Cardenas

Lunch & networking

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

News from the Sub-Committees

Email: committees@liverpoollawsociety.org.uk with any queries or comments

In-House Sub Committee

On 27th March Nicola Hampton, a newly qualified in-house Solicitor at Princes Limited attended The University of Liverpool, along with members of Liverpool Law Society's in-house committee Martyn Rodmell (Group Legal Counsel at Princes Limited and Chair of the in-house committee) and Jim Fox (Assistant Director of Legal and Insurance Services at The University of Liverpool) to give a talk to a mix of first, second and third year School of Law students.

The purpose of the talk was to make those who may one day be legal professionals in the Liverpool area aware of Liverpool Law Society and the opportunities available to them through the Society and also to give them an insight into working in-house.

Each at different stages of our careers and with very different paths to both qualification and our current roles we provided an overview of our careers to date and what our working days typically look like.

It was great to be able to give the students a clear understanding of what an in-house career entails and to empower them with knowledge of the various paths they can follow in order to pursue and progress a legal career in-house, in an ever changing legal market.

The talk was a real success with over 70 students in attendance.

Some practical tips on becoming an in-house solicitor (and succeeding at it!) were also provided and were very well received, with positive feedback rolling in from both the School of Law and the students.

The in-house committee intend to continue to empower those who are looking to pursue a career in the legal profession with knowledge of their options. The rate at which the number of solicitors working in-house grows is significant and with a prediction for this to reach 35 per cent of the profession by 2020 it is vital that we continue to reach out to the next generation of legal professionals and provide a realistic understanding of working in-house and the high level of opportunity and satisfaction an in-house career can deliver.

Employment Law Sub Committee

Pregnancy/maternity discrimination in the workplace

Following on from the theme of last month, on 19 March 2019 the Liverpool Law Society Employment Law Committee met to discuss and respond to the Government proposal to extend redundancy protection for new parents.

A report from the Equality and Human Rights Commission, published in 2016, demonstrated that pregnant women and new parents continue to feel forced out of work, and that pregnancy and maternity discrimination remains prevalent in the workplace. By way of example, a quarter of employers surveyed felt that it was reasonable, during recruitment, to ask women about their future plans to have children and 11% of new mothers felt forced to leave their job (either through dismissal, compulsory redundancy or through leaving as a result of poor treatment).

The consultation aims to review the current legal protection against redundancy for those who are pregnant / on maternity leave, with a view to extending that protection for a period of time after the new parent has returned to work, and how that might work in practice. In addition, the consultation proposes simplifying the current law, which is complex and difficult to understand, so that it is easier for individuals to know, understand and exercise their rights.

The committee agreed that protections against redundancy should

be extended for new mothers for a period of time following a return to work. It is often the case that returning mothers seek flexibility on their return to work (through reducing their days / hours or through a change in work pattern) and there can be a period of transition for new working patterns being put in place. It was felt that protections against redundancy during this period would allow returning mothers to re-establish themselves in the workplace and familiarise with any changes that might have occurred during maternity leave.

There was a lengthy discussion about when / how the period of protection can begin. It was felt that placing an obligation upon pregnant women to tell their employer that they are expecting in writing may be too onerous. However, if confirmation is not made in writing, then it can be open for disagreement as to when the period of protection began. If the onus was on the employer to request confirmation in writing then this could impact upon small businesses. Like most things law-related, it seems there is going to be no easy answer!

The committee agreed that the same protection should be afforded to those returning from adoption leave. However, there was a grey area in whether those returning from shared parental leave could or should be given the same protection. Would it be fair for a new parent to take only 2 months shared parental leave but then to be afforded 6 months protection against redundancy following their return to work?

The Government consultation ended on 5 April 2019. Watch this space for future updates!

Rebecca Driffield, Solicitor
Weightmans LLP



2019 Compliance Conference

Wednesday 22nd May, 9.30am - 4.15pm (lunch included)

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

There's a lot happening at the moment, with the SRA putting firms on notice re: anti money laundering & introducing new standards and regulations, so let this conference be your one-stop shop for practical support to help you stay ahead.

Chairperson ~ Mickaela Fox, with sessions:

Regulatory cases Focusing on Solicitors Workplace Stress?
Mickaela Fox, Weightmans

New Standards and Regulations
Chris Hanford, SRA

GDPR and Data Protection for Law Firms
Lisa Hunter & Megan Duncan, Senior Policy Office, ICO

Raising Risk Awareness
Colin Taylor, JLT

SRA Handbook & Price Transparency
Pearl Moses, The Law Society

Anti Money Laundering Update
Jo Morris

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Past Presidents' Lunch

26th April 2019

This year's Past Presidents' Lunch has just taken place, as you might have guessed from the heading to this article. I was the Secretary which involved no work whatsoever due to the amazing organisational skills of Ann Murphy at the Society, other than writing this article which you are (perhaps) now reading.

As ever, the lunch took place at The Athenaeum Club. As ever, I wondered why, but that is tradition for you and, of course, the Past Presidents' Lunch is all about tradition. Photos of the "team" (24 PP's in attendance this year) from the only person who can tell a room full of Past Presidents when and where to sit or stand – Ray Farley. Meeting up with old friends and the highest echelons of Liverpool's legal cognoscenti. Reminiscing and looking forward. Trying not to mention Brexit. Remembering how busy it was when you were President. Remembering being nervous at this lunch when you were President. Wondering why a President would be nervous attending this lunch – did I really expect a grilling from all of these lovely people? Or was I just wondering if I would get a tap on the shoulder and told there had been a terrible mistake?

Chris Topping, this year's President, did not look nervous. Rightly so. He has no reason to be nervous. The Society's main themes for this year are access to justice & improving equality of opportunity for women in the law. These are themes which are central to Mr Topping's ethos and practice. Themes to be proud of, which we can all get behind. Chris spoke confidently and passionately about the Society's work in the field of access to justice, in particular. And then we all had dessert. I left before the end as the Past Presidents' lunch sometimes threatens to become less of a "lunch" and more "early evening drinks". I don't drink at lunchtime as it leaves me feeling sleepy and needing an afternoon nap. Just as you might expect from a Past President. Sadly, Weightmans don't have such "nap time" facilities. Not many firms do. Perhaps this is a cause that can be taken up by next year's President?

**Emlyn Williams
Weightmans LLP**



**Back row: Andrew Holroyd, Mark Feeny, Tony Twemlow David Swift, Norman Jones, John Leith, Anne Heseltine, Emlyn Williams, Alison Lobb, Alistair Fletcher, Donal Bannon, Helen Broughton, Richard Paton, Steve Cornforth, Nina Ferris, John Ballam & Peter Rhodes
Front row: Tim Marshall, Tony Ensor, Barrie Marsh, Chris Topping, Sir Christopher Hewetson, Elizabeth Steel, Keith Tamlin & Richard McCullagh**



Elizabeth Steel, Anne Heseltine and Nina Ferris



Helen Broughton



Tony Twemlow & Alison Lobb



Andrew Holroyd & Chris Topping

All photographs courtesy of Ray Farley

Non-Fault Divorce – End of the blame game or just more of the same?

On the 9th April 2019 the biggest overhaul of UK Divorce Law for over 50 years was announced by the Justice Secretary, David Gauke MP.



Mr Gauke confirmed that the proposed legislation in respect of such changes would be introduced as soon as parliamentary time becomes available. Bearing in mind the fact that the issue of Brexit has dominated Parliaments time with no sign of a resolution happening any time soon, it is unclear when it is anticipated that this new legislation will come before MP's for debate.

The new legislation is based on a 12 week public consultation and the Governments consultation paper "Reducing Family Conflict, reform of the legal requirements for divorce"

The proposals for the changes to the current law include:

- The sole ground for a divorce of will remain as an "irretrievable breakdown" of a marriage.
- There will now be the option for a joint application for divorce together with the current option for one party to petition against another.
- It will no longer be a requirement to provide evidence of a fact, such as with the current system of divorcing due to adultery, behaviour or separation. The new requirement will be to simply provide a statement of irretrievable breakdown.
- The ability for one party to contest the divorce will be removed.
- The current two stage process of applying for Decree Nisi and Decree Absolute will remain. There will however now be the introduction of a new minimum 6 month timeframe from the date of issuing the petition until the application for Decree Absolute can be made.

The Justice Secretary, Mr Gauke, has commented on the new proposals stating that "I have listened to the calls for reform and firmly believe now is the right time to end this unnecessary blame game for good"

Mr Gauke further commented that, "Hostility and conflict between parents leave their mark on children and can damage their life chances."

His comments are supported by Mr Aidan Jones OBE, the Chief Executive of Relate who commented, "A large body of evidence shows that parental conflict is damaging to children's wellbeing and chances in life, whether the parents are together or separated."

Mr Jones was also supportive of the proposal for the minimum timeframe stating, "While divorce isn't a decision that people tend to take lightly, we do support the extension of the minimum timeframe which will allow more time to reflect, give things another go if appropriate and access support such as relationship counselling or mediation."

Under the current rules parties seeking a divorce must give evidence of 1 or more of 5 different facts, 3 of these facts are based on the fault of another party and 2 are based on the period of separation.

The current 5 facts are:

- Adultery
- Behaviour
- Desertion
- 2 years separation by consent, or
- 5 years separation

The behaviour "fact" hit the headlines in regards to the case of Owens v Owens. These proposed changes to the current divorce laws follow the Supreme Courts rejection of a woman's appeal for divorce after her Husband refused to consent to the same. Mrs Owens initially sought to divorce her Husband on the grounds of his behaviour and the fact that she was unhappy within the marriage.

The Supreme Court unanimously rejected her appeal and the parties must now remain married until 2020.

Supporters of the non-fault movement are pleased that the Government has listened to their concerns and feel that the current fault based system exacerbates the stress and tension felt by parties who are engaged in the divorce process. Many feel that the current process exposes children to the damaging impact on ongoing conflict between their parents both during and after the divorce process. Critics of the new proposals will argue that the removal of the ability for a person seeking a divorce to essentially state their case as to their true reasons for the breakdown of their marriage will affect their ability to gain closure in respect of the relationship ending.

This is particularly important in cases where there is an obvious disempowered party who may have been the victim of years of domestic abuse or indeed in cases of adultery. These parties could suffer the further indignity of being served with non-fault divorce papers by either the perpetrator of domestic abuse or their partner who committed adultery. The new proposals are suggesting that the ability to defend such a petition would not be available to these people.

Only time will tell whether or not these new proposals will reduce the conflict between divorcing parties, experienced divorce practitioners will be aware that the majority of conflict between divorcing couples occurs not because of the wording in the divorce petition or "fact" relied upon. Most animosity is created due to disagreements concerning a financial settlement ancillary to divorce and arrangements for the children.

The proposed legislation will not cover areas of matrimonial law such as financial provision or arrangements for children.

John Owens – Senior Associate - MSB Solicitors
johnowens@msbsolicitors.co.uk

One of the biggest legal claims ever filed in a British court will be heard in Liverpool not London

One of the biggest legal claims ever filed in a British court will be heard in Liverpool not London after a Judge last week refused an application by the first Defendant to transfer proceedings to The Rolls Building.

The Anglo-Australian mining company BHP Billiton is being sued for billions of pounds by Brazilian victims of the Fundão dam collapse, the worst environmental disaster in Brazil's history, three years ago. The class action case has been filed in the High Court in Liverpool by SPG Law on behalf of around 200,000 individuals, 25 municipal governments, 700 businesses, a Catholic archdiocese and members of the Krenak indigenous community.

Exchange Chambers barristers Mark Cawson QC, Louis Browne QC and Carly Sandbach, instructed by SPG Law, together with Jonathan McDonagh of Serle Court Chambers, last week successfully resisted an application from Slaughter and May, acting for BHP Billiton, to transfer the case to London.

HHJ Eyre refused the Defendant's application to transfer the proceedings that had been commenced in the Business & Property Courts in Liverpool to London, thereby reinforcing the principle that "no case is too big to be heard in Liverpool", and that London has no greater claim to host large scale international litigation than Liverpool.

Commenting on the judgment, Jonathan l'Anson, Chambers Director at Exchange Chambers said: "This judgment reinforces the principle that no case is too big to be tried in Liverpool or the regions. "It is a real boost for the Northern Circuit, the regional Bar and law firms based in the North West."

In a detailed and thorough judgment, HHJ Eyre sitting in the Technology and Construction Court at Liverpool found that neither the undoubtedly substantial value of the proceedings - estimated to run into 'billions', nor the substantial complexity - both legally and factually - required the matter to be transferred to London. He further confirmed the practice that an appropriate specialist Judge would be made available to hear matters in Liverpool where required and that "Super Courts" in the North West could be utilised.

Concluded Jonathan: "The judge's comments confirm that the Business and Property Courts in Liverpool are open for business. They are a suitable home for the most complex and valuable litigation both domestic and international in nature."

SPG Law has instructed a specialist team from Exchange Chambers on the Fundão dam class action.

Mark Cawson QC and Louis Browne QC, Alfie Weiss, Carly Sandbach and Tom Longstaff are currently working on the case. A team of Exchange Barristers have also travelled to Brazil - Simon Whitfield, Richard Wilcock, Greg Plunkett and Harriett Hartshorn.

Nineteen people died after toxic waters from the failed tailings dam surged through the village of Bento Rodrigues on 5 November 2015. The sludge destroyed hundreds of homes, devastated fisheries, contaminated forests and left hundreds of thousands of dwellers along the Doce River without drinking water.

The Claimants in the action believe they have a much better chance of receiving fair and speedy compensation in Britain than in Brazil, where courts can take more than thirty years to resolve disputes and extrajudicial offers of compensation are a fraction of the damages incurred.

Tom Goodhead, lead partner on the matter at the Anglo-American Law firm, SPG, said many of the plaintiffs suffered catastrophic losses



yet have received almost no compensation after three and a half years following the accident in contravention of Brazilian law which says full damages must be paid and the environment completely restored after an accident.

"Brazil's courts are crippling slow," he said. "The main purpose of filing this case in the UK is to move at greater speed and to seek a greater amount. People have been let down by the politicians and the courts. We will go toe to toe with one of the world's largest corporations on their behalf"



Liverpool Law Society

In conjunction with



STEP
Society of Trust and Estate Practitioners
Liverpool

2019 Private Client Conference

Tuesday 14th May 2019 9.30am - 4pm

Venue: Crowne Plaza, 2 St Nicholas Place, Princes Dock, Liverpool L3 1QW

Chairperson: Susan Sherry & with the following sessions:

<p style="font-weight: bold; color: #0070c0;">Capital Tax Update</p> <p>Chris Whitehouse</p>	<p style="font-weight: bold; color: #0070c0;">Business property relief for IHT</p> <p>Michael Sherry</p>
<p style="font-weight: bold; color: #0070c0;">10 year periodic charges – pitfalls/how to avoid planning</p> <p>Mark Feeny</p>	<p style="font-weight: bold; color: #0070c0;">Pension Death benefits & POA – practicalities</p> <p>Mike Hunter, Rathbones</p>
<p style="font-weight: bold; color: #0070c0;">Post Death Rearrangements</p> <p>Chris Whitehouse</p>	<p style="font-weight: bold; color: #0070c0;">Will drafting for digital assets</p> <p>Leigh Sagar</p>
<p style="font-weight: bold; color: #0070c0;">Capacity issues for Private Client Practitioners</p> <p>Professor Lesley King</p>	<p style="font-weight: bold; color: #0070c0;">FREE to 2018/19 Training Season Ticket Holders OR</p> <p style="font-weight: bold; color: #0070c0;">Only 2 Corporate Member Training Offer Credits</p>

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Leadership and the Law

Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, Harris Pogust, Managing Partner at SPG Law gives an insight into his role...

Briefly describe your role as Managing Partner

As managing partner I am responsible for all aspects of the Liverpool office. This entails more than can be contained within this article. The highlights are: Selection of staff, selection of cases to be handled in the U.K., managing of personnel in the U.K. and managing the various litigations here in the U.K. This involves taking the best of what I believe we do in our U.S. cases and the best which our solicitors do here in the U.K. and molding them into what we hope to be the most efficient and effective litigation team possible. I am also responsible for the coordination between our U.S. lawyers and our U.K. lawyers.

What do you like the most about your role?

What I like most is the ability to create something brand new and exciting here in the U.K. We are taking what we have learned over the last 30 years of litigating cases in the U.S. and putting that together with the amazing ideas and litigation techniques that our U.K. solicitors are bringing forth to create an amazing and creative new litigation firm.

What are the biggest challenges?

Our biggest challenge may be melding two different styles of litigation into one. Obviously the two systems, while very similar, have some stark differences which our U.S. lawyers are having to adopt and get used to. The other big challenge is waking up at 4:00 a.m. every morning when I am in the States to respond to emails and hop on conference calls. My wife finds that challenging also.

What aspects of your firm are you most proud of?

I am most proud of the amazing staff we have been put together in a very short period of time. I rely heavily upon our senior solicitors to “show me the ropes” and appreciate the patience they have shown in doing so.

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

That is an interesting question. We opened the doors eight months ago. At that time I could not imagine we would be where we are today. We have recently opened an office in London and have several hundred employees working in Brazil on numerous litigations. We are also planning on opening an office in Holland in the next few months. So if that has occurred in 8 months I can't even imagine what this will look like in 10 years. But I am very excited to see.....



Harris Pogust

Retirement of Mr Justice King

Chris Topping, President of Liverpool Law Society gave this valediction to mark the retirement of Mr Justice King.

My Lord, it is my privilege to say a few words on behalf of the Liverpool Law Society as we wish Tim well in his retirement. I thought that it may be appropriate to break into a chorus of happy birthday to you but as my source of Mr Justice King's birthday was Wikipedia I was not that confident that it was correct and then neither did I wish to inflict my singing voice on this esteemed company.

As has already been alluded to Tim is a Liverpool practitioner through and through apart from a stint in Manchester having taken silk, a small blemish on his record, and one which we will gloss over today.

My Lord I am sure Tim will not remember a case in which I instructed him – I suspect he made a greater impression on me than I on him!

A long time ago, in the mid 1990's I believe, my client, a Mr Hale, had lost a trial in the Liverpool County Court before a judge and jury. Given the mess of the verdict a decision was taken to lodge an appeal to the Court of Appeal.

In a move which took us aback somewhat the Court of Appeal indicated that they were fed up of issues involving jury trials coming before them and so they would give guidance via this case. So it was that in the halcyon days of Legal Aid funding stretching to instruction of silk in civil proceedings that I was able to instruct Tim.

It was an auspicious line up in the Court of Appeal that day - Counsel I mean not the judiciary. Tim led Peter Davies – now HHJ Davies the resident judge in Carlisle. The Police were represented by one Robert Warnock as junior and he was led by another Liverpool lawyer a Mr Brian Leveson QC. I have no idea what happened to him but clearly other participants went on to greater things.

I suspect I may be the only one who remembers this particular case as it was the first time I had had a case in the Court of Appeal and indeed we won! My Lord Tim was very generous to me in that case with his time and collaborative approach to the issues we had to deal with. An approach which was not always so with Counsel at that time.

Tim's practice in Liverpool was one which had legendary status. This was partly due to one particular instructing solicitor by the name of Elkan Rex Makin who would instruct Tim in cases involving wrongful arrest and unlawful imprisonment. I am told that relationship was not always entirely harmonious. It is part of Liverpool folklore that on one occasion having been waiting for the return of some papers from Tim in Melbourne Buildings where his chambers were Mr Makin sent an anniversary card to the papers which he maintained had been there for a year. Given Mr Makin's propensity for hyperbole I suspect he may have been the creator of the story and it may have improved over the years in the retelling.

What I had not realised before now is that Mr Makin, in the days before GDPR, would send counsel the file of papers relating to a client's case without keeping a copy. What I suspect Mr Makin did not know was that Tim's famous Audi A4 car was used as a mobile filing cabinet to store the files. When the car was stolen along with the files one can only ponder what was said...

It would be remiss of me to let this opportunity pass without acknowledging the role that Tim played in the aftermath of the

Hillsborough disaster. The Liverpool Law Society had set up a steering committee to try and ensure that the victims of Hillsborough would not be ignored or forgotten. Tim's wisdom and leadership through those terrible times was of immense value.

As you will know my Lord, Tim was Counsel for some of the families at the first and infamous inquest held by Dr Popper. A distinctly unenviable task in the absence of proper funding and no disclosure of evidence.

In the face of the decision not to look at events after 3.15pm on the day of the disaster Tim made clear and cogent submissions that the Coroner was failing in his duty to carry out a full and proper investigation in to the circumstances surrounding the disaster. Dr Popper's failure to accede to those submissions was a decision which would take another 26 years to eventually put right.

My Lord to those of us of a certain generation the retirement of Mr Justice King seems to be the ending of an era. A familiar figure for so long at the Bar here in Liverpool and more recently on the bench.

Tim you will be missed – we wish you a long and happy retirement.



General Data Protection Regulations Update: One Year On

with Jo Morris on Tuesday 4th June, 1.30pm - 3.15pm

This course will help to guide you through the changes looking at the DPA 1998, DPA 2018 and the GDPR considering the following:

- An introduction – DPA, GDPR and the Data Protection Act 2018
- The SRA Handbook and Risk Outlook in relation to Data Protection
- Change comparison:
 - Definitions – 27 new definitions in the GDPR
 - Principles – out with the old and in with the new?
 - Data subject rights – enhanced rights
 - Subject access requests
 - Data Protection Officer – what does the role entail?
 - Compliance – the reporting of breaches
 - Data Impact Assessments
 - Fines
- What's missing – how far have you got?
- How you can prevent breaches now
- Update and action plan for the future

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

Danger IDD

I used to watch the 1970's television series Danger UXB - starring an angst-ridden Anthony Andrews as a young WWII Royal Engineer defusing unexploded bombs (UXBs) - with my eyes scrunched and my fingers in my ears. As the muddy pliers hovered between the red wire and the blue wire, trembling with indecision, I found myself shouting aggressive instructions at the telly - much as I do now during Only Connect.

The Insurance Distribution Directive (EU) 2016/97 (IDD), which impacted UK law on 1 October 2018, may not have red and blue wires attached to it but it certainly has explosive potential for those law firms carrying on insurance distribution activities. The penalties and consequences arising from a breach are just as mission critical.

The IDD has relevance to firms advising on or arranging insurance for clients, most commonly those handling personal injury and commercial litigation (e.g. after the event insurance), property transactions (e.g. defective title indemnity and environmental liability insurance), corporate transactions (e.g. keyman, warranty & indemnity, tax liability and lost share certificate insurance) and trust and estate administration (e.g. missing beneficiary and early distribution insurance).

The rules giving effect to the IDD, as far as SRA regulated firms are concerned, are set out in the SRA Financial Services (Scope) Rules 2001 (as amended on 1 October 2018) and the SRA Financial Services (Conduct of Business) Rules 2001 (as amended on 1 October 2018). In effect, the amended rules are designed to increase



protection for insurance buyers by enhancing lawyers' insurance knowledge, the provision of product information and the redress that is available in the event of a complaint.

In our role as advisers to law firms across the UK, we have found a good level of awareness of the IDD itself but a much higher level of uncertainty about how best to comply with it in practice. So, for those of you leading your firms through this particular minefield, here is our FIVE STEP PLAN to minimise the financial and reputational risks associated with your insurance distribution activities:

STEP ONE - TAKE CONTROL OF ALL INSURANCE DISTRIBUTION ACTIVITIES

We are surprised that some law firms have little or no record of the insurance distribution activity that is being carried on in their name. Given the consequences of non-compliance, we strongly recommend you conduct a comprehensive audit of everyone in the firm to find out everything that has been going on. It would be wise to offer a firm-wide amnesty as it is often the most senior lawyers who have the most interesting confessions. It is really important to dig deep to discover what types of insurances are being advised on or arranged, how this is being done and which insurance brokers and others are being relied on or recommended. Having this information in one place will enable you to determine the extent to which the firm has been compliant with its IDD status and help you put systems and controls in place to arrest the free-for-all.

STEP TWO - CONSIDER INDEPENDENT ADVICE (PREFERABLY A LAWYER)

Armed with your audit findings, you may want to consider taking independent legal advice on the most appropriate status your firm needs to adopt to enable it to carry on its required insurance distribution activity. Most law firms wish to carry on their insurance distribution activity under scope of SRA regulation as an Exempt Professional Firm (EPF), but this will depend on the extent of the firm's involvement in the distribution process. An EPF is restricted to insurance activity that arises out of, or is complementary to, and is incidental to the provision of a particular professional service to a particular client and this restriction may be too limiting for some law firms. Securing a legal opinion and guidance from a lawyer (as opposed to a consultant) should provide the added benefit of legal advice privilege.



Anti Money Laundering Update

with Jo Morris on Tuesday 4th June, 10am - 12.45pm

The SRA will be carrying out rigorous checks on law firms to make sure they are meeting their anti-money laundering obligations & will shortly be writing to an initial sample of 400 firms asking them to demonstrate compliance with the Government's 2017 Money Laundering Regulations.

Don't get caught out.

The course will cover:

- ◆ Introduction
- ◆ FATF inspection and the SRA thematic reviews
- ◆ What is AML and CTF
- ◆ Legislation including the Proceeds of Crime ACT 2002 (POCA)
- ◆ The Money Laundering Regulations 2017
- ◆ Reporting to the NCA – what to report and how to complete a SAR
- ◆ Facts and figures from the NCA
- ◆ Penalties for getting it wrong
- ◆ Template documents – what records should you be keeping
- ◆ The future – 5MLD and 6MLD



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

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

STEP THREE - COMPLY WITH THE SRA'S REGISTRATION REQUIREMENTS

The Financial Conduct Authority (FCA) maintains the register of law firms carrying on insurance distribution activity, based on information supplied to the FCA by law firms via the SRA. It is imperative that the information you notify to the SRA about your firm is complete and up to date, including details of the firm's ownership and nominated insurance distribution officer. Carrying on insurance distribution activity without proper authorisation is a criminal offence and any contracts of insurance arranged for clients may be invalid.

STEP FOUR - COMPLY WITH YOUR INTERNAL RESPONSIBILITIES

As well as appointing an insurance distribution officer, it is also necessary that all management and staff involved in insurance distribution activity have the knowledge and ability to perform their duties. This will involve a fair degree of 'reflection' on the part of the individuals concerned and the provision of training on policy terms and conditions, the laws of insurance distribution, claims and complaints handling and how to assess a client's demands and needs. The firm will also need to have arrangements in place to source information about suitable insurance products for clients and their key features.

STEP FIVE - COMPLY WITH YOUR RESPONSIBILITIES TO CLIENTS

The Conduct of Business Rules require every firm to make some important pre-contract disclosures to its clients concerning its insurance distribution activities. These disclosures include the firm's regulatory status and role, what insurance matters the firm can and can't advise on, the nature of the firm's relationship with any recommended insurer, any related remuneration the firm is likely to

receive and any related fees a client might have to pay. The detail and timing of such disclosures needs to be sufficient to enable a client to make an informed decision on using the firm for insurance matters. The IDD also introduces new requirements around assessing and satisfying the clients demands and needs, which accounts for the new knowledge and ability training requirements.

If you are reading this and thinking that the burden of compliance for law firms under the IDD is a significant step up from that under the Insurance Mediation Directive (IMD) it replaces, you'd be correct. That said, all the IDD is seeking to do is ensure that firms act honestly, fairly, professionally and in the client's best interests. Isn't that what we have to do under the SRA Code of Conduct anyway?

Nigel Wallis

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Vauxhall Community
Law & Information
Centre

News from Vauxhall Community Law and Information Centre

Our regular column from the team at Vauxhall Community Law and Information Centre who support the local community and promote access to justice.

Vauxhall Law Centre – Changes on the Horizon

Many of you will be aware of the fact that the Law Centre has been operating with minimal resources in recent years, having only a part-time solicitor -David Taylor, part time debt adviser – Bill Armstrong and part-time development officer, Alan Kelly. We are in the process of recruiting new staff and are pleased to be able to announce that our new full time Welfare Rights Caseworker, Nancy Hatenoer will be commencing work with us from 1st May 2019. Nancy, who has been working at St Helens Citizen Advice has many years experience as a Welfare Rights caseworker and will enable us to further develop our service provision. We have also recruited a new Full-Time solicitor who will be working alongside David Taylor further details will be announced in the June edition.

Liverpool Legal Walk

Vauxhall Community Law & Information Centre are proud to take part in the Liverpool Legal Walk 2019 to raise money for the North West Legal Support (NWLST) which funds local advice services. We have in recent years been beneficiaries of financial support from the NWLST. We look forward to meeting many of you on the walk.

If you and/or your company are unable to participate in the Legal Walk, which takes place from 6pm on Tuesday 11 June

2019 we would be delighted if you could consider supporting the Law Centre Team. Donations can be made by following the link below, thank you.

<https://uk.virginmoneygiving.com/VauxhallCommunityLawInformationCentre>

Vauxhall Community Law and Information Centre needs your help

The Law Centre seems to have overcome its financial issues and is now planning to develop its services in the future. We currently provide Welfare Benefits and Debt Advice and will be looking in the future to consider developing our provision to include areas such as immigration, human rights, housing etc. We are also looking at developing our links with other third sector providers and other sectors.

We need additional trustees to sit on our board to support the development of the organisation in future. Please consider supporting us or passing on to someone who you believe may be interested in joining our Management Committee.

The board which meets bi-monthly and the meetings last for less than an hour normally. We would appreciate it greatly if you would consider applying to us to be a member of our board and are happy to talk with anyone who could possibly offer support for our work.

If you would like further information or would like to visit us at Vauxhall Community Law and Information Centre, please get in touch with us, via Alan Kelly and we can arrange.

The email address is alan.kelly@lawcentre.vnc.org.uk and the telephone number is 07733223440.

The Law Society Excellence Awards Nomination period extended

The nomination deadline for the 2019 Law Society Excellence Awards has been extended to midnight on Friday 17 May.

This year you can choose from 22 categories, including team awards such as Excellence in Client Service and Excellence In-house, alongside individual awards including Woman Solicitor of the Year and Junior Lawyer of the Year.

With so many categories to enter, there's a place for everyone to shine.

Write a successful nomination – Find out how to make your entries the best they can be, with guidance notes, a step-by-step guide on how to prepare your nomination, and top tips available to help you compile a winning entry.

Visit www.lawsociety.org.uk/excellence-awards/success

Get inspiration from previous winners – To help you consider the best angle for your entry and think outside of the box, winners from previous years have shared insider information about their successes and the evidence they included in their entries.

Visit: www.lawsociety.org.uk/excellence-awards/inspiration

Representing the north west on a national stage

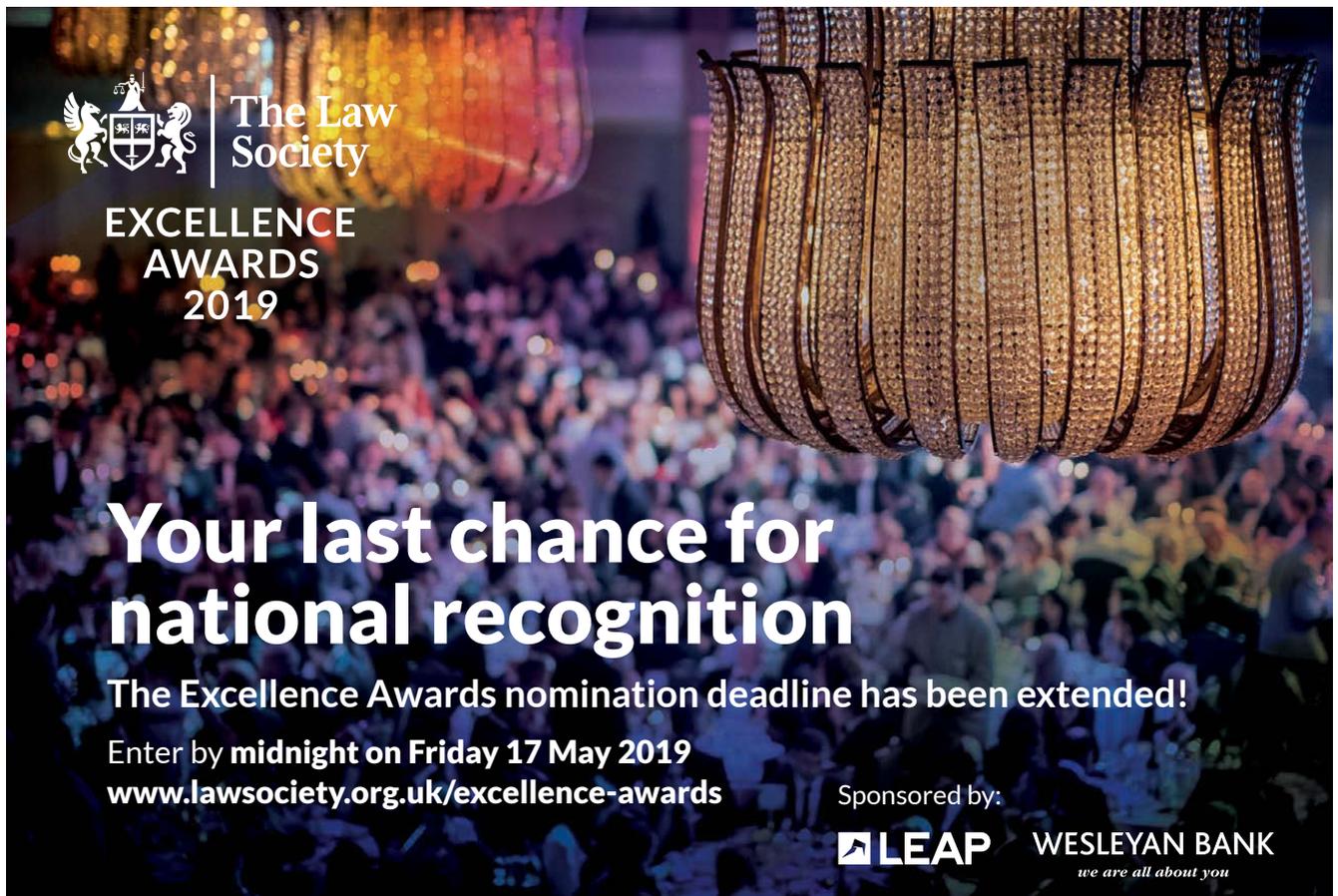
In 2018, 62% of Excellence Awards winners were based outside of London. These included Manchester-based firm gunnercooke, who were victorious in the hotly-contended Law Firm of the Year – Large category, and Rowlinsons Solicitors, based in Frodsham, who impressed the judges with their demonstration of client focus, winning the Excellence in Private Client Practice award. In 2017, Liverpool Law Society member Zoe Gascoyne beat off strong competition to win the Solicitor of the Year – Private Practice award.

We hope 2019 will see a continuation of this winning streak and showcase the excellent work of firms in the region.

Time is running out

You have until midnight on Friday 17 May to submit your entry. The nomination deadline will not be extended after this date.

Enter online at www.lawsociety.org.uk/excellence-awards.



 **The Law Society**
EXCELLENCE AWARDS 2019

Your last chance for national recognition

The Excellence Awards nomination deadline has been extended!

Enter by **midnight on Friday 17 May 2019**
www.lawsociety.org.uk/excellence-awards

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Brabners make active commitment to Equality, Diversity and Inclusion

When I became Managing Partner of Brabners in May 2018 I had to decide where and how best to prioritise my time. One area I feel passionate about and where I felt we need to improve was in our Equality, Diversity and Inclusion (EDI) strategy.

We hit the ground running with the formation later that month of our Together Action Group (TAG) which is essentially a steering group of people from every level of the business who are all passionate about delivering on our objective of creating a more equal, diverse and inclusive firm.

We announced its formation at our annual People Conference which took place one weekend in June, and included an afternoon with a guest speaker, renowned specialist consultant Charlotte Sweeney OBE, who talked to the whole firm about the importance of Equality, Diversity and Inclusion.

Since those early days, we have powered ahead with the formation of five Affinity Groups:

- Gender Diversity;
- BAME (Black, Asian and Minority Ethnic);
- LGBT+;
- Social Mobility; and
- Mental & Physical Health and Wellbeing.

By focussing people on the issues that are important to them, we expect to see change occurring at a much greater pace. It's also proved to be a great way of including even more colleagues in the movement.

Most of the work that's being going on has been preparatory and laying down the ground work, but there have been some significant early achievements to date including (but certainly not limited to):

- We are currently planning what will become an annual Brabners Diversity Week at the beginning of June. It will allow our Affinity Groups to celebrate EDI in their own way for one day of the week each.
- We are reviewing all of our policies and procedures to ensure that they are inclusive and don't put hurdles in the way of certain groups.
- We are rolling out a programme of relevant training in relation to EDI generally and also dealing with specific issues such as unconscious bias
- We have made good progress in tackling the gender imbalance within our partnership, with the proportion of our partnership who are women having increased from around 14% on 1st May 2018 to around 24% now.
- We have allocated toilets at each of our three offices as "gender neutral" to support any colleagues who may identify as trans or non-binary, and would otherwise feel uncomfortable using a gendered toilet.

We are still at an early stage of our journey, but I am proud to have been part of the change we are already seeing. I firmly believe that not only is an effective EDI strategy good for all of our people, but that it is also good for business. If everyone is empowered to be the best person they can be, our colleagues and our business will flourish.

Nik White
Managing Partner
Brabners LLP



Nik White



Remedies

with Chris Beanland

on Wednesday 5th June, 1.30pm - 4.30pm

This course will provide attendees with an overview of remedies available to an aggrieved party. It is aimed at litigators and commercial contract drafters.

The course will cover:

- Damages in contract and tort
- Debt claims and actions for an agreed sum
- Remedies for breach of fiduciary duty
- Equitable remedies (injunction, specific performance, rescission, declaration and rectification)
- Self help remedies (set-off, retention of title and liens)
- Limitation periods

Competencies: A2, A3, A4, B3, B4, B6, B7 & D3

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

How to create a mentally healthy legal workplace

Mental Health Awareness week runs from 13th - 19th May 2019. Here Elizabeth Rimmer CEO of LawCare offers advice on how to promote wellbeing in law firms...

At LawCare, the charity offering emotional support to legal professionals, we have listened to thousands of people tell us about the stress, anxiety and depression they are experiencing, which is often caused or exacerbated by a difficult working environment. Lack of support or supervision, an overly critical manager, being undermined after a career break, an unreasonably heavy workload, long hours and sleep deprivation are all very common issues.

Firms need to do their best to create a healthy and happy place to work, not only because it is the right thing to do, but because there is a strong proven business case for it. Happy employees lead to greater productivity, better morale, better retention of valued and experienced staff, and reduced sickness absence.

Here's our tips for creating a mentally healthy workplace:

PROMOTE WELLBEING

- Wellbeing is a leadership duty. Getting senior leaders on board shows staff that wellbeing matters.
- Training senior managers in leadership and mental health - making staff wellbeing part of their job role - is the best way to begin to change the culture of an organisation.
- Introduce mental health days or personal days as well as sick days – people will feel they can take a day off if they are struggling and this means they may be less likely to go off sick later.
- Encourage colleagues to treat each other with respect, say hello, say thank you, not raise their voice or threaten each other. Make sure there are clear and effective systems in place for reporting bullying.

RAISE AWARENESS

- Encourage sharing of stories from people within the firm or invite a speaker to talk, lived experiences can help break down stigma and stereotypes. It is vital people at all levels talk open about mental health.
- Use existing internal communications channels to talk about wellbeing.
- Sign the Time to Change pledge – this sends a clear message that it's okay to talk about mental health.

WORK/LIFE BALANCE

- Having the time to pursue the things we enjoy and spend time with friends and family is vital to wellbeing. Encourage everyone to work sensible hours – staff will take cues from how leaders behave. Take full lunch breaks; rest and recuperate after busy periods; avoid working at weekends; take annual leave entitlement. Make sure teams are well resourced in order to make this happen.
- Flexible working can support healthier and more productive ways of working for all staff and lead to increased morale, commitment, productivity and reduced sickness absence. It can also be a vital early intervention to prevent mental health problems from getting worse and can support a phased return to work.
- Have a sensible email policy in place for the sending and receiving of emails outside core working hours.

LEARNING AND DEVELOPMENT

- Everyone needs to feel valued, and supported and that their work is meaningful – a positive culture that values all staff and invests in their skills and development builds the trust



and integrity essential to maintain commitment and productivity levels.

- Embed mental health in inductions and training, staff will understand how mental health is managed and what support is available. This will also help them to look out for colleagues, support them and signpost them for help.

MENTORING, PEER SUPPORT

- Peer support can allow colleagues to support one another outside the line-management structure.
- Mentoring and buddy schemes can help new staff to understand your firm faster and can support all staff to gain confidence and develop new skills.
- Ensure that colleagues feel able to admit any mistakes they have made.
- Reverse mentoring - pairing a junior member of staff with a senior leader in the organisation can be very effective.

PROVIDE GOOD SUPERVISION

- Good line management can help manage and prevent stress.
- Managers should make themselves available for regular work-related conversations with staff.
- Monitor the happiness levels of your staff. Have a robust performance review system which includes a wellbeing element, consider 360 degree appraisals, and use anonymous internal surveys if necessary.
- Be mindful if staff or colleagues are working in areas which can be emotionally difficult. They may need additional support, the opportunity to share their experiences, or advice on techniques for coping.
- You or your organisation may also need additional support or training in order to provide adequate supervision, or may need to engage the services of a third party such as a counsellor for staff working in emotionally difficult areas of law.

LawCare provides a free confidential helpline for all branches of the legal profession, peer support and training, talks and other resources. Visit www.lawcare.org.uk or call the helpline on 0800 279 6888.

Elizabeth Rimmer, CEO, LawCare

Liverpool Law Society

LEGAL AWARDS 2019

The 2019 Legal Awards will be taking place on **Friday, 17th May 2019** at **The Rum Warehouse**, Titanic Hotel, Stanley Dock, Liverpool. The evening will showcase the excellent legal work from firms across the Liverpool City Region whilst offering an opportunity to network with colleagues and peers

The Awards ceremony will be hosted by:

**Roger
Johnson, BBC
North West
Tonight**



Roger Johnson is the face of the BBC in the north west. He has presented BBC North West Tonight since 2011 and is also a familiar face on BBC Breakfast. His interviewees range from Prime Ministers to England football managers and he has developed a reputation with the audience for a no-nonsense interviewing style. Roger grew up in Stoke-on-Trent and has recently marked 25 years working for the BBC. He has appeared on a variety of programmes – in both news and sport. In fact, he holds the distinction of (probably) being the only person to commentate on Match of the Day and read the BBC News on the same day! Roger lives with his family in south Manchester.

There are a few remaining places, for more details or to book please [click here](#)

Kindly sponsored by



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

LEGAL AWARDS 2019 SHORTLIST

Liverpool Law Society is delighted by the number of nominations received for the 2019 Legal Awards from individuals, teams and firms across the membership.

Congratulations go to the following firms and individuals:

Employment Law Award

Brabners
Morecrofts Solicitors
MSB

Family Law Award

Hill Dickinson
JMW Solicitors - Liverpool family team
Morecrofts Solicitors

Criminal Law Award

Bell Lamb & Joynson Solicitors
MSB

Private Client Award

Brabners
Hill Dickinson
Morecrofts Solicitors

Property Law Award

Hill Dickinson
Morecrofts Solicitors
MSB

Sponsored by Future Climate Info

Niche Law Firm Award

Goodman Grant Solicitors
Knox Ellis (part of MSB)
Peter Edwards Law

Sponsored by QPI Part of PIB Group

Rising Star Award

Hannah Bickley, Jackson Lees Group
Christina Millan, O'Connors Legal Services
Rebecca Roscoe, Bennett Williams Solicitors
Matthew Taylor, Weightmans

Sponsored by University of Law

Work in the Community Award

DWF
Jackson Lees Group
Maxwell Hodge Solicitors
Morecrofts Solicitors

Commercial/Corporate Law Award

Hill Dickinson
O'Connors Legal Services

Sponsored by
Liverpool City Region Business Post

Dispute Resolution & Litigation Award

Bermans
DWF - Commercial Litigation Team
Hill Dickinson

Sponsored by BWM Chartered Accountants

Small Law Firm Award

Bennett Williams Solicitors
Donoghue Solicitors

Sponsored by Midshire

Medium Law Firm Award

Morecrofts Solicitors
MSB

Sponsored by Index PI

Large Law Firm Award

Brabners Jackson Lees Group
DWF Weightmans

The winners will be announced at the ceremony on Friday, 17th May 2019

Brown Turner Ross appoint two new directors

Merseyside solicitors strengthening growing private client department

Solicitors Brown Turner Ross, who have offices in Liverpool and Southport, has strengthened its private client department with the appointments of Thomas Rimmington and Matthew Skeels as directors at the 130-year-old firm.

Thomas and Matthew have been promoted within the firm as the growing Liverpool City Region company adds to its existing directors in property, employment law and family law.

Now head of the firm's private client department, Thomas joined Brown Turner Ross in 2018, while Matthew has been a core part of the private client team since 2016. The pair specialise in wills and trusts creation, estate and tax planning, lasting and ordinary powers of attorney, court of protection work and asset protection. Thomas is also a full member of STEP, the society of trust and estate practitioners which adds an extra dimension to his expertise.

Speaking about the appointments, Sam Bushell, managing director of Brown Turner Ross said, "Thomas and Matthew have done exemplary work in our private client department and we're pleased to be able to appoint both of them as directors at Brown Turner Ross.

"Their dedication in helping the people that their work supports, along with their attention to detail and professionalism will be invaluable in shaping the future of the firm as directors."

The solicitors have also added to their ranks by appointing Tracy Jones as practice manager. Tracy joins the firm from international firm, Trowers & Hamblins Solicitors, where she ran the Manchester office for the last two years.

"The addition of Tracy to the firm has been hugely beneficial to the company," added Sam, "and her considerable and diverse experience is helping her excel in this varied and important role."



Thomas Rimmington and Matthew Skeels

Progress Housing Group appoints Brabners to legal panel

Independent legal practice Brabners has been appointed to the legal panel of the Lancashire-based housing group, Progress Housing Group Limited.

Brabners was successful in all six lots applied, qualifying the firm to bid for legal work worth a projected £500,000 over the course of a five-year contract.

Progress Housing Group owns and manages more than 10,000 homes across the UK, two thirds of which are in the North West. It has fixed assets worth at least £500m and an annual turnover of around £75m.

The work covered by the panel includes property, development, corporate, employment, housing management, commercial, compliance and governance services.

Brabners is a highly active legal adviser in the social housing sector, supporting more than 90 housing associations across the UK. The firm has expanded its presence in the North West over the past two years winning a number of tenders including Warrington-based Your Housing Group, Leeds Federated Housing, and Castle & Coasts in Cumbria.

The firm's Manchester housing and regeneration team has doubled in size in the past 12 months following key appointments including Katherine Mercer, Rebecca Aspin and a promotion for Heather Butler.

Peter Barlow, Partner and Head of Housing and Regeneration for Brabners in Manchester, said: "Being included on this legal panel reflects the growing presence our housing team has cultivated in Manchester. Progress Housing Group is the latest in a line of local associations to enlist our services.

"Housing associations play a vital role in solving the housing crisis we currently face in the UK. Progress has a proven track record of ensuring the sector delivers the right mix of homes through championing affordable housing options like social rent and shared ownership.

"It is encouraging for us as a practice to see such an important player in social housing recognise our position as a leading adviser to the sector and we look forward to supporting them in their work to address one of the most important social issues of our time."

Brabners is joined on the panel by a number of other successful bidders.

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Five of Morecrofts fee earners have been promoted to new roles

Michael Lamb has been promoted to Senior Associate, while Eleanor Cockrell, Carly Philp and Kate Naylor, all based in the Liverpool office have been promoted to Associate Solicitors.

Clare Kerrigan, who works in the firm's Crosby branch, has been promoted to Associate Chartered Legal Executive.

The wave of promotions comes as Morecrofts awarded four new training contracts to begin over the next 12 months, and former trainee Sarah Day has qualified and been appointed as a solicitor in the HR & Employment team.

Managing partner Alison Lobb said: "It's always fantastic to see our people progress in their careers. Retaining great staff means recognising their value and awarding them for their hard work. "We are committed to training and developing our staff, and I am delighted that we are able to award these promotions. I am also very pleased that Sarah, who has trained with us and has been with the firm since 2013, has qualified into a role which will further enhance the strength of our Employment & HR team."



Michael Lamb



Eleanor Cockrell



Claire Kerrigan



Sarah Day



Carly Philp



Kate Naylor

Training Seat Exchange

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

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

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

Peter Jackson re-elected as Hill Dickinson's Chief Executive Officer

Hill Dickinson has announced that Peter Jackson has been re-elected as the firm's chief executive officer for a further four-year term. This will run in direct continuation from the previous term, starting 1 November 2020.

Peter Jackson's reappointment continues the firm's strategy and commitment towards improving the agility and efficiency of the business, making it more responsive to clients' needs.

Peter was voted as Hill Dickinson first chief executive in 2016, having been managing partner since 2005. Born and raised in Liverpool, Peter graduated from Exeter College, Oxford, in 1979, and trained as a solicitor, practising in the marine sector. He joined Hill Dickinson in 1983.

Under his stewardship as CEO, the firm has enjoyed a period of significant growth both within the UK and internationally, almost doubling its turnover since 2005. The number of staff across all offices now stands at 840 people, of which 175 are partners and legal directors.

During his 14 years in office, Peter Jackson has guided the firm through the acquisitions of shipping specialists Hill Taylor Dickinson, the commodities practice of Middleton Potts, the Liverpool and Sheffield offices of Halliwells and, in 2016, the commercial and wealth management practice of Matthew Arnold and Baldwin. He also devised and led on a strategy to divest the business of IBG, its insurance business group, which was sold to Keoghs in 2017. At the same time, the firm has extended its international presence, establishing operations in Hong Kong, Singapore, Athens and Monaco.



Peter Jackson



3 Day Child Law Accredited Course

with Safda Mahmood

on 6th, 7th & 14th June, 9.30am - 4.30pm (lunch included)

[This course will be of benefit to those who seek to apply for](#)

You will have 6 months to submit your application after attending the course.

Covering:

- Private Children law and Procedure
- Local authority procedures and duties
- Contact and assessments
- Threshold and use of experts
- Human rights issues
- Taking instructions from children and separate representation
- Care planning and Public Law Outline
- Evidence, procedure, advocacy and preparation
- Adoption, Placement Orders and Attachment
- Secure Accommodation
- Complaints procedures and Criminal Injuries Compensation



Core Competencies: B & C

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

Leading family solicitor and mediator Elaine Richardson has been presented the prestigious John Cornwell Award by Resolution, the family justice organisation

Leading family solicitor and mediator Elaine Richardson has been presented the prestigious John Cornwell Award by Resolution, the family justice organisation.

Named after Resolution's founder, the award recognises a family law practitioner who has gone above and beyond to support separating families in a non-confrontational manner. This approach is enshrined in Resolution's Code of Practice, committing all members to support the constructive Resolution of family issues while keeping the best interests of any children at the forefront. The award, which is sponsored by Iceberg Client Credit, was presented at Resolution's 31st annual conference in Manchester.

Elaine has championed the development and promotion of modern family law practice through her own career and by working to help families find the best approach for them to achieve positive outcomes for everyone involved. She is a Collaborative Practitioner, an Accredited Mediator, Child-inclusive qualified and a PPC currently supervising 12 mediators.

In 2014 she was appointed to the National Mediation Task Force which made recommendations to the Ministry of Justice including the need to increase awareness of mediation, modernise court forms and abolish fault-based divorce. Elaine also developed and presented training on mediation awareness for court staff and changes to the family justice system.

Working across the sector with colleagues at Resolution, The Law Society, the Family Justice Council and the Family Mediation Council, with decision-makers in government, and with local practitioners, Elaine has made a vast contribution to the family law community throughout her career.

Elaine Richardson said: "A non-confrontational approach has always been at the heart of my work and this is why I am and have been so interested in finding new and better ways to approach family problems throughout my career. Being able to access skills from different approaches like collaborative practice and mediation is a key asset for practitioners today working to find the best way for individual families to resolve their issues.

I am honoured to receive this award, especially on the eve of government's announcement to remove fault from the divorce process, something I advocated for during the National Mediation Taskforce 5 years ago. In light of this divorce law reform, I encourage those just starting their careers in family law to invest in developing their own toolkit of approaches across family law, not only to improve the services they are able to offer to clients, but also to improve their impact upon helping families resolve their issues in the most appropriate way."

Margaret Heathcote, National Chair of Resolution said: "Elaine's work throughout her career has embodied the values that Resolution stands for – finding the right approach for each family while minimising confrontation and conflict.

"We are fortunate to have members like Elaine who go above and beyond to promote the Resolution ethos and put our Code of Practice at the heart of everything they do. This award is thoroughly deserved and recognises the contribution Elaine continues to make to creating a better family justice system.



Elaine Richardson with her son Matthew Richardson, and representatives from Iceberg and Resolution, after being awarded the 2019 John Cornwell Award

The 2019 Personal Injury Conference

Wednesday 12th June 2019, 9.30am - 4.15pm

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

Accredited by APIL Training
CPD hours: 5.5 / Level: Litigator & Snr Litigator

Chaired by: John Hyde, Law Society Gazette

with sessions:

The Civil Liability Act: What will implementation look like?

Donna Scully, Carpenters

Using Algorithms to Predict Outcomes
Charles Ciumei QC, Essex Court Chambers

Portal/Stage 3 issue
Beth Wilson, Civil Law Chambers

Civil Liability Act 2018: What's next?
David Pilling, Civil Law Chambers

Relief from Sanctions: Recent Decisions
David Pilling

Costs Management
Professor Dominic Regan

Part 36 and Settling Claims
Professor Dominic Regan

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

Hill Dickinson grows private client team with two new associates

Hill Dickinson is pleased to announce the expansion of its private client team with the addition of two new associates.

Joining Hill Dickinson's growing team in the North West are senior associate Richard Leslie and associate Kelly Monaghan.

Richard Leslie joins the North West team as a senior associate based in the firm's Manchester office. Richard has been a solicitor for over 20 years and is a full member of STEP (the Society of Trust and Estate Practitioners). Richard joins Hill Dickinson from Weightmans where he previously worked as a consultant solicitor for five years. Richard has extensive experience helping families and business owners on succession planning and tax mitigation through wills, trusts, deeds of variation, family charters and family investment companies.

Kelly Monaghan joins Hill Dickinson's Liverpool office as an associate from Maxwell Hodge. Kelly qualified as a solicitor in 2016 but has over four years' experience working in the private client field. Kelly specialises in will drafting and the administration of estates including obtaining grants of probate. Her other areas of expertise include the preparation of lasting powers of attorney and applications to the Court of Protection.

Announcing the appointments, Susan Sherry, legal director of the private client team, commented: 'We are thrilled to expand our existing strong private client team in the North West with two excellent new solicitors. Both Richard and Kelly will be great additions to the team and bring a wealth of skills and knowledge with them.'



Richard Leslie and Kelly Monaghan



2019 Private Child Law Conference on Tuesday 18th June 2019, 1pm - 4.15pm

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

Chairperson ~ District Judge Helen Brandon

Recent Changes & Case Law Update
Ginnette Fitzharris, St John's Buildings Chambers

High Conflict Cause
Alan Sanders, Service Manager, CAFCASS

Relocation, relocation, relocation - from Cornwall to California, Brighton to Brisbane
Kate Burnell, St John's Buildings Chambers

Public law elements that can arise in private law proceedings
Rachael Banks, St John's Buildings Chambers

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

This conference is FREE to
2019/20 Training Season
Ticket Holders

OR only 2 Corporate Credits



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Ground rent, service charge & estate rent charge issues in conveyancing

with Richard Shape

on Wednesday 19th June, 9.30am - 12.45pm

Ground rent issues are still causing many problems in conveyancing and estate rent charge issues are threatening to become extreme importance in the mere future. The course looks at some of the issues and some of the problems and their solutions.

Topics covered include:

- Ground rent issues and escalating ground rents
- The problem of creating an assured tenancy
- Service charge liability issues, in particular in the light of Grenfell Tower
- Estate rent charges and reasonableness
- Reporting to the lender and estate rent charges
- Remedies of non-payment of estate rent charges

Core Competencies: B

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



A Midsummer Night's Dream Birthday Celebrations St Luke's Bombed Out Church 13th and 14th July.

After last year's sell out show of The Tempest Oddssocks Productions return to Liverpool to celebrate their 30th Anniversary year and to help raise funds for Citizens Advice Liverpool and St Luke's Bombed Out Church. This summer join the company for a festival of music, magic and mayhem as they bring that Shakespearean favourite "A Midsummer Night's Dream" to life, as you have never seen it before.

Every year Oddssocks delight audiences with their inspired approach to Shakespeare's plays and their trademark interactive style. "A Midsummer Nights Dream" with it's easy-to-follow storyline and hilarious characters is perfect for the Oddssocks treatment that uses Shakespeare's original lines in a high-energy, feel-good, family theatre show.

In the play four young lovers run away to a summer festival in the woods to escape the stress of parental expectations at home. Before long they unwittingly find themselves the subjects of tricks, played on them with hilarious results. Add to that a troupe of amateur actors hired to play at the festival and you have the perfect recipe for an evening of hilarious family entertainment.

With the mauling of legal aid, it feels like not much has changed since Shakespeare said "Like a poor man's right in the law ... 'tis turned to a rusty armour". This year Citizens Advice Liverpool celebrates 80 years of patching up that rusty armour and campaigning for change. The Oddssocks weekend is an important fundraising event to help this charity continue to provide free legal advice to Liverpool's citizens. You can enjoy some wonderful outdoor theatre in the fabulous setting of St Lukes Bombed out Church and at the same time prove how wrong Shakespeare was to say that lawyers 'straight dream of fees'.

If there's one show you see this summer, make it this one!

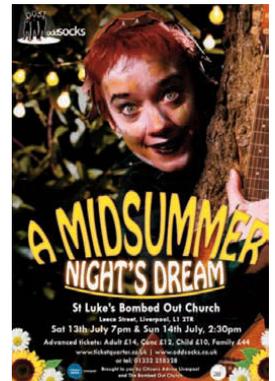
**To book go to Ticketquarter at this link: [Oddssocks Midsummer Nights Dream](#).
Performances are on 13th July at 7pm and 14th July at 2.30pm.
For group booking discounts and sponsorship enquiries, please contact james.organ@caliverpool.org.uk.**

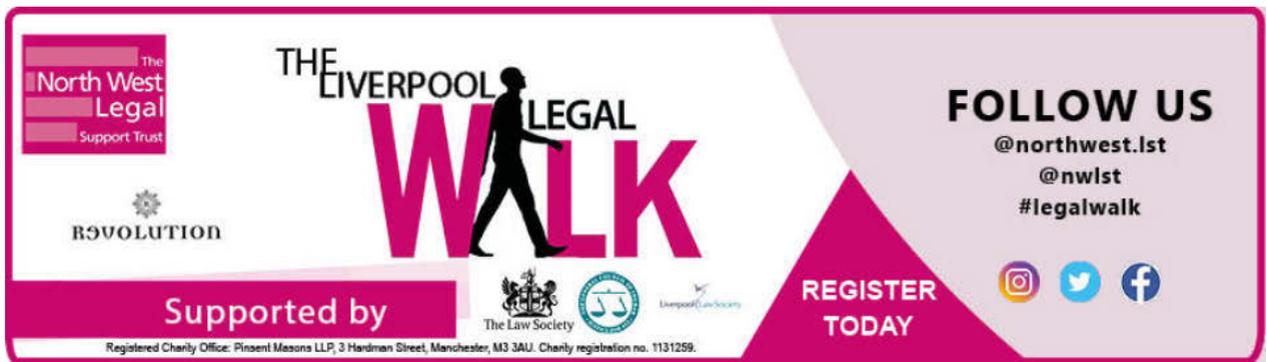
Reviews of previous productions of the play by Oddssocks:

Without doubt the performance was among the best productions that I have seen...
Jersey Evening Post

"SHAKESPEARE would definitely have approved of this version of the perennial seasonal play, A Midsummer Night's Dream. Oddssocks certainly knows how to tickle a funny bone or two. Laugh? I laughed until I cried at this absolutely fantastic rendition of Will's classic."

Derby Telegraph





LIVERPOOL LEGAL WALK 2019

Join us this spring and support access to justice across Liverpool

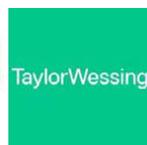
With less than one month to go, the Liverpool Legal Walk takes place on Tuesday 11th June at 6pm starting from Liverpool Crown Court. This 5K walk will finish with a glass of prosecco, kindly provided by Stephen and the team at **Bar Revolution Liverpool Cavern Quarter**.

The North West Legal Support hope to raise record numbers at the walk to help people like Steve*

Steve* became increasingly worried about his ex-wife frustrating contact with his daughter, which affected Steve’s mental health to the point where he became unable to work and to afford a solicitor. His local advice agency assisted Steve in successful proceedings to enforce contact. Steve can now spend meaningful time with his daughter, and is happier and healthier, stating “this has changed our lives”.

The Liverpool Legal Walk is a fun way to get your firm together, contribute to a cause close to our hearts and to show the people of Liverpool the importance of our free legal advice services.

A huge thanks to the following firms who have already signed up to the walk





Chester University Law School



Liverpool Law Society



BLM



Carpenters



Hill Dickinson



Chris Topping, President of the Liverpool Law Society says...

“NWLST are one of my nominated charities for 2019. They provide much needed funds to enable some of the most vulnerable in society to access justice and to enforce their rights. Please do sign up to the Liverpool Legal Walk on 11th June – if you can’t join us then please sponsor us. The funds we raise are crucial to the ongoing fight.”



Resolution through mediation?

Charles Feeny, Barrister at Complete Counsel and Mediator with Complete Mediation and CEDR, discusses his experience of mediation in NHS claims.

In April 2017, the National Health Service Litigation Authority (NHSLA) changed its name to NHS Resolution. This was not meant to be a nominal re-brand. It represented an aspiration to achieve what might be described as a more holistic response to medical accidents. The new approach was taken in conjunction with other initiatives such as duty of candour and patient safety. Whilst the more jaundiced clinical negligence litigators viewed this development with some scepticism, there can be no doubt that the process of change has been approached with serious intent.

An important strand in the development of a new culture has been the increasing use of mediation in claims. In 2015/2016, NHSLA (as it then was) ran a pilot scheme for mediation in conjunction with CEDR (The Centre for Effective Dispute Resolution, a leading Mediation service). The pilot scheme focused in particular on fatal claims. It was deemed, on analysis, to have been promising in terms of achieving settlement early and at reduced cost. Accordingly, in late 2016, NHSLA undertook a procurement exercise for an initial two year provision of mediation. The mediation providers who were awarded the contracts were CEDR and Trust Mediation.

I qualified as a mediator with CEDR in 2016 and in early 2017 was invited to join the CEDR NHS panel. Since that time, I have conducted a number of NHS mediations as well as other mediations in personal injury and clinical negligence disputes.

The scheme has been a success and has been extended from the initial two year period at this stage for a further year. CEDR's analysis of results under the scheme indicates that 80% settle at mediation, 9% are progressed towards settlement and only 11% are deemed not to have settled through mediation. The number of cases being referred under the scheme has significantly increased, to the

extent that CEDR now receive up to 20 mediations a month through the NHS scheme.

Mediation sceptics will no doubt point out that the vast majority of clinical negligence actions settle, most usually at a joint settlement meeting. So why, then, the argument will run, incur the additional expense of a mediator? I am very familiar with this argument as it represented my own thinking before I qualified as a mediator.

Understanding why mediation has proved to be a success and why it is increasing in use can be put under a broad heading of "It's not a question of whether the case settles, but how it settles". There are a number of reasons why mediation achieves better settlement of disputes and better resolution than the traditional forms of negotiation.

Probably the paramount reason for the better resolution through mediation is that the Claimant has himself or herself a much more central role to the discussion and negotiation process. In JSM's Claimants are generally at a distance from the actual discussions and often only consulted to the extent of approving decisions substantially already made. Through mediation, the Claimant is given an opportunity to express his or her feelings. In appropriate cases these can be communicated at open sessions with the opposing party present. There is no restriction on what a Claimant might wish to articulate and in particular the mediator would not tie the discussions to those issues which might be considered strictly relevant to the legal action.

Allied to this is the fact that a mediation does not necessarily involve only a route to financial compensation. Other aspects in particular apologies and explanations form an important part of the mediation process. In this context, in assisting in the training of NHS Trusts on behalf of CEDR, I have been keen to emphasise that it is really critically important that the

Defendant's representatives at mediations are persons with actual knowledge of and responsibility for the incident in question. Sometimes, what might be described as a nominal representative of the Trust attends the mediation. Any apology or explanation offered by a person who really has no involvement in the case is hollow and possibly worse than not giving an apology at all.

A frequent criticism of mediation is that it appears to take a much longer period of time than a joint settlement meeting. This criticism really misunderstands the psychological value of mediation in the parties moving towards a settlement in a consensual way. This can be favourably contrasted with the approach of many at joint settlement meetings. This still often appears to consist of aggressive positional negotiating. Typically a final offer will be announced far too soon. This is followed by a threat to walk out, followed shortly by walking out, if the offer is not accepted. Whilst cases can be settled in this way, the feeling of the parties of often one of rancour and bitterness about the way in which settlement was achieved. There is a feeling that negotiation has been conducted at gunpoint which can heighten an injured person's feelings of anger. This is to be contrasted with the parties having a genuine consensus at the end of the mediation.

Whilst the initial NHSLA pilot scheme focused on fatal accidents and similar claims have been referred to mediation under the present scheme, it is a fallacy that only what might be described as emotionally sensitive cases are suitable for mediation. Whilst there is no doubt that mediation is of particular value in cases such as fatal claims, stillbirths and injuries involving the very young and the very old, there is no reason why any case cannot be referred to mediation. All clinical negligence claims involve human beings.



Charles Feeny

It is another fallacy that a Defendant must come to a mediation with an intention to make an offer. In fact, the Court of Appeal has penalised a Defendant in costs on the basis that they declined mediation because they believed it was pointless in the absence of any offer being made. Mediation can result in an action being withdrawn, or at the very least parties getting a much better understanding of their positions which might assist in narrowing issues and saving costs.

The mediation can result in a resolution which does not directly involve financial compensation, for example, a detailed explanation of why a medical accident occurred. A Claimant may be satisfied that whilst the Defendants are not prepared to admit liability, they have taken action and given thought to the circumstances of the relevant events. Such approaches may be the best outcome in mediations which involve emotive, but ultimately in financial terms low-value claims such as the loss of a child.

Therefore, it appears that mediation is here to stay, certainly for the foreseeable future, in clinical negligence litigation.

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Liverpool BID Company

Our regular update from Julie Johnson, partner at Morecrofts Solicitors and chair of Liverpool BID Company's Commercial District BID

Last month Liverpool BID Company called on leaders and businesses from all sectors across the city region, for a unified approach in ending homelessness once and for all. Chief executive of the Liverpool BID Company, Bill Addy, issued the plea to partners to come together to end the crisis which now affects 320,000 people across Britain, a number that continues to rise year on year.

Speaking to over 200 people from the private sector at the brilliant 'Homelessness and Rough Sleeping - Who Cares?' event, held at Liverpool Parish Church, Mr Addy encouraged the business community to sign up to the BID-funded and supported Street Support Liverpool - an amazing online and offline network, which connects and supports local people and organisations to end homelessness, where people with personal insight into homelessness, decision makers and those with resources can come together in one forum to co-create effective solutions to the crisis.

Having proven successful in other cities such as Manchester, Leeds and Southampton, with hundreds of organisations and more than 1,000 volunteers actively involved, the hope is that Street Support Liverpool becomes the city's one-stop-shop to find out about homelessness, see what services are available, from food and accommodation to financial and employment support, and see what help you can give. It can be accessed via the website <https://streetsupport.net/liverpool>.

Of course, Street Support Liverpool is just one part of the wider solution to this issue. With greater collaboration between the public, private and third sectors, hopefully one day homelessness will be a thing of the past.

To find out more about the work Liverpool BID Company does on homelessness and other issues affecting the city centre, please visit www.liverpoolbidcompany.com

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



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

- 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:

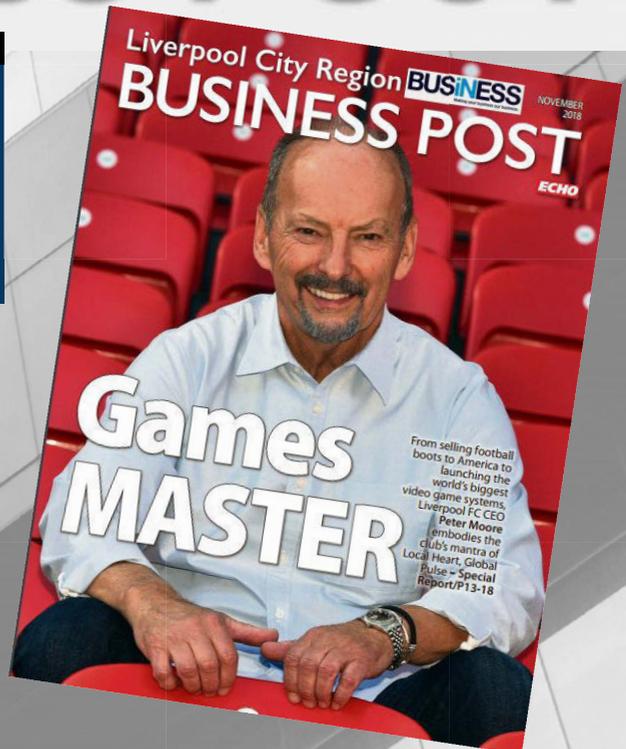
- The eclectic and diverse independents of Bold Street
- The thriving restaurant and hotel scene of Castle Street

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Regulation Update



Andrea Cohen
Weightmans LLP

The latest regulation news from Andrea Cohen of Weightmans LLP

There's never a dull moment in the world of risk and compliance!

Solicitors Disciplinary Tribunal response to the consultation on the standard of proof

The SDT has, as expected, confirmed that it will seek to change the standard of proof from beyond reasonable doubt to the civil standard, bringing it in line with other regulators, the BSB having changed on 1 April 2019. The Law Society described the decision as 'disappointing'. President Christina Blacklaws said: 'There is an inequality of arms between an individual solicitor and the well-resourced regulatory body, and so the SDT's assurance that it will continue to require the regulator to meet a high standard of proof where any misconduct has been alleged is reassuring. Anna Bradley, chair of the SRA, welcomed the tribunal's decision: 'This means that when something goes wrong, the public can be more confident that their interests come first.' Edward Nally, President of the Tribunal said: 'Our overriding consideration always has to be the maintenance and protection of the interests of the public. Added to that must be the maintenance, and indeed enhancement, of the reputation and standing of the solicitors' profession.... For those who believe that this move will result in "easier" prosecutions of alleged misconduct breaches I respectfully reject that proposition. The Tribunal will continue to scrutinise robustly all allegations brought before it, and will continue to look for and identify cogent and compelling evidence before finding allegations proved.'

At the date of writing, the application had not been made to the Legal Services Board, but the intention is that, subject to the LSB's decision, the new rules will come into force on 25 November 2019 to coincide with the SRA's new standards and regulations coming into effect.

SRA rule change application for PII and the Compensation Fund

One application that has been made to the LSB is from the SRA

regarding professional indemnity insurance, including new rules to govern the PII arrangements for 'freelance solicitors', whereby only those providing reserved services will be required to purchase PII, and that insurance does not have to comply with the MTCs; there is no obligation for solicitors working in unauthorised firms, who provide advice to the public, to purchase PII, and excludes clients of freelance solicitors who failed to purchase adequate and appropriate insurance from making claims against the Compensation Fund.

The Law Society has expressed concern about how freelance solicitors would determine what is an "adequate and appropriate" level of insurance, and questioned whether clients will be provided with sufficient detail to make an informed decision. The Legal Services Consumer Panel has also criticised the SRA's plan. Sarah Chambers, chair of the Legal Services Consumer Panel, said: "To vary protection dependent on whether a freelance solicitor is doing reserved and/or non-reserved work will lead to consumer confusion and unjustifiable discrepancy in protection". It seems the SRA will have to tread carefully in order to satisfy consumers and solicitors, and will need to provide clear guidance on insurance for freelance solicitors and ensure it is realistic for this insurance to be acquired.

Professional indemnity insurance

Brokers are warning that the regulatory changes, together with other issues could lead to difficulties at renewal. With fewer underwriters offering solicitors PI insurance, some insurers suggest there could be an increase in premiums of up to 15%, and those firms offering conveyancing could face additional difficulties with problems concerning ground rent clauses in residential leaseholds starting to filter through. While few, if any, claims have yet to be made, and liability is unclear, solicitors have been notifying insurers of potential claims, and the possibility

that many thousands of properties are affected by the clauses which could render the houses unsaleable, is causing concern for insurers, and firms involved in conveyancing should be prepared to provide insurers with extra information in advance of renewal.

Concerns over price transparency and legal support during property transactions

The results of the SRA's Residential Conveyancing Thematic Review has raised concerns over how open firms are about costs and whether they are doing enough to make sure buyers understand any potential contractual obligations.

While all the 40 firms reviewed gave quotes to clients, over a third were found to be charging additional fees or carrying out additional work which should have been anticipated at the outset. There were also issues with solicitors not properly explaining the long-term implications of complex contractual clauses, with around a quarter not explaining the difference between freehold and leasehold property. Six firms were referred to the SRA internal disciplinary process, with five referrals including concerns about failing to declare that TT fees included an additional charge/mark-up, with some firms billing 10 times the actual bank charge for processing the transfer.

Anna Bradley, SRA Chair, said: "While many law firms and solicitors provide a good service and act in their clients' best interests, those who don't are letting down not only their clients, but also the profession as whole... People should be able to rely on their solicitors to be open about what their services will cost, and to explain the potential financial and legal implications of any transaction. When solicitors fail to do this, for example in relation to long term leasehold charges, they may be leaving their clients open to ever increasing and potentially unaffordable financial liabilities."

Concerns over HM Land Registry publication of data

In April, HMLR published the first quarterly data relating to applications for changes to the register by individual conveyancing firms, which has led to some comment, particularly as there was no clear indication of what the data meant, although HMLR has said there will be a blog on the subject soon, which, it is hoped, will assist conveyancers, home buyers and sellers. The spreadsheets give figures for the number of requests for requisitions sent to the Registry's largest 500 customers in the last three quarters of 2018, and includes the name of the customer, number of applications (first registration, transfers of part, discretionary lease, register update) lodged, number of applications completed by the Registry, and number of requests for information in each category.

The Law Society said: 'While we should seek to drive down the number of errors, we must also recognise that delays can be caused by mistakes either from HM Land Registry, or because there is information awaited from third parties such as lenders or managing agents.' One firm who received requisitions for nearly 70% of applications in the last quarter of 2018 said that requisitions are frequently raised that are 'wholly unnecessary and without due consideration of documents'. The Registry says that it has no way of identifying which requisition requests are a result of its own errors.

Possible increase in costs challenges

Personal injury firms will be aware of the Court of Appeal judgment handed down on 3 April in *Herbert v HH Law Limited* relating to a 100% success fee which the firm have been unable to recover from the client, and will no doubt be considering engagement letters, terms of business and potential issues regarding costs implications.

New CMC regulator

As we indicated in a previous bulletin, from 1 April CMCs are regulated by the FCA and those firms working with CMCs will hopefully have checked, or had confirmation, that those CMCs have obtained the required temporary permission to be able to continue their claims management activities.

Stress in the legal profession

The issue of stress among junior lawyers continues to be of concern, with research showing that the proportion claiming to have recently experienced mental ill-health has risen considerably over the past year – and that 6.4% have experienced suicidal thoughts. These are among the recently published findings of the third Junior Lawyers Division (JLD) resilience and wellbeing survey. Of more than 1,800 respondents, 48% said they had experienced mental ill-health in the last month, up from 38% last year. Some 93.5% of respondents said they experienced stress in their role, with a quarter experiencing 'severe/extreme' levels of stress. This report coincided with findings from a survey of 1,000 British workers, produced by insurance firm Protectivity, which found that lawyers are the second most stressed professionals in the country.

Disciplinary issues

In this month's round up, there have been a number of interesting reports, and some salutary lessons.

Referrals to the SDT

The SRA has confirmed that a solicitor from magic circle firm Allen & Overy has been referred to the SDT over the drawing up of a non-disclosure agreement in 1998 involving film producer Harvey Weinstein, but no details have yet been given about what allegations he may face.

The SRA have also confirmed that they will be prosecuting Fiona Onasanya, Labour MP for Peterborough, for failing to uphold the proper administration of justice, act with integrity and maintain public trust in her and the profession, following her conviction for perverting the course of justice and unsuccessful appeal of her three month prison sentence.

SDT decisions overturned:

High Court strikes off overcharging solicitor

A solicitor has been struck off by the High Court for overcharging in clinical negligence cases by setting standard rates of £400/hour with a

100% success fee in the conditional fee agreements. This decision overturns a SDT ruling that he should only be fined £30,000. Giving the ruling, the judge identified five "clear and obvious errors of principle", particularly in the way the SDT "simply overlooked" the serious findings of knowledge and deliberate misconduct which it had made. He added that, even if he had not found him to be dishonest, he would have upheld the other limb of the appeal, namely that the sanction of a £30,000 fine was excessively lenient.

High Court overturns strike off

The High Court has overturned the strike off of a solicitor who was banned last year by the SDT after acting for a litigation client and her litigation funder, creating the risk of a conflict of interest. The matter had occurred six years earlier and had already led to his suspension in 2016 for allowing his firm's client account to be used as a banking facility. The judge agreed the tribunal was right to find misconduct allegations proven, but in relation to the sanction he said the solicitor had not had a chance to learn from the SDT's earlier finding because the misconduct in question pre-dated these proceedings. He ruled that the lack of integrity and probity was not at a level to justify striking him off, and the failure to ensure that the client had independent legal advice had caused no harm, saying 'There are aspects to the decision of the SDT on sanction which indicate a lack of clarity of thought on their part.' The strike-off was reduced to a two-year suspension but the £35,700 costs order was not overturned.

SRA regulatory agreements

Two equity partners have escaped tribunal proceedings by admitting to multiple account rule breaches. They were rebuked and fined £2,000 and £1,500 respectively and ordered to pay £600 each towards the SRA's costs. Among the breaches was a shortage on client account of £144,776, incorrect use of a suspense ledger, overdrawn ledgers ranging from periods of 18 to 1,339 days and delayed payment of money into client account. Whilst one acknowledged his strict liability for the misconduct, he had no personal knowledge of many of the breaches, and the other partner said in mitigation that the problems were caused by changing accounts system and a new accounts manager, all glitches had been resolved and he acknowledged steps needed to remedy the issues were not taken soon enough.

This reminds us of the importance for partners to ensure the firm's handling of accounts is correct, and how early admissions can result in a preferable outcome when being investigated by the SRA.

Non-solicitor associate barred for falsifying entries

A non-solicitor associate who logged more than 90 false entries into the case management system over more than two years, 'to increase her time recording to meet targets set by the firm', has been barred from working in the legal profession without SRA permission. A regulatory settlement agreement published by the SRA said the false entries recorded calls that had not been made and she admitted that her conduct had been dishonest. She was ordered to pay £300 costs.

Solicitor suspended for growing cannabis

A solicitor whose husband grew cannabis in a room in the family home has been suspended for six months, having previously pleaded guilty to permitting production of a class B controlled drug. She told the SRA that she played no part in the growing of the cannabis, and had not stepped into the room. She had not been previously before the tribunal, they found her remorse genuine and decided a fixed suspension would be reasonable and proportionate.

And finally...

Fixated on fulfilling his dream career as a barrister, a man has been jailed for two years and three months after falsely securing a tenancy at chambers and working on cases for around eight months, despite not having legal qualifications. He accessed a colleague's email account and stole a copy of a practising certificate, which he then edited to pass off as his own; informed chambers he had passed the BPTC with a mark of 'very competent', and provided another colleague's Bar Council membership number to 'maintain the appearance of being a barrister' to the BSB and chambers.

**Andrea Cohen
Weightmans**

Council Member's Report Update from Charlie Jones

For me, this is a very sad Council Members Report! After nearly 40 years of practice I am retiring. Consequently, I am resigning my seat as Council Member for Merseyside and District so you can be properly represented by a full time practicing Solicitor. My Practising Certificate will continue until SRA renewal in October 2019, but I have always believed it inappropriate for a Council member to be a non-practicing Solicitor, and I stand by that view at this time. Accordingly, I have informed Chancery Lane and arrangements will in due course be made for an election for my successor. I hope there will be an election, as this will reflect interest in the issues that affect our profession. Furthermore, Sarah Lapsley will need a co-council member.

Talking of Sarah Lapsley, we should wish her all the best, as she recently stood for the position of Deputy Vice President at Chancery Lane. There were three other candidates. The results of the election, and you will recollect that the election is an election amongst Council Members, are due any day. I congratulate Sarah for standing, and wish her the very best in the election results. In any event, she is likely to be taking over the writing of this column, certainly in the immediate future.

But before I close and make a few (in my view) pertinent comments, what has been going on of late? In my particular circumstances, not a lot. I have not been to any meetings at Chancery Lane since February. I went on a ski tour at the beginning of March and managed to break my foot on day one and have been grounded (quite literally) since. Consequently, I have missed various MCC meetings and also a Council Member Strategy meeting which was at the beginning of April. I have chased Chancery Lane for an update of what was discussed at that strategy meeting as such discussions clearly affect the profession generally. To date I have not been able to obtain a document from Chancery Lane that I can share with you. I apologise for this. I hope that Sarah might be able to cover this when she writes in the June column.

What has been going on in our profession? Avid readers of the Law Society Gazette will know that the SRA have been challenged for not specifically asking Practitioners to specify their sex in the latest survey of the profession. Gender was omitted from the questionnaire that the SRA issued. It was pointed out that on social media that sex is one of the protected characteristics stipulated by the Equality Act 2010. It was also put to the SRA that failing to ask specifically about sex would make it more difficult to determine whether firms are discriminating on this ground, or to compare to previous years. The SRA tweeted in response: 'It was felt that our previous approach, asking a binary question about biological sex, was not inclusive. Our question in gender allows people to confirm if they identify as a man , a woman, another preferred description or you can prefer not to say' I leave you to make your own decision as to whether or not the SRA's approach was correct, but I would suggest that it seems to me that the SRA, as ever, are writing their own agenda, without any thought or consideration as to what the profession they seek to serve thinks. I do hope this changes, one day.

I found it interesting that Sir Geoffrey Vos, who was to come and speak to us at the last Liverpool Law Society Annual Dinner, (you may recall that he was unwell and unable to come and his speech was read by the senior Chancery Judge in Liverpool, His Honour Judge David Hodge QC), has identified that the White Book is



wrong! The Chancellor of the High Court has made it clear that all existing cases must be subject to new disclosure procedures, contradicting the standard reference manual on litigation. As many of you may know there are new disclosure rules. Sir Geoffrey reaffirmed that the pilot, which is currently ongoing, with regard to disclosure, was intended to apply, and does apply, to all relevant proceedings existing in the business and property courts, that have started before or after 1 January 2019, even in a case where a disclosure order was made before that date. Over my time in practice, I have often wondered whether the White Book was correct, especially if its dicta did not assist my client , or a deadline was approaching! I can also own up that I always thought that disclosure was one of the more complicated notions contained within the rules. Perhaps I was not alone, albeit for different reasons. I once heard a colleague, who did claimant work, on the Civil Justice Committee at Chancery lane , suggest that disclosure should be done away with !! I thought that was a strange stance .

You may all recall that at the end of November 2016 a levy was required for practices with wage bills of more than £3 million a year to pay out 0.5% of their payroll to fund training schemes. I mention this, because it seems to me that there is great support for apprenticeships, and indeed they do help deal and assist with issues around diversity and social mobility within the profession. However, is it really necessary to form an extra tax upon apprenticeships, thereby setting up apprenticeships much less attractive to firms. Not surprisingly, the levy is viewed as ' being an extra tax that complicates learning and development'. Does the government ever listen?

The Gazette on 8 April carried the headline 'Lawyers are the second most stressed professionals, research claims'. Interestingly,



the most stressed profession was Human Resources. The least stressed were those working in manufacturing and utilities, although I would have thought those working as MP's might have filled that category! The latter seem to be able to change their mind at any time, whereas Lawyers have to form a view and stand by it because they will have advised their client of that view. A comment on social media says 'I suppose HR are the best placed to know how to allege stress, though whether they are the most stressed in fact, I seriously doubt'. In my experience, stress has increased due to the massive demands placed on young and junior lawyers and paralegals – demands my generation never had.

I feel bound to say that stress is related to how we look after ourselves. I would really encourage all firms, if they possibly can, to be more considerate to all their employees. Firms are only as good as the troops. If you look after your troops, your army will perform well. Looking after your troops is not just a matter of pay. It relates to all manner of other considerations and I do wonder how much thought is put into this by many firms in the inevitable chase for greater profits. It is called Wellbeing, Yoga – extra curricular activities- hours – holidays- down time. They all matter. I urge firms to really look into this and consider whether they are doing enough.

Let's take working mothers as an example. Having to take young children to nursery is a massive extra demand and adds an enormous chunk of time to the day. Large firms could have their own crèche. You might get 2 extra chargeable hours a day from your employee – that could be 10 hours a week. You employee would be happier. Alternatively, in St Paul's Square where I have recently worked, a communal crèche where all firms could contribute. In the further alternative, is this a service the Liverpool Law Society could manage, to help firms and practitioners. It would greatly help Women in the Law achieve greater goals.

I was disappointed to see that the SDT has indicated it will seek to change its rules to judge solicitors on the civil standard of proof. This has been discussed by me previously. You will recollect that as things currently stand, the standard of proof remains a criminal standard but is likely to reduce to the civil standard. Edward Nalley, President of the SDT, insists that 'the Tribunal will continue to scrutinise robustly all allegations brought before it, and will continue to look for and identify cogent and compelling evidence before finding allegations proved'. The decision has been made following a consultation which attracted 28 responses, (surely there were more than 28 consultation responses?), offering a range of views about the merits of applying the civil standards. I would be concerned about this going forward. As President Christina Blacklaws has said 'the high success rate for prosecutions at the SDT – 98% in 2015/16 – shows The Solicitor's Regulation Authority has been perfectly able to bring cases meeting this criminal standard of proof!' 'Such is the general witch hunt against our profession that I hope, going forwards, this decision does not further reduce the desire for people to enter our profession.

Our thoughts should go out to our colleague Ben Nicholson from Kennedy LLP, a solicitor whose wife (also a solicitor) and children were killed during the outrageous bombings at the Shangri La Hotel, and elsewhere in Sri Lanka, over Easter weekend. I am sure you would join me in offering Ben Nicholson our sincerest sympathies and condolences at this awful time. I find it impossible to imagine how dreadful this must be.

A subject that has been heavily in the news in recent weeks is the concern about Carbon Footprint. I put this question to the candidates for the position of DVP at Chancery Lane, in questions to the candidates prior to the voting. In my view, our profession should be very concerned about this. However, so should all other professions. Despite the rather 'all knowledgeable' approach of Donald Trump, the fact is that emissions and the

burning of fossil fuels etc. are seriously damaging our climate and our planet. It may not affect people in my lifetime, but it will most certainly affect people in your (sadly I have none) children's lifetime and their children. In the UK we do quite a lot, and have quite a good record, but 'quite good' is not good enough. We cannot sit back and say we are doing more than China or India or wherever. We must do more. On a personal level I am not interested in any arguments that Donald Trump might produce. We in the UK and Ireland must lead. The British Lions lead in rugby – they must lead in the fight to save the planet for future generations.

My point in mentioning this is that I think our profession should lead. The Law Society, both National Law Society and Local Law Society, should be setting up forums to discuss these issues, locally and nationally, and should be taking the lead in Society in debating them. Education is the key, and education means knowledge. We all need more knowledge about what is really involved. I believe that our profession should be working with clients, stakeholders, local businesses, our own suppliers, and, for example, we should not be taking work from clients, particularly large clients or indeed new types of commercial clients unless we are satisfied that they are making an effort. We should not prostitute ourselves and take work at all costs. We should be satisfied that our suppliers and our clients are setting high standards in this regard. We should put other professions to shame in the steps that we take. Emma Thompson is no doubt a very important actress. I am sure she had good reasons for flying in a private jet to make a speech at the recent London demonstrations. In my view 'Big Deal'. She is also remarkably wealthy and wants to self publicise. She, like others in the entertainment world, make a lot of noise, but does not make any real effort to improve the position through her own actions.

We, as solicitors, should. I therefore urge Liverpool Law Society to take the lead in this amongst other Law Societies, and, as we have often done in the past, show the National Law Society they way to go.

So that is it. Many thanks for letting me serve as your co-council member for the last 10 years. I have thoroughly enjoyed it. Like my years in practice, the most enjoyable thing has been the people I have met and the people I have worked with. You have all been brilliant. I thank you all for your patience, sense of humour, and fun. I hope to see many of you in the future and I wish you all the very best in the future, both in practice, and in your personal affairs and lives.

Merseyside and District is highly regarded amongst other local law societies and at Chancery Lane. People look to you for leadership. Many of the ideas adopted by The Law Society have come from here. Well done everybody. I hope that continues.

Many Thanks

Charlie Jones
Co Council Member Merseyside and District
Partner. Weightmans LLP
charliecraigymor@gmail.com


Building Regulations & Planning for conveyancers
 with Richard Snape
 on Wednesday 19th June, 1.30pm - 4.30pm

Building regulations continues to be a major area in relation to conveyancing and planning permission has changed significantly in the recent years. The course aims to look at the changes.

Covering:

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

Competencies: B

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


****NEW** From SRA Handbook to the new Standards and Regulations**
 with Jo Morris
 on Wednesday 3rd July, 10am - 4pm (lunch included)

This course is a must for compliance officers, compliance team members, fee earners and managers and will cover the following:

- The Principles – from ten to seven – what stays, what goes and what has been moved elsewhere
- Not one but two! The new Codes of Conduct – one for the solicitors, registered European lawyers and foreign lawyers and one for the firm
- The SRA Accounts Rules – after twenty one years the accounts rules have been given a major update and are less restrictive
- An overview of the rest of the new standards and regulations
- Getting ready – what are we doing to prepare for this new way of working including:
 - Reviewing of your policies, procedures and documentation
 - Reviewing and implementing changes in regards to the accounts rules
 - Training of your staff on all areas of the new regime
 - Making the transition from old to new

Competencies: A & D

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


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Both Rooms Members £250+VAT Non-Members £275+VAT	44	32	60

**Monday to Friday, 9.00am to 5.00pm. Additional charges apply for evening events.*
Enquiries: roomhire@liverpoollawsociety.org.uk Tel: 0151 236 6998 Ext 33
 Liverpool Law Society, Second Floor, Helix, Edmund Street, Liverpool, L3 9NY

Spanish Timeshares – Good news for those wanting to exit their contracts

We are happy to share with you the outcome of the last agreement we have recently reached on behalf of a client with a Spanish Timeshare contract that contained abusive clauses which ended up with a refund of part of the price paid. We also take this opportunity to give you some information on these potential claims that can benefit clients tied to timeshare contracts in Spain that they no longer use or that have become a nightmare rather than a way to enjoy a place in the sun.

We thought that it may be of your clients' interests to know that in certain scenarios their contracts can be declared null and void and they could therefore be entitled to claim their money back.

We are referring to the "Time share" contracts, sometimes named "Vacation Membership Agreements", "Rotation holiday contracts" and similar names created by companies dealing with timeshares to avoid applying the EU Timeshare regulations. Not only Spanish law rules but also the European Directive 2008/122/CE, were implemented to protect the rights of the consumers buying timeshares under abusive clauses.

We should distinguish between a) the potential breaches of law on the contract, that could represent the right to withdraw from the contract and b) the potential null and void clauses.

There are some legal requirements that, under Spanish law and also under EU law, these types of contracts should contain, and the absence of those requirements can entitle the consumer to withdraw from the contract e.g. lack of information at the time of signing the contract. However, in most cases the cooling off or withdrawing period has probably expired.

At the same time, there are some other legal aspects that the contracts should respect, and its failure can lead to the declaration of nullity and voidance. In these cases, as they are considered null and void, there is no limitation and clients can still take legal action to reverse the contracts and get part of their money back as well as, in some cases, compensation.

The most common cause of considering a clause null and void in these types of contracts is the non-limitation of time i.e. some of the timeshare contracts that have been declared null and void were signed for an unlimited period of time, among others.

Furthermore, during the cooling off period, no deposit or payment in advance should have been obtained from the client which in many cases has happened and can therefore work now in favour of the client/claimant.

Case law in Spain regarding this type of contracts is not insignificant. Despite of this, Spanish Timeshare companies usually litigate until the end and use all the necessary appeals to delay the process to make the clients abandon the claim. However, very often it is possible to reach an amicable solution before litigation whereby the contract is terminated and the payment, or part of it, is refunded to the client.

If you or one of your clients wants to exit a timeshare contract that has become a burden, we recommend contacting a Spanish lawyer versed in this type of matters to do an initial study of the contract to see if it contains clauses that could potentially be declared null and void, carry out a search on case law against the particular timeshare company, give an estimation on the amount to be claimed and decide with the client whether it is worth taking the matter further with the aim of terminating the contract and getting a refund and perhaps compensation.

The Spanish Desk at gunnercooke LLP will be glad to help if required.

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Blog : www.barcelonasolicitors.com
D: 07788585115 / T: 03330 143 401



Claudia Font

Charity and CSR Matters

Hi everyone,

We are starting to get details of some of the great outdoor events you are taking part in, such as St John's Buildings bike rides and many many other events they have been getting involved in- well done to all involved.

I'm currently organising a charity raffle in support of an 11 month old boy and his family. Unfortunately this lovely little boy has a terminal illness and the family are feeling the financial burden when money should be the last thing on their minds. I've had some amazing prizes donated and will be doing the draw shortly, if you would like any tickets please get in touch with me for more details – Jennifer.powell@weightmans.com

Keep your articles coming, I enjoy reading them while eating far too many Easter eggs! I'm looking forward to seeing you all at the Liverpool Legal Walk – if you haven't signed up already then please do. The walk is in June this year and should hopefully be sunny for us.

Many thanks

Jennifer Powell
Solicitor
Weightmans



Maxwell Hodge choose Everton in the Community as their Charity of the Year

One of Liverpool's longest established independent Solicitors, Maxwell Hodge are delighted to have chosen Everton in the Community ("EitC") as their new charity of the year.

Maxwell Hodge will support EitC to help raise funds for a new permanent purpose-built mental health facility called "The People's Place", whilst also assisting on some of the many projects that they run.

"The People's Place", which will be located just 500 metres from Goodison Park, will provide mental health services to those seeking support, regardless of their age, gender or location to the facility. The facility will also offer support relating to suicide awareness and prevention as well as signposting individuals to the charity's existing mental health programmes.

Each year, 1 in 4 people experience poor mental health, and those seeking support is at an all-time high. EitC's aim is to promote positive mental health and end the stigma surrounding this taboo subject. Maxwell Hodge is delighted to be partnering and supporting this part of the charity which, over the last ten years, has already delivered award winning mental health provisions across Merseyside.

Maxwell Hodge recently attended to present a cheque for £1,000, to kick start its fundraising for "The People's Place".

Claire Banks, Director, said "Most of us have suffered from, or are connected to, someone who has suffered from an illness which has affected their mental health. It seems that there is so much that needs to be done to get to the point of offering adequate help. The projects run by EitC, and the help it is offering, are incredible and so important. It will be a privilege to work with this charity."

Michael Salla, Director of Health and Sport at Everton in the Community said "We have embarked on this ambitious project -The People's Place- and it is thanks to the support from Maxwell Hodge Solicitors that we are able to move a step closer to making the project a reality. The project will make a significant difference with normalising conversations about mental health while supporting at-risk people with a focus on prevention."

Throughout the coming months, Maxwell Hodge will be hosting various fundraising events to raise further funds for this fantastic charity.



L-R: Claire Banks (Company Director at Maxwell Hodge Solicitors), Michael Salla (Director of Health and Sport, Everton in the Community) and Jane Reid (Marketing and Business Development Assistant)

St John's Buildings raise over £3500 for Clatterbridge

St John's Buildings has raised more than £3,500 for the Clatterbridge Cancer Centre over the last seven months.

The Chambers raised £3,769.13 through fundraising events including a 100km bike ride, an Easter Charity Bake Off, and with staff taking part in the Liverpool Half Marathon.

Lisa Kemp, Practice Manager organised the events. She said: "I'm overwhelmed by the generosity of those who participated and donated. The Clatterbridge were a great charity to work with and I'm pleased we've been able to raise so much money for such a good cause."

"Some people who hadn't taken part in a running event before donned their trainers and took the time to train. People who hadn't baked in their life stepped up to the challenge of baking for our bake off. A superb effort by all!"

She added: "The Clatterbridge is a charity close to our heart. A significant number of our staff and barristers have experienced the impact of cancer either themselves personally or through helping to support a close family member or friend. We wanted to raise money to help the Clatterbridge improve the facilities in the region for cancer patients."

-Scouse 5K

On 28 October nine members and staff from SJB took part in the Scouse 5K. The runners were Lisa Kemp, Allan Weston, Phil Astbury, Alex Downing, Doug Denton, Rachael Banks, Peta Harrison, Michelle Burley, Sean Batterton and Charles Austin.

The team wore multi-coloured wigs and green Clatterbridge Charity running t-shirts as they ran through the city. Alex Downing came first in what was anything but a friendly run for the competitive team.



-Charity Christmas Bake Off

The team raised £489.40 at Christmas as they channeled their inner-Mary Berry's for a Charity Bake Off.

The brilliant baking included a rainbow cake, jammy dodger cupcakes and rocky road slices. Gail Whelan won baker of the day, with Lindra Bushell and Pru Beaver coming in second and third.

-Liverpool Half Marathon

Five SJB members and staff ran the Liverpool Half Marathon on 15 March. The team battled strong winds and rain on the course, particularly towards the end as they ran down the waterfront promenade.

But the weather didn't hold them back. Simon Maddison, Doug Denton, Mark Senior, Greg Highton and Zak Townsend all overcame the tough conditions to complete the race. Simon Maddison came first out of the SJB group, with a fantastic time of 1.39.45.

-100 KM Bike ride

On 23 March, six members of the team rode through the Cheshire countryside for a charity cycle.

The team of David Polglase, Helen Wrenn, Chris Ronan, David Anderson, Lisa Kemp and Stephen Perrett took to their bikes to complete the route, which passed through Runcorn and Delamere. Banana cake and tea, made by staff members, fueled them along the way.

The first to complete the course was David Anderson, although it was a fantastic team effort by all who were involved. There was great support from family and members of staff as the group reached the finish line at The Hatton Arms pub. They finished the day with a well-deserved fish finger and chip butty.



-Easter Charity Bake Off

The final fundraiser – and the icing on the cake – was an Easter Bake Off. The SJB offices were full of rabbit shaped cookies and egg-themed treats. It was another fantastic team effort, with everyone contributing and supporting brilliantly.

There was lots of baking worthy of a Paul Hollywood hand clap, including crème egg cupcakes, white choc chip cookies and a key lime cake. Lindra Bushell won star baker, with Zak Townsend coming in second place.

The event topped off a brilliant fundraising effort and raised £234.50, which meant that the overall total was £3,769.13.

A big thank you to everyone who has made the last six months such a success, whether through participating, donating or supporting the team.



Charity Spotlight



The brain controls who we are, what we think, feel and do. It's a little known fact that, through accident or illness, an estimated 1 in 30 children and young people in the UK will sustain a brain injury each year. As the injury happens after birth we call it an acquired brain injury or ABI.

Thankfully most will make a great physical recovery, they will be discharged from hospital and eventually return to school, life, kind of gets back to normal. However, over time there may be some changes in personality and or behaviour that might be of concern. The full effects of the brain injury may not be known for some time, perhaps even years after the event; this is because the young person's brain is still developing. It's the not knowing that is hardest for most parents we work with.

Often it is the increasing demands of being at secondary school that brings issues to light, more independence is required, having to remember multiple homework assignments, juggle projects, and organise school bags and PE kits is a challenge for most kids. For those with an ABI it can be very difficult indeed.

A young person with an ABI may often tire more easily, leading to problems with concentration and taking on instructions. There can also be issues with memory, where a child can remember information they learnt prior to brain injury, but then struggle to take on new information. This can be incredibly frustrating for the young person and confusing for their teachers and family

Sometimes changes in personality can also take place, essentially friends and family have to get to know a slightly different person. Part of the support the Child Brain Injury Trust provides helps children and young people maintain friends, and explains to peers what happens when you have an acquired brain injury.

It's important to say that every child is different; there is no text book to explain how to deal with someone who has an ABI. How and where the injury takes place in the brain has a lot to do with it too, so the nature of the damage may vary.

When a child returns to school and these non-medical issues arise it can be hard for parents to know what to do. This is when The Child Brain Injury Trust can help. We can supply information, support and training to anyone affected by childhood acquired brain injury. This includes the child or young person themselves, their family and the professionals who support them. We produce factsheets, publications, and offer training workshops and master class lectures.

We work very closely with the education sector to ensure the best educational outcome for young people, we also work with a selected group of law firms across the country who are experts in handling complex children's brain injury cases. This ensures that if a child needs access to justice following a serious brain injury, that they have the expertise at hand through our trusted partners. Find out more about our legal support service on our website www.childbraininjurytrust.org.uk

Each year we offer a range of workshops, conferences and masterclasses that are ideal for those working in the legal sector, you can listen live or to recorded training. You can also access a vast number of factsheets and e-learning sessions covering all sorts of topics.

Of course all the work we do is only possible through the generosity of supporters, we want to be able to expand our services so that we are able to reach more families, offer more events and increase the number of activities to the families we support. In order to do this, we need your help. If you are interested in doing something for charity, whether it's big or small, why not do it for The Child Brain Injury Trust?

For more information visit
www.childbraininjurytrust.org.uk

Lisa Turan
Chief Executive of The Child Brain Injury Trust



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Two former Rolls-Royce sites encounter complex contamination issues

Rolls Royce is a major aeronautical and engineering manufacturer and employer across Derbyshire. As it has grown and changed through the years, it has left its industrial footprint across a number of now redundant sites, which are now coming up as development opportunities.

Chris Taylor, Commercial Director at Future Climate Info, assesses the legacy and the contamination challenges it presents for two key new development sites.

One of the largest sites is the former main works site in Nightingale Road, Osmaston. Rolls-Royce moved to Nightingale Road in Osmaston, Derby in 1907, where they built the Silver Ghost car, dubbed "the greatest car in the world". Manufacturing continued here until 2007, when the firm moved to other areas of Derby.



Aerial picture of Crich development site, courtesy of Google Maps.



The former Osmaston Rolls Royce factory. Picture courtesy of the Derby Telegraph

Abnormally Expensive Site could affect Viability

The site has been offered by the firm to be transferred free of charge to the developer Keepmoat Homes on behalf of the Osmaston Regeneration Partnership, which is a joint venture with Derby City Council.

However, a Council report has revealed that high levels of contamination will make building homes there "abnormally" expensive, affecting its financial viability and completion date.

The Council Environmental Protection Team has outlined the extent of the pollution on the 8.9ha plot, including: metals and PAHs in the uppermost 0.5m of made ground; a suspected asbestos sheet; hotspots of cadmium, mercury and naphthalene; and significant contamination in several river deposits.

There are plans to build a total of 406 homes on the site in Nightingale Road, which would also feature landscaping, car parking, and the refurbishment of five dwellings.

Brings Welcome Regeneration

While expressing concern about the level of the contamination, Derby City Council is keen to support as the application as it will bring much needed housing to the area.

The Environment Agency says that "the proposed development on this site poses an unacceptable risk to the environment" unless a number of detailed planning conditions are included. Without these conditions, it would object to the application.

The city council has already invested heavily in the Nightingale Road area spending £2 million on the regeneration of the grade-two-listed Marble Hall and improvements to Osmaston Primary School, which is due to be repaid by the joint venture project.

In addition, the council has invested £2.15 million in the Access Osmaston programme, delivering highway and public realm improvements in the area.

However, it says there is still expected to be a "gap in funding" for the project.

Radioactive Waste Dump: Risk of Development Disturbance?

Meanwhile, final plans for 58 homes near a former Rolls-Royce radioactive waste dump in the Derbyshire village of Crich are set to be decided.

The properties off Roes Lane form the second and final phase of a wider scheme for a total of 171 houses, submitted by Harron Homes.

It is thought the scheme, which borders the former Hilt's Quarry and a disused refuse tip, involves an overall investment of £13 million.

A review of historical maps shows how the town of Crich has steadily migrated eastwards towards the quarry site. Maps from 1884 clearly show Hilt's Quarry and Old Quarry, which in turn had also expanded by 1921.

Hilt's Quarry closed in 1933. Rolls-Royce had used the quarry to dump low-level radioactive waste such as enriched uranium, cobalt-60 and carbon-14. Following a campaign and blockades by villagers in the Crich and District Environment Action Group, dumping ceased in 2002.

In 2004, the Government backed an Environment Agency document banning further dumping, and Rolls-Royce was required to restore and landscape the site. It was last used by Bardon Aggregates who closed it in 2010 after finding the limestone was contaminated with a substance that discoloured it.

In the original planning application, put forward by Gladman Developments and assessed by Peter Brett Associates, it was found that the main risks posed to future residents would have been by contamination of groundwater and the release of radon gas.

Concerns had been expressed by local residents that development work to the east of the dump could disturb the radioactive waste, which they acknowledged Rolls Royce had invested considerably in to contain. In submissions to the application, residents were especially concerned that by digging down to put in a sewerage system this could act as a key transmission route.

But the report found that the area, which already has an elevated level of natural radon, would not be affected by the landfill, though radon protection will be needed on new houses.

Construction has already started on the first 113 homes. Initial approval for the remaining 58 homes was given the go-ahead by Amber Valley Borough Council in April 2017, but now the plans have returned for a final sign-off to decide on the layout, scale and appearance of the houses, as well as relevant landscaping.

Gladman indicated in their consultation documents that the site will include balancing ponds as part of a Sustainable Drainage System (SuDS) within the green architecture. A key area of focus will be how the integrity of the quarry margins will be maintained so that they do not encroach on the drainage, especially when a SuDS is introduced.

Clear Insight and Solutions for your Client

These two sites demonstrate how complex industrial legacies can interact with drainage and geology that can enable contaminant transmission.

It is important to get detailed assessment at the earliest possible indication of potential risks. **A Commercial Environmental Risk Report** from Future Climate Info will provide clear, forensic insight on the site history and its proximity to potentially contaminated land.

Follow-on solutions for complex cases including insurance and remediation solutions can also be tailored based on the site's unique situation.

Chris Taylor is Commercial Director at Future Climate Info. He is also a Specialist in Land Condition (SiLC) able to advise commercial property lawyers on a wide range of re-development schemes on brownfield land. For more information, visit www.futureclimateinfo.com, call 01732 755 180 email info@futureclimateinfo.com

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Report Details

Address: 5, Some Street, Some Town, Some County, TEST
Requested by: slim jim (test)

Grid Reference: E: 428818 | N: 423719
Date: 05/09/2018

Report Reference: CombinedTest3
Report ID: 1000105535

Subject Site

Professional Opinion

1. TERRAFIRMA OFFICIAL CON29M FURTHER ACTION
Identified coal mining activity:
1.01 Past underground coal mining
1.04 Shafts and adits (mine entries)

2. ENVIRONMENTAL PASS
No further recommendations

3. FLOOD PASS
No further recommendations

4. GROUND STABILITY PASS
No further recommendations

5. ENERGY & INFRASTRUCTURE PASS
Considerations:
5.20 Power Stations
5.23 Solar Farms

Air Quality Index: Some Polluted Areas (See 1.25)

Assessed by: FCI Risk Team

www.futureclimateinfo.com/Team

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

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

Regulated by RICS



News from the MJLD

Event Review – Mowgli Food & Drink



The MJLD hosted another fantastic networking event for members on 25 April 2019. The event took place at the very popular Mowgli on Bold Street in Liverpool.



MJLD members were treated to 2 courses of amazing food and drink. This included incredible options like Himalayan Cheese Toast, Fenugreek Kissed Fries, Indian School Tiffin and Elephant Roti Breads.

The MJLD would like to thank everyone who attended for making this another amazing event. A good amount was also raised towards our Charity of the Year – **Chasing The Stigma**.

The MJLD would also like to say a special thank you to Think Legal Recruitment for kindly sponsoring this event.

The MJLD will be releasing details of the next event in due course, so look out for an announcement very soon!

Charity Update



The MJLD are continuing to work hard to meet our fundraising target this year to support our chosen charity of the year – Chasing the Stigma.

We've made a good start so far but we still have a long way to go to reach £3000. Our main charity event is our Annual Charity Ball on 25

May 2019 at 30 James Street but we will have other fundraising events throughout the rest of the year. If you want to get involved in any fundraising for Chasing the Stigma please feel free to email our charity reps. In the meantime feel free to donate to this amazing charity on our Just Giving page

<https://www.justgiving.com/fundraising/Merseyside-Junior-Lawyers-Division-2>

Our Charity Reps - Rebecca Dobbs and Lois Williams plan to take part in a 10k run at Port Sunlight on the 16 June 2019. For more information please follow this link:

<https://www.btrliverpool.com/portsunlight-enter>.

Rebecca has also signed up for Total Warrior which is a 12k obstacle course on the 22 June 2019 near Leeds! For more information please follow this link:

<https://www.racespace.com/total-warrior/total-warrioryorkshire-saturday-12k>.

If anyone would like to sponsor Rebecca or Lois please do so via our justgiving link:

<https://www.justgiving.com/fundraising/Merseyside-Junior-Lawyers-Division-2>.

MJLD Stars of 2019 Shortlist

THE MJLD WOULD LIKE TO THANK EVERYONE WHO NOMINATED! THE COMPETITION WAS FIERCE BUT WE NOW HAVE A SHORTLIST. THE WINNER WILL BE ANNOUNCED AT THE ANNUAL CHARITY BALL ON 25TH MAY 2019! GOOD LUCK

Star Paralegal/Cost Draftperson

- Lauren Bailey - Broudie Jackson Canter
- Jordan Coulton - Weightmans
- Milli Dodd - MSB
- Sophie Kearney - Morecrofts

Star Trainee Solicitor/Legal Executive

- Lois Williams - Morecrofts
- Zoe Moore-Martin - DWF
- Leila Isajevaite - Weightmans
- Staci Quinn - Nyland & Beattie

Star NQ Solicitor/Legal Executive

- Nicole Kerr - MSB
- Sarah Day - Morecrofts
- Rebecca Wright - Jackson Lees
- Katie Camozzi - MSB





News from the WLD

MWLD's Annual Charity Quiz

Our Annual Charity Quiz took place on Friday 12th April 2019 at the City Wine Bar. The Quiz was hosted by Amy of Sphinx Quizzes. Thank you to all those who attended and to our kind sponsor Searchflow. We had a fabulous evening and raised lots of money for our nominated charity Help for Heroes.

We heard from Trevor Fudger, Michelle Turner and Michelle's daughter Mya from Help for Heroes. Michelle and Mya shared their story and gave an insight of the importance of the work that Help for Heroes do.

Help for Heroes provides recovery and support for the Armed Forces community whose lives are affected by their service, no matter when they served.

Their aim is to empower Veterans and Service Personnel to look beyond illness and injury. Every penny they raise, facility they run and activity they offer is to help Veterans and Service Personnel reach their potential, regain their purpose and have a positive impact on society.



Annual General Meeting

The Annual General Meeting has been moved to Thursday 9th May 2019. If anyone is interested in joining the Committee please get in touch with via email wldevent@gmail.com.

What's Coming Up?

Keep an eye out on our website, social media and future issues of Liverpool Law for further details about our upcoming events. The WLD are continuing to update their website with various content including a "5 minutes with...". In February 2019 we had 5 minutes with Julie O'Hare, Solicitor at Carpenters and Vice-President of the Liverpool Law Society.

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Large numbers + small actions = real change

Over the last month we have witnessed some unusual things happening in the UK. A pink boat moored in Oxford Circus for 5 days, a new 'Garden Bridge' created across one of the busiest London river crossings, an international climate lawyer and diplomat Farhana Yamin arrested after supergluing herself to the pavement outside Shell headquarters. These unexpected events might be considered business as usual for the climate change protestors; what is much more extraordinary is hearing the Governor of the Bank of England, Mark Carney, call on the city and financial institutions, and in turn the Government, to wake up and see the how the "enormous human and financial costs of climate change are having a devastating effect on our collective wellbeing". He and his colleagues at the Banque de France, and the Network for Greening the Financial System (NGFS) have warned of extreme cost of climate change – not the human cost that Extinction Rebellion so often cite, but the bottom line financial cost, for example insured losses alone have risen five-fold in the last three decades. The NGFS acknowledge that climate change is a global problem, which requires global solutions, in which the whole financial sector has a central role to play.

Carney warned that the lack of action would lead to a climate-driven 'Minsky moment' the term used to refer to a sudden collapse in asset prices and last seen in the financial crisis of 2008. These are rather startling words from this sober suited, softly spoken Canadian who is not given to hyperbole or exaggeration. Words that should make us all sit up and take notice even if we choose to ignore the banner waving, street sleeping protestors.

The Bank of England's intervention is one thing, another slightly unexpected event was witnessing the nation's favourite nonagenarian Sir David Attenborough employ financial metaphors to warn of the hazards of climate change while addressing the International Monetary Fund conference in Washington – where his words of warning that damage caused to the natural world was like an investor eating into capital "It's fine to take a profit but you wouldn't be so silly as to eat into capital. But that's what we are doing with the natural world all the time" – words that earned him a standing ovation.

And so, the unusual and unexpected mount up, creating a sense that there is a seismic shift going on around us. A shift not just in the debate but in our focus on the climate, a shift in our sense of global collective responsibility. Caring about climate change is no longer a fringe concern, it is rightly taking centre stage, and we can no longer dismiss its importance to our business or our lives.

This is where the big numbers come in not just the money numbers as demonstrated by the membership of the NGFS (34 central banks, representing five continents, half of global greenhouse gas emissions and the supervision of two-thirds of the global systemically important banks and insurers) but the SDGs. The Sustainable Development Goals or the Global Goals as they are more commonly known are universal big numbers that affect us all. 17 Goals, comprising 169 targets, to be achieved in 15 years up to 2030 and signed up to by 193 countries. These UN goals set in 2015 offer a wealth creating opportunity which has been estimated as \$13trillion and will create 980 million jobs across the world.

wellbeing, ending the devastating decline of biodiversity and ecosystems, and reducing the impacts of climate change. They offer us a route to a better, more sustainable and just future. Our progress in the UK has been patchy with some disappointing stats just released by the UKSSD report Measuring Up – UKSSD is the network of organisations and partners from across public private and third sectors committed to ensuring the goals are delivered. UKSSD monitored progress and found that:

Out of 143 targets we considered relevant to the domestic delivery of the Goals, UKSSD found that the UK is performing well on 24% of them. There are gaps in policy or inadequate performance for 57% of them, and 15% where there is little to no policy in place to address the target, or where performance is poor.

As the UKSSD point out in their report the value of the 17 SDGs and their 169 Targets lies in their connectedness. They offer an example from Goals 2 (End Hunger) 3 (Good Health & Wellbeing) 8 (Decent work & Economic Growth) & 10 (Reduced Inequalities):

We have a food system that struggles to provide healthy, sustainable, diverse diets for everyone in the UK. We have high and growing levels of obesity, and the highest levels of household food insecurity in Europe. Calories from healthy food consistently cost more than calories from unhealthy foods. And the wealthier you are, the higher portion of household income is assigned to consuming vegetables. This has a direct impact on health and wellbeing, with obesity and poor diet linked to key health issues including heart disease, diabetes and cancer. Tackling obesity and poor diets would improve both mental and physical health and reduce the strain on our health system. It would also enable people to live full and productive lives, which will benefit our economy.

This interconnectedness can make them seem overwhelming. What can you do in your business to make the SDGs are reality, where can you start and how does a medium sized law firm in Liverpool have any meaningful impact on ending global hunger? The answer is to start with where you are – to set yourself meaningful targets albeit small ones that will make a difference. This is where the big numbers meet the small actions that lead to real change.

Set your colleagues a challenge to reduce office food waste by 25% in the next three months. Ask everyone to cut down on buying ready meals which create waste, consider sharing a lunch once a week with everyone taking it in turns to prepare food, reduce food waste offered to clients and in meetings. These and many other small suggestions can have multiple benefits – you'll save money, eating together is sociable, taking time out to eat rather than grabbing a pre pack sandwich at the desk will be better for your digestion, your wellbeing and your health.

This is just a very simple idea and there are hundreds of others you could choose from and lots of free resources from UKSSD, on the UN Global Goals website and from the LSA. We are running a series of free workshops around the country for law firms and in house counsel – you can book via the LSA website.

Above all don't be overwhelmed by the big numbers and the size of the task. Among most extraordinary of all the scenes we have witnessed in the last few days is the sight of the diminutive, pigtailed, 16 year old Greta Thunberg addressing statesmen, world leaders and students with a simple, single minded directness. The world is determined to cast her as a heroine, but she resists all attempts saying she is just one person with determination. There is no denying that her original small action of sitting outside her school in Sweden has sparked a global movement and with her as an inspiration we can all take the steps we need to make real change happen.

Amanda Carpenter
CEO
Achill Management
www.achillmanagement.com

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Merseyside Landmarks

Music has played an important role in the shaping of Liverpool and Merseyside and is one of the reasons there are so many visitors to the city. This month we take a look at the most famous music venue in the world, The Cavern Club.

The Cavern Club opened in 1957 as a jazz club at 10 Mathew Street. The founder, Alan Sytner was a visitor to the cellar jazz clubs in Paris and wanted to open a similar venue in Liverpool. He found an old fruit warehouse on Mathew Street, which had also been used as an air raid shelter during WWII.

The first band to perform were the Merseysippi Jazz Band and the Cavern was essentially a jazz and skiffle club, but Sytner was persuaded to let a young local band, The Quarrymen perform. However it was stipulated that they shouldn't play any rock'n roll. The Quarrymen were formed by John Lennon in 1956 and the band's name came from a line in the school song at Quarry Bank High School where he had been a pupil. However Lennon attempted to play an Elvis song but was passed a note that there should be 'no rock 'n roll.'" Paul McCartney joined the band later and performed for the first time at the Cavern in 1958.

In 1959 Alan Sytner sold the Cavern and its new owner Ray McFall welcomed beat groups and blues bands. The first ever beat night included a performance from Ringo Starr, the drummer for Rory Storm and the Hurricanes. However when they played "Whole Lotta Shakin' Goin On" by Jerry Lee Lewis the audience heckled, and then McFall fined them six shillings for playing rock 'n roll.

The first performance by The Beatles was in 1961 when they returned from Hamburg. The host that evening was Brian Epstein, who then



became their manager, and secured the band their first recording contract. Between 1961 and 1963 the Beatles performed 292 times at The Cavern.

By 1963, The Cavern had its own resident Merseybeat band, The Hideaways. However when the venue was faced with closure the band barricaded themselves into the building to prevent it being shut down. They were unsuccessful in preventing the closure and The Cavern was closed until a campaign by the band saw the re-opening in 1966. The Hideaways were the first performers that evening, appearing on stage with Liverpool Exchange MP Bessie Braddock and the then Prime Minister Harold Wilson.

During the next decade The Cavern was host to some of the best loved bands of all time. They included The Who, John Lee Hooker, The Hollies, The Yardbirds, The Kinks and the Rolling Stones.

The Cavern Club closed again in 1973 and a new one opened at 7 Mathew Street, which went on to become another iconic venue, Erics. However in 1981 the re-development of Mathew Street saw 15000 bricks being taken from the original site to construct the new Cavern Club. The Cavern was taken over by Liverpool F.C. player Tommy Smith, but financial difficulties forced the closure of The Cavern once again. In 1991 it was re-opened by Bill Heckle and Dave Jones who still own this iconic venue.

In recent years The Cavern has played host to a new generation of performers. The Arctic Monkeys played one of their first gigs there and has seen Adele, Oasis, Travis and Jake Bugg all start their careers on this famous stage.

The Cavern is now as much a tourist attraction as it is a music venue and visitors can view the brick in the Cavern Wall of Fame. Just last month The Cavern hosted the opening of the BBC 6 Music Festival which was held in Liverpool for the first time. One of the 6 Music presenters Tom Robinson has his own brick at The Cavern after he performed there in 2001, when he paid tribute to George Harrison who had just passed away.

Julia Baskerville





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S4248	7th	10-12.45	The Duty Solicitor at the Police Station	Colin Beaumont
S4248	7th	1.30-4.30	The Duty Solicitor at the Magistrates Court	Colin Beaumont
S4235	8th	10-4.15	Running Care Cases	Safda Mahmood
S4149	14th	9.30-4.15	The 2019 Private client Conference in conjunction with STEP Liverpool	various
S4339	21st	9.30-12.45	Getting Your Costs Right	Professor Dominic Regan
S4050	22nd	9.30-4	2019 Compliance Conference	Various

S Code	Date	Time	June 2019	Speaker
S4218	4th	10-12.45	Anti Money Laundering Update	Jo Morris
S4285	4th	1.30-4.15	General Data Protection Regulations: One Year On	Jo Morris
S4203	5th	1.30-4.30	Remedies	Chris Beanland
s4187	6th, 7th & 14th	9.30-4.30	3 DAY CHILDREN LAW ACCREDITED COURSE	Safda Mahmood Training
S4151	12th	9.30-4.15	2019 Personal Injury Conference Accredited by APIL training	Various
S4300	18th	1-4.15	Private Child Law Conference	Various
S4171	19th	9.30-12.45	Ground rent, service charge and estate rent charge issues in conveyancing	Richard Snape
S4172	19th	1.30-4.30	Building Regulations and Planning for conveyancers	Richard Snape

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