

LiverpoolLaw

March 2019

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



Pathways to the legal profession

Liverpool Law Society hold fourth annual event for local schools.



Leadership and the Law

Emma Carey of MSB Solicitors talks to Liverpool Law



Mental Health Special Feature

How firms help their staff to improve mental health



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

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

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

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Welcome to the March 2019 edition of Liverpool Law

Hello all,

Welcome to the March 2019 edition of Liverpool Law. In this edition you will see we have ran a feature on what firms are doing to improve the mental health for their staff and open up avenues for them to talk to people in confidence.

Mental health scares me. I don't know if that's a strange thing to say, but it does. It scares me because it can affect anyone at any time. Even the people that seem the 'strongest' can face struggles. People can be having issues without realising it and try and shrug it off. Or some may try to open up about it but as there is such a stigma surrounding it, no one knows what to say to make it better and fears saying the wrong thing- it's not as simple as offering paracetamol for a headache!

What scares me most is that people can feel they have nowhere to go and make drastic, sometimes fatal decisions. This has never hit home to me more than seeing the children's shoes outside St Georges Hall to mark Child Suicide Month. 226 pairs of shoes were displayed, each representing a child who had taken their own lives in 2017. We aren't children, but I mention the display as I think we need to start talking and making mental health an approachable subject for ourselves and for our children to see it is nothing to be ashamed of. It's great having the mental health first aiders and all the other amazing things firms are doing, but please use them. This magazine is circulated to over 2,000 members so chances are at least one person reading has been/is currently suffering with their mental health, or you have concerns about a colleague but had no idea what to do about it. I hope reading what firms are doing will give you a steer on what you can do to seek/offer help.

I apologise this column has made grim reading this month but I don't want to attempt to sugar coat the reality of the situation. What I will say (to try and end on a positive note!) is that with the right support things can improve. Whether it be a change in the working environment, working patterns, a change of outlook with professional support or mostly through a change of the awkwardness around talking about it. We've got to start somewhere I suppose, so let's start now.

Jennifer Powell
Solicitor
Weightmans



Jennifer Powell
Editor

editor@liverpoollawsociety.org.uk

Editorial Committee Dates

All meetings start at 1pm

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

Diary Dates

Wednesday 13 March	Costs Conference
Thursday 21 March	Liverpool Legal Quiz by Merseyside JLD and LLS
Wednesday 27 March	Innovation in Law Firms
Wednesday 30 April	Commercial Property Conference
Tuesday 14 May	Private Client Conference in conjunction with STEP Liverpool
Friday 17 May	Legal Awards black tie Dinner & Ceremony
Wednesday 22 May	Compliance Conference
Tuesday 11 June	Liverpool Legal Walk (organised by NWLST)
Wednesday 12 June	Personal Injury Conference
Tuesday 18 June	Private Child Law Conference
Friday 5 July	Conference for In House Lawyers
Thursday 11 July	Professionals' Dinner in conjunction with the Chartered Institute for Securities & Investment

Deadlines 2019

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

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



President's Mentions

Mental Health

This issue of Liverpool Law focuses on Mental Health. At the Liverpool Law Society we recognise that we have a responsibility, in the profession, to look after one another and to create an environment where there is security to talk frankly and honestly about the challenges we face.

According to the World Health Organisation one in four of us will experience some sort of mental health or neurological disorder in our lifetime and yet it is a subject which we steer clear of.

I have held a First Aid at Work qualification for almost as long as I have been a solicitor and I have attended refresher course after refresher course. However it was not until 2018 that we had Mental Health First Aiders in our firm. How can it be that we are able to create regulations which look after the physical wellbeing of everyone and at the same time ignore the fact that a quarter of the workforce is likely to be living with a condition which needs treating?

There has been scant regard paid to the need to understand mental health and to look after it. It is clear that times are changing and that is to be applauded and welcomed by everyone in our profession. It is no longer acceptable, as it has been, for there to be a culture which views mental ill health as a character weakness or defect.

To a greater or lesser extent we have been guilty of thinking that mental ill health happens to others and is a problem for them to fix.

There can be no doubt that many of us in the profession face huge stress factors. We are under scrutiny from managers to achieve billing and time recording targets. We are under scrutiny from the courts and tribunals to deliver in accordance with the rules. We are under pressure from clients to deliver their

instructions in a timely way. None of these things are necessarily wrong in themselves but when we create a culture which fails to see our colleagues as people first and foremost then we lose sight of what is important.

Last month I had the privilege of hosting our Pathways to the Profession Event and then welcoming the Law Society Junior Lawyers Division to Liverpool for their national forum. It struck me anew that those doing exams and seeking to achieve the grades that they need to get to the next stage of their careers are already under pressure at a very young age. How important then for us to create a culture where as they enter our businesses they are aware of support for them in all aspects of their development.

In its 2018 resilience and wellbeing survey, the Law Society's Junior Lawyers Division (JLD) found that 39% of trainees reported suffering from mental health problems, up from 19% the previous year. Among the division's members as a whole, 38% of respondents said they had experienced mental health problems in the past year, up from 26% last time. The third annual survey has just closed and we await the results with some trepidation.

However mental ill health does not respect age, sex or ethnicity. How amazing would it be if our businesses were places that were recognised for looking after the whole person? How much better would life be if we took the time to ask each other "How are you?" and then listened to the answer?

I hope you enjoy this month's magazine and will be able to implement some of the suggestions to start a conversation about mental health issues.

Chris Topping
President

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News from the Sub-Committees

Family Law

The Liverpool Law Society Family Sub-Committee met on 13th February 2019. This is a lunch time meeting that family practitioners across Merseyside attend to raise awareness of issues affecting practice, arrange training programmes to meet the needs of the Law Society members and discuss relevant issues facing practitioners. This was a well attended meeting as always.

The sub-committee is arranging a private law children conference on 18th June 2019, a financial remedy conference on 25th September and also a public law children conference on 27th November 2019, they are looking extremely interesting so please do save the dates.

As always the members of the sub-committee that attend different meetings feed back to the sub-committee. We heard that the Local Authority are still finding that bundles are not being sent to them in a timely way when they are being asked to do S7 or S37 Reports for the court. This means that they are not able to file their reports on time and this is causing delay and wasted hearing time. We would ask family practitioners to ensure that it is clear in the Order who sending the bundle to the Local Authority and by when.

We heard that HHJ Parker is being trained to undertake settlement conferences and there are currently nine Judges able to do these hearings.

The Court had expressed a view that cases need to be dealt with proportionately in terms of social workers and guardians attending hearings. The Court expressed a view that they should only be in attendance if necessary and otherwise it should be accepted that they would be available on the telephone which allows social workers and guardians to spend time undertaking their own court work whilst still having an input in the hearing.

We discussed the advantages and disadvantages of mediation and ADR. It was noted that although mediation was remaining fairly popular, arbitration has not really got off the ground locally. We would ask practitioners to review the benefit of arbitration and to speak to their clients about the possibility of it where appropriate.

Finally we discussed the proportionate working protocol which was disseminated by the court late in 2018. There is still uncertainty about how telephone hearings are to proceed in family cases and we heard at the Judges Forum that there have not been any telephone hearings since the protocol was introduced. We are inviting a member of the Law Society that specialises in civil litigation to our next meeting for her to educate us as to how telephone hearings have taken off in civil proceedings, the benefits and what we, as family practitioners, need to be mindful of when considering their use.

As a family sub-committee we are next meeting on 10th April 2019 and as always we would welcome any of the Liverpool Law Society members to make a request to join our sub-committee.

It just leaves me to thank each member of the sub-committee who attended and those that sent in thoughts upon different areas who could not attend. Your support is, as always, most gratefully received. I would like to take this opportunity in particular to thank Carole Brennan from Morecrofts who has served on the sub-committee for a number of years now and retires from Morecrofts at the end of March 2019. As a sub-committee we have been privileged to have had the thoughts and experience of Carole from a mediator's point of view as well as a family lawyer's point of view over the years and would like to take this opportunity on behalf of the committee to wish her the very best in her retirement.

Emma Palmer
Chair of Liverpool Law Society Family sub-Committee

Access to Justice

The Access to Justice Committee met on the afternoon of 7th February 2019. It was a timely meeting given the Ministry of Justice's long awaited post-implementation review of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) had been published earlier that day.

The Review itself is nearly 300 pages long and so the Committee had scant opportunity to consider the detail. While Ministers have promised new money to fill gaps in access to justice created by the legal aid reforms, it remains to see if this will be the case, and the Committee expressed concern over certain areas of advice (including employment law and social welfare rights) not being allocated the funding they require.

The Review promises to use innovation to bolster legal support, but Heather Brent (Liverpool Citizens Advice) highlighted that many of her clients already have difficulties using technology. Whilst welcomed, digital advice cannot serve as a panacea in place of adequately funded legal aid.

The Committee spent some time considering an opportunity kindly put before it by James Organ (University of Liverpool). This involved the Mayor Hardship Fund – and a pilot project to increase Access to Justice in Liverpool. Whilst in its development phase, the project would seek to map the provision of legal help in Liverpool / the LCR, to increase its effectiveness in the medium to long term through improving networking and referrals, and by developing training capacity. Discussions are ongoing as to what role the Society could play in facilitating this project, and the idea of a steering committee has been mooted.

The Committee was pleased to hear from Mark Weights (Merseyside Law Centre). Mark reported that the law centre is now benefiting from two Fellows (who are trainee solicitors) via the Legal Education Foundation's Justice First Fellowship project. The Society supports the work of the Legal Education Foundation, with the President and the Chief Executive continuing their efforts to procure funding from local law firms.

The Committee considered agenda items for the next Joint Forum on Access to Advice which is due to take place at the Society's offices on 3rd May 2019. Topics include: Post-implementation Review on LASPO; Provision of advice for Universal Credit applicants; and Bailiff Action protocols within the Magistrates' Courts.

The Committee noted some upcoming events which might be of interest to members:

- Oddsocks' production of A Midsummer Night's Dream – which will be staged at St Lukes' Church on 13th & 14th July; and
- The Liverpool Legal Walk, which is taking place on 11th June this year.

The next Access to Justice meeting is diarised for Thursday 4th April, 1pm – 2pm.

James Mannouch
Chair

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

Specialist Housing Court Consultation

On 11th January the civil litigation sub-committee met to discuss providing a response to the government's consultation paper for the proposed creation of a specialist housing court. The general consensus was that the creation of a specialist court would be welcomed in principle but there should be careful consideration as to how this may be implemented.

The sub-committee exchanged views about the current system and problems which continue to arise. For example, it was noted that orders were sometimes issued without provision for costs that had been awarded. Members also noted they had encountered lengthy delays in forthwith possession orders (where possession is ordered immediately) being issued by the court. It was discussed that there are also often long wait times for hearings to be listed and that judges are sometimes reluctant to enforce the terms of the protocols. Whilst it was accepted we will always encounter administrative issues, the creation of a specialist court whereby judges and clerks have particular experience in housing matters will only help reduce the occurrence of such issues.

With the proposed costs of a new specialised housing court likely to be at the forefront of the government's plans, the sub-committee's primary concern was the importance of access to justice. It was highlighted that should a specialist court be created whereby it only operates from particular regional locations, akin to the Land Tribunal system, then this will prejudice those not in the vicinity of the courts. With the Land Tribunal currently operating out of London and Birmingham, concern was expressed that such an approach may prejudice those based in the north of the country.

It was discussed that perhaps it would be suitable for a specialist housing court to operate from a number of the current county courts;



as per the business and property courts. An alternative would be to maintain the current system but to require that judges have a specialist housing ticket to sit on such cases. The ticketing system is the approach favoured by the Civil Justice Council.

The sub-committee submitted their written views on behalf of Liverpool Law Society. The government's response to the consultation is expected later this year.

Mike Gossage
Civil Litigation Committee member



Financial Orders: Law & Practice

with Safda Mahmood

on Friday 15th March, 10am - 12.45pm

The course will be of benefit to those delegates who seek to be aware of the current themes & developments surrounding this area of law.

The topics covered will include amongst others, the following:

- Charman and subsequent Cases
- Short Marriages and High Wealth Cases
- Periodical Payments
- Inheritance and Gifts
- Cohabitation Cases
- Conduct Arguments
- Nuptial Agreements
- Maintenance Pending Suit
- Disclosure
- Bankruptcy and Financial Orders
- Amendments to Family Procedure Rules 2010
- Key aspects surrounding Procedure

Competencies: B

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



Cohabitation: Law Practice

with Safda Mahmood

on Friday 15th March, 1.30pm - 4.15pm

The course will be of benefit to those delegates who seek to become more confident with how to run/defend a case through the courts involving trusts of land and Schedule 1 Children Act Matters.

Including:

- Joint Tenancies and Tenancies in Common
- Resulting and Constructive Trusts
- Trusts of Land and Appointment of Trustees Act 1996 – Applications
- Estoppel
- Drafting and Procedure
- Civil Procedure Rules
- Practice following Stack v. Dowden, Kernott v. Jones and Barnes v. Phillips
- Schedule 1 Children Act Applications
- Case law Update
- Compliance with Court Directions and Procedure

Competencies: B

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

Helix Highlights

Liverpool Law Society has a long history that goes back almost 192 years to 25 August 1827 when 52 lawyers in Liverpool met to discuss forming a complete library of law books for the general use of the profession. From over the years, the Society has a number of historical items in its possession. Some of these are described here.

The founding members included Joshua Lace, the Society's first president (whose initial survives today in the firm BLM (Berryman's Lace Mawer)). On the Society's memorabilia bookcase in Helix the silver salver bearing Mr Lace's name is displayed. It is engraved with the words: "To Richard Radcliffe from his friend Joshua Lace as a token of his regard and esteem 1827".



Richard Radcliffe went on to become president of Liverpool Law Society in 1830-31. "The gift suggested not only that Radcliffe was responsible for a great deal of the initial administration and drive which led to the formation of the Library, but that he gave powerful backing to ensure that Lace would chair, and be nominated as President-elect at that first information meeting." – an excerpt taken from "A Gentleman's Calling – the Liverpool Attorney-at-law" by Peter Howell Williams, President of Liverpool Law Society in 1980-1981.

Silver Box

The engraving on the silver box (which may be a cigarette or cigar box) is:

**J.G.K from N.H.
In grateful remembrance of much needed help.
Liverpool Law Society 1919-1920.
Law Congress
1920.**

It is thought N.H. refers to Sir Norman Hill who was President of Liverpool Law Society from 1919 to 1920. J.G.K refers to J Graham Kenion who was Hon. Treasurer for a number of years including whilst Sir Norman Hill was President of Liverpool Law Society. Mr Kenion went on to be President of Liverpool Law Society in 1926-1927.

A member of the Library Research team at The Law Society, Chancery Lane, London explained:

I have not been able to find any events called Law Congress but the 38th Provincial Meeting of the members of the Law Society was held in Liverpool in 1920 so I wondered if it could be related.

The Solicitors Journal gives a detailed description of the meeting in two parts firstly 16 October 1920 pages 8-15 and 23 October 1920. Thanks are given to Mr J Graham Kenion (Hon Secretary, Incorporated Law Society Liverpool so he could be J.G.K). The meeting is also reported in the Gazette November 1920 Vol XVIII and this does talk about the presentation of two silver cups to "Charles Henry Morton, president of the Law Society in 1920, from the Associated Provincial Law Societies in grateful recognition of his services as Honorary Treasurer and Secretary for the past 28 years".



The President's Jewel

The President of Liverpool Law Society's emblem of office was a gift made to the Society in 1897. As mentioned in the book "A Gentleman's Calling – the Liverpool Attorney-at-law" by Peter Howell Williams (President of Liverpool Law Society in 1980-1981) the reason behind this substantial gift is not known and it was made anonymously although it has since been



**Sarah Poblete
CEO**

discovered that it was gifted by Joseph Gradwell. The Jewel has engraved upon it the name of every President of the Society since 1897. The inscription reads: "Presented to the Incorporated Law Society of Liverpool by one of its members as an emblem of office for the President, 4th October 1897."

The Vice President's Medal

More than 100 years after the President's medal was created, it was decided the office of Vice President should also have a medal and so in 2006 a medal was created. It has a shield with the Liver bird on it and underneath the same inscription in Latin as appears on the President's Jewel which is 'Lux Gentium Lex'; translated this means "Law is the light of the nations."



A brief history of Liverpool Law Society

25th August 1827 - At a meeting in Clarendon Buildings, on the corner of North John Street and Lord Street, the new Liverpool Law Library Society is formed and has 52 members. Samuel Brabner was one of the founding members and his name survives in 'Brabners' to this day.

1834 - The Society's name is changed from Liverpool Law Library Society to Liverpool Law Society.

1848 - 'Metropolitan and Provincial Law Association' was formed. Liverpool Law Society was active in promoting the idea of 'County Courts' and in seeking to persuade the 'powers that be' in London to provide continuous sittings of the High Court in Liverpool.

1869 - The Society was incorporated as a company limited by guarantee under the name 'The Incorporated Law Society of Liverpool'. In its Memorandum of Association, the maintenance of the library had become secondary to 'the protection of the character, statues and interest of the Attorneys and Solicitors practising in Liverpool or within 20 miles thereof; the promotion of honourable practice; the settlement of disputed points of practice and the determination of all questions of professional usage or courtesy in conducting legal business of all kinds'.

1893 - There are 348 members and the President is Mr J W Alsop (whose name survived in the firm Dibb Lupton Alsop, now DLA Piper).

1897 - the Society was presented with a presidential jewel.

1919 - At a special general meeting, the Society agrees to admit women members by 50 votes to 33.

1941 - The Law Library is destroyed in the May Blitz. Approximately 30,000 legal books; many irreplaceable volumes dating back to the sixteenth and seventeenth centuries, are lost. Within a few weeks new premises are

found at Prince's Buildings, 81 Dale Street, which is, thanks to the generosity of members, soon stocked with 3,000 law books.

February 1966 - The new Library in Castle Chambers, Cook Street (just a few feet below the original library) is opened. By this time there are approximately 450 members and Mr Maxen O. Morris is President.
January 1968 - A former soldier breaks into the Law Library and causes a fire to break out. £20,000 worth of damage is caused to the Library: many of the 10,000 volumes gathered together since the Blitz are damaged or destroyed.

November 1969 - The re-furbished Law Library opens, with many of the replacement books donated by its members.

1973 - the Society promoted, with financial help from Liverpool City Council, the Vauxhall Law Centre - the first of its kind.

1993 - computers are introduced for the first time. There are now around 800 members.

June 2001 - Corporate membership is introduced.

August 2006 - The Society moves into the Cotton Exchange and offers a significant all year round legal training programme of 100+ events.

2010 - Articles of Association are updated to take into account LDPs and the advent of ABS, and to incorporate St Helens within the Society's core area following consultation with lawyers in that area.

March 2016 - The Society moves offices to Helix.

Present day - Liverpool Law Society now has around 2100 members and continues to be one of the largest and most active local Law Societies in England and Wales.

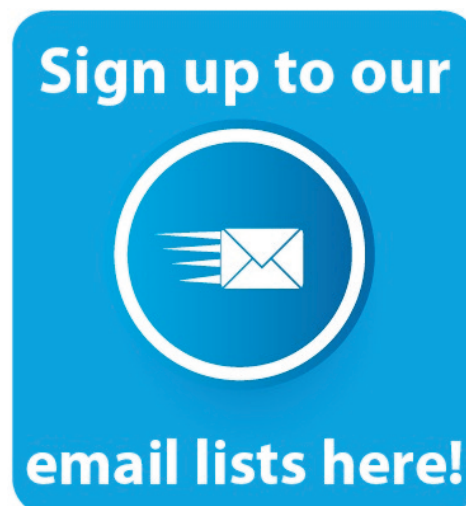
Membership is broad and varies from practitioners engaged in high value commercial work to complex charity work; from maritime law to legal aid and is open to all those connected with the Law.

**Until next month,
Sarah**

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Liverpool Law Society hold fourth Pathways to the Legal Profession event for Year 12 students

In keeping with the Society's desire to be inclusive and encourage entry to the profession from all backgrounds, students from all schools and colleges across Merseyside were invited to attend the information-giving event on 6 February 2019. The President of Liverpool Law Society, Chris Topping, welcomed over 140 pupils and teachers from 15 schools to the Liverpool city centre Marriott Hotel. A panel of speakers from key institutions across the city outlined the various entry routes into the Law – from the traditional university route to the modern apprenticeship route, and other options in between. Dr Thomas Horsley said during the afternoon that “the law is open to everyone”, a message that came over very clearly by all account from the feedback given by the students.

The thanks of the Society are given to Slater and Gordon who not only sponsored the event but also provided an apprentice speaker to talk about their day-to-day working life. Thanks also go to the other speakers and organisations supporting the event: CILEx, Hill Dickinson, Liverpool John Moores University, Merseyside Junior Lawyers Division, University of Law, the University of Liverpool and Weightmans. Directors of Liverpool Law Society were also present during the refreshment break and it was pleasing to see all stands very busy during the break, with representatives speaking to the students and answering their questions.

The feedback received from the students who attended the event was invariably highly positive. A few of the comments received appear below:

“I now know I want to do law”

Ellie McKenzie, student, Greenbank High School

“Informative, interesting, engaging, enjoyable”

Joshua Collins, Merchant Taylors Boys School

“I am now considering a conversion into law due to learning about the opportunities available”

Mollie Wrangles, Rainford Sixth Form

The event “highlighted how to become a barrister and what I can do now eg mini-pupillage”

Brendan Russell, student, Liverpool College

“Extremely informative... eye opening experience, full of useful facts and figures, massive variety of routes explained”

student, St Anselm's College

the event “...gave me extensive information about routes to the legal profession. The speakers all gave detailed information about their jobs and how they got there. The exhibition stands were very accommodating with questions. Very interesting afternoon.”

student, Liverpool College

“I really liked the venue and the speakers were very friendly. I was able to learn more about cyber law; which I am very interested in”

Jessica Loftus, student, Rainford College

“I know more about non-law degree (routes)...interacting with actual professionals in the field of law was very valuable”

student, Archbishop Blanch C of E School

“I am now aware of the possible law opportunities post A-Level. I haven't heard of most of the information I received today, prior to the event”

Imogen Calderbank, Rainford Sixth Form

We are looking forward to next year's event already.

**Education & Charities Committee
Liverpool Law Society**



Family Judges Forum

I had the pleasure of chairing the Family Judges Forum put on by Liverpool Law Society on 7th February 2019. Jo Downey did an exceptional job of organising it and the feedback from the event was positive. We are grateful to HHJ De Haas QC, HHJ Greensmith and DJ O'Neill for giving up their time to answer the questions put forward.

HHJ De Haas QC expressed gratitude for the patience of legal professionals when dealing with delays and problems with HMCTS. A series of cuts, which are still ongoing have created difficulties for HMCTS and we were warned that it may get worse before it gets better. On a positive note, we were told that we can expect two new Circuit Judges in the near future at Liverpool Family Court which will hopefully improve judicial continuity. In an effort to assist the court the proportionate working protocol was introduced in 2018 with telephone hearings to be promoted. When asked how many telephone hearings have taken place in Family since the introduction of the proportionate working protocol the Judges said that there had been no telephone hearings that they were aware of. District Judge O'Neill said that he suggested a telephone hearing on one occasion and was instead met with a consent order which was approved instead. The Judges considered that applications for re-timetabling and consideration of expert instructions are potentially useful times to consider telephone hearing and practitioners were urged to consider their use moving forward to help with what the Judges said were their "relentless lists".

Meeting the Judge

The Judges talked about using technology to meet the child. The Judges reminded us that there are several ways of a child meeting the Judge dealing with their case. When a child writes to the Judge, HHJ De Haas was particularly passionate about ensuring that the Judge wrote back to the child, other options include a Judge seeing a child in person, on video link or on the telephone. The Judge said the court would welcome any of those methods.

Covert recordings

The Judges were asked what their reaction would be to covert recordings of professionals being used in their courts. HHJ Greensmith, supported by HHJ De Haas and DJ O'Neill agreed that covert recordings of professionals can be used in court proceedings. HHJ Greensmith described it as "a fact of life" that people are recorded in the modern world and professionals should not be afraid of being recorded. HHJ De Haas reminded practitioners of the case of *Re B* 2017 EWCA Civ 1579 when a former president dealt with the issue of covert recordings with :-

1. A child being recorded as generally inadmissible and evidence in itself of abuse.
2. Recordings of other family members can be used subject to the question of relevance and validity.
3. Professionals being recorded always admissible subject to validity of the recording.

ADR

In respect of alternative dispute resolution HHJ Greensmith was clearly passionate about using this consistently in financial remedy cases in particular. He promoted the use of private FDR's and stated that if a private FDR had been undertaken without success then he would not be listing it for a court FDR but would list it straight for a court final hearing. The audience was unsure whether private FDR's would be successful in Liverpool albeit it was recognised that they are often successful in London.

Settlement conferences

In children proceedings the Judges confirmed that settlement conferences are here to stay in both public and private law but where there are significant allegations of domestic abuse care had to be

taken if a settlement conference was being considered. Judge De Haas in particular was keen that settlement conferences would be used when determining issues of schooling, medical treatment, relocation cases and any cases where there are no safe guarding issues. The benefit of settlement conferences was clear to the Judges and in future they may be listed even if there is not full consent to a settlement conference. Some members of the legal profession present expressed worry that settlement conferences were used particularly in adoption proceedings but settlement conferences otherwise had support from the legal professional who attended.

Cross courting

In respect of cross courting the Judges were clear that this had to be self policing. The cross courting protocol is clear and in force. The Judges were clear that it is for advocates to raise with the court the need to get the case on for whatever reason be it that the advocate has an alternative work commitment in the afternoon, the client needs to leave for child care, an interpreter needs to leave etc. If you ask the Judge to hear it then the court will accommodate the hearing being taken on giving the advocate on the other side notice but it will be heard with or without their presence. DJ O'Neill raised that he has previously made a costs order against somebody that was not in his court and all Judges agreed that cases will be called on and if they have to be adjourned because one party isn't represented then that is exactly what will happen. The Judges want to work with the legal profession, that Liverpool is one of the three busiest courts in the country and there is a duty on all of us to make sure that it works for the benefit of our clients.

The Judges found the forum beneficial to them as well as the audience finding it beneficial. It is anticipated that moving forward a similar event will take place at lunch time at court with a panel of Judges; it is also hoped that a similar Law Society event will take place in 2020.

Finally, I would once again like to express my thanks to Jo Downey and all those at Liverpool Law Society together with HHJ De Haas QC, HHJ Greensmith and DJ O'Neill for organising and participating in such an informative event.

Emma Palmer
MSB Solicitors
Family Sub-Committee

Fee paid employment judge competition

There is a forthcoming fee paid employment judge competition, likely to launch in the 3rd week of March, as well as fee paid recruitment of First Tier Tribunal Judges and Deputy District Judges. The Judicial Appointment Commission have produced this **powerpoint** which gives an overview and details on upcoming opportunities.

There is also an Employment Lawyers Association outreach meeting in Manchester on 12 March, specifically to publicise the Employment Tribunal recruitment.

Jonathan Parkin
The Regional Employment Judge for the North West Region

Costs consequences of late acceptance of a Defendant's downgraded offer

What are the costs consequences when a Defendant makes a Part 36 offer and then without withdrawing it simply reduces the value of that offer under CPR 36.9, thereby leaving the offer open for acceptance throughout - but in its downgraded state? Should the reduction be treated as a new offer, thereby entitling C to a new 21-day period for consideration? This issue was considered recently in a County Court case in which I acted for the Defendant.

The claim arose from an RTA which was uploaded to the portal. Proceedings were issued and shortly afterwards in October 17, the Defendant made a Part 36 Offer of £17,000. That offer expired in early December, following which the matter was allocated. In March 18 the Defendant notified the Claimant that the terms of the offer had been varied to offer £10,000, i.e. the offer had been downgraded. The matter was listed for trial but 11 days before the trial, the Claimant accepted the £10,000.

The parties agreed that, pursuant to CPR 36.20(4), as a result of accepting the offer out of time C was entitled to costs for the stage applicable at the date on which the 'relevant period' expired and that the claimant was liable for the defendant's costs for the period from the date of expiry of the relevant period to the date of acceptance, but there was a dispute between the parties as to when the relevant period expired.

D contended that there was just one offer and therefore C was entitled to costs limited to the expiry of the initial Part 36 offer (post-issue/pre-allocation) and C had to pay D's fixed costs calculated as the difference between the costs applicable at the time when the offer was accepted (post listing/pre-trial) and the costs to which C was entitled (post-issue/pre-allocation). By contrast, C contended that C was liable to pay only those costs arising after the expiry of 21 days following the revision of the offer and thus from 6th April 18 (post-listing /pre-trial).

The parties agreed that the question for the Court was when the 'relevant period' expired.

D argued that there had been only one offer and that the variation simply meant that the terms of that offer had been changed pursuant to CPR 36.9 which permits an offeror to change the terms of the offer without permission. CPR 36.9(5) expressly provides for an upgraded offer to create a new offer and a new period of 21 days in which to consider it. D argued that the Court could infer that if the draftsman had intended that a downgraded offer would amount to a new offer he would surely have drafted 35.9 to apply to any varied offer rather than only an improved offer.

D further argued that the Court need only step back and look at the justice of the situation; if an offeror decides that the existing offer is too low and that more should be offered, it is only right that C recover the costs for the period between expiry of the first offer and the expiry of the improved offer (which, pursuant to 36.9(5) is a new offer) since the improved offer shows that C was justified in not accepting the lower offer and entitles C to time to consider the improved offer. However, where an offer is revised downwards, C has in effect had the opportunity to accept a sum equal to or greater than the settlement sum since the offer was made (in this case since October 17). In these circumstances C was not justified in declining to accept the offer and causing D to incur continuing costs for 9 months after expiry of the higher offer. Moreover, justice demanded that C ought not to be compensated for recovering less than the sum that had initially been on offer.

The Claimant argued that the immediate impression given was of two offers, especially since the event which triggered the settlement of the case was the 'second' offer. C argued that the purpose of Part 36 was to encourage parties to settle and that an offer had to be taken in context. At the stage C accepted the offer a trial was looming and the perception of risk had changed. C argued that the earlier offer had impliedly been withdrawn and D ought not to have the costs benefits of that offer when it was no longer available for acceptance.

C argued that there was no express provision in the rules which set out the relevant period where an offer was downgraded and therefore it would be dangerous to draw any inference from the rule about upgraded offers attracting an extra 21 days. Had the rule drafters intended that downgraded offers would not attract an extra 21 days then given that they went to the trouble of making an express provision as to the existence of a second 'relevant period' when an offer was upgraded, the fact that nothing had been said about downgraded offers could not give rise to any inference at all.

Having heard the argument, the Deputy District Judge accepted D's proposition because



Michelle Fanneran

he found that it would be unjust to award costs to C for the extra period.

Although this was a fixed costs case there are parallels with the operation of 36.13(5) in standard costs cases which require the Court, unless it considers it unjust to do so, to order that C have costs up to the date on which the relevant period expired and that the offeree pay the offeror's costs thereafter, until acceptance. In deciding if it is "unjust" the Court must consider 'all the circumstances' including the list of factors in 36.17(5), hence there is potentially a higher hurdle to cross. However, in the writer's view, the injustice of an offeree having costs for a period after expiry having declined to accept the earlier offer and later settled for less, will weigh heavily in the balance against the other factors.

**Michelle Fanneran, Barrister
Complete Counsel**

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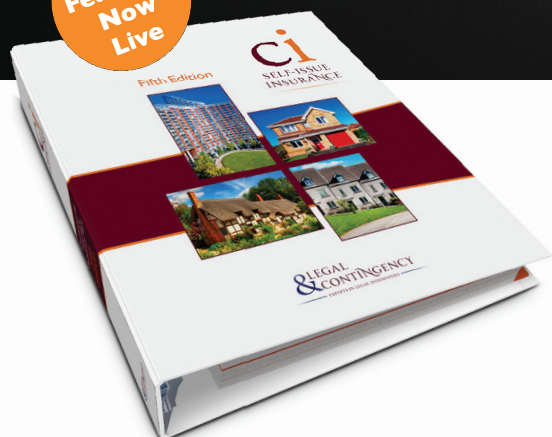
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Restrictive and Positive Covenants in Freehold Land

with Richard Snape

on Friday 5th April, 1.30 - 4.30pm

Both restrictive and positive covenants are frequently met: over 70% of all freehold titles being subject to the former. Many such covenants are unenforceable but nevertheless provide a rich source of income for the insurers. The course aims to look at the enforceability of such covenants.

Topics covered include:

- Enforceability of restrictive covenants
- Interpretation of restrictive covenants
- When to advise and when to insure
- Enforceability of positive covenants
- Unadopted roads and their maintenance
- Flying freeholds

Competencies: B Technical Legal Knowledge

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

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



Introduction to Wills and Probate and Connection with Family Law

with Safda Mahmood

on Friday 12th April, 10am - 4pm (lunch included)

This course will equip you with the essentials in terms of principles of wills and probate, and particularly as to how it links into other areas of law, particularly family law. It will be of benefit to those delegates who seek to get an understanding of this area of law.

The areas to be covered are:

- Requirements for a Valid Will
- Capacity and Formalities
- Witnesses and Types of Gift
- Making Changes to Wills
- Revising and Revoking Wills
- Clauses to assist Children
- Family Provision Claims
- Divorce, Dissolution and Wills
- Intestacy and Contentious Probate
- Introduction to Probate and Administration
- Grants and Carrying out Probate



Level: Introduction/ Intermediate Competencies: B & C

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Winning hearts and minds

Robert White, who was recently appointed Chief Executive of Brabners LLP, talks to Liverpool Law about his career and the firms plans for future growth...

Brabners LLP has recently announced an increase in fee income to £33.1 million and an 11% increase in profit. These results reflect the beginning of a new strategic plan following on from the appointment of Nik White as the firm's Managing Partner and Robert White as Chief Executive.

Robert White has over 20 years' experience in executive management, operational and financial roles. Robert joined Brabners in 2017 as a member of the management board, having previously led Barcrest Group, a gaming technology business with offices around the world, including in the Netherlands, Spain, Italy, Czech Republic and the USA, as well as a development office in Beijing. Robert was also COO at Exertis, a technology distribution business and part of DCC plc.

Robert, who trained as a chartered accountant with EY and has worked in a number of industries, says that there has been a common theme to all of his roles and that has been delivering strategic change. He adds, "It is clear that change is happening in the legal profession and I was attracted by the opportunity available to really make a difference. In my experience, so far, when dealing with change, the legal profession is no different to any other sector I have been exposed to. The real challenge is to win the hearts and minds of the people. It's very much a cultural change programme, and our challenge is ensure that that change is led by and embraced by everyone in the firm."

One aspect of the legal profession, which Robert finds different to other sectors he has worked in, is that the law is entirely a "people business" where legal advice is given from one person to another, there is not a tangible product. Robert adds, "Our strategy is very much about changing mindset, not a product or service."

One aspect of Brabner's three-year strategy is to focus on building the profile of its Manchester office and the firm has embarked on a recruitment exercise across all sectors of the business. Robert says, "The first part of our strategy was very much focused on unlocking the potential already in the firm. The second part is to invest in those areas that will drive sustainable future growth. Amongst other things this involves recruiting new talent, to complement the talent we already have in the firm."

The firm is also planning to undertake a campaign-led marketing approach which Robert says is about putting Brabners at the forefront of clients' minds, investing in those client relationships and in technology to ensure we deliver a first-class service.

Robert works between the firm's three offices in Manchester, Liverpool and Preston. He says, "The North West is a great place to do business. It is well connected and there are large pools of new-talent, not only in the legal market, but also in technology and other growth sectors, like life-science"

Robert places great importance on achieving the correct balance between work and home life. He adds, "Our people are our greatest asset and before I arrived at Brabners the firm already had well established policies in terms of staff care. Through our new three-year strategy we have taken this a step further and have formed "The Together Action Group" which supports our objective to promote equality, diversity and inclusivity in all that we do, including providing support to staff with mental health issues and adopting an inclusive approach to gender and diversity."

He concludes, "My main objective is to maintain the momentum of



the strategy we have achieved so far, helping us to retain and attract the best legal talent, ensure excellence in the delivery of legal services and satisfying the needs of our clients."

When not working, Robert is keeping his foot on a different pedal spending most of his free time cycling and training for events, such as The Fred Whitton Challenge, and is heading to Japan later in the year for a cycling holiday.

Julia Baskerville

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Leadership and the Law

Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, Emma Carey, Managing Partner of MSB Solicitors gives an insight into her role...

Briefly describe your role as Managing Partner

Previously I was head of the firm's family department and I grew the team from 1 solicitor and 1 assistant to now more than 40.

Now, as managing partner, I am responsible for overseeing growth across the whole firm. I will work with our partners and heads of departments across all areas of the business, including finance, marketing and IT, to develop a strategy that is reasonable, achievable and ensures steady and sustained growth.

What do you like the most about your role?

Anyone who knows me knows the law is something I am passionate about, but as managing partner, I love having the opportunity to be involved with other areas of the business. I have particularly enjoyed being more involved with marketing.

Marketing is so important to any business and I am full of energy, enthusiasm and ideas where it comes to marketing MSB.

Since becoming managing partner I have set up a marketing committee at MSB, designed to get all our staff thinking about and contributing to our marketing strategy.

In 2018, to mark our 30th year in business, we worked with an agency in Liverpool to refresh the MSB brand. I saw this as a means of celebrating our journey so far and consolidating our vision for the future. All of our team were part of the process and it was truly humbling to hear the many reasons they were proud to work at MSB.

I am also passionate about nurturing the next generation of lawyers. One of my main aims as managing partner is to make careers in the law accessible to everyone, including those who may not have access to or may not be suited to the traditional, academic route.

We take around 25 work experience candidates a year and strive to break down existing barriers for certain social economic groups.

What are the biggest challenges?

The biggest challenge in my role is establishing an understanding across all areas of the law. As former head of our family department, family law is what I have always known. But in order to steer the growth and development firm-wide, I must grow to understand every area, which is no easy feat, but something I'm eager to do.

Also, I like to be inventive in the way we deliver services. I keep a close eye on new or developing areas of the law and along with our partners, identify potential growth areas. I've done this very effectively in our family department, introducing new and niche areas such as honour-based abuse, modern slavery and child abduction to the services we provide. To apply the same across the firm will I'm sure be a challenge, but a welcome one.

What aspects of your firm are you most proud of?

Without a doubt I am most proud of our people. It is a cliché, but your people really are your biggest asset and your greatest ambassadors; and I am immensely proud to have an amazing team of people around me at MSB.

We have some of the regions most respected lawyers, accredited



Emma Carey

experts and brightest legal minds. The many young people coming through the ranks promise to be similarly brilliant lawyers and we have a passionate and dedicated support team.

What is unique about MSB, though, is that all our people share our values and our vision. I have worked hard to create an environment where every individual feels supported, empowered and very much part of our future, and it in return we have a team of people who are dedicated and loyal. I couldn't ask for more than that.

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

In only the last two years we have seen our partnership grow by 40% and we now boast an equal gender split – this has been mirrored by a 40% increase in staff.

Over the last 12 months I have overseen the acquisition of three specialist law firms, debt recovery firm Matrix, social housing solicitors Knox Ellis and family law firm Cheesemans. All have been strategic and have greatly enhanced our expertise in those specific areas of the law.

Additionally, and perhaps most importantly, we have seen increased turnover year on year since 2014.

Of course fee growth and profitability will continue be my main focus as managing partner, but alongside that and just as important for me, will be continuing to developing our expertise in emerging areas of the law and my commitment to social value.

We have committed to introducing new and niche areas of the law that we recognise will be imperative to us attracting future clients, including debt recovery, employment, public law and social housing. And we will continue to promote access to justice for all. We see it as our obligation to promote social and economic justice and make it our mission to truly understand the challenges faced by the communities in which we operate in order to provide the very best services and advice for our clients.

Prince of Wales visits Albert Dock in recognition of new Royal status

I was honoured to be invited to witness His Royal Highness The Prince of Wales making an official visit to Royal Albert Dock Liverpool on February 12, 2019, in recognition of its new Royal status ahead of the 175th anniversary in 2021.

The Prince was met by Dave Roscoe, chair of the board of directors, who are custodians of the historic estate. Along with chief executive of Royal Albert Dock Liverpool Ltd, Sue Grindrod, they escorted His Royal Highness around the Dock to meet various stakeholders, local businesses and staff from some of the attractions located within the Grade I listed site, including a special tour of the International Slavery Museum. The Prince himself reopened the regenerated Dock in May 1988 with the opening of Tate Liverpool, following a full restoration after years of decline and near demolition.

Royal status was granted by Her Majesty The Queen in April 2018, recognising the importance of the Dock both for its historical and architectural significance and its place within Liverpool's past and future. Royal status forms part of a vision to assert the Dock's position as a world-class tourism and leisure destination and a protected heritage asset for future generations.

Sue Grindrod, chief executive, Royal Albert Dock Liverpool Ltd, said: "Royal status and the visit by The Prince of Wales recognises the Dock's historic role in the UK as a unique heritage asset. It also acknowledges its significance in the ongoing regeneration of Liverpool and wider city region.

"The Dock has had a long relationship with the Royal Family since its opening and during some of its landmark moments. We looked forward to welcoming His Royal Highness back after 30 years to show how far we have progressed and see first hand the changes that are being made in preparation for our 175th anniversary in 2021, when we will encourage the entire city region to celebrate with us."

During the Royal Albert Dock Liverpool visit, The Prince of Wales met some of Aberdeen Standard Investment leaseholders, a collection of independent bars and restaurants and skilled makers. These included Leather Satchel Company, The Nest, Lunyalita, What's Cooking and Peaberry Coffee House.

The Prince was shown the original plaque that marks both the opening of the Dock by Prince Albert in 1846 and the re-opening by The Prince of Wales on May 24, 1988. A new plaque was then unveiled in recognition of his visit and the Dock's new Royal status. On his tour of the Dock, the Prince met with residents, along with



representatives of the Royal Albert Dock Liverpool Charitable Foundation - which aims at providing other charities and communities unique access to the Dock for the benefit of the Liverpool City Region population. The Prince also had the opportunity to view Ugo Rondinone's Liverpool Mountain - the artist's first public artwork in the UK, brought to the Dock last autumn following a partnership between Royal Albert Dock Liverpool, Liverpool Biennial and Tate Liverpool, supported by Liverpool City Region Combined Authority.

Dr Richard Benjamin, head of the International Slavery Museum, then welcomed His Royal Highness for a tour and an introduction to the main themes and messages of the museum. As the only national museum in the world to explore transatlantic slavery and its legacies, His Royal Highness saw how the International Slavery Museum explores this history, while also addressing contemporary human rights issues.

We were delighted that the Prince stopped to speak to our group as he toured the colonnades - and even more delighted when friends alerted us that we had featured on ITV news that evening! Sadly there wasn't the opportunity to tell him all about Liverpool Law Society.....

Alison Lobb
Morecrofts LLP

For details about Royal Albert Dock Liverpool, please visit the Dock website. Join us on Twitter, Facebook and Instagram - @thealbertdock #RoyalAlbertDockLiv



Tackling Mental Health

In this edition a number of local law firms discuss the processes they have in place to help staff deal with stress and other mental health issues. There are also a number of other articles from professional organisations who can provide practical advice and information on mental wellbeing.

Weightmans

Mental Health and Diversity & Inclusion are currently amongst the top priorities being progressed by Weightmans. Pippa Marler, Diversity & Inclusion Lead says, "Mental health is very important to the firm, just as physical health is. We want to improve the mental health of our people and to eradicate the stigma associated with mental health issues."

Partner, Richard Corran is one of the firm's Diversity & Inclusion Champions, he says, "Weightmans encourages a positive work-life balance. We work hard, but have embraced agile working to ensure that our people have flexibility in their working and home lives. The legal profession is changing and I believe we are at the cutting edge of championing change for our staff."

Last year the firm embarked on a series of training days for mental health first aiders. There are now 27 mental health first aiders across the firm with further training MHFA planned. By the end of February 2019 we will have 42 across all offices. The firm is also providing a one day training course on mental health awareness for team managers.

Pippa Marler, who has undertaken the MHFA training herself says, "The course promotes the idea of personal self care for the mental health first aiders; essentially you need to be in a good place before being able to help others with their problems. It's very much a holistic approach, not just focusing on the workplace, and also promotes the importance of good nutrition which has a positive impact on everyone's mental health."

The course, delivered by MHFA England, recommends that the mental health first aiders use the acronym ALGEE to help them to help others.

- A - Approach, Assess, Assist
- L - Listening actively and without judgment
- G - Give advice and support
- E - Encourage them to seek professional help and support
- E - Encourage other supports

Weightmans also has a 24-hour "Employee Assist Programme" helpline for staff to call for confidential advice, information and support.

Sarah Dowd leads the Disability and Mental Wellbeing Strand within the D&I Steering Group. She says "The response to the mental health first aider training and the overall mental health initiatives within the firm has been incredible and everyone has really embraced this".

According to recent research discussed at the This Can Happen conference in London 2018, attended by Pippa Marler and Richard Corran 9 out of 10 people are affected by some form of mental health issues or are supporting a family member or friend.

The Liverpool office recently hosted a "Time to Talk" event, where staff could call in for a coffee, cake and a chat, and to offer suggestions on how the firm can give further support. Sarah Dowd adds "There were many excellent suggestions which we are currently analysing with a view to taking some of these ideas forward."

Richard Corran concludes, "The response to both the mental health first aiders training and the recruitment of Diversity & Inclusions Champions has been very positive. We had volunteers from across the whole spectrum of partners and staff. We now have 33 Diversity & Inclusion Champions nationwide. This is now an important aspect of the culture of the firm and one that is constantly evolving."

Morecrofts

As a firm, we provide all our staff with Medicash cover so that they can access support for many health issues which includes mental health support and counselling.

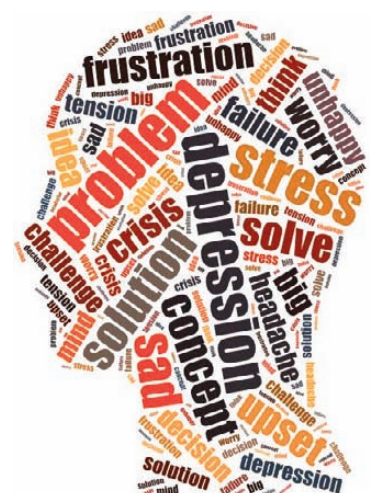
We strongly advocate Lawcare services and share their literature and reinforce their message to all staff on their induction, in our office manual and regularly throughout the year.

We are strong believers in the power of exercise, encouraging activities such as yoga, meditation and pilates which take place locally, and a group of our staff take part in yoga sessions in our City office on a Friday morning. We also share as many opportunities as possible for our staff to take part in exercise, particularly lunchtime walks and sporting activities etc. in conjunction with the Liverpool BID Company and Merseyside Sports Partnership.

We have a designated "Staff partner" outside of our Management team whom staff can go to, to talk through problems, we very much have an open door policy so that staff know they can come and talk and share their concerns and we actively encourage a mentoring atmosphere throughout the firm.

We have encountered and supported several staff with mental health issues and assist them in managing their recovery by handling their particular issues with them sensitively on an individual basis.

Alison Lobb
Morecrofts LLP





MSB Solicitors

Supporting staff through the bad times can help your business

A growing number of employers are recognising the impact mental health can have on the workplace - and law firm MSB in Liverpool is among the most progressive in the region on this issue.

MSB managing partner Emma Carey says the contribution of every member of the firm's team is valuable and therefore it makes good business sense to create a safe and welcoming working environment.

She adds it is also important to recognise that people are imperfect and we all, at some point, just as we deal with our physical health, are likely to face struggles with our mental health as we deal with the ups and downs of everyday life.

Progressive policies

Emma Carey has taken a number of strategic steps to ensure MSB supports and empowers every member of staff.

Last year, Emma engaged local charity Health@Work to deliver mental health training for all key, senior members of staff. This involved interactive workshops for managers in order that they can identify the signs of mental health problems and can deal with arising issues sensitively and practically. MSB also hold the Workplace Wellbeing Charter, which offers tools on best practice and aims to influence change and improve productivity with the workplace.

MSB have also appointed a mental health ambassador – a person within the firm entrusted with being a confidential sounding board for anybody suffering with their mental wellbeing. That person will be responsible for suggesting an action plan for that individual, which could entail flexible working, time off work or signposting to a mental health professional for further support.

MSB also operate One HR – a digital portal through which people can request time off work for doctors visits or personal appointments online, rather than needing to speak directly to senior team members, which can often be difficult. One HR also offers a tool whereby senior administrative staff can identify repeated absences or lateness, which can be a signifier of mental health problems.

The firm are also working closely with local charity Everton in the Community, who are currently operating an Ambassadors of Hope programme, which aims to eradicate the stigma around mental health by providing accessible mental health training for employers.

Valuable asset

Emma Carey says: "Anybody in charge of an organisation knows that your people are your most valuable asset. Every individual here has been employed based on what they can offer to our business. Problems with mental health do not take those things away.

"By offering our full support to anybody who does experience issues with mental wellbeing we can only benefit from their continued contribution to our business."

Broudie Jackson Canter

Jackson Lees are really proud to say that we now have 32 qualified mental health first aiders in the business. Mental health is hugely important and is something that we need to keep at the centre of conversations. As a business, our people come first and the health and wellbeing of everyone who works with us is paramount. The two day course was provided by Mental Health First Aid England and was a brilliant introduction to being able to spot the signs that somebody is in crisis and how to deal with that from a first aid perspective. This is a course that should be mandatory in every work place.

Esther Leach

Managing Director & Head of Crime and Prison Law

Carpenters

In October we took part in the national Mental Health Awareness day and launched our Mental Health Resource Hub on our intranet. Our Hub provides employees with online resources on how to look after your mental health, overcome fear and anxiety, manage and reduce stress, how to get a better night's sleep and looking after your mental health through exercise.

Our hub also provides more information regarding our Medicash policy, downloadable activities to start discussions with colleagues, and mental health quizzes and games. As part of our awareness day, Medicash visited our offices to demonstrate how to get the most out of the employee benefit, which includes therapies, face-to-face counselling and even discounted gym membership.

Mental health problems can affect anyone, any day of the year and our mental health is just like our physical health, everybody has it and we need to take care of it.

Our Medicash benefits were previously available to those who had passed their six-month probation, we have now opened this up to all employees who have worked at Carpenters Group for more than one month. We don't like the idea of excluding employees based on the length of time they have worked with us.

LawCare

LawCare is the charity that promotes and supports good mental health and wellbeing across the legal community in the UK and Ireland.

The helpline is a safe place to talk without judgement. You can call LawCare about anything – no problem is too small. LawCare also offers one-on-one peer support, and a wealth of information, resources and factsheets at

www.lawcare.org.uk

LawCare offer help and assistance to all branches of the legal profession: solicitors, barristers, barrister's clerks, judges, Chartered Legal Executives, paralegals, trade mark attorneys, patent agents, costs lawyers and their staff and families. Their support spans the legal life from student to training to practice and retirement. LawCare have a range of factsheets on their website, including addiction, stress, depression and bullying in the workplace.

Your call will be answered by trained staff and volunteers who have first-hand experience of working in the law and all calls are completely confidential.

For more information on the factsheets and how LawCare can help visit www.lawcare.org.uk or call

Helpline Support 0800 279 6888

Remploy

The Access to Work Mental Health Support Service is delivered by Remploy on behalf of Access to Work across England, Scotland and Wales. Support is available to individuals who are experiencing difficulties at work due to depression, anxiety, stress and/or other mental health conditions. The service is delivered by a team of Vocational Rehabilitation Consultants (VRCs) who are fully trained professionals with expertise in mental health and its impact in the workplace.

The support can include:

1. Workplace mental well-being support and advice for nine months, which is tailored to the needs of the individual.
2. Help for individuals to identify successful workplace and condition coping strategies that will support their success.
3. Advice to the employer on simple adjustments that could be implemented to help individuals fulfil their role.
4. A step-by-step support plan for individuals to follow, helping them to get back on track. This is reviewed fortnightly with the individuals through face to face and telephone appointments.
5. Helping employers to fully understand what support they can offer to employees with a mental health condition (with their permission).
6. Support provided in an appropriate environment, in respect of the individual's wishes.
7. All of the above are provided at no cost to the employee or employer

So far, we have supported over 12,500 people across Britain, with a 93 per cent success rate of people retaining their employment after six months.

This confidential service delivered by Remploy is funded by the Department for Work and Pensions and is available at no charge to any employees with depression, anxiety, stress or other mental health issues affecting their work.

For more information visit

<https://www.remploy.co.uk/employers/mental-health-and-wellbeing/workplace-mental-health-support-service-employers>

MIND

Mental health Information & support

When you're experiencing a mental health problem, supportive and reliable information can change your life. That's what we do. We empower people to understand their condition and the choices available to them through:

Our Infoline which offers callers confidential help for the price of a local call

Our Legal Line which provides information on mental health related law to the public, service users, family members/carers, mental health professionals and mental health advocates

Our award-winning publications and website, now certified by the Information Standard.

Local Minds

Our local Minds provide help and support directly to those who need it most. There's a network of around 130 local Minds across England and Wales that offer specialised support and care based on the needs of the communities they support.

Membership and networks

Our members are at the heart of everything we do. Join us and we'll keep you up to date with opportunities to shape our work.

We're also developing national and local support networks for anyone experiencing a mental health problem. Find us on Facebook and Twitter to keep up to date with what we're doing - and how you can take part.

Campaigning for change

We believe everyone with a mental health problem should be able to access excellent care and services. We also believe you should be treated fairly, positively and with respect.

We campaign on a range of issues that could affect anybody with a mental health problem. This includes health services; legislation; protection of legal rights, and employment. Join us to campaign for change.

Professional training

We can help bring about real change, end discrimination and promote good mental health for all through our training and consultancy. We offer a range of national and local services including workplace training to develop mentally healthy offices, applied suicide intervention skills, Mental Health First Aid and bespoke training sessions.

For more information visit
www.mind.org.uk

MENTAL HEALTH MATTERS AT WORK

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

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

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

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

Look after others

Tips for good mental health and wellbeing at work

PROMOTE A CULTURE OF ACCEPTANCE

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

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

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

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

RAISE AWARENESS

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

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

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

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

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

ENCOURAGE A BETTER WORK / LIFE BALANCE

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

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

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

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

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

PROVIDE LEARNING AND DEVELOPMENT

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

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

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

SIGNPOST TO SUPPORT

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

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

Ensure staff know about LawCare and the support available

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

Making the best of 90,000 hours

The 90,000 hours in question represent the amount of time an average person spends at work during their lifetime. That's the equivalent of 24 hours a day, 365 days a year, for 10 years and, I suspect, for many Law Bulletin readers the number may be even higher. Professionals are now expected to "put in the hours" to succeed in their careers – long, antisocial hours, missed meals and family events, 'all-nighters' and the midnight Uber home (often paid for by the firm) are commonplace. Many law firms demand this not just of their senior, very well remunerated staff, but of the juniors just starting out. This rather old fashioned, high stress and often, let's face it, 'macho' culture, prevails in many organisations. Which, given what we know about workplace stress and mental health and wellbeing, seems odd to me – a fact borne out by recent survey data.

- NHS survey data shows that one in three "sick notes" handed out by GPs are now for mental health problems
- In 2015-16, work-related stress accounted for 37% of all work-related ill health cases and 45% of all working days lost due to ill health.
- 9.9 million days were lost due to work stress, anxiety and depressionⁱ
- 300,000 people with a long-term mental health problem in the UK lose their jobs each yearⁱⁱ
- According to a Law Society Gazette report on work-related stress and anxiety, 'legal professionals' are third in the list of most stressful jobs in the UK – beaten only by welfare professionals and nurses
- In any one year over one in six workers is likely to be suffering from a mental health condition - that's equivalent to over five million workers who could be suffering from a mental health condition each yearⁱⁱⁱ

What do these sobering statistics mean for employers and employees at work? Stress at work, wellbeing and mental ill health are different issues and shouldn't be conflated. However, they are all linked and interconnected. A certain amount of pressure can be beneficial; it helps us perform and rise to the challenges that we face at work, but too much stress has a detrimental effect on our physical and mental wellbeing.

Stress is the chemical reaction caused by an external pressure when the body prepares for 'fight or flight' by producing cortisol and catecholamines which kick-start us with extra adrenalin, an increased heart rate and a readiness to do battle or take to our heels. Handy when faced with a charging wild boar or an attacking army – less so when responding to a demanding client or boss.

What can, and should, responsible employers do to improve wellbeing in the workplace?

Step one is get it on the agenda and be clear about what we mean when we talk about wellbeing and mental health. Employers often fail to see mental wellbeing as a priority, and yet ACAS estimate that mental ill health at work costs UK business £30 billion a year, but improving prevention and early intervention could save 30% or more of these costs^{iv}

Some definitions might help:

Wellbeing is defined by the Department of Health as feeling good and functioning well. It comprises each individual's experience of their life and a comparison of life circumstances with social norms and values. Wellbeing can be both subjective and objective.

Mental health is defined by WHO, as a state of mental and psychological wellbeing in which every individual realises his or her own potential, can cope with the normal stresses of life and can work productively. Mental health is determined by a range of socioeconomic, biological and environmental factors.

Mental wellbeing as defined by the charity Mind, describes one's mental



state. It is dynamic, and an individual can have relatively good mental wellbeing despite the presence of a mental illness. Characteristics include feeling confident, having positive self-esteem, being able to build and maintain relationships with others and coping with the stresses of everyday life.

Step two means employers need to walk the talk on wellbeing. In their recent research Deloitte^v suggests there is a disconnect between what employers think they are doing and the reality that staff experience. 60% of senior managers believe their organisation supports staff with mental health issues, yet with only 11% of staff having discussed a mental health problem with their line manager. When asked 86% of staff said they would think twice before offering to help a colleague whose mental health was a concern to them. There is a clear need for training to make it easier for staff and managers to discuss these issues.

Step three is to have a policy, better still a wellbeing strategy, to monitor its effectiveness and encourage staff to take their own wellbeing seriously. As employees we need to be alive to our own warning signals and take proactive steps to manage our stress.

Simple rather obvious actions can count for a lot: taking exercise, having a proper lunch break (not eating at your desk), eating more healthily, having a complete break from work at the weekends, and spending quality time with family, friends and those you care for. Sleep deprivation is a major contributor to poor wellbeing and as a nation we are sleep deprived costing us an estimate 1.86% of our GDP and causing poor health for individuals. New evidence shows those who sleep less than 6 hours a night are 13% more likely to die early than those getting 7-9 hours a night.

After all, if we are to spend 90,000 hours or more at work let's at least make these hours as enjoyable and productive as possible.

i. Work related stress, anxiety and depression statistics in Great Britain 2016, Health and Safety Executive, 2016

ii. Stevenson D & Farmer M (2017) Thriving at work. The Stevenson/Farmer review of mental health employers

iii. UK Labour Market 2016, Office for National Statistics, 2016

iv. Mental ill-health in the workplace is costing UK employers billions, Acas, 2012

v. Deloitte Centre for Health Solutions Report "At a tipping point? Workplace mental health and wellbeing" March 2017

Amanda Carpenter is CEO Achill Management, where she specialises in sustainability and organisational effectiveness, and presenter of Planet Pod the podcast for everyone who cares about the planet.



Look After Yourself

Top 10 Tips for Good Mental Health and Wellbeing



Keep Active

Find a physical activity you enjoy and make it part of your life, you will feel better and boost your self-esteem



Take a Break

Use your lunchbreak to get away from your desk. Step outside for just a few minutes, it can re-energise you



Sleep is Important

Sleeping well can improve concentration and refresh you



Eat Well

A balanced diet rich in nutrients is good for both your mental and physical health



Drink in Moderation

Stay within the recommended alcohol limits: heavy drinking affects brain function and can cause disease



Keep in Touch

Maintain good relationships with friends, family and your wider community: strong connections can help you to feel happier



Share How You Feel

Talk about your feelings, it can help you cope with problems and feel listened to



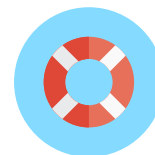
Give Back

It has been proven that giving – time or money – can make you feel valued and give you a sense of purpose



Be Mindful

Mindfulness – positive emotions and paying attention to the present – can help you enjoy life more



Ask for Help

Asking for help is a sign of strength, and can lead to the right support for you, whatever you're going through

HELPLINE SUPPORT **0800 279 6888**

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Growth accelerates at Brabners

Leading independent legal practice Brabners recorded double-digit revenue growth in the year to April 2018, with the firm generating fee income of £33.1million.

The results announcement follows a successful year in which the firm began implementing its new three-year strategy leading up to the appointment of new chief executive, Robert White, and new managing partner, Nik White.

The firm, which has offices in Liverpool, Manchester and Preston, recorded growth in all areas of its practice, Corporate and Commercial; Real Estate; Litigation; Employment; and those areas focused on providing services to private individuals.

Since then, the firm has continued to build on its success in 2018 with the appointment of a further twelve partners across its specialist sector teams and departments. Recent appointments have included Paul Firth as head of real estate and commercial litigation partner Phil Sheard and his team, who joined from Hill Dickinson.

Alongside the 13 per cent growth in fee income (from £29.2million in the year to April 2017), overall profit* grew by 11 per cent, to £10.6million (from £9.6million in the year to April 2017). Profit per equity partner also grew to £172,000 – an increase of 13 per cent on the previous year.

Robert White, chief executive of Brabners, said: "2018 was a really important and successful year for the firm where we embarked on the implementation of our new three-year strategy. That strategy is based on unlocking the true potential of the firm, from a position of real strength, and then investing in our client relationships, our people and our technology and systems to deliver long term sustainable growth, in the broadest sense. We made a great start in 2018 and have continued in that vein since then, thanks in no small part to a renewed sector-led approach and a raft of strategic additions that are helping to shape our business and our culture."

Managing partner Nik White added: "The year ahead is arguably the most important in a generation for both our clients and those seeking to drive prosperity. We are looking forward to helping businesses meet the challenges and grasp the opportunities ahead as we move to further establish our reputation for exceptional service and expertise across all our sectors and departments."

Brabners has been continuously practising law since 1815. The firm has more than 375 staff including 67 partners.



Robert White, CEO and Nik White, Managing Partner

Key Issues Effecting Easements

with Richard Snape on Friday 5th April, 9.30am - 12.45pm

Easements continue to give rise to much litigation and present many traps for the unwary conveyancer. This course aims to point out some of the pitfalls and how to avoid them.

Topics covered include:

- Specific issues in relation to rights of light, rights of way, drainage, services and cables
- Land Registry requirements
- Intensification of use
- Implied easements and transfers of part
- Rights of support
- Car parking rights
- Vehicle access problems

Competencies: B Technical Legal Knowledge

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

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

Representing the Mentally Disordered

with Anthony Edwards

on Wednesday 20th March, 1.30pm - 4.45pm

Covering:

- Sources of Law and Policy
- Defining mental disorder
- Powers and disposals
- Defences - general and special
- Fitness to plead
- Charging Decisions
- Sentencing
- Procedural issues

Competencies: A2 A4 A5 B3 B6 C1

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

MLP appoints Beaumont as first CEO

Entrepreneurial award winning regional law firm MLP Law has kick-started 2019 with the appointment of CEO Anna Beaumont, which follows the senior appointment of Stephen Chalcraft last month as Head of Real Estate and Built Environment. Anna joined the firm on 1st February to take up the newly created position and to accelerate the firm's ambitious growth plans. Anna will focus on building and growing the MLP Law brand.

Anna, who for the last four years held the CEO position at gunnercooke LLP, has a strong track record of delivering fast growth and was a winner of Corporate Leader of the Year at The English Women's Awards 2018 and is also a alumni of Insider's 42 under 42 in the North West. Anna previously specialised in corporate and private equity law, having advised on transactions across a wide range of sectors in addition to also gaining extensive in house experience at £1.2bn turnover Enterprise plc (now Amey).

Stephen Attree, current owner and Managing Director at MLP Law said: "Appointing Anna as CEO is a significant milestone in our journey. We are an ambitious firm with talented individuals and a loyal client base. This appointment shows we are serious about making our mark on the legal market in the North West. Anna's experience and knowledge of running a fast growth law firm will be a huge asset for us. We can see the sector is changing and our aim is to be at the forefront of that innovation."

The past two years have seen the firm attain strong solid growth and with Anna on board, we are excited to see what we can achieve together."

Anna Beaumont said: "Stephen is incredibly talented both as a lawyer and leader, we've known each other for a number of years and we share the same views as to how a law firm should operate. Creating the right culture, recruiting and retaining the very best talent, tailored customer service excellence and continual innovation are visions we both share. The legal profession is facing an unprecedented level of change. We are well positioned to take advantage and create a corporate and commercial boutique, which also provides for those lawyers that wish to work independently, but with the support of the already established MLP Law offering. Our vision is to create a firm where lawyers have the choice to work in a way that best suits them



Stephen Attree and Anna Beaumont

acknowledging this may change along their with professional life.

I am thrilled and honoured to be part of the MLP family and I am looking forward to helping build on the success they have already achieved".

MLP Law has been on a strong growth trajectory over the past two years having acquired fellow North West firm WH Lill in 2017. The Altrincham-based firm has other offices in Lymm, Media City and Liverpool and has recently relocated their Liverpool office to larger premises at Mann Island.

Known for their specialism in the tech, digital, healthcare and hospitality sectors, MLP reported a 39% increase in turnover in the 12 months to August 2018. Clients include Malmaison, Hotel Du Vin Holdings and Internet Fusion Group.



The Essential Guide to the SRA Accounts Rules for Finance staff

with Jo Morris

on Tuesday 2nd April, 10am - 3.30pm (lunch provided)

This course will cover the following:

- Setting the scene – a history of the accounts rules and an update of the SRA Risk Outlook and the SRA Financial Stability Programme
- The SRA Handbook and Outcomes-Focused Regulation (OFR)
- What makes accounting in law firms so different
- Double entry book keeping principles
- Why do we have a client and office account?
- Which accounting entries go into each account
- Key definitions in the SRA Account Rules
- What are disbursements and professional disbursements? How should they be billed and when and how should they be paid?
- The key rules including:
 - The principles
 - Rules 1 – 12 General Rules
 - Rules 13 – 21 Client money and the operation of the client account
 - Rules 22 – 25 interest rules
 - Rules 26 – 30 accounting systems and records
 - Rules 31 – 52 monitoring and investigations by the SRA and the Accountants Report
- Rules that are most frequently breached
- What is a non-material and material breach
- Recording and reporting of breaches to the COFA
- The new SRA Accounts Rules 2018 in more detail – what the changes may mean to you

Competencies: A & D

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



Retaliatory Eviction

with Arron Walthall

on Tuesday 19th March, 3.15pm - 4.15pm

This talk addresses two main housing issues: retaliatory evictions & setting aside warrants of possession after execution:

- Analysing the effect of the retaliatory eviction legislation and explore in what circumstances a warrant of possession can be set aside
- A general housing case law update to keep practitioners abreast of how the law is developing and being interpreted in court

Competencies: A2(d), A4(a) and A4(b)

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

How Millennials are reshaping the conveyancing sector

Adam Bullion, General Manager of Marketing, InfoTrack

There's a wave of change happening within the conveyancing sector at present. From regulatory changes and technological advancements to a new generation of home movers and conveyancers, things are looking a little different in the industry.

I recently read an article from Valerie Holmes reflecting on the conveyancing sector. One point she made really resonated, and that was the industry heading toward a skills shortage, specifically a shortage of conveyancers. We are on the cusp of a major shift for the industry attributed primarily to a new age workforce, and the habits of the clients they are servicing, but firms need to employ the right tools to appeal to a new generation of conveyancer.

By 2020, millennials will form 50% of the global workforce, and these numbers are also reflected by the modern home mover. The Financial Times reported first-time buyers made up 51% of the market in 2018, and the average first-time buyer is now 31. This very generation, synonymous with taking technology and rapid advancement in their stride, will be influential in evolving both the consumer and business sides. So, how do firms address this new era?

It begins with what millennials expect in employment. Despite the ideals Silicon Valley start-ups have made us believe, they aren't only looking for free breakfast, slides in the office and yoga retreats. As digital natives, millennials are early adopters of new technologies and implement these daily to make menial tasks more efficient. Whether



that's booking appointments with their doctor via an app or preparing for the day by asking their voice assistant for the weather forecast, they've come to expect solutions facilitated by technology. These expectations have carried into their working lives and the focus from firms must be on providing products and solutions that meet these expectations, both for their millennial employees and customers.

Particularly in a procedure heavy industry like conveyancing, great technology can mitigate many of the frustrations that arise from inefficient processes and can make the industry more attractive to a new generation of conveyancers, while retaining them for years to come. A recent report from the SRA has recognised that artificial intelligence will not replace staff in firms, but instead free up solicitors' time to focus on the more enjoyable aspects of their role; guiding people through the biggest, and often most stressful, purchase of their lives.

The enjoyment of using said technologies doesn't end with the solicitor, the benefits can also be experienced by the end user; the home mover. Providing access to complete compulsory home-moving forms via an online portal will exponentially improve the client experience. When everything else they do is accessible online, they don't want to wait to action elements of their home moving process by post. And that is just one example, there are many areas of conveyancing that can be improved by the introduction of technology, I am sure you can think of a few immediately. Millennials are already the majority of first-time buyers, and soon they will be the majority of our workforce and the next generation will be even more digitally lead. They will utilise technology to their advantage to better communicate and build relationships with their customers.

There will always be a place for human-to-human service, it's just about harnessing technology to better facilitate more time to achieve it. Providing this generation with the right tools to generate positive user and customer experiences will ensure the skill of conveyancing is not a lost art and overall align the home moving process with the digital age.



Commercial Lease Quirks

with Sarah Jameson

on Tuesday 19th March, 2pm - 3pm

Sarah will:

Analyse the decisions in *Vivienne Westwood Ltd v Conduit Street Developments Limited* [2017] EWHC 350 and *Cavendish Square Holding BV v Makdessi* [2016] UKSC 67. The cases are about side letters and penalty clauses in commercial leases. Conduit Street marks a potential move from the landlord biased precedents which will be explored.

Address the construction of penalty clauses in commercial leases and how to spot them, or avoid inadvertently drafting them into a lease.

Competencies: A2, 4 & 5 and B1-6

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

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

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Cameron v Hussain, LV and MIB [2019] UKSC 6 - Normal 'service' is resumed for untraced driver cases

Weightmans' success for MIB in the Supreme Court

The Supreme Court has handed down an important judgment which restores the normal equilibrium in road traffic compensation claims in the UK. This equilibrium has recognised that a balance is required which allows a claimant to litigate in the courts against an insurer of an identified vehicle, even if the current whereabouts of the identified driver/user cannot be located, but requires a claim to proceed outside the court process against the Motor Insurers Bureau ('MIB') where the offending driver/user of the vehicle is unidentified. This equilibrium had been disturbed by the Court of Appeal decision in the case of *Cameron v Hussain and LV* [2018] 1 WLR 657 but the Supreme Court has now restored the previously accepted structure for compensation claims.

Background

In May 2013, the claimant was injured when her vehicle collided with a Nissan Micra, the cause for the collision being the negligence of the driver of the Micra, who made off without stopping or reporting the accident to the police. The driver was not subsequently identifiable, but the claimant argued that, since the registration number of the Micra was known and it was known to have been insured by LV, the claimant should be permitted to proceed against LV as the insurer who had taken a premium for the risks involved, rather than having to pursue a claim against MIB under the Untraced Drivers' Agreement (UtDA).

The Court of Appeal allowed (by a 2 to 1 majority) the claimant to amend the proceedings so as to make a claim against "the person unknown driving vehicle registration number Y598 SPS (the Micra) who collided with vehicle registration number KG03 ZJZ on 26 May 2013." It accepted that the claimant should be allowed to proceed in this way so as to secure a judgment which the insurer would have to meet under Section 151 of the Road Traffic Act 1988. There was concern that the remedy under the UtDA might be more restricted, for example by not allowing for subrogated claims and by restricting recoverable costs to a scale.

LV appealed and MIB successfully applied to intervene in the Supreme Court to support LV's appeal. MIB was concerned that the role of the UtDA might be adversely affected and that there would be an increased risk of fraudulent claims proceeding through the courts against insurers rather than being subjected to the closer scrutiny that the non-adversarial process under the UtDA allowed for. MIB also wished to stress that the UtDA process had been subjected to and had successfully withstood considerable previous judicial scrutiny (viz in *Evans v Sec of State for Transport* ('SST') & MIB [2005] All ER 763, *Carswell v SST & MIB* [2010] EWHC 3230 and, more recently, in the judicial review proceedings brought by RoadPeace against the SST and MIB [2017] EWHC 2725). MIB also brought to the appeal not only practical experience as to how the UtDA process operated but also arguments which had not previously been raised in the Court of Appeal, particularly that service of proceedings should only be allowed on unidentified persons in exceptional circumstances such as in injunction cases to prevent widespread wrongdoing by persons unknown via the internet or otherwise.

The Supreme Court decision (the judgment being given by Lord Sumption with whom all the other Law Lords agreed) contains a careful review of the historical development of the court's ability to allow claims to proceed against persons unknown and majors on the issue MIB had raised regarding the need for service on such persons only in exceptional circumstances. Exceptional circumstances



David Holt

certainly did not exist where there was an appropriate remedy available under the UtDA.

Lord Sumption could not understand the attack on the UtDA. He said that the type of challenge made by the claimant was usually unnecessary. He added (at para 5):

"It is cheaper and quicker to claim against MIB. But for reasons which remain unclear, in spite of her counsel's attempt to explain them, (the claimant) has elected not to do that."

Lord Sumption thought that the need for service was an important component of any court process.

"It is a fundamental principle of justice that a person cannot be made subject to the jurisdiction of the court without having such notice of the proceedings as will enable him to be heard." (para. 17).

Substituted service by another method if that mode of service should only be permitted if it is "such as can reasonably be expected to bring the proceedings to the attention of the defendant" (para. 21). This could not be achieved where the identity of the driver was not known. This is to be contrasted with a case where the driver is identified but his current whereabouts are not known.

The Supreme Court accepted therefore that this was not the type of

situation where exceptional circumstances were established. There was no credible attack put forward against the UtDA as a suitable alternative process. Service was the fundamental issue and so it was unnecessary to consider the possible increased risk of fraud.

Lord Sumption also had little time for the claimant's argument that the 2009 Motor Insurance Directive (2009/103/EC) required Member States to ensure there was a direct right of action against the insurer of a vehicle (Art. 18). Such a right did not mean that it was not necessary first to establish liability in tort against the driver, with the insurer then being liable for a judgment. This therefore reverts to the primary issue as to whether a judgment can be obtained against a person unknown in these circumstances so as then to give rise to a direct right of action against the insurer. Accordingly, the EU law argument did not assist the claimant.

Conclusions and implications

The decision of the Supreme Court is to be welcomed. A number of actions had been stayed pending this judgment and these claims will now have to proceed under the UtDA rather than by way of proceedings against the relevant insurer. It remains fundamental to court proceedings that, save in exceptional circumstances (e.g. in certain injunction cases), the defendant needs to be served in a way which, at least theoretically, gives rise to a reasonable assumption that the proceedings will come to his attention by the mode of service proposed.

The rigour of the UtDA process is thereby preserved in hit and run cases where the risk of increased fraud and indeed increased legal costs by allowing such actions to proceed through the courts would have been considerable. Normal 'service' has been restored.

Announcement of Electronic Filing in the Business and Property Courts outside of London

From 25 February 2019, electronic filing via CE-File will be extended to the Business and Property Courts out of London (B&PCs). Those are the B&PCs in:

- Birmingham
- Bristol
- Cardiff
- Leeds
- Liverpool
- Manchester
- Newcastle

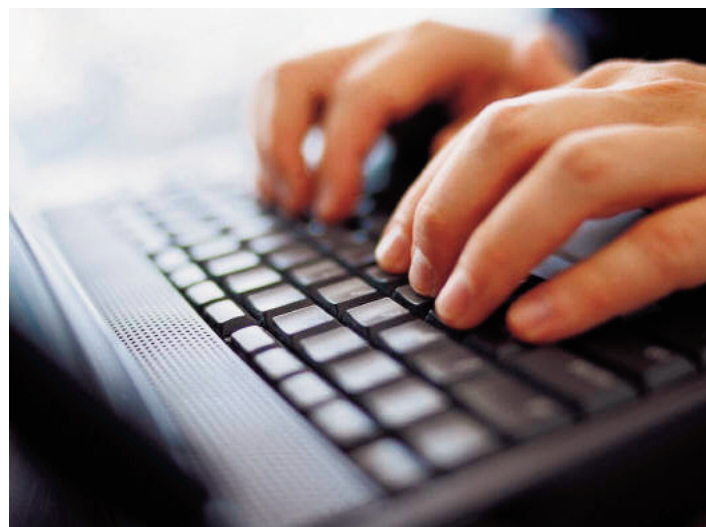
Parties will be able to use CE-File to issue and/or file documents on the Electronic Court File from that date. Parties should also be aware that over the course of January, court staff have been using electronic filing through CE-File in relation to new cases issued in the B&PCs out of London and they may be able to continue filing electronically onto the Electronic Court File for those cases.

From 30 April 2019, professional users will be required to issue all new proceedings by electronic filing through CE-File. In addition, they will also be required to electronically file any new documents or submissions through CE-Filing in relation to cases issued on CE-File by the claimant on or after 25 February 2019.

Access to electronic filing in these major courts is something that practitioners and litigants have been requesting since the launch of the B&PCs in July 2017 and the extension of the system is an important further step in their establishment. No specialist civil case is too big to be heard in any B&PCs centre and making that a reality will be greatly facilitated with the availability of CE File in centres out of London.

Many practitioners are already familiar with CE-File, having used it to issue cases in London. They will understand its advantages and efficiencies and the control it allows them to exercise over the various stages of claims. For those who have not used CE-File before, further guidance can be found on the gov.uk website (<https://www.gov.uk/guidance/ce-file-system-information-and-support-advice>) ; including on how to register as a user, the payment of fees, security and data protection, as well as the five simple steps required to use the system, and where to go for further help.

Information about sessions providing professional users with an introduction to the system will be available shortly. If you have any questions on these upcoming sessions please contact your relevant Business and Property Courts centre, or email ce-fileprojectqueries@justice.gov.uk



Are you a user of the Business and Property Court in Liverpool?

From **25th February 2019** you will be able to use the new E-Filing service for High Court cases to:

- issue and file documents,
- pay court fees, and
- review your cases online.

For more information, support, advice and to register to use the service, use the link below or scan the QR code with your mobile device.



Justice matters [gov.uk/guidance/ce-file-system-information-and-support-advice](https://www.gov.uk/guidance/ce-file-system-information-and-support-advice)

Regulation Update



Andrea Cohen
Weightmans LLP

The latest regulation news from Andrea Cohen of Weightmans LLP

Since last month's, it has been an extremely busy time in relation to compliance and regulatory issues, with publications, announcements, decisions and changes from regulators, and issues we have helped our clients with.

SRA Enforcement Strategy

The SRA has published its long awaited enforcement strategy, which, whilst applying to the current Handbook, has been written to accompany the new Standards and Regulations (which, at the date of writing, still has no date for implementation). The aim of the updated strategy is to provide both the public and the profession with greater clarity regarding how the regulator will decide whether to become involved in a case, and what factors will be considered in deciding the seriousness of any misconduct and what action will be taken. SRA Standards and Regulations

On the same day, the SRA published the Standards and Regulations, to enable firms and solicitors to start preparing for their introduction, as there will be no grace period to allow you to transition from the present Handbook to the new regulations, but you should note that a number are still awaiting approval from the LSB, including some paragraphs in the codes of conduct, authorisation of individuals regulations, Compensation Fund and Indemnity Insurance rules.

If you have not yet taken advantage of our fixed-fee compliance health check, which will review your compliance against key aspects of the current SRA Handbook (if you are compliant now, there will be less you will need to do to be compliant under the new

Standards and Regulations), recommend gaps that need filling and provide tips on how best to prepare for the changes ahead, please get in touch for more details. We will also be providing face-to-face and on-line training. SRA website sweep

One of the topic guides accompanying the new enforcement strategy relates to failure to comply with the SRA Transparency Rules, which have been in force since 6 December 2018. The SRA are concerned that firms are not yet complying with them and announced that it will randomly look at the websites of about five hundred firms in order to check they are meeting the new requirements. Firms that are found to have taken no steps to comply, deliberately refused to comply, or deliberately provided vague, misleading or meaningless information, will be in line for more serious sanctions, such as a rebuke or a fine.

If the work that your firm undertakes falls within the categories covered by the rules and you have not yet updated your website to include the relevant information, now is the time to do it! Please get in touch if you need any assistance. Conveyancing

In the conveyancing arena, there have been a number of publications, and forthcoming changes:

CQS Core Practice Management Standards

The Law Society has published the new Core Practice Management Standards (CPMS), which will take effect for all CQS practices on 1 May 2019. By that date, CQS

members must familiarise themselves with the three core values of CQS, together with the new CPMS, and make any necessary changes to policies, procedures and practices. Included within the CPMS is a requirement for a SDLT policy; specific reference to CQS training within a training policy; procedure for reporting matters to lenders, and a procedure for ensuring the SRA's price and service transparency requirements are met. In addition, the CPMS says that firms must have an information management and security policy, 'which should be accredited against Cyber Essentials', but it then goes on to say in the general notes that 'whilst Cyber Essentials is recommended, it is not a mandatory element of CQS'. The Law Society has said that it will be publishing an updated version of the CQS Toolkit in spring, which may clarify this apparent anomaly.

Law Society Practice Note on Mortgage fraud

The Law Society has published an updated practice note on mortgage fraud. Due to the legal and regulatory framework surrounding fraud and money laundering in the UK, solicitors can find themselves criminally liable even where they are unaware of such a fraud or did not actively participate. The practice note highlights the warning signs of mortgage fraud and outlines how firms can protect themselves from being used to commit mortgage fraud.

Law Society Code for Completion by post

The Law Society published the latest version of the Code for Completion by post, amended in response to the implications

following the Court of Appeal ruling in *Dreamvar*. The Code will come into force on 1 May 2019 and has been published now to allow firms time to implement any required changes.

CQS members must use the Code in all conveyancing transactions but it is voluntary for non-CQS solicitors. If the Code is to be used, both buyer and seller's solicitors must agree to use it. If they have agreed to use the Law Society Conveyancing Protocol, adoption of the Code is automatically implied.

Stamp Duty Land Tax time limit reduced

The time limit to file a return and pay the SDLT tax due reduced from 30 days to 14 days from 1 March 2019, so client buyers will need to be advised, and processes and procedures updated. Over the years, we've seen a number of complaints and claims arising from missed/late payments, so ensure you have appropriate steps in place.

Conveyancing Association Cyberfraud and Fraud Protocol

The Conveyancing Association published a revised version of its Cyberfraud and Fraud Protocol, providing members with practical information on how criminals operate in key areas and measures that can be taken to avoid being victims of fraud and cyber crime, including client identity; change of bank details; cyber insurance and actions when funds have been fraudulently redirected.

New regulator for Claims Management Companies

As you may be aware, from 1 April the FCA will become the regulator of CMCs, and it has said there will be a significant shift in the kind of regulation firms will face in the future.

CMCs must register for temporary permission by 31 March 2019 if they want to continue trading after 1 April 2019, and there will be no automatic transfer to the FCA from the CMR. The FCA will not be assessing firms at the point of registration for their suitability to carry out regulated activities. In some cases, the FCA may set parameters around which regulated activities a firm is able to undertake whilst operating under temporary permission, and, once granted, firms must comply with FCA standards or risk facing action from the regulator. An application will have to be made for full authorisation and firms that fail to make the application within the correct period will have to stop claims management activity. We may well see a number of changes in the market over the next few months, and firms having to make changes to comply with the FCA standards. If we can assist, please get in touch.

Recent disciplinary decisions

One SDT decision that has received much attention and discussion was that concerning whistle blower Emily Scott, former paralegal and then trainee at De Vita Platt, prior to leaving the firm in November 2014, 2 months after qualification, when she notified the SRA of the misconduct of the firm. An investigation uncovered false bills, misappropriated client funds and the misleading of the regulator. Two partners were struck off by the SDT, finding that they had acted dishonestly and Emily Scott was also struck off. She admitted she had raised bills for work not carried out, and failed to initially report the misconduct, but told the tribunal that she had acted 'under duress and under the instruction of [Platt] and not through choice' as she feared that she would lose her job. The tribunal expressed 'considerable sympathy' towards her, but cited the High Court's judgment in *James* and said that 'The fact that [Scott] was under pressure and working in a horrendous environment could not excuse [her] dishonesty.'

The case has produced considerable comment, particularly on the Gazette website, about the position of whistle blowers and concerns that such decisions will deter people, and particularly

more junior employees, coming forward for fear of losing their livelihood and potential for obtaining future work within the profession.

In a SRA regulatory settlement agreement, an experienced paralegal who was employed for 15 years by SAS Daniels, Stockport, has been banned from working for law firms without the permission of the SRA, having lied to both a barrister and legal expenses insurer "on instruction from her supervising solicitor". She admitted that her conduct was dishonest, but stated that "as soon as she realised her mistake", she reported the matter to the firm's senior partner. The client settled his claim for £16,000 in compensation and costs. The paralegal was instructed to send an email to the barrister, who was operating under a CFA, saying the matter was no longer going ahead, and an email to the legal expenses insurer saying the other side was not prepared to put forward any offers of settlement, the case had a less than 50% prospects of success and had been discontinued. This would allow the client to claim on the policy but the insurer refused to pay on grounds that the claim had failed due to the client having exaggerated his injuries and it demanded payment of the premium. The premium was not paid and the file was closed. Only when the supervising solicitor was suspended for concerns about the handling of several matters did the paralegal approach the senior partner to discuss her concerns, and the firm paid counsel's fees and the legal expenses premium.

The High Court upheld a SDT decision barring Anthony Gale, former partner at Maurice Smiths Solicitors, from acting as a compliance officer and sole practitioner over the way he dealt with five conveyancing transactions. The tribunal said he had been 'sloppy, lazy and careless' and found that he had acted on the direction of a third party without obtaining or confirming his client's instructions, his actions amounted to gross neglect and carelessness, a breach of his duty to protect his clients etc., and he also acted without conducting due diligence on his clients or the transaction funds. Mr Gale appealed the restrictions on his practising certificate, but not the £10,000 fine, on the basis that the restrictions were disproportionate and unnecessary, the risk of loss was minimal and he was no future risk to the profession and had, until then, a long unblemished career. It was not accepted the misconduct was merely a result of failure of record keeping, but his failings were 'more fundamental'.

Our clients ask us to advise on a number of interesting areas. This month, we have been involved in:

Recognising a DSAR which was 'hidden' within a lengthy email and missed by a number of fee earners

Advising a law firm on branding and obligations to clients in relation to their acquisition of an unregulated separate business.

Advising a personal injury law firm on a compliant process for the purchase of files from an insolvent law firm in light of the Munir Majid SDT decision.

2019 Commercial Property Conference

Tuesday 30th April 2019 9.30am - 3.45pm

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

Chaired by
Angela Hesketh

RPI rent reviews – deceptively simple?
Bill Chandler

Property Taxes Update
Peter Graham

Application of MEES (Minimum Energy Efficiency Standards) to commercial property and the interaction with EPCs
Sue Highmore

Break Clauses and Getting them Right
Jac Armstrong

VAT Update
Jenni Christy

IFRS16: Leases – more than just an accounting change
Usha Sharma & Jennifer Woods

Land Registry Update
Jamie Winch

Overage - securing a share in the profits?
Philip Byrne

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Liverpool Law Society



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2019 Compliance Conference

Wednesday 22nd May, 9.30am - 4pm (lunch included)

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

Chair ~ Mickaela Fox

with sessions:

Regulatory cases Focusing on Solicitors Workplace Stress?
Mickaela Fox

New Standards and Regulations
Chris Hanford, Director of Regulatory Policy, SRA

GDPR and Data Protection for Law Firms
Lisa Hunter, Head of Legal Services (Policy & Commercial) &
Megan Duncan, Senior Policy Officer, 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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Training Room



Liverpool Law Society
Meeting Room



Both Rooms



Venue Hire

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

At Liverpool Law Society we can offer:

Professional working environment
Refreshments

Lunch ordering service
Audio Visual equipment

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




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

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

2019 Private Client Conference

Tuesday 14th May 2019 9.30am - 4pm

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

9.10 – 9.30	Registration	2.15 – 2.45	Business property relief for IHT ~ Michael Sherry
9.30 – 9.35	Chair opens ~ Susan Sherry	The basics: A <i>business</i> or interest therein or shares in a company/group. Being not wholly or mainly <i>investment</i> or <i>share</i> or <i>land dealing</i>	
9.35 – 10.35	Capital Tax Update ~ Chris Whitehouse <ul style="list-style-type: none">• Possible changes to IHT arising from the OTS reports• Recent cases such as Hood• Planning opportunities	<ul style="list-style-type: none">• What is a business?• What is wholly or mainly not investment – the cases considered• What is an excluded asset and what is an investment asset of the business?• How replacement relief works• How reorganisations etc work• Why every client should have a company• Groups/holding companies/excluded subsidiaries	
10.35 – 11.15	10 year periodic charges – pitfalls/how to avoid/planning ~ Mark Feeny <ul style="list-style-type: none">• 10 yearly charges• Residence Nil Rate Band• Charitable gifting in the context of the 10% reduction in IHT• Examples	2.45 – 3.15	Pension Death benefits & POA – practicalities ~ Mike Hunter, Rathbones <ul style="list-style-type: none">• The types of schemes and the different ways the benefits can be provided• Spousal bypass trusts - are they still relevant?• Designated pensions and the importance of taking action within two years• POA - does it allow for continued Discretionary Investment Management ?
11.15 – 11.30	Refreshments	3.15 – 3.45	Will drafting for digital assets ~ Leigh Sagar <ul style="list-style-type: none">• Interviewing the client• Identifying digital property rights and interests• Preparing the Inventory• Preparing the Will
11.30 – 12.30	Post Death Rearrangements ~ Chris Whitehouse <ul style="list-style-type: none">• Deeds of variation• s144 discretionary trusts• 1975 Act claims	3.45 – 4.00	Summary & Close ~ Susan Sherry
12.30 – 1.15	Lunch		
1.15 – 2.15	Capacity issues for Private Client Practitioners ~ Professor Lesley King		
This session will consider capacity issues in relation to wills and lifetime gifts together with the linked questions of knowledge and approval and undue influence. In particular it will look at:			
<ul style="list-style-type: none">• What are the appropriate tests of capacity?<ul style="list-style-type: none">◦ Statutory or case law?◦ Does the threshold vary according to the nature of the complexity?◦ Does the client have to appreciate the consequences of their action?• What about the 'Golden Rule'?<ul style="list-style-type: none">◦ Does it still exist?• What should you do if you are doubtful as to capacity?• What is the difference between capacity and knowledge and approval?• What is undue influence?<ul style="list-style-type: none">◦ Where is the borderline between persuasion and coercion?◦ Is there a presumption of undue influence?			
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Rathbones
Look forward

Charity and CSR Matters



Hi everyone,

Some great things going on around the city this month for you to enjoy. Thank you to everyone who has sent your stories in- keep them coming!

The weather seems to be on the up and so I hope you have lots of events in the pipeline. The weather played a part in the decision to change the date for the Liverpool Legal Walk, which is now taking place on Tuesday 11 June 2019. I hope to see as many of you there as possible. I took part in the walk on my own last year and it was a great chance to speak to people outside of my own firm, in particular to the amazing people that run the law centres around the city and the Universities that run law clinics. These organisations assist people who have no other recourse to legal advice and it is vital we do all we can, no matter how insignificant it seems, to keep the funds available for them to stay open and running.

At the time of publishing I will be back at Weightmans following my maternity leave. If anyone would like to meet up or arrange a chat about any ideas you may have for future events feel free to get in touch with me via the editor email address or Jennifer.powell@weightmans.com and I will help you as best I can.

Happy reading.

**Jennifer Powell
Solicitor
Weightmans**

Last month staff at **Kirwans** ditched the office attire and donned bright orange jumpers in support of their office charity, Maggie's Centre.

Maggie's provides free practical, emotional and social support to people with cancer and their family and friends, following the ideas about cancer care originally laid out by founder Maggie Keswick Jencks.

Built in the grounds of NHS cancer hospitals, Maggie's Centres are places with professional staff on hand to offer the support people need.

Our Centres are places to find practical advice where qualified experts provide emotional support; places to meet other people; places where you can simply sit quietly with a cup of tea.



Through their committed work within our community, Maggie's Centre has made a significant contribution in providing ongoing support to those who have been affected by cancer.



Norman Jones of Percy Hughes and Roberts has completed his fundraising following his participation in the Hoylake 10K race on 16 September 2018. Norman started the race in light drizzle before running into a strong head wind on the home ward 5K. He kept his head down and was able to complete the race in 1 hour 13 minutes and 49 seconds- proving to be his fastest race last year! The winner ran it in under 34 minutes!!!

Norman was able to raise over £3000 from the run. This will be close to £4000 adding in gift aid.

This will go towards £12000 which the Rotary Club of Birkenhead are raising towards a mini bus for Shaftsbury Youth Club in Birkenhead.

Well done Norman!







Relationship Management



Update from the North Team

Spotlight on Katrina Robinson Chair of the Law Society LGBT+ Lawyers Division Committee

This month we are profiling Katrina Robinson, the Chair of the Law Society's LGBT+ Lawyers Division Committee. Katrina has been Chair of the Committee since August 2017 and has achieved a lot. The Division's numbers have skyrocketed in recent months and the whole Committee's incredibly hard work is making its mark on the profession.

Following LGBT+ History Month this February, I asked her to reflect on its success in raising awareness of the issues, what her aspirations for the division were, and what more, she thinks The Law Society could do to engage with LGBT+ lawyers.

Do you think the legal profession engages with History Month as much as they should?

Larger firms and Government legal teams really do engage very well. Smaller and mid-size practices could become more engaged with their local LGBT+ or Pride groups. The support of local diversity groups will undoubtedly promote the firm and profits of course.

What do you think worked best in firms during the LGBT+ History month?

She told me that networking with LGBT+ solicitors from local firms and in-house teams and raising money for a local or national LGBT+ charity by enlisting colleagues to do something fun and interesting!

Do you feel like being out has affected how people behave towards you at work?

Yes, they see me as more approachable and many identify with the discrimination I have faced in the past (because of their own protected characteristics). More importantly, because I can bring my whole self to work I am happier and more productive and that is recognised by senior colleagues.

How do you feel about your experience of working with the LGBT+ Lawyers Division?

Absolutely fantastic! The Committee are so passionate about our objectives and we work very well with the other diversity committees as well. Those who discriminate rarely restrict their actions to just one group of people, so working together is very beneficial for us all.

What aspirations do you have for the division?

To continue to assist LGBT+ lawyers at every step of their career as well as giving advice to firms and in-house teams about supporting their LGBT+ colleagues. We also want to continue to increase our membership and hold events across England and Wales.

Do you feel like the LGBT+ community is well represented in the legal profession?

I believe we are in larger cities in England and Wales and in larger firms. Although, there is still a noticeable absence of LGBT+ lawyers in more senior Head of and Partner roles and this is true also for all



Katrina Robinson

diverse communities. I believe this is often because of unconscious bias and so we still have much work to do.

Have you seen any significant change in the world's perception of LGBT+ people over recent years?

I absolutely have and it's marvellous! For example, I never would have dreamed that equal marriage would be possible in England, Ireland and America etc. There is also much more recognition of trans rights as well although still lagging behind other equality improvements. I am saddened by the fact that the death penalty still exists in so many countries for our community so we cannot rest on our laurels.

Do you feel like the legal profession is progressive? If not, what would you realistically like to see change?

Yes in many areas, but not in recruitment. The Law Society have great Social Ambassadors and I would like more firms to actively recruit from students who have not attended traditional universities. There is a great deal of untapped talent waiting for a chance to shine.

There will be a Diversity and Inclusion Forum in Newcastle on 4 June which will focus on LGBT+ issues. Please contact one of the north team if you are interested in attending.

Book your table!

Liverpool Law Society

LEGAL AWARDS 2019



Bookings are now being taken for the Awards ceremony taking place on the evening of **Friday, 17th May 2019** at The Rum Warehouse, Stanley Dock, Liverpool.

It promises to be a fabulous evening celebrating the region's legal talent and success amongst the legal and business community.

6.45pm Drinks Reception

7.30pm Welcome

Three course meal and 4 bottles of wine per table of 10

Awards Ceremony hosted by **Roger Johnson**, BBC North West Tonight

Music and dancing

Tables of 10 are priced at £850 +vat (£1020 inc vat)

Individual places can be booked at £85+vat per person (£102 inc vat)

Carriages: **12.00am**

Dress code: **Black Tie**

The shortlist will be announced at the end of March 2019.

Book online via www.liverpoollawsociety.org.uk/events
or for information contact socialevents@liverpoollawsociety.org.uk

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

Liverpool BID Company

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

Liverpool BID Company recently announced a series of events throughout 2019 that will throw the spotlight on some of the city's most loved streets showcasing Liverpool at its best.

Following the success of last year, Celebrating Castle Street returns for a second year on Friday, May 31, bringing a day-long celebration to the heart of the Commercial District. Some of the city's best restaurants, cafés and bars will come out onto the pavements to showcase the impressive and growing food offering of Castle Street. Liverpool Gin Distillery, The Alchemist, Gino D'Acampo My Restaurant and Rox all participated last year! Also back by popular demand is Celebrating Bold Street on Sunday, July 7 - a huge street party on this much loved thoroughfare which in the past has included a farmers' market, art and crafts stalls, street entertainment and long-established restaurants such as Mowgli, Maray and LEAF hitting the streets to serve up an array of tasty delights for visitors.

Both events form part of the BID's destination marketing strategy - creating quality, public events that profile key areas and businesses within the BID to drive an increase in footfall, sales and repeat visits. As part of this strategy, the BID works very closely with partners across the city region such as Marketing Liverpool, with whom the BID is developing the way Liverpool and the distinctive destinations within the BID are promoted locally, nationally and internationally, attracting visitors and inward investment as a direct result.

At the heart of this and everything we do is the ongoing success of our levy payers. They love our 'Celebrating' events and the sense of community they create between themselves and the public. Importantly, they also see the value they bring in attracting first-time and regular customers into their venues. I for one am very much looking forward to both events!

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



Liverpool BID Company

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

The aim of Liverpool BID Company is to:

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

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

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

Contact

0151 703 2399
info@liverpoolbidcompany.com
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HS2: Valuations and Compensations going off the Rails?

HS2 Ltd has come under stinging criticism for undervaluing property scheduled for demolition as well as delaying compensation payments.

As the project gets underway, these issues underline the uncertainties and financial risks that lie ahead in its path. It sustains the misery for affected residents and sends a clear signal to potential homebuyers looking in areas close to where the line is planned.

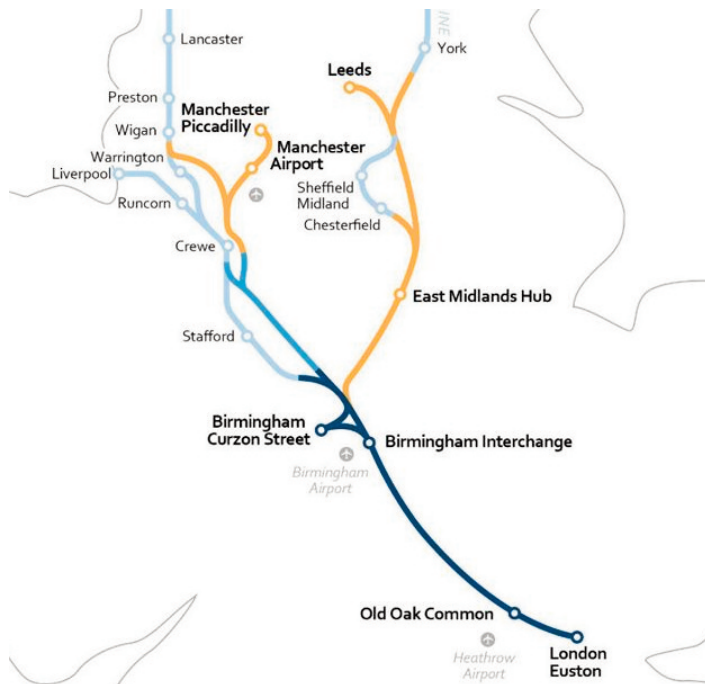
It has emerged that HS2 Ltd, the company responsible for delivering the two main phases of the High Speed 2 rail line to Birmingham, Manchester and Leeds, may have underestimated the value of property scheduled for demolition by "hundreds of millions of pounds"

Amid claims that HS2 Ltd may have misled MPs, which are denied by the firm, it calls into scrutiny whether the final bill for the project really will be the £56Bn promised across the two phases.

The revelations have come after former senior HS2 executives agreed that they had property valuation estimates that were substantially higher than admitted to MPs at the time the budget was put together.

The company is involved in the biggest land and property acquisition programme since World War Two, buying a total of 70 sq km of land.

Residents whose properties are in the path of the line have complained of low valuations and delays in compensation after finding out their homes and premises were needed by HS2.



HS2 route map showing phase 1 (dark blue) due for completion by 2026, with phase 2 in orange by 2033.

Restored Elizabethan Splendour to be Demolished

Ron Ryall lives in a Grade II Elizabethan house on Dews Lane, Harefield, near West Ruislip, some 9 miles from the start of the line at Euston. HS2 Ltd have informed Ryall that part of the rail link they're building is going to run right through the centre of his living room – specifically, one leg of a viaduct across the picturesque Colne Valley.

Built between 1575 and 1600, Queen Elizabeth I visited it for a few weeks in 1602 towards the end of her life. It has been in his family for nearly a hundred years, but Ron has to be out by next summer, with no idea of where to go.

He recently restored the property - the irony of which has been that because of its protected status, required meticulous planning approvals for every detail over 10 years. Now, in one stroke, he has received an order that it will be bulldozed.

HS2 Ltd first wrote to Ryall in 2013 to tell him the rail link would affect his home, but it is clear that the company offered him far less than the property is worth



Ron Ryall outside his Elizabethan home in Buckinghamshire picture courtesy of Graeme Robertson for the Guardian

on the open market, especially given the investment made in it.

The company is still working to settle this and hundreds of other cases along the route, which are already years in duration.

Compensation Delays

So far, only half of land and property owners have received the compensation payments they should have had from HS2 Ltd, according to The National Audit Office (NAO), who investigated the company following concerns raised about the purchase of land and property to support the delivery of the project.

Under the rules, HS2 Ltd must compensate claimants under a compulsory purchase order with 90% of HS2 Ltd's valuation of the property within three months of the claim being issued.

Even if you are one of the lucky ones escaping compulsory purchase and demolition, there are thousands more residents that will be affected by noise when the service goes live.

Homeowners living near the route are entitled to payments of up to £22,500 to compensate for increased noise.

Those living near tunnelled sections of the route in London will not be eligible for compensation, but the maximum payment of £22,500 will be made to those living between 120-metres and 180-metres from the centre of the track. For homes between 180m and 240m away, the payment will be £15,000, while for those living from 240m to 300m away it will drop to £7,500.

To qualify, your house or 25 per cent of the total area of the property, including the garden, must be within the designated distances.

Hidden Extra Costs – Tread Carefully

These payments of course refer to noise from passing trains when the line opens. It says nothing about the years of construction traffic moving back and forth, the dust and vibrations from the excavation and removal of material. These impacts could be felt across a far wider area, depending on where the designated access points are for construction vehicles and sites for plant storage and workers accommodation – much of this has yet to be finalised.

And for those properties being tunnelled under in the Capital, the line's predecessor High Speed 1 had some very high-profile subsidence collapses from tunnel boring in the East End, so these risks cannot be ruled out.

Therefore, potential homebuyers need to think carefully about how far the influence of HS2 could affect them both above and below ground. It may lead to ten to fifteen years of ongoing uncertainty on how their daily lives and financial investment could be affected.

Future Climate Info automatically provide the latest, comprehensive information on the HS2 route and related impacts in its Premium Environmental report, as well as a standalone Energy and Infrastructure Report, which also adds potential planning issues related to wind farms and other transport schemes.

Call us on 01732 755 180 or email us at info@futureclimateinfo.com for more information to make sure your clients stay in the picture to keep the transaction on track.

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Report Details

Address:
5, Some Street, Some Town,
Some County, TEST

Grid Reference:
E: 428818 | N: 423719

Report Reference:
CombinedTest3

Requested by:
slim jim (test)

Date:
05/09/2018

Report ID:
1000105535

Subject Site

Professional Opinion

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

Air Quality Index: Some Polluted Areas (See 1.25)

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

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

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

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

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

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FCI Risk Tools

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CON29M	Environmental	Ground Stability⁽²⁾	Energy+Infrastructure⁽²⁾	Flooding⁽²⁾
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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



Moving towards Access to Justice for all

The Liverpool Legal Walk – SAVE THE DATE

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

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

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

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



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

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

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

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



Charity Spotlight

The North West Legal Support Trust

The North West Legal Support Trust (NWLST) is a grant-making charity, which raises and distributes funds to support free legal advice services and access to justice for all in the North West of England. Working with the Access to Justice Foundation, the NWLST facilitates access to specialist legal advice for the poorest and most vulnerable people in our community. The organisations supported by the Liverpool Legal Walk make a huge difference to families facing homelessness, older people requiring community care, trafficked women and children, people with disabilities, those with mental health problems and many more.

Many local charities such as the Vauxhall Community Law & Information Centre have benefited hugely from the funds raised from the Liverpool Legal Walk.

Alan Kelly, Development Officer from Vauxhall Community Law says:

'Vauxhall Community Law & Information Centre suffered a major loss of funding in recent years with funding from the Local Authority and Legal Aid dropping from 100% to 0% over a short period of time. The North West Legal Support Trust (NWLST) was there to provide financial support to us to enable us to get through these very difficult times and to continue providing a free legal advice service in the heart of the community in North Liverpool.'

The recent cuts to civil legal aid have drastically affected the legal profession and public services. The additional cuts to local government funding of advice services means many charities are fighting to survive. Some organisations have merged, meaning already tight resources are stretched even further. More and more frequently, these organisations cease to provide services altogether.



Vulnerable people like Mr. G have suffered the most as a result of reduced advice services.

Mr G was the father of a terminally ill teenage boy. He had been refused respite care from the local authority and so was making himself ill trying to continue to work and care for his son during his final months. He sought specialist community care representation and his solicitor secured a package of respite care which enabled him to be with his son as much as possible until he passed away.

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

The NWLST also organise the Great Legal Bake, which was held in February and the Great Legal Quiz, which is held during National Pro Bono week.

To find out more about the work of the Trust or to register your team please visit the NWLST website at <http://www.nwlst.org.uk/liverpool-legal-walk>.

You can find the event on Facebook (<http://tinyurl.com/NWLSTFB>) or follow the walk on Twitter @NWLST or by using the hashtags #liverpool #legalwalk..



****NEW** Innovation in Law Firms**

on Wednesday 27th March, 9.30am - 1.30pm

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

Chair welcome & introduction

Michelle Helsby, Head of Business Partnerships, Liverpool City Region Business Post

Innovate - big "I" and little "i"

Stuart Whittle, Business Services and Innovation Director, Weightmans LLP

Placemaking

Sue Grindrod, Chief Executive, Royal Albert Dock

The law firm of tomorrow has been shaped by customers; all change!

Karl Chapman, Legal Operations & Technology, Riverview EY

To Innovate or Not

Darryl Cooke, Partner, Gunner Cooke

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

Sponsored by:



Employment Law Update

with Professor Dominic Regan

on Friday 29th March, 1.30 - 4.30pm

The abolition of fees has seen a resurgence in employment claims. This talk will look at the significant developments over the last year including:

- Status after PIMLICO PLUMBERS
- Gig economy decisions
- When is someone dismissed?
- The nasty unfair dismissal jurisdiction trap
- Constructive dismissal
- Sandwell in the Supreme Court



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

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

Ultimate Contract Law Update

with Helen Swaffield

on Friday 22nd March, 10am - 4pm

This is the essential round up of latest cases for both those who draft and litigate contracts.
New cases discussed and the practical implications for drafting and litigating the clauses.

Covering:

- Formation of a contract
- Construction and interpretation of contracts
- Implied terms
- Price and other commercial terms
- Indemnities after the GDPR
- 'Subject to contract' – is it working?
- Without prejudice and privilege
- Tests and endeavours clauses
- Remoteness – direct or indirect loss
- Limitation and exclusion clauses
- Material breach
- Termination
- Boilerplates
- Notices - gone wrong

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

Elderly Client Update

with Helen Clarke

on Tuesday 26th March, 10am - 1pm

After this training session, delegates should have increased their knowledge and understanding, including potential problems and pitfalls and where appropriate practical solutions in the following areas:

- Elderly client case law including assessment of testamentary capacity, and undue influence
- Awareness of recent guidance, news and decisions from the OPG/ Court of Protection
- The Green Paper on Health and social care funding – what does it mean for clients?
- Deprivation of assets under the Care Act 2014- including recent LGO decisions
- Deferred payments under the Care Act 2014
- Care contracts terms and conditions

Competencies: A2 (a) (d) & (e) and A4 (a) & (b)

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

100 Years of Women in the Law

2019 marks the 100th anniversary of women being permitted to practise law. The Sex Disqualification (Removal) Act 1919 allowed women to become lawyers and enter into other careers from which they had previously been barred. Over the course of the year, Liverpool Law will be featuring a number of articles on women in the law.

Edith Berthen

Born in 1877 in Rockferry, Edith Berthen was one of the first 10 women to qualify as a solicitor. After studying philosophy at London University, Edith worked as a social worker and teacher, but in 1923 she qualified as a solicitor at the firm of Hill Dickinson and then joined the firm of Hector Munro in London. She returned to Liverpool and back to Hill Dickinson where she worked for a number of years before forming a partnership with Beatrice Honour Davy, creating the first only women partnership where they trained other women solicitors, including Madge Easton Anderson, the first Scottish woman solicitor.

Dame Rose Heilbron

Rose was born in Liverpool, the daughter of a hotelier, Max Heilbron. She attended Belvedere School and Liverpool University, where she gained a first class honours degree in law. She was awarded a scholarship at Gray's Inn in 1936 and was called to the Bar in 1937.

She moved to the Northern Circuit in 1940 and practised mainly criminal law. She was the first woman to lead a criminal case by defending George Kelly in the Cameo Cinema murders. She was appointed King's Counsel in 1949 at the age of just 34 and was appointed the first female Recorder in 1956. She was the first woman Leader of the Northern Circuit and was elevated to a High Court judge in 1974.

There is an extensive article on the life and career of Dame Rose Heilbron written by John Tribe of the University of Liverpool which appeared in April 2018 edition of Liverpool Law.

First Hundred Years

The First 100 Years is a ground-breaking history project, supported by the Law Society, the Bar Council and CILEX, charting the journey of women in law since 1919. The project is powered by Spark21, a charity founded to celebrate, inform and inspire future generations of women in the profession. This year the project will mark the centenary of the Sex Disqualification (Removal) Act 1919 which paved the way for women to become lawyers for the first time. The First 100 Years project was created by Dana Denis-Smith, CEO of Obelisk Support. Launching the project Dana said: "People don't know their history — who the first woman solicitor was, for instance. There is no archive like the First 100 Years to help us place ourselves in history."

www.first100years.org.uk

100 FIRST HUNDRED YEARS

SACRED YEAR OR DEAD LETTER?

Women were barred from the legal profession until as recently as 1919 but they were already studying law at university as early as the 1870s. There were numerous efforts to join the profession including the infamous *Bebb v The Law Society* case in 1913, where Gwyneth Bebb [1] argued women must be admitted to the Law Society on the basis that they were 'persons' within the meaning of the Solicitors Act 1843. However, it took the passing of the Sex Disqualification (Removal) Act 1919 to open the legal profession to women.











Managed by

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Baker McKenzie

www.first100years.org.uk
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1919-1929

1888 Letitia Walkington and Eliza Orme are among the first women law graduates, from the Royal University of Ireland and the University of London respectively.

1892 Cornelia Sorabji [2] becomes the first woman to study law at Oxford University.

1919 The Sex Disqualification (Removal) Act is passed, [3] allowing women to enter the legal profession.
One week after, Ada Summers becomes the first female magistrate in Britain.

1920 Madge Easton Anderson becomes the first woman admitted to practise as a professional lawyer in the UK.

1921 Frances Kyle and Averil Deverell become the first women to be called to the Irish Bar.

1922 Ivy Williams becomes the first woman to be called to the English Bar. She never practises as a barrister, instead becoming the first woman to teach law at an English university.
Helena Normanton [4] becomes the first woman to practise as a barrister in England.
Carrie Morrison [5], Maud Crofts, Mary Pickup and Mary Sykes are the first women to pass the Law Society examinations.

1923 Margaret Kidd becomes the first female member of the Faculty of Advocates, and remains the only female advocate in Scotland for 25 years.

1929 Venetia Stephenson becomes the first woman to act as leading counsel for the defence in a murder trial.



News from the MJLD

JLD Forum for LPC Students

The MJLD co-hosted the national JLD Forum for LPC Students on 9 February 2019 at LJMU. This free event provided tips to aspiring lawyers looking for a training contract and showcased what Liverpool has to offer as a legal centre. Former President of the LLS Alison Lobb and current President Chris Topping spoke at the forum which was the largest the JLD have hosted outside of London. Other local law firms such as Weightmans and BLM provided speakers on topics ranging from the rise of LawTech to how to get ahead at assessment centres and interviews. Overall, the event was a great success and we'd like to thank the LLS for their support and also the national JLD for hosting it in our city.

Event Review – Wine Tasting at Veenoo

On 31 January 2019 the MJLD hosted its first event of 2019 – a classic Wine Tasting evening at Veenoo on Castle Street, Liverpool.

The evening was well attended by MJLD member old and new and guests enjoyed two white and three red wines, accompanied with Veenoo's authentic appetisers on a delicious sharing platter. The amazing food was followed by a raffle that included some very special prizes, including two tickets for the Philharmonic Orchestra, a one month yoga pass and a bottle of Prosecco. Congratulations to the winners of the raffle!

Finally, the MJLD would like to thank G2 Legal for very kindly sponsoring this amazing event!



Liverpool Legal Quiz

We're happy to again join forces with the LLS in the Liverpool Legal Quiz at Revolution, Mathew Street, on 23 March 2018! After the MJLD successfully trounced the LLS last year (we'll ignore the 3 previous years), the annual quiz is being rebranded so LLS and MJLD members can work together to find out who are the smartest lawyers in Liverpool. Think you or your firm can win that title? Then sign-up to attend March's best quiz hosted by our very own quizmaster, Mark Owen (from Hill Dickinson, not Take That). Tickets are £2 per person, with a maximum team of 5 people. Email SarahMcGuinness@msbsolicitors.co.uk for further details

Charity Update

The MJLD have been working 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 25th 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>



News from the WLD

Charity

Help for Heroes is MWLD's current charity and in aid to raising money for this wonderful charity, our committee member Kirstie Bork is doing a 15,000ft tandem skydive on 27th April 2019!

We have the charity table set up at all of our events and Kirstie has set up a justgiving page if you would like to sponsor

<https://www.justgiving.com/fundraising/kirstie-bork1>

Annual General Meeting

The Committee will be holding their Annual General Meeting on Thursday 18th April 2019. If anyone is interested in joining the Committee please get in touch with via email wldevent@gmail.com.

What's Coming Up?

In March 2019, MWLD will be hosting a Q&A on the Law Society's Report on Women in Law. This be held at the Liverpool Law Society and refreshments will be provided. A date is yet to be confirmed.

MWLD's Annual Charity Quiz will be on Friday 12th April 2019. This is always a popular event so don't forget to save the date! Full details will come shortly and we look forward to seeing you there!

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

Twitter
Facebook
Website
Email

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



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.

A footnote to last month's Merseyside Landmarks, the Chinatown Arch

After the publication of last month's Liverpool Law, Brian Wake, a consultant with Excello Law contacted me about his family's association with Chinatown...

Brian's grandfather Fong Gong, originally from Taoshan in southern China, found a job as a cabin boy and travelled initially to Mexico, but then worked his passage to Liverpool, arriving between 1900-1910. Through family connections he started working in a provisions store, Kwong Shang Lung, which was one of the earliest grocers in Liverpool to specialise in Chinese food, at 12-14 Pitt Street, with a restaurant above called Foo Nam Low, and eventually became the proprietor. The building in which these businesses were housed, the former Vine Hotel, can still be seen in a photograph on the interpretation board next to the Chinese Arch.

Fong Gong's wife was English, and was born in Sunderland and had travelled to Liverpool to care for her brother who worked in Birkenhead docks. She worked initially as a laundress but then got a job in Fong Gong's restaurant. Apparently she was a tough woman and would regularly throw rowdy or drunken (and often racist) customers out onto the street.

However, during the bombing raids on Liverpool in May 1941, the store and restaurant were destroyed and Chinatown relocated to the Nelson Street area.

The photograph alongside appeared in a feature on the May Blitz in Lancashire Life in the late 1970's, and was seen completely by chance by Brian's father in 1980.

In the photo, Brian's father is the gentleman at the left of the three men standing on the pile of rubble, and his grandmother is the taller woman on the left standing at the bottom.

The family emigrated to Hong Kong in 1947 where Brian's father became an aircraft engineer, and married Brian's mother, from Macau, who was one of the first local airhostesses for BOAC. After working as a customs officer for 21 years, Brian's father joined Deacons, a well known local firm of solicitors (still very much in existence) dealing with trademark and copyright infringement cases, which were in the 1970's still criminal offences.

Brian was born in Hong Kong, but in 1965 came to the UK to attend boarding schools in Blackpool and then Bath, following which he studied law at the University of Liverpool where he met Sylvia, his now wife of 41 years who was studying to be a teacher at Notre Dame College, opposite the Everyman Theatre. Liverpool clearly holds a place in the family's DNA, as his daughter read law there and his son Archaeology and Ancient History, as does aviation, as his son is now a pilot based in Dubai!

Having served his articles with Linklaters in London, Brian later joined Tarmac as an in-house lawyer, where he began his specialism in minerals and environmental law.

Since his father's death in 1994, Brian has continued to delve into his family's ancestry, and has just been interviewed for a three part series on the Liverpool Blitz due to be screened this May on Channel 5



14 Pitt Street in 1941



Kwong Shang Lung grocery shop

Merseyside Landmarks

As Spring approaches and thoughts turn to warmer weather, we take a look at the history of Sefton Park and the Palm House...

Sefton Park is a Grade 1 listed historic park covering 235 acres and is situated in the borough of Sefton and has a Green Flag award.

The land was originally within the boundary of the Royal Deer Park of Toxteth, but eventually became the property of the Earl of Sefton. In 1867 the Council purchased the land from the Earl with a plan to create a green space for the people of Liverpool.

The Council ran a competition for the design of the park and the winning design was by Édouard André, a French landscape architect. His other designs include the Villa Borghese Gardens and Luxembourg Castle Gardens. The construction work and supervision was undertaken by Lewis Hornblower, an architect from Liverpool.

The design for Sefton Park included water courses flowing into a man-made lake, park lodges and includes a number of boathouses and follies.

The park opened in 1872 by Prince Arthur. The park was later added to with the construction of a number of houses around the perimeter and the construction of an iron bridge.

In the centre of the park is the Shaftesbury Memorial Fountain. Constructed from bronze and aluminium. This was unveiled in 1932 and is a replica of the one in Piccadilly Circus. The statue was restored in 2008 and replaced with a new aluminium statue and the original moved to Liverpool Conservation Centre.

The park's bandstand is said to have provided the inspiration for The Beatles' song Sgt Peppers Lonely Hearts Club Band.



Sefton Park Cricket Club moved to Sefton Park in 1876 and also has tennis courts, a bowling green and a jogging circuit.

The Palm House

The Palm House is Grade II* three-tier dome conservatory palm house designed and built by MacKenzie and Moncur of Edinburgh and opened in 1896. The funds for the construction were donated by Liverpool millionaire Henry Yates Thompson.

At each of the corners of the Palm House are statues designed by the French sculptor Léon-Joseph Chavalliaud. The statues are; Captain Cook and Christopher Columbus, navigators Gerardus Mercator and Henry the Navigator, Charles Darwin, Carl Linnaeus and John Parkinson and architect Andre le Notre.

The Palm House is also home to the Liverpool Botanical Collection which was founded by William Roscoe in 1802 and is one of the oldest horticultural collections in Britain. The collection includes over 20 variety of palms and 32 different orchids. It is also home to 35 food plants including olive tree, a banana plant, lemon, orange, lime, pomegranate and fig trees, as well as ginger and cardamom plants.

During the Liverpool Blitz of May 1941 a bomb fell nearby and destroyed the glass of the Palm House. It cost over £6000 to reglaze in 1950. The building slowly deteriorated and was closed in the 1980s amid concerns about public safety. However in 1992 a public campaign "Save the Palm House" raised over £35,000 and it was partially restored and re-opened in 1993. With further funding of £3.5 million from Heritage Lottery and European Funding the Palm House was fully restored and now is the jewel in the crown of Sefton Park.

The Palm House can be hired for weddings, music and corporate events and is a member of Green Tourism Business Scheme which means it is committed to good environmental practice and sustainable development.

Julia Baskerville

Review

Tom Sutherland of Canter Levin Berg reviews a First Aid Course at St John's Ambulance (Liverpool)

"It's a Friday morning in late January and ice and snow cover the pavements. In fact, the conditions are so Baltic as to cause me to imagine my walk from the car worthy of being narrated by David Attenborough!

The real question (aside from whether I should have worn a thicker coat) is what am I doing at St. John's Ambulance headquarters (in Liverpool) on a working day? The answer is that I've elected to take a First Aid course, which my firm, Canter Levin and Berg, have kindly agreed to fund.

So, why is this important and worthy of a review in this magazine? Well, a few months ago, I became an Uncle and, bear with me here, whilst my initial reaction was to purchase many penguin and Snoopy themed cuddly toys, the experience (eventually) caused me to wonder what I would do if I was looking after her and an emergency arose. It was during thoughts like this that I discovered that I had no real idea of how to get anybody, whether adult or child, into a recovery position or what to do if someone was choking or needed CPR.

Overall, following my training, I can confirm that the 1 day First Aid Course (a 3 day course is also available) is highly recommended.

Firstly, the training staff at St. John's Ambulance were brilliant and, whilst some of the topics were intense, they avoided unnecessarily gruesome images or videos and, rather, simply focused on the mantra that no-one is superhuman and the role of a First Aider is merely to do your best. Importantly, particularly for litigation-wary lawyers, they confirmed that the law seeks to protect First Aiders by ensuring that, as long as you have a genuine belief that you are acting in that individual's best interests on a medical level, you're not legally accountable for injuries caused.

Naturally, the usual injuries caused by First Aiders are by way of trying to assist people who are choking or not breathing, whether by way of the Heimlich manoeuvre or CPR (both of which can cause cracked or broken ribs). But, again, the training staff were quick to point out that the intent to save a life overrides (morally and legally) injuries suffered by those who, otherwise, were likely to suffer harm.

Whilst there were a few practical tests throughout (which were very useful), the course largely focused on increasing your knowledge of the relevant questions to ask before trying to assist someone and, then, of the treatment options available to you. All in all, given the repeated references to 'acting in best interests', 'genuine belief' and 'good faith', it seemed rather suitable for visiting lawyers!

Whilst I'm (obviously) still no paramedic, I now feel more confident in my ability to assist family members, colleagues or members of the public if someone unexpected happens nearby and, in reality, that's not something you can easily put a price on. Highly recommended.

Highly recommended – 5 stars (out of 5)

Tom Sutherland, Employment Solicitor, Canter Levin & Berg"



Don't forget to submit your reviews

You could win a bottle of wine or prosecco

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



Send your entries to editor@liverpoollawsociety.org.uk

S Code	Date	Time	March 2019	Speaker
S2185	15th	10-12.45	Financial Orders: Law & Practice	Safda Mahmood
S4262	15th	1.30-4.15	Cohabitation: Law Practice	Safda Mahmood
S4274	19th	2-3	Commercial Lease Quirks	Sarah Jameson
S4275	19th	3.15-4.15	Retaliatory Eviction	Aaron Walthall
S4237	20th	1.30-4.45	Representing the Mentally Disordered	Anthony Edwards
S4268	22nd	10-4	Ultimate Contract Law Update	Helen Swaffield
S4258	26th	10-1.15	Elderly Client Update	Helen Clarke
S4284	27th	9.30-1.30	Innovation in Law Firms	various
S4280	29th	1.30-4.30	Employment Law Update	Professor Dominic Regan

S Code	Date	Time	April 2019	Speaker
S4219	2nd	10-3.30	SRA Accounts Rules for Finance Staff	Jo Morris
	3rd	9.30-3	REPEATED DUE TO DEMAND Housing Disrepair Conference	Various
S4169	5th	9.30-12.45	Restrictive and positive Covenants in Freehold Land	Richard Snape
S4170	5th	1.30-4.30	Restrictive and positive Covenants in Freehold Land	Richard Snape
S4186	12th	10-4	Introduction to Wills & Probate and connection with Family Law	Safda Mahmood
S4238	24th	1.30-4.30	Criminal Law Update	Anthony Edwards
S4202	26th	1.30-4.30	Personal Insolvency: A Practical Guide	Chris Beanland
S4198	30th	1.30-3.45	2019 Commercial Property Conference	Various

Corporate Member Training Offer

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