

# LiverpoolLaw

September 2019

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



## Leadership and the Law

This month we feature  
David Kirwan of Kirwans



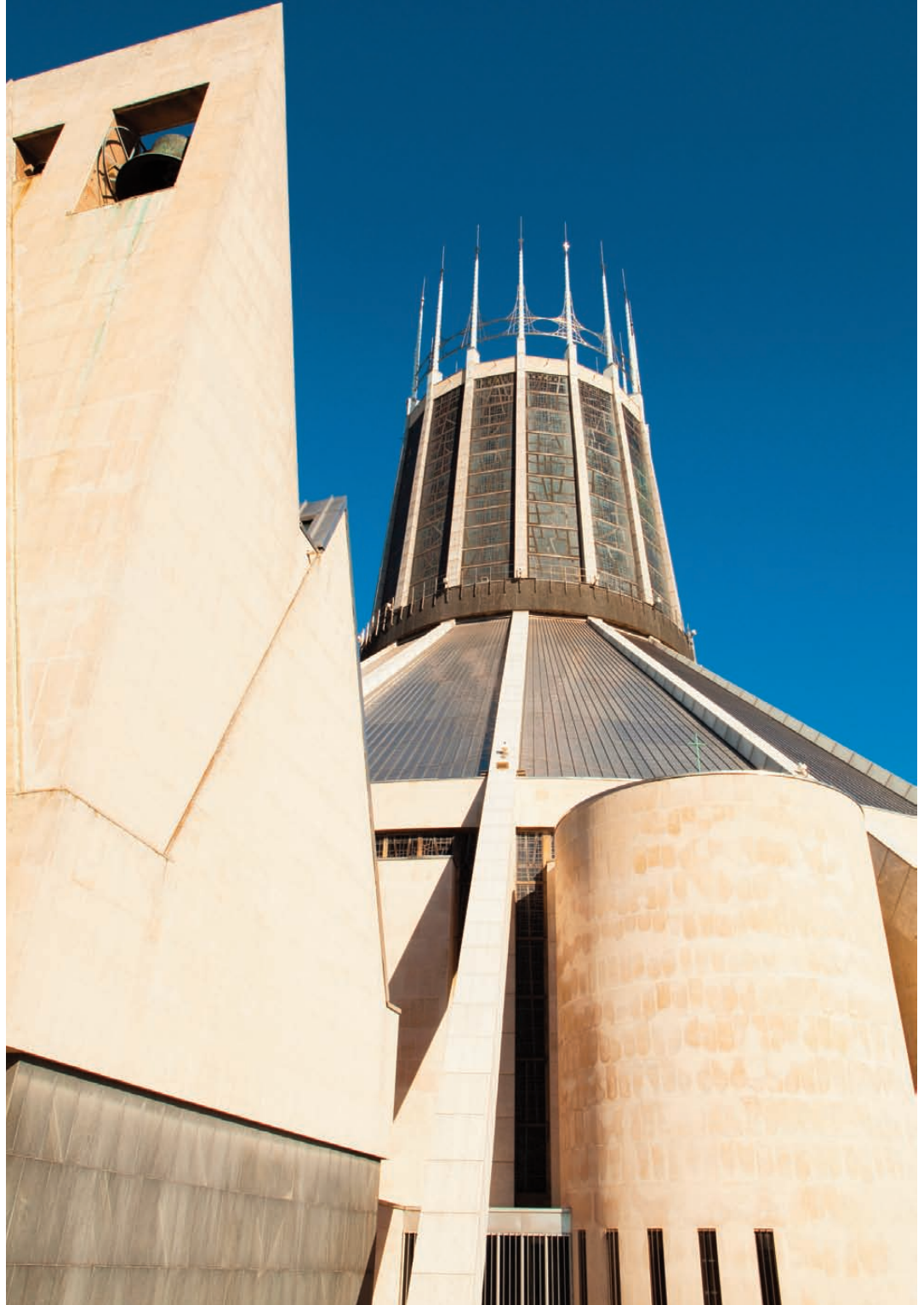
**Weightmans welcomes  
new HR Director to its  
board for the first time**



## Liverpool Law Golf Society News

Winners of the  
Tripartite Cup

## This month's Merseyside Landmarks The Metropolitan Cathedral



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# September 2019

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**Cover photo:**  
The Metropolitan Cathedral



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

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

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Apt 327 Holden Mill  
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Email: [j.baskerville@jbaskerville.co.uk](mailto:j.baskerville@jbaskerville.co.uk)

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# Welcome to the September 2019 edition of Liverpool Law



**Jennifer Powell**  
**Editor**

[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

This month you will see a number of firms have been shortlisted for The Law Society Excellence Awards. Congratulations to all involved! I had the pleasure of attending last year and it truly is a glamorous occasion, please send all your pictures in for us to feature. Regardless of the outcome of the awards it is a massive success to be shortlisted and demonstrates the amazing work going on in our region.

August was the month of exam results and with this brings a lot of stress. My nephew had his GCSE results and the pressure on him to do well was wholly unnecessary in my opinion- he's 16! I hope your children, or even you if you had your CILEX results, did well, but even if the results were not as hoped please remember it isn't the end of the World! It scares me the pressure put on children and I fear this has contributed to the stress of junior lawyers which is under focus at the minute.

Thinking back on my studies now I am of the generation where my schooling was focussed very much on the results, rather than the learning, understanding and actually enjoying! This is completely wrong but as a direct result of the pressure on teachers and schools, which in turn may explain the number of teachers who leave teaching. It is a vicious circle. Results aren't everything. You can be the most academic person on paper and fly through the application process, to then find an office environment or billable hours just isn't for you. Please just encourage your children to do what they enjoy and they will flourish, but most of all they will be happy.

**Jennifer Powell**  
**Solicitor**  
**Weightmans**

## Climate corner

I hope you're all getting on well with our suggestions so far of reusable coffee cups and reducing the plastic use with your lunch. This month I've been thinking of land fills. In particular I've been thinking about clothes while I look at the mountain of pre/post maternity clothes I need to eventually sort through. It is SO easy to ensure your unwanted clothes don't end up in a landfill, even the bits you think are past their best. You can even list the clothes on the many apps available and make yourself some easy cash or, if that sounds like too much effort, you can take unwanted clothes to a charity shop for them to sell on and make some money. There are also charities you can donate your office clothes to for unemployed and/or homeless to wear at interviews. There are other charities out there who will take items you may not think are suitable for donation like old bras, where the charity can send them around the World to those who need them. Other options are returning old trainers etc to the stores for them to responsibly recycle. So, when you're having your wardrobe clear out think twice and do not throw things in the bin. It may take a little bit more effort but it seems there is a new home for everything now. I'm happy to help with this if you don't know where to start please get in touch..Let us know if you have any ideas to do our bit to help the planet. Our individual efforts may seem insignificant but Liverpool Law Society has over 2000 members, together we can make a big difference.

## Editorial Committee Dates

All meetings start at 1pm

Tuesday 17th September

Tuesday 15th October

Tuesday 19th November

Tuesday 17th December

## Diary Dates

Satn7 Sept	Joint Walk with Cheshire & North Wales Law Society
Weds 11 Sept	Residential Property Conference
Weds 18 Sept	Leaders in Law Dinner
Weds 25 Sep	Family Finance Law Conference
Weds 9 October	Employment Law Conference
Fri 18 October	Meeting between LLS directors and MPs
Mon-Fri 4-8 Nov	Pro Bono week
Thurs 7 Nov	Annual Dinner
Thurs14 Nov	Joint Social with the University of Liverpool
6-8pm	
Weds 20 Nov	Conference for Legal Cashiers & Managers
Mon 25 Nov	AGM at 1pm
Fri 27 Nov	Public Child Law Conference
Weds 4 Dec	Occupational Disease Conference

**For further information on any of these events, please view our website or contact the Society.**

## Deadlines 2019

25th September

25th October

25th November

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



# President's Mentions

Even though it is a long time ago since I left school September still feels like the start of a new year – and at the same time not long until Christmas! I trust that if you have been able to have a break you come back refreshed and ready for the busyness of September.

This part of the year always sees lots of activity and following August which is always a quiet month for Liverpool Law Society but we now crank up our seminars and conference programmes. A major focus over the coming months will be on the new Solicitors Regulation Authority Handbook to be implemented in November. If you haven't already booked our course then as it is on 4th September there is a limited time to do so!

<https://www.liverpoollawsociety.org.uk/training-courses/management/new-sra-handbook/>

We also have a new event planned for the end of the month to look at AI. We have been in discussions with the Hartree Centre, a specialist data science facility funded by the UK government providing innovation to industry in various technologies associated with complex data processing, who have arranged for a free workshop aimed specifically at the legal sector.

They have put together a workshop looking at the use of AI and Data Science in the legal sector. Spaces are limited but for more information do visit this link.

<https://www.liverpoollawsociety.org.uk/events/ai-for-the-legal-sector/>

On the national level the Law Society is about to launch its biennial scheme for the appointment of Social Mobility Ambassadors. This is a critically important role and one which, to my mind, has so far failed to live up to its billing and truly tackle some of the most deep rooted issues we face as a profession.

The concept is that social mobility ambassadors are role models from non-traditional backgrounds who have achieved their ambitions and are willing to support their peers within the profession. Each cohort of 10 ambassadors are appointed to share their experiences of entering the profession, including the challenges they faced and how they overcame them.

The hope is to show that, regardless of social background, the profession welcomes talent, tenacity and a strong work ethic. The legal profession has had an image of being closed off to

anyone other than those who are male, white and middle class. Increasingly opportunities are not restricted on the basis of gender but the same cannot truly be said of ethnicity nor social background. The last round of social mobility ambassadors was a step in the right direction but there was still a London –centric theme to the appointments. There are lots of members of the society who could make a huge contribution to this scheme. I would ask you to apply or to encourage colleagues and peers to do so when the application process opens later this month. The Liverpool Law Society will be happy to assist in applications if needed.

<https://www.lawsociety.org.uk/law-careers/equality-and-diversity/social-mobility-ambassadors/>

On a similar theme I was delighted to see that Councillor Anna Rothery has been appointed to the role of Lord Mayor Of Liverpool. She is the first black Lord Mayor in Liverpool. She has been a councillor for the Princes Park Ward for a number of years. Her appointment is a massive step forward – there is still much to be done to ensure that those who lead the city, both in politics and business, are truly representative of the ethnic mix of Liverpool.

I am sure that you have all seen that a large number of firms and individual members of the society have been shortlisted for the Law Society Excellence Awards. May I take this opportunity to extend my congratulations to MSB, Morecrofts, Bennett Williams, Brabners, Weightmans, Joanne Dalton (of MSB) and Alison Lobb (of Morecrofts). We wish you all well at the Awards in November and are delighted to see such great representation at national level.

Hopefully many of you will have planned to join our walk to Hilbre Island on Saturday 7th September. We meet at West Kirby at 10.15 to walk across the sands to the island – and back before the tide cuts us off! I look forward to seeing you then or if not at the events planned over the next few weeks.

**Chris Topping**  
**President**

Sponsored by



# Helix Highlights

## AI for the Legal Sector

26 September 8.30am – 10.30am

The Hartree Centre, a specialist data science facility funded by the UK government providing innovation to industry in various technologies associated with complex data processing, has arranged for a free workshop aimed specifically at the legal sector. We hope it is of interest to you. Further details appear later in this magazine.

## Leaders in Law Dinner 18 September

Invitations have been sent out from the President of Liverpool Law Society to leaders at Liverpool Law Society member firms, companies, chambers

and in house departments to invite them to a private dinner in September. This is an annual event which receives good feedback from the attendees who appreciate being able to discuss common issues with their peers in a private setting. If your firm does not appear to have received an invite (sent to the Chief Executive, Managing Partner, office head or equivalent), then please contact the Society at [socialevents@liverpoollawsociety.org.uk](mailto:socialevents@liverpoollawsociety.org.uk)

## Membership renewal

1st June 2019 marked the beginning of the new membership year for Liverpool Law Society. I am pleased to report that membership retention rates are high. 6 new

corporate members joined in the last 12 months and 335 new individual members, bringing the totals to 228 corporate members and 1887 individual members. 89% of the membership reside or practice in the Liverpool City Region and 11% come from outside this area.

## Liverpool & Sefton Chambers of Commerce free affiliate membership

Corporate members of Liverpool Law Society can benefit from affiliate membership of the Chambers of Commerce. This type of membership includes member discounts on attending Chamber events, company profile listed on the Chamber website and more. Full details and how to apply appear [here](#).

## First paperless conference 11th September

Liverpool Law Society is going digital for conference notes. We hope it is as well received as when we decided to go paperless for seminars & stopped using plastic bottles. Any further green suggestions welcomed!

I am always keen to hear from members, readers and delegates so do please get in



**Sarah Poblete**  
CEO

touch with any queries or comments you may have.

Until next month,

**Sarah**  
**Sarah Poblete**  
CEO  
[sarah@liverpoollawsociety.org.uk](mailto:sarah@liverpoollawsociety.org.uk)  
0151 236 6998 Ext 30



## How to Avoid Procedural Death-Update on Limitation, Service and Court Fee Traps

with Jeff Zindani

on Friday 13th September, 1.30pm - 4.30pm

**Missed time limits by litigation solicitors are one of the largest sources of professional negligence claims reported to insurers. This seminar will guide you through key procedural rules to avoid what the courts have described as "procedural death".**

*The seminar will cover the following:*

- Limitation and Standstill Agreements- Are They More Trouble Than They Are Worth?
- Service Rules and Common Errors
- "Last Known Address"-Case Law Guidance
- Supreme Court Guidance on Service by Email.
- Are You Under A Duty to Warn Your Opponent of a Mistake?
- Applying for More Time for Service-Elephant Traps Explained
- Court Fees and Abuse of Process-Latest Guidance
- Trial Fees and Automatic Strike Out

Competencies: A2

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

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# Call for members to stand for election at the Society's AGM

## Your local Law Society

Becoming a director and member of General Committee is an opportunity to shape the future of one of the most active local Law Societies in England and Wales. You will make professional contacts and friends, learn from other's best practice and work shoulder to shoulder with other legal professionals, regardless of status and seniority.

The General Committee consists of up to 27 directors, who each serve a three-year term. Every year, nine members of the General Committee retire by rotation at the AGM: up to five of those due to retire may be nominated by the Committee for re-election, and the others are not eligible for re-election until the next AGM.

We would like to have a Committee which is as representative as possible of the wide membership the Society encompasses. All members of the Society are eligible for election to the General Committee, but only Full Members can vote in the election, either in person or by proxy.

The nominee must be a member of the Society, be nominated by three members of the Society and serve a three-year term. Full members of the Society will be receiving an email in mid-

October with details on how to nominate a member of the Society to become a director. Elections will then take place at the AGM in November. The nomination form must be completed and returned to the Society's offices by 5.00pm on Friday 26th October 2019.

Elections will take place at the Society's Annual General Meeting to be held at 1.00pm on Monday, 25th November 2019 at the Society's offices at Helix. If you would like further information about the Committee please visit <http://www.liverpoollawsociety.org.uk/about-the-society/committees> or email [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk).

## The Criminal Justice System Is Broken

Some of you will recall that back in June we hosted the Law Society Criminal Justice Roadshow. One of the outcomes of that meeting was a suggestion that we should raise a Freedom Of Information request to find out how Merseyside Police have utilised "Released Under Investigation" powers. This power replaced the use of Police bail in 2017 and was designed to have a lesser impact on the lives of those arrested by lessening restrictions on them where more work was needed before charges were brought.

However the use of release under investigation appeared to have significantly slowed down the criminal justice system to the detriment of all.

We sent a series of questions to the police designed to tease out information about the extent of the use of this power. The answers were perhaps not as full nor as clear as we had hoped.

Between 1st April 2017 and 29th July 2019 a total of 12,343 people were released from police custody where there was no decision to prosecute or drop the case. The police could not tell us how many were subsequently prosecuted or made the subject of no further action without a manual search of all the records. As at 29th July 2019 there were

3,876 people walking the streets of Merseyside who were apparently still under investigation. The police could not tell us the average length of time that someone would be left in this state of limbo nor could they tell us the longest time that anyone had waited for a decision without a manual search of their records.

The statistics are of limited value and can be used to prove any number of outcomes.

What is however clear is that the scale of the investigations which are ongoing is extraordinary. The lives of nearly 4,000 people, on Merseyside, are in some sort of suspension whilst decisions are made. And it is not just the alleged perpetrator because for each of those incidents there will have been a victim whose lives are also impacted by the absence of a decision being made.

The Law Society is often criticised for doing nothing however there is a huge national campaign to raise this problem with the new Lord Chancellor which can be viewed [here](#).

The proper functioning of our criminal justice system should be a concern of each person involved in the law. Please take five minutes to add your voice and views.

## Rip it up and start again?

In June 2015 after a successful trial period, Liverpool Law Society discontinued providing hardcopy support materials for seminars and commenced providing them electronically only.

This meant delegates would;

- Receive materials ahead of the event
- Access them on a device, wherever, whenever
- Store and share them more easily
- Print to their own preference

Overall this has worked well for the delegates, the society and the environment.

Now that the process is fully embedded, we have decided to explore the practicalities of doing this for our conferences too, which at present are still printed materials, contained inside a bulky ring-binder, received on the day.

So, commencing September 2019, we will be issuing all the materials for our conferences electronically only. As with seminars, delegates will receive an email in advance of the event, which will contain a link to access the documents.

This will apply to all conferences held during September, October, November & December 2019.

At the end of this period, we will consider all feedback received and then will make a decision, as to whether the practice will be made permanent commencing 2020.

I do hope you will understand and support us in taking this step forward.

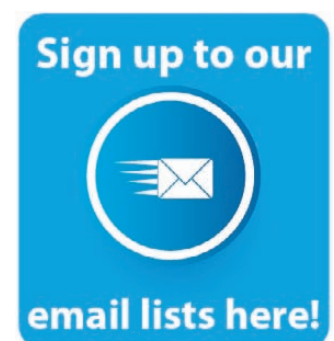
**Jo Downey, Director of Education & Training**

If you have any thoughts or ideas, I would be happy to receive them at: [jo@liverpoollawsociety.org.uk](mailto:jo@liverpoollawsociety.org.uk)

## Enewsletter Sign Up

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

**Sign up here**



# Merseyside law firms shine in Law Society Excellence Awards shortlist

Once again, Merseyside law firms have excelled and have been shortlisted for numerous Law Society Excellence Awards.

Bennett Williams have been shortlisted in the Small Firm category and MSB Solicitors are up for the Medium Law Firm of the Year Award. MSB are also shortlisted in the Excellence in Diversity and Inclusion category and their practice manager, Joanne Dalton, is up for the Practice Manager of the Year Award.

Alison Lobb, a past President of Liverpool Law Society and Managing Partner of Morecrofts has been shortlisted for the Woman of the Year award and Morecrofts have also made the shortlist for Excellence in Private Client Award.

National law firms Weightmans, which has offices in Liverpool, Manchester and London have been shortlisted for three awards: Excellence in Learning and Development, Excellence in Technology and Innovation and Large Law Firm of the Year categories. Joining them on the shortlist for Large Law Firm award are independent law firm Brabners.

Gaynor Williams of Bennett Williams, who were also shortlisted last year said "We were pleasantly surprised, as a small firm based in Birkenhead, Merseyside, to be recognised for the services that we provide to clients throughout UK. Congratulations to all of the firms who were shortlisted, we look forward to meeting everyone in London in October, and wish all nominees the very best of luck."

Alison Lobb, managing partner of Morecrofts said "Following such a successful evening at the Liverpool Legal Awards in May, it's a great honour to be recognised among our peers on a national level.

I am delighted both for myself and also for our brilliant Private Client team to be flying the flag in the shortlist with other firms from the north. It's a fabulous reward for our hardworking team.

We are really looking forward to the event in October"

MSB have been shortlisted for Medium Law Firm of the year and the Diversity and Inclusion Award. Managing Partner Emma Carey said, "We are so proud to be shortlisted in

three categories at this year's Law Society Excellence Awards. We work incredibly hard and are passionate about ensuring that our employees have access to equal opportunities, championing the benefits that having a diverse workforce brings, so we're thrilled to have been recognised in the Inclusion and Diversity category.

"Being shortlisted in the Medium Firm of the Year category is an acknowledgement of each and every member of our team, who go above and beyond every day to provide our clients with the very best service.

"Practice, procedures and compliance are at the core of a well-run law firm, and the work and commitment that our practice manager, Joanne Dalton, brings to MSB is recognised across the business, so it comes as no surprise to us that she has been shortlisted for this accolade."

Senior Partner Of Weightmans, David Lewis said:"It is not enough now to simply be good legal advisors – the law firm of the future must embrace the digital age, offer commercial solutions to clients, lead an ambitious CSR programme and most of all, remember to take its people on this journey with a holistic programme of support and training. At Weightmans we are proud to pursue a strategy that sees us deliver all of this, and we are delighted that this has been recognised by a triple shortlisting at the most prestigious legal awards in the calendar."

Nik White, managing partner at Brabners, said: "By strengthening our client relationships and investing heavily in our people, technology and systems, we're undergoing a sustained period of growth as part of an ambitious three-year strategy.

"Being shortlisted for this award by the Law Society is testament to the success of our strategy and the hard work our amazing people have put in to make that happen."

Winners are announced at the Law Society's Excellence Awards ceremony in London on 23 October 2019.



**Gaynor Williams**



**Alison Lobb**



**Nik White**



**David Lewis**



**Joanne Dalton**



**Emma Carey**

## Opportunity for Liverpool Law Society member firm/entity to be principal sponsor of 2020 'Pathways to the Legal Profession' event for Year 12 students

As many of you may recall, the Society organises an annual event whereby students from all schools and colleges across Merseyside are invited to attend free of charge, to learn about the different entry routes into the Law. This is in keeping with the Society's desire to be inclusive and encourage entry to the legal profession from all backgrounds. The event will be held for the fifth time on Wednesday 12th February 2020 at a Liverpool city centre hotel.

We usually welcome approximately 140 – 150 pupils aged 16-17 years from 20 or so schools from across the Liverpool City Region.

A panel of speakers from key local educational institutions will outline the various entry routes into the Law – from the traditional university route to the modern apprenticeship route, and other options in between.

To help with the costs of putting on this event, we are looking for a principal sponsor from among our members. We are looking for a contribution of £500 + vat. For this you would receive:

### Pre-event:

- Sponsor's acknowledgement on marketing material advertising the event
- Sponsor's acknowledgement on email to members
- Sponsor's acknowledgement on Society's social media

### At the event:

- Acknowledgement in President's address
- Speaking opportunity as panel member at event
- Exhibition table and pop-up stand in the refreshment break area
- Two representatives to man the stand



**Pathways to the Legal Profession 2019**

### Post-event:

- Sponsor's logo & link on Liverpool Law Society's website
- Acknowledgement in Liverpool Law Society's monthly e-magazine 'Liverpool Law'

Please send expressions of interest to Sarah Poblete by 20th September at [sarah@liverpoollawsociety.org.uk](mailto:sarah@liverpoollawsociety.org.uk)

Thank you

**Education & Charities Committee  
Liverpool Law Society**



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# News from the Sub-Committees

Email: [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk) with any queries or comments

## Family Law Committee

### Family Courts

Family courts across the country are under increasing pressure from the amalgamation of different cost saving measures. The impact of court closures, cuts to HMCTS funding, an increase in litigants acting in person (itself due to cuts to legal aid) and an increase in applications being made to the family court have resulted in an overburdened court system.

These pressures are working to the detriment of family court users. Whilst the courts are still hearing the most urgent cases promptly, other less urgent but nevertheless very important cases are taking longer to be heard and allocated less court time. This can manifest in a child not seeing a parent for a long period of time should the other parent be refusing to allow contact or a spouse being left in financial limbo for longer. This increases stress for families utilising the family court system and delays resolution of important family matters.

Further, in children cases in particular, parents may be waiting at court for lengthy periods of time, sometimes several hours before their case is heard. This can serve to increase parental anxieties as they wait, unsure of what is about to happen in court. As time goes by and they are still not called into court, parents may start to worry that they will not be able to collect their child from school or nursery further exacerbating their worry. Those who suffer from anger management issues are less able to remain calm, not understanding the delay. This all causes difficulties throughout the day for the families concerned and the members of the judiciary and court staff in their interactions.

There have been many articles written in the family law press about the number of court rooms sitting empty with insufficient judges available to hear the cases, increasing court lists. In our area the closures of some local courts has clearly had an impact as litigants travel further to court. This travel is at the litigant's expense which many can not afford, and on public transport which may take them many hours. This is an absolute disservice to our community. However, Liverpool Court rarely has empty court rooms without judges sitting. Judges have even been known to share court rooms to try and reduce the length of time people have to wait.

The pressure on our clients is immense as they go through this process which is alien to them. Those doing so without legal representation often benefit from the support from the Personal Support Unit (PSU) at court. The role of the PSU is to provide non legal, process only support for those using the court service. This distinction is extremely important as well meaning but incorrect legal advice can have disastrous consequences for litigants. This support is welcomed but is not enough to prevent the worries of family court users.

It is human nature that when people are not in control, do not understand and are in a stressful environment some may become combative or defensive. The best outcomes for families are often those decided by the families themselves. Encouraging parents to put their differences aside and to focus on working together to achieve the best outcome for their children is less likely to happen when parents have a combative mentality. The current system is thus working against familial resolution and not towards it.

The pressures are not solely on the litigants using the family court. Rather the pressures extend to all working within the family justice system. The judiciary are also not immune. Judges are dealing as best they can with a higher volume of cases which take longer and are more difficult for the judiciary to manage due to the increased number of litigants in person. This has taken its toll on members of the judiciary who have a challenging role. The President of the Family Division has expressed that improving wellbeing of those working within the family justice system is high on his agenda. Locally, District Judge Conway has recently written about her experiences at the bench of work related stress related depression and anxiety. Wellbeing in the family justice system has become such an important issue that wellbeing seminars are being held across the country. Matthew Richardson, barrister at Coram Chambers who ordinarily specialises in financial remedy proceedings has been giving his time to talk on wellbeing within the profession which really evidences the cause for concern of the people involved in an over stretched system.

The problems facing the family court are immense and unfortunately there is no sign of the pressure reducing, instead we are warned that there are more cuts to come. How the family court, the families it aspires to serve and those working within it will manage with further cuts we will have to wait and see.

**Emma Palmer**  
Chair of Liverpool Law Society Family Sub Committee

## Regulatory Committee

Liverpool Law Society's Regulatory Committee submitted a response to the Solicitors' Disciplinary Tribunal Rule Change Application to Legal Services Board. To see the response please click [here](#).

As part of our representative function, the Society's specialist committees review and respond to consultation papers from a wide range of organisations including the MOJ, the Legal Services Board, the SRA, the Law Commission, HMRC and many more.



### Abuse of Process/Hearsay/Bad Character

with Colin Beaumont

on Wednesday 18th September, 1.30pm - 4.30pm

**This course has been specifically written to appeal to anyone involved at any stage whatsoever in advising clients on the criminal law.**

*The following items and more will be covered during the course:*

- Unconscionable delay rendering a fair trial impossible – possible abuse argument
- Manipulation of the criminal justice process – possible abuse argument
- Loss of evidence rendering a fair trial impossible – possible abuse argument
- The leading case-law in the area of abuse of process
- An examination of the statutory regime under the Criminal Justice Act 2003 concerning hearsay
- Admission of evidence under the Res Gestae principle (including the 999 call)
- Hostile witnesses
- An examination of the statutory regime in relation to bad character

**Competencies:** A1 a-d, A2 a, d, A4 a, B2a, c, d, B5 a-d, C1 d & e

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

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**Vauxhall Community  
Law & Information  
Centre**

# News from Vauxhall Community Law and Information Centre

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

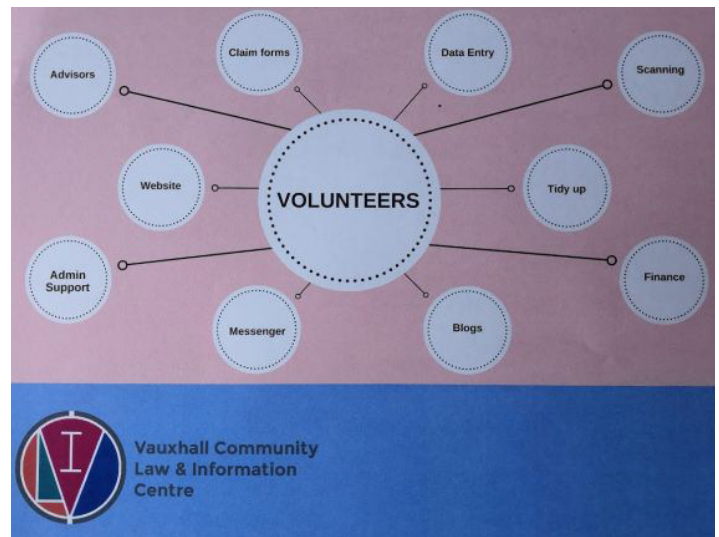
## Introduction to Daniel Bramhall our New Volunteer



I am currently helping update the Law Centre's website. I am doing this because it is important for me to make sure people are able to locate all the relevant information that they need when it comes to accessing justice. As someone about to start pupillage in Liverpool this September, volunteering is a way for me to develop transferable skills while also giving something back.

## Volunteers Welcome

We are currently recruiting volunteers, who are the lifeblood of Law Centres, if you are able to assist with assisting to fill in claim forms, data entry, advice, website development, tidying up, finances, blogs or social media, admin support, board membership, or indeed anything you think may be useful for assisting the Law Centre please get in touch with Alan Kelly at [alan.kelly@lawcentre.vnc.org.uk](mailto:alan.kelly@lawcentre.vnc.org.uk) or Tel 0151 482 5494. We appreciate the support we get from our volunteers and you will be made welcome.



## Constitutional/ Charity Law

Vauxhall Community Law and Information Centre is looking to bring up to date our Memorandum and Articles of Association. This is an important part of our quest to continue developing and updating the services of Vauxhall Community Law and Information Centre. Please contact Alan Kelly at [alan.kelly@lawcentre.vnc.org.uk](mailto:alan.kelly@lawcentre.vnc.org.uk) or Tel 0151 482 5494 if you can help us with this.

## Vauxhall Law Centre Re-Launch

Vauxhall Community Law and Information Centre is planning a re-launch event later on this year. We are aiming to make this a high-profile event and we will be looking for sponsorship, support and speakers if you or your organisation/ company could offer us any support in organising and supporting this event please get in touch with Alan Kelly at [alan.kelly@lawcentre.vnc.org.uk](mailto:alan.kelly@lawcentre.vnc.org.uk) or Tel 0151 482 5494



# News from Merseyside Law Centre

**Fighting for equality through social justice to combat poverty & homelessness**



This month, our Assistant Director Janet Coe was quoted in a Guardian article reporting on the surge in EU citizens unfairly refused access to Universal Credit and the hostile environment they are faced with. There was a great response on social media especially with other centres in the Law Centre Network and we were thrilled to be included in an article delivering such important information on such a far-reaching media platform.

Our 'Our Liverpool Project' is up and running and can already boast a first success in court. The project has been established to support Asylum Seekers with housing and asylum issues, ensuring they get the support they are entitled to so they can live healthy and independent lives and contribute their skills to Liverpool society. We hope to have many more successes with this project going forwards.

The MLC staff have had a training week this month. We are modernising our IT systems and transferring to a new case management system which is very exciting for the future of the centre.

Local law firms Weightmans and Brabners have recently generously pledged to help fund our Justice First Fellows. A massive thanks to both firms for their generosity and support. We are reaching out to other local firms to also contribute so we can continue helping the next generation of social welfare lawyers to receive the training they need. If you would to join the list of local firms supporting our Fellows please email [sophie.brown@merseysidelawcentre.co.uk](mailto:sophie.brown@merseysidelawcentre.co.uk)

## Social Media

**Follow us on social media**

**Twitter: @MerseyLawCentre**

**Facebook: Merseyside Law Centre**

# Leadership and the Law

**Continuing our series of articles talking to the leaders of Liverpool law firms. In this edition, David Kirwan, Managing Partner at Kirwans gives an insight into his role...**

## **Briefly describe your role as managing partner**

There's a fair amount involved in my role, which is what I love about it. Some of the elements include the various professional duties that all senior and managing partners take on, overseeing the training and development of our new recruits, and of course constantly moving the firm forward. The legal landscape is changing all the time, and it's vital that we stay on top of those changes while also trying to predict what's to come. Sometimes it needs the assistance of a crystal ball.

I've been practising for 50 years this year, and while at my stage of professional life the majority of managing partners would be focusing purely on the management side, I still enjoy the cut and thrust of working with clients and representing them in court. My challenge is to try to balance my client needs with those of the firm. In plain terms I call it 'working at the coal face'.

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

Without question, it's the clients. I enjoy interacting with them and solving their problems. It's extremely rewarding when you work very hard on a case and then get a good result.

I also still enjoy appearing in court, which is something I've done in one form or another for decades, having practised in almost every legal discipline.

I've always varied the kind of work I've done, which has made for some fascinating experiences. I've sat as a Judge for the Immigration Appellate Authority and acted as a legally qualified chairman of the local NHS committee at Chester, dealing with patients and others who had made complaints against doctors, dentists and opticians.

In addition, in the 1980s before Higher Court advocates were appointed, I used an arcane rule to exercise a right of advocacy to conduct a jury trial at Caernarfon Crown Court. I am also proud to have held Higher Court advocacy rights in both crime and civil law since 2002.

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

One of the things that has really upset me is the current chaotic state of the courts, many of which are closing down across the country. Dozens of Magistrates Courts around the North West and Wales have gone, including some Civil Courts, making it extremely difficult for some people to physically get to court. As far as I'm concerned, that is plainly a denial of access to justice.

Another bone of contention for me is the digitisation of the courts. I find it perplexing that whilst the government won't spend money on, for example, legal aid for civil and criminal defence work, they will spend it on systems they claim will save money but actually just cost the taxpayer billions of pounds when they collapse.

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

I'm proud of all the trainee solicitors that have been trained by the firm and benefited from their experiences here. Training the next



**David Kirwan**

generation of lawyers is so important, and it's something in which we invest time and money. I find myself, on occasion, in court up against our former 'graduates' who have gone on to do very well in the CPS or in local government. I always feel so proud that we helped them on their journey.

I'm also proud of all the cases we've worked on – but in particular those that have had a profound effect on people's lives. There are the below-the-radar ones of course, but there are also the higher profile clients we've acted for, which include the late Winnie Johnson, the mother of Moors Murderer victim Keith Bennett and more recently Daniel Jones, the Welsh farmer whose prosecution by Conwy Trading Standards collapsed amidst much media interest less than a week into the trial.

Most of all, I'm proud of the reputation for integrity that solicitors in general have maintained throughout the decades.

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

I don't want Kirwans to ever lose its origins. It started as a 'family firm' over 70 years ago by my late father, CH Kirwan, and we've always tried to keep it that way.

Within the next decade, the legal industry will face many more challenges and changes and I believe that Kirwans will continue to adapt to those, but even more important are the life changes that our clients will face and how we respond to help them.

Over the next ten years our clients, and the wider community which we serve, will buy and sell homes, start new businesses and plan for their own future and that of their family members while also protecting their rights. For Kirwans, after all these years, to still be an integral part of each of those life-changing events is the legacy of which I'm most proud.

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# Manchester Area Floods: A Taste of Floods to Come

**A slow spiralling Atlantic weather system stalled over North Yorkshire and then Manchester and North Cheshire, heralding the end to the record breaking heat of July. It brought with it the best part of a month's rain in a 24 hour period leaving roads, rail and communities badly affected and an entire town evacuated after fears of a dam burst.**

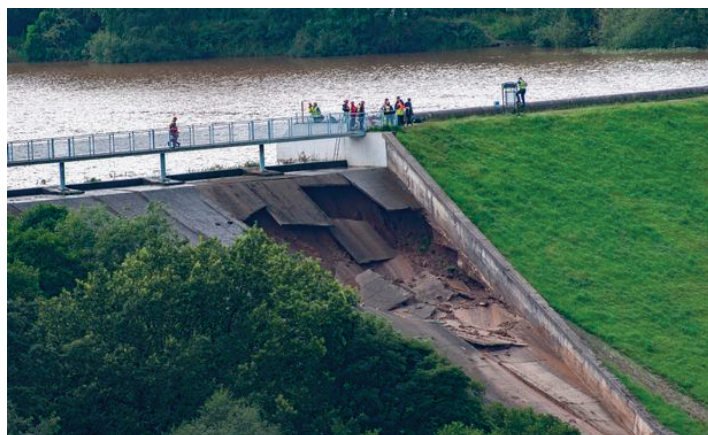


**Shane Herridge, Product and Data Manager at Future Climate Info,** predicts that this could be a new way of life for summers in the North.

A major incident was declared by authorities as severe flooding swept across a wide area affecting both rural and urban communities over a three day period, leading to evacuations of homes and shops, including an unprecedented dam burst alert.

11 people were rescued from flood water in Poynton, 11 in Stockport, with emergency assistance also needed in Wilmslow.

Rivers in Poynton, Little Bollington, Heatley and Altrincham did much of the damage, but so too did the inadequate urban drainage, which blocked underpasses and turned residential streets into new rivers.



*Image courtesy of Manchester Evening News*

## **Whaley Bridge Evacuated after Dam Burst Fears**

2000 residents and shopkeepers were told they had to leave the small town of Whaley Bridge after flood water overtopped the dam and caused a huge tear in the dam wall. The River Goyt burst its banks downstream through the town and the police and engineers went through a nervous waiting game to see if the dam would hold.

The town sits in the valley directly below the Toddbrook Reservoir which had swelled following the high rainfall. The day before the burst a huge torrent of water was seen cascading over the top. The race against time to reduce the water level in the reservoir ahead of further heavy rain to avoid a catastrophic dam burst gripped the nation and became the main story of the weather in the following weeks.

## **Road and Rail Infrastructure blocked and collapsed**

Elsewhere in urban Manchester, the rainwater sewer system, much of which is Victorian, was not been able to deal with the quantity of water. The pressure built up across busy commercial streets and recreation grounds forcing jets of water in the air. Footage emerged of Moss Lane East near Whitworth Park shows water spraying out of the road like a geyser

The A555 in Stockport was submerged in flood water just four months after

three million litres of rainfall had to be pumped off the road in April, after a month's worth of rain fell on Manchester in a day.

Council bosses had already promised to replace a pumping system on the road but there is wider criticism about how the drainage may have changed. Local residents and regular users have reported that this original section of the A555 had been open for 20 years and not flooded once. But since the bypass had been completed to the airport and Hazel Grove it has flooded and been closed 3 times in 4 months.

Passengers on East Midlands, Northern and TransPennine Express services faced delays, while Northern said services in Manchester, Liverpool, Lancashire and Cumbria were badly hit. To make matters worse for commuters, it had not been possible to provide rail replacement services for all, due to the poor conditions of the roads and a lack of buses.

## **Businesses hit**

Hickory's Smokehouse, in Poynton was left with no electricity following the floods. They had only just opened for business a couple of weeks before and had already gained a good reputation in their short time trading. They then faced days of uncertainty waiting for wiring, kitchens and furniture to dry out and insurers to estimate the damage.

Heavy rain flooded the Glebe Farm Caravan Park and village farm shop as waters raged through the buildings and site at thigh depth. Water devastated the farm shop, as well as storage areas where dozens of caravans are parked.

Both the Nantwich Show and Rewind Music and Arts Festival near Macclesfield were also forced to cancel, meaning loss of income and a hit on cash flow and insurance policy premiums. And as for Whaley Bridge – the entire high street lost its trade for over a week until residents and shop keepers were able to return after the dam was finally stabilised.

## **More of the Same to Come**

The extreme heat that saw temperatures hit the high 30s the week before the floods came at the same time as The Met Office's latest State of the UK Climate report. It pointed out that top 10 warmest years on record in the UK have all occurred since 2002, with 2014 the warmest year in a temperature sequence now dating back to 1884.

With more warmth, comes more atmospheric moisture, so it is no surprise that six of the 10 wettest years in the UK have occurred since 1998.

Over the last decade, our hot and cold seasons have been getting wetter than the long-term average with the summers seeing 13% more rain while the winters going up by 12%.

And for the North this means more rain as forward rainfall models project that the north and west get wetter in the summer, while the south and east get warmer and drier, with the high potential for drought.

These estimates have been built into the latest climate change allowances set by The Environment Agency. These have adapted existing flood extents, changed flood zoning for new build development and their impact on property in terms of its use and vulnerability. These are all considered as part of any detailed flood risk assessment with our environmental reports and support services.

## **Duty of Care to consider the Future**

These events force us all to rethink and project ahead what normally benign streams on a map could become when another deluge of rain hits the area. It is therefore essential that homebuyers and business owners are able to access the latest data and future flood modelling that will account for past events and anticipate future risk.

Future Climate Info combines the best in class data and expertise to forensically analyse how flooding has and could shape your client's future asset. Our residential, FCI Retail and commercial environmental reports identify the extent of any risk. We also assess insurability at the property level for residential transactions.

Our reports also include dam break analysis to show the specific flood risk from a catastrophic failure and its impact to land and property.

Our specialist flood risk services, through partner JBA Consulting, one of the leading flood risk consultancies in the UK, can then forensically assess the topography, drainage infrastructure and river profiles to reveal the risk relevant to your client's property and any resilience measures that may be required. This can result in up to 40% of all higher risk properties being downgraded, giving your client more peace of mind.

**For more information call us on 01732 755180 or email [info@futureclimateinfo.com](mailto:info@futureclimateinfo.com)**

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**Report Details**

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Report Reference: Sample

Requested by: Sample  
Date: 27/04/2018  
Report ID: 1000085407

**Subject Site**

**Professional Opinion**

**1 ENVIRONMENTAL** PASS  
No further recommendations

**2 FLOOD** PASS  
No further recommendations

**3 GROUND STABILITY** PASS  
No further recommendations

**4 ENERGY & INFRASTRUCTURE** PASS  
Considerations:  
4/20 Power Stations

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

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

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

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

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

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

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(1) RRP for residential properties less than 0.25 hectares. (2) These data modules can be purchased as stand-alone products. Commercial reports are also available.

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# Liverpool Law Golf Society News

## Tripartite Cup - Dublin 2019.

*"We've conquered all of Europe  
We're never going to stop.  
From Belfast down to Dublin  
We've got to win a lot  
Roll on West Lincs and the fields of Childwall  
We are legal golfers  
And we come from Liverpool*

*Allez, Allez, Allez.  
Allez, Allez, Allez."*

The second tripartite golf challenge between Liverpool, Dublin and Belfast law society golf societies took place at the Luttrellstown Castle Golf Resort, Dublin on 20 June 2019. Although the resort has a championship golf course, it remains famous for hosting the wedding of Posh to Becks back in the day. The format was that each society had up to 2 teams of 4 with the best 3 out of the 4 per team counting towards the team score.

To add to Liverpool's collection of European silverware, your society's team of Jonathan Berkson (International Captain), Phil James, Val Duggins and the Society's secretary, Brian Lawlor (below) won the event with a total of 105 points. An open window Delta Taxi tour of Liverpool was arranged for the team with the trophy on their return to the City but not many (no) fans were spotted on scaffolding or otherwise.

was great and the company better. Sadly neither Dublin or Belfast could match the score set by Liverpool, who now hold bragging rights for the next twelve months. The bond between our associations is stronger than ever and that to my mind can only be a good thing." The Liverpool team trained hard having been invited to join the Belfast Society in May where they entered the Belfast golf day and played the immaculate Belvoir Golf Club course. This proved good practice and we even came home with a presentation from the Belfast Association of a painting by Tony O'Kane (the artist of Belfast Boy) of the Duke of York pub in Belfast city centre which is well known to your international golf team. This painting and the Tripartite cup is available for all members to enjoy at our great society's premises.



When asked about the team's success Jonathan said: "Helped by a full Irish breakfast and the thought of a post-match Guinness, the strong Liverpool team of experienced tour golfers found their form early and stayed in the competition scoring well on the many difficult holes. Dovetailing well in this format is important and the team gelled well picking up the decisive 9 points on the 18th hole. The course was immaculate with US speed greens that ran true. A pleasure to play, well done Dublin for organizing such a marvellous event and providing valuable networking between the 3 great Irish sea cities."

Paul Moylan of the Belfast Solicitors' Association said: "The tripartite cup aspect to the day certainly added a bit more of a competitive edge to proceedings. The course was spectacular, food

Training commences for retaining the trophy which will be played at West Lincs. golf club here in Liverpool on 14 May 2020. It would be nice to be the first team to have back to back wins and it would be good if all at the Liverpool Law Society golfers could support the event by either playing or encouraging their colleagues so to do.

## AGM of the Society.

It was recorded that the Society had wins over the Liverpool Accountants at Grange Park GC and the CPS at Ormskirk GC. Brabners team of Ben Berkson and Dom Corr won the pairs' trophy.

The Society's golf day was held at Wallasey Golf Club and hosted by society Captain, Phil Sheard of Brabners.

The winners were:  
Keith Jones – Cunliffe Cup;  
Val Duggins – Harold Christian trophy; and  
Brian Lawlor – Jack Rycroft tankard.

Next year the golf day will be held to coincide with the Tripartite Cup match at West Lincs on 14 May 2020.

Membership for the society is open and open to all lawyers past and present who practice(d) substantially in Merseyside. Details via Brian Lawlor at [brianlawlor628@gmail.com](mailto:brianlawlor628@gmail.com).

We wish all our lawyers happy golfing in the knowledge you are a vital part of the trophy winning squad.



Liverpool Law Society

# *Annual Dinner* *2019*

We are delighted to announce the guest speaker is

**James Timpson OBE**

**Chair of the Prison Reform Trust**

*Calling all members of Liverpool Law Society  
and their guests*

Celebrate being part of a strong, proud and vibrant legal  
profession at the Society's flagship event.

**Thursday 7th November 2019, 6.45pm for 7.30pm**

**Garden of Eden, 6th Floor, The Shankly Hotel,  
60 Victoria St, Liverpool, L1 6JD**

Includes a welcome drink on arrival followed by a three course meal, and speeches.

**Dress code:** Black Tie

A table of 10 is £800 + VAT (£960 inc vat)  
Individual reservations £80 + VAT (£96 inc vat)

There will be a collection on the night for the President's nominated charities 'Love, Jasmine' (Registered Charity no 1169397) and the 'North West Legal Support Trust' (Registered Charity no 1131529).

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

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# Public Sector Equality Duty Update

## *Forward v Aldwyck Housing Group Ltd [2019] EWCA Civ 1334*

On 29 July 2019 the Court of Appeal considered the impact of breaching the 'public sector equality duty' (PSED) on discretionary possession claims. The Judgment comes in a series of a number of similar cases and may have a wider effect on the application of the PSED by public bodies, and when the Court may refuse relief to Judicial Review.

Aldwyck sought possession on Grounds 12 and 14 of Schedule 2 to the Housing Act 1988 due to allegations of causing a nuisance and using the property for an illegal purpose. The Defendant pleaded a defence (amongst other grounds) of failure to comply with the PSED under s149 Equality Act 2010 by Aldwyck. At Trial, the Court rejected the s149 defence on the basis that the claim was a "proportionate means of achieving a legitimate aim" and that no viable alternative was available to Aldwyck.

The tenant appealed to the High Court on the basis that the Court was wrong to allow the claim following a breach of the PSED regardless of the Court finding that the action taken by Aldwyck was a proportionate means of achieving a legitimate aim. The High Court dismissed the appeal on the basis that that the landlord would have taken the same action even if they did comply with the PSED. At the Court of Appeal, the tenant appealed on the basis of:

1. A breach of the PSED meant that the court had to dismiss the claim/set aside the order.
2. Discretion to refuse relief to judicial review should only be exercised in cases in which there had been a subsequent compliance with the PSED and in cases in which it was clear that future compliance would compensate for the prior non-compliance.
3. There was no material evidence on which the Court could rightly conclude that Aldwyck would have taken the same action had the PSED been complied with.

The Court of Appeal dismissed the appeal on the following:

1. The Court rejected that there was a general rule to dismiss the claim or set aside in the event of a breach of the PSED.
2. The Court also rejected that there is a narrow category of cases in which the Court would still consider the claim in the event of a breach of PSED consequence will not follow.
3. It was a matter for the Judge at Trial to consider the evidence that was before them when deciding whether possession was the only viable option open to Aldwyck.

The Court stressed that in major government decisions and those affecting numerous people, a substantial breach of the PSED would almost invariably lead to the decision being quashed. In cases involving smaller decisions or a limited number of persons, the Court may have regard to the particular circumstances of the case.

In terms of advice to Registered Housing Providers, it is important to note that compliance with the PSED involves more than just carrying out a proportionality assessment. The PSED assessment should be a rigorous consideration of the impact of the decision to seek possession against the objectives encapsulated in the PSED.

If you are aware of a disability or think that the customer may be disabled, steps should be taken to obtain and consider medical evidence. In practical terms this may be difficult to obtain without consent and so all efforts to obtain this should be recorded. Any PSED assessments should be carried out with an open mind and paying consideration to the alternatives to possession. If this is not possible then it may be preferable for someone not directly involved with the case to carry out the review.

**Andrew Moore, Solicitor, Knox Ellis Part of MSB**  
a.moore@knoxellis.co.uk



## Contract and Commercial Update

with Chris Beanland

on Friday 20th September, 1.30pm - 4.30pm

**This course will explain the past year's developments in a straightforward manner and will give busy practitioners practical tips on the impact of developments in relevant areas of practice.**

The course will cover:

- 'Agreements to agree'
- Implying terms into an agreement to make it sufficiently certain so as to be enforceable
- Carrying out work before concluding a contract
- Losing the right to claim for loss of bargain when terminating under express contractual provision
- Implied obligation of good faith in 'relational' contracts
- Penalties: *Nosworthy v Instinctif Partners Ltd*
- Frustration and Brexit
- Apparent authority of a bank manager to write off debts

**Competencies:** A2 A3 A4 A5 B3 B4 B6 B7 & D3

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

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## Woman's evidence found to be "absurdly dishonest" in personal injury claim

**Weightmans' intelligence team secured photographs of her behaving in a way that was inconsistent with her alleged injuries.**

A woman who claimed to be seriously injured in a car accident was ordered to pay almost £10,000 in costs after being found to be fundamentally dishonest, after solicitors uncovered photographs on social media of her mountain hiking and taking part in zip-wire activities.

Following an accident in September 2014, Nusrat Sadiq submitted an insurance claim for various injuries, losses and expenses in excess of £40,000. After the complaints made at numerous GP appointments differed from the ones described at the hospital and during the medical expert examination, law firm Weightmans, representing insurers Ageas, commenced an investigation.

Weightmans' intelligence team

secured photographs of her behaving in a way that was inconsistent with her alleged injuries.

The Judge found that the claimant had been fundamentally dishonest, stating that her evidence had been "absurdly dishonest in places". The claim was subsequently dismissed and Ms Sadiq was ordered to pay £9,500 in respect of Ageas' legal costs.

Associate Tracy Kielty, who led the Weightmans investigation for Ageas said: "This was a prime example of how a straightforward claim, which we hadn't originally disputed, can have serious consequences for a claimant who exaggerates or fabricates their injuries.

"We have a fantastic intelligence team working with great technology to ensure all claims are settled fairly, and evidence is gathered in a compliant and safe way. We are



pleased to have secured this outcome for our client and the wider industry, and hopefully this sends a message of how seriously this kind of dishonesty is taken by the courts."

**Tracy Kielty  
Weightmans**

## 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](http://www.liverpoollawsociety.org.uk/training-seat-exchange-form) and the Society will be in touch with you.

### Grow your LinkedIn network & generate more clients

with Rachel Tombs

on Friday 27th September, 9.30am - 12.45pm

This is a practical course that will guide you through the essential building blocks on how to grow a powerful network of clients/strategic alliances, brand, and continual book of business using the LinkedIn platform.

Attendees will need to bring a fully charged laptop, iPad or tablet so they can make tangible improvements to their LinkedIn profiles as the course progresses.

**By the end of this course you should:**

- Feel confident about developing a personal or commercial LinkedIn presence that delivers results in a timely and effective way
- Have learnt how to generate new leads for your business
- Appreciate why LinkedIn has to be a central feature of your marketing strategy

Competencies: C1, C3 & D3

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

### Networking: Online and Offline - Working the room physically & digitally

with Rachel Tombs on Friday 27th September, 1.30pm - 4.45pm

Key points covered in this session include:

#### Offline Networking

- Preparation – How to research attendees in advance of the meeting or event, in order to make sure you speak to the right people.
- Master the art of listening and body language – what you don't say is just as important as what you do.
- The elevator pitch or '60 second' introduction – How to draft and deliver the perfect pitch that provokes a question and engages your audience.
- Follow up – Why time is critical, and how to use personal emails to request further meetings and continue the conversations that you started.

#### Online Networking

- How to use online networking tools to expand your network of contacts and generate business.
- Which online platforms should you use?
- How to find and identify people you should connect with.
- How to make a 'cold' approach and increase your chances of engagement.
- Developing your relationships and raising your brand.

Competencies: C1, C3 & D3

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

## Morecrofts' people were out in force this summer for the Liverpool City Region Pride Festival

The team donned their 'Love is Love' t-shirts and took to the streets in the festival march, which saw thousands of people protest for LGBT+ rights.

Morecrofts have always been active members of the LGBT+ community, with involvement most recently strengthened by the appointments of firm partner David Parr, who took up the post of Finance Director on the LCR Pride board.

He said: "Although the weather wasn't on our side, the day was a great success, and it was fantastic to see so many people out celebrating the LGBT+ community, and demonstrating equality for all." David is also a board member of the Michael Causer Foundation, which aims to accommodate, educate and motivate against hate crime.

Morecrofts are now working further events with LCR Pride Foundation, including the Pride in Liverpool Awards, which are due to take place in September.



## Mike and Carly get hitched

Mike Gossage and Carly Philp, solicitors in Morecrofts' litigation team, got married on 17th August. They met when Mike joined the firm in 2013. It was, as far as we know, our first proper Morecrofts wedding! (Although there may have been another back in the dim & distant past – the firm has, after all been going for 206 years). The ceremony was at the Unitarian church on Ullet Road and the evening reception at Liverpool Town Hall. The first toast drunk after the wedding was to Morecrofts for bringing them together!



## Stands offered at LJMU's Law & Criminal Justice Employability Fair

LJMU would like to invite legal sector organisations to have a stand at LJMU's annual 'Law & Criminal Justice Employability Fair' on Wednesday 18 September, 1pm – 4pm, Redmonds Building, Liverpool.

The event will enable students to meet and network with lawyers and legal professionals and raise awareness of the profession.

The fair is primarily for new first year students although students from any level of study are welcome to attend. LJMU would be delighted if firms and organisations came along to meet the students, to help increase their awareness of the industry and discuss any work experience opportunities should you have them.

The fair is free to attend.

**For further details and to confirm your attendance please email [employerengagement@ljmu.ac.uk](mailto:employerengagement@ljmu.ac.uk) marking it for the attention of Julie Wright, LJMU's Employer Engagement Officer in the Careers Team.**



## Creating a Culture of Cyber Awareness

with Tom Lyes on Tuesday 17th September, 10am - 12.15pm

**Those that would specifically benefit from attending are:**  
Managing Partners, Directors, COLPs, COFAs, Residential and Commercial Property Lawyers, Private Client Lawyers & Compliance departments.

In 2018 60% of law firms reported a security incident, while the SRA highlighted 287 scam alerts. At any one time there are 1400 criminal organisations targeting the legal sector according to HM Government.

It is critical that law firms adopt a culture of cyber awareness.  
**The biggest risk to your business from a cyber point of view is your staff and leaders should drive the cultural behaviour needed to fight cyber crime.**

In this seminar, Tom will discuss how cyber fraud is not restricted to your property department and applies across your whole business.

Adopting a top down approach to cyber crime mitigates your risk from interception of funds and email modification fraud, protecting your business from the financial and reputational damage of a cyber incident.

Competencies: A3, A4, A5 & D3

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

# Hill Dickinson announces financial results for 2018/2019

Leading commercial law firm Hill Dickinson has announced strong like-for-like growth in its financial results for the year ending 30 April 2019.

## Financial highlights

- Total revenue of £90.45 million
- Distributable profit of £16.8 million – up 20%
- Profit per equity partner of £370k – up 27%
- Net cash position further strengthened to £7.6m at year end (from -£0.6m a year earlier).
- 10% like-for-like growth in turnover; including:
  - Record growth across the firm's health sector: +32% year on year
  - Strong performance across all other areas of the firm

## Operational highlights

- First full year after transfer of insurance arm to Keoghs – all continuing business activities performed ahead of plan
- Significant new client wins and panel reappointments including: Crown Commercial Service, NHS Commercial Solutions, Axione, EMMAC Life Sciences, Sykes Cottages, Greater Manchester Combined Authority and Sovini Property Services
- Reappointment of Peter Jackson as CEO for a further four-year term to October 2024
- Appointment of Jonathan Brown as chairman in November 2018
- Appointment of 26 partners and legal directors
- Intake of 21 trainees and apprentices

Commenting on the results, Hill Dickinson CEO Peter Jackson said: 'Our financial results for 2018-19 have exceeded all our expectations. They represent significant like-for-like growth across every single area of our business, with overall like-for-like turnover up by 10% year on year.

'Our health business in particular has continued to grow at a rate that outstripped all of our early budget predictions. Major new client wins, the growth of our Leeds office and a series of new hires across the board in health produced 32% growth in 2018-19, which is a spectacular achievement and demonstrates our increased profile and presence. We have also been fortunate in expanding our life sciences team very quickly with some key hires in this exciting area of the law, including work at the forefront of regulated innovation in gene therapy, AI-driven drug discovery, fertility and medicinal cannabis.

'Our strength in supporting technology, fast growth and owner-managed businesses from startup to IPO has enabled us to strengthen our offer and we have been listed as the fifth\* highest ranked legal advisor to AIM companies – 33 in all.

'We have also seen the returning confidence of our marine practice this year, necessitating recruitment of new people at all levels to the team, a surge in new instructions and greater work across our international office network.

'The fact that we have already made up a significant proportion of the turnover gap created by the sale of our insurance group in 2017 to Keoghs, and that profits are already running at materially higher levels feels particularly significant. Our decision to focus on building on our core strengths and acting as trusted advisers to businesses across the commercial, health and marine sectors, means we are now building on a strong foundation for further growth.

The calibre of our people is without doubt the key factor in helping us achieving these results. Their hard work and dedication demonstrates once again why we are very much a first choice law firm for serious legal professionals who place outstanding client advice and long-term relationships at the heart of their work. We are delighted, too,



Peter Jackson

that our improved performance means we can accelerate several of the investments we are making internally including in our culture and corporate responsibility work in the communities in which we operate.

'That said, we are ever-mindful that we practise law in an extremely competitive market and that to continue to succeed we must remain focused on our clients and on building a sustainable, profitable business. Nevertheless, with another set of strong results under our belts, we are positive about the future of Hill Dickinson and tremendously excited for the year ahead'.

(\*AIM Advisers Rankings Guide, July 2019)

## Private Children Law: 2019 Update

with Safda Mahmood on Tuesday 1st October, 10am - 12.45pm

**The course will equip you with a rounded up update on key issues surrounding private children law, with a particular focus on changes throughout 2019.**

**It is set at a level to benefit those who are practicing in this field and want to get an update.**

The areas to be covered are:

- Parental Responsibility
- Section 8 orders – Update
- Contact (Child Arrangements) and Enforcement – Update
- Children and Families Act 2014
- Child Arrangements Orders
- Presumption of Involvement
- Leave to Remove Applications
- Funding Applications
- Special Guardianship Orders
- Key Case law Update



Competencies: B

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

# Weightmans welcomes new HR Director to its board for the first time

National law firm Weightmans has appointed Helen Taylor as Human Resources Director.

Helen joins the firm from multi-million pound insurance company esure Group, where she spent five years as HR director, responsible for around 2000 people. During her time at esure, Helen oversaw the People strategy including reward, recruitment, engagement, talent and succession planning, also taking over responsibility for the Facilities and Internal Communications teams in the latter part of her time there.

Helen has worked in HR for most of her career and has latterly worked at executive level. Her experience spans the insurance, finance and retail industries, with senior HR positions at RSA, Next and Co-operative Financial Services. She is a Non-Executive Director and Council Member at the University of Salford.

Based in Weightmans' Liverpool Headquarters, Helen will lead and support the firm's Human Resources, Knowledge and Learning and Development departments, helping the firm to deliver its people strategy. She will also be the first ever HR Director to sit on the Weightmans Board.

Helen said: "People, values, culture and collaboration are all really important to me and although a business' main objective is to provide a great service to clients and generate profit, the culture and the people are the core of its operation – Weightmans certainly shares this ethos and I am delighted to join a business that truly puts people first."

Weightmans Managing Partner John Schorah said: "The implementation of our bold people and talent strategy is key to supporting out clients, achieving our goals and delivering further



**Helen Taylor**

growth. Our people, their development and success are so important to us, and appointing our HR Director to the main board for the first time is a testament to our commitment of putting our people and clients at the heart of everything we do.

"Helen is an excellent addition to the board – her wealth of experience, enthusiasm and results-driven focus will add real strategic value to the wider business. We are thrilled to welcome her to the firm."

## Brabners appoints four new partners in record promotions round

Four lawyers – employment solicitor Kate Venables and housing and regeneration trio Lisa Robotham, Suzanne Gregson and Josephine Morton – have been made partners at independent legal practice Brabners.

The four new partners were announced as part of the firm's largest ever promotions round, with a further 24 lawyers across the business stepping into more senior roles.

Kate Venables trained at Brabners and qualified as an employment lawyer in 2005. Over a 16-year career she has established herself as an experienced employment tribunal practitioner and is a Legal 500 recommended lawyer.

Josephine Morton, Lisa Robotham and Suzanne Gregson all specialise in advising the social housing sector, with more than 45 years' experience between them, and their clients range from small housing co-operatives to national registered providers.

Josephine joined Brabners in 2009 following her qualification the previous year. Lisa and Suzanne both joined Brabners in 2017 with the latter having held the role of partner at a number of international law firms. Lisa has previously operated in-house at the Law Society as well as being a partner within regional firms.

Nik White, managing partner at Brabners, said: "The sheer number of people this year who have proved they are capable of taking on more senior roles in the firm is an indicator of where we are as a business and the quality of our people. With three years of sustained growth under our belt, the opportunities for career development at Brabners have significantly increased. It's testament to the talent we have that



**Nik White, Lisa Robotham, Kate Venables, Suzanne Gregson and Josephine Morton**

so many people have been able to take advantage of those opportunities.

"Kate, Lisa, Josephine and Suzanne are indicative of the quality evident across the firm. They have proved time and again their value, both in what they bring to the firm in expertise and their established presences as legal advisors to major businesses and vital third sector organisations across the North West and beyond."

# Myths and Assumptions about Paralegals - What is the truth?

By Amanda Hamilton, CEO, National Association of Licenced Paralegals (NALP)

The Paralegal Profession is acknowledged as currently being the fastest growing within the legal services sector. So, it's important to dispel some of the myths and incorrect assumptions that surround the sector:

- **Paralegals are glorified legal secretaries**

Not so. For the last twenty years, paralegals have taken on a more vital role in the legal sector not only as support staff in law firms but also in commerce and industry, in the public and private sectors and, more importantly, in recent years, as professional practitioners in their own right offering consumers access to justice at a reasonable cost.

- **All Paralegals are law graduates who wish to become solicitors or barristers**

This premise is just wrong: many graduates still aspire to enter these conventional professions. However, not all graduates wish to become solicitors or barristers. Some may want to become career paralegals or paralegal practitioners. The cost of qualification towards the conventional professions is so prohibitive that many graduates see the paralegal pathway as a viable career alternative.

- **Paralegals cannot perform reserved legal activities i.e. activities that still remain the monopoly of solicitors**

This is officially true. However, because of various factors, such as the withdrawal of legal aid for all but the most urgent cases, reserved legal activities are in practice, slowly being eroded. For example, many NALP paralegals who prove themselves competent are, at the discretion of the court, being granted a right of audience (one of the reserved activities), meaning they can represent their client in court. This is because consumers are attending court to represent themselves as Litigants in Person (LIP), since they cannot afford the fees of solicitors or barristers, and, as a result, the court process has been slowing down to ensure that the LIPs are given advice about how to proceed.

- **A Paralegal Practitioner's competency is inferior to that of a solicitor**

Again, this is a completely wrong assumption. Many paralegal professionals have gained a qualifying law degree or have successfully completed nationally recognised paralegal qualifications and gained sufficient experience in very much the same way as a solicitor has done. Also, statistics from The Office of Legal Complaints and the SRA regarding misconduct or negligent work, clearly indicate that solicitors do not have the monopoly on good practice or competency. The main difference between the two professions is that solicitors are statutorily regulated and paralegals are not, although the paralegal voluntary regulatory body (NALP) carries out stringent checks on its members on a continuing basis.

- **There has never been a 'Paralegal Profession' before, so why should there be one now?**

This is true: there has not been a 'paralegal profession' until relatively recently. There are several factors that have been fundamental in creating this: firstly, the number of educational institutions running the professional exams for solicitors and barristers (Legal Practice Course (LPC) or Bar Professional Training Course (BPTC)) has increased from 4 in 1982 to 42 in 2010, thereby flooding the sector with graduates. Secondly, as a result, there have not been enough training contracts (to offer those who wish to become solicitors) or pupillages (for barristers) to keep up with demand. Consequently, in order to remain within the legal sector, graduates have been offering their services to solicitors and barristers as paralegals, in the hope that they



Amanda Hamilton

may be offered such a training contract or a pupillage. Thirdly, and perhaps more importantly, the virtual eradication of legal aid in 2013 has left consumers in a difficult place since most cannot afford solicitors' or barristers' fees. Paralegals have stepped in to fill the gap in order to offer access to justice at a reasonable cost. Another factor includes the implementation of the Legal Services Act 2007 with an emphasis on creating more competition in the legal services sector generally.

As already mentioned, apart from the cost of qualifying and the status, paralegals can do similar work to solicitors but cannot perform reserved activities. This leaves a lot of work that they can do.

By understanding more accurately the role that paralegals can and do play within the legal sector both solicitors and consumers can make better informed decisions about when and how to employ the services of a paralegal.

## ABOUT THE AUTHOR

Amanda Hamilton is Chief Executive of the National Association of Licenced Paralegals (NALP), a non-profit Membership Body and the only Paralegal body that is recognised as an awarding organisation by Ofqual (the regulator of qualifications in England). Through its training arm, NALP Training, trading as National Paralegal College, accredited recognised professional paralegal qualifications are offered for a career as a paralegal professional.

See: <http://www.nationalparalegals.co.uk> and <https://www.nalptraining.co.uk/>

Twitter: @NALP\_UK

Facebook: <https://www.facebook.com/NationalAssociationofLicensedParalegals/>  
LinkedIn - <https://www.linkedin.com/in/amanda-hamilton-11b-hons-840a6a16/>

## AI for the Legal Sector

### Free event 26 September 2019

**Could AI or data science enhance your legal practice? Want to increase productivity, validate decisions and save time and money but not sure where to start or where to go next?**

The Hartree Centre, a specialist data science facility funded by the UK government providing innovation to industry in various technologies associated with complex data processing, has arranged for a free workshop aimed specifically at the legal sector.

This workshop focuses on how Artificial Intelligence (AI) and Data Science can enhance the legal sector including building systems that learn to extract information from case documents, automated redaction of specific elements of text, modelling regulations and directives for compliance and other complex tasks, and automated decision-making systems that model the judgements of domain experts.

Further details available **here** on this free workshop.

## Monthly Competition

**Do you want to be in with a chance of winning a bottle of wine from R&H Fine Wines?**

This month the question is:

**Where did the Tripartite Cup golf challenge take place?**

Please send your answer to [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk), no later than 20th August 2019.

Congratulations to Darren White at Maxwell Hodge Solicitors for correctly answering the question in the August 2019 edition of 'Liverpool Law'.



## Residential Conveyancing Nightmares

### with Ian Quayle

on Wednesday 2nd October, 9.30am - 12.45pm

**This course is aimed at transactional residential property lawyers at all levels.**

**It is designed explore practice, procedure and the law when problems arise in residential conveyancing transactions.**

#### The course will explore;

- Problems with title – what is a good and marketable title and what can be done when title is defective – disclosing defects and using title indemnity insurance
- The sellers duty of disclosure – advising the seller on completing TA forms, liability for misrepresentation and misdescription
- The Issues with classes of title when dealing with registered land
- Dealing with defective residential leases – varying leases and the jurisdiction of the First Tier Tribunal (Property Chamber)
- Problems at Exchange and Completion
- Key Features of the Standard Conditions of Sale
- An exploration of relevant case law

Competencies: A2, B2, B7, C1, D1 & D3

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

## The Complete Legal Aid Supervisor

with Vicky Ling

on Friday 4th October, 9.30am - 4.45pm (lunch included)

Supervisors are the key to a successful contracting relationship with the Legal Aid Agency. You have to have at least one and they are your first line of defence against audit problems.

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

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

#### You will learn about:

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

Competencies: A3, C1 and C3

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

# No more excuses: The Time to Act is now !

As this edition hits your inbox, summer will be nearing its end. Holidays over, suitcases back under beds or on top of wardrobes, photos of sun-filled days pinned to fridges with novelty magnets, and postcards eventually delivered. Autumn is truly here. I love September, with its surprisingly warm days, cool evenings and misty mornings. It always feels like a fruitful, fulsome month with the hedgerows full of blackberries for jelly or to mix with fallen apples in a crumble, late salad crops and the last of the outdoor tomatoes gathered up for a final feast. The Autumn harvest feels generous this year as the hot sun and late rain have made the fruit swell. Oddly for the ninth month of the year September often feels like the beginning, a new term sort of feeling, back to school, off to University, back to work after a summer break. For many of us it marks the start of things not the year drawing towards its close.

This September is no exception but the 'newness' has a different feel. Our returning students don't just have their minds on exams and lessons they are focusing on a something much more taxing. Millions of young people across the world are preparing for a global mass strike for the climate calling on all of us to support them and holding world leaders, CEOs, professionals, lawyers, bankers, teachers and trade unionists alike to account. Led by the extraordinary Greta Thunberg, the Youth Climate Strike movement, and Fridays for the Future, have issued us a challenge – join them, stand up and be counted.

**"This is not a single-generation job. It's humanity's job... Let's all join together, with your neighbours, co-workers, friends, family and go out on to the streets to make your voices heard and make this a turning point in our history."**

We have heard this call before, indeed I have written about it in this column, so why is now so different? Is it the so called 'Greta effect' – a ridiculous notion conjured up by the media and those who seek to either lionise or demonise this passionate and somewhat single minded teenager – or is it, and I want to believe this, a serious realisation by our children that time is really running out. For a generation raised online, for whom the virtual world is often more real than the actual world, this awakening to the prospect that our real, physical planet is in mortal danger is a terrifying one. So often derided as 'Snowflakes' these engaged and angry young people are putting us to shame: But hopefully not for long.

## Are you striking?

I have been pleasantly surprised by how many lawyers and professionals in both large and small law firms, have said to me over the summer, "are you striking? I am". Personally, I would call on everyone to take to the streets and join this strike with a purpose. Withdrawing your labour is traditionally a vehicle to force change but usually associated with a partisan need, or desire, to improve or alter working conditions – from pay to health and welfare. This strike is indeed designed to force change, not on a local or even national level, but globally and for the benefit of all humanity. There are still some who deny the impact of global heating but the evidence this summer, with forest fires across Europe, the funeral for Okjökull Iceland's first glacier lost to climate change, and extremes of weather here at home prove, if proof were needed, that it is real and here to stay.

Just back to Greta for a moment, she would be the first to admit that she is not an expert nor is she seeking global mega star status. She calls on us to listen **to the evidence and the science not to her**. I find her frankness about how her Asperger syndrome and OCD compel her to act with such determination more inspiring even than her commitment to action. It takes a brave person to put their own flaws and weaknesses out there and many much less mature adults have been viciously critical of her in a way that makes me think they are seriously frightened by her and what she has to say. Chris Packham, another controversial figure in the environmental movement, also openly admits his Aspergers' lie behind both his obsession with the natural world and his immunity to the horrific insults and, unbelievably, death threats he receives. He worries for his family, friends and the charities he works with, but the threats don't affect him personally "they go over my head" Packham says.

While these totemic figures help draw attention to the issue, we shouldn't need them to urge us to take action. "We are now getting very close to



some dangerous tipping points in the behaviour of the climate" said Bob Ward, policy director at the Grantham Research Institute on Climate Change and the Environment, in response to the latest IPCC report on land use, agriculture and global heating. He is just one of many hundreds of scientists who have given us the evidence, should we need more convincing, that the time to act is now.

So, what can you do? The first obvious thing is to join the Climate Strike on 20th September. If you are planning to strike do get in touch with the Legal Sustainability Alliance who may be able to help or put you in touch with other strikers from the legal sector. However, if you do not wish to, or cannot, strike then please consider other ways to support ... here are some ideas:

- Use the Climate Strike Week 20-27th September to raise the issue in your firm and with colleagues, hold an event, a discussion, offer some pro bono support to a conservation or environment charity.
- Sign the mass petitions calling for Local Authorities to declare meaningful Climate Emergencies and then take action and put in place policies to implement that – from recycling to Clean Air Zones.
- Join your local XR group who are working with Local Authorities on how to implement Climate Emergency policies.
- Encourage your firm to commit to becoming Carbon Neutral – starting with a commitment to buying green energy – the LSA is setting up an initiative to support this launching in October (more next month!)
- Introduce more plant-based meals into your diet and reduce your consumption of mass produced meat - eat local, eat sustainably.
- Ban plastic of all kinds from the office.
- Adjust your commute - car share, walk to work, take public transport wherever you can.

These steps alone make only a small difference but if Greta and her fellow students have taught us anything it is that small steps taken together can create a global impact.

No more excuses, summer is over and it is Time to Act.

**Amanda Carpenter is CEO of Achill Management and presenter of Planet Pod a regular podcast on all matters environmental.**



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**The Old and the New:** A review of the significant case law that every Court of Protection practitioner 'needs to know' & an introduction to the proposed Liberty Protection Safeguards

with Rebecca Clark

on Tuesday 17th September, 2pm - 4.15pm

**This course is aimed at Court of Protection practitioners at all levels as well as practitioners who find themselves on the fringes of the Court of Protection.**

*What this course will cover:*

- ◆ A review of the important health and welfare case law with an emphasis upon how the principles should be applied in practice.
- ◆ What we should expect from the new Liberty Protection Safeguards and how they will differ from the current Deprivation of Liberty Safeguards regime.
- ◆ A review of the fringes of the Court of Protection and its overlap with other jurisdictions.

Competencies: A2 , A4, A5, B & C

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



## Road Traffic Law for Criminal Practitioners

with Colin Beaumont

on Wednesday 18th September, 10am - 12.45pm

**This course has been specifically written to appeal to anyone involved at any stage whatsoever in advising clients on the criminal aspects of road traffic legislation.**

*The following items and more will be covered during the course:*

- A 'not guilty' plea having been entered – duties under the Criminal Procedure Rules 2015
- Advising generally in the area of penalty points
- The offences covered by the Duty Solicitor scheme under your 2017 Crime Contract
- The Drug Driving offence and the guidance published by The Sentencing Council
- Advising generally in the area of alcohol and driving
- Advising generally in the area of mandatory and discretionary disqualifications
- Exceptional Hardship – what you can and cannot argue
- Special Reasons
- Disqualification as a sentence rather than as an ancillary order
- Disqualification until test passed – an area fraught with difficulties
- Probationary Drivers and the Road Traffic (New Drivers) Act 1995
- Driving whilst disqualified – some traps for the unwary

Competencies: A1 a-d, A2 a, d, A4 a, B2a, c, d, B5 a-d, C1 d & e

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

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



## Relationship Management



## Update from the North Team

# Access to Justice – the current state of criminal legal aid

**This month we would like to share with you the Policy Team's article on the state of criminal legal aid and update you on what action the Law Society is taking and how you can get involved.**

### What is wrong with the criminal justice system?

In recent years complaints about the state of the criminal justice system in England and Wales have become increasingly loud. From the Secret Barrister to the Justice Select Committee, there seems to be a general consensus that due to many years of underinvestment our criminal justice system is crumbling.

Our justice system – admired all around the world – is underpinned by the notion that people are innocent until proven guilty, yet people's lives can be ruined before their case even reaches trial.

Imagine a person arrested today for a crime they didn't commit. Their journey through the justice system could be plagued with shortages of lawyers and experts – due to low legal aid rates, - delays due to cases being double booked, long journeys to a distant court due to the closure of their local court, and being required to pay legal aid contributions they can't afford because the means test is too stringent.

Innocent people may be held on remand far longer than necessary because of inefficiencies in the system – and be crippled by large debts as a result of their arrest, even if found innocent. This also impacts on victims and witnesses of crime who suffer avoidable inconvenience, cost and stress because of all these problems.

Worse still, problems with the disclosure of relevant documentation mean that innocent defendants risk being wrongly prosecuted, or even convicted, because evidence proving their innocence has not been identified and properly considered by the police and prosecutors.

More resource is sorely needed across the system to address these issues, not least in relation to criminal legal aid fees. Criminal legal aid lawyers ensure that anyone accused of wrongdoing has a fair trial. A stable pipeline of defence lawyers is essential to ensure that justice is served both now and in the future. Yet rates for criminal legal aid work are now so low, young lawyers no longer see a viable career in this specialism.

Last year the Law Society published an interactive 'Heat Map' illustrating the impending crisis among duty solicitors. The map shows that the mean average age of a criminal duty solicitor across the whole of England and Wales is now 47, and some counties have no lawyers under 35 doing this work.

### Law Society campaign

It was out of these concerns that the Law Society's criminal justice campaign was born earlier this year. The campaign calls for the Government to invest more in the system and to implement key reforms to ensure the system does not fall apart.

Among the campaign tools available are an online petition; a video illustrating the damaging impact on clients of the overly stringent

means test; a report – 'Justice on Trial' – on the crisis that makes 11 key policy recommendations to government, and a letter-writing campaign encouraging practitioners to write to the new Lord Chancellor urging him to prioritise access to justice.

### Ministry of Justice Review

Largely as a result of persistent lobbying by the Law Society and other practitioner groups, the Ministry of Justice (MoJ) embarked in March 2019 on a root and branch review of criminal legal aid ('the Review'). The review covers all aspects of the various criminal legal aid schemes, from the police station to the Crown Court, and it is hoped will at least go some way to addressing the current crisis in Criminal Legal Aid.

The Society, the Bar Council, CBA and the other main crime practitioner representative groups are engaged with the review and we have representatives on each of the groups feeding into the Review.

The review is expected to report at the end of 2020. In the meantime the Law Society and other practitioner representative groups have been successful in persuading the MoJ to invest in specific reforms earlier than this, as a recognition of the crisis in the criminal justice system, and to help build confidence in the review process. Among other things we hope that this will result in some form of payment for the consideration of unused material and early disclosure. The MoJ anticipates proposals from this early work to be published around the end of this year.

The Law Society delivered a number of roadshows around the country earlier this year – including Sheffield, Liverpool and Newcastle in order to provide updates to our members on the crime Review and other developments in criminal legal aid. You can listen to a podcast here that summarises the topics covered in the roadshows.

Practitioners can get involved in the Review in a number of ways;

- **You can host an MoJ employee in your firm for 1-3 days, in order to demonstrate first-hand some of the problems facing you in your day-to-day work;**
- **You can volunteer to take part in a Focus Group. These are in the process of being organised and will take place in several different locations around the country;**
- **You can also contact the Law Society directly with your ideas and suggestions for improvements to criminal legal aid.**

If you wish to participate in any of the above, please contact: [alicemutasa@lawsociety.org.uk](mailto:alicemutasa@lawsociety.org.uk)

**Alice Mutasa – Policy Adviser, Criminal Legal Aid, the Law Society.**  
**Vicki Butler – Campaigns Manager, the Law Society.**

# Hindsight and breach of duty - Goldscheider v Royal Opera House Covent Garden Foundation

The Court of Appeal decision in *Goldscheider v Royal Opera House Covent Garden Foundation* [2019] EWCA Civ 711 is important for employers. It raises the question whether Section 69 of the Enterprise and Regulatory Reform Act 2013 would have altered the decision. Towards the end of his judgment, Sir Brian Leveson expressed the following opinion:

*'Alterations made by defendants after a workplace accident do not necessarily demonstrate liability retrospectively, but they do make it very difficult for the defendant to prove that all reasonably practicable steps had already been taken.'* At paragraph 42

This is a comment which was made in the course of a discussion surrounding breach of statutory duty. However, the question arises as to whether it has a wider impact on the common law of negligence?

The facts of *Goldscheider* are well known and can be summarised briefly. The Claimant was a viola player and worked at the Royal Opera House. The 2012/13 season opened with Wagner's Ring Cycle in which 90 orchestra players occupied the pit. The viola players were positioned directly in front of the brass section. The Claimant was given 28dB ear plugs but the sound was still excruciatingly loud and painful. Complaints were made by the viola players and a noise level of 91dB was recorded. By the end of the third day of rehearsals, the Claimant had suffered injury to his hearing which ended his professional career.

At a subsequent rehearsal, after the Claimant had left, the orchestra was rearranged to give a one metre space between the violas and the brass section which was also split up. The noise level was then recorded at 83dB.

Members of the orchestra were given custom earplugs (either 9dB or 28dB), however they made it difficult to hear other players and the conductor. As such, players were told to use them at their discretion.

At first instance, Davies J ruled that the Royal Opera House had breached its duty under the Control of Noise at Work Regulations 2005 on a number of grounds. First, the Judge concluded that the risk assessment did not take account of the requirements set out in Regulation 5(3). Second, the Judge said that the Defendant had failed to take all reasonably practicable steps to reduce the risk of noise exposure in breach of Regulation 6(1). Third, the Judge concluded that the Defendant had breached Regulation 6(2) by failing to reduce noise exposure by appropriate measures. Fourth, there was a breach of Regulation 7 by failing to designate the pit as a hearing protection zone. Finally, the Defendants had breached Regulation 10 in failing to inform players of the mandatory requirement for hearing protection.

The Defendant appealed on the basis that the Judge was wrong not to accept its evidence that it had taken all reasonably practical steps to reduce noise exposure. In addition, the Defendant argued that under the Compensation Act 2006 Section 1 the deterrent effect of liability for a breach of a statutory duty might discourage a desirable activity. The appeal was dismissed.

The comments of Sir Brian Leveson above are to be contrasted to the countless county court decisions where post-accident alterations have been made and no liability has attached. It is a well-rehearsed saying by Defendants that making an alteration is not a reflection or acceptance of liability. This is so in many cases of employer's liability. Simply put, should Defendants be punished in an instance where they seek to improve upon their systems?

Any post-accident alteration is effectively an act of hindsight. The accident occurs leading employers look at the circumstances and how future accidents can be prevented. There is always a danger when



**Charles Austin**

looking at an accident to be wise after an event. However, great care is needed as was made clear by Viscount Simonds in *The Wagon Mound (No.1)* [1961] AC 388, at page 424:

*'After the event even a fool is wise. But it is not the hindsight of a fool; it is the foresight of the reasonable man which alone can determine responsibility.'*

A potential difficulty now exists between instances where a post-accident alteration is made. Do these actions demonstrate an appreciable failure and therefore a breach of duty? The answer lies in foreseeability. The Claimant must first prove that the Defendant knew or ought to have known of a reasonably foreseeable risk of injury and if this is proved that the Defendant failed to take reasonable steps in relation to that risk.

Any application of Leveson LJ comment to a post Section 69 case risks conflating two separate aspects of proof of negligence so as to establish reasonable foreseeability of injury by a failure to take steps to avoid the injury (as demonstrated by post-accident alteration). However, a duty to take steps in respect of a risk can only arise once there has been a finding that the Defendants ought reasonably to have been aware of the relevant risk.

In the post Section 69 world the comments of William Blake that 'hindsight is a wonderful thing but foresight is better, especially when it comes to saving life or some pain' are as good a guide as any.

**Charles Austin**  
**Complete Counsel**

# Liverpool BID Company

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

Our levy paying businesses are looking and feeling a little shinier thanks to the work of the BID Street Rangers, who as an initiative reached its one year milestone last month. That's a total of 20 miles of pavement cleaned, 700 stickers and graffiti removed, and 200 private areas made to sparkle again, since its inception!

The service came about following a call from our BID levy paying businesses for additional cleaning in the areas surrounding their premises. Thanks to a £250,000 investment by the BID, the BID Street Rangers work tirelessly to brighten and restore our BID levy payers' paving, footways and doorways to their full lustre, along with providing extra cleansing and maintenance services to public spaces across the BID areas. This is of course an additional cleansing and maintenance service to those already provided by Liverpool City Council via Liverpool Streetscene Services (LSSL).

The BID Street Rangers can be seen across the city centre on a daily basis working on some of our most iconic streets, in and around Castle Street, Exchange Flags, Old Hall Street and St Paul's Square in Commercial District BID - and Bold Street, Church Street, Lord Street, Williamson Square, Metquarter, St Johns, Cavern Quarter and Queen Square in Retail & Leisure BID.

Led by the BID's head of operations, Shaun Holland, our six dedicated BID Street Rangers undertake a number of tasks including street washing, overpainting private street furniture and BID levy payers' buildings' entrances, repainting and refreshing public street furniture, and checking all thirteen rear alley gates within the BID area to ensure they are in working order and are closed to ensure security is maintained and health and safety issues are avoided.

I would personally like to say a huge congratulations to the current BID Street Rangers Iain Duckers, Stephen Heenan, Kevin Higgs, Simon Knott, Mark Morgans, and Stephen Phillips on a very successful first year, and we all look forward to seeing a further sparkle on our streets over the coming months and beyond.

**To find out more about what Liverpool BID Company does please visit [www.liverpoolbidcompany.com](http://www.liverpoolbidcompany.com)**

**You can also join the BID on social media -**

**Twitter - @LpoolBIDcompany**

**Facebook - LiverpoolBIDCompany**

**Instagram - LiverpoolBIDCompany**

**LinkedIn - Liverpool BID Company**



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



### Public Child Law Update

with Safda Mahmood

on Tuesday 1st October, 1.30pm - 4.15pm

**The course will equip you with a rounded up update on key issues surrounding public children law, with a particular focus on changes throughout 2019.**

**It will be of benefit to those acting for parents, children, extended family, and local authorities.**

The areas to be covered are:

- Removal
- Contact and Children
- Assessments and Timescales
- Public law Outline and Timetable
- Leave Applications and Secure Accommodation
- Placement Applications and Adoption
- Special Guardianship
- Threshold Criteria
- Key Case Law Update
- Updates on Statutes and Practice Directions

**Competencies: B**

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

# Regulation Update



**Andrea Cohen**  
**Weightmans LLP**

## The latest regulation news from Andrea Cohen of Weightmans LLP

**While many have been enjoying a relaxing summer break, the world of risk and compliance continues to turn and the clock continues to count down to the introduction of STaRs (as the new SRA Standards and Regulations are being referred to!) on 25 November.**

### **ICO timescales for responding to a subject access request amended**

Following a ruling by the Court of Justice of the European Union, the ICO have updated the guidance on timescales for responding to a subject access request, as well as other individual rights requests. The day of receipt becomes 'day one', rather than the day after receipt, and the time limit should be calculated from the day the request is received (whether it is a working day or not) until the corresponding calendar date in the next month e.g. the deadline for responding to a SAR received on 3 September is 3 October. As a reminder, if the corresponding date the next month is a weekend or bank holiday, the deadline is the next working day, and where the following month is shorter, the deadline is the last date of that month e.g. a request received on 31 May will have a deadline of 30 June. When updating your policy, you may want to consider key dating responses for 28 days in any event, possibly from 'satisfaction as to identity of requestor'.

### **SRA struggling to recover costs**

A Freedom of Information Act request has revealed that the SRA is struggling to recover costs awarded at SDT hearings. Whilst costs being spent on successful cases are at an all time high, the SRA are owed more than £21 million in costs from individuals or firms it has prosecuted. Over the past three years there has been a continuous shortfall between costs awarded and costs recovered. This is leading some to question whether the SRA disciplinary approach is proportionate.

The SRA said it has to take 'effective action' when solicitors and firms fail to maintain high professional standards, saying 'It is important we are fair to all involved in our processes, and that those processes are thorough and robust. Investigation can therefore be costly. As part of our commitment to using the profession's money efficiently, we try and recover those costs, either through the tribunal for cases it hears, or other courts where appropriate.'

In light of the changes to the burden of proof, which may result in an influx of referrals and more prosecutions, lawyers are right to be concerned about the mounting costs incurred. From November, it is likely to be even more important for the SRA to strike the right balance when deciding to prosecute cases and ensure their response is proportionate.

### **Law Society issues guidance for regulation and compliance in property practice**

The recently published guidance provides an overview of the main regulation and compliance issues that

solicitors working in property need to be aware of, including: price and service transparency; conflicts; client funds; consumer protection regulations; confidentiality and disclosure; AML; fraud and tax avoidance, and provides links to relevant practice notes, Law Society and SRA guidance etc. While there is nothing 'new' in the guide, it will be useful to practitioners to have the information in one place. Hopefully, this may be the first of many such guides, particularly as we approach the 'brave new world' of Standards and Regulations.

### **Run-off cover after SIF closes**

With only 12 months to go until the SRA closes SIF, solicitors in firms which have closed without a successor practice are being warned to give "careful thought" to buying additional run-off cover. Under the minimum terms and conditions (MTCs), solicitors are required to buy six years of run-off cover when closing a firm with no successor practice, and SIF has, until now, covered any claims which arise after then. Once SIF closes, no future claims will be handled or paid and solicitors of closed firms will be liable for any claims.

While there is a mandatory requirement under MTC to provide run off, insurers are not obliged to provide additional cover beyond the six years. Research indicates that 11% of claims arise 15 years or more after closure, so there is clearly potential risk that individuals could be held personally liable for historical claims. The insurance market has, to date, not reacted substantially to this, although a few providers have indicated they may provide cover. As a first step it would be worth confirming what cover your previous firm had and consulting your current insurance provider to see if they would offer additional protection against these claims.

### **Law Society produces NDA guidance**

The Law Society has published a guide to inform the public about NDAs which will be made available through organisations such as Citizens Advice. This guide advises employees asked to sign a confidentiality agreement to get a solicitor to help them understand precisely what they are agreeing to and what their rights are. The guide says, 'As confidentiality agreements place legal restrictions on you, it is best to get independent legal advice before signing them... Employers may provide funds to workers to get independent legal advice as it is in their interests that you fully understand what you are agreeing to. If after signing a confidentiality agreement you are unhappy with the terms, contact a solicitor to see what your options are.'

Stephanie Boyce, deputy vice president of the Society, said: 'The legal profession has a responsibility to educate the public on complex and sometimes controversial aspects of the law.' The Society is reviewing its NDA guidance of January 2019, following a recommendation from the House of Commons women and equalities committee in its June report on

NDA's in discrimination cases. Boyce said: 'We have revisited our work following the committee's report and will be updating our practice note after the release of the updated Solicitors Regulation Authority warning notice and EHRC guidance - expected at the end of the year.'

## Judge warns against solicitors providing secondary evidence

A High Court judge has warned against solicitors providing secondary evidence in the form of witness statements that are irrelevant or badly sourced.

Chief Master Marsh, in *Folgender Holdings Ltd & Anor v Letraz Properties Ltd & Anor* regarding a statement drafted by a defendant lawyer in response to an application for summary judgment, made clear that, as a general rule, evidence should be given by a witness who has first-hand knowledge of the events in question. However, he accepted in some cases it was convenient for evidence to be provided by the party's solicitor based on instructions. In this instance, the solicitor had made assertions of fact "he could not possibly know about without stating the source of his information". The Master said: 'If a party chooses in response to an application for summary judgment, or indeed any application, to provide evidence through a solicitor, strict compliance with the CPR is required if that party is to avoid the risk that limited, or possibly no, weight is given to the evidence.'

Solicitors ought to be mindful when filing any witness statement that the contents are within their knowledge or properly sourced. Failure to do so may result in the witness statement being struck out. This will not only have a negative impact on the case for the party in question, but is likely to reduce the credibility of the solicitor in the eyes of the client, opponent and the court, and could, depending upon the circumstances, result in referral to the SRA.

## SDT cases

### Solicitor struck off for misleading SRA, despite being cleared of all substantive charges

A solicitor has been struck off by the SDT, despite being cleared of all substantive charges against him, as a result of misleading the SRA during its investigation. The investigation was the result of soured relationships between the co-owners of a law firm, who both reported each other to the SRA in 2015.

The SDT found that the solicitor had made 'flatly contradictory statements' and must have known that some were untrue, and he had, accordingly, knowingly misled the SRA. The SDT were critical of his "vague and hesitant evidence". He was struck off and ordered to pay costs of £35,500.

His partner was also cleared of multiple allegations, but admitted to an additional five, including conducting reserved legal activities for over 18 months when she was not authorised to do so and without proper indemnity insurance. However, the tribunal said she had not been dishonest because she genuinely and transparently believed she could practise as she did, and found her to be "a credible witness generally" who provided "immediate, open, credible, cogent and clear answers to questions". She was given a one-year suspension, suspended for two years if she complied with conditions on her PC, preventing her from being a sole practitioner, partner, or compliance officer or working as a solicitor without SRA approval. She was ordered to pay costs of £42,200.

### Full co-operation with the SRA, demonstrable insight and early admissions pays dividends

A solicitor who admitted to the SRA that a funding arrangement showed signs of being 'a dubious scheme'; acting recklessly; failing to adequately monitor the firm's funding arrangements, and submitting an application to the SRA containing misleading information, has been fined £25,000 by the SDT and banned from being sole signatory on any client or office account for three years. According to the Judgment on an agreed outcome, the SDT found the 'very serious' misconduct was 'aggravated by his recklessness' but noted, in mitigation, that the misconduct did not put client money at risk and he had fully co-operated with the SRA, shown demonstrable insight and made early admissions.

### Solicitor involved in Ponzi scheme escapes strike-off

A solicitor has avoided being struck off after his firm assisted a property development organisation in a Ponzi scheme, which the SRA found was 'wholly implausible commercially and plainly dubious', and argued he should have spotted 'red flags'. Despite the SRA submitting that he acted

dishonestly, the tribunal held that he genuinely thought the scheme was credible and should not be struck off the roll.

However, the tribunal did find his conduct to be reckless and 'manifestly incompetent', but acknowledged his previous unblemished record. The tribunal also considered the 'significant' delay by the SRA in bringing proceedings after the matter came to its attention in 2012. The tribunal suspended him for 6 months and ordered him to pay nearly £59,000 in costs. A paralegal involved in the investment scheme has been prevented from working with any regulated firm without SRA approval and ordered to pay £2,500 costs.

### PI solicitor successfully defends allegation of dishonesty

A personal injury solicitor, reported to the SRA by the defendant's solicitor, accepted that he got dates wrong on correspondence and had not succeeded in persuading a court that his witness statement was true, but denied misconduct, and was cleared after a 2 day SDT hearing.

The SRA alleged that he filed a witness statement which contained untrue or misleading information and then sent a letter to the solicitor with untrue or misleading information about the witness statement. Both allegations were advanced on the basis that his conduct was dishonest.

The tribunal said the allegations required the SRA to prove not just that he made a mistake, but that he acted deliberately. The prosecution was unable to prove beyond reasonable doubt that his witness statement to the court was any more than a 'slip'. It was found that breaches of directions were technical breaches and did not amount to professional misconduct. Allegations of dishonesty were not proven. The SRA applied for costs of £18,122, saying the case had been properly brought, which was opposed by the solicitor who made his own application for £30,000 costs. The tribunal made no order, leaving each side to pay their own costs.

The standard of proof is to change from beyond reasonable doubt to the balance of probabilities from 25 November 2019. The cases reported above may have had different results if they had occurred after November.

Andrea Cohen  
Weightmans



## 2019 Employment Law Conference

On Wednesday 9th October, 9.30am till 3.45pm (lunch included)

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

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Chaired by Lindsey Knowles & with sessions;

### The Discrimination Rocket

Sean Jones QC, 11KBW

### Limitation: The trouble is, you think you have time

David Campion, 9 St John Street Chambers

### Worker v employee status: where are we and what can we expect?

Emma Tegerdine, gunnercooke

### Illegality in employment law

Employment Judge Neil Buzzard

### Conducting complex investigations: The practicalities

Thomas Kibling, Matrix Chambers

### Whistleblowing

Kevin McNemey, St John's Buildings Chambers

### Employment Law Update

Martin Mensah, Atlantic Chambers

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Previous attendees of this annual event say:

"Very impressed - engaging speakers & helpful handouts"

"Enjoyed it, nicely pitched and informative"

"Really good with excellent speakers - thank you"

"Very practical, useful and well organised"

"Useful conference, invaluable yearly refresher. Good selection of topics"

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

 Liverpool Law Society
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  @LpoolLawSociety

# Charity and CSR Matters

**Happy September everyone,**

I'm sure many of you are relieved the little ones are back at school!

This month you will see that Morecrofts have been out shaking their donation tins at a bag pack event and Weightmans have been getting their hands dirty fixing up some very important gardens. It's so nice to see work in the community. Not only is it good for staff to get away from their desks and give something back, it is also good for people to see the 'fat cat lawyer' reputation is long gone.

As expected this month has been a bit quiet with lots of holidays and time to relax. If you did get up to anything please send the information in so we can feature it here for all to enjoy.

**Many thanks**

**Jennifer Powell  
Solicitor  
Weightmans**



## Morecrofts get packing

As part of their community engagement, Morecrofts also took part in a bag packing day at Morrisons in New Brighton along with local charity Sundowns.

Sundowns stands for Supporting and Understanding Needs of children with Downs and was formed in 2000 after a group of four mums all had little girls born with Downs Syndrome, in Arrowe Park Hospital, within six months of each other. Quickly realising there was no support for people in their situation, they formed a support group.

Morecrofts have team members who act as trustees for the charity, as well as many other organisations.

Ami-lee Price, who was one of the Morecrofts team to take part in the event said: "We had a fantastic day, full of great spirit. Shoppers at Morrisons were so generous in their donations, and it was a pleasure to be involved and get to know lots of new people."

Well done to all involved!



## Weightmans' Just Giving page has reached £100,000!!!

The page is made up of a combination of internal fundraising, and staff personal fundraising pages when they have been linked to the Weightmans page after funding towards their events.

Peter Forshaw, CSR Partner commented on the amazing achievement, stating: "The company page has been open for just over a year. To have already reached £100,000 is a testament to the time, care and commitment our staff have given to raising funds for many charitable causes. I am so proud of this achievement. Thank you so much to everyone involved".

It's not all about fundraising, the firm also give staff 2 CSR days paid leave per year to use as they see fit. One such event was a trip to Zoe's place to give the garden a make over. The gardens allow them to provide an outside space for the babies and their families to enjoy the nice weather. It is so important they have a welcoming outdoor space, especially if a baby is with the centre for a longer period of time. Zoe's place do such an incredible job and so did all the staff that attended to help.

We think you will agree the gardens look magnificent. We hope they bring some comfort, fun and peace to all who use them.



# Charity Spotlight

## Bradbury Fields

### Supporting Blind and Partially Sighted People in Liverpool for over 160 years

**Bradbury Fields vision is a world in which those people living with sensory loss can flourish. Their mission is to enhance the quality of life and promote the health and wellbeing of people living with sensory loss.**

#### Dive into your senses at "Dine in the Dark"

The absence of sight allows you to taste the intense flavours, take in the sounds and smells around you and experience textures through touch. Bradbury Fields is bringing this immersive experience of "dine in the dark" to independent restaurants and bars across Liverpool.

#### How the concept works.

Upon arrival you will have the opportunity to mix with other guests whilst enjoying a drink at the bar. Once seated you will be formally welcomed by your compere. Your first course will be served, giving you the opportunity to visually take in your surroundings before you are invited to put your sleep shade on, for just 15 minutes. This experience allows you to appreciate some of the everyday challenges that blind people face whilst in social settings. The option of how long or often you wear your sleep shade is then up to you.


*"Last night's Dine in the Dark event was superb!"*  
Aaron Hayes, Synergy Dynamic

Dive into your  
*Senses*



#### A UNIQUE DINING EXPERIENCE SUPPORTING LOCAL BLIND PEOPLE



Find us on:    
[bradburyfields.org.uk/  
dineinthedark](http://bradburyfields.org.uk/dineinthedark)

Bradbury Fields Registered Charity: 222789



160  
YEARS

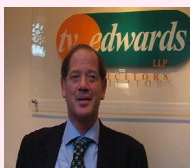
**For more information please contact: Louise  
Miller: on 0151 221 0888 or  
[lmiller@bradburyfields.org.uk](mailto:lmiller@bradburyfields.org.uk)  
Twitter: @dine\_dark  
Facebook: @DineintheDarkforBradburyFields**

## Criminal Law Update with Anthony Edwards

on Thursday 10th October, 1.30pm - 4.45pm

The course will include consideration of:

- New legislation for 2019 including the major changes by the Offensive Weapons Act 2019
- PACE Code issues; CPS guidance on the prosecution of the mentally ill
- New Criminal Procedure Rules and Criminal Practice Direction 2017
- BCM forms, witness summonses, and other procedural issues
- Homicide and other offences
- Discount for guilty plea
- Sentencing Guidelines
- Mental Health disposals
- Victim surcharge
- Confiscation
- Evidence: hearsay; bad character
- Defence costs orders
- Legal aid issues; Graduated fees including page count



**This will be Anthony's last ever event in Liverpool before he retires at the end of the year, so please do come along & support**

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

## Civil Procedure Round Up – Autumn 2019 with Helen Swaffield

on Friday 11th October, 10am - 4pm (lunch included)

**This is the latest CPR changes and a review of key procedural developments over the year.**

**Suitable for all types of litigators and a good opportunity to look at key topics in depth.**

Covering:

- Pre-action protocols
- ADR and settlement
- New Disclosure rules
- Part 36
- Fixed costs- The Briggs Review
- New Enterprise courts
- Precedent H
- Security for costs
- Summary judgment
- Striker/abuse of process
- Evidence
- Experts



Competencies: D3, C1, B2, B3, B6, B7, A2, A4 and A5

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

## Liverpool Law Society Meeting Room

### Training 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
<b>Training Room</b> Members £150+VAT   Non-Members £175+VAT	32	20	60
<b>Meeting Room</b> Members £100+VAT   Non-Members £125+VAT	12	12	20
<b>Both Rooms</b> 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](mailto:roomhire@liverpoollawsociety.org.uk) Tel: 0151 236 6998 Ext 33  
Liverpool Law Society, Second Floor, Helix, Edmund Street, Liverpool, L3 9NY



# Fridays at Quill

By Julian Bryan, Managing Director, Quill

**Nothing slows down on Fridays at Quill – or indeed in many places within the legal profession. We all know that Friday busyness is typified in the conveyancing sector when exchanges take place, dictated by most house buyers' preference to move home at the end of the week.**

And in other areas of law, legal cases don't stop, court hearings or trials aren't cancelled, and contracts don't change their completion date just because it's Friday. For anyone operating in law, Friday is as hectic as any other week day.

For Quill, the last day every week has an even greater focus on compliance. Of course, our Interactive legal accounts software warns users of potential breaches at any time with exclamation marks denoting missing e-chit information, confirmation notifications for tasks that cannot be later undone and other system prompts for incorrect entries. However, on Fridays, our Pinpoint outsourced legal accounting service cashiers ensure any compliance issues are highlighted, reported and resolved.

When you consider the plethora of problems that fall into the non-compliance category – from data loss and delayed payment processing to incorrect allocation of client monies into the wrong account and missed deadlines, plus everything in between – and bear in mind the volume of clients we currently service – 8,000 users altogether – you could be forgiven for thinking this an impossible task.

In actual fact, by having robust systems in place and applying a disciplined approach, we're able to address our clients' compliance obligations successfully every Friday, without fail.

As already intimated, for clients using Interactive, there are all manner of easy-to-use features to support fee earners progressing matters, for cashiers to efficiently manage finances according to the stringent demands of the SRA's legal accounts rules and HMRC's Making Tax Digital legislation, and for compliance officers to generate compliance exception reports for rectification or reporting to the relevant regulatory body.

Interactive is subject to an extensive software development roadmap with a strong focus on legal accounting enhancements. We notify clients of these new and improved tools via our monthly e-newsletters and 'What's new' button located in our software's top toolbar. In the past few months alone, we've upgraded functionality for associated ledgers for cases, e-chit/bank integration, MTD input and output screens, batch accounts postings, 'keep' options to avoid data input repetition, authorise and maintain screen additions, and multiple developments to both detail and summary accounts-specific reports.

All of these software improvements are designed to simplify and strengthen your compliance procedures thereby making your Friday tasks that much more manageable.

For clients using Pinpoint, we send a weekly batch of reports showing ledger balances for client and office accounts, unpaid bills and breaches. These reports act as a prompt for clients to tie up any loose ends by authorising payments and correcting breaches which are still outstanding. Our reports also streamline the process of recording failures and preparing reports on material breaches in the right format for the SRA, CLC or Law Society of Scotland.

These important checks are actioned by our Pinpoint cashiers each Friday. As our cashiers work in teams of six, headed up by a supervisor, it's then our supervisors' role to oversee the accurate production and prompt delivery of these reports, and act as an escalation point for any ensuing queries. We take our responsibilities very seriously because it's all part-and-parcel of providing a regulatory-compliance-guaranteed service.

Aside from these typically Friday reporting jobs, a normal day for our cashiers comprises liaising with clients, completing bank reconciliations, processing day-to-day transactions, gathering information for month end and subsequently completing month end closures as well as posting legal aid submissions and sending VAT returns at quarter end to HMRC via MTD.

By acting in the cashier role on behalf of our clients, the only requirement for Pinpoint users is to log daily e-chits of inbound and outbound monies, and record fee earning activity and disbursements. We do all the rest. By lessening your workload, your Fridays are certain to be stress-free, at least from an accounting and compliance perspective anyway.

Because of our unique provision of both Interactive and Pinpoint in tandem, our portfolio is superior quality in relation to other legal accounts software and cashiers service suppliers. That's because it's a common platform used by our cashiers and there's a plethora of management information intelligence drawn from this one central software platform by our supervisors. And, as noted earlier, we're also constantly researching new ways to improve our products further still. It's these ongoing software enhancements, defined in our aforementioned roadmap, which go a long way to streamlining clients' and Quill's processes.

Late Friday afternoon, to salute another successful week fulfilling our compliance requirements, the beer fridge is opened so everyone can have a quick drink before heading home for the weekend. This is one of the many employment perks at Quill. It's a nice way to mingle with our colleagues in a relaxed atmosphere, celebrate a job well done with some paid-for-by-Quill refreshments, and look forward to two days of rest and recuperation by starting the weekend an hour early. After a typical Friday, it's well deserved.

**To discover more about Quill, please visit [www.quill.co.uk](http://www.quill.co.uk), email [info@quill.co.uk](mailto:info@quill.co.uk) or call 0161 236 2910.**



*Julian Bryan joined Quill as Managing Director in 2012 and was also the Chair of the Legal Software Suppliers Association from 2016 to 2019. Quill has been a leading provider of legal accounting and case management software, and the UK's largest supplier of outsourced legal cashiers services, to the legal profession for over 40 years.*





# News from the MJLD

## Year overview

My time as Chair of the MJLD for the year of 2018/19 is now over and Andrew Ball has been appointed as Chair who was the Vice Chair of last year's Committee.

I have thoroughly enjoyed being Chair of the MJLD in particular bringing events to the junior lawyers over the past year. Starting with Red Door in September through to the annual ball in May. As most of you will know, at all of our events we raised money for Chasing the Stigma and we are pleased to announce that we raised over £1000. Thank you to everyone who donated, however small, it all contributed to this and a special thank you to Rebecca Dobbs and Lois Williams who were the Fundraising Representatives, for all their hard work in achieving this.

We also hosted the National Junior Lawyers Division form in February which was very well attended, in fact the best attended outside of London, a huge thank you to Andrew Ball and Danny Greenland for their hard work in organising this alongside the Junior Lawyers Division Committee.

A massive thank you to Sarah McGuiness, Tom Stockton and also Lauren Rattigan for organising all the events throughout the year including the ball. The events have been superbly attended and without the three of them, these events would not have happened. As well as organising these events thank you to all the sponsors who have supported each event



this year and I am sure that we will be working with them all in the coming years.

I would like to take this opportunity to thank the whole committee for all their help and support over the past year and for all their time, dedication and hard work. Also a huge thank you to Liverpool Law Society for being so invested in the MJLD and for the help, guidance and support that they have provided. I am sure that this relationship will go from strength to strength. The committee for the year 2019/20 has now been elected and I am sure that bigger and better things are to come.

**Hannah Bickley**  
Chair of MJLD 2018/2019

Liverpool Law Society

## **\*\*NEW\*\*** Crypto assets & Estate Planning

with Leigh Sagar

on Thursday 19th September, 9.30am - 12.45pm

**This course would benefit lawyers, financial advisers, accountants, trust officers and other private client professionals.**

### Covering;

- Digital assets
- Blockchain and distributed ledger technologies
- Cryptocurrencies
- Commercial crypto-tokens and tokenomics
- Fiduciary administration of crypto-assets
- Fiduciary investment of crypto-assets
- Taxation of crypto-assets
- Crypto-asset succession
- Drafting for the digital estate

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



# News from the WLD

## WLD Committee Social

We held our first WLD Committee Social at Veenoo, Castle Street. The night was an opportunity for the Committee to catch up between our busy schedules and get to know one another outside of committee meetings. We were treated to wine, deli boards and pizzas. The Committee plans to run socials on a monthly basis following the success of the first.

## Sponsorship

MWLD organises a wide range of events throughout the year including socials, networking and educational events such as financial seminars and career progression seminars. The committee is open to suggestions from members, partnerships and sponsors for new events which we may not have hosted previously.

MWLD relies on sponsors which have included law firms, chambers, recruiters, financial advisers and costs draftsmen to fund our events. We are therefore always interested in hearing from local and national businesses who may wish to sponsor our events.

Our events are well attended by a wide range of persons including solicitors, barristers, judges, costs draftsmen, recruiters and financial advisers. Our sponsors benefit from free tickets to attend the event they are sponsoring, presenting and distributing their promotional materials at the event as well as being included on all of the material when we are advertising the event.

If you would like to be involved in sponsoring an event please contact our sponsorship coordinator Amelia Hayden (amelia.hayden@brabners.com).

## Charity of the Year



The WLD are supporting Help for Heroes for 2019-2020. There will be opportunities throughout the year to give donations to the Charity at all of our events.


## What's Coming Up?

We have many more events planned throughout the year including our educational event which is due to take place on Wednesday 25th September 2019. More details to follow, please save the date!

Make sure you keep an eye out on our website, social media and future issues of Liverpool Law for further details about our upcoming events.

Twitter @MerseysideWLD  
Facebook Womens Lawyers Division – Merseyside  
Website [www.wldmerseyside.co.uk](http://www.wldmerseyside.co.uk)  
Email [wldevent@gmail.com](mailto:wldevent@gmail.com)





## Adult Mental Health First Aider One Day Course

with Samuel Leigh

on Tuesday 15th October, 9.30am - 4.30pm (lunch included)

**This one day mental health awareness and skills course qualifies you as an Adult MHFA Champion.**

MHFA Champions have:

- An understanding of common mental health issues
- Knowledge and confidence to advocate for mental health awareness
- Ability to spot signs of mental ill health
- Skills to support positive wellbeing

**The day includes a mix of presentations, group discussions and workshop activities. You will get an MHFA manual and workbook to keep and refer to whenever you need it.**

**are an MHFA Champion.**

Limited to 16 people per course.

THIS EVENT IS EXCLUDED FROM THE TRAINING SEASON TICKET/ CORPORATE OFFER

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

# Merseyside Landmarks

## In this edition we take a look at the spectacular Liverpool Metropolitan Cathedral

Between 1845 and 1852 Liverpool saw massive immigration of Irish Catholics who were fleeing the Irish famine. Some came to the Port of Liverpool to travel onwards to North America, but others remained in the city. The Bishop of Liverpool Alexander Goss decided that there was the need for a Catholic cathedral and a location was found in the grounds of St Edwards College.

Edward Pugin was selected as the architect and he drew up the plans. Pugin's father was also an architect and designer of neo-gothic architecture and Edward followed him into the practice. When Edward Pugin died in 1875 he had designed over 100 Catholic churches.

The Lady Chapel was completed in 1856, but lack of funds delayed the construction of the Cathedral. The chapel became known as Our Lady Immaculate and served as a parish church until it was demolished in the 1980s.

Considered as one of the world's finest architects, Sir Edwin Lutyens was then commissioned to draw up designs for the cathedral which included the world's largest dome and would have become the second-largest church in the world. However, the cost of the work was being met by contributions from local parishioners and the soaring costs, from an initial estimation of £3m to £27m, forced the abandonment of the project. The architectural model of Lutyen's design is displayed at the Museum of Liverpool.

During the late 1950s a competition was held for a new design of the new cathedral and Sir Frederick Gibbard was the winner. Construction began in 1962 and was completed in 1967. However there were



numerous architectural and construction issues and Gibbard was sued for £1.3m by the cathedral authorities.

The iconic Metropolitan Cathedral of Christ the King, also known fondly as "Paddy's Wigwag", was constructed with a Portland stone cladding and an aluminium covering to the roof which is conical. It is supported by 16 concrete trusses which are held together by two ring beams. At the peak sits a lantern tower, containing windows of stained glass a crown of pinnacles.

Inside the altar is constructed from white marble which was imported from Macedonia. Above the altar stained glass windows, designed by John Piper and Patrick Reyntjens, represent the Trinity.

The organ, which was built by J. W. Walker and Sons was completed just two days before the Cathedral was opened. The organ has 88 speaking stops and 4565 pipes and is powered by air pressure, controlled by an electric current and operated by the keys of the organ.

The Grade II listed Cathedral is the mother church of the Roman Catholic Diocese of Liverpool and the seat of the Archbishop of Liverpool, the spiritual leader of the whole Northern Province of the Catholic Church in England.

The only remaining part of the Lutyen's design was the crypt. Built from brick and granite, the crypt was refurbished in 2009 and was re-opened by the Duke of Gloucester.

The Lutyen's Crypt and the Treasury are open to visitors from 10.00am to 4.00pm, Monday to Saturday and daily services also take place in the Crypt Chapel, including weekly Polish Mass and Family Mass. The Lutyens Crypt can also be hired for private corporate events, such as dinners and conferences.

Julia Baskerville



<b>S Code</b>	<b>Date</b>	<b>Time</b>	<b>September 2019</b>	<b>Speaker</b>
S4372	17th	10-12.15	Creating a culture of Cyber Awareness	Tom Lyes
S4328	17th	2-4.15	A review of the significant case law that every Court of Protection practitioner 'needs to know'	Rachael Clark
S4252	18th	10-12.45	Road Traffic Law for Criminal Practitioners	Colin Beaumont
S4253	18th	1.30-4.30	Abuse of Process / Hearsay / Bad Character	Colin Beaumont
S4374	19th	9.30-12.45	Crypto assets and Estate Planning	Leigh Sagar
S4204	20th	1.30-4.30	Contract and Commercial Update	Chris Beanland
S4325	24th	9.30-12.45	Land Registration for Residential Conveyancers	Ian Quayle
S4153	25th	9.30-4	<b>2019 Family Finance Conference</b>	various
S4370	27th	9.30-12.45	Grow your LinkedIn network and generate more clients	Rachel Tombs
S4371	27th	1.30-4.45	Networking: Online & Offline. Working the room physically and digitally	Rachel Tombs

<b>S Code</b>	<b>Date</b>	<b>Time</b>	<b>October 2019</b>	<b>Speaker</b>
S4263	1st	10-12.45	Private Child Law Update	Safda Mahmood
S4264	1st	1.30-4.15	Public Child law Update	Safda Mahmood
S4229	2nd	9.30-12.45	Residential Conveyancing Nightmares	Ian Quayle
S4230	2nd	1.30-4.45	Conveyancing and Highway Issues	Ian Quayle
S4232	4th	9.30-4.30	The Complete Legal Aid Supervisor	Vicky Ling
S4154	9th	9.30-3.45	<b>2019 Employment Law Conference</b>	various
S4240	10th	1.30-4.45	Criminal Law Update	Anthony Edwards

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

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