

Liverpool Law

September 2020

Liverpool Law Society

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



www.liverpoollawsociety.org.uk



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matters **wherever**
you are



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Cover picture: Some of our readers having completed or in training for the "Go the Extra Mile for Justice."

DEADLINES 2020

24th September

27th October

24th November

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

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

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Welcome to the September 2020 edition of Liverpool Law

Jennifer Powell
editor@liverpoollawsociety.org.uk

I hope you're all well and ready for all the new starts this month seems to bring. At the time of writing the kids are due back to school, starting University or training contracts commencing. After all the issues with grades I hope all your children/relatives are happy with their results and ready for their new journeys.

Speaking of training contacts you will see there is an opportunity for a Justice First Fellow, with applications closing on 14 September. If you know anyone who is suitable please encourage them to apply. The scheme are also looking for financial assistance to keep this vital work going, again if your firm can help please get in touch.

Personally I'm due back to work in September, after almost 5 months off on furlough. It feels like I'm going back off maternity leave all over again! I'm starting off two days in work and part time furlough so hopefully it won't be too daunting.

I'm not really sure what to expect in this new world of work. I've continued to Chair the editorial meetings, discussed changes and read all your articles on what it is like whilst I've been off - but it has felt like I've been on the outside looking in. Until I'm actually in the role I won't get a true understanding of it if that makes sense. Only one way to find out I suppose! I wish everyone else the best of luck who is returning too- we will get through this together!

As always please keep in touch and let us know how you're getting on, what you're getting up to and what you would like to see from your legal magazine.

Many thanks

Jennifer Powell
Editor

DIARY DATES

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

Due to the coronavirus the following forthcoming meetings and events will be online to maintain safe distancing:

07/09/2020	Road traffic law for criminal practitioners – a practical guide	23/09/2020	Finding of Fact
08/09/2020	General Committee	23/09/2020	ED&I Committee Meeting
10/09/2020	Future Planning Sub-Committee	24/09/2020	Civil Litigation Sub-Committee
11/09/2020	Limitation Update - s.33	24/09/2020	Criminal Practice Sub-Committee
14/09/2020	Running successful claims for Cyclists and Pedestrians	25/09/2020	The Ogden tables and claims for future losses
15/09/2020	Developments in Domestic Abuse	29/09/2020	Finance & Policy Sub-Committee
16/09/2020	2020 Residential Property Conference	29/09/2020	PAD Applications - A PI Guide
17/09/2020	Civil Procedure Update	30/09/2020	2020 Family Finance Conference
17/09/2020	Access to Justice in Liverpool Project		
17/09/2020	Editorial Sub-Committee		
18/09/2020	Personal Insolvency		

Editorial Committee Dates

All meetings start at 1pm

Thur 17/09/2020 13:00

Tue 20/10/2020 13:00

Tue 17/11/2020 13:00

From the President

The latest from the President, Julie O'Hare

As we start to step into Autumn here at LLS I hope that this edition finds you well and that you have been able to have a well needed break over the summer.

Our training calendar will be picking up this month so please do take a minute to look at our programme online. If you have any training requirements (or wish to present to our members) then please do contact us; we are aware that training needs are changing with the added pressures of Covid-19.

All of our committee meetings will continue to take place online for the time being too. If you wish to join any of our committees then get in touch.

Our "Return to the Workplace" meetings are now a regular in the diary and we will continue to hold these until such time as our members no longer feel the need for them. The meetings allow firms to communicate their issues and ideas about safely returning to the workplace and managing with staff working from home. Given the diversity of our membership there is not a one size fits all approach but some ideas can be easily implemented no matter what size firm. I hope that those who have attended have been able to take something of use back to their own firms or at least know that they are not alone in some of the issues that they currently face.

As always, I am keen to have an open line of communication with you all as we face Covid related challenges together. I have taken some of our local issues to Law Society at national level so that they can build on their own projects and lobby for better guidance.

If you have any issues that you would like for Liverpool Law Society to consider then please reach out.

As I mentioned in my last column one of the biggest struggles during lockdown is the uncertainty as to what will happen in the coming months. This is significant this month as schools are looking to re-open. We would like to hear from you as to how you are coping - are you welcoming the new school week structure or has this caused additional problems?

I know that some of you may be going through real tough times at the moment. Please do reach out to organisations that can be of help:

The Pritt Fund – please do look at our website for further information.

There is also the SBA for anyone in financial crisis <https://www.sba.org.uk>.

LawCare is also available to discuss any issues you are having without Judgment: <https://www.lawcare.org.uk/>

We have been responding to a number of consultations this last month (referenced in my last column) and many thanks to those of you who contributed. We continue to review and refer consultations to our relevant committees. If you are aware of any consultations that you believe we should be collectively responding



Julie O'Hare

to then please contact us.

We have also followed up on the promise to write to the Chief Exec of Hong Kong as well as the Chinese Ambassador in London and I shall let you know of any response.

Please do continue to support your local law and advice centres as they are under considerable pressure now more than ever. I know that they do not like to turn people who are in need of help away and this is often to the detriment of the centres and the personal time of the staff and volunteers. I was touched to hear of a recent referral to Vauxhall Law Centre who described the centre as being a lifeline! No matter your current practice area or experience access to justice is key to a functioning society – if you believe you can offer support and assistance please let us know and we will put you in touch with the number of centres we have in our local area.

Whilst I would have loved to see you all in person at the Legal Walk this year that doesn't mean we still can't take part! Please join us on our virtual walk at any time before the end of 2020 – the goal is to complete 20,000 miles between us – details can be found on our website and you can sign up at <http://atjf.org.uk/go-the-extra-mile-for-justice> please send us your pics and details of how far you have walked and we will keep a walking diary over the coming months!

As always, please take care and stay safe!

Julie O'Hare
President

Sponsored by



Shape the future of your local Law Society

Become a director of Liverpool Law Society and have 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, be at the centre of the work and decision-making of Liverpool Law Society and work shoulder-to-shoulder with other legal professionals, regardless of status and seniority.

We would like to have a Committee which is as representative as possible of the wide membership the Society encompasses. We have over 2200 members from all branches of the legal profession. All members of the Society are eligible for election to the General Committee, but only Full Members can vote in the election.

By standing for election at this year's AGM in November, you would become a member of General Committee. 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.

The nominee must be a member of the Society, be nominated by three members of the Society and serve a three-year term.

Members of the Society will receive an email in mid-October with details on how to nominate a member of the Society to become a director. The nomination form must be completed and returned to the Society by 1.00pm on Monday 26th October 2020. Elections will then take place at the AGM in November.

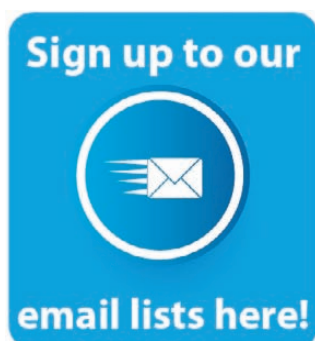
The Society's Annual General Meeting will be held at 1.00pm on Thursday, 26th November. If you would like further information about the Society and the work of the General Committee and sub-committees please visit

<http://www.liverpoollawsociety.org.uk/about-the-society/committees> or email committees@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



Consultations referred to Committees

Papers responded to by LLS:

The following sub-committees of Liverpool Law Society have responded to these consultation papers.

Joint Working Party

<https://www.gov.uk/government/consultations/departure-from-retained-eu-case-law-by-uk-courts-and-tribunals>
13th August

Joint Working Party

<https://committees.parliament.uk/call-for-evidence/165/constitutional-implications-of-covid19/>
20th August

Regulatory

SRA Business Plan 2020/21
26th August

Papers referred to committee:

The following sub-committees of Liverpool Law Society are considering responding to these consultation papers. If any member would like to send in a comment, please do so to committees@liverpoollawsociety.org.uk

Employment & Family Business

Support in the workplace for victims of domestic abuse - call for evidence
9th September

Non-Contentious Business

<https://www.gov.uk/government/consultations/non-contentious-probate-mandating-online-professional-applications>
10th September

Missing Will

If anyone knows the whereabouts of the will of

John Michael Voorsanger

Born: 16/11/1943 Died: 29th April 2020

Late of 15 Wren Close, Carleton,
Poulton le Fylde FY6 7QL

And previously of:

22 Mowbray Avenue, St Helens, Merseyside WA11 9JD

Previous addresses include
Manchester and Warrington areas.

or any information connected with his wife

Eileen Margaret Voorsanger
Born 18/08/1945 Died: 06/06/2015

Please contact Diane Blakeley

Email: dj.blakeley@ntlworld.com or Tel: 01204 596680
Address: 6 Milford Road, Harwood, Bolton. BL2 4EB

Merseyside Law Centre has an exciting opportunity to recruit a Trainee Solicitor under the Legal Education Foundations Justice First Fellowship Scheme

About us

Merseyside Law Centre was originally a community advice centre and has been assisting the people of Merseyside and beyond, with social welfare law issues since the 1970s. We became a Law Centre in 2017 and now provide legal advice and representation on housing, welfare and asylum support issues. We are passionate campaigners for social equality and access to justice and have a history of successfully training the next generation of social welfare lawyers. Our first Justice First Fellow recently won Newcomer of the Year at the Legal Aid Lawyer of the Year awards and our second will qualify as a solicitor later this year. Our thanks to Brabners and Weightmans for their continued support for the Merseyside Fellows.

About the Justice First Fellowship

The Justice First Fellowship was established by The Legal Education Foundation in 2014 to support the next generation of specialist social justice lawyers.

The scheme has been supported by a range of partners including Unbound Philanthropy, Esmée Fairbairn Foundation, BBC Children in Need, City Bridge Trust, AB Charitable Trust, Royal Bank of Scotland, and commercial law firms.

TLEF's aim is that the Fellowship is a route to a long and rewarding career using law as a tool for social justice, with Fellows going on to become leaders in their field and important advocates for access to justice and the rule of law.

The Fellowship is made up of three parts:

1. A two year fully funded training contract in a selected specialist social welfare law agency;
2. Alongside the compulsory training, Fellows are supported by their host organisation to devise and run their own project aimed at increasing access to justice in order to gain programme development experience and potentially to provide a future income stream for their host organisation.
3. Fellows are brought together throughout the two-year period to receive support, training and access to useful networks and to be part of a wider movement of lawyers committed to access to justice.

Candidates must have passed (or be expected to pass by 31 October 2020) the Legal Practice Course or equivalent and be able to show a strong commitment to social justice. They can apply to only one host organisation during the same year, and applications must be made via TLEF's website by 14 September 2020. Including this year's round, TLEF will have funded over



100 trainee lawyer posts since the JFF's launch in 2014.

If you share our passion for social equality and access to justice apply to be a Fellow with Merseyside Law Centre.

Further details of eligibility criteria and how to apply can be **found here**

<https://jff.thelegaleducationfoundation.org/how-to-apply/eligibility/>

Applications are via the LEF website only and should not be sent to the host organisation.

Civil Procedure Update

On Thursday 17th September, 10am - 2.30pm (inc breaks)

This is the annual round up of new cases which change the litigator's approach to practice.

With Helen Swaffield who will cover:

- Fixed costs: the MOJ response to Briggs
- Fixed intermediary costs in multi-track and the end of budgeting
- Issue based costs orders
- Indemnity costs
- Part 36 and Calderbanks
- Service of proceedings
- Amendments to statements of case
- Disclosure – the pilot's future
- Inspection
- Privilege – how not to lose it
- Summary judgment
- Security for costs

& more!

[CLICK HERE TO BOOK](#)

JUSTICE FIRST FELLOWSHIP SCHEME

The Justice First Fellowship' scheme funds a number of training contracts across the country. In addition to completing training contracts in some of the best social welfare legal organisations in the country.

In many cases this project leads to sources of funding for the Fellow upon qualification and thereby ensures that their role with the host organisation is sustainable and the expertise they have acquired is retained.

REPRESENTING LIVERPOOL

The LEF partially funded a Justice First Fellow, Siobhan Taylor-Ward at Merseyside Law Centre in January 2019. Siobhan was named 'newcomer of the year' at this year's Legal Aid Lawyer of the Year awards. The scheme is a great opportunity both for local aspiring lawyers wishing to practice in social welfare law and, most importantly, for people in Liverpool who are in need of high quality legal advice in those areas.

The Merseyside Law Centre is an organisation which has come from the amalgamation of two Not for Profit Organisations. It has rapidly become a centre of excellence for advice in the areas of welfare benefits, debt and housing.

Applications are open for Fellowship

**APPLICATIONS MUST BE
MADE VIA THE LEF'S
WEBSITE, BY THE 14
SEPTEMBER 2020
DEADLINE.**

Trainee solicitor posts offered at 19 leading social justice organisations across the UK.

Hosts for 2020 include child rights organisations in Wales, Scotland and England; law centres in London, Merseyside, Derbyshire, and Coventry; legal charities and advice agencies across the UK; plus leading civil liberties law firms Bhatt Murphy and Deighton Pierce Glynn.

Four of the training contracts are based at organisations specialising in child law (Children's Legal Centre; Clan Childlaw; Family Rights Group; Shelter – North West). The fellowships at Disability Law Service and Deighton Pierce Glynn will focus on disability law; the DPG post is reserved for a disabled candidate and will include secondment to Inclusion London.

FUNDING

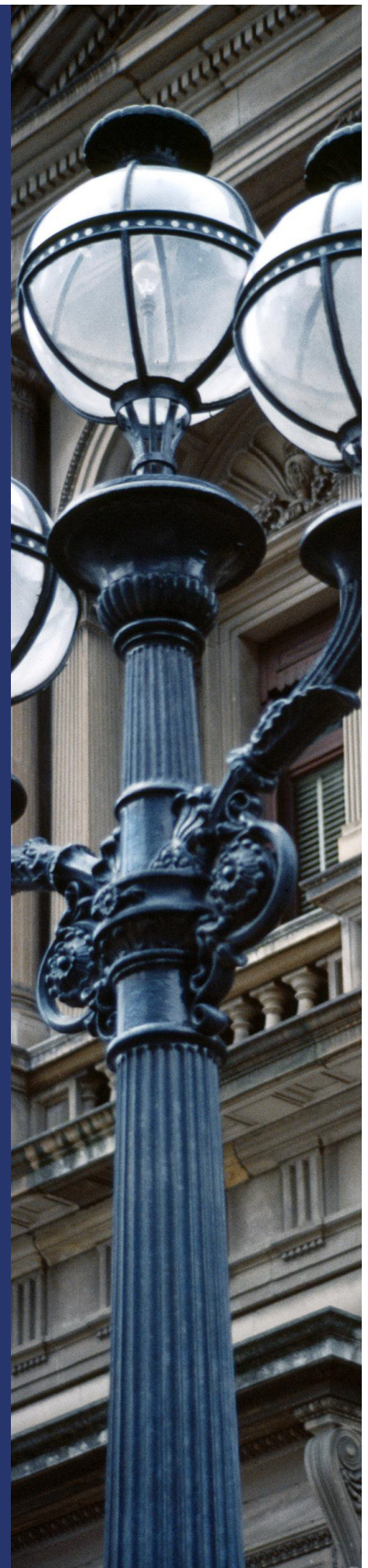
The Legal Education Foundation (LEF) is a grant making trust, which was established in 2011 to help people better understand and use the law. In 2013 the LEF established its Justice First Fellowship scheme in response to concerns that Law Centres and legal aid firms that routinely took on trainees in the past are no longer able to do so as a result of cuts to legal aid and other public spending.

SUPPORTING THE JFF IN MERSEYSIDE

The scheme has been extremely rewarding not only to the trainees and to the Law Centres, which hosted the trainees, but also to the firms that offered their support. The Society's thanks go out to local firms **Brabners** and **Weightmans** for funding and supporting the initiative, and to **Merseyside Law Centre** for all the fantastic work they do.

Sponsoring a Justice First Fellowship is not just about helping promising lawyers to train in their chosen field. Through supporting a Fellow's work, sponsorship directly helps the hundreds of people that Fellows serve in the course of their training.

In order to fully fund the Fellowship in Liverpool we need to raise an additional £25,000 (£12,500 per year for the two years of the training contract). This is a tangible way that local firms can add real value and give something positive to those in need of social welfare law expertise in our city. **If you would like to support this initiative please contact sarahpoblete@liverpoollawsociety.org.uk**



Steve walks the 'Extra Mile' for Justice

Since 2012, Liverpool has witnessed the spectacle of a group of lawyers trudging around the city centre and then gathering at a local hostelry for a well-deserved drink! None of this has been possible in 2020 because of a certain coronavirus. The aim of the walks is to raise funds for the North West Legal Support Trust, in association with the Access to Justice Foundation. The Trust provides financial support to agencies which provide free legal advice and help to those in need. This need has been particularly acute during the Covid-19 outbreak.

In the absence of a group walk, the Trust has promoted – Go the extra mile. This involves individuals or small teams doing their own walks and raising money by sponsorship.

One other event of 2020 was my 65th Birthday! I was unable to have a party because of lockdown. So I decided to celebrate by walking 10k from Waterloo to Hightown Station and back, along the Sefton Coastal Path. I did this with my lovely wife Jackie in support, on Sunday 9th August. It was beautiful, sunny afternoon – which was a mixed blessing! It took just over 3.5 hours and my feet were on fire by the end. We then adjourned to that well-known pub – Chez Nous (!) for a well deserved drink. The event raised £1000 for the trust.

Anyone can take part. The funds are desperately needed!

Steve Cornforth



Commercial Property Update

Tuesday 22nd September, 1.30pm - 4.30pm

Ian Quayle will cover:

- | | |
|---|---------------------------------|
| Effective Reporting on Title | 2. Avoiding Traps |
| 1. What should be reported | Practice and Procedure |
| 2. Dealing with Searches and Enquiries | 1. Property fraud advice |
| 3. Easements and Covenants – practical issues | 2. Boundary Disputes Protocol |
| 4. Formatting Reports on Title | 3. The Law Society model leases |
| 5. Tips and Traps | 4. Telecommunications Code |
| Options and Overage | |
| 1. Recent Developments | |



Core Competencies: A1, A2, A4(a,b,c) A5 a,b,c,d,e B3 a,b B7 a,b,c D2, C1, C2, D3 a,b,c,d

[CLICK HERE TO BOOK](#)

Autumn Criminal Law Update

Friday 2nd October, 1.30pm—4.30pm

This course is extremely practical and will take you through the current legislation, relevant statutory instruments and case-law. A full set of notes running to some 400+ pages have been written to accompany the presentation.

Colin Beaumont will cover:

- | | |
|---|--|
| <ul style="list-style-type: none"> Amendments to Prisoner Release Terms – 1st of April 2020 Terrorist Offenders (Restriction of Early Release) Act 2020 – 26th of February 2020 Assaults on Emergency Workers (Offences) Act 2018 – including the Case-law | <ul style="list-style-type: none"> Voyeurism (Offences) Act 2019 – inc the Notification Requirements Stalking Protection Act 2019 and the Stalkers Register – brought into force in January 2020 Offensive Weapons Act 2019 and 'knife Crime Prevention Orders' |
|---|--|

& much more!

Core Competencies: A2 (a) (d) & B (a)

[CLICK HERE TO BOOK](#)

David Franey, the newly appointed Regional Employment Judge talks to Liverpool Law about his career and his role...

David Franey took up the role of Regional Employment Judge on 1st July, taking over the role from Jonathan Parkin. Regional Employment Judges of the Employment Tribunals sit throughout England and Wales, based in 10 Regional Offices and 28 or more hearing centres. David's role covers the North West region, encompassing Manchester and Liverpool in the south, up to Carlisle in the north of the region.

David studied law at University and took up a training contract with Russell Jones & Walker in London in 1988.

Once qualified, he moved to the Manchester office and was Head of the Employment Team in the Midlands and North from 1995 to 2010.

David then became a fee-paid employment judge in 2009, remaining a consultant with Russell Jones & Walker, and in 2013 became a salaried Employment Tribunal judge.

However, in July 2013 Employment Tribunal fees were introduced by the 'Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013'. Under this Order, claimants had to pay a fee to issue their claims and have them heard and the fee levels differed according to the nature of the claim. This led to a fall off in the number of employment claims for a number of years.

However, the fees were abolished in 2017 and since then the number of cases has risen with the Employment Tribunal Service employing more judges in 2019 to deal with the increased caseload.

Then came the COVID-19 pandemic and subsequent lockdown in March 2020 and very few cases were heard up until June 2020, but more cases are now being heard, both in person and virtually.

David says there has been a marked increase in the number of new employment claims over the past few months, and expects this trend to increase as the furlough scheme ends.

David says, "We have been on a steep learning curve over the past few months in terms of using technology, but we are now tackling the backlog through a combination of remote hearings and socially distanced in person hearings. Unfortunately there are some large or complex cases which we cannot yet accommodate and delays to hearing dates are inevitable given the limits on our judicial and administrative resources."

The Employment Tribunal Service are now using the HMCTS cloud video platform (CVP) for hearings, although some hearings will still have to be held in person, according to individual circumstances. David adds, "In each case we will need to make an assessment of what is the best way to guarantee a fair hearing. The circumstances of the parties and their views are an important consideration."

In addition to the backlog of cases, the last few months have seen a huge rise in the number of employment claims relating to the pandemic; including people who have been sacked because they have been self isolating due to medical conditions, or refusing to return to their place of work because of concerns about safety,



David Franey

and employees who have been put on the furlough scheme and employers making unlawful deductions from their pay.

David adds, "On top of the backlog due to lockdown, we anticipate that new claims will rise significantly as the furlough scheme ends and businesses face redundancy situations. Almost every day we see news reports of well known businesses going into administration. All too frequently these insolvencies generate ET claims."

The judges and the administrative staff are working as hard as they can, but resources are not unlimited. David adds "One of the real issues is making sure we get the most out of our resources. Seven new fee paid judges were appointed earlier this year but due to the pandemic their induction courses have been delayed until the Autumn, so they have not been able to hear cases yet. We don't have as many administrative staff as we would like and it isn't always possible for them to work from home. Even when a hearing is held virtually, we need someone to clerk it. HMCTS and the MOJ are looking at the resources the ETs will need to recover from the pandemic."

Looking ahead, David says that virtual hearings will continue and may become the default option in some types of case. He adds, "We will always make the decision on whether the hearing will be heard in person or virtually on a case by case basis. Virtual hearings have some advantages, such as not requiring parties to travel, but in many cases the hearings will have to be held in person."

Since taking up the role as Regional Employment Judge David has been giving demonstrations to employment lawyers on the CVP system, which is intended to be accessible for users through a browser without the need for special software. He says "CVP is in its infancy but we are confident it will rapidly become a familiar friend to employment lawyers."

Julia Baskerville

Morecrofts Solicitors are urging firms to embrace virtual recruitment after a successful drive in offering jobs

Recently, the firm recruited for two roles using video calls for interviews and the induction process.

Trainee legal executive, Rebecca De Stefano was one of the recruits. She says the process was unexpected but worked very well. "I was expecting the interview to be in person and with social distancing measures in place, so I was a bit surprised when I found out it was via Zoom, however I was also relieved as I lived a three hour drive away at the time."

Since accepting the role, Rebecca has relocated to Liverpool. "The interview on Zoom went well. It was explained that this was a new procedure for all, so I felt at ease immediately.

"Most of my training has been through Zoom such as the induction, and IT and it has been much easier than I was expecting. I am getting used to a different case management system, so it is interesting figuring how it works remotely, although it's not too different from what I was working with before. Everyone has been really helpful."

Business operations partner at Morecrofts, Julie Johnson, who heads up the firm's recruitment said: "As a business, we are still very much working remotely, although our six offices are open daily to clients for appointments. We have listened to staff and we are working around them to ensure everyone is comfortable.

"Many of our team are embracing remote working, people can work in the office if they wish and under a process where we register when they arrive and leave. So far this has worked well, particularly for parents who are juggling school holidays as well as work. It's taken a lot of stress off the team.

"Virtual recruitment was something we knew we wanted to embrace, and the pros have so far outweighed the cons; candidates don't have to travel, and we can book in interviews at a more productive pace, fitting in with everyone's diaries.



Rebecca De Stefano

"Although it is always positive to meet people in person, we anticipate many of the changes we have embraced through the pandemic will stay in place – including meetings via video call, so it's also been good to test how a candidate conducts themselves through this platform.

"I was interested to hear from all the candidates we have interviewed that none of them had yet taken part in a video call job interview."

Julie has been joined on the calls by a team leader or senior member of the team to jointly interview candidates. Associate solicitor in the firm's family department, Kim Okell, was one of the first solicitors to assist with virtual recruitment. She commented: "I found zoom interviews a positive experience.

"We were all aware of the importance in waiting for the other person to finish speaking – something which we can take for granted when meeting in person."

Rebecca said: "I have been very welcomed by the team already, albeit virtually. I have only been into the office twice and met a few people in person but have been added to the firm WhatsApp group chat and everyone is so lovely, friendly and helpful.

"I have also been welcomed through a big group video call with the staff members from my department, which was a thoughtful idea, and much appreciated!"

Julie added: "The number of applications for each role we have advertised has more than tripled compared to what we would normally expect. People are looking for new roles, new firms and places to work where they feel safe and comfortable. This was one of the repeated reasons given by people applying to work at Morecrofts.

"We will certainly continue to use virtual recruitment for future vacancies."



Julie Johnson

Clatterbridge Private Clinic leading the way working with medical lawyers in the treatment of Mesothelioma with Immunotherapy. Mesothelioma is a type of cancer that develops in the lining that covers the outer surface of some of the body's organs and is usually caused by asbestos exposure. At Clatterbridge Private Clinic, we have expert consultants who specialise in Immunotherapy treatments for Mesothelioma patients.

We are the only clinic in the northwest that provides a range of immunotherapy outpatient treatments for Mesothelioma. If you have clients claiming compensation for Mesothelioma due to asbestos exposure, we can provide them with the highest quality cancer care in a modern, relaxing, and safe environment. We can even provide a full breakdown of costs and treatments for you to use to support your client's claim, so they can recover costs from the Defendant or secure interim payments for their treatment.

Our Patient Liaison Team is always on hand to help you and your clients and provide any information they may need. We also have a concierge system in which we can arrange for travel to and from the centre for your client and even arrange for accommodation nearby if they have to travel long distances for their treatment.





**Vauxhall Community
Law & 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.

Community Justice Fund

Vauxhall Community Law & Information Centre are delighted to have been awarded a grant from the Community Justice Fund this will assist with the Law Centre to continue operating in the coming months and deal with the difficulties surrounding re-opening of our office so it can be safe for our clients, volunteers and staff as well as helping us to meet additional equipment & staffing costs.

As you will be aware, the fund is managed by the Access to Justice Foundation, whose sister charity the North West Legal Support Trust have the Liverpool Legal Walk every year to raise funds. Due to Covid-19 this year's walk has already been cancelled, however they are encouraging individuals and organisations to "Go the extra mile for Justice" Steve Cornforth has recently raised over £1,000. Here at Vauxhall Community Law & Information Centre we are looking at organising some events to raise money and need help and support to grow our team of fundraisers.

If you are interested in joining us to raise money for the North West Legal Support Trust please contact: -
alankelly@vauxhalllawcentre.org.uk



Case Study

This is just a sample of one case dealt with in July.

We advised a client with severe mental health problems, they had been placed into Universal Credit group unfit for work but fit to take part in training. The client needed help and representation at an appeal hearing.

Telephone Hearing took place, the appeal was allowed, they are clearly unfit to train for work, the appeal decision led to a weekly gain of £78.90 in income, back payment of arrears amounting to £4,891.80.

Can you imagine the impact this has on the quality of life for a person with severe mental health problems?

Volunteers

The Law Centre has had amazing support from its volunteers over the difficult lockdown period, one of the initiatives they are working on is the development of a bereavement pack for people who are seeking advice over Funeral Payments. We realised that there are many additional non-benefit areas of advice and support available to people facing bereavement issues and our volunteers are assisting us to develop this work and create the pack. The additional deaths in the community due to Covid-19 brought this issue forward as advice workers sought to assist families who had lost loved ones.

We are always looking for volunteers without whom the Law Centre couldn't exist, although it may be difficult in the circumstances, we can provide support in terms of phones and computer software/hardware if required.

We are particularly desperate for people with Accountancy or IT skills to support us.

Please drop us a line at:

**Recruitment@vauxhalllawcentre.org.uk
or call Alan Kelly on 0151 360 1126**

Even if you are unable to help could you please circulate staff who may not see the Liverpool Law Magazine but be interested in volunteering.

Thank you for your support.



News from Merseyside Law Centre

Fighting for equality through social justice to combat poverty & homelessness



Merseyside Law Centre has an exciting opportunity to recruit a Trainee Solicitor under the Legal Education Foundations Justice First Fellowship Scheme.

Merseyside Law Centre was originally a community advice centre and has been assisting the people of Merseyside and beyond, with social welfare law issues since the 1970s. We became a Law Centre in 2017 and now provide legal advice and representation on housing, welfare and asylum support issues. We are passionate campaigners for social equality and access to Justice and have a history of successfully training the next generation of social welfare lawyers. Our first Justice First Fellow recently won Newcomer of the Year at the Legal Aid Lawyer of the Year awards and our second will qualify as a solicitor later this year. Our thanks to Brabners and Weightmans for their continued support for the Merseyside Fellows.

About the Justice First Fellowship

The Justice First Fellowship was established by The Legal Education Foundation in 2014 to support the next generation of specialist social justice lawyers.

The scheme has been supported by a range of partners including Unbound Philanthropy, Esmée Fairbairn Foundation, BBC Children in Need, City Bridge Trust, AB Charitable Trust, Royal Bank of Scotland, and commercial law firms.

TLEF's aim is that the Fellowship is a route to a long and rewarding career using law as a tool for social justice, with Fellows going on to become leaders in their field and important advocates for access to justice and the rule of law.

The Fellowship is made up of three parts:

A two year fully funded training contract in a selected specialist social welfare law agency;

Alongside the compulsory training, Fellows are supported by their

host organisation to devise and run their own project aimed at increasing access to justice in order to gain programme development experience and potentially to provide a future income stream for their host organisation.

Fellows are brought together throughout the two-year period to receive support, training and access to useful networks and to be part of a wider movement of lawyers committed to access to justice.

Candidates must have passed (or be expected to pass by 31 October 2020) the Legal Practice Course or equivalent and be able to show a strong commitment to social justice. They can apply to only one host organisation during the same year, and applications must be made via TLEF's website by 14 September 2020. Including this year's round, TLEF will have funded over 100 trainee lawyer posts since the JFF's launch in 2014.

If you share our passion for social equality and access to justice apply to be a Fellow with Merseyside Law Centre.

Further details of eligibility criteria and how to apply can be found [here](#).

Applications are via the LEF website only and should not be sent to the host organisation.

We continue to be busy giving advice over the phone and by e-mail while our staff work from home, providing advice and assistance on housing, welfare benefits and asylum support

Our current contact details are below so please do pass these onto anyone you think may benefit from or require our services.

Tel: 0151-709-0504

E-mail: enquiries@merseysidelawcentre.co.uk

Twitter: @MerseyLawCentre.

Jessica Hampson, owner and director at law firm CEL Solicitors, shares her thoughts on why boardrooms should embrace male and female differences for success...

It's something that gets dropped into conversation in almost all walks of life and has certainly become a buzz word regardless of industry or ranking – but 'equality' is about so much more than ticking a box on a form or fulfilling a quota.

For me, as a female business owner in the legal industry, equality for women is not about us competing with men to prove our worth; instead, it's about working with them and embracing our different approaches to ultimately get the best possible results for our clients and our wider teams.

At CEL, our board of directors is equally split between men and women, meaning we can get a truly blended approach in terms of decision-making and policy setting. In my opinion, women often bring those so-called 'soft skills' to the table which creates a thriving working environment.

By harnessing these skills, such as collaboration, persuasion, adaptability, creativity and time management, females are able to complement their male counterparts to get the best outcomes.

In our industry, it can be easy to assume straight-talking, emotionless conversations are the way to achieve what you want, whether that's from a career progression or business development perspective. However, balance is the key here.

For example, when discussing matters among our board, our female directors

and I will often come in with an alternative way of thinking to the men sitting round the table. Now, that's not to say that they're wrong, but we'll just approach a problem from different stance and, more often than not, the solution is a real mix of both points of view.

It is this mindset that has to be adapted more widely. For us, this is just one part of our overall ethos that has kindness, flexibility and collaboration at its core. In fact, each new member of our team is asked to sign our 'kindness contract' upon starting with us, outlining how to help create a happy working environment for everyone. Among the points highlighted in there is our commitment to making sure everyone's voices are heard and counted, as well as continually striving to innovate and break down barriers.

It's also about making sure we offer a work-life balance for the team, both men and women. We often hear about how women especially face the difficult decision of choosing career or kids. But, I'm passionate about disproving this and championing flexibility for parents, including the dads! In fact, one of the team was able to see his little girl's first steps during lockdown because he was working from home...a milestone that he would have otherwise missed.

This isn't to say that all women should be career-focused, super-mum heroes – let's face it, no-one gets it right all of the time! But the point is that you can do both if you want to. Pre-COVID, flexibility was traditionally associated with working



Jessica Hampson

mothers and would often prompt a number of eye-rolls in many a boardroom; however, if this year has taught us anything, it's that flexibility and trust in staff members is key to employee wellbeing and, in turn, to the success of a business.

Equality between men and women should not be about pitting us against each other – we're different species and we need to recognise this in the workplace. For a balanced, fair and, most importantly, successful team, we need to be working together breaking down barriers and busting stereotypes as one.



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COVID-19, climate and a changing world.

Must insurers pay the price?

Mike Grant of Weightmans LLP examines the likely impact of COVID-19 on the insurance industry.

What impact will COVID-19 have on the insurance industry?

The pivotal role played by insurance as a financial safety net when disaster strikes in novel ways has been demonstrated by the COVID-19 pandemic. The Chancellor mentioned the importance of the support provided by Business Interruption ('BI') cover when rolling out his initial package of financial aid. The insurance industry is a key sector in the economy and insurance is a cornerstone of the economic pyramid. Whilst no doubt the market will evolve and adapt in the face of myriad challenges, the need for, and the tangible benefits of, insurance cover - at centre stage whilst the world was on hold - have never been clearer.

Although the effect of climate change has featured less prominently in the news in recent times, its impact continues unabated. Indeed, further evidence of the relationship between this phenomenon and the current COVID-19 pandemic and future similar outbreaks is emerging. Scientists warn of devastating consequences arising from these twin and inter-related threats. As global risk increases, the issues faced by insurers increase in complexity and range, and the speed at which the risk is escalating exacerbates the problem. Is this really such a big deal, what is the evidence, and what could it mean for the insurance market and consumers?

The figures related to global warming-related events paint a worrying picture. Extreme weather events are becoming increasingly frequent, with flooding responsible for the greatest economic impact in 2019 according to Aon, with an estimated cost of \$82 billion worldwide. The global figure for insured losses from catastrophic events totalled \$85 billion in 2019, despite the absence of a true mega-disaster.

Insurers also felt the impact of major weather events in 2018, when the severe cold weather at the start of the year triggered pay-outs of £194 million in just three months for burst pipe damage. The early freeze gave way to a heatwave which in turn resulted in more than £64 million claimed in subsidence damage to more than 10,000 households. Across the pond, the U.S. also experienced its own insured losses with hurricanes Florence and Michael reported to have led to losses of over \$10 billion. In fact, according to Munich Re, 2017-18 saw natural catastrophe related insured losses of \$225 billion across the two years - the worst two-year period on record.

It is, therefore, unsurprising that these seemingly ever-increasing pay-outs have led to increased premiums. According to international broker, Marsh, global commercial premiums saw the sharpest increase on record in the second quarter of 2019 as they rose by six per cent from the first quarter. Dramatic rises to reinsurance rates of 30-70 per cent had even been predicted by ratings agency S&P Global in California in response to the devastating wildfires.

Governments have taken a variety of measures in their attempts to respond to rising premiums. In 2016, the UK Government attempted to address the rising cost of home insurance for buyers who live in flood-prone areas. The scheme, Flood Re, seeks to more evenly distribute the cost of home insurance in high-risk areas by requiring all home insurance consumers to pay a top-up of



Mike Grant

approximately £10 per year on their existing premiums to subsidise the higher cost of insurance cover in such areas to make it more affordable.

However, despite these alarming figures, some commentators and forecasters have found cause for optimism. RBC has commented that it believes that: "*Climate change presents a number of opportunities for reinsurers.*"

However, regulators will be keen to restrict price increases and insurers will have to consider other options such as providing more restrictive cover, laying off greater risk to reinsurers, or perhaps even withdrawing cover from key sectors altogether.

How does this compare with the fall-out from pandemic-related events?

In the coming decades, economists have predicted that the average annual economic losses attributable to pandemics will rival the estimated losses caused by climate change and will represent 0.7% of global GDP. The occurrence of disease outbreaks has increased over the last three decades, with over 44 million cases globally from 1980 to 2013, and this trend is not expected to come to an end soon.

The economic consequences of pandemics are also clear to see, with the Commission on a Global Health Risk Framework for the Future estimating the annual cost of flu pandemics to be close to \$60 billion.

What about the link between global warming and pandemics and its effects?

It has been claimed that the COVID-19 outbreak had zoonotic origins, and was transmitted to humans from wildlife markets. Indeed, it would not be the first time that infectious diseases had been linked to animal populations with SARS, Ebola, bovine

tuberculosis, and rabies all having been linked directly or indirectly to wildlife. The recent pandemic prompted Lion Coalition, a group of over 200 global wildlife organisations, to write an open letter to the World Health Organisation which claims that zoonotic diseases “are responsible for over two billion cases of human illness and over two million human deaths each year”.

Scientists from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) offer reduced figures but repeat the same concerns and have warned that: *“Although animal-to-human diseases already cause an estimated 700,000 deaths each year, the potential for future pandemics is vast.”*

In a recent guest article for the IPBES, Professors Josef Settele, Sandra Diaz and Eduardo Brondizio and Dr Peter Daszak made the clear link between global warming and pandemic outbreaks in commenting that: *“Rampant deforestation, uncontrolled expansion of agriculture, intensive farming, mining and infrastructure development, as well as the exploitation of wild species have created a ‘perfect storm’ for the spillover of diseases.”*

As was evident in the timeline of COVID-19, factors such as growing urban populations and inter-continental travel mean that diseases such as coronaviruses are spreading throughout countries and across borders faster than ever.

What is being done?

The emergence of COVID-19 across the globe, and the associated government restrictions, mean that insurers are now facing one of the most expensive events in their history. Lloyd’s of London have estimated that the cost of pay-outs, including business interruption claims, could amount to \$100 billion.

The anticipated economic impact has triggered responses across the world to ensure that the insurance industry is better equipped to respond to future pandemic events.

In the UK, the Pandemic Re steering group has been established, headed by Stephen Catlin and with members including Aviva, RSA and Aon, to improve the industry response to the current and future pandemics. Pandemic Re is consulting with Pool Re, the government-backed scheme for terrorism-related losses (set up in the 90s in response to the IRA bombing campaign). The possibility of similar government backing for pandemic losses will be under discussion.

In the US, the Chairwoman of the House Financial Services Committee, Congresswoman Maxine Waters, has called for “a reinsurance programme similar to the Terrorism Risk Insurance Act [passed in the wake of 9/11] to cover pandemics, by capping the total losses that insurance companies would face”. A draft bill has been introduced by New York Congresswoman Carolyn Maloney which would follow the TRIA model and create a programme whereby insurers would be reimbursed by the federal purse for some of their losses.

In France, each insurance contract includes a small premium contribution to a natural catastrophe insurance scheme. In the event of a natural disaster, insurers pay out first, up to a total loss of around 4,5 billion euros, and the state then follows.

What does the future hold?

Will the risk of future pandemics, or the continued effects of climate change, lead to further increases in premiums? Could premiums become unaffordable for the general public?

Munich Re’s chief climatologist has warned that increased risks of natural events will lead to a rise in premiums which may become a

social issue, commenting that: *“Affordability is so critical [because] some people on low and average incomes in some regions will no longer be able to buy insurance.”*

The current pandemic has caused many insurers to make and review decisions on policy cover, wordings and the scope of cover. Such are the implications for individuals and business that not only has the state become the economic foundation of the nation but the Financial Conduct Authority has, as financial regulator and guardian of consumer rights, taken action though the courts to create certainty and stability in the sector.

Such milestones may also coincide with the start of a mammoth review of risk exposure, assessment and pricing throughout the insurance industry and across the spectrum of risk affected by pandemic and global warming issues. As every aspect of life throughout the world has been touched by recent events and society adapts to the new normal, it is only to be expected that the insurance market will be profoundly changed by events that have caused huge global dislocation.

Nic Brown, Director of Markel UK, maintains that:

“Whilst recent events have presented novel challenges, the hallmarks of the insurance industry are agility and innovation in the face of emerging risks and threats. At Markel we are navigating our policyholders through the current crisis and we will continue to develop new and effective insurance solutions offering a proactive approach to those seeking protection for their businesses in a volatile and changing environment.”

Mike Grant
Partner
Weightmans LLP

SRA Accounts Rules for Finance Staff

On Wednesday 7th October, 9.30am—12.45pm

With Linda Lambert

The course for legal cashiers & finance staff will include a detailed discussion on the changes within the rules, the expectations of our regulator in what should have been done, and the practical implications of such areas as client bank reconciliations and transfers of costs.

Included will also be specific VAT considerations that occur due to the new rules and how they should or could be implemented.

The new SRA account rules should have been implemented within your practice from November 25th 2019 when they came into effect along with new standards and regulations.

Linda will also cover:

- *How fully have the new rules been integrated into the practice?*
- *What training has taken place with the Fee Earners to ensure that they understand the differences that have been created by the new rules?*

[CLICK HERE TO BOOK](#)

Extension to Employment Tribunal time limits: only a matter of time?

Christine Hart of Brabners examines the impact of extending Employment Tribunal time limits could have on reducing the backlog of cases

Since the Supreme Court ruled the introduction of Employment Tribunal fees as unlawful, the Employment Tribunal system has amassed a backlog of claims which currently stands at over 40,000 cases.

This figure is likely to increase following the impact of the COVID-19 pandemic, which has prompted the Government to look at efficiency measures.

It was suggested by the Law Commission in April that one option is to extend the standard time limit for bringing a Tribunal claim from three to six months. The Law Society are in support for such a measure.

It is thought that extending the time limit for all claims to six months will reduce confusion for claimants especially those representing themselves. Although the majority of Employment Tribunal claims must be submitted within three months, there are some that already have a six month limitation period. With a more uniform system, fewer claimants are likely to be unintentionally time-barred from seeking justice, or falsely believe that it is too late to commence a claim. The current three month time limit is also said to influence claimants to file claims even if settlement is still possible before litigation is necessary.

Another benefit would be extra time to explore the details and prospects of more complex cases such as discrimination and whistleblowing claims.

There may also be benefits to employers particularly where the case is complex and time consuming or time is needed to conclude a settlement before the costs of litigation are incurred.

Not all commentators are in agreement, with some feeling that an increased time limit could have the effect of prolonging internal procedures or settlement negotiations and could end up costing employers more in terms of management time and resource.

It's not the first time that increasing the time limit to 6 months has been raised. The #GiveMeSix campaign launched in 2017 focussed on increasing the time limit for those who have suffered maternity/pregnancy discrimination so that they have more time to bring their case at a time when their lives may be particularly stressful. To date the campaign has been unsuccessful.

The impact of COVID-19 on Employment Tribunals has certainly opened up an overdue conversation about how to ease the burden on the system. Increasing time limits may help to flatten out the spike in new claims but it is difficult to see how this will help to solve the backlog of cases and may even make that position worse. If the volume of claims continues to build then more measures will be needed and it would not be surprising if at some future date there is a fresh attempt to introduce fees for Claimants.

Christine Hart

Brabners

<https://www.brabners.com/people/christine-hart>

<https://www.brabners.com/services/employment>



Christine Hart

Liverpool Law Society

Family Finance Conference

Wednesday 30th September, 9.30am-4pm (inc breaks)

Chaired by District Judge Baker with sessions from:

- 9.40am Robert Cole, Broadway House Chambers**
Impact of Covid in financial remedy
- 10.20am Helen Pittard, 174 Law, Samantha Woodham & Harry Gates, The Divorce Surgery**—The changing ADR landscape including one couple, one lawyer
- 11.15am Joe Switaliski, 29 Bedford Row Chambers**—Picking up the pieces: section 37 injunctions & addbacks
- 11.55pm Laura Walsh, Frenkel Topping**—Welfare Benefits
- 1pm Samantha Hillas QC, St Johns Building Chambers**
Spousal periodical payments update
- 1.40pm Eleonore Berthelson, 42 Bedford Row**—Ring fencing assets – pre and post marital accrual?
- 2.30pm Caroline Bayliss, Excalibur Actuaries**
Pensions update & impact of Covid
- 3.10pm Archana Dawar, St Johns Building Chambers**
Family Procedure rules & costs

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Remote witnessing of Wills

The Law Society has welcomed the news that the government will allow wills to be witnessed remotely for the next two years in response to the coronavirus pandemic.

Law Society of England and Wales president Simon Davis said; “Currently under the 1837 Wills Act, two witnesses’ signatures – made in the physical presence of the testator – are required for a will to be valid in England and Wales. To meet the demand for wills and adhere to social distancing guidelines during lockdown, solicitors had to find inventive new ways to make wills – with neighbours witnessing signatures over garden fences and documents passed between cars parked two metres apart.

“From the very start of lockdown, we have been speaking with the Ministry of Justice about how best to alleviate the difficulties the public have encountered when making wills. The Law Society argued that legislation should be introduced to give judges dispensing powers to recognise the deceased’s intentions where strict formalities for making a valid will have not been followed – ensuring their estate is inherited as they intended.

“However, this would require primary legislation to enact – time for which is limited – and the government has decided to allow temporary remote witnessing. Although the government’s decision to allow remote witnessing will simplify will making for some during the pandemic and guidance has been issued to minimise fraud and abuse, the government needs to ensure the legislation is properly drafted to minimise unintended

consequences and ensure validity.

“Both probate professionals and the public will need greater clarity on when remote witnessing is appropriate and what to do in exceptional circumstances – such as if the testator dies while the will is being sent to a witness’ address for them to sign. We are pleased to see that the changes are only intended to remain in place for two years.

“The retrospective effect from January 2020 will be welcome news for those worried their wills may have been invalid but may cause confusion where steps have already been taken after a person has passed away without apparently having left a valid will.

“We look forward to working with government to ensure the reform is robust and successful. In the long term, wider reform of the Wills Act is needed to bring it into the 21st century. We will continue to explore the viability of giving judges dispensing powers but whatever reforms are introduced, the public should continue to seek professional advice when making a will.

“Solicitors will be able to ensure their clients’ wishes are carried out exactly as intended – especially in such unprecedented times.”

The Law Society has also released a guidance note in relation to virtual execution and the use of e-signatures which can be found [here](#).



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- The Society retains the right to cancel or alter the date of courses
- Subject to our usual [terms & conditions](#).

Those who book events but do not attend and don't provide notice of cancellation will have the appropriate credit allocation applied.

To see more information, [Click here](#)



Developments in Domestic Abuse

Tuesday 15th September 10am - 4pm (inc breaks)
With Safda Mahmood

There has been a vast amount of change to the law surrounding domestic abuse over the course of the last few years. This course will provide a good round up of the different law and major change so as to provide a comprehensive update on domestic violence legislation and case law.

Content covered:

- Domestic Abuse – What protection is available?
- Family Law Act 1996 – Nuts and bolts
- Drafting Orders and Without Notice Orders – What has changed?
- Enforcement – What has changed?
- Changes brought about through the Domestic Violence, Crimes and Victims Act 2004
- Law and practice surrounding Forced Marriage Cases
- Changes to Protection from Harassment Cases
- Domestic Abuse Bill 2019 – Changes and Update

Competencies: B & C

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- Members can join at any point during the 12 month period, however the TST fee is fixed, it will not be pro-rated
- Training Season Ticket entitlement must be declared at time of booking a course.
- The Ticket is non-refundable and non-transferable.
- Any supporting materials will only be issued to those who have booked on courses which they have unavoidably been unable to attend.
- The Society retains the right to cancel or alter the date of courses. All bookings subject to our usual terms & conditions, see: <http://www.liverpoollawsociety.org.uk/event-booking-terms-and-conditions>.
- Those who book events but don't attend and don't provide notice of cancellation, may be charged.

Apply now [here](#)

Maxwell Hodge Solicitors announce new Property Team Leader

Maxwell Hodge Solicitors are delighted to announce the appointment of Lisa Neary as their new Leader of the Property Team.

Lisa joined the company in October 2015. She is a Fellow of the Chartered Institute of Legal Executives, having qualified in October 2008.

Lisa is based at both Huyton and Woolton offices. She has 18 years' experience and specialises in all aspects of residential conveyancing, dealing with clients across the Huyton, Woolton and Kirkby branches of Maxwell Hodge.

On her appointment, Lisa said "I am very pleased and excited to be leading the property team. Here at Maxwell Hodge we have a hardworking and dedicated team, who strive to provide the best for all our clients, both existing and new. I am looking forward to helping develop the team and continue the excellent work which it currently provides."

Simon Leyland, CEO of Maxwell Hodge said "I am delighted that Lisa is now the Leader of our Property Team. She has proven to be a vital member of the Maxwell Hodge family, and an inspiration to her colleagues during this very challenging time."

Denise Scoular, Director at Maxwell Hodge said "Lisa's appointment is well deserved. She is hard working and has worked tirelessly and is dedicated to providing a quality service to all Maxwell Hodge clients."



Lisa Neary

Personal Insolvency: A Practical Guide

Friday 18th September, 1.30pm - 4.30pm

Around 100,000 people a year enter a formal personal insolvency procedure. The fall out from Covid-19 is likely to significantly increase the figure. Lawyers of all disciplines should therefore be aware of the mechanics of personal insolvency law.

Chris Beanland will cover:

- | | |
|--|------------------------------------|
| • Debtors' petitions (and the new out of court adjudication process) | • The matrimonial home |
| • Statutory demands | • Preferences and undervalues |
| • Creditors' petitions | • Bankruptcy Restriction Orders |
| • Applications to annul bankruptcy orders | • Debt Relief Orders |
| • Assets which vest in the trustee | • Individual voluntary arrangement |

Core Competencies: A2 – A5, B3, B4, B6, B7 & D3

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NEW Running successful claims for Cyclists & Pedestrians

On Monday 14th September, 1pm - 2pm

With Nicky Carter, who will cover:

Pedestrians

- Contributory Negligence and Children
- Age Above 16, Below 4?
- Contributory Negligence and Alcohol
- Allegations
- Defences
- Claims against pedestrians

Cyclists

- Vulnerable road users-PI Reforms
- Protective equipment
- Road defects



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Tony Goldsmith announced as new head of marine at Hill Dickinson as David Wareing steps down

Tony Goldsmith, partner, master mariner and marine casualty specialist at Hill Dickinson, has been appointed as head of the firm's Marine and Trade division.

Mr Goldsmith will succeed the firm's current head of marine, David Wareing, who is due to retire in the autumn, having held the position since 2017.

Mr Goldsmith, a former seagoing master mariner (class 1), joined Hill Dickinson in 1993 and became founder and managing partner of the firm's Singapore office when it opened in 2009. He will return to the UK later this year to take up his new post.

Commenting on his appointment, Tony Goldsmith said: 'I am absolutely delighted to be taking over the helm from David, with the full support of the team. Our Marine Group has benefited hugely from David's wise stewardship, helping to reinforce our position as an industry leader in the many sectors for which we are known. There are exciting and challenging times ahead as the world emerges from lockdown, and it is a privilege that I have been entrusted to take over the baton.'

Hill Dickinson chief executive Peter Jackson said: 'Tony Goldsmith is hugely respected as a maritime law specialist, particularly in the field of marine casualty, and he is absolutely the right man to succeed our outgoing head of marine, David Wareing. Hill Dickinson's reputation was built on our expertise in maritime law and it remains one of the cornerstones of who we are today.'

'Under David's watch we have successfully transformed our marine law offering to meet changing client needs in the highly innovative, increasingly digitalised and environmentally-aware sector we now operate in. In succeeding David as guardian of our reputation and the man charged with taking our marine business forward in this new decade, both I and the board of Hill Dickinson extend our warmest congratulations to Tony and look forward to exciting times ahead.'

Before joining the then-named Hill Taylor Dickinson in 1993, Mr Goldsmith was a deck officer with Ocean Fleets, sailing on tankers, bulk carriers and general cargo vessels. Following time spent working on offshore vessels in the North Sea, he began studying for his LLB at Queen Mary and Westfield College, London in 1989, passing his Law Society finals with distinction in 1994.

Tony Goldsmith is regularly instructed by the leading P&I clubs, hull underwriters and owners and operators of vessels to protect their interests following casualties. These include collisions, groundings, fires, structural failures and sinkings. As legal adviser to one of the largest salvage and wreck removal companies for over 20 years, he has been involved in some of the world's largest vessel recovery operations, including the ill-fated "COSTA CONCORDIA".

He is on the Singapore Chamber of Maritime Arbitration (SCMA) panel of arbitrators, and is a mediator with the Singapore Mediation Centre. His professional affiliations include



Tony Goldsmith

being a Liveryman of the Worshipful Company of Shipwrights.

Mr Goldsmith will be succeeded in the firm's Singapore office by marine trade and energy partner, Andrew Lee. Manchester

Finding of Fact Hearings in Children Proceedings with Anthony Hand

Wednesday 23rd September, 9.30am - 4.30pm (inc breaks)

This seminar will start by looking at the universal law applicable in fact finding within child law. The relevant law will be considered with the context of non-accidental injury, sexual abuse, emotional abuse, domestic violence and parental alienation.

Content breakdown:

The morning session we will also look at practicalities, drafting statements and schedules.

The second part of the day will deal with advocacy skills within the context of fact finding, with a particular emphasis on polishing practical skills, as well as gaining a thorough understanding of the relevant law.

The aim of this seminar is to assist your knowledge on the area of fact finding, build confidence and expertise providing practical pointers throughout.

[CLICK HERE TO BOOK](#)



UNIVERSITY OF
LIVERPOOL

School of Law
and Social Justice

PROFESSIONAL MENTORING SCHEME 2020/2021

ABOUT THE SCHEME

The Professional Mentoring Scheme has been running in the Liverpool Law School since 2007, and is part of the School's ongoing commitment to student employability. We aim to assist students to develop skills, knowledge and personal attributes that will help them be successful in their future careers.

Law graduates face an increasingly competitive job market. To secure a career in the law or other area of work, we recognise that, in addition to gaining a good degree our graduates need to acquire a range of practical, professional and interpersonal skills that they will not necessarily obtain simply from attending classes.

Professional mentors come from a wide range of organisations and individuals both within and outside the legal profession in and around Liverpool, the rest of the UK and overseas.

Within the legal profession, mentors have been drawn from local, regional and international firms of solicitors, barristers chambers, lawyers employed in-house, in the public sector, and in the courts.

Outside of the law, professional mentors are drawn from the world of business and finance, as well as the third sector.

Through email / phone / video calling, international as well as national and local mentors are able to participate in the scheme. In exchange, we are able to grant you access to the talent and knowledge of our student body - an invaluable asset to any future employer.

A testament of the success of the scheme is demonstrated by 100% of those who provided feedback on previous years' participation would recommend the scheme to fellow professionals.

ABOUT THE SCHOOL

The Liverpool Law School, part of the School of Law and Social Justice at the University of Liverpool, has a proud tradition and over a century's experience of inspiring and challenging its students to reach their potential.

Eminent scholars have served on its staff and former students include Judges at all levels, including former Lord Chancellor (1919-1922) Lord Birkenhead, Lord Nicholls of Birkenhead (1956), and the late Dame Rose Heilbron (1935), the first woman to sit as a judge at the Old Bailey, in 1972.

Teaching is provided by experts in their respective fields of law, and students benefit from dedicated staff who maintain a high degree of professionalism, whilst relating to students on a personal level. The School also enjoys an excellent reputation in research, and believes that scholarship drives good teaching practice.

The School provides the foundations of a legal academic background through the combination of traditional teaching experience with modern methods of delivery and development of skills placing our graduates in an enviable position.

UPDATES FOR 2020/21

Due to the global Covid-19 pandemic, and the forever changing ways in which we work, our biggest priority is ensuring the activities that our staff and students are involved in are carried out in the safest way possible. We have worked hard to adapt to the virtual environment and move a lot of our work online. Therefore the Professional Mentoring Scheme 2020/21 will be run 100% online, with mentors and mentees encouraged to communicate via phone/email/video calling. We feel that both mentors and mentees will still gain an awful lot from this experience, and will hopefully open some doors to further communications that may previously been hindered by physical locations. We understand that there will be some limitations, for example showing students your work place or attending court sessions. We hope that physical restrictions will ease and opportunities like these will be able to take place again soon.

EXPECTATIONS

Any time and effort put in by mentors is always very gratefully received, but we feel there is a minimum expectation of input from mentors to ensure both parties are getting the most out of the scheme. Therefore, we would anticipate mentors to be able to commit to the following:

- Mentors will facilitate a minimum of two meetings with their student mentees (remotely by telephone or video calling) each term, amounting to at least six hours of mentoring over the course of the academic year.
- Typically, the mentor may offer advice and answer questions about the legal profession including what their job entails, opportunities within their organisation and industry, drafting a CV, completing job applications, interview and presentation techniques, networking skills and advice on further study if appropriate.
- There may also be the opportunity for the student to observe life in the mentor's office if reasonably practicable. This may include sitting in on meetings, attending court, reading through client files and accompanying the mentor to meetings with other professionals.
- The mentor may be able to assist in helping to arrange formal or informal placement or mini-pupillage depending on the policy of the organisation - please contact the University if you are able to offer this.

UPDATE - Work shadowing and visits to workplaces are currently not possible due to the global Covid-19 pandemic, but is subject to change. We will keep in touch with mentors and mentees throughout the scheme with any updates.

TIMELINE FOR 2020/21

July 2020

Industry professionals and students are invited to participate in the scheme for academic year 2020/2021

September / October 2020

Applications close for students

October - November 2020

Matching process - mentees matched to their mentor

November - December 2020

Students given a briefing delivered by University and are introduced to their mentor via email.

Meetings in the Autumn term may cover:

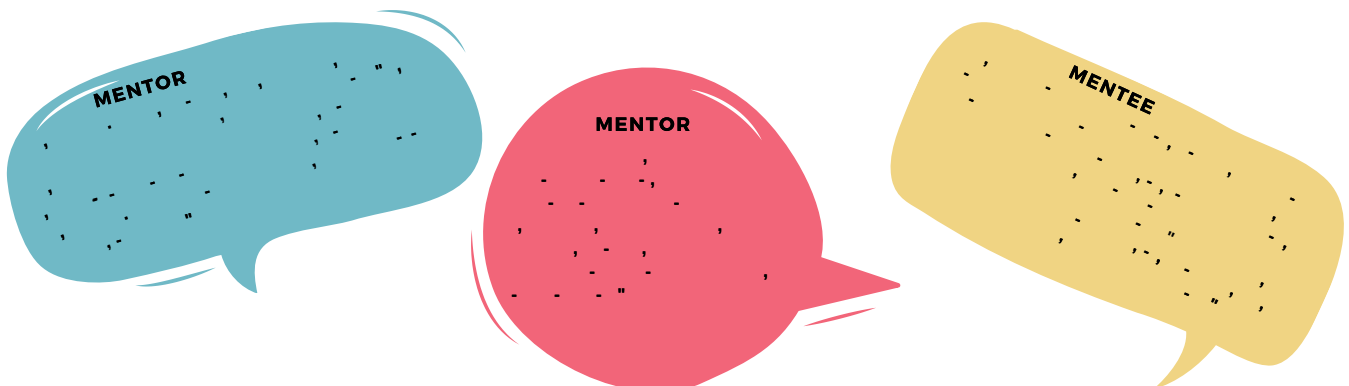
- Introductions and outline by the mentor about what their job involves.
- Introductions about the work and sector of the firm / organisation.
- Guidance on CV for the student.
- Advice on applying for work experience.

January - June 2021

Meetings in the Spring term may cover:

- Advice on dealing with clients.
- Advice on commercial awareness.
- Advice from the mentor's experience as a student - what they would like to have known.
- How the student can maximise their employability and further advice on applying for legal and graduate jobs.

TESTIMONIALS



CONTACT US

If you would like further information or if you are interested in participating in the scheme as a Mentor please get in touch.

Mrs Sally Russell and Mrs Becky Green

Email - Employability.SLSJ@liverpool.ac.uk

Telephone - 0151 794 9866

Address - School of Law and Social Justice, Chatham Street, University of Liverpool, Liverpool L69 7ZR



Lancaster University Law Clinic Supervision

Job Details : Law Clinic Supervisor (Qualified Barrister, Chartered Legal Executive or Solicitor)

Salary : £100 per case (inclusive of VAT)

Location : Remote working

Timing : The Law Clinic operates in term time from November 2020 to 31st March 2021.

Application Deadline: 5pm on Monday 14th September 2020

Lancaster University Law Clinic offers free legal advice to members of the local community. We are seeking qualified solicitors, barristers or chartered legal executives (who hold a current practising certificate) to assist the Law Clinic with supervision. We are particularly interested in receiving applications from practitioners with expertise in family law, property law and/or a specialist in private client work.

Client appointments are conducted by law students. Advice is offered to the client via a 'one-off' advice letter, and no legal advice is given during the appointment. Lancaster University has expanded its Law Clinic offering, so that client appointments can now be conducted on a wholly remote basis. We have established a virtual clinic, which enables Law Clinic students to conduct client interviews remotely. For 2020/21, we have also introduced Clio, which is a case management system that is used by law firms worldwide. When it is possible to do so, in light of the current COVID-19 guidance, the virtual clinic will be accompanied by pop-up clinics and on-campus clinics.

The Law Clinic will resume from November 2020-31st March 2021. We are seeking to appoint supervisors to:

- Liaise with student advisors, following their client interview, to discuss any initial queries and to highlight key areas of research.

- Supervise draft advice letters. This includes offering comments for the student advisors to make amendments, and, if necessary, making changes to the letter.

- Complete supervision within 7 days of receiving the draft letter, ensuring that the letter of advice is of the same standard that would be sent to a client in private practice

- Approve final letters, before the letter is sent to the client.

Supervisors must:

- Be a qualified Barrister, Chartered Legal Executive or a Solicitor and hold a current practising certificate.
- Be able to commit to supervising at least one case per week (each case will take approximately 1-2 hours to supervise).
- Be willing to engage in training on the Law Clinic's case management system (for which you will be remunerated).

Application is by letter and Curriculum Vitae and should be sent to the Law Clinic co-ordinators, Kathryn Saban (k.saban@lancaster.ac.uk) and Sadie Whittam (s.whittam@lancaster.ac.uk). The deadline to apply is: 5pm on Monday 14th September 2020.

Informal enquiries should also be directed to Kathryn Saban or Sadie Whittam.

Tell it to the Judge! With Emma Taylor

Thursday 1st October

This course is limited to a maximum of 10 delegates.

There are morning & afternoon sessions available

By the end of 'Tell it to the Judge' delegates will know how to:

- Arrange a persuasive speech that flows
- Edit material to avoid pointless waffle
- Introduce analogy to reinforce an argument
- Sight-read in order to make contact with the Judge
- Memorise their arguments
- Use pace effectively
- Project their voices and enunciate clearly
- Use pitch and other stressing techniques



Core Competencies: B 5 b & c

[Click here for the morning session](#)

[Click here for the afternoon session](#)

The Ogden Tables & claims for future losses with Mike Winston

Friday 25th September, 10am - 4pm (inc breaks)

This comprehensive course looks at schedules of future losses from both the claimant's and the defendant's point of view. All aspects of the use of the Ogden tables are covered, from basic aids & equipment calculations through periodic loss of earnings claims with split multipliers through to dependency claims following fatal accidents.

Mike will cover:

- Introduction to the 8th edition of the Ogden tables
- Multiplicands and multipliers
- Discounting for early receipt and mortality
- Calculating losses for life
- Calculating losses to a fixed age
- Using the reduction factor tables
- Calculating loss of earnings
- Challenging evidential assumptions & more...
- Using Conner v Bradman in disability claims

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Carpenters Group raising funds for the Access to Justice Foundation

In addition to fielding a team who will be walking "The Extra Mile for Justice" in aid of the Access to Justice Foundation, Carpenters are also hoping to raise £250 by raffling off this genuine signed Gini Wijndal picture. Raffle tickets cost £5 each.

All funds will go to the Access to Justice Foundation who are the only national entity solely focused on funding and supporting access to justice. The Foundation give grants to advice agencies across the country that provide legal advice on a range of issues.

To buy your raffle ticket and support the Access to Justice Foundation please visit

<https://www.justgiving.com/crowdfunding/gwframeraffle>



Good News Merseyside

The tweet below just goes to show the power of social media. Donna Scully of Carpenters Group tweeted a request for a van for a local charity, the L6 Centre. Just days later, the charity has a van and is able to deliver food to those in need.



If you have some Good News, or interesting social media posts, then please drop the Editor a line at editor@liverpoollawsociety.org.uk or tweet us at @LpoolLawSociety



Limitation Update with Nicky Carter

On Friday 11th September, 1pm - 2pm online

Covering:

- **Limitation: problem areas, case law update**
- **Accident or Assault**
 - **33 Discretion what's important?**
- **Prejudice**
- **Delay-length of ,reasons for BXB v Watch Tower And Bible Tract Society of Pennsylvania & Anor [2020] EWHC 156**
- **Cogency of evidence Kimathi v Foreign and Commonwealth Office [2018] EWHC 2066 (QB)**
- **Conduct and diligence of the Claimant**
- **Relevant Disability-Lack of Capacity Mental -Capacity Act 2005**
- **Conduct**

[CLICK HERE TO BOOK](#)

NEW PAD Applications: A PI Guide

On Tuesday 29th September, 1pm - 2pm

Be able to use CPR 31.16 to obtain the documents you need to make a liability decision pre- proceedings. Ensure you are up to date on the latest decisions and costs implications whether making an application or facing your opponents application.

With Nicky Carter, who will cover:

- | | |
|--|---|
| • How to obtain key Documents | • Impecuniosity Document requests |
| • When to make an application | • Earnings Details Request |
| • Key requirements | • Non-Party Disclosure – pre-proceedings |
| • Applications by proposed Defendants | • Procedure |
| • Medical Record requests | • Tips for Success |
| | • Costs Recovery |

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This month we asked our readers "What has been your best/and or worst festival or concert experience?"

Rachel Stalker
Solicitor & Clinical Legal Education
Programme Leader, LJMU School of Law



I went to see The Last Ship at the Playhouse in 2018. My partner doesn't particularly like musicals but we noticed this one was written by Sting, who is one of his top favourite musicians from childhood and I'm a fan too. So we get last minute tickets with slightly restricted view for about a tenner each, reasoning that we can just go to the pub if by the interval we're not getting in to it.

We sit down. I'm talking to my partner who, glancing over my shoulder, turns white. "But - that's HIM!" Sure enough here is STING walking in with his wife! He sits in the row in front of ours, a few seats away, a few moments before show starts. He sits near us all evening. I saw Trudy in the ladies at the interval but couldn't get near enough to say hi! They were both really lovely and talked with everyone around them.

Best of all - towards the end of the show Sting left, we thought to avoid the crowds. But NO. He takes a curtain call with the cast, and then SINGS the encore with them. All time idol, live performance, and a total surprise, all for the princely sum of twenty quid.

Joshua Murphy
Trainee Solicitor,
CEL Solicitors



My favorite festival experience was Download Festival 2014. Linkin Park were headlining on the Saturday and they have been my favourite band since I can remember. Specifically, they were performing my favourite album Hybrid Theory in chronological order from start to end, plus many more of their hits from subsequent albums.

It was a dream come true and one which was at the top of my bucket list. They were absolutely brilliant. I was almost crying tears of happiness in those moments of euphoria listening to songs I had worshiped whilst growing up.

It is well known that the lead singer, Chester Bennington, tragically took his own life in 2017 when he lost his battle with longstanding depression.

Hindsight is a beautiful thing, but I look back now and think of how I would have regretted not attending in 2014, and never getting the chance to hear him sing live, which consequently makes it even more special to me.

Marta Pawlowska
FR Handler,
CEL Solicitors



My favourite music festival I have ever been to was during a trip to India.

Whilst in Goa the hotel staff had recommended that I check out 'Musicthon' which was a local music festival pertaining to local indie artists and rock music mixed with some folk beats. Little did I know it would be one of the most unforgettable experiences of my life.

The next day I was woken up by the heavenly tunes of instruments being played alongside the humming of the forest birds, all with a background of the peaceful sounds of the waterfall. The festival had local singers performing at routine times.

It was such an enriching experience to meet so many people from different walks of life who have come together in one place just to celebrate their love for music. I had never even heard of some of the local styles as well as instruments like a Tabla!

I'll always remember waking up to the tunes of nature in harmony with the tunes of the people.

David Tournafond
Consultant,
Morecrofts



7 August 1990 was the date I saw David Bowie at Maine Road Manchester on his Sound and Vision Tour. The tour was allegedly the last time that Bowie was to perform his greatest hits (nobody believed him !) “ It’s time to put 30 or 40 songs to bed”. The choice of sings to be performed was allegedly influenced by a phone poll.

The atmosphere in the open air stadium was electric and only enhanced by the support band James who had a huge local following. The performance was as theatrical as we had come to expect from Bowie with stark lighting , interesting projected images and a tight 4 piece band. The sound was great and there was little re interpretation of the songs. The set opened with Space Oddity and there followed what was essentially a greatest hits collection and the final encore was Modern Love.

A wonderful night.

Amy Planche
Solicitor,
Carpenters Group



As a child of the 90's, if I wanted to attend a pop-concert, I had to traipse to Manchester; which my parents would not allow! Fortunately, there's been a resurgence of 90's pop bands, so as an adult I've been lucky enough to see several live. One of my favourites was the first time I saw 911; which included a meet

and greet, followed by standing right at the front to watch the concert itself. The music was great, really took me back; and their dance moves put men half their age to shame!

The experience of meeting them in person was indescribable it was so amazing! I was starstruck.

Music itself is a great memory-enhancer, and going to see bands like this is great not just for the music itself, but for the stories they tell you in between, and the experience itself providing another new joyful memory to be treasured.

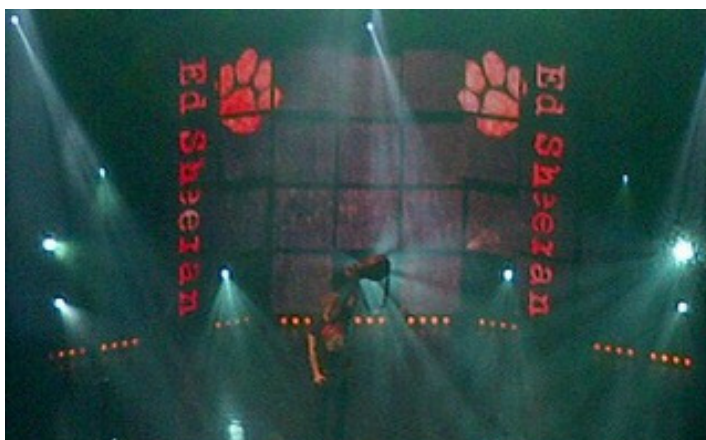
Jasmine Dalton
Solicitor,
CEL Solicitors



I'm not a big fan of festivals, however when my husband and I were backpacking India last year, we noticed a number of billboards for an upcoming carnival festival. It was marketed as a huge 3 day event to include fire eaters, live music and magic shows so we felt that we couldn't miss out.

On the day of the festival, we headed out early as it was over a 3 mile walk to get there and being on a backpacking budget at the time, a taxi wasn't a luxury we could justify. Based on the adverts, it seemed that the event could be a highlight of our trip, however when we arrived, we found an extremely low budget event which centred around performances by local children and was hosted by an unenthusiastic clown. It wasn't quite the festival we were hoping for but it's certainly something we won't forget in a hurry.

Jemma Castell
Trainee Solicitor,
CEL Solicitors



The most memorable experience I have had at a concert was when I saw Ed Sheeran in 2012 in Manchester. His first album had just come out, so it was only a really small venue and the stalls were a standing area. About halfway through the concert, he asked everyone in the audience to sit down, even those standing, and to be as quiet as possible. He then turned his microphone off and sang acapella. It was so quiet you could hear a pin drop as he sang, no one made a sound, just sat and listened. It was amazing to see and hear and I've made sure to see him on every tour since!

Rachael Payne
NQ Solicitor,
CEL Solicitors



The best festival/concert experience I had was Radio 1's Big Weekend 2010 at Bangor. It was my final year of university in Bangor and I won two tickets to attend on the Saturday. We were really lucky with the weather considering it was Wales and had beautiful sunshine the whole day. I got to see acts like Florence and the Machine, Dizzee Rascal, Justin Bieber, 30 seconds to Mars, Scouting for Girls, Alicia Keys, Tinie Tempah, Elli Goulding, Faithless, Example and more.

It was very emotional for my friends and I when the night came to a close and it dawned on us we would soon be saying goodbye to our university life. We woke up the next day to find our picture on the Radio 1 website, and on the cover of the Daily Post, it really was the best way to end our time at Bangor and something we will always remember for the rest of our lives.

Liam Hall
Serious Injury Assistant
Carpenters Group



Back in college I was part of a large group. A group that hung out together but wouldn't really be friends until around 30 of us all decided to book a coach and head off to Leeds Festival together. I've got to say that is was probably one of the best weekends I can remember. Not only did it allow us to get closer with those people uninhibited by who-went-to-what-school or how long it would take to get to Huyton or Toxteth on the bus to see people outside of college; it allowed us to enjoy bands and artists we'd always talked about but never really had the chance to see ourselves. Being part of such a large group and being keen to keep that group together meant we all had something new to experience by the time we had to pack our muddy wellies away.

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atjf.org.uk/go-the-extra-mile-for-justice
- 5 Let's go!**



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The Partnership become the first firm to submit electronically signed Deeds to HM Land Registry, through InfoTrack

The first electronically signed deeds have been submitted to HM Land Registry by The Partnership, using SignIT from InfoTrack.

In July, HM Land Registry announced the intention to accept electronic signatures on deeds provided they follow certain rules. Further to the announcement, The Partnership used InfoTrack's SignIT, electronic signature software, to have the vendor sign deeds alongside a witness.

Peter Ambrose, CEO at The Partnership commented, "We're delighted to be the first business in England and Wales to submit deeds using electronic signatures. It has been a long time coming but recent events make this a must for law firms. I am very confident in the security levels provided. The technology acts as a witness and the certificates issued upon signing demonstrate a security you just don't get with wet signatures."

Peter sums up the significance of deeds being electronically signed, "For us at The Partnership, who for years have offered a truly online approach with our client portal, this isn't just a historic moment for the conveyancing profession, it also allows us to streamline the process and offer a truly digital experience from start to finish."

Scott Bozinis, CEO at InfoTrack says, "We have offered SignIT for a number of years and during lockdown it became essential for law firms across the UK and we invested in making a number of enhancements. In fact, we saw a 400% increase in usage in May

alone. Further to HMLR announcement, we moved quickly to build a solution with The Partnership being the first firm to use. Both law firms and their clients will experience a convenient, time-saving solution that is robust and adheres to the rules published by HM Land Registry.

Scott Continues, "There has been a marked shift in the market where firms are now looking at smarter cost savings. SignIT, and our new Client Onboarding Solution, is growing rapidly as clients look to improve their bottom line with less paper, printing and postage while, at the same time, avoid delays in sending and receiving documents without the need to see the client in person."

Mr Jeremy Elkes, the Partnership's client comments, "Electronically signing the documentation was really quick and easy. I did everything on my phone and it only took a few minutes – it was so much easier and quicker than having to print out the form, sign it and post it to my lawyer. I also like the fact that I had both a text message and an email because that made it feel secure."

SignIT from InfoTrack has been built using DocuSign e-signatures. Two factor authentication is now standard and the ability to include witnesses and a signing order is neatly integrated within the software. In August, InfoTrack are donating all profits from SignIT to Mind, the mental health charity. To find out more, visit <https://www.infotrack.co.uk/services/tools/signit-electronic-signatures/>

Liverpool Law Society

Residential Property Conference

Wednesday 16th September, 9.30am-3.20pm (inc breaks)
Chaired by Angela Hesketh with sessions from:

9.35am	Stephen Ward, Council for Licensed Conveyancers —Driving change for the good of the consumer: lessons from the pandemic
10.15am	Ian Quayle, IQ Training —Rent Charges and Estate Rent Charges and Leasehold Reform
11.15am	Ian Quayle —Mis-selling leasehold properties, escalating ground rents
12pm	Stuart Young, The Property Log —Improving the home buying & selling process
1.15pm	Jamie Winch, HM Land Registry —HMLR Business Strategy & digital transformation update
2pm	Anthony Rollason, Landmark Information Group —The importance of including extra due diligence within your search pack
2.30pm	Angela Hesketh, Jackson Lees —Reviewing the effect of lockdown on conveyancers

[CLICK HERE TO BOOK](#)

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Liverpool Law Society

Problems with Land

Tuesday 6th October, 1.30pm - 4.30pm (inc breaks)
With Peta Dollar

This session, relevant for both residential & commercial property lawyers, will cover a wide range of problems, from those frequently encountered to those that are more esoteric, suggesting solutions, ways to mitigate each problem and what to tell your client.

Content covered:

- Historic rights: manorial rights, chancel repairs, mines and minerals
- Third party rights, especially those not noted at the Land Registry, such as implied easements (s62 and the rule in Wheeldon v Burrows) and prescriptive rights
- Rights of light and restrictive covenants benefitting third parties
- Problems with occupiers, including squatters, boundary issues & licensees/tenants
- Common land and town and village greens
- Local Land charges

& much more...

[CLICK HERE TO BOOK](#)

What needs to change in the way the legal profession treats people with mental health issues

By Caroline Spencer-Boulton, NALP Licenced Paralegal, 24:7 Criminal Defence

With mental health firmly on the agenda and more people suffering as a result of Covid-19 and lockdown, there has never been a better time for the legal profession to ask itself if it properly serving clients with mental health issues.

In my opinion, there has been a distinct failure by the legal profession, over the years, in obtaining proper and full assessments of clients suffering from one or more mental health issues. This means the profession is letting down its clients and acting without the highest standards in mind.

Even where there are clearly issues for concern, there has been a failure in many cases, to obtain appropriate psychiatric or psychological assessments.

This needs to change.

As a police station accredited representative, I have attended at police stations, and other venues, to advise and assist clients who are being interviewed by police. At the police station when a client has been arrested and is being booked into the custody suite they are asked if they suffer from mental health issues as part of the welfare check. Many will not divulge that information due to a perceived stigma associated with mental health.

Here is what I believe needs to happen in order for the legal profession to better serve people with mental health challenges:


- **Intermediaries:** The use of intermediaries in court proceedings appears to be a rarity. In a world where there is a significant trend towards those with mental health issues facing proceedings before the Courts, intermediaries should be instructed to assist the client during trials and other hearings/conferences where necessary. This intermediary service is currently heavily overlooked.
- **Education:** Education of legal professionals - defence and prosecution – to help them understand mental health issues and the treatment options. Further educating legal professionals to note and consider these issues if they have concerns when dealing with a client. Encouraging them to obtain those vital expert reports, from psychiatrists and psychologists, as to their client's mental health. More often than not those assessments prove vital to the outcome for the client.
- **Start at the police station:** Full and proper consideration/assessment by Mental Health Nurses at the police station stage. The aim is to determine, where a client suffers from mental health issues, their real ability to understand and give instructions and/or an interview. All too often clients are deemed fit for interview at the police station, when clearly, they are not.
- **Utilising help:** Deeper consideration and use of Hospital Orders. Utilising the help available from the Probation Services and ensuring that the most vulnerable are protected by the courts.

- **Assessment:** An in-depth assessment by the Crown instructed expert psychiatrists and psychologists. Often these people are only given the defence expert report and prosecution evidence. The Crown's experts should be given sight of the medical records of those they are assessing, and they should provide a full assessment and report on the person's ability to understand the trial process and take part in it. They should not be asked simply to provide a report aimed solely at a continuation of prosecuting a defendant. Often the full mental health issues are not covered in these Crown instructed reports.
- **Rehabilitation:** Prisons should revert to proper rehabilitation techniques. These appear to have waned over the past 10 years or so. This should include suitable assessment of those with suspected mental health issues particularly within the Autism range, ADHD and PTSD; all of which can be complex. Appropriate treatment should be given to those serving custodial sentences. Those with significant learning difficulties and/or low IQ should be provided with approved courses and treatment to help with coping and progression, as well as obtaining employment once released. The government should put in place a service for those released from prison who suffer from mental health issues so that they may continue to be provided with assistance and treatment, in order to reduce reoffending behaviours.

Mental Health is a wide-ranging condition which is all too often either not fully considered by legal professionals and related authorities or considered at all. This attitude and lack of proper consideration must change for future generations.



Caroline Spencer-Boulton is a NALP Licenced Paralegal from 24:7 Criminal Defence.



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Liverpool BID Company

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

As pupils in England start to go back to school, and many workplaces welcome employees back to the office, September starts with a familiar feel. There's often a sense of a second start to the year as the summer ends. Yet this Autumn is like no other. As we venture back into classrooms and workplaces we ask whether they are COVID-Safe and plan our daily commutes with more detail than before.

At Liverpool BID Company, we have been working with our Levy Payers on the reopening of the city centre. First non-essential shops, then restaurants and bars, museums, cinema and galleries have opened their doors. Tentatively, perhaps, at first, but each committed to do it in the safest way possible. At the start of the process we have been determined to ensure that confidence, and ensuring people felt as safe and secure as possible, was at the heart of the messaging. The city itself heralded the tagline of 'be patient, be kind and be responsible'. While businesses have to put procedures in place, each of us has a duty of care towards each other. We make way for each other on pavements, we wear masks when we cannot socially distance, we self isolate if we show any symptoms.

It's the importance of working together, and this might be a more significant driving force in seeing businesses reopen their workspaces than we may think.

The staff who mill in and out of offices from Liverpool's Commercial District to its high streets and shopping centres are a valuable part of its footfall. And naturally, the future of cities and city centres and their recovery play a part in reopening.

For businesses themselves, there is also the value in working alongside each other. There is a social side to office life but there is also an educational one. Many have struggled with only digital connections and Zoom meetings with their colleagues. (For some members of staff, they lose a vital ingredient in learning from more experienced colleagues. So often we learn by seeing and offices are built on the idea of welcoming in new recruits to learn from more experienced members of the team. Often, we pass on skills without even realising we're doing it. We teach an office and company culture and, working together, we teach those on the first rungs of the ladder how to operate in the commercial world).

Working life is going to change in the future. Some may want to be back in the office as much as they can, others may have found more of a balance between work and home life during lockdown that they want to continue. Flexibility may be an important part of our working days in the months to come. But we gain a great deal by working together, and our shared hours together in a safe office environment will go a long way to making our commercial lives more rewarding.

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Julie Johnson

ONLINE: Personal Injury Update

On Thursday 8th October, 1.30pm—4.30pm (inc breaks)

This seminar will be presented by Jeff Zindani & will also include an update on important government reforms in the PI sector.

The course will cover the following:

- The PI Reform Agenda – from the Civil Liability Act 2018, small claims increase to the extension of fixed recoverable costs
- Overcharging clients – guidance from the Court of Appeal
- Claims Portal and fixed recoverable costs – case law update
- Fundamental dishonesty – where are we now?
- Qualified one-way costs shifting – key cases
- Limitation and service issues – case law round up
- Liability case law update – notable cases over the past 12 months
- Damages update – Ogden v Smith and the Court of Appeal.
- The Benefits Trap-CRU deductions after Universal Credit

[CLICK HERE TO BOOK](#)

Regulation Update

The latest regulation news from Michelle Garlick of Weightmans LLP



Michelle Garlick

I hope everyone is keeping safe and well and that you have had the opportunity to take a break during the summer even it has been a staycation. In spite of it being summer, there has been quite a lot of activity in the regulatory field so here is a summary of developments/disciplinary findings over the past month:

Dubious investment schemes

The SRA has issued a newly updated warning notice about becoming involved in dubious investment schemes, having reviewed a number of cases as part of a thematic project and which has led to closure of 7 firms by intervention, twenty being referred to the SDT and a number of others facing other regulatory action. This is a must-read for anyone involved in conveyancing as it highlights high risk factors/red flags which solicitors need to be alert to.

Economic crime levy consultation

The government has issued a consultation on the proposed levy on businesses, including law firms, to fight economic crime, with the first payments to fall due in the financial year 2022/23. It proposes to collect £100m a year with the government stating that exposure to money laundering risk should 'if possible' be used to determine the amount due and that the costs of further action to tackle money laundering should 'not be borne solely by the general taxpayer'. The Law Society has expressed its concerns about the further burden this will place on the legal sector. The link to the consultation, which closes on 13 October, is [here](#)

Continuing with the AML theme, a global study published by Duff & Phelps of AML fines issued for money laundering breaches has found that UK fines totalled £36.6m in the first six months of 2020. In 2019 the UK total was £98.2m. The report also confirmed that the key AML failings consistently identified by regulators are customer due diligence, AML management, suspicious activity monitoring and compliance monitoring and oversight.

Parliament's Intelligence and Security Committee has also recently criticised lawyers and other "enablers" in its report on Russia for becoming "de facto agents of the Russian state" to smooth the way of Russian money entering the UK. The Law Society has responded saying "The UK has one of the strictest anti-money laundering regimes in the world. Solicitors are highly regulated and – in line with their obligations – are all too aware of the dangers posed by international criminals. They remain vigilant across all aspects of practice for warning signs of money laundering."

There is no sign of any slowing down of the SRA's activity/reviews of firms' AML processes, procedures and risk assessments so firms need to ensure that they are continuing to monitor these to ensure they are up to date and working effectively. We are currently working with law firms to carry out external audits so if you are interested in finding out how we can assist, please get in touch.

SRA updates its guidance on orderly closures

The SRA, in response to the

Covid pandemic, has updated its guidance on how it will support firms facing financial difficulty to ensure an orderly closure. The message is understandably to engage with the SRA as early as possible.

Sadly, I anticipate some firms will struggle with PII renewal this October which may mean closure/re-structure are options which firms will need to consider. If that is the case, please get in touch for both legal, insolvency and compliance advice to ensure that all your options are carefully considered.

On a similar theme, the SRA appears to have ramped up its intervention activity recently, intervening in national firm Kingly (with 16 offices across the country) and the practices of its 3 directors on suspicion of dishonesty.

SRA concerned over wellbeing of junior employees

The SRA has confirmed that it is investigating a number of (unnamed) firms over suspicions they are not protecting the wellbeing of their junior staff. Having been criticised for some time now over the SRA's treatment in disciplinary proceedings of junior solicitors, Juliet Oliver, the SRA's legal counsel, has confirmed that firms' culture and demands on staff are being actively scrutinised.

Compensation fund limits reduced

The SRA has confirmed that the maximum compensation fund payment to clients of dishonest solicitors will be reduced from £2m to £500,000 to reduce the financial burden

on the profession. It will also stop covering barristers and other professional fees yet to be paid by their instructing solicitor. Large charities and trusts will no longer be eligible for payments from the compensation fund, and payments may not be made where the firm that caused the shortfall has indemnity insurance in place. However, it stopped short of limiting grants only to clients or beneficiaries of the legal services provided so parties on the other side of a legal matter can still make applications where it can be shown a solicitor had failed to use funds for the purpose intended to complete a transaction for their benefit.

Fees for the SQE 'super-exam' confirmed

The Solicitors Regulation Authority (SRA) has confirmed that the fee for the exam, to be introduced in September 2021 will be £3,980, broken down as to £1,558 for SQE part 1 – two exams consisting of 180 questions each that assess candidates' functioning legal knowledge and £2,422 for Part 2, the written and oral tasks which assess practical legal knowledge and skills, covering advocacy, client interviewing, legal research, legal writing, legal drafting and case and matter analysis.

ACCA withdraws from legal services regulation

The Association of Chartered Certified Accountants (ACCA)

has announced it is withdrawing from legal services regulation and instead, is negotiating a partnership with the Chartered Institute of Legal Executives (CILEx) thus allowing the 52 ACCA firms accredited for probate work to be regulated by CILEx Regulation in a “seamless transfer”.

Video-witnessed wills to be legalised under temporary SI

The government has announced that a statutory instrument allowing wills to be witnessed remotely in England and Wales will be laid in September in response to the issues which have arisen as a result of Covid-19 so wills will be capable of being witnessed over Zoom, Facetime and Skype. The new rules will be backdated to 31 January 2020. The Law Society said the reforms will 'help alleviate the difficulties that some members of the public have encountered when making wills during the pandemic'. However, it said the government needs to ensure the legislation is properly drafted 'to minimise unintended consequences and ensure validity'.

The Law Society has also released a guidance note in relation to virtual execution and the use of e-signatures which can be found [here](#).

And talking of Zoom, two separate issues have been reported this month which would probably make many of us think “there but for the grace of God, go I!” The first was a judge who had to be replaced after private comments about one of the parties was overheard on a zoom call. A family judge had commented in a private conversation with her clerk that she thought the mother in a care proceedings hearing was trying ‘every trick in the book’ to avoid answering difficult questions. Whilst an associate had taken the judge’s closed laptop through to her room, the remote link to the court room remained open with those remaining on the

call able to overhear the comments.

And the second arose from a trial streamed live on zoom to observers outside of the UK without the court’s permission. The US law firm has self-reported to the SRA. The president of the Queens Bench Division was highly critical of the firm, saying that the events displayed “a casual attitude towards orders of the court which falls well below the standards to be expected of senior and experienced legal professionals, and a lack of appropriate guidance and supervision of more junior staff, in a matter of importance”.

Disciplinary

Holding back Disbursements

A former director of a struggling Manchester law firm has agreed to be struck off the roll for knowingly holding back almost £500,000 in disbursements. He also admitted failing to tell the Solicitors Regulation Authority for five years that his practice was in financial difficulty.

The tribunal was satisfied that the conduct was reckless and that no reasonable solicitor of his experience and position would have acted as he did, or allowed his practice to build up such debts.

Private life sanctions

A couple of cases reported this month show the approach being adopted by the SRA in relation to misconduct arising in a solicitor’s private life. A City solicitor has been suspended for a second cocaine caution whilst another solicitor was fined £1300 for a drink-driving conviction.

Falsely adding billing time

In a somewhat surprising decision, the SDT has made no order against a trainee who admitted claiming time for work which she had not done and ordered the Solicitors Regulation Authority to pay most of the costs of the failed prosecution.

The SRA argued that the trainee had acted dishonestly and with a lack of integrity after she falsely added time to a bill recording system in the final seat of her training contract, overcharging clients by a total of £2,991.50 for 20.2 hours of work that was not carried out.

The trainee said she had been suffering from workplace anxiety because of ‘excessive working hours’ and ‘unrealistic deadlines’, adding that her colleagues in the wills, trusts and probate department were ‘oppressive and unapproachable’.

She argued that there was a culture of anticipatory billing in her department (denied by a witness) and which the SRA argued that even if there was such a culture, she “should have declined to join in.”

The tribunal found the admitted factual allegations proved but did not find dishonesty or any breach of SRA principles.

Junior solicitor struck off for concealing court orders

A newly-qualified solicitor who concealed issues on a client matter for months and who felt she was ‘carrying the weight of an entire firm on her shoulders’ has been struck off.

This was another sad case where the evidence was that the newly qualified felt ‘overwhelmed with work’, panicked when she received a number of documents needing her attention and had then purported to send emails to another firm and to her principal when she had deliberately used an incorrect email address and knew the emails would not get through. She then forwarded that email to her client in order to mislead him into believing it was sent properly.

SRA Accounts Rules for Solicitors, Fee Earners & Managers

On Wednesday 7th October, 1.30pm—4.45pm

With Linda Lambert

The half day course designed for Solicitors, Fee Earners & Managers will concentrate on the application of the 2019 Accounts rules and include pointers of where the rules may necessitate further internal discussion on implementation.

The new SRA account rules should have been implemented within your practice from November 25th 2019 when they came into effect along with new standards and regulations.

Linda will also cover:

- How fully have the new rules been integrated into the practice?
- What training has taken place with the Fee Earners to ensure that they understand the differences that have been created by the new rules?

[CLICK HERE TO BOOK](#)

News from the MJLD

Usually at this time of year, the MJLD Chair gets to write a farewell message having recapped a successful year full of events. However, I'm sure I'm not the first to note that 2020 hasn't quite gone to plan.

Since lockdown was announced, it's fair to say that there have been significant changes in our industry and particularly for junior lawyers. Working from home is now not an optional add-on but, for the most part, the default for us all now. Some junior lawyers will have experienced furlough whilst others will have faced the increased pressure of covering work for colleagues suffering from Covid-19. Equally important is the awareness of the strength that diversity brings with the importance of the Black Lives Matter movement. As lockdown begins to slowly end, the world we are entering back into will be very different from the one we started with.

One thing that didn't change during lockdown was the MJLD's commitment to elect a new committee for the 2020/2021 year. We have now successfully done so and I am thrilled to announce that Chelsea Kearns from Jackson Lees will be stepping into my shoes as Chair when the current and future committee meet in the next few weeks to handover. That handover will see my involvement on the MJLD Committee end after 3 years.

In those 3 years, I've seen significant changes with how the MJLD operates. We've extended the definition of junior lawyer to encompass not just solicitors but those working in the legal profession as apprentices, CiLEX and barristers. We have also significantly improved our education offering, with 4 marshalling schemes run for the benefit of members and students in the city. Having liaised with other JLDs throughout my time on the Committee, I think it's safe to say that our education offering is not just unique but also the best in the country.

Whilst I haven't been able to do everything I wanted to whilst I was chair, the most important thing to come out of the 2019/2020 Committee was the creation of sub-committees. Ever since I first stood for the committee, I thought it was a shame that the election process meant that those unelected were denied the opportunity to put their good ideas into practice. The sub-committees now allow those people, or those who have a particular passion or interest, to get involved and champion that idea through a sub-committee. Before coronavirus, we were on the verge of organising a sports tournament and a training contract noticeboard for all Merseyside firms through the sub-committees. I hope this system continues in the future.

In that future, junior lawyers will face challenges as the economy comes to terms with the shock of the coronavirus. Despite those challenges, the SRA

continues with its plans for the SQE which will drastically alter legal education. Junior lawyers also seem to be facing a higher number of disciplinary actions with heavier penalties than more senior counterparts. Unlike many, I've been fortunate enough this year to meet the SRA Board and relay concerns on both topics. Consultations like that should not be window dressing but should be the bedrock on which plans and actions are built. I can only encourage you to get involved and be a part of the process if you have concerns on either issue.

Finally, (if you're still reading), my thanks to all of you in the Liverpool Law Society for the continued support that the Society and you as its members have given the MJLD. In particular, my thanks to Sarah, Ann and Jo for their time putting up with me and my requests and also the presidents I've been fortunate to work with: Nina Ferris, Chris Topping and Julie O'Hare. Thank you also to my colleagues at Weightmans and to my fellow Committee Members too. Please continue to encourage your junior lawyers to engage with the MJLD and get involved so next year's committee can be as successful as previous ones. And hopefully 2020 has no more surprises in store...

Andrew Ball
Chair



Personal Insolvency: A Practical Guide

Friday 18th September, 1.30pm - 4.30pm

Around 100,000 people a year enter a formal personal insolvency procedure. The fall out from Covid-19 is likely to significantly increase the figure. Lawyers of all disciplines should therefore be aware of the mechanics of personal insolvency law.

Chris Beanland will cover:

- | | |
|--|------------------------------------|
| • Debtors' petitions (and the new out of court adjudication process) | • The matrimonial home |
| • Statutory demands | • Preferences and undervalues |
| • Creditors' petitions | • Bankruptcy Restriction Orders |
| • Applications to annul bankruptcy orders | • Debt Relief Orders |
| • Assets which vest in the trustee | • Individual voluntary arrangement |

Core Competencies: A2 – A5, B3, B4, B6, B7 & D3

[**CLICK HERE TO BOOK**](#)

Look After Yourself

Top 10 Tips for Good Mental Health and Wellbeing



Keep Active

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



Take a Break

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



Sleep is Important

Sleeping well can improve concentration and refresh you



Eat Well

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



Drink in Moderation

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



Keep in Touch

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



Share How You Feel

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



Give Back

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



Be Mindful

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



Ask for Help

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

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The Law Society

The Solicitors Qualifying Examination (SQE)

As the introduction of the SQE looms ever closer, this month, Nicole Poole Policy Adviser at The Law Society shares the latest information on the new qualification. If you have any further queries or comments, please send them to educationandtraining@lawsociety.org.uk

The SQE has been in development since 2015, with multiple consultations in response to which the Law Society has consistently put forward the views of the profession on key issues. The SRA have now submitted their final **application** to the Legal Services Board (LSB) for the rule change required to implement the SQE. The Legal Services Board has said that it will take the full 90 days to consider the decision, which will be made by the LSB Board.

The final design of the SQE consists of two stages of centralised assessment, SQE1 and SQE2. In addition, candidates must have a degree level qualification, two years qualifying work experience and must pass a character and suitability test upon applying to join the profession. The SRA believe this is the best way to meet the **objectives** set out for the SQE, which are:

1. greater assurance of consistent, high standards at the point of admission
2. the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.

The SRA will be implementing the SQE in September 2021, with a transitional period for those part way through their education and training. The Law Society has recently welcomed alterations the SRA have made to the **transitional arrangements**, in line with recent representations made on behalf of education and training providers. The alteration to the transitional arrangements means that providers will have an additional year to prepare for the introduction of the SQE, should they need

it, as the SRA will continue to approve qualifying law degrees if they start prior to 31 December 2021, as long as the student has accepted the place by 31 August 2021. The extra time this gives providers is crucial due to the added pressure of Covid-19 and the resulting changes this has required from providers.

The SRA have also recently announced the finalised **cost of the SQE assessments**, which will be £3,980 in total. SQE1 will cost £1,558 for ten hours of examinations testing candidates' functioning legal knowledge. SQE2 will cost £2,422 for 14 hours of written and oral tasks testing both practical legal knowledge and skills, such as advocacy, legal research and case and matter analysis.

The Law Society will be responding to the SRA's application to the LSB to highlight potential equality diversity and inclusion (EDI) issues, to ensure that these are addressed by the SRA during the implementation of the SQE and to ask that a schedule for regular review post implementation be set out. The SRA had commissioned the independent Bridge Group to review the SQE and make recommendations on actions to address any EDI issues.

Key stakeholders fed their concerns into this work and the **final report** makes a number of recommendations for the SRA, which have been incorporated into the SRA's updated **EDI risk assessment**. Through ongoing and transparent data publication and evaluation, the SRA will seek to check whether the potential benefits it has identified are being realised and whether the mitigations it has put in place have minimised the potential risks.

The Law Society is developing information and guidance to support the profession as the SQE is implemented and we will keep you updated.

To join in any of the below events, you need only a phone, tablet, laptop or pc

DATE	TITLE	SPEAKER	S CODE
07-Sep	Road Traffic law for Criminal Practitioners: A practical guide	Colin Beaumont	S4482
11-Sep	Limitation Update—S.33	Nicky Carter	S4475
14-Sep	Running successful claims for Cyclists and Pedestrians	Nicky Carter	S4476
15-Sep	Developments in Domestic Abuse	Safda Mahmood	S4385
16-Sep	Residential Property Conference	Various	S4293
17-Sep	Civil Procedure Update with Helen Swaffield	Helen Swaffield	S4410
18-Sep	Personal Insolvency: A Practical Guide	Chris Beanland	S4322
22-Sep	Commercial Property Update	Ian Quayle	S4391
23-Sep	Finding of Fact Hearings in Children Proceedings	Anthony Hand	S4416
25-Sep	The Ogden Tables and Claims for Future Losses	Mike Winston	S4488
30-Sep	Family Finance Conference	Various	S4294
01-Oct	Tell it to the Judge! (am OR pm session)	Emma Taylor	S4417/18
02-Oct	Criminal Law Update Autumn 2020	Colin Beaumont	S4330
05-Oct	Critical Factors in Maintaining Motivation	Candy Bowman	S4489
06-Oct	Problems with Land	Peta Dollar	S4407
07-Oct	SRA Accounts Rules for Legal Cashiers & Finance Staff	Linda Lambert	S4436
07-Oct	SRA Accounts Rules for Solicitors, Fee Earners & Managers	Linda Lambert	S4437
08-Oct	Personal Injury Update	Jeff Zindani	S4404
09-Oct	Private Child Law Update	Safda Mahmood	S4395
09-Oct	Public Child Law Update	Safda Mahmood	S4386

For full details & to book, visit: www.liverpoollawsociety.org.uk

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