

Liverpool Law

October 2020

Liverpool Law Society

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

Meet the new MJLD Committee



The new 2020/2021 committee are excited for a challenging year ahead offering the junior lawyers of Merseyside a wide range of (potentially virtual) social events, educational talks, seminars and much more.



www.liverpoollawsociety.org.uk



Manage your
matters **wherever**
you are



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DEADLINES 2020

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 October 2020 edition of Liverpool Law

Jennifer Powell
editor@liverpoollawsociety.org.uk

This month has seen us return to some restrictions in local lockdowns, as the numbers are ever increasing. I had hoped, as I'm sure many of you did, that things would slowly improve and we would have some sort of Christmas. However, I think Julie Johnson sums it up perfectly in her BID column; as disappointing as this is we are better prepared this time around and we aren't "flying blind as we were six months ago".

The figures are frightening but we are now ready with PPE and hospitals, if needed, have more understanding of the course the virus takes and what needs to be done.

I say this with my own parents having just had a positive test and so having to go for a test myself with my family. It was worrying and uncomfortable but it is a test that wasn't there in March. The system is getting better and we will get through it, as frustrating as it may seem.

We need to keep our spirits high, continue as we have in our new virtual World of checking in on colleagues and staying in touch. If anyone is struggling the help is there from us at LLS and many other organisations. If you aren't sure please just ask and we will happily point you in the right direction.

On a cheerier note I'm pleased to see that we are returning to some form of normality in our local legal arena. We have the new MJLD committee who you can see on our front page, good luck to all of them. We are also seeing lots of movers and shakers which is a great sign!

This month we have a plea from our Past President and Council Member Nina Ferris who needs our support on implementing some long needed changes. If you can then please show Nina your support.

As always please let us know if there is anything in particular you would like to see more/less of in your magazine. We are here for you to enjoy.

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:

01/10/2020 13:00	Access to Justice Sub-Committee 2019-2020
08/10/2020 10:00	Good Business Festival 10am - 8.45pm
13/10/2020 12:30	General Committee 2019-2020
14/10/2020 12:30	EDI Committee Meeting
15/10/2020 13:00	Non-Contentious Business Sub-Committee 2019-2020
16/10/2020 08:30	Joint Forum on Access to Advice Group Meeting
19/10/2020 13:00	Future Planning committee
20/10/2020 13:00	Editorial Sub-Committee 2019-2020
21/10/2020 13:00	Family Business Sub-Committee 2019-2020
23/10/2020 13:00	LLS Directors' meeting with MPs, PCC, Lords & GC
27/10/2020 12:30	Finance & Policy Sub-Committee 2019-2020
29/10/2020 13:00	Education & Charities Sub-Committee 2019-2020

Editorial Committee Dates

All meetings start at 1pm

Tue 20/10/2020 13:00

Tue 17/11/2020 13:00

From the President

The latest from the President, Julie O'Hare

"We should not be held back from pursuing our full talents, from contributing what we could contribute to the society, because we fit into a certain mould" Ruth Bader Ginsburg

This edition is brought to you during National Inclusion Week and what better start than to quote an extraordinary lady who had very strong opinions on the promise of a better society when diversity and inclusion is embraced.

At LLS we are also very much of the mind that inclusion will only serve to better our legal community and believe that we all need to keep the door open to the wealth of talent and skill brought about by diversity.

We are keen to really get our EDI committee forums off the ground where practical tips and policies surrounding diversity and inclusion, from recruitment through to retention, can be openly discussed. Please do contact us should you wish to attend one of our future meetings.

A number of things have happened since our last edition – the schools have all returned only for many to be blighted by periods of isolation and now we are under tighter restrictions locally with the threat of a complete local lockdown looming over us!

I do hope that you and yours are keeping well during this turbulent time and whatever the next few months hold for us all I sincerely hope that we can weather the storm together as the strong and spirited community that we are known to be.

Nationally we are starting to unite more than ever too and this became apparent from the recent President and Secretaries Conference I attended. Local law societies, of all sizes, are experiencing the same issues as ourselves with the concerns regarding returning to work, issues surrounding funding and, of course, the uncertainty of the dreaded B word exit strategy.

The Law Society is hosting a follow up session to discuss Brexit shortly and we shall have representation at that roundtable. Please do contact us with any concerns you wish to have raised at that meeting.

We have been astounded at the contents of the Internal Market Bill, which had its second reading 14 September, particularly as it proposes to contravene the rule of law and create conflict in its application. We felt it only right to address our concerns directly in writing to the Lord Chancellor (copy can be viewed on our website). We shall, of course, report back should we receive a response.

We have also received responses from both the CEO of Hong Kong and the Ambassador of China following our letters regarding the attempt to amend the Basic Law of Hong Kong SAR. You can read the responses within this edition. I am pleased to report that our concerns, and backing of the Law Society and Bar Council's standpoint, achieved coverage in the Gazette last month making it clear that Liverpool Law Society is a large local society with a strong voice.

As a society we were extremely disappointed to note the ill-



Julie O'Hare

considered comments of the Home Secretary, Priti Patel, earlier last month as she described those practising in immigration law as "activist lawyers" who were frustrating the removal of migrants. Clearly, such labels can be damaging to our profession. However, I was both proud and amused to see a number of our members changing their titles on various networking platforms to "activist lawyer" our Immediate Past President being one of them! It is not only vital to the preservation of our profession, but for civilisation itself, that we promote a positive image to the general public who often do not realise the fundamental role lawyers play in representing the most vulnerable members of society.

It seems as though my column has had a very political theme this month and I would like to point out that LLS does not look to endorse or promote any political parties or views. However, the issues we have reported on, and taken issue with, go to the heart of our basic principles of the rule of law and protection of the same. We shall continue to track the progress of current affairs which have a potential bearing on you, as our members, and the profession as a whole and shall do all we can to represent you in the best possible way.

We do have a number of consultations due to be responded to this month, including the "Future of Legal Aid", and ask that if you have any contributions you would like to make that you contact us.

I wish that I could report that we are coming to an end of restrictions which would see us all being able to gather again in

continued overleaf

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person but, sadly, this is not looking likely for some time yet! We have taken the decision to suspend all social events until next year (including our Annual Dinner) as well as face to face training. However, I hope that you are enjoying the online programme that we continue to deliver and, as always, we welcome your suggestions. Please do continue to engage with us.

I am sorry to report that HHJ De Haas QC has retired after years of being a great support to LLS and many of our members. We would like to wish her a very long and happy retirement and thank her for her contributions to the local area during her term. I would also like to congratulate the newly appointed Designated Family Judge for Cheshire and Merseyside, HHJ Parker.

As we start to approach our November AGM we prepare for the retirement of some of our Directors and in the next few weeks you will receive a letter from me asking for you to nominate yourselves (or your colleagues) to stand in our election. The nominations close 26 October 2020.

Until next time, stay safe!

Julie O'Hare
President

Liverpool Law Society expresses concern over “activist lawyers” statement by Home Secretary

Liverpool Law Society President, Julie O'Hare, has expressed alarm over comments made by Home Secretary, Priti Patel, about what she referred to as “activist lawyers” – a reference made to solicitors willing to represent asylum seekers in court.

Reacting to the comments, Ms O'Hare said “The rule of law is a fundamental principle of our democracy. There is both an expectation and understanding that our government will always act in accordance with the law and that if they do not do so then part of the function of an independent legal profession has been to seek, on their clients' behalf, to hold them to account.”

The comments were contained in a recent Tweet from the Home Office Twitter feed which cast aspersions that their work in dealing with asylum seekers was being hindered by “activist lawyers”.

Following complaints from the Law Society of England and Wales, the Tweet was removed. However, the Home Secretary, Priti Patel, has subsequently used the same term to suggest that somehow lawyers were acting in a political manner to frustrate government policy.

Simon Davis, the current President of The Law Society said “Solicitors advise their clients on their rights under the laws created by parliament. To describe lawyers who are upholding the law as ‘activist lawyers’ is misleading and dangerous.”

Liverpool Law Society wholeheartedly endorses this statement.

Ms O'Hare went on to say, “as a local law society it is part of our mission to support our members and to champion justice for all. One of our values is to ensure respect for each other, our clients and importantly the rule of law.

“We will therefore stand alongside all of our members who seek to hold the government to account in these challenging times to ensure that they are able to represent their clients without fear”.

Your local Law Society

All members of the Society will shortly be receiving an email inviting you to nominate a member of the Society to become a director at the AGM in November. We would like to have a Committee which is as representative as possible of the wide membership the Society enjoys. All members of the Society are eligible for election to the General Committee. You must be nominated by three members of the Society and serve a three-year term.

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

The General Committee consists of up to 27 members, who each serve a three-year term. Every year, nine members of the General Committee retire by rotation at the Annual General Meeting: 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 Annual General Meeting.

Elections will take place at the Society's Annual General Meeting to be held at 1.00pm on Thursday, 26th November 2020. If you would like further information about the Committee or assistance with who is a member please visit <http://www.liverpoollawsociety.org.uk/about-the-society/committees> or email committees@liverpoollawsociety.org.uk with your query or request.

Generating added value in commercial property transactions

Wednesday 28th October, 2pm-4pm

The purpose of this intermediate training is to consider & provide ideas for adding value to transactional commercial property instructions. The course will offer an insight into developing and maintaining good and long lasting client relationships.

Ian Quayle will cover:

- Assisting in negotiation, dealing with and using heads of terms
- Due diligence and client objective – searches, enquiries, inspection and survey
- Effective Reporting on Title – what should a report contain
- Dealing with repeat instructions including engagement letters and protocols
- Useful Resources
- An examination of recent relevant case law

Core Competencies: B

[CLICK HERE TO BOOK](#)



Seminars now available to pre-purchase and watch as a recording at your leisure

Have you ever missed out on one of our seminars due to other priorities – perhaps you already arranged to meet with a client, or had to attend a last-minute court visit? We have fantastic news for you! Liverpool Law Society are thrilled to announce that all seminars are available to purchase (before the live event takes place) to watch as a recording at a later date.

As you may know, since March 2020 our training events have moved online which has opened up endless opportunities! Although we long for the day we can have everyone back at Helix, with teas, coffees, and sandwiches at the ready; the team have put so much work into tailoring our training programme for online consumption.

"We aim to provide the same high-quality training programme without the added costs, providing total convenience to our very busy delegates."

In light of this 'new normal', we aim to provide the same high-quality training programme without the added costs providing total convenience to our very busy delegates. This means saving time and money otherwise spent traveling and maximizing the amount of people who can join us, or simply benefit from our training at a time that suits them! We will be going ahead with live training and offering a recorded version for you to watch at your leisure, meaning you can attend from anywhere, at any time.

So, how will this work?

From 1st October we will be offering pre-purchased recordings of our live seminars. These can be used as helpful refreshers, or copies for you to watch if you can't make the live event. If you would like to purchase a recording you must pre-book onto the seminar via our website; the same way you would if attending the live event. Although, we understand you may book with the intention of not attending the live event. Unfortunately we are unable to offer recordings to those that have not booked onto the live event. Once the live broadcast

has commenced, the full recording will be sent to you via email within 72 hours for you to watch when the time is right. All of our recordings will have a 3-month expiry date, giving you plenty of time to fit in the session.



Q&A Session

If I attend the live event, will I receive a link to the recordings?

Yes! Once you have booked the live event, whether you attend or not a link will be sent to you with the full recording to view as many times as you wish.

Will the recording be available to me if I have a Training Season Ticket?

The link to the recording will be sent to everyone that has pre-booked to attend and can be used in conjunction with any of our existing offers.

Are conferences going to be recorded?

At this time, conferences will not be recorded. We encourage delegates to attend conferences live and interact with our first-class speakers – asking questions, offering solutions and sharing stories. We feel in this case the live broadcast is much more valuable to our delegates.

Can I purchase a recording after the live event has taken place?

No, this will not be possible. You must register for the live event in order to receive the recording although we understand you may not attend the live event.

National Security Law in Hong Kong

Liverpool Law Society has added its voice to expressions of concern by international legal bodies about the new national security law imposed by Beijing on Hong Kong. The society, which has some 2,000 members, wrote to the Chinese authorities in August stating that the new law has many worrying aspects.

In a letter written to the Chinese ambassador and chief executive of Hong Kong, Liverpool society president Julie O'Hare and parliamentary officer Jeremy Myers, said legal practitioners around the world would have greater faith in China and its administration in Hong Kong if China is seen to comply with the original Basic Law and Joint Declaration agreed in 1997.

Below and overleaf are reproductions of the responses received from the Chinese Embassy and the Office of the Chief Executive of the Hong Kong Special Administrative Region of the People's Republic of China.



31 August 2020

Ms Julie O'Hare
President

Mr Jeremy Myers
Parliamentary Liaison Officer

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

Dear Ms O'Hare and Mr Myers,

Thank you for your letter of 10 August 2020 to the Chief Executive. I am authorised to reply.

Safeguarding national security is of great importance as this concerns national unity, territorial integrity and development interests of our country and is closely related to the livelihood of our people. On 30 June, the Standing Committee of the National People's Congress adopted the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law). The national law was added to Annex III to the Basic Law and applied in Hong Kong by way of promulgation by the Hong Kong Special Administrative Region (HKSAR) on the same day.

The HKSAR is an inalienable part of the People's Republic of China and a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. It is the HKSAR's constitutional responsibility and the common responsibility of all the people of Hong Kong to safeguard national sovereignty, unity and territorial integrity. In view of the increasingly pronounced national security risks faced by the HKSAR, the enactment of a

national security law at the state level is both necessary and urgent in order to plug the loophole in national security in Hong Kong. The National Security Law is an important step to improve the "One Country, Two Systems" regime as well as restore stability in Hong Kong society as soon as possible.

The National Security Law seeks to prevent, suppress and impose punishment for four types of acts and activities that seriously endanger national security. It targets an extremely small minority of people without adversely affecting the lawful rights and freedoms enjoyed by Hong Kong residents. When exercising these rights, Hong Kong residents need not worry as long as they abide by the Law and do not commit the offences of secession, subversion of state power, organisation and carrying out terrorist activities, and collusion with foreign or external elements to endanger national security as defined under the Law.

According to Article 58 of the National Security Law, in a case over which jurisdiction is exercised pursuant to Article 55 of the National Security Law, a criminal suspect shall have the right to retain a lawyer to represent him or her from the day he or she first receives inquiry made by the Office or from the day a mandatory measure is taken against him or her. A defence lawyer may provide legal assistance to a criminal suspect or defendant in accordance with the law. A criminal suspect or defendant who is arrested in accordance with the law shall be entitled to a fair trial before a judicial body without undue delay.

Except under the specified circumstances, cases endangering national security connected with Hong Kong are handled by the law enforcement agencies and the judiciary of the HKSAR. The National Security Law also clearly stipulates that unless otherwise provided by the Law, proceedings in relation to the prosecution for offences endangering national security shall be handled by Hong Kong courts in accordance with the laws of Hong Kong. This arrangement gives full respect to the "One Country, Two Systems" policy, and shows the trust the Central Government has in the executive and judicial authorities of the HKSAR as well as respecting the differences between the two legal systems.

Pursuant to Article 44 of the National Security Law, the Chief Executive shall designate a number of judges from the magistrates, the judges of the District Court, the judges of the Court of First Instance and the Court of Appeal of the High Court, and the judges of the Court of Final Appeal, and may also designate a number of judges from deputy judges or recorders, to handle cases concerning offence endangering national security. Before making such designation, the Chief Executive may consult the Committee for Safeguarding National Security of the HKSAR and the Chief Justice of the Court of Final Appeal. The term of office of the aforementioned designated judges shall be one year. Furthermore, no restriction has been imposed on the nationalities of the judges, which fully shows respect for the existing judicial system of the HKSAR. There is no country in the world that allows foreign nationals to be judges to hear cases concerning national security.

The above arrangement does not affect judicial independence. As set out in *Tong Ying Kit v. HKSAR* (HCAL 1601/2020):

"3(5). The effect of Article 44 is simply that a number of judges at different levels of the courts in Hong Kong are designated by the

Chief Executive to handle cases concerning offences endangering national security. The actual assignment of a judge to hear any particular case remained the sole responsibility of the Judiciary. Judges are duty-bound by the Judicial Oath to discharge their functions strictly in accordance with the law, and to be completely free of interference from, or influence by, the Government....

54. It is important to emphasise that in relation to cases concerning offences under the National Security Law, the Chief Executive does not assign or nominate any particular judge to hear any particular case ... the question of which judge is assigned to hear any given case remains a matter for the Judiciary, not the Chief Executive or the Government: see the Statement by the Chief Justice of the Court of Final Appeal dated 2 July 2020, in particular §5:

"The listing and handling of cases, the assignment of which judge or judges are to handle cases or appeals will be determined by the court leader of the relevant level of court. These are matters within the sole responsibility of the Judiciary."

55. There is no proper or sufficient basis to contend that, in relation to cases concerning offences under the National Security Law, the Chief Executive or the Government is in a position "to interfere in matters that are directly and immediately relevant to the adjudicative function, for example, assignment of judges, sittings of the court and court lists", or that the liberty of any member of the Judiciary in Hong Kong "in adjudicating individual disputes and in upholding the law and values of the constitution" is, or will be, interfered with by the Chief Executive exercising her power under Article 44.

58. Under Article 88 of the Basic Law, judges of the courts of the HKSAR are appointed by the Chief Executive on the recommendation of an independent commission, namely, the Judicial Officers Recommendation Commission. There is thus already some degree of institutional relations between the Chief Executive and the Judiciary. This does not, however, prevent the Judiciary from being independent, and being seen as independent, from the Government. It must be borne in mind that a judge is bound by the Judicial Oath taken by him upon his appointment, which requires him to, inter alia, discharge his judicial duties in full accordance with the law and without fear or favour... We do not believe that a reasonable, fair-minded and well-informed observer would think that those judges are, or may be, no longer be independent of the Government.

59. ... the appointment and termination of a judge's designation to handle cases concerning offences endangering national security under Article 44 has nothing to do with his security of tenure. A judge's appointment is up to the applicable retirement age in accordance with the Judicial Officers (Extension of Retirement Age) (Amendment) Ordinance 2019. His security of tenure is protected by Article 89(1) of the Basic Law ...

63. ... there is no power of "nomination" of judges to hear cases concerning offences endangering national security vested in the Chief Executive by Article 44 ..."

In other words, when dealing with specific cases, it will still be the Judiciary to choose judges from the above list of designated judges. In any event, it is clearly stipulated in the National Security Law that human rights shall be respected and protected in safeguarding national security; and Hong Kong residents' freedom of speech, including the freedom to criticise government

policies or officials, shall be protected in accordance with the law.

It is relevant to note that in the International Covenant on Civil and Political Rights as well as the constitutions of most countries around the world, it is clearly stipulated that certain basic rights and freedoms can be restricted by law for the protection of national security.

The fundamental rights and freedoms of Hong Kong residents, including freedom to enter or leave the HKSAR, freedom of conscience, freedom to engage in academic research, literary and artistic creation, and other cultural activities, are protected by the Basic Law and will not be affected. The offence of colluding with foreign or external elements to endanger national security as provided in the National Security Law only prohibits those acts which have been clearly defined in the Law. It will not affect the normal activities between individuals, organisations or corporations and their foreign or external counterparts, neither will it result in anyone breaching the law inadvertently.

Yours sincerely,

(Ronald Cheng)

**for Private Secretary to Chief Executive
Office of the Chief Executive of the Hong Kong Special
Administrative Region of the People's Republic of China.**

Acting for Tenants in Commercial Lease Transactions: tips & traps

Monday 2nd November, 2pm-4pm

With Ian Quayle

This intermediate session will explore some of the key issues when acting for tenants. It will explore the availability of external resources and will look at practical problems and issues in a turbulent commercial property market place.

Topics include:

- Acting on business start ups and for inexperienced clients
- The Code for Leasing Premises 2020
- Dealing with security issues – rent deposits and or guarantees
- Seeking amendments to onerous leases – reasonable requests
- Problem clauses in commercial leases and advising clients
- Dealing with due diligence
- Land Registration issues
- Tips and traps for the unwary client and lawyer
- Turnover retail leases – friend or foe

Competencies: A1, A2, A4(a,b,c) A5 a,b,c,d,e B3 a,b B7 a,b,c

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中华人民共和国驻英国大使馆 Embassy of the People's Republic of China

49/51 Portland Place, London W1B 1JL

Zeng Rong
Spokesperson of the Chinese Embassy Chinese
Embassy in the UK
49/51 Portland Place London W1B 1JL

Julie O'Hare President
Jeremy Myers Parliamentary Liaison Officer

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

1 September 2020

Dear Ms. O'Hare and Mr. Myers,

Your letter of August 10th has been received.

It is a common legal practice for any nation to enact laws on national security. The promulgation and implementation of the National Security Law for Hong Kong SAR plugs the loophole that has existed in the legal system of Hong Kong for a long time. It provides legal safeguards for the steady and sustained implementation of "One Country, Two Systems" and for the long-term security, prosperity and stability in Hong Kong. It has thus gained extensive support from the Hong Kong citizens.

This Law was enacted in strict accordance with legal procedures. It targets a very few criminals who jeopardize national security but protects the great majority of law-abiding Hong Kong citizens. It does not affect the high degree of autonomy of Hong Kong SAR or its administrative, legislative and independent judicial power, including that of final adjudication.

This Law clearly stipulates Human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. The rights and freedoms, which the residents of the Region enjoy under the Basic Law of the Hong Kong Special Administrative Region and the relevant international covenants as applied to Hong Kong, shall be protected in accordance with the law.

The National Security Law for Hong Kong SAR does not deprive Hong Kong SAR of its legislative power to enact laws on safeguarding national security under the authorization of the Basic Law. It does not and will not change the Basic Law. However, this does not change the nature that such legislative power belongs ultimately to the Central Government. Nor does it prevent the Central Government from establishing a legal framework and enforcement mechanism for safeguarding national security in Hong Kong SAR.

With regard to the Sino-British Joint Declaration, its core content is to ensure that China resumes exercise of sovereignty over Hong Kong. All the provisions of the document that are related to the UK side were fulfilled at the time of the handover. The UK has no sovereignty, jurisdiction or right of "supervision" over

Hong Kong after the handover.

The Chinese Government governs Hong Kong SAR in accordance with the Constitution of China and the Basic Law of Hong Kong SAR, not the Joint Declaration. The policies of "One Country, Two Systems" of the Chinese Government are fully embodied in the Basic Law and faithfully implemented. Hong Kong is a region of China. Its affairs are China's internal affairs and brook no external interference.

Recent years have witnessed sound exchanges and cooperation between China and the UK in the area of law. It is my hope that the Liverpool Law Society will view the National Security Law for Hong Kong SAR from an objective, fair and reasonable perspective and contribute more positive energy to China-UK exchanges and cooperation in the area of law.

Yours sincerely,

Zeng Rong
Spokesperson of the Chinese Embassy Chinese
Embassy in the UK

Commercial Leases

Thursday 22nd October, 1.30pm - 4.30pm

Ian Quayle will cover:

- Landlord and Tenant Act 1954 the meaning of 'redevelopment' and recent developments
- Deferring and delaying rent, rent payment holidays, lease regearing, turnover leases
- Termination Surrender, Break and Forfeiture (pre-requisites & implications for rent and service charge)
- Mixed use buildings: repair and service charge issues
- Rights of light and leases
- The RICS Code for Leasing Business Premises – February 2020
- IVAs, CVAs and other Insolvency Issues



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

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Good News Merseyside

Philip Nam wins top Paralegal Award

Philip Nam of White Collar Law in Liverpool was named Best Civil Litigation Paralegal at the National Paralegal Awards 2020.

The very best of the paralegal profession was celebrated at the annual National Paralegal Awards hosted live by the Professional Paralegal Register on 18th September. The awards ceremony, which is now in its second year, is now one of the showpiece events in the legal sector calendar, highlighting the important role paralegals play within the legal profession.

The paralegal community from across the country came together at the event, which was held virtually, to mark the outstanding achievements of

both paralegals and firms that support the sector.

Announcing Philip as the winner, Master Victoria McCloud said, "The judges agreed that it is truly remarkable that the winner is able to carry on their own law practice in such a competitive market is incredible...and he demonstrates a passion for the profession, a willingness to take risks, with an integrity which is commendable."

Philip Nam commented, "I feel I've worked very hard for it and although it was never expected, I am absolutely ecstatic at winning this award. I am very proud of the Judge's comments as to why I won. Those words are certainly not

the same words I would have used to describe myself."

Philip was also shortlisted in the Paralegal of the Year category and White Collar (Legal & Admin) Ltd was on the shortlist for Paralegal Business of the Year.

Congratulations also to Mary Holmes of MSB Solicitors who was shortlisted for Best Family Law Paralegal.

The Professional Paralegal Register (PPR) is a voluntary registered scheme to promote professional paralegals as a recognised fourth arm of the legal profession and to enhance consumer choice and protection.



Three Merseyside law firms shortlisted in Law Society Excellence Awards

Three Merseyside law firms have been shortlisted for the Law Society Excellence Awards 2020. Maxwell Hodge have been shortlisted in the "Excellence in Pro Bono" category, Morecrofts are up for the Medium Law Firm of the Year Award in which MSB Solicitors are also shortlisted as well as in the "Excellence in Diversity and Inclusion" Award category.

Maxwell Hodge has been shortlisted for the "Excellence in Pro Bono" award for its work in the community. Access to justice is a vital part of society and of the role that lawyers play. As a business, Maxwell Hodge, which has eight offices across Merseyside and the Wirral, and whose clients are local to those offices, feels it is important to

ensure that all people, wherever possible, are able to access legal advice.

For a number of years now, Maxwell Hodge has been assisting at Law Clinics and through the city's four major universities, together with University of Chester, continuing with Zoom consultations during the restrictions placed by Covid-19.

Emma Carey, Managing Partner of MSB Solicitors commented on their success, "Always proud to be shortlisted for a national award but this year it is super special. Our teams have worked so hard throughout COVID to support each other and support our clients, they have shown true pride and passion in the

delivery of excellence in legal service to the community they serve, they deserve this award. It's an acknowledgement of each and every member of our team, who go above and beyond every day to provide our clients with the very best service."

MSB have also been shortlisted for seven awards this year, including the recent Family Law Firm of the Year (North) and Family Law Community Interaction Award, at the Family Law Awards 2020.

Alison Lobb, Managing Partner at Morecrofts, who are also up for the Medium Law Firm Award commented, "It is an absolute honour for all of us at Morecrofts to have been shortlisted in the Medium Law firm category at the Law

Society Excellence Awards. This year more than ever I am so proud of all our team, and the way people at all levels of the business have pulled together, helped and supported one another, risen to all the challenges presented to them, and continued to do their best for our clients, in a time of such transition and uncertainty. To be shortlisted is no more than they all deserve."

This year, the Law Society Excellence Awards will be a series of online ceremonies, taking place from 13 to 15 October.

Each ceremony will include categories grouped by areas of interest.

Is this the end? The stay on possession proceedings

COVID-19 has had a dramatic impact on possession proceedings in England and Wales. The stay on possession claims and evictions imposed by CPR 55.29 was due to end on 23rd August 2020; however on 20th August 2020 the Lord Chancellor directed the Master of the Rolls and the Civil Procedure Rules Committee to amend the Rules and the stay was extended to 20th September 2020 in an effort to not endanger public health.

Therefore, no evictions or possession hearings will take place before 21st September 2020. Additionally, tenants have been provided with greater protection from eviction throughout the winter as Landlords are now required to provide tenants with six months notice in all cases, not including those cases where the landlord is able to raise other serious issues such as anti-social behavior or domestic abuse, or where there are at least 6 months rent arrears.

This has been beneficial for tenants but disastrous for most landlords. The inevitability of severe backlogs that the County Court will be faced with and the potential for a further stay will mean that cases may not be dealt with until at least 31st March 2021.

Housing Secretary Robert Jenrick has advised as follows:-
“When courts do resume eviction hearings they will carefully prioritise the most egregious cases, ensuring landlords are able to progress the most serious cases, such as those involving anti-social behaviour and other crimes, as well as where landlords have not received rent for over a year and would otherwise face unmanageable debts”



Michael Boland

This seems questionable given limited guidance has been given on the meaning of ‘egregious’ and therefore parties will still be unaware as to the likelihood of when their cases will be heard. Additionally, the Housing Secretary also confirmed that with coronavirus still posing a risk, if an area is in a local lockdown, that includes a restriction on gathering in homes, evictions will not be enforced by bailiffs. This only adds to the uncertainty for both landlords and tenants if there is a local lockdown in their area?

Still, there does seem to be some light at the end of the tunnel. As of 15th September 2020 reactivation notices and overall arrangements for possession have now been published by HM Courts & Tribunals Service, it is now time for Landlords to liaise with their tenants for this information and be ready to reactivate claims in preparation for the lifting of the stay.

Michael Boland, Trainee Solicitor in the Housing and Regeneration Department at MSB Solicitors.
michaelboland@msbsolicitors.co.uk

TRAINING SEAT EXCHANGE

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

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

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

Liverpool Law Society

Corporate Insolvency: A Practical Guide

Friday 16th October, 1.30pm - 4.30pm

The fall-out from Covid-19 is likely to lead to a significant increase in companies entering a formal insolvency process. This course will give practitioners a practical grounding in corporate insolvency issues.

Chris Beanland will cover:

- Administration and ‘pre-packs’
- Receivership
- Company Voluntary Arrangements
- Liquidation
- Void and voidable transactions
- Proving for debts and set-off
- Landlord and tenant issues
- Employee issues
- Buying the assets of an insolvent company

Competencies: B
[CLICK HERE TO BOOK](#)

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.

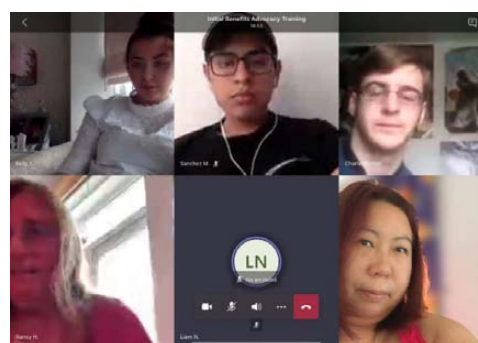
Opening of Vauxhall Community Law & Information Centre Covid-19 update



We reported previously that the Law Centre was planning to operate an “urgent” face to face advice service commencing in September. This has taken place, however with the recent upsurge in coronavirus it has now been decided that to protect clients, volunteers and staff we will be unable to continue providing face to face advice.

Unfortunately, this now means that due to the Covid-19 emergency we are now having to revert to homeworking again, our advice service is open 5 days a week during office hours and our Advice Line on 0151 482 2540 or alternatively we can also support people on email at the following address:-
Advice@vauxhalllawcentre.org.uk

Training Students



Although we provided face to face training to students in benefits earlier this year, this service too has been affected by the COVID-19 situation

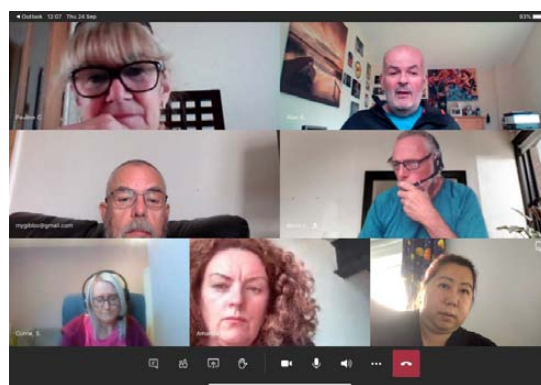
The project with the University has now resumed and Nancy

Hatenboer is now remotely training 24 students. The project originally was for the students to train in advising, and representing in PIP appeals. However, due to current benefit circumstances it is expanding to include Universal Credit fit for work appeals.

Board Meeting

In common with many organisations our board meetings are now being held online too. Our recent meeting heard reports on our successful funding applications to the Tudor Trust, Community Justice Fund and our plans for an apprentice in the Law Centre (see below for more details).

The meeting received an update on the work currently being undertaken, concerns over the housing eviction situation and online/telephone hearings not being as comprehensive as the face to face hearings



Some of the Participants at the Vauxhall Community Law & Information Centre Board meeting in September.

Apprenticeship

An Apprentice Development Support Officer/Fundraiser post has been created at the law centre, it is not an age restricted apprenticeship and the salary for the position is up to £18,200 p.a.

We are seeking an apprentice to support the Law Centre, and to receive training. The training will be in respect of funding applications, volunteer support, partnership development and some of the other services required to enable Vauxhall Community Law & Information Centre to deliver a high-quality community-based advice service

The position is being advertised currently and an application pack for the post can be obtained by requesting an application pack by sending an email to:-recruitment@vauxhalllawcentre.org.uk
Closing Date Monday 12th October 2020, at noon.

Interviews are planned to take place on Monday 19th October 2020.

Volunteers always needed.

The Law Centre has had brilliant support from its volunteers over the difficult lockdown period. 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 Website development skills to support us.

Please drop us a line at:

development@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, it is appreciated.



News from Merseyside Law Centre

Fighting for equality through social justice to combat poverty & homelessness



The deadline for the application for the JFF training Contract was the 14th September and now we have the unenviable task of shortlisting all the fantastic applicants. We look forward to meeting the social justice champions of the future and welcoming someone new on board in the new year. Our two JFF fellows Siobhan Taylor-Ward and Tom Lavin have been and continue to be wonderful assets to Merseyside Law Centre, both with a deep commitment to social justice so we are thrilled to be adding a new fellow to our team.

With the stay on possession proceeding ending on 20 September 2020, sadly but predictably we have had an increase in calls regarding evictions and possession orders. If you know of anyone who has been served with a notice of seeking possession, possession order or warrant please point them in our direction.

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.

Planning Reforms: Will it get Britain Building or Arguing?



Over the summer, the Government published “Planning for the Future” - a consultation paper designed to radically reform England’s planning regime. The aim is to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed. Tim Champney, Managing Director, Future Climate Info looks at the proposals and what the future could mean for neighbourhoods, development land and our town centres.

The Government has been wrestling with a planning system that has not been fit for purpose, and a failure to be able to house our ever growing population effectively, with all of the social injustices that flow from that.

The first changes were announced by Robert Jenrick, Secretary of State for Housing, Communities and Local Government in July related to Permitted Development Rights (PDR). Under rules that came into force in September, owners and developers will be able to convert a wider range of commercial premises, such as offices, cafés or shops, into homes without needing planning permission or local authority approval. The rules, will not apply to buildings that are considered “essential to the lifeblood of communities” with pubs, libraries and village shops listed as examples.

Use Class and Permitted Development Rights Changes

Classes A, B1 and D1, applicable to retail, office and non-residential

institutions and assembly and leisure uses respectively, are removed and new ones introduced in their place. The new Class E encompasses commercial, business and service, while the new E.1 and E.2 apply to learning and non-residential institutions and local community use respectively.

There is criticism that the greater use of PDRs could lead to a wave of poor quality, tiny flats being crammed into commercial buildings lacking amenities and green space. COVID-19 brought to the fore the importance of local green spaces and high quality, affordable homes to enable more people to reach healthier outcomes, especially in urban areas. But it also accelerated the decline of high street retail with the further shift to online. These changes to PDRs could encourage the swift conversion of vacant retail units to flat developments along our high streets, as consumers change their relationship with town centres.

Local Planning Authorities (LPAs) have responded with concern at the seeming removal of decisions from local people and councillors. They cite in particular the prospect of PDRs on property height, with the potential to add two storeys to houses. This could have real impacts on neighbours and lead to more disputes over light, privacy and visual encroachment.

There are a number of limitations and it is not available within conservation areas, for listed buildings or scheduled monuments, or on land within three kilometres of the perimeter of an aerodrome. There are also prior approval requirements before development can commence including contamination and flooding risks, provision of adequate natural light, and impact on amenity of the existing and neighbouring buildings and on protected views.

Despite this, it will be attractive to developers as it will be a cheaper alternative to complete demolition but the process resembles that of a full planning permission.

Back to Centralized Zoning

The Government has recognised that the 2011 Localism Act, designed to allow councils to implement their own plans, has done little to “Get Britain Building”. Their response in the Consultation Paper is to centralise the rules and divide England into three zones:

- **Growth areas** where outline approval would be automatically secured for specific types of development
- **Renewal areas** suitable for some development, such as “gentle densification”
- **Protection areas** (e.g. National Parks, AONBs) where development is to be restricted.

New homes, hospitals, schools, shops and offices would be allowed automatically in “growth” areas. In “renewal” zones, largely urban and Brownfield sites, proposals would be given “permission in principle” subject to basic checks. Green belt and areas of outstanding natural beauty would be protected.

It comes with a new streamlined process designed to reduce red tape and harness technology to deliver homes more rapidly, with Ministers assuring there would be no dilution in building standards.

What are the key proposals?

The Planning for the Future Consultation Paper sets out four main proposals:

- Changes to the standard method for assessing local housing need and support proposals for land supply reform;
- Securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- Temporarily lifting the small sites threshold below which developers do not

need to contribute to affordable housing, to up to 40 or 50 units to support SME builders as the economy recovers from the impact of Covid-19;

- Extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

Particularly eye-catching is the focus on Brownfield sites. The Government has always talked up their potential but they are now specified as a priority area, with “better use of existing Brownfield land for housing, including through greater densification”. They also want to consolidate the various routes to obtaining planning permission, including LPA Brownfield land registers.

This could encourage more developers to re-appraise sites previously thought as unviable due to the hoops that had to be jumped through. However, there has to be concern that if more basic checks on contaminated land and other environmental risks are waved through, there opens up the risk of greater future liabilities and impacts on neighbourhoods.

Change needed but Proof in Delivery

Planning is controversial, complex and vitally important. It matters to the national economy, to communities and neighbourhoods that development takes place at the right pace and in the right locations. While many will support development for the local economy, it will not be at the expense of their neighbourhood - Nimbyism will remain a powerful force.

We envisage a significant rise in issues from visual encroachment and light in neighbourhoods that could lead to lengthy or protracted planning disputes. It will be important for conveyancers and their clients to scrutinise future planning data to see if these are significant risks.

We certainly welcome a renewed appreciation of the value of brownfield land to delivering on housing numbers. The resource has always been there and it is right that as a land asset it needs to be viewed more positively in terms of viability with the right incentives – but not at the expense of proper, detailed scrutiny of the potential contaminative

risks and liabilities that developers could face.

It is certainly true that current planning policy is not delivering for local communities. It isn't the only reason why we are not building enough homes, schools and hospitals but it affects the overall climate for development. The short term objective may be to grab headlines and project a sense of radical reform, but the proof will be in delivery and to see whether more sites, including more Brownfield, are effectively freed up in a harmonious way that communities will buy into.

For more information contact us on 01732 755180 or email: info@futureclimateinfo.com



Tim Champney

Open Space or In Your Face?

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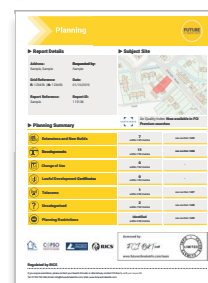
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Business planning for the end of free movement

Free movement for EU nationals will cease on 31 December 2020 when the Brexit transition period comes to an end. Laura Darnley, a Legal Director in the Employment Team at Brabners examines the implications for businesses

Free movement for EU nationals will cease on 31 December 2020 when the Brexit transition period comes to an end.

After this date, any EU national who wants to remain living and working in the UK will need to make sure that they have a visa status that enables them to do so, in the same way as for any non-EU national. This might arise as a result of the EU national holding Settled or Pre-Settled Status under the EU Settlement Scheme, or by successfully obtaining a visa under the new Skilled Worker route.

What are the implications for business as a result of these new requirements and how will this impact on planning for 2021?

The new Skilled Worker visa route will be mandatory from 1 January 2021. It will be based on Tier 2 of the current Points Based System, albeit with some significant variations.

The gateway requirement to the Skilled Worker route is that it remains firmly rooted in employer sponsorship, and requires employers to pre-register with, and be approved by, the Home Office, in advance of being able to access and use this visa route.

Visa applicants will then need to score “points” to meet the required level in specific categories.

As per the current Tier 2 requirements, it will be a mandatory requirement for applicants to score points for being employed in specific Government-approved skilled roles. Under the Skilled Worker route, the skill level required will be that of Regulated Qualifications Framework (RQF) Level 3 (which is equivalent to a role which requires an A Level standard of education). This is a decreased skill level requirement from the current Tier 2 requirements, which require RQF Level 6 roles (i.e. degree level educated roles).

Applicants also have to score points for having appropriate English language abilities and earning minimum salary levels. Typically the minimum salary will be set at £25,600 p.a. or the Government approved “going rate” for a specific role (which may be higher); although in some circumstances it might be possible to make a successful visa application with a salary as low as £20,480 p.a. if the migrant is able to score points in other areas, for example, by undertaking a role in a so-called “shortage occupation” (which are again determined by the Government in designated lists).

This new system is going to substantially change how businesses recruit and employ non-UK national staff. When planning for the 2021, businesses should factor in the following considerations:

Visa eligibility

When free movement ends, EU nationals who do not hold Settled/pre-Settled status will be subject to the same visa application process and eligibility as other non-UK nationals.

Unfortunately, some roles will simply not meet the eligibility requirements of the new Skilled Worker route, for example because they do not meet the skill level or the minimum salary levels which are required. This is a major concern for many blue-collar workers, particularly those working in sectors such as the care sector, retail, hospitality, warehousing, logistics and cleaning. These sectors have traditionally employed large numbers of EU nationals in roles that will not meet these new requirements.

Businesses should review the makeup of their current work force and their recruitment plans to establish whether these requirements will pose a problem going forwards. If they do, businesses will need to consider how



Laura Darnley

they might adjust their business model going forwards to try and address these issues.

Increased recruitment costs

Assuming eligibility for the Skilled Worker route, the costs of recruitment are going to increase.

If a business is looking to sponsor a migrant under the Skilled Worker route from 1 January 2021, they will need to factor in substantial additional costs for doing so.

Assuming that the current Tier 2 requirements are ported across to the new Skilled Worker route, the costs look like this:

The cost of obtaining a sponsor licence. The current fees payable to the Home Office are £536 for small or charitable sponsors and £1476 for medium or large sponsors. These are a one-off fee payable when the licence application is made. Assuming the licence is granted, it remains valid for 4 years.

The cost of generating a Certificate of Sponsorship (or the employer side of the “work permit”). This is currently a fixed fee of £199 per work permit granted.

The Immigration Skills Charge. This is effectively a tax on migrant recruitment. Unless any of the exemptions apply, a fee is payable to the Home Office of £364 (for small or charitable sponsors) or £1000 (for medium or large sponsors) per 12-month period for which the migrant is being sponsored. This is payable up front at the point at which you apply for a work permit.

In other words, for a large employer looking to sponsor a migrant for a 5-year period, there would be a £5000 fee payable up front for doing so. This cost cannot be passed on to the migrant employee.

Visa application fees. These are fees payable by individual visa applicants. The costs vary depending on where the individual is applying from and their personal circumstances. To give an idea, however, the costs of applying for a 5-year Tier 2 visa from within the UK are currently £1,408 per person. Depending on the circumstances, an employer might offer to meet these costs on the applicant's behalf.

The healthcare surcharge. This is a further fee payable by the individual applicant to enable them to use the NHS whilst in the UK. Again, the fees vary depending on the length of the visa and individual circumstances. However, to give a broad idea, the fees for an individual applying from within the UK for a 5 year visa would be £2,000. Depending on the circumstances, an employer might offer to meet these costs on the applicant's behalf.

Fees for dependents. The fees above relate to the main applicant. If any family members are accompanying him/her and wish to obtain dependent visas, they will also need to pay appropriate visa application fees and the healthcare surcharge.

Priority Services. Additional fees will also payable if you want to access priority visa application services, for example to speed up the application process.

Overall, the costs of recruiting an EU national under the Skilled Worker route on a 5-year work permit for a registered sponsor (assuming the costs remain on a par with those for Tier 2 General) are likely to be in the region of £8,000 - £9,000.

Businesses will need to assess these potential costs against their recruitment needs to determine whether or not these increased costs are economically viable and where there is a business case for this expenditure.

Where appropriate, businesses should look to budget for these additional recruitment costs going forwards.

If costs cannot be justified, businesses will need to look at alternative recruitment strategies to fill their vacancies that do not rely on sponsorship.

Increased compliance requirements

The role of an employee sponsor includes significant regulatory and legal compliance obligations, in the form of detailed record keeping and reporting requirements. Whilst some of these obligations appear fairly administrative, they are nevertheless an important part of holding and retaining a sponsor licence.

The record keeping obligations are prescriptive and include specific requirements such as keeping an up to date record of the sponsored migrant's contact details, along with a historic record of the same including their residential address, telephone number and mobile telephone number. It is also a requirement to keep specific details of the recruitment practices and procedures prior to making a work permit application.

The reporting obligations are also extensive and require employers to effectively act as delegated immigration compliance officers. For example, an employer has to report within 10 working days if the migrant doesn't turn up on their first day of work, or if they leave employment, or if there are any significant changes in the sponsored migrant's circumstances (for example a change in workplace location). These impose a significant additional compliance burden on HR and management.

If sponsors fail to comply with these requirements, the potential ramifications are serious, particularly where non-compliance is systemic and demonstrates evidence of a disregard for or unawareness of the sponsor's legal obligations.

The ultimate sanction which the Home Office can impose is for the sponsor's licence to be revoked. The impact of this is that, without a valid licence, the sponsor would not be able to take on any new employees under the Tier 2/Skilled Worker route. In addition, any existing sponsored employees would have their leave curtailed or cut short; typically, they would be given 60 days to leave the country or find another sponsor. This is likely have significant implications both for the affected individuals and the wider business.

The Head of Work, Study, Family and Citizenship at UKVI, Mr George Shirley, recently confirmed to us that the existing Tier 2 compliance obligations will be carried across to the Skilled Worker route. The Government intends to look at these requirements with a view to try and reduce the employer compliance obligations, but realistically, this will not take place until later in 2021 or 2022.

Businesses need to factor in the ability to meet their compliance obligations as a registered sponsor into their HR and management structures. They will need to invest in training to make sure that the requirements are met.

Businesses may also need to build in compliance safeguards into any existing HR practices and procedures and consider whether employment contracts and employee handbooks should be updated to address these issues.

Decreased flexibility

Employers using the work permit system for perhaps the first time since the UK joined the EU will need to remember that visas and sponsorship **are not transferable**.

In particular, this means that **an individual who is sponsored under the Tier 2/Skilled Worker route is being sponsored by a specific employer to undertake a specific role at a specific salary in a specific location.**

Any changes to these circumstances will almost certainly trigger a reporting obligation to the Home Office, but, in some circumstances, where the changes are significant, this could even trigger a new visa application altogether. Importantly, if a new visa is required, it must be obtained **before** the changes take place.

One area where problems often arise is in relation to promotions or changes in role.

We all know that, in reality, an individual employee's role within an organisation is likely to change organically over time. Key and senior employees will often take on more responsibilities as they gain experience within an organisation.

Continued overleaf

Road Traffic Accident Cases & Costs

On Wednesday 21st October, 1pm - 2pm

With Nicky Carter, who will cover:

- **Liability update**
- **Fraud Molodi v Cambridge**
- **Vibration Maintenance Service[2018] EWHC 1288 (QB)**
- **MIB-Liability for off-road accidents and Off- road vehicles**
- **Necessity/Self-defence –Mohmed v Barnes [2019] EWHC 87 (QB); [2019] 1 WLUK 242 (QBD)**
- **Admissibility of evidence**
- **Police reports**
- **Hearsay evidence**
- **Animals Act Liability Williams v Hawkes [2017] EWCA Civ 1846**
- **Costs**
- **LVI – Fixed Costs**
- **Portal Exit – Fixed Costs**

[CLICK HERE TO BOOK](#)

For a sponsored migrant, this is potentially extremely problematic. If their role or responsibilities change from that on the initial work permit application, the Home Office will need to be notified as a minimum. The reporting requirements mean that this report needs to be made within 10 working days of the change taking place.

Depending on the significance of the changes, however, an entirely new visa might be required. If this is the case, the new visa must be obtained before the individual starts work in the new role. Failing to do this will result in the sponsor being in breach of their sponsorship obligations (and being at risk of losing their licence along with the potential consequences as set out above) and the individual working illegally (and being in breach of their conditions of stay).

These changes in circumstances do not just apply to the sponsored migrants however, but also to the organisation itself. If the business is involved in a restructure or reorganization which results in changes to the ownership structure, the business has an obligation to make a report to the Home Office, or, in some cases apply for an entirely new sponsor licence. This compliance requirement is often overlooked but has potentially serious consequences as explained above.

Businesses will need to factor in these new compliance requirements once they are a sponsor (or are considering becoming a sponsor).

They will need to remain vigilant that any sponsored workers stick closely to their permitted activities under their visa and will not be able to assume that individuals can take on new areas of responsibility or change their role (or their terms and conditions) without considering the immigration implications as a result.

Businesses will also need to ensure that the impact of any reorganisations, restructures and changes in ownership is considered in the context of their regulatory compliance requirements as a sponsor.

Increased timescales

Finally, given these new requirements, businesses will need to take into account the additional length of time which is required for end to end recruitment (or for new visas to be obtained before promotions/changes in role can become effective)

In the first instance, businesses who are wanting to make use of the Skilled Worker regime for the first time will need to build in the timescales for obtaining a sponsor licence.

The actual application process is relatively brief. It consists of an online form which must be completed along with the submission of the prescribed supporting documents.

However, there is important “behind the scenes” compliance work which needs to be taken in advance of starting the sponsor licence application process. For example, businesses will need to take advice to understand and prepare for their new compliance obligations, not least because from the point the licence application is submitted the Home Office can visit the employer to assess their compliance. Businesses will also need to go through the logistical elements of applying for a sponsor licence, including preparing the information and documents required for the application itself.

Once this work has been completed and the application is made, businesses need to building the time taken for the Home Office to consider their application. The current published processing time for sponsor licence applications is 8-10 weeks. This has held up well, despite the challenges posed by Covid, and anecdotally applications are currently being dealt with more quickly, typically within 2-3 weeks.

Of course, this may change as demand for licenses increases as we approach the end of the transition period. UKVI is alive to this and is preparing to meet increased demand.

Mr Shirley has confirmed that a new “Pre-Licence priority service” will shortly be made available for urgent licence applications that require fast tracking. This service will provide a 2-week turnaround time. Of

course, there is an additional fee payable to use the service, although we understand that this is not going to be prohibitive and is expected to be in the region of £500. It is expected that this service will be available by November 2020 at the latest.

Of course, these timescales will be extended if a pre-licence compliance visit is required by the Home Office.

Once a licence is granted, and the employer potentially wants to sponsor an individual under the Skilled Worker route, they will then need to go through a suitable recruitment process before applying for a work permit.

The prescriptive “Resident Labour Market Test” i.e. the specific recruitment process spanning a minimum 28-day period which must be adopted currently under Tier 2 is being removed from the new Skilled Worker route.

However, this should not be taken as giving employers free reign to make appointments a robust recruitment process. The draft immigration rules for the Skilled Worker route (which are not yet in final form) refer to an employer having to demonstrate “genuineness” in both the role and in needing to take on a sponsored worker, rather than going through a specific process.

Whilst the additional flexibility that removing the Resident Labour Market Test brings is no doubt to be welcomed, the “genuineness requirement” might end up being more difficult for employers to satisfy, given that it potentially involves a subjective assessment by the Home Office of the employer’s recruitment process at a future date. Employers would be well advised to take advice on this point.

Once the visa application requirements are in place, issuing the employer side of the work permit is essentially instantaneous, as the Certificate of Sponsorship is issued using an online portal.

The employee’s visa application is not instantaneous and will inevitably cause a further delay to any recruitment. The timings depend on where someone is applying from and their precise circumstances. Currently applications within the UK have a standard turnaround time of 3 weeks. Of course, it is usually possible to expedite these applications by paying additional fees.

Businesses will need to factor in the additional visa stage to its recruitment plans from 2021 onwards for any non-UK, non-settled recruits requiring sponsorship. This is a new consideration for EU nationals who have not previously been subject to these requirements.

Any businesses who know they will need to use sponsorship next year, or think they might need to do so, would be well advised to apply for a sponsor licence as soon as possible to “beat the rush” and ensure that there are no delays to their recruitment plans whilst securing Home Office approval for their business.

The Home Office is very aware of the fact that there has been no noticeable increase in the number of sponsors licence applications over the last quarter. We have been told they will be undertaking a targeted and extensive communications exercise over the next couple of months to raise awareness with businesses of all sizes, from large employers to SMEs.

It will be easier to recruit non-EU nationals

Whilst a lot of the issues above sound negative and impose additional burdens on businesses, on the plus side, there is a potential benefit to businesses who might be considering recruiting non-EU nationals into specific skilled roles under the Skilled Worker route next year.

The relaxation of the visa eligibility requirements (in relation to the skill level requirements, the removal of the Resident Labour Market Test, the removal of any cap on the numbers of sponsored migrants etc) will mean that it is easier for businesses to recruit from non-EU countries. As such, businesses in some sectors, particularly IT and tech may find it easier to recruit specialist employees. Although the sponsor compliance obligations, costs and timing issues remain.

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Lawyers call for global justice for victims after Bayer settle US claims related to medical issues caused by Essure sterilisation implant

Lawyers call for global justice for victims after Bayer settle US claims related to medical issues caused by Essure sterilisation implant

- Pharma giant moves to settle 32,000 US cases for over £1 billion
- Over 100,000 women in the UK known to have had Essure implant
- Women affected more likely to suffer from chronic pain and other serious side effects, often forcing them into hysterectomies

Lawyers representing international sufferers of negative side effects of Bayer's Essure implant have called on the pharmaceutical giant to address claims against them globally after they settled thousands of US claims today (20 August).

Global law firm PGMBM welcomed the news that Bayer AG have moved to settle claims in the US – but highlighted that there are still many thousands of victims in countries around the world who are waiting for justice after suffering chronic pelvic or lower abdominal pain, abnormal uterine bleeding and allergic or autoimmune complications.

Recently unsealed documents revealed information from an internal Bayer audit in 2008, conducted by an independent consulting firm, that warned of a large backlog of unresolved complaints. Essure continued to be marketed as a safe alternative to surgical techniques for a decade despite these issues, with over 100,000 women in the UK known to have had the implant before its use was discontinued.

Harris Pogust, Partner at PGMBM, said: "Essure is one of the most dangerous medical devices that has been put on the market in recent memory. Bayer was aware of the risks of severe complications but intentionally failed to inform the public. When the truth came out, Bayer took Essure off of the market but that was too late for the hundreds of thousands of women affected.

"Now, Bayer has decided to compensate women in the United States for its incomprehensible conduct. Do women in the UK not feel the same pain? Have they not endured the same suffering? It's now time for Bayer to be held to account and to compensate the thousands of women in the UK who have suffered avoidable pain and suffering."

In its second quarter results announcement, Bayer (ETR: BAYN) revealed that it had reserved €1.245 billion (£1.12 billion / \$1.39 billion) to cover potential lawsuit settlements related to its Essure permanent birth control device, as well as related legal costs, acknowledging lawsuits from roughly 32,000 Essure users in the US claiming device-related injuries.

In the UK, an estimated 100,000 women have been fitted with an Essure implant, a device manufactured by Bayer HealthCare. The implant, which was made available by the NHS and quickly administered in GP surgeries, was offered to women as a non-surgical alternative to traditional sterilisation methods. Approved in 2002, it was removed from the UK market as late as 2017, a decision Bayer said was "purely commercial".

However, in July interim results of a post-market study ordered by the US Food and Drug Administration (FDA) were published, which highlighted higher rates of chronic pelvic or lower abdominal pain and abnormal uterine bleeding in women who had the Essure device fitted, compared to those who had undergone surgical sterilisation.

The study of 1,128 women in the United States found that 9.1% of those fitted with the device experienced chronic lower abdominal or pelvic pain after the procedure, while that number fell to 4.5% among those treated with tubal sterilisation. Similarly, abnormal uterine bleeding was reported among 16.3% of those using Essure and 10.2% among

Left in crippling pain and facing limited treatment options, many women have had to endure multiple surgeries to remove Essure, a complex procedure that often calls for a total hysterectomy in order to remove the tiny metal fragments that break off from the device.

Bayer has also been accused of failing to report thousands of complaints of injuries caused by its Essure contraception to the FDA. Newly unsealed documents revealed an internal audit in 2008 conducted by an independent consulting firm, warning that a very large backlog of unresolved complaints might be a violation of FDA requirements. These failures to comply with its reporting obligations made it impossible for the FDA to know that further warnings were required. Essure continued to be marketed as a safe alternative to surgical techniques for a decade after women had made these complaints regarding the pain and injury caused by the device.

Dr Terri Cornelison, director of the FDA's Health of Women Programme, said her team is working with Bayer to include another provisional analysis one year after Essure patients' permanent birth control procedure.

"This is earlier than the previously planned analysis at three years," Dr Cornelison said in a statement. "We believe this change is important to continue to closely monitor patient outcomes and communicate about the results in a more meaningful way."

PGMBM intends to secure compensation for those impacted by the negative side effects of the Essure implant, covering medical expenses, including surgery to remove the implant, as well as pain and suffering, loss of wages, and a lower quality of life.

PGMBM, formerly known as SPG Law, is a unique partnership between British, American and Brazilian lawyers passionate about championing justice for the victims of wrongdoing by big corporations, with offices in Liverpool, London, the US and Brazil.

The Solicitors Qualifying Examination (SQE)

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 LSB 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. If you have any queries or comments, please send them to educationandtraining@lawsociety.org.uk.

St John's Buildings are proud to announce they have signed up to the Bridging the Bar Mini Pupillage scheme

Bridging the Bar is a charity committed to the promotion of equal opportunities and diversity at the Bar. The organisation has three objectives:

1. **Equal access to opportunity:** an integral part of this is enabling students from non-traditional backgrounds to gain practical work experience with barristers through a structured mini pupillage programme
2. **Mentorship:** By connecting a diverse pool of students with dedicated mentors, the aim is to make the Bar a more accessible and better understood profession
3. **Transparency:** BTB directories are a point of reference which serves to highlight those chambers and organisations which are leading the way towards equal access to opportunity.

Chris Ronan, Chief Executive at St John's Buildings commented: 'We are delighted to sign up to Bridging the Bar, and to do our part to ensure that aspiring barristers from all walks of life are able to access high quality work experience within the profession. St John's Buildings is a firm believer in an equal and accessible Bar.'

If you would like to find out more, please visit the **Bridging the Bar** website.

If you would like to register your interest in the mini-pupillage scheme please sign up **here**.



How the Legal Sector is adapting to Covid-19

Carlos Lopez, Director of Clinical Negligence at Hampson Hughes discusses how his firm adapted to the challenges of working from home and that working collaboratively has helped to secure the best results for clients

The ramifications of the COVID-19 pandemic left a myriad of challenges for the legal sector. With court closures and necessary lockdown measures limiting the amount of in-person contact lawyers can have with each other and with clients, law firms and courts were forced to rapidly evolve their ways of working to ensure as little disruption to people's lives as possible.

At Hampson Hughes Solicitors, the most important part of the initial phase of lockdown was enabling the entire workforce to thrive in a remote setting without compromising or weakening our security policies and procedures. By adopting more modern methods of working, such as readjusting IT systems to send documents to clients and remote post handling and dictation, we were able to look after the health and safety of our workforce whilst minimising the disruption to our teams, enabling everyone to work from home within 24 hours of the lockdown announcement.

The implementation of regular team and individual catch-ups, to touch base with employees and allow them to air any concerns they had with working from home, also proved beneficial in streamlining the new adaptations. These video and telephone conferences were also useful to monitor everyone's mental health, as well as ensuring the proper supervision of staff as required by the Solicitors Regulation Authority.

Ultimately, the willingness of each team member to embrace the new changes has proven one of our greatest strengths and something we have been extremely proud of. Firm-wide adaptability has no doubt been a crucial element to making remote and flexible working within a legal setting a positive experience.

Possibly the most important part of the whole modernisation process has been the willingness of companies and organisations to work collaboratively around the roadblocks the pandemic has created. Groups such as the Liverpool Law Society were effective in bringing COVID-19 protocol to each level of the law sector, and where previously we were unable to settle claims via video link or transfer patient records via encrypted email, now these have become common practices. Lawyers are able to work more efficiently to secure the best results for clients, and medical professionals, courts, and barristers no longer have to wait for necessary information.

One example of this is with a recent joint settlement meeting in a major medical negligence claim. Before lockdown, we would've been required to travel from Liverpool to the barrister chambers in Birmingham for the meeting. However, due to the willingness of all parties to use video calling, we were able to set up in laptops in the clients home and settle the £1.25 million case from the client's living room, and saving a terminally ill client from having to leave her house.

Whilst these modern methods of communication were being embraced at a firm level, the positive changes put in place had to



Carlos Lopez

be felt by clients first and foremost. Many clients were used to telephone communication, but some were not set up to receive documents or updates electronically. At Hampson Hughes, we guided those clients who did not have email inboxes to create and navigate them so we were able to continue with their claim during lockdown.

There will likely always be a need for in-person proceedings, team and client meetings, but it's important that the legal sector takes forward with it these more efficient ways of working. As we move towards a potentially busier period in law, when people start to claim for losses accrued as a result of COVID-19, such as delayed cancer treatments, a robust and flexible infrastructure will prove beneficial to everyone.

Carlos Lopez
Director of clinical negligence
Hampson Hughes

Businesses beware CIFAS Fraud Markers

There have recently been a number of news stories of organisations and individuals who have unwittingly found themselves with adverse fraud markers issued by banks with an organisation called Cifas. These markers have left them with the prospect of their credit rating being destroyed for up to six years, sometimes through no fault of their own.

Cifas is an organisation set up by banks and other financial institutions for their benefit – it flags customers who, in their opinion, may present a risk of committing fraud, and these markers work to prevent such customers from obtaining credit. Other markers are designed to protect victims of fraud, making sure banks take extra precautions for the customer.

However, there are occasions when Cifas markers are issued with disastrous consequences, particularly when the customer is innocent of any wrongdoing. The range of issues we have experienced recently is quite alarming, and gives us grave cause for concern that some financial institutions and Cifas investigate cases to a perfunctory standard. We are also getting a better understanding of which banks are the worst culprits and are seeing repeated worrying behaviours.

For example, we have seen a number of genuine buy-to-let businesses which cancelled proposed purchases due to fears over the effect the Coronavirus crisis had on the housing market. In doing so, their deposit money has been returned to their solicitors, only for their accounts to be shut down and a fraud marker issued against them.

Most recently, we fought HSBC on behalf of two clients, who had their company accounts shut down due to CIFAS fraud markers being wrongly attributed.

In the run up to the Coronavirus lockdown, both clients were in the process of purchasing properties but decided to pull out due to the uncertainty in the housing market. Funds were returned to lenders by their Solicitors and the deposit monies paid into their respective company bank accounts.

Both clients were then contacted by HSBC and their company accounts were immediately shut down – no explanation was given. Complaints were made to the Financial Ombudsman Service and HSBC quickly removed the markers in question but to date no apology or explanation has been issued.

There has also been an increase in those who have invoice financing arrangements with banks, only to discover that adverse markers have been issued against them for misuse of facility. We have seen some incredibly draconian contracts agreed by clients who have received poor levels of service, which in return cause issues.

We have also seen everything from applications for credit going wrong, people who have been wrongly named as fraudsters or money launderers, and employee disputes with financial institutions.

Frequently clients approach us when their own efforts at resolving issues have failed. In our experience the most effective challenges to such markers can be complicated – they are heavily legalistic and involve proving that the banks have got it wrong.



Jeremy Asher

The definition of fraud that the banks work to is looser than the criminal law, and so even tougher to disprove.

Left unchallenged, Cifas markers can be hidden behind your credit rating for up to six years. In extreme cases, this can result in your bank account being closed at short notice, and the resulting problems in finding alternative banking facilities some businesses have failed as a result.

Many businesses are facing incredibly difficult circumstances as a result of the Coronavirus pandemic, particularly financially, so any potential negative mark against them could have a devastating impact. Let this be a warning to businesses and individuals to stay vigilant and if you believe you have been wrongly penalised, don't stay silent.

Jeremy Asher,
Head of Private Prosecutions
MSB Solicitors

Brabners hires new Insolvency Partner as UK economy braces for further turmoil

Brabners has appointed a new partner to its insolvency and restructuring practice.

Jennifer Lockhart, who is recognised by the Legal 500 as a 'Next Generation Partner', joins from Hillyer McKeown. She has 16 years' experience providing legal advice to businesses, individuals and insolvency industry professionals, with a client list comprising international, mid-market and boutique advisory firms including KPMG, Grant Thornton and Begbies Traynor.

Jennifer specialises in insolvency matters and has advised on several complex cases involving director misfeasance, fraudulent trading and payment of unlawful dividends. Her appointment further strengthens Brabners' insolvency and restructuring offering.

Nik White, managing partner at Brabners, said: "Jennifer is a hugely experienced lawyer and will bring crucial expertise and

specialisms to our insolvency and restructuring team. Covid-19 has created major challenges for businesses to remain viable. With the Coronavirus Job Retention Scheme coming to a close this autumn and government-backed emergency loans due for repayment next spring, those challenges are only set to increase for many.

"Across a range of practice areas, we're seeing the increased need for sound, commercially-minded legal advice and Jennifer's skills and experience will be invaluable in supporting our clients as they look to overcome these unique financial pressures."

Jennifer Lockhart, partner at Brabners, said: "No company wants to think about insolvency or restructuring but the harsh reality of the current economic situation means that more and more are having to consider which parts of their business are best-placed to help them succeed in the future. An increase in insolvencies brings with it the greater exposure to company directors and it's important that we look to protect the directors, employees and creditors of those businesses struggling to remain afloat.

"The calibre of Brabners' insolvency team makes us well-placed to guide businesses through these choppy waters. My extensive insolvency experience will further improve that support."

Jennifer's appointment brings Brabners' growing insolvency and restructuring practice to seven members.

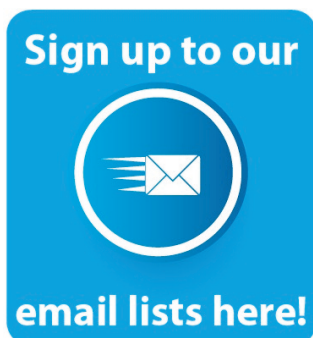


Nik White and Jennifer Lockhart

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- The Credit bundle is non-refundable Offer excludes the Children Panel Qualification 3 day course & limited events when specified 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
- 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](#)

Bell Lamb & Joynson Solicitors welcomes five recruits to mark new business year

Bell Lamb & Joynson solicitors has recently welcomed five new recruits in line with the start of its business year.

The solicitors created a number of new roles to support growing business, which has seen the team enjoy a 5% increase in turnover in the last 12 months despite the ongoing situation with Covid-19.

With locations in Liverpool, Warrington and Runcorn, the team now includes 50 members of staff across departments such as conveyancing, family law and criminal law to name a few. As part of the recent recruitment drive, the firm will also add to its development strategy with new dedicated roles to manage business and client relationships.

Managing Partner at Bell Lamb & Joynson Solicitors Mike Leeman said: "As we entered our new business and financial year in July, we also welcomed a number of new recruits to the firm, adding to our workforce across our three North West office locations. We feel incredibly fortunate that we're in a position to expand and futureproof our business for the year ahead and beyond.

"As well as hiring in our conveyancing department, which has been exceptionally busy throughout recent months, and our finance team, we've also prioritised business development going forward and have built an entirely new team to focus on this aspect. As we near our 200-year anniversary in 2021, it's important to us to continue to build on the momentum that we've initiated over recent years and continue to make a name for ourselves across England and Wales as a leading, reputable law firm and business relationships are integral to that."

Bell Lamb and Joynson Solicitors has welcomed Lawrence Dunne as a Conveyancing Assistant and Jenny Randell as a Conveyancing Fee Earner, alongside Accounts Cashier Tim Cousins.

The newly established business development team will be headed up by Relationship Manager Joe Holmes who will be working alongside Client Relationship Executive Kate Mansfield as well as existing members of staff.

Mike added: "We pride ourselves on our modern ways of working that have been designed to benefit both our customers and our staff with the use of technology to simplify old processes and communication methods. We've been working tirelessly over the last three years to reinvent ourselves, including a rebrand and a shift towards paperless working.

"I think it's a testament to our reputation and our dedication and passion for what we do that we've been able to thrive during these difficult and uncertain times and are in a position to be able to recruit due to growing services and customer demand. Having these new additions will allow us to better utilise the resources that we have to continue this upwards trend as we hit a milestone year for business in 2021. In my opinion, investment into your people and offering a competitive environment in which they can progress personally and professionally all impacts the overall success of your business, which is why we will continue to prioritise this as a firm."



Managing Partner Mike Leeman. Left to Right: Kate Mansfield (Client Relationship Executive), Mike Leeman (Managing Partner), Tim Cousins (Accounts Cashier) and Joe Holmes (Relationship Manager).

Criminal Advocacy: Magistrates' Court Trials

Monday 12th October, 2pm—3pm

This 1-hour course which will assist you in your trial advocacy. A full set of notes have been written to accompany the presentation

Colin Beaumont will cover:

- The structure of a criminal trial and the Criminal Procedure Rules
- Hearsay issues including Res Gestae – legislation and recent case-law
- Bad character issues – legislation and recent case-law
- Hostile witnesses and hostility rulings
- Defendant's Costs Orders
- Inconsistent statements under Section 119 of the CJA 2003 and consistent statements under Section 120 of the CJA 2003
- Non-appearance of the defendant at trial – should you stay or should you go?

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Core Competencies: A1a & b, A2a & d, A4a & b, A5a, B1a, B2a, B3 a & b, B5 a, b, c, d, e, f, g & h, and C1a, b, c, d, e, f, g & h

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Smooth Law acquires North West-based SorryMate Group Ltd as firm plans for further growth

The owners of Liverpool City Region based Smooth Law have acquired Warrington-based niche law firm, SorryMate Group Limited, for an undisclosed sum, demonstrating Smooth's continued growth in the North West after a successful second quarter of 2020.

With the requisite ABS approval granted by the SRA for the deal now in place, the acquisition is another clear statement of intent from Smooth Law, with the firm's headcount now rising to 25 across its two businesses.

With ambitious plans of continued growth throughout the region and a marketing strategy already in place to further increase turnover and employment by 2021, Smooth Law is now continuing to actively look for further growth opportunities to expand its already impressive consumer offering.

Paul McKittrick, director at Smooth Law, said: "The acquisition of SorryMate Group Ltd is another step in the right direction for Smooth Law. We are very pleased to associate ourselves with a fellow practice that is dedicated to its clients and we will certainly be implementing an 'if it's not broken, don't fix it' attitude, to allow SorryMate to maintain its strong ethos and core values that have served it so well over the years.

"This deal will also help us weather the storm in terms of forthcoming Government-led changes to the personal injury small claims limit. These detrimental changes will now have minimal impact on our existing business model, activity and fee income, and that will help us with planned growth in quarter four and beyond."

Fergus Dalgarno, partner at SorryMate Group Ltd, said: "I am very excited about this deal - we look out for our biker clients like family because we are bikers too. It is clear from my conversations with Paul that the Smooth team is going to support the company's continued growth plans, which will allow us to continue on our primary focus of looking after our biker community, which has specific needs and we pride ourselves on being bikers who really care, it's our sole aim to get other bikers back on their feet after an accident."

McKittrick added: "Looking to the future now, we have the funding to acquire other practices who share our client-focused values. We welcome conversations as we actively look to expand our already growing service offer in the not so distant future."

Smooth Law and Smooth Commercial Law are modern and responsive specialist claimant law firms. It helps clients with personal injury claims of all types, covering a wide range of commercial legal services, as well as a variety of financial mis-selling issues, respectively. In a recent client survey, 96% of clients said they would highly recommend Smooth Law.

SorryMate is a boutique law firm specialist in motorcycle, cycle and large value claims. The company assists and advises clients with potentially life-changing injuries and has a unique presence and reputation within the wider motorcycle fraternity.

The SorryMate Group Ltd purchase and the business consolidation of skill sets allows all firms to compound services



(L-R) Louise Burns-Lunt & Paul McKittrick (Smooth Law) with Fergus Dalgarno (Sorry Mate)

to consumers across a wider range of legal services, while sharing marketing and resource costs.

Employment Law Conference

Wednesday 14th October, 9.30am-3.45pm (inc breaks)

Chaired by Lindsey Knowles with sessions from:

- | | |
|----------------|--|
| 9.30am | Lindsey Knowles, Brabner
Welcome & Introduction |
| 9.35am | Samantha Clark, Director of ACAS
ACAS response to Covid-19 |
| 10.20am | Nick Siddall QC, Littleton Chambers
Employment Tribunal Fees: can the Empire Strike Back? |
| 11.15am | David Tinkler, Atlantic Chambers
Getting Redundancies Right |
| 11.50am | Rebecca Jones, Oriel Chambers
Claims pursuant to the Equality Act 2010 following the COVID-19 crisis |
| 1.15pm | Regional Employment Judge David Franey
Life in the ET: Past, Present & Future |
| 2pm | Professor Dominic Regan
Vicarious Liability |
| 2.45pm | Martin Mensah, Atlantic Chambers
Employment Law Update |

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Update from MASS

After a few weeks of false optimism, the darkness of the pandemic appears to be drawing rapidly in again. Further restrictions, lockdowns in all but name, economic malaise and daily grim news headlines appear to await us all. The tough year that we have all experienced will certainly stretch well into 2021 at least impacting all our lives.

With so much suffering during the pandemic, those of us working in the claims sector have been acutely aware of how tough it has been for motor accident victims these last months. Whilst the number of car journeys fell dramatically during the national lockdown, accidents still occurred, particularly amongst pedestrians and cyclists, and there was more speeding and dangerous driving. Motor accident victims have faced more limited police resources, traumatic conditions in hospitals for relatives largely unable to visit their loved ones and severe restrictions on bereaved families unable to fully pay their last respects. Accident victims have been discharged as quickly as possible to free-up hospital capacity for dealing with Covid-19 patients, often with little or no support, and continue to face increased waiting times for further surgery and access to only limited rehabilitation.

With most courts closed during the coronavirus lockdown, civil claims are being pushed back even further in the growing backlog of cases. The Ministry of Justice and HM Courts & Tribunals Service have of course introduced several measures to try and speed up the process. At least 10 new temporary Nightingale courts have been established with more earmarked, including in Chester and Liverpool. Liverpool Crown Court is one of a handful of courts around the country to trial evening and Saturday sessions.

Whilst of course welcome, these are still likely to prove insufficient to cope with the backlog of cases, even before the coming winter and second wave. Back in April the Institute of Government estimated that an additional £220 million funding would be necessary over two years to clear the backlog of court cases. This has probably doubled in cost by now and may get significantly worse over the winter months. Significant investment will be required if our civil justice system is not to deteriorate further. Urgent action is still needed. Empty but unsold court buildings in England and Wales should be rapidly refurbished and brought back into operation to help deal with the backlog and further temporary Nightingale courts will be needed with a suitable policy for recruitment of staff with the necessary skills and experience.

There have been several measures introduced to mitigate the impacts of Covid-19 and to try and keep the claims process moving. We will have all experienced an increased use of remote hearings, medical assessments, and rehabilitation and the circumstances have necessitated their introduction. These certainly have benefits in terms of time and travel savings and have allowed claims to progress, particularly those where liability is not disputed. Whilst remote assessments and hearings have been effective for some, we would also like to see further work conducted to sort out various practical issues, for instance, ensuring that all parties having access to the right documents and

sufficient access to digital communications for all. It would be helpful to have a consistent platform to use and for courts to operate in the same way. Differing platforms or rules between court centres become hard to follow and are more likely to lead to errors especially in case or bundle preparation. Different and quite convoluted orders have been experienced and there appears some uncertainty on what to do, compounded by the fact that communicating with the court is now slower due to the backlog of cases.

We would also like further evidence, studies and debate before digital medical examinations become a permanent feature of the claims process. For years we have been campaigning for the introduction of compulsory and professionally performed medical examinations partly to combat fraud and whilst the system is far from perfect, we would not want to automatically move to digital examinations without careful consideration of the evidence and whether standards are being maintained. It is also clear that whilst remote examinations may be beneficial for some individuals and types of injury, it is certainly not the case for all. We also anticipate possible disputes over the fees that will be paid by insurers.

Rehabilitation is another area where accident victims have been adversely impacted by the pandemic. With hospital appointments largely cancelled, the rehabilitation that has happened has been conducted remotely via telephone or video calls. Due to their condition, many more severely injured victims have been entirely unable to access the necessary rehabilitation they so desperately need.

Our major concern though is that whilst remote hearings may work well when both sides are professionally represented, self-representing litigants may be at a distinct disadvantage. The Government's reforms, still planned for April 2021, will be a major move towards digital transformation of the legal process with the new online Portal dedicated to encouraging more self-litigants.

The use of digital communication and remote hearings will not suit all sections of society. Significant areas of the country have insufficient broadband capacity to rely upon when giving evidence via video platforms and this is unlikely to improve until at least 2025. The cost of telecommunication fees should be considered, and appropriate rule amendments or guidance made for recovery of such fees as a disbursement. Whilst this example may be regarded as a small fee, in volume this could become a significant. Self-litigants with disputed claims will be forced to wait for extended periods of time to get the justice that they deserve with the current backlog and the situation is only likely to get worse after April next year. Ultimately accident victims must not be disadvantaged in anyway by the digitisation of claims, regardless of where they live, their financial circumstances or physical or mental capacity. It is our duty to campaign for a full, fair and equal process for all.

Paul Nicholls,
Chair, Motor Accident Solicitors Society (MASS)
and Senior Partner at Nicholls Brimble Bhol Solicitors

Tall tales of a trip from Liverpool crime to the edges of our world

After 29 ¾ years as a Barrister prosecuting and defending Scousers for all manner of crimes, with trips to exotic countries for holidays to keep a healthy perspective, I decided in 2011 to change the mix and go to exotic countries to work with their lawyers to develop some new skills. The only Scousers I have worked with since 2013 has been the occasional retired Liverpool police officer doing something similar in a dusty corner of our world.

Since 2011 I have done short contracts abroad as a trainer and consultant for UNICEF, the Foreign Office and various NGO's. It is a world full of acronyms or TLAs (Three Letter Abbreviations) and sufficient jargon to make a lawyer feel right at home. The two most useful acronyms are for when stuff goes wrong or looks like it will not happen at all. TIA—This Is Africa with a phlegmatic shrug, and SNAFU—Situation Normal All F....d Up.

My first “deployment” was to Tajikistan. One of the “Beserkistans” as a colleague once described the remnants of the Soviet empire in Central Asia. Tajikistan is locally famous for the tallest flagpole in the world and internationally for nothing at all. Squashed between Afghanistan, Uzbekistan, Kyrgyzstan and Western China, with no natural resources, living off remittances from its young men working abroad and some of the \$60bn of Afghan opium transported from Afghanistan to Russia and elsewhere, with a sideline in female people trafficking. Which is why I was there for UNICEF.

Interesting but edgy. I learnt to cross the road to avoid police officers and not laugh in the street and raise suspicions, or ask awkward questions of government officials in meetings. My weekends were spent going for hikes with other ex-pats or running with the marines from the US embassy—some of whom had been there for 2 years and were still hazy on the geography.

Having survived 2 months of a Central Asian winter making no difference whatsoever to the trafficking of girls across the borders, UNICEF then sent me to Tanzania to train judges and lawyers in the obscure arts of child friendly justice. Apart from a few excursions to the Juvenile Court back in the early 80s I had only dealt with children in abuse trials in the Crown Court, but I had done dozens of such trials so could certainly be described as an expert compared to most of the world outside Western Europe.

I made several trips to work with the Women's Legal Aid Clinic in Dar es Salaam, visiting courts and prisons, conducting 5 day trainings with judges and court staff on child friendly justice and helping to develop their filing systems.

Two examples of the cases we dealt with.

A 20 year old male who has been in custody for 8 years awaiting trial for murder of another boy during a fight. There has never been a trial. There has never been a pre-trial hearing to prepare for trial. He is lost in the system. The witnesses probably dead or untraceable. The file languishing on a dusty shelf in the court building whilst his childhood from the age of 12 evaporated in



the compound of the “youth correctional home” where he could have some basic schooling and maybe learn how to make sandals or other leather goods, with no end in sight.

A 16 year old girl in custody awaiting trial for wounding her friend on the hand during a childish tussle, 4 years ago. No pre-trial hearing; no trial date ever set. The file has been officially declared lost but no legal aid lawyer had been contacted to apply for a writ of habeas corpus to bring her hidden existence to an end and allow her to try and start living her life.

All we could try and achieve was a bail application to get them out—but where to? Their parents are possibly dead from Aids or living in a rural village 500 miles away.

From my relatively short but broad experience of other criminal justice systems around the world in other countries they do not work very well for those they are meant to serve.

Nigeria for example. Many of the 60 lawyers and social workers of the Lagos city Public Defenders Office are women, because it is badly paid and offers few opportunities for career advancement. They get up at dawn every working day to spend 2 to 3 hours in gridlocked or crawling traffic with the other 22 million inhabitants of the city, getting to the office or a court building. They often have to bribe court clerks to get their cases listed; the prosecutor to give them a copy of the evidence; and then deal with bad tempered judges who view the children's court as a demotion, because there are no opportunities for fat bribes from indigent parents and street children, compared to the commercial court for example. In the company of some of these women I feel physically and morally small. Morally because I have never put into my work anything close to the levels of time and energy that they do.

Our system in the UK is, despite a constant battering from politicians and accountants who presumably have never seen what I have seen or been lectured on how a justice system works, still respected worldwide as uncorruptible and effective. The recent Supreme Court judgement on proroguing Parliament can only have served to reinforce that reputation.



Afghanistan is an example of a justice system facing unique challenges.

It is a country that has been at war with itself for 30 years, assisted by powerful neighbours with strategic interests in keeping it unstable. I spent 2 years travelling to Kabul for different organisations to assist in introducing some improvement in due process, respect for human rights and to conduct safeguarding reviews for an NGO.

Trips to court and for meetings with senior judges and prosecutors meant swapping wig and gown for helmet and body armour and Merseyrail for an armoured Landcruiser and two bodyguards so that I did not get kidnapped on the way. It became a new working normal, as does living with the constant threat of violence and corruption for the Afghans.

Despite that oppression in so many countries I always meet people who want to be a part of improving their own positions, that of their families and of their communities. Afghanistan is no exception despite 150 years of invasion by the British Empire (lost 3 times) the Russians, (lost) civil war and now Islamic terrorism and the opium trade (winning). Few people, unless they benefit dishonestly from it, want to perpetuate poverty, be exploited by politicians and thieves, blighted by corruption and live with the fear that their children may be abused or trafficked. Show people a way to make a change with manageable risk and many will take it.

So I worked with Judges and Prosecutors, male and some female who have the dangerous job of prosecuting and trying alleged terrorists. The atmosphere in the courts was not dissimilar to Bootle Mags dealing with traffic offences. High volume and swift turnover.

I lived and worked in a militarized compound similar to this with other consultants and 80 UK ex-military armed personnel, until ISIS came calling November 2018 and once the dust settled and the attackers all been shot after a 10 hour battle, it looked like this.

So when an invitation came to spend 2 weeks in a refugee camp on the edge of the Congo investigating the sexual exploitation of refugees by Zambian contractors, I thought that sounds quite cushy.

According to the UNHCR the average time displaced people now spend in refugee camps is 17 years. There are in excess of 41m displaced people in the world today.

Many refugees therefore have no prospects and little hope.

Since the Oxfam 'crisis' in February 2018 when staff were accused of sexually exploiting local girls or women in Haiti, there has been a revival of the debate whether aid is well spent or effective. A man-made opportunity for governments to cut spending on aid.

I have worked with a lot of agencies since 2011. Small local NGOs, big internationals and government ministries. The latter waste our tax money more easily than anyone else but we cannot overlook the fact that international aid is a business. It needs crises and other's suffering to attract funding to keep its people employed. Presenting us with a warped picture of, for example, Africa as a place of constant need is inaccurate and misleading. However those people in the field, at the sharp end in crises, mostly want to do useful work where it is most needed. Before WW2 that task was done by Christian missionaries, with mixed results but the purpose has matured from harvesting souls to tackling very complex problems.

It is often said that you can measure the sophistication of a country by the way it treats its most vulnerable citizens and if sufficiently prosperous whether it is willing to extend that support to others. The developed countries should assist in crises but the growing trend is to enable developing countries to manage their own developmental problems through educating their younger generations with the necessary skills.

Taxi drivers in Bangladesh, Kenya, Nigeria and Somaliland ask me "How is it in UK with Brexit?"

"Too early to tell", I say. An answer I have borrowed from Chairman Mao when he was asked what he thought of the French Revolution. To people in such countries we may seem to be mired in comfortable self-indulgence. We may also be on a trip to a different national identity, so I will leave you with words from a national icon.

"All the greatest things are simple, and many can be expressed in a single word: freedom; justice; honour; duty; mercy; hope."
Winston Churchill

We still have the considerable luxury in the UK of living with some measure of all of these and I hope that even in these extraordinary times we continue to find the generosity to share them with those on the edges of our world.

David Owen



Is the Stamp Duty holiday leading to a “gold rush” for conveyancers?

Today’s conveyancing market is experiencing unprecedented times. Lockdown, Brexit, seasonal holidays and the current cut in stamp duty are factors having a major impact, both positively and negatively, on the profession.

Following the catastrophic stall in house sales caused by the pandemic, the last couple of months have been amongst the busiest for ten years.

There is no doubt that the stamp duty holiday has provided a major boost for both the housing market and the legal profession. However, this temporary golden lining brings new challenges. Many firms are struggling operationally to put themselves in a position to maximise this opportunity and handle the influx of additional work effectively (some are actually turning work away!). This is a problem if firms have downsized recently, have staff on furlough, or are working remotely from multiple locations.

Technology is helping firms to overcome this scenario. In recent months we have seen the COVID-19 pandemic accelerate the delivery and adoption of new technology amongst law firms on an unprecedented scale. Firms have been forced to deploy better systems to safeguard their future existence.

Cloud technology is providing essential support, empowering the expertise of lawyers and conveyancers without interruption. It is allowing law firms to be adaptive and agile, providing conveyancers

new ways of working online with clients, colleagues, estate agents and other parties. Firms adopting technology are future-proofing their practice and are able to scale productivity in line with both the highs, such as during the stamp duty holiday, and the lows of the conveyancing market.

The last five months have seen the adoption of technology accelerate across the profession in a period that would normally have taken many years. Law firms have quickly realised the many benefits of cloud-based innovation such as: case management software, providing business continuity and remote working to a practice; E-Signatures, with digital signatures on Deeds now permitted by the Land Registry; Client web portals, facilitating the onboarding of clients and payments online; and video conferencing which is eliminating the need for face to face contact.

This technology is also allowing practices to service a wider client base and attract new talent to their workforce nationally rather than just in their local area. Talent that for various reasons have found themselves available to explore new career opportunities. It’s enabling greater productivity, improved consistency and compliance, allowing conveyancers to work on their matters faster and more efficiently, and to make more profit.

Craig Taylor, LEAP
Director of Relationship Development

Introduction to Wills and Probate & connection with Family Law with Safda Mahmood

on Friday 6th November, 10am - 4pm (breaks included)

The course will equip you with the essentials in terms of principles of wills and probate, and particularly as to how it links into other areas of law, particularly family law.

It will be of benefit to those delegates who seek to get an understanding of this area of law.

The areas to be covered are:

- Requirements for a valid will
- Capacity and formalities
- Witnesses and types of gift
- Making changes to wills
- Revising and revoking wills
- Clauses to assist children
- Family provision claims
- Divorce, dissolution and wills
- Intestacy and contentious probate
- Introduction to probate and administration
- Grants and carrying out probate



Core Competencies: B & C

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

Last Minute Conveyancing Problems and How to Solve Them

Wednesday 4th November, 1.30pm - 4.15pm

This course aims to look at how best to predict and deal with nightmare situations which might or are likely to arise between exchange and completion. The course will also update in relation to the 2019 Protocol and the Code for Completion.

Ian Quayle will cover:

- | | |
|--|---|
| • Death of the client | • Expiry of searches |
| • Last minute removal of fixtures and leaving chattels in the premises | • The Standard Conditions of Sale |
| • Apportionment problems | • The 2019 Code for Completion by Post and the 2019 Protocol implications |
| • Reports to the NCA and avoiding tipping off the client | • Extended completion dates |
| • Last minute conflicts of interest | • Insurance implications |

Core Competencies: B

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The Complete Legal Aid Supervisor

This course is made up of 2 afternoon sessions:

PART 1: 20th October 2020, 2pm till 4.45pm &

PART 2: 27th October 2020, 2pm till 4.45pm

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

Part one

- Latest developments in legal aid – including COVID-19 related amendments
- Relevant SQM and Lexcel provisions
- SRA Competence Statement requirements for supervision
- How supervisors qualify and maintain status

Part two

- Characteristics of good supervision
- What supervisors need to look for in file reviews
- An introduction to the inter-personal skills supervisors need; listening and feedback
- Different approaches to supervision
- Finding the time to supervise

& more

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Practice and procedure in the youth court

Monday 19th October, 2pm - 3pm

A full set of notes have been written to accompany the presentation

Colin Beaumont will cover:

- | | |
|---|---|
| <ul style="list-style-type: none"> • The procedure now when dealing with a grave crime • Remands into Local Authority Care and remands into Youth Detention Accommodation (YDA) • The importance of the concept of the 'Persistent Offender' | <ul style="list-style-type: none"> • The circumstances now in which the Youth Court may commit a child (10 – 13) or young person (14 – 17) to the Crown Court for sentence • The importance of age in the Youth Court |
|---|---|
- & much more!

Core Competencies: A1a & b, A2a & d, A4a & b, A5a, Ba, B2a, B3a & b, B5a, b, c, d, e, f, g & h and C1a, b, c, d, e, f, g & h

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Public Child Law Update

On Friday 9th October, 1.30pm - 4.15pm online

The course will equip you with a rounded up update on key issues surrounding public children law, with a particular focus on changes throughout 2020. **It will be of benefit to those acting for parents, children, extended family, and local authorities.**

Safda Mahmood will cover:

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

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Residential Conveyancing

Thursday 22nd October, 9.30am - 12.45pm

With Ian Quayle

Ian will discuss several topics that will be of interest to Residential Conveyancers

Topics include:

- Searches and Enquiries Tips & Tricks
- Dealing with Delayed Completion
- Air BNB
- Help to Buy
- Problems with Leaseholds ground rent, forfeiture, repairing and covenant enforcement
- Acting for sellers and buyers at on line auctions Rent Charges
- SDLT – current problems

Competencies: A1, A2, A4(a,b,c) A5 a,b,c,d,e B3 a,b B7 a,b,c

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Council Member's Report



Council Member Nina Ferris

September has been an extremely busy month at TLS.

NEW DVP

The new Deputy Vice president has been elected, and I congratulate Lubna Shuja who will take office as president in 2022. Lubna is sole practitioner specialising in professional discipline and regulation based in Birmingham. She is currently chair of the membership and communications committee and a member of the board, and is genuinely a dedicated and excellent ambassador for the profession.

The current officers have enjoyed (if that is the right expression) an extended term as the AGM was pushed back from July to October due to the pandemic, more of which below.

But before we get to that ...

RULE OF LAW

Upholding the rule of law is one of the fundamental promises that we make, and standing up when that is threatened is turning into a full time job for the current president. At the beginning of the month, TLS stood against the characterisation of immigration lawyers trying to

do their jobs as “activists” by the Home Office, having the posts from the home office social media accounts removed. It is entirely wrong for lawyers to be criticised for doing their jobs, particularly when used in a way to turn the public against those lawyers. The president described it as “misleading and dangerous”. If lawyers do not protect the rights of the individual against the state, in accordance with the laws of that country who will? It is behaviour that we are more used to seeing in countries where democracy and the rule of law is in its infancy, rather than here. This was widely picked up in the press and the government was reminded that if it does not consider that the law as currently stated works, the remedy is to use its majority to change those laws in parliament, not to pillory those lawyers upholding the law.

There was then the defence of the rule of law against the proposals in the Internal Market Bill, where the government confirmed that the bill as drafted would break international law, albeit in a limited and specific way. The officers and staff had several meetings with senior lawyers in the government and the opposition to express their views. Unless amended, the Bill represents a direct threat to the rule of law which has serious implications on the reputation of the UK around the world as a place to do business, inadvertently affects the continuing cooperation

with other jurisdictions and could raise conflict between the courts and the executive with regard to judicial review. Which brings me on to the current ongoing consultation with regard to the effectiveness of judicial review, which appears to be by invitation only and does not include the views of many firms who represent would be claimants in that process. It has also apparently been reported to those civil servants that respond to the consultation that their contributions will not be allowed to be submitted anonymously, making it more difficult for candid responses to be given. TLS has lobbied to extend the participation in the consultation, particularly given the context in which this consultation has arisen.

JUSTICE FUNDING

TLS has submitted its key recommendations to the Treasury's 2020 comprehensive spending review. These include three key things

- Ring-fence the Ministry of Justice's current budget and commit to ensuring that it rises yearly at least in line with inflation.
- Take urgent measures to save legal aid – this includes restoring it for early legal advice so people avoid ending up in court at a much greater cost.
- Thirdly, invest in the future of legal services to release their full potential. There remain significant economic challenges ahead for law firms as they take steps to protect



Lubna Shuja
New DVP of the Law Society

their future, compounded by Brexit – longer term the legal services sector, which underpins so much of our economy, is likely to be disproportionately hit by a no deal, according to research TLS released before the referendum.

The recommendations made use of the survey conducted in August 2020 of the 300 largest law firms' response to the pandemic which was a barometer of how firms have used government support measures, making business decisions that echo those of the wider economy. A link to the full article is [here](#).

CLIMATE CHANGE

TLS was one of the founder members of the Legal Sustainability Alliance – a network of more than 180 law firms focused on advising firms on steps to take to minimise their environmental impact. During climate week,

TLS announced that it will look to harness the various efforts made around Chancery Lane more effectively and set up a climate change working group to ensure future TLS strategy supports the fight against climate change and promotes improvements in laws which impact environment, climate change, sustainability and human rights relating to those areas. Recruitment of that committee will commence shortly.

AGM

If you have registered with My Law Society, you will have received an invitation to attend the AGM which is taking place virtually on Wednesday 14 October 2020 at 2.30 pm. The Notice can be accessed here. If you wish to register to attend, you can email AGM2020@lawsociety.org.uk and you will be sent a simple registration form to complete with your name, contact details and (if you wish to vote) your

SRA number.

As well as the usual AGM business and instatement of the new officers, there are two resolutions being proposed, which relate to the constitution of Council, which has not been changed significantly for twenty years.

Resolution 3 relates to the overall make up of Council and how it can best be the most representative. This matter was debated at Council and it was agreed that the proposal attached to the AGM notice, which can be downloaded here be put to the AGM. Broadly this proposal increases the number of work type/protected characteristic seats and reshuffles some of the geographical seats. It was considered this would not lead to underrepresentation as members will be able to contact either their Local Council Member or Member for their work type/characteristic. The

widespread adoption of digital communication means that there should be no barrier to representation as long as regional voices continue to be heard at Council.

The proposal directly affects our region as the number of council members will be reduced from two to one, however the boundary of the Merseyside district has changed so that areas outside of Liverpool City Region have been redistributed to surrounding areas including Lancashire and a new constituency for Cheshire so that the number of constituents per council member remains broadly as it is now.

Resolution 4 relates to the limitation of Council Members' terms of office, in general to limit anyone from serving more than three successive terms. For the avoidance of doubt, this proposed amendment was

debated at council and narrowly voted down. However, a group of Council Members (of which I should disclose I was one) considered that this issue of governance, in which the Law Society is behind similar membership organisations, should be put to the members at the AGM to decide.

I encourage you to attend on October 14th and vote on both of these motions if you can as well as to welcome the inauguration of the new president David Greene.

If you have any issues in the meantime I can be contacted at nina.ferris@hildickinson.com

Private Child Law Conference

Thursday 5th November, 12.50pm-4.30pm (inc breaks)

This year's must-attend training event for solicitors, barristers and other practitioners involved with private child law. The conference will round-up key developments in law and practice.

Chaired by District Judge O'Neill with sessions from:

- 12.50pm** District Judge Philip O'Neill
Welcome & introduction
- 1pm** District Judge Michael Baker
How we deal with LIPS and what the court expects from advocates dealing with them
- 1.40pm** Ginnette Fitzharris, St Johns Chambers
CAFCASS isn't always right... How to challenge s7 & s37 Reports in Private Law Proceedings
- 2.45pm** James Holmes, Garden Court Chambers
Appealing Private Law Orders: 'To appeal or not to appeal'
- 3.30pm** Margaret Parr, Harrington St Chambers
Latest Developments in Private Child Law
- 4.15pm** District Judge Philip O'Neill
Summary & thanks

[Book Now](#)

Private Child Law Update

Friday 9th October, 10.15am-1pm, with Safda Mahmood

The course will equip you with a rounded up update on key issues surrounding private children law, with a particular focus on changes throughout 2020. It is set at a level to benefit those who are practising in this field, and want to get an update on issues in this field.

Content breakdown:

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

[CLICK HERE TO BOOK](#)

Is this the end of the office?

We want to hear from law firms in Liverpool about your experiences of working during the pandemic and what you feel the future may look like for law firms as the Covid restrictions continue. Log on to our short survey and tell us what you think.

The Legal Sustainability Alliance wants to hear about how law firms have coped, what the challenges have been and what areas are of most concern for the future. You don't need to be a member to contribute to the survey and we are hoping to hear from as many colleagues in as wide a range of law firms as possible. The survey is entirely confidential and anonymous, and we will be reporting back on the results next month.

Please could you spare a few moments to take the survey using this link and to share it with your colleagues.

<https://www.surveymonkey.co.uk/r/88GSCKL>

How work patterns have changed due to Covid-19

In 2001 less than 700,00 people across the UK worked from home. By 2019 the figure had grown to 1.7 million out of a total workforce of just over 32 million. In the early months of lockdown 46% of the working population were remote working - that figure rose to 57% in London.

With newly imposed restrictions and a renewed plea to work from home if you can, this trend of home-based working appears to be here to stay. For many law firms the initial shock of decamping from a well-planned, convivial, and connected workspace to the home, took some getting used to. More than 6 months in, many of the glitches have been ironed out, with home working as the norm all of us have been forced to adapt. On the surface it appears to be 'business as usual'. In many cases larger firms, with greater resources for new tech, enhanced IT support and larger staffs, certainly appear to be not just surviving, but thriving. However, a recent article in the FT highlighted the increasing gap between law firms. Even though this year's financial results only include a few weeks of Covid-19 lockdown they already show polarisation between the international magic circle firms and the remainder of the sector. Those with large practices in restructuring, bankruptcy, employment etc. are bound to fare better in a downturn. Interestingly, many firms are using these circumstances as an opportunity to restructure; seeking to reduce cost bases, freeze salaries and bonuses and shore up resources for the future. Linklaters, Allen & Overy, Pinsent Mason and Ashurst are among those who imposed pay freezes or cuts.

Financial results are only part of the story, however. Whatever the next six months brings, it certainly doesn't look as if there will be a mass return to daily commuting, office life and popping out with colleagues for a sandwich at lunch or a drink after work. They say it takes 30 days to make a habit, so more than half a year into these new working practices indicates that we are now well and truly in new work habits - but, is that a good thing? Carbon emissions have certainly gone down with fewer people going to work, not just reducing emissions from car journeys but in-office emissions too. The flip side, of course, is that those who are travelling are often choosing to do so by car rather than take the train, which immediately tips the scales back the other way. The hollowed-out centres of our large cities: Manchester, Liverpool, Leeds, Birmingham and London, mean that for those who do make it into the office, it can be a bleak and rather lonely experience. Better by far to stay at home where there is coffee on tap, possibly a garden or balcony for a lunch break, and maybe even a dog to walk to ensure you get your daily exercise. However, that is not the reality for very

many staff and colleagues across the legal sector. Junior associates and trainees may well be in shared accommodation fighting with flat mates for a workspace and a share of the WiFi, while others who live alone are increasingly isolated. Parents who have been juggling home schooling or childcare with work have often found it exhausting, and the lack of testing in schools means many days ahead when whole classes are sent home at short notice.

It's not all physical

Our physical wellbeing may have improved by cutting out the commute, but for very many of us our mental wellbeing is at risk. Numerous studies show that we are now working longer and more anti-social hours: answering emails in the evening and letting work seep into our home lives with no chance to create a proper distinction between work and home. Added to which, more junior members of staff are at risk of not getting the mentoring, training and support they need which would normally have happened as a matter of course through shadowing and being in the office with senior colleagues. Socialisation is vital for learning and for wellbeing so the challenge will be how to preserve that in a Covid and post-Covid world where we may never be back to being 100% office based.

We also need to think about the physical spaces themselves. If the new pattern will be less than 50% occupancy of the office from now on, do we need so much space? Is it practical, cost effective, or environmentally appropriate to have multiple floors of a large office block used by only a few staff at a time? Is it viable for high street practices to continue to occupy buildings which contain lots of small internal offices and meeting rooms which are left unoccupied week after week? If firms are moving to a model of hybrid working - i.e. part office part remote working - what are we going to do with all that real estate: turn it into flats or social housing, offer it as hub working spaces with multiple firms using it on hot desking basis? The change to hybrid working has been incredibly speedy, but the rethinking of our workspaces and work behaviours will take much longer.

The LSA in partnership with Achill Management is wrestling with all these challenges on behalf of its 180 law firm members through webinars, conversations and articles. The first webinar in the autumn series 'The Future of the Office' with speakers from Grant Thornton and Go Space will explore both how we can reconfigure workplaces and the role of AI in helping to do that. The Webinar takes place on 13th October. For more information on this and others in the series check the LSA website (www.legalsustainabilityalliance.com).

Amanda Carpenter
CEO

Achill Management
Specialists in sustainability and environment
www.achillmanagement.com



New instructions surge past pre-lockdown levels

Legal activity has bounced back to 130% of preCovid levels, according to the latest update from Quilldex - Quill's free analytics tool that tracks trends across the sector. It is the clearest sign yet of the buoyancy of the market since the UK emerged from lockdown.

The all-cases index shows that new instructions dipped to around 50% of January averages during April and May - but then rebounded to well above that benchmark across most areas of law in July. The data should give law firms confidence for their planning and investment over the rest of 2020 and beyond.

The positive signs align with Office of National Statistics (ONS) figures that show the UK legal industry generated revenues of £2.79bn in June 2020 - 19.5% up on the previous month.

The upswing is particularly apparent in **conveyancing**. Here, daily new cases fell to around a third of normal levels in April due to the lockdown, but they are now running as high as 50% above the benchmark. It follows a revival in the property market since lockdown restrictions were eased, and chimes with Land Registry data showing that applications in June were 64% higher in June than in April.

There has also been a rise in the volume of instructions in **employment-related** cases, as more businesses and employees seek support with employment and redundancy issues. Lockdown may also have impacted **family-related** cases, with levels of instructions around divorce, childcare, finance and

property issues consistently running ahead of average after dipping to 50% of the benchmark in April.

Daily **civil** and **criminal** instructions meanwhile hit their highest points of 2020 in July, and there has been a steady rise in work for **private individuals** on matters like wealth management and tax. Support for probate will have increased in light of an increase in the number of deaths, as reported by ONS.

Quilldex data suggests that the volume of cases relating to **commercial disputes** has been slower to recover, though as more business activity resumes, instructions should start to near pre-Covid levels here too. Recovery has also been a little slower in **immigration-related** cases in the light of widespread travel restrictions.

Quill's managing director **Julian Bryan** says about Quilldex:

"After a tricky few months it is great to see new instructions returning so rapidly to pre-pandemic levels in so many areas of law - and in many cases well exceeding them. It shows that this is a very robust sector with lots to look forward to as the UK continues its journey back to normality. With demand for services set to remain high, law firm leaders can embark on strategic planning and spending with confidence."

Quilldex data is refreshed daily to show instructions in different case types. Data pulled from the week ending August 14. It is based on a representative sample of around 7% of all law firms in England, Scotland and Wales, using Quill's Interactive software. It's free to access and can help firms benchmark performance and track trends in legal specialisms.

To access Quilldex, go to www.quill.co.uk/quilldex. To learn more about Quill's software, outsourced services and Quilldex, please email info@quill.co.uk.

Quill helps law firms streamline and run their practice better by providing simple and easy-to-use legal accounting and case management software, as well as outsourced legal cashiering services.



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

Keep safe, keep connected

While the prospect of spending Autumn and Winter under tighter restrictions isn't ideal, we have to remember the situation isn't the same as it was six months ago. This isn't March. In business, we know the importance of using the lessons we have learned to plan for the future.

As we look forward to the next season at Liverpool BID Company, we're examining what we've learnt and how it can help us ensure the city is safe and it is connected.

When Liverpool was placed under tighter restrictions in September, with nationwide measures imposed just a few days later, summer suddenly felt a long way away.

As many felt a sense of normality return with the school commute coming back, and along with that spending more time in the office, the dark days of March were like a closed chapter of the past.

Yet as coronavirus numbers began to rise and it began to sink in what these restrictions might mean, there was an anxiety and dismay. The fear that we were back where we started was real. The mental health issues around anxiety, isolation, time spent away from friends and loved ones have been acute. It is only natural that, when hearing about further restrictions, we would worry that we were back to square one.

We have learned much since March. Our hospitals have a much better idea of how to treat this infection, especially the most serious cases. We understand how it spreads far more clearly. In terms of the economy, knowing what support has gone before makes it much easier to ask for the same support when it is needed again. Especially for those sectors that need it most.

Importantly, we know how to keep safe. We know how to make our workplaces safe and our homes safe. We recognise the risks. We are not flying blind as we were six months ago. In our workplaces we have been able to put safety measures in place. But not just that, businesses across the whole spectrum from gyms and restaurants to shops and hotels have made a great effort to adapt their staff and venues to be covid-safe making our day to day easier and safer.

And, significantly, we know how to stay connected, and how vital that is. We know how to check in with our staff and make sure they're OK. We know how to manage our teams digitally and to blend the working from home with face to face meetings if we need them.

At Liverpool BID, our message for Autumn and Winter is to keep safe and keep connected. Safety is the number one



Julie Johnson

priority for all of us, and we understand that as we protect ourselves we protect each other.

We also know that staying connected with each other is vital for the next few months and to help our mental health. Whether it's work or leisure related, we can stay connected to the city, visiting galleries and museums, a business meeting, having a quiet coffee or a trip with our household. Making sure we have a face mask and hand sanitiser before we go out is almost as second nature as checking we have our keys and our phone. This is how we live with Covid, and that has to give us confidence for the next few months.

It's never been more important for us to pull together and keep each other going.

Keep in touch.

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LinkedIn - Liverpool BID Company

Monthly Costs Update



Welcome to our new monthly update in which we discuss recent trends and developments in Costs Law and Practice. If you feel that there are costs related issues of interest, please feel free to contact us!

Despite the months of lockdown, there have still been a lot of costs related activity over the summer.

Firstly there was the case of **Marbrow v Sharpels Garden Services Ltd** [2020] EWHC B26 (Costs) in which Costs Judge Gordon-Saker addressed three important issues –

1. Are the caps on recoverable under 7.2 of Practice Direction 3E of the Civil Procedure Rules 1998, inclusive of VAT? The Practice Direction says –

‘the recoverable costs of initially completing Precedent H shall not exceed the higher of £1,000 or 1% of the total of the incurred costs (as agreed or allowed on assessment) and the budgeted costs (agreed or approved);’

The Defendant argued that the capped fee must be inclusive of VAT because it is not said to be otherwise. The judge found that the figures were exclusive of VAT because of the reference to ‘1%’. This is expressed to be a percentage of a figure that does not include VAT because the figures in a costs budget exclude VAT.

He also referred to Friston on Costs (3rd Edition) –

‘While there is no authority on the point, it is likely that the percentage limits are exclusive of VAT. This is because Precedent H is designed in such a way as to discourage VAT being recorded therein, so it would seem odd if the costs were payable on a VAT-inclusive basis. Moreover, if it were not a VAT-exclusive limit, then a VAT-registered litigant would have the advantage over a non-VAT registered litigant – and that would be a curious state of affairs.’

2. Can a successful party recover interest incurred under a disbursement funding loan?

In this case the interest was 5%. The judge reviewed decisions which could be argued either way. He relied on the decision in - *Hunt v RM Douglas (Roofing) Ltd* [1987] 11 WLUK 221 where overdraft interest incurred in funding disbursements was disallowed because funding of costs had never been a recoverable item and this would be an ‘unwarranted extension.’

This is a significant decision in the light of the growing reliance on disbursement funding.

3. The third issue concerns that date from which interest should run.

The defendants argued that the relevant date should be 3 months after the costs order. This argument was based on comments from Leggat J. (as he then was) in **Involnert Management Inc v Aprilgrange Limited & Ors** [2015] EWHC 2834 (Comm) – ‘In order to commence such proceedings, the receiving party must serve on the paying party a bill of costs giving particulars of

the costs claimed. It is then for the paying party to decide which items in the bill of costs it wishes to dispute. Postponing the date from which Judgments Act interest begins to run by three months will therefore generally serve to ensure that the party liable for costs has received the information needed to make a realistic assessment of the amount of its liability before it begins to incur interest at the rate applicable to judgment debts for failing to pay that amount.’

The costs judge noted that the normal rule is that interest runs from the date of judgment. This incipitur rule was therefore to be applied unless justice requires otherwise in a particular case. He found that comments in *Involnert* were specific to the facts in that case and did not create a general rule delaying the starting date by three months. Interest was awarded from the date of the costs order.

One area that has seen a lot of activity is where Solicitors firms have received letters demanding sight of their files with a view to claiming back success fees and other deductions. This follows the Court of Appeal decision in **Herbert v HH Law Ltd** [2019] EWCA Civ 527. These letters can be alarming especially as one business that acts for claimants likes to publish the names of firms from whom they have recovered money. The most important advice that we can give to firms is to ensure that their retainer documents are in order. There are still firms who adopt a standard model of charging a 100% success fee capped at 25% in all cases. There are still firms who use a standard 25% deduction from damages as if it was a form of contingency fee. For any who need to be reminded (!) a success fee is an uplift on base costs. In PI cases the fee is capped at 25% of damages for PS LA and past financial losses. It cannot exceed 100% of base costs. It is a dangerous practice to adopt a standard success fee without considering the risk. In *Herbert* the Master of the Rolls commented –

“I do not consider that either HH’s justification for its charging model or the 25% cap answer the point that in this country, in the context of a conditional fee agreement, the amount of a success fee is traditionally related to litigation risk, as reasonably perceived by the solicitor or counsel at the time the agreement was made. Across the broad range of litigation, it would be unusual for it not to be. It continues to be the case in those limited areas, such as publication and privacy proceedings and mesothelioma claims, where success fees are still recoverable from the losing party”

The message is clear, you must do a risk assessment.

What lies ahead? At the moment, the Whiplash ‘reforms’ are due to come into force in April 2021. Will the Coronavirus pandemic mean a further delay? Our view is that it will, but we live in very unpredictable times. Watch this space. See you next month.

If you require help in relation to any costs issues contact Robert Cook at robert@cook-legal.co.uk or Mike Yassin at mike@cook-legal.co.uk

Regulation Update

The latest regulation news from Michelle Garlick of Weightmans LLP



Michelle Garlick

I hope everyone is keeping safe and well during these difficult times? This past month has certainly thrown up some interesting debates on the importance of upholding the rule of law with government lawyers being criticised in relation to the Internal Market Bill breaching International Law albeit, they say, 'in a very specific and limited way' and with the Lord Chancellor, Robert Buckland saying he will quit if he sees the rule of law being broken in a way that he finds "unacceptable". One of the fundamental principles as solicitors in the SRA Standards and Regulations is of course the duty to uphold the constitutional principle of the rule of law and Simon Davis, President of The Law Society has expressed his concern that the Rule of Law is under attack and is not negotiable. I hope that, politics aside, MPs who are solicitors will bear this duty in mind as they debate and vote on the Bill.

Here is an update of other developments in the past month or so:

Covid/Return to work

Bolton council recently issued directions forcing a law firm's office to immediately close over links to 18 Covid cases, with environmental health officers identifying issues such as seating arrangements not being far enough apart to manage social distancing, and unsatisfactory cleaning arrangements. There is a lot of guidance on returning to work from The Law Society on its website so do make use of the toolkits and information

available to ensure compliance.

PII

As the 1 October PII date looms, the Compli team has received a number of queries and instructions seeking help as a result of difficulties with obtaining professional indemnity insurance at an affordable rate. If your firm has had to enter the extended Policy Period, there are rules around notifications to the SRA and important steps that you must take to ensure that contingency plans are being put in place in the event that insurance can't be obtained and the firm has to close. Effecting an orderly closure is essential in avoiding regulatory scrutiny/sanction so please get in touch if you require any assistance.

The International Underwriting Association has written an open letter to the profession, warning that indemnity cover could become unsustainably expensive unless insurers are allowed to cancel policies if premiums are not met, and for the payment of excesses on a policy to be mandatory. Simon Davis has commented, saying, "The Law Society understands the concerns of insurers and is sympathetic towards their request but is mindful that the primary purpose of professional indemnity insurance is to protect solicitors' clients and the wider public."

A recent report by brokers, Marsh, has also shown from a sample of large and medium sized law firms that there has been an increase in claims notifications during lockdown,

especially in private client and real estate practice areas. With more people likely to be working from home for many more months to come (and probably as a new model of working in the future), firms need to consider how they are supervising remotely, managing data protection and cyber security risks and, if not done already, documenting this in a risk assessment. If anyone needs any help with this, or on training, please get in touch.

Financial sanctions check deadline looming

The SRA has reminded firms of the deadline of 16 October 2020 to check the latest HM Treasury Consolidated List of asset freeze targets to make sure they are not holding monies belonging to a client that is subject to financial sanctions. A report must be submitted to the Office of Financial Sanctions Implementation if you are holding frozen assets.

CMA study on pricing and transparency

The Competition and Markets Authority (CMA) has launched a call for inputs into its review of the legal sector market to assess the extent to which its market study recommendations from 2016 have been taken forward and the impact that these changes have had on competition. The Law Society has been hosting discussion groups regarding the pricing and transparency rules introduced as a result of the CMA report to gauge the effectiveness of the rules/benefits etc.

The SRA has also issued a reminder of the importance of compliance with Transparency rules. COLPs should ensure that at least annually, they review pricing on their firm's websites to ensure compliance with the rules and that the website is updated where necessary to reflect the accurate pricing information.

Cybercrime report

The SRA has released its cybercrime thematic review [click here](#), warning that law firms must remain extra vigilant over the threat posed by cybercriminals as more people work from home. It warns that cybercriminals are indiscriminate and that no businesses are safe, with criminals targeting firms and transactions across all areas of legal sector. A worthwhile read to ensure that your systems and staff awareness of this important issue are up to date.

Practising Certificate Renewal Period opens

The SRA latest update reminds firms that its renewal season again with the renewals window opening on 1 October through to 31 Oct.

SRA Guidance

The SRA has also issued some recent guidance including the following:

- Taking money for your firm's costs

<https://www.sra.org.uk/solicitors/guidance/taking-money-for-your-firms-costs/>

- Accounting to your clients for stamp duty
<https://www.sra.org.uk/sra/news/sra-update-84-sdlt/>
- Reminder to check your firm's status
<https://www.sra.org.uk/solicitors/guidance/firm-authorisation/>

Disciplinary

The SDT has been very busy recently with a number of cases being reported, a sample of which are included here under the following headings:

Falsifying documents

- A 40+ PQE Solicitor was struck off for falsifying the completion date of a transaction to avoid a late registration penalty of £100. He admitted dishonesty in what he described as an "isolated aberration" in an otherwise distinguished career.
- Another solicitor falsified returns to HMRC to underpay SDLT and pocketed the difference to keep firm afloat
- PI solicitor struck off for forging client's signature in order to meet court deadlines

Accounts rules breaches:

- Solicitor struck off for using client money to prop up firm by making improper transfers from client account to office account to pay for his drawings, staff wages and office overheads
- Sole practitioner who managed to avoid a ban for accounts breaches which were the result of software issues, not dishonesty

Money laundering

- Solicitor suspended for 15 months for dealing with matters outside of his expertise and failing to comply with money laundering obligations after getting involved in 'red

flag' transactions with possible links to Mexican drug cartels.

- Top-150 law firm fined for failing to carry out proper money laundering checks on millions of pounds paid into its client account when acting for overseas clients purchasing off-plan property plots.

- "Cavalier" solicitor convicted of money laundering offences struck off. The solicitor had been instructed by a client in a property purchase and who was subsequently convicted of mortgage fraud in relation to the transaction. The client had raised the purchase funds from a commercial bank loan and from sums provided by a number of different third party sources. The solicitor was found in breach of money laundering regulations by failing to undertake appropriate due diligence for the source and origin of third party monies, with this failure facilitating a mortgage fraud and the dishonest acquisition of the property.

Social media

Non-lawyer employee issued with s43 order preventing him from working in a law firm without the SRA's permission for naming a client in a Facebook post, thus breaching client confidentiality, and also failing to act in client's best interests having been found to have spent excessive time dealing with clients' matters and recording billable time in excess of what was reasonable.

Until next month...

Michelle Garlick
Weightmans LLP

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](#)

Managing Communication to Benefit both Manager and Team

Tuesday 13th October, 10am - 11am

Sometimes there's no "off switch" with remote team management. In this session, we consider methods and relative purposes of communication, how to be visible and approachable whilst maintaining suitable clear time for yourself.

Candy Bowman will cover:

- Methods and timing of communication
- Clarifying and conveying availability for general questions and specific issues
- Explaining response times to emails
- What team members should do in case of urgency or emergency
- Planning and distribution of tasks
- Systems for collaboration with shared information
- Providing feedback



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Charity Spotlight

Anthony Walker Foundation Launches Corporate Partnership Scheme

The Foundation set up to tackle racism after the racially motivated murder of Anthony Walker in 2005 has launched its corporate partnership scheme to help employers tackle racism and firm up commitment to progressing diversity and inclusion within their organisations.

In the 15 years since Anthony was murdered, the Anthony Walker Foundation has worked to support individuals across the north west who may have experienced racism through a dedicated helpline, has worked with thousands of young people in schools and has established positive development programmes in communities across the region.

Now the organisation is working with some of the city's biggest employers to help them prevent and tackle racism and promote the benefits of diversity and inclusion within their organisations. The Foundation currently has partnerships with some of the city's law firms including MSB Solicitors and Brabners who have backed the Foundation since its inception.

Ben Osu, strategy lead for the Foundation said: "The recent activity surrounding Black Lives Matter has encouraged a number of organisations from across the region ask us to support them in delivering on their diversity and inclusion offer. It's very positive to see employers actively trying to address issues around racism within their organisations and sectors."

Anthony was set to study law in university and had ambitions of becoming a human rights lawyer. The Foundation, in partnership with the Crown Prosecution Service and Liverpool John Moores University established a scholarship in Anthony's name for BAME students who want to go on a study law.

Ben continued: "It's very important for us to develop good relationships within the legal sector. There is still



a lack of representation from those people from black and minority ethnic communities within the industry. Anthony never got to fulfil his dream of becoming a lawyer so we want to make sure that other young people from black and minority ethnic backgrounds can and do."

The corporate partnership packages come with a number of benefits and are good first step for any organisation wanting to make a difference and truly tackle the issues that affect their employees and communities.

If you want to support the work of the Foundation find out how the Foundation can help your firm head to www.anthonwalkerfoundation.com for more information.

News from the MJLD

Starting out in a career in Law is never what anyone expected it to be. You have this picture in your head of how you will graduate from your LLB, before securing a Training Contract or Pupillage. You expect to conveniently obtain funding for your post-graduate studies before qualifying into the area of law you always dreamed of. But for most of us, that isn't always the case. And quite often, when we do secure our first legal role, it isn't always the right one.

For me, this is why MJLD is so important.

MJLD is a platform which brings together Junior Lawyers across Liverpool and the Wirral to provide opportunity and build connections. The aim is for the links which are formed through the education and social events we provide, to make the path a little less rocky for our members – whether that be into the profession or across roles.

My own experience of finding my feet in the law all started out a bit wobbly and it wasn't until I started in the firm I am at today that I was sure I had made the right decision to venture into what once seemed to be an impossible profession. By taking on the role of Chair this year, I hope that I am able to use my own experiences to make that journey easier for lawyers across the city, so we, as a profession, can ultimately benefit from the talent they have to offer.

Vice Chair, Thomas Hampson (Weightmans) led last year's team of Social Representatives and will continue to do so this year alongside Samantha Rymer (Broudie Jackson Canter), Leila Isajevaite (Weightmans) and Laura Moore (Weightmans). They have already put plans into motion to host the 2019/2020 MJLD Awards remotely in the coming months and we look forward to seeing this come together.

Stephen Butchart (MSB) will stay on the committee this year as Treasurer and will work alongside our newly appointed Secretary, Olivia Parrington (DLA Piper). Olivia is eager to build connections with local firms this year and make our membership more inclusive of people taking alternative routes into the profession. David Tarttelin (MSB) will also retain his role on the committee as our sponsorship representative. Emily Burns (Jackson Lees) has taken on the role of National Representative and has been building relationships with other local JLD's in order to ensure we work together to voice the needs and concerns of Junior Lawyers.

This year's Education Representative Lucy Parr (Weightmans) stood on the MJLD Education sub-committee last year where she co-ordinated the shadowing schemes across the local courts. She will be joined this year by Matthew Chorley (Weightmans) who is keen to voice the needs of Junior Lawyers taking the CILEX route into the profession. They will also be joined in the coming weeks by a newly appointed Equality, Diversity and Inclusion Officer.

I have no doubt that the work of Jemma Castell (CEL Solicitors) and Amanda Sime (Canter Levin and Berg)



working on Press and Publicity have already caught the eye of many of you since the launch of our website in September. Jemma and Amanda have set goals to make MJLD more accessible and informative than ever before in order to see more results from the work we do. They have created the 'Let's Celebrate' page in our newsletter which will focus each month on celebrating the successes of Junior Lawyers in Merseyside.

And last but not least, Kelsey Ryan (Yodel, In-House) and Nell Tregaskis (Weightmans) are currently reviewing applications from charities who have applied to be the MJLD chosen charity this year and working towards an event to kick-start the fundraising for their cause.

As we look towards an exciting year ahead, I think it is the perfect time to reflect on last year's successes and take this opportunity to thank our previous committee. In particular, the MJLD would like to thank Andrew Ball for the 3 years' service he provided to the division and his final year as Chair. Andrew accomplished many things over his time with MJLD but we couldn't have asked for a more resilient leader to get us through the unexpected pandemic which took a hit on the plans we had for last year. We look forward to seeing what he achieves in future and thank him for remaining involved with the MJLD through the sub-committees he was able to create.

To sign up for MJLD membership, please do so using our new website www.merseysidejld.com

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- 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.

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A woman with dark hair tied back, wearing a black blazer, is shown in profile, talking on a white mobile phone. She is sitting in a blue office chair. The background is a blurred office environment with wooden shelves and a desk.

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DATE	TITLE	SPEAKER	S CODE
12-Oct	Criminal Advocacy: Magistrates' Court Trials	Colin Beaumont	S4483
13-Oct	Managing Communication to Benefit both Manager and Team	Candy Bowman	S4490
14-Oct	2020 Employment Law Conference	Various	S4295
16-Oct	Corporate Insolvency: A Practical Guide	Chris Beanland	S4323
19-Oct	Practice and procedure in the youth court	Colin Beaumont	S4484
20th & 27th Oct	The Complete Legal Aid Supervisor	Vicky Ling	S4334
21-Oct	Road Traffic Accident Cases and Costs	Nicky Carter	S4474
22-Oct	Residential Conveyancing	Ian Quayle	S4480
22-Oct	Commercial Leases	Ian Quayle	S4392
23-Oct	Hot Topics for Civil Litigators 2020 with Jeff Zindani	Jeff Zindani	S4406
28-Oct	Creating added value in commercial property transactions	Ian Quayle	S4493
02-Nov	Acting for Tenants in Commercial Lease Transactions: tips & traps	Ian Quayle	S4494
04-Nov	Last Minute Conveyancing Problems and How to Solve Them	Richard Snape	S4310
05-Nov	2020 Private Child Law Conference	Various	S4289
06-Nov	Introduction to Wills and Probate & connection with Family Law	Safda Mahmood	S4362
10-Nov	Mental Capacity & Care Act Update	Helen Clarke	S4467
09-Nov	Lease Renewal for Commercial Property Lawyers	Ian Quayle	S4495
10-Nov	Sentencing update in the Adult magistrates' Court	Colin Beaumont	S4485
11-Nov	Managing alcohol and substance misuse in the workplace	Emma Tegerdine	S4424
11-Nov	Social media in the workplace	Emma Tegerdine	S4425

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